



## Report to the Plan Commission

January 11, 2009

**Legistar I.D. #16993**  
**6402 Millpond Road**  
**Conditional Use**

Report Prepared By:  
Kevin Firchow, AICP  
Planning Division

**Requested Action:** Approval of a conditional use for outdoor eating and recreation and parking reduction for a tavern.

**Applicable Regulations & Standards:** Outdoor eating areas are conditional uses in commercial zoning districts per Section 28.09(2)(d)6. Section 28.11 (2) (c) requires that parking reductions of 20 (or more) stalls be approved as a conditional use. 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 find the conditional use standards are met and **approve** conditional uses for the proposed outdoor eating area and recreation area and parking reduction, subject to input at the public hearing, conditions recommended by the Planning Division, and the conditions recommended by other reviewing agencies.

### Background Information

**Applicant:** Whiskey River LLC (Rev. Jim's Roadhouse) 6402 Millpond Rd, Madison, WI 53718  
**Agent / Contact:** Ronald M. Trachtenberg; Murphy Desmond, SC, PO Box 2038, Madison, WI 53701  
**Property Owner:** James R. and Rebecca Halbach, 6402 Millpond Road, Madison, WI 53718

**Proposal:** The applicant proposes to operate an outdoor eating and recreation area in a portion of the parking lot of this tavern. An approval of a parking reduction is also required for this area to be approved as shown.

**Parcel Location:** The subject site is approximately 1.77 acres in area. It is located on the north side of Millpond Road near its intersection with Savannah Road. The site abuts the I-90 frontage. The site is located in Aldermanic District 16; McFarland School District.

**Existing Conditions:** The site includes a tavern with surface parking lot.

### Surrounding Land Use and Zoning:

North: USH 12/18 with lands zoned with undeveloped M1 (Limited Manufacturing District) zoned lands, beyond;

South: Undeveloped lands zoned C2 (General Commercial District) with the DeJope Bingo and an apartment building, beyond;

West: Gas Station, zoned C2, and;

East: Undeveloped parcels with commercial and hotel properties within the Town of Blooming Grove, zoned C-2 and C-1, beyond.

**Adopted Land Use Plan:** The Comprehensive Plan recommends general commercial uses for this property.

**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.

**Zoning Summary:** The property is zoned C2 (General Commercial District).

Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	5,016 sq. ft.
Lot width	50'	38.9' (existing)
Usable open space	N/A	N/A
Front yard	0'	0.2' (existing)
Side yards	0'	0' R / 5" L (existing)
Rear yard	10'	30.2'
Floor area ratio	3.0	Less than 1.0
Building Height	--	1 Story
Number parking stalls	174 (30% of capacity)	61 existing
Accessible stalls	4	4 (See Comment # --)
Loading	N/A	N/A
Number bike parking stalls	10	0 (See Condition # --)
Landscaping	Yes	(See Condition # --)
Lighting		(See Condition # --)
Other Critical Zoning Items	Utility easements, Barrier free (ILHR69)	
	<i>Prepared by: Pat Anderson, Asst. Zoning Administrator</i>	

(Recommended conditions that correspond to requirements are noted in parentheses)

## **Project Analysis, Evaluation, and Conclusion**

The applicant requests conditional use approval to create an outdoor eating and recreation area for Reverend Jim's Roadhouse. This proposal also requires Plan Commission approval of a parking reduction. Staff estimates the reduction to be 113 stalls, requiring Plan Commission approval. The request is subject to the conditional use approval standards of Section 28.12 (11) of the Zoning Ordinance.

The outdoor eating / recreation area would be located at the northwest corner of the site. No permanent physical changes are proposed. A temporary snow fence will be used to enclose the area. The applicant indicates that there are four doors to and from the building and outdoor event area. In addition, emergency egress gates will be located on the west and south sides of the area. (The exits are labeled as "3" on the applicant's plan). Other temporary improvements include the addition of an outdoor service area (labeled as "1") and porto-toilets (labeled as "2").

Based on a recommendation from the ALRC (Alcohol License Review Committee), the Common Council approved the alcohol service license with several conditions. Planning Division staff do not recommend further operational conditions at this time.

The approved operating conditions are:

1. Outdoor venue/amplification use will be permitted on Friday and Saturday evenings, as well as Sundays from 12 pm to 8 pm if this day falls prior to a Monday holiday; permission for any other day may be granted with prior approval from MPD East District command staff, said request shall be made a minimum of 48 hours prior to the event.
2. No amplification prior to Noon or past 12 am allowed during any day or special event.
3. Amplification shall be no louder than 45 decibels within a 100' radius of Rev. Jim's property line; amplification may include live or pre-recorded music.
4. A minimum of one visible identifiable security staff for every 50 customers; security will be responsible for monitoring inside the tavern, outdoor seating or stage area and parking lot.
5. A licensed security company shall be retained to assist with larger scale outdoor events on a case-by-case basis after consultation with MPD.
6. Semi-trucks shall not be allowed extended parking (in excess of one hour) in the lot, although this would not prohibit short-term delivery of supplies to include loading and unloading.
7. Fencing shall be required surrounding the designated outside venue as depicted in the proposal with signage indicating "no alcoholic beverages past this point."
8. Capacity kept at 581.

The Planning Division's primary concern with this request is the potential "mismatch" between the large capacity and available parking. The Zoning Ordinance requires that parking for 30% of the capacity be provided. This would be 174 stalls. Based on the current submittal, zoning staff has estimated there will be 61 available stalls when this outdoor recreation area is in operation. That's a parking reduction of roughly 113 stalls. This number may need to be further reduced based on Traffic Engineering's review of the final plans. This issue is further complicated as there is limited on-street parking on the surrounding streets. An email from the City's parking utility is attached identifying on-street parking restrictions. In summary, there is some available on-street parking along Savannah Road, but on-street parking is not available on Millpond Road and Long Drive, within the City.

The applicant has indicated that an agreement has been reached with the owner of the adjacent gas station property to allow overflow parking on event days. Details on this parking agreement were not provided with the application materials.

Staff believe the applicable approval standards could potentially be met. Considering the subject property is largely surrounded by undeveloped parcels, this outdoor recreation area and parking reduction may have limited impacts on surrounding properties. Considering the aforementioned parking concerns, staff recommend that if approved, this initial approval would be good for a period of one year. This would allow time to monitor whether or not parking is adequate. Staff believe that if there are not complaints or other issues regarding any aspect of the operation, staff could approve an extension to this conditional use. The continuing jurisdiction provisions would also still apply should complaints arise. If problems were to arise, this item would be scheduled for further consideration by the Plan Commission. In the alternative, the Plan Commission may wish to specify that any renewal come before the Commission within one-year.

## **Recommendation and Proposed Conditions of Approval**

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Major/Non-Standard Conditions are Shaded

### **Planning Division Recommendation** (Contact Kevin Firchow, 267-1150)

The Planning Division recommends that the Plan Commission find the conditional use standards are met and **approve** conditional uses for the proposed outdoor eating area and recreation area and parking reduction, subject to input at the public hearing, conditions recommended by the Planning Division, and the conditions recommended by other reviewing agencies.

1. That this conditional use shall be valid for a period of one year from the date of Plan Commission approval. Per the request of the district alderperson, Planning Division staff will contact appropriate representatives from the Police Department and alderperson regarding ongoing operations prior to the end of the first year of operation. Planning Division staff may renew this approval if no complaints have been filed with the Zoning Administrator and if there are no concerns regarding the operation. The continuing jurisdiction standards shall still apply. Should complaints, concerns, or issues arise regarding this condition use, this conditional use will be referred to the Plan Commission for further consideration.

***The following conditions have been submitted by reviewing agencies:***

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

2. Burse Surveying & Engineering has agreed to revise their Plat of Survey base drawing to include the existing public sanitary sewer and watermain easement per Document No. 1848256 to better memorialize this record. Burse Surveying & Engineering was provided copy of the recorded easement document via email attachment from Engineering Mapping on 12/23/2009.
3. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the Engineering Division. (Lori Zenchenko) lzenchenko@cityofmadison.com. The digital copies shall be drawn to scale and represent final construction including: building footprints, internal walkway areas, internal site parking areas, lot lines/ numbers/ dimensions, street names, and other miscellaneous impervious areas. All other levels (contours, elevations, etc) are not to be included with this file submittal. Email file transmissions are preferred. The digital CAD file shall be to scale and represent final construction. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format. Please include the site address in this transmittal.

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

4. The applicant shall provide a four (4) ft high fence along the outdoor eating area separating the outdoor eating area from the parking lot. All information as tables and seating shall be shown or noted on the plan. This fence is required to prevent vehicles from encroaching into the outdoor eating area and defines the outdoor eating from the parking lot for the customers.
5. The applicant shall submit traffic circulation through the parking lot according to M.G.O. The applicant shall submit a event signage and barricade plan; how parking spaces are to be securing the traffic circulation on site operation to be approved by City Traffic Engineering.
6. The applicant shall indicate the type of City approved bicycle racks to be installed and locations. The bike rack should be located by the entrances to the buildings.

7. 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, adjacent driveway approaches to lots, 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'.
8. When site plans are submitted for approval, the developer shall provide recorded copies of the joint driveway ingress/egress and easements.
9. 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 for both daily and special event operations.
10. The applicant shall design the surface stalls and backing up according to Figures II of the ordinance using the 9' or wider stall for the commercial/retail area. Drive aisles, ramps, columns, offices or work areas are to be excluded from these rectangular areas, when designing parking areas.
11. 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)

12. Meet all applicable State accessible requirements, including but not limited to:
  - a. Provide a minimum of four 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.
  - c. Show the accessible path from the stalls to the building.
13. Provide 10 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.

14. Meet applicable building/fire codes for the additional outdoor capacity and for ingress and egress of the establishment with the areas and uses for the site. Occupancy is established by the Building Inspection Unit. Contact Alan Harper at 266-4558 to help facilitate this process.
15. 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.
16. The submitted plans reflect that the proposal is 113 parking spaces deficient or 285% of the required number of spaces for the proposed use. As part of this application the Plan Commission will consider approval of a parking reduction.
17. If outdoor lighting is provided, it must comply with City of Madison outdoor lighting standards , it must comply with City of Madison General Ordinances Section 10.085.
18. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 of the Madison General Ordinances. Sign permits must be issued by the Zoning Section of the Department of Planning and Community and Economic Development prior to sign installations. Banner's, Pennant's, temporary signs, portable sign's etc. are not a part of this approval.
19. No portion of the site plan may change without Plan Commission approval, however, the Zoning Administrator may issue permits for minor alterations or additions which are approved by the Director of Planning and Community and Economic Development and are compatible with the concept approved by the City Plan Commission and the standards in 28.12(11)(g).
20. Event area obstructs the flow of traffic though the site. The approved site plan must show compliant parking lot layout and vehicle movements as approved by Traffic Engineering.

**Fire Department** (Contact Scott Strassburg, 261-9843)

21. 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 2009 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 2009 edition.
  - d. Submit a site plan showing any/all seating, bar, tent, dumpster, structures and fixtures for the proposed deck, patio or fenced in area space.

**Water Utility** (Contact Dennis Cawley, 261-9243)

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. The Water Utility will not need to sign off the final plans, and not need a copy of the approved plans.

**Parks Division** (Contact Tom Maglio, 266-6518)

This agency did not submit a response to this request.

**Metro Transit** (Contact Tim Sobota, 261-4289)

This agency did not submit a response to this request.