



Report to the Plan Commission

March 9, 2009

Legistar I.D. #13842
924 Williamson Street
Conditional Use – Parking Reduction

Report Prepared By:
Kevin Firchow, AICP
Planning Division

Requested Action: Approval of a parking reduction to allow establishment of a restaurant / bar in an existing building.

Applicable Regulations & Standards: Section 28.11 (2) (c) requires that parking reductions of 20 (or more) stalls be approved as a conditional use. Section 28.12 (11) provides the guidelines and regulations for the approval of conditional uses.

Summary Recommendation: Subject to input at the public hearing, The Planning Division recommends that the Plan Commission find the conditional use standards are met and **approve** a conditional use for a parking reduction to allow establishment of a restaurant / bar in an existing building subject to the conditions recommended by reviewing agencies.

Background Information

Applicant: Corey Gresen & Rico Sabatini; Getisman Investments, LLC; 20 W. Blair Street #302; Madison, WI 53703
Agent / Contact: Rico Sabatini; 3923 Claire Street; Madison, WI, 53714
Property Owner: Bill Mattison; 1258 Sherman Avenue; Madison, WI, 53704

Proposal: The applicant requests conditional use approval of a parking reduction to allow establishment of a restaurant / bar in an existing building. The proposed parking reduction is greater than 20 stalls and exceeds 25% of the required off-street parking and therefore, requires conditional use approval.

Parcel Location: The subject site is approximately ½-acre in area on the north side of Williamson Street, mid-block between Paterson and Brearly Streets. The site is located in Aldermanic District 6; Madison Metropolitan School District; and the Third Lake Ridge Historic District.

Existing Conditions: The site includes the former “Star-Photo” building, a surface parking lot, and small yard adjacent to a two-flat residence, immediately to the east.

Surrounding Land Use and Zoning:

North: Office buildings; zoned C2 (General Commercial District);

South: Small mixed-use buildings, single-family residences, and two-family residences across Williamson Street; zoned C2 (General Commercial District);

West: Coffee Shop / Gallery / Mixed-use Building; zoned C2 (General Commercial District);and

East: Two-flat residence; zoned C2 (General Commercial District).

Adopted Land Use Plan: The Comprehensive Plan recommends community mixed use for this site. This general area is also recommended for transit-oriented developments.

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.

Zoning Summary:

Requirements	Required	Proposed*
Lot Area	6,000 sq. ft.	31,091 sq. ft. existing
Lot width	50'	adequate
Usable open space	n/a	n/a
Front yard	0'	0'
Side yards	0'	Existing
Rear yard	n/a	n/a
Floor area ratio	2.0	Existing
Building height	---	2 stories
Number parking stalls	75	36 provided, 39 stall reduction needed from PC *
Accessible stalls	2	2
Loading	1 (10' x 35')	(See Comment 28)
Number bike parking stalls	8 - based on a 75 stall requirement	(See Comment 33)
Landscaping	Yes	(See Comment 30)
Lighting	Yes	(See Comment 31)
<i>Prepared by: Pat Anderson, Asst. Zoning Administrator</i>		

* Based on the Revised February 26 Site Plan. See following section for more detail.

Project Analysis, Evaluation, and Conclusion

The applicant requests approval of a parking reduction to allow the establishment of a bar and restaurant in an existing building. The proposed parking reduction is greater than 20 stalls and exceeds 25% of the required off-street parking and therefore, requires conditional use approval. No changes to the building's exterior are included in this application. The applicant has indicated they are considering applying for a facade improvement grant for future changes. Future facade changes would require separate approvals.

This site was previously occupied by Star-Photo and includes a 6,100 square foot building. The east side of the property now includes an asphalt parking lot and small yard. A two-unit residence sits adjacent to the site to the east. A coffee shop and gallery are found directly to the west. Small mixed-use buildings, single-family residences, and two-family residences are located across the street. Office buildings are located immediately behind this site.

The City's Zoning Code requires "restaurants, taverns, and meeting halls" to provide parking spaces equal to 30% of the building's capacity. Based on a recommendation from the Alcohol License Review Committee (ALRC), the Common Council approved a capacity of 200 people (Sunday through Wednesday) and 250 people (Thursday through Saturday). Using the larger figure, the Zoning Code would require 75 off-street parking stalls. The applicant indicates there will be an estimated 17 employees on staff, however, the letter does not specify how many are expected to work per shift. The hours of operation would be between 4 pm and 2 am on weekdays and between 11 am and 2 am on weekends.

The existing parking lot provides 24 stalls. There are currently two-curb cuts providing ingress and egress to the site. On-site signage indicates the site functions as a one-way loop system, with ingress provided at the western-most entrance and egress provided at the eastern-most drive. Other signage indicates that some spots are "reserved." The applicant has clarified that the "reserved" sites would be available to bar/restaurant patrons.

There is a relatively small yard between the parking lot and the adjacent two-unit residence. As this residence is zoned C2 (General Commercial District) there is no formal code requirement to provide screening between these uses. Some mature trees are located in the yard, primarily at the rear of the property. While this yard and vegetation provides some buffer, the parking lot is not significantly screened from the street or adjacent residence.

To address the need for additional off-street parking, the applicant is pursuing shared parking agreements with nearby property owners. One agreement is already in place, providing for an additional 60 parking stalls after 10:00 pm at the Gateway Shopping Center, located three blocks from the bar near the corner of Williamson and Blair Streets. This agreement has been finalized and information is included in the Commission's packets. The applicant has informed staff that a second agreement is under consideration with the adjacent office building, immediately behind (north) of the bar. An agreement could be reached by time of the Plan Commission meeting; however, no agreement was finalized at the time of report writing. The applicant has indicated that approximately 45 stalls could be available at this site.

The applicant had originally proposed to increase the amount of parking available on-site. The existing parking lot includes 24 stalls, however its design is not consistent with current ordinance standards. There are two proposed site plans in the Plan Commission materials, both showing an increase in the number of on-site stalls. Both plans eliminate the aforementioned vegetation and reduce the size of the existing yard. The applicant's original plan, the "January 21 Site Plan", included 44 on-site stalls. City Traffic Engineering commented that this design would need to be modified and noted that a reduction in the number of stalls would likely result.

In response, the applicant prepared an alternative site plan (labeled the "Revised-February 26 Plan") that provides 36 stalls. Planning staff believe the revised plan is problematic as it eliminates nearly the entire yard between the expanded parking lot and the adjacent residence. Approximately three feet of area remains between the parking lot edge and the property line. Planning staff believe that a wider yard with more substantial screening and landscaping are necessary to limit the impacts between the expanded parking area and the residence. Modifications could be made to this site plan, including removing the eastern-most row of parking and potentially replacing that with a row of parallel-parking adjacent to the yard. Such an arrangement could allow for some yard area wide enough to support additional screening and/or fencing. However, this would further reduce the parking count.

The applicant is currently considering a third site plan option. A revised site plan may be available prior to the Plan Commission meeting, however at the time of report writing one was not available. Staff understands the applicant is considering a plan that reconfigures only the existing paved area. In addition to meeting the ordinance standards, a new site plan would be required to meet the conditions previously recommended by reviewing agencies. Considering this, it is possible the proposed site plan would contain fewer than 24 stalls now included on-site.

Thus, there are several ways in which this parking lot could be designed. A commonality between all of the above-described scenarios is that each requires the approval of a large parking reduction. The exact number of stalls depends on the final site plan approved.

The shared-parking agreements are important considerations in evaluating the potential impacts on the larger neighborhood. The adjacent parking lot to the north is especially important as it could provide a convenient supplemental parking supply in very close proximity to this site. Planning staff believe that as long as these agreements are in place and parking is successfully managed by the applicant, the specific number of on-site stalls is less of a concern.

The site plan is a significant consideration in evaluating the impacts on adjacent properties. Staff has been working with the applicant to develop plans that maximize on-site parking while attempting to minimize the impacts on surrounding properties. In addition to meeting the requirements of the Madison General Ordinances and the comments from reviewing agencies, Planning staff believe the following elements would be common to an approvable site plan. First, the plan should maintain as much of the existing yard area and vegetation as possible. Second, the plan should provide additional landscaping or decorative solid fencing to provide better screening between the parking lot and adjacent residence. The applicant should work directly with planning staff to identify appropriate species for this yard and the other landscaping proposed between the parking lot and sidewalk. Finally, staff request that the plans show where refuse would be stored and how it would be screened. Staff believe that these issues can be addressed as part of the "sign-off" process.

The packets include a letter of support from the Marquette Neighborhood Association (MNA) that had previously been provided to the ALRC when they considered this item. In addition, staff is aware of some neighborhood opposition to this project and all correspondence is included in the Plan Commission packets.

The proposed use is generally consistent with the community mixed-use recommendation in the Comprehensive Plan. That recommendation includes commercial uses that serve both adjacent and wider community markets. Further, the Transportation Element of that document includes polices that support using some degree of flexibility in considering surface parking. Specific policies include:

- "Increase flexibility with minimum parking requirements to reflect typical daily demand and allow innovative parking provisions."
- "Promote shared parking agreements for compatible uses (e.g. office parking with high demand during weekdays and entertainment uses with high demand during evenings and weekends) in order to make more efficient use of parking facilities."

In conclusion, this conditional use includes several considerations. If approved, this conditional use will allow a significant parking reduction in an area that already has a limited supply of off-street parking. However, the applicant is taking important steps to secure parking agreements with other property owners. Staff believe that the specific number of on-site stalls is less of a concern provided these agreements are in place and parking is successfully managed by the applicant. Conditions are recommended that could provide some ability to monitor overall parking management at this site. Staff

have also been working with the applicant on site plan details, and would support a plan that maximizes on site parking while maintaining as much of the existing yard area as possible. If approved, this and all conditional uses remain under the continuing jurisdiction of the Plan Commission, and therefore, should parking problems arise or conditions of approval fail to be met, this item could return to the Plan Commission for further consideration.

Recommendation and Proposed Conditions of Approval

Major/Non-Standard Conditions are Shaded

Planning Division Recommendation (Contact Kevin Firchow, 267-1150)

Subject to input at the public hearing, The Planning Division recommends that the Plan Commission find the conditional use standards are met and **approve** a conditional use for a parking reduction to allow establishment of a restaurant / bar in an existing building subject to the conditions recommended by reviewing agencies and the following conditions:

1. That this conditional use for a parking reduction shall be non-transferable and shall not apply to future owners and operators of the property. Future owners and operators shall make a new conditional use application for a continuation of this parking reduction.
2. That the applicant maintains the approved shared parking agreement at 600 Williamson Street (Gateway Center). If the terms of that agreement change, resulting in a substantial reduction in the number of off-street stalls available for 924 Williamson Street, the applicant shall be responsible for securing other off-street parking arrangements to address the loss of stalls.

NOTE: Based on the testimony provided at the public hearing, the Plan Commission may wish to consider establishing a similar condition for other shared parking agreements providing parking in closer proximity to this bar/restaurant.

3. The applicant shall provide written notice of changes in the status of all shared parking agreements impacting this property to the Director of the Department of Planning and Community and Economic Development and the Zoning Administrator. The applicant shall be responsible for securing other off-street parking arrangements to address the loss of stalls. The applicant may be required to obtain approval of a minor or major alteration to this conditional use, should it be determined that the revised shared-parking terms provide fewer off-street spaces or provide spaces that less effectively serve 924 Williamson Street.
4. That the applicant submits revised site and landscape plans that maintain a larger portion of the yard than that shown on the "Revised-February 26 Plan." The applicant shall work with staff to identify suitable landscaping or other screening alternatives in the yard area and between the parking lot and sidewalk. The revised site and landscape plan shall be approved by Planning Division staff.
5. That the "reserved" signs be removed or clarified so it is clear all parking stalls are available to bar/restaurant patrons.

6. That the final site plans show where refuse would be stored and how it would be screened, per approval of Planning Division staff.

The following conditions have been submitted by reviewing agencies:

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

7. The City Engineer may use a street excavation permit in place of the developer agreement, upon further review of the required improvements.
 8. The applicant shall dedicate a 2.0 foot wide public sidewalk easement along Williamson Street except where the parcel is occupied by the existing building. The applicant shall relocate the sidewalk onto the easement per the plans provided by the City. The City, with the approval of the City Engineer, will compensate the Developer for a portion of the cost of the sidewalk replacement in accordance with our sidewalk rebate program. The sidewalk easement is needed because the existing 4' x 4' tree grates encroach into the mainline sidewalk. This encroachment is problematic because the tree grate becomes uneven as the trees mature and the tree roots heave the tree grate. With the additional space provided by this easement, the existing tree grates will be eliminated and trees will be more healthy and will be allowed to grow to greater maturity.
 9. Any damage to the asphalt pavement on Williamson Street shall require restoration in accordance with the City's Patching Criteria.
 10. Owner shall attempt to secure an easement to extend storm sewer to East Wilson Street to convey the increased runoff without impacting the downstream property. Provide written correspondence to the City substantiating this request.
11. The construction of this building will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City / Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project.
 12. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
 13. The approval of this Conditional Use does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester.
 14. All work in the public right-of-way shall be performed by a City licensed contractor.
 15. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.

16. The City of Madison is an approved agent of the Department of Commerce. This proposal contains a commercial building and as such, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required.
17. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to: a) Control 40% TSS (20 micron particle) off of new paved surfaces; b) Provide oil & grease control from the first 1/2" of runoff from parking areas; and c) Complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website – as required by Chapter 37 of the Madison General Ordinances.
18. The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement.
19. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the Engineering Division. (Lori Zenchenko) lzenchenko@cityofmadison.com. The digital copies shall be drawn to scale and represent final construction including: building footprints, internal walkway areas, internal site parking areas, lot lines/ numbers/ dimensions, street names, and other miscellaneous impervious areas. All other levels (contours, elevations, etc) are not to be included with this file submittal. Email file transmissions are preferred. The digital CAD file shall be to scale and represent final construction. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format. Please include the site address in this transmittal.
20. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management File including: SLAMM DAT files; RECARGA files; TR-55/HYDROCAD/etc., and; sediment loading calculations. If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided.

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

21. The applicant shall modify the design of the parking areas for stalls and backing up according to Figures II of the ordinance using the 9' or wider stall for the commercial/retail area. The applicant shall show the dimensions for proposed 60 degree parking stalls' items A =12 ft, B=10.5 ft, C=20.5 ft, D=18 ft, E=17 ft, F=15 ft, G= 2.5 ft, H=12 ft, S=9 ft and 60 degree angle parking width and backing up, according to Figures II "Medium and Large Vehicles" parking design standards in Section 10.08(6)(b). The applicant may eliminate additional parking spaces to be accordance to M.G.O.
22. Stair cases, Elevators shafts, Aisles, ramps, columns, offices or work areas are to be excluded from these rectangular areas, when designing underground parking areas.

23. The applicant shall not improve the Williamson Street public sidewalk area as proposed unless City of Madison Real Estate Division approves encroachment prior to plans being submitted for approval.

24. The applicant shall indicate the type of bicycle racks and location to be installed. Please contact Arthur Ross, City Traffic Engineering at 266-4761 if you have questions regarding this item.

25. 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), 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'.

26. A "Stop" and "Do Not Enter" signs shall be installed at a height of seven (7) feet at the egress approach. A "Enter Only" sign shall be installed at the ingress 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.

27. 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)

28. A further reduction of parking stalls may be required as a result of an off-street loading and its dimensional requirements, which is not shown on the plans.

29. 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.

30. 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 and along the east side of the property shall be protected from vehicles by concrete curbs.

31. Provide a lighting plan showing at least .5 foot candle on any surface on any lot and an average of .75 footcandles. The max. light trespass shall be 0.5 fc at 10 ft from the adjacent lot line. (See City of Madison lighting ordinance).

32. Meet all applicable State accessible requirements, including but not limited to:

- a. Provide a minimum of two accessible stall striped per State requirements. A minimum of one of 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.

33. Provide 8 bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices.

Metro Transit (Contact Tim Sobota, 261-4289)

34. Metro Transit operates service between the proposed venue and the downtown/campus area until approximately 11:30pm on weeknights and 10:30pm on weekends (bus stops located on Jenifer Street at South Paterson Street, less than ¼ mile away).

Fire Department (Contact Scott Strassburg, 261-9843)

Please contact the department on questions regarding compliance with applicable building and fire codes.

Water Utility (Contact Dennis Cawley, 261-9243)

35. This property is not in a Wellhead Protection District. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. The Water Utility will not need to sign off the final plans, and not need a copy of the approved plans.

Parks Division (Contact Tom Maglio, 266-6518)

This agency did not submit comments for this request.