

Conditional Use Permit CUP-26-31	110 E MLK Dr. Suite 130 Bluebonnet Copacking
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Summary

Request:	Renewal of a Conditional Use Permit (CUP)		
Applicant:	Brian Smittle Bluebonnet Copacking 510 Hearn St. Austin, Texas 78703	Property Owner:	Mark Shields MLKSM LLC 510 Hearn St. Austin, TX 78703
CUP Expiration:	April 22, 2026	Type of CUP:	Outside CBA Beer & Wine
Interior Floor Area:	2,200 sq. ft.	Outdoor Floor Area:	Approx 2,200 sq. ft.
Parking Required:	13.2 spaces	Parking Provided:	Yes – Shared
Days & Hours of Operation:	Thursday & Friday: 4:00 p.m. – 10:00 p.m. and Saturday & Sunday: 11:00 a.m. – 10:00 p.m. (Potential for Monday – Sunday: 8am – 10pm)		

Notification

Posted:	June 5, 2026	Personal:	June 5, 2026
Response:	No comments received at this time.		

Property Description

Legal Description:	J S Travis, Block 1, Lot Part of 1-2-3-4		
Location:	Southeast corner of E MLK Drive and S Guadalupe Street		
Acreage:	2.48 acres	Acreage:	Same
Existing Zoning:	Character District-5D (CD-5D)	Proposed Zoning:	Same
Existing Use:	Brewery	Proposed Use:	Brewery
Preferred Scenario:	Mixed Use Medium	Proposed Designation:	Same
CONA Neighborhood:	Downtown	Sector:	Sector 8
Utility Capacity:	Adequate	Floodplain:	Yes
Historic Designation:	N/A	My Historic SMTX Resources Survey:	Low Priority

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	Character District-5D (CD-5D)	Restaurant/ Future Fire Station	Mixed Use Medium
South of Property:	Character District-5D (CD-5D)	Railroad	Mixed Use Medium
East of Property:	Character District-5D (CD-5D)	Bar/ Restaurant/ Retail	Mixed Use Medium/ Mixed Use Low
West of Property:	Character District-5D (CD-5D)	Professional Offices/ Multifamily	Mixed Use Medium

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Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/> Approval with Conditions	Denial
<ol style="list-style-type: none"> 1. This permit shall be valid for three (3) years, and shall expire June 23, 2029, provided standards are met; 2. No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than 12am. 3. The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.D); 4. The number of people occupying the building is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels; and 5. This permit shall be posted in the same area and manner as the Certificate of Occupancy. 		
Staff: Craig Garrison	Title : Planner	Date: 6/17/2026

History

The applicant is renewing a Conditional Use Permit (CUP) for a tap-room associated with a brewery. The CUP is required to have on-premise consumption of alcohol within the tap-room, and not for the brewery use.

Additional Analysis

Per Senate Bill 1008 and since this a bar, the City can enforce the existing noise ordinance and the conditions related to noise added to this CUP.

August 2017: Hops & Grain issued a CUP for on-premise consumption as a Brewery Use, which was an allowable use at the time in the T-5 zoning district.

April 2018: San Marcos Development Code amendment changed T-5 to CD-5D and removed Brewery as an allowable use. At this time the use became nonconforming.

2020/2021: Staff approved an administrative name change from Hops & Grain to Aquabrew, The Conditional Use Permit for alcohol sales and the Brewery Use were maintained. (No lapse of 6 months or more)

Late 2023/ Early 2024: The subject property discontinued use as a Brewery and remained vacant for more than 6-months.

February 2025 – Reinstatement of nonconforming rights approved by the Zoning Board of Adjustment to allow for the Brewery Use.

2025: The business submitted a Restaurant CUP which was approved by the Planning and Zoning Commission for one year, with conditions.

Comments from Other Departments

Police	No Calls Reported
Fire	No Comment
Public Services	No Comment
Engineering	No Comment
Health/Code	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. <i>The use of a Brewery contributes to the mix of uses on the subject property and Downtown Area.</i>
<u>X</u>			The proposed use is consistent with any adopted small area plan or 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. <i>The use of a Brewery is not allowed in the CD-5D Zoning District in Table 5.1. Reinstatement of nonconforming rights approved by the Zoning Board of Adjustment to allow for the Brewery Use.</i>
<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. <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 5.1.5.5.