

Conditional Use Permit	101 & 105 East Hopkins Street
CUP-21-17	Mr. Exotics Steakhouse



Summary

Request:	New Conditional Use Permit		
Applicant:	John Mark Slack 714 Burleson Street San Marcos, TX 78666	Property Owner:	Carl Aiken 242 Whitney Run Buda, TX 78610
CUP Expiration:	N/A	Type of CUP:	Restaurant / Mixed Beverage
Interior Floor Area:	3,000 sq. ft.	Outdoor Floor Area:	N/A
Parking Required:	0 spaces	Parking Provided:	N/A
Days & Hours of Operation:	Monday: CLOSED Tuesday – Sunday: 11am-10pm		

Notification

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

Property Description

Legal Description:	Original Town of San Marcos, Block 20, Lot W ¾ of 8		
Location:	Corner of East Hopkins Street and North Guadalupe Street		
Acreage:	0.2076 acres	PDD/DA/Other:	N/A
Existing Zoning:	CD-5D	Proposed Zoning:	CD-5D
Existing Use:	Vacant	Proposed Use:	Steakhouse Restaurant
Preferred Scenario:	Downtown High Intensity	Proposed Designation:	Same
CONA Neighborhood:	Downtown	Sector:	8
Utility Capacity:	Adequate	Floodplain:	No
Historic Designation:	Downtown Historic District; Hays County Courthouse District National Register of Historic Places	My Historic SMTX Resources Survey	Yes; High Preservation Priority

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	CD-5D	218 Co-Op Gallery	Downtown High Intensity
South of Property:	CD-5D	Hays County Courthouse	Downtown High Intensity
East of Property:	CD-5D	Blue Dahlia Bistro	Downtown High Intensity
West of Property:	CD-5D	The Vault	Downtown High Intensity

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Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/> Approval with Conditions	Denial
<p>Staff has reviewed the application with criteria from Sections 2.8.3.4 and 5.1.5.5 of the San Marcos Development Code and recommends approval with the following conditions:</p> <ol style="list-style-type: none"> 1. The permit is valid for six (6) months, provided standards are met. 2. Food shall be available to patrons in all areas of the restaurant in a manner that meets the requirements of Section 5.1.5.5(4)(b), Eating Establishments – Downtown CBA Boundary. 3. The hours of operation shall be limited to Tuesday – Sunday: 11 AM – 10 PM, as stated in the application. 4. Inside amplified music shall be limited to the hours of operation as presented (11 AM – 10 PM). 5. Use of the second floor is prohibited unless a building permit or Certificate of Occupancy for the space has been obtained. 6. The permit shall be effective upon completion of a functioning kitchen that meets all Environmental Health requirements to allow for food preparation. 7. The permit shall be effective upon compliance with the approved Administrative Certificate of Appropriateness (HPC-21-04). 8. The permit shall be effective upon compliance with the decision of the Historic Preservation Commission in Case HPC-21-06. 9. The permit shall be effective upon issuance of an interior remodel permit. 10. The permit shall be effective upon issuance of Permit 2021-35473 (Tenant Finish Out). 11. The permit shall be effective upon the issuance of a Certificate of Occupancy. 12. The permit shall be posted in the same area and manner as the Certificate of Occupancy. 		
Staff: Alison Brake, CNU-A	Title: Historic Preservation Officer	Date: June 17, 2021

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History

The applicant is requesting a CUP to serve Mixed Beverages for a new steakhouse, specializing in steaks made from exotic game. Located on the ground level of a two-story building in the Downtown Square, the space used to be home to River Rose retail shop and the Central Texas Ballet Studio.

Code Enforcement received a complaint regarding construction occurring to the interior of the building. After inspection of the property, Code Enforcement found no evidence of permits being issued for the work and staff issued a Stop Work Order on April 1, 2021.

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 conditions correspond with concerns received from other departments. See additional analysis below.

Comments from Other Departments

Police	The Police Department is concerned with the piano stage shown on Page 6 of the plans submitted and believe that without adequate seating, this is an attempt to run a bar under the guise of being a restaurant.
Fire	The Fire Department raised no concerns with proposed use of the space. However, they would like a better understanding of what occupancy type the applicant is intending for the second story space. <i>(At this time, there is no plan to utilize the second story.)</i>
Public Services	No Comment
Engineering	No Comment
Convention and Visitor Bureau (CVB)	The CVB has concerns with the size of the kitchen stating that it appears to be inadequate for a steakhouse or a fully operational restaurant and small or an inadequate kitchen size traditionally leads to poor customer service. Steakhouse type restaurants require a higher standard of service. Their concern is that the focus of this project appears as a dance club or bar rather than a restaurant.
Code Enforcement	Code Enforcement has verified that work on the interior of the building without the proper permits being issued has continued since the Stop Work Order was issued; work verified through video footage of people entering and exiting the property at night and on the weekends. The property owner allowed Code Enforcement staff into the building where staff verified that an interior wall has been removed, allowing passage between 101 and 105 E. Hopkins St. Additionally new plumbing and a restroom was installed without proper permits.

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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 were not complete 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. <i>The proposed use is consistent with the general intent of the zoning district. Character District 5-Downtown zoning allows retail and service type uses by right and allows businesses that sell alcohol for on-premise consumption through the Conditional Use Permit process.</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>The location is adjacent to other properties utilized as bars and restaurants with alcohol sales.</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. <i>The use is not incorporating adjustments or control devices to reduce or eliminate traffic.</i>
		<u>X</u>	The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties. <i>The applicant is not proposing any new additional improvements to the site.</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.
<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.