

DATE: September 19, 2022

TO: Tony LaColla, AICP, Division Chief, Land Use Services
Department of Planning and Zoning

FROM: Patrick Silva, Urban Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2022-00073
Administrative Review for a Minor Amendment
Site Use: Restaurant with Outdoor Dining
Applicant: Jahmond Quander
Location: 110 South Pitt Street
Zone: CD / Commercial downtown

Request

Special Use Permit #2022-00073 is a request for a Minor Amendment to amend Special Use Permit #2022-00036 to add 40 seats of outdoor dining. The outdoor dining area will be located on private property in a rear yard patio area located at the subject site. The outdoor dining area will operate during the hours of 7 a.m. to 10 p.m., daily. No other changes are proposed.

Background

The building located at the subject site was constructed in the early 1900's. Various restaurants have operated at this location since the time that City Council first approved Special Use Permit #1096 for the operation of a restaurant on the first floor of the building in December 1974. In June 1994, City Council approved Special Use Permit#1096-A for a change of ownership and amendment to the conditions to allow for additional seats, extended hours of operation, on-premises alcohol sales and live entertainment at the Santa Fe East restaurant. In June 1995, City Council approved Special Use Permit #1995-00058 for a change of ownership of Santa Fe East. In 2003, the restaurant began operating under the name Restaurant Eve after staff administratively approved a change of ownership through Special Use Permit #2003-00056. In 2006, City Council approved Special Use Permit #2006-00037 to allow the owner to enclose an existing outdoor dining area and for a modification of the zone transition setback. In August 2019, staff administratively approved Special Use Permit #2019-00060 for a change of ownership from Eat Good Food, LLC to WS 110 Pitt, LLC, who never began to operate a restaurant at the site. Most recently, in June 2022, staff administratively approved Special Use Permit #2022-00036 for a change of ownership from WS 110 Pitt, LLC. to Jahmond Quander who began to operate the restaurant under the name 1799 Steak & Seafood.

Parking

The subject property is located within the Central Business District (CBD). Pursuant to Section 8-300 (B) of the Zoning Ordinance, restaurants located within the CBD are exempt from ordinary parking requirements.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the

site. In addition, the Old Town Civic Association was sent an e-mail with information about the current application.

On August 2, 2022, staff received a complaint from a neighboring residential property owner which noted that exterior loudspeakers were present and playing music in violation of Condition #13 of the Special Use Permit, prohibiting exterior loudspeakers and amplified sound audible outside of the building. Staff followed up with the applicant to alert them of the complaint and was informed that this was related to a one-time special event, allowed in Section 11-511 of the Zoning Ordinance. On August 31, staff received another complaint related to noting that exterior loudspeakers were still present at the site and emitting music. Within a week, on September 6, staff received another complaint that the business was already operating its outdoor dining area prior to administrative approval. In response, an SUP inspection of the business was conducted on September 7 to verify the businesses compliance with the conditions. This inspection noted that an outdoor dining area was observed to have been setup and loudspeakers were observed on the exterior of the building. The applicant was informed the requirement to bring these issues into compliance prior to SUP approval. A subsequent inspection on September 15 confirmed the applicant's compliance with all SUP conditions.

Staff Action

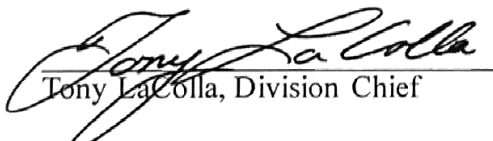
Staff does not object to the addition of outdoor dining at the restaurant as it would allow the business to incorporate an outdoor dining feature that includes a number of seats that is not anticipated to impact residential properties bordering the restaurant at its rear property line.

Special Use Permit conditions have been carried forward from the most recent Special Use Permit with the deletion of Condition #8, which is no longer a standard restaurant condition. The maximum of 40 outdoor dining seats is stated in added Condition #34.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: September 19, 2022
Action: Approved


Tony LaColla, Division Chief

- Attachments: 1) Special Use Permit Conditions
2) Department Comments
3) Statement of Consent

SUP2022-00073
110 South Pitt Street

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2022-00073. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 110 South Pitt Street.



Applicant - Signature

Sept 20, 2022
Date

Sahmond Quander

Applicant - Printed

Sept 20, 2022
Date