



Legislation Details (With Text)

File #: CUP-22-04 **Version:** 1 **Name:**

Type: Action Item **Status:** Passed

File created: 1/12/2022 **In control:** Planning and Zoning Commission

On agenda: 1/25/2022 **Final action:** 1/25/2022

Title: CUP-22-04 (Olive Garden) Hold a public hearing and consider a request by Leeanne Calderon, on behalf of Olive Garden Holdings, LLC, for a renewal of an existing Conditional Use Permit to allow the sale and on-premise consumption of Mixed Beverages at 1305 South Interstate 35. (D. Dueitt)

Sponsors: Dalton Dueitt

Indexes:

Code sections:

Attachments: 1. CUP-22-04 Staff Report, 2. CUP-22-04 Maps, 3. CUP-22-04 Business Details, 4. CUP-22-04 Application Documents, 5. CUP-22-04 Presentation

Date	Ver.	Action By	Action	Result
1/25/2022	1	Planning and Zoning Commission	approved with conditions	Pass

AGENDA CAPTION:

CUP-22-04 (Olive Garden) Hold a public hearing and consider a request by Leeanne Calderon, on behalf of Olive Garden Holdings, LLC, for a renewal of an existing Conditional Use Permit to allow the sale and on-premise consumption of Mixed Beverages at 1305 South Interstate 35. (D. Dueitt)

Meeting date: January 25, 2022

Department: Planning and Development Services

Amount & Source of Funding

Funds Required: [Click or tap here to enter text.](#)

Account Number: [Click or tap here to enter text.](#)

Funds Available: [Click or tap here to enter text.](#)

Account Name: [Click or tap here to enter text.](#)

Fiscal Note:

Prior Council Action: [Click or tap here to enter text.](#)

City Council Strategic Initiative: [Please select from the 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 - Direct Growth, Compatible with Surrounding Uses
- ☐ Neighborhoods & Housing - Choose an item.
- ☐ Parks, Public Spaces & Facilities - Choose an item.
- ☐ Transportation - Choose an item.
- ☐ Core Services
- ☐ Not Applicable

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

Choose an item.

Background Information:

Olive Garden is an existing business that previously received approval for a CUP request in 2018 permitting the sale and on-premises consumption of mixed beverages. Since last receiving approval in 2018, the establishment has not made any changes and is seeking to renew the alcohol CUP.

Identical to the business' previous CUP approval, the conditions that are recommended have an intent to prevent potential noise from disturbing the nearby single-family residences. These conditions include restricting any outdoor seating, limiting the volume of any outdoor music, restricting large trucks from accessing the property from the neighborhood street (Hays Street), and requiring employees to park furthest away from the single-family homes.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Staff recommends approval of the request with the following conditions:

1. The permit shall be valid for three (3) years, provided standards are met.
2. The building shall be no closer than 40 feet to the property line of the nearest residential property.
3. No outdoor dining space is allowed.

4. No outdoor amplified music shall be audible across property lines.
5. Trucks longer than 30 feet must ingress and egress on the IH-35 service road (not Hays Street).
6. Olive Garden must require employees to park on the side of the parking lot furthest from the residential properties on Parker Drive.
7. The permit shall be posted in the same area and manner as the Certificate of Occupancy.