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| Conditional Use Permit | 215 N LBJ Dr |
| CUP-25-17 | Root Cellar Café |



Summary

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|---------------------------------------|--|----------------------------|--|
| Request: | Renewal of a Conditional Use Permit | | |
| Applicant: | Kyle Mylius 415 N Guadalupe San Marcos, TX 78666 | Property Owner: | Brian Scofield 127 E Hopkins St San Marcos, TX 78666 |
| CUP Expiration: | 12/14/2024 | Type of CUP: | CBA Restaurant Mixed Beverages |
| Interior Floor Area: | 1,400 sq ft | Outdoor Floor Area: | 260 sq ft |
| Parking Required: | None | Parking Provided: | N/A |
| Days & Hours of Operation: | Monday: Closed Tuesday-Sunday: 8am-9pm | | |

Notification

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|------------------|------------------------------------|------------------|------------|
| Posted: | 04/04/2025 | Personal: | 04/04/2025 |
| Response: | None as of the date of this report | | |

Property Description

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|------------------------------|---|---|-------------|
| Legal Description: | Lot E Part of 5, Block 20, in the Original Town of San Marcos | | |
| Location: | On the Northwest corner of E Hopkins St and N LBJ Dr | | |
| Acreage: | 0.199 acres | PDD/DA/Other: | N/A |
| Existing Zoning: | Character District 5 Downtown (CD-5D) | Proposed Zoning: | Same |
| Existing Use: | Restaurant | Proposed Use: | Same |
| Preferred Scenario: | Mixed-Use Medium | Proposed Designation: | Same |
| CONA Neighborhood: | Downtown (CBA) | Sector: | 8 |
| Utility Capacity: | Adequate | Floodplain: | No |
| Historic Designation: | Downtown HD | My Historic SMTX Resources Survey: | Yes, Medium |

Surrounding Area

| | Zoning | Existing Land Use | Preferred Scenario |
|---------------------------|--|--------------------------|---------------------------|
| North of Property: | Character District 5 Downtown (CD-5D) | Restaurant | Mixed-Use Medium |
| South of Property: | Public and Institutional (P) | Courthouse | Mixed-Use Medium |
| East of Property: | Character District 5 Downtown (CD-5D) | Retail / Restaurant | Mixed-Use Medium |
| West of Property: | Character District 5 Downtown (CD-5D) | Bar | Mixed-Use Medium |

Staff Recommendation

| | | |
|---|---|---------------------------------|
| Approval as Submitted | <input checked="" type="checkbox"/> Approval with Conditions | <input type="checkbox"/> Denial |
| 1. The permit shall be valid for three (3) years, provided standards are met; and 2. The permit shall be posted in the same area and manner as the Certificate of Occupancy. | | |
| Staff: Kaitlyn Buck | Title: Planner | Date: April 16, 2025 |

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History

- June 2006 - Root Cellar Café received their first Conditional Use Permit allowing on-premise consumption of beer & wine, valid for 3 years. This permit expired on June 27, 2009.
- April 2008 - The Planning and Zoning Commission approved an ownership change and renewal, with a condition that the applicant submit quarterly reports for alcohol and food sales receipts, valid for 3 years. This permit expired April 22, 2011.
- August 2008 - Due to delay in submitting quarterly reports (a requirement of the Development Code at the time), the Planning and Zoning Commission approved a renewal, valid for 3 years. This permit expired August 12, 2009.
- November 2009 - The Planning and Zoning Commission approved the use of Microbrewing, this permit does not expire.
- January 2012 - The Planning and Zoning Commission approved a renewal of the on-premise consumption of beer and wine, valid for 3 years. This permit expired January 10, 2015.
- January 2015 - The Planning and Zoning Commission approved a renewal, valid for 3 years. This permit expired January 10, 2018.
- January 2018 - The Planning and Zoning Commission approved a renewal, valid for 3 years. This permit expired January 10, 2021.
- December 2021 - The Planning and Zoning Commission approved a renewal, valid for 3 years. This permit expired December 14, 2024.

Additional Analysis

See additional analysis below.

Comments from Other Departments

| | |
|------------------------|---|
| Police | One (1) Call Reported: Subject came in and started bothering customers. Management asked the subject to leave but he returned. Officers arrived and learned that the subject had left again. Management requested a criminal trespass warning if the subject was located. |
| Fire | No Comment |
| Public Services | No Comment |
| Engineering | 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. <i>The proposed business meets goals, such as fostering small businesses, written in the Downton Area Plan.</i> |
| <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. <i>The proposed use is compatible with and preserves the character and integrity of adjacent developments; no improvements are necessary at this time.</i> |
| <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. <i>No improvements are being proposed as the subject structure is an existing development.</i> |
| <u>X</u> | | | The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties. <i>No visual impacts are expected to cause adverse effects on adjacent properties.</i> |
| <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. |