

Hi/Fi Tex-Mex BBQ & Evening Star Cafe

2000 Mount Vernon Avenue | SUP 2023-00060

City Council

October 14, 2023



Site Context

- Located on Mount Vernon Avenue between East Windsor and East Howell Avenues.
- Zoned: CL/Commercial Low & Mount Vernon Urban Overlay.
- Residential uses abut the outdoor dining area to the west and are located within the R-2-5 zone.



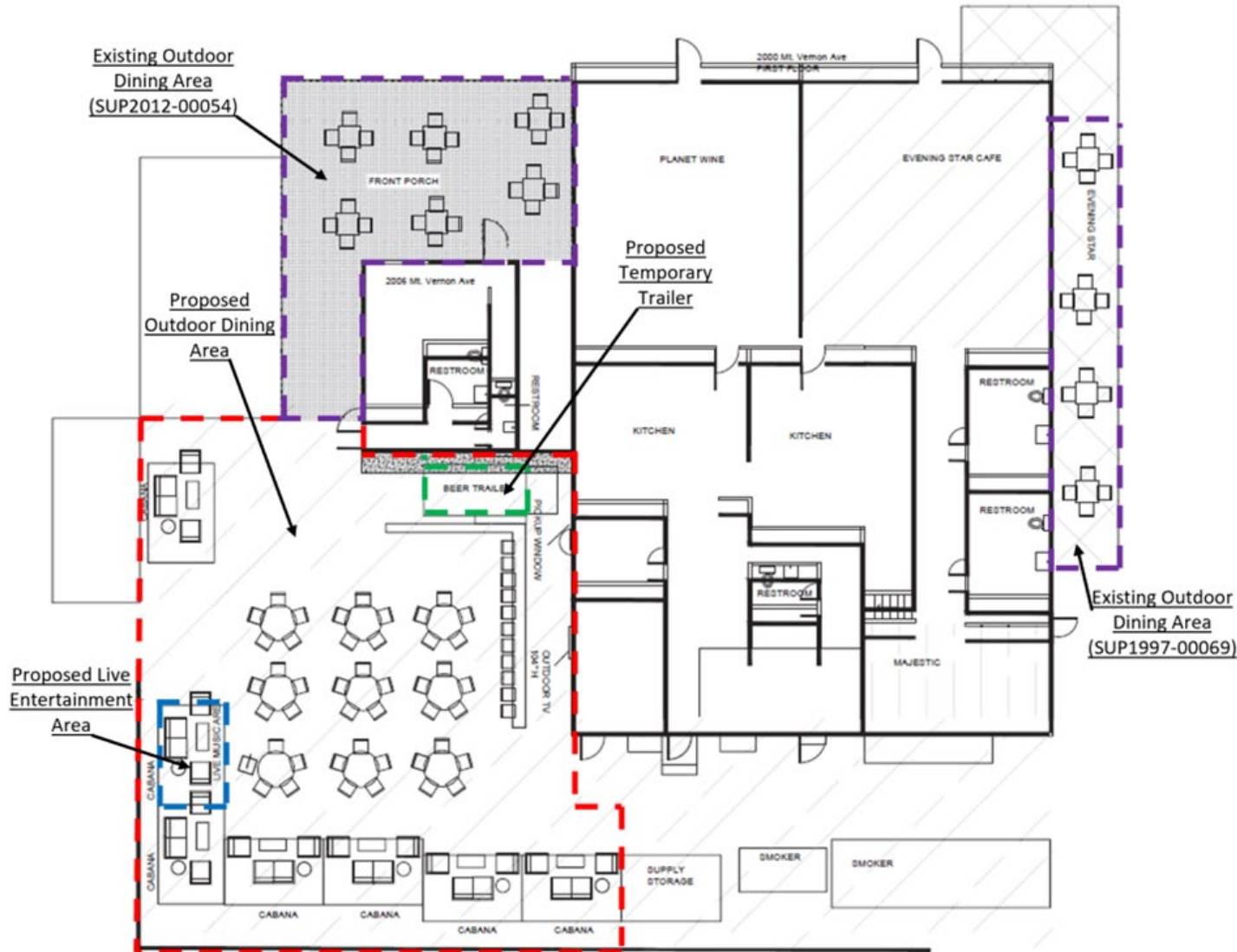
Enforcement Background



- 19 complaints received (14 related to smoke/odor and 5 related to noise).
- 13 citations requiring removal of the smokers.
- Fire Marshall issued Fire Code violation for Smoker.
- Planning Commission concluded the CL zone use limitations do not explicitly prohibit outdoor cooking in association with outdoor dining.



Special Use Permit Request



- To permit additional outdoor seating, expanded outdoor dining hours, outdoor live entertainment, and a temporary trailer at an existing restaurant (amending SUP#2012-00054)

Special Use Permit Request



Additional Outdoor Seating:

- Existing: 50 seats
- Proposed: 124 seats

Outdoor Dining Hours:

- Existing: 8 a.m. – 10 p.m.
- Proposed: 7 a.m. – 11 p.m.

Outdoor Live Entertainment Hours:

- Existing: Indoor limited live entertainment only (twice weekly).
- Proposed: Addition of outdoor live entertainment from 6 p.m. – 10 p.m., Wed.- Sat.

Temporary Trailer:

- Existing: N/A
- Proposed in 10.2 Memo: Two-year approval, with three-year extension available via Admin SUP.



Planning Commission recommends approval subject to amendments to Conditions:

- Condition #3 to allow for a 74 seat increase in outdoor seating volume.
- Condition #4 regarding an expansion of outdoor dining hours of operation to 7 a.m. to 11 p.m.
- Condition #11 to permit outdoor speakers until 11 p.m.
- Condition #23 to permit use of the outdoor smokers subject to adequate mitigation regarding smoke and odor impacts.
- Condition #25 to expand indoor limited live entertainment beyond two events a week and allow it to occur later than 10 p.m.
- Condition #26 to permit outdoor limited live entertainment Wed. - Sat. from 6 p.m. – 10 p.m.
- Condition #31 to delete requirement for applicant to pursue additional parking.
- Condition #36 to add a six-month SUP review in addition to the standard one year condition.
- Condition #37 for unobstructed windows at eye-level along Mt. Vernon Avenue.
- Condition #44 to approve the temporary trailer for a period of two-years with an opportunity to extend for three additional years via Administrative SUP.
- Condition #45 to require that deliveries and loading/unloading activities occur within designated on-street loading zones and/or in the parking lot located behind 2010 Mt. Vernon Avenue.
- New Condition #46 to require a staff liaison for adjacent neighbors in case of issues.

ADDITIONAL INFORMATION



Condition #23: Proposed Amendment

- The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from becoming a nuisance to neighboring properties as determined by the Department of Transportation & Environmental Services. In order to mitigate impacts of smoke and odor from the smoker and prevent them from being a nuisance to neighboring properties, the applicant shall 1) relocate the smoker away from the western property line to be adjacent to the building stairwell, 2) extend the exhaust pipe up and above the main roof line of the building with the top of the exhaust pipe oriented toward Mt. Vernon Ave., and 3) install a fan on the roof to dilute and further disperse the smoke. At the six-month check in, the performance of this equipment will be evaluated against the standard expressed in this condition. If necessary to meet this condition, adjustments to this equipment, or additional equipment, may be required.



CL Zone Use Limitations:

4-107(A): All commercial operations, including storage, shall be conducted within a completely enclosed building, with the exception of outdoor uses pursuant to this Section 4-100 and City Code section 5-2-29, as applicable.

4-107(E): No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare.