

## Item Cover Page

### CITY COUNCIL MEETING AGENDA ITEM REPORT

**DATE:** January 28, 2026

**SUBMITTED BY:** Robin Singer, Planning & Community Development

**ITEM TYPE:** Agreement

**AGENDA SECTION:** BUSINESS/ADVERTISING, PETITIONS, HEARINGS & COMMUNICATIONS

**SUBJECT:** **Quasi Judicial:** Petition PLN-APL-25-003 - PUBLIC HEARING - **TIME CERTAIN AT 10:00 AM**

**SUGGESTED ACTION:** Approve or deny or approve with stipulations.

**Is this item Quasi-Judicial?**

Yes

**Does this item require a public hearing?**

Yes

**EXPLANATION:**

An Appeal of the decision of the Planning Commission which approved Case No. PLN-APL-25-0001, reversing the Planning and Community Development Director's determination that the outdoor music provided at Cottonmouth, located at 1114 12<sup>TH</sup> Street West, would be classified as an Outdoor Auditorium or Outdoor Amusement Center, which are prohibited in the T4-R (General Urban Restricted) zoning district per Table 4.7 of the Form Based Code.

The Planning Commission held a public hearing on October 15, 2025 and approved the Final Order on November 19, 2025. They determined that the music was a supplemental part of the approved restaurant use, subject to stipulations that were made part of the Final Order.

**FINANCIAL IMPACT:**

N/A

**ATTORNEY REVIEW/RECOMMENDATION:**

N/A

**SUGGESTED MOTION:**

Motion to approve the petition as presented, deny, or approve with stipulations.

**ATTACHMENTS:**

[Petition PLN-APL-25-0003](#)

[Staff Report](#)

[Final Order](#)

[10-15-2025 Planning Commission Minutes](#)

[11-19-2025 Planning Commission Minutes](#)

[Correspondence before Planning Commission - 1](#)

[Correspondence before Planning Commission - 2](#)

[Correspondence from Ms. Price](#)