

# PLANNING DIVISION STAFF REPORT

May 8, 2023



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 2002 Pankratz Street (District 12 – Ald. Latimer Burris)  
**Application Type:** Conditional Use  
**Legistar File ID #** [77019](#)  
**Prepared By:** Colin Punt, Planning Division  
Report includes comments from other City agencies, as noted.  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

## Summary

**Applicant:** Steve Shulfer; Sketchworks Architects; 2501 Parmenter St. #100B; Middleton, WI 53562

**Applicant:** Eric Fritz; Keva Sports; 8312 Forsythia St; Middleton, WI 53562

**Requested Action:** The applicant is seeking approval of a conditional use for indoor recreation, a restaurant-tavern, and an outdoor eating area associated with a food and beverage establishment with hours of operation open after 9:00 p.m. in the SE district per §28.082(1), MGO and §28.151, MGO.

**Proposal Summary:** The applicant is seeking approvals to convert an existing brewery into an indoor volleyball facility. The existing restaurant space will be preserved for a future operator.

**Applicable Regulations & Standards:** Standards for conditional use approval are found in §28.183(6) MGO

**Review Required By:** Plan Commission

**Summary Recommendations:** The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the requests for a conditional use for an indoor recreation facility, a restaurant-tavern, and an outdoor eating area associated with a food and beverage establishment at 2002 Pankratz Street. 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 4.68 acres located between Pankratz Street and Packers Avenue, immediately south of the intersection of Packers Avenue and International Lane. The site is within Alder District 12 (Ald. Latimer Burris) and the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The site, zoned SE (Suburban Employment), is currently occupied with a 45,000-square foot, two-story industrial building most recently used as a brewery and a large surface parking lot. The building was originally constructed in 2011.

### Surrounding Land Uses and Zoning:

**North:** Vacant lot zoned SE (Suburban Employment district); Across International Lane, a single-story industrial building zoned SE;

**West:** Across Packers Avenue, one-, two-, and four-unit residences zoned TR-C4 (Traditional Residential – Consistent 4 district);

**South:** A school in a former two-story office building zoned SE; and

**East:** Across Pankratz Street, The Bridges golf course zoned PR (Parks and Recreation district).

**Adopted Land Use Plan:** The [Comprehensive Plan](#) (2018) recommends Employment (E) land uses for the site. The site is not within the boundaries of any special area plans.

**Zoning Summary:** The subject property is proposed to be zoned SE (Suburban Employment District):

Requirements	Required	Proposed
Lot Area (sq. ft.)	20,000 sq. ft.	203,913 sq. ft.
Lot Width	65'	433.35'
Front Yard Setback	0' or 5'	Existing front setback
Max. Front Yard Setback: TOD	20'	Existing front setback
Side Yard Setback	15' or 20% building height	Adequate
Rear Yard Setback	30'	Adequate
Maximum Lot Coverage	75%	Existing lot coverage
Minimum Building Height: TOD	2 stories	2 story existing building
Maximum Building Height	5 stories/ 68'	2 story existing building

Site Design	Required	Proposed
Number Parking Stalls	Not required: TOD	151 existing stalls
Electric Vehicle Stalls	Not required	None
Accessible Stalls	Yes	7
Loading	Not required	Existing loading dock
Number Bike Parking Stalls	Indoor recreation: 5% of capacity of persons (16) Restaurant-tavern: 5% of capacity of persons (15) (31 total)	20 existing stalls (1)
Landscaping and Screening	Not required	Existing landscaping
Lighting	Not required	Existing lighting
Building Form and Design	Not required	Existing building

<b>Other Critical Zoning Items</b>	Urban Design (UDD 4), Barrier Free (ILHR 69), TOD Overlay
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*Table Prepared by Jenny Kirchgatter, Assistant Zoning Administrator*

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

**Public Utilities and Services:** The site is served by a full range of urban services.

## Project Description

The applicant's client, Keva Sports, intends to purchase the facility in question, which was constructed and used as a brewery, and convert it into an indoor volleyball facility. The interior build-out plans show a layout with eight indoor volleyball courts. The facility would be used for classes, camps, and leagues. General hours of operation are expected to be 12 p.m. to 11 p.m. Mondays through Fridays and 8 a.m. to 10 p.m. Saturdays and Sundays. Maximum capacity at any one time is expected to be 320 (160 players and 160 spectators). According to the letter of intent, the existing restaurant and bar area will remain and used for their original purposes, though an operator has not been identified at time of report publication.

No exterior changes are proposed, except for routine maintenance and new signage, neither of which are subject to Plan Commission review.

According to the letter of intent, the applicant intends to begin interior build-out in May 2023, with occupancy by fall 2023.

## **Analysis & Conclusion**

This request is subject to the standards for conditional uses. This section begins with a summary of adopted plan recommendations, conditional use standards, a very brief review of UDC action, and finally a conclusion.

### **Conformance with Adopted Plans**

The [Comprehensive Plan](#) (2018) recommends Employment (E) land uses for the site. Employment areas include predominantly corporate and business offices, research facilities, laboratories, hospitals, medical clinics, and other similar uses. The site is not within the boundaries of any special area plans.

### **Conditional Use Standards**

The applicant is requesting approval of a conditional use within the SE district for indoor recreation. The building and site also include space for a restaurant-tavern and an outdoor eating area associated with a food and beverage establishment, which haven't been used in over a year, so the conditional uses for both have expired. 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) MGO 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.

Regarding conditional use standard of approval four, it states "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." While indoor recreation, restaurant-taverns, and outdoor eating areas are not typical uses associated with Employment areas, the restaurant-tavern and outdoor eating area are uses formerly occupying the space, and staff do not believe the interior remodel of the existing to accommodate volleyball courts precludes future redevelopment or a future use more in line with the land use recommendation. Further, MGO §28.151 enumerates supplemental regulations for outdoor eating areas, and staff believe that the supplemental recommendations will be able to be met in this location by a future operator.

The future operator of the outdoor eating area must operate the space consistent with the requirements for found in the supplemental regulations for outdoor eating areas (§28.151 MGO). The supplemental regulations are included as an appendix to this report.

### **Urban Design Commission Recommendation**

The site is within Urban Design District 4. However, there are no exterior changes proposed, so the proposal has not been reviewed by the Urban Design Commission.

## Conclusion

Staff believes that the standards of approval for conditional uses can be found met.

At time of writing, Staff is unaware of written comment from the public.

## Recommendation

### Planning Division Recommendations (Contact Colin Punt 243-0455)

The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the requests for a conditional use for an indoor recreation facility, a restaurant-tavern, and an outdoor eating area associated with a food and beverage establishment at 2002 Pankratz Street. 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

### *Land Use Request – Demolition Permit & Conditional Use*

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

1. Bicycle parking shall comply with the requirements of MGO Sections 28.141(4)(g) and 28.141(11) and will be reviewed prior to obtaining zoning approval for each use. Work with Zoning staff to determine the bicycle parking requirement for the indoor recreation use (indoor volleyball) and restaurant-tavern use. Provide a minimum of amount of bicycle parking equal to 5% of capacity of persons for the both the indoor recreation use and restaurant-tavern. The short-term bicycle parking stalls shall be located in a convenient and visible area on a paved or pervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance.
2. 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.
3. 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 Julius Smith, 264-9276)

4. Clearly state somewhere on the Site plan that there are no changes to the external site plan as provided on the site plan sheet or provide the following:  
The site plan shall include all lot/ownership lines, existing building locations, proposed building additions, demolitions, parking stalls, driveways, sidewalks (public and/or private), existing and proposed signage, existing and proposed utility locations and landscaping.

**Traffic Engineering Division** (Contact Sean Malloy, 266-5987)

5. Any additional driveways on Pankratz Street for this site are not approvable by Traffic Engineering as they would not be in accordance with MGO 10.08(2).
6. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be to engineering scale and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; 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.
7. 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.
8. 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.
9. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
10. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
11. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign at all class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.

**Fire Department** (Contact Bill Sullivan, 886-4691)

12. Provide sidewalk or other surface from the required exits that facilitates snow removal all the way out to the public way.

*The Planning Division, City Engineering Division, Parks Division, Water Utility, and Metro Transit has reviewed this request and has recommended no conditions of approval.*

## Appendix 1

### Supplemental Regulations (§28.151, MGO)

#### Outdoor Eating Areas, Temporary, Associated with Food and Beverage Establishments

- (a) Hours of operation shall end at 9:00 p.m. in all districts, except for MXC, CC and RMX, unless extended as part of the conditional use approval.
- (b) No amplified sound is permitted in all districts, except MXC, CC and RMX, unless allowed as part of the conditional use approval.
- (c) Enclosures shall be required, and shall be between thirty-six (36) and forty-two (42) inches in height, may be flush to the ground, and the bottom of the structure shall be no more than six (6) inches from the ground. All sides of the enclosure shall be constructed of a stable, rigid, wind-resistant, self-supporting framework, capable of maintaining all furniture and other objects within the confines of the cafe and free from any supporting structures which may cause a tripping hazard either within or outside of the cafe. Fencing may exceed forty-two (42) inches in height if approved by the Zoning Administrator or designee.
- (d) Enclosures shall make sure that vertical railings or elements do not interfere with intersection sight distance, per [Sec. 27.05\(2\)\(bb\)](#).
- (e) Tables, chairs, barricades, and fencing shall be safely secured on site when not in use.
- (f) If alcohol is served, signs shall be displayed for patrons stating that alcohol must stay within the seating area.
- (g) Additional exterior lighting required for any seating areas operating after dusk shall comply with all applicable local and state code requirements.
- (h) Shall be approved by the Zoning Administrator or designee, the Traffic Engineer or designee and the City of Madison Fire Department.
- (i) Permissible from April 15 to November 15.