

<b>Conditional Use Permit</b>	<b>4025 S IH 35</b>
<b>CUP-24-49</b>	<b>Shake Shack</b>



**Summary**

<b>Request:</b>	Renewal of a Conditional Use Permit		
<b>Applicant:</b>	Shake Shack Texas Beverage Company 225 Varick St, Suite 301 New York, NY 10014	<b>Property Owner:</b>	Brackin Schwartz PLLC 511 W 7 <sup>th</sup> St Austin, TX 78701
<b>CUP Expiration:</b>	9/27/2024	<b>Type of CUP:</b>	Beer & Wine
<b>Interior Floor Area:</b>	3546 sq. ft.	<b>Outdoor Floor Area:</b>	Approx. 1000 sq. ft.
<b>Parking Required:</b>	38 spaces	<b>Parking Provided:</b>	Yes, and shared parking available
<b>Days &amp; Hours of Operation:</b>	Monday-Sunday: 10am-12am		

**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>	Tanger Factory Outlet, Lot 1C		
<b>Location:</b>	Located near the intersection of IH-35 Frontage Road and Centerpoint Road		
<b>Acreage:</b>	1.46 acres	<b>PDD/DA/Other:</b>	N/A
<b>Existing Zoning:</b>	General Commercial	<b>Proposed Zoning:</b>	Same
<b>Existing Use:</b>	Restaurant	<b>Proposed Use:</b>	Same
<b>Preferred Scenario:</b>	Employment Area	<b>Proposed Designation:</b>	Same
<b>CONA Neighborhood:</b>	N/A	<b>Sector:</b>	5
<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>	GC	Retail Sales	Employment Area Zone
<b>South of Property:</b>	GC/CD-5	Retail Sales/Vacant	Employment Area Zone
<b>East of Property:</b>	GC	Retail Sales/Vacant	Employment Area Zone
<b>West of Property:</b>	GC	Retail Sales	Employment Area Zone

**Staff Recommendation**

Approval as Submitted	<input checked="" type="checkbox"/>	Approval with Conditions	<input type="checkbox"/>	Denial	<input type="checkbox"/>
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> 10/16/2024	

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**History**

Previously approved by Planning and Zoning Commission for a Conditional Use Permit for one year on September, 27, 2023. Staff recommended conditions are the same as the previous approval.

**Additional Analysis**

See additional analysis below

**Comments from Other Departments**

<b>Police</b>	No Calls Reported
<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 neighborhood character study for the area.
<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.