



## Legislation Details (With Text)

**File #:** CUP-21-17    **Version:** 1    **Name:**

**Type:** Action Item    **Status:** Failed

**File created:** 6/10/2021    **In control:** Planning and Zoning Commission

**On agenda:** 6/22/2021    **Final action:** 6/22/2021

**Title:** CUP-21-17 (Mr. Exotics Steakhouse) Hold a public hearing and consider a request by John Mark Slack, on behalf of Mr. Exotics Steakhouse, for a new Conditional Use Permit to allow the sale and on premise consumption of Mixed Beverages at 101 and 105 East Hopkins Street. (A. Brake)

**Sponsors:** Alison Brake

**Indexes:**

**Code sections:**

**Attachments:** 1. CUP-21-17 Staff Report, 2. CUP-21-17 Maps, 3. CUP-21-17 Business Details, 4. CUP-21-17 Stop Work Order, 5. CUP-21-17 Application Documents, 6. CUP-21-17 Presentation

Date	Ver.	Action By	Action	Result
6/22/2021	1	Planning and Zoning Commission	denied	Pass

### **AGENDA CAPTION:**

CUP-21-17 (Mr. Exotics Steakhouse) Hold a public hearing and consider a request by John Mark Slack, on behalf of Mr. Exotics Steakhouse, for a new Conditional Use Permit to allow the sale and on premise consumption of Mixed Beverages at 101 and 105 East Hopkins Street. (A. Brake)

**Meeting date:** June 22, 2021

**Department:** Planning & 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
- ☐ Core Services
- ☒ Not Applicable

**Master Plan:**

N/A

**Background Information:**

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.

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.

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

N/A

**Alternatives:**

N/A

**Recommendation:**

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:

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. No alcoholic beverages may be consumed on premises after the posted hours of operation.
4. Inside amplified music shall be limited to the posted hours of operation.
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.