

Memorandum

To: Planning Commission Members
From: Development Department
CC: Honorable Members of City Council, Clerk of Council, City Departments
Date: September 24, 2010
Re: Staff Report for Whitehorse Saloon – Special Use Permit (Outdoor Seating)

Item #1 – Whitehorse Saloon

(PID#201008090036)

Application: Special Use Permit (Outdoor Seating)
Location: **4318 Broadway**
Applicant: Dolly Ginsberg
Zoning: C-2
Use: Bar

Relevant Code Section(s):

- 1135.09 (b) (12) Special Use Permits

Project Summary:

The applicant is proposing to construct a fence to enclose an outdoor seating area for the Whitehorse Saloon, located at 4318 Broadway. The seating area will be 144 square feet in area and will extend twelve (12) feet from the building into the side vehicular use area. No parking spaces will be eliminated with the installation of the proposed seating area. The area will be enclosed by 42" white fencing with planters around the perimeter to further delineate the seating area from the vehicular area. Black metal tables are proposed for the seating area, which will be accessible from a door from the interior of the bar on the south side of the structure, as well as a gate on the west side of the seating area.

The Whitehorse Saloon is located on the same parcel and within the same structure as Soap City Laundry and the Fraternal Order of Eagles, with Bills on Broadway (Automobile Repair) located directly adjacent to the south and the Sherry Lynne Homes residential subdivision to the east. The nearest residential structure is approximately 80 feet from the proposed outdoor seating area. Due to its proximity to residential areas, there will be no speakers or live entertainment within the proposed outdoor seating area. The Saloon 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.

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

Standard is Met: The applicant is not proposing any music or other outdoor entertainment within the proposed outdoor seating area; therefore staff does not feel that the proposed seating area will adversely affect the use of the adjacent properties.

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 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; 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 stipulations:

1. Any table umbrellas or awnings within the outdoor seating area shall have no signage.
2. No music or outdoor entertainment shall be permitted in the outdoor seating area.