



Legislation Details (With Text)

File #: CUP-21-14 **Version:** 1 **Name:**

Type: Action Item **Status:** Passed

File created: 4/22/2021 **In control:** Planning and Zoning Commission

On agenda: 5/11/2021 **Final action:** 5/11/2021

Title: CUP 21-14 (El Jefe Mexican Restaurant) Hold a public hearing and consider a request by Edwin M Mendez, on behalf of El Jefe Mexican Restaurant, for a Conditional Use Permit to allow the sale and on premise consumption of Mixed Beverages at 2550 Hunter Rd, Ste 1106. (J.Cleary)

Sponsors:

Indexes:

Code sections:

Attachments: 1. CUP-21-14 Staff Report, 2. CUP-21-14 Maps, 3. CUP-21-14 Business Details, 4. CUP-21-14 Application Documents, 5. CUP-21-14 P&Z Presentation

Date	Ver.	Action By	Action	Result
5/11/2021	1	Planning and Zoning Commission	approved with conditions	Pass

AGENDA CAPTION:

CUP 21-14 (El Jefe Mexican Restaurant) Hold a public hearing and consider a request by Edwin M Mendez, on behalf of El Jefe Mexican Restaurant, for a Conditional Use Permit to allow the sale and on premise consumption of Mixed Beverages at 2550 Hunter Rd, Ste 1106. (J.Cleary)

Meeting date: May 11, 2021

Department: Planning and Development Services

Amount & Source of Funding

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

Fiscal Note:

Prior Council Action: N/A

City Council Strategic Initiative: [Please select from the dropdown menu below]

N/A

N/A

N/A

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu]

below]

- Economic Development - Choose an item.
- Environment & Resource Protection - Choose an item.
- Land Use - Direct Growth, Compatible with Surrounding Uses
- Neighborhoods & Housing - Choose an item.
- Parks, Public Spaces & Facilities - Choose an item.
- Transportation - Choose an item.
- Core Services
- Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

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Background Information:

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).

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.

A letter from the Superintendent of the San Marcos CISD is included in the application packet, stating no objection to the sale of alcohol on the site subject to the inclusion of language on the menu (proposed condition no. 3 on the staff recommendation).

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Staff recommends approval of this CUP subject to the following conditions:

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.