



Legislation Details (With Text)

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Type: Action Item **Status:** Individual Consideration

File created: 9/7/2021 **In control:** City Council

On agenda: 9/29/2021 **Final action:**

Title: Receive a Staff presentation and hold a Public Hearing, to receive comments, and consider an appeal of the decision of the Planning and Zoning Commission to deny CUP-21-21, a request by Eric White, on behalf of Vodka Street Global Bistro, for the renewal of a Conditional Use Permit to allow the sale and on-premise consumption of Mixed Beverages at 200 North LBJ Drive, Suite 101 and provide direction to Staff.

Sponsors: Alison Brake

Indexes:

Code sections:

Attachments: 1. Presentation, 2. July 13, 2021 Planning and Zoning Commission Minutes FINAL, 3. August 10, 2021 Planning and Zoning Commission Minutes FINAL, 4. August 10, 2021 Planning & Zoning Commission Agenda Packet

Date	Ver.	Action By	Action	Result
9/29/2021	1	City Council		
9/29/2021	1	City Council		

AGENDA CAPTION:

Receive a Staff presentation and hold a Public Hearing, to receive comments, and consider an appeal of the decision of the Planning and Zoning Commission to deny CUP-21-21, a request by Eric White, on behalf of Vodka Street Global Bistro, for the renewal of a Conditional Use Permit to allow the sale and on-premise consumption of Mixed Beverages at 200 North LBJ Drive, Suite 101 and provide direction to Staff.

Meeting date: September 29, 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 renewal of the Vodka Street CUP for the on premise consumption of mixed beverages. The establishment's original CUP was issued in 2014. A renewal of that permit was administratively approved in 2017.

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.

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Staff's recommended conditions correspond with the conditions of prior approvals and concerns from other departments.

Reversal of the Planning and Zoning Commission's decision to deny the CUP would require approval by at least 6 members of the City Council.

Council Committee, Board/Commission Action:

At their regular meeting on July 13, 2021, the Planning and Zoning Commission heard the request and voted to **postpone** action on the renewal request with a 9-0 vote. This was to allow the applicant a chance to be present at the meeting in order to answer questions from the Commission.

At their regular meeting on August 10, 2021, the Planning and Zoning Commission voted to **deny** the renewal request with an 8-0 vote.

The applicant submitted an application for the appeal on August 24, 2021, meeting the requirements of Section 2.8.3.6 of the San Marcos Development Code

Alternatives:

N/A

Recommendation:

Staff provides the following conditions for consideration, should the City Council choose to approve the request:

1. **The permit is valid for three (3) years, provided standards are met.**
2. **The permit shall be effective upon compliance with the corrective action form issued by Code Compliance.**
3. **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.**
4. **The permit shall be posted in the same area and manner as the Certificate of Occupancy.**