

# Georgetown Planning Department Staff Report

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**Report Date:** January 14, 2016  
**File No.:** SUP-2015-001  
**Project Planner:** Valerie Kreger, AICP, Principal Planner

## Item Details

**Project Name:** The Union on Eighth  
**Project Address:** 224 East 8<sup>th</sup> Street  
**Location:** Southwest Corner of 8<sup>th</sup> and Myrtle Streets (**Exhibit 1**)  
**Total Acreage:** 0.3306 acres  
**Legal Description:** Glasscock Addition, Block 9, Lots 1 & 2

**Applicant:** Justin Bohls  
**Property Owner:** RNJ Bohls Family Enterprises, LLC  
**Contact:** Justin Bohls

**Existing Use:** Event Facility  
**Existing Zoning:** Mixed Use Downtown (MU-DT) with conditions / Downtown Overlay District (**Exhibit 3**)  
**Future Land Use:** Special Area Mixed Use (**Exhibit 2**)  
**Growth Tier:** Tier 1A

## Overview of Applicant's Request

In April 2013, the City Council approved a Special Use Permit (SUP) to allow an Event Facility use on the subject property (Ordinance #2013-15, **Exhibit 5**). This SUP was approved with a set of conditions to reduce the impact the use may have on the adjacent area, particularly the residential properties to the south and east. Since the adoption of this SUP and opening of the event facility in 2013, the applicant has operated under the restrictions of the SUP and based on those experiences would like to amend several items related to parking, owner representation, building entry, and noise. Additionally, the applicant would like to amend the Conceptual Site Layout for the SUP adding two structures to the site – an approximately 8-ft tall storage building and an 18-foot Airstream trailer, for an additional 294 square foot of gross floor area.

## Background

### Property History:

The current structure was built in 1928 as a blacksmith shop. The site was used for automobile repair, Conway Transmission, until its recent purchase by the current property owner. The building is in its original configuration with little to no exterior changes over the years.

In 1968, the City adopted its first Zoning Ordinance and Map, designating the subject property as Residential Single-Family District (RS) zoning. A rezoning was later approved in 1992 changing the zoning district to Commercial First Height District (C2-A) with conditions to bring the zoning into conformance with the use, and enable the applicant at the time to obtain a small business loan and

purchase the property. The 1992 C2-A conditional zoning district limited the permitted-by-right uses on the subject property to auto repair/transmission shop and other automotive related uses, office use (not to exceed 2,000 square feet), and all uses permitted in the RS zoning district. All other uses permitted in the C2-A zoning district require approval by the Planning and Zoning Commission and City Council. A condition requiring approval from the Planning and Zoning Commission on certain building and site improvements for all uses, except those permitted by right in the RS zoning district, was also imposed with the rezoning. Concurrently with this request, the applicant has applied for a rezoning of the property to remove the conditions from the base zoning district.

In 2012, the current property owner purchased the property, and proceeded to renovate it for an event facility. As part of this process and in conformance with the existing zoning conditions, in 2013, the City Council approved the proposed site changes as well as use of the property for the Event Facility as it was not an automotive, office, or residential use. City Council also approved the current Special Use Permit (SUP) at that time to allow the Event Facility use on the subject property with the conditions the applicant is currently requesting to amend (**Exhibit 5**).

### **Current Special Use Permit and Conditions:**

The SUP approved in April 2013, in effect to date, allows operation of an Event Facility at 224 East 8<sup>th</sup> Street, in the Mixed Use Downtown (MU-DT) district. The Conceptual Site Layout approved with the current SUP includes the original 4,200 square foot metal building located at the northeast corner of the property (intersection of Myrtle and 8<sup>th</sup> Streets), and a 3,000 square foot outdoor courtyard adjacent to the west wall of the building surrounded by an eight (8) foot high masonry perimeter wall (Approved Conceptual Site Layout, **Exhibit 7**). No on-site parking is included with the Conceptual Site Layout. In an effort to address the concerns of the neighborhood and adjacent properties, and limit the intensity of the facility to an appropriate level for the location, 19 conditions were added to the SUP ordinance as follows:

1. Events shall be limited to a maximum of 225 guests;
2. Events shall start no earlier than 9:00 a.m., and shall end by 10:00 p.m. Sunday through Thursday and by 11:00 p.m. on Fridays and Saturdays;
3. Music and entertainment shall discontinue by 9:45 p.m. Sunday through Thursdays and by 10:45 p.m. on Fridays and Saturdays;
4. Alcoholic beverages shall not be served after 9:30 p.m. Sunday through Thursday and 10:30 p.m. on Fridays and Saturdays;
5. Events at the facility shall be subject to the sound decibel restrictions established for residential properties;
6. Any amplification, speaker or music source shall be required to be located entirely within the building;
7. Noise dampening materials shall be installed inside the structure;
8. An automated sound meter that controls decibel levels shall be utilized by the facility;
9. A facility owner shall be required to be present on-site during all events;
10. A minimum of one security officer shall be required at any event where alcohol is to be served that exceeds 50 guests, with two required at an event that exceeds 100 guests;
11. Inside dance lighting, such as a strobe light, shall not be visible from outside the building;
12. Events serving alcohol shall require a state-licensed and certified bartender;
13. No direct retail sales of alcohol to the general public is permitted;

14. Primary entry to the building will be on the north side of the property for guests, vendors, and office usage;
15. The proposed 30-foot wide door shall remain closed when there is music or amplification or may be replaced with a stationary glass wall and a standard width glass door;
16. No parking related to the event or office usage will be allowed on Myrtle Street and the adjacent residential area;
17. Valet parking is required for events of 75 or more adult guests;
18. A low level landscape buffer shall be planted and maintained along the southern property line; and
19. The applicant shall acquire a shared parking agreement, as outlined in the UDC, to address the parking demands of larger events prior to issuance of the Certificate of Occupancy.

### Applicant's Requested Changes to the SUP

After completing site and building improvements, the first event was held at The Union on Eighth in December of 2013. The applicant has now hosted over 60 events over the last two years under the conditions of the existing SUP. Based on those experiences, the applicant is requesting modifications to the existing conditions as follows:

- **Remove SUP Condition #16 prohibiting parking related to the event on Myrtle Street and the adjacent residential area.**

The applicant would like to allow their patrons to park in all areas where parking is allowed for other businesses. The additional activity related to restaurants and other new developments along 8th Street has resulted in customers for other businesses parking on 8th Street east of Myrtle. The applicant does not have the authority or responsibility to police the parking for all commercial entities in the vicinity. However, the applicant feels that the valet service for events over 75 guests, as required by the SUP, has worked well and estimates 70% of guests utilize valet when available. As the applicant can control where the valeted cars are parked, the applicant is requesting to remove Condition #16, leave the valet requirement for events over 75, and allow his facility to only monitor where the valet runners park cars.

- **Amend SUP Condition #9 requiring a facility owner to be present on-site during all events.**

As a small company with only a couple of owners, the applicant feels this requirement is not always feasible and that a qualified manager could run the events in the same manner as an owner. Therefore, the applicant requests that this condition be amended to say that an owner *or manager* must be on site during events.

- **Remove SUP Conditions related to noise including #5 limiting events to residential noise levels, #6 requiring any amplification, speaker, or music source to be located entirely within the building, #7 requiring installation of noise dampening materials, #8 requiring the facility to use an automated sound meter that controls decibel levels, and # 15 that requires the 30-foot wide door to remain closed when there is music or amplification.**

The applicant would like to remove the five restrictions related to noise and instead allow the facility to follow the existing noise regulations in place for other commercial properties per the City Noise Ordinance. The combination of five separate requirements makes ensuring conformance confusing. The applicant feels strongly that if the maximum noise levels are adhered to, the method used to ensure the compliance should not matter. For example, if a door is open, the event music sound level would just be decreased to stay within the allowed levels. The applicant has a decibel meter on site that is used during events and would continue to use it to monitor events. The applicant has also installed a sound system at the facility that is calibrated so that at its maximum output it still falls within the noise limitations – according to the applicant, many of the facility’s clients are opting to utilize this system.

- **Remove SUP Condition #11 requiring that inside dance lighting, such as strobe lights, not be visible from outside the building.**

The applicant has withdrawn the request to change this item since the last submittal to the City.

- **Remove SUP Condition #14 requiring primary entry to the building to be from the north side of the property for guests and vendors.**

According to the applicant, this condition provides confusion on what is considered “primary” and whether this condition prohibits the use of other points of entry into the building. Additionally, the applicant has expressed concerns relating to the applicability of this condition to event facility staff and vendors. As such, the applicant is requesting removal of this condition or modification to have a clear understanding of the restriction.

In addition to the changes to the existing conditions, the applicant requests to add the following to the facility as shown on the proposed Conceptual Site Layout (**Exhibit 7**):

- **Storage Building.** The applicant is requesting to add a 10’ x 15’ (150 sq. ft.) storage building to the southwestern portion of the property, at least 20 feet from the southern property line, screened from the roadway and adjacent properties by an existing 6-foot tall masonry wall. The applicant explains that in efforts during renovation to keep the main structure as close to original as possible, little storage was added. The new storage building would store supplies, tables and chairs that currently have to be transferred to another location when not used for an event.
- **Airstream Trailer.** The applicant would also like to permanently park and occupy an 18-foot vintage Airstream travel trailer (144 sq. ft.) in the southern half of the property, again at least 20 feet from the southern property line. As with the proposed storage building, the trailer is proposed to be screened from the roadway and adjacent properties by the existing 6-foot tall masonry wall. The trailer would be used as 1) an additional area for clients to change and relax during an event and take photos in front of; and 2) in the evenings, it would provide the owners and staff a retreat. The applicant explains just the top of the 8-foot high trailer would be seen from the street (due to the height of the masonry wall) and the trailer will produce no sound and very little light (which cannot be seen because of the curtains).

**Site Information**

**Physical Characteristics:**

The subject property measures approximately 120 feet by 120 feet, and consists of an approximate 4,200-square foot building and a walled courtyard (**Exhibit 4**). The property is flat with one tree located in the courtyard, and a row of ornamental trees located along the south property line.

The existing building is located approximately 50 feet from the south property line and 60 feet from the west property line. Approximately 1/3 of the property appears to be covered by the building. The building is in its original configuration; however, it has undergone major interior renovations to accommodate the existing event facility use while maintaining some of its historic architectural features.

The south 50 feet of the subject property, surrounded by a 6-foot masonry wall, remains as an open space. No on-site parking exists on the property. There are six (6) marked on-street head-in parking spaces directly in front of the subject property along East 8th Street, and a smaller, unmarked on-street paved area along Myrtle Street.

**Surrounding Properties:**

The subject property is located on the eastern edge of the Downtown Overlay District. That boundary line continues directly north for a block and a half, and moves west half a block south of the property. Adjacent properties that are not part of the Downtown Overlay District are part of the Old Town Overlay District. The surrounding uses include both residential and non-residential uses as follows:

Location	Zoning	Future Land Use	Existing Use
North	Mixed Use Downtown (MU-DT)	Special Area Mixed Use	First Presbyterian Church, print shop and other commercial uses
South	Residential Single-Family (RS)	Moderate Density Residential	Single-Family Residences
East	Residential Single-Family (RS)	Moderate Density Residential	Single-Family Residences
West	Mixed Use Downtown (MU-DT)	Special Area Mixed Use	Restaurant

**Transportation:**

There is no vehicle access point onto the site as there is no on-site parking. Both East 8<sup>th</sup> Street and Myrtle Street are classified as local streets adjacent to this property with a speed limit of 30 miles per hour. Head-in on-street parking is located on both sides of 8<sup>th</sup> Street at this location.

**Master Plan Guidance**

This property is subject to the guidance of the the 2030 Comprehensive Plan and the Downtown Master Plan. The 2030 plan provides guidance on the future land use and growth patterns of the City and ETJ. As the overall guide for future growth, the 2030 Comprehensive Plan provides the following guidance:

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- This property is designated as a Specialty Mixed-Use Area on the 2030 Plan Future Land Use Map, due to its location within the Downtown Overlay District.
- The Plan promotes a true mix and intensity of uses uniquely suited to the activity, scale and historic charm of downtown. The area should be a center of activity not only in the day, but also at night and on weekends, accomplished by promoting a mix of commercial, entertainment, residential, and civic uses as well as cultural activities and events.
- The Plan promotes re-investment and re-use in Georgetown's older developed areas, including downtown, and states the City should remove impediments to such redevelopment.

The Downtown Master Plan provides the framework for guiding growth and redevelopment in Downtown Georgetown. As part of the Downtown Master Plan, four character areas are established to promote a concentration of uses and special features. Additionally, a transition area has been established to guide commercial development near the residential edge of the downtown. The following guidance is provided in the Downtown Master Plan:

- The Downtown Master Plan encourages the intensive use of land and structures, along with public parking and pedestrian-friendly design, to provide an active live/work environment.
- The Plan encourages pedestrian circulation and enhancements to downtown streetscapes to be enjoyed by both downtown users and adjacent residents.
- The Plan indicates the intensity of uses outside the square, in outlying areas, should be built up. Based on the community's need for space for performance art and conferences, the Plan sees opportunity for cultural uses, including additional arts spaces and meeting facilities.
- The subject property is located within the Downtown Core character area, described as the retail, dining and entertainment destination of Georgetown and Williamson County.
- The Plan encourages specialty retail, dining and entertainment venues within this area to position the downtown core as an exciting place distinct from regional suburban shopping centers.
- Recommended projects within the Downtown Core include retail store rehabilitations, adaptive reuse of historic buildings and redevelopment of vacant lots, promote dining and special retail businesses, and development of more cultural facilities and entertainment venues, among others.
- Recommended projects and uses include residential development in various density (i.e. multi-family and townhomes), professional offices, neighborhood-based services and other light commercial uses, and small parks, plazas and courtyards.

### Unified Development Code

#### **Mixed Use Downtown (MU-DT) Zoning District:**

The Mixed Use Downtown District (MU-DT) is intended to provide a location for a mix of land uses including general commercial and retail activities, and office, as well as single-family and multifamily in an urban-style setting. Developments in the MU-DT district are typically smaller in size and scope, although there may be occasionally heavy traffic. Properties in MU-DT shall meet the design requirements of the Downtown Overlay District and Downtown and Old Town Design Guidelines.

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The MU-DT district permits a range of land uses by right including single-family residences, restaurants, personal services and banks and some uses by right subject to limitations, including churches, bed and breakfasts (including those with events), micro-breweries and wineries, general offices and general retail. Additionally, some uses may be allowed through approval of a Special Use Permit by City Council such as apartments, day cares, hospitals, hotels, event facilities, drive-through restaurants, bars/taverns/pubs, medical clinics, and restricted personal services.

### **Downtown Overlay District:**

Adopted in 2001, the Downtown Overlay District is intended to protect the aesthetic and visual character of downtown Georgetown.

### **Special Use Permits:**

Special Use Permits (SUP) allow for City Council approval of uses with unique or widely varying operating characteristics or unusual site development features, where individual review of their location, design, and intensity, for example, is necessary. Different uses may have specific requirements attached to them depending on the underlying zoning district. City Council may impose any additional conditions or limitations deemed appropriate for the requested use. SUPs run with the property, and not the property owner, renter, or lessee.

In the MU-DT district, Event Facilities are only allowed with City Council approval of an SUP. In addition, an Event Facility in the MU-DT district requires 1) any outdoor live music or entertainment area be shown on a Site Plan and be set back a minimum of 50 feet from the property line of a residentially zoned property; and 2) any live music or entertainment in association with an event be subject to the provisions of Chapter 8.16 “Noise” of the Georgetown Municipal Code.

The Planning and Zoning Commission and City Council shall consider the following when reviewing a Special Use Permit:

1. The proposed use should not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants.
2. The proposed Conceptual Site Layout, circulation plan, and design should be harmonious with the character of the surrounding area.
3. The proposed use should not negatively impact existing uses in the area and in the City through impacts on public infrastructure such as roads, parking facilities and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to adequately provide services.
4. The proposed use should not negatively impact existing uses in the area and in the City through the creation of noise, glare, fumes, dust, smoke, vibration, fire hazard, or other injurious or noxious impact.

### **Staff Analysis**

Staff has reviewed this application with regard to the 2030 Plan, the Downtown Master Plan, and the provisions of the UDC. The following is a summary of the request made by the applicant and staff’s recommendation for each aspect of the request. Below the following findings staff has provided a summary table of the request for a review of the SUP conditions at a glance.

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- Staff is supportive of the requested changes to the Conceptual Site Layout including the addition of 294 square feet consisting of a 150 sq. ft. storage building and an 18-foot Airstream trailer (144 sq. ft.).
- Staff is supportive of the applicant's requested changes to the following conditions:
  - Amending SUP Condition #9 requiring a facility owner to be present on-site during all events. Staff is supportive of amending this requirement to include a manager as requested by the applicant. Staff agrees that requiring a property owner to be on-site at each event is unnecessarily burdensome and the desired outcome can be accomplished via an authorized representative. However, due to varying hours of clean-up and set-up, staff recommends language be added to clarify the time includes set-up and clean-up of an event.  
**Recommended condition language:** The facility owner, or authorized representative, must be present during an event, to include any set-up and/or clean-up time related to the event.

- Staff is conditionally supportive or recommends alternatives, as described, to the following of the applicant's requested changes:
  - Removal of SUP Condition #16 prohibiting parking related to the event on Myrtle Street and the adjacent residential area. While staff is not in support of removing the language completely, staff is supportive of changing the restriction to apply to only the valet service as mentioned by the applicant. Currently, the City does not have parking restrictions along Myrtle Street or the adjacent residential area. Because of this, public parking in this area is permitted for the nearby businesses and all downtown users. This has created confusion and enforcement issues due to patrons of other downtown businesses opting to park along Myrtle Street and the surrounding area, and the inability to privately control where the public may park without taking additional measures (i.e. placing "no parking" signs, which only the City may do). Because of this, staff recommends clarifying that the condition only be applicable to vehicles parked by the valet service, as this may be enforced by the property owner.  
**Recommended condition language:** No vehicles shall be parked by the Valet Parking Service on Myrtle Street or the adjacent residential area.

- Removal of SUP Conditions related to noise including #5 limiting events to residential noise levels, #6 requiring any amplification, speaker, or music source to be located entirely within the building, #7 requiring installation of noise dampening materials, #8 requiring the facility to use an automated sound meter that controls decibel levels, and #15 that requires the 30-foot wide door to remain closed when there is music or amplification.

Staff is supportive of removing some of the conditions including #7 requiring installation of noise dampening materials, #8 requiring the facility to use an automated sound meter that controls decibel levels, and #15 that requires the 30-foot wide door to remain closed when there is music or amplification. These particular restrictions, based on on-site inspections, do not significantly contribute to the desired outcome.



Relating to condition #5, staff recommends revising this condition to specify the actual decibel number applicable to the use. While the City has received numerous complaints relating to excess noise on the subject property, the property owner has been able to demonstrate compliance with the required decibel levels per the SUP, or immediately address any violations when applicable. Additionally, as experienced by staff during a site visit, noise is easily carried from the subject and adjacent properties into the surrounding area, making it difficult to apply different decibel requirements to the same point on certain property lines. Because of this, it is recommended that the residential decibel number (63 decibels during the daytime and 56 decibels during the nighttime) apply only to the south and east property lines as these are the sides that abut a residential area. The commercial decibel levels (70 decibels during the daytime and 63 decibels during the nighttime) may apply to the north and west property lines adjacent to a commercial area/zoned properties. This change is consistent with the City's Noise Ordinance standards for commercial zoned properties and residential areas. Call out noise ordinance regulations. Summarize Code Enforcement. Additionally, staff recommends clarifying in the SUP that measurements of noise emanating from private property shall be taken from a point beyond the real property line of the property from which the noise is being generated, in accordance with the City Code. The recommended revisions to this condition will clarify the applicability of the actual decibel restriction along each property line that may be easily applied and enforced by the property owner and the City.

Relating to Condition #6 requiring any amplification, speaker, or music source to be located entirely within the building, staff recommends that electronic amplification may be allowed within the courtyard only for an officiant or spokesperson. Musical instruments that provide sound through acoustic means with no electronic amplifiers would be allowed in the courtyard. All other electronic amplification would be required to be located entirely within the building. While some of the other sound conditions were found to not significantly contribute to the compliance with noise levels, staff does believe that limiting amplified music to the building does significantly impact the noise levels of the site. Additionally, the applicant has stated that the system within the building has a mechanism limiting the maximum output and has been calibrated to not exceed the noise limitation levels. A system in the courtyard provided by an outside source would not be calibrated for this site specifically in the same manner. With the removal of the condition restricting the 30-foot wide door to remain closed while there is electronic amplification within the building, the event facility may provide background music during ceremonies and other events held in the courtyard as desired by the applicant.

**Recommended condition language:**

1) No person shall cause, suffer, allow or permit the making of noise which exceeds 63 decibels during the daytime or 56 decibels during the nighttime when measured from a point beyond the south and east property lines, and 70 decibels during the daytime and 63 decibels during the nighttime when measured from a point beyond the north and west property lines. The methods of measurement shall be in accordance with Chapter 8.16 of the City Code, as amended.

2) Any electronic music source or amplification shall be located entirely within the building. For events conducted within the “Ceremony Area” identified in Exhibit “A,” no electronic amplification shall be permitted except for a spokesperson.

- Removal of SUP Condition #14 requiring primary entry to the building to be from the north side of the property for guests and vendors. Staff recommends revising this condition to be consistent with the UDC’s definition of a primary entrance. The proposed revision will clarify that the intent of a primary entrance is to define the side of the building that will serve as the primary entrance for patrons and guests, as well as clarify that facility staff and vendors are not restricted to the north side entrance.

**Recommended condition language:** The primary entrance to the building, as defined in the UDC, will be on the north side of the property for all guests and patrons.

➤ Additionally, staff recommends the following changes to the SUP:

- Amend and combine SUP Condition #17 related to valet parking requirements for events of 75 or more adult guests and SUP Condition #19 related to shared parking agreements required for larger events. The current conditions relating to parking require the property/business owner to provide valet parking service for events of 75 or more adult guests, as well as a parking agreement for “larger” events. These two conditions were imposed for the same purpose of addressing the heavy traffic volume and parking concerns caused by events of a particular size. Additionally, the current condition does not define “larger events,” causing confusion and uncertainty of when a parking agreement is required and for what number of spaces. The City Code standards for valet parking service requires a parking agreement for any off-site parking space to be used by the valet parking service. The purpose of this provision is to ensure that there is adequate parking spaces available for the service. Because of this, staff recommends combining the two conditions to be dependent and complimentary to each other by requiring the parking agreement to be included and subject to the valet parking provisions in accordance with the City Code.

**Recommended condition language:** Valet parking, subject to the approval and regulations of Section 12.05 of the City Code, as amended, shall be provided and maintained for events of 75 or more adult guests. A shared parking agreement shall be maintained with the valet parking permit to address the parking demands of larger events. For purposes of this SUP, larger events shall be defined as events with 75 or more adult guests. The parking agreement shall be for a minimum of 37 parking spaces.

- Add new condition related to outdoor live music and entertainment. Due to the proposed storage building and airstream trailer on the south 50 feet of the subject property, and the property owner’s desire to use this portion for photos, staff recommends clarifying the permitted uses/activities allowed within this portion of the subject property. Permitted uses include temporary storage during events, and additional or overflow seating, standing or eating areas. In accordance with the UDC, no outdoor live musing or entertainment area shall be allowed. For purposes of this SUP, “entertainment area” shall be defined as an area where entertainment, either passive or active, is provided for the

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pleasure of the patrons. Such entertainment includes, but is not limited to, vocal and instrumental music, dancing, karaoke, comedy, and acting.

**Recommended condition language:** The following activities are permitted within the “Outdoor Private Event Space” identified in Exhibit A (south 50 feet of the Property): temporary storage during events, and additional or overflow seating, standing or eating areas. No outdoor live musing or entertainment area shall be allowed. For purposes of this SUP, “entertainment area” shall be defined as an area where entertainment, either passive or active, is provided for the pleasure of the patrons. Such entertainment includes, but is not limited to, vocal and instrumental music, dancing, karaoke, comedy, and acting.

Summary of Existing Conditions, Applicant’s Request, and Staff’s Recommendations		
Original SUP Condition	Applicant’s Request	Staff Recommendation
1 Events shall be limited to a maximum of 225 guests	No changes requested	No changes recommended
2 Events shall start no earlier than 9:00 a.m., and shall end by 10:00 p.m. Sunday through Thursday and by 11:00 p.m. on Fridays and Saturdays	No changes requested	No changes recommended
3 Music and entertainment shall discontinue by 9:45 p.m. Sunday through Thursdays and by 10:45 p.m. on Fridays and Saturdays	No changes requested	No changes recommended
4 Alcoholic beverages shall not be served after 9:30 p.m. Sunday through Thursday and 10:30 p.m. on Fridays and Saturdays	No changes requested	No changes recommended
5 Events at the facility shall be subject to the sound decibel restrictions established for residential properties	Remove (Applicant requests to comply with standard commercial sound decibel restrictions)	Alternative: No person shall cause, suffer, allow or permit the making of noise which exceeds 63 decibels during the daytime or 56 decibels during the nighttime when measured from a point beyond the south and east property lines, and 70 decibels during the daytime and 63 decibels during the nighttime when measured from a point beyond the north and west property lines. The methods of measurement shall be in accordance with Chapter 8.16 of the City Code, as amended.
6 Any amplification, speaker or music source shall be required to be located entirely within the building	Remove	Alternative: Any electronic music source or amplification shall be located entirely within the building. For events conducted within the “Ceremony Area”, no electronic amplification shall be permitted except for a spokesperson.
7 Noise dampening materials shall be installed inside the structure	Remove	Remove
8 An automated sound meter that controls decibel levels shall be utilized by the facility	Remove	Remove

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9	A facility owner shall be required to be present on-site during all events	Amend: Applicant requests to change to owner or manager	Amend: The facility owner, or authorized representative, must be present during an event, to include any set-up and/or clean-up time related to the event.
10	A minimum of one security officer shall be required at any event where alcohol is to be served that exceeds 50 guests, with two required at an event that exceeds 100 guests	No changes requested	No changes recommended
11	Inside dance lighting, such as a strobe light, shall not be visible from outside the building	No changes requested (removed from request)	No changes recommended
12	Events serving alcohol shall require a state-licensed and certified bartender	No changes requested	Combine with Condition #4
13	No direct retail sales of alcohol to the general public is permitted	No changes requested	Combine with Condition #4
14	Primary entry to the building will be on the north side of the property for guests, vendors, and office usage	Remove	Alternative: The primary entrance to the building, as defined in the UDC, will be on the north side of the property for all guests and patrons.
15	The proposed 30-foot wide door shall remain closed when there is music or amplification or may be replaced with a stationary glass wall and a standard width glass door	Remove	Remove
16	No parking related to the event or office usage will be allowed on Myrtle Street and the adjacent residential area	Remove	Alternative: No vehicles shall be parked by the Valet Parking Service on Myrtle Street or the adjacent residential area.
17	Valet parking is required for events of 75 or more adult guests	No changes requested	Amend with Condition #19: Valet parking, subject to the approval and regulations of Section 12.05 of the City Code, as amended, shall be provided and maintained for events of 75 or more adult guests. A shared parking agreement shall be maintained with the valet parking permit to address the parking demands of larger events. For purposes of this SUP, larger events shall be defined as events with 75 or more adult guests. The parking agreement shall be for a minimum of 37 parking spaces.
18	A low level landscape buffer shall be planted and maintained along the southern property line	No changes requested	No changes recommended

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19 The applicant shall acquire a shared parking agreement, as outlined in the UDC, to address the parking demands of larger events prior to issuance of the Certificate of Occupancy	No changes requested	Amend with Condition #17: Valet parking, subject to the approval and regulations of Section 12.05 of the City Code, as amended, shall be provided and maintained for events of 75 or more adult guests. A shared parking agreement shall be maintained with the valet parking permit to address the parking demands of larger events. For purposes of this SUP, larger events shall be defined as events with 75 or more adult guests. The parking agreement shall be for a minimum of 37 parking spaces.
Additional Items		
Original SUP Condition	Applicant's Request	Staff Recommendation
N/A	Permission to build a 150 sq. ft. storage building behind the masonry wall to allow for storage of supplies and items used to operate the event facility business.	Approval
N/A	Permission to permanently park and occupy an 18-foot Airstream trailer behind the masonry wall to create a space for both the facility's clients and staff to relax during events.	Approval
N/A (Conceptual Site Layout)		Add new condition to clarify the permitted uses/activities allowed within the south 50 feet of the subject property: The following activities are permitted within the "Outdoor Private Event Space" identified in Exhibit A (south 50 feet of the Property): temporary storage during events, and additional or overflow seating, standing or eating areas. No outdoor live musing or entertainment area shall be allowed. For purposes of this SUP, "entertainment area" shall be defined as an area where entertainment, either passive or active, is provided for the pleasure of the patrons. Such entertainment includes, but is not limited to, vocal and instrumental music, dancing, karaoke, comedy, and acting.

### Inter Departmental, Governmental and Agency Comments

Additional comments may be provided by the Fire Department and the Building Inspections Department during review of the permits for the additional structures.

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### **Related Application(s)**

Valet Parking Permits are reviewed and approved administratively. Any proposed changes to the subject property will require administrative approval and may include a Certificate of Appropriateness and Site Development Plan.

### **Public Comments**

A total of 19 notices were sent out to the owners of property within 200 feet of the subject property. Public notice was posted in the Sun newspaper on November 1, 2015, November 29, 2015, and January 3, 2016. As of the date of this report, the City has received 12 written comments in opposition and 1 in favor of the request (**Exhibit 8**).

### **Meetings Schedule**

December 15, 2015 – Planning and Zoning Commission  
January 12, 2016 – City Council 1<sup>st</sup> Reading (pending)  
January 26, 2016 – City Council 2<sup>nd</sup> Reading (pending)

### **Attachments**

Exhibit 1 – Location Map  
Exhibit 2 – Future Land Use Map  
Exhibit 3 – Zoning Map  
Exhibit 4 – Aerial Map  
Exhibit 5 – Ordinance 2013-15  
Exhibit 6 – Applicant’s Statement of Justification  
Exhibit 7 – Conceptual Site Layout  
Exhibit 8 – Public Comment Received