



PREPARED FOR THE PLAN COMMISSION

Project Address: 8 N. Paterson St. and 858 E. Washington Ave. (2nd Aldermanic District, Ald. Zellers)
Application Type: Conditional Use
Legistar File ID # [44432](#)
Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted

Summary

Applicant / Contact: John P. Kavanaugh IV; JK & JK LLC.; 4110 Carberry Street; Madison, WI 53704
Property Owner: Otto Gebhardt; The Gebhardt Galaxie, LLC.; 222 North Street; Madison, WI 53704

Requested Action: The applicant requests approval of a conditional use to construct a restaurant-tavern in an existing mixed-used building with an outdoor eating area at 8 N. Paterson Street and 858 E. Washington Avenue in Urban Design District #8.

Proposal Summary: The applicant proposes to add a full-service restaurant and sports bar (zoning considers this a *restaurant-tavern*) as well as an outdoor seating area to the nearly-constructed building. The seating area will be located immediately in front of the restaurant on the patio area which wraps the building.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183] as §28.082 of the Zoning Code lists both *Restaurant-taverns* and *Outdoor eating areas associated with food and beverage establishments* as conditional uses in the Traditional Employment (TE) district. The Supplemental Regulations [MGO §28.151] contain further regulations for these uses.

Review Required By: Plan Commission (The Secretary of the Urban Design Commission reviewed this request administratively on behalf of the Urban Design 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 construct a restaurant-tavern in an existing mixed-used building with an outdoor eating area on a property zoned Traditional Employment (TE) at 8 N. Paterson Street and 858 E. Washington 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 194,855-square-foot (4.5-acre) project site is located at the northwest corner of E. Washington Avenue and N. Paterson Street. The site is in Aldermanic District 2 (Ald. Zellers); in Urban Design District #8; in Tax Increment Financing District #36; and is within the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject parcel contains a 670,000-square-foot building on the 4.5-acre site, which is an entire City block. The program, which will be completed in two phases and includes a grocery store, additional commercial space, 294 residential units, and a five-level structured parking deck (with parking for 661 automobiles), is in varying stages of completeness.

Surrounding Land Use and Zoning:

- Northwest:** Across E. Mifflin Street to the northwest are Reynolds Field, a City of Madison park, and Well # 24, in the Parks and Recreation (PR) Zoning District;
- Northeast:** Across N. Paterson Street to the northeast is Breese Stevens Field, a City of Madison park operating as a stadium for sports and other events in the PR Zoning District;
- Southeast:** Across E. Washington Avenue to the southwest are a two-acre city-owned vacant property and office and warehouse spaces in the Traditional Employment (TE) Zoning District; and
- Southwest:** Across N. Livingston Street to the southwest is the Constellation, a twelve-story mixed-use building with first-floor restaurants and a tavern, second and third-floor office and medical clinic spaces, and 217 residential units in the Planned Development (PD) Zoning District.

Adopted Land Use Plan: The [Comprehensive Plan \(2006\)](#) recommends Employment uses for this property while the [East Washington Avenue Capitol Gateway Corridor Plan \(2008\)](#) recommends Community Mixed-Use for the entire half of the block fronting E. Washington Avenue with an additional Commercial recommendation for the southeast corner of the Galaxie building (i.e. the corner of the building proposed in this application).

Zoning Summary: The project site is currently zoned Traditional Employment (TE).

Requirements	Required	Proposed
Lot Area (sq. ft.)	6,000 sq. ft.	194,855 sq. ft.
Lot Width	50'	586'
Front Yard Setback	None	Adequate
Side Yard Setback	None unless needed for access	Adequate
Rear Yard Setback	Lesser of 20% lot depth or 20'	Adequate
Maximum Lot Coverage	85%	Existing lot coverage
Minimum Building Height	22' measured to building cornice	Existing building
Maximum Building Height	5 stories/ 68'	Existing building
Maximum Building Height	3 stories/ 40'	2 stories existing
Number Parking Stalls	Restaurant-tavern: 15% of capacity of persons, inside and outside (27)	Existing structured parking (660 total stalls)
Accessible Stalls	Yes	Existing accessible stalls
Loading	Yes	Existing loading stalls
Number Bike Parking Stalls	Restaurant-tavern: 5% of capacity of persons, inside and outside (9)	Existing bike stalls
Landscaping	None	Existing site landscaping
Lighting	None	Existing lighting
Building Forms	None	Build-out existing tenant space
Other Critical Zoning Items	Urban Design District (#8); Barrier Free (ILHR 69); Wellhead Protection District (#24)	

Table 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, including seven day-a-week Metro service along E. Washington Avenue.

Related Reviews and Approvals

At its March 10, 2013 meeting, the Plan Commission found the standards met and approved the conditional use request for the Galaxie development - a mixed-use building with 246 residential units, a full-service grocery store with outdoor display and outdoor eating area, a market garden, general retail establishments, live-work units, and private parking for off-site events at 802-854 East Washington Avenue. At that time, both a restaurant/tavern/brewpub at the corner of N. Paterson and E. Washington Avenue as well as the outdoor eating area associated with the aforementioned establishment were proposed but it was understood that each would require separate conditional use approval in the future at which time additional detail could be presented.

Project Description

The applicant proposes to add a restaurant-tavern and an outdoor seating area to an existing brewpub with intent to serve both food and beverage (including alcoholic beverages) in this area. The ground floor restaurant-tavern will be located in the southeast corner of the Galaxie Building, at the intersection of E. Washington Avenue and N. Paterson Street. It will have a proposed capacity of approximately 130 people (note: the final details of the seating plan and capacity to be approved by the Building Inspection Unit). Access will be from N. Paterson Street via a vestibule and off of E. Washington Avenue from the courtyard which abuts the restaurant-tavern on its west side. The restaurant-tavern is shaped like a backwards "L" with approximately half of the tables (primarily seating four people) located along the south-facing E. Washington Avenue façade and the other half along the east-facing N. Paterson Street façade. The bar will be located in the "elbow" of the "L" with seating for approximately 21 and another long table with seating for 10 located in between the bar seating and the tables along the E. Washington Avenue façade. Regarding the hours of operation of the restaurant-tavern, the applicant is requesting Monday – Friday, 11:00 am - bar time, and Saturday – Sunday, 9:00 am - bar time.

The proposed outdoor seating area will be located along the perimeter of the restaurant building frontage, primarily in front of the E. Washington Avenue façade. It will be located on the patio area in between the E. Washington Avenue façade and sidewalk which is approximately 50 feet wide by 16 feet deep. The patio will be non-smoking, is proposed to be open during seasonal months, and have capacity of approximately 45-50 people. It will have approximately 10 four-person tables along E. Washington Avenue and two, two-person tables along N. Paterson Street (note: the final details of the seating plan and capacity to be approved by the Building Inspection Unit). The applicant has also stated that no live music will be held in the patio area nor will it have amplified music. Regarding the hours of operation of the outdoor patio, the applicant is requesting Monday to Thursday, 11:00 am – 10:00 pm; Friday, 11:00 am – 11:00 pm; Saturday, 9:00 am – 11:00 pm; and Sunday, 9:00 am – 10:00 pm. (These hours and conditions are consistent with the recommendations of Alder Zellers and the Tenney-Lapham Neighborhood Association).

Regarding accessibility, given the location nearby major transit and cycling routes, it is anticipated that many patrons will arrive via alternative modes of transport. All-day Metro service is provided along E. Washington Avenue, and E. Mifflin Street, a bicycle boulevard, is located one block to the north. Bicycle parking is provided at several points around the building as well as in the structured parking ramp. For automobile parking, while the Traditional Employment (TE) District does not have minimum parking requirements, the restaurant patrons have access to free parking on levels two and three of the parking deck) in addition to the parallel on-street parking. Deliveries will be handled via the structured parking deck and brought in through a door which leads directly into the kitchen. Refuse will also be handled in a similar fashion.

The applicant is scheduled to go before the Alcohol License Review Committee (ALRC) at their upcoming meeting on October 20, 2016.

Analysis and Conclusion

Land Use and Plan Consistency – This proposed use is consistent with the [Comprehensive Plan \(2006\)](#) which recommends Employment uses for this property. The plan specifically notes that one group of land uses are recommended are “*complementary uses primarily serving district employees and users, such as business services, conference centers, child care, restaurants, convenience retail, and hotels and motels*” (Comprehensive Plan, Page 2-95). The proposal is also consistent with the [East Washington Avenue Capitol Gateway Corridor Plan \(EWACGCP\) \(2008\)](#) which recommends Community Mixed-Use for the entire half of the block fronting E. Washington Avenue with an additional Commercial recommendation for the southeast corner of the Galaxie building (i.e. the corner of the building proposed in this application). In its description of Commercial uses, the EWACGCP recommends retail, such as those that serve the adjoining neighborhoods and businesses, as well as smaller destination users that are compatible with residential uses in a mixed-use district.

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 §28.183(6) MGO are met. The Planning Division believes that if well-managed, the proposed restaurant-tavern and outdoor eating area should not result in significant impacts to the surrounding properties. Factors such as the hours of operation; the limited scale of the proposed restaurant and patio; the lack of amplified music; 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).

Conclusion - Staff believes that the proposed restaurant-tavern and associated outdoor eating area can be found to meet the conditional use approval standards and recommends that it be approved by the Plan Commission. At the time of report writing, staff was not aware of any concerns on this request.

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 construct a restaurant-tavern in an existing mixed-used building with an outdoor eating area on a property zoned Traditional Employment (TE) at 8 N. Paterson Street and 858 E. Washington 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. There shall be no amplified sound, including, but not limited to television, ambient music or musical performances, in the outdoor eating area.
2. The hours of operation for the restaurant-tavern shall be Monday – Friday, 11:00 am - bar time, and Saturday – Sunday, 9:00 am - bar time.

3. The hours of operation for the outdoor patio shall be Monday to Thursday, 11:00 am – 10:00 pm; Friday, 11:00 am – 11:00 pm; Saturday, 9:00 am – 11:00 pm; and Sunday, 9:00 am – 10:00 pm.

City Engineering Review Mapping (Contact Jeff Quamme, (608) 266-4097)

4. The floor plans appear to not match the declared condominium. As part proposed expansion of the Galaxie Condominium along East Mifflin Street, this portion of the condominium plat shall also be amended to match final construction.

Traffic Engineering Division (Contact Eric Halvorson, (608) 266-6527)

5. 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.

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

7. The City Traffic Engineer may require public signing and marking related to the development; the Developer shall be financially responsible for such signing and marking.

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

8. As each tenant space is leased, the entire development must reflect compliance in the required amount, type and number of automobile and bicycle parking spaces, to be reviewed prior to obtaining zoning approval for each use.

9. Bicycle parking shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum number of short-term bicycle parking stalls equal to 5% of capacity of persons (9 stalls) located in a convenient and visible area. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance. Note: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Provide a detail of the proposed bike rack.

10. Identify the previously approved exterior bicycle parking stalls on the site plan. If previously approved bicycle stalls are relocated due to the configuration of the outdoor eating area, show the new proposed bicycle stall locations and counts on the site plan.

11. The capacity shall be established for the outdoor eating area. Occupancy is established by the Building Inspection Unit. Contact Building Inspection staff at (608)266-4559 to help facilitate this process.

12. Provide details whether fencing or barriers are proposed to prevent the encroachment of the outdoor eating area into public sidewalks. If fencing or barriers are provided, submit details showing what they will look like.
13. 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.

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

14. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances. Submit plans for the fire alarm and fire sprinkler system alterations and the kitchen suppression system to MFD for review and approval.

Metro Transit (Contact Timothy Sobota, 261-4289)

15. Metro Transit recommends that the applicant consider installing and maintaining a dedicated seating amenity feature for bus passengers - in the area near the existing concrete boarding pad on the north side of East Washington, west of North Paterson - that would be distinct from the outdoor seating oriented towards restaurant usage. [See attachment "8nps_METRO.pdf]
16. Metro Transit operates daily transit service along East Washington Avenue, through the North Paterson Street intersection. Bus stop zone #1660 is posted No Parking on the north side of East Washington Avenue, from the concrete boarding pad and bus stop sign back east to the North Paterson Street intersection.