

APPLICATION FOR DISTANCE WAIVER PERMIT FOR RESTAURANT

APPLICANT INFORMATION:

BUSINESS TRADE NAME: Heirloom Cafe & Fresh Market

APPLICANT'S LEGAL NAME: Heirloom Cafe & Fresh Market, LLC  
(Name of individual, partnership, or corporation, or other legal entity)

BUSINESS LOCATION ADDRESS: 815 N Chase St. Athens, GA 30601

BUSINESS MAIL ADDRESS: 135 Beth Ct.

CITY: Athens STATE: GA ZIP CODE: 30605

TELEPHONE NUMBER: ( 678 ) 707-9398

CONTACT NAME FOR BUSINESS: Jessica Rothacker

TELEPHONE NUMBER FOR CONTACT PERSON: 678-707-9398

NAME OF MANAGER: Jessica Rothacker

PURPOSE OF THE APPLICATION

- WAIVER FOR DISTANCE TO SCHOOL BUILDING WHICH IS 509.42 FEET
- WAIVER FOR DISTANCE TO EDUCATION BUILDING ON COLLEGE CAMPUS WHICH IS \_\_\_\_\_ FEET
- WAIVER FOR DISTANCE TO CHURCH WHICH IS 279.68 FEET
- WAIVER FOR DISTANCE TO PROPERTY LINE OF PRIVATE DWELLING IN SINGLE FAMILY ZONE WHICH IS 30.31, 53.97 FEET

Note: ATTACH REQUIRED PLAT SHOWING THE DISTANCES STATED ABOVE.

**WHERE WILL BUSINESS BE LOCATED AT THE DESIRED LOCATION**

- ABOVE GROUND
- STREET OR GROUND FLOOR LEVEL
- BASEMENT

**DESCRIBE IN DETAIL THE PROPOSED BUSINESS**

This business is a farm to table cafe & market. We are  
independantly owned and community centered. The menu is  
chef-driven with the freshest ingredients from local producers  
and farmers emphasized in as many dishes as possible. The  
market component provides housemade meal replacement options,  
cheese, produce, dry goods, bread and pastry. The cafe will be  
open breakfast, lunch, dinner and weekend brunch. Breakfast  
and lunch will be casual, counter-service, and brunch and  
dinner will be table service. We plan to sell beer, wine and  
cocktails to accompany and highlight the meals we serve. This  
business is designed to be a pleasant addition to the neighborhood,  
and hopes to provide a gathering place for the community. We have  
no intention of being a loud, boisterous bar. We only want to  
serve high quality products that enhance the dining experience.

---

---

---

**ATTACH PLANS SHOWING THE ACTUAL STRUCTURE OF THE FACILITY (INTERIOR AND EXTERIOR)**

HOW WOULD THE SALE OF ALCOHOL AT THIS LOCATION AFFECT THE AREA WITHIN A 300 FOOT RADIUS?

A full service restaurant ~~at~~ that serves wine, beer and cocktails to compliment the meals it serves provides an amenity to the neighborhood. Residents living within the 300 foot radius will have easily walkable access to the restaurant. There will not be live music and the restaurant will not be open late so noise should not be a problem for the neighborhood. We have more than enough parking on-site so traffic and parking should not cause a problem either.

INDICATE THE HOURS THAT THE ESTABLISHMENT WILL BE OPEN AND SERVING FOOD AND ALCOHOL

Hours open: 7:30<sup>AM</sup> - 10:00 PM M-Th, 7:30 AM - 12:00 AM Fr, 9:00<sup>AM</sup> - 12:00 AM Sat,  
9:00 AM - 3:00 PM Sun

Food Served 7:30-10:00 M-Th, 7:30-10:00 Fri, 9:00-10:00 Sat, 9:00-3:00 Sun

Alcohol Served 11:00<sup>AM</sup> - 10:00 PM M-Th, 11:00 AM - 12:00 AM Fri, 9:00<sup>AM</sup> - 12:00 AM Sat,  
12:30 PM - 3:00 PM Sun

WHAT IS THE TOTAL OCCUPANCY LIMIT FOR THE PROPOSED ESTABLISHMENT?

62

WILL THE PROPOSED ESTABLISHMENT HAVE OUTDOOR SEATING?

NO

YES      HOW MANY SEATS? 24

WILL THE PROPOSED ESTABLISHMENT HAVE OUTDOOR MUSIC?

NO

YES      WHAT TYPE OF MUSIC AND WILL IT BE AMPLIFIED?

soft, acoustic background type music, only loud enough  
to be heard on the premises and no live music. We will be in  
compliance with noise ordinances

HOW MANY PARKING SPACES WILL BE AVAILABLE FOR THIS LOCATION AND IS IT ADEQUATE FOR YOUR OCCUPANCY LIMIT?

23, yes

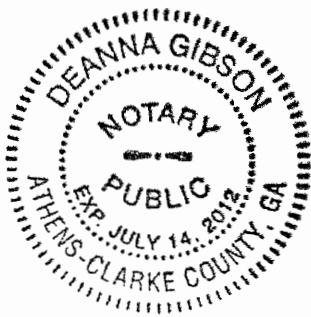
I, Jessica Burch Rotnacker, solemnly swear, subject to the penalties for false swearing as provided under Georgia Law, all information required in this application and supporting documents for a distance waiver permit for a restaurant in Athens-Clarke County, Georgia is true and correct to the best of my knowledge and I fully understand that any false information may cause the denial or revocation of said license.

Jessica Burch Rotnacker  
Print Full Name As Signed Below

[Signature]  
Signature of Applicant

Manager  
~~2/10/11~~  
Title

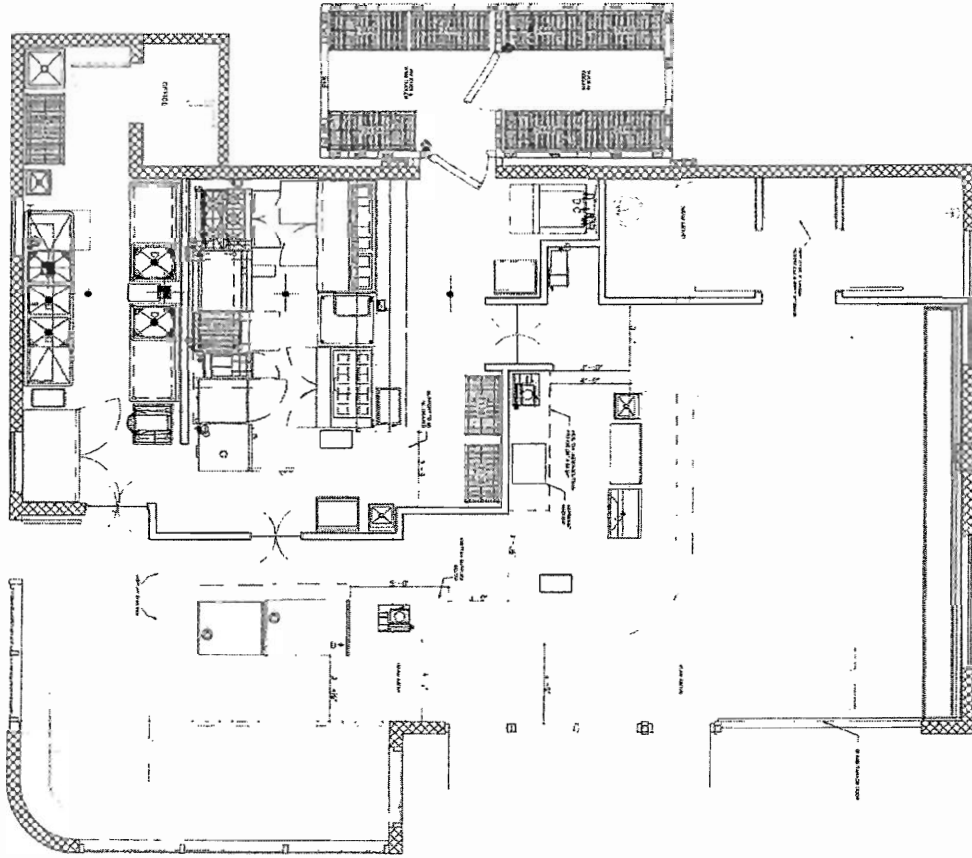
2/10/11  
Date



SWORN TO AND SUBSCRIBED BEFORE ME THIS

10 DAY OF Feb. 2011

[Signature]  
NOTARY PUBLIC (SEAL)



PROPOSED FLOOR PLAN  
SCALE: 3/8" = 1'

SHEET:  
A-102(P)  
DATE:  
11-22-10

### PROPOSED FLOOR PLAN

This drawing is the property of D.O.C. Unlimited, Inc. It is only to be used for the project and site specifically identified herein. It should not be reproduced or copied in whole or in part without the expressed written consent of D.O.C. Unlimited, Inc.

### HEIRLOOM CAFE & FRESH MARKET

815 NORTH CHASE STREET  
ATHENS, GA 30601

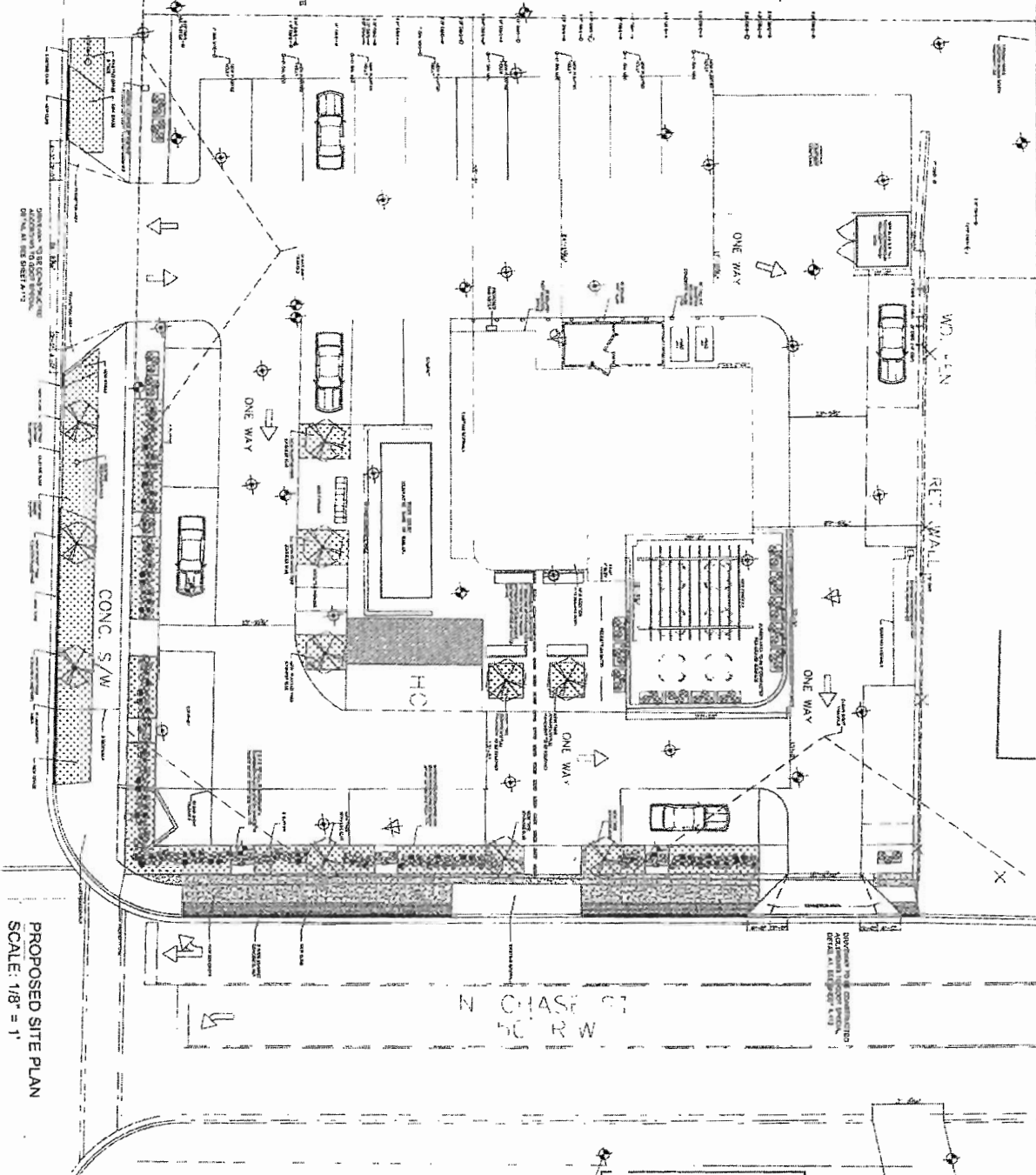


D.O.C. UNLIMITED, INC.  
925 RAMBER STREET  
ATHENS, GA 30601  
phone: 706-869-0008  
fax: 706-869-8625  
info@docunlimited.com



**NOTES**

- EXISTING LOT = 23,474 SQ FT
- 10% OF SITE = 2,347 SQ FT
- 10% OF BUILDING = 14,500 SQ FT
- 25% OF SITE MAY BE USED FOR A 4,000 SQ FT
- ACTUAL SITE DEVELOPMENT = 5,742 SQ FT
- PROPOSED 148 SQ FT SITE IMPROVEMENTS
- PROPOSED 148 SQ FT BUILDING ADDITION
- PROPOSED 148 SQ FT SEATING ROOM & SEATING OUTDOOR
- 15 PARKING SPACES REQUIRED
- PROPOSED 23 PARKING SPACES ON SITE
- INCLUDING 1 HANDICAP & 2 COMPACT
- APPROVED DONALD-CHECK BACKFLOW DEVICE
- AT WATER METER
- AS PER TREE MAINTENANCE PLAN
- 45% OF TOTAL SITE SF = 10,588 SF MATURE TREE
- EXISTING TREE CANOPY = 47,200 SF MATURE
- CHECK AND TREE NOTES
- 1. BUREAUVALE BLM (1000 SF)
- 2. SWEET GUM (1000 SF)
- 3. SWEET GUM (1000 SF)
- 4. WILLOW OAK (1000 SF)
- 5. SWEET GUM (1000 SF)
- 6. SWEET GUM (1000 SF)
- 7. SWEET GUM (1000 SF)
- 8. MANGROVE (1000 SF)
- NEW TREE SPOTS
- 1. SWEET GUM (1000 SF)
- 2. SWEET GUM (1000 SF)
- 3. CHESTNUT (1000 SF)
- 4. SWEET GUM (1000 SF)
- 5. SWEET GUM (1000 SF)
- 6. SWEET GUM (1000 SF)
- 7. SWEET GUM (1000 SF)
- 8. SWEET GUM (1000 SF)
- 9. SWEET GUM (1000 SF)
- 10. SWEET GUM (1000 SF)
- 11. SWEET GUM (1000 SF)
- 12. SWEET GUM (1000 SF)
- 13. SWEET GUM (1000 SF)
- 14. SWEET GUM (1000 SF)
- 15. SWEET GUM (1000 SF)
- 16. SWEET GUM (1000 SF)
- 17. SWEET GUM (1000 SF)
- 18. SWEET GUM (1000 SF)
- 19. SWEET GUM (1000 SF)
- 20. SWEET GUM (1000 SF)
- 21. SWEET GUM (1000 SF)
- 22. SWEET GUM (1000 SF)
- 23. SWEET GUM (1000 SF)
- 24. SWEET GUM (1000 SF)
- 25. SWEET GUM (1000 SF)
- 26. SWEET GUM (1000 SF)
- 27. SWEET GUM (1000 SF)
- 28. SWEET GUM (1000 SF)
- 29. SWEET GUM (1000 SF)
- 30. SWEET GUM (1000 SF)
- 31. SWEET GUM (1000 SF)
- 32. SWEET GUM (1000 SF)
- 33. SWEET GUM (1000 SF)
- 34. SWEET GUM (1000 SF)
- 35. SWEET GUM (1000 SF)
- 36. SWEET GUM (1000 SF)
- 37. SWEET GUM (1000 SF)
- 38. SWEET GUM (1000 SF)
- 39. SWEET GUM (1000 SF)
- 40. SWEET GUM (1000 SF)
- 41. SWEET GUM (1000 SF)
- 42. SWEET GUM (1000 SF)
- 43. SWEET GUM (1000 SF)
- 44. SWEET GUM (1000 SF)
- 45. SWEET GUM (1000 SF)
- 46. SWEET GUM (1000 SF)
- 47. SWEET GUM (1000 SF)
- 48. SWEET GUM (1000 SF)
- 49. SWEET GUM (1000 SF)
- 50. SWEET GUM (1000 SF)
- 51. SWEET GUM (1000 SF)
- 52. SWEET GUM (1000 SF)
- 53. SWEET GUM (1000 SF)
- 54. SWEET GUM (1000 SF)
- 55. SWEET GUM (1000 SF)
- 56. SWEET GUM (1000 SF)
- 57. SWEET GUM (1000 SF)
- 58. SWEET GUM (1000 SF)
- 59. SWEET GUM (1000 SF)
- 60. SWEET GUM (1000 SF)
- 61. SWEET GUM (1000 SF)
- 62. SWEET GUM (1000 SF)
- 63. SWEET GUM (1000 SF)
- 64. SWEET GUM (1000 SF)
- 65. SWEET GUM (1000 SF)
- 66. SWEET GUM (1000 SF)
- 67. SWEET GUM (1000 SF)
- 68. SWEET GUM (1000 SF)
- 69. SWEET GUM (1000 SF)
- 70. SWEET GUM (1000 SF)
- 71. SWEET GUM (1000 SF)
- 72. SWEET GUM (1000 SF)
- 73. SWEET GUM (1000 SF)
- 74. SWEET GUM (1000 SF)
- 75. SWEET GUM (1000 SF)
- 76. SWEET GUM (1000 SF)
- 77. SWEET GUM (1000 SF)
- 78. SWEET GUM (1000 SF)
- 79. SWEET GUM (1000 SF)
- 80. SWEET GUM (1000 SF)
- 81. SWEET GUM (1000 SF)
- 82. SWEET GUM (1000 SF)
- 83. SWEET GUM (1000 SF)
- 84. SWEET GUM (1000 SF)
- 85. SWEET GUM (1000 SF)
- 86. SWEET GUM (1000 SF)
- 87. SWEET GUM (1000 SF)
- 88. SWEET GUM (1000 SF)
- 89. SWEET GUM (1000 SF)
- 90. SWEET GUM (1000 SF)
- 91. SWEET GUM (1000 SF)
- 92. SWEET GUM (1000 SF)
- 93. SWEET GUM (1000 SF)
- 94. SWEET GUM (1000 SF)
- 95. SWEET GUM (1000 SF)
- 96. SWEET GUM (1000 SF)
- 97. SWEET GUM (1000 SF)
- 98. SWEET GUM (1000 SF)
- 99. SWEET GUM (1000 SF)
- 100. SWEET GUM (1000 SF)



PROPOSED SITE PLAN  
SCALE: 1/8" = 1'

SHEET:  
A-105(P)  
DATE:  
1-6-11

**PROPOSED SITE PLAN**

**HEIRLOOM CAFE & FRESH MARKET**

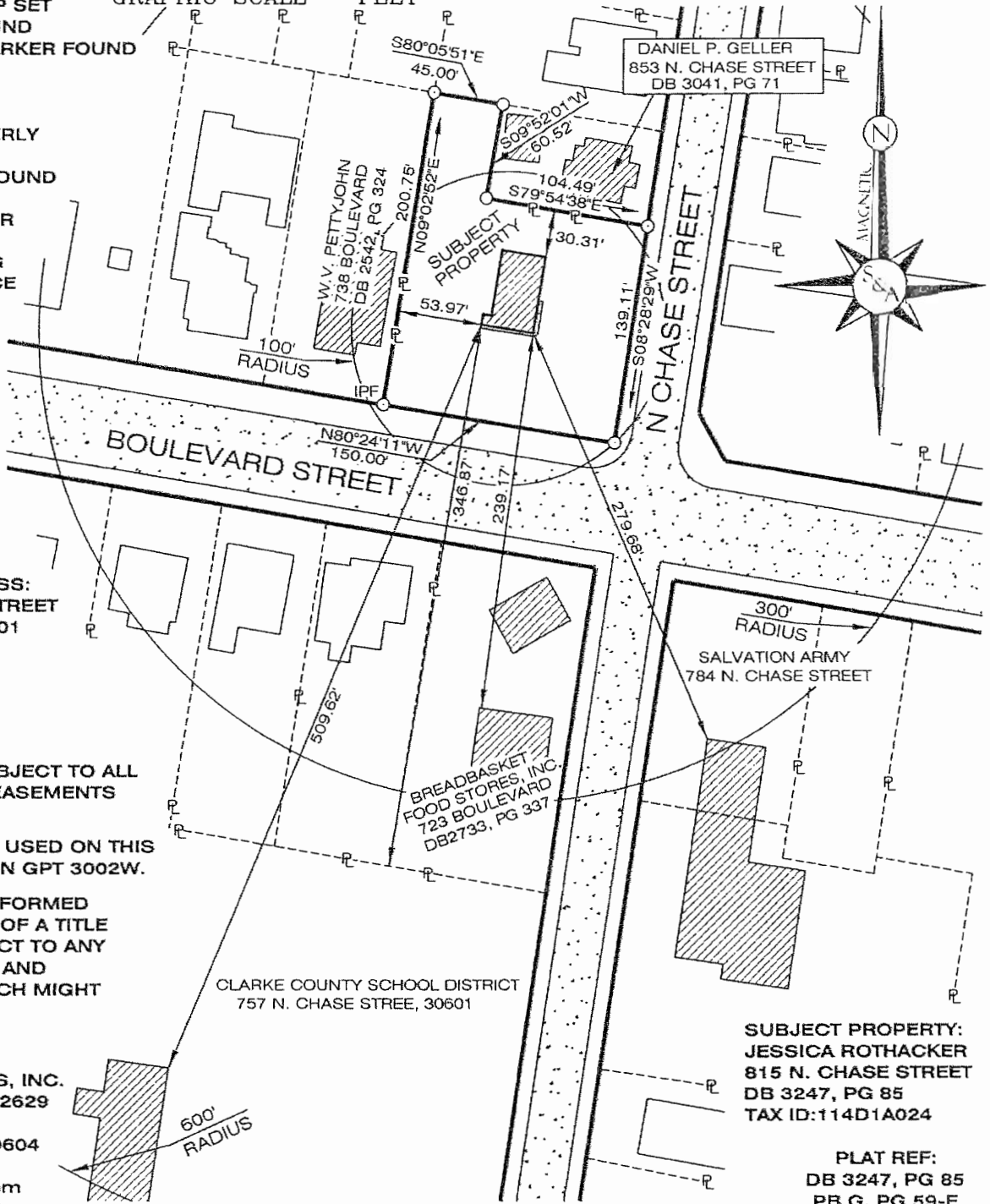
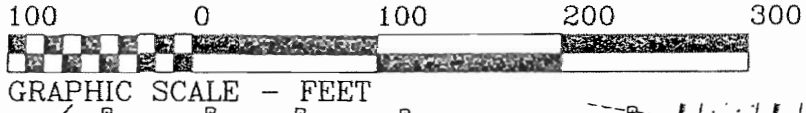
815 NORTH CHASE STREET  
ATHENS, GA 30601

**D.O.C.** UNLIMITED, INC.  
665 BARBER STREET  
ATHENS, GA 30601  
PHONE: 706-369-8886  
FAX: 706-513-8828  
info@docunlimited.com

This drawing is the property of D.O.C. Unlimited, Inc. It is only to be used for the project and site specifically detailed herein. It should not be reproduced or copied in whole or in part without the expressed written consent of D.O.C. Unlimited, Inc.

NOTES:

- ⊙ = POINT ONLY
- = IRON PIN FOUND
- = OTS = OPEN TOP SET
- OTF = OPEN TOP FOUND
- CMF = CONCRETE MARKER FOUND
- ℙ = PROPERTY LINE
- CL = CENTER LINE
- R/W = RIGHT OF WAY
- N/F = NOW OR FORMERLY
- RBF = REBAR FOUND
- CTF = CRIMPED TOP FOUND
- ⊙ = POWER POLE
- ⊠ = TELEPHONE RISER
- ⊙ = LIGHT POLE
- CB = CHORD BEARING
- CD = CHORD DISTANCE
- R = RADIUS
- A = ARC LENGTH



PROPERTY ADDRESS:  
815 NORTH CHASE STREET  
ATHENS, GA. 30601

THIS PROPERTY IS SUBJECT TO ALL  
RIGHT OF WAYS AND EASEMENTS  
OF RECORD.

THE FIELD EQUIPMENT USED ON THIS  
SURVEY WAS A TOPCON GPT 3002W.

THIS SURVEY WAS PERFORMED  
WITHOUT THE BENEFIT OF A TITLE  
REPORT AND IS SUBJECT TO ANY  
FACT THAT A CURRENT AND  
ACCURATE TITLE SEARCH MIGHT  
REVEAL.

SURVEYED BY:  
SLATE AND ASSOCIATES, INC.  
G. BRIAN SLATE, RLS#2629  
P.O. BOX 49797  
ATHENS, GEORGIA 30604  
706-201-0996  
www.slatesurvey.com  
brian@slatesurvey.com

CLARKE COUNTY SCHOOL DISTRICT  
757 N. CHASE STREE, 30601

BREADBASKET  
FOOD STORES, INC.  
723 BOULEVARD  
DB2733, PG 337

300'  
RADIUS  
SALVATION ARMY  
784 N. CHASE STREET

SUBJECT PROPERTY:  
JESSICA ROTHACKER  
815 N. CHASE STREET  
DB 3247, PG 85  
TAX ID: 114D1A024

PLAT REF:  
DB 3247, PG 85  
PB G, PG 59-F

SURVEY FOR:

**JESSICA ROTHACKER**



ALCOHOL BEVERAGE LICENSES	REVISIONS:
IN THE CITY OF ATHENS	
GMD:216	CC: JC
COUNTY: ATHENS/CLARKE, GEORGIA	DRAWN BY: BS
SURVEYED: FEBRUARY 9, 2011	CHECKED BY: BS
SCALE: 1"= 100'	JOB #: 4747
	FILE #:



IN MY OPINION, THIS IS A CORRECT REPRESENTATION OF THE LAND PLATTED  
AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS  
AND REQUIREMENTS OF LAW.

*[Signature]*  
GEORGIA PROFESSIONAL LAND SURVEYOR, RLS#2629



3-22-11

Heirloom Café & Fresh Market, LLC  
815 N. Chase St.  
Athens, GA 30601  
678-707-9398  
3/22/11

Dear Mayor Nancy Denson and Athens Clarke County Commissioners,

I would like to make an amendment to my application for a distance waiver for a liquor license at 815 N. Chase St., Athens, GA 30601 for the business Heirloom Café & Fresh Market, LLC.

In the application, we list proposed closing hours of 10:00 pm Monday through Thursday and 12:00 am Friday and Saturday. We would like to request that these closing hours be a required stipulation in the conditions given for our liquor license. We want to emphasize that our business will be operating as a restaurant serving alcohol with meals and not as a bar, serving alcohol late into the night. We are requesting this so that if we receive the distance waiver for our liquor license, we will not be setting a precedence for the possibility of future late night bars coming into the neighborhood.

Thank you for making this amendment.


Sincerely,



Jessica Rothacker

Manager

Heirloom Café & Fresh Market



W. Travis Burch

Manager

Heirloom Café & Fresh Market

HEARING ON ALCOHOL DISTANCE WAIVER PERMIT FOR RESTAURANTS  
RULES OF PROCEDURE

1. A hearing on the application shall be held at a regular meeting in the months of January, March, May, July, September, or November or a at special called meeting of the Mayor and Commission as set by the Mayor. The Finance Director shall give written notice to the applicant by regular mail of the purpose, date, time, and place of the hearing at least 40 days prior to the hearing date.
2. In addition to the notice requirements for which the applicant is responsible pursuant to Athens-Clarke County Code Section 6-3-3(m)(1), the Planning Department will utilize the Neighborhood Notification Initiative procedures to inform the public regarding requested waiver permits as follows: Once a hearing on an application for a distance waiver permit has been set and the written notification mailed to the applicant, the Finance Department will notify the Planning Director. Planning staff will notify all individuals who are signed up to receive email notifications for the given location of the purpose, date, time and place of the hearing.
3. At least twelve days prior to the hearing, a copy of the staff report required by Athens-Clarke County Code Section 6-3-3(m)(2) shall be mailed to the applicant by first class mail.
4. At least seven days prior to the hearing, the applicant shall submit to the Clerk of Commission one original and 12 copies of any written reports, documentary evidence, affidavits or photographs that the applicant intends to use at the hearing except for proof of notice requirements, which proof will be provided at the hearing. If the applicant does not submit the original and copies as required herein, then no such evidence will be allowed to be used by the applicant at the hearing.
5. The Mayor shall set the hearing on the agenda for the date provided in the notice. At the time of the hearing before the Mayor and Commission, public input will first be taken on the issue. Public input shall be limited to three (3) minutes per person with notice of thirty (30) seconds remaining.
6. Hearings on the application for a distance waiver permit for restaurants shall be conducted informally, but in such a manner as to preserve decorum at all times. The Athens-Clarke County Attorney may compel the attendance of witnesses by subpoena. During the hearing the Attorney for Athens-Clarke County shall conduct the hearing on behalf of the Unified Government of Athens-Clarke County, shall swear in all witnesses for Athens-Clarke County and for the applicant for a permit, shall have the right to cross-examine witnesses for the applicant and to present evidence by live testimony, photographs, letters, reports or affidavit. The Mayor and Commissioners may ask questions of any witness at the hearing immediately after both the applicant and the Athens-Clarke County attorney have finished questioning the witness.
7. The applicant for the permit shall have the right to be represented by legal counsel during the hearing, to cross-examine witnesses for Athens-Clarke County, and to present evidence by live testimony, photographs, letters, and reports or affidavit.
8. All evidence shall be material and relevant to the issue before the Mayor and Commission. The Mayor shall have the right to limit the presentation of evidence that is not material or relevant, that is repetitive, or is unduly argumentative.
9. There shall be five minutes allowed to the applicant and to Athens-Clarke County for opening statements and five minutes for closing summaries. The applicant shall have the burden of proof and shall have the right to open and close the evidence and the right to open and close the summary at the end of the hearing.
10. All hearings shall be tape-recorded by the Clerk of Commission. The Clerk of Commission shall keep minutes of the hearing showing the vote of each Commissioner upon each application, or if absent or

failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, which shall be of public record. The minutes of the Clerk of Commission shall be the written record of the hearing. The record shall be an account of the proceedings, including a listing of all documents considered, a summary of testimony presented, and any rulings upon motions or objections raised. The applicant or any other party to the proceeding may have a verbatim transcript prepared by an official court reporter, certified in the State of Georgia, at his or her own expense; provided, however, that if a transcript is prepared, a copy of the transcript shall be filed with the Clerk of Commission and copies made available to other parties at actual cost.

11. Except when examining witnesses, all remarks by the parties shall be addressed to the Mayor and Commission.

12. In determining whether or not any distance waiver permit for restaurant shall be granted or renewed, the following factors shall be considered by the Mayor and Commission at the hearing in the public interest and welfare:

a. *Character of the location.* The location for which the license is sought, as to traffic congestion, noise, general character of neighborhood, and the effect such an establishment would have on the use and property values of the adjacent and surrounding property.

b. *Number of licenses in trading area.* The number of licenses already granted for similar business in the trading area of the place for which the license is sought.

c. *Congregation of minors.* Any circumstances which may cause minors to congregate in the vicinity of the proposed location.

d. *Prior incidents.* Evidence that a substantial number of incidents requiring police intervention have occurred within a square city block of the proposed location during the twelve (12) months immediately preceding the date of application.

e. *Manner of conducting prior alcoholic beverage business.* If the applicant is a previous holder of an alcoholic beverage license, the manner in which the applicant conducted the prior business, especially as to the necessity of unusual police observation and inspection in order to prevent the violation of any law, regulation, or ordinance relating to such business.

f. *Failure to satisfy notice requirements.* The applicant has failed to satisfy the notice provisions required hereinabove. The Mayor and Commission shall deny the distance waiver permit.

13. Following the hearing, the Commission may:

- a. approve the application,
- b. approve the application with conditions, or
- c. deny the application

14. In considering a distance waiver permit for restaurant, the Commission may impose conditions, to the extent necessary, to minimize any adverse effects the proposed restaurant may have on the adjoining properties if after considering all of the factors required, the Commission decides conditions can reduce such adverse impacts upon adjoining properties to an acceptable and reasonable level.

15. If the application is denied, the Commission shall cause a written report to be prepared and signed by the Mayor showing the reason or reasons for the denial. The Clerk of Commission on behalf of the Commission shall return the application showing its denial, together with the written report, to the Finance Director who shall notify the applicant of the denial within five (5) days of the denial. This decision is the final decision of the Mayor and Commission and shall not be subject to reconsideration under the Rules of Commission.

16. An appeal must be filed within thirty (30) days of the date of the hearing to the Superior Court of Athens-Clarke County as provided for by law.

**STAFF RECOMMENDATION FOR AN ALCOHOL LICENSE FOR A RESTAURANT UNDER THE  
PROVISIONS OF THE DISTANCE WAIVER PERMIT PROCESS  
HEIRLOOM CAFÉ & FRESH MARKET 815 N CHASE ST  
April 4, 2011**

**I. THE APPLICATION**

Applicant	Heirloom Café & Fresh Market LLC d/b/a Heirloom Café & Fresh Market
Location	815 N Chase Street
Property Owner	James Q Wilfong
Fee Payment	\$300.00
Commission Districts	5th and 10th
Size of Location Property	0.55 Acres
Present Use/Zoning	C-N Commercial Neighborhood
Tax Map Number	114D1 A024
Adjacent Use and Zoning	(N)–RS-8 Residential (S)–C-O Commercial Office (E)–C-N Commercial Neighborhood (W)–RS-15 Residential
Hearing Date	April 19, 2011 7:00 PM
Staff Recommendation	Recommend approval with conditions stated in Section VIII

**II. PURPOSE**

The applicant is requesting to serve beer, wine, and liquor with Sunday sales permit at 815 N Chase Street. The location does not meet the distance requirements for a church as the distance from the applicant location is 279.68 feet from the Salvation Army Church. ACC ordinance Sec. 6-3-5(c) requires the distance to be 100 yards (300 ft.). The location does not meet the distance requirements for a private dwelling as the distance from the applicant location is 30.31 feet from 853 N Chase St and 53.97 feet from 738 Boulevard. ACC ordinance Sec. 6-3-5(c) requires the distance to be 100 ft.

**III. COMPLIANCE WITH ALL OTHER PROVISIONS RELATED TO ALCOHOL SALES IN A RESTAURANT**

**Finance Department Response:**

*Applicant has met all other provisions in the Alcoholic Beverage License Ordinance.*

#### IV. EXISTING CONDITIONS/HISTORY

##### **Planning Department Response:**

*Parcel History:* Previous Certificates of Appropriateness for this location are limited to a 2007 staff level approval of a soil remediation system at the northwest corner of the site. Sanborn Maps indicate that a dwelling occupied the site before it became a service station sometime after 1960. Tax records indicate the existing building was built in 1966. The property is considered non-contributing to the Boulevard Historic District.

*Lot Features:* The subject property is at the northwest corner of the intersection of Boulevard and Chase Street, and is zoned Commercial-Neighborhood (C-N). The property has approximately 140 feet of frontage on Chase Street and 155 feet of frontage on Boulevard. The property also includes an area behind the adjacent parcel at 853 N. Chase Street. The property sees a drop in topography of approximately 4 to 6 feet from the west to the east. The subject property is bordered on the west and north by residential properties zoned with RS (Single-Family Residential) designations.

#### V. REVIEW OF APPLICATION AND LOCATION BASED ON THE CRITERIA ESTABLISHED IN SECTION 6-3-3 (criteria provided below)

- A. Character of the location. The location for which the license is sought, as to traffic congestion, noise, general character of neighborhood, and the effect such an establishment would have on the use and property values of the adjacent and surrounding property.

##### **Planning Department Response:**

*Only a small portion of the proposed changes to the site and building are truly new construction, and these changes should preserve or improve overall zoning compliance and development standard compliance in regards to placement, orientation, massing, scale, façade elements, and materials and ornamentation.*

*In regards to the building changes, it is staff opinion that the proposed addition will not adversely affect the historic district as no significant impact to placement, orientation, massing, scale, façade elements or ornamentation are planned. The proposed restaurant use is permitted by the Commercial-Neighborhood (C-N) zoning, and the requested alcohol license is consistent with the proposed restaurant use.*

*In regard to the site changes, the introduction of patio space and trees should have a positive impact on the site in regards to scale and massing by restoring a sense of yard area to what is now all parking. The use of either an evergreen hedge or wall along the streets for buffering of parking would soften the high degree of paving on the site that is in direct contrast to the largely residential character of the district.*

**Finance Department Response:**

*The Applicant is not a previous or current holder of an alcoholic beverage license in Athens-Clarke County.*

**F. Failure to satisfy notice requirements**

**Finance Department Response:**

*See Section VI.*

**VI. PUBLIC NOTIFICATION REQUIREMENTS**

**Finance Department Response:**

*At the hearing the Applicant shall provide proof to the Mayor and Commission that the notice has been published in the legal organ and the sign has been posted as required in section 6-3-3 (m) (1) of the ACC alcoholic beverage ordinance.*

**VII. DEPARTMENT RECOMMENDATIONS**

**Finance Department Response:**

*Finance recommends approval with the conditions as noted in the Applicant's application for Alcoholic Beverage License and their Distance Waiver Application.*

*A. Hours of operation*

*Mon-Thurs 7:30 am-10:00 pm; Fri-Sat 9:00 am -12:00 am; Sunday 9:00 am- 10:00 pm*

*B. No outdoor music*

**Planning Department Response:**

*Planning Staff have no reservations regarding the issuance of an alcohol license at this location for the proposed restaurant use. The redevelopment of the site and structure has been reviewed and approved by the Historic Preservation Commission, and a Certificate of Appropriateness was issued on February 10, 2011. This project has also successfully completed the Plans Review process and is eligible for permit based on the approved plans.*

**Police Department Response:**

*Location has moderate traffic congestion during peak periods. This site is an in-town urban, residential neighborhood. The values of adjacent and surrounding property should not be negatively affected unless premise is operated as a bar.*

- B.** Number of licenses in trading area. The number of licenses already granted for similar business in the trading area of the place for which the license is sought.

**Finance Department Response:**

*There are six alcohol establishments within a 2500 foot radius.*

- 1235 N Chase St	Chase Street Liquors	Beer, Wine, Liquor Pkg
- 1380 Prince Ave	Compadres	Beer Pkg
- 1225 N Chase St	TLaLoc El Mexicano	Beer on Premises
- 670 N Milledge Ave	The Taco Stand	Beer on Premises
- 1376 Prince Ave	Agua Linda	Beer, Wine, Liquor on Premises
- 1354 Prince Ave	Los Conchitas Caliente	Beer On Premises

- C.** Congregation of minors. Any circumstances which may cause minors to congregate in the vicinity of the proposed location.

**Police Department Response:**

*Audible music could cause minors to congregate in the vicinity. Failure to adhere to the laws and ordinance prohibiting underage possession of alcohol to the underage or the selling of alcohol to underage would cause minors to congregate in the vicinity.*

- D.** Prior incidents. Evidence that a substantial number of incidents requiring police intervention have occurred within a square city block of the proposed location during the twelve (12) months immediately preceding the date of application.

**Police Department Response:**

*No significant incidents.*

- E.** Manner of conducting prior alcoholic beverage business. If the applicant is a previous holder of an alcoholic beverage license, the manner in which the applicant conducted the prior business, especially as to the necessity of unusual police observation and inspection in order to prevent the violation of any law, regulation, or ordinance relating to such business.

**Police Department Response:**

*The concern is for noise being in a residential neighborhood and in close proximity of a church and school. Outdoor seating or any outdoor entertainment should not be allowed unless in accordance with restrictions A. and B. listed below.*

- A. Prohibit outdoor seating that is not concealed by a privacy barrier.*
- B. Prohibit outdoor music or other amplified sounds that can be heard beyond the property line.*
- C. Alcohol cannot be sold prior to 12:30 p.m. on Sundays (ACC Code 6-3-5).*

*If the restrictions above are authorized, the Police Department recommends the distance waiver be granted.*

**VIII. CURRENT STATUS OF APPLICATION**

*Pending hearing on April 19, 2011.*