

Conditional Use Permit CUP-25-11	110 E MLK Dr, Ste 102 Gus's Fried Chicken
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Summary

Request:	Renewal of a Conditional Use Permit		
Applicant:	Janet Hickerson 110 E MLK Dr, Ste 102 San Marcos, TX 78666	Property Owner:	Mark Shields 510 Hearn St Austin, TX 78701
CUP Expiration:	2/16/2025	Type of CUP:	CBA Bar / CBA Restaurant Beer & Wine
Interior Floor Area:	1,235 sq ft	Outdoor Floor Area:	735 sq ft
Parking Required:	2 spaces	Parking Provided:	Yes
Days & Hours of Operation:	Sunday-Thursday: 11am-9pm Friday & Saturday: 11am-10pm		

Notification

Posted:	04/04/2025	Personal:	04/04/2025
Response:	None as of the date of this report		

Property Description

Legal Description:	Lots 1-4, Block 1, of the JS Travis Addition Subdivision		
Location:	South side of E MLK Dr between S Guadalupe St & S LBJ Dr		
Acreage:	2.5 acres	PDD/DA/Other:	N/A
Existing Zoning:	CD-5D	Proposed Zoning:	Same
Existing Use:	Restaurant	Proposed Use:	Same
Preferred Scenario:	Mixed-Use Medium	Proposed Designation:	Same
CONA Neighborhood:	Downtown	Sector:	Sector 8
Utility Capacity:	Adequate	Floodplain:	Yes
Historic Designation:	N/A	My Historic SMTX Resources Survey:	Low

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	CD-5D	Retail	Mixed-Use Medium
South of Property:	CD-5D	Bank	Mixed-Use Medium
East of Property:	CD-5D	Entertainment & Bar (Putt Pub)	Mixed-Use Medium
West of Property:	CD-5D	Multifamily (The View on the Square)	Mixed-Use Medium

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Staff Recommendation

Approval as Submitted	<u>X</u>	Approval with Conditions	Denial
1. The permit shall be valid for three (3) years, effective February 16, 2025 provided standards are met; and 2. Outdoor amplified music on the property shall not be permitted after 10 p.m.; and 3. The permit shall be posted in the same area and manner as the Certificate of Occupancy. Note: conditions unchanged from previous approvals			
Staff: Kaitlyn Buck		Title: Planner	Date: 04/16/2025

History

In June of 2023, the Planning and Zoning Commission approved a Conditional Use Permit allowing the sale and on-premise consumption of beer & wine, effective upon issuance of a Certificate of Occupancy, valid for one (1) year. The permit became effective on February 16, 2024.

Additional Analysis

See additional analysis below.

Comments from Other Departments

Police	See Attached Police Report
Fire	No Comment
Public Services	No Comment
Engineering	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 neighborhood character study for the area. <i>The proposed business meets goals, such as fostering small businesses, written in the Downton 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. <i>The proposed use is compatible with and preserves the character and integrity of adjacent developments; no improvements are necessary at this time.</i>
<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 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.