

EXHIBIT NO. 1

12
12-18-04

Docket Item #10
TEXT AMENDMENT #2004-0009

Planning Commission Meeting
December 7, 2004

CASE: TEXT AMENDMENT #2004-0009
TEMPORARY EXTENSION OF HOURS

ISSUE: Consideration of an amendment to Section 11-511 of the Zoning Ordinance to authorize the Director of Planning and Zoning to approve, as a minor amendment to an existing special use permit, a temporary extension in the hours of operation of a business, to coincide with the hours of operation of a City-sponsored program or event in which the business is participating.

PLANNING COMMISSION ACTION, DECEMBER 7, 2004: On a motion by Mr. Liebach, seconded by Mr. Dunn, the Planning Commission voted to initiate and recommend approval of the text amendment. The motion carried on a vote of 7 to 0.

Reason: The Commission agreed with staff analysis.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission, on its own motion, initiate the following text amendment:

ARTICLE XI: DEVELOPMENT APPROVALS AND PROCEDURES

Add new Subsection (G) to Section 11-511 to read as follows:

Sec. 11-511 Administrative approval of minor changes

[The following is all new language.]

- (G) Notwithstanding any provision of this ordinance to the contrary, the director may approve a temporary extension in the hours of operation of a business subject to an approved special use permit, to coincide with the hours of operation of a City-sponsored festival, event, or promotional program in which the business is participating.

DISCUSSION

This text amendment will allow the temporary extension of operating hours for businesses participating in City-sponsored programs or events. This amendment would apply to any business whose hours of operation are restricted through conditions in an approved Special Use Permit, and would permit an automatic extension of the hours to coincide with the hours of the City-sponsored program. For example, the City is sponsoring a holiday program along King Street and Mt. Vernon Avenue from Thanksgiving through December 2004, where businesses can participate in City marketing efforts. The program requires participating businesses to be open until 8 p.m. on Thursdays, Fridays and Saturdays to encourage evening shopping. With this amendment, a business whose closing hour is restricted to 6 p.m. on Saturday through its SUP could lawfully stay open until 8 p.m. during the time of the holiday program.

The City sponsors a number of programs and events throughout the year, including the Arts Festival, Waterfront Festival, Art on the Avenue and Arlandria-Chirilagua Festival. The main purpose of these events is to bring people into the City to patronize the City's businesses. These types of events make people aware of the businesses the City has to offer so that they will return to patronize the businesses at a later date.

The City has been working to strengthen its retail districts with the planning efforts undertaken in Arlandria, along Mt. Vernon Avenue and along King Street. Maintaining a continuous retail environment is important for the pedestrian experience and the vitality of the street. During City-sponsored programs, it is important to provide an exciting and interesting retail environment, thus increasing the likelihood of repeat visitors. King Street and Mt. Vernon Avenue are the City's primary retail areas and are a major attractor for tourism. Ensuring the competitive position of these areas is key to safeguarding the long-term success of these retail districts and the individual businesses. This amendment will provide the opportunity for all businesses to participate in City-sponsored events.

STAFF: Eileen P. Fogarty, Director, Planning and Zoning;
Kimberley P. Fogle, Division Chief, Neighborhood Planning and Community Development.

TEXT AMENDMENT # 2004-0009

ISSUE DESCRIPTION: Consideration of an amendment to Section 11-511 of 20 to authorize the temporary extension of hours, as a minor amendment, to coincide w/ the hours of operation of a City sponsored program or event

ZONING ORDINANCE SECTION: 11-511

CITY DEPARTMENT: City Atty & P&Z

ACTION - PLANNING COMMISSION: 12/7/2004 RECOMMEND APPROVAL 7-0

ACTION - CITY COUNCIL: 12/18/2004 City Council approved 7-0