

Conditional Use Permit	202 E San Antonio Street
CUP-24-06	Sean Patricks



Summary

Request:	Renewal of a Restricted Conditional Use Permit to allow the sale of mixed beverages for on premise consumption.		
Applicant:	Sean Patricks 202 E San Antonio Street San Marcos, TX 78666	Property Owner:	Long Horn Investments 3308 Avenal Drive Austin, TX 78738
CUP Expiration:	February 7, 2024	Type of CUP:	CBA Restaurant
Interior Seating:	100	Outdoor Seating:	20
Parking Required:	0	Parking Provided:	16
Days & Hours of Operation:	Monday – Friday: 11am-12am Saturday: 11am – 1am Sunday: 10am-10pm		

Notification

Posted:	March 8, 2024	Personal:	March 8, 2024
Response:	None at the time of this report.		

Property Description

Legal Description:	Original Town of San Marcos, Block 9, Part of Lot 5		
Location:	E San Antonio Street and S LBJ Drive		
Acreage:	.30	Central Business Area:	Yes
Existing Zoning:	CD-5D	Preferred Scenario:	Downtown Intensity Zone
Existing Use:	Restaurant and Bar	Proposed Use:	Restaurant and Bar
CONA Neighborhood:	Downtown	Sector:	8
Utility Capacity:	Adequate	Floodplain:	No
Historic Designation	Downtown Historic District	My Historic SMTX	Yes, High Priority

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	CD-5D	Vacant Hays County Annex	Downtown Intensity Zone
South of Property:	CD-5D	Retail	Downtown Intensity Zone
East of Property:	CD-5D	Lindsey Lofts	Downtown Intensity Zone
West of Property:	CD-5D	Office / Retail	Downtown Intensity Zone

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History

Sean Patricks restaurant and bar has been open since 2006. The Commission has granted various renewals and amendments for Alcohol Sales including the expansion of the sidewalk café in 2015.

This request is for the renewal of a “Restaurant” conditional use permit for alcohol. The CUP was previously renewed in 2023. The renewal was appealed and went to City Council on 2/7/2023 to allow live music outdoors until 12:00am instead of the 10:00pm as was approved by the Commission on 12/13/2022. Council approved for one.

Additional Analysis

The Police Department has reported that there have been no major incidents with the business in the time since the last CUP approval.

The existing CUP does incorporate the parking lot to the south. This area is currently used for special events. To reduce any potential for disruption, staff recommends that no speakers or live music shall be allowed outdoors or in other unconditioned areas after 12:00 pm.

Comments from Other Departments

Police	No Concerns
Fire	No Concerns
Public Services	No Concerns
Engineering	No Concerns

Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/> Approval with Conditions	Denial
<ol style="list-style-type: none"> The permit shall be valid for three (3) years, provided standards are met; The permit shall be posted in the same area and manner as the Certificate of Occupancy; There shall be no amplified sound or live music outdoors or in other unconditioned areas after 12:00 am. The business shall be responsible for maintaining the sidewalk, gutters, parking lot, all areas within 50 feet of any exit, and all areas of the permitted property in a clean and sanitary condition, free from litter and refuse at all times. 		
Staff: Craig Garrison	Title : Planner	Date: March 20, 2024

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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. Studies have not been completed at the time of this request
<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.