



Legislation Details (With Text)

File #: CUP-18-03 **Version:** 1 **Name:**

Type: Action Item **Status:** Tabled

File created: 1/8/2018 **In control:** Planning and Zoning Commission

On agenda: 1/23/2018 **Final action:** 1/23/2018

Title: CUP-18-03 (Olive Garden) - Hold a public hearing and consider a request by Olive Garden Holdings, LLC on behalf of Eirrek OGT, LLC to renew a Conditional Use Permit to allow for the sale of mixed beverages at 1305 S IH 35. (W. Parrish)

Sponsors:

Indexes:

Code sections:

Attachments: 1. CUP-18-03 Notification Map, 2. CUP-18-03 Aerial Map.pdf, 3. CUP-18-03 Staff Report, 4. CUP-18-03 Site Plan, 5. CUP-18-03 Floor Plan, 6. CUP-18-03 Menu, 7. CUP-18-03 Application, 8. CUP-18-03 Presentation

Date	Ver.	Action By	Action	Result
1/23/2018	1	Planning and Zoning Commission	tabled	Pass

AGENDA CAPTION:

CUP-18-03 (Olive Garden) - Hold a public hearing and consider a request by Olive Garden Holdings, LLC on behalf of Eirrek OGT, LLC to renew a Conditional Use Permit to allow for the sale of mixed beverages at 1305 S IH 35. (W. Parrish)

Meeting date: 1/23/2018

Department: Planning and Development Services

Amount & Source of Funding

Funds Required: NA
Account Number: NA
Funds Available: NA
Account Name: NA

Fiscal Note:

Prior Council Action: NA

City Council Goal: [Please select goal from dropdown menu below]

Choose an item.

Choose an item.

Choose an item.

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu]

below]

- Economic Development - Choose an item.
- Environment & Resource Protection - Choose an item.
- Land Use - Choose an item.
- Neighborhoods & Housing - Choose an item.
- Parks, Public Spaces & Facilities - Choose an item.
- Transportation - Choose an item.
- Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

Background Information:

The applicant owns an Olive Garden restaurant which occupies an approximately 7,757 square foot building. The restaurant offers a full menu and has 249 seats. There are 195 off street parking spaces.

The hours of operation are from 11 a.m. to 10 p.m. Sunday-Thursday and 11 a.m. to 11 p.m. Friday -Saturday.

Olive Garden submitted a Conditional Use Permit application for this location which was originally approved on December 08, 2015 by the Planning and Zoning Commission. An appeal was filed by a concerned neighbor, which led to City Council approving the Conditional Use Permit with modified conditions on January 19, 2016.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Staff provides this request to the Commission for your consideration and recommends **approval** of the Conditional Use Permit with the following conditions:

- 1. The CUP shall be valid for three (3) years, as long as the TABC regulations are met;**
- 2. The building shall be no closer than 40 feet to the property line of the nearest residential property;**
- 3. The CUP shall be posted in the same area and manner as the Certificate of Occupancy;**
- 4. No outdoor dining space is allowed;**

5. No outdoor amplified music shall be audible across property lines;
6. Trucks longer than 30 feet must ingress and egress on the IH-35 service road (not Hays Street)
7. Olive Garden must keep a sign near the access to 118 Hays Street that discourages traffic through the neighborhood