



ADDENDUM - Report to the Plan Commission

3/23/2009

Legistar I.D. #13349

1419 Monroe Street

Conditional Use – Continuing Jurisdiction Review

Report Prepared By:

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Planning Division

The following is an addendum to the Planning Division report of January 26, 2009. Please see that report for further information and previous analysis. The Plan Commission originally referred this item to the February 23, 2009 and re-referred this item to March 23, 2009 to accommodate the schedules of the district alderperson and the applicant.

Project Update, Analysis, and Conclusion

Previous Action

The Plan Commission, at its meeting of January 26, 2009, found that the conditional use standards were not met and denied approval to operate a beer garden at the above referenced property for the events described in a letter from the Stadium Bar's attorney, dated January 20, 2009. These events included: 1) The University of Wisconsin Spring Football Game, 2) The Crazy Legs Run, 3) The WIAA High School Football Championships, and 4) "Other similar events that may arise in the future." The Plan Commission found that ordinance standards number 1 and 3 relative to conditional uses were not met.

The Plan Commission, at the same meeting, approved the following modifications and additional conditions determined necessary to bring the remaining aspects of the existing conditional use into compliance with the standards set forth in Section 28.12(11)(g) and previous conditions imposed by the Plan Commission.

1. That the Stadium Sports Bar and Eatery must comply with the June 1, 1998 Uniform Operating Conditions,
2. That the ornamental "Omega Fencing" included as part of the July 19, 2004 Conditional Use Alteration must be installed to replace the chain-link fence,
3. That the site plans and management plans shall be submitted for review by all relevant City agencies and approved by the Plan Commission.
4. That conditions 1-8 recommended in the January 26, 2009 Planning Division Report shall be met, with the following clarification. References that specified submittal of only the "Two-Volleyball Court Seasonal Outdoor Recreation Plan" are amended to allow for submittal of two and/or three court plans. The Commission specified that they would consider a request for an alternative Seasonal Recreational Plan with three volleyball courts, and
5. That this item return to the Plan Commission for the February 23, 2009 meeting for a decision to be made on points three and four above.

Third Volleyball Court Option

One decision before the Plan Commission is determining whether the proposed three-volleyball court option meets the conditional use standards. The Stadium Bar wishes to have the flexibility to operate either a two or three-volleyball court option. This approval would result in a temporary removal of the seven (7) on-site parking stalls now available during summer volleyball. Thus, if the Commission were to support the alternative site plan, it would also need to approve a parking reduction similar to the exemption allowed under the UW Home Football Game / Camp Randall Concert Plan. Planning staff note that the site is located close to a bike path, has transit service, and is located adjacent to a University lot that currently allows for public parking after 4:30 pm.

Stadium Bar owners have provided follow up correspondence addressing the availability of off-street parking available after 4:30 pm in the University-owned lot. That correspondence indicates public parking is currently available, however the University may consider charging for public parking at this site in the future. Other correspondence provided by the Alderperson and University stated that future site improvements could limit the amount of public parking available at this location. Staff is also aware of potential larger scale redevelopment projects involving the adjacent University parcels that could also impact this site. However, for the time being, public parking stalls appear to be available at this location.

With only seven stalls on site, the patrons of the Stadium Bar and the existing conditional use for volleyball utilize other parking and travel mode options when the volleyball court plan is in effect. Staff do not believe the addition of a third volleyball court would result in substantially different impacts compared to those resulting from the approved two-court plan where only seven parking stalls are available. Subject to input at the public hearing, staff believe the conditional use standards could potentially be met with this request.

Revised Site Plans

There are five site plans before the Commission. Plans have been provided to and reviewed by City agencies per condition 3, noted on the previous page. Reviewing agency comments are found at the end of this report.

Another set of revised plans was provided on March 17, 2009, submitted as a response to comments from reviewing agencies. The "Winter Parking", "Football" (Tent and No Tent Options), and "Summer Volleyball 2" site plans correspond to existing conditional use approvals. The "Summer Volleyball 3" plan could be approved by the Plan Commission as a fifth plan, should it find the conditional use standards are met. Following is a summary of the site plans before the Commission.

"Site Plan – Winter Parking" (Drawing C1.0)

This is effectively the "default" plan, in effect when the "Summer Volleyball" and "Game Day" plans are not. This plan replaces the seasonal recreation space with 23 total parking stalls. The original "Winter Parking" plan was approved administratively in 1993 as a minor alteration. As with the original plan, the proposed site plan includes a year round outdoor eating and drinking area, limited to the space adjacent to the building. This area closes at midnight.

“Site Plan – Summer Volleyball 3” Plan (Drawing C1.2)

There are two plans proposed for summer recreation. As described above, the Plan Commission is considering this alternative Seasonal Recreational Plan with three volleyball courts. This plan removes seven (7) on-site parking stalls from the two-court plan and replaces them with a third volleyball court.

“Site Plan – Summer Volleyball 2” Plan (Drawing C1.3)

This plan reflects the current approval to operate with two volleyball courts.

“Site Plan – Football Plan” Plan (Tent Option) (Drawing C1.4)

This plan applies only for the events specified in the Uniform Conditions Operating Letter of 1998, upheld by the Plan Commission on January 26, 2009. Stadium Bar owners have prepared a corresponding management plan and addendum pertaining to game day management. This particular site plan option includes a tent.

“Site Plan – Football Plan” Plan (No Tent Option) (Drawing C1.5)

This plan shows depicts a non-tent option for the events specified in the Uniform Conditions Operating Letter of 1998.

Revised Game Day Management Plan

The Stadium Bar owners have prepared a revised Football Game Day Management Plan and an addendum providing clarifications to questions raised by staff during this review. Both documents are included in the Plan Commission packets. One important modification is the bar’s proposal to revise its entry policy by only operating one entry gate during game days. This reflects a recommendation previously made by the Fire Department. Planning Division staff believe that this change should make it easier for bar staff to more accurately manage capacity. The bar owners have also clarified the roles of employed Dane County Sheriffs, specifying they are employed as “police officers” to assist in crowd and capacity management. Staff recommend that if approved, the addendum should be incorporated into the Football Game Day Management Plan for final agency sign-off to ensure all approved conditions have been met.

Capacity

Questions regarding the capacity were raised at the January 26, 2009 Plan Commission meeting. Regarding the year-round outdoor eating area adjacent to the building, bar owners have met with City staff and indicated a “fixed-seating” capacity of 44 persons (at tables) or 132 persons without fixed seating. This information is noted on the “Summer Volleyball 3” Plan. This would also apply to the “Summer Volleyball 2” and “Winter Parking Plan” and staff recommend this be clarified on the final plan sets. Per a previous condition approved by the Plan Commission, this outdoor eating and drinking area is not available after closing of the larger “beer garden” for UW home football games and Camp Randall concerts identified in the Uniform Operating Conditions Letter.

Bar owners were also asked to confirm the larger game day “beer garden” capacity after subtracting out bar, stage, bathroom, employee areas, and other areas that wouldn’t be available for patrons. Based on these calculations, an outdoor capacity of 2,416 is noted on the revised plans.

Conclusion

There are several considerations before the Plan Commission to finalize this continuing jurisdiction review. The first is to determine whether or not the conditional use standards are met in regards to the addition of a third volleyball court. A second set of decisions relates to approving the site plans that correspond to the approved conditional uses. Finally, the Plan Commission will need to review and approve the revised UW Football Game Day Management Plan. Recommended conditions from reviewing agencies on the site and management plans are noted below.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are Shaded

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

Subject to the testimony provided at the public hearing, the Planning Division recommends that the Plan Commission find that the conditional use standards have been met and approve the submitted site and management plans along with the following additional modifications and additional conditions necessary to bring this conditional use into compliance with the standards set forth in Section 28.12(11)(g) and previous conditions imposed by the Plan Commission.

1. Unless otherwise specified, the following conditions shall be met prior to any “beer garden” or outdoor recreation activity commencing later this year.
 - a) That this approval includes the previously established conditions noted in the January 28, 2008 approval letter.
 - b) That the outdoor eating/drinking and volleyball courts are limited to the designated fenced-in area shown on the approved site plan(s). This area shall close at midnight, nightly, with lighting and exterior music ceasing at that time.
 - c) That the entire parking area can be only utilized for a “beer garden” for the events specified in the Uniform Operating Conditions Letter, when operated in accordance to the approved site and management plans. These events include UW home football games and concert events specified in that letter. All procedures, including opening and closing times shall be consistent with standards established in that letter. These rules supercede other conditional use approvals on the days of UW home football games and concert events as allowed per the Uniform Operating Conditions letter.
 - d) That the “year-round” outdoor eating and drinking area is limited to the area adjacent to the building, identified on approved site plans. This area is to close at midnight. This outdoor eating and drinking area shall not be available after closing of the larger “beer garden” for UW home football games and Camp Randall concerts identified in the Uniform Operating Conditions Letter.

- e) All non-game day storage shall be consistent with the approved site and management plans.
 - f) That the applicant revise landscaping information on site plans to eliminate the proposed "options" and include the selected species, per approval of Planning Division staff.
- g) That the addendum document be incorporated into the Football Game Day Management Plan for final agency sign-off to ensure all approved conditions of approval have been met.
- h) That the year-round outdoor eating and drinking area now shown on the "Summer Volleyball 3" Plan are also depicted on the "Summer Volleyball 2" and "Winter Parking Plan."
- i) That the title blocks be revised to remove the "Outdoor Beer Garden" label on the non-beer garden plans.

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

- 2. Revise plans to provide for a mechanism to keep sand out of the existing catchbasin during the sand volleyball activities.

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

- 3. When the applicant submits final plans all phases 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), volleyball courts, beer garden, 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'.
- 4. "Stop" sign shall be installed at a height of seven (7) feet at the 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.
- 5. The applicant shall show the dimensions for proposed and existing parking stalls' items B, C, E, and degree of angle parking width and backing up, according to Figures II "Medium and Large Vehicles" parking design standards in Section 10.08(6)(b) 2. Signs and planting areas are to be excluded from the rectangular stall areas including the two (2) feet of vehicle overhang. The two (2) feet of vehicle overhang shall be shown on the plan and dimensioned.
- 6. 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 Matt Tucker, 266-4569)

Comments will be provided in a separate memo.

Fire Department (Contact Scott Strassburg, 261-9843)

7. Per the IFC chapter 10 and MGO34:
 - a) Proposed deck, patio or fenced in area shall not be located at, adjacent or obstruct the required exits from the building.
 - b) Provide and maintain exits from the deck, patio or fenced in area in accordance with the International Fire Code 2006 edition.
 - c) Proposed deck, patio or fenced in area shall not be located at, adjacent or obstruct the required exits from the building.
 - d) Submit a seating plan for the proposed deck, patio or fenced in area space.
8. Applicant shall submit approved capacity with the site plan and post the capacity of the outside dining area in accordance International Fire Code 2006 edition.
9. All different setups shall have a listed & approved capacity on the sheet. All sheets will show exiting paths from the building, tent, or structures and exit discharge to the street or public way.
10. The plan for the beer garden must be revised to indicate the landscape planters are removed for the beer garden set-up.
11. The tent plan shall be revised to indicate the actual size of the tent (65 ft. X 120 ft.); the capacity of the tent (1560 persons) and tent does not have side walls.

Police Department

The Police Department has been routed plans and participated in meetings and has not submitted comments for this request.

Water Utility (Contact Dennis Cawley, 261-9243)

This agency has not submitted comments for this request.

Parks Division (Contact Tom Maglio, 266-6518)

This agency has not submitted comments for this request.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency has not submitted comments for this request.