

**CITY OF TULARE PLANNING COMMISSION
STAFF REPORT**

Agenda Item No.

May 14, 2018

CONDITIONAL USE PERMIT No. 2018-07

PROJECT PLANNER:	Steven Sopp, Associate Planner
APPLICANT:	Winging Is a Habit Inc.
LOCATION:	1578 Hillman Street
APN:	149-120-006
ZONING CLASSIFICATION:	C-3 (Retail Commercial)
GENERAL PLAN DESIGNATION:	Community Commercial
SURROUNDING LAND USES AND ZONING:	North: Waterdrops Carwash C-3 South: Taco Bell C-3 West: Big Lots C-3 East: Walmart C-3

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission approve Conditional Use Permit No. 2018-07 subject to the findings and conditions in Resolution No. 5284. Staff's recommendation is based on the findings and the project's consistency with the policies and intent of the City's General Plan and Municipal Code.

REQUEST:

Conditional Use Permit No. 2018-07 is a request by Winging Is a Habit Inc. and Wingstop to obtain a conditional use permit for an ABC license (Type 41: On Sale Beer & Wine—Eating Place) to sell beer and wine on-site at 1578 Hillman Street in association with an existing restaurant.

DETAILS OF THE PROPOSAL:

The applicant currently operates Wingstop located at 1578 Hillman Street on the east side of Hillman Street between Prosperity and Leland Avenues. The restaurants normal hours of operation are 11:00AM-12:00AM seven days per week. The restaurant employs 9 employees split between 2 shifts during hours of operation.

STAFF COMMENTS:

The zoning ordinance requires that businesses engaged in on-sale alcoholic beverages are subject to a conditional use permit (Zoning Ordinance Section 10.168.04). This application is for an ABC Type 41 On Sale Beer & Wine in conjunction with a restaurant.

No comments have been received by staff during the public comment period.

ENVIRONMENTAL FINDINGS:

This project is exempt pursuant to Section 15301 (existing facilities) of the California Environmental Quality Act of 1970, as amended.

FINDINGS:

Staff recommends that the Planning Commission make the following findings with regards to Conditional Use Permit No. 2018-07:

- 1) That the proposed location of the project is in accordance with the objectives of the Zoning Title and the purposes of the District in which the site is located.
- 2) That the proposed location of the use and the conditions under which it would operate or be maintained will not be detrimental to the public health, safety, welfare or be materially injurious to properties or improvements in the vicinity.
- 3) That the proposed conditional use will comply with each of the provisions of the Zoning Title.
- 4) That the proposed use is consistent with the Tulare General Plan.
- 5) That the request will not have a significant effect on surrounding properties and improvements in the vicinity of the project site.
- 6) The project is exempt pursuant to Section 15301 (existing facilities) of the California Environmental Quality Act of 1970, as amended.
- 7) That public convenience and necessity would be served by the issuance of an “on-sale beer and wine — eating place” Type 41.

CONDITIONS:

Based on the approved findings, staff recommends that Conditional Use Permit No. 2018-07, be approved subject to the following conditions:

- 1) All requirements of Title 10 shall be met.
- 2) This permit is limited to on-sale beer and wine in conjunction with a restaurant.

- 3) Any upgrading of the alcoholic beverage license issued by Alcoholic Beverage Control will be subject to approval by the Planning Commission.
- 4) Any significant changes to the floor plan layout shall be subject to review and approval by the Planning Commission.
- 5) Applicant to maintain all licenses and/or permits required by the State.

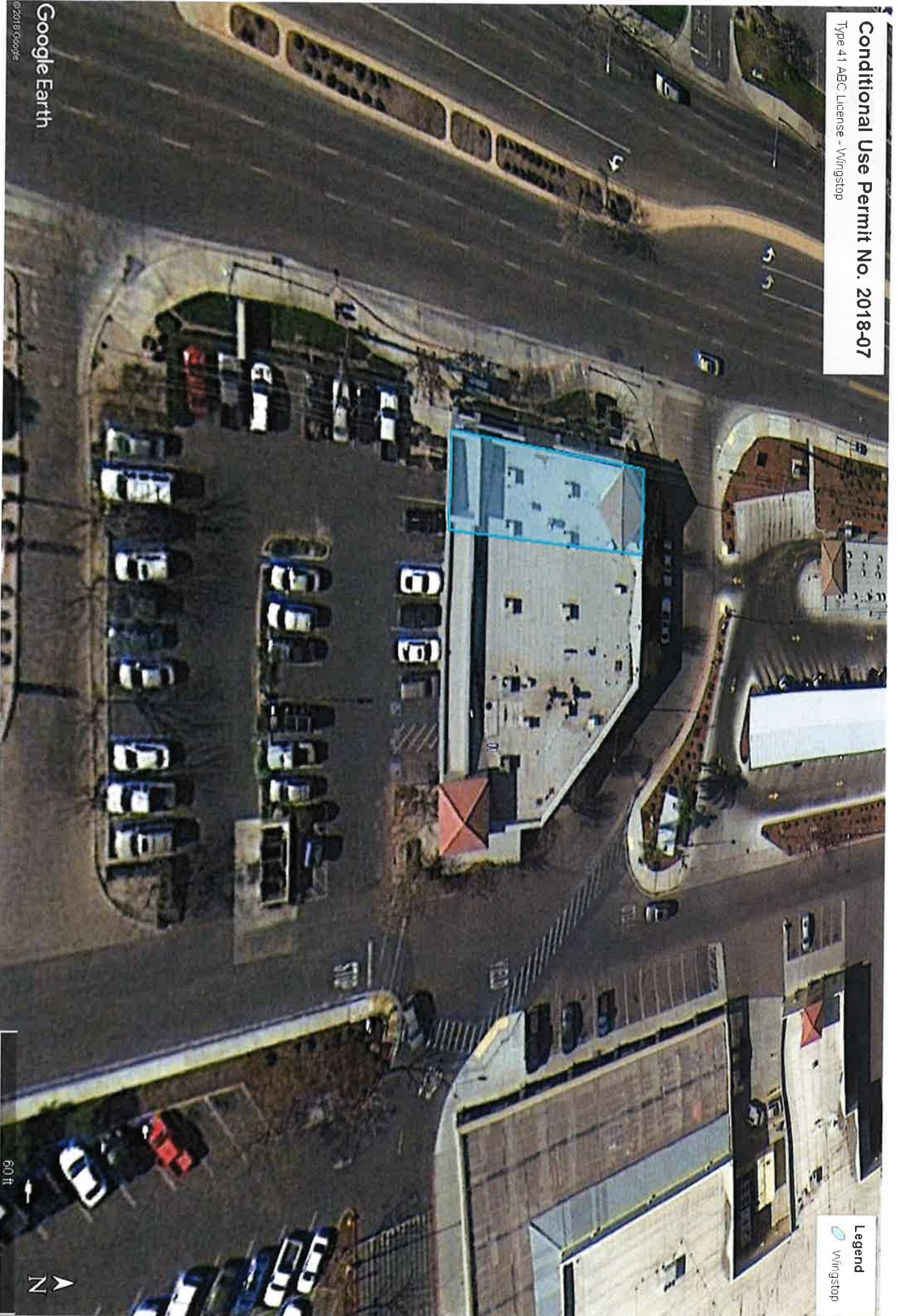
APPEAL INFORMATION:

According to the City of Tulare Zoning Ordinance Section 10.20.020, decisions of the Planning Commission may be appealed by filing a letter with the City Clerk, located at 411 East Kern Avenue, Tulare, CA 93274, no later than ten (10) days after the day on which the decision was made. The appeal shall state the name of the person making the appeal, the decision that is being appealed, and the reasons for the appeal, including an error, abuse of discretion or a decision that is not supported by the evidence in the record.

Attachments:

- I. Project Vicinity Map
- II. Floor Plan
- III. Resolution

Conditional Use Permit No. 2018-07
Type 41 ABC License - Wingstop



Google Earth
© 2018 Google

Legend
Wingstop

60 ft



RESOLUTION NO. 5284

**A RESOLUTION OF THE CITY OF TULARE PLANNING
COMMISSION APPROVING CONDITIONAL USE PERMIT NO. 2018-07**

WHEREAS, Conditional Use Permit 2018-07 is a request by Winging Is a Habit Inc. of Wingstop for an ABC license (Type 41: On Sale Beer and Wine—Eating Place) to sell beer and wine on-site at 1578 Hillman Street; and,

WHEREAS, the Planning Commission of the City of Tulare after duly published notice, did hold a public hearing before said Commission on May 14, 2018; and,

WHEREAS, the Planning Commission of the City of Tulare determined that Conditional Use Permit No. 2018-07 is consistent with the goals and objectives of the Zoning Title and the purposes of the District in which the site is located; and,

WHEREAS, the Planning Commission of the City of Tulare finds the project to be Categorically Exempt consistent with the California Environmental Quality Act (CEQA):

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15301(*existing facilities*); and,

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Tulare makes the following specific findings based on the evidence presented:

- 1) The proposed request will not be detrimental to the public health, safety, welfare or be materially injurious to properties or improvements in the vicinity; and,
- 2) The request will comply with each of the provisions of the Zoning Title; and,
- 3) The request is consistent with the Tulare General Plan; and,
- 4) The request will not have a significant effect on surrounding properties and improvements in the vicinity of the project site; and.
- 5) This project is exempt pursuant to Section 15301 (*existing facilities*) of the California Environmental Quality Act of 1970, as amended.
- 6) The public convenience and necessity would be served by the issuance of an ‘on-sale’ beer and wine—eating place” (Type 41); and

BE IT FURTHER RESOLVED, by the Planning Commission of the City of Tulare that Conditional Use Permit Application No. 2018-07 is hereby approved subject to the following conditions:

Conditions:

- 1) All requirements of Title 10 shall be met.
- 2) This permit is limited to on-sale beer and wine in conjunction with a restaurant.
- 3) Any upgrading of the alcoholic beverage license issued by Alcoholic Beverage Control will be subject to approval by the Planning Commission.
- 4) Any significant changes to the floor plan layout shall be subject to review and approval by the Planning Commission.
- 5) Applicant to maintain all licenses and/or permits required by the State.

PASSED, APPROVED AND ADOPTED this fourteenth day of May, 2018 by the following recorded vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

CHUCK MIGUEL, CHAIRMAN
City of Tulare Planning Commission

ATTEST:

JOSH MCDONNELL, SECRETARY
City of Tulare Planning Commission