



## Report to the Plan Commission

March 19, 2012

**Legistar ID # 25618**  
**2701 University Avenue**  
**Alteration to an Approved PUD-SIP**

Report Prepared By:  
Kevin Firchow, AICP  
Planning Division

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**Requested Action:** Approval of a PUD-SIP (Planned Unit Development-Specific Implementation Plan) alteration to create an outdoor eating area for a restaurant.

**Applicable Regulations & Standards:** Section 28.07(6)(4)d provides the guidelines and regulations for the approval of alterations to specific implementation plans (SIPs).

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the project meets the applicable standards and **approve** the proposed request for a PUD-SIP (Planned Unit Development-Specific Implementation Plan) alteration to allow an outdoor eating area at 2701 University Avenue, subject to input provided at the public hearing and conditions from reviewing agencies.

### Background Information

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**Applicant:** Brock Sturz; a.d. Arizada; 6910 E Chauncey Lane; Phoenix, AZ 85054

**Contact:** Leslie Haver; Einstein Noah Restaurant Group, Inc; 555 Zang Street, #300; Lakewood CO, 80228

**Property Owner:** Philip C. Maier; Fiore Companies; 150 E Gilman Street; Madison, WI; 53703

**Proposal:** The applicant proposes to operate an outdoor eating area for an “Einstein Brothers” bakery/restaurant in an existing multi-tenant mixed-use development.

**Parcel Location:** The subject site is part of the “Lake Point Commons” development, located at the intersection of University and Farley Avenues. The site is within the boundaries of Aldermanic District 5; Urban Design District 6, and the Madison Metropolitan School District.

**Existing Conditions:** The subject building is a mixed-use structure featuring ground level commercial development and 23 dwelling units. The area proposed for outdoor eating is adjacent to the Einstein Brothers tenant space. This area will be configured as shown on the attached plans.

**Surrounding Land Use and Zoning:** The subject site is surrounded by other University Avenue-fronting commercial properties zoned C2 (General Commercial District). Multi-family residential development, including a 14-unit and 4-unit properties are located immediately south of the subject property and zoned R5 (General Residence District). The closest of these units are over 100 feet from the edge of this outdoor eating area. Other single-family development, zoned R2 (Single-Family Residence District) is located further to the south.

**Adopted Land Use Plan:** The Comprehensive Plan recommends “Community Mixed-Use Development” for the subject site.

**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:** The site is now zoned PUD-SIP (Planned Unit Development-Specific Implementation Plan). As such, there are no predetermined bulk requirements. Zoning comments were not received in time to be included within this report.

Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	58,592 sq. ft.
Lot width	50'	263.34'
Front yard	0'	existing building
Side yards	0'	existing building
Rear yard	10'	existing building
Floor area ratio	3.0	less than 1.0
Number parking stalls	Yes	As shown on approved plans
Accessible stalls	Yes	As shown on approved plans
Loading	Yes	As shown on approved plans
Number bike parking stalls	Yes	As shown on approved plans
Landscaping	Yes	As shown on approved plans
Lighting	No	No
<b>Other Critical Zoning Items</b>	(PUD), Barrier free (ILHR 69)	

*Table Prepared by Pat Anderson, Assistant City Zoning Administrator*

## **Project Review, Analysis, and Conclusion**

The applicant requests approval of an alteration to a PUD-SIP (Planned Unit Development-Specific Implementation Plan) to allow the operation of an outdoor eating area. The existing zoning text for this PUD does not currently identify outdoor eating areas as an allowed use.

The eating area would serve an “Einstein Brothers” restaurant, a tenant within the “Lakepoint Commons” multi-tenant mixed-use development at the intersection of University and Farely Avenues. The dining area will contain up to eight (8) tables providing seating for 16 patrons. A seating plan has been provided. The applicant requests the seating area be open until 6:00 pm, nightly. Staff understands that no permanent physical changes are proposed as part of this application.

The building is set back from University and Farley Avenues as shown on the attached site plan. The outdoor eating area is proposed adjacent to the “Einstein” tenant space, situated beneath a building overhang. With the proposed seating, plans show that nearly four (4) feet of clear (private) sidewalk will remain beneath the overhang. Thus, a clear pedestrian path would remain in front of the entire building. This pedestrian area is further separated from the parking lot with an additional two-to-four feet of sidewalk outside of the covered area. Two existing planting beds interrupt small portions of this uncovered sidewalk near the proposed tables. This is not clearly depicted on the provided plans and should be clearly labeled on the final outdoor seating plan provided for staff sign-off.

As a condition of approval, staff recommends that the applicant provides an updated PUD zoning text allowing “outdoor eating areas as shown on approved plans” as a permitted use. Changes to this outdoor area or additional outdoor areas could be approved as an alteration to this Specific Implementation Plan.

Though there are 23 dwelling units within this development, Planning staff do not anticipate the proposed outdoor eating area will provide conflicts or negative impacts. At the time of report writing, staff was not aware of any concerns on this proposal. Finally, staff note the proposal is not in conflict with the Comprehensive Plan.

## **Recommendation and Proposed Conditions of Approval**

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Major/Non-Standard Conditions are Shaded

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

The Planning Division recommends that the Plan Commission find the project meets the applicable standards and **approve** the proposed request for a PUD-SIP (Planned Unit Development-Specific Implementation Plan) alteration to allow an outdoor eating area at 2701 University Avenue, subject to input provided at the public hearing and conditions from reviewing agencies.

1. That the applicant submits an updated and revised PUD zoning text identifying “outdoor eating areas as shown on approved plans” as a permitted use. The revised text shall be provided for staff approval.
2. That as requested by the applicant, the outdoor eating area shall close by 6:00 pm, nightly.
3. That the locations of the existing planters/planting areas near the outdoor seating area are depicted on the final seating/equipment plan provided for final staff sign-off.

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

This agency submitted a report with no conditions of approval.

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

This agency submitted a report with no conditions of approval.

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

4. Meet applicable building/fire codes. The outdoor capacity shall be established. Occupancy is established by the Building Inspection Unit. Contact Mike VanErem at 266-4559 to help facilitate this process.
5. 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.

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

6. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

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

7. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. This property is included in City of Madison Wellhead Protection District WP-6. All proposed land uses in this district shall be reviewed by the Madison Water Utility General Manager or his/her designee in accordance with Madison General Ordinances 13.22 and 28.107. The Water Utility will not need to sign off the final plans, and will not need a copy of the approved plans.

**Parks Division** (Contact Kay Rutledge, 266-6518)

This agency did not submit a response to this request.

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

This agency did not submit a response to this request.