

Conditional Use Permit CUP-23-09	141 E. Hopkins Street Freddy C's Lounge
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Summary

Request:	Renewal of a Conditional Use Permit		
Applicant:	Jamie Frailicks 141 E Hopkins St San Marcos, TX, 78666	Property Owner:	Brian Scofield 127 E Hopkins St San Marcos, TX, 78666
CUP Expiration:	December 12, 2019	Type of CUP:	CBA Bar Mixed Beverage
Interior Floor Area:	2,976 sq ft	Outdoor Floor Area:	N/A
Parking Required:	None. The property is located within the Central Business Area (CBA)	Parking Provided:	N/A
Days & Hours of Operation:	Monday-Thursday: 4pm-2am, Friday-Sunday: 2pm-2am		

Notification

Posted:	March 10, 2023	Personal:	March 10, 2023
Response:	None as of the date of this report		

Property Description

Legal Description:	Original Town of San Marcos, Block 20, Lot East part of 5		
Location:	Northwest corner of E Hopkins St & N LBJ Dr		
Acreage:	0.198 acres	PDD/DA/Other:	N/A
Existing Zoning:	CD-5D	Proposed Zoning:	Same
Existing Use:	Bar	Proposed Use:	Same
Preferred Scenario:	Mixed Use Medium Intensity Zone	Proposed Designation:	Same
CONA Neighborhood:	Downtown (CBA)	Sector:	8
Utility Capacity:	Adequate	Floodplain:	No
Historic Designation:	Hays County Courthouse NRHP District & Downtown Local Historic District	My Historic SMTX Resources Survey:	Yes Preservation Priority Medium

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	CD-5D	Restaurant	High Intensity Zone
South of Property:	Public (P)	Courthouse	High Intensity Zone
East of Property:	CD-5D	Retail / Restaurant	High Intensity Zone
West of Property:	CD-5D	Bar	High Intensity Zone

Staff Recommendation

<input type="checkbox"/> Approval as Submitted	<input checked="" type="checkbox"/> Approval with Conditions	<input type="checkbox"/> Denial
1. The permit shall be valid for one (1) year provided standards are met; 2. The permit shall be posted in the same area and manner as the Certificate of Occupancy; 3. No speakers of live amplified music shall be permitted in the outdoor areas.		
Staff: Kaitlyn Buck	Title : Planner	Date: March 22, 2023

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History

In October of 2018, the previous businesses on the property, Freddy C's (located downstairs) and Stonewall Warehouse (located upstairs), received a Conditional Use Permit to allow on-premise consumption of mixed beverages. This request included a condition that no speakers of live amplified music shall be permitted in the outdoor areas. Since this time, Stonewall Warehouse closed operations and is under a new business name, Wildfire.

The applicant is currently requesting to renew the Conditional Use Permit for Freddy C's (located downstairs) as well as the new business, Wildfire (located upstairs). The footprint of the building and the entertainment space within these businesses are currently not proposed to change.

The property is located in the Downtown Historic District and all exterior modifications associated with the request were approved by the Historic Preservation Commission on February 9, 2023 and March 2, 2023.

Additional Analysis

Staff recommends the existing condition prohibiting speakers in the outdoor areas remain on the CUP.

Comments from Other Departments

Police	See Attached Police Report
Fire	No Comment
Public Services	No Comment
Engineering	No Comment

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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. <i>Studies were not complete at the time of the request.</i>
<u>X</u>			The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations. <i>CD-5D zoning allows for a bar use with a Conditional Use Permit.</i>
<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. <i>Adjacent uses include bars and restaurants.</i>
<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. <i>The proposed request is consistent with the established use of a bar/entertainment business on the property.</i>
		<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. <i>The proposed request is consistent with the established use of a bar/entertainment business on the property.</i>
<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. <i>The closest single-family residence is located over 1,000 feet from the subject property.</i>
<u>X</u>			The proposed use is not within 300 ft. of a church, public or private school, or public hospital.
<u>X</u>			The proposed use is not within 1,000 ft. of a public or private school as outlined within section 1.5.1.1.