

## **CUP-18-29(A) (Eskimo Hut)**

*CUP-18-29 (Eskimo Hut) – Receive a Staff presentation and hold a Public Hearing to receive comments for or against an appeal filed by Aquarena Plaza, LLC on behalf of Eskimo Hut regarding the Planning and Zoning Commission's decision to deny the Conditional Use Permit application (CUP-18-29) to allow the sale of beer and wine at 1504 Aquarena Springs Drive Ste. 110, San Marcos, TX 78666; and consider the appeal related to CUP-18-29 filed by Aquarena Plaza, LLC on behalf of Eskimo Hut, by motion.*

# Conditional Use Permit Appeal

- This case is an appeal of a decision made by the Planning Commission on November 13, 2018.
- The Planning Commission voted to deny the Conditional Use Permit application by a vote of 6-2.
- The property owner of the proposed Eskimo Hut location is appealing the decision, not the business owner.



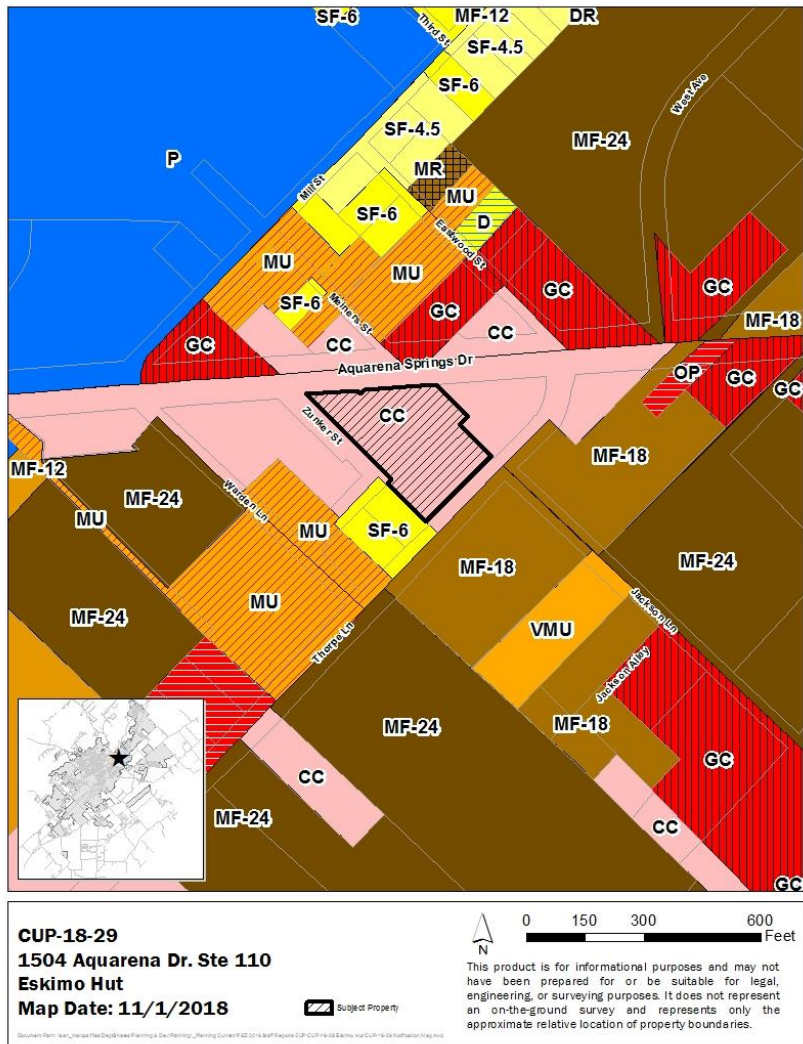
## Context & History:

- There have been Eskimo Huts in San Marcos in the past. This is a different owner.
- The San Marcos Police Chief has concerns about the sale of to-go beverages.
- The proposed hours of operation are 12 p.m. to 12 a.m. Monday – Saturday and 12 p.m. to 10 a.m. on Sunday.
- There will be one table inside and no outdoor seating.



## Adjacent Single Family Homes

- Two neighboring properties zoned SF-6.
- Proposed drive-thru may have a negative impact on neighboring single family homes, as it exits adjacent to these homes.
- Exiting vehicles may disturb adjacent homes with headlights at night.







## To-Go Beverages

- Police Chief concerned that beverages sold in a to-go manner will be consumed while vehicles are in operation.
- The manner in which the beverages are sold is approved by TABC.
- Generally served in a foam cup with a sealed plastic bag.
- Original applicant has agreed to not use foam cups if CUP approved.



## **Staff Recommendation:**

Staff recommended **Denial** of the Conditional Use Permit.

## **Planning and Zoning Commission Action:**

At their regularly scheduled meeting on November 13, 2018 the Planning and Zoning Commission considered this item and voted to **Deny** the request by a vote of 6-2.

## **Alternate Recommendation:**

If the Council chooses to approve the request, Staff recommends the following conditions:

- Permit shall be valid for one (1) year, provided standards are met.
- Drinks shall not be served in foam based containers.
- The permit shall become 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.