

Memorandum

To: Planning Commission Members
From: Development Department
CC: Honorable Members of City Council, Clerk of Council, City Departments
Date: August 6, 2010
Re: Staff Report for Donerick's Pub & Grill – Special Use Permit (Outdoor Seating)

Item #1 – Donerick's Pub & Grill

(PID#201007070031)

Application: Special Use Permit (Outdoor Seating)
Location: **5919 Hoover Rd**
Applicant: Chris Hale
Zoning: PUD-C
Use: Restaurant, Bar

Relevant Code Section(s):

- 1135.09 (b) (12) Special Use Permits

Project Summary:

The applicant is proposing to construct a fence, enclosing an outdoor area for Donerick's Pub and Grill, located at 5919 Hoover Road in the Buckeye Grove Shopping Center. The patio will be 625 square feet in area and will extend twenty-five (25) feet west from the shopping center into the rear vehicular use area. The proposed outdoor seating area will be accessible from a single door from the interior of the establishment, with an exit gate from the outdoor area on the north side of the enclosed space. The seating area will be enclosed by a 42" high black metal fence, with a canvas awning over a portion of the patio. The applicant is proposing to install five (5) new bollards around the perimeter of the fence to match the existing bollards on the site, as well as a variety of planters to provide visual interest and to further delineate the seating area from the vehicular area. A total of six (6) tables, each with four chairs are proposed for the outdoor seating area, with no speakers or live entertainment proposed for the area and no outdoor sales. The bar/restaurant is open daily from 11am 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 site is part of the Buckeye Grove Shopping Center, zoned PUD-C, and is bordered to the west by vacant land zoned SD-1.

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 or businesses.

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. The proposed seating area extends only twenty-five feet into the rear vehicular area, leaving approximately fifty (50) feet of clearance between the patio and the edge of the vehicular use area. Furthermore, the seating area is defined from the vehicular use area by the installation of fencing, bollards, and planters.

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 PUD-C district, in which outdoor seating associated with eating and drinking establishments is permitted with a Special Use Permit. The approved text (CR-70-98) states that uses listed in Section 1135.09(12) (Special Use Permits) will be considered as code requires, subject to approval by City Council.

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. No signage shall be placed on the awning.
2. The outdoor tables and chairs shall be finished black.
3. The proposed bollards shall match the height of existing bollards on the site.

