



## Legislation Text

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**File #:** CUP-19-27, **Version:** 1

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**AGENDA CAPTION:**

CUP-19-27 (Gumby's Pizza) Hold a public hearing and consider a request by Gumby's Pizza for a Conditional Use Permit to allow for the sale of mixed beverages for on premise consumption at 312 West Hopkins Street. (T. Carpenter)

**Meeting date:** October 8, 2019

**Department:** Planning & Development Services

**Amount & Source of Funding**

**Funds Required:** N/A

**Account Number:** N/A

**Funds Available:** N/A N/A

**Account Name:** N/A

**Fiscal Note:**

**Prior Council Action:** N/A

**City Council Strategic Initiative:** [Please select from the dropdown menu below]

Downtown Vitality

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.
- ☐ Not Applicable

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

Choose an item.

**Background Information:**

The applicant first applied for a Conditional Use Permit for alcohol sales at this location in 2016 prior to the business being operational. The timeline below gives an overview of the Planning & Zoning Commission and City Council meeting.

December 13, 2016 - Planning & Zoning Commission Meeting: After numerous citizens addressed concerns with the request, the Commission voted unanimously to postpone to allow the Applicant to address neighbors' concerns.

January 10, 2017 - Planning & Zoning Commission Meeting: The Commission voted (5-1-1) to approve the request 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;
3. The CUP shall be posted in the same area and manner as the Certificate of Occupancy;
4. The applicant cannot apply for a late hours TABC permit;
5. Bottles can only be disposed of during daylight hours; and
6. Speakers are not permitted outdoors.

January 20, 2017: Staff received an appeal request from Kathryn C. Dillon.

February 2, 2017 - City Council Meeting: The City Council voted (5-2) to approve the appeal and deny the Conditional Use Permit.

February 2, 2018: Gumby's Pizza received a Certificate of Occupancy and opened for business without alcohol sales.

**Council Committee, Board/Commission Action:**

Click or tap here to enter text.

**Alternatives:**

Click or tap here to enter text.

**Recommendation:**

Staff recommends **approval** of the Conditional Use Permit with the following conditions:

1. The permit shall be valid for one (1) year, provided standards are met;
2. The permit shall be posted in the same area and manner as the Certificate of Occupancy;
3. Live music shall not be allowed outdoors or in any unconditioned areas; and
4. The applicant shall not apply for a Late Hours TABC permit.