



**Project Address:** 418 E. Wilson Street  
**Application Type:** Conditional Use  
**Legistar File ID #** [29716](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted.

## Summary

**Applicant:** Chris Berge, Cortadito Express; 811 Jenifer Street; Madison.

**Property Owner:** Cardinal Associates of Madison, LLC; 2040 S. Park Street; Madison.

**Requested Action:** The applicant is requesting approval of a conditional use for a walk-up service window located within 10 feet of a public right of way to allow operation of a walk-up service window for a restaurant located on the first floor of a mixed-use building at 418 E. Wilson Street.

**Proposal Summary:** The walk-up service window for the “Cortadito”/ “Cortadito Express” sandwich shop is located along the first floor of the Cardinal Bar facing E. Wilson Street. The service window was recently installed; the applicant wishes to begin sales through the window as soon as all regulatory approvals have been granted.

**Applicable Regulations & Standards:** Section 28.151 of the Zoning Code identifies walk-up service windows located within 10 feet of a public right of way as a conditional use. Section 28.183 provides the process and standards for the approval of conditional use permits.

**Review Required By:** Plan Commission.

**Summary Recommendation:** If the Plan Commission determines that the proposed walk-up service window at 418 E. Wilson Street can meet the standards for approval of a conditional use, it should **approve** the request subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

## Background Information

**Parcel Location:** The subject site is 8,142 square-foot parcel located at the northwesterly corner of E. Wilson and S. Franklin streets; East Wilson Street National Register Historic District; Aldermanic District 6 (Rummel); Madison Metropolitan School District.

**Existing Conditions and Land Use:** The site is developed with the five-story mixed-use Cardinal Hotel building containing approximately 2,700 square feet of first floor commercial space occupied by the Cardinal Bar, and 22 multi-family dwellings located on floors 2-5. The site is a local landmark, is zoned UMX (Urban Mixed-Use District), and is located in Zone A of Wellhead Protection District 17 (WP-17).

**Surrounding Land Use and Zoning:**

North: Single- and two-family residences, zoned DR-1 (Downtown Residential 1 District); Germania Condominiums, zoned PD;

South: Water Utility Well #17 and public parking, zoned UMX (Urban Mixed-Use District); Law Park, zoned PR (Parks and Recreation District);

East: Undeveloped land, zoned UMX; Come Back In, Essen House, Hotel Ruby Marie and surface parking, zoned PD.

West: Retail, restaurant, and office uses, zoned UMX; multi-family residence, zoned PD.

**Adopted Land Use Plan:** The Downtown Plan includes the site in the First Settlement Neighborhood/ District and recommends that the subject site be developed with Downtown Core Mixed-Uses. The plan encourages that new development be compatible with the historic character and context of the neighborhood, and that the Wilson Street commercial corridor and its extension to King Street “be enhanced as a cohesive and engaging commercial spine”. The E. Wilson Street frontage is recommended for development in up to six-story buildings, which transitions to three stories immediately to the north along S. Franklin Street.

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

Requirements	Required	Proposed
Lot Area	3,000 sq. ft.	10,881 sq. ft., Existing
Lot Width	30'	73'
Minimum Front Yard	0' for commercial/mixed-use building	0' Existing
Maximum Front Yard	10'	Existing
Side Yards	0'	Existing
Rear Yard	10'	Existing, adequate
Floor Area Ratio	N/A	---
Building Height	2 Stories Minimum, 6 Maximum	5 stories, Existing
No. of Parking Stalls	0, Central Area	0
Maximum Lot Coverage	90%	Less than 90%, Existing
Usable Open Space	10 sq. ft. per bedroom	Existing, adequate
No. Bike Parking Stalls	0	---
Building Form	Commercial Block or Flex building	Existing
<b>Other Critical Zoning Items</b>		
Yes:	Landmarks, Barrier Free, Utility Easements	
No:	Urban Design, Wellhead Protection, Floodplain, Waterfront Development	
<i>Prepared by: Tim Parks, Planning Division</i>		

**Environmental Corridor Status:** The property is not located within a mapped environmental corridor (Map E8).

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

**Previous Approvals**

On April 16, 2013, the Common Council approved a request to rezone the subject site from PD (Planned Development District) to UMX (Urban Mixed-Use District). The former PUD zoning dated to 2000 and was

expired at the time the new zoning map was adopted. The correction to the zoning map provided conforming zoning commensurate with surrounding uses.

On February 11, 2013, the Landmarks Commission approved a Certificate of Appropriateness to alter the exterior of the designated landmark, the Cardinal Hotel, to allow the installation of the sliding service window.

## **Project Description**

The applicant is seeking approval to use a recently installed sliding-glass service window located on the southerly façade of the Cardinal Hotel facing E. Wilson Street as a walk-up service window for Cortadito, a take-away sandwich shop that will be located in the Cardinal Bar on the first floor of the five-story mixed-use building. The applicant is currently completing renovations to an approximately 200 square-foot space within the bar for the proposed food service, which will be primarily geared to diners ordering at the window, but will also allow diners to eat in the bar. No eating space is proposed outside the building. Installation of the window was approved as a minor alteration following Landmarks Commission approval of the changes to the exterior of the building, which is a local landmark.

Hours of operation for the food service will generally coincide with the hours of operation for the bar. Tuesday through Friday, the window will operate until 2:30 a.m. Service will begin at 10:00 a.m. on Saturday and Sunday, which the applicant has indicated in the press is intended to serve visitors on their way to and from downtown events. Service on Saturday and Sunday nights will end at 3:00 a.m.

## **Analysis and Conclusion**

Conditional use approval of the proposed walk-up service window is required because the service window is located within 10 feet of the public right of way. In this case, the window will essentially be located along the E. Wilson Street sidewalk (the southerly wall of the Cardinal Hotel is within a foot of the public way), where there is approximately 8 feet between the building wall and back of curb.

Walk-up service windows, while not unheard of in the downtown area, are somewhat rare. While walk-up service windows have the potential to add to the vitality and vibrancy of the downtown area, the primary consideration when approving such windows within 10 feet of the right of way is their potential impact on pedestrian traffic along the sidewalk on which they are located. In this case, the Traffic Engineering Division is recommending against the approval of the walk-up service window over concerns that patrons of the window are likely to block the sidewalk. If the Plan Commission approves the proposed service window facing E. Wilson Street, monitoring of its operation for impacts on pedestrian traffic flow may be needed to ensure that queuing for the window and patron dining do not impede pedestrians traveling past the building. As a conditional use, the Plan Commission maintains continuing jurisdiction over the walk-up service window. In the event that operation of the window causes a negative impact on the pedestrian flow along E. Wilson Street or on surrounding properties, the conditional use could be modified following a public hearing to address those impacts.

In addition to potentially needing to monitor the walk-up service window for impacts on pedestrian traffic, Planning staff recommends that the conditional use – if approved – be conditioned on robust management of trash from the food service, including ensuring that restaurant staff remain after the service window closes to remove trash and disperse patrons. In an effort to limit impacts from the conditional use on the residents of the Cardinal Hotel building and surrounding neighborhood, staff recommends that portable trash receptacles be

placed along the exterior of the building, and that signs be placed near the service window that encourage patrons to keep the sidewalk open, limit noise, and use the trash receptacles provided.

## Recommendation

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

If the Plan Commission determines that the proposed walk-up service window at 418 E. Wilson Street can meet the standards for approval of a conditional use, it should **approve** the request subject to input at the public hearing and the following conditions:

### **Recommended Conditions of Approval** Major/Non-Standard Conditions are Shaded

1. Trash receptacles shall be placed and maintained along both street frontages of the building during hours of operation; the receptacles shall be stored indoors when window is closed. [Permanent installation of receptacles requires approval of a maintenance or privilege in streets agreement between the applicant and City.] The receptacles to be used and their general placement shall be approved by the Planning Division prior to issuance of permits to begin window service.
2. Restaurant staff shall remain for 30 minutes following the end of window service to clean trash, disperse patrons and remove trash receptacles.
3. Signs shall be posted prominently in and near the service window encouraging patrons to be respectful of neighbors with regard to keeping the sidewalk open, limiting noise, using trash receptacles, parking, etc. The final content of the signs shall be approved by the Planning Division prior to issuance of permits to begin window service.

**The following conditions of approval have been submitted by reviewing agencies:**

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

4. The applicant shall replace all sidewalk and curb and gutter abutting the property, which is damaged by the construction, or any sidewalk and curb and gutter that the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction.
5. All work in the public right of way shall be performed by a City-licensed contractor.
6. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).

### Traffic Engineering Division (Contact Eric Halvorson, 266-6527)

7. Patrons of the walk up service window are likely to block the sidewalk at this location. Traffic Engineering does not recommend approval of a walk up service window along the E. Wilson Street frontage.

8. When the applicant shall submit 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 and proposed 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, semitrailer movements and vehicle routes, dimensions of radii, aisles, driveways, stalls including the 2 feet overhang, and a scaled drawing at 1" = 20'. Contact City Traffic Engineering if you have questions.
9. The developer shall post a deposit and reimburse the City for all costs associated with any modifications to Traffic Signals, Street Lighting, Signing and Pavement Marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.
10. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

**Water Utility** (Contact Dennis Cawley, 261-9243)

11. This property is in Wellhead Protection District WP-17. The proposed use is permitted in this district. Any proposed change in use shall be reviewed by the Water Utility General Manager or his designee.
12. Note: All operating private wells shall be identified and permitted and all unused private wells shall be abandoned by the Water Utility in accordance with MGO Section 13.21.

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

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

**Fire Department** (Contact Bill Sullivan, 261-9658)

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

**Metro Transit** (Contact Tim Sobota, 261-4289)

This agency did not provide comments for this request.

**Parks Division** (Contact Kay Rutledge, 266-4714)

This agency did not provide comments for this request.