

<b>Conditional Use Permit CUP-24-58</b>	<b>116 S. Edward Gary Railyard Bar and Grill</b>
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**Summary**

<b>Request:</b>	Renewal of a Conditional Use Permit		
<b>Applicant:</b>	Arash Saberi 14106 N. IH 35 Suite A. Austin, TX 78728	<b>Property Owner:</b>	Robert Hageman Radiant Solutions Inc. PO Box 91383 Austin, TX 78709
<b>CUP Expiration:</b>	10/23/2024	<b>Type of CUP:</b>	Restaurant
<b>Interior Floor Area:</b>	3,718 sq. ft. (58 seats)	<b>Outdoor Floor Area:</b>	112 seats
<b>Parking Required:</b>	30 spaces	<b>Parking Provided:</b>	32 spaces
<b>Days &amp; Hours of Operation:</b>	Monday – Saturday: 11am-2am Sunday: 11am - Midnight		

**Notification**

<b>Posted:</b>	10/25/2024	<b>Personal:</b>	10/25/2024
<b>Response:</b>	None as of the date of this report		

**Property Description**

<b>Legal Description:</b>	Original Town of San Marcos, Lot 2A, Block 9		
<b>Location:</b>	South Edward Gary Street		
<b>Acreage:</b>	0.5 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>	Same
<b>Preferred Scenario:</b>	High Intensity Zone	<b>Proposed Designation:</b>	Same
<b>CONA Neighborhood:</b>	Downtown	<b>Sector:</b>	Sector 8
<b>Utility Capacity:</b>	Adequate	<b>Floodplain:</b>	No
<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>	CD-5D	Multifamily	High Intensity Zone
<b>South of Property:</b>	CD-5D	Office/Retail	High Intensity Zone
<b>East of Property:</b>	CD-5D	Vacant	High Intensity Zone
<b>West of Property:</b>	CD-5D	Retail/Restaurant/Bar	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; 2. The permit shall be posted in the same area and manner as the Certificate of Occupancy.				
<b>Staff:</b> Craig Garrison		<b>Title :</b> Planner		<b>Date:</b> 11/6/2024

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**116 S. Edward Gary  
Railyard Bar and Grill**



**History**

The Railyard is a restaurant and bar that has been open since 2011 and received a 1 year CUP at that time with a condition that live music was limited to the indoor stage until 10 pm.

In 2012 the Commission adjusted the music condition to allow music until 2 am and approved the CUP for 1 year.

In 2013 the 2 am music condition remained, and the Commission approved the CUP for 1 year since the permit had been expired for 1 month.

In 2014 the Commission approved a three (3) year CUP with the 2 am music condition remaining.

In 2019 the applicant requested the music condition be removed because they had constructed an outdoor stage. The Commission approved the CUP, removing the music condition, for 1 year to allow the applicant time to receive a approval for their fire pit which was installed without a permit and due to the 2-year lapse in renewal.

In April of 2024 the Commission approved a six (6) month CUP approval.

**Additional Analysis**

See additional approval below.

<b>Police</b>	See Attached Police Report
<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 small area plan or neighborhood character study for the area. <b><i>Studies have not been completed at the time of this 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.
<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.