



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 2439 Atwood Avenue (6<sup>th</sup> Aldermanic District, Ald. Rummel)

**Application Type:** Conditional Use

**Legistar File ID #** [41673](#)

**Prepared By:** Chris Wells, Planning Division  
Report Includes Comments from other City Agencies, as noted

**Reviewed By:** Jay Wendt, Principal Planner

**Requested Action:** The applicant requests approval of a conditional use to add an outdoor seating area on a property zoned TSS (Traditional Shopping Street).

At the April 4, 2016 meeting, the Plan Commission considered this conditional use request after a public hearing. This item was referred to the April 18 meeting and subsequently referred to the May 9<sup>th</sup> meeting in order to re-notice a public hearing and review updated materials. As part of the original referred motion, the Plan Commission requested the following:

- The applicant to develop a written management plan for how the outdoor patio will be run.
- The applicant to develop a clear concept for how the patio will be laid out (given both the requirement to have a door from the brewpub directly access the patio space as well as the need for the brewery staff to still be able to easily access the loading door into the brewing space).
- The applicant to update the site plan to correctly show the location of bike stalls per the previously-approved site plan (May 20, 2013).
- The applicant to revise the landscape/site plan to fully satisfy city requirements from previously-approved landscape/site plan (which was approved on May 20, 2013).
- Planning Staff to work with Principal Planner Jay Wendt to explore opportunities for additional four-season landscaping (i.e. buffering) along south of the site.
- The applicant to consider vehicle parking reduction along the southern property boundary (this is related to the previous action item).

## **Description and Analysis of Revisions and Supplemental Materials**

*Management Plan* - Next Door Brewing has developed a management plan for how they will operate the outdoor seating area in order to make sure that it is vacated by 9:00 pm each night. The operational checklist, which will be completed daily by the shift lead to ensure accountability, states that they will stop taking food orders at 8:00 pm, stop taking drink orders at 8:30 pm, move guests out of the patio space at 8:45 pm, and lock up the patio's furniture as well as its door at 9:00 pm. To help facilitate this schedule, they will not seat parties of seven or more on the patio, and require all patrons on the patio to either start a credit card tab or pay as they go for all items. Limiting the size of parties allowed on the patio will also help limit the noise, as will their plan to keep the patio door closed at all times. To this end, they will post signs in and around the patio stating: Keep Door Shut, Exit Only, No Smoking. Lastly, the applicant specified the two managers who will specifically address concerns as they arise and provided their contact information.

Staff believes the proposed management plan to be very much commensurate with the needs of the space and adequately outlines measures to address how noise will be mitigated both during the patio's hours of operation as well as how its closing checklist will ensure the patio is vacated by 9:00 pm. It is similar to the management plan developed a few months ago by the Tip Top Tavern (601 North Street).

*Revised Site Plan of Outdoor Patio Space & Connection to the Brewpub* – The applicant has developed a revised site plan which shows (in plan) how the outdoor eating space will be directly connected to the brewery while simultaneously allowing for brewery staff to easily access the loading door into the brewing space from the parking lot. The updated plan is identical to the old, save for an additional two sections of fence walls which will cordon off, in effect, a hallway from the restaurant door to the patio door. The fence will have a gate which will allow cross access to the brewing area as well as emergency egress. While these sections of fence will be low, the patio door will be approximately as high as the 8-foot patio walls in order to block noise from the outdoor seating area.

*Updated Location of Bicycle Parking on the Site* – Through communications with City Planning, Zoning and Traffic Engineering Staff, the applicant has revised the site plan and the location of the bicycle parking in order to comply with the city's requirement that "*required short-term bicycle parking spaces shall be located in a convenient and visible area at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance.*" One of the racks has been moved to the southeast corner of the site along the fence to service the five apartments and the other rack (to service the restaurant) has been relocated to the northeast corner of the site, along the fence and adjacent to the sidewalk. This location for the restaurant parking is the same one as was originally approved in 2013. Striping will be used to help distinguish the space allocated for bicycle parking from the automobile drive aisle.

*Revised Site and Landscaping Plan* – At the time of the writing of this staff report, staff have not yet seen the revised landscaping plan. However, the applicant has submitted a revised site plan which shows the location of the pervious area on site. (Note: the installation of both pervious area as well as landscaping is a still-unfulfilled city requirement dating from the original plans which were approved on May 20, 2013). In conversations with the applicant, it is clear that the areas shown as pervious areas will directly correlate to the locations for the landscaping. The approximately 620 square-feet of required pervious area will be dispersed around the site: adjacent to the patio, as part of the patio's raised planter, along the western fence (near the sidewalk), and to the east of the trash bins at the rear of the site. In communications with the applicant, staff believes that the applicant intends to locate two large trees in the approximately 240 square-foot pervious area at the rear of the site.

Planning Staff were also asked to explore the viability of landscaping along the rear fence. Staff believes that viable landscaping such as various columnar species and understory trees such as Japanese Lilacs could be planted in this location, either in the proposed approximately 240 square-foot pervious area at the rear of the site or in the potential 4.5-foot strip which could be created by narrowing the one-way drive aisle and shifting over the parallel parking stalls.

*Exploration of a Parking Reduction on Site* – The applicant considered the removal of the three parking spaces along the rear of the lot [to make room for additional landscaping]. However, after discussions with City Planning, Zoning and Traffic Engineering Staff, it became evident that removal of parking was not absolutely necessary to create viable landscaping space given the option outlined above (i.e. narrowing the one-way drive aisle and shifting over the parallel parking stalls). Given the fact that these stalls are currently reserved for the building's residential tenants, in addition to limited on-street parking in the neighborhood, staff believes that it is appropriate to maintain the on-site parking.

Based on review of the submitted supplemental materials, the Planning Division believes that the updates to the site plan adequately address city requirements while the management plan considerably addresses the concerns of the neighbors.

Lastly, condition 3b of the April 4, 2016 report addendum to the Plan Commission shall be amended (please see the recommended conditions below).

## Recommendation

### Planning Division Recommendation (Contact Chris Wells, (608) 261-9135)

The Planning Division recommends that the Plan Commission find that the standards for conditional uses is met and **approve** the conditional use to add an outdoor seating area to an existing brewpub on a property zoned TSS (Traditional Shopping Street) at 2439 Atwood Avenue. This request is subject to input at the public hearing and the conditions recommended by the April 4, 2016 Staff Report, the April 4, 2016 Staff Report Addendum, and the below additional conditions.

### **Recommended Conditions of Approval** Major/Non-Standard Conditions are Shaded

### Planning Division (Contact Chris Wells, (608) 261-9135)

- 3b. ~~The patio door shall remain closed [not be propped open] at all times.~~ The patio door shall not be kept open.
- 3c. The applicant shall work with City Staff to finalize the site plan and landscaping plan before final sign-off.