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| Conditional Use Permit CUP-24-07 | 141 E. Hopkins Street Freddy C's Lounge |
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Summary

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|---------------------------------------|--|----------------------------|---|
| 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: | 03/28/24 | 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

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| Posted: | N/A | Personal: | 03/08/24 |
| Response: | None as of the date of this report | | |

Property Description

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|------------------------------|---|---|--|
| 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: | High Intensity - Downtown | 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

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|--|-------------------------------------|---------------------------------|--------------------------|-----------------------------|
| Approval as Submitted | <input checked="" type="checkbox"/> | Approval with Conditions | <input type="checkbox"/> | Denial |
| 1. The permit shall be valid for three (3) years provided standards are met; and 2. The permit shall be posted in the same area and manner as the Certificate of Occupancy. | | | | |
| Staff: Kaitlyn Buck | | Title: Planner | | Date: March 20, 2024 |

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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. In March of 2023 the applicant renewed the Conditional Use Permit for Freddy C's (located downstairs) as well as the new business, Wildfire (located upstairs), for one (1) year. At that time the condition related to outdoor speakers was removed. The currently proposed conditions mirror the 2023 approved conditions.

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

Additional Analysis

See additional analysis below.

Comments from Other Departments

| | |
|------------------------|-------------------|
| Police | No Calls Reported |
| Fire | No Comment |
| Public Services | No Comment |
| Engineering | No Comment |

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CUP-24-07**

**141 E. Hopkins Street
Freddy C's Lounge**



| 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 the request. |
| <u>X</u> | | | The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations. CD-5D zoning allows for a bar use with a Conditional Use Permit. |
| <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. Adjacent uses include bars and restaurants. |
| <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. The proposed request is consistent with the established use of a bar/entertainment business on the property |
| | | <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. The proposed request is consistent with the established use of a bar/entertainment business on the property. |
| <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. The closest single-family residence is located over 1,000 feet from the subject property. |
| <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. |