



CITY COUNCIL MEMORANDUM

To: Mayor Graham and City Council

From: Ted Shekell, Planning Director
Walter Denton, City Administrator

Date: May 4, 2009

Subject: **City Council Right-of-Review:** Special Use Permit for Aroy Thai Cuisine
Outdoor Seating with Alcohol Sales

List of committees that have reviewed:

Special Use Permits require the approval of only the Planning Commission. At their meeting on April 28, 2009, the Planning Commission approved the Special Use Permit for the Aroy Thai Cuisine outdoor seating area with alcohol sales on Central Park Drive, which was consistent with staff's recommendation:

Staff recommends approval of the Special Use permit for the outdoor seating with alcohol sales at 1140 Central Park Drive, Suite 101 with the following conditions:

- 1. Seating will be limited to 46 customers.*
- 2. The 4 ft high black ornamental metal fence must be maintained around the outdoor seating area. An exterior-swinging gate constructed of compatible materials must close off the two egress points.*
- 3. Umbrellas may not advertise products or services.*
- 4. Flammable materials must be kept at a safe distance from the self-contained propane fire pit.*
- 5. Temporary signage may not be hung on the fence without a Temporary Sign Permit.*
- 6. Permission to serve alcohol is subject to maintaining a liquor permit in good standing.*

The City Council has a 21-day right-of-review over the Planning Commission's decision. This will expire on May 19, 2009. If the City Council does not take action by then, the decision of the Planning Commission stands.

Attached is the Planning Commission report and attachments for your reference.