

Memorandum

To: Planning Commission Members
From: The Development Department
CC: Honorable Members of City Council, Clerk of Council, City Departments
Date: June 28, 2013
Re: Staff Report for Massey's Pizza Sports Bar and Grill, LLC – Special Use Permit (Outdoor Seating)

Item #1 – Massey's Pizza Sports Bar and Grill – Special Use Permit (Outdoor Seating) (PID# 201305170019)

Application: Special Use Permit
Location: 4015 Parkmead
Applicant: James Pallone
Zoning: C-2
Use: Restaurant

Relevant Code Section(s):

- 1135.09 (b) (12) Special Use Permits

Project Summary:

The applicant is proposing to install an outdoor seating area for Massey's Pizza, to be located at 4015 Parkmead Drive. The proposed outdoor seating area will be an expansion of the existing outdoor area from the previous tenant and will be approximately 1,400 square feet in area. The seating area will extend into the existing parking lot and consume six parking spaces. Curbing will be extended around the seating area to separate it from the vehicular area.

Decorative black metal fencing is proposed around the seating area, with bollards around the perimeter to protect the seating area from vehicles. Landscape planters are also proposed to add further visual separation. Tables and chairs in the outdoor seating area are proposed to be black wrought iron.

The proposed seating area will be open from 11am to 11pm daily. Materials indicate that background music, acoustic entertainers, or televised sporting events may be played within the seating area.

Code Analysis:

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 is in harmony with the intended character of the district. Other businesses in the area, such as City Barbeque to the south, have outdoor seating areas.

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

Standard is Met: The proposed outdoor seating area will not affect the use of adjacent properties, nor will it affect the use of other business on the site. Although the proposed seating area will consume six (6) parking spaces, staff feels there is adequate parking on the site to meet current and future demands within the shopping center. The materials state that background music, acoustic entertainers, or televised sporting events may be played within the seating area; however staff does not feel that this will impact adjacent uses, as these uses are primarily conducted indoors and the proposed seating area is more than 200 feet away from any structure on an adjacent parcel.

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 seating area will be within a curbed area, with fencing and bollards to separate and protect the area. Landscaping is also proposed to be installed to visually separate the seating area from the drive aisle. The nearest residential district is approximately 400 feet from the proposed seating area.

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 outdoor seating area will not impact 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 Planning Commission make a recommendation of approval to City Council for the Special Use Permit with the stipulations noted below.

1. The standing seam patio roof shall be finished forest green.
2. All exterior chair and tables shall be constructed of metal and finished black.
3. Umbrellas and fencing shall be free of signage.
4. Music and video activities on the patio shall be terminated by no later than 10pm nightly.