



Report to the Plan Commission

June 20, 2011

Legistar I.D. #22837
2639 East Springs Drive
Conditional Use

Report Prepared By:
Timothy M. Parks, Planner
Planning Division

Requested Action: Approval of a conditional use to allow an outdoor eating and recreation area for a once-weekly motorcycle night at a restaurant/ tavern located at 2639 East Springs Drive.

Applicable Regulations & Standards: Section 28.09(4)(d) includes outdoor eating and recreation areas as conditional uses in C3 (Highway Commercial District) zoning. 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 find the conditional use standards met and **approve** a conditional use for an outdoor eating and recreation area for a once-weekly motorcycle night at a restaurant/ tavern at 2639 East Springs Drive, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 3 of this report.

Background Information

Applicant: Laura Clark, Hooters of East Madison, LLC; 2639 East Springs Drive; Madison.

Property Owner: JTF East Grand Springs, LLC; 2209 N. Stoughton Road; Madison.

Proposal: Hooters is requesting approval for a weekly Thursday “bike” night event in their parking lot, which will operate until September 29, 2011 following all necessary regulatory approvals being granted.

Existing Conditions: The site is developed with a Hooters restaurant and approximately 71 surface parking stalls, zoned C3 (Highway Commercial District).

Parcel Location: An approximately 1.1-acre parcel located along the southeasterly frontage of E. Washington Avenue with access from a private drive that extends east of the site between East Springs Drive and Annamark Drive; Aldermanic District 17 (Clausius); Sun Prairie Area School District.

Surrounding Land Use and Zoning: The subject site is surrounded by a variety of auto-oriented retail and services uses in C3 (Highway Commercial District) zoning located in the East Towne regional commercial area, which include a Pizza Hut, Kentucky Fried Chicken, Hardee’s and Panera Bread adjacent to the site. Properties northwest of the site across E. Washington Avenue are also developed with a variety of retail and service uses in C2 (General Commercial District) zoning.

Adopted Land Use Plan: The Comprehensive Plan identifies the subject property and surrounding commercial properties for Regional Commercial uses.

Environmental Corridor Status: The site is not located within a mapped environmental corridor.

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

Zoning Summary: Existing C3 (Highway Commercial District) zoning:

Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	Existing, adequate
Lot Width	50'	Existing, adequate
Front Yard	0'	Adequate
Side Yards	0'	Adequate
Rear Yard	10'	Adequate
Floor Area Ratio	3.0 maximum	Existing, adequate
Building Height	N/A	Existing
No. of Parking Stalls	30% of capacity	71 (existing)
Accessible Stalls	3	3 (existing)
Loading	1	Existing, adequate
No. Bike Parking Stalls	TBD for this request	(See condition #7, page 4)
Other Critical Zoning Items		
Yes:	Urban Design, Barrier Free	
No:	Utility Easements, Floodplain, Wellhead Protection; Landmark; Adjacent to Park	
<i>Prepared by: Pat Anderson, Asst. Zoning Administrator</i>		

Project Review, Analysis & Conclusion

Hooters is requesting approval of a conditional use for an outdoor eating and recreation area to allow introduction of a “Bike Night” on Thursday evenings in a portion of its parking lot. The existing restaurant occupies an approximately 1.1-acre parcel that abuts the E. Washington Avenue (US Highway 151) frontage but is addressed as 2639 East Springs Drive and is accessed via a private drive that extends between East Springs Drive and Annamark Drive. The site is located in the automobile-oriented East Towne regional commercial area and is surrounded by a host of other restaurants, including two with drive-up services.

The proposed bike night activity will be conducted adjacent to the westerly and southerly walls of the restaurant on a portion of the existing 71-stall surface parking lot. The area devoted to the motorcycle event will include dedicated parking for 95 motorcycles as well as two portable toilets and a beverage service area. The event area will be cordoned off by temporary fencing and will have a maximum capacity of 125 persons. No outdoor food sales are proposed, though the applicant indicates that food offered in the restaurant will be available for attendees to take out to the event. The Thursday evening outdoor event will occur from 5:00 to 9:30 PM, with beverage sales to end at 9:00 PM.

The applicant has worked with staff from the Planning Division, Zoning and Madison Police Department to develop a management plan for the event. Highlights of the management plan include event staff wearing easily identifiable uniforms, and 5 restaurant staff being dedicated to operating the outdoor event separate from the approximately 12 staff persons who will be working inside. Three security staff will be hired for the outdoor event, with restaurant management to work with the Police Department on the final details of security staffing. No music is proposed specific to the bike night event, with the only music to be provided by 2 existing speakers located above the entrance to the restaurant, which is located along the easterly façade and which the restaurant manager describes as “ambient” in nature.

The Planning Division believes that the proposed conditional use for an outdoor eating and recreation area to allow the proposed “bike night” can comply with all of the standards for approval. The outdoor activities proposed will be limited in their scope to evening hours one night a week, and if properly run,

should have little impact on any neighboring properties, which are largely automobile-oriented and commercial in nature. The nearest residential use is over 600 feet northwest of the event area across E. Washington Avenue and should be minimally affected if at all.

If approved, the approval for the bike night outdoor event will be for 2011 only. The Planning Division would consider minor alterations to the conditional use approval in future years to allow the once per week summer event to continue if the event is well run and no complaints are lodged against the conditional use by Zoning staff, the Police Department, district alder or members of the public.

Staff Recommendations, Conditions of Approval & General Ordinance Requirements
Major/Non-Standard Conditions are shaded

Planning Division Recommendation (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use for an outdoor eating and recreation area for a once-weekly motorcycle night at the Hooters located at 2639 East Springs Drive, subject to input at the public hearing, the following Planning Division conditions, and the conditions from reviewing agencies:

1. This approval for the bike night outdoor event shall be for 2011 only and is based on the June 1, 2011 site plan and June 14, 2011 management plan. An extension to allow this event in future years shall be allowed only following the approval of a minor alteration to the conditional use by the Director of the Planning Division following a recommendation by the district alder.

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

This agency submitted a response with no conditions of approval for this request.

Traffic Engineering Division (Contact Bryan Walker, 267-8754)

2. The applicant shall hire uniformed officers to maintain traffic control for the first event because of traffic concerns submitted by the neighborhood. The applicant shall report a revised traffic management plan to the Plan Commission if there are major traffic impacts due to the first event or any following events as the City sees necessary.
3. The applicant shall provide a barrier to prevent automobiles from ingressing and egressing through the show/ cycle entrance area [to be shown on the final plan for the event].
4. 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, signage, percent of slope, location of eating area in relation to the building, types of barriers, dimensions of eating area and sidewalk, locations of tables, and a scaled drawing at 1" = 40'.
5. When final plans for this conditional use are submitted for staff approval, the applicant shall provide recorded copies of joint driveway ingress/egress easements.

6. 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 Matt Tucker, 266-4551)

7. Per MGO 28.11, provide and/ or show on the final plan bike parking for the restaurant in a safe and convenient location on an impervious surface. Note: A bike-parking stall is 2 feet by 6 feet with a 5-foot access area.
8. Meet applicable Building and 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 Division. Contact Mike Van Erem at 266-4559 to help facilitate this process.
9. Note: Please contact the City Clerk's Office (266-4601) regarding the changes to your liquor license necessary to allow your proposed outdoor service.

Fire Department (Contact Bill Sullivan, 261-9658)

10. Submit an application for an assembly permit to the Madison Fire Department. The application shall include capacity and exiting documents and operational plans.
11. Submit a site plan showing the location of all fencing, including entrance and exit locations for event area, as well as the building.

Parks Division (Contact Tom Maglio, 266-4711)

This agency did not submit comments for this request.

Water Utility (Contact Dennis Cawley, 261-9243)

This agency submitted a response with no conditions of approval for this request.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit comments for this request.

Police Department (Contact Frank Chandler, 266-4238)

This agency did not submit written comments for this request. Staff from the Police Department's East District was involved in the development of the management plan for the event and is amenable to the June 14 plan included in the Plan Commission's materials for this application.