

<b>Conditional Use Permit CUP-25-31</b>	<b>701 Cheatham Street Ivar's River Pub</b>
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### Summary

<b>Request:</b>	Renewal of a Conditional Use Permit		
<b>Applicant:</b>	Curtis Lyle Gunnarson Ivar's River Pub LLC PO Box 1764 San Marcos, TX 78666	<b>Property Owner:</b>	Gunner Inc. PO Box 1764 San Marcos, TX 78666
<b>CUP Expiration:</b>	7/12/2025	<b>Type of CUP:</b>	Mixed Beverage
<b>Interior Floor Area:</b>	5,800 sq. ft.	<b>Outdoor Floor Area:</b>	Approx. 500 sq. ft.
<b>Parking Required:</b>	47 spaces	<b>Parking Provided:</b>	54 spaces
<b>Days &amp; Hours of Operation:</b>	Monday – Sunday: 11 a.m. – 12 p.m.		

### Notification

<b>Posted:</b>	7/25/2025	<b>Personal:</b>	7/25/2025
<b>Response:</b>	None as of the date of this report		

### Property Description

<b>Legal Description:</b>	River Pub Lot 1		
<b>Location:</b>	Located on Cheatham Street West of the intersection of Riverside Drive.		
<b>Acreage:</b>	1.65 acres	<b>PDD/DA/Other:</b>	N/A
<b>Existing Zoning:</b>	Community Commercial	<b>Proposed Zoning:</b>	Same
<b>Existing Use:</b>	Restaurant	<b>Proposed Use:</b>	Same
<b>Preferred Scenario:</b>	Conservation/Cluster	<b>Proposed Designation:</b>	Conservation/Cluster
<b>CONA Neighborhood:</b>	East Guadalupe	<b>Sector:</b>	Sector 4
<b>Utility Capacity:</b>	Adequate	<b>Floodplain:</b>	Yes
<b>Historic Designation:</b>	N/A	<b>My Historic SMTX Resources Survey:</b>	No

### Surrounding Area

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Preferred Scenario</b>
<b>North of Property:</b>	Community Commercial	Single Family Residential	Conservation/ Cluster
<b>South of Property:</b>	Public and Institutional District	San Marcos River/ Parkland	Conservation/ Cluster
<b>East of Property:</b>	Single Family-6	Single Family Residential	Neighborhood Low
<b>West of Property:</b>	Public and Institutional	San Marcos River/ Parkland	Conservation/ Cluster

### Staff Recommendation

<input type="checkbox"/> Approval as Submitted	<input checked="" type="checkbox"/> Approval with Conditions	<input type="checkbox"/> Denial
<ol style="list-style-type: none"> <li>Permit shall be valid for three (3) years, provided standards are met.</li> <li>The applicant shall provide a barrier that prevents vehicular parking on the adjacent single-family lot.</li> <li>Hours of operation shall be no later than midnight.</li> <li>Live music shall not be permitted on the property after 9 p.m.</li> <li>The floodlights along the deck shall be aimed downward toward the patio rather than at the San Marcos River.</li> <li>The permit shall be posted in the same area and manner as the Certificate of Occupancy.</li> </ol>		
<b>Staff:</b> Craig Garrison	<b>Title :</b> Planner	<b>Date:</b> 8/6/2025

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<b>CUP-25-31</b>	<b>Ivar's River Pub</b>



### History

Ivar's River Pub is an existing restaurant that previously received approval for a CUP request in 2021, and a three-year approval in July of 2022. Since the restaurant's last CUP approval, there have been no changes to the establishment.

### Additional Analysis

The restaurant provides a total of 189 seats for its patrons. There are 96 seats offered indoors, and 93 seats provided outdoors on the patio as well as on the property's lawn. Also provided on the property's lawn is a stage for live music which brings potential for noise disturbance due to the business' close proximity to residential homes. To avoid noise related issues that may be derived from the property, no live music shall be permitted after 9 p.m. all days of the week.

The site is adjacent to an undeveloped residential lot. To ensure that the lot is not utilized for additional vehicular parking, the restaurant shall be responsible for keeping a barrier in place to secure the site and prevent vehicles from parking/accessing the adjacent lot.

### Comments from Other Departments

<b>Police</b>	See Attached Report.
<b>Fire</b>	No Comment
<b>Public Services</b>	No Comment
<b>Engineering</b>	No Comment
<b>Health/Code</b>	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. <b><i>Studies were not complete at the time of the request.</i></b>
<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.
<u>X</u>			The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties. <b><i>See proposed conditions.</i></b>
<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.