

Conditional Use Permit CUP-20-20

322 Cheatham St Ste. A Patio Dolcetto Renewal



Summary

Request:	Conditional Use Permit renewal to allow the sale of beer and wine for on premise consumption		
Applicant:	Dolcetto, LLC 322 Cheatham St San Marcos, TX 78666	Property Owner:	Hilldale Ventures, LLC 322 Cheatham St San Marcos, TX 78666
CUP Expiration:	09/10/2020	Type of CUP:	Alcohol Outside CBA/Beer and Wine
Interior Floor Area:	838 sq ft	Outdoor Floor Area:	600 sq ft
Parking Required:	17	Parking Provided:	24
Days & Hours of Operation:	Sunday: 11 a.m.-10 p.m. Monday-Thursday: 4 p.m.-11 p.m. Friday & Saturday: 4 p.m.-12 a.m.		

Notification

Posted:	September 25, 2020	Personal:	September 25, 2020
Response:	None as of the date of this report		

Property Description

Legal Description:	Riverside Subdivision, Unit 1		
Location:	Cheatham Street		
Acreage:	0.18 acres	Central Business Area:	No
Existing Zoning:	Community Commercial	Preferred Scenario:	Existing Neighborhood
Existing Use:	Bar	Proposed Use:	Bar
CONA Neighborhood:	East Guadalupe	Sector:	4
Utility Capacity:	Adequate		

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	Community Commercial	Retail	Existing Neighborhood
South of Property:	Single Family (SF-6)	Residential	Existing Neighborhood
East of Property:	Community Commercial	Leased Office Space	Existing Neighborhood
West of Property:	Mixed Use	Residential	Existing Neighborhood

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History

Patio Dolcetto's initial Conditional Use Permit became effective after receiving their Certificate of Occupancy in 2015. The permit was renewed by the Planning & Zoning Commission in 2016 for a period of three (3) years with the following conditions:

- There shall be no amplified live music outdoors; and
- There shall be no live music outdoors after 10:00 pm.

In 2019 Patio Dolcetto received a renewal permit for a period of one (1) year with the following conditions:

- Permit is valid for the one (1) year, provided standards are met;
- The permit is posted in the same area and manner as the Certificate of Occupancy;
- Any amplified live music outdoors or in other unconditioned areas shall only be allowed on Fridays and Saturdays before 10:00 pm.; and
- There shall be no live music outdoors or in other unconditioned areas after 10:00 pm

Additional Analysis

In order to limit potential disruption caused by the outdoor areas, staff recommends that the conditions on the current permit be applied to the future permit. Staff does however recommend that the renewal be valid for a period of three (3) years.

Additionally, the City has recently restriped Cheatham Street in order to extend existing bike lanes and provide a measure of traffic calming between C.M. Allen Drive and L.B.J Drive. As part of this restriping, on street parallel parking was added to three blocks of Cheatham Street, including directly in front of Patio Dolcetto.

Comments from Other Departments

Police	No Comment
Fire	No Comment
Public Services	No Comment
Engineering	No Comment

Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/>	Approval with Conditions / Alternate	Denial
<ol style="list-style-type: none"> 1. Permit is valid for the three (3) year, provided standards are met; 2. The permit is posted in the same area and manner as the Certificate of Occupancy; 3. Any amplified live music outdoors or in other unconditioned areas shall only be allowed on Fridays and Saturdays before 10:00 pm.; and 4. There shall be no live music outdoors or in other unconditioned areas after 10:00 pm 			
Staff: Will Parrish - AICP, CNU-A		Title: Planner	Date: October 16, 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. <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>To supplement their on-site required parking, Dolcetto has a shared parking agreement with a neighboring property one block over on Cheatham Street. This reduces the possibility of patrons parking on neighborhood streets. They also offer a 10% discount to patrons who arrive via bicycle to help reduce vehicular traffic.</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.
<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.
<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.