1724-SUP

PUBLIC HEARING Case 1724-SUP/Antonio's Ristorante. Public hearing, discussion, and take action on a recommendation regarding an ordinance changing the zoning on property located at 4985 Addison Circle, which property is currently zoned UC, Urban Center, by amending the existing Special Use Permit for a restaurant and the existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, on application from Antonio's Ristorante, represented by Mr. Sean Moore.

LOCATION MAP

December 10, 2015

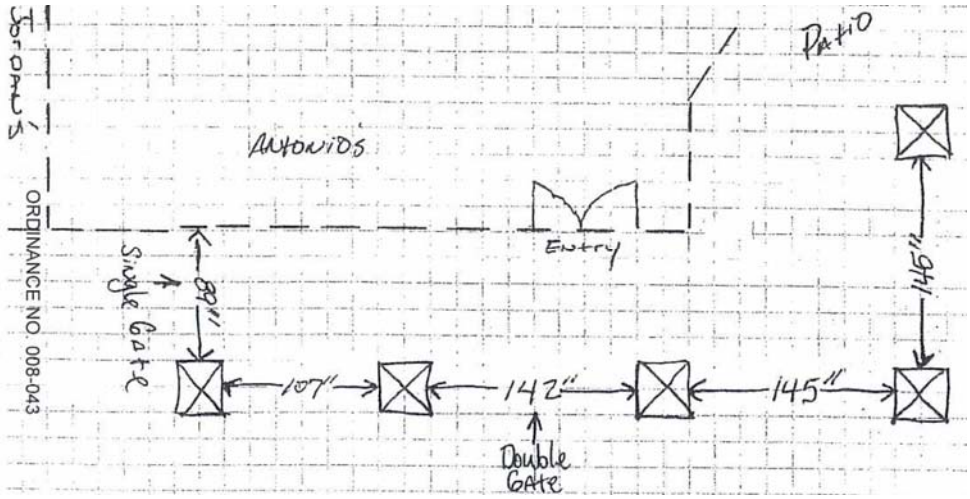
STAFF REPORT

RE:	Case 1724-SUP/Antonio's Ristorante
LOCATION:	4985 Addison Circle
REQUEST:	Approval of an amendment to the existing Special Use Permit for a restaurant and Special Use Permit for the sale of alcoholic beverages for on-premises consumption only.
APPLICANT:	Antonio's Ristorante, represented by Mr. Sean Moore.

DISCUSSION:

Background: Antonio's Ristorante was approved through the Special Use Permit process for its current location in Addison Circle in 1997. Later, in 2008, the Special Use Permit was revised to allow the patio to expand along the south side of the property underneath the building overhang. The area under the overhang looks as if it is part of the public sidewalk, but is actually on private property. The patio was limited to a maximum of 421 square feet. As part of the SUP requirements, the applicant was instructed to fence in the new patio area, subject to the following standards and site plan:

- New fence fabrication not to exceed 48' tall
- New fence fabrication will match existing style and pattern
- New fence will be painted to match existing
- Gates will have hardware to match existing
- Double gate at main entry will be full mortised hinges with no center post



After approval, the patio was expanded within the area shown on the plan, but the fence was never installed. Instead, the applicant placed several planters along the edge of the patio. Overtime the number and location of the planters has shifted, grown and now incorporates an additional 182 square feet above what was permitted; a portion of which is within the Town's Right of Way.

The broader issue of restaurant patios extending into the Town's Right of Way in Addison Circle came to light this summer and has been discussed extensively with the Council over the last several months. There are a number of restaurants in Addison Circle that have done this without the Town's consent. In response, Council has established a policy to consider allowing restaurants to utilize the public right of way under certain circumstances. As these come forward, the usage of Town Right of Way is a separate decision reserved for the Council, but they will also require a zoning determination on allowing them to expand their patio; which must be heard by the Planning and Zoning Commission. For consideration of this case, there should be no distinction between public and private property.

Proposed Plan: The applicant is requesting that the existing SUP be amended in two ways. First, for the site plan to be revised to expand their patio allowance in order to incorporate the additional 182 square feet. Secondly, they are requesting that the requirements pertaining to the fencing be removed and they be allowed to place potted plants as shown on the proposed site plan. The applicant's positon is that the gate at the entryway causes some operational challenges for the restaurant, and that the plants are more attractive than fencing.

RECOMMENDATION: **APPROVAL WITH CONDITIONS**

Staff recommends approval of the request to expand the patio an additional 182 as shown on the plan. The district has ample parking to support this expansion and it will not pose any issues for the site. This will allow the restaurant to continue using two tables which have been placed in this area. However, staff would object to allowing the fencing requirement to be removed. In a sense, the Town has already made a policy statement through the 2008 SUP approval requiring the fence, and current staff cannot justify second guessing that decision.

The Town's intent in requiring the fencing was to create a uniform look with regards to railing and patio fencing along this building face and throughout the district and staff does not believe that the fencing detracts from the aesthetics of the Circle. The following pages include a number of photos showing railings and patio fencing around this building and throughout the district. Additionally, staff believes there is a benefit to having a high quality, permanent, immovable boundary around the patio. This reduces the likelihood that planters, chairs and other patio furnishings will move beyond the approved patio area, in this case, into the right of way. Staff believes the fencing requirement around the entryway could be removed for this section of the patio to address some of the applicant's concerns. The applicant could keep the plants in order to decorate the patio or add hanging plant baskets from the fencing as they have one on the portion of their patio that is fenced, if they feel the fencing is unattractive. Therefore, staff would recommend that the current site plan be amended to add fencing in keeping with the standards listed within the previously approved Special Use Permit, with the exception of the area in front of the main entryway into the restaurant.

Private Sidewalk Railing On south face of Building, adjacent to Antonio's:

Closer view of Private Sidewalk Railing on south face of Building, immediately adjacent to Antonio's:

Patio fencing of a portion of Antonio's patio and Kampai Sushi & Grill patio:

Patio fencing of a The Lion and Crown:

Patio fencing of Taco Borracho:

Land Use Analysis

Attributes of Success Matrix

Antonio's Ristorante, 4985 Addison Circle **1724-SUP**

Attribute	Comment	Score
Competitive	This restaurant has been a long tenured, successful tenant of Addison Circle.	
Safe	This restaurant and the area are safe.	
Functional	The patio will be functional. Allowing the applicant to remove the gate from in front of the entryway will improve the functionality of the previous plan.	
Visually Appealing	Staff believes that the inclusion of fencing in keeping with the design of the other fencing along the building will be visually appealing.	
Supported with Amenities	The site is in a mixed-use development in an amenity-rich area.	
Environmentally Responsible	The restaurant is part of a pedestrian oriented mixed-use development. This is an environmentally responsible development pattern.	
Walkable	The project is very walkable.	
Overall Assessment	**Antonio's a prominent tenant in the Circle, allowing the patio expansion will allow them to continue to be successful.**	

Case 1724-SUP/Antonio Ristorante
December 15, 2015

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on December 15, 2015, voted to recommend approval of ordinance changing the zoning on property located at 4985 Addison Circle by amending the existing Special Use Permit for a restaurant and the existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption, in order to expand the existing patio, subject to the following condition:

- Should the existing or proposed patio on the southern side of the building be utilized, the applicant shall submit a revised site plan incorporating the fencing required by Ordinance 008-043 with the exception of the area immediately in front of the main entrance.

Voting Aye: Ennis, Morgan, Robbins, Schaeffer, Smith
Voting Nay: Robinson
Abstain: Griggs
Absent: none

SPEAKERS AT THE PUBLIC HEARING:

For: Kevin Polston, 5040 Addison Circle Suite 200
On: none
Against: none