

**Restaurant Conditional Use
Permit Renewal
CUP-18-34**

**141 E Hopkins Street
Freddy C's**



Summary

Request:	Consider a request by Jamie Frailicks, on behalf of Freddy C's, to amend an existing Conditional Use Permit to allow the sale of mixed beverages for on premise consumption at 141 E Hopkins Street.		
Applicant:	Jamie Frailicks 1107 Advance Street San Marcos, TX 78666	Property Owner:	BL Scofield, Inc. 127 E Hopkins Street San Marcos, TX 78666
CUP Expiration:	Life of the TABC License	Type of CUP:	Bar; Mixed Beverages
Interior Floor Area:	+/- 2,976 sq.ft.	Outdoor Floor Area:	+/- 873 sq.ft.
Parking Required:	None. The property is located in the Central Business Area (CBA)	Parking Provided:	N/A
Days & Hours of Operation:	Monday – Thursday: 4 p.m. – 2 a.m. Friday – Sunday: 2 p.m. – 2 a.m.		

Notification

Application:	N/A	Neighborhood Meeting:	N/A
Published:	N/A	# of Participants:	N/A
Posted:	October 5, 2018	Personal:	October 5, 2018
Response:	None as of the date of this report		

Property Description

Legal Description:	Original Town of San Marcos, Block 20, Lot East part of 5		
Location:	141 E Hopkins Street		
Acreage:	0.198 acres	Central Business Area:	Yes
Existing Zoning:	Character District – 5 Downtown (CD-5D)	Preferred Scenario:	Downtown High Intensity Zone
Existing Use:	Bar	Proposed Use:	Same
CONA Neighborhood:	Downtown	Sector:	8
Utility Capacity:	Adequate		

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	CD-5D	Restaurant	High Intensity Zone
South of Property:	Public (P)	Courthouse	High Intensity Zone
East of Property:	CD-5D	Retail / Restaurant	High Intensity Zone
West of Property:	CD-5D	Bar	High Intensity Zone

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History

In 2008, the previous businesses on the property, Barfish (located downstairs) and Bar 141 (located upstairs), received an Unrestricted (Bar) Conditional Use Permit (CUP) for the life of the TABC license. In 2014, this CUP was amended to allow Barfish to construct a new rear deck along the adjacent alley. This request included a condition that no speakers be permitted in the outdoor deck area. Since this time, Bar 141 has closed operations and has changed to Stonewall Warehouse, and Barfish has since closed operations and is under new ownership as Freddy C's.

The current request is for an amendment to the existing CUP in order to allow the expansion of the floor area of Freddy's C's. The expansion is approximately 411 square feet and will serve as a covered outdoor patio along Hopkins Street (see attached floor plan). This covered outdoor patio is within a portion of the adjacent building where Café Monet used to exist. The remaining portion of the adjacent building will be a retail space.

The property is located in the Downtown Historic District and all exterior modifications associated with the request have been reviewed and approved by the Historic Preservation Commission at their September 6, 2018 Meeting.

Additional Analysis

The business has a valid CUP which shall be valid for the life of the TABC license, however, due to the expansion of the patio area, staff recommends that the CUP be approved for an introductory period of one (1) year in order to monitor the expansion. Staff also recommends that the existing condition prohibiting speakers in the outdoor areas remain on the CUP.

Comments from Other Departments

Police	No concerns associated with the request.
Fire	No Comment
Public Services	No Comment
Engineering	No Comment

Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/> Approval with Conditions / Alternate	Denial
1. The permit shall be valid for one (1) year provided standards are met; 2. The permit shall be posted in the same area and manner as the Certificate of Occupancy; and 3. No speakers or live amplified music shall be permitted in the outdoor areas.		
Staff: Andrea Villalobos, CNU-A	Title : Planner	Date: 10/10/2018

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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. <i>CD-5D zoning allows for a bar use with a Conditional Use Permit.</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. <i>Conditions have been previously added to address noise.</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. <i>The proposed request is consistent with the established use of a bar/entertainment business on the property.</i>
		<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>Conditions have been previously added to address noise.</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. <i>The proposed request is consistent with the established use of a bar/entertainment business on the property.</i>
<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.