

Conditional Use Permit	141 East Hopkins Street
CUP-20-02	Freddy C's Lounge



Summary

Request:	Renewal and amendment of a Conditional Use Permit		
Applicant:	James Frailicks Freddy C's Lounge 145 E Hopkins St, Ste E San Marcos, TX 78666	Property Owner:	Brian Scofield 127 E Hopkins Street San Marcos, TX 78666
CUP Expiration:	January 2020	Type of CUP:	Unrestricted Mixed Beverage
Interior Floor Area:	+/- 2,400 sq.ft.	Outdoor Floor Area:	+/- 370 sq.ft.
Parking Required:	N/A	Parking Provided:	Yes
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:	January 10	Personal:	January 10
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:	Hopkins Street and LBJ Drive		
Acreage:	0.198 acres	PDD/DA/Other:	N/A
Existing Zoning:	CD-5D	Proposed Zoning:	CD-5D
Existing Use:	Bar	Proposed Use:	Bar
Preferred Scenario:	High Intensity	Proposed Designation:	Same
CONA Neighborhood:	Downtown	Sector:	8
Utility Capacity:	Adequate	Floodplain:	No
Historic Designation:	Downtown	My Historic SMTX Resources Survey	Yes Medium Priority

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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Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/>	Approval with Conditions / Alternate	<input type="checkbox"/>	Denial	<input type="checkbox"/>
<ol style="list-style-type: none"> 1. The permit shall be valid for three (3) years 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: Tory Carpenter, AICP, CNU-A		Title : Planner		Date: January 23, 2020	

History

The Planning & Zoning Commission first approved a Conditional Use Permit for Freddy C's Lounge in October 2018 for a period of one year. This permit became effective January 2019 after the issuance of the Certificate of Occupancy for the business. This CUP approval included a condition prohibiting speakers or amplified live music outdoors.

Additional Analysis

The applicant is requesting to expand the business 1,050 square feet to encompass the rear suite, which was most recently occupied by Rooster's Emporium. This indoor expansion would include a bathroom and additional seating for customers.

The applicant has also requested to be allowed to have outdoor amplified live music from 2:00 pm to 8:00 pm on weekends. However, given the Police Department's growing concerns with noise complaints in the area, staff is recommending that the previous restrictions for amplified noise remain.

Comments from Other Departments

Police	General concerns of noise if outdoor amplified noise is permitted.
Fire	No Comment
Public Services	No Comment
Engineering	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. <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 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. <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 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 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.