

|                               |   |
|-------------------------------|---|
| <b>Conditional Use Permit</b> | <b>200 Springtown Way<br/>Suite 138</b> |
| <b>CUP-20-10</b>              | <b>Xain Sushi &amp; Noodle</b>          |



### Summary

|                                       |   |                          |   |
|---------------------------------------|---|--------------------------|---|
| <b>Request:</b>                       | A Conditional Use Permit to allow the sale of beer and wine for on-premise consumption at 200 Springtown Way, Suite 138 |                          |   |
| <b>Applicant:</b>                     | Ye Lin<br>205 Southern Carina Drive<br>Round Rock, TX 78681   | <b>Property Owner:</b>   | Springtown VMU LTD<br>500 West 5 <sup>th</sup> Street Ste 700<br>Austin, TX 78701 |
| <b>Square Feet:</b>                   | 1,651 square feet   | <b>Type of CUP:</b>      | Beer and Wine   |
| <b>Interior seating:</b>              | 80  | <b>Outdoor seating:</b>  | 30  |
| <b>Parking Required:</b>              | 28  | <b>Parking Provided:</b> | Shared  |
| <b>Days &amp; Hours of Operation:</b> | Monday - Saturday: 11 a.m. – 10 p.m.<br>Sunday: 12 p.m. – 10 p.m.   |                          |   |

### Notification

|                  |                                    |                  |                |
|------------------|------------------------------------|------------------|----------------|
| <b>Posted:</b>   | April 25, 2020                     | <b>Personal:</b> | April 25, 2020 |
| <b>Response:</b> | None as of the date of this report |                  |                |

### Property Description

|                           |   |                               |                             |
|---------------------------|---|-------------------------------|-----------------------------|
| <b>Legal Description:</b> | Lot 5A Springtown V Subdivision                         |                               |                             |
| <b>Location:</b>          | Near the intersection of Thorpe Lane and Springtown Way |                               |                             |
| <b>Acreage:</b>           | 6.5 acres +/-   | <b>Central Business Area:</b> | No                          |
| <b>Existing Zoning:</b>   | Vertical Mixed Use (VMU)                                | <b>Preferred Scenario:</b>    | Midtown High Intensity Zone |
| <b>Existing Use:</b>      | Vacant  | <b>Proposed Use:</b>          | Restaurant                  |
| <b>CONA Neighborhood:</b> | Millview West   | <b>Sector:</b>                | 7                           |
| <b>Utility Capacity:</b>  | Adequate  |                               |                             |

### Surrounding Area

|                           | <b>Zoning</b> | <b>Existing Land Use</b> | <b>Preferred Scenario</b> |
|---------------------------|---------------|--------------------------|---------------------------|
| <b>North of Property:</b> | GC            | Retail/Restaurants       | High Intensity            |
| <b>South of Property:</b> | GC            | Retail/Restaurants       | High Intensity            |
| <b>East of Property:</b>  | GC            | Restaurants              | High Intensity            |
| <b>West of Property:</b>  | GC            | Restaurants              | High Intensity            |

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### History

Xian Sushi & Noodle is located near the intersection of Springtown Way and Thorpe Lane. It is on the ground floor of the Lyndon, a mixed-use apartment building. The restaurant is approximately 2,651 square feet, and is requesting a CUP for beer and wine.

### Additional Analysis

The restaurant is proposing 80 indoor seats, with 30 outdoor seats. At this time the applicant does not intend to have outdoor speakers on the patio. The building is located within the Springtown Shopping Center and does not front on a public street.

### Comments from Other Departments

|                        |             |
|------------------------|-------------|
| <b>Police</b>          | No Concerns |
| <b>Fire</b>            | No Concerns |
| <b>Public Services</b> | No Concerns |
| <b>Engineering</b>     | No Concerns |

### Staff Recommendation

|  |                       |                                     |                                      |                          |                             |
|--|-----------------------|-------------------------------------|--------------------------------------|--------------------------|-----------------------------|
| <input type="checkbox"/>   | Approval as Submitted | <input checked="" type="checkbox"/> | Approval with Conditions / Alternate | <input type="checkbox"/> | Denial                      |
| <ol style="list-style-type: none"> <li>1. Permit shall be valid for one (1) year, provided standards are met;</li> <li>2. There shall be no outdoor amplified music;</li> <li>3. The business shall be responsible for maintaining the sidewalk, gutters, parking lot, all areas within 100 feet of any exit, and all areas of the permitted property in a clean and sanitary condition, free from litter and refuse at all times;</li> <li>4. The permit shall be effective upon the issuance of a Certificate of Occupancy; and</li> <li>5. The permit shall be posted in the same area and manner as the Certificate of Occupancy.</li> </ol> |                       |                                     |                                      |                          |                             |
| <b>Staff:</b> Will Parrish   |                       |                                     | <b>Title :</b> Planner               |                          | <b>Date:</b> April 29, 2020 |

|                        |                                 |
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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.<br><b>Studies were not complete at the time of this request</b>   |
| <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).   |