



Legislation Text

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**File #:** CUP-18-31, **Version:** 1

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**AGENDA CAPTION:**

CUP-18-31 (Ivar's River Pub) - Hold a public hearing and consider a request by Curtis Gunnarson on behalf of KBCB Investments LLC, for a renewal of a Conditional Use Permit to allow the sale of mixed beverages for on premise consumption at 701 Cheatham Street. (W. Parrish)

**Meeting date:** October 9, 2019

**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 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 - 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:**

Ivar's River Pub received a one (1) year CUP which became valid in October of 2017. At the meeting there was significant concern regarding live music and parking on the adjacent lot zoned SF-6. The Commission resolved to limit live music to no later than 9 p.m. and require a barrier to prevent parking on the adjacent lot. The applicant erected a fence and gate to prevent parking overflow on the adjacent lot.

Since Ivar's opened, there have been some complaints to the City regarding floodlights along the deck pointed at the San Marcos River. The San Marcos Development Code does not allow light trespass within designated open space. The applicant has agreed to adjust the floodlights so that they are not directed at the river but instead are aimed down at the patio under their deck.

**Council Committee, Board/Commission Action:**

Click or tap here to enter text.

**Alternatives:**

Click or tap here to enter text.

**Recommendation:**

Staff Recommends **Approval** with the following conditions:

- Permit shall be valid for three (3) years, provided standards are met;
- The applicant shall retain the current barrier to prevent parking on the adjacent lot;
- Hours of operation shall be no later than midnight 7 days a week;
- Live (acoustic or amplified) music shall be allowed on the property until 9 p.m.;
- The floodlights along the deck are aimed downward toward the patio rather than at the San Marcos River;
- The permit shall be posted in the same area and manner as the Certificate of Occupancy.