

PLANNING UNIT REPORT
DEPARTMENT OF PLANNING AND DEVELOPMENT
August 1, 2006

CONDITIONAL USE APPLICATION, 702 N. WHITNEY WAY:

1. Requested Action: Approval of a Conditional Use application for a new 16 by 14 foot deck to be used as an outdoor eating area at an existing restaurant located at 702 N. Whitney Way.
2. Applicable Regulations: Section 28.12(11) of the Zoning Code provides the requirements for approval of Conditional Uses.
3. Report Drafted By: Michael Waidelich, Principal Planner.

GENERAL INFORMATION:

1. Applicant: Christine A. Campion, 20 Everglade Circle, Madison, Wisconsin 53717.
2. Status of Applicant: President of Irish Waters, Inc., and representative of property owner (Richard H. Campion Family Trust).
3. Development Schedule: As soon as approval is received.
4. Parcel Location: The west side of Whitney Way, just south of the intersection with University Avenue. Aldermanic District 19.
5. Parcel Size: Approximately 1.66 Acres.
6. Existing Zoning: C3 General Commercial District.
7. Existing Land Use: Restaurant.
8. Surrounding Land Use and Zoning (See map):
 - North: Across University Avenue, single-family homes, zoned R1 Residence District.
 - West: Vacant motel buildings, zoned C3 Highway Commercial District.
 - South: Office building and vacant convenience store, zoned C3 District.
 - East: Across Whitney Way, multi-tenant buildings, including restaurants, retail shops and offices, zoned C3 District.
9. Adopted Land Use Plan: The *Comprehensive Plan* recommends the west frontage of Whitney way for future development as a Neighborhood Mixed Use district to support the recommended employment district adjacent to the west. The draft Spring Harbor Neighborhood Plan, currently being reviewed, recommends this location as a Community Mixed Use redevelopment area.
10. Environmental Corridor Status: No Environmental Corridors are designated on this property.

PUBLIC UTILITIES AND SERVICES:

The full range of urban services are available to this property.

ANALYSIS, EVALUATION AND CONCLUSION:

This is a request to for Conditional Use approval to for a new outdoor eating area at the Irish Waters restaurant located at 702 N. Whitney Way. The outdoor eating area would be located on a 14 x 16 foot raised deck to be constructed on the east facade of the restaurant, level with the door on the side of the building and approximately two feet above grade. The deck would extend from the building almost out to the public sidewalk along Whitney Way. Based on the limited information submitted with the application, the deck will be a stock structure with wood deck planking and wood spindle railings. The application indicates that food and beverage service to the deck is intended. No seating arrangement or other details regarding the configuration, lighting or furnishing of the proposed deck were submitted with the application. The applicant has indicated verbally that the hours of outdoor service will be between 11:00 AM and 10:00 PM, and that no amplified music is intended.

Outdoor eating areas are an increasingly common feature in many Madison restaurants, and typically, the Planning Unit review of these Condition Use applications finds few issues of concern. However, the outdoor deck proposed in the present application appears to require removal of some of the existing landscaping between the building and the Whitney Way sidewalk, and also appears to encroach upon the public right-of-way, which extends deeper behind the sidewalk along this portion of the street. Because the materials submitted with the application do not include either an accurate site plan or an existing or proposed landscape plan, the effect of removing the existing landscape, or whether any replacement landscaping is intended, cannot be determined.

As a general concept, the Planning Unit can support the addition of an outdoor eating area to this existing restaurant. But until the applicant can demonstrate that the location and design of the proposed eating deck, and the replacement landscaping provided to offset the landscaping removed to accommodate the deck extension, will create an attractive streetscape appearance consistent with City design standards and the recommendations of applicable City plans for this location, the Planning Unit cannot conclude that the standards for Conditional Use approval have been met. It is recommended that the proposed outdoor eating deck be redesigned or relocated to avoid any encroachment into the Whitney Way right-of-way, and to provide sufficient space (on private property) between the deck and the public sidewalk for landscaping around the deck perimeter; and that these changes be approved by Planning Unit staff as a condition of approval.

This site is also located within Urban Design District No. 6 (University Avenue). Typically, a conditional use application just to allow a small outdoor eating area would not need Urban Design Commission approval, but because the proposed deck is located on the street side of the building, it is recommended that changes to the landscaping plan also be reviewed and approved by the Urban Design staff in the Planning Unit.

RECOMMENDATION:

The Planning Unit recommends that the Conditional Use to allow an outdoor eating area on the east facade of the Irish Waters restaurant located at 702 N. Whitney Way be approved, subject to the following conditions:

1. Comments of the reviewing agencies.

2. The proposed outdoor eating deck shall be redesigned or relocated so that it does not encroach into the Whitney Way right-of-way, and so that it provides adequate space on the lot for landscaping around the deck perimeter.
3. The applicant shall prepare an accurate current landscape plan for the site for approval by the Planning Unit, including a revised plan for the east side of the restaurant building that provides for installation of additional landscaping between the building and the Whitney Way sidewalk at least equivalent to the landscaping that will be lost to the new deck. The landscaping plan shall also be approved by the Urban Design staff in the Planning Unit.
4. The hours of service to the outdoor eating area are limited to 11:00 AM to 10:00 PM, and no amplified music is permitted.
5. If the additional serving area on the outdoor eating deck will increase the total seating capacity of the restaurant, parking and other capacity-based requirements shall be reviewed by the appropriate City staff to ensure that the use remains compliant with all applicable regulations.



CITY OF MADISON FIRE DEPARTMENT

Fire Prevention Division

325 W. Johnson St., Madison, WI 53703-2295
Phone: 608-266-4484 ♦ FAX: 608-267-1153

DATE: 7/13/06
TO: Plan Commission
FROM: Edwin J. Ruckriegel, Fire Marshal
SUBJECT: **701 N. Whitney Way**

The City of Madison Fire Department (MFD) has reviewed the subject development and has the following comments:

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. Per the IFC chapter 10 and MGO34:
 - a. Applicant shall post the capacity of the outside dining area in accordance International Fire Code 2006 edition.
 - b. Proposed deck shall not be located at, adjacent or obstruct the required exits from the building.
 - c. Provide and maintain exits from the deck in accordance with the International Fire Code 2006 edition.
 - a. Submit a seating plan for the proposed Deck space.

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

2. No additional comments.

Please contact John Lippitt, MFD Fire Protection Engineer, at 608-261-9658 if you have questions regarding the above items.

cc: John Lippitt



Traffic Engineering and Parking Divisions

David C. Dryer, P.E., City Traffic Engineer and Parking Manager

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215 Martin Luther King, Jr. Boulevard
P.O. Box 2986
Madison, Wisconsin 53701-2986
PH 608 266 4761
TTY 866-704-2315
FAX 608 267 1158

July 27, 2006

TO: Plan Commission

FROM: David C. Dryer, P.E., City Traffic Engineer

SUBJECT: **702 North Whitney Way – Conditional Use – Outdoor Eating Area for Irish Waters Restaurant**

The City Traffic Engineering Division has reviewed the subject development and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. The applicant has placed part of the deck in the public right-of-way. The applicant shall not improve the right of way as proposed with a deck or plants unless encroachment is approved by City of Madison Real Estate Division prior to plans being submitted for approval.
2. Four (4) foot Outdoor Eating high fence along the sidewalk the length of the service area separating the public sidewalk from the tables.

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

3. When the applicant submits final plans 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, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), adjacent driveway approaches to lots on either side and across the street, 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'.
4. The applicant shall provide scaled drawing one contiguous plan sheet showing all the facility's access, existing and proposed buildings, layouts of parking lots, loading areas, trees, signs, semi trailer and vehicle movements, ingress/egress easements and approaches.
5. When site plans are submitted for approval, the developer shall provide recorded copies of the joint driveway ingress/egress and easements.
6. "Stop" and "No Left Turns" signs shall be installed at a height of six (6) feet to the bottom of

the first sign at the northerly driveway approach to North Whitney Way and a "Stop" sign shall be installed at a height of seven (7) feet at the joint North Whitney Way driveway approach. 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.

7. The applicant shall show the dimensions for all proposed and existing parking stalls' items B, C, D, E, and F, 9 ft ninety-degree angle parking width and backing up, according to Figures II "Medium and Large Vehicles" parking design standards in Section 10.08(6)(b) 2.
8. The parking facility shall be modified to provide for adequate internal circulation for vehicles.
9. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Please contact John Leach, City Traffic Engineering at 267-8755 if you have questions regarding the above items:

Contact Person: Christine A. Campion

Fax: 833-4999

Email: irishh2opub@excite.com

DCD: DJM: dm

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Department of Public Works
City Engineering Division

608 266 4751

Larry D. Nelson, P.E.
City Engineer

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608 264 9275 FAX
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Deputy City Engineer
Robert F. Phillips, P.E.

Principal Engineers
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John S. Fahrney, P.E.
David L. Benzschawel, P.E.
Gregory T. Fries, P.E.

Operations Supervisor
Kathleen M. Cryan

Hydrogeologist
Joseph L. DeMorett, P.G.

GIS Manager
David A. Davis, R.L.S.

DATE: July 19, 2006

TO: Plan Commission

FROM: Larry D. Nelson, P.E., City Engineer

SUBJECT: 702 North Whitney Way Conditional Use

The City Engineering Division has reviewed the subject development and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

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| <p>1. The size of the deck or proposed location will have to change so that no portion of the structure encroaches upon the North Whitney Way public right-of-way.</p> |
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GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments: NONE

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**CITY OF MADISON
INTERDEPARTMENTAL
CORRESPONDENCE**

Date: July 25, 2006

To: Plan Commission

From: Kathy Voeck, Assistant Zoning Administrator

Subject: 702 N Whitney Way

Present Zoning District: C-3

Proposed Use: Outdoor eating area for the Irish Water Restaurant

Conditional Use: 28.09(3)(d)32 Outdoor eating areas are a conditional use

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project). **NONE.**

GENERAL OR STANDARD REVIEW COMMENTS

1. The deck and enclosure shall be within the boundaries of the property lines. Move the deck and enclosure onto the site.
2. Combine the two lots on the final site plan.
3. Meet all applicable State accessible requirements, including but not limited to:
 - a. Provide a minimum of **four** accessible stalls striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8' wide with an 8' striped out area adjacent.
 - b. Show signage at the head of the stalls. Accessible signs shall be a minimum of 60" between the bottom of the sign and the ground.
 - c. Show the accessible path from the stalls to the building. The stalls shall be as near the accessible entrance as possible. Show ramps, curbs, or wheel stops where required.
4. Provide **nine** bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. The lockable enclosed lockers or racks or equivalent structures in or upon which the bicycle may be locked by the user shall be securely anchored to the ground or building to prevent the lockers or racks from being removed from the location. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices.

5. Parking lot plans with greater than twenty (20) stalls, landscape plans must be stamped by a registered landscape architect. Provide a landscape worksheet with the final plans that shows that the landscaping provided meets the point and required tree ordinances. In order to count toward required points, the landscaping shall be within 15' and 20' of the parking lot depending on the type of landscape element. (Note: The required trees do not count toward the landscape point total.) **Planting islands shall consist of at least 75% vegetative cover, including trees, shrubs, ground cover, and/or grass. Up to 25% of the island surface may be brick pavers, mulch or other non-vegetative cover.** All plant materials in islands shall be protected from vehicles by concrete curbs.

6. Lighting is not required. However, if it is provided, it must comply with City of Madison outdoor lighting standards. (See parking lot packet). Lighting will be limited to .10 watts per square foot.

ZONING CRITERIA

Bulk Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	72,500 sq. ft.
Lot width	50'	317'
Usable open space	n/a	n/a
Front yard	0'	(1)
Side yards	0'	adequate
Rear yard	10'	adequate
Floor area ratio	3.0	less than 1.0
Building height	----	1 story

Site Design	Required	Proposed
Number parking stalls	66 (220 capacity)	89
Accessible stalls	4	(3)
Number bike parking stalls	9	(4)
Landscaping	Yes	(5)
Lighting	No	(6)

Other Critical Zoning Items	
Urban Design	Yes
Barrier free (ILHR 69)	Yes

With the above conditions, the proposed project **does** comply with all of the above requirements.