

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION

FROM: SUSAN DECARLI, ACTING COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: CONDITIONAL USE PERMIT 14-014: LUCKY LUKE'S, FOOD INC.,
APN: 008-165-011, ADDRESS: 2244 SPRING STREET

DATE: JANUARY 27, 2014

Needs: For the Planning Commission to consider a request by Joey Blagg, on behalf of Lucky Luke's Foods, Inc., to approve a Conditional Use Permit (CUP) to establish a drive-through restaurant.

- Facts:
1. Lucky Luke's, Inc. owns the property located at 2244 Spring Street and would like to renovate the existing building into a drive-through take-out business (Little Caesar's Pizza).
 2. The site is located within the TC-2 zoning district (see Vicinity Map, Attachment 1).
 3. Currently, Table 5.3-1 of the Uptown Town Centre Plan (Specific Plan) does not permit drive-through restaurants in the TC-2 zoning district, except for those TC-2 properties between 23rd and 26th Streets, with the approval of a Conditional Use Permit.
 4. Specific Plan Amendment 14-003, is concurrently being processed to amend Table 5.3-1 to include the property at 2244 Spring Street in the area that would allow drive-through restaurants in the TC-2 zone, with approval of a Conditional Use Permit (CUP). Approval of this CUP is subject to the City Council approving the Specific Plan Amendment.
 5. On November 10th, the Development Review Committee (DRC) reviewed the CUP request. The DRC had concerns with the project which included the proximity of the drive-through lane adjacent to 23rd Street, screening of the cars in the drive-through lane, and the whether the architecture of the building was a good fit for the downtown, Spring Street area.
 6. This application is categorically exempt from environmental review per Section 15303 (infill) of the State's Guidelines to Implement CEQA.

Analysis and

Conclusion:

The existing building located at 2244 Spring Street has been vacant and in disrepair for several years. The applicants are proposing to renovate the building and establish a Little Caesar's Pizza restaurant. A portion of the building would be removed to accommodate a drive-through lane.

There was discussion at the DRC meeting regarding concern with the location of the drive-through lane being located adjacent to 23rd Street, and that views of the drive-through lane and cars would be unsightly from Spring Street. There was discussion with the applicants about the possibility of moving the drive-through lane to the back or other side of the building. However, Joey Blagg indicated that given the shape of the lot and building configuration, and the requirement to have six parking spaces, that moving the drive-through lane location was infeasible.

There was also discussion at the DRC about the architecture of the building. The DRC indicated that design changes, such as adding a taller flat parapet to the building may create a better look for the building than the elevations proposed. The DRC indicated that if the Specific Plan Amendment is supported, and it is determined that there is support for the Conditional Use Permit, that the Commission may consider additional review by the DRC to finalize site planning and architectural concerns.

Reference: Uptown Town Centre Specific Plan, 2003 General Plan, 2006 Economic Strategy

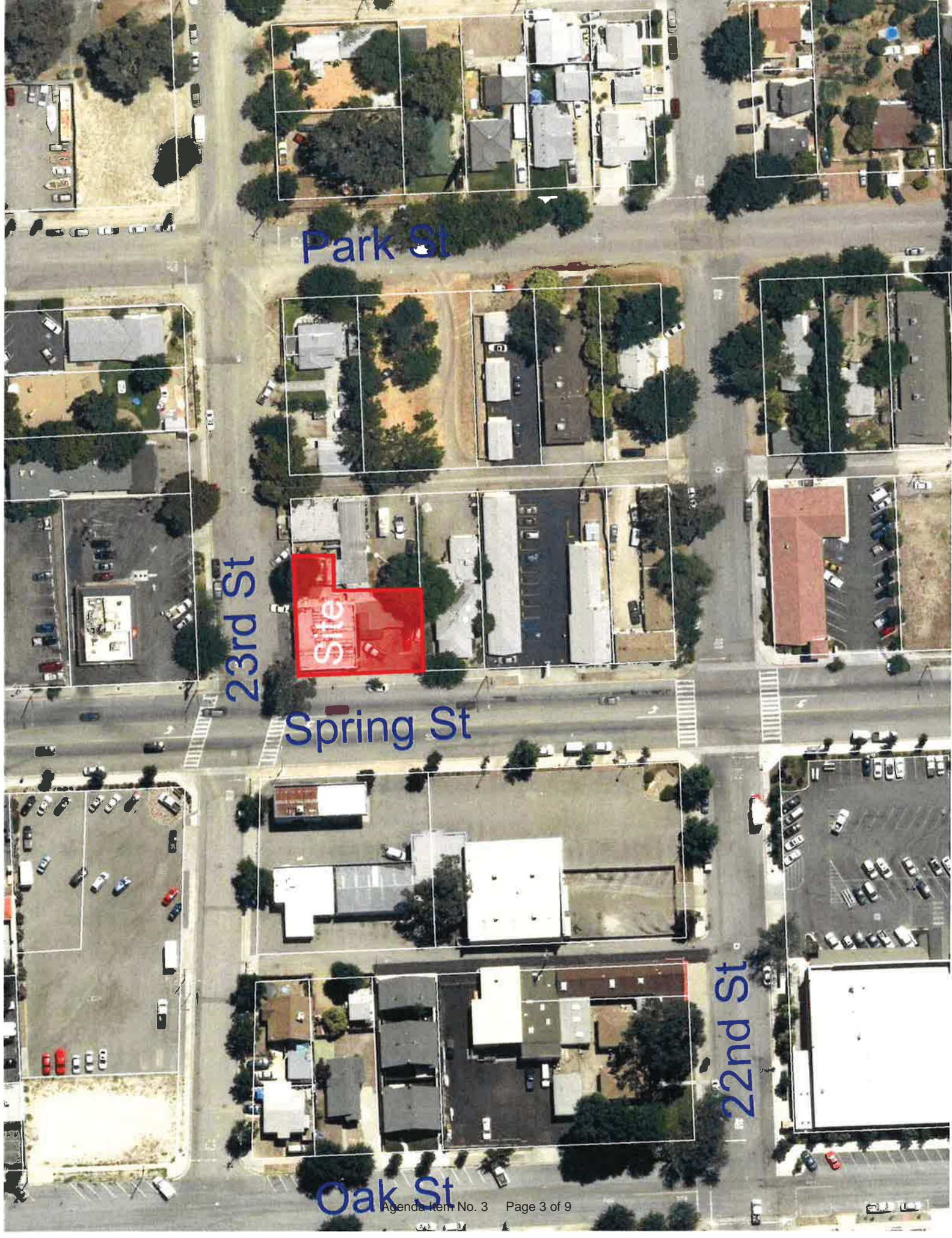
Fiscal Impact: There are no fiscal impacts associated with the proposed Conditional Use Permit.

Options: The Planning Commission may consider one of the following options:

1.
 - a. Adopt the attached Resolution approving Conditional Use Permit 14-014, subject to standard and site specific conditions of approval, and subject to the City Council adopting Specific Plan Amendment 14-014;
 - b. Recommend the DRC review architectural and site plan improvements;
2. Amend, modify, or reject the above options.

Attachments:

1. Vicinity Map
2. Applicant Letter
3. Resolution to Approve CUP 14-014
4. Public Notice Affidavits



Park St

23rd St

Spring St

22nd St

Oak St

Site

December 7, 2014

Re: Little Caesars Pizza,
2244 Spring Street
Paso Robles

City of Paso Robles
Planning Division
1000 Spring Street
Paso Robles, CA 93446

Dear Sirs,

We have proposed a renovation and new use of the existing commercial building at 2244 Spring Street. The new use proposed is a retail franchise pizza take-out restaurant. The current zone is TC-2 which is under the Uptown/Towne Center Specific Plan. Currently, restaurants with drive-thru windows are only allowed on Spring Street within this zone between the North side of 23rd Street and the South side of 26th Street per exception adopted by the City. I am submitting this application for a Planned Development Amendment in hopes that you will approve the use of a drive-thru window for take-out orders at this site, which would extend the allowed exception area to include the South Side of 23rd Street in addition to the already allowed North side.

Our position is that this application is in keeping with the spirit of the Specific Plan which made accommodation for restaurants with drive-thru windows along these few city blocks in keeping with the already populated businesses. It is our opinion that the proposed use, and function of the restaurant as we have proposed, would not only be compatible to the immediate neighborhood, but would be a favored addition by the local citizens. We have reviewed the Design Guidelines as published by the City and believe the exterior Architecture would be compatible with other similar business properties along this portion of Spring Street and the historic part of the City in general.

Please review and approve our request to allow the Drive-thru as this is an integral part of the franchise business model and the restaurant cannot move forward without it. It is our sincere hope that you will agree with our reasoning and find that this application for amendment to the specific plan will be approved.

Sincerely,


Joey Blagg

RECEIVED

DEC 10 2014

City of Paso Robles
Community Development Dept.

RESOLUTION NO: _____

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO APPROVE CONDITIONAL USE PERMIT 14-014
(LUCKY LUKES FOOD, INC.)
APN: 008-165-011

WHEREAS, Specific Plan Amendment 14-014 is in process to amend Table 5.3-1 Allowed Land Uses within the Uptown Town Centre Specific Plan, to allow drive-through restaurants, on the property located at 2244 Spring Street, subject to the approval of a Conditional Use Permit (CUP); and

WHEREAS, concurrent with Specific Plan Amendment 14-014, Lucky Luke's Foods, Inc., has filed a CUP application to establish and operate a Little Caesar's Pizza drive-through take-out, within the existing building located at 2244 Spring Street; and

WHEREAS, CUP 14-014 could not be established until the City Council has adopted an Ordinance approving Specific Plan Amendment 14-014; and

WHEREAS, this application is categorically exempt from environmental review per Section 15301 (existing building) of the State's Guidelines to Implement CEQA; and

WHEREAS, a public hearing was conducted by the Planning Commission on January 27, 2015, to consider the facts as presented in the staff report prepared for this project, to accept public testimony regarding this Conditional Use Permit request; and

WHEREAS, based upon the facts and analysis presented in the staff report and public testimony received and subject to the conditions of approval listed below, the Planning Commission finds that the establishment, maintenance and operation of the requested use and building would be consistent with the General Plan and not be detrimental to the health, safety, morals, comfort, convenience and general welfare of the persons residing or working in the neighborhood of such proposed use, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City because the building has been vacant for several years, and the proposed establishment would be an appropriate use; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve Conditional Use Permit 14-014, subject to the following conditions:

1. This Conditional Use Permit (CUP) authorizes the establishment of a drive-through restaurant on the property located at 2244 Spring Street, APN 008-165-011; subject to the City Council approving Specific Plan Amendment 14-014, and said code amendment becoming effective (31 days following second reading of the ordinance).

2. Prior to the issuance of a building permit, the following design elements shall be reviewed by the Development Review Committee. The DRC should consider the following project revisions:
 - a. Screening of drive-through lane; and
 - b. Building architecture including revision of building parapet with the consideration of a taller flat parapet with cornice trim, addition of architectural elements such as a decorative wainscot, window trim, and awnings for doors and windows.
3. Any signage shall be in compliance with the City's sign ordinances and approved by the Development Review Committee.
4. Prior to occupancy of the restaurant, Spring Street sidewalk and new driveway approach shall be improved to City standards and ADA compliance.
5. Prior to occupancy of the restaurant, the 23rd Street frontage shall be improved in accordance with plans approved by the City Engineer.
6. The site shall be developed and maintained in accordance with the approved plans and unless specifically provided for in the Conditional Use Permit process, shall not waive compliance with any sections of the Zoning Code, all other applicable City Ordinances, and applicable Specific Plans.
7. Any site specific condition imposed by the Planning Commission in approving this project may be modified or eliminated, or new conditions may be added, provided that the Planning Commission shall first conduct a public hearing in the same manner as required for the approval of this project. No such modification shall be made unless the Commission finds that such modification is necessary to protect the public interest and/or neighboring properties, or, in the case of deletion of an existing condition, that such action is necessary to permit reasonable operation and use for this approval.

PASSED AND ADOPTED THIS 27th day of January, 2015 by the following Roll Call Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DOUG BARTH, CHAIRMAN

ATTEST:

SUSAN DECARLI, SECRETARY OF THE PLANNING COMMISSION

THE *Newspaper of the Central Coast*
TRIBUNE

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In The Superior Court of The State of California
In and for the County of San Luis Obispo
AFFIDAVIT OF PUBLICATION

AD # 1505282
CITY OF PASO ROBLES

STATE OF CALIFORNIA

ss.

County of San Luis Obispo

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen and not interested in the above entitled matter; I am now, and at all times embraced in the publication herein mentioned was, the principal clerk of the printers and publishers of THE TRIBUNE, a newspaper of general Circulation, printed and published daily at the City of San Luis Obispo in the above named county and state; that notice at which the annexed clippings is a true copy, was published in the above-named newspaper and not in any supplement thereof – on the following dates to wit; JANUARY 12, 2015 that said newspaper was duly and regularly ascertained and established a newspaper of general circulation by Decree entered in the Superior Court of San Luis Obispo County, State of California, on June 9, 1952, Case #19139 under the Government Code of the State of California.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.



(Signature of Principal Clerk)

DATED: JANUARY 12, 2015

AD COST: \$176.28

**CITY OF EL PASO DE ROBLES
NOTICE OF PUBLIC HEARING
SPECIFIC PLAN AMENDMENT 14-003
CONDITIONAL USE PERMIT 14-014**

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of El Paso de Robles will hold a Public Hearing on Tuesday, January 27, 2015, at 7:30 p.m. at the City of El Paso de Robles, 1000 Spring Street, Paso Robles, California, in the City Council Chambers, to consider the following applications:

- **Specific Plan Amendment 14-003:** a request filed by Joey Blagg on behalf of Lucky Luke's Foods, Inc., for a Code Amendment requesting to expand the area in which a drive through restaurant is allowed with a Conditional Use Permit, in the Town Center 2 (TC-2) zoning district, to the south side of 23rd and Spring Streets. The Planning Commission would need to make a recommendation to the City Council on this item.
- **Conditional Use Permit 14-014:** a request for a Conditional Use Permit to develop a drive through restaurant at 2244 Spring Street. The Planning Commission could approve this application subject to the City Council approving Specific Plan Amendment 14-003.

Written comments on the proposed Code Amendment and Conditional Use Permit may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446 or emailed to planning@prcity.com, provided that the comments are received prior to the time of the public hearing. Oral comments may be made at the hearing. Should you have any questions regarding this application, please call (805) 237-3970 or email at planning@prcity.com.

These applications are categorically exempt from environmental review per Section 15061(b)(3) (General Rule), and Section 15332 (Infill) of the State's Guidelines to Implement CEQA.

If you challenge this application in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at or prior to the public hearing.

Darren Nash
Associate Planner
January 12, 2015

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City of Paso Robles
Community Development Dept.



CITY OF EL PASO DE ROBLES
"The Pass of the Oaks"

AFFIDAVIT
OF MAIL NOTICES
PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Kristen Buxkemper, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for Conditional Use Permit 14-014 (Lucky Luke's Food) located at 2244 Spring Street, on this 13th day of January, 2015.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: 
Kristen Buxkemper