

Memorandum

To: Planning Commission Members
From: Kyle Rauch, AICP, Planning & Development Officer
CC: Honorable Members of City Council, Clerk of Council, City Departments
Date: March 19, 2010
Re: Staff Report for Wet Bar – Special Use Permit (Outdoor Seating)

Item #3 – Wet Bar

(PID#201003160014)

Application: Special Use Permit (Outdoor Seating)
Location: **1849 Stringtown Rd**
Applicant: Charles Montgomery
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 install an outdoor seating area for the Wet Bar located at 1849 Stringtown Road, on the same parcel as the Days Inn. The patio area will be approximately 1400 square feet and enclosed by a 42" high metal fence, located off the northwest corner of the building. The applicant is proposing six tables with umbrellas and chairs for the outdoor seating. The area will be lit by existing exterior building lighting, with no additional exterior lighting proposed. Speakers will be located on the patio, and the facility will operate seven days a week from 2:30pm to 2:30am.

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. The property in question is bordered on the north, south and west by other properties zoned C-2, and on the east by I-71.

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

Standard Can be Met: The applicant is proposing to operate the outdoor seating area with speakers until 2:30am. Staff has concerns over the close proximity of nearby uses and the potential negative affect the speakers could create on neighboring properties. The Wet Bar shares a parcel with the Days Inn which lies directly south of the Bar, and the Waffle House lies approximately 60 feet to the west of the proposed patio. Due to the fact that neighboring buildings are within close proximity to the proposed patio, staff recommends that outdoor speakers are operated in a manner to minimize noise impacts on nearby uses and are shut off by 10pm.

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 proposed outdoor seating area will not adversely affect the health, safety, morals, or welfare of persons working 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 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 proposed outdoor seating area 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 stipulations:

1. No signage shall be placed on umbrellas.
2. The metal fence shall have a black finish.
3. Outdoor tables, chairs, and umbrellas shall have a black finish.
4. Exterior speakers shall be located and operated in a manner to minimize noise impacts on nearby uses.
5. Exterior speakers shall not operate after 10pm.

