



<b>Conditional Use Permit</b>	<b>1400 Aquarena Springs Dr.</b>
<b>CUP-21-16</b>	<b>Anchor Bar</b>

### Summary

<b>Request:</b>	New Conditional Use Permit to allow the sale of mixed beverages		
<b>Applicant:</b>	Joe Snyder, Bramerson, Inc 25915 Kalkstein Loop, New Braunfels, TX-78132	<b>Property Owner:</b>	Joe Snyder, Bramerson, Inc 25915 Kalkstein Loop, New Braunfels, TX-78132
<b>Square Feet:</b>	8939 square feet	<b>Type of CUP:</b>	Mixed Beverages
<b>Interior seating:</b>	325	<b>Outdoor seating:</b>	None
<b>Parking Required:</b>	82 (based on seating provided)	<b>Parking Provided:</b>	103
<b>Days &amp; Hours of Operation:</b>	Sunday – Thursday: 11am – 10:30pm Friday - Saturday: 11am – 11:30pm		

### Notification

<b>Posted:</b>	June 22, 2021	<b>Personal:</b>	June 22, 2021
<b>Response:</b>	None as of the date of this report		

### Property Description

<b>Legal Description:</b>	Mamacita's Subdivision, Lot 1, 1.58 Acres		
<b>Location:</b>	Aquarena Springs Drive between Warden Lane and Zunker Street		
<b>Acreage:</b>	1.58	<b>Central Business Area:</b>	No
<b>Existing Zoning:</b>	CC	<b>Preferred Scenario:</b>	Midtown Entertainment – High Intensity
<b>Existing Use:</b>	Vacant (previously a Restaurant/Bar)	<b>Proposed Use:</b>	Restaurant/Bar
<b>CONA Neighborhood:</b>	Millview West	<b>Sector:</b>	7
<b>Utility Capacity:</b>	Adequate		



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**Surrounding Area**

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Preferred Scenario</b>
<b>Northeast of Property:</b>	(CC) Community Commercial	Mixed commercial including retail and restaurants.	Midtown Entertainment – High Intensity
<b>Northwest of Property:</b>	(GC) General Commercial	Café/ Car Wash	Midtown Entertainment – High Intensity
<b>Southeast of Property:</b>	SF-6 and (CC) Community Commercial	Single Family Residential	Midtown Entertainment – High Intensity
<b>Southwest of Property:</b>	Mixed Use(MU) and Multi Family (MF-24)	Apartment complex and pregnancy resource center	Midtown Entertainment – High Intensity

**Staff Recommendation**

Approval as Submitted	<input checked="" type="checkbox"/> <b>Approval with Conditions</b>	Denial
<ol style="list-style-type: none"> <li>1. The applicant shall not apply for a late hour’s license from the Texas Alcoholic Beverage Commission (TABC);</li> <li>2. Any addition of outdoor seating on the site shall necessitate an amendment to this CUP;</li> <li>3. No permanent vehicular access to the site shall be established less than 200 ft. from the property line of any single family residential home;</li> <li>4. The applicant shall maintain the existing landscaping screen along the boundary of the site;</li> <li>5. The applicant shall provide 4 bicycle parking spaces in accordance with the minimum parking requirements set out in Table 7.1 of the Land Development Code;</li> <li>6. The permit shall be valid for one (1) year, provided standards are met;</li> <li>7. The permit shall be effective only upon the issuance of a TABC License and a Certificate of Occupancy, and</li> <li>8. The permit shall be posted in the same area and manner as the Certificate of Occupancy.</li> </ol>		
<b>Staff:</b> Julia Cleary	<b>Title :</b> Planner	<b>Date:</b> July 8, 2021



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**History**

Mamacita’s restaurant/bar, which was granted a Conditional Use Permit for the sale of mixed beverages in 1994, previously occupied the building (SUP-94-34).

**Additional Analysis**

This building has long been established as a restaurant/ bar and so the granting of a CUP is consistent with the long-term use of the site. As was the case with the previous restaurant/ bar, no permanent outdoor seating is proposed in the application, minimizing impact on the multifamily apartments to the southwest and single-family residences to the south east of the site.

Existing landscaping on the site provides a buffer between the parking lot and the single-family homes on Zunker St, and an additional condition is proposed requiring that this landscaping be maintained in its current state by the applicant.

Due to the proximity of residential uses, a late hour’s license is not considered appropriate for this location, and so a condition is recommended requiring that the applicant not apply for a late hour’s license from the TABC. (*n.b Late hours is defined by the TABC as outside the hours of 7 a.m– midnight Monday – Saturday, and 12 a.m-1 a.m on Sunday (or 10 a.m –midnight on Sunday if brunch is provided)*)

**Comments from Other Departments**

<b>Police</b>	Concerned with potential noise complaints from nearby residences.
<b>Fire</b>	Building will need to comply with updated Fire Code.
<b>Public Services</b>	No comments received
<b>Engineering</b>	No comments received
<b>Building</b>	Certificate of Occupancy Required, Remodel Permit may be required depending on the scope of work.
<b>Health Department</b>	No issues or concerns at present time

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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. <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. <b>Pedestrian and vehicular traffic are anticipated to be similar to those generated by the previous occupant of the building.</b>
		<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. <b>Per Section 5.1.5.5(E) (4) of the LDC, the distance between the place of business and private residence is measured along the property lines of streets, from front door to front door, and in a direct line across street intersections. Although the property line of the place of business is within 300 ft. of the property line of a single-family residence, it does meet the 300 ft. distance requirement based on the method of measuring distance set out in the code.</b>



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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 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).