

CUP-18-01

TABC Conditional Use Permit

Pizza Hut

900 Bugg Lane, Suite 118



Applicant Information:

Applicant: Armadillo Beverage Co., INC.
7700 E Polo Drive
Wichita, KS 67206

Property Owner: Robb Lane LTD.
4200 N Lamar Blvd, #200
Austin, TX 78756

Applicant Request: Request to renew a Conditional Use Permit (CUP) to allow the on-premise consumption of beer and wine.

Notification: Public hearing notification mailed on December 22, 2018

Response: None as of Staff Report Date

Subject Property:

Location: 900 Bugg Lane, Suite 118

Legal Description: Lot 1A, Intercon Addition No.1

Frontage On: Bugg Lane

Neighborhood: Blanco Gardens

Existing Zoning: General Commercial (GC)

Utilities: Adequate

Existing Use of Property: Commercial Shopping Center

Zoning and Land Use:

	Current Zoning	Existing Land Use
N of Property	GC	Bank/Dairy Queen/Gas Station
S of Property	SF-6/D	Residential
E of Property	MF-24	Apartment Complex
W of Property	MF-24	Apartment Complex

Code Requirements:

A Conditional Use Permit (CUP) allows the establishment of uses which may be suitable only in certain locations or only when subject to standards and conditions that assure compatibility with adjoining uses. Conditional uses are generally compatible with permitted uses, but require individual review and imposition of conditions in order to ensure the appropriateness of the use at a particular location.

A business applying for on-premise consumption of alcohol must not be within 300 feet of a church, school, hospital, or a residence located in a low density residential zoning district. Section 4.3.2(b)(3) states the following:

“The measurement of the distances regulated in this [Section 4.3.4.2](#) shall be as follows:

- (a) Between a place of business where alcoholic beverages are sold and the church, public hospital, or residence shall be along the property lines of street fronts and from front door to front door, and in a direct line across street intersections.”

This location **does** meet the distance requirements.

CUPs issued for on-premise consumption of alcohol make the business subject to the code standards and the penalty point system for violations (Section 4.3.4.2).

Case Summary

Pizza Hut is a restaurant located in the San Marcos Place Shopping Center found at the corner of Bugg Lane and Linda Drive. Pizza Hut has been located in this shopping center since 2015.

The San Marcos Place Shopping Center consists of two multi-tenant buildings containing various services such as Half Price Books Store, China Palace Buffet, financial institutions, and additional office tenants. Pizza Hut occupies a 3,033 square foot tenant space adjacent to Half Price Books. Pizza Hut received a Conditional Use Permit (CUP) on May 12, 2015 for the sale of beer and wine for on premise consumption. This CUP expired on May 12, 2016. The applicant discovered that their CUP had expired in the fall of 2017. After consulting with Staff, the applicant submitted an application for a renewal of the CUP.

The proposed hours of operation are Sunday – Thursday 11:00 a.m. to 10:00 p.m. and Friday – Saturday 11:00 a.m. to 11:00 p.m. No live music or entertainment facilities are proposed at this time. Total indoor fixed seating is 44. No outdoor seating is proposed. Based on the occupancy, 11 off-street parking spaces are required (one space per four seats). The requirement has been satisfied. No other improvements are being proposed at this time.

Comments from Other Departments:

There have been no comments or concerns from other departments.

Planning Department Analysis:

Staff has reviewed the request for compliance with the Land Development Code and it appears that the request is consistent with the policies and the general intent of the zoning district.

Although the San Marcos Place Shopping Center is adjacent to the Blanco Gardens Neighborhood, the subject tenant space is substantially buffered from the neighborhood by a southern section of the shopping center. Staff finds the use is consistent with the General Commercial Zoning District and is compatible with adjacent zoning districts and neighborhoods as well as other businesses within the commercial strip center.

In addition to the minimum requirements of section 4.3.4.2 of the LDC, staff has considered the impact of the proposed conditional use on surrounding properties under the section 1.5.7.5 of the LDC. Staff finds that the request does not generate pedestrian or vehicular traffic which is hazardous or conflicts with existing traffic, and no other specific adverse impacts were identified at this time.

In order to monitor new permits for on-premise consumption of alcohol, the Planning Department's standard recommendation is that they be approved initially for a limited time period. Other new conditional use permits have been approved as follows:

- Initial approval for 1 year;
- Renewal for 3 years;
- Final approval for the life of the State TABC license, provided standards are met.

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

1. The permit shall be valid for three (3) years, provided standards are met, subject to the point system; and
2. The permit shall be posted in the same area and manner as the Certificate of Occupancy.

Planning Department Recommendation:	
	Approve as submitted
X	Approve with conditions or revisions as noted
	Alternative
	Denial

Commission's Responsibility:

The Commission is required to hold a public hearing and receive comments regarding the proposed Conditional Use Permit. After considering public input, the Commission is charged with making a decision on the Permit. Commission approval is discretionary. The applicant, or any other aggrieved person, may submit a written appeal of the decision to the Planning Department within 10 working days of notification of the Commission's action, and the appeal shall be heard by the City Council.

The Commission's decision is discretionary. Provided the request meets the minimum requirements of Section 4.3.4.2 of the LDC, the Commission shall also evaluate the impact of the proposed conditional use on surrounding properties under Section 1.5.7.5 of the LDC, by considering the extent to which the use:

- is consistent with the policies of the Comprehensive Plan and the general intent of the zoning district;
- is compatible with the character and integrity of adjacent developments and neighborhoods;
- includes improvements to mitigate development-related adverse impacts; and
- does not generate pedestrian or vehicular traffic which is hazardous or conflicts with existing traffic in the neighborhood.

Conditions may be attached to the CUP that the Commission deems necessary to mitigate adverse effects of the proposed use and to carry out the intent of the Code.

Prepared by:

Will Parrish, CNU-A

Planner

January 4, 2018

Name

Title

Date