

Conditional Use Permit	4206 S IH 35
CUP-25-35	Hat Creek Burger Co



Summary

Request:	Renewal of a Conditional Use Permit		
Applicant:	Catherine Chamblee 511 W 7 th St Austin, TX 78701	Property Owner:	Hat Creek Burger San Marcos LLC 4407 Bee Cave Rd., Suite 212 Austin, TX 78746
CUP Expiration:	8/27/2025	Type of CUP:	Beer & Wine
Interior Floor Area:	2,223 sq ft	Outdoor Floor Area:	1,551 sq ft
Parking Required:	34 spaces	Parking Provided:	Yes
Days & Hours of Operation:	Friday-Saturday: 11am-9:30pm Sunday-Thursday: 11am – 9pm		

Notification

Posted:	7/3/2025	Personal:	7/3/2025
Response:	None as of the date of this report		

Property Description

Legal Description:	Lot 1E, Section 1, in Lowman Ranch Subdivision (2005)		
Location:	IH 35 frontage, approximately 740 feet South of Centerpoint Road		
Acreage:	1 acre	PDD/DA/Other:	N/A
Existing Zoning:	General Commercial (GC)	Proposed Zoning:	Same
Existing Use:	Restaurant	Proposed Use:	Same
Preferred Scenario:	Commercial/Employment Medium	Proposed Designation:	Same
CONA Neighborhood:	N/A	Sector:	4
Utility Capacity:	Adequate	Floodplain:	No
Historic Designation:	N/A	My Historic SMTX Resources Survey:	No

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	General Commercial (GC)	Restaurant & Coffee Shop (Whataburger, Zaxby's, Starbucks)	Commercial/Employment Medium
South of Property:	General Commercial (GC)	Retail (Harbor Freight)	Commercial/Employment Medium
East of Property:	General Commercial (GC)	Retail (Tanger Outlets)	Commercial/Employment Medium
West of Property:	Character District – 5 (CD-5)	Hotel (Baymont Inn & Suites)	Commercial/Employment Medium

Conditional Use Permit	4206 S IH 35
CUP-25-35	Hat Creek Burger Co



Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/> Approval with Conditions	<input type="checkbox"/> Denial
<p>1. The permit shall be valid for three (3) years, commencing on August 27, 2025, provided standards are met; and</p> <p>2. The permit shall be posted in the same area and manner as the Certificate of Occupancy.</p>		
Staff: Kaitlyn Buck	Title: Planner	Date: 7/16/2025

History

Hat Creek Burger Company received their initial Conditional Use Permit in December of 2017, valid for one (1) year. In August of 2019, Hat Creek Burger Company renewed their permit for an additional three (3) years. In April 2024, Planning and Zoning Commission approved a three (3) year renewal, commencing on August 27, 2022.

Additional Analysis

Entertainment facilities at Hat Creek Burger Company include four mounted television sets, two of which are located in the restaurant's lobby and two on the patio.

There are no proposed changes to this Conditional Use Permit.

Comments from Other Departments

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

Conditional Use Permit
CUP-25-35

4206 S IH 35
Hat Creek Burger Co



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. The subject property is not located within a neighborhood character study area.
<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. The proposed use is compatible with and preserves the character and integrity of adjacent developments; no improvements are necessary at this time.
<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. No improvements are being proposed as the subject structure is an existing development.
		<u>X</u>	The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties. No visual impacts are expected to cause adverse effects 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.
<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.