

**CITY OF COPPELL  
PLANNING DEPARTMENT**

**STAFF REPORT**

A Text Amendment to amend the *Code of Ordinances*  
**Article 30, Section 12-30-16(3)**  
**“S or SUP” Special Use Permits**

**P&Z HEARING DATE:** February 21, 2013  
**C.C. HEARING DATE:** March 26, 2013

**STAFF REP.:** Marcie Diamond, Assistant Director of Planning

**PURPOSE:** To eliminate the requirement for Administrative Approval for an SUP for a new restaurant in a lease space which was previously occupied by a restaurant.

**HISTORY:** Originally, all restaurants required Special Use Permits upon initial opening, when the ownership changed, when they expanded and/or when a new restaurant occupied the same lease space as a previous restaurant.

In 2007, a text amendment was approved which deleted the requirement for Special Use Permits for **new** restaurants, unless adjacent to a residential zoning district and/or if it had drive-through facilities. That text amendment also allowed an Administrative Approval of the new restaurant in an existing lease space and/or an expansion of existing restaurants, subject to certain conditions, including submission of an application with attachments and a \$250.00 fee.

**DISCUSSION:** While the ordinance as amended in 2007 made the process easier for new restaurants locating in buildings with no residential adjacency or drive through facilities, it had the unintended consequence of adding an expense and approval process, albeit administrative, when there was already a SUP on the property. As written, when a new restaurant intended to occupy a lease space which was formally used as a restaurant, which already had an SUP, they were required to submit an application, with site, floor, and sign plan and a \$250 fee to the Planning Department for administrative approval. In other words, being an onerous process.

The purpose of this text amendment is to allow new restaurants to locate in a lease space which has previously been used as a restaurant, without a separate application and fee to the Planning Department, however they will still be required to submit all required applications and fees to assure compliance with all sign, building and health codes.

The text amendment is proposed to read as follows:

**ARTICLE 30. "S OR SUP", SPECIAL USE PERMITS, Sec. 12-30-16**

.....

- (3) *New restaurant in a lease space/building with an existing Special Use Permit for a restaurant.* In the event that another restaurant occupies the same building/lease space ~~and~~ a new or revised special use permit is not required; although all building permit conditions must be in compliance.

~~subject to the following process:~~

- ~~(i) — Submission of an application accompanied by the appropriate fee for administrative site plan approval, the revised floor plan, sign plan, hours of operation and/or other pertinent information to the planning department for review.~~
- ~~(ii) — That applicant is in compliance with all other applicable code of ordinance requirements or special conditions of the special use permit for such premise.~~
- ~~(iii) — The director will update the special use permit file to reflect the new restaurant.~~
- ~~(iv) — The director will issue a letter of approval, approval with conditions or denial. In the event of a denial, or conditions that are contested by the applicant, a public hearing process will be required with payment of appropriate fee.~~
- ~~(v) — Once the new restaurant occupies the building, the building official, or his designee, shall provide the planning department an official copy of the certificate of occupancy.~~

**RECOMMENDATION TO THE PLANNING AND ZONING COMMISSION:**

Staff is recommending APPROVAL of this text amendment which eliminates the SUP for a new restaurant in a lease space which was previously occupied by a restaurant.

**ALTERNATIVES:**

1. Recommend approval of the request
2. Recommend disapproval of the request
3. Recommend modification of the request
4. Take under advisement for reconsideration at a later date