

To: Board of Zoning Appeals

From: Michael Gelb, Chairman Planning Commission

Date: May 10, 2019

Re: Request for CUPs for Bear Branch Tavern

At its May 8, 2019 meeting, the Planning Commission (PC) voted 7-0 to recommend to BZA that it approve two Conditional Use Permits for Bear Branch Tavern, a new restaurant planned for 133 Maple Avenue East.

Discussion

The applicant is seeking two CUPS, one to allow outdoor dining and a second to allow live music at a 249 seat restaurant at 133 Maple Avenue East in space previously occupied by Cardinal Bank. The restaurant would be on the ground floor of a three-story commercial building. Current occupants of the building include medical offices, financial firms, and other small business operations.

The applicant envisions seating for 159 patrons indoors and an additional 90 seats outdoors. The outdoor seating – 12 seats at a back bar patio at the front of the building and 78 seats on a deck at the rear of the building, which would partially overlook the W&OD Park and bike trail.

The applicant also requests approval to provide live music at various times on Thursday, Friday, and Saturday. The applicant had initially sought approval for both indoor and outdoor music on all three days, but in response to a request from other building tenants it revised its request to limit the outdoor music. In the end, it sought approval to provide indoor music year round on Thursdays between 6 pm and 9 pm OR 9 pm and 12 am; on Fridays between 6 pm and 9pm OR 9 pm and 12 am; and on Saturdays between 2 pm and 5 pm OR between 9 pm and 12 am. It also asked approval to provide outdoor music seasonally on Fridays between 9 pm and 12 am and on Saturdays between 2 pm and 5 pm OR between 9 pm and 12 am.

In its appearance before the Planning Commission, applicant explained that it anticipated providing acoustic music, typically by a single performer, in one time slot each day. The precise schedule would be determined by the desires of patrons as the applicant learned their preferences. Applicant added that the music was intended to add atmosphere for diners, but that they did not desire to become a music venue. During its meeting, the PC heard from the building tenants who had objected to applicant's initial request. These tenants affirmed that they had met with the applicant were comfortable with the revised schedule listed in the CUP request.

The PC voted unanimously (7-0 with one absence) to recommend that the BZA approve both CUPs.