

# STAFF EVALUATION

**Case No.:** Use Permit No. 24-0490

**Planning Commission Date:** December 19, 2024    **City Council Date:** January 8, 2025

<b>Prepared By:</b>	Donald Whipple, Chief Planner	728-5235
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<b>Reviewed By:</b>	Jessica Kraus, Assistant City Attorney	

## General Information

*Applicant*                      Raising Cane's Restaurants, LLC

*Property Owner*              KB Riverdale, LLC

*Site Location*                  1044 W. Mercury Blvd [LRSN: 1001551]



*Requested Action*              Use permit to allow a *restaurant 3* use for extended general hours of operation, to include outdoor dining beyond the provisions permitted through a Zoning Administrator Permit.

*Description of Proposal*              The applicant is proposing to extend the hours of operation of an existing *restaurant 2*, which includes outdoor dining but not live entertainment or alcohol sales. The proposed hours of operation, including outdoor dining, are 9:00 AM to 2:00 AM, Sunday through Thursday and 9:00 AM to 3:00 AM Friday and Saturday.

*Existing Zoning*                  Limited Commercial (C-2) District; Coliseum Central Overlay (O-CC) District

*Existing Land Use*                  Restaurant 2

*Applicable Regulations*              Within the C-2 District, *Restaurant 1* is a by-right use. *Restaurant 1*'s can operate under the following requirements:

- Operating hours of 5 am to 2 am
- No retail alcohol sales
- No live entertainment
- No outdoor dining

Within C-2, *Restaurant 2's* can operate under the following requirements with an approved Zoning Administrator Permit:

- Operating hours with retail alcohol sales: 5 am to 12 am
- Live entertainment is permitted, with limitations
- Outdoor dining is permitted, with limitations

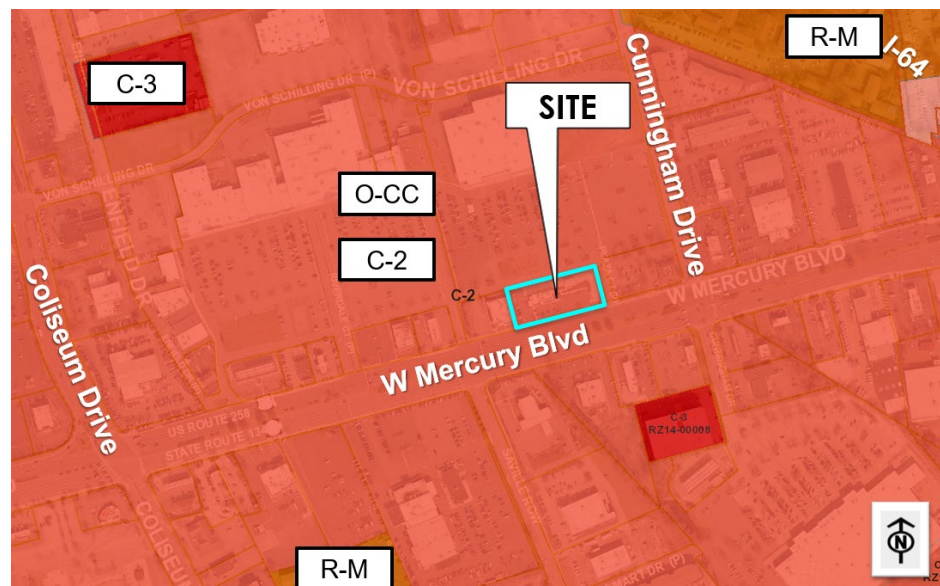
Restaurants requesting to operate outside the conditions required for *Restaurant 1* or *2* need to obtain a Use Permit. The applicant is requesting to exceed the hours of operation requirement.

This is the first fast food restaurant with drive-through to request extended hours since the Zoning Ordinance Amendments that regulate restaurants went into effect in 2021.

#### Surrounding Land Use and Zoning

**North:** Limited Commercial (C-2) and Coliseum Central Overlay (O-CC) Districts; general retail sales  
**South:** Limited Commercial (C-2) and Coliseum Central Overlay (O-CC) Districts; general retail sales, restaurant  
**East:** Limited Commercial (C-2) and Coliseum Central Overlay (O-CC) Districts; general retail sales, restaurant  
**West:** Limited Commercial (C-2) and Coliseum Central Overlay (O-CC) Districts; general retail sales, restaurant

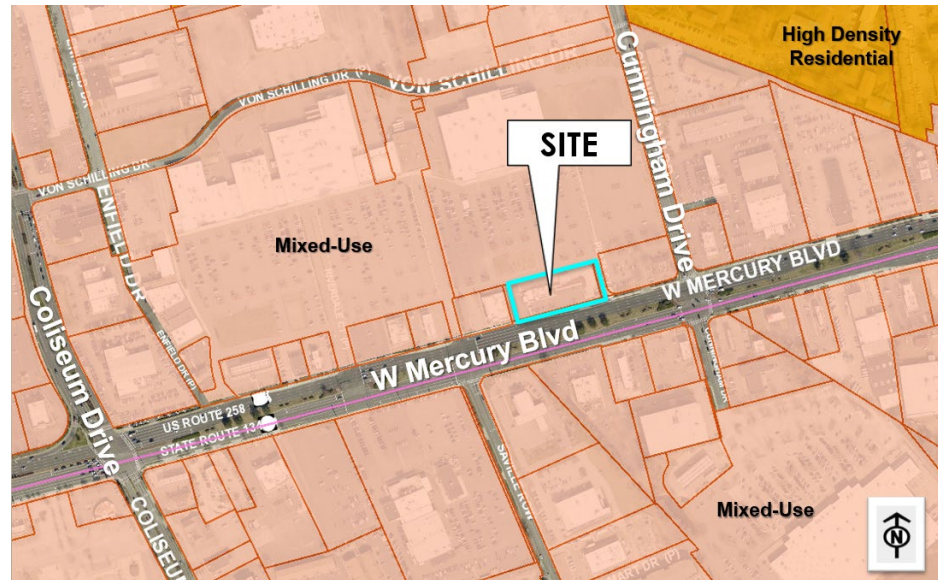
Surrounding Zoning Map:



*Public Policy****Hampton Community Plan***

The Hampton Community Plan (2006, as amended) recommends mixed-use as the future lands use for the subject property and the surrounding area.

Future Land Use Plan:



Listed below are policies related to this request:

**LU-CD Policy 3:** Promote compatibility and synergy among different land uses.

**LU-CD Policy 31:** Encourage a mix of land uses that is appropriate for each district. Promote the efficient use of land and high-quality urban design.

***Coliseum Central Master Plan:***

Overall, the Coliseum Central Master Plan (2015, as amended) ("CCMP"), recommends transforming aging, auto-dominant retail centers into walkable mixed-use districts and redeveloping underutilized properties as mixed-use, pedestrian-oriented developments with retail at the core and high-density housing along the edges adjacent to existing communities for the Coliseum Drive North initiative area (where Riverpointe Shopping Center is located). More specifically, the Plan recommends transitioning the shopping center over time from a traditional strip retail configuration into a walkable mixed-use district that includes residential uses, street-oriented retail, modern office space, big box retail, and attractive parks and public spaces.

*Traffic/Parking*

Staff does not anticipate that the requested hours would cause a significant or negative impact in the parking or traffic circulation within the site.

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<i>Community Meeting</i>	Given the location of the subject restaurant and being surrounded by similar commercial operators, the applicant has elected to not hold a community meeting. Staff has notified the Coliseum Central Business Improvement District of the impending Use Permit application.
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*Analysis:*

Use Permit Application No. 24-0490 is a request for a Use Permit in order to operate a restaurant 3 to extend the general hours of operation, to include outdoor dining beyond the provisions permitted through a Zoning Administrator Permit (ZAP). The subject property is located at 1044 W. Mercury Blvd [LRSN: 1001551]. The property is currently zoned Limited Commercial (C-2) and Overlay Coliseum Central (O-CC) Districts, which allows for the proposed use, subject to an approved Use Permit.

This is the first Use Permit for a restaurant 3 to request expanding the hours of operations that involves a fast-food style restaurant with a drive-through since the 2021 Zoning Ordinance amendments regulating restaurants. A restaurant without alcohol sales and live entertainment may operate until 2:00 AM under a Zoning Administrator Permit at this location. Operating past 2:00 AM requires an approved Use Permit. Many fast-food style restaurants exist in Coliseum Central and operate past 2:00 AM. These restaurants were established prior to the current regulations and are legal, non-conforming uses.

No physical changes to the site or building are proposed. The requested general hours of operation, including outdoor dining, are 9:00 AM to 2:00 AM, Sunday through Thursday and 9:00 AM to 3:00 AM Friday and Saturday. The restaurant would continue to not offer alcohol or live entertainment.

The Hampton Community Plan (2006, as amended) recommends mixed-use for the subject property. Additionally, the Plan calls for promoting compatibility and synergy among different land uses, encouraging a mix of land uses that is appropriate for each district. The Coliseum Central Master Plan (2015, as amended) further recommends transitioning the shopping center over time from a traditional strip retail configuration into a walkable mixed-use district with outparcels along Mercury Boulevard.

If the Use Permit is granted, staff has identified eight (8) recommended conditions based upon the proposed use's operational and land use characteristics. A few key conditions are highlighted below:

- Hours of operation for the restaurant, including outdoor dining, shall be limited to the following:
  - Sunday- Saturday 5:00 AM to 3:00 AM

Staff recommended hours of operation are more permissive than the hours requested by the applicant. In that neither alcohol sales and service nor live entertainment are proposed with this operation, suggested hours of operation

would be consistent with other similar fast-food style restaurants that have late night hours.

- The Restaurant is not permitted to sell and/or serve alcohol. Future sale and/or service of alcohol would require an amended Use Permit.
- No window treatment or finish shall be installed that would impede visibility into the Restaurant from the outside.

The full set of recommended conditions are included within the package.

Staff recommends **APPROVAL** of the Use Permit Application No. 24-0490 with eight (8) conditions.