

<b>Conditional Use Permit</b>	<b>2540 S IH 35</b>
<b>CUP-25-38</b>	<b>Cheddar's Scratch Kitchen</b>



### Summary

<b>Request:</b>	Renewal of a Conditional Use Permit		
<b>Applicant:</b>	Catherine Chamblee 511 W 7 <sup>th</sup> St Austin, TX 78701	<b>Property Owner:</b>	CSMS Investments, LLC P.O. Box 18995 Sugar Land, TX 77496
<b>CUP Expiration:</b>	9/28/2024	<b>Type of CUP:</b>	Mixed Beverage
<b>Interior Floor Area:</b>	7,482 sq ft	<b>Outdoor Floor Area:</b>	N/A
<b>Parking Required:</b>	57 spaces	<b>Parking Provided:</b>	Yes
<b>Days &amp; Hours of Operation:</b>	Sunday-Thursday: 11am-10pm    Friday & Saturday: 11am-11pm		

### Notification

<b>Posted:</b>	7/3/2025	<b>Personal:</b>	7/3/2025
<b>Response:</b>	None as of the date of this report		

### Property Description

<b>Legal Description:</b>	Lot 3-C, Block 4, Stonecreek Crossing Phase 2		
<b>Location:</b>	Barnes Drive & Direct Drive		
<b>Acreage:</b>	1.16 acres	<b>PDD/DA/Other:</b>	PDD – Ord. # 2008-59
<b>Existing Zoning:</b>	General Commercial (GC)	<b>Proposed Zoning:</b>	Same
<b>Existing Use:</b>	Restaurant	<b>Proposed Use:</b>	Same
<b>Preferred Scenario:</b>	Commercial/Employment Medium	<b>Proposed Designation:</b>	Same
<b>CONA Neighborhood:</b>	N/A	<b>Sector:</b>	4
<b>Utility Capacity:</b>	Adequate	<b>Floodplain:</b>	Yes
<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>	General Commercial (GC)	Auto Shop (Firestone)	Commercial/Employment Medium
<b>South of Property:</b>	General Commercial (GC)	Restaurant (Firehouse Subs)	Commercial/Employment Medium
<b>East of Property:</b>	General Commercial (GC)	Auto Dealership (Texas Auto Center)	Commercial/Employment Medium
<b>West of Property:</b>	General Commercial (GC)	Retail (Academy Sports + Outdoors & Target)	Commercial/Employment Medium

### 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> Kaitlyn Buck	<b>Title:</b> Planner	<b>Date:</b> 7/16/2025

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### History

Cheddar's initial CUP was approved in 2019, valid for one (1) year and became effective upon issuance of the certificate of occupancy in December, 2020. In September 2021, the Planning and Zoning Commission approved a renewal, valid for three (3) years. This permit expired on September 28, 2024.

### Compliance

- July 12, 2024 – Planning Staff emailed, mailed, and hand delivered 1<sup>st</sup> Notice Letter.
- September 20, 2024 – Planning Staff emailed, mailed, and hand delivered 2<sup>nd</sup> Notice Letter.
- June 5, 2025 – Code Compliance Staff sent email to company with application attached. Legal Specialist Sarah Johnson responded and established contact via public service, application has been sent to their legal team and will be filing soon.

### Additional Analysis

No changes are proposed with this renewal request.

### Comments from Other Departments

<b>Police</b>	See Attached Police Report
<b>Fire</b>	No Comment
<b>Public Services</b>	No Comment
<b>Engineering</b>	No Comment
<b>Neighborhood Enhancement</b>	Cheddars' staff contacted me immediately after calling them once and got me in touch with their legal team that handles CUP renewals.

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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. <b>The subject property is not located within a neighborhood character study area.</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>The proposed use is compatible with and preserves the character and integrity of adjacent developments; no improvements are necessary at this time.</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>No improvements are being proposed as the subject structure is an existing development.</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>No visual impacts are expected to cause adverse effects on adjacent properties.</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.