

<b>Conditional Use Permit</b>	<b>194 S Guadalupe/ 104 Martin Luther King Drive</b>
<b>CUP-25-48</b>	<b>The Davenport</b>



**Summary**

<b>Request:</b>	Renewal of a Conditional Use Permit		
<b>Applicant:</b>	Duane Bradley Stamper Family, LLC 194 S Guadalupe Street San Marcos, TX 78666	<b>Property Owner:</b>	Scott Gregson East Hopkins, LLC 120 W. Hopkins, Suite 200 San Marcos, Texas 78666
<b>CUP Expiration:</b>	October 22, 2025	<b>Type of CUP:</b>	CBA Bar
<b>Interior Floor Area:</b>	1,350 sq. ft.	<b>Outdoor Floor Area:</b>	5,061 sq. ft.
<b>Parking Required:</b>	N/A	<b>Parking Provided:</b>	Yes – 7 spaces
<b>Days &amp; Hours of Operation:</b>	Monday-Sunday: 2 p.m. – 2 a.m.		

**Notification**

<b>Posted:</b>	September 5, 2025	<b>Personal:</b>	September 5, 2025
<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 out 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>	Character District – 5 Downtown (CD-5D)	<b>Proposed Zoning:</b>	Same
<b>Existing Use:</b>	Bar	<b>Proposed Use:</b>	Same
<b>Preferred Scenario:</b>	Mixed Use Medium	<b>Proposed Designation:</b>	Mixed Use Medium
<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>	Character District – 5 Downtown (CD-5D)	Office/Retail	Mixed Use Medium
<b>South of Property:</b>	Character District – 5 Downtown (CD-5D)	Offices/Multifamily Apartments	Mixed Use Medium
<b>East of Property:</b>	Character District – 5 Downtown (CD-5D)	Restaurants/Retail	Mixed Use Medium
<b>West of Property:</b>	Character District – 5 Downtown (CD-5D)	Offices/Single-Family Residential	Mixed Use Medium

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**Staff Recommendation**

<b>Approval as Submitted</b>	<input checked="" type="checkbox"/> <b>Approval with Conditions</b>	<b>Denial</b>
<ol style="list-style-type: none"> <li>1. The permit shall be valid for three (3) years, commencing on October 22, 2025, provided standards are met;</li> <li>2. 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>3. 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>4. Outdoor amplified music on rear patio directly adjacent to Telephone Alley shall be limited to the hours between 11 a.m. and 10 p.m.;</li> <li>5. Parking shall be prohibited in the City right-of-way along South Guadalupe Street; and</li> <li>6. 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> September 17, 2025

**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 10, 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. In 2024, the Davenport was approved by the Planning and Zoning Commission to convert from a restaurant to a bar within the Central Business Area (CBA). The new approval was for one year.

**Additional Analysis**

Staff’s recommended conditions carry over applicable conditions from prior approvals.

Per Senate Bill 1008, City Staff may not enforce certain limits on amplified sound from the business, unless it’s a restaurant. Since this does not meet the definition of a restaurant, the City can enforce the existing noise ordinance and the conditions related to noise added to this CUP

**Comments from Other Departments**

<b>Police</b>	See Attached Police Report – one call.
<b>Fire</b>	No Comment
<b>Public Services</b>	No Comment
<b>Engineering</b>	No Comment
<b>Health/Code Compliance</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 small area plan or neighborhood character study for the area. <b><i>The proposed use is consistent with the Downtown Area Plan, which identifies the goal of attracting people with a diversity of restaurants.</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. <b><i>No improvements are being proposed as the subject structure is an existing development.</i></b>
		<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><i>The property still utilizes parking that is rear entry onto right-of-way.</i></b>
<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.