

Conditional Use Permit	829 N. LBJ Ste. 105
CUP-20-23	Retail Store (Under 10,000 Square Feet) with no Outdoor Sales



Summary

Request:	Allow a retail store (under 10,000 square feet) with no outdoor sales, within a Neighborhood Commercial Zoning District		
Applicant:	Santiago Holguin 829 N LBJ Drive Ste. 105 San Marcos TX, 78666	Property Owner:	Melissa Hodgkins 215 West San Antonio St Ste. 2002 San Marcos TX, 78666
CUP Expiration:	N/A	Type of CUP:	General
Interior Floor Area:	Approximately 600 square feet	Outdoor Floor Area:	N/A
Parking Required:	3 spaces	Parking Provided:	Shared lot

Notification

Posted:	October 23, 2020	Personal:	October 23, 2020
Response:	None as of the date of this report		

Property Description

Legal Description:	Part of Lot 112 Park edition 3 rd Division		
Location:	Near the intersection of N. LBJ Drive and Acorn Street		
Acreage:	510 square feet	Central Business Area:	No
Existing Zoning:	Neighborhood Commercial	Preferred Scenario:	Existing Neighborhood
Existing Use:	Repair of musical instruments	Proposed Use:	Sale and repair of musical instruments
CONA Neighborhood:	Sessom Creek	Sector:	3
Utility Capacity:	Adequate		

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	Mixed Use / Single Family - 6	Residential	Existing Neighborhood
South of Property:	Neighborhood Commercial	Bar / Hair Salon	Existing Neighborhood
East of Property:	MF-24 / Neighborhood Commercial	Apartment / Restaurant	Existing Neighborhood
West of Property:	Mixed Use PDD	Apartment	Existing Neighborhood

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History

This space consists of approximately 600 square feet that was most recently an optometrist's office. Medical Office is a "permitted by right" use allowed within the Neighborhood Commercial District. Before operating as an optometrist's office, various retail uses occupied this location, including a game/card shop and a smoke shop. Retail uses require a CUP within the Neighborhood Commercial District.

The applicant has moved into the space and is currently open for the purpose of repairing wooden instruments (an allowed use), but would like sell musical instruments and parts as well (requires a CUP).

Additional Analysis

In this particular case, the primary reason that a CUP is required is because an allowed use (medical office) operated within this suite between retail uses. Had this suite transitioned between two similar retail uses (within 6 months) the retail use would have been grandfathered.

The proposed hours of operation for this business are as follows:

Tuesday - Friday: 9 a.m. to 6 p.m.

Saturday: 10 a.m. to 2 p.m.

Comments from Other Departments

Police	No Concerns
Fire	No Concerns
Public Services	No Concerns
Engineering	No Concerns

Staff Recommendation

<input checked="" type="checkbox"/>	Approval as Submitted	<input type="checkbox"/>	Approval with Conditions	<input type="checkbox"/>	Denial
Staff: Will Parrish AICP, CNU					
Title: Planner			Date: October 28, 2020		

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Evaluation			Criteria for Approval (Sec. 2.8.3.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			<p>The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.</p> <p><i>Goal 4 of the Economic Development section of Vision San Marcos is "An enhanced and diverse local economic environment that is prosperous, efficient and provided improved opportunities to residents."</i></p>
		<u>N/A</u>	<p>The proposed use is consistent with any adopted neighborhood character study for the area.</p> <p><i>Studies were not complete at time of request</i></p>
<u>X</u>			<p>The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.</p> <p><i>The intent of the Neighborhood Commercial District is to provide low density office, retail and service facilities for the local neighborhood area.</i></p>
<u>X</u>			<p>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.</p> <p><i>This suite is located within a shopping center that includes a bar, hair salon, restaurant, and office space. Staff does not believe that the proposed use will create any additional adverse impacts.</i></p>
<u>X</u>			<p>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.</p> <p><i>This is a small, specialized retail use that will not generate substantial vehicular traffic.</i></p>
		<u>X</u>	<p>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.</p> <p><i>This is a small, specialized retail use that will not generate substantial vehicular traffic.</i></p>

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Evaluation			Criteria for Approval (Sec. 2.8.3.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			<p>The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties.</p> <p><i>This suite is located within a shopping center that includes a bar, hair salon, restaurant, and office space. Staff does not believe that the proposed use will create any additional adverse impacts.</i></p>
<u>X</u>			<p>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.</p>