

<b>Conditional Use Permit</b>	<b>301 N. Guadalupe St Ste 154</b>
<b>CUP-24-27</b>	<b>Hangry Joe's Hot Chicken</b>



**Summary**

<b>Request:</b>	New Conditional Use Permit		
<b>Applicant:</b>	Mark Dalton DW Restaurants TX, LLC 410 Buttercup Lane, Wimberly, TX 78676	<b>Property Owner:</b>	Ben Samouha Guadalupe Real Property & Investments LLC 9993 IH 10 West, STE 102, San Antonio, TX 78230
<b>CUP Expiration:</b>	N/A	<b>Type of CUP:</b>	CBA Restaurant Beer & Wine
<b>Interior Floor Area:</b>	1800 sq ft	<b>Outdoor Floor Area:</b>	N/A
<b>Parking Required:</b>	N/A	<b>Parking Provided:</b>	Yes
<b>Days &amp; Hours of Operation:</b>	Monday: 11am-9pm Thursday: 11am-9pm Sunday: 11am-9pm	Tuesday: 11am-9pm Friday: 11am-10pm	Wednesday: 11am-9pm Saturday: 11am-10pm

**Notification**

<b>Posted:</b>	July 26, 2024	<b>Personal:</b>	July 26, 2024
<b>Response:</b>	None as of the date of this report		

**Property Description**

<b>Legal Description:</b>	Lot 1 & 2 & PT LT 8, Block 25, S7500- Original Town of San Marcos		
<b>Location:</b>	Near the Corner of North Guadalupe Street and West Hutchison Street		
<b>Acreage:</b>	1.05 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>	Restaurant	<b>Proposed Use:</b>	Same
<b>Preferred Scenario:</b>	Downtown - High Intensity	<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 – Low 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)	Gas Station	High Intensity
<b>South of Property:</b>	Character District - 5 Downtown (CD-5D)	Professional Office (Frost Bank)	High Intensity
<b>East of Property:</b>	Character District - 5 Downtown (CD-5D)	Parking Lot & Retail Sales & Restaurants	High Intensity
<b>West of Property:</b>	Character District - 5 Downtown (CD-5D)	Parking Lot	High Intensity

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**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 one (1) year, provided standards are met; and 2. The permit shall be posted in the same area and manner as the Certificate of Occupancy.		
<b>Staff:</b> David Soto	<b>Title:</b> Planning Manager	<b>Date:</b> August 9, 2024

**History**

This is a new request.

**Additional Analysis**

This restaurant is located within the City's Central Business Area. The restaurant is approximately 1800sqft. In November of 2023, Hangry Joe's Hot Chicken received their Certificate of Occupancy to serve food at its establishment.

**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

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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 business meets goals, such as attracting people with a diversity of restaurants, written in the Downtown Area Plan.</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. <b><i>The proposed use is compatible with and preserves the character and integrity of adjacent developments; however, no improvements are necessary at this time.</i></b>
<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. <b><i>No improvements are being proposed as the subject structure is an existing development.</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. <b><i>No visual impacts are expected to cause adverse effects on adjacent properties.</i></b>
<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.