



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 1356 East Washington Avenue  
**Application Type:** Conditional Use  
**Legistar File ID #:** [34160](#)  
**Prepared By:** Heather Stouder, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted

## Summary

**Applicant:** Ben Roberts; Pasqual's; 2831 Parmenter St., Middleton, WI 53562

**Project Contact:** Kirk Biodrowski; Shuler Architects, LLC; 1918 Parmenter St., Ste. #2, Middleton, WI 53562

**Property Owner:** Brad Mullins; Mullins Group; 401 N. Carroll St., Madison, WI 53703

**Requested Action:** Approval of a conditional use for a restaurant-tavern and an outdoor seating area in an existing Landmark building formerly used as a restaurant.

**Proposal Summary:** The applicant proposes to renovate a Landmark building to accommodate a new restaurant tenant, as well as a 1,738 square foot outdoor eating area, corporate offices for the restaurant, and a commissary kitchen.

**Applicable Regulations & Standards:** This proposal is subject to the standards for conditional uses (MGO Section 28.183(6)).

**Review Required By:** Plan Commission (PC), Landmarks Commission (LC), Administrative Review by Urban Design Planner

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** the request for a restaurant and outdoor eating area at 1356 East Washington Avenue. This recommendation is subject to subsequent approval by the Landmarks Commission, input at the public hearing, and the conditions recommended by the Planning Division and other reviewing agencies.

## Background Information

**Parcel Location:** 1356 East Washington Avenue is located on the northwest corner of East Washington Avenue and Dickinson Street; Traditional Employment (TE) District; Aldermanic District 2 (Zellers); Madison Metropolitan School District.

**Existing Conditions and Land Use:** The half-acre property is developed with a 13,007 square foot local landmark building originally constructed in 1890. The building has been vacant for several years, but was most recently utilized as Fyfe's Corner Bistro restaurant. The building is placed right at the corner of East Washington Avenue and Dickinson Street, with surface parking to the north and west.

### Surrounding Land Use and Zoning:

Northeast: Washington Square Office Building, in the TE District

Southeast: Across East Washington Avenue, ShopBop, in the TE District

Southwest: Surface parking and Messner Incorporated, both in the TE District

Northwest: Surface parking in the TE District, further west and facing East Mifflin Street, a daycare facility in the TE District.

**Adopted Land Use Plan:** The Comprehensive Plan (2006) and Tenney-Lapham Neighborhood Plan (2008) recommend Employment uses for this site. The East Washington Avenue Capitol Gateway Corridor BUILD Plan (2008) recommends Employment uses as well, and notes that the subject building is a local landmark building. This Plan identifies the property behind the building as a potential site for future shared structured parking.

**Zoning Summary:** This property is in the Traditional Employment (TE) District.

Dimensional Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	21,021 sq. ft.
Lot width	50'	143'
Front Yard Setback	none	Existing no change
Side Yard Setback	One-story: 5' Two-story: 6'	18' RS 132' 3" LS
Rear Yard	20'	20'+
Maximum lot coverage	85%	Existing, no change
Maximum Height	5 stories/68'	n/a
Site Design	Required	Proposed
Number parking stalls	0 (shared parking arrangement)	24
Loading	0	0
Number bike parking stalls	5% of capacity – 290 indoors, 97 outdoors (19)	19
Landscaping	Yes	Yes
Lighting	Yes	Yes
<b>Other critical zoning items:</b> Urban Design (UDD 8), Historic Landmark, Utility Easements, Barrier free (ILHR 69)		

Table Prepared by Patrick Anderson, 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 many Metro Transit routes running along East Washington Avenue.

## Related Reviews and Approvals

The proposal will need to be reviewed and approved by the Landmarks Commission, as it involves the addition of an outdoor deck to a local landmark building.

## Project Description, Analysis, and Conclusion

The applicant proposes to renovate the interior of this 13,000 square foot local landmark building for use as Pasqual's restaurant, offices, and commissary kitchen. The only exterior changes proposed for the site are the addition of an outdoor eating area in place of six parking stalls north of the building, and the addition of 20 bicycle parking stalls. The outdoor eating area is proposed on a deck, a portion of which is elevated a few feet above grade, at the same level as the bar portion of the restaurant. An existing addition to the western portion of the building will be utilized for tortilla chip production and storage for off-site distribution and sales.

As proposed, the interior of the restaurant has a capacity for 290 persons. The outdoor seating area is approximately 1,800 square feet in size, with additional capacity for 97 persons. Hours of operation for the outdoor seating area are proposed to end at 10:00 PM on Monday through Wednesday, and 11:00 PM on Thursday through Sunday, with a note that these hours are subject to change. Two bicycle-parking areas are proposed, one just west of the building, and another just northeast of the building. The existing trash enclosure right near the vehicle entrance from East Washington Avenue is proposed to remain in place.

Staff recommends that the applicant relocate the trash enclosure to an alternative location with less presence on the street. This would not only aesthetically improve the site, but would also provide for a more convenient path to the proposed bicycle parking area on the west side of the building. For hours of operation, staff recommends that the Plan Commission limit the use of the outdoor seating area to midnight Sunday through Thursday, with no limit on Fridays and Saturdays. This will allow for some flexibility if the applicant determines that hours of operation should be expanded in the future. With the patio being 400 feet from the nearest residential property, and buffered by existing buildings of redevelopment opportunities, staff believes that this is a reasonable site for later evening outdoor dining.

### **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 can be 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 can be 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.*  
Staff believes that this standard can be met.
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 can be 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 can be met, so long as all conditions of approval are addressed.
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 can be met, so long as all conditions of approval are addressed.
7. *The conditional use conforms to all applicable regulations of the district in which it is located.*  
Staff believes that this standard can be met.

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

Staff believes that the proposed restaurant will be an excellent reuse of the landmark building, and provide an anchor of activity on the northeastern end of the Capitol East District. The outdoor seating area is a nice addition to the back of the building, and will help to activate North Dickinson Street in this area between East Washington Avenue and the East Main Street bicycle boulevard. Since it is approximately 400 feet from the nearest residential use, activity in the outdoor seating area should not negatively impact surrounding properties.

## 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 for a restaurant and outdoor eating area at 1356 East Washington Avenue. This recommendation is subject to subsequent approval by the Landmarks Commission, 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 refuse enclosure shown on plans shall be relocated on the site to an area behind the building to allow for more convenient access to the proposed bicycle parking area on the west side of the building, and to improve the E Washington Ave streetscape. The relocated refuse enclosure shall meet all applicable zoning requirements.
2. Hours of operation on the outdoor patio shall be limited to 12:00 AM on Sunday through Thursday nights.

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

3. The site plan indicates shared parking areas over the adjacent parcels. The site plan shall note the recording information of the shared parking/access agreement(s) and any associated amendment(s) in conjunction with the shared parking areas.
4. The address that is posted and that has been in use for the past few decades is 1344 E Washington Ave. We have updated the parcel situs to 1344 E Washington Ave. The 1356 E Washington Ave address is not in use and has been inactivated.
5. The City is proposing a separate billing class for restaurants for purposes of billing sanitary sewerage generated by the restaurant. The Applicant shall separately meter the restaurant water.
6. The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
7. The site plan shall include a full and complete legal description of the site or property being subjected to this application.
8. 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)

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

9. The parking area appears to be shared with a nearby use. Per MGO Sec. 28.141(7) shared parking is allowed, but must be reviewed and approved by the City. As part of final sign-off, the shared parking agreement must be reviewed and approved per Sec. 28.141(7).

10. Bike parking shall comply with MGO Table 28I-3 (General Regulations). Provide a total of 24 bicycle parking spaces on-site. Bicycle parking design and location shall comply with MGO Sec. 28.141 (11). Provide details on final plans, a bike-parking stall is two feet by six feet with a five-foot access area. Provide a detail of the proposed bicycle rack.
11. The use shall comply with supplemental regulations for outdoor eating areas associated with food and beverage establishments, MGO Section 28.151.
12. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31 Sign Codes prior to sign installations.
13. If outdoor lighting is provided, it must comply with MGO Section 10.085 outdoor lighting standards.
14. Per Sec. 28.142(2)(d) any landscape elements affected by the new outdoor seating area shall be replaced on-site, and shown on a revised landscaping plan.

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

15. Accessible stalls south of the entrance on N. Dickinson St. need to be relocated so as not to interfere with the operation of the entrance and to allow normal access movements into and out of said stalls.
16. The applicant shall submit one contiguous plan for approval. The plan drawing 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.
17. 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.
18. 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.
19. All parking facility design shall conform to MGO standards, as set in Section 10.08(6).

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

20. Exiting width from stairs 100 shall be maintained out to the public way. Proposed patio tables shall be reconfigured to accommodate.
21. 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)

22. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.