

CUP-18-02

Conditional Use Permit

Blaze Pizza

180 Springtown Way, Suite 104



Applicant Information:

Applicant: Saddles Blazing, LLC

Mailing Address: 5315 Avenida Encinas, Suite 250
Carlsbad, CA 92008

Property Owner: Humpty Dumpty, Ltd
500 West 5th Street, Suite 700
Austin, TX 78704

Applicant Request: Request for a new Conditional Use Permit to allow the sale of beer and wine for on-premise consumption at 180 Springtown Way, Suite 104.

Public Hearing Notice: Public hearing notification was mailed on December 29, 2017.

Response: None as of completion of packet.

Subject Property:

Expiration Date: NA

Location: 180 Springtown Way, Suite 104

Legal Description: Springtown V Subdivision, Lot 1

Frontage On: Springtown Way

Existing Zoning: General Commercial

Preferred Scenario Designation: Midtown - High Intensity

Utilities: Adequate

Existing Use of Property: Vacant tenant space

**Zoning and
Land Use Pattern:**

	Current Zoning	Existing Land Use
N of property	General Commercial	Retail
S of property	VMU	Retail/Apartments
E of property	General Commercial	Restaurant
W of property	General Commercial	Restaurant

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

Blaze Pizza is located on Springtown Way across from Office Depot. This restaurant is approximately 2,500 square feet and will have 65 indoor seats and 25 outdoor seats. Springtown Mall has a shared parking agreement for restaurant and retail uses to share their general parking lot which contains approximately 1,000 parking spaces.

The proposed hours of operation are 10:45 a.m. to 10 p.m. Sunday – Thursday and 10:45 a.m. to 11 p.m. Friday and Saturday.

Comments from Other Departments:

There have been no other comments from other departments.

Planning Department Analysis:

Staff has reviewed the request for compliance with the Land Development Code and has found that the request is consistent with the policies and the general intent of the zoning district and does not generate pedestrian or vehicular traffic which is hazardous or conflicts with existing traffic.

In order to monitor new permits for on-premise consumption of alcohol, the Planning Department's standard recommendation is initial approval of the permit 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 conditions:

1. The CUP shall be valid for one (1) year, provided standards are met, subject to the point system;
2. The permit shall be effective upon the issuance of the Certificate of Occupancy; and
3. The CUP 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. In evaluating the impact of the proposed conditional use on surrounding properties, the Commission should consider the extent to which the use:

- The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan;
- The proposed use is consistent with any adopted Neighborhood Character Study that has been completed for the area;
- The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
- 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
- The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;
- 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;
- The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties;
- The proposed use meets the standards for the zoning 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;

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

Planner

January 4, 2017

Name

Title

Date