



June 17, 2016

STAFF REPORT

RE: Case 1723-SUP/Astoria Caffe

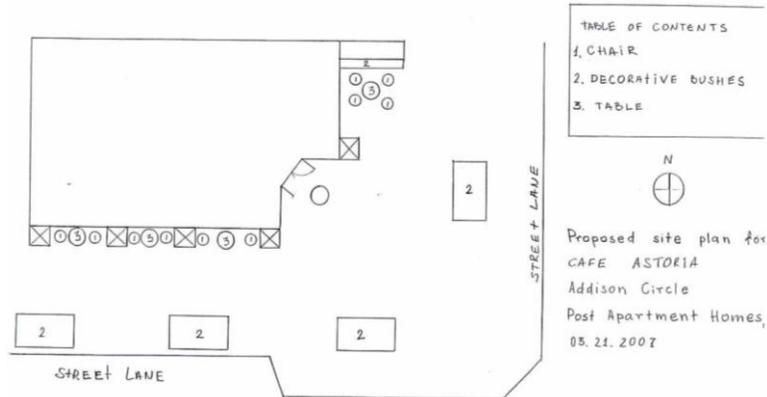
LOCATION: 15701 Quorum Drive

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: Astoria Caffe & Wine Bar, represented by Ms. Elena Arsova

DISCUSSION:

Background: Astoria Caffe is located on the Northwest corner of Quorum Drive and Morris Avenue on the ground floor of Post Addison Circle Building C. This property is zoned UC, Urban Center. When constructed, the space was originally intended to be a home office. In 1997, an SUP was approved for a Blimpie’s Sandwiches with no outdoor seating. Blimpie’s closed and, in 2007, the SUP was amended for Astoria to allow the sale of alcoholic beverages for on-premises consumption and to allow for outdoor seating as shown on the site plan below, including four tables with seating for 10.



Since that time, Astoria has slowly expanded the number of tables and chairs beyond what was shown in their SUP without formal approval from the Town. Last summer, Town staff received complaints that the sidewalk was being blocked by Astoria’s patio furniture. Upon further investigation, it was determined that the patio was not in compliance with the approved site plan, the patio had expanded

off of private property and into the public right-of-way (sidewalk), and that portions of the required ADA accessible pathway were being blocked.

This initiated a broader discussion regarding the use of the public right-of-way for restaurant patios in Addison Circle. The Council has established a policy to consider allowing restaurants to utilize the public right-of-way under certain circumstances. As such requests come forward, the use of the right-of-way is a separate decision reserved for the Council, but they will also require a zoning determination to amend the Special Use Permit and site plan.

Proposed Plan: The applicant is requesting that the existing SUP be amended to allow for an expanded patio with 26 tables and seating for 74. The patio would include areas adjacent to the building as well as two areas between the sidewalk and street curb. To accommodate the request, three private planting areas next to the building are being removed. This is permitted by the UC zoning. There would be no physical barrier or delineation between the patio areas and remaining public sidewalk.

The policy requires that a five-foot-wide sidewalk be maintained at all times and that the ADA accessible path not be obstructed. This has been achieved with the placement of furniture on the site plan, however the density of the tables and chairs leaves little to no flexibility for patrons to adjust their chairs while dining. For the majority of the patio, different tables and chairs are located less than a foot from one another and are as close as three inches apart.

RECOMMENDATION: **APPROVAL WITH CONDITIONS**

Staff recognizes the benefits of an active street level in Addison Circle and agrees that this area can accommodate a larger patio than is currently allowed by the SUP. However, staff is not supportive of the current proposal. Typically, staff does not critique the specific numbers of tables and chairs for restaurants. This situation is unique because there is no barrier or separation between the private patio and required public sidewalk. This necessitates close attention to the specific number and placement of patio furniture so as to avoid creating a situation where additional encroachment is likely. Staff believes that a more appropriate number of seats for this area is around 60-65. This would require a reduction of 9-14 seats from what is being proposed.

The reduction will allow additional space between the tables and room for minor adjustments within the approved patio space without being so tightly compacted that the only direction to move is outside the licensed area. Astoria has been testing a seating arrangement very similar to what is being proposed and Town staff has observed patio furniture encroaching into the five-foot-wide sidewalk and once into the required ADA path. This is especially an issue in the area across the sidewalk where the applicant is proposing four tables with two seats each. Staff believes that a maximum of three tables with two seats each should be allowed in this location.

It is also important to note that people often bring pets or strollers along with them while sitting on the patio. The proposed number of tables and chairs does not allow any space to accommodate these within the patio, and therefore it is likely, and has been observed, that these will end up blocking the sidewalk, including the ADA accessible path.

Additionally, staff heard from the complainants that because Astoria had seating on two sides of the sidewalk, it was their perception that while walking on the public sidewalk, they were impeding onto a private patio. This made them feel uncomfortable to use the public sidewalk. Astoria is currently only using one area between the sidewalk and street curb. The proposed site plan shows that they desire to place a table in another area between the sidewalk and street curb. Staff is concerned that by lengthening the distance where there are tables and chairs on both sides of the sidewalk, the concern that was heard last year could be amplified. Therefore, staff is not supportive of the additional table and chairs outside of where they are located now.

The license agreement policy is intended to establish an appropriate balance between the applicant's desire for a larger patio with the public's use of the sidewalk. Staff's goal through the SUP approval process is to accommodate the applicant's request while ensuring compliance with the license agreement policy without creating a situation that will require constant oversight and enforcement activities by Town staff. The way to achieve this is to build in some flexibility for routine and normal adjustments within the patio area. Based on this, staff recommends approval of the request, subject to several conditions and modifications:

- The applicant shall revise the site plan to limit the number of seats to no more than 65.
- The single table with two chairs between the sidewalk and street curb shall be removed from the site plan.
- The grouping of four tables with two chairs each between the sidewalk and street curb be reduced to a maximum of three tables with two chairs each.
- Should the license agreement for the use of the public right-of-way be terminated, then the site plan is automatically reduced to encompass only the area on private property. Should the license agreement for the use of the public right-of-way be adjusted to reduce the area available for private use, then the site plan is automatically adjusted to encompass the new licensed area. In either scenario, the patio furnishings shall be reduced accordingly as approved by the Town's Zoning Administrator.

1723-SUP

PUBLIC HEARING Case 1723-SUP/Astoria Caffe. Public hearing, discussion, and take action on a recommendation regarding an ordinance changing the zoning on property located at 15701 Quorum Drive, which property is currently zoned UC, Urban Center, by amending an existing Special Use Permit for a restaurant and an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption only in order to approve a revised site plan including an outdoor patio.

LOCATION MAP





**PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING**

- CASE NO:** 1723-SUP/Astoria Caffè
- LOCATION:** 15701 Quorum Drive
- APPLICANT:** Astoria Caffè & Wine Bar, represented by Elena Arsova
- REQUESTING:** Approval of an amendment to an existing Special Use Permit for a restaurant and an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption only.
- PURPOSE:** To approve a revised site plan including an outdoor patio.

A public hearing to consider the above noted case has been scheduled before the Planning and Zoning Commission on:

**TUESDAY, June 21, 2016
6:00 p.m.**

The hearing will be held in the Council Chambers of the Addison Town Hall at 5300 Belt Line Road, Dallas, Texas 75254. The Commission desires that all persons interested in the matter be informed of the public hearing. Even if you do not wish to testify on this matter, you and your neighbors are invited to attend.

Plans, drawings, and reports submitted by the applicant are available for public inspection at the Addison Service Center at 16801 Westgrove Drive.

Please call 972-450-7027 with any questions.



Case 1723-SUP/Astoria Caffè
June 21, 2016

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on June 21 2016, voted to recommend approval of an ordinance changing the zoning on property located at 15701 Quorum Drive, which property is currently zoned UC, Urban Center, by amending an existing Special Use Permit for a restaurant and an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption only in order to approve a revised site plan, subject to the following condition:

- Should the license agreement for the use of the public right-of-way be terminated, then the site plan is automatically reduced to encompass only the area on private property. Should the license agreement for the use of the public right-of-way be adjusted to reduce the area available for private use, then the site plan is automatically adjusted to encompass the new licensed area. In either scenario, the patio furnishings shall be reduced accordingly as approved by the Town's Zoning Administrator.

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

SPEAKERS AT THE PUBLIC HEARING:

For: Dianne Slotnick, Post Properties, 4401 Northside Parkway, Atlanta, GA
On: none
Against: none