

Conditional Use Permit	214 North LBJ Drive
CUP-18-27	Cheer and Chow



Summary

Request:	A Restaurant Conditional Use Permit for the sale of Beer and Wine.		
Applicant:	Lindsey Gentry 105 Preston Trail San Marcos, TX 78666	Property Owner:	Chris Ewen PO BOX 162304 Austin, TX 78716
CUP Expiration:	N/A	Type of CUP:	Restaurant: Beer and Wine
Total Floor Area:	1517 sq. ft.	Seating Capacity:	26 – indoor 12 - outdoor
Parking Required:	None. The property is located in the Central Business Area (CBA)	Parking Provided:	N/A
Days & Hours of Operation:	Monday thru Wednesday: 11am-12am Thursday thru Sunday: 11am-2am		

Notification

Application:	N/A	Neighborhood Meeting:	N/A
Published:	N/A	# of Participants:	N/A
Posted:	September 21, 2018	Personal:	September 21, 2018
Response:	None as of the date of this report		

Property Description

Legal Description:	Original Town of San Marcos, Block 7, north part of lot 7		
Frontage On:	North LBJ Drive		
Acreage:	0.16 acres	Central Business Area:	Yes
Existing Zoning:	Character District – 5 Downtown (CD-5D)	Preferred Scenario:	Downtown High Intensity Zone
Existing Use:	Restaurant	Proposed Use:	Same
CONA Neighborhood:	Downtown	Sector:	8
Utility Capacity:	Adequate		

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	CD-5D	Retail	High Intensity Zone
South of Property:	CD-5D	Retail	High Intensity Zone
East of Property:	CD-5D	Restaurant	High Intensity Zone
West of Property:	CD-5D	Restaurant	High Intensity Zone

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History

Cheer and Chow has held an active CUP at their 700 N LBJ Drive Location since July 2016. The applicant is requesting to relocate the restaurant to the subject property which most recently housed Ebert and Gerberts sandwich shop. The applicant is proposing an outdoor dining area adjacent to the sidewalk.

Additional Analysis

The applicant has stated that the restaurant may host live music. In order to limit any adverse impact, staff recommends that no amplified live music shall be permitted outdoors.

Comments from Other Departments

Police	No Comment
Fire	No Comment
Public Services	No Comment
Engineering	No Comment

Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/>	Approval with Conditions / Alternate	<input type="checkbox"/>	Denial	<input type="checkbox"/>
<ul style="list-style-type: none"> Permit shall be valid for one (1) year, provided standards are met. The permit shall become effective upon the issuance of the Certificate of No amplified live music shall be allowed outdoors. The permit shall be posted in the same area and manner as the Certificate of Occupancy. 					
Staff: Tory Carpenter, CNU-A	Title : Planner		Date: October 4, 2018		

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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. Studies were not complete at time of 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 restaurant use.
<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.
		<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.
<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.