

PLANNING DIVISION STAFF REPORT

April 24, 2023



PREPARED FOR THE PLAN COMMISSION

Project Address: 7005 Tree Lane (9th Alder District, Ald. Conklin)
Application Type: Conditional Use
Legistar File ID #: [76898](#)
Prepared By: Lisa McNabola, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Contact: Alex Weis; Livesey Company; 2248 Deming Way, Suite 200, Middleton, WI 53562

Property Owner: West Place Four, LLC; 2248 Deming Way, Suite 200, Middleton, WI 53562

Requested Action: Consideration of a conditional use in the Suburban Employment (SE) District to allow a restaurant-tavern in an existing multi-tenant commercial building at 7005 Tree Lane.

Proposal Summary: The applicant proposes to establish a restaurant-tavern in a portion of an existing multi-tenant commercial building

Applicable Regulations & Standards: Standards for conditional use approvals are found in §28.183(6) M.G.O. Supplemental Regulations for restaurant-taverns are found in §28.151 M.G.O.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the approval standards for conditional uses are met and **approve** the request to allow a restaurant-tavern in an existing multi-tenant commercial building in the Suburban Employment (SE) District at 7005 Tree Lane. This request is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 88,246 square-foot (2-acre) parcel is located at the southwest corner of Tree Lane and South Gammon Road. It is also located within Alder District 9 (Ald. Conklin) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The site is occupied by a 15,825 square-foot, two-story structure, built in 2000. It is zoned Suburban Employment (SE) District.

Surrounding Land Use and Zoning:

North: Across Tree Lane, Wexford Ridge Apartments, zoned Suburban Residential – Varied 2 (SR-V2) District;

East: Across South Gammon Road, Thomas Jefferson Middle School, James Madison Memorial High School, zoned Campus Institutional (CI) District;

South: One-story multi-tenant commercial building, zoned Suburban Employment (SE) District; and

West: Five-story independent and assisted living residential building, zoned SE District.

Adopted Land Use Plan: The [2018 Comprehensive Plan](#) recommends Community Mixed-Use (CMU) development for the subject property and adjacent properties.

Zoning Summary: The property is zoned Suburban Employment (SE) District.

Requirements	Required	Proposed
Lot Area (sq. ft.)	20,000 sq. ft.	88,246 sq. ft.
Lot Width	65'	260.83'
Front Yard Setback	None	Adequate
Side Yard Setback	15' or 20% of building height	Adequate
Rear Yard Setback	30'	Adequate
Maximum Lot Coverage	75%	Existing lot coverage
Minimum Building Height	22' measured to building cornice	2 stories
Maximum Building Height	5 stories/68'	2 stories

Site Design	Required	Proposed
Number Parking Stalls	No minimum required	111 existing stalls
Electric Vehicle Stalls	Not required	None
Accessible Stalls	Yes	6 existing stalls
Loading	Not required	None
Number Bike Parking Stalls	Restaurant-tavern: 5% of capacity of persons (5)	24 existing bike stalls
Landscaping and Screening	Not required	Existing landscaping
Lighting	Not required	Existing lighting
Building Form and Design	Not required	Existing building

Table Prepared by Jacob Moskowitz, Assistant Zoning Administrator

Environmental Corridor Status: The subject site is not within a mapped environmental corridor.

Public Utilities and Services: This property is served by a full range of urban services.

Project Description, Analysis and Conclusion

The applicant proposes to establish a restaurant-tavern in an existing multi-tenant commercial building at 7005 Tree Lane. The restaurant-tavern will occupy a 2,648 square-foot tenant space on the first floor. The proposed occupancy is 91. The proposed hours of operation are Monday to Sunday, 10 a.m. to 10 p.m. No exterior building changes are proposed at this time.

The [2018 Comprehensive Plan](#) recommends Community Mixed-Use (CMU) development for the subject site. Employment, retail, civic, institutional, and service uses serving both adjacent neighborhoods and wider community markets are recommended for CMU areas. A restaurant-tavern use is appropriate in CMU areas.

The Conditional Use approval standards state that the Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of MGO §28.183(6) are met. Please note, recent changes to state law requires that conditional use findings must be based on "substantial evidence" that directly pertains to each standard and not based on personal preference or speculation.

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).

Staff believe that the proposed restaurant-tavern can be found to meet the Conditional Use approval standards and recommends that it be approved by the Plan Commission, subject to input at the public hearing and comments from reviewing agencies.

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

Recommendation

Planning Division Recommendation (Contact Lisa McNabola, 243-0554)

The Planning Division recommends that the Plan Commission find that the approval standards for conditional uses are met and **approve** the request to allow a restaurant-tavern and in the Suburban Employment (SE) District at 7005 Tree Lane. This recommendation is subject to input at the public hearing and the following conditions:

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

Zoning (Contact Jacob Moskowitz, 266-4560)

1. Maximum 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.
2. 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. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Engineering Division (Contact Tim Troester, 267-1995)

3. This site appears to have a land use that will result in their inclusion as a restaurant class sanitary sewer customer. This will charge commercial kitchen facilities a higher sanitary sewer fee per gallon than domestic users and is based on strengths of waste measured at representative similar customers throughout the City. If the applicant desires, a sampling structure may be installed, as part of the initial construction at their cost, to allow site-specific sampling of their waste to determine sanitary sewer charges specifically for this site. If no sampling structure is installed, this site will default to the restaurant class code in MGO Chapter 35. If you have questions on the restaurant class sewer charges please contact Megan Eberhardt at Meberhardt@cityofmadison.com or 608-266-6432.

Fire Department (Contact William Sullivan, 261-9658)

4. Without fire sprinkler protection, the occupant load shall be limited to 99 occupants including staff.

The following agencies reviewed the request and recommended no conditions of approval: Traffic Engineering, Parks Division, Forestry, Water Utility, Metro Transit, City Engineering Division – Mapping Section.