



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 453 West Gilman Street  
**Application Type:** Conditional Use  
**Legistar File ID #:** [35405](#)  
**Prepared By:** Heather Stouder, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted

## Summary

**Applicant/Contact:** Marc Torres; Cheba Hut; 453 W. Gilman St., Madison, WI 53703

**Property Owner:** 453 W. Gilman St., LLC / Madison Property Management, Inc.; 1202 Regent St.; Madison, WI 53715

**Requested Action:** Approval of a conditional use for an outdoor eating area associated with a restaurant-tavern in the UMX District.

**Proposal Summary:** The applicant proposes to construct a deck for an outdoor eating area behind an existing restaurant-tavern in the Urban Mixed Use (UMX) District.

**Applicable Regulations & Standards:** This proposal is subject to the standards for conditional uses (MGO Section 28.183(7)).

**Review Required By:** Plan Commission (PC)

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** the request at 453 West Gilman Street. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

## Background Information

**Parcel Location:** The property is located on the south side of West Gilman Street, between University Avenue and North Broom Street; Urban Mixed Use (UMX) District; Aldermanic District 4 (Verveer); TID 32; Madison Metropolitan School District.

**Existing Conditions and Land Use:** The 4,323 square foot property has a two-story mixed use building constructed in 1922. The 4,151 square foot building has a ground floor restaurant space (The Cheba Hut) and a second floor four-bedroom apartment.

### Surrounding Land Use and Zoning:

**North:** Across West Gorham Street to the north, mixed-use buildings with restaurants, retail, and residential spaces in the Urban Mixed-Use (UMX) District, and the back of "The Hub", a 12-story mixed-use building in the Downtown Core (DC) District.

**East:** 14-unit apartment building in the Urban Mixed-Use (UMX) District.

**South:** Across University Avenue to the south, Mixed-use buildings (La Ciel and The Embassy), both in the Planned Development (PD) District.

**West:** Two-story office building in the Urban Mixed-Use (UMX) District.

**Adopted Land Use Plan:** The Comprehensive Plan (2006) recommends State Street District Mixed-Use for this area. The Downtown Plan (2012) recommends Downtown Mixed Use, which includes a wide variety of uses, including restaurants with outdoor seating areas.

**Zoning Summary:** The property is in the Urban Mixed Use (UMX) District. A zoning summary and any conditions of approval will be provided to the Plan Commission at or prior to the October 6 meeting.

**Environmental Corridor Status:** The subject site is not located in a mapped environmental corridor.

**Public Utilities and Services:** This property is served by a full range of urban services, including several transit routes running along University Avenue and State Street.

## Related Approvals

On August 20, 2014, the Alcohol License Review Committee (ALRC) granted a new license for this establishment with conditions that the capacity shall be limited to 75 indoors and 16 outdoors, that the establishment must meet the definition of a restaurant under MGO 38.02 at all times, and that alcohol service must cease at midnight (Legistar Item #[35023](#)).

## Project Description, Analysis, and Conclusion

**Project Description** – The applicant proposes to replace two informal surface parking/loading spaces behind an existing building with a 450 square foot deck for outdoor eating associated with the Cheba Hut, a ground floor restaurant/tavern. Consistent with the August 20, 2014 ALRC approval, the outdoor seating area will accommodate a maximum of 16 people. Seasonal landscaping and a bamboo fence are proposed to surround the deck, screening it from adjacent properties and from University Avenue immediately to the south.

**Conditional Use Standards** -Staff believes that the proposal can meet the conditional use standards as summarized below:

1. *The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.*

Staff believes that this standard is met.

2. *The City is able to provide municipal services to the property where the conditional use is proposed, given due consideration of the cost of providing these services.*

Staff believes that this standard is met.

3. *The uses, values, and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner.*

The mixed-use building on the subject site has a dwelling unit on the second floor, which is stepped back from the first floor by several feet in the back of the building, shielding it from noise associated with outdoor dining. Similarly, the 14-unit apartment building next door will be shielded from the deck by the building itself. With a maximum capacity for only 16 people, no outdoor amplified sound, and closing times of 10:00 Sunday through Wednesday and 12:00 AM Thursday through Sunday, staff believes that there will be negligible, if any noise impacts to surrounding residential properties. Staff believes that this standard can be met, so long as conditions of approval are adhered to.

4. *The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*

Staff believes that this standard is met.

5. *Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit, and other necessary site improvements have been or are being provided.*

Staff believes that this standard is met.

6. *Measures, which may include transportation demand management (TDM) and participation in a transportation management association have been or will be taken to provide adequate ingress and egress, including all off-site improvements, so designed as to minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets.*

Staff believes that this standard is met.

7. *The conditional use conforms to all applicable regulations of the district in which it is located.*

Staff believes that this standard is met.

[Standards 8-15 do not apply to this request]

**Conclusion** – Staff has reviewed the proposed outdoor seating area for the back of the Cheba Hut restaurant/tavern, and believes it will be an asset to the State Street area and a significant improvement over the informal asphalt parking area currently on the site. Staff believes that all conditional use standards are met with the request.

## Recommendation

### Planning Division Recommendation (Contact Heather Stouder, 266-5974)

The Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** the request at 453 West Gilman Street. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

### **Recommended Conditions of Approval**

Major/Non-Standard Conditions are Shaded

### Planning Division (Contact Heather Stouder, 266-5974)

1. The hours of operation for the outdoor eating area shall cease at 10:00 PM Sunday through Wednesday and 12:00 AM Thursday through Saturday.
2. There shall be no outdoor amplified sound in the outdoor eating area.
3. Final plans submitted for staff review and approval shall include a layout of the tables within the proposed outdoor seating area demonstrating that it is designed for a maximum capacity of 16 people, as was required by the Alcohol License Review Committee.

### City Engineering Division (Contact Janet Schmidt, 261-9688)

4. Show and dimension the property lines of the parcel on the site plan.
5. The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.

6. The site plan shall include a full and complete legal description of the site or property being subjected to this application.
7. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set (POLICY and MGO 37.09(2)).

PDF submittals shall contain the following information:

- a) Building footprints
- b) Internal walkway areas
- c) Internal site parking areas
- d) Lot lines and right-of-way lines
- e) Street names
- f) Stormwater Management Facilities
- g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans)

**Traffic Engineering** (Eric Halvorson, 266-6527)

8. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
9. The City Traffic Engineer may require public signing and marking related to the development; the Developer shall be financially responsible for such signing and marking.

**Fire Department** (Contact Bill Sullivan, 261-9658)

10. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

**Water Utility** (Contact Dennis Cawley, 266-4651)

11. This property is not located in a wellhead protection district. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

Comments still to be provided.

**No other agencies submitted comments for this request.**