

**PLANNING DIVISION REPORT
DEPARTMENT OF PLANNING AND COMMUNITY
AND ECONOMIC DEVELOPMENT
Of August 13, 2008**

RE: LD. # 11604, Conditional Use Application – 4718 East Towne Boulevard

1. Requested Action: Approval of a conditional use for an outdoor seating area to serve two restaurants located at 4718 East Towne Boulevard.
2. Applicable Regulations: Section 28.09 (2)(d) identifies outdoor eating areas as conditional uses in C3 zoning. Section 28.12 (11) provides the guidelines and regulations for the approval of conditional uses.
3. Report Prepared By: Timothy M. Parks, Planner

GENERAL INFORMATION

1. Applicant: Bob Rowe, The Redmond Company; W228 N745 Westmound Drive; Waukesha.

Property Owners: Ray & Loraine Zeier; 2211 N. Stoughton Road; Madison.
2. Development Schedule: The applicant wishes to proceed as soon as all necessary approvals have been granted.
3. Location: Approximately 1.75-acres generally located approximately 400 feet south of East Springs Drive on the west side of East Towne Boulevard; Aldermanic District 17; Madison Metropolitan School District.
4. Existing Conditions: A vacant one-story, approximately 6,300 square-foot restaurant (formerly Carlos O’Kelly’s), zoned C3 (Highway Commercial District).
5. Proposed Land Use: The applicant wishes to construct a 1,256 square-foot addition to the building and convert the space into two restaurants with an outdoor eating area to serve the two eateries located along the northwesterly wall facing E. Washington Avenue.
6. Surrounding Land Use and Zoning: The subject site also abuts E. Washington Avenue and is surrounded to the southeast by a variety of highway-oriented, regional commercial uses in the East Towne Mall/ East Springs area in the C3 (Highway Commercial District) and C3L (Commercial Service & Distribution District). An M & I Bank branch borders the site to the northeast, while an Applebee’s Restaurant borders the site to the southwest. The area north of the site across E. Washington Avenue is developed with a variety of commercial uses in C2 (General Commercial District) zoning.

7. Adopted Land Use Plan: The Comprehensive Plan identifies the subject site and other nearby commercial properties on the east side of E. Washington Avenue and north of East Towne Mall for regional commercial uses.
8. Environmental Corridor Status: The subject site is not located in a mapped environmental corridor.
9. Public Utilities & Services: The 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).

ANALYSIS, EVALUATION & CONCLUSION

The applicant is requesting approval of a conditional use to allow construction of an outdoor eating area to serve two restaurants that will occupy the former Carlos O'Kelly's restaurant located at 4718 East Towne Boulevard. The subject site, which also fronts onto the southeasterly side of E. Washington Avenue, is currently developed with a 6,302 square-foot structure located near the center of the parcel, with parking for 134 spaces occupying the rest of the property. The site is generally surrounded by a variety of commercial uses in the greater East Towne Mall/ East Springs regional commercial area, including a bank with drive-thru to the northeast and another restaurant to the southwest. The site and surrounding properties on the southeasterly side of E. Washington Avenue are zoned C3 (Highway Commercial District).

The applicant proposes to construct a 1,256 square-foot addition along the northwestern and southwestern walls of the existing building and to divide the current space into two restaurants. The expanded building will contain 7,558 square feet of space consisting of a 2,411 square-foot Qdoba Mexican Grill and an approximately 5,147 square-foot B.D. Mongolian Grill as shown on the site plan submitted with the application. Entrances to both restaurants will face towards E. Washington Avenue. The outdoor eating area will occupy most of the existing concrete sidewalk located along the northwestern façade of the expanded building. Plans for the outdoor eating area show a total of ten tables to serve the two restaurants, with four tables located in front of the Qdoba and six tables located in front of the B.D. Mongolian Grill. The applicant indicates that approximately 36 seats will be provided in the combined outdoor eating area, which will have anticipated hours of operation from 10:00 AM to 11:00 PM daily and amplified sound. No changes to the existing parking lot are proposed with the addition or outdoor eating area.

The Planning Division believes that the proposed outdoor eating area will have little impact on surrounding commercial properties and that that the conditional use standards can be met with this request. The nearest residentially occupied structure is approximately 750 feet north of the

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site across E. Washington Avenue. As a result, staff does not feel that a restriction on amplified music is warranted.

RECOMMENDATION

The Planning Division recommends that the Plan Commission find the conditional use standards met and **approve** an outdoor eating area to serve two restaurant tenants in a commercial building located at 4718 East Towne Boulevard, subject to input at the public hearing and the following conditions:

1. Comments from reviewing agencies.
2. That the applicant receive approval of a minor alteration to the existing conditional use for the proposed building addition from the Director of the Planning Division prior to the issuance of building permits for this project. The minor alteration plans shall include detailed building elevations with building materials and colors and shall properly identify East Towne Boulevard and E. Washington Avenue.

ADDENDUM
PLANNING DIVISION REPORT
DEPARTMENT OF PLANNING AND COMMUNITY
AND ECONOMIC DEVELOPMENT
Of August 15, 2008

RE: I.D. # 11604, Conditional Use Application – 4718 East Towne Boulevard

In recommending approval of the outdoor eating area proposed to serve two restaurant tenants in an existing commercial building at 4718 East Towne Boulevard in an August 13, 2008 report, the Planning Division requested that the applicant receive approval of a minor alteration to the existing conditional use for the proposed building addition from the Director of the Planning Division prior to the issuance of building permits for this project (Condition #2).

In discussing the proposed building expansion and alterations with the applicant, it was noted that the modifications were reviewed by the City staff representative to the Zeier Properties/Regional East architectural review board and that the Inspection Division has already issued building permits for this work. Planning Staff confirms that building permits for the alterations have been approved and issued. As a result, Condition #2 of the report is no longer necessary.

In closing, Planning staff recommends **approval** of the outdoor eating area at 4718 East Towne Boulevard subject to input at the public hearing and comments from reviewing agencies.



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. Dalley, 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: August 8, 2008
TO: Plan Commission
FROM: Larry D. Nelson, P.E., City Engineer 
SUBJECT: 4718 East Towne Boulevard 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. The approved addresses for this site are:

Qdoba Mexican Grill is 4718 East Towne Blvd.
BD Mongolian Grill is 4722 East Towne Blvd.
2. Applicant shall have an ownership/maintenance agreement (recorded) for the sanitary lateral which will be serving two separate restaurants.

GENERAL OR STANDARD REVIEW COMMENTS

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



Traffic Engineering and Parking Divisions

David C. Dryer, P.E., City Traffic Engineer and Parking Manager

Suite 100
215 Martin Luther King, Jr. Boulevard
P.O. Box 2986
Madison, Wisconsin 53701-2986
PH 608 266 4761
TTY 866-704-2315
FAX 608 267 1158

August 7, 2008

TO: Plan Commission
FROM: David C. Dryer, P.E., City Traffic Engineer and Parking Manager
SUBJECT: **4718 East Towne Blvd. – Conditional Use – Outdoor Eating Area**

The City Traffic 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. None

PEDESTRIAN AND BICYCLE TRANSPORTATION REVIEW COMMENTS

2. The applicant shall enlarge the sidewalk area along the outdoor eating area to 6 ft min. between the parking area and outdoor eating area fence.
3. The applicant shall install bicycle racks so that the bicycle parking spaces do not encroach on the six (6) ft sidewalk to the entrance of both businesses.
4. The applicant shall indicate the type of bicycle racks to be installed.

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

5. When the applicant submits final plans for to include 4710, 4718 & 4728 East Towne Blvd. 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'.

6. A "Stop" sign shall be installed at a height of seven (7) feet at all driveway approaches. 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.
7. The applicant shall show the dimensions for existing parking stalls' items B, C, D, E, and F, 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.
8. 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 John Leach, City Traffic Engineering at 267-8755 if you have questions regarding the above items:

Contact Person: Bob Rowe
Fax: 262-5491314
Email: browe@theredmondco.com

DCD: DJM: dm

**CITY OF MADISON
INTERDEPARTMENTAL
CORRESPONDENCE**

Date: August 18, 2008

To: Plan Commission

From: Patrick Anderson, Assistant Zoning Administrator

Subject: 4718 East Towne Boulevard

Present Zoning District: C2

Proposed Use: Outdoor eating area for Restaurant

Conditional Use: 28.09(3)(d)32 Outdoor eating areas accessory to a restaurant 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

1. Provide thirteen bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices.
2. Parking lot plans with greater than twenty (20) stalls, landscape plans must be stamped by a registered landscape architect. Provide a landscape worksheet with the final plans that shows that the landscaping provided meets the point and required tree ordinances. In order to count toward required points, the landscaping shall be within 15' and 20' of the parking lot depending on the type of landscape element. (Note: The required trees do not count toward the landscape point total.) Planting islands shall consist of at least 75% vegetative cover, including trees, shrubs, ground cover, and/or grass. Up to 25% of the island surface may be brick pavers, mulch or other non-vegetative cover. All plant materials in islands shall be protected from vehicles by concrete curbs.
3. Meet all applicable State accessible requirements, including but not limited to:
 - a. Provide a minimum of two accessible stalls striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8' wide with an 8' striped out area adjacent.

- b. Show signage at the head of the stalls. Accessible signs shall be a minimum of 60" between the bottom of the sign and the ground.
 - c. Show the accessible path from the stalls to the building. The stalls shall be as near the accessible entrance as possible. Show ramps, curbs, or wheel stops where required.
4. 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.
 5. If you have a license to sell alcohol in an outdoor eating area, the Alcohol License Review Committee has established conditions for operation for these applications that involve fencing, security guards, toilet facilities, litter, etc. All businesses that sell alcohol must comply with the requirements imposed by the Alcohol License Review Committee at the time of issuance of your original application to expand or change your licensed premises to include the outdoor eating area.

ZONING CRITERIA

Bulk Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	57,247 sq. ft.
Lot width	50'	adequate (existing)

Site Design	Required	Proposed
Number parking stalls	99	134 (2)
Accessible stalls	5	5 (3)
Loading	n/a	n/a
Number bike parking stalls	13	(1)
Landscaping	Yes	(2)
Lighting	No	Existing

Other Critical Zoning Items	
Urban Design	No
Flood plain	No
Utility easements	None shown
Well head protection	No
Barrier free (ILHR 69)	Yes

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



CITY OF MADISON FIRE DEPARTMENT

Fire Prevention Division

325 W. Johnson St., Madison, WI 53703-2295

Phone: 608-266-4484 • FAX: 608-267-1153

DATE: 7/29/08
TO: Plan Commission
FROM: Edwin J. Ruckriegel, Fire Marshal
SUBJECT: **4718 East Towne Blvd.**

The City of Madison Fire Department (MFD) 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. None.

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

1. Per the IFC chapter 10 and MGO34:
 - a. 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.
 - b. Proposed deck, patio or fenced in area shall not be located at, adjacent or obstruct the required exits from the building.
 - c. Provide and maintain exits from the deck, patio or fenced in area in accordance with the International Fire Code 2006 edition.
 - d. Submit a seating plan for the proposed deck, patio or fenced in area space.

Please contact Scott Strassburg, New Construction Inspector at 608-261-9843 if you have questions regarding the above items.

cc: Bill Sullivan



Department of Planning & Community & Economic Development
 Planning/Neighborhood Preservation & Inspection/Economic & Community Development
 Mark A. Olinger, Director

Canopy

Bradley J. Murphy
 Planning Division
 215 Martin Luther King, Jr. Boulevard
 P.O. Box 2985
 Madison, WI 53701-2985
 (608) 266-4635

REVIEW REQUEST FOR:

- PRELIMINARY PLAT
- FINAL PLAT
- LOT DIVISION/CSM
- CONDITIONAL USE
- DEMOLITION
- REZONING
- INCLUSIONARY ZONING
- OTHER

4718 East Towne Boulevard
 Outdoor Eating Area
 Ray & Loraine Zeier/Bob Rowe - The Redmond Company

PLANNING DIVISION CONTACT: Tim Parks

RETURN COMMENTS BY: 07 August 2008

PLEASE ALSO EMAIL OR FAX ANY COMMENTS TO THE APPLICANT:

Applicant E-mail: browe@theredmondco.com Fax: 262-549-1314

Date Submitted: 16 July 2008 Plan Commission: 18 August 2008

Date Circulated: 21 July 2008 Common Council: _____

CIRCULATED TO:

- | | | |
|---|--|---|
| <input type="checkbox"/> ZONING | <input type="checkbox"/> DISABILITY RIGHTS | <input type="checkbox"/> ALD. _____ DIST. _____ |
| <input type="checkbox"/> FIRE DEPARTMENT | <input checked="" type="checkbox"/> POLICE DEPT. - THURBER | <input type="checkbox"/> MADISON GAS & ELECTRIC |
| <input type="checkbox"/> PARKS DIVISION | <input type="checkbox"/> CITY ASSESSOR - M. RICHARDS | <input type="checkbox"/> ALLIANT ENERGY |
| <input type="checkbox"/> TRAFFIC ENG. | <input type="checkbox"/> MADISON METRO - SOBOTA | <input type="checkbox"/> A T & T |
| <input type="checkbox"/> CITY ENG. - DAILEY | <input type="checkbox"/> MMSD BOARD, C/O SUPT. | <input type="checkbox"/> T D S |
| <input type="checkbox"/> CITY ENG. - PEDERSON | <input type="checkbox"/> PUBLIC HEALTH - SCHLENKER | <input type="checkbox"/> MT. VERNON TELE |
| <input type="checkbox"/> WATER UTILITY | | |
| <input type="checkbox"/> CDBG - CONSTANS | <input type="checkbox"/> NEIGHBORHOOD ORGANIZATION | |
| <input type="checkbox"/> REAL ESTATE - EKOLA | | |

Review the above as per time schedule set in Chapter 16.23(5)(b)2; 16.23(5)(3)3; or Chapter 28, City of Madison Ordinance; OR your agency's comments cannot be considered prior to action.

One copy for your files; one copy for file of appropriate telephone company; PLEASE RETURN one copy with joint comments.

The above is located in your district. A copy is on file in the Planning Division Office for review. If you have any questions or comments, contact our office at 266-4635.

The above is located within or near the limits of your neighborhood organization. A copy is on file in the Planning Division Office for review. If you have any questions or comments, contact our office at 266-4635.

RETURN COMMENTS TO: PLANNING DIVISION, DEPT. OF PLANNING & COMMUNITY & ECONOMIC DEVELOPMENT, ROOM LL100 MMB, 215 MARTIN LUTHER KING JR. BLVD.

NO COMMENTS / YOUR COMMENTS:

No Public Safety concerns
[Signature]

