

CUP-18-13

Conditional Use Permit

Figaro's Pizza & Pub

243 Wonder World Drive Suite 100



Applicant Information:

Applicant: Jeffery Harper

Mailing Address: 243 Wonder World Drive, Suite 100
San Marcos, TX 78666

Property Owner: Nomad Capitol
11940 Jollyville Road Suite 300
Austin TX, 78704

Applicant Request: Request to renew a Conditional Use Permit to allow the sale of mixed beverages for on-premise consumption at Figaro's Pizza and Pub located at 243 Wonder World Drive.

Public Hearing Notice: Public hearing notification was mailed on April 27, 2018.

Response: None as of the date of this Staff Report.

Subject Property:

Expiration Date: Current CUP expires on May 12, 2018

Location: 243 Wonder World Drive

Legal Description: San Marcos Business Park Section 1 Replat

Frontage On: Wonder World Drive/ Corporate Drive

Existing Zoning: GC – General Commercial

Preferred Scenario Designation: South End Medium Intensity Zone

Utilities: Adequate

Existing Use of Property: Shopping Center / Restaurant

**Zoning and
Land Use Pattern:**

	Current Zoning	Existing Land Use
N of property	GC	Commercial/Office
S of property	CD-5/GC	Vacant/Commercial
E of property	GC/CD-5	Vacant/Restaurant
W of property	LI	Industrial

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

Figaro's is located at 243 Wonder World Drive at the intersection of Wonder World Drive and Corporate Drive. The surrounding lots are primarily zoned General Commercial (GC) and Character District 5 (CD-5), with a few Light Industrial (LI) lots across Wonder World Drive.

The restaurant currently serves mixed drinks to complement their food sales. The proposed hours of operation are 11 a.m. to 10 p.m. Monday – Saturday and 11 a.m. to 9 p.m. Sunday. Figaro's gross floor area is 2,802 square feet and has 50 indoor seats and 40 outdoor seats on the patio. There are 87 off street parking spaces.

Comments from Other Departments:

There have been no 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.

Figaro's previously requested and received a one (1) year CUP which expires on May 12, 2018.

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 three (3) years, provided standards are met, subject to the point system.**
2. **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	05/03/2018
Name	Title	Date