



Legislation Details (With Text)

File #: ORD. 2014-094-158 **Version:** 1 **Name:**

Type: Ordinance **Status:** Adopted

File created: 4/15/2014 **In control:** City Council

On agenda: 6/2/2014 **Final action:** 10/13/2014

Title: To amend Ord. No. 2004-325-304, adopted Nov. 22, 2004, as previously amended by Ord. No. 2006-105-183, adopted Jul. 10, 2006, which authorized the special use of the property known as 1619 and 1621 West Broad Street for a radio broadcasting studio and offices on the second floor, including an accessory antenna and a parking waiver, for the purpose of permitting a nightclub use, upon certain terms and conditions. (As Amended)

Sponsors: Charles Woodson, Jonathan Baliles

Indexes: Special Use Permit

Code sections:

Attachments: 1. Ord. No. 2014-094-158, 2. Staff Report, 3. Location Map, 4. Plans, 5. Application & Applicant's Report, 6. Letters and Emails of Support, 7. Petition of Support, 8. Letters of Opposition, 9. Video Submitted by Oppostion

Date	Ver.	Action By	Action	Result
11/10/2014	1	City Council		
11/10/2014	1	City Council		
10/27/2014	1	City Council		
10/27/2014	1	City Council		
10/13/2014	1	City Council		
10/13/2014	1	City Council		
10/13/2014	1	City Council	adopted	
9/8/2014	1	City Council		
9/8/2014	1	City Council		
9/8/2014	1	City Council	amended and continued	
7/14/2014	1	City Council	continued and referred back	
7/7/2014	1	Planning Commission	recommended for approval with conditions	Pass
6/9/2014	1	City Council	continued and referred back	
6/2/2014	1	Planning Commission	recommended for continuance	Pass
5/12/2014	1	City Council	continued and referred back	
5/5/2014	1	Planning Commission	recommended for continuance	
4/14/2014	2	City Council	introduced and referred	

To amend Ord. No. 2004-325-304, adopted Nov. 22, 2004, as previously amended by Ord. No. 2006-105-183, adopted Jul. 10, 2006, which authorized the special use of the property known as 1619 and 1621 West Broad Street for a radio broadcasting studio and offices on the second floor, including an accessory antenna and a parking waiver, for the

purpose of permitting a nightclub use, upon certain terms and conditions. (As Amended)

DATE: March 5, 2014

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: Dwight C. Jones, Mayor (Patron: Mayor, by Request)
(This in no way reflects a recommendation on behalf of the Mayor.)

THROUGH: Byron C. Marshall, Chief Administrative Officer

THROUGH: Peter H. Chapman, Deputy Chief Administrative Officer for Economic Development and Planning

FROM: Mark A. Olinger, Director, Department of Planning and Development Review

SUBJECT: To amend ordinance 2006-105-183, which authorized which authorized the special use of the property known as 1619 and 1621 West Broad Street for the purpose of a radio broadcasting studio and offices on the second floor including an accessory antenna and a parking waiver, to authorize a nightclub use, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To amend ordinance 2006-105-183, which authorized which authorized the special use of the property known as 1619 and 1621 West Broad Street for the purpose of a radio broadcasting studio and offices on the second floor including an accessory antenna and a parking waiver, to authorize a nightclub use, upon certain terms and conditions.

REASON: The applicant is requesting an extension to the allowed hours for principal or accessory entertainment uses. The current special use permit, approved in 2006, requires entertainment uses to cease by 11:00 p.m. Sunday through Thursday and 1:00 a.m. Friday and Saturday. The applicant requests these hours be extended to 2:00 a.m. Sunday through Saturday. The extension of hours for the entertainment past 12:00 a.m., floor area devoted to dancing or standing, and the consumption of alcohol classify the uses as a nightclub, which was defined by the zoning ordinance in 2012.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its May 5, 2014 meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property is located on the south side of West Broad Street between North Lombardy Street and North Allen Avenue and contains approximately 5,040 square feet of lot area. The site is occupied by two, two-story commercial storefront buildings that were constructed in 1925 on separate parcels. Over the years the buildings were connected with interior doorways and the two parcels were consolidated in 1990. The two buildings contain approximately 6,960 square feet of combined floor area. The first floor and basement of the building are currently used by The Camel restaurant and music venue. The second floor is used for a radio broadcasting studio and office which was authorized by a special use permit adopted April 24, 2006 (Ord. No. 2006-105-183). A number of conditions included in this ordinance also regulate aspects of the

restaurant and music uses.

The existing special use permit authorized the radio broadcast studio use for the second floor of the building and referred to the underlying UB Urban Business - PO4 (West Broad Street Parking Overlay District) for the use of the remainder of the building. The special use also waives all but 4 of the required parking spaces. Under the current special use permit, the first floor and basement of the building can be occupied by any permitted use in the UB district under certain terms and conditions.

The petitioner is requesting to amend one of the existing conditions pertaining to hours of operation. The condition currently reads, "Any principal or accessory entertainment use of the property shall cease by 11:00pm Sunday through Thursday and by 1:00am on Friday and Saturday." The petitioner requests that any principal or accessory entertainment use cease by 2:00am on Sunday through Saturday. Since the initial SUP was granted, the zoning ordinance was amended in 2012 to establish a definition for nightclub and distinguish a nightclub from a restaurant use. The proposed extension of hours would authorize a nightclub use of the property 7 days a week. Nightclubs are permitted in the UB zoning district only if they existed prior to January 14, 2013.

The property to the north across West Broad Street is zoned M-1 Light Industrial and is occupied by a large home improvement retail and warehouse use. The properties to the south across the public alley front on West Grace Street and are zoned R-48 Multi-Family Residential and occupied by a single-family and multifamily dwellings. The properties to the east and to the west are also zoned UB and are occupied by commercial uses. The Master Plan recommends "Community Commercial" use for the subject property.

FISCAL IMPACT: The Department Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

COST TO CITY: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

REVENUE TO CITY: \$1,200 application fee

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: April 14, 2014

CITY COUNCIL PUBLIC HEARING DATE: May 12, 2014

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission, May 5, 2014

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)
City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORDINANCES: None.

ATTACHMENTS: Application Form, Applicant's Letter, Draft Ordinance, Plans

STAFF: Willy Thompson, Senior Planner;
Land Use Administration (Room 511)

646-5734

DCD O&R No.14-11

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

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