



## Legislation Details (With Text)

**File #:** VR-21-01      **Version:** 1      **Name:**  
**Type:** Action Item      **Status:** Passed  
**File created:** 4/26/2021      **In control:** Planning and Zoning Commission  
**On agenda:** 5/11/2021      **Final action:** 5/11/2021  
**Title:** Vr-21-01 (El Jefe Distance Variance) Hold a public hearing and consider a request by Edwin M Mendez, on behalf of El Jefe Mexican Restaurant, for a variance to Section 5.1.5.5 of the San Marcos Development Code, regarding the Sale and On Premise Consumption of Alcohol within 300 ft. of a public or private school, located at 2550 Hunter Road, Suite 1106. (J.Cleary)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. VR-21-01 Staff Report, 2. VR-21-01 Maps, 3. VR-21-01 Application Documents, 4. VR-21-01 P&Z Presentation

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

### **AGENDA CAPTION:**

Vr-21-01 (El Jefe Distance Variance) Hold a public hearing and consider a request by Edwin M Mendez, on behalf of El Jefe Mexican Restaurant, for a variance to Section 5.1.5.5 of the San Marcos Development Code, regarding the Sale and On Premise Consumption of Alcohol within 300 ft. of a public or private school, located at 2550 Hunter Road, Suite 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 applicant is requesting this Variance in conjunction with a new Conditional Use Permit (CUP-21-14) for the sale of alcohol less than 300' from the Doris Miller Middle School site. The property previously housed the Komal Latin Kitchen, which received a Conditional Use Permit and associated Variance to serve alcohol in 2017.

A letter of no-objection has been received from the San Marcos CISD Superintendent, subject to the inclusion of language on the menu which is proposed as a condition to the associated CUP. The main entrance is more than 200' away from the main entrance of the school, and the applicant shall be required to submit annual reports showing that alcohol sales make up less than 25% of total revenue, as required by Section 2.8.3.7 of the Land Development Code.

**Council Committee, Board/Commission Action:**

Click or tap here to enter text.

**Alternatives:**

Click or tap here to enter text.

**Recommendation:**

Staff recommends approval with the following conditions:

1. The Variance shall be valid for one (1) year (concurrent with the associated Conditional Use Permit), provided standards are met; and
2. 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
3. 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.