



Rezoning Analysis-Report to City Council

Case No. M-2009-13

Meeting Date: August 24, 2009
Staff Contact: Eric S. Hawkins, AICP, Planner III

SITE INFORMATION

Petitioner: Reginald Brooks
Rock Hill, SC

Property Owner: David Sang K. Pak
Rock Hill, SC
327.9000

Existing Zoning: Neighborhood Commercial (NC)

Requested Zoning: Planned Development-Commercial (PD-C)

Proposal: Establish PD zoning to permit extended hours of operation.

Location: 688 Albright Road

Tax Parcel: 625-04-05-037

Acreage: Approx. 3.22 acres

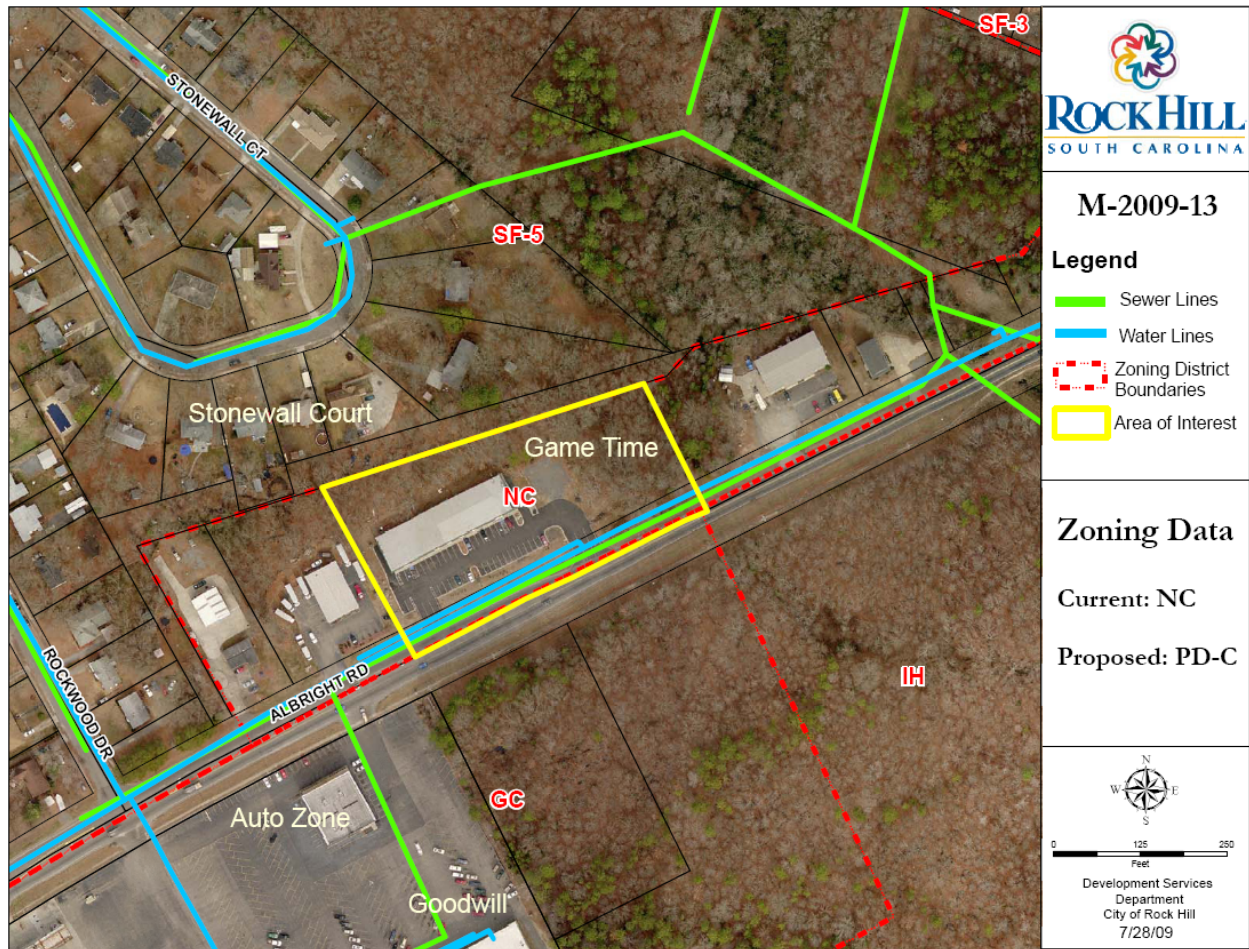
BACKGROUND

This property was proposed for rezoning to LC by a different applicant in 2007 with the goal of achieving extended operating hours. Planning Commission recommended that the applicant work with the adjacent neighborhood to develop a PD that would address their concerns. The applicant was unable to reach agreement on a PD plan and the rezoning was denied by City Council. The current applicant has been meeting with the neighborhood over the last several months and no agreement has been reached on the operating hours. The applicant is requesting approval to stay open until 12:00 midnight, seven days a week. The neighborhood has indicated that they would only be willing to support operating hours beyond 10:00 PM on Friday and Saturday nights, subject to conditions.

LAND USE ANALYSIS

Existing Land Use Character

The subject property is located on the southeast edge of the City along Albright Road (principal arterial). The existing building on the property is configured as seven (7) separate business units with addresses ranging from 688-101 through 688-107. The applicant operates a restaurant in unit 107 at the eastern end of the building. Other uses in the building include a mercantile store, laundry-tailor service, wireless store and furniture store. Surrounding uses include single-family residential, retail sales, and undeveloped property. The existing residences to the north are buffered from all buildings and parking by a forty foot strip of residentially zoned [SF-5] property and a sixty [60] foot building setback. The surrounding commercial development is generally older and less conforming than the subject property. The large tracts of vacant land across the street to the south are zoned for higher intensity uses.



Summary of Existing and Proposed Zoning Districts

Existing Zoning

Neighborhood Commercial (NC)- The NC district is established and intended to provide for small-scale retail, service, and professional offices that provide goods and services to serve the residents of the surrounding neighborhood. Residential uses are encouraged on the upper floors of non-residential establishments. The district should not include establishments that attract traffic from areas of the City outside the neighborhood which is being served by the use. Non-residential uses in the NC district are limited to ten thousand (10,000) square feet in area per use in an individual building. The district should typically be located at the intersection of two (2) collector (residential or commercial) streets or a collector street and arterial/major collector street in close proximity to the residential neighborhood which they serve. The district is subject to development standards to ensure development is consistent with the neighborhood scale and form of the district, and compatible with surrounding uses through setbacks, height limitations, bulk and other dimensional standards, connectivity requirements, controls on lighting, and site design. In addition, all non-residential development in the NC district shall limit its hours of operation to between the hours of 6:00 AM and 10:00 PM.

Proposed Zoning

Planned Development - Commercial (PD-C)- The purpose of the PD-C district is to provide mixed-use retail and office development, with limited moderate and higher density residential uses integrated into

the development above street levels and as separate stand-alone uses.

Proposal

The PD-C zoning is proposed to establish development standards and other guidelines that will minimize impact on the adjacent residential neighborhood in exchange for operating hours beyond the 6 AM-10 PM limitations of the Neighborhood Commercial zoning district. This is a developed site and no additional development is proposed in conjunction with this PD Plan. There is a future development area identified on the original site plan for the development and except as noted in the PD Terms & Conditions, the site will adhere to the development standards of the zoning ordinance relevant to the NC district with any future development or redevelopment.

The applicant is proposing several conditions intended to address the neighbors' concerns about noise, loitering, and other potential disturbances. A review period is also proposed that could result in revocation of the PD zoning after one year if the applicant does not adhere to the PD Terms & Conditions. The proposed conditions are detailed in the attached PD Terms & Conditions document.

PUBLIC INFRASTRUCTURE CONSIDERATIONS

Transportation

The property fronts Albright Road (principal arterial) which is planned to be widened to five lanes as part of the York County Pennies for Progress program. The proposed zoning change will not affect the capacity of the roads in the area.

CONFORMANCE TO PUBLIC PLANS

Rock Hill Comprehensive Plan

The Comprehensive plan shows this area as Community Mixed Use, which supports a range of relatively intense mix of uses on a community [rather than neighborhood] scale.

Conclusion

The proposed rezoning is consistent with the adopted Land Use Plan.

PUBLIC NOTIFICATION

The following public notification actions have been taken:

- July 5 & 19- Planning Commission public hearing advertisements published in *The Herald*.
- July 17- Rezoning notification signs posted on subject property.
- July 17- Rezoning notification postcards sent to property owners within 300' of the subject property.
A total of 43 postcards were sent to properties within rezoning area and surrounding areas.

PUBLIC FEEDBACK

No comments received to date.

PUBLIC MEETINGS

Neighborhood Meeting

A neighborhood meeting was held on June 24, 2009. A meeting summary is attached.

Planning Commission Discussion

After presentation of the staff report at the Planning Commission's August meeting, the following

discussion was held:

Mr. Graham asked if the 40' buffer in the SF-5 zone and 60' building setback equaled the 100' from building to the back lot line of the residences. Mr. Hawkins stated that it was approximately 100' from the building itself to the back property lines of the residences.

Ms. Easley asked if the current use is defined as an eating establishment or bar. Mr. Hawkins stated that they have a zoning permit for a restaurant and that a bar requires 300' separation from residential property. He added that bars, nightclubs and cocktail lounges are specifically prohibited in the proposed PD Terms & Conditions.

Mr. Roper asked if the applicant had been made aware of the limitations regarding hours. Mr. Hawkins stated that the applicant had been advised of the hour limitations during the Zoning Compliance stage and that this had been discussed before the restaurant opened.

Public Hearing

A public hearing on this application was held on August 4, 2009, before the Rock Hill Planning Commission. A representative of the Stonewall Neighborhood Association spoke in opposition and four members of the public spoke in favor of the rezoning proposal. The applicant presented information about the proposal.

Mr. Don Hess, 748 S Stonewall Court, spoke on behalf of the neighborhood. He stated that the applicants had applied for permits and were aware of the time stipulations in place to close at 10 pm, and that the neighborhood supported a restaurant with those hours. He referred to issues that would occur if the late hours were approved, mainly increased late night traffic along Rockwood and Briarcliff as those were used as connectors to Stonewall Street through to the Saluda Street corridor, and impaired drivers. He stated that the neighborhood supported a restaurant but not late night sales as this was seen as acting more like a bar. Mr. Hess added that the neighborhood association had tried to compromise with the owners to agree to midnight hours two nights a week but that the applicant wanted the business hours adjusted to 6 am to midnight every day. He stated that the neighborhood wished them well as a restaurant but not a bar.

Mr. Christopher asked if the issues were excessive noise or foot traffic. Mr. Hess stated that before the fence was installed, there was a lot more foot traffic. He stated that there were issues with loud vehicle traffic along Rockwood and Briarcliff and that some of the neighbors had had further problems with foot traffic. He also noted that the noise was confined mostly to the front of the building.

Mr. Christopher asked about traffic after 10 pm to midnight. Mr. Hess stated that there was traffic as Rockwood and Briarcliff were main streets that go to the Saluda Street corridor. Mr. Christopher clarified that the speed limit on those streets was 35 mph.

Mr. Roper referred to the photos and event pictures included in the package distributed to the Commission by the neighborhood association and asked if this was in advance of any particular event or typical of the signs placed at the business. Mr. Hess stated that these were typical signs at the business.

Mr. Roper asked if a fee enhanced the reputation as being more like a bar than a restaurant. Mr. Hess stated that it did. He added that games shown on the West Coast would not end until midnight – 1:00 am and that the owners would still have to ask people to leave before the game was over. He added that his concern was that the owners would continue to ask for additional time to stay open until 2:00 am.

Mr. Jim Morton, 608 Rabun Circle, stated that he had been contracted to install a jukebox at the restaurant and that Mr. Brooks had continually left the building to make certain music could not be heard

outside. Mr. Morton spoke with the applicant about installing pool tables and that Mr. Brooks stated he was opening a sports themed restaurant, not a bar. Mr. Morton stated that the business is located on a major thoroughfare, not a residential area. He stated that he had attended a neighborhood association meeting with Mr. Brooks and that neither had been made to feel welcome. He added that Mr. Brooks was not trying to be a nuisance to the community and that the zoning for time changes had been granted to other applicants in the City despite the location of the business.

Ms. Gloria Greene, 1321 Shimmer Light Circle, stated that she and her family frequented the restaurant and that she would not take her grandchildren to a place where a threat existed.

Mr. Edward Greene, 1321 Shimmer Light Circle, stated that he had befriended Mr. Brooks after being asked to finish his meal early in order for the business to close at 10 pm.

Ms. Natassia Jones, 1105 Springdale Road, Apt 105, stated that she was an aspiring poet and singer and that Mr. Brooks had given her the opportunity to perform at the restaurant on Wednesday nights. She stated that the restaurant had no intention of bothering the neighborhood, that customers were good people. She added that no one would go through the neighborhood unless they lived there.

The applicant, Ms. Priscilla Brooks, 2134 Audubon Drive, stated that the business was Game Time Sports Theme Restaurant, that she and her husband had opened the business to provide a better life for their family. She stated that they had meetings with the neighbors and went to the effort of doing a PD based upon their concerns in order to be a good neighbor including the fencing in order to control foot traffic. She reiterated that the business operates as a restaurant. She stated the stipulations at the City and state level regarding their status as a restaurant including seating for forty at all times for food service, that the tables could not be moved for opening up a dance floor, that the City restaurant license required full kitchen required to be open at all times the business was open with a full menu as long as liquor was served, and liquor license requirements including a Grade A on health inspections. She stated that they did not know at the time the lease was signed about the time restrictions, that SLED stated they could stay open until midnight. She stated that in signing the lease with the property management company, they were unaware of the business hour restrictions. She stated that they had been given mixed messages from different departments. She stated that the business had no violations, incidents or police involvement since opening in October 2008. In addressing the signs in the windows, she stated that the beer distributors had given them the signs and that these signs were given to all the beer customers throughout the City. She added that SLED had told them they could charge admission for events to cover the cost of the band, but that they had been told by Ms. Robin Joas and another City staff member that they could not charge admission so they did not, it was a free event and the neighborhood was invited. She stated that longer hours were desired so that customers would not have to be rushed at closing time. She added that if there was no need to stay open later due to lack of business, they would close earlier than midnight and would like to be able to use their discretion regarding closing times during the week. She added that over 16,000 people traveled Albright Road and that most businesses along Albright were zoned General Commercial. She added that they had tried to form a compromise with the neighborhood that would satisfy both the business and the neighborhood, that they had not been a nuisance.

Mr. Roper asked if this was the first location of this business. Ms. Brooks stated that it was.

Mr. Roper asked about the posters presented by the neighborhood stating the business had moved. Ms. Brooks stated that the sign was posted when an event was moved to another location, not the business. She also stated that the information she provided to the commission included a letter from a neighborhood resident supporting the request.

Mr. Peebles asked if she had been made aware of the hour restrictions. Ms. Brooks stated that they had not been made aware of this until after the lease had been signed, and that they had gotten different information from different people.

Mr. Peebles asked if they had been aware of the hours of previous businesses operating before in that location. Ms. Brooks stated that she had driven past the location when Heart-n-Soul had been in business and had seen cars there as late as midnight to 1 am. She stated she was unaware that it was not allowed and was unaware of the previous application for rezoning. She stated that she had seen the rezoning paperwork submitted by that applicant after the lease had been signed.

Mr. Roper asked when the lease was signed. Ms. Brooks stated September 2008.

Mr. Roper stated that the Zoning Compliance form had been signed in August 19, 2008 and showed the hours allowed. Ms. Brooks stated that she had not seen the Zoning Compliance form.

Mr. Roper noted for the record that a letter generally in support of the application and dated August 2 from Hope and Tony Craig, 767 Briarcliff Road, was received by the Planning Commission.

STAFF RECOMMENDATION

Although the property is in close proximity to a single-family neighborhood, it also fronts a principal arterial street and is adjacent to more intense uses and zoning districts. The buffers that are in place and the conditions that are proposed by the applicant will minimize any potential for the businesses on the property to negatively affect the nearby residents. Staff recommends approval of the proposed Planned Development-Commercial (PD-C) zoning.

PLANNING COMMISSION RECOMMENDATION

Following the public hearing at their August meeting, the Planning Commission held the following discussion:

Ms. Easley asked if this PD Commercial would allow business by business operating hours. Mr. Roper stated that time restrictions can be placed within the PD. Ms. Easley asked if the business were to change hands, would the PD restrictions be in place for that same use. Mr. Roper stated that they would, adding that consideration would have to be taken into account for future owners and uses, and that it would have to be regulated enough to control the next owners.

Mr. Roper addressed the neighborhood by stating that the traffic issue raised is still a concern because if the business had located across Albright where the midnight closing time is in effect, traffic would still cut through Rockwood and Briarcliff. To the applicant, Mr. Roper stated that the City does what it can to inform business owners of requirements but that the owner has to have a business plan and investigate these requirements, that it is difficult to change requirements after a business has opened.

Ms. Easley stated that the residential development was an older established neighborhood and that commercial development close by should be encouraged to be good neighbors. She stated that compromise in these situations needed to be encouraged in order to help the situation. She stated that Game Time was trying to be a good commercial neighbor but that she was concerned over the next business that may come in, if it did not survive because of the limitations of the PD, was justice served and the neighborhood protected as much as possible.

Mr. Graham stated that while the business has been positively presented, its proximity to a neighborhood causes concern and that zoning is in place to protect the neighborhood.

Mr. Peebles stated that he had an issue with turning down a similar application for the same request at this location, then granting the rezoning for the next. He added the applicant had signed the Zoning Compliance with the hours stipulated, then returned to request that the Planning Commission overturn that application. He stated that conflicting zoning was not the responsibility of this commission.

There was general discussion regarding compromises between the applicant and the neighborhood. Mr. Peebles stated that staff facilitates these compromises.

Mr. Graham asked if the neighborhood would be comfortable with a Friday and Saturday midnight closing. Mr. Hess stated that the neighborhood had originally supported this as a compromise but that Mr. Brooks had declined this offer.

Following the discussion, the Commission voted 4-2 (Graham & Roper opposed) to recommend approval of the proposed PD-C zoning, subject to the following changes to the proposed Terms & Conditions:

- Section I.E: change the hours of operation to 6:00 a.m. – 12:00 midnight on Sunday and Monday nights only (hours to be 6:00 a.m. – 10:00 p.m. Tuesday through Saturday).
- Section II.E: change the review period to six months instead of twelve months.

ADDITIONAL INFORMATION

Since the Planning Commission meeting, the Priscilla Brooks (applicant) has contact staff and stated that lease was signed in August, prior to the zoning compliance, rather than in September as she stated at the Planning Commission meeting. The applicant also wants Council to consider extending the hours for three nights instead of two and allowing the nights with extended hours to be changed once every six months to accommodate varying sports schedules.

ATTACHMENTS:

- Rezoning Map
- Site Plan
- Neighborhood Meeting Summary
- PD Terms & Conditions

For copies of the following attachments, see the digital version of the report on the City's website:





- Rezoning Application
- Public Notice Affidavits



ROCK HILL
SOUTH CAROLINA

M-2009-13

Legend

-  City Limit
-  Building
-  Zoning District Boundaries
-  Area of Interest

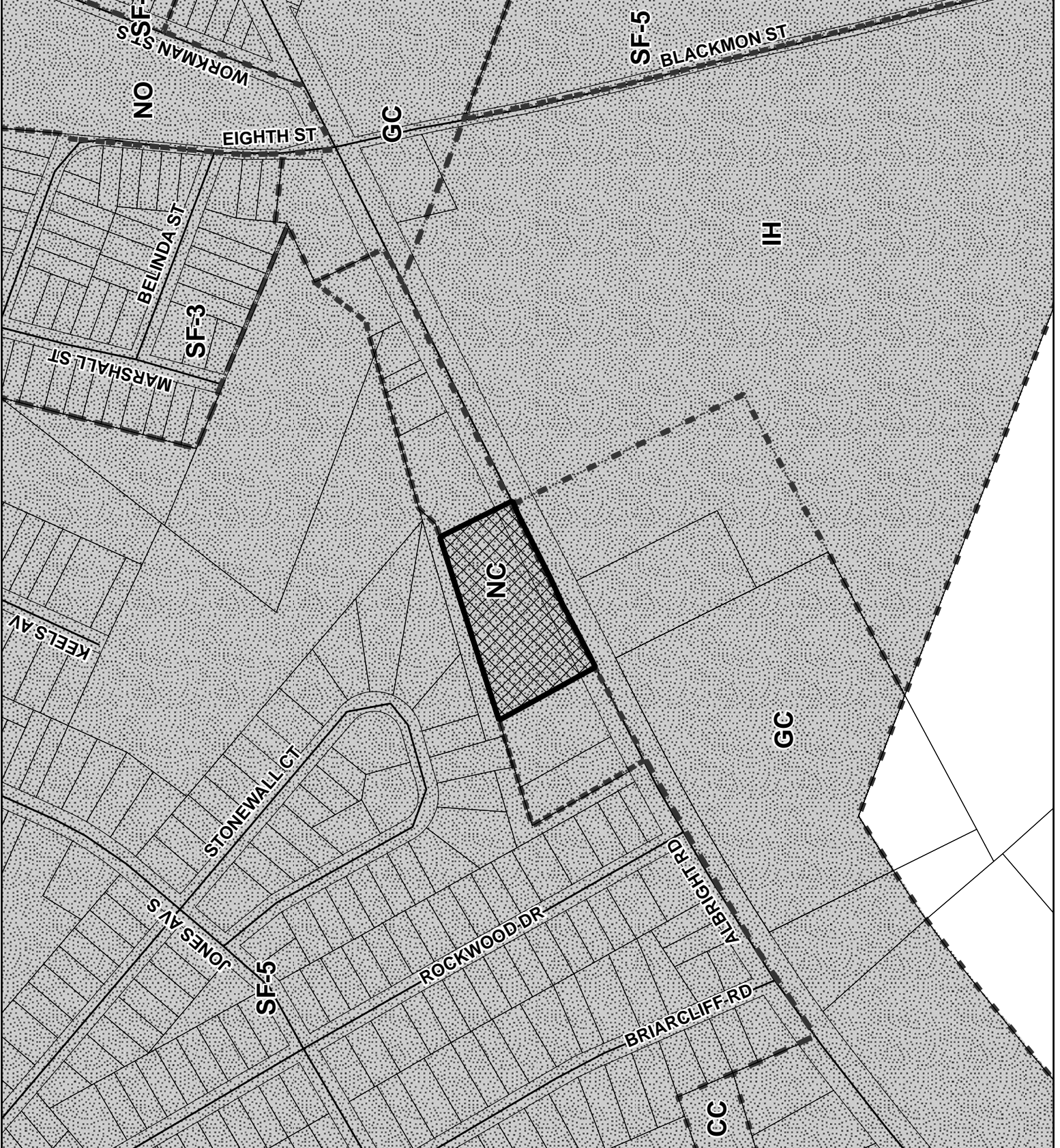
Zoning Data

Current: NC

Proposed: PD-C

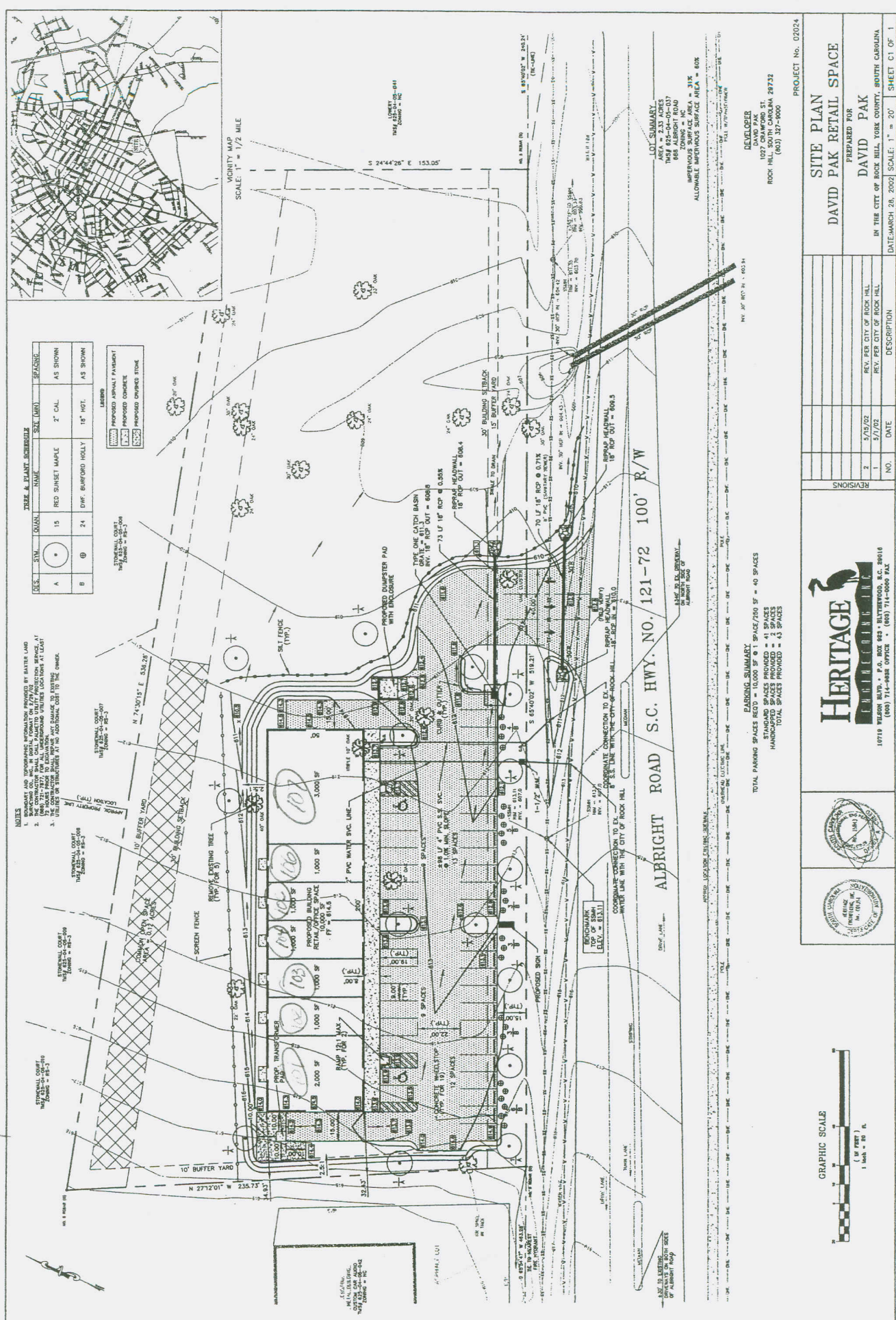


Development Services
Department
City of Rock Hill
7/28/09



SIGN AREA FOR EACH UNIT.

101 = 30 SF
 102 = 24 SF
 103 = 24 SF
 104 = 24 SF

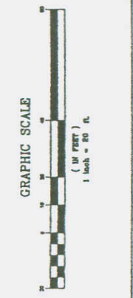


TREE & PLANT SCHEDULE

DES. SYM.	QUAN.	PLAN. NAME	SIZE (DBH)	SPACING
A	15	RED SUNSET MAPLE	7" CAL.	AS SHOWN
B	24	DWF BURFORD HOLLY	18" HOT.	AS SHOWN

LEGEN

[Symbol]	PROPOSED ASPHALT PAVEMENT
[Symbol]	PROPOSED CONCRETE
[Symbol]	PROPOSED CURBED STONE



REVISIONS

NO.	DATE	DESCRIPTION
1	5/15/02	REV. PER CITY OF ROCK HILL
2	5/15/02	REV. PER CITY OF ROCK HILL

PROJECT No. 02024
 DAVID PAK
 1877 WILSON BLVD. #1
 ROCK HILL, SOUTH CAROLINA 29723
 (803) 327-9000

PREPARED FOR
DAVID PAK
 IN THE CITY OF ROCK HILL, YORK COUNTY, SOUTH CAROLINA
 DATE: MARCH 26, 2002 SCALE: 1" = 20'
 SHEET C1 OF 1

Game Time Restaurant and Stonewall Community Meeting
June 24, 2009 at 6pm
York County Public Library Conference Room

Meeting Minutes

Meeting Called By: Game Time of Rock Hill Sports Themed Restaurant

Minutes Keeper: Priscilla Brooks

Attendees: Reginald Brooks, Priscilla Brooks, Holly Cooper, William Roddey, Edward "Pete" Green, Gloria Green, Susie Hinton (City Counsel), Eric Hawkins (City of Rock Hill Planning), Lynn Garrett (City Public Affairs), Rev. Herb Crump, Melvin Poole (NAACP), Rhonda White, Lakisha White, Barbara Miller, Rhyan Jordan, Pandora Sweet, Jacqueline McClure, Monique Morgan, Shakil Darden, Tamisala Hart, Brenda Durham, Mike Miller, Tracy Miller, Tommie Blake, Terry Brown, Don Walton, Walter White, Joyce Leopard, Shameka Barber, Tracey Jones, Freddie Campbell, Charles Kennedy, Arthur McClure, Cassandra Massey, James Barber, Twanda Gregg

Agenda Topic

Welcome: Pete Green

- Greeting and recognition of City Officials, Owners of Game Time, all meeting participants

Purpose of Meeting: Holly Cooper

- Discussed the growth and expansion of business in Rock Hill within the past 10 years.
- Stonewall/Blaircliff Neighborhood Association monthly meeting at Epworth Church on Blaircliff on June 16, 2009. No one showed for the meeting except Councilman Roddey and two other members of the neighborhood. This is the meeting where the neighborhood association was supposed to have voted on the terms to be entered into the Planning Development (PD).
- Letter received from Stonewall/Blaircliff Neighborhood President Earl Honeycutt indicating they voted not to agree to the terms of the PD and will not be attending the meeting (which was set up to discuss the terms and try to

come to an mutual agreement). No one showed from the Association.

- Loss of revenue being around \$200,000 a year due to the current operating hours.

History: Gloria Green

- History of the Stonewall neighborhood.
- According to the Neighborhood Empowerment Department it was in 1997 when neighborhoods were allowed to be involved with the zoning process. The neighborhood can influence (providing their opinion on zoning issue) the decision, but they can not vote or change the zoning the laws.
- Members of City Council are the only ones that can tweak, change and make new zoning laws within the City of Rock Hill.
- All issues involving the City of Rock Hill are put before the City Council, who has the final vote.

Present PD: William Roddey

- Introduction of himself and involvement in this process.
- Continued support from the City of Rock Hill for businesses in the Downtown and Manchester area in Rock Hill, while business in Urban areas left to struggle because of the lack of support.
- Discussed the background of the February 4, 2009 meeting with Game Time Restaurant, Stonewall Neighborhood Association, Zoning and Planning Officials. This is the meeting were the idea of submitting a PD was first introduced to the neighborhood association.
- Referenced the PD handout. Reviewed the concerns from the neighborhood and the compromise Game Time is willing to make.
- Discussed the April 30, 2009 meeting with the Neighborhood Empowerment Department.
- Reviewed the additional terms added to the PD to also help address some of neighborhood concerns.
 1. No business sexual in nature can be opened within the strip.
 2. No liquor store can be opened within the strip.
 3. No convenient store or gas stations.

4. There would be a timeframe placed on the PD. The PD will be automatically renewed within one (1) year; unless the City of Rock Hill deems the establishment to be nuisance (must be within their guidelines, meaning all the proper investigations had taken place and all, if any instances were fairly documented)

Open Forum for Q&A or Comments: Any meeting participants

Question: Can anyone shed some light on the restaurant issue regarding the assistance the restaurant (Mr. Dozier's establishment) was given by the City Council to be able to open?

Answer: (provided by Pete Green) Mr. Dozier was denied his alcohol license by the State of South Carolina because his establishment was not beyond the required distance (300 feet) from the Church. City council decided they step in to help Mr. Dozier (reported in the article written by the Herald) by creating crosswalks which now placed Mr. Dozier's establishment just within requirements to obtain his alcohol license. The City of Rock Hill also provided financial backing to Mr. Dozier.

Question: How is so easy for City Council to change the zoning in a historic district to accommodate Comporium's plans to expand?

Answer: Not provided member from City Council, Susie Hinton refused to respond as she only attended the meeting as an observer.

Question: Neighbor from Rockwood (does not participate in the monthly neighborhood association) drive indication she did not support extending the hours. She wanted to know why was the restaurant asking to extend their hours to 12am?

Answer: (provided by co-owner Priscilla Brooks) Game Time of Rock Hill Sports Themed Restaurant was founded by her husband Reginald Brooks because there was no place in Rock Hill within the Urban Community where African Americans can go within their community that is tailored to their needs. Their several restaurants that show some sporting events, but at Game Time you can enjoy a great meal while watching your favorite event on one of the many televisions (whether it's a baseball, basketball or a football

game, the NASCAR race or even the news). The problem that Game Time is having is that if an event is just starting at 8pm (as several of the sporting events do) by 10pm (closing time) the Owners are forced to ask their patrons to leave in the meeting of a game or enjoying a meal. Game Time offers something for all their patrons of all ages to do. Game Time is no different from the larger chain restaurants (Applebee's, Chilis, etc.

Question: From a Rockwood Neighbor support the time expansion asked the other neighbor why she was not in support of expanding the extra 2 hours?

Answer: From opposing neighbor was because she does not like people walking through the neighborhood late at night. She indicate one night a while back (prior to the opening of Game Time) she was sitting on her front porch after 11pm one night when a male placed a large duffle bag on the ground behind her car and when the gentleman realized she had saw him he picked up the duffle bag and began running down the street.

Comment: From a Game Time Patron wanted to know what did that incident have to do with expanding Game Time hours to 12am since this happened prior to Game Time and since the opening of Game Time there has been no incidents. He also advised that all of Game Time's patron leave by automobile and not walking through a path in the woods that was created by members of their own neighborhood. He also invited the neighbor to Game Time so she can see for herself the how professional the establishment is.

Comment: From an employee at Game Time. Employee commented as recent Arts Major graduate from Winthrop University; who is now a permanent resident of Rock Hill wanted to make known that from her many jobs she has held to put herself through school this is the first job where the patron have shown so much respect. She also commented on how she was so inspired by seeing a young African American man starting a business and how it has helped to inspire her to want to be an entrepreneur, but because of the steady resistance and unhelpful attitude from the City of Rock Hill she thinking of opening her business elsewhere.

Comment: From Rev. Crump of Freedom Temple Ministry. Rev. Crump addressed the meeting and advised everyone that the

Church that was involved in the issue regarding Mr. Dozier was his own Church. Rev. Crump indicated that no one in his Church no even his self was contacted by City Council or any other City Official when they decided to add the crosswalks to assist Mr. Dozier. Rev. Crump advised that he indicated to the City Council since they were so willing to step in and assist Mr. Dozier they should be just as willing to step in and help someone else. Rev. Crump also spoke on the power and the importance of voting and if our City Council is supporting the needs of their constituents then its time to vote them out and get someone who is concerned about what is going on in our communities. Rev. Crump also commended Reggie and Priscilla on their efforts and the steps they have taken thus far and he advised that is now a dead end to continue to go back and forth with the neighborhood association and to proceed with the next step.

Next Step: Holly Cooper

- Submitting the PD application to the Planning and Zoning Department to be able to get on the August 4, 2009 Agenda.

Closing: Pete Green

- Thanked everyone for coming

72 Plaza

Planned Development Terms & Conditions

7/27/09 DRAFT

This document is used in conjunction with the PD Master Plan exhibits submitted for the rezoning application for 72 Plaza to define the approved plan for the project. The details of this document shall control in the event of any conflict with the approved plan or zoning ordinance requirements.

I: Project Description

- A. The purpose of the 72 Plaza PD is to establish development standards and other guidelines that will minimize impact on the adjacent residential neighborhood in exchange for operating hours beyond the 6 AM-10 PM limitations of the former Neighborhood Commercial zoning district. Except as noted below, the property will be governed by the regulations of the Neighborhood Commercial zoning district.
- B. Location: 688 Albright Road
- C. Size: 3.22 acres
- D. Use Restrictions:
 - 1. Except as specified below, uses shall be as permitted in the NC district.
 - 2. Restaurant use is only permitted in the space addressed as 688-107 Albright Road for the current structure and is limited to 3,000 square feet of area. Only one restaurant serving alcohol may operate on the property.
 - 3. The following uses are specifically prohibited on the property:
 - a Bar, nightclub, or cocktail lounge
 - b Liquor store
 - c Adult entertainment
 - d Gas station
 - e Convenience store
- E. Operating Hours:

Hours are restricted to 6:00 a.m. – 12:00 midnight. The owner or manager of any business that stays open after 10:00 p.m. must attend at least five (5) of the twelve (12) regularly scheduled Stonewall Neighborhood Association meetings to share information and hear concerns.

II: Development Standards This is a developed site and no additional development is proposed in conjunction with this PD Plan. There is a future development area identified on the original site plan for the development and except as noted below, the site will adhere to the development standards of the zoning ordinance relevant to the NC district with any future development or redevelopment.

A. Off-Street Parking and Loading

No parking will be permitted to the rear of the existing building or any future buildings on the site.

B. Outdoor Smoking Area

The smoking area for 688-107 Albright Road will be confined to the side of the building to meet the City Smoking Ban Ordinance.

C. Noise

Due to the site's close proximity to residential property and because the permitted uses do not include bars, nightclubs, cocktail lounges, bowling alleys, pool halls or other uses classically tied to late night noise, those uses that do operate after 10 PM must take specific measures to ensure that excessive noise is not generated so as to affect surrounding properties. This includes the reasonable control of patrons arriving and leaving the premises, and control of inside noise levels such that noise is not discernable beyond the boundary of the subject property.

D. "No Loitering" Signs

"No Loitering" signs must be posted and maintained on the property by the owner to prevent loitering in the parking lot. The management of any business open past 10 PM shall be charged to actively control loitering by patrons of the property. The signs must include a reference to the City Code that prohibits loitering.

E. Other

At their first regularly scheduled meeting after the one year anniversary of the approval of PD Zoning, the Planning Commission shall hold a public hearing and review City police reports and other records to determine if the terms of this zoning approval have been met. If in the opinion of the Planning Commission, the terms have not been met, it will send a recommendation to the City Council to revoke the PD zoning and rezone the property to NC – Neighborhood commercial, which will reinstate the hours of operation restrictions under NC zoning and all other requirements of that district.