



Legislation Details (With Text)

File #: CUP-21-18 **Version:** 1 **Name:**

Type: Discussion Item **Status:** Individual Consideration

File created: 6/7/2021 **In control:** Planning and Zoning Commission

On agenda: 6/22/2021 **Final action:**

Title: CUP-21-18 (Rooftop on the Square) Hold a public hearing and consider a request by Brandon Cash, on behalf of Rooftop on the Square, LLC, for renewal of an existing Conditional Use Permit to allow the sale and on premise consumption of Mixed Beverages at 126 S Guadalupe St. (T. Carpenter)

Sponsors: Tory Carpenter

Indexes:

Code sections:

Attachments: 1. CUP-21-18 StaffReport, 2. CUP-21-18 Maps, 3. CUP-21-18 Business Details, 4. CUP-21-18 Application, 5. CUP-21-18 Public Comment, 6. CUP-21-18 Presentation

Date	Ver.	Action By	Action	Result
6/22/2021	1	Planning and Zoning Commission	amended	Pass

AGENDA CAPTION:

CUP-21-18 (Rooftop on the Square) Hold a public hearing and consider a request by Brandon Cash, on behalf of Rooftop on the Square, LLC, for renewal of an existing Conditional Use Permit to allow the sale and on premise consumption of Mixed Beverages at 126 S Guadalupe St. (T. Carpenter)

Meeting date: June 22, 2021

Department: Planning & 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: [Please select from the dropdown menu below]

Choose an item.

Choose an item.

Choose an item.

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu]

below]

- ☐ Economic Development - Choose an item.
- ☐ Environment & Resource Protection - Choose an item.
- ☐ Land Use - Choose an item.
- ☐ Neighborhoods & Housing - Choose an item.
- ☐ Parks, Public Spaces & Facilities - Choose an item.
- ☐ Transportation - Choose an item.
- ☐ Core Services
- ☐ Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

Background Information:

The Rooftop on the Square is an adaptive reuse of an abandoned car detail facility which opened in May 2012. The following is a summary of the history of events surrounding this establishment:

2012: The business first received a Restaurant Conditional Use Permit in which was approved for one year. During 2012, the business received enforcement/citation letters for violations regarding the restaurant requirements associated with the CUP and Certificate of Occupancy requirements. These violations were subsequently resolved by the business.

2013: the business received two violations of the Land Development Code, Sec.4.3.4.2(b)3.k. Knowingly serving alcoholic beverages to clients who are intoxicated. Due to these violations, the Restaurant Conditional Use Permit was approved for two periods of three months, with conditions in order to monitor the business followed by an approval of six months, with conditions.

2014: The Restaurant Conditional Use Permit was approved by the Planning and Zoning Commission for six months with conditions followed by an approval later that year of one year with conditions.

2015: The Restaurant Conditional Use Permit was approved for three years with conditions.

2018: The Restaurant Conditional Use Permit was approved for three years with conditions.

The first floor of the building most recently included includes a dining area for Brooklyn Pie Co., previously Super Burrito. Based on the menu for Brooklyn Pie Co., all requirements of a Restaurant Conditional Use Permit are met.

The building is currently under construction for a remodel which does not increase the existing alcohol service area.

Council Committee, Board/Commission Action:

N/A

Alternatives:

[Click or tap here to enter text.](#)

Recommendation:

Staff recommends **approval** with the following conditions:

1. The permit shall be valid for three (3) years provided standards are met;
2. The permit shall be effective upon the issuance of the certificate of occupancy;
3. No live music and no speakers are permitted in the outdoor patio areas;
4. All exterior doors must be maintained in an automatically assisted closed position;
5. The business must operate in a manner consistent with the requirements of a restaurant permit every day the business is open to the public; and
6. The permit shall be posted in the same area and manner as the Certificate of Occupancy.