



Legislation Text

File #: CUP-18-03, **Version:** 1

AGENDA CAPTION:

CUP-18-03 (Olive Garden) - Hold a public hearing and consider a request by Olive Garden Holdings, LLC on behalf of Eirrek OGT, LLC to renew a Conditional Use Permit to allow for the sale of mixed beverages at 1305 S IH 35. (W. Parrish)

Meeting date: 1/23/2018

Department: Planning and Development Services

Amount & Source of Funding

Funds Required: NA

Account Number: NA

Funds Available: NA

Account Name: NA

Fiscal Note:

Prior Council Action: NA

City Council Goal: [Please select goal from 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 - Choose an item.
- ☐ Neighborhoods & Housing - Choose an item.
- ☐ Parks, Public Spaces & Facilities - Choose an item.
- ☐ Transportation - Choose an item.
- ☐ Not Applicable

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

Choose an item.

Background Information:

The applicant owns an Olive Garden restaurant which occupies an approximately 7,757 square foot building. The restaurant offers a full menu and has 249 seats. There are 195 off street parking spaces.

The hours of operation are from 11 a.m. to 10 p.m. Sunday-Thursday and 11 a.m. to 11 p.m. Friday -Saturday.

Olive Garden submitted a Conditional Use Permit application for this location which was originally approved on December 08, 2015 by the Planning and Zoning Commission. An appeal was filed by a concerned neighbor, which led to City Council approving the Conditional Use Permit with modified conditions on January 19, 2016.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Staff provides this request to the Commission for your consideration and recommends **approval** of the Conditional Use Permit with the following conditions:

1. The CUP shall be valid for three (3) years, as long as the TABC regulations are met;
2. The building shall be no closer than 40 feet to the property line of the nearest residential property;
3. The CUP shall be posted in the same area and manner as the Certificate of Occupancy;
4. No outdoor dining space is allowed;
5. No outdoor amplified music shall be audible across property lines;
6. Trucks longer than 30 feet must ingress and egress on the IH-35 service road (not Hays Street)
7. Olive Garden must keep a sign near the access to 118 Hays Street that discourages traffic through the neighborhood