



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 849 E Washington Avenue (District 6 – Ald. Rummel)  
**Application Type:** Conditional Use  
**Legistar File ID #** [58785](#)  
**Prepared By:** Sydney Prusak, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Kevin Firchow, AICP, Planning Division

## Summary

**Applicant & Contact:** Steve Shulfer; Sketchworks Architecture, LLC; 7780 Elmwood Avenue Suite 208; Middleton, WI 53562

**Property Owner:** Andrew Hysell; 849 EWASH, LLC; 849 E Washington Avenue; Madison, WI 53703

**Requested Action:** The applicant requests approval of a conditional use to establish a restaurant-tavern in an existing multi-tenant commercial building on a property zoned TE (Traditional Employment District) at 849 E Washington Avenue.

**Proposal Summary:** The applicant proposes to establish a restaurant-tavern in an existing multi-tenant commercial building.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Conditional Uses [MGO §28.183]. MGO §28.082 lists *restaurant-taverns* as a conditional use in the TE (Traditional Employment) Zoning District. The Supplemental Regulations [MGO §28.151] contain further regulations for these uses.

**Review Required By:** Plan Commission (PC). The Urban Design Commission (UDC) Secretary administratively reviewed this aspect of the request.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the approval standards for conditional uses are met and **approve** the requests to establish a restaurant-tavern in an existing multi-tenant commercial building on a property zoned TE (Traditional Employment District) at 849 E Washington Avenue. These requests are subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

## Background Information

**Parcel Location:** The 43,498-square-foot (approximately 1-acre) project site is located at the southwest corner of the intersection of E Washington Avenue and S Paterson Street. The site is located within Aldermanic District 6 (Ald. Rummel) and the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject parcel contains a three-story, 43,575-square-foot, multi-tenant commercial building. The applicant will occupy a 7,470-square-foot tenant space. City Assessor records state that the building was originally constructed in 1917 and underwent a major remodel in 1991.

### Surrounding Land Use and Zoning:

North: Breese Stevens Field, zoned PR (Parks and Recreation);

- East:** A hotel with a restaurant-tavern and an outdoor eating area, zoned TE (Traditional Employment);
- South:** A warehouse building and storage yard for Madison Gas & Electric, zoned TE; and
- West:** A 14-story mixed-use building (The Galaxie), zoned TE.

**Adopted Land Use Plan:** The [Comprehensive Plan \(2018\)](#) recommends employment uses for the subject property. The [Capitol Gateway Corridor Plan \(2008\)](#) recommends employment for the majority of the site, but contains a recommendation for commercial uses along the East Washington Avenue frontage.

**Zoning Summary:** The project site is currently zoned TE (Traditional Employment District).

Requirements	Required	Proposed
Lot Area (sq. ft.)	6,000 sq. ft.	43,498 sq. ft.
Lot Width	50'	132'
Front Yard Setback	None	None
Side Yard Setback: Other cases	None unless needed for access	None
Rear Yard Setback	Lesser of 20% of lot depth or 20'	Adequate
Maximum Lot Coverage	85%	96% (12)
Minimum Building Height	22' measured to building cornice	3 story existing building
Maximum Building Height	5 stories/68'	3 story existing building

Requirements	Required	Proposed
Number Parking Stalls	<b>Restaurant-tavern:</b> 15% of capacity of persons (37) <b>Existing brewery and tasting room:</b> 14% of capacity of persons (15) <b>Existing office:</b> 1 per 400 sq. ft. (16) (68 total)	60 (13)
Accessible Stalls	Yes	3
Loading	Not required	Existing loading area
Number Bike Parking Stalls	<b>Restaurant-tavern:</b> 5% of capacity of persons (12) <b>Existing brewery and tasting room:</b> 5% of capacity of persons (5) (17 total)	12 (14)
Landscaping and Screening	Yes	No (15)
Lighting	Yes	No (16)
Building Forms	Not required	Existing building
<b>Other Critical Zoning Items</b>	Urban Design (UDD #8); Barrier Free (ILHR 69); Utility Easements; Wellhead Protection District (WP-24)	

*Table Prepared by Jenny Kirchgatter, Assistant Zoning Administrator*

**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.

## Project Description

The applicant, Sketchworks Architecture on behalf of GreenFire Restaurant, proposes to establish a restaurant-tavern in an existing multi-tenant commercial building. The restaurant-tavern will occupy a 7,470 square-foot

tenant space on the east side of the building. There are an assortment of uses within the building, including a meadery and tasting room. As part of this application, the parking lot located in the rear of the site will be improved to conform to Zoning standards. According to the submitted plans, the parking lot will be combined and reconfigured to accommodate 60 vehicle stalls. The letter of intent states that approximately 30 of those stalls will be used by other building tenants and their guests, leaving 30 stalls dedicated to the restaurant-tavern. Further discussion on the parking requirements is included in the analysis section of this report. As proposed, the restaurant-tavern will be open from 11:00 a.m. to 12:00 a.m. Monday through Friday and 9:00 a.m. to 12:00 a.m. Saturday and Sunday.

Previously, the applicant proposed to include a raised outdoor eating area along the East Washington Avenue frontage. At their February 12, 2020 meeting, the Urban Design Commission (UDC), voted to refer this aspect of the request to a future meeting as the physical design of the patio was not found to meet the Urban Design District #8 (UDD #8) design requirements. As such, the applicant withdrew the conditional use request for the outdoor eating area in the Traditional Employment (TE) Zoning District, which was included in the original land use application. The restaurant-tavern is the only conditional use request before the Plan Commission at this time.

## Project Analysis and Conclusion

This proposal is subject to the standards for Conditional Uses [MGO §28.183]. MGO §28.082 lists *restaurant-taverns* as a conditional use in the TE (Traditional Employment) Zoning District. The Supplemental Regulations [MGO §28.151] contain further regulations for this use.

In regards to the approval standards, the Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, and finding that all of the conditional use standards of MGO §28.183(6) are met.

### Conformance with Adopted Plans

The [Comprehensive Plan \(2018\)](#) recommends employment uses for the subject property. Furthermore, the [Capitol Gateway Corridor Plan \(2008\)](#) recommends employment for the majority of the site, but contains a recommendation for commercial uses along the East Washington Avenue frontage. While the proposal is not an employment use, the Planning Division acknowledges that this is one tenant space in an existing multi-tenant building with a variety of uses. Staff also recognizes the [Capitol Gateway Corridor Plan \(2008\)](#) recommendation for commercial uses along East Washington Avenue. Although this use will occupy the entire length of the building, the Planning Division believes that the proposal generally conforms to the Plan recommendation.

### Conditional Use Standards

The Planning Division believes that the Conditional Use Standards can be found met. As no exterior changes are proposed with this aspect of the request, the UDC Secretary administratively reviewed this request as it is in Urban Design District #8 (UDD #8).

Approval Standard #5 states, "Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, included but not limited to vehicular, pedestrian, bicycle, public transit and other necessary site improvements have been or are being provided." According to MGO §28.141, in the TE Zoning District, restaurants located within 300 feet of another restaurant are required to provide parking for 15% of the seating capacity. The applicant expects that the capacity will be around 250 people. However, there is a provision that "parking for nonresidential uses may be reduced by one space for each space in a public parking lot or public parking structure located within 1,320 feet of the use, as measured by using the shortest pedestrian route from the nearest corner

of the parking lot or structure to the main public entrance of the use served.” Utilizing the City’s Geographic Information System (GIS) data, staff calculated that the South Livingston Street Garage is approximately 1,000 feet away and has 673 vehicle stalls, therefore satisfying this requirement.

### Supplemental Recommendations

According to Table 28F-1 in MGO §28.082, *restaurant-taverns* must adhere to the Supplemental Regulations found in MGO §28.151. Staff believes the Supplemental Regulations are met.

### Public Input

At the time of report writing, the Planning Division received a letter of support from the Marquette Neighborhood Association. That letter is included in the Plan Commission materials.

### Conclusion

Staff believes that the proposed restaurant-tavern can be found to meet the Conditional Use Approval Standards and recommends that it be approved by the Plan Commission, subject to input at the public hearing and comments from reviewing agencies. If approved, the Plan Commission retains continuing jurisdiction over this conditional use, meaning that should complaints be filed, the Plan Commission could take further action on this conditional use as allowed in MGO §28.183(9)(d). At the time of report writing, staff was not aware of any concerns on this request.

## Recommendation

### Planning Division Recommendation (Contact Sydney Prusak, (608) 243-0554)

The Planning Division recommends that the Plan Commission find that the approval standards for conditional uses are met and **approve** the request to establish a restaurant-tavern in an existing multi-tenant commercial building on a property zoned TE (Traditional Employment District) at 849 E Washington Avenue. These requests are subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

**Recommended Conditions of Approval** Major/Non-Standard Conditions are Shaded

### Traffic Engineering Division (Contact Sean Malloy, (608) 266-5987)

1. The applicant shall remove the easternmost curb cut on E. Main Street and replace it with curb and gutter.
2. 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; vision triangles; 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.
3. The Developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement

marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.

4. 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.
5. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
6. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
7. The applicant shall adhere to all vision triangle requirements as set in MGO 27.05 (No visual obstructions between the heights of 30 inches and 10 feet at a distance of 25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO 27.05(2)(bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.
8. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign at all class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
9. The applicant shall show the dimensions for the proposed class III driveway including the width of the drive entrance, width of the flares, and width of the curb cut.
10. Secure parking facility. This is usually done with continuous six (6) inch curb, timbers, preformed wheel stops, guardrail erected at a height of eighteen (18) inches or fencing of sufficient strength to act as a vehicle bumper.
11. Note: This site presents difficult constructability issues; access to neighboring sites must be maintained at all times, protected walkways will be constructed and maintained as soon as possible and little to no access to the Public Right-of-Way on East Washington Avenue will be granted for construction purposes. Provide a detailed construction plan to Traffic Engineering for review by the Traffic Control Specialist (Mike Duhr) prior to final signoff.

**Zoning** (Contact Jenny Kirchgatter, (608) 266-4429)

12. Provide a calculation for existing and proposed lot coverage with the final submittal. The lot coverage maximum is 85%. Lot coverage is defined as the total area of all buildings, measured at grade, all accessory structures including patios, etc., and all paved areas as a percentage of the total area of the lot, with the following exceptions: sidewalks or paved paths no wider than five (5) feet, pervious pavement, green roofs and decks. If the existing site currently exceeds 85% maximum lot coverage, proposed site improvements may not further increase lot coverage above the maximum.
13. The minimum parking requirement for the proposed restaurant-tavern and existing multi-tenant building is 68 stalls. The applicant proposes a parking lot with 60 stalls. Per Section 28.141(5), parking for nonresidential uses may be reduced by one space for each space in a public parking lot or public parking structure located within 1,320 feet of the use, as measured by using the shortest pedestrian route from the nearest corner of the parking lot or structure to the main public entrance of the use served. Due to the proximity of the Capital East Parking Ramp, parking for the existing mixed-use building and proposed restaurant-tavern may be

reduced. Submit an application for a Parking Reduction to document the availability of off-site parking.

14. Bicycle parking shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum number of short-term bicycle parking stalls equal to five percent (5%) of capacity of persons (12 stalls) for the proposed restaurant-tavern. In addition, provide five (5) bicycle parking stalls for the previously approved brewery and tasting room. Bicycle parking shall be located in a convenient and visible area on a paved or pervious surface located at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance. Note: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Provide a detail of the proposed bike rack.
15. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
16. Exterior lighting provided shall be in accordance with City of Madison General Ordinances Section 10.085. Provide an exterior lighting plan and fixture cut sheets with the final plan submittal.
17. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.
18. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

**Please contact Bill Sullivan of the Fire Department at (608) 261-9658 if you have any questions regarding the following item:**

19. Be sure to obtain an assembly license prior to occupancy and the contractors obtain work permits for the fire protection systems prior to construction.

**Please contact Brad Hofmann of City Forestry at (608) 267-4908 if you have any questions regarding the following three (3) items:**

20. An existing inventory of trees (location, species, & DBH) and any tree removal plans (in PDF format) shall be submitted to the plans and Brad Hofmann – bhofmann@cityofmadison.com or 266-4816. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Approval and permitting of street tree removals shall be obtained from the City Forester prior to the approval of the site plan.
21. Existing street trees shall be protected. Please include the following note on the site plan: Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266- 4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry prior to the start of construction. Tree protection specifications can be found in section 107.13 of City of Madison Standard Specifications for Public Works Construction - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2018/Part1.pdf>. Any tree removals that are required for construction after the development plan is approved will require at least a 72 hour wait period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan.

22. Additional street trees are needed for this project. All street tree planting locations and trees species within the right of way shall be determined by City Forestry. Please submit a site plan (in PDF format) to Brad Hofmann – bhofmann@cityofmadison.com or (608) 266-4816. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction –

**Please contact Jeff Quamme of City Engineering – Mapping Section at (608) 266-4097 if you have any questions regarding the following four (4) items:**

23. Applicant shall provide a survey by a Professional Surveyor to locate the right of way of E. Washington Avenue to assure the proposed patio improvements will not encroach into the public right of way.
24. Identify on the plans the lot and block numbers of recorded Certified Survey Map or Plat.
25. Provide a full and complete legal description of the site or property being subjected to this application on the site plan.
26. Submit a Floor Plan in PDF format to Lori Zenchenko (lzenchenko@cityofmadison.com) for redevelopment of a complete interior addressing plan. Label existing tenants and their suite addresses. This project combines several existing suites. We need to determine the correct restaurant suite number and inactivate/retire the absorbed suite numbers. The Addressing Plan for the entire project shall be finalized and approved by Engineering (with consultation and consent from the Fire Marshal if needed) prior to the application submittal for the final Site Plan Approval with Zoning. The approved Addressing Plan shall be included in the final application. For any changes pertaining to the location, deletion or addition of a unit, or to the location of a unit entrance, (before, during, or after construction), a revised Address Plan shall be resubmitted to Lori Zenchenko to review addresses that may need to be changed and/or reapproved. The final revised Addressing Plan shall be submitted by the applicant to Zoning to be attached to the final filed approved site plans.