

<b>Conditional Use Permit</b>	<b>194 S Guadalupe Street/ 104 Martin Luther King Drive</b>
<b>CUP-24-45</b>	<b>The Davenport</b>



**Summary**

<b>Request:</b>	New Conditional Use Permit		
<b>Applicant:</b>	Duane Bradley 194 S Guadalupe Street San Marcos, TX, 78666	<b>Property Owner:</b>	Scott Gregson East Hopkins, LLC 120 W Hopkins #200 San Marcos, TX, 78666
<b>CUP Expiration:</b>	8/9/2025* *Current CUP expiration	<b>Type of CUP:</b>	CBA Bar Mixed Beverage
<b>Interior Floor Area:</b>	1,350 sq. ft.	<b>Outdoor Floor Area:</b>	5,061
<b>Parking Required:</b>	N/A	<b>Parking Provided:</b>	Yes
<b>Days &amp; Hours of Operation:</b>	Sunday through Saturday: 11am – 2am		

**Notification**

<b>Posted:</b>	10/4/2024	<b>Personal:</b>	10/4/2024
<b>Response:</b>	None as of the date of this report		

**Property Description**

<b>Legal Description:</b>	Original Town of San Marcos, Block 12, ½ of lot 14		
<b>Location:</b>	Intersection of W MLK Drive and S Guadalupe Street		
<b>Acreage:</b>	0.15 acres	<b>PDD/DA/Other:</b>	N/A
<b>Existing Zoning:</b>	CD-5D	<b>Proposed Zoning:</b>	Same
<b>Existing Use:</b>	Restaurant	<b>Proposed Use:</b>	Bar
<b>Preferred Scenario:</b>	High Intensity Zone	<b>Proposed Designation:</b>	Same
<b>CONA Neighborhood:</b>	Downtown (CBA)	<b>Sector:</b>	8
<b>Utility Capacity:</b>	Adequate	<b>Floodplain:</b>	No
<b>Historic Designation:</b>	N/A	<b>My Historic SMTX Resources Survey:</b>	Yes, Medium Priority

**Surrounding Area**

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Preferred Scenario</b>
<b>North of Property:</b>	CD-5D	Office	High Intensity Zone
<b>South of Property:</b>	CD-5D	San Marcos Telephone Company	High Intensity Zone
<b>East of Property:</b>	CD-5D	Restaurants/ Retail	High Intensity Zone
<b>West of Property:</b>	CD-5D	Warehouse/ Single-Family Residential	High Intensity Zone

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**Staff Recommendation**

Approval as Submitted	<input checked="" type="checkbox"/> Approval with Conditions	<input type="checkbox"/> Denial
<ol style="list-style-type: none"> <li>The permit shall be valid for one (1) year, provided standards are met;</li> <li>Outdoor amplified music on the patio fronting South Guadalupe Street shall be limited to the hours between 11 a.m. and 10 p.m., Sunday – Thursday, and between 11 a.m. and 12 a.m., Friday and Saturday;</li> <li>Condition #2 shall not apply to the speakers providing ambient music on the patio fronting South Guadalupe Street, Sunday – Thursday, between 10 p.m. and 12 a.m.;</li> <li>Outdoor amplified music on the rear patio directly adjacent to Telephone Alley shall be limited to the hours between 11 a.m. and 10 p.m.;</li> <li>Parking shall be prohibited in the City right-of-way along South Guadalupe Street; and</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> 10/16/2024

**History**

The Davenport received its first Conditional Use Permit (CUP) for alcohol sales in April of 2020 as a restaurant, and became effective on July 20, 2020 with the approval of their Certificate of Occupancy. The Davenport has received two renewals since then, in 2021 for one year and 2022 for three years. The one-year renewal in 2021 was due to noise concerns by the community and Planning and Zoning Commission. Staff’s recommended conditions carry over applicable conditions from prior approvals.

**Additional Analysis**

The Davenport is applying for a new Conditional Use Permit as a Bar within the Central Business Area (CBA). The CBA has a maximum of 14 bars allowed within its area and The Davenport will become the 14<sup>th</sup> bar within the CBA. Due to the change in CUP type and a violation of the CUP condition regarding music in November 2023 (see Police Report) staff is recommending the CUP be valid for one year.

**Comments from Other Departments**

<b>Police</b>	See Attached Police 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>X</u>			The proposed use is consistent with any adopted neighborhood character study for the area. <b><i>The proposed use is consistent with the adopted downtown plan. The downtown plan states in its Vision and Goals: "Promote a vibrant and thriving Downtown through local business support, fostering of entrepreneurship, mixed-use development, and a variety of housing options."</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.
<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.