

PLANNING DIVISION REPORT
DEPARTMENT OF PLANNING AND COMMUNITY
AND ECONOMIC DEVELOPMENT
October 17, 2008

RE: I.D. #12297, Conditional Use Permit – 617 Williamson Street

1. Requested Action: Approval of an alteration to an existing conditional use permit for the extension of outdoor eating hours on weekend nights in an existing restaurant at 617 Williamson Street in C3 (Highway Commercial District) zoning.
2. Applicable Regulations: Section 28.12 (11) provides the guidelines and regulations for the approval of conditional uses. Outdoor eating areas in C3 zoning are governed by Section 28.09 (4)(d)(1) with reference to 28.09(3)(d)(2).
3. Report Prepared By: Heather Stouder, AICP, Planner

GENERAL INFORMATION:

1. Applicant: John Gadau; Sardine Restaurant; 617 Williamson St., Madison, WI
Property Owner: Jeff Coatta; Seven J's, Inc. PO Box 267, Madison, WI
2. Development Schedule: The applicant wishes to extend outdoor eating hours as soon as all necessary approvals are received.
3. Parcel Location: An approximately 1.5 acre parcel generally located on the southeast side of Williamson Street at the southern terminus of Blair Street on Lake Monona; Aldermanic District 6; Madison Metropolitan School District.
4. Existing Conditions: The site is currently developed with an historic commercial building with office, retail and restaurant uses zoned C3 (Highway Commercial District). The applicant, Sardine Restaurant, has a conditional use for an outdoor eating area, the current hours of operation of which currently end at 10:00 pm on weekend nights.
5. Proposed Use: The applicant proposes to extend outdoor eating hours from 10:00 pm to 11:00 pm on Friday and Saturday nights, while all other conditions remain the same.
6. Surrounding Land Use and Zoning:
North: Across Williamson Street, retail and restaurant establishments (600 Williamson Street) zoned C2 (General Commercial District) and Madison Gas & Electric Company, zoned M1 (Limited Manufacturing District).
South: Lake Monona
East: Fauerbach Condominiums, a 37-unit multifamily building (404 South Blount Street) zoned PUD-SIP (Planned Unit Development – Specific Implementation Plan).
West: Law Park (410 South Blair Street) zoned C (Conservancy).
7. Adopted Land Use Plan: The Comprehensive Plan identifies the area as E (Employment). The First Settlement Master Plan (adopted in 1995) identifies the “Machinery Row” building as ideal for reuse as retail, office, and/or residential uses.

8. Environmental Corridor Status: This property is not located within a mapped environmental corridor, although it is waterfront property on Lake Monona. No physical changes are proposed to the site, so waterfront zoning standards need not be considered with regard to this application.
9. Public Utilities & Services: This property is served by a full range of urban services.

STANDARDS FOR REVIEW:

This application is subject to the conditional use standards of Section 28.12 (11).

PREVIOUS APPROVALS:

On June 5, 2006, the Plan Commission approved a conditional use permit for a small, 285 square-foot outdoor eating area on the south side of "Sardine" Restaurant facing Lake Monona. At that time, due to the concerns of nearby residents about noise from the restaurant, hours of operation of the outdoor eating area were limited to 10:00 pm, seven days a week. In addition, the applicant was required to install an opaque curtain from floor to ceiling at the northeasterly end of the outdoor eating area, and to ensure that no sound amplification device or speakers were allowed outside.

ANALYSIS, EVALUATION AND CONCLUSION:

The applicant is requesting approval for a major alteration to an existing conditional use for an outdoor eating area in order to extend outdoor eating hours from 10:00 pm to 11:00 pm on Friday and Saturday nights.

The subject site is 617 Williamson Street, located on the south side of Williamson Street at the southern terminus of Blair Street on Lake Monona in C3 Highway Commercial District zoning. The property is an approximately 1.5 acre site with an existing multi-tenant commercial building ("Machinery Row"). Automobile access is provided from John Nolen Drive from the west to a parking lot located on the south side of the building. The existing outdoor eating area is a 285 square-foot terrace situated on the south side of the building facing Lake Monona. In its current form, the terrace has a capacity for only 19 guests, and is buffered from the Fauerbach Condominiums by an opaque floor-to-ceiling curtain. Surrounding uses include a wide variety of commercial, industrial, and residential uses within and just east of the downtown core.

Physical plans submitted with this application are exactly the same as those approved in June 2006. As proposed, the only change would be the extension of the operation of the outdoor eating area by one hour (extending from 10:00 p.m. to 11:00 p.m.) on weekend nights. The applicant indicates that the current 10:00 p.m. closure of the outdoor eating area makes it impossible to seat patrons on the outdoor patio past 8:30 pm, alluding to the awkwardness of asking guests to bring unfinished meals inside at 10:00 p.m. With weekend outdoor dining hours extended to 11:00 p.m., patrons will be able to be seated outdoors as late as 9:30 p.m. on Fridays and Saturdays.

As a tenant in this historic multi-tenant commercial building, Sardine Restaurant complements surrounding uses very well. With evening hours of operation peaking after adjacent offices and retail establishments close, the restaurant use helps to maximize the overall efficiency of a very small parking area on the site. It provides a unique dining opportunity within easy walking and

bicycling distance of nearby residents and contributes to around-the-clock activity in this portion of the downtown area.

Alder Marsha Rummel held a meeting with neighbors residing in the Fauerbach Condominiums in July 2008 to discuss this request, and indicated that they are generally supportive of it. Several neighbors have noted that the majority of the evening noise from the "Machinery Row" property comes from the parking lot rather than from the outdoor terrace at Sardine. While some noise may be associated with other land uses altogether, the applicant recognizes that regardless of whether they eat inside or outside, restaurant guests likely contribute to noise in the parking lot when they leave the restaurant. Thus, the applicant has agreed to post signs near the restaurant exit reminding patrons to respect residential neighbors as they leave. Neighbors also requested that the existing dumpster enclosure for the Machinery Row property be moved to a location further from their condominiums to minimize noise associated with trash removal from the site. While this issue has not yet been resolved, Planning Division staff suggests that it is not closely related to the current request before the Plan Commission.

Planning Division Staff support the continued use of the outdoor patio at its current capacity, and suggests that the extension of weekend hours of operation from 10:00 p.m. to 11:00 p.m. will benefit this downtown establishment while not contributing negatively to the enjoyment of residential property by neighbors to the east. Precautions taken by the applicant to minimize noise from the outdoor patio since the restaurant opened in 2006 have proven to be effective, and should continue to be.

RECOMMENDATION

The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the major alteration to a conditional use for extended outdoor eating hours subject to input at the public hearing, and the following conditions:

1. Comments from reviewing agencies.
2. The applicant shall close the outdoor eating area and ensure that patrons do not occupy this space any later than 11:00 p.m. on Fridays and Saturdays, and not any later than 10:00 p.m. on other days of the week.
3. That the applicant continues to meet all other conditions of approval specified at the June 5, 2006 meeting of the Plan Commission (please see attached approval letter).



Department of Planning & Development
Planning Unit

Website: www.cityofmadison.com

Madison Municipal Building
215 Martin Luther King, Jr. Boulevard
P.O. Box 2985
Madison, Wisconsin 53701-2985
TDD 608 266 4747
FAX 608 266-8739
PH 608 266-4635

June 6, 2006

Bob Harriman
12 G. Harriman Company, Inc.
10 East Doty Street, Suite 421
Madison, WI 53705

SUBJECT: 617 Williamson Street

Dear Mr. Harriman:

The Plan Commission, at its June 5, 2006 meeting, determined that the ordinance standards could be met subject to the conditions below for a conditional use for an outdoor eating area for a restaurant located at 617 Williamson Street.

In order to receive final approval of your proposal, the following conditions must be met:

Please contact John Leach, City Traffic Engineering, at 266-4761 if you have questions regarding the following two items:

1. 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), adjacent driveway approaches to lots on either side and across the street, 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'.
2. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Please contact Janet Gebert, City Engineering, at 261-9668 if you have questions regarding the following three items:

3. Prior to approval, the applicant shall revise plans to include a new sanitary sewer lateral to serve the proposed restaurant, or provide documentation that demonstrates adequate service.
4. The applicant shall submit, prior to plan sign-off, digital CAD files to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital copies shall be to scale and represent final construction.

CAD submittals can be either AutoCAD (dwg), MicroStation(dgn) or Universal (dxf) formats and contain the following data, each on a separate layer name/level number:

- a. Building Footprints
- b. Internal Walkway Areas
- c. Internal Site Parking Areas
- d. Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
- e. Right-of-Way lines (public and private)
- f. Lot lines
- g. Lot numbers
- h. Lot/Plat dimensions
- i. Street names

Note: Email file transmissions preferred: lzenchenko@cityofmadison.com

5. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size and alignment of the proposed service.

Please contact Kathy Voeck, the Assistant Zoning Administrator, at 266-4551 if you have questions regarding the following item:

6. Provide seven bike-parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. The lockable enclosed lockers or racks or equivalent structures in or upon which the bicycle may be locked by the user shall be securely anchored to the ground or building to prevent the lockers or racks from being removed from the location. NOTE: Bike stalls shall be a minimum dimension of 6' x 2' with a 5' access area. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices.

Please contact Pete Olson of the Planning Unit staff at 266-4635 if you have questions regarding the following four items:

7. The applicant shall close the outdoor eating area and ensure that patrons do not occupy this space any later than 10:00 p.m., seven days a week.
8. The exterior patio doors connecting the interior restaurant space to the outdoor eating area shall be closed at the above specified closure hour, or earlier.
9. The applicant shall install an opaque curtain from floor to ceiling along the northeasterly end of the outdoor eating area, facing the Fauerbach Condominium tower.
10. No sound amplification device or speakers shall be allowed within the outdoor eating area.

Please contact Scott Strassburg, Madison Fire Department, at 266-4484 if you have questions regarding the following item:

11. Per the IFC Chapter 10 and MGO 34:

- a. Applicant shall post the capacity of the outside dining area in accordance with International Fire Code 2006 edition.
- b. Proposed deck shall not be located at, adjacent or obstruct the required exits from the building.
- c. Provide and maintain exits from the deck in accordance with the International Fire Code 2006 edition.
- d. Submit a seating plan for the proposed deck space.

Approval of this proposal does not include any approval to prune, remove or plant trees in the public right-of-way. Permission for such activities must be obtained from the City Forester, 266-4816. The trees shown in the street rights-of-way shall not be shown on the sign-off plan or construction plans unless they have previously been approved by the City Forester. If these are existing trees or species and locations that have been approved by the Forester, they shall be so labeled on plans.

Please follow the procedures listed below to receive your conditional use approval.

1. Please revise plans per the above conditions and submit eight (8) sets of the final site plans (including drainage and landscaping plans) to the Zoning Administrator. The final plans are reviewed and approved by Traffic Engineering, Fire Department, City Engineering, Planning, Landmarks and Zoning. Any of these agencies may call you to request additional information or to resolve problems.
2. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting cover sheet approval.
3. No alteration of this proposal shall be permitted unless approved by the City Plan Commission provided, however, the Zoning Administrator may issue permits for minor alterations. This approval shall become null and void one year after the date of Plan Commission approval unless the use is commenced, construction is under way, or a valid building permit is issued and construction commenced within six months of the date of issuance of the building permit. See Section 28.12(11)(h)(3), Madison General Ordinances. The Plan Commission shall retain jurisdiction over this matter for the purpose of resolving complaints against this approved conditional use.

IF YOU HAVE ANY QUESTIONS REGARDING OBTAINING YOUR BUILDING PERMIT OR OCCUPANCY PERMIT, PLEASE CALL KATHY VOECK OF THE CITY ZONING STAFF AT 266-4551.

Sincerely,



Peter Olson
Planning & Development

I hereby acknowledge that I understand and will comply with the above conditions of approval for this conditional use.

Applicant

cc: Zoning Administrator
City Engineering
Traffic Engineering

Zoning City Engineering Traffic Engineering Planning Fire Department Landmarks



Department of Public Works
City Engineering Division

608 266 4751

Larry D. Nelson, P.E.
City Engineer

City-County Building, Room 115
210 Martin Luther King, Jr. Boulevard
Madison, Wisconsin 53703
608 264 9275 FAX
1 866 704 2315 Textnet

Deputy City Engineer
Robert F. Phillips, P.E.

Principal Engineers
Michael R. Dailey, P.E.
Christina M. Bachmann, P.E.
John S. Fahrney, P.E.
Gregory T. Fries, P.E.

Facilities & Sustainability
Jeanne E. Hoffman, Manager
James C. Whitney, A.I.A.

Operations Manager
Kathleen M. Cryan

Hydrogeologist
Joseph L. DeMorett, P.G.

GIS Manager
David A. Davis, R.L.S.

Financial Officer
Steven B. Danner-Rivers

DATE: September 26, 2008

TO: Plan Commission

FROM: *for* Larry D. Nelson, P.E., City Engineer

SUBJECT: 617 Williamson Street Conditional Use

The City Engineering Division has reviewed the subject development and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

- | |
|--------|
| 1. N/A |
|--------|

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments: None



**CITY OF MADISON
INTERDEPARTMENTAL
CORRESPONDENCE**

Date: October 20, 2008

To: Plan Commission

From: Patrick Anderson, Assistant Zoning Administrator

Subject: 617 Williamson St.

Present Zoning District: C-3

Proposed Use: Amend seating hours for outdoor eating area.

Conditional Use: 28.09(3) (d) 32. Outdoor eating areas are a conditional use.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project). **NONE.**

GENERAL OR STANDARD REVIEW COMMENTS

ZONING CRITERIA

Bulk Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	48,704 sq. ft.
Lot width	50'	adequate
Usable open space	n/a	n/a
Front yard	0'	0'
Side yards	0'	0'
Lake setback	existing	existing
Floor area ratio	3.0	less than 1.0
Building height	---	2 stories

Other Critical Zoning Items	
Historic District	Third Lake Historic District
Landmark building	National Register and Historic Landmark
Water front development	Waterfront property, no addition
Barrier free (ILHR 69)	Yes

With the above conditions, the proposed project **does** comply with all of the above requirements.

Stouder, Heather

From: Parks, Timothy
Sent: Friday, September 05, 2008 9:31 AM
To: Rummel, Marsha
Cc: Tucker, Matthew; Stouder, Heather
Subject: RE: Sardines CUP

Marsha,

Thanks for the note. We will book the Sardine's CUP alteration for October 20 accordingly. I am copying Heather Stouder on this message, as she will be the reviewing planner on this application and may wish to take some of the information below into account in making her recommendation to the Plan Commission.

Have a good weekend!

TIM PARKS
 Planner, Planning Division
 Dept. of Planning and Community
 and Economic Development
 City of Madison, Wisconsin
 T: 608.261.9632
 F: 608.267.8739

From: Rummel, Marsha
Sent: Thursday, September 04, 2008 11:28 PM
To: Parks, Timothy; Tucker, Matthew
Subject: Sardines CUP

I got a call today from John G, one of the owners of Sardines, requesting that I waive 30 day notification to amend the restaurant's Conditional Use permit to extend hours for outdoor food and alcohol service.

I held a meeting with Fauerbach residents on July 7. Neighbors agreed to support additional weekend hours for outdoor service on Friday and Saturday to 11pm but to keep existing Sunday-Thursday hours in place. John and Philip C agreed to put up signs in the restaurant reminding exiting patrons that parking lot is adjacent to a residential building and request that people respect the neighborhood and try to keep quiet. There was unanimous support for this compromise.

The consensus among neighbors was that the parking lot was noisy and negatively impacted their enjoyment of their property but they acknowledged that uses were going to continue. And while the outdoor patio had some noise impacts, it was felt it didn't compare to the general noise from all Machinery Row biz customers, particularly [inebriated] customers exiting from the Betty Lou Dinner Cruises. There were also concerns about noise from the dumpster. John and Philip were also willing to look into moving the dumpster to a different location and offered to talk to property owner about it. Neighbors also requested that John and Philip ask Jeff Coata, the property owner to work with the Betty Lou Cruises to encourage them to work on patron noise and parking lot noise issues. (And we all agreed a Quiet Zone at Blair would be nice too....)

I would support a waiver of 30 day notification with this understanding.

Thanks
 Marsha

Parks, Timothy

From: Rummel, Marsha
Sent: Thursday, October 16, 2008 12:54 AM
To: Ron Singer; Parks, Timothy; Murphy, Brad
Cc: Mary Ann; Don Last; John Martin; Christopher Burque; Ann Bradley
Subject: RE: Notice of Public Hearing - Sardine

Ron and All,

From my subsequent conversations with John, I feel confident that all we discussed --the agreed upon extension of Friday and Saturday hours, the signage at the door and talking to the building owner about dumpster/noise and the noise in the parking lot from the Betty Lou Cruises -were acted upon in good faith. I'm fairly certain that the "major alteration" results from the proposed change in the hours of outdoor service because it requires a public hearing and official action by the Plan Commission to change the previously approved conditional use agreement.

I am copying Tim Parks and Brad Murphy of the Planning Unit to make sure that staff is aware of your concerns and they are shared with the Plan Commission members and the applicants.

Thanks
 Marsha

From: Ron Singer [mailto:rmsinger@gmail.com]
Sent: Wednesday, October 15, 2008 2:10 PM
To: Rummel, Marsha
Cc: Mary Ann; Don Last; John Martin; Christopher Burque; Ann Bradley
Subject: Notice of Public Hearing - Sardine

Marsha,

We received a notice of public hearing last week regarding Sardine's application for a "major alteration" to their conditional use permit for their outdoor eating area. I assume those I've copied on this e-mail, and perhaps others received the notice as well. Can you tell us the nature of the alteration they are requesting? As I recall, they currently can serve outdoors until 10:00 pm on weekends (I don't recall the weekday restrictions). At our meeting last summer it appeared as if they were not at all clear on the volume of dinner business they had after 9:00 pm, certainly casual observation as a neighbor suggests it is not substantial, leading to the concern that this extension would serve the needs of bar rather than dinner patrons. And I recall that they were going to check further into it. They also agreed to explore a number of other matters brought up at the meeting, and to my knowledge they have failed to follow-up on any. While I may not be fully aware of what they may have done, there was discussion about placing a sign for diners as they exited, asking their consideration of the neighbors while in the parking lot, installing some kind of ramp along the steps leading to the basement to cut down on the loud thumping noise as the staff rolls large containers to the basement, and about moving the dumpsters to the west side of the parking lot. I did see a letter from the building owners on the last item, but nothing on the others. Others who attended that meeting may recall items I have missed.

We would appreciate knowing the exact nature of the alternation they are seeking to their conditional use permit. The use of the term "major" is not very comforting. I, for one left the summer meeting feeling the owners were acting in good faith, the lack of follow through is most disappointing. We do believe that we as neighbors clearly understand the need to balance the respective interests here, the

10/16/2008

owners' failure to follow-up on any of the items discussed at the meeting does not indicate their understanding of that need.

Thank you for your continued attention to this matter, I hope others will add their perspectives as well.
Ron and Sharon Singer
334-3368