

Conditional Use Permit	4206 S IH 35
CUP-26-40	Hat Creek Burger Co



Summary

Request:	Amendment of a Conditional Use Permit (CUP)		
Applicant:	Hat Creek Beverage Company LLC 4407 Bee Cave Rd, Ste 212 Austin, TX 78746	Property Owner:	Hat Creek Beverage Company LLC 4407 Bee Cave Rd, Ste 212 Austin, TX 78746
CUP Expiration:	August 27, 2028	Type of CUP:	Mixed Beverage
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:	July 24, 2026	Personal:	July 24, 2026
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

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Staff Recommendation

Approval as Submitted	☒ Approval with Conditions	Denial
1. The permit shall be valid for three (3) years, and shall expire on August 11, 2029, provided standards are met; 2. The business shall be responsible for the subject property and the abutting right- of way, excluding the public street or alley pavement, within 50 feet of any entrance and exit in a clean and sanitary condition, free from litter and refuse at all times. The maintenance responsibilities shall not overlap with another alcohol CUP Holder's maintenance area. (LDC Section 5.1.5.5.E.2.c); 3. The number of people occupying the building is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels; and 4. The permit shall be posted in the same area and manner as the Certificate of Occupancy.		
Staff: Kaitlyn Buck	Title: Planner	Date: August 5, 2026

History

2017: The business submitted a Restaurant CUP which was approved by the Planning and Zoning Commission for one year, with conditions.

2019: The renewal of the Restaurant CUP was approved by the Planning and Zoning Commission for three years with conditions.

2024: The renewal of the Restaurant CUP was approved by the Planning and Zoning Commission for three years, commencing on August 27, 2022, with conditions.

2025: The renewal of the Restaurant CUP was approved by the Planning and Zoning Commission for three years with conditions.

Additional Analysis

The applicant is requesting to amend their existing beer & wine permit to allow the on-premise consumption of mixed beverages.

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.

Senate Bill 1008 provides provisions on the city's ability to prohibit amplified sound at a restaurant. Per this bill and staff's analysis, the City can enforce the existing noise ordinance and restricted conditions related to noise added to this CUP.

Comments from Other Departments

Police	No Calls Reported
Fire	No Comment
Public Services	No Comment
Engineering	No Comment
Health/Code Compliance	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 small area plan or 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 does not contribute to any factors which shall substantially affect public safety.
<u>X</u>			The proposed use does not contribute to any factors which shall substantially affect public health.
<u>X</u>			The proposed use does not contribute to any factors that may contribute to a strain on natural resources, such as water or similar.
<u>X</u>			The proposed use does not contribute to strain on public services or utilities, such as electricity, water or wastewater, or similar.
<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 5.1.5.5.