



Recommendation for Action

File #: 19-2504, **Agenda Item #:** 99.

8/8/2019

Posting Language

Conduct a public hearing and consider an appeal of the Planning Commission's decision to deny a Conditional Use Site Plan application for a Cocktail Lounge at 1300 E. 4th St. (SPC-2018-0478A - Plaza Saltillo Block E Texaco).

Lead Department

Development Services Department

Fiscal Note

This item has no fiscal impact.

For More Information:

Andrew Linseisen, Assistant Director, Development Services Department, 974-2239; Anaiah Johnson, Principal Planner, Development Services Department, 974-2932.

Council Committee, Boards and Commission Action:

March 26, 2019 - Postponed by the Planning Commission to the April 9, 2019, meeting on a 10-0 vote with Commissioner DeHoyosHart off the dais and Commissioners Shieh and Shaw absent.

April 9, 2019 - Postponed by the Planning Commission to the May 14, 2019, meeting on a 9-0 vote with Commissioners McGraw, Schneider and Seeger absent and one vacancy.

May 14, 2019 - Planning Commission denied approval of a Conditional Use Permit for a Cocktail Lounge land use with a late hours permit on a 10-1 vote with Commissioner Anderson recused on this item (employed by adjacent property owner) and Commissioner Schissler recused on this item (rendered professional services).

Additional Backup Information:

The applicant is requesting a conditional use permit for a cocktail lounge in two existing historic zoned structures (overall site zoned TOD-CURE-NP; immediate footprints of buildings zoned TOD-H-NP), totaling 3,283 sf of indoor space, and a proposed 3,200 sf outdoor seating area, for a grand total of 6,783 sf of CUP Cocktail Lounge space. No construction will occur with this permit but will be permitted either as a B-plan (construction site plan) or as a site plan exemption. Parking will be provided off-site.

A public hearing was conducted by Planning Commission on May 14, 2019. A motion to deny the Conditional Use Permit site plan was passed by a vote of 10-1.

Richard Suttle, representing Todd Hemingson of the Capital Metropolitan Transportation Authority, the applicant, has appealed the Planning Commission's denial of the Conditional Use Permit site plan. The appeal mentions compliance with current City regulations.

Staff recommends approval of the applicant's appeal because the use is compatible with the surrounding properties (being located within the highest intensity subdistrict of the Plaza Saltillo Transit Oriented

Development Station Area Plan) and the site plan meets the criteria for a Conditional Use Permit.