



## Legislation Text

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**File #:** ORD. 2015-019-37, **Version:** 1

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To authorize the special use of the property known as 26 North Morris Street for the purpose of authorizing a restaurant with outdoor dining, upon certain terms and conditions.

### O & R Request

**DATE:** December 11, 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:** Christopher L. Beschler, Interim Chief Administrative Officer

**THROUGH:** Peter L. Downey, Interim Deputy Chief Administrative Officer for Economic Development and Planning

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

**SUBJECT:** Special Use Permit for the purpose of authorizing a restaurant with outdoor dining at 26 North Morris Street.

**ORD. OR RES. No.**

**PURPOSE:** To authorize the special use of the property known as 26 North Morris Street for the purpose of authorizing a restaurant with outdoor dining, upon certain terms and conditions.

**REASON:** In 1999, the Board of Zoning Appeals (Case No. 91-99) waved certain requirements, including parking, screening, and outdoor dining serving an existing restaurant. The applicant proposes to expand that dining area. The special use permit will memorialize the parking and screening requirements for the restaurant as well as authorize the larger outdoor dining area.

**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 February 2, 2015 meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** The applicant is requesting an SUP to expand an existing outdoor dining area. In 1999, the Board of Zoning Appeal (Case No. 91-99) waived two (2) parking spaces, screening for the parking area, and location of the parking area. In addition, the variance authorized an outdoor dining area 150 square feet. The

applicant proposes to expand that area to 950 square feet with seating limited to 30 seats. The existing outdoor dining area currently has 10 seats.

The property is currently zoned Urban Business and is in the Main Street/Uptown parking overlay district (PO-3), which permits outdoor dining as long as it is not within 100 feet of any property in an R (Residential) zoning district. The proposed outdoor dining is adjacent to Sydney Park, which is zoned R-6 (Single-Family Attached Residential).

The PO-3 district requires one parking space per 180 square feet of restaurant floor area, including any outdoor dining areas, bringing the total number of required parking spaces to 13. There are currently 8 on-site parking spaces and the proposed ordinance will require that 8 parking spaces continue to be provided. The requirement for 5 additional parking spaces will be waived.

In addition, the special use permit ordinance limits the outdoor dining area to 950 square feet and no more than 30 seats, as substantially shown on the attached plans.

The property is located in the Near West Planning District as defined by the 2000-2020 citywide Master Plan, which recommends "Community Commercial" uses for the property. The Plan defines the primary use for this land use designation as "office, retail, personal service and other commercial and services uses, intended to provide the shopping and service needs of residents of a number of nearby neighborhoods or a section of the City" (page 134).

**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:** \$1,800 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption.

**REQUESTED INTRODUCTION DATE:** January 12, 2014

**CITY COUNCIL PUBLIC HEARING DATE:** February 9, 2015

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES:** City Planning Commission, February 2, 2015

**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, Survey, Plans

**STAFF:** Willy Thompson, Senior Planner; Land Use Administration (Room 511); 646-5734

