



## Legislation Details (With Text)

**File #:** CUP-19-01    **Version:** 1    **Name:**  
**Type:** Action Item    **Status:** Passed  
**File created:** 1/4/2019    **In control:** Planning and Zoning Commission  
**On agenda:** 1/22/2019    **Final action:** 1/22/2019  
**Title:** CUP-19-01 (The Railyard) Hold a public hearing and consider a request by Railyard Bar & Grill, L.L.C., on behalf of Radiant Solutions, L.L.C., to renew a Conditional Use Permit to allow the sale of mixed beverages for on premise consumption at 116 South Edward Gary Street. (A. Brake)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. CUP-19-01 Notification Map, 2. CUP-19-01 Aerial Map, 3. CUP-19-01 Staff Report, 4. CUP-19-01 Floor Plan, 5. CUP-19-01 Staff Site Visit Photo, 6. CUP-19-01 Outdoor Fire Pit Photo, 7. CUP-19-01 Presentation

Date	Ver.	Action By	Action	Result
1/22/2019	1	Planning and Zoning Commission	approved	Pass

### **AGENDA CAPTION:**

CUP-19-01 (The Railyard) Hold a public hearing and consider a request by Railyard Bar & Grill, L.L.C., on behalf of Radiant Solutions, L.L.C., to renew a Conditional Use Permit to allow the sale of mixed beverages for on premise consumption at 116 South Edward Gary Street. (A. Brake)

**Meeting date:** January 22, 2019

**Department:** Planning and Development Services

### **Amount & Source of Funding**

**Funds Required:** N/A

**Account Number:** N/A

**Funds Available:** N/A

**Account Name:** N/A

### **Fiscal Note:**

**Prior Council Action:** N/A

**City Council Strategic Initiative:** N/A

### **Comprehensive Plan Element (s):**

- ☐ Economic Development
- ☐ Environment & Resource Protection

- ☐ Land Use
- ☐ Neighborhoods & Housing
- ☐ Parks, Public Spaces & Facilities
- ☐ Transportation
- ☐ Not Applicable

**Master Plan:** N/A

**Background Information:**

The Railyard is a restaurant and bar that has been open since 2011 and received a three (3) year CUP which became valid in April 2014; it expired in April 2017.

While the expiration date is stated on the CUP Certificate, the applicant states that they were under the impression that their CUP approval period was for five (5) years. They also stated a notification letter reminding them of the expiration was never received. There appears to be no record of a reminder notice sent to them by City staff.

The Fire Department has concerns about an outdoor fire pit that appears to have been installed without first receiving a permit. The Police Department has reported that there have been no major incidents with the business in the time since the last CUP approval.

Staff finds the request, with the existing conditions from the last approval period, will continue to be consistent with the policies and general intent of the zoning district. Limiting the approval period to one year would allow the applicant to work to receive a permit for the outdoor fire pit.

Staff has reviewed the request and determined the requirements of Section 2.8.3.4 and Section 5.1.5.5 of the San Marcos Development Code have been met.

**Council Committee, Board/Commission Action:**

**Alternatives:**

**Recommendation:**

Staff recommends **approval** with the following conditions:

1. The permit shall be valid for one (1) year, provided standards are met;
2. All live music shall be restricted to the indoor stage and may continue until 2 AM;
3. The outdoor fire pit shall not be utilized until it has been approved and permitted for use by the City;  
and
4. The permit shall be posted in the same area and manner as the Certificate of Occupancy.