

<b>Conditional Use Permit</b>	<b>927 HWY 80</b>
<b>CUP-24-57</b>	<b>Buddy's Burger</b>



**Summary**

<b>Request:</b>	Renewal of a Conditional Use Permit		
<b>Applicant:</b>	Saad Fidai 11500 Citrus Cove Austin, TX 78750	<b>Property Owner:</b>	ZIF Restaurants SM LLC 11500 Citrus Cove Austin, TX 78750
<b>CUP Expiration:</b>	October 13, 2024	<b>Type of CUP:</b>	Beer & Wine
<b>Interior Floor Area:</b>	4,437 sq ft	<b>Outdoor Floor Area:</b>	N/A
<b>Parking Required:</b>	45 spaces	<b>Parking Provided:</b>	Yes
<b>Days &amp; Hours of Operation:</b>	Monday-Sunday: 11am-11pm		

**Notification**

<b>Posted:</b>	October 25, 2024	<b>Personal:</b>	October 25, 2024
<b>Response:</b>	None as of the date of this report		

**Property Description**

<b>Legal Description:</b>	Reserve A in San Mar Plaza Mall (1986)		
<b>Location:</b>	North side of Highway 80, approximately 930 feet East of IH 35 frontage road		
<b>Acreage:</b>	10.344 acres	<b>PDD/DA/Other:</b>	N/A
<b>Existing Zoning:</b>	General Commercial (GC)	<b>Proposed Zoning:</b>	Same
<b>Existing Use:</b>	Restaurant	<b>Proposed Use:</b>	Same
<b>Preferred Scenario:</b>	High Intensity Zone	<b>Proposed Designation:</b>	Same
<b>CONA Neighborhood:</b>	N/A	<b>Sector:</b>	6
<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>	General Commercial (GC)	Retail (Hobby Lobby)	High Intensity Zone
<b>South of Property:</b>	General Commercial (GC)	Restaurant (Raising Cane's)	High Intensity Zone
<b>East of Property:</b>	General Commercial (GC)	Retail (Walmart)	High Intensity Zone
<b>West of Property:</b>	General Commercial (GC)	Restaurant (Jason's Deli)	High Intensity Zone

**Staff Recommendation**

Approval as Submitted	<input checked="" type="checkbox"/> <b>Approval with Conditions</b>	<input type="checkbox"/> Denial
1. The permit shall be valid for three (3) years, provided standards are met; and 2. The sale of alcohol is prohibited through the drive-thru; and 3. The permit shall be posted in the same area and manner as the Certificate of Occupancy.		
<b>Staff:</b> Kaitlyn Buck	<b>Title:</b> Planner	<b>Date:</b> November 6, 2024

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**History**

In October of 2023, the Planning and Zoning Commission approved a conditional use permit allowing on premise consumption of beer and wine, valid for one (1) year.

**Additional Analysis**

The proposed restaurant is keeping with adjacent uses and previous uses of the building. There is an existing drive-thru in the building. The applicant stated the purchase of alcohol is prohibited through the drive-thru.

**Comments from Other Departments**

<b>Police</b>	There was one arrest of a person who was outside of the business throwing beer bottles at their drive through window. The subject was intoxicated but not due to over serving at the business. He was arrested for Public Intoxication on 01-11-2024.
<b>Fire</b>	No Comment
<b>Public Services</b>	No Comment
<b>Engineering</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 neighborhood character study for the area. <b>Studies were not complete at the time of the request.</b>
<u>X</u>			The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations. <b>The GC Zoning District allows "Restaurant/Prepared Food Sales" as a permitted use, in order to serve alcoholic beverages for on premise consumption, a conditional use permit is required.</b>
<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. <b>The proposed use is compatible with and preserves the character and integrity of adjacent developments. No improvements are necessary at this time.</b>
<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. <b>No improvements are being proposed as the subject structure is an existing development.</b>
<u>X</u>			The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties. <b>No visual impacts are expected to cause adverse effects on adjacent properties.</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 1.5.1.1.