

Conditional Use Permit	110 E MLK Dr, Ste 126
CUP-25-41	Industry



Summary

Request:	Renewal of a Conditional Use Permit		
Applicant:	Harlan Scott 110 E MLK Dr, Ste 126 San Marcos, TX 78666	Property Owner:	Mark Sheilds 510 Heam St Austin, TX 78701
CUP Expiration:	8/27/2025	Type of CUP:	Mixed Beverage
Interior Floor Area:	3,500 sq ft	Outdoor Floor Area:	415 sq ft
Parking Required:	11 spaces	Parking Provided:	Yes
Days & Hours of Operation:	Monday-Saturday: 11am-12am Sunday: 11am-10pm		

Notification

Posted:	7/25/2025	Personal:	7/25/2025
Response:	2 comments received, see attached		

Property Description

Legal Description:	Part of Lots 1, 2, 3, and 4, Block 1, out of the J S Travis Survey		
Location:	Southeast corner of E MLK Dr and S Guadalupe St		
Acreage:	2.43 acres	PDD/DA/Other:	N/A
Existing Zoning:	CD-5D	Proposed Zoning:	Same
Existing Use:	Restaurant	Proposed Use:	Same
Preferred Scenario:	Mixed Use Medium	Proposed Designation:	Same
CONA Neighborhood:	Downtown	Sector:	8
Utility Capacity:	Adequate	Floodplain:	Yes
Historic Designation:	N/A	My Historic SMTX Resources Survey:	Yes, Preservation Priority Low

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	CD-5D	Restaurant (Mile High Moe's)	Mixed Use Medium
South of Property:	CD-5D	Bank (PNC Bank)	Mixed Use Medium
East of Property:	CD-5D	Bar (Put Pub)	Mixed Use Low
West of Property:	CD-5D	Multi-Family (The View on the Square)	Mixed Use Medium

Staff Recommendation

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; and 2. Outdoor music on the property shall not be permitted after 12am; and 3. The permit shall be posted in the same area and manner as the Certificate of Occupancy.		
Staff: Kaitlyn Buck	Title: Planner	Date: 8/6/2025

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History

- Initial Conditional Use Permit issued in October of 2017, valid for one year.
- In December of 2021, the business was granted a six-month renewal.
- In June 2022, the business was granted a three-year renewal.
- In December 2022, Industry applied for an amendment to the existing CUP to allow late night sales (2am) in addition to on-premise consumption of mixed beverages, valid for 1 year.
- In August of 2024, the business was granted a one-year renewal with a condition of approval allowing outdoor music until 12am. Previous approvals allowed until 10pm.

Additional Analysis

Due to noise complaints dated April 2nd and April 3rd, 2025 (see attached Public Comments and Police Reports), staff is recommending a one-year renewal.

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>The proposed business meets goals, such as fostering small businesses, written in the Downton Area Plan.</i>
<u>X</u>			The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.
<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>The proposed use is compatible with and preserves the character and integrity of adjacent developments; no improvements are necessary at this time.</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.
		<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. <i>No improvements are being proposed as the subject structure is an existing development.</i>
		<u>X</u>	The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties. <i>No visual impacts are expected to cause adverse effects on adjacent properties.</i>
<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.
<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.
<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.