

PLANNING DIVISION STAFF REPORT

December 4, 2017

PREPARED FOR THE PLAN COMMISSION



Project Address: 802 Atlas Avenue (District 3, Ald. Hall)
Application Type: Conditional Use
Legistar File ID # [48782](#)
Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Property Owner: Dale Beck; Beck Enterprises, LLC.; 1810 Roth Street; Madison, WI 53704
Contact: Roger Smith; Design Coalition Architects; 2088 Atwood Avenue; Madison, WI 53704

Requested Action: The applicant requests approval of a conditional use for outdoor recreation at an existing restaurant-tavern at 802 Atlas Avenue.

Proposal Summary: The applicant proposes to add a sand volleyball court along with two horseshoe courts (together considered *outdoor recreation*) in an area of the site that is currently a parking lot. Eight parking stalls will be removed as a result. While minor site elements such as a split-rail fence will be added along both the eastern and southern sides of the volleyball court, no structural or programmatic changes are proposed to the site's principal building.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183], as §28.061(1) of the Zoning Code lists *Outdoor Recreation* as a conditional use in the Commercial Center (CC) District. The Supplemental Regulations [MGO §28.151] contain further regulations for this type of use.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the approval standards for Conditional Use are met and **approve** the request to establish outdoor recreation at a property zoned Commercial Center (CC) District at 802 Atlas Avenue. This request is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The site is located along the southern side of Atlas Avenue, near the intersection with Cottage Grove Road. The property is constrained on three sides by roads: Atlas Avenue to the north, Cottage Grove Road to the south, and the north-bound WI-51 on-ramp to the west. It is located within Aldermanic District 3 (Ald. Hall) as well as the Madison Metropolitan School District.

Existing Conditions and Land Use: The 88,718-square-foot (2.04-acre) project site includes an existing one-story, 11,456-square-foot, restaurant-tavern (which also houses a nightclub). A 136-stall surface parking lot to the south of the principal building, covers the majority of the site.

Surrounding Land Use and Zoning:

- North:** Across Atlas Avenue is an auto sales and service center, beyond which is an industrial equipment retailer, both zoned Industrial-Limited (IL);
- South:** Across Cottage Grove Road are cold storage warehouse buildings, zoned IL;
- East:** A one-story office building, beyond which is a dentist's office, both zoned Commercial Center (CC); and
- West:** The north-bound WI-51 on-ramp.

Adopted Land Use Plan: The [Comprehensive Plan \(2006\)](#) recommends Community Mixed-Use (CMU).

Zoning Summary: The project site is currently zoned Commercial Center (CC) District.

Requirements	Required	Proposed
Front Yard Setback	None	Adequate
Side Yard Setback	One-story: 5'	Adequate
Rear Yard Setback	The lesser of 20% of lot depth or 20'	Adequate
Maximum Lot Coverage	85%	Less than 85%
Maximum Building Height	5 stories/ 68'	1 story existing building

Site Design	Required	Proposed
Number Parking Stalls	No minimum	124
Accessible Stalls	5	4 (See Comment #8)
Loading	None	Existing loading area
Number Bike Parking Stalls	Not required	4 existing stalls
Landscaping and Screening	Not required	Existing landscaping (See Comment #9, #10, and #11)
Lighting	Not required	Existing lighting
Building Forms	Not required	Existing building

Other Critical Zoning Items	Utility Easements; Barrier Free (ILHR 69)
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Tables Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

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. Regarding Metro Transit service, the nearest stop is located roughly 500 feet to the east at the intersection of Atlas Avenue and Cottage Grove Road.

Project Description

The applicant, Beck Enterprises, LLC, seeks approval to add an outdoor sand volleyball court and two horseshoe courts adjacent to the site's existing building, which houses both the restaurant-tavern, North of the Bayou, as well as the nightclub, Club Voodoo. Per the Zoning Administrator, these uses would be considered outdoor recreation, which is a conditional use in the CC (Commercial Corridor) zoning district.

The two horseshoe courts are proposed to be added just to the south of the restaurant, to the west of the restaurant-tavern's existing outdoor eating area, and along the property's western boundary line. The sand volleyball court will be located a little further to the south, also along the property line. As the entirety of the southern two-thirds of the site is an asphalt parking lot (including the area proposed for the outdoor recreational

uses), roughly 6,300 square feet of asphalt will be removed to accommodate the aforementioned proposed uses. That said, approximately 5,400 square feet of asphalt will be replaced with 12-inch deep sand while the remaining roughly 900 square feet of area to the north will be sodded over for the horseshoe courts.

As a result, eight parking stalls will be removed, reducing the total on site to 124 (including four accessible). These eight stalls are all located at the northern end of the site's western drive aisle. Two of these stalls are located just to the south of the area proposed for the sand volleyball court and are being striped over to allow cars in the adjacent parking stalls (i.e. further to the south) to easily back out. The existing fire lane will be unaffected and will continue to run along in front of the southeast façade of the building and loop down the middle drive aisle.

The hours of operation requested for the outdoor recreational courts are nightly from 6:00 pm – 9:00 pm. No structural or programmatic changes to the existing principal building or restaurant are proposed as part of this request. There are also no changes proposed to the site's existing exterior lighting.

There is a 15-foot sanitary sewer easement that runs along the entire length of the western property line. As currently proposed, the western horseshoe court and the sand volleyball court both fall within this easement. While City Engineering is comfortable with the western horseshoe court remaining within the easement, they are requiring the applicant to either relocate the volleyball court out of the easement or otherwise first locate the force main, then make sure that any posts driven into the ground are a minimum of five feet (horizontal) from the force main, and finally, record a consent to occupy easement.

Analysis and Conclusion

This request is subject to the approval standards for Conditional Uses.

Conditional Use Standards

In regards to the approval standards, the Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, and finding that all of the conditional use standards of MGO §28.183(6) are met. Based on the provided information, the Planning Division believes the conditional use standards can be found met. Staff believes the proposal is compatible with the recommendations in the [Comprehensive Plan \(2006\)](#). Staff also believes that if well-managed, the proposed outdoor recreation should not result in significant negative impacts to the surrounding properties. Factors such as the location of the proposed courts being more than one-thousand feet away from the nearest residences; the location of the courts being tucked in behind the restaurant; the lack of additional lighting; the lack of any amplified sound, including, but not limited to ambient music or musical performances, in the area proposed for outdoor recreation; the proposed hours of operation; and the proposed conditions of approval will help mitigate anticipated impacts. If approved, the Plan Commission retains continuing jurisdiction over this conditional use, meaning that should complaints be filed, the Plan Commission could take further action on this conditional use as allowed in MGO Section 28.183(9)(d).

Supplemental Regulations for Outdoor Recreation

Outdoor Recreation is also subject to the Supplemental Regulations pursuant to Section 28.151. (Note: please see Attachment #1 at the end of this report for the list of Supplemental Regulations for Outdoor Recreation). Given the setting well away from residences, the lack of additional lighting and amplified sound proposed, the hours of operation requested, and the intended users of the courts being restaurant patrons (i.e. private users), Planning Division staff believe the proposal also satisfies all Supplemental Regulations for Outdoor Recreation uses.

At the time of report writing, staff was not aware of any neighborhood concerns related to this request.

Conclusion

Staff believes that a finding could be made that the Conditional Use standards are met, and staff recommends that it be approved by the Plan Commission.

Recommendation

Planning Division Recommendation (Contact Chris Wells, (608) 261-9135)

The Planning Division recommends that the Plan Commission find that the approval standards for Conditional Use are met and **approve** the request to establish outdoor recreation at a property zoned Commercial Center (CC) District at 802 Atlas Avenue. This request is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

Planning Division (Contact Chris Wells, (608) 261-9135)

1. The hours of operation for the outdoor recreational courts shall be daily from 6:00 pm – 9:00 pm. Future modifications to the hours of operation of the outdoor recreational courts may be requested by the applicant in the future as a minor alteration of the conditional use following a recommendation by the district alder.

Engineering Division (Main Office) (Contact Brenda Stanley, (608) 261-9127)

2. Proposed volleyball court location is within a City sanitary sewer easement. Applicant shall shift the proposed improvement 15' east of the property line. If the location of the courts needs to be located as it is proposed, the applicant will be required to locate the force main and any posts driven into the ground will need to be a minimum of 5' horizontal from the force main. The applicant will also be required to record a consent to occupy easement if the court is located within the 15' city sanitary sewer easement. Any questions regarding this requirement should be Mark Moder 261-9250 mmoder@cityofmadison.com. If a consent to occupy easement is proposed, Jeff Quamme 266-4097, jrquamme@cityofmadison.com.
3. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year.

4. The applicant shall submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or troester@cityofmadison.com (West). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2))

PDF submittals shall contain the following information:

- 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 or parcel lines if unplatted
- g) Lot numbers or the words unplatted
- h) Lot/Plat dimensions
- i) Street names
- j) Stormwater Management Facilities
- k) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).

City Engineering Division - Mapping (Contact Jeffrey Quamme, (608) 266-4097)

5. The Applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Mapping Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the only 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 or parcel lines if unplatted
- g) Lot numbers or the words unplatted
- h) Lot/Plat dimensions
- i) Street names

All other levels (contours, setbacks, elevations, etc.) are not to be included with this file submittal.

NOTE: Email file transmissions preferred izenchenko@cityofmadison.com. Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file.

Traffic Engineering Division (Contact Sean Malloy, (608) 266-5987)

6. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.

7. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

Zoning Division (Contact Jenny Kirchgatter, (608) 266-4569)

8. Parking requirements for persons with disabilities must comply with Section 28.141(4)(e). Provide one (1) additional accessible stall for a total of five (5) accessible stalls. An accessible stall is a minimum of 8 feet wide with a 5-foot-wide striped access aisle. A van accessible stall is a minimum of 8 feet wide with an 8-foot-wide striped access aisle.
9. Verify whether existing trees or landscape plantings will be removed or relocated to accommodate the proposed volleyball and horseshoe courts. Any displaced landscaping elements must be replaced on the site and shown on a revised landscaping plan.
10. Provide details of the proposed fencing for the volleyball and horseshoe courts.
11. Show the trash enclosure area on the site plan. All developments, except single family and two family developments, shall provide a refuse disposal area. Such area shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet. Submit a detail of the trash enclosure.
12. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.

Madison Fire Department (Contact Bill Sullivan, (608) 261-9658)

The agency reviewed this request and has recommended no conditions or approval.

Parks/Forestry Review (Contact Janet Schmidt, (608) 261-9688)

The agency reviewed this request and has recommended no conditions or approval.

Water Utility (Contact Adam Wiederhoeft, (608) 266-9121)

The agency reviewed this request and has recommended no conditions or approval.

Metro Transit (Contact Timothy Sobota, (608) 261-4289)

The agency reviewed this request and has recommended no conditions or approval.

ATTACHMENT #1: SUPPLEMENTAL REGULATIONS FOR OUTDOOR RECREATION (MGO §28.151)

Outdoor Recreation.

- (a) A minimum twenty-five (25) foot setback area maintained as open space shall be provided along the perimeter of the site wherever it abuts a residential district.
- (b) If the use will be available to the general public, an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate shall serve the site. Ease of access to the site by automobiles, transit, bicycles, and pedestrians shall be considered as a factor in the review of any application.
- (c) The site shall be designed in such a way as to minimize the effects of lighting and noise on surrounding properties. Hours of operation may be restricted and noise and lighting limits imposed as part of the conditional use approval.
- (d) An appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.