



## Legislation Text

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**File #:** CUP-18-03 2, **Version:** 1

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**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:** 2/27/2018

**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:**

At the previously scheduled January 23, 2018 renewal hearing, a neighbor notified Staff and the Planning and Zoning Commission that they were having issues with noise originating from the Olive Garden parking lot. Specifically, the neighbors had an issue with the noise created from people walking to their cars, car doors slamming shut, and the music played in cars, all of which caused their neighbor's dog to bark repetitively. The Planning and Zoning Commission voted to postpone the hearing until the February 27, 2018 meeting to allow Staff and the applicant to review potential noise reduction strategies.

**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;
8. Olive Garden must require employees to park on the side of the parking lot furthest from the residential properties on Parker Drive.