

Conditional Use Permit CUP-21-05

301 N LBJ Dr.
The Blind Salamander



Summary

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|---------------------------------------|--|--|---|
| Request: | New Conditional Use Permit for On-Premise Consumption of Mixed Beverages | | |
| Applicant: | The Blind Salamander 2686 Black Bear Dr New Braunfels, TX 78132 | Property Owner: | Allen Shy, ShyPenn LTD 2686 Black Bear Dr New Braunfels, TX 78132 |
| CUP Expiration: | N/A | Type of CUP: | Mixed Beverage |
| Interior Floor Area: | 4,850 sq ft | Outdoor Floor Area: | 714 sq ft |
| Parking Required: | 0 spaces | Parking Provided: | 0 |
| Days & Hours of Operation: | Monday: 11am-12am Thursday: 11am-2am Sunday: 11am – 11pm | Tuesday: 11am-12am Friday: 11am-2am | Wednesday: 11am-12am Saturday: 11am-2am |

Notification

| | | | |
|---------------------|------------------------------------|------------------------------|----------|
| Application: | N/A | Neighborhood Meeting: | N/A |
| Published: | N/A | # of Participants: | N/A |
| Posted: | 6/4/2021 | Personal: | 6/4/2021 |
| Response: | None as of the date of this report | | |

Property Description

| | | | |
|------------------------------|---|--|---|
| Legal Description: | ShyPenn 1 Subdivision, Lot 1 | | |
| Location: | Northwest Corner of the N LBJ Dr and E Hutchison St. Intersection | | |
| Acreage: | 0.182-acres | PDD/DA/Other: | N/A |
| Existing Zoning: | CD-5D | Proposed Zoning: | N/A |
| Existing Use: | Under Construction | Proposed Use: | Small Multi-Family (up to 9), Eating Establishment, & Mixed Beverages Sales |
| Preferred Scenario: | High Intensity/Downtown | Proposed Designation: | Same |
| CONA Neighborhood: | Downtown | Sector: | 8 |
| Utility Capacity: | Adequate | Floodplain: | No |
| Historic Designation: | N/A | My Historic SMTX Resources Survey | Low Priority |

Surrounding Area

| | Zoning | Existing Land Use | Preferred Scenario |
|---------------------------|---------------|------------------------------------|---------------------------|
| North of Property: | CD-5D | Mobettacutz Barber Shop | High Intensity / Downtown |
| South of Property: | CD-5D | Sophia Hair Salon | High Intensity / Downtown |
| East of Property: | CD-5D | Barefoot Outfitters | High Intensity / Downtown |
| West of Property: | CD-5D | Louie's Beer Garden & Oyster House | High Intensity / Downtown |

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Staff Recommendation

| | | | |
|---|-------------------------------------|--------------------------------------|----------------|
| Approval as Submitted | <input checked="" type="checkbox"/> | Approval with Conditions / Alternate | Denial |
| <ul style="list-style-type: none"> The permit shall become effective only upon the issuance of a TABC license; The permit shall be valid for one (1) year, provided standards are met; and The permit shall be posted in the same area and manner as the Certificate of Occupancy. | | | |
| Staff: Will Rugeley, AICP | | Title: Planner | Date: 6/8/2021 |

History

This site was initially a 1960s gas station that later became Nichols Tire. In November 2018 the building was demolished and in June 2019 a new building permit application was approved for a mixed-use project which will have 8-multifamily units, 2 lease spaces, and a restaurant of which is the subject of this CUP.

Additional Analysis

Restaurant and Bar uses serving alcohol within the downtown CBA are subject to specific Use Standards which include limitations on noise, cleanliness of immediately adjacent areas, serving meals to customers, and 3-year maximum terms of CUP validity. Staff's recommended condition that this CUP be valid initially for only 1-year corresponds with prior, similar approvals.

Comments from Other Departments

| | |
|-----------------|------------|
| Police | No Comment |
| Fire | No Comment |
| Public Services | No Comment |
| Engineering | No Comment |

| Evaluation | | | Criteria for Approval (Sec. 2.8.3.4 & 5.1.5.5) |
|-------------------------------------|--------------|-------------------------------------|---|
| Consistent | Inconsistent | Neutral | |
| <input checked="" type="checkbox"/> | | | 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. |
| <input checked="" type="checkbox"/> | | | The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations. |
| | | <u>N/A</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. |
| | | <input checked="" type="checkbox"/> | <p>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.</p> <p><i>The High Intensity / Downtown PSA designation projects this area to experience increased pedestrian and vehicular traffic.</i></p> |

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| Evaluation | | | Criteria for Approval (Sec. 2.8.3.4 & 5.1.5.5) |
|------------|--------------|------------|---|
| Consistent | Inconsistent | Neutral | |
| | | <u>N/A</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. |