



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 316 W. Washington Avenue (4<sup>th</sup> Aldermanic District, Ald. Verveer)  
**Application Type:** Conditional Use  
**Legistar File ID #** [42142](#)  
**Prepared By:** Chris Wells, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Jay Wendt, Principal Planner

## Summary

**Applicant / Contact:** Matthew Tills; Tills Architecture, LLC; 312 W. Lakeside Street; Madison, WI 53715

**Property Owner:** Tanya Zhykharevich; 316 W. Washington; Madison, WI 53703

**Requested Action:** The applicant requests approval of a conditional use to add an outdoor seating area on a property zoned UMX (Urban Mixed-Use).

**Proposal Summary:** The applicant proposes to add an outdoor seating area for a new restaurant establishment planned for the site. The patio itself already exists and the only modification will be the addition of tables and chairs as well as a rope light to the underside of the patio's existing perimeter stone wall. No structural or programmatic changes to the existing building are proposed.

**Applicable Regulations & Standards:** Section 28.072(1) of the Zoning Code lists *Outdoor eating areas associated with food and beverage establishments* as a conditional use in the UMX (Urban Mixed-Use) district. The Supplemental Regulations [Section 28.151] contain further regulations for this type of use. This proposal is subject to the standards for Conditional Uses [Section 28.183].

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

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the approval standards for Conditional Use are met and **approve** the request to add an outdoor seating area on a property zoned UMX (Urban Mixed-Use) at 316 W. Washington Avenue. This request is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

## Background Information

**Parcel Location:** The project site is located along the western side of W. Washington Avenue, just south of the intersection with N. Henry Street. The site is in Aldermanic District 4 (Ald. Verveer) and is in the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The 1.35-acre site includes an existing 12-story, 75,666-square-foot office building. A restaurant will soon open in the ground floor space immediately adjacent to the patio.

**Surrounding Land Use and Zoning:**

North: Office uses, Urban Mixed-Use (UMX) zoning;

South: Multi-Family Apartments, Planned Development (PD) zoning;

**East:** Office uses, Downtown Core (DC) zoning; and

**West:** Apartments above ground-floor retail, Planned Development (PD) zoning.

**Adopted Land Use Plan:** The Comprehensive Plan (2006) identifies this site within the Downtown Core sub-district which recommends for mixed-use buildings with high-quality urban building designs and amenities that foster pedestrian and transit activity and create an attractive, vibrant, unique destination. One of the recommended land uses is mixed-use buildings with first story dining/entertainment. The Bassett Neighborhood Master Plan (1997) recommends intensive mixed-use development. Related to enhancing the pedestrian experience, it recommends “landscaped open spaces around buildings to enhance that provide opportunities for social interaction, views and resident use” and “building setbacks and landscaping to enhance the pedestrian scale and character of the street.” (Bassett Neighborhood Master Plan, Pg. 29)

**Zoning Summary:**

The project site is currently zoned Urban Mixed-Use (UMX).

Requirements	Required	Proposed
Lot Area (sq. ft.)	3,000 sq. ft.	58,674 sq. ft.
Lot Width	30'	198'
Front Yard Setback	Nonresidential or mixed-use buildings: 0	Existing building
Max. Front Yard Setback	10'	Existing building
Side Yard Setback	0	Existing building
Rear Yard Setback	10'	Existing building
Maximum Lot Coverage	90%	Existing site lot coverage
Minimum Building Height	2 stories	Existing building
Maximum Building Height	See Downtown Height Map	Existing building
Stepback	See Downtown Height Map	Existing building
Number Parking Stalls	None	Existing structured parking garage (120 stalls)
Accessible Stalls	None	Yes, existing structured parking garage
Loading	None	Existing loading bays
Number Bike Parking Stalls	Restaurant-tavern: 5% of capacity of persons (TBD)	4 existing bike stalls W Washington Ave 6 existing bike stalls W Mifflin St
Landscaping	None	Existing landscaping
Lighting	No	Yes
Building Forms	None	Existing building
<b>Other Critical Zoning Items</b>	Urban Design (UMX); Barrier Free (ILHR 69)	

*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, including seven day-a-week Metro service along W. Washington Avenue.

## Project Description, Analysis and Conclusion

The applicant proposes the use of an existing patio area for an outdoor seating to serve the adjacent restaurant. The existing 515-square-foot patio area is approximately 10½ feet by 42 feet and is located on the southern side of the building, to the west of the large plaza. It is set back a few feet from the sloping sidewalk along W. Washington Avenue by a retaining wall and planting bed. Primary access to the seating area will be via a door from the restaurant located on the eastern side of the patio. A secondary ADA-accessible ramp from the plaza to the patio also already exists on site. The patio will have seating for 34 people (note: the final details of the seating plan and capacity will be approved by City Building Inspection). On December 2, 2015, the applicant and associated restaurant design team and owners met with Ald. Verveer and the Capitol Neighborhood Association to discuss the project. At that meeting, it was agreed to only use the patio for lunch and dinner. The hours of operation for the outdoor seating area will be 11:00 am to 10:00 pm, seven days per week. Occupancy of the seating area after 10:00 pm will be prohibited. Additionally, amplified music will be permitted. The applicant anticipates construction commencing in May, 2016 and lasting about two months.

Other than adding tables and chairs, the only change from the patio as it currently exists will be the addition of rope lighting which is proposed to be added along the underside of the inside face of the low stone wall which lines the patio's perimeter. It will not be visible from the sidewalk or street.

No structural or programmatic changes to the existing building are proposed.

## Analysis and Conclusion

**Land Use and Plan Consistency** – The Planning Division believes the plan is generally consistent with the recommendations in the Comprehensive Plan (2006) and Bassett Neighborhood Master Plan (1997). Staff believes the proposed project contributes towards the goal stated in such design guidelines as: “landscaped open spaces around buildings to enhance that provide opportunities for social interaction, views and resident use” and “building setbacks and landscaping to enhance the pedestrian scale and character of the street.”

**Conditional Use Standards** - Staff believes that if well managed, the proposed outdoor eating area should not result in significant impacts to the surrounding properties. Factors such as the limited scale and capacity of the proposed eating area; its placement along the sidewalk and orientation towards the street; the lack of amplified sound; the proposed hours of operation; the proposed non-intensive lighting; and the proposed conditions of approval will help mitigate anticipated impacts. 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 Section 28.183(9)(d). At the time of report writing, staff was not aware of any concerns on this request.

**Conclusion** - Staff believes that the proposed outdoor eating area meets the conditional use approval standards.

## Recommendation

**Planning Division Recommendation** (Contact Chris Wells, (608) 261-9135)

The Planning Division recommends that the Plan Commission find that the approval standards for Conditional Use are met and **approve** the request to add an outdoor seating area on a property zoned UMX (Urban Mixed-Use) at 316 W. Washington Avenue. This request is 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

**Planning Division** (Contact Chris Wells, (608) 261-9135)

1. There shall be no amplified sound, including, but not limited to television, ambient music or musical performances, in the outdoor eating area.
2. The hours of operation for the outdoor eating area shall be 11:00 am-10:00 pm, seven days per week. Future modifications to the hours of operation of the outdoor eating area may be requested by the applicant in the future as a minor alteration of the conditional use following a recommendation by the district alder.
3. Pending review by City Building Inspection, the capacity of the outdoor eating area shall not exceed 34 persons.

**Traffic Engineering Division** (Contact Eric Halvorson, (608) 266-6527)

4. 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.
5. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

**Zoning Administrator** (Contact Jenny Kirchgatter, (608) 266-4569)

6. Meet applicable building/fire codes. The capacity shall be established for the outdoor eating area. Occupancy is established by the Building Inspection Unit. Contact Mike VanErem at 266-4559 to help facilitate this process.
7. Bicycle parking for the restaurant-tavern and outdoor eating area shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide bicycle parking at a minimum number of 5% of capacity of persons located in a convenient and visible area on a paved or impervious surface. Bicycle parking shall be 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 two (2) feet by six (6) feet with a five (5) foot wide access area. Provide a detail of the proposed bike rack.

**Water Utility** (Contact Dennis Cawley, (608) 261-9243)

8. All operating private wells shall be identified and permitted by the Water Utility in accordance with MGO 13.21. All unused private wells shall be abandoned in accordance with MGO 13.21.