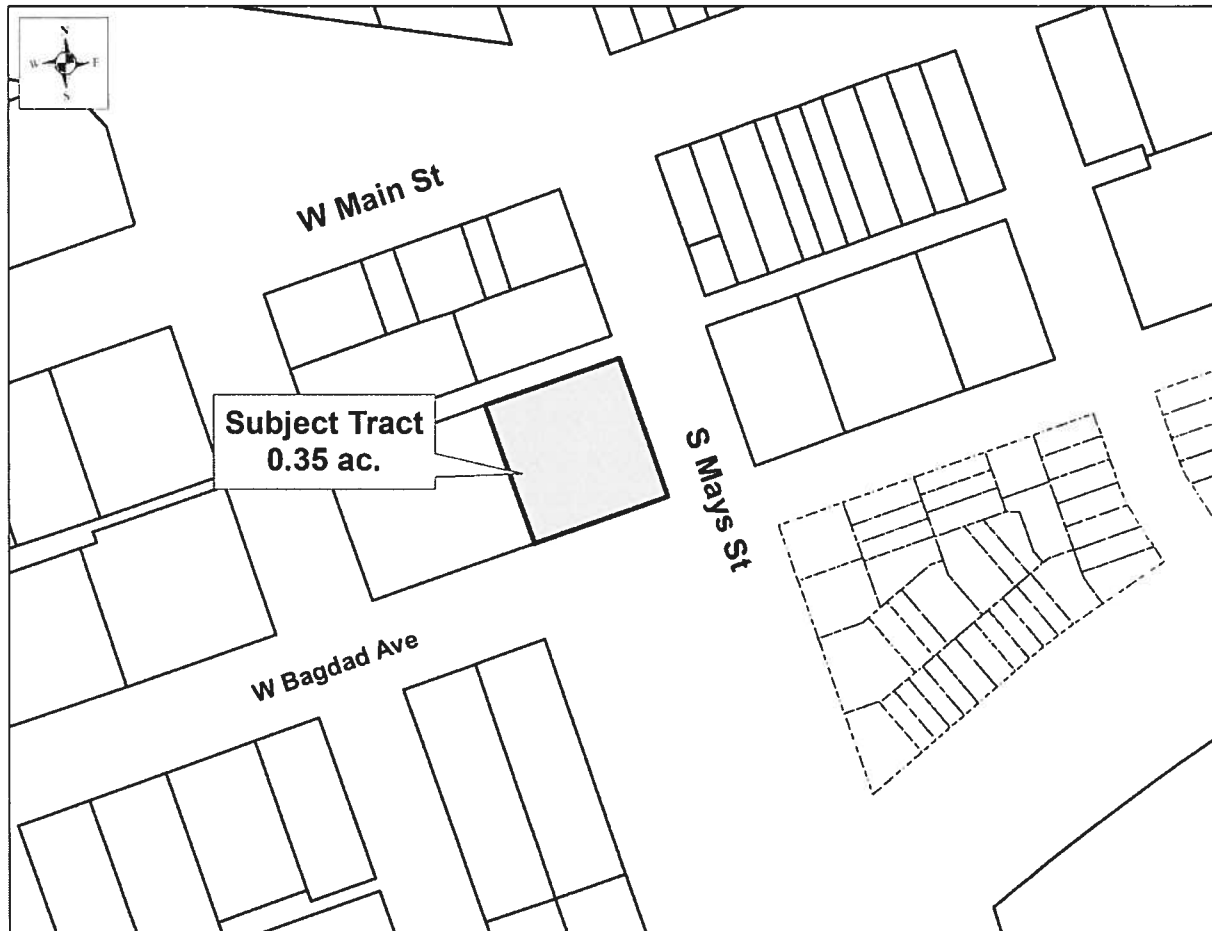


**SPECIAL EXCEPTION REQUEST
110 S. Mays Street**



SPECIAL EXCEPTION REQUEST: To allow a restaurant with an outdoor cooking area.

BACKGROUND: Part III, Section 2-77 of the code requires that a special exception be granted for a restaurant with an outdoor cooking area in the MU-2 (Mixed-Use Downtown Medium Density) zoning district.

The 0.35-acre tract is zoned as MU-2 (Mixed-Use Downtown Medium Density), which allows for a restaurant, with a requirement for an 8-foot high masonry fence when the property has a shared boundary with a residential use. This property does not share a boundary with a residential use. In addition, all restaurants that serve alcohol must hold a food and beverage certificate from the Texas Alcoholic Beverage Commission.

The applicant is proposing an outdoor cooking area at the rear of the building, as indicated on the attached site layout, **Exhibit “A”** and aerial photo, **Exhibit “B”**. The outdoor cooking area would be located inside a screened enclosure, similar to the one shown on **Exhibit “C”**.

The purpose of the special exception requirement for outdoor cooking in the MU-2 zoning district is for the Zoning Board of Adjustments (ZBA) to decide whether the cooking area will adversely affect the neighboring uses, particularly residential uses. The MU-2 zoned area of the downtown is on both sides of S. Mays Street, but the area to the west of S. Mays has fewer residences than the area to the east. This site is located at the edge of the MU-2 zoned area along S. Mays Street and is not adjacent to any residential properties.

DATE OF REVIEW:	October 24, 2018
OWNERS:	M.D.J.D. LLC
APPLICANT:	Domingo Hernandez
DESCRIPTION:	City of Round Rock, Block 8, Lots 1-4 and part of Lot 5
ZONING:	MU-2 (Mixed-Use Downtown Medium Density)
LAND USE:	restaurant
LOCATION:	110 S. Mays Street
ADJACENT LAND USE:	North: bar – MU-1 (Mixed-Use Historic Commercial Core) South: auto repair and body shop - unzoned East: (across S. Mays St.) restaurant/bar - MU-1 (Mixed-Use Historic Commercial Core) West: office - MU-2 (Mixed-Use Downtown Medium Density)
GENERAL PLAN POLICY:	Downtown Mixed-Use
STAFF ANALYSIS:	<p>The applicant proposes to operate an outdoor cooking area for a restaurant, which requires the approval of a special exception.</p> <p>The requested special exception is to be reviewed by the ZBA according to specific criteria described in Part III, Section 10-53 of the code. The criteria and staff analysis are provided below:</p>

- 1) Consistent with Zoning Ordinance:
The proposed exception shall be specifically listed as permitted by special exception in the zoning district under consideration. The proposed exception shall meet the purpose and intent of this chapter and the use shall meet all the minimum standards established in this chapter for this type of use.
- 2) Consistent with General Plan:
The proposed exception shall be consistent with the development policies and goals and objectives as embodied in the general plan.
- 3) Compatible with surrounding area:
The required site plan shall ensure compatibility with existing land uses in the surrounding area. The proposed use will not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring property.
- 4) Harmonious with character and scale of surrounding area:
The proposed site plan, circulation plan, and schematic architectural, signage, and landscaping designs shall be harmonious with the character of the surrounding area.
- 5) Impacts minimized:
The likely impact on public infrastructure such as roads, parking facilities, water and wastewater systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to adequately service the proposed use shall be minimized without negatively impacting uses in the area and in the city.
- 6) Effect on natural environment:
The potential creation of noise, glare, fumes, dust, smoke, vibration, fire hazard, or other injurious or obnoxious impacts shall be minimized.

RECOMMENDATION:

This exception request meets the factors required by Part III, Section 2-77 of the code, as the location and anticipated use of the outdoor cooking area does not pose any apparent conflicts with the surrounding uses. S. Mays Street is a commercial corridor which is suitable for restaurants. Staff

recommends that the ZBA consider applying conditions to the use of the outdoor cooking area, such as hours of operation and the height of the smoke stack for the cooking area.

EXHIBIT "A"

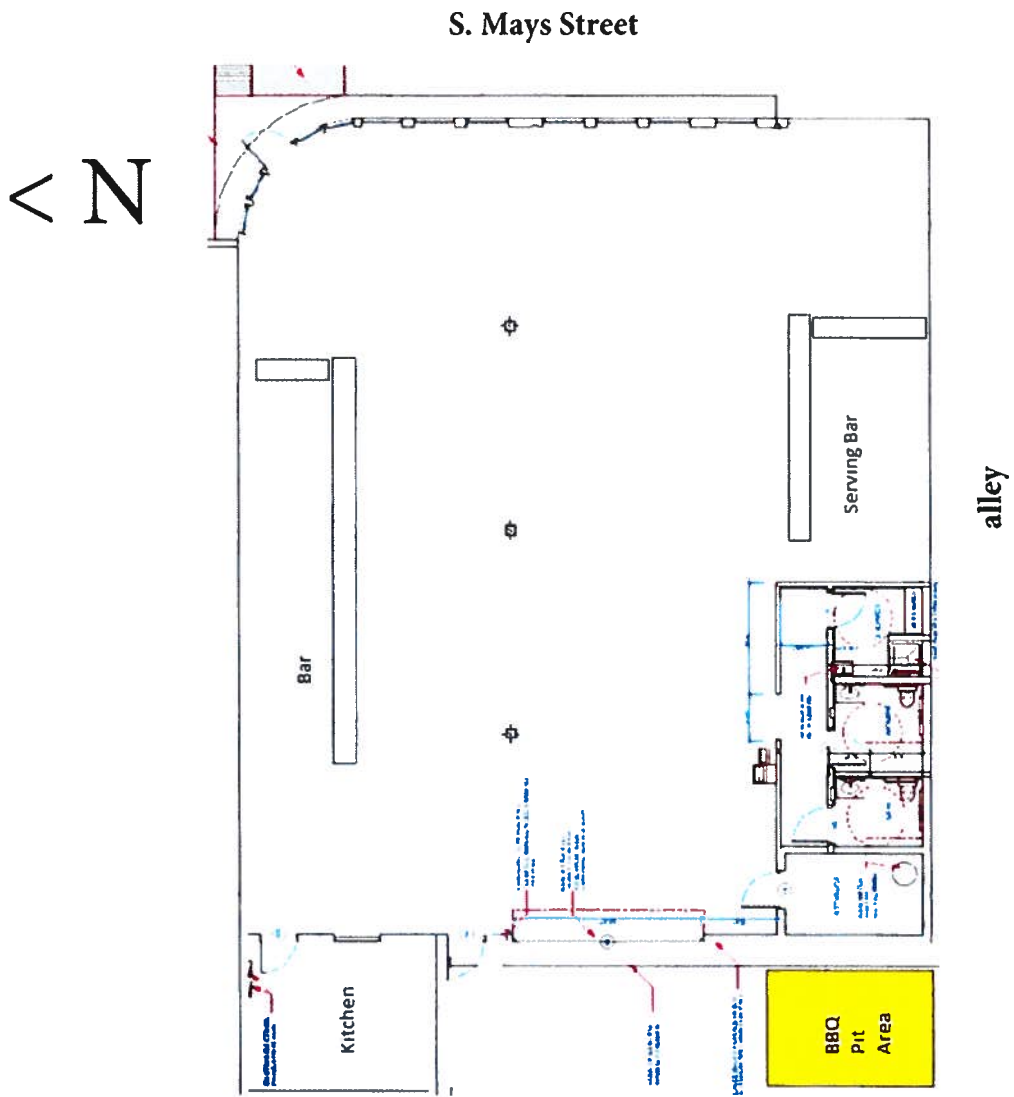


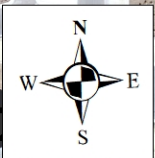
EXHIBIT "B"





EXHIBIT "C"

BBQ SCREENED SHELTER WOULD BE SOMETHING SIMILAR TO THIS



W Main St

Subject Tract
0.35 ac.

S Mays St

W Bagdad Ave

