



Legistar I.D. #21977
961-967 South Park Street
Conditional Use Request

Report Prepared By:
Heather Stouder, AICP
Planning Division Staff

Requested Action: Approval of a conditional use for an outdoor eating area at a new restaurant/tavern in the C2 (General Commercial) District.

Applicable Regulations & Standards: Section 28.12(11) provides the guidelines and regulations for the approval of conditional uses.

Summary Recommendation: The Planning Division recommends that the Plan Commission finds that the conditional use standards can be met and **approve** the request for the conditional use for an outdoor eating area.

Background Information

Applicant: Finn Berge and Matt Weygandt; Barriques; 1831 Monroe St.; Madison

Project Contact: Todd Barnett; Barnett Architecture; 118 N. Breese Terrace; Madison

Property Owners: 961 S. Park St.- Dave Vogel and Rebecca Rodriguez; 1009 N. Wingra Dr.; Madison
967 S. Park St.- SSM Healthcare of WI (St. Mary's Hospital); 700 S. Park St.; Madison

Proposal: The applicant is requesting a conditional use for an outdoor eating area at a restaurant/tavern in the C2 (General Commercial) District.

Parcel Location: 961-967 South Park Street is comprised of two parcels, each 5,000 square feet in size, located on the east side of Park Street just south of Parr Street; UDD 7; Aldermanic District 13 (Kerr); Madison Metropolitan School District.

Existing Conditions: 961 South Park Street has an existing light industrial building, constructed in 1951. The one-story building is approximately 2,700 square feet, and was most recently used as a furniture shop. The building and the existing access driveway from Parr Street behind the building would remain. 967 South Park Street is currently a vacant, grass-covered parcel, and would be used for the proposed outdoor eating area and a small surface parking lot.

Surrounding Land Use and Zoning: To the north across Parr Street, a three-family residential building in the C2 (General Commercial) District. To the northeast and east (rear), single-family homes in the R2 (Single-family Residence) District along South Shore Drive and West Shore Drive. To the south and west across South Park Street, commercial and light-industrial uses in the C3 (Highway Commercial) District.

Adopted Land Use Plan: The Comprehensive Plan (2006) recommends Community Mixed-Use (CMU) for this property.

Environmental Corridor Status: This property is not located within a mapped environmental corridor.

Public Utilities and Services: The property is served by a range of urban services and Metro Transit Routes.

Zoning Summary: The property is in the C2 (General Commercial) District.

Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	10,000 sq. ft.
Lot width	50'	100'
Usable open space	N/A	N/A
Front yard	0' min.	Adequate
Side yards	0' min.	Adequate
Rear yard	10' min.	Adequate
Floor area ratio	3.0 max.	Adequate
Building height	N/A	N/A

Site Design

No. Parking stalls	30% of capacity 1 per 2 employees	9
Accessible stalls	1	1 <i>(See Condition No. 26, p. 6)</i>
Loading	N/A	N/A
No. Bike Parking stalls	2	6 <i>(See Condition No. 27, p. 6)</i>
Landscaping	No	Yes
Lighting	Yes	Yes <i>(See Condition No. 28, p. 6)</i>

Other Critical Zoning Items

Urban Design	Yes, Urban Design Zone #7
Utility Easements	Yes
Waterfront Development	No
Adjacent to park	No
Barrier free (ILHR 69)	Yes

Prepared by: Pat Anderson, Asst. Zoning Administrator

Project Description

The applicant proposes to refurbish an existing one-story light industrial building for use as a “Barriques” restaurant, coffee shop and wine bar, the third location in the city and sixth in the greater Madison area. The restaurant itself is a permitted use in the C2 (General Commercial) district, while the outdoor eating area requires conditional use approval.

The proposal involves two parcels under separate ownership, and a cross-access easement between them is required, since each contains a portion of the surface parking lot. The 2,700 square foot building, located at 961 South Park Street will be slightly changed with façade improvements and a fully remodeled interior, but will otherwise remain the same. The adjacent property, 967 South Park Street, which is currently vacant and grass-covered, will include the outdoor eating area and a portion of the small surface parking lot. An L-shaped parking lot with nine stalls is proposed behind and beside the building, taking one-way access from Parr Street to the north, with an exit onto South Park Street. Six bicycle parking stalls are proposed in front of the outdoor eating area.

The replacement of the existing fence with a new six-foot tall cedar fence proposed along the rear property line will separate the parking area from the residential properties to the east. Three deciduous canopy trees serve to soften and shade the outdoor eating area, and several native shrubs and low perennials are proposed near the corners of the parking lot and along the base of the building.

As shown on submitted plans, the outdoor eating area has 13 small tables and an intended occupancy of 26. Along with an interior occupancy of 66 persons, the total occupancy for the use will be 92.

Related Approvals

Alcohol License Review - Following a January 19, 2011 recommendation by the ALRC, the Common Council approved a Class B alcohol license for the business on February 1, 2011. The approved capacity was 150 persons. Since the approval, the applicant has reduced the requested capacity to 92 (66 indoors, 26 outdoors).

Urban Design - On March 16, 2011, the Urban Design Commission granted **final approval** for the proposal, which lies within Urban Design District #7. The UDC also approved a facade grant for the proposed improvements to the exterior of the building.

Public Input

Staff received a phone call from a neighbor at 954 West Shore Dr. who shared concerns regarding the increased traffic, parking needs, and noise from the new use.

Planning Division staff recommends that the Plan Commission finds that the conditional use standards can be met, and **approve** the request subject to input at the public hearing and conditions from reviewing agencies.

Evaluation and Conclusion

The proposed use is consistent with adopted plans for this portion of the South Park Street corridor, which recommend community mixed-use development. The conditional use standard most pertinent to this review is Standard No. 3 as follows:

Standard 3: That the uses, values, and enjoyment of other property in the neighborhood for purposes already established shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance, or operation of the conditional use.

The outdoor eating area is relatively small, supporting a maximum of 26 patrons at any one time. Still, staff recommends that outdoor amplified music be prohibited and that use of the outdoor eating area is limited to 6:00am to 9:00 pm each day, so that noise will not have a significant impact on nearby residential properties. The applicant has agreed to these conditions. The six-foot cedar fence proposed along the rear property line meets the zoning code requirement for commercial businesses to provide screening along property lines shared with a residential district.

It is worth noting that with the desired occupancy, the proposal requires a parking reduction of 19 stalls, which is the highest number that can be handled at the administrative level with consideration by the Zoning Administrator and the Director of Planning and Community and Economic Development. The applicant has indicated that many employees and customers will likely bicycle or walk to the site, similar to their location on Monroe Street, which has no off-street parking. Further, the site is well served by transit. Staff believes that the nine automobile stalls provided, along with nearby on-street parking, should sufficiently serve this use.

The six bicycle stalls proposed meet and exceed zoning requirements, but staff recommends that the applicant consider incorporating additional bicycle parking on the site if possible. One rendering of the proposed building submitted to the UDC showed an additional four bicycle stalls affixed to the north side of the building. These stalls are encouraged, and should be shown on final plans if proposed.

On the whole, staff believes that the conditional use standards are met with the proposal, and that the improvements to the building and the new use will be welcome additions to the South Park Street corridor.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are shaded

Planning Division Recommendation (Contact Heather Stouder, 266-5974)

The Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** the request subject to input at the public hearing and the following conditions:

Planning Division (Contact Heather Stouder, 266-5874)

1. Outdoor amplified sound shall be prohibited on the subject properties.
2. The outdoor eating area shall open no earlier than 6:00am and close no later than 9:00pm each day.
3. Detail for all proposed bicycle parking shall be shown in final plans submitted for staff review and sign-off.

The following conditions have been submitted by reviewing agencies:

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

4. Provide Engineering Mapping (epederson@cityofmadison.com) and Assessor's Office (mrichards@cityofmadison.com) copies of all recorded cross access easements. City staff will also need recorded copies of either; 1) The intended property ownership transfer deeds or 2) Any land use leases or agreements defining the terms allowing this development to occur on two separate properties owned by different parties
5. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass (POLICY).
6. *Value of the restoration work less than \$5,000. When computing the value, do not include a cost for driveways. Do not include the restoration required to facilitate a utility lateral installation.* The Applicant's project requires the minor restoration of the street and sidewalk. The Applicant shall obtain a Street Excavation Permit for the street restoration work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. (MGO 16.23(9)(d)(6) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
7. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction (POLICY).
8. All work in the public right-of-way shall be performed by a City licensed contractor (MGO 16.23(9)(c)5) and MGO 23.01).
9. All damage to the pavement on Parr Street & South Park Street, adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link: <http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY)
10. 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 7.5-tons per acre per year.
11. For Commercial sites < 1 acre in disturbance the City of Madison is an approved agent of the Department of Commerce and WDNR. As this project is on a site with disturbance area less than one (1) acres, and contains a commercial building, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required (NOTIFICATION).
12. Prior to approval, this project shall comply with MGO Chapter 37 regarding stormwater management. Specifically, this development is required to:
 - a) Control 40% TSS (20 micron particle) off of new paved surfaces.
 - b) Provide oil & grease control from the first 1/2" of runoff from parking areas
 - c) Complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website – as required by MGO Chapter 37.Stormwater management plans shall be submitted and approved by City Engineering prior to signoff.
13. The Applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg)

Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain 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 misc
- e) Right-of-way lines (public and private)
- f) All underlying 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, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred addressing@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 (POLICY and MGO 37.09(2) & 37.05(4)).

14. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). 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) Lot lines and right-of-way lines
- e) Street names
- f) Stormwater Management Facilities
- g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans)

15. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. MGO 37.05(7). This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

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

16. When the applicant submits final plans of one contiguous plan 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, showing all easements, all pavement markings, building placement, and stalls, 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'.
17. When site plans are submitted for approval, the developer shall provide recorded copies of the joint driveway ingress/egress and easements.
18. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
19. The existing driveway approach on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.

20. The applicant shall show the existing driveway approach on the southerly adjacent property. According to M.G.O. all driveway approach shall be a min. of 10 ft apart. The applicant will need to dimension the distance to the existing southerly approach.
21. The driveway to both South Park Street and Parr Street shall be modified according to M.G.O. Both approach shall be a minimum ten (10) ft in width with two five (5) ft flares in accordance to M.G.O. 10.08(4)(a) 3.
22. The applicant shall modify the westerly driveway according to MGO 10.08(3)(b), No entrance shall be closer than five (5) ft. to an adjacent property line; provided, however, that in cases of practical difficulty or unnecessary hardship the City Engineer, Traffic Engineer, and Director of the Building Inspection Division may jointly reduce such requirement with subsequent appeal to the Board, if necessary. No driveway approach shall be so constructed that any part of the same extends in front of the property belonging to a person other than the permittee unless both property owners sign a joint application for permit. In this case the applicant shall modify the Park Street approach according to a Class 3 driveway min. width of 10 ft. with two 5 ft flares design standard that will extend in front of the adjacent property owner.
23. The applicant shall show dimensions for the proposed existing parking stalls' items S=9.5 ft, A=20 ft, B=13.5ft, C=19.5 ft, E=9 ft, F=16.5 ft, and H=8.5 ft for 45 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.
24. The Developer shall post a deposit and reimburse the City for all costs associated with any modifications to Traffic Signals, Street Lighting, Signing and Pavement Marking, and conduit and hand holes, including labor, engineering and materials for both temporary and permanent installations.
25. 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 Pat Anderson, 266-5978)

26. Parking requirements for persons with disabilities must comply with MGO Section 28.11(3)(m), which includes all applicable State accessibility requirements, including but not limited to:
 - a) Provide a minimum of one accessible stall striped per State requirements. The stall shall be a van accessible stall 8' wide with an 8' striped out area adjacent.
 - b) Show signage at the head of the stalls.
 - c) Show the accessible path from the stalls to the building.
27. Bike parking shall comply with MGO Section 28.11. Provide 2 bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. The bike racks shall be securely anchored to the ground or building to prevent the racks from moving. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area.
28. Lighting is required and shall be in accordance with MGO Section 10.085. Provide a plan showing at least 0.5 foot candle on any surface on any lot and an average of 0.75 foot candles. The maximum light trespass shall be 0.5 fc at 10 ft from the adjacent lot line (See City of Madison lighting ordinance).
29. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31. This is in an Urban Design District. Signage must be approved by the Urban Design Commission and Zoning. Sign permits must be issued by the Zoning Section of the Department of Planning and Community and Economic Development prior to sign installations.

30. Obtain a parking stall reduction approval. Once the capacities and employee counts are confirmed, the parking reduction application shall be reviewed.
31. Contact the City Clerk regarding the "change of licensed premise" to allow outdoor service to your liquor license.

Fire Department (Contact Bill Sullivan, 266-4420)

32. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

Water Utility (Contact Dennis Cawley, 261-9243)

33. This property is not in a Wellhead Protection District. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.