

# PLANNING DIVISION STAFF REPORT

June 21, 2021



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 640 West Washington Avenue (4<sup>th</sup> Aldermanic District, Ald. Verveer)  
**Application Type:** Conditional Use  
**Legistar File ID #:** [65477](#)  
**Prepared By:** Colin Punt, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

## Summary

**Applicant:** James McFadden; McFadden & Company; 380 W Washington Ave; Madison, WI 53703

**Owner:** Roger Charly; 1230 Regent St; Madison, WI 53715

**Requested Action:** Approval of a Conditional Use to establish an outdoor eating area in a Urban Mixed Use district at 640 West Washington Avenue per M.G.O. §28.072(1).

**Proposal Summary:** The applicant seeks approval an outdoor eating area at an existing building.

**Applicable Regulations & Standards:** This proposal is subject to the standards for conditional uses, M.G.O. §28.183(6).

**Review Required By:** Plan Commission, Urban Design Commission (Secretary Review)

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the requests to establish an outdoor eating area for a restaurant-tavern and coffee shop at 640 West Washington Avenue. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

## Background Information

**Parcel Location:** The subject site is a 72,686 square-foot (1.67-acre) parcel located predominantly to the northeast of the intersection of West Washington with the Wisconsin & Southern Railroad and Southwest Commuter Path. It is within Aldermanic District 4 (Verveer) and the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The site, zoned UMX (Urban Mixed Use District), is occupied by a historic train depot with several train cars occupied by restaurants and a bicycle shop.

### Surrounding Land Uses and Zoning:

**Northwest:** The University of Wisconsin "Art Lofts" building, zoned UMX (Urban Mixed Use);

**Southwest:** Across the railroad corridor and Southwest Commuter Path, a three-story office and commercial building, zoned PD (Planned Development District);

**Southeast:** Across West Washington Avenue, a two-story commercial building and parking lot, both zoned UMX; and

**Northeast:** Large apartment and mixed-use buildings, zoned PD and UMX.

**Adopted Land Use Plan:** The [Comprehensive Plan](#) (2018) recommends DMU (Downtown Mixed Use) for the site. The [Downtown Plan](#) (2012), places the site in the “Downtown Mixed Use” West Rail district.

**Zoning Summary:** The subject property is zoned UMX (Urban Mixed Use District):

Requirements	Required	Proposed
Lot Area (sq. ft.)	3,000 sq. ft.	72,686 sq. ft.
Lot Width	30'	137.17'
Front Yard Setback	Nonresidential or mixed-use buildings: 0' or 5'	Adequate
Max. Front Yard Setback	10'	Adequate
Side Yard Setback	0' or 5'	Adequate
Rear Yard Setback	10'	Adequate
Maximum Lot Coverage	90%	Less than 90%
Minimum Building Height	2 stories	3 story existing building
Maximum Building Height: Downtown Height Map	8 stories	3 story existing building
Stepback: Downtown Stepback Map	15' stepback above 4 stories	None

Site Design	Required	Proposed
Number Parking Stalls	Central Area: No minimum required	78 existing stalls
Accessible Stalls	Yes	4
Loading	Not required	None
Number Bike Parking Stalls	<b>Proposed restaurant:</b> 5% of capacity of persons (6) <b>Existing restaurant-tavern:</b> 5% of capacity of persons (9) <b>Existing general retail:</b> 1 per 2,000 sq. ft. floor area (4) <b>Existing office:</b> 1 per 2,000 sq. ft. floor area (2) (21 total)	19 existing stalls (2)
Landscaping and Screening	Not required	Existing site landscaping
Lighting	Not required	Existing site lighting
Building Forms	Not required	Existing building
<b>Other Critical Zoning Items:</b>	Urban Design (UMX), Historic Landmark, Barrier Free (ILHR 69), Utility Easements	

*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.

## Project Description, Analysis, and Conclusion

The applicant, representing the coffee shop and restaurant Bandit (formerly Porter), is requesting approval of an outdoor eating space on an existing deck. Porter has been operating until recently as a coffee shop and café within

the former Milwaukee Road Depot since 2016. It will reopen as Bandit Tacos and Coffee in July 2021. The existing 560-square foot deck intended for the outdoor eating area is constructed over the train tracks adjacent to the former Milwaukee Road train station at 640 West Washington Avenue, which houses the restaurant, as well as Motorless Motion Bicycles and Harvey House. The original platform with canopy has previously been enclosed with moveable glazed walls, which can be opened or closed with the weather. Approximately 36-40 seats are anticipated for the outdoor seating area. Proposed hours of operation are 7 a.m. to 12 p.m. daily and the applicant intends to provide amplified music until closing time. The site includes 78 existing surface parking stalls and 19 bicycle parking stalls, which are shared amongst the tenants.

As the platform boardwalk and deck are existing, the applicant intends to begin operation of the outdoor eating area as soon as approvals are granted.

### **Adopted Plan Recommendations**

Three adopted plans include recommendations for this block, which are split between the portion of the block along West Washington Avenue (typically a more intense commercial or mixed-use recommendation) and West Mifflin Street (typically a more residential recommendation). This section will focus only on the portion of the block along West Washington Avenue. The [Comprehensive Plan](#) (2018) recommends DMU (Downtown Mixed Use), which includes areas outside the core of downtown but are still appropriate for intensive mixed-use development, for the site. The [Downtown Plan](#) (2012) also recommends a Downtown Mixed Use land use recommendation for the site and places it within the West Rail Corridor district. According to the Downtown Plan, the overriding concept for the West Rail Corridor is to create a dynamic area that, while focused on employment uses, integrates eating, drinking, and retail uses.

### **Conditional Use Standards**

In regards to conditional use approval standards, the Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of §28.183(6) M.G.O. are met. Staff advises the Plan Commission that in evaluating the conditional use standards, State law requires that conditional use findings must be based on "substantial evidence" that directly pertains to each standard and not based on personal preference or speculation. Outdoor eating areas are often accompanied by light and noise, which are sometimes called out in reference to conditional use approval standard 1, related to the detriment or endangerment of public health, safety, and welfare, and standard 3, regarding impairment or diminishment of uses, values, and enjoyment of other property in the neighborhood. In this case, because of the location of the outdoor eating area between the nonresidential former train station building and the Southwest Commuter Path, the type of surrounding development, and the mixed urban characteristic of the surrounding environment, Staff does not anticipate the development will result in negative impacts on surrounding properties and believes that all applicable standards of approval can be found met.

### **Urban Design Commission Review**

This proposal has been reviewed and recommended for approval administratively by the Urban Design Commission Secretary.

### **Conclusion**

Staff believes that given the surrounding uses, the location of the outdoor eating area away from any residential uses, and the plan recommendations, the Plan Commission can find the applicable conditional use standards of approval to be met and approve the conditional use request. Staff notes that as a conditional use, the Plan Commission retains “continuing jurisdiction” to review and resolve complaints that may arise on the operation of the conditional use.

At time of report writing, staff is unaware of any public comments.

## Recommendation

### Planning Division Recommendation (Contact Colin Punt, (608) 243-0455)

The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the request to establish an outdoor eating area for restaurant-tavern and coffee shop at 640 West Washington Avenue. This recommendation is subject to 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

### Zoning (Contact Jenny Kirchgatter, (608) 266-4429)

1. The capacity shall be established for the outdoor eating area. Occupancy is established by the Building Inspection Unit. Contact Building Inspection staff at (608) 266-4559 to help facilitate this process.
2. Bicycle parking for this project shall be provided per Section 28.141(4) and Table 28I-3 as uses are established for the various spaces in the development. Bicycle parking for the proposed restaurant and outdoor eating area is required in the amount of 5% of capacity of persons. Verify the capacity for the proposed restaurant and outdoor eating area to establish the bicycle parking requirement.
3. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.
4. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

### City Engineering Division – Mapping Section (Contact Jeffrey Quamme, (608) 266-4097)

5. Update the Harvey House train car adjacent to the outdoor seating deck to 646 # 2. The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.

### Fire Department (Contact Bill Sullivan, (608) 886-4691)

6. Verify adequate exiting width is provided and maintained out to the public way for all of the combined

occupants expected to use the shared egress paths.

*The Planning Division, Engineering Division – Main Office, Traffic Engineering Division, Forestry Section, Water Utility, and Metro Transit have reviewed this request and have recommended no conditions of approval*