

NEW BUSINESS

2023-0280

Public Hearing and Request for Conditional Use Recommendation - File No. PCU2023-0004 - to allow alcoholic beverage sales for on-premises consumption at the proposed Juan Blanco's restaurant, 1655 E. Auburn Rd., zoned BD Brooklands District, Parcel No. 15-25-457-025, Alisha Robinson, Architectural Planners Inc., Applicant

(Staff Report dated 6/20/23, Reviewed Plans, Application, EIS, Geotechnical Investigation, Engineer's Estimate, Lighting Specifications, Menu, Hydrant Flow Test, WRC Letter dated 5/27/22 and Public Hearing Notice had been placed on file and by reference became a part of the record hereof.)

Chairperson Brnabic introduced this item, noting that it is a request for conditional use recommendation to allow alcoholic beverage sales for on-premise consumption at the proposed Juan Blanco's Restaurant, 1655 East Auburn Road, zoned BD Brooklands District. She invited the applicant to the presenter's table and asked for staff's presentation.

Present for the applicant was Camiel DeWolf.

Mr. McLeod stated that the request is for conditional use recommendation to City Council for alcohol sales and consumption along with site plan approval for proposed additions and modifications to the site for Juan Blanco's Restaurant located in the Brooklands District, on the north side of Auburn Road and west of Dequindre. He noted that the current building is vacant. He reviewed the surrounding zoning designations and future land use, noting that it is zoned Brooklands District to the south, east and west, and transitions quickly to the north across the alley to R-4 One Family Residential. He stated that there are various non-residential uses in each of the remaining east, south, and west directions. He noted that all of the properties are a uniform depth in the Brooklands area. He showed the alley and the fence/wall directly to the north that was installed as a part of the Brooklands improvements in recent years.

He reviewed the proposed site plan, and noted that there is a designated area for a gathering and event space and games, and he commented that he assumed it would be similar to a cornhole area. He pointed out that parking is right against the alley, along with some on-street parking directly to the west along Longview, which would be utilized as a part of their parking calculations, and is allowed as a part of the Brooklands District. He mentioned that one item that was raised as a part of their review was the event space on the north side of the building, and stated that across the alley it is transitioning to residential. He requested the applicant spend some time during his presentation to review how the space is going to be utilized, and the hours of operation for this particular area, to ensure that there is no chance for any sort of nuisance occurring affecting properties to the north and northwest.

He noted that the Commissioners have received correspondence from some of the residents that live in that general vicinity, and he asked the Planning Commission to focus on how the exterior activities would affect the area. He

displayed a rendering of the building, noting that it shows a major investment within the city in terms of transitioning the building into something the City envisioned for the Brooklands District. He stated that it provides an activation and reuse of buildings, and is welcomed. He noted that the staff report reviews the five standards for conditional use approval.

Mr. DeWolf stated that they have been working on getting this approved for the last year and he is excited to bring another restaurant to the area. He noted that they own Johnny Black's down the street, and they would hope that with the outdoor area and reconditioning of the building that it will be a great addition to Rochester Hills, creating 30 to 40 employment opportunities for local chefs and waitresses. He suggested that he would imagine that on weekdays the outdoor area would have to be limited to 10 p.m., and on weekends they would look and see how it goes.

Chairperson Brnabic asked Mr. DeWolf what his position was with the restaurant.

Mr. DeWolf responded that his family owns them, and he will be in charge of ensuring the construction goes as planned and operations.

Chairperson Brnabic commented that Mr. DeWolf mentioned that they would limit events or games to 10 p.m. on weekdays, but he didn't have an answer for weekends, and she asked for an example of what kind of events and games they would be holding in the back.

Mr. DeWolf responded that they were thinking of four or five corn hole setups, but they have not decided on what games will be there. He noted that they have an outdoor patio at the facility down the street, and he stated that they close it pretty early and know to keep the music at a when it s becomes evening. He commented that he does not believe they have had any complaints at that location over the patio.

Chairperson Brnabic asked if there would be anything amplified, microphones, or outdoor music or bands.

Mr. DeWolf responded not as planned. He stated that it would be the game area. He noted that if they were to have any music or anything the music would be set up inside or in the front of the building by the garage doors. He commented that there would not be really a point to set up in music in the rear for the whole building..

Chairperson Brnabic stated that there is a residence just right across the alley and she would suppose that loud music could travel even farther than the one home directly behind the business. She asked what the image on the top of the building was.

Mr. DeWolf responded that it was stencil art, and the gray above the garage doors would be a tile. He mentioned that they just built one in Fraser called Juan Blanco's. He stated that this would be a stencil and would there would be Aztec-themed tribal sign stencils under the building's roof.

Chairperson Brnabic asked if it was something that would be painted on the top of the building, and noted that right now it's showing a very light gray but it looks as if there is detail. She asked what detail is in the design and if there would be different color variations added to that.

Mr. DeWolf responded that the light color is shoji white, the gray is iron ore and the lighter gray is black fox.

Chairperson Brnabic noted that there is also an image on the awning. She asked for clarification of what she is looking at.

Mr. DeWolf responded that it would be a corrugated steel awning, and an aluminum material, and then the Aztec image would be painted on to that as well.

Chairperson Brnabic noted that there is also an image at the far east side of the building.

Mr. DeWolf responded that this is a Mexican lizard, and noted it is a cultural image that does not have a direct meaning. He commented that they have a lady that is really good at the drawings and she does a lot of Mexican restaurants.

Chairperson Brnabic commented that this could be equated to a mural, and she asked if Mr. DeWolf was aware that the Planning Commission and City Council have had multiple discussions regarding to murals.

Mr. DeWolf responded that he was not aware.

Chairperson Brnabic stated that at this point the City has decided against murals on buildings. She stated that art is so subjective and open to opinion.

Mr. DeWolf suggested that they could resubmit and remove the murals. He stated that they could have the Juan Blanco's name, the shoji white, the iron ore and the black trim around the doors and no murals.

Chairperson Brnabic stated that she would appreciate that because she would condition that to make sure all of it is removed. She questioned the size of the entertainment space in the back.

Mr. DeWolf responded that it is a good portion of the back area, approximately 40 by 60 feet.

It was noted that the area was approximately 1,500 square feet.

Chairperson Brnabic noted that they are adding six parking spots and asked their size. She commented that nine by 18 would generally be for employee parking, and 10 by 18 was more likely. She stated that she absolutely supports a Mexican restaurant coming into the BD district but noted that they also have concerns from residents. She added that as this item requires a public hearing,

she would be calling on the residents to speak.

Dr. Bowyer stated that she likes the idea of the restaurant as a nice Mexican restaurant is always good. She commented that she does have some concerns regarding the outdoor event area. She asked with four to five cornhole areas whether there will be tables where people can put their drinks down.

Mr. DeWolf responded that there would be just a few patio tables but he believed there would be no seating.

Dr. Bowyer asked if it would be fenced in or open to the sidewalks.

Mr. DeWolf responded that there would be landscape and trees on both sides, a curb for the parking, and an ADA pathway leading up to the back door, but no fencing.

Dr. Bowyer stated that she does not believe that they can take the alcohol off premises and nobody would be able to take their beer and walk back to the alley.

Mr. DeWolf noted that they are in the middle of construction with an outdoor patio and they just put in four by fours and draped nice rope along it with planter boxes. He commented that it works really well if that was something that they would have to add for separation.

Dr. Bowyer stated that they might need something like that. She asked if the music from front to back would be contiguous or could there be one type of music in the front and one in the back. She asked about shade for the back or front areas.

Mr. DeWolf responded the music would be all the same. He commented that they might do umbrellas with tables for the front and perhaps some building-mounted umbrellas or pull umbrellas, but as of now they do not have anything.

Dr. Bowyer asked if there would be any chance they would have concerts in the back, noting that when they are referred to as events, it is confusing as to whether they would have live music and 100 people crowded back there.

Mr. DeWolf responded that he would agree that it would not be events. He stated that if there is live music or entertainment, it would be in the front.

Mr. Dettloff stated that this is the perfect thing for this corner, given the history of that district and to see where it is today. He commented that he knows that the applicant has a track record with Johnny Black's and has obviously expanded there with an outdoor seating area and will not do anything to disrupt their reputation since they have another restaurant just down the street. He asked if the patio would be a seasonal use such as May 1st to October.

Mr. DeWolf responded that it would be weather permitting. He commented that there would be no igloos.

Mr. Dettloff stated that he totally supports this and commented that they greatly appreciate the investment in Rochester Hills and into that corridor. He noted that when he hears in some cases that property values have gone up 40 percent, it tells him that the City did the right thing. He commented that he did not see anything in the staff report from any of the departments, and stated that the comments from planning, engineering and traffic seem to be relatively easy to address. He stated that they have to have a good relationship with and be respectful of the surrounding neighbors. He commented that he is in support.

Mr. Weaver commented that going through the conversations that have been received from neighbors, he stated that he did not think that things were going to be as bad as they think. He noted that he understands the concern expressed for parking on the street. He asked if there was anything the City could do to specify no street parking for this business. He added that there is the parking lot behind Johnny Black's. He stated that he does like the idea of somehow containing the patrons in the rear, and would hate to have someone walk away with a beer and cause a problem. He suggested that a fence could be constructed just on the inside of the sidewalk, and stated that it could be a six-foot tall fence that could have a shelf for someone to set a drink on. He added that it could help alleviate sound.

Mr. DeWolf stated that they could definitely do that and suggested that he could do the same concept he described earlier with ropes on the inside and a six-foot fence along the back and decorate it.

Mr. Weaver stated that they did a great job with Johnny Black's where they redid the whole façade and it looks awesome. He commented that he agrees with Mr. Dettloff and thinks they are on the right track.

Ms. Denstaedt stated that she would echo her fellow Commissioners and it was really exciting to see the applicant reinvesting and remodeling a building that is really tired, and she is excited by the rendering. She asked if there would be an outside bar and what the overall seating capacity would be.

Mr. DeWolf responded that they would have to go inside or get a waitress. He stated that he would have to review the capacity but they were right on the borderline at around 100 for inside and outside and knew they were right on the borderline for fire suppression. He stated that while he cannot be 100 percent certain, with employees he believes it is 110.

Ms. Denstaedt asked Mr. DeWolf to reconfirm whether there would be covering in the front and back.

Mr. DeWolf responded that they may just have patio umbrellas during the season on tables and in the back. He noted that the only covering would possibly be an exterior-mounted umbrella with an arm, and stated that they are 10 foot long and fold in. He stated that there would perhaps be a couple of umbrellas on the poles, but no tables and no coverage.

Ms. Denstaedt stated that she would agree that it might be nice for Mr. DeWolf

to go back to the neighbors as there might be a misunderstanding that there might be bands back there.

Mr. DeWolf stated that he can go back and talk to them.

Ms. Neubauer stated that she thinks that they are all on the same page about supporting the project, but would like to add specific conditions. She noted the hours of operation as Monday through Thursday from 11 a.m. to 11 p.m., Friday and Saturday until 2 a.m. and then Sunday until 11:00 p.m., and then noted that Mr. DeWolf stated that the back area would close at 10 on weekdays. She asked about the weekends.

Mr. DeWolf responded that the patios are usually closed by midnight on the weekends everywhere.

Ms. Neubauer noted they received comments regarding the residential area, and commented that the patios would be more relaxed and louder on the weekends. She asked how many people can fit in the back area.

Mr. DeWolf responded that it depends on the cornhole. He explained that there are probably 12 players if they are playing games with maybe a few people hanging out; but noted that there is no seating. He stated that if they do the fence they really don't think they will have a problem with containment and keeping everyone happy.

Ms. Neubauer stated that she thinks that everyone has agreed that adding the fence is going to be a condition that they will need. The removal of the mural is a condition. She noted that they will need some kind of signage directing overflow parking to their other business or somewhere else so that there is no issue with residential parking. She noted that Mr. DeWolf stated that there would not be any amplified music in the back, so for the sake of clarity she would like that to be added as a condition. She commented that 10 p.m. seems reasonable and stated that she is still worried about the weekends.

Mr. DeWolf commented that there would not be a bunch of boom boxes back there, and maybe a couple of wall-mounted speakers, but there would be one main door to access the area and the ramp. He stated that he believes that all of the inside noise will be contained and that the door will have to stay shut. He noted that they will be planting trees and adding the fence.

Ms. Neubauer stated that it is important for them to communicate to the residents around them that the noise will be contained. She commented that they do not want any problems with the residents and it would not be good for their business either if they are calling the police because of a noise issue at 1 a.m. on a Saturday. She commented that other than that, she is really excited about it, she thinks it looks great, and their other businesses have set a good example of who he is as a business person. She stated that as long as those conditions are added, she thinks it is a positive step and she is grateful that they are willing to invest in the community and look out for the neighbors.

Chairperson Brnabic stated that she is sure it will be really busy, and

commented that she came through the corridor last night and the on-street parking was filled from Johnny Black's. She noted that she expects with this being an addition that there will be a far larger demand for parking. She asked how Mr. DeWolf would direct customers to existing available parking areas.

Mr. DeWolf responded that he would put signs up, and usually in the summer months when it is busy he or someone else is always walking around outside to make sure everything is ok; and he suggested that they could direct overflow parking to the lot next door.

Chairperson Brnabic stated that there was one concern mentioned that residents are concerned that cars would start parking in front of their homes. She noted that those who were not from the vicinity would have no idea that there is a new parking area added on Eastern.

Mr. DeWolf stated that there is also parking behind the park, and commented that there will be a surge when they first open, so they can make that a focal point to ensure they keep cars off the street.

Chairperson Brnabic noted that the splash pad is demanding this time of the year, and there would be a clash in hours, but that will probably settle down early in the evening.

Mr. Gallina thanked the applicant for taking the opportunity to build another great business in Rochester Hills. He stated that he appreciated Mr. DeWolf's flexibility tonight, in answering questions and addressing concerns.

Mr. Struzik noted that his fellow Commissioners did a great job with questions, and overall he is very excited that this takes an existing tired building and revitalizes it. He commented that he would love for Auburn Road to have street life, and this will continue the momentum. He noted that he lives in the area and is in and out of this area every day, multiple times. He expressed concern how this proposal will affect nearby neighbors and would echo what has been said. He stated that he hopes that the nearby neighbors will be protected by a well-meaning management and also by the City's noise ordinance, which has a lot of teeth and very specific requirements.

He commented that noise is measured at the boundary of the property, so if there are repeated issues, the City has the ability to deal with them. He stated that he would hope to not get there. He expressed parking concerns, pointing out that when Auburn Road was redone, it lost some of the parking in the front as a sacrifice to the larger vision of what is happening in the area. He would propose that they do by-permit parking and put signs up from the alley that parking is by permit only, and residents be able to get a permit whether it be a sticker or something they hang. He asked whether that was a possibility.

Mr. McLeod responded that he is not aware of anything in place right now that would allow that kind of system. He commented that if something comes up this might be something that the City has to look into, but in the short term he is not sure that it is truly an option.

Mr. Struzik commented that while parking is a problem it is a good problem to have people want to come to a business district and spend money in the community. He noted that while they had some concerned residents presenting feedback, some of the feedback that was emailed was positive from residents in the area wanting and being excited about reinvestment and having another place to eat.

Mr. Weaver asked whether the rear activity would be cornhole leagues. He noted that leagues typically do not happen on the weekends, and if it were leagues it would probably be pretty quiet on the weekends in the back.

Mr. DeWolf commented that he did not know about leagues. He stated that they do not have leagues at any other locations, and it is random patrons.

Mr. Dettloff asked if the lizard image was unique to that building or was something associated with the restaurant. He commented that if that were the case he does not know if he would call it a mural.

Mr. DeWolf responded that it is not a branded image. He explained that the artist did her own design for the location they just completed. He noted that she did a number of them on the interior of the building and they are beautiful, but they are murals.

Dr. Bowyer stated that the noise ordinance in Rochester Hills is 10 p.m. until 8 a.m. and that is even on the weekends. She stated that at 10 p.m. if someone called the police would be out to have them turn the speakers off at the back.

Mr. DeWolf responded that they would comply with the ordinance.

Dr. Bowyer thanked Mr. DeWolf for being so accommodating.

Chairperson Brnabic stated that they received several emails from residents and the Commissioners have heard their concerns. She noted that emails were received from Roxanne Fargo, Lara Sebert, Gavin Sebert, and Dana Costello. She stated that Dana Costello supported the renovation in the outdoor space and did send screenshots of a neighborhood site with many residents comments supporting it. She explained the main concern of the residents living directly behind the restaurant was the noise volume as far as loud music, whether they were going to have bands, loud voices, outdoor sports in the entertainment, the hours for entertainment, and cars parking in front of their homes. She opened the public hearing and noted each speaker would have three minutes, and questions will be answered after everyone had a chance to speak.

Lara Sebert, 2884 Longview, stated that she supported developing and creating revenue for businesses along Auburn Road but stated that putting entertainment at the back of the building puts residents who reside along the alleyway in a compromising position. She stated that there is not even 20 feet separating a residential property from the outside entertainment area in the back. She stated that they do not want to hear loud bands and excited patrons or intoxicated people. She commented that they do not want added parking in front of their

homes and garbage and little patrons will leave. She urged them to reconsider the proposed outdoor entertainment area.

Maggie Ng was called up but did not speak.

Chairperson Brnabic asked Mr. DeWolf to address Ms. Sebert's comment, noting that she is the neighbor directly behind.

Mr. DeWolf responded that he understands her concern and stated that they will have the parking spaces and alleyway separating it, and a six-foot fence plus another fence within 50 feet, and will follow the 10 p.m. ordinance and not have leagues or bands.

Ms. Sebert stated that they will be serving drinks with alcoholic beverages and people drinking those beverages will be loud and obnoxious.

Mr. DeWolf continued that they will do their best to contain it, and do want to bring a family-friendly place where people can take their children and have a chance to play a game in the back. He commented that it will not be a party spot and there will not be 100 people back there having a concert; it will be a nice area decorated with two fences, plants and planter boxes. He stated that they do a pretty good job with the restaurant down the street in cleaning up litter, and take care of the building by power washing it almost every week. He stressed that their objective is not to make the residents' homes uncomfortable.

Mr. Hooper commented that with the noise ordinance they would have to shut it down by 10 p.m. He asked about the lighting photometrics and pointed out that the is was noted as 0.3 foot candles for out front, but the rear is 2.5 foot candles. He asked why the lighting was more intensive in the back.

Mr. DeWolf responded that he would have to consult his architect, and if they put in a condition, he could get an explanation.

Mr. Hooper commented that if 0.3 is good enough for the front, he would ask why they wanted to light up the rear.

Mr. DeWolf responded that it may be for the ADA walkway as it does come up along the building and it is a dark area with no street lights, but he would check with the architect. He commented that if it would be able to be switched with a dimmer bulb he did not think it would be an issue.

Mr. Hooper reviewed the lightpoles specified, and stated that it seems like it was concentrated in illuminating the cornhole. He suggested that this be significantly reduced. He pointed out that with the license for alcohol, they would have to have the back enclosed as they cannot serve outside of that area. He noted that Mr. DeWolf has agreed that there would be no amplified outdoor music of any type and no seating, and they would add the fence, and looking at significantly reducing the lighting in the rear.

Mr. DeWolf noted that if the noise ordinance is 10 p.m., and that's when they would be shutting that area down, that is when it is getting dark so lights might

not even be required to be on at most times.

Chairperson Brnabic noted that Mr. Hooper brought up no seating, but there may be a few poles that hold umbrellas.

Mr. DeWolf confirmed no tables.

Ms. Neubauer moved the motion in the packet for the conditional use recommendation for approval with the pre-printed findings and added additional conditions that were discussed of no amplified music in the rear, no murals on the outside of the building, a separated fence and roped-off area in the back, no seating in the back and only tables present and umbrella for shade, signage for the overflow parking to be directed to the parking lot or Johnny Black's, to convert the rear lighting if possible compliant with ADA requirements to match front lighting which would be a 0.3, no music bands or events in the back and back limited to cornhole games, and that area closed by 10 p.m. seven days a week.

Chairperson Brnabic noted that she had not officially closed the public hearing, and did so at this time. She asked if there was a second for Ms. Neubauer's motion.

Mr. Gallina seconded the motion.

After calling for a roll call vote, Chairperson Brnabic announced that the motion for the conditional use recommendation passed unanimously.

Ms. Neubauer moved the motion for the site plan approval, adding the same conditions as stated in the previous motion. Mr. Hooper seconded that motion.

After calling for a voice vote, Chairperson Brnabic announced that the motion passed unanimously. She congratulated the applicant.

After the vote, Mr. McLeod noted that the applicant would be meeting with the Liquor License Technical Review Committee next week, and if that goes well, they would likely be on the first Council meeting agenda in July.

A motion was made by Neubauer, seconded by Gallina, that this matter be Recommended for Approval to the City Council Regular Meeting. The motion carried by the following vote:

Aye 9 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

Resolved, in the matter of File No. PCU2023-0004 (Juan Blanco's Restaurant), that the Planning Commission recommends to City Council Approval of the Conditional Use to allow sales for on premises alcoholic beverage consumption associated with a restaurant use, based on documents received by the Planning Department on May 10, 2023 (along with the ancillary updated drawings and flow test) with the following findings:

Findings

1. The proposed use will promote the intent and purpose of the Zoning Ordinance.
2. The existing building and proposed conditional use have been designed and is proposed to be operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing and planned character of the general vicinity, adjacent uses of land, and the capacity of public services and facilities affected by the use.
3. The proposal should have a positive impact on the community as a whole and the surrounding area by providing additional eating and gathering opportunities within the Brooklands District.
4. The existing building and proposed use is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, water and sewer, drainage ways, and refuse disposal.
5. The existing building and proposed use should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
6. The proposal will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

Conditions

1. City Council approval of the Conditional Use.
2. That additional landscape screening along the northern property line that is deemed to be sufficient by City Staff and at least a six (6) ft. high fence be provided to buffer the residential property to the north. The remainder of the area is to be roped off to contain patrons to the backyard gaming area.
3. The backyard gaming area to be closed by 10:00 p.m. daily.
4. No amplified music, no musical bands or events are allowed in the backyard gaming area.
5. Activities in the backyard gaming area are to be limited to cornhole games.
6. No seating is to be provided in the backyard gaming area, only tables and umbrellas.
7. No murals are permitted on the outside of the building.
8. Signage is to be placed to direct patrons to overflow parking areas, including existing city parking lots.
9. Revise the lighting at the rear of the building/backyard gaming area to match the intensity of the lighting at the front of the site, if compliant with ADA requirements.

2023-0281

Request for Site Plan Approval - File No. PSP2022-0009 - for building additions, facade alterations and site improvements at the proposed Juan Blanco's restaurant, 1655 E. Auburn Rd., zoned BD Brooklands District, Parcel No. 15-25-457-025, Alisha Robinson, Architectural Planners Inc., Applicant

See discussion under Legislative File 2023-0280.

A motion was made by Neubauer, seconded by Hooper, that this matter be Approved. The motion carried by the following vote:

Aye 9 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

Resolved, in the matter of File No. PSP2022-0009 (Juan Blanco's Restaurant), the Planning Commission approves the Site Plan, based on plans dated received by the Planning Department on May 10, 2023, with the ancillary updated drawings and flow test information, with the following findings and subject to the following conditions.

Findings

1. The site plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, as well as other City Ordinances, standards, and requirements, can be met subject to the conditions noted below.
2. The proposed project will be accessed from Auburn Road, Longview Ave. and the abutting rear alley, thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets.
3. Off-street and on-street parking areas have been designed to avoid common traffic problems and promote customer safety.
4. The proposed building and site improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.
5. The proposed development will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.

Conditions

1. Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff including all comments noted on the site plans contained within the Planning Commission packets and any additional comments from the Planning Commission to provide buffering for the northern adjacent residential property.
2. Provide a landscaping bond in an appropriate amount as approved by the Planning Department, based on a cost estimate for landscaping and irrigation, plus inspection fees, as adjusted as necessary by staff prior to temporary grade certification being issued by Engineering.
3. That additional landscape screening along the northern property line that is deemed to be sufficient by City Staff and at least a six (6) ft. high fence be provided to buffer the residential property to the north. The remainder of the area is to be roped off to contain patrons to the backyard gaming area.
4. The backyard gaming area to be closed by 10:00 p.m. daily.
5. No amplified music, no musical bands or events are allowed in the backyard gaming area.

6. Activities in the backyard gaming area are to be limited to cornhole games.
7. No seating is to be provided in the backyard gaming area, only tables and umbrellas.
8. No murals are permitted on the outside of the building.
9. Signage is to be placed to direct patrons to overflow parking areas, including existing city parking lots.
10. Revise the lighting at the rear of the building/backyard gaming area to match the intensity of the lighting at the front of the site, if compliant with ADA requirements.