



## Legislation Text

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**File #:** CUP-18-29, **Version:** 1

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**AGENDA CAPTION:**

CUP-18-29 (Eskimo Hut) - Hold a public hearing and consider a request by Nelson Riley on behalf of Eskimo Hut for a Conditional Use Permit to allow the sale of beer and wine at 1504 Aquarena Springs Drive Ste. 110. (W. Parrish)

**Meeting date:** November 13, 2018

**Department:** Planning and Development Services

**Amount & Source of Funding**

**Funds Required:** NA

**Account Number:** NA

**Funds Available:** NA

**Account Name:** NA

**Fiscal Note:**

**Prior Council Action:** NA

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

Choose an item.

Choose an item.

Choose an item.

**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 - Choose an item.
- ☐ Neighborhoods & Housing - Choose an item.
- ☐ Parks, Public Spaces & Facilities - Choose an item.
- ☐ Transportation - Choose an item.
- ☐ Not Applicable

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

Choose an item.

**Background Information:**

The applicant is requesting a CUP to sell alcohol to go, to walk up and drive thru customers. The applicant proposes to sell the beverages in sealed plastic bags, a method that has been approved by the Texas Alcoholic Beverage Commission (TABC).

The City of San Marcos Police Chief acknowledges that the sealed bag delivery method complies with the Texas Open Container prohibition. However, Chief Stapp has concerns about the sale of “to go” alcoholic beverages in that such beverages sold in the drive through will likely be consumed while the vehicle is in operation.

This property meets the 300 foot door to door requirement from Single Family zoned property, however, the drive-thru exits in very close proximity to two single family homes. The drive-thru exits onto Zunker Street in a manner that may cause the headlights of exiting vehicles to sweep the front façade of the closest home. The applicant is proposing business hours that last until midnight throughout the week, which could be a nuisance to the residences of the single family home.

Eskimo Hut has traditionally served their drinks in foam based cups. As this type of drink has traditionally been popular with river oriented customers, Staff suggested to the applicant that foam based cups be prohibited. The applicant agreed to serve drinks in paper, plastic, or reusable containers.

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

Click or tap here to enter text.

**Alternatives:**

If the Commission chooses to approve the request, Staff recommends the following conditions:

- Permit shall be valid for one (1) year, provided standards are met.
- Drinks shall not be served in foam based containers.
- The permit shall become effective upon the issuance of the Certificate of Occupancy.
- The permit shall be posted in the same area and manner as the Certificate of Occupancy.

**Recommendation:**

Staff has reviewed the request the application and recommends **denial** of the request.