

Conditional Use Permit
CUP-19-01

116 S. Edward Gary St.
The Railyard



Summary

Request:	Renewal of a Conditional Use Permit to allow the sale of mixed beverages for on premise consumption.		
Applicant:	Railyard Bar & Grill, L.L.C. 116 South Edward Gary Street San Marcos, TX 78666	Property Owner:	Radiant Solutions, L.L.C. P.O. Box 91383 Austin, TX 78666
CUP Expiration:	April 9, 2017	Type of CUP:	Mixed Beverage
Interior Seating:	58	Outdoor Seating:	112
Parking Required:	30 spaces	Parking Provided:	32 spaces
Days & Hours of Operation:	Monday – Saturday: 11am-2am Sunday: 11am – Midnight		

Notification

Application:	N/A	Neighborhood Meeting:	N/A
Published:	N/A	# of Participants:	N/A
Posted:	January 3, 2019	Personal:	January 3, 2019
Response:	One response in favor of the request from Ted Breihan.		

Property Description

Legal Description:	Original Town of San Marcos, Lot 2A, Block 9		
Location:	South Edward Gary Street		
Acreage:	0.5 acres	Central Business Area:	No
Existing Zoning:	CD-5D	Preferred Scenario:	Downtown Intensity Zone
Existing Use:	Restaurant and Bar	Proposed Use:	Restaurant and Bar
CONA Neighborhood:	Downtown	Sector:	8
Utility Capacity:	Adequate		

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	CD-5D	Lindsey Lofts	Downtown Intensity Zone
South of Property:	CD-5D	Ted Breihan Electric	Downtown Intensity Zone
East of Property:	CD-5D	Vacant	Downtown Intensity Zone
West of Property:	CD-5D	Cats Billiards / Stinky Dawg / ZQ Fitness	Downtown Intensity Zone

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History

The Railyard is a restaurant and bar that has been open since 2011 and received a three (3) year CUP which became valid in April 2014; it expired in April 2017.

While the expiration date is stated on the CUP Certificate, the applicant states that they were under the impression that their CUP approval period was for five (5) years. They also stated a notification letter reminding them of the expiration was never received. There appears to be no record of a reminder notice sent to them by City staff.

Additional Analysis

The Police Department has reported that there have been no major incidents with the business in the time since the last CUP approval. Staff finds the request, with the existing conditions from the last approval period, will continue to be consistent with the policies and general intent of the zoning district. Limiting the approval period to one year would allow the applicant to work to receive a permit for the outdoor fire pit.

Comments from Other Departments

Police	No Concerns
Fire	The Fire Department has concerns about an outdoor fire pit that appears to have been installed without first receiving a permit.
Public Services	No Concerns
Engineering	No Concerns

Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/>	Approval with Conditions	<input type="checkbox"/>	Denial	<input type="checkbox"/>
<ul style="list-style-type: none"> The permit shall be valid for one (1) year, provided standards are met; All live music shall be restricted to the indoor stage and may continue until 2am; The outdoor fire pit shall not be utilized until it has been approved and permitted for use by the City; and The permit shall be posted in the same area and manner as the Certificate of Occupancy. 					
Staff: Alison Brake, CNU-A	Title : Historic Preservation Officer and Planner			Date: January 17, 2019	

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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. <i>Studies have not been completed at the time of this request</i>
<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. <i>Conditions are proposed 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.
		<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 are proposed 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 restaurant and bar 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.