



Report to the Plan Commission

May 10, 2010

Legistar I.D. #18342
3918 Monona Drive
Conditional Use Request

Report Prepared By:
Heather Stouder, AICP
Planning Division Staff

Requested Action: Approval of a conditional use for an outdoor eating area at a coffee shop in the C2 (General Commercial) District.

Applicable Regulations & Standards: Section 28.12(11) provides the guidelines and regulations for the approval of conditional uses.

Summary Recommendation: The Planning Division recommends that the Plan Commission finds that the conditional use standards can be met and **approve** the request for the conditional use for an outdoor eating area.

Background Information

Applicant/Project Contact: Shari Olson; 3918 Monona Dr.; Madison

Property Owner: Ralph Stinson; 4218 Tree Lane; Madison

Proposal: The applicant is requesting a conditional use for an outdoor eating area at a coffee shop in the C2 (General Commercial) District

Parcel Location: 3918 Monona Drive is located on the east side of Monona Drive between Cottage Grove Road and Davidson Street, Aldermanic District 15 (Palm); Madison Metropolitan School District.

Existing Conditions: The 17,000 square foot parcel currently has two buildings with three existing tenants (small church, coffee shop, and hair salon) and twelve surface parking stalls. The outdoor eating area is proposed in front of the coffee shop on an asphalt surface separate from the parking area.

Surrounding Land Use and Zoning:

North: Auto-supply store in the C2 (General Commercial) District

East: 4-unit residential buildings in the R4 (General Residence) District

South: Across Davidson Street, a small dental office in the C1 (Limited Commercial) District

West: Across Monona Drive, multifamily residential building in the City of Monona

Adopted Land Use Plan: The Comprehensive Plan (2006) recommends Neighborhood Mixed-Use (NMU) for this property. There is no adopted neighborhood plan for this site.

Environmental Corridor Status: This property is not located within a mapped environmental corridor.

Public Utilities and Services: The property is served by a range of urban services.

Zoning Summary: The property is in the C2 (General Commercial) District.

Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	17,550 sq. ft.
Lot width	50'	135'
Usable open space	N/A	N/A
Front yard	0'	Adequate
Side yards	0'	Adequate
Rear yard	10'	Adequate
Floor area ratio	3.0	Less than 1.0
Building height	--	1 story

Site Design

No. Parking stalls	Restaurant: 30% of capacity	12 existing (previous parking reduction approved for 12 stalls)
Accessible stalls	1	1 (See Condition No. 11, Page 4)
Loading	N/A	N/A
No. Bike Parking stalls	4	6 (See Condition No. 12, Page 4)
Landscaping	Yes	As shown (See Condition No. 18, Page 5)
Lighting	Yes	(See Condition No. 15, Page 5)

Other Critical Zoning Items

Urban Design	No
Utility Easements	Yes
Adjacent to park	No
Barrier free (ILHR 69)	Yes

Prepared by: Pat Anderson, Asst. Zoning Administrator

Project Description

Existing Conditions

The 17,000 square foot (approximately 0.4-acre) parcel currently has two small, single-story commercial buildings constructed in the 1960's. At present, the buildings are surrounded by asphalt used for twelve surface parking stalls, a drive-thru facility for the coffee shop, and an access drive through the property linking Monona Drive to Davidson Street. The coffee shop, which has three parking stalls allotted to it, occupies one of two tenant spaces in the northern building.

The existing condition is somewhat disorganized in front of the coffee shop, where the asphalt surface extends all the way to the public sidewalk with no permanent barrier between them. During a late April site visit, staff noted the presence of a few large potted plants in this area, which at least provided for an informal transition from the public sidewalk to the asphalt area where outdoor eating is proposed.

Site and Building Plans

The submitted site plan shows four small tables with seating for 15 patrons placed in front of the coffee shop, as well as six new bicycle parking stalls and a new maple tree in the northernmost portion of the site.

Operations and Management

Java Cat maintains hours of operation from 5:30 AM to 8:00 PM, which are likely to be extended to as late as 10:00 PM during the summer months. As proposed, the small outdoor eating area would be utilized only for customer seating and not for events or live music.

Evaluation and Conclusion

The proposed outdoor eating area is certainly consistent with the Comprehensive Plan recommendation for Neighborhood Mixed-Use areas. Its presence on the existing asphalt area in front of the building could strengthen the relationship between the building and Monona Drive, and if done well, could better delineate the public sidewalk and provide an incremental improvement to the existing condition. The small outdoor eating area proposed should not have any negative impacts on other properties in the area, and there has been no public input on the proposal to date.

The main challenges associated with the proposal involve the additional investment necessary to bring the site up to current bicycle parking and landscaping standards. In addition, this property is immediately adjacent to a portion of Monona Drive to be reconstructed in 2012. The final version of the roadway reconstruction design in this location increases the public right-of-way approximately six to seven feet into this property, so it will be important for the applicant to carefully coordinate with Engineering staff regarding any permanent landscaping or other improvement on private property. Staff believes that it is in the applicant's best interest to delay permanent plantings (such as the maple tree shown) until the roadway reconstruction is complete (see Engineering Condition No. 3).

In order to provide a clear separation between the eating area and the public sidewalk, while delaying any permanent landscaping solutions until the street is reconstructed, Planning Division staff recommends that the applicant submit both an *interim* site plan and a *final* site plan for staff approval. The *interim* plan should include a temporary barrier, such as a series of planter boxes or a decorative fence, between the sidewalk and the outdoor eating area. The *final* plan, to be implemented following Monona Drive reconstruction, should show the proposed maple tree located further into the site, and continue to provide a barrier between the public sidewalk and the outdoor eating area.

Planning Division staff recommends that the Plan Commission finds that the conditional use standards can be met, and **approve** the request subject to input at the public hearing and conditions from reviewing agencies.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are shaded

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 subject to input at the public hearing and the following conditions:

Planning Division (Contact Heather Stouder, 266-5874)

1. Final plans submitted for staff approval shall include an *interim* condition (to be implemented prior to Monona Drive Reconstruction) and a *final* condition (to be implemented following the completion of the Monona Drive reconstruction). The interim site plan shall include a temporary, decorative barrier between the public sidewalk and the proposed eating area. The final site plan shall locate the proposed maple tree further into the private property, and continue to provide a barrier between the public sidewalk and the eating area.
2. The outdoor eating area will maintain the same hours of operation as the business, and may be used for eating and drinking space only.

The following conditions have been submitted by reviewing agencies:

City Engineering Division (Contact Janet Dailey, 261-9688)

3. Due to the scheduled Monona Drive reconstruction, the owner/applicants shall delay or minimize any significant permanent improvements for the outdoor seating on this site until this reconstruction work is completed.
4. Monona Drive will be reconstructed in 2012. The City of Madison will be purchasing additional right-of-way for the project. The applicant shall revise the site plan to show the proposed right-of-way on Monona Drive.
5. The Applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to

scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number:

- a) Building Footprints
- b) Internal Walkway Areas
- c) Internal Site Parking Areas
- d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
- e) Right-of-Way lines (public and private)
- f) All Underlying Lot lines or parcel lines if unplatted
- g) Lot numbers or the words "unplatted"
- h) Lot/Plat dimensions
- i) Street names

All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred addressing@cityofmadison.com . Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. (POLICY and MGO 37.09(2) & 37.05(4))

Traffic Engineering Division (Contact John Leach, 267-8755)

6. The applicant will need to modify site plans to accommodate Monona Drive reconstruction. The applicant will need to contact City Engineering to get proposed Monona Drive proposed right-of-way relocation. When the applicant submits site plans for approval of improvements, it should accommodate Monona Drive improvements.
7. When the applicant submits final plans of one contiguous plan for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, showing all easements, all pavement markings, building placement, and stalls, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.
8. The applicant shall prevent encroachment onto public sidewalk except at the approaches/walkways by barriers of some type, which shall be noted on the face of the revised plans.
9. All signs at the approaches shall be installed behind the property line. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
10. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Zoning Administrator (Contact Pat Anderson, 266-5978)

11. Parking requirements for persons with disabilities must comply with MGO Section 28.11(3)6(m) which includes all applicable State accessibility requirements, including but not limited to:
 - a) Provide a minimum of one accessible stall striped per State requirements. The stall shall be a van accessible stall 8' wide with an 8' striped out area adjacent.
 - b) Show signage at the head of the stall.
 - c) Show the accessible path from the stalls to the building.
12. Bike parking shall comply with MGO Section 28.11. Provide a minimum of four (4) bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. The bike racks shall be securely anchored to the ground or building to prevent the racks from moving.

NOTE: A bike-parking stall is two feet by six feet with a five-foot access area.

13. Meet applicable building/fire codes for the additional outdoor capacity and for ingress and egress of the establishment with the areas and uses for the site. Occupancy is established by the Building Inspection Unit. Contact Alan Harper at 266-4558 to help facilitate this process.
14. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31. Sign permits must be issued by the Zoning Section of the Department of Planning and Community and Economic Development prior to sign installations. Banners, pennants, temporary signs, portable signs, etc. are not part of this approval.
15. Lighting is required and shall be in accordance with MGO Section 10.085. Provide a plan showing at least .5 foot candle on any surface on any lot and an average of .75 footcandles. The maximum light trespass shall be 0.5 fc at 10 ft from the adjacent lot line (see City of Madison lighting ordinance).
16. No portion of the site plan may change without Plan Commission approval, however the Zoning Administrator may issue permits for minor alterations or additions which are approved by the Director of Planning and Community and Economic Development and are compatible with the concept approved by the Plan Commission and the standards in MGO 28.12(11)(g).
17. City records do not include a Certificate of Occupancy for the salon at 3920 Monona Drive. A Certificate of Occupancy is required for this use. Please contact the Zoning Office to discuss and resolve this matter.
18. Monona Drive is planned for reconstruction in the next few years, which will likely result in property frontage being acquired for right-of-way purposes. The submitted landscape plan shows a tree to be placed where right-of-way will likely be acquired. This tree should be relocated to another place on site. The site/landscaping plans must be revised at the time the Monona Drive reconstruction plans are finalized.

Fire Department (Contact Scott Strassburg, 261-9843)

19. If a fence or deck is provided, the applicant shall comply with the following, per the International Fire Code (IFC) Chapter 10 and MGO 34:
 - a) Applicant shall submit approved capacity with the site plan and post the capacity of the outside dining area in accordance with IFC 2009 edition.
 - b) Proposed deck, patio, or fenced in area shall not be located at, adjacent to, or obstruct the required exits from the building.
 - c) Provide and maintain exits from the deck, patio, or fenced in area in accordance with the IFC 2009 edition.
 - d) Submit a site plan showing any/all seating, bar, tent, dumpster, structures and fixtures for the proposed deck, patio, or fenced in area.

Water Utility (Contact Dennis Cawley, 261-9243)

20. This property is not in a Wellhead Protection District. All wells on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit a response for this request.