

Alcohol License Review Committee
Meeting of July 19, 2017
Agenda Item #16, Legistar 47947, Fuego's Change of Licensed Premises

Patio capacity and location is restricted

The applicant claims that the current outdoor patio has a capacity of 16 persons. This is not true. The current capacity is 12 persons. This was a Plan Commission requirement for conditional use approval ("[t]he outdoor eating area along Williamson Street shall have a capacity of 12 persons"). Legistar 44822. It was also a requirement of the Class B Combination Liquor & Beer license approved by the Council. Legistar 44111.

The proposed outdoor capacity is 26 persons. Interestingly, the floor plans submitted as part of this application only reflect seating for 16 persons.

Perhaps the applicant is thinking that the patio on the western side of the building could be used for these additional 10 seats. A Plan Commission condition of the applicant's conditional use approval for outdoor seating (applicant had requested approval of two patios) was that "there shall be no outdoor eating area along S. Paterson Street." Legistar 44822, Plan Commission meeting of 1/9/2017.

The applicant's conditional use request for additional patio capacity and an additional patio were both denied by the Plan Commission. MGO 28.183(7) provides that a conditional use request that is denied wholly or in part cannot be submitted for a period of one year.

Capacity

The current capacity is not 136. The current capacity is 120, including indoor and outdoor seating.

"A 20-stall parking reduction was approved by the Zoning Administrator on 10/31/16, for a 120 person capacity restaurant-tavern in a mixed-use building with 25 dwelling units." Planning Division Staff report, January 9, 2017.

<https://madison.legistar.com/View.ashx?M=F&ID=4892137&GUID=62C17FF9-C6BE-4EC2-8274-DC13BB60FBAB>

The applicant claims that Fuego's is "zoned for more parking." Fuego's landlord has a shared parking agreement for 8 parking places that went into effect in April. This means that between the administrative reduction in minimum required parking (18 stalls) and shared parking (8), that Fuego's can reach a total capacity of 176 persons. That does not mean that Fuego's can have this many people inside and another 26 outside.

In a 360-foot stretch of Williamson Street there already is a 733-person restaurant/tavern/nightclub capacity.

Capacity	Address	Name
99	852	Wisco
50	901	That BBQ Joint
120	904	Fuego's
114	916	Madison Sourdough
50	923	Umami
<u>300</u>	924	Plan B
733		

With Fuego's requested increase of 56 persons, capacity would be 789. To put that in perspective, a comparable stretch of State Street (from 505 State to N. Frances Street) has a total restaurant/tavern/nightclub capacity of 919 persons. And at a capacity of 176, Fuego's would have a capacity greater than any establishment on that stretch of State St (which is Monday's at 151 persons).

Is there any point at which enough is enough?

Respectfully Submitted,
Linda Lehnertz