

Conditional Use Permit CUP-26-34	122 N LBJ Drive The Cigar Vault
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Summary

Request:	Renewal of a Conditional Use Permit (CUP)		
Applicant:	Jeff Beal 13106 Mansfield Circle Austin, TX 78732	Property Owner:	Judi Serur 14550 Nutty Brown Road Austin, TX 78737
CUP Expiration:	June 27, 2026	Type of CUP:	CBA – Beer and Wine
Interior Floor Area:	N/A	Outdoor Floor Area:	N/A
Parking Required:	1,764 sq ft	Parking Provided:	Shared
Days & Hours of Operation:	Sunday and Monday: 10am-8pm Tuesday-Thursday: 8am-5pm Friday-Saturday: 10am-10pm		

Notification

Posted:	July 10, 2026	Personal:	July 10, 2026
Response:	None as of the date of this report		

Property Description

Legal Description:	Original Town of San Marcos, Block 8, Lot 22.5 ft of 6		
Location:	Near the southeast intersection of Hopkins St. & N LBJ Dr.		
Acreage:	0.14 acres	PDD/DA/Other:	N/A
Existing Zoning:	Character District – 5 Downtown (CD-5D)	Proposed Zoning:	Same
Existing Use:	Retail w/ alcohol sales	Proposed Use:	Retail w/ alcohol sales
Preferred Scenario:	Mixed Use Medium	Proposed Designation:	Same
CONA Neighborhood:	Downtown (CBA)	Sector:	8
Utility Capacity:	Adequate	Floodplain:	No
Historic Designation:	Downtown Historic District	My Historic SMTX Resources Survey:	Yes - Medium Priority

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	Character District – 5 Downtown (CD-5D)	Bar	Mixed Use Medium
South of Property:	Character District – 5 Downtown (CD-5D)	Tattoo, body piercing	Mixed Use Medium
East of Property:	Character District – 5 Downtown (CD-5D)	Wells Fargo Bank	Mixed Use Medium
West of Property:	Public (P)	Hays County Historic Courthouse	Conservation/ Cluster

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Staff Recommendation

Approval as Submitted	☒	Approval with Conditions	Denial
1. This permit shall be valid for three (3) years, and shall expire July 28, 2029, provided standards are met; 2. The business is 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 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: Craig Garrison		Title: Planner	Date: July 22, 2026

History

2022: The business submitted a Bar CUP which was approved by the Planning and Zoning Commission for one year, with conditions.

2023: The renewal of the Bar CUP was approved by the Planning and Zoning Commission for three years with conditions.

Additional Analysis

The business has 24 indoor seats and no outdoor seating. A small stage is located indoors at the front of the store and is intended to be used for live music. The applicant has stated the live music will be "background" music and is not proposing to host concerts.

Per Senate Bill 1008 and since this is a bar, the City can enforce the existing noise ordinance and the conditions related to noise added to this CUP.

Comments from Other Departments

Police	See Attached Police Report
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>X</u>			The proposed use is consistent with any adopted small area plan or neighborhood character study for the area. <i>The proposed business meets goals, such as fostering small businesses, written in the Downtown 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.
<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 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 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.