I. Call To Order

II. Roll Call

III. Chairperson's Opening Remarks

IV. 30 Minute Citizen Comment Period

PUBLIC HEARINGS

1. CUP-19-01 (The Railyard) Hold a public hearing and consider a request by Railyard Bar & Grill, L.L.C., on behalf of Radiant Solutions, L.L.C., to renew a Conditional Use Permit to allow the sale of mixed beverages for on premise consumption at 116 South Edward Gary Street. (A. Brake)

V. Question and Answer Session with Press and Public.

This is an opportunity for the Press and Public to ask questions related to items on this agenda.

VI. Adjournment

Notice of Assistance at the Public Meetings

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to ADArequest@sanmarcostx.gov
I certify that the attached notice and agenda of items to be considered by the Planning and Zoning Commission was removed by me from the City Hall bulletin board on the
_____________________________ day of _____________________________

_________________________________________________ Title:

_______________________________________________
AGENDA CAPTION:
CUP-19-01 (The Railyard) Hold a public hearing and consider a request by Railyard Bar & Grill, L.L.C., on behalf of Radiant Solutions, L.L.C., to renew a Conditional Use Permit to allow the sale of mixed beverages for on premise consumption at 116 South Edward Gary Street. (A. Brake)

Meeting date: January 22, 2019

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

Comprehensive Plan Element(s):
- Economic Development
- Environment & Resource Protection
- Land Use
- Neighborhoods & Housing
- Parks, Public Spaces & Facilities
- Transportation
- Not Applicable

Master Plan: N/A
Background Information:
The Railyard is a restaurant and bar that has been open since 2011 and received a three (3) year CUP which became valid in April 2014; it expired in April 2017.

While the expiration date is stated on the CUP Certificate, the applicant states that they were under the impression that their CUP approval period was for five (5) years. They also stated a notification letter reminding them of the expiration was never received. There appears to be no record of a reminder notice sent to them by City staff.

The Fire Department has concerns about an outdoor fire pit that appears to have been installed without first receiving a permit. The Police Department has reported that there have been no major incidents with the business in the time since the last CUP approval.

Staff finds the request, with the existing conditions from the last approval period, will continue to be consistent with the policies and general intent of the zoning district. Limiting the approval period to one year would allow the applicant to work to receive a permit for the outdoor fire pit.

Staff has reviewed the request and determined the requirements of Section 2.8.3.4 and Section 5.1.5.5 of the San Marcos Development Code have been met.

Council Committee, Board/Commission Action:

Alternatives:

Recommendation:
Staff recommends approval with the following conditions:

1. The permit shall be valid for one (1) year, provided standards are met;
2. All live music shall be restricted to the indoor stage and may continue until 2 AM;
3. The outdoor fire pit shall not be utilized until it has been approved and permitted for use by the City; and
4. The permit shall be posted in the same area and manner as the Certificate of Occupancy.
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.
### Summary

**Request:** Renewal of a Conditional Use Permit to allow the sale of mixed beverages for on premise consumption.

**Applicant:** Railyard Bar & Grill, L.L.C.
116 South Edward Gary Street
San Marcos, TX 78666

**Property Owner:** Radiant Solutions, L.L.C.
P.O. Box 91383
Austin, TX 78666

**CUP Expiration:** April 9, 2017

**Type of CUP:** Mixed Beverage

**Interior Seating:** 58
**Outdoor Seating:** 112

**Parking Required:** 30 spaces
**Parking Provided:** 32 spaces

**Days & Hours of Operation:** Monday – Saturday: 11am-2am   Sunday: 11am – Midnight

### Notification

**Application:** N/A

**Published:** N/A

**Neighborhood Meeting:** N/A

**# of Participants:** N/A

**Response:** One response in favor of the request from Ted Breihan.

### Property Description

**Legal Description:** Original Town of San Marcos, Lot 2A, Block 9

**Location:** South Edward Gary Street

**Acreage:** 0.5 acres

**Central Business Area:** No

**Existing Zoning:** CD-5D

**Preferred Scenario:** Downtown Intensity Zone

**Existing Use:** Restaurant and Bar

**Proposed Use:** Restaurant and Bar

**CONA Neighborhood:** Downtown

**Sector:** 8

**Utility Capacity:** Adequate

### Surrounding Area

<table>
<thead>
<tr>
<th>Zoning</th>
<th>Existing Land Use</th>
<th>Preferred Scenario</th>
</tr>
</thead>
<tbody>
<tr>
<td>North of Property:</td>
<td>CD-5D</td>
<td>Lindsey Lofts</td>
</tr>
<tr>
<td>South of Property:</td>
<td>CD-5D</td>
<td>Ted Breihan Electric</td>
</tr>
<tr>
<td>East of Property:</td>
<td>CD-5D</td>
<td>Vacant</td>
</tr>
<tr>
<td>West of Property:</td>
<td>CD-5D</td>
<td>Cats Billiards / Stinky Dawg / ZQ Fitness</td>
</tr>
</tbody>
</table>
History
The Railyard is a restaurant and bar that has been open since 2011 and received a three (3) year CUP which became valid in April 2014; it expired in April 2017.

While the expiration date is stated on the CUP Certificate, the applicant states that they were under the impression that their CUP approval period was for five (5) years. They also stated a notification letter reminding them of the expiration was never received. There appears to be no record of a reminder notice sent to them by City staff.

Additional Analysis
The Police Department has reported that there have been no major incidents with the business in the time since the last CUP approval. Staff finds the request, with the existing conditions from the last approval period, will continue to be consistent with the policies and general intent of the zoning district. Limiting the approval period to one year would allow the applicant to work to receive a permit for the outdoor fire pit.

Comments from Other Departments
<table>
<thead>
<tr>
<th>Department</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td>No Concerns</td>
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<tr>
<td>Fire</td>
<td>The Fire Department has concerns about an outdoor fire pit that appears to have been installed without first receiving a permit.</td>
</tr>
<tr>
<td>Public Services</td>
<td>No Concerns</td>
</tr>
<tr>
<td>Engineering</td>
<td>No Concerns</td>
</tr>
</tbody>
</table>

Staff Recommendation
<table>
<thead>
<tr>
<th>Approval as Submitted</th>
<th>X Approval with Conditions</th>
<th>Denial</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The permit shall be valid for one (1) year, provided standards are met;</td>
<td></td>
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<td>• The outdoor fire pit shall not be utilized until it has been approved and permitted for use by the City; and</td>
<td></td>
<td></td>
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<tr>
<td>• The permit shall be posted in the same area and manner as the Certificate of Occupancy.</td>
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</tbody>
</table>

Staff: Alison Brake, CNU-A  Title: Historic Preservation Officer and Planner  Date: January 17, 2019
<table>
<thead>
<tr>
<th>Evaluation</th>
<th>Criteria for Approval (Sec. 2.8.3.4 &amp; 5.1.5.5)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consistent</td>
<td>The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.</td>
</tr>
</tbody>
</table>
| Inconsistent | The proposed use is consistent with any adopted neighborhood character study for the area.  
*Studies have not been completed at the time of this request*. |
| Neutral | The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations. |
| Consistent | The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods.  
*Conditions are proposed to address noise.* |
| Consistent | The proposed use does not generate pedestrian and vehicular traffic which shall be hazardous or conflict with the existing and anticipated traffic in the neighborhood. |
| Inconsistent | The proposed use incorporates roadway adjustments, traffic control devices or mechanisms and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets. |
| Consistent | The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties.  
*Conditions are proposed to address noise.* |
| Consistent | The proposed use meets the standards for the applicable district, or to the extent variations from such standards have been requested that such variations are necessary to render the use compatible with adjoining development and the neighborhood.  
*The proposed request is consistent with the established use of a restaurant and bar on the property.* |
| Consistent | The proposed use is not within 300 ft. of a detached single family residence located in a zoning district that only permits detached single family residences. |
| Consistent | The proposed use is not within 300 ft. of a church, public or private school, or public hospital. |
| Consistent | The proposed use is not within 1,000 ft. of a public or private school as outlined within section 1.5.1.1. |
CUP-19-01 (The Railyard)

Hold a public hearing and consider a request by Railyard Bar & Grill, L.L.C., on behalf of Radiant Solutions, L.L.C., to renew a Conditional Use Permit to allow the sale of mixed beverages for on premise consumption at 116 South Edward Gary Street. (A. Brake)
Location:

• The restaurant and bar is located at 116 South Edward Gary Street

• Outside the CBA
Context & History:

- The building is approximately 5,600 square feet
  - 58 indoor seats
  - 112 outdoor seats
- Has had CUP since 2011
- The hours of operation are
  - Monday – Saturday
    - 11am-2am
  - Sunday
    - 11am-Midnight
Site Plan

Location of outdoor fire pit

= Outdoor Service Area
Recommendations:

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

1. Permit shall be valid for one (1) year, provided standards are met;
2. All live music shall be restricted to the indoor stage and may continue until 2 AM;
3. The outdoor fire pit shall not be utilized until it has been approved and permitted for use by the City; and
4. The permit shall be posted in the same area and manner as the Certificate of Occupancy.