

## Evolution of Conditions - From Application to the Current Ordinance to the Proposed Amendment

	Initial Application (December 8, 2021)	Revised Application (May 11, 2022)	Current Ordinance (Presented November 7, 2022)	Proposed Amendment (February 21, 2023)
<b>Summary/Comments</b>	The initial request was for general R-63 corner commercial uses without specific conditions. This was consistent with other filings for corner commercial uses that are in-line with the R300 plan. The initial proposal was presented to the Byrd Park Civic League at the 3/9/2022 meeting. An April survey related to this initial request was sent to 500 properties by the Byrd Park Civic League. <b>Of 153 neighbors that responded 88.9% were supportive while only 8.5% were opposed (See below graphic provided by the Byrd Park Civic League).</b>	These conditions were presented to the Byrd Park Civic League on 4/28/2022 and were intended to address comment heard at the 3/9/2022 meeting. Specific ABC conditions were proposed that had been utilized in previous SUPs where alcohol was a concern. Specific changes proposed in response to comments heard on 3/9/2022 are highlighted in <b>green</b> below.	These conditions were contained in the current ordinance as it was presented to the Commission in November. The highlighted ABC conditions below <b>were not</b> included in the draft ordinance by staff. They indicated there are "enforceability" concerns despite their use with previous cases.	The following conditions are now proposed after negotiations/discussions with nearby property owners who spoke at the 11/7/22 Commission meeting and an in-person, on-site meeting on 2/11/2023. Specific changes are shown below in <b>green</b> and comply with all neighbor requests except the requested elimination of outdoor dining. Outdoor dining has now been limited to 24 seats. A rendering and concept menu have been provided in good faith to better demonstrate the concept. The SUP would continue to require an automatic review by Council if there is a change in possession, owner, etc.
<b>SUP Applicability/Future Users</b>			<b>SUP is subject to an automatic review by the City Council upon a change in possession, a change in the owner of the business, or a transfer of majority control of the business entity.</b>	<b>SUP is subject to an automatic review by the City Council upon a change in possession, a change in the owner of the business, or a transfer of majority control of the business entity.</b>
<b>Use(s)</b>	R-63 uses including: retail; office; art galleries; barber shops and beauty salons, including manicure, spa, tanning and similar services; grocery, convenience and specialty food and beverage stores (including retail bakery); laundromats and laundry and dry-cleaning pick-up; and restaurants and other food and beverage establishments (including outdoor dining).	Uses reduced to restaurant with outdoor dining	Restaurant with outdoor dining	Restaurant with outdoor dining; Outdoor dining limited to 24 seats
<b>Hours (generally)</b>		7:30AM to 10PM	7:30AM to 10PM	8:00AM to 9:00PM
<b>Hours (Outdoor Dining)</b>		7:30AM to 9PM	7:30AM to 9PM	8:00AM to 9:00PM
<b>Outdoor Music</b>		No outdoor music permitted outside at any time	No outdoor music permitted outside at any time	No outdoor music permitted outside at any time
<b>Indoor Entertainment</b>		No accessory entertainment inside (live music or DJs)	No accessory entertainment inside (live music or DJs)	No accessory entertainment inside (live music or DJs)

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<b>Signage</b>		No internally illuminated or neon signs	R-63 sign regulation; No internally illuminated (including neon) signs	R-63 sign regulation; No internally illuminated (including neon) signs
<b>ABC Restrictions</b>		<b>ABC Off limited according to the following:</b>	<b>No ABC Restrictions</b>	<b>No ABC Off;</b> <b>ABC ON (Wine and Beer only);</b> <b>No liquor</b>
		<b>No beer or wine coolers shall be sold as singles in an individual container of 40 or fewer fluid ounces</b>	<b>Not included by staff</b>	
		<b>Beer or wine coolers in containers of 40 or fewer ounces shall only be sold in packs with a minimum of 4 units</b>	<b>Not included by staff</b>	
		<b>Wine shall be sold in bottles of at least 750ml/25.4 oz</b>	<b>Not included by staff</b>	
		<b>Fortified wine (&gt;14%) shall not be sold</b>	<b>Not included by staff</b>	
<b>Refuse/Recycle</b>				City/CVWMA super cans to be utilized; Location moved adjacent to the alley;
<b>Security Cameras</b>				Security cameras to be installed
<b>Bike Racks</b>				Bike rack to be provided (Bike rack location shown on "401 S. Stafford Ave Plan 02.12.23")
<b>Service Yard / Screening Wall</b>		Screening wall incorporated into the site plan as a part of a storage yard at the eastern end of the dining area	Screening wall incorporated into the site plan as a part of a storage yard at the eastern end of the dining area	Service yard along Idlewood frontage to be removed; Opaque screening wall to be retained along the eastern edge of the patio. (Details shown on "401 S. Stafford Ave Plan 02.12.23")
<b>Outdoor Dining Rendering</b>				A rendering depicting the outdoor dining improvements as they would be seen from Idlewood Avenue has been provided. While this may not be included in the ordinance it was provided in good faith in order to demonstrate the desired exterior appearance.
<b>Concept Menu</b>				A concept menu demonstrating the proposed restaurant concept has been provided and reflects the proposed hours and ABC conditions. While this may not be included in the ordinance it was provided in good faith in order to demonstrate the overall restaurant concept in terms of food and drink offerings.

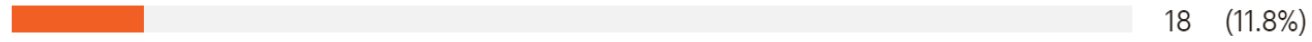
April 2022 Survey Analysis Provided by Byrd Park Civic League:

## “What is your current overall position, if any, on the proposal?”

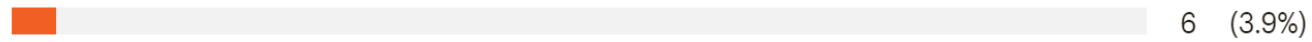
FULLY SUPPORT commercial or other non-residential use



GENERALLY SUPPORT with concerns / support if concerns addressed



GENERALLY OPPOSE in current form / open to other non-residential uses



FULLY OPPOSE commercial or other non-residential use



NO POSITION / need more information

