

**Conditional Use Permit****407 S Stagecoach Trail,  
Suite 101****CUP-21-13****Otsu Japanese Cuisine****Summary**

<b>Request:</b>	New Conditional Use Permit to allow the sale of mixed beverages		
<b>Applicant:</b>	Wei Min He Qing & Min LLC. 407 S Stagecoach Trail Suite 101 San Marcos, TX 78666	<b>Property Owner:</b>	Carson Diversified Land 1, LLC 407 S Stagecoach Trail Suite 203 San Marcos, TX 78666
<b>Square Feet:</b>	1931 square feet	<b>Type of CUP:</b>	Mixed Beverages
<b>Interior seating:</b>	66	<b>Outdoor seating:</b>	24
<b>Parking Required:</b>	20 (based on sq. ft.)	<b>Parking Provided:</b>	83
<b>Days &amp; Hours of Operation:</b>	Monday – Thursday: 11am – 9pm Friday: 11am-10pm Saturday: 4pm – 10pm Sunday: 12pm - 9pm		

**Notification**

<b>Posted:</b>	April 8, 2021	<b>Personal:</b>	April 8, 2021
<b>Response:</b>	None as of the date of this report		

**Property Description**

<b>Legal Description:</b>	South End San Marcos Section One, Lot 2, Acres 0.37		
<b>Location:</b>	S Stagecoach Trail near Key Street and Wonder World Drive		
<b>Acreage:</b>	0.37	<b>Central Business Area:</b>	No
<b>Existing Zoning:</b>	CD-5	<b>Preferred Scenario:</b>	Medium Intensity
<b>Existing Use:</b>	Restaurant	<b>Proposed Use:</b>	Restaurant / Bar
<b>CONA Neighborhood:</b>	Dunbar	<b>Sector:</b>	1
<b>Utility Capacity:</b>	Adequate		

**Surrounding Area**

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Preferred Scenario</b>
<b>Northeast of Property:</b>	CD-5	Vacant	Medium Intensity
<b>Northwest of Property:</b>	CD-5	Mixed Use/ Commercial / Parking	Medium Intensity
<b>Southeast of Property:</b>	General Commercial	Vacant	Medium Intensity
<b>Southwest of Property:</b>	CD-5	Mixed Use/ Commercial	Medium Intensity

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### History

The applicant is requesting a CUP to serve Mixed Beverages (namely beer, wine, and sake) in their existing restaurant.

The property previously housed the A-Tan Sushi Restaurant, which received a Conditional Use Permit for alcohol in 2015. The unit's floor plan has not changed since A-Tan Sushi occupied it, and the applicant is not proposing any additional development on the site.

The restaurant is located on the ground level of a 2-story mixed-use building. The surrounding land uses are primarily commercial in nature and the property is not situated within 300' of any single-family residential neighborhoods or churches, or within 1,000' of any schools.

### Additional Analysis

### Comments from Other Departments

<b>Police</b>	No comments received
<b>Fire</b>	No comments received
<b>Public Services</b>	No comments received
<b>Engineering</b>	No comments received
<b>Building</b>	Certificate of Occupancy Required
<b>Health Department</b>	No issues or concerns at present time

### Staff Recommendation

<input type="checkbox"/>	Approval as Submitted	<input checked="" type="checkbox"/>	Approval with Conditions / Alternate	<input type="checkbox"/>	Denial
1. Permit shall be valid for one (1) year, provided standards are met, 2. The permit shall be effective upon the issuance of a Certificate of Occupancy, and 3. The permit shall be posted in the same area and manner as the Certificate of Occupancy.					
<b>Staff:</b> Julia Cleary			<b>Title :</b> Planner		<b>Date:</b> April 8, 2021

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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. <b>Studies were not complete at the time of this request</b>
<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).