

Conditional Use Permit CUP-18-31

701 Cheatham Street Ivar's River Pub



Summary

Request:	Renewal of a Conditional Use Permit to allow the sale of mixed beverages for on premise consumption at 701 Cheatham Street.		
Applicant:	Curtis Gunnarson PO Box 1764 San Marcos, TX 78667	Property Owner:	Gunner Inc. PO Box 1764 San Marcos, TX 78667
CUP Expiration:	October 12, 2018	Type of CUP:	Mixed Beverage
Interior Seating:	105	Outdoor Seating:	111
Parking Required:	54	Parking Provided:	54
Days & Hours of Operation:	Sunday-Saturday: 11 a.m. to 10 p.m.		

Notification

Posted:	September 28, 20018	Personal:	September 21, 2018
Response:	None as of the date of this report		

Property Description

Legal Description:	River Pub Lot 1		
Location:	Near the intersection of Cheatham Street and Riverside Drive		
Acreage:	1.2	Central Business Area:	No
Existing Zoning:	Community Commercial	Preferred Scenario:	Existing Neighborhood
Existing Use:	Restaurant / Bar	Proposed Use:	Same
CONA Neighborhood:	East Guadalupe	Sector:	4
Utility Capacity:	Adequate		

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	SF-6	Residential	Existing Neighborhood
South of Property:	Public	Park	Existing Neighborhood
East of Property:	Sf-6	Residential	Existing Neighborhood
West of Property:	Public	River/Park	Existing Neighborhood

Conditional Use Permit	701 Cheatham Street
CUP-18-31	Ivar's River Pub



History

Ivar's River Pub received a one (1) year CUP which became valid in October of 2017. At the meeting there was significant concern regarding live music and parking on the adjacent lot zoned SF-6. The Commission resolved to limit live music to no later than 9 p.m. and require a barrier to prevent parking on the adjacent lot. The applicant erected a fence and gate to prevent parking overflow on the adjacent lot.

Since Ivar's opened, there have been some complaints to the City regarding floodlights along the deck pointed at the San Marcos River. The San Marcos Development Code does not allow light trespass within designated open space. The applicant has agreed to adjust the floodlights so that they are not directed at the river but instead are aimed down at the patio under their deck.

Additional Analysis

See Criteria Below

Comments from Other Departments

Police	Comment or No Comment
Fire	Comment or No Comment
Public Services	Comment or No Comment
Engineering	Comment or No Comment

Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/>	Approval with Conditions / Alternate	Denial
<ul style="list-style-type: none"> Permit shall be valid for three (3) years, provided standards are met; The applicant shall retain the current barrier to prevent parking on the adjacent lot; Hours of operation shall be no later than midnight 7 days a week; Live (acoustic or amplified) music shall be allowed on the property until 9 p.m.; The floodlights along the deck are aimed downward toward the patio rather than at the San Marcos River; The permit shall be posted in the same area and manner as the Certificate of Occupancy. 			
Staff: Will Parrish		Title : Planner	Date: October 4, 2018

Conditional Use Permit
CUP-18-31

701 Cheatham Street
Ivar's River Pub



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. Studies have not been completed at the time of this request
<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 as measured according to section 5.1.5.5(E)(4).
<u>X</u>			The proposed use is not within 300 ft. of a church, public or private school, or public hospital as measured according to section 5.1.5.5(E)(4).
<u>X</u>			The proposed use is not within 1,000 ft. of a public or private school as measured according to section 5.1.5.5(E)(4).