

**Item 24-0374: Request to approve Minor Amendment to Special Use Permit #12-00 for a sidewalk cafe with alcohol sales and service in front of 523-525 W. College Avenue**

City Plan Commission

Wed, Apr 10, 2024 3:30PM

**Mayor Jake Woodford** 01:04

We have no public hearings or appearances this afternoon. So, we'll move on to action items. First is 24-0374 request to approve minor amendment a special use permit number 12-00 for a sidewalk cafe with alcohol sales and service in front of 523 to 525 West College Avenue. And tell us about that is Don Harp. Which mic? All right, go ahead.

**Mayor Jake Woodford** 01:33

Thank you. Need a motion. We have a motion.

**Principal Planner Don Harp** 01:33

Thank you. Chapter nine of the Municipal Code requires a special use permit for sidewalk cafe with alcohol sales for businesses that have a valid food permit and alcohol license. This property currently holds both of those licenses and currently has a special use permit that was granted in 2000 for a restaurant with alcohol sales. Therefore, they're permitted to apply for an amendment to their current special use permit to add the sidewalk cafe to their current special use permit. So that is what the request is about. Staff had reviewed the findings of fact and we're recommending approval of the special use permit amendment along with the resolution attached to the staff report.

**Aldersperson Denise Fenton (District 6)** 02:20

Second.

**Mayor Jake Woodford** 02:21

We have a motion and a second to approve. We'll open the floor for discussion. Yes. Alder Fenton.

**Aldersperson Denise Fenton (District 6)** 02:30

Thank you, Your Honor. Um, I understand that our options on granting the amendment to the special use permit are limited by statute and et cetera. I do have concerns with that block. And I just wanted to, I guess make a note of that, notwithstanding the fact that I don't think we have any option. Just can I ask a question? So are the sidewalk cafe hours, the same as the establishment hours?

**Principal Planner Don Harp** 03:09

No, there's different hours in chapter nine. So, there's a restriction of hours. It's 4pm to 9:30pm is the hours of operation for sidewalk cafes with alcohol sales, and that's when the tables and chairs would need to be removed from the amenity strip.

**Aldersperson Denise Fenton (District 6)** 03:24

Okay, thank you. I'm sorry; I missed that.

**Principal Planner Don Harp** 03:27

Okay.

**Mayor Jake Woodford 03:32**

Further discussion? I'll just echo the sentiments that Alder Fenton just shared. This has been an area of concern with respect to public safety and the downtown over the last several months, and while the Planning Commission's latitude is fairly limited in this matter, I think it is worth noting that this is an area of concern and that there have been some issues related to this particular establishment. However, I intend to vote to approve this given our limited latitude. Any further discussion? Hearing none, we have a motion and a second to approve. All those in favor please signify by saying aye. Aye. Any opposed? Hearing none, the motion passes the item has been approved.

**Aldersperson Denise Fenton (District 6) 03:36**

All right, thanks.