

Conditional Use Permit	2550 Hunter Rd, Suite 1106
CUP-21-14	El Jefe Mexican Restaurant



Summary

Request:	A Conditional Use Permit to allow the sale of mixed beverages for on premise consumption		
Applicant:	Edwin Mendez, El Jefe Mexican Restaurant 2550 Hunter Rd, Ste 1106, San Marcos, TX, 78666	Property Owner:	David Chiu 311 Laurel Hill, San Marcos, TX, 78666
Square Feet:	5000 square feet	Type of CUP:	Mixed Beverages
Interior seating:	180	Outdoor seating:	30
Parking Required:	50 (based on square footage)	Parking Provided:	150 (shared with other businesses)
Days & Hours of Operation:	Monday – Sunday: 7am – 10pm		

Notification

Posted:	April 29, 2021	Personal:	April 22, 2021
Response:	None as of the date of this report		

Property Description

Legal Description:	Hunters Hill Subd Sec 1, Block 1, Lot 3A, Acres 1.921		
Location:	Hunter Road between Foxtail Run and Suttles Ave		
Acreage:	1.92	Central Business Area:	No
Existing Zoning:	Commercial	Preferred Scenario:	Medium Intensity
Existing Use:	Restaurant	Proposed Use:	Restaurant / Bar
CONA Neighborhood:	Hunters Hill	Sector:	9
Utility Capacity:	Adequate		

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
Northeast of Property:	P - Public	Doris Miller Middle School	Medium Intensity
Northwest of Property:	CC – Community Commercial	Mixed Use/ Commercial	Medium Intensity
Southeast of Property:	MF-24	Multifamily Apartments	Medium Intensity
Southwest of Property:	GC – General Commercial	Mixed Use/ Commercial	Medium Intensity

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History

The property is an existing restaurant.

The site previously housed the Komal Latin Kitchen, which received a Conditional Use Permit to serve alcohol in 2017 (CUP-17-13) with the following conditions:

1. The permit shall be valid for (1) year, provide standards are met subject to the point system;
2. The permit shall be issued upon the issuance of the certificate of occupancy;
3. The following statement shall be included on all restaurant menus: "Due to the close proximity of a school campus, please be alert for students and drive carefully. This restaurant will accommodate, as necessary, any individual that needs transportation after consuming alcoholic beverages"; and
4. The restaurant shall operate such that gross revenue from alcohol sales will be less than 25% of total gross revenue for the business, with the restaurant submitting annual reports indicating this condition has been met.
5. The business shall be open no later than 10:00pm Sunday thru Friday, and 1:00am Saturday night.

Additional Analysis

The northwestern boundary of the site touches that of the Doris Miller Middle School. Per Section 5.1.5.5 of the Land Development Code, Conditional Use Permits for on-site consumption of alcohol may not be issued when the site lies within 300' of a public or private school. As the applicant does not meet this requirement an application for a Variance accompanies this request for a CUP (VR-21-01) under the relief procedure set out in Section 2.8.3.7 of the Code. Approval of this application shall be subject to the approval of the Variance by the Planning and Zoning Commission.

A letter from the Superintendent of the San Marcos CISD is included in the application packet. The Superintendent does not object to the granting of the CUP/ Variance subject to the inclusion of the following language:

"Due to the close proximity of a school campus, please be alert for students and drive carefully. This restaurant will accommodate, as necessary, any individual that needs transportation after consuming alcoholic beverages".

Comments from Other Departments

Police	No issues or concerns at present time.
Fire	No issues or concerns at present time.
Public Services	No issues or concerns at present time.
Engineering	No issues or concerns at present time.
Health Department	No issues or concerns at present time
Building Review	Certificate of Occupancy Required

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Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/>	Approval with Conditions / Alternate	Denial
<ol style="list-style-type: none"> 1. This permit approval is subject to the Commission's approval of Distance Variance VR-21-01; and 2. The permit shall be valid for one (1) year, provided standards are met; and 3. The following statement shall be included on all restaurant menus: "Due to the close proximity of a school campus, please be alert for students and drive carefully. This restaurant will accommodate, as necessary, any individual that needs transportation after consuming alcoholic beverages"; and 4. The restaurant shall operate such that gross revenue from alcohol sales will be less than 25% of total gross revenue for the business, with the restaurant submitting annual reports indicating this condition has been met; and 5. The permit shall become effective only upon the issuance of a Certificate of Occupancy; and 6. The permit shall be posted in the same area and manner as the Certificate of Occupancy. 			
Staff: Julia Cleary		Title : Planner	Date: April 29, 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. Studies were not complete 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. The Doris Middle School site lies immediately to the north of the property. A Variance to the distance requirements is required through the relief procedure established in section 2.8.3.7 of the code.
	<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).