

Resolution No. 2010-4

**A RESOLUTION AUTHORIZING A USE ON REVIEW PERMIT IN THE C-5 DISTRICT FOR A
APPROXIMATE PARCEL OF LAND ADDRESSED 405 EAST MAIN STREET, TUTTLE, OK
FOR A LIQUOR STORE**

(Petition of Bill Berry)

WHEREAS, a Public Hearing was held before the Tuttle Planning Commission regarding the proposed Conditional Use Permit contained in this Resolution; and

WHEREAS, the Tuttle Planning Commission has determined that the proposed liquor store is in general conformance with the goals of the Comprehensive Plan of the City of Tuttle if developed according to the conditions contained in the Resolution; and

WHEREAS, the Tuttle Planning Commission has determined that the proposed liquor store satisfies the criteria for conditional uses as set forth in the Zoning Code of the City of Tuttle if developed to the conditions contained in this Resolution; and

WHEREAS, the Tuttle Planning Commission has determined that there is a reasonable and proportionate connection between the conditions contained in the Resolution and the findings of fact contained in the staff report on Petition # 2010-8; and

WHEREAS, the Tuttle Planning Commission has recommended approval of the conditions contained in the Resolution; and

WHEREAS, the City Council has reviewed the recommendation of the Tuttle Planning Commission and has determined that the Use on Review Permit is appropriate.

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF TUTTLE, OKLAHOMA, AS FOLLOWS:

Section 1: A Use on Review Permit is granted subject to all rules and regulations and to conditions set forth for the property described in Section 1 as follows:

- I. PERMITTED AND CONDITIONAL USES
 - a. A liquor store will be permitted to operate.
- II. PLAN SUBMITTAL REQUIREMENTS
 - a. Prior to issuance of any occupancy permit, the petitioner shall submit to the Community Development Department for review and approval a Final Site Plan which must conform to all requirements set forth in the Tuttle Code of Ordinances and the Tuttle Zoning Code for commercial properties.
- III. MISCELLANEOUS
 - a. All applicable licenses and permits from other governmental and regulatory agencies must be obtained and kept current.
- IV. LIMITATIONS
 - a. The continuation of the use permitted by the resolution shall be dependent upon the conditions established under the permit and this section. In the event of a change of conditions or noncompliance with conditions, the City Council shall have the authority to revoke the Use on Review Permit after affording the owner/operator the right to be heard.
 - b. In the event of a disagreement between any owner/operator and the Director of Community Development as to whether the use of the site meets the criteria or conditions set forth in the resolution, such disagreement shall be submitted to the Planning Commission for recommendation to the City Council, which shall make the decision on such disagreement, provided the owner/operator shall have the right to appeal such decision pursuant to the City of Tuttle Code of Ordinances and to pursuant to any other available legal or equitable remedy.

Section 2: This Resolution shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED by the Mayor and City Council of the City of Tuttle this th day of , 2010.

**BOBBY WILLIAMS, MAYOR
CITY OF TUTTLE, OKLAHOMA**

ATTEST:

CITY CLERK