



Legislation Text

File #: ID#17-823, **Version:** 1

AGENDA CAPTION:

7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against a request by Brenda and Kaare Remme to appeal a decision made at the October 10, 2017 Planning and Zoning Commission meeting, in which the Planning and Zoning Commission granted a Conditional Use Permit (CUP-A-17-01) for the sale of beer and wine for on-site consumption to Wonder World Park, located at 1001 Prospect Street; **and consider action related to the appeal, by motion.**

Meeting date: November 21, 2017

Department: Planning and Development Services

Funds Required: NA

Account Number: NA

Funds Available: NA

Account Name: NA

CITY COUNCIL GOAL: NA

COMPREHENSIVE PLAN ELEMENT(s): NA

BACKGROUND: The Planning and Zoning Commission approved a Conditional Use Permit for the sale of beer and wine at Wonder World Park, located at 1001 Prospect Street on October 10, 2017. The CUP was approved with the following conditions:

1. The CUP shall be valid for one (1) year, provided standards are met, subject to the point system;
2. The permit shall be effective upon the issuance of the Certificate of Occupancy for the proposed Building II bar and the acceptance of any required improvements included within the conditions herein;
3. The applicant must construct a curb or barrier approved by the Department of Engineering at the end of each row of parking along Prospect Street in order to contain vehicles within the parking lot and prevent vehicles from blocking the street.
4. The applicant constructs an overlapping board fence as described in the Staff Report;
5. No amplified outdoor live music is permitted;
6. Non-amplified live music is prohibited after 9:00 p.m.;
7. Amplified music is prohibited outdoors after 9:00 p.m.;
8. Outdoor Televisions are only permitted within Courtyard I;
9. Any new outdoor speakers shall be limited to Courtyard I and shall be located in a manner which directs sound away from single family residences;

10. Hours of operation are limited to no later than 9:00 p.m. Monday - Sunday.
11. Consumption of alcohol is prohibited in any portion of the parking lot.
12. The CUP shall be posted in the same area and manner as the Certificate of Occupancy.

On October 20, 2017, Brenda and Kaare Remme submitted an appeal application form, within the required 10 working days from the decision.

Pursuant to Section 1.5.7.7 of the LDC, the City Council shall apply the criteria in Section 1.5.7.5 in deciding whether the Commission's action should be upheld, modified or reversed. The vote of a simple majority of all of the members of the City Council is sufficient for the City Council to act on the appeal.

Applying the criteria under Section 1.5.7.5, the City Council shall evaluate the impact of the proposed conditional use on and its compatibility with surrounding properties and residential areas to ensure the appropriateness of the use at the particular location, and shall consider the extent to which:

- (1) The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan;
- (2) The proposed use is consistent with any adopted Neighborhood Character Study that has been completed for the area;
- (3) The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
- (4) The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;
- (5) The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;
- (6) The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;
- (7) The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and
- (8) The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.