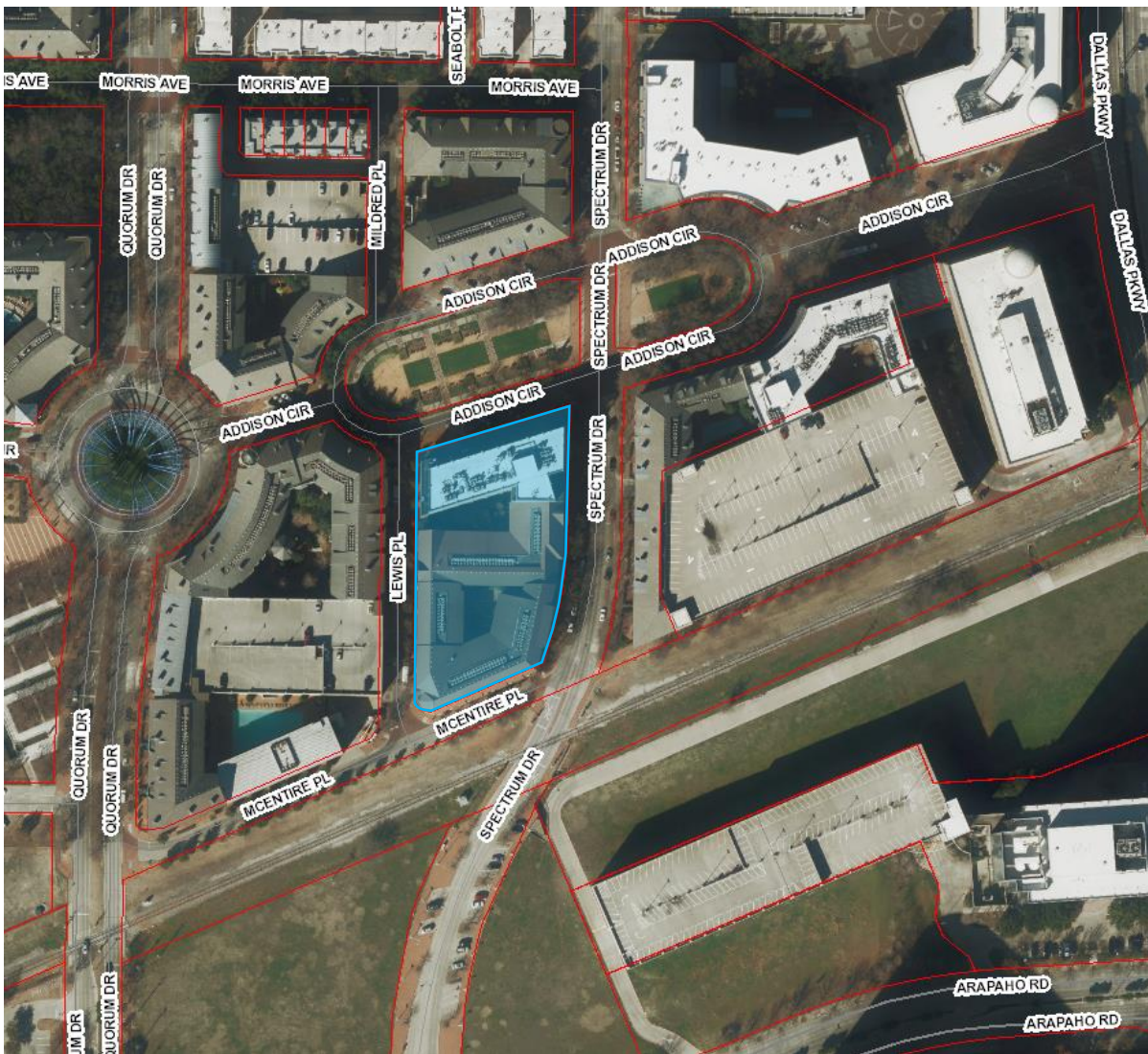


# 1749-SUP

**PUBLIC HEARING** Case 1749-SUP/Skinny Pizza. Public hearing, discussion, and take action on a recommendation regarding an ordinance changing the zoning on property located at 5026 Addison Circle, which is currently zoned UC, Urban Center, by amending an existing Special Use Permit for a restaurant and an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption only in order to approve a revised site plan including an outdoor patio, and to approve a new Special Use Permit for the sale of beer and wine for off-premises consumption.

## LOCATION MAP





December 15, 2016

## STAFF REPORT

RE: Case 1749-SUP/Skinny Pizza

LOCATION: 5026 Addison Circle

REQUEST: Approval of an amendment to the existing Special Use Permit for a restaurant and Special Use Permit for the sale of alcoholic beverages for on-premises consumption only and approval of a new Special Use Permit for the sale of beer and wine for off-premises consumption.

APPLICANT: Skinny Pizza, represented by Mr. Joseph Barkate

## DISCUSSION:

Background: This address is for the 2,800 square foot space on the ground floor of the mixed-use building to the south of Beckert Park. This property is zoned UC, Urban Center. In 1999, the space was granted Special Use Permits for a restaurant and for the sale of alcoholic beverages for on-premises consumption. These SUPs were originally approved for Pastazio's Pizza, which closed last year. The current Special Use Permits do not allow for any outdoor seating, although the previous tenant did have some.

A new tenant, Skinny Pizza, is in the process of completing their finish out of the space. Skinny Pizza is a new concept based out of New York City focusing on thin-crusts and healthier toppings.

Proposed Plan: The new operator would like to formally request approval for outdoor seating. They are proposing that the existing SUPs be amended to allow for a 426 square foot patio with seating for 34. The majority of this patio, 349 square feet, would be placed within the public right-of-way and would be subject to a license agreement and the right-of-way usage policy adopted by the Town in 2015. The policy requires that a five-foot-wide sidewalk be maintained at all times and that the ADA accessible path not be obstructed. This has been achieved with the placement of furniture on the site plan. There is sufficient parking in Addison Circle to serve the additional square footage and meet code requirements.

Additionally, the applicant is requesting permission to sell beer and wine for off-premises consumption. This would allow them to sell beer and wine as part of their takeout and delivery offerings. This requires a separate Special Use Permit which is permissible in the Urban Center zoning district.

**RECOMMENDATION: APPROVAL WITH ONE CONDITION**

The area in front of the building is well suited for patio seating while still providing wide sidewalks and ADA accessible pathways. The addition of this patio will help add vibrancy to the street level in Addison Circle. Staff does not foresee any issues with granting permission to sell beer and wine for off-premises consumption in this location. Staff recommends approval of the requests subject to the following condition:

- Should the license agreement for the use of the public right-of-way be terminated, then the site plan is automatically reduced to encompass only the area on private property. Should the license agreement for the use of the public right-of-way be adjusted to reduce the area available for private use, then the site plan is automatically adjusted to encompass the new licensed area. In either scenario, the patio furnishings shall be reduced accordingly as approved by the Town's Zoning Administrator.



Case 1749-SUP/Skinny Pizza  
December 19, 2016

**COMMISSION FINDINGS:**

The Addison Planning and Zoning Commission, meeting in regular session on December 19, 2016, voted to recommend approval of an ordinance changing the zoning on property located at 5026 Addison Circle, which is currently zoned UC, Urban Center, by amending an existing Special Use Permit for a restaurant and an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption only in order to approve a revised site plan including an outdoor patio, and by approving a new Special Use Permit for the sale of beer and wine for off-premises consumption only, subject to the following condition:

- Should the license agreement for the use of the public right-of-way be terminated, then the site plan is automatically reduced to encompass only the area on private property. Should the license agreement for the use of the public right-of-way be adjusted to reduce the area available for private use, then the site plan is automatically adjusted to encompass the new licensed area. In either scenario, the patio furnishings shall be reduced accordingly as approved by the Town's Zoning Administrator.

Voting Aye: Ennis, Morgan, Robbins, Robinson, Schaeffer  
Voting Nay: none  
Abstained: Griggs  
Absent: Smith

**SPEAKERS AT THE PUBLIC HEARING:**

For: Shannon Sear with Post Properties, 5040 Addison Circle  
On: none  
Against: none