

Memorandum

To: Planning Commission Members
From: Kyle Rauch, AICP, Planning & Development Officer
CC: Honorable Members of City Council, Clerk of Council, City Departments
Date: September 14, 2009
Re: Staff Report for Candlestick Lounge – Special Use Permit (Outdoor Seating)

Item #1 – Candlestick Lounge

(PID#200908240037)

Application: Special Use Permit (Outdoor Seating)
Location: **4066 Hoover Rd**
Applicant: Arlen Hughes
Zoning: C-2 Retail Commercial
Use: Lounge

Relevant Code Section(s):

- 1135.09 (b) (12) Special Use Permits

Project Summary:

The applicant is proposing to construct a fence, enclosing the area directly behind Candlestick Lounge located at 4066 Hoover Road. The area will be approximately the size of two parking spaces (16' x 20') and will be used to for an outdoor seating area for Candlestick Lounge patrons. No exterior lighting, signage, or sound amplification is proposed within the enclosed area. The proposed fence is four (4) feet in height and constructed of wrought iron. The applicant is also proposing to install landscape planters around the perimeter of the fence.

Review of Standards and Requirements:

Per Section 1135.09, the Planning Commission is responsible for reviewing Special Use Permit requests and recommending approval, approval with modifications or denial to City Council based on findings of compliance with the standards and requirements of this Code (*see relevant code sections*) and subject to the conditions established by the Planning Commission to ensure compliance with the letter and intent of this Code. The following is the Development Department's evaluation based on code standards and requirements.

1. *The proposed use shall be in harmony with the existing or intended character of the district and nearby affected districts and shall not change the essential character of the districts;*

Standard is Met: The proposed outdoor seating area will not, in the opinion of staff, change the character of the district or that of nearby districts.

2. *The proposed use shall not adversely affect the use of adjacent property;*

Standard is Met: The proposed fence will not, in the opinion of staff, adversely affect the use of adjacent properties. The proposed fence will act as a defined space for Candlestick Lounge, thus keeping Lounge patrons in the area immediately adjacent to the business. Furthermore, the fenced area will be constructed of wrought iron with landscaping planters around the perimeter to add visual interest and separate the enclosed area from the surrounding parking lot.

3. *The proposed use shall not adversely affect the health, safety, morals, or welfare of persons residing or working in the neighborhood;*

Standard is Met: The applicant is not proposing any exterior lighting or sound amplification; therefore staff does not foresee the proposed use creating any adverse affects on the health, safety, morals, or welfare of persons in the neighborhood.

4. *The proposed use shall be served adequately by public facilities and services such as, but not limited to, roads, police and fire protection, storm water facilities, water, sanitary sewer, and school;*

Standard is Met: The proposed fence and outdoor seating area will not place any further demand on public services.

5. *The proposed use shall not impose a traffic impact upon the public right-of-way significantly different from that anticipated from permitted uses of the district;*

Standard is Met: The applicant does not anticipate any extra traffic to be generated by the proposed enclosure of area in question; therefore staff feels the site will not impose any impact different from the existing impact on the public right-of-way.

6. *The proposed use shall be in accord with the general and specific objectives, and the purpose and intent of this Zoning Code and the Land Use Plan and any other plans and ordinances of the City;*

Standard is Met: The use is in accordance with the intent of all applicable code requirements and ordinances of the City.

7. *The proposed use complies with the applicable specific provisions and standards of this Code;*

Standard is Met: The use is in accordance with the intent of all applicable code requirements.

8. *The proposed use shall be found to meet the definition and intent of a use specifically listed as a special use in the district in which it is proposed to be located;*

Standard is Met: The site is located in a C-2 district, in which outdoor seating associated with eating and drinking establishments is permitted with a Special Use Permit.

9. *A completed application indicating the Specific Special Use permit activity intended by the applicant shall be submitted to the Department of Development by the Council approved submittal dates;*

Standard is Met: The applicant properly submitted a completed application.

Recommendation(s):

After review and consideration the Development Department recommends that the Planning Commission make a recommendation of approval to City Council for this Special Use Permit with the following stipulation:

1. Any temporary structures within the area to be fenced must be removed from the site upon completion of the proposed fence.
2. No signage shall be placed on umbrellas.
3. The wrought iron fence shall be finished black.