



Legislation Details (With Text)

File #: CUP-24-69 **Version:** 1 **Name:**

Type: Action Item **Status:** Passed

File created: 11/22/2024 **In control:** Planning and Zoning Commission

On agenda: 12/10/2024 **Final action:** 12/10/2024

Title: CUP-24-69 (Axis) Hold a public hearing and consider a request by Henry Hogensen, on behalf of Axis, for renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 202 N LBJ Dr, STE A. (K. Buck)

Sponsors: Kaitlyn Buck

Indexes:

Code sections:

Attachments: 1. CUP-24-69 Staff Report, 2. CUP-24-69 Maps, 3. CUP-24-69 Police Calls, 4. CUP-24-69 Business Details, 5. CUP-24-69 Application Documents, 6. CUP-24-69 Presentation

Date	Ver.	Action By	Action	Result
12/10/2024	1	Planning and Zoning Commission		

AGENDA CAPTION:

CUP-24-69 (Axis) Hold a public hearing and consider a request by Henry Hogensen, on behalf of Axis, for renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 202 N LBJ Dr, STE A. (K. Buck)

Meeting date: December 10, 2024

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
N/A
N/A

Comprehensive Plan Element (s):

- 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.
- Core Services
- Not Applicable

Master Plan:

Choose an item.

Background Information:

The subject business is located in the “walk out” basement of the building with a primary entrance that faces the parking lot adjacent to Hopkins Street. Previous businesses at this location include ‘Jay’s Bistro’, ‘Taxi’s’, and ‘Kiva’. In 2004, J’s Bistro received a Conditional Use Permit for the lifetime of the TABC license. In 2016 the business pursued an administrative name change to “Kiva” and maintained the CUP for the lifetime of the TABC license. In 2016 the business amended their CUP to include an outdoor patio and received approval of the CUP valid for one year. Kiva permanently closed in late 2019.

The business owner changed the name of the business to ‘Axis’ and opened in February of 2020. Staff issued a Certificate of Occupancy for Axis without communicating that a new Conditional Use Permit would be required. For this reason, the business owner was under the impression that the lifetime CUP originally issued to Kiva would continue through the name change.

Throughout 2024, staff has gone through a deep dive into every CUP ever issued and began sending letters to businesses out of compliance. Through this process the owner of Axis was notified and immediately submitted an application.

Council Committee, Board/Commission Action:

N/A

Alternatives:

N/A

Recommendation:

Staff recommends **approval** of CUP-24-69 with the following conditions:

1. Permit shall be valid for one (1) year, provided standards are met; and
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; and
3. The permit shall be posted in the same area and manner as the Certificate of Occupancy.