

Conditional Use Permit	179 South LBJ Drive
CUP-18-37	Toma Taco



Summary

Request:	A Restaurant Conditional Use Permit for beer and wine.		
Applicant:	Oscar A. Hernandez 1210 S IH 35 San Marcos, TX 78666	Property Owner:	Frayezur Properties LP PO Box 629 San Marcos, TX 78666
CUP Expiration:	N/A	Type of CUP:	Restaurant (Beer and Wine)
Interior Floor Area:	1220 sq ft	Outdoor Floor Area:	200 sq ft
Parking Required:	None	Parking Provided:	Yes
Days & Hours of Operation:	Sunday – Saturday: 6 a.m. – 12 a.m.		

Notification

Application:	N/A	Neighborhood Meeting:	N/A
Published:	N/A	# of Participants:	N/A
Posted:	November 9, 2018	Personal:	November 9, 2018
Response:	None as of the date of this report		

Property Description

Legal Description:	Lot 1 Block 9 ME Coffield		
Location:	Intersection of South LBJ Drive & South Edward Gary Street		
Acreage:	.08 Acres	Central Business Area:	Yes
Existing Zoning:	CD-5D	Preferred Scenario:	High Intensity (Downtown)
Existing Use:	Vacant	Proposed Use:	Restaurant
CONA Neighborhood:	Downtown	Sector:	8
Utility Capacity:	Adequate		

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	CD-5D	Retail	High Intensity
South of Property:	CD-5D	Retail	High Intensity
East of Property:	CD-5D	Ted Breihan Electric Co	High Intensity
West of Property:	CD-5D	Retail	High Intensity

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History

The applicant is requesting a Conditional Use Permit for the sale of beer and wine for a new restaurant. If approved, the permit will be subject to all requirements of Restaurant CUPs.

Additional Analysis

See Criteria Below

Comments from Other Departments

Police	Comment or No Comment
Fire	Comment or No Comment
Public Services	Comment or No Comment
Engineering	Comment or No Comment

Staff Recommendation

<input type="checkbox"/>	Approval as Submitted	<input checked="" type="checkbox"/>	Approval with Conditions / Alternate	<input type="checkbox"/>	Denial
<ul style="list-style-type: none"> The Permit shall be valid for one (1) year, provided standards are met. The permit shall be effective upon the issuance of the Certificate of Occupancy. The permit shall be posted in the same area and manner as the Certificate of Occupancy. 					
Staff: Tory Carpenter			Title : Planner		Date: November 20, 2018

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Evaluation			Criteria for Approval (Sec. 2.8.3.4 & 5.1.5.5)
Consistent	Inconsistent	Neutral	
		<u>X</u>	The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.
		<u>N/A</u>	The proposed use is consistent with any adopted neighborhood character study for the area. Studies have not been completed at the time of this request
<u>X</u>			The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.
<u>X</u>			The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods.
<u>X</u>			The proposed use does not generate pedestrian and vehicular traffic which shall be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
		<u>X</u>	The proposed use incorporates roadway adjustments, traffic control devices or mechanisms and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets.
		<u>X</u>	The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties.
<u>X</u>			The proposed use meets the standards for the applicable district, or to the extent variations from such standards have been requested that such variations are necessary to render the use compatible with adjoining development and the neighborhood.
<u>X</u>			The proposed use is not within 300 ft. of a detached single family residence located in a zoning district that only permits detached single family residences.
<u>X</u>			The proposed use is not within 300 ft. of a church, public or private school, or public hospital as outlined in section 5.1.5.5.
<u>X</u>			The proposed use is not within 1,000 ft. of a public or private school as outlined within section 5.1.5.5(E)(3).