



MILPITAS PLANNING COMMISSION AGENDA REPORT

OLD BUSINESS

Meeting Date: September 23, 2009

APPLICATION: **Six Month Review of Conditional Use Permit No. UP08-0021; West Coast Wings**

APPLICATION SUMMARY: Review of operations of a new 1,486 square foot take-out restaurant with the indoor service of beer and wine.

LOCATION: 80 North Milpitas Boulevard (APN: 028-12-021)
APPLICANT: Robert Lavigne, 29928 Red Maple Court, Hayward, CA 94544
OWNER: Shapell Industries, 100 North Milpitas Boulevard, Milpitas, CA 95035

RECOMMENDATION: **Staff recommends that the Planning Commission:**
1. Note receipt and file the review

PROJECT DATA:
General Plan/
Zoning Designation: Town Center / Town Center West (TC -W)
Overlay District: Site and Architectural

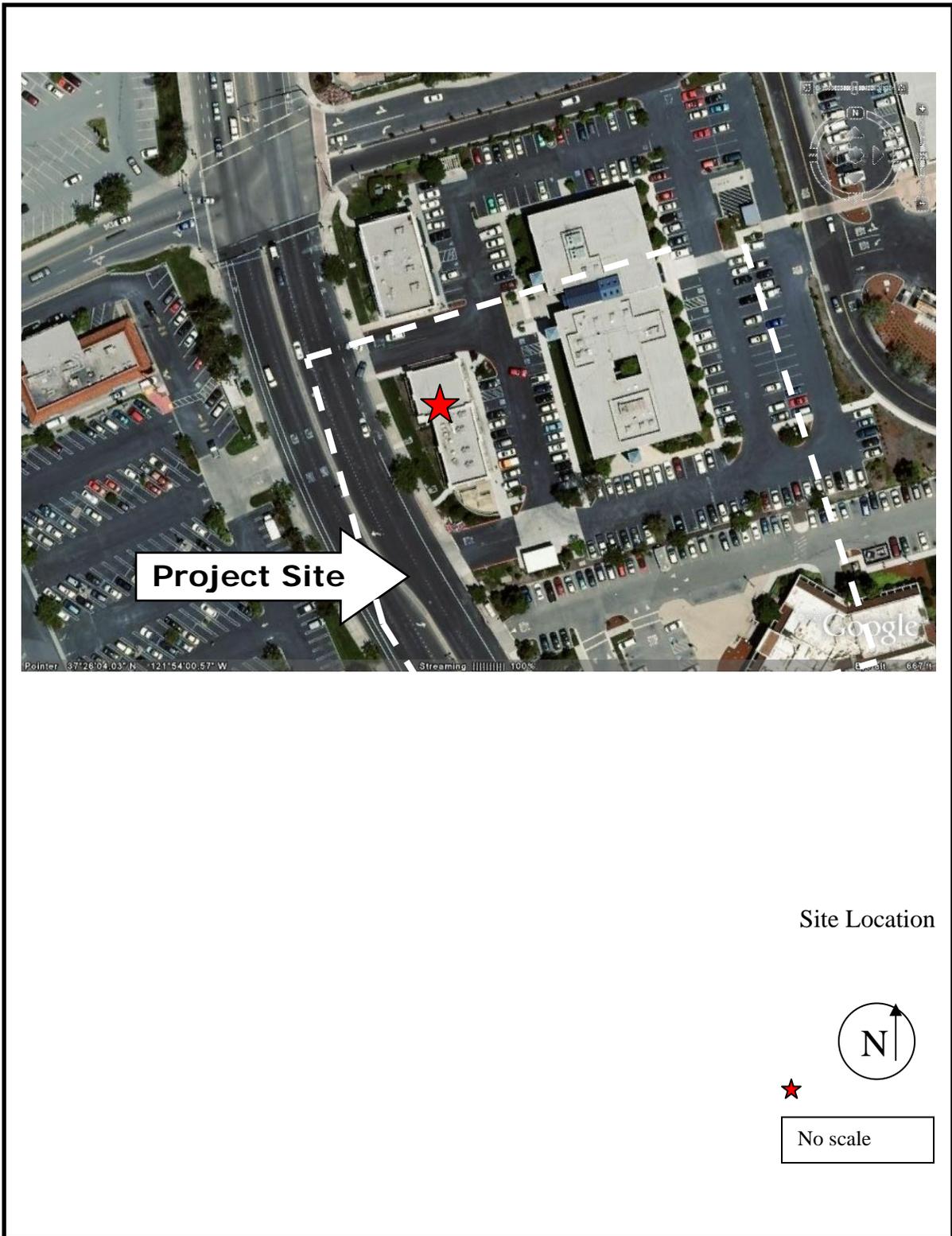
CEQA Determination: Categorically exempt pursuant to Section 15301 (Existing Facilities)

PLANNER: Tiffany Brown, Junior Planner

PJ: 2533

ATTACHMENTS: None

LOCATION MAP



BACKGROUND

On May 8, 2008, Robert Lavigne of West Coast Wings submitted an application to locate a new restaurant with the serious of beer and wine next to Panda Express and Noah's Bagel at 80 North Milpitas Boulevard. On July 8, 2008, the Planning Commission approved the Conditional Use Permit for the restaurant and requested a six month review be added to the Conditions of Approval.

PROJECT DESCRIPTION

The project site is located at the northwest corner of the Town Center Zoning District and is surrounded by Town Center zones with Beresford Court to the north, N. Milpitas Boulevard to the west, City Hall to the south and the Town Shopping Center to the east. A vicinity map of the subject site location is included on the previous page.

This conditional use permit consists of a 1,486 square foot take-out restaurant with a 13' X 14' take out area and a total of 22 indoor seats. The restaurant serves beer and wine and the hours of operation are Monday through Sunday from 10:00 A.M. to 12:00 A.M.

Issues

Staff contacted the Police Department and Code Enforcement to find out if there were any comments, issues recorded, or concerns within the last six months of the restaurants opening day. There were no violations, comments, or issues recorded at the time of writing this report.

PUBLIC COMMENT/OUTREACH

Staff noticed the abutting residences of the six month review for Wing Stop. As of the time of writing this report, there have been no inquiries from the public.

CONCLUSION

The restaurant serves the neighboring uses and provides alternate types of food in the area and is in compliance with the conditions of approval for the conditional use permit. No further review is warranted.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission note, receipt and file this review.

Attachments:

None