

Conditional Use Permit	110 North LBJ Drive
CUP-21-31	Valentino's



Summary

Request:	New Conditional Use Permit		
Applicant:	Cody Taylor Flour Power LLC 1511 Owens Street San Marcos, TX 78666	Property Owner:	Mark Shields MLKSM, LLC 510 Hearn Street Austin, TX 78666
CUP Expiration:	N/A	Type of CUP:	Restaurant: Mixed Beverage
Interior Floor Area:	+/- 2,977 sq ft	Outdoor Floor Area:	+/- 629 sq ft
Parking Required:	0 spaces	Parking Provided:	No
Days & Hours of Operation:	Monday – Friday: 11am-2am Saturday – Sunday: 10am-2am		

Notification

Application:	N/A	Neighborhood Meeting:	N/A
Published:	N/A	# of Participants:	N/A
Posted:	September 10, 2021	Personal:	September 10, 2021
Response:	None as of the date of this report		

Property Description

Legal Description:	Original Town of San Marcos, Block 8, Lot 1/2 of 7		
Location:	North of the intersection with East San Antonio Street		
Acreage:	0.083 acres	PDD/DA/Other:	N/A
Existing Zoning:	CD-5D	Proposed Zoning:	Same
Existing Use:	Vacant	Proposed Use:	Restaurant
Preferred Scenario:	Downtown High Intensity Zone	Proposed Designation:	Same
CONA Neighborhood:	Downtown	Sector:	8
Utility Capacity:	Adequate	Floodplain:	Yes or No
Historic Designation:	Downtown District; National Register District	My Historic SMTX Resources Survey	Yes; Medium Preservation Priority

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	CD-5D	Insurance Company	Downtown High Intensity
South of Property:	CD-5D	Vacant Hays County Annex	Downtown High Intensity
East of Property:	CD-5D	Wells Fargo Bank	Downtown High Intensity
West of Property:	P	Hays County Courthouse Square	Downtown High Intensity

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Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/>	Approval with Conditions	Denial
<ol style="list-style-type: none"> The permit shall be valid for one (1) year, provided standards are met. 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. Outdoor amplified music on the rear patio directly adjacent to the alley shall be limited to the hours between 11 am and 10 pm (Monday – Friday) and 10 am and 10 pm (Saturday – Sunday). The permit shall be effective upon the issuance of a Certificate of Occupancy. 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: September 23, 2021

History

Valentino's, a pizza restaurant, shut down in 2018. Previously, the restaurant held a long-standing Unrestricted (bar) permit to serve alcohol for on-premises consumption; the permit dated back to 1991. A new owner bought the business and would like to keep the previous business model, which includes the continuation of serving pizza through the late-night hours. The previous Valentino's operated the late-night window (pizza by the slice) Tuesday/Thursday/Friday/Saturday, with no customers inside the building after 2:00 AM.

The applicant is proposing a plan to convert the space located at the rear of the building to a covered patio area. This space, which is approximately 629 square feet, was a storage space for the previous Valentino's Pizza business but the new owner would like to utilize it as an enclosed patio area where patrons can dine-in or pick-up; see Initial Floor Plan with Separations attachment in packet.

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 the conditions of prior approvals and concerns from other departments.

Due to the building's location within the Downtown Historic District, any exterior changes to the building will be required to receive an approved Certificate of Appropriateness prior to installation.

Comments from Other Departments

Police	There were concerns regarding the proposed late hours of operation and the amount of amplified noise that may come from the business, especially from the rear patio area, as Lindsey Lofts, a multifamily residential complex, is located along East San Antonio Street.
Fire	No Comment
Public Services	No Comment
Engineering	No Comment

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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.
<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 near other properties utilized as bars and restaurants with alcohol sales. Conditions are proposed to address noise. The applicants have stated that there are no plans for amplified music aside from mounted speakers for ambient music inside the dining room as well as the converted back patio area.</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.
<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.