

<b>Conditional Use Permit</b>	<b>1305 South Interstate 35</b>
<b>CUP-22-04</b>	<b>Olive Garden</b>



### Summary

<b>Request:</b>	Renewal of a Conditional Use Permit		
<b>Applicant:</b>	Leeanne Calderon Olive Garden Holdings, LLC PO Box 695016 Orlando, FL 32869-5016	<b>Property Owner:</b>	Jessica Brenner Eirrek OGT, LLC 3 West 35 <sup>th</sup> Street, 9 <sup>th</sup> Floor New York, NY 10001
<b>CUP Expiration:</b>	March 26, 2022	<b>Type of CUP:</b>	Mixed Beverages
<b>Interior Floor Area:</b>	7,757 sf	<b>Outdoor Floor Area:</b>	N/A
<b>Parking Required:</b>	62	<b>Parking Provided:</b>	195
<b>Days &amp; Hours of Operation:</b>	Sunday – Thursday: 11am – 10pm Friday – Saturday: 11am – 11pm		

### Notification

<b>Posted:</b>	January 7, 2022	<b>Personal:</b>	January 7, 2022
<b>Response:</b>	None as of the date of this report		

### Property Description

<b>Legal Description:</b>	Simon Place 2, Lot 3		
<b>Location:</b>	South of the Interstate 35 and Highway 123 intersection		
<b>Acreage:</b>	2.43	<b>PDD/DA/Other:</b>	N/A
<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>	Existing Neighborhood	<b>Proposed Designation:</b>	Same
<b>CONA Neighborhood:</b>	Sunset Acres	<b>Sector:</b>	5
<b>Utility Capacity:</b>	Adequate	<b>Floodplain:</b>	No
<b>Historic Designation:</b>	N/A	<b>My Historic SMTX Resources Survey</b>	

### Surrounding Area

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Preferred Scenario</b>
<b>North of Property:</b>	GC	Restaurant	High Intensity
<b>South of Property:</b>	SF-6	Single Family Dwelling	Existing Neighborhood
<b>East of Property:</b>	P	San Marcos Electric	High Intensity
<b>West of Property:</b>	SF-6	Single Family Dwelling	Existing Neighborhood

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### Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/>	Approval with Conditions	Denial
<ol style="list-style-type: none"> <li>1. The permit shall be valid for three (3) years, provided standards are met.</li> <li>2. The building shall be no closer than 40 feet to the property line of the nearest residential property.</li> <li>3. No outdoor dining space is allowed.</li> <li>4. No outdoor amplified music shall be audible across property lines.</li> <li>5. Trucks longer than 30 feet must ingress and egress on the IH-35 service road (not Hays Street).</li> <li>6. Olive Garden must require employees to park on the side of the parking lot furthest from the residential properties on Parker Drive.</li> <li>7. The permit shall be posted in the same area and manner as the Certificate of Occupancy.</li> </ol>			
<b>Staff:</b> Dalton Dueitt		<b>Title:</b> Planner	<b>Date:</b> January 20, 2022

### History

Olive Garden is an existing business that previously received approval for a CUP request in 2018 permitting the sale and on-premises consumption of mixed beverages. Since last receiving approval in 2018, the establishment has not made any changes and is seeking to renew the alcohol CUP.

### Additional Analysis

Identical to the business' previous CUP approval, the conditions that are recommended have an intent to prevent potential noise from disturbing the nearby single-family residences. These conditions include restricting any outdoor seating, limiting the volume of any outdoor music, restricting large trucks from accessing the property from the neighborhood street (Hays Street), and requiring employees to park furthest away from the single-family homes.

### Comments from Other Departments

<b>Police</b>	No Comment
<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>N/A</u>	The proposed use is consistent with any adopted 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.
<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.
<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 as outlined in Section 5.1.5.5
<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(E)(3)