

PLANNING DIVISION STAFF REPORT

August 20, 2018

PREPARED FOR THE PLAN COMMISSION



Project Address: 2438 Winnebago Street

Application Type: PD(SIP) Alteration

Legistar File ID # [52570](#)

Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted.

Summary

Applicant: Eric Peterson, Looking for Group Brewing Madison, LLC; 309 W. Washington Avenue, #102; Madison.

Property Owner: Gorman & Company, LLC; 200 N. Main Street; Oregon.

Requested Action: Approval of an alteration to an approved Planned Development–Specific Implementation Plan to allow an outdoor eating area for a brewpub in a mixed-use building at 2438 Winnebago Street.

Proposal Summary: The applicant is currently finishing a 5,085 square-foot first floor commercial space in the western of two four-story mixed-use buildings known as “Carbon at Union Corners” with the “Union Corners Brewery” brewpub. The mixed-use building is addressed 2418 Winnebago Street according to City records, while the brewpub space is addressed as 2438 Winnebago. The brewpub will occupy the easternmost commercial space in the western Carbon building and will have an outdoor eating area located off the eastern wall that will occupy a portion of the plaza that separates the two mixed-use buildings. The outdoor eating area with an overall capacity of 58 persons, with seating for 40 according to the plans submitted. Completion of the tenant build-out for the brewpub is ongoing, and completion of the outdoor eating area will commence as soon as all regulatory approvals have been granted. The brewpub expects to be open by November 1, 2018.

Applicable Regulations & Standards: Section 28.098(6) states that alterations to Planned Developments may be approved by the Plan Commission if the requested alterations are consistent with the concept approved by the Common Council using the review standards in Section 28.098(2).

Review Required By: Plan Commission. Any exterior alterations related to the finishing of the tenant space for the brewpub will be reviewed by the Secretary of the Urban Design Commission prior to issuance of permits.

Summary Recommendation: The Planning Division recommends that the Plan Commission find the proposed alteration for an outdoor eating area for a brewpub at 2438 Winnebago Street consistent with the Specific Implementation Plan for mixed-use buildings at 2418 and 2518 Winnebago Street approved by the Common Council and **approve** the request, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

Background Information

Parcel Location: The proposed brewpub will occupy space in the western of the two “Carbon at Union Corners” mixed-use buildings (Buildings “4” and “5”) located on approximately 1.2 acres along the northwesterly side of Winnebago Street approximately midway between S. Sixth Street and Milwaukee Street. The larger 11.5-acre Union Corners property is generally bounded by E. Washington Avenue, Milwaukee Street, S. Sixth Street and the Union Pacific Railroad, Aldermanic District 6 (Rummel); Madison Metropolitan School District.

Existing Conditions and Land Use: The Carbon buildings are each four stories tall and contain a total of approximately 19,000 square feet of commercial space and 90 dwellings units. The site is zoned PD.

Surrounding Land Uses and Zoning:

North: Undeveloped parcel in Union Corners Planned Development;

South: Union Corners Bike Path, Union Pacific/ Wisconsin Southern Railroad right of way;

West: UW Health Union Corners Clinic, zoned PD;

East: Future 60-unit “Grand Families” multi-family housing across Winnebago Street, zoned PD.

Adopted Land Use Plans: The Comprehensive Plan identifies the Union Corners site as a potential redevelopment location for Community Mixed-Use development and Transit-Oriented Development.

Most of the site is also included within the boundaries of the 2000 Schenk-Atwood-Starkweather-Worthington Park Neighborhood Plan, which while not providing a vision for redevelopment of the site, includes a number of smaller, specific recommendations germane to portions of the Union Corners site and surrounding area. The site is also located within the boundaries of the 2000 East Washington Avenue/ Old East Side Master Plan (BUILD), which did not anticipate the closing of the Kohl’s grocery store or the Rayovac plant but included a number of recommendations for urban design and transportation.

Zoning Summary: The site is zoned PD. The SIP alteration will be reviewed in the following sections.

Other Critical Zoning Items	
Yes:	Urban Design (Planned Development), Barrier Free, Utility Easements
No:	Floodplain, Wellhead Protection, Landmarks, Waterfront Development, Adjacent to Park
Prepared by: Jenny Kirchgatter, Assistant Zoning Administrator	

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

Public Utilities and Services: The site is served by a full range of urban services, including seven-day Metro Transit service on E. Washington Avenue, S. Sixth Street, and Milwaukee Street.

Relevant Previous Approvals

On May 21, 2014, the Common Council approved a major amendment to the Planned Development–General Development Plan for Union Corners to call for various medical office, retail, mixed-use and residential buildings on four City-owned parcels generally addressed as 2340, 2504 and 2507 Winnebago Street.

On February 3, 2015, the Common Council approved an Amended Planned Development–Specific Implementation Plan to allow construction of two mixed-use buildings at Union Corners containing 22,240 square feet of leasable commercial space and 90 apartments on land addressed as 2504 Winnebago Street.

Project Description

The applicant is requesting approval of an amended Specific Implementation Plan for the Carbon at Union Corners to allow an outdoor eating area for a brewpub to be established on a portion of the plaza located between the two mixed-use buildings located at 2418 and 2518 Winnebago Street. The “Union Corners Brewery” brewpub will occupy the easternmost commercial space in the western building (2418), with approximately 5,100 square feet of space on the first floor; the brewpub space is addressed as 2438 Winnebago Street. The outdoor eating area will be located parallel to the eastern wall of the building and brewpub tenant space, with doors shown opening onto the plaza space from the interior. The outdoor area will be used for general dining and adjacent to a multi-function room that will be located at the southeasterly corner of the brewpub. According to the plans submitted, the outdoor eating area will have seating for 40 and a total capacity of 58 persons. Per a condition of the Alcohol License Review Committee and Common Council approval of the brewpub’s license (ID [51049](#)), the capacity of the brewpub, including the outdoor eating area, is limited to 120 persons.

The brewpub and accessory outdoor eating area proposes to operate from 11:00 AM until midnight, Monday–Friday, and from 9:00 AM until midnight. The letter of intent for the outdoor eating area indicates that there will not be live music and “no amplified music unless allowed by the building association.”

Analysis & Conclusion

The Carbon buildings are subject to a zoning text that was recorded in 2016 with the original Specific Implementation Plan to allow construction of the buildings, which references the overall zoning text for the Union Corners Planned Development recorded in 2014. In the approved zoning text, brewpubs are a permitted use. However, in that zoning text, outdoor eating areas “[s]hall be shown on approved specific implementation plans, subject to any conditions of approval deemed necessary by the Plan Commission during its review, including limitations on hours of operation and amplified sound.”

As no outdoor eating area was approved when the Carbon mixed-use buildings were approved in 2015, the Plan Commission is required to approve an amended Specific Implementation Plan to allow the proposed outdoor eating area. The approval shall be granted if the Plan Commission finds that the requested alterations are consistent with the concept approved by the Common Council. Per the zoning text language, the Commission may impose any conditions of approval deemed necessary, including limitations on hours of operation and amplified sound.

The Planning Division believes that the Plan Commission may find the outdoor eating area consistent with the concept for the mixed-use buildings approved by the Common Council. The zoning text applicable to the site allows for a number of uses that would typically have an outdoor eating area in addition to brewpubs, including restaurants, taverns, and coffee and tea houses. Staff believes that the first floor of both Carbon buildings were designed to include active commercial spaces to which an outdoor eating area would be complementary.

However, the Planning Division believes that it would be appropriate for the Plan Commission to impose a series of conditions on the approved outdoor eating area to limit impacts on nearby residential uses, including the 90 units of housing within the Carbon development, and the 60-unit “Grand Families” apartment development that will be located opposite the subject site across Winnebago Street. To that end, staff recommends that the hours of operation for the outdoor eating area initially be limited to 9:00 PM on Sunday through Thursday and 10:00 PM on Friday and Saturday, with the opportunity for those hours to be modified by the Director of the Planning

Division following a recommendation by the district alder. Staff also recommends that there be no outdoor amplified sound or live performance on the outdoor area. These proposed conditions are consistent with similar conditions approved for outdoor eating areas in proximity to residential uses through the conditional use process.

Recommendation

Planning Division Recommendation (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission find the proposed alteration for an outdoor eating area for a brewpub at 2438 Winnebago Street consistent with the Specific Implementation Plan for mixed-use buildings at 2418 and 2518 Winnebago Street approved by the Common Council and **approve** the request subject to input at the public hearing and the following conditions:

Recommended Conditions of Approval: Major/Non-Standard Conditions are Shaded

Planning Division

1. The hours of operation for the outdoor eating area shall be limited to 9:00 PM on Sunday through Thursday and 10:00 PM on Friday and Saturday. The Director of the Planning Division may consider an alteration to the Specific Implementation Plan in the future to further modify the hours of operation for the outdoor eating areas following a recommendation by the district alder.
2. There shall be no outdoor amplified sound (music, televisions/broadcast) unless approved as an alteration by the Director of the Planning Division following a recommendation by the district alder. There shall be no live performance (music, oral, etc.) in the outdoor eating area at any time.
3. The general location and arrangement of any lounge chairs or couches shall be shown on the final plans.
4. For context, revise the site and floor plans to show the outdoor eating area and the entire plaza between 2418 and 2518 Winnebago Street. Provide a drawing of the fencing that will be used to enclose the outdoor eating area for final staff approval.
5. Approval of any exterior alterations related to the finishing of the tenant space for the brewpub shall be approved by the Secretary of the Urban Design Commission prior to issuance of building permits.

The following conditions have been submitted by reviewing agencies:

City Engineering Division (Contact Brenda Stanley, 261-9127)

6. The current plan shows less than 4,000 square feet of disturbed area. If the plans are not revised, no Erosion Control or Storm Water Management Permits will be required.

City Engineering Division–Mapping Section (Contact Jeff Quamme, 266-4097)

7. The brewery is comprised of two tenant spaces. The address of the brewery is 2438 Winnebago Street. The other tenant space address of 2434 Winnebago Street has been inactivated.

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

This agency reviewed the request and has recommended no conditions of approval.

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

This agency reviewed the request and has recommended no conditions of approval.

Fire Department (Contact Bill Sullivan, 261-9658)

8. Obtain an operational license for the assembly spaces per MGO Chapter 34 and the IFC from the Madison Fire Department prior to opening for business.

Water Utility (Contact Adam Wiederhoeft, 261-9121)

This agency reviewed the request and has recommended no conditions of approval.

Parks Division (Contact Kathleen Kane, 261-9671)

This agency reviewed the request and has recommended no conditions of approval.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency reviewed the request and has recommended no conditions of approval.

Police Department

This agency reviewed the request and has recommended no conditions of approval.