

Conditional Use Permit	1303 S IH 35
CUP-26-06	54th Street Restaurant & Drafthouse



Summary

Request:	Renewal of a Conditional Use Permit		
Applicant:	Michael Norsworthy 1425 Swift Street, Ste 200 North Kansas City, MO 64116	Property Owner:	Peggy Friedmann 91 Bacon Ct. Lafayette, CA 94549
CUP Expiration:	April 13, 2026	Type of CUP:	Mixed Beverage
Interior Floor Area:	7,340 sq ft	Outdoor Floor Area:	550 sq ft
Parking Required:	31 spaces	Parking Provided:	Yes
Days & Hours of Operation:	Sunday-Thursday: 11am-11pm Friday & Saturday: 11am-12am		

Notification

Posted:	March 6, 2026	Personal:	March 6, 2026
Response:	None as of the date of this report		

Property Description

Legal Description:	Lot 2 in the Simon Place II Subdivision (2016)		
Location:	Along IH-35 frontage, approximately 650 feet South of HWY 123		
Acreage:	1.516 acres	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:	Sunset Acres	Sector:	5
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:	Community Commercial (CC)	Restaurants (La Fonda and Dairy Queen)	Commercial/Employment Medium
South of Property:	Single-Family 6 (SF-6)	Single-Family Neighborhood (Sunset Acres)	Neighborhood Low
East of Property:	Public and Institutional (P)	Government (San Marcos Electric Utilities)	Neighborhood Medium
West of Property:	Heavy Commercial (HC)	Auto Repair (Crash Champions Collision Repair)	Commercial/Employment Medium

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Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/> Approval with Conditions	Denial
<ol style="list-style-type: none"> The permit shall be valid for three (3) years, and shall expire April 13, 2029, provided standards are met; No outdoor Amplified Sound, Outdoor Background Sound and/or Acoustic Sound shall be permitted; The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d); The occupancy is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels; The employees shall not park on the Olive Garden lot; and The permit shall be posted in the same area and manner as the Certificate of Occupancy. 		
Staff: Kaitlyn Buck	Title: Planner	Date: February 18, 2026

History

2015: 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 one year with conditions.

2020: 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 April 13, 2023, with conditions.

Additional Analysis

54th Street Restaurant & Bar shares a parking lot with the Starbucks and Olive Garden lots. The condition that employees may not park on the Olive Garden lot was recommended by staff and approved by the Planning and Zoning Commission at the March 25, 2019 meeting, due to previous complaints of noise coming from the Olive Garden lot late at night. Staff believes it is appropriate to keep the current condition in place and continue to restrict employees of 54th Street Grill from parking in the Olive Garden parking lot.

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 conditions related to noise.

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 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.