

Conditional Use Permit	310 North IH-35
CUP-20-15	Hooters Renewal



Summary

Request:	Renewal of a Conditional Use Permit to allow the sale of mixed beverages for on premise consumption at 310 North IH-35		
Applicant:	TW Restaurant Holder, LLC d/b/a Hooters 1851 The Exchange Atlanta, GA 30339	Property Owner:	Scott and Lisa Little 1507 Live Oak Lane Andrews, TX 78741
Square Feet:	6,618 square feet	Type of CUP:	Mixed Beverage
Interior seating:	227	Outdoor seating:	50
Parking Required:	-62 spaces for Hooters restaurant -40 spaces for Freddy's restaurant	Parking Provided:	-119 spaces within subject property -161 for entire site including Freddy's restaurant
Days & Hours of Operation:	Sunday-Thursday: 11 a.m. – 11 p.m. Friday-Saturday: 11 a.m. – 12 a.m.		

Notification

Posted:	August 21, 2020	Personal:	August 21, 2020
Response:	None as of the date of this report		

Property Description

Legal Description:	Thornton Addition Replat, Lot 1B		
Location:	Near the intersection of IH-35 Frontage Road and Luciano Flores Boulevard		
Acreage:	3.816 acres +/-	Central Business Area:	No
Existing Zoning:	General Commercial (GC)	Preferred Scenario:	Downtown High Intensity Zone/Open Space Area of Stability
Existing Use:	Restaurant	Proposed Use:	Restaurant
CONA Neighborhood:	Wallace Addition	Sector:	5
Utility Capacity:	Adequate		

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	GC	Restaurant	High Intensity/Open Space
South of Property:	GC	Vacant Commercial	High Intensity
East of Property:	GC/FD	Vacant	High Intensity/Open Space
West of Property:	GC	I-35	High Intensity

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History

Hooters is located at the intersection of North IH-35 and Luciano Flores Boulevard. The applicant is proposing to continue to serve mixed beverages at this restaurant. The restaurant received their initial Conditional Use Permit from the Commission in 2015 for one (1) year and then applied for renewal of the CUP in 2017 which was subsequently granted for three (3) years.

The total gross floor area of the space is approximately 6,220 square feet with 227 indoor seats and 50 outdoor seats which face Luciano Flores Boulevard. No entertainment facilities are proposed at this time. The current and proposed continued hours of operation are from 11 am-11 pm Sunday-Thursday and 11 am-12 am Friday and Saturday. Based upon the San Marcos Development Code, Hooters is required to provide 62 parking spaces. Hooters has 119 parking spaces within their site as well as access to the additional 42 spaces located on the adjacent lot where Freddy’s Restaurant is located.

Additional Analysis

None.

Comments from Other Departments

Police	No Concerns
Fire	No Concerns
Public Services	No Concerns
Engineering	No Concerns

Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/>	Approval with Conditions / Alternate	<input type="checkbox"/>	Denial	<input type="checkbox"/>
1. The permit shall be posted in the same area and manner as the Certificate of Occupancy.					
Staff: Shavon Caldwell		Title : Planner		Date: September 8, 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. Studies were not complete 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.
<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).