



PREPARED FOR THE PLAN COMMISSION

Project Address: 1133 E. Wilson Street (6th Aldermanic District, Alder Rummel)
Application Type: Conditional Use
Legistar File ID #: [50990](#)
Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant/Contact: Ryan Browne; Working Draft Beer Company, LLC.; 1133 E. Wilson Street; Madison, WI 53703

Property Owner: Richard Karls; SK Investment Co.; 4105 Keewatin Trail; Verona, WI 53593

Requested Action: Approval of a conditional use to establish an outdoor seating area for a brewpub in the Traditional Employment (TE) District at 1133 E. Wilson Street.

Proposal Summary: The applicant proposes add an outdoor eating area adjacent to an existing brewpub and attached retail taproom, with capacity for 40 people.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183], as §28.082(1) of the Zoning Code lists *Outdoor eating areas associated with food and beverage establishments* as a Conditional Use in the Traditional Employment (TE) district. The Supplemental Regulations [MGO §28.151] contain further regulations for this use.

Review Required By: Plan Commission (PC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the request to establish an outdoor seating area for a brewpub in the Traditional Employment (TE) District at 1133 E. Wilson Street. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Background Information

Parcel Location: The roughly 23,230-square-foot (0.53-acre) subject site is located on the southeast side of E. Wilson Street, in between S. Ingersoll Street and S. Few Street; within Aldermanic District 6 (Ald. Rummel); and within the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject parcel is developed with an 11,266-square-foot building containing two tenant spaces – a 7,000-square-foot tenant space adjacent to E. Wilson Street and a 4,300-square-foot tenant space at the southeast corner of the lot. (The applicant operates in the latter space.) The lot contains 17 parking spaces (including one accessible stall).

Surrounding Land Use and Zoning:

Northwest: Across E. Wilson Street is Madison’s Central Park, zoned Parks and Recreation (PR) District;

Northeast: Single-family and two-unit residences, zoned TR-C3;

Southeast: A gas station as well as a mixed-use building with a restaurant and apartments above, both zoned Traditional Shopping Street (TSS) District; single-family residences, zoned Traditional Residential – Varied 2 (TR-V2) District, and a condominium building, zoned Planned Development (PD) District; and

Southwest: A 73-unit Multi-family Residential Building, Planned Development (PD).

Adopted Land Use Plan: High-density residential development is recommended for the subject site by the [Comprehensive Plan \(2006\)](#) (which qualifies High-Density Residential as 41-60 dwelling units per acre); the [East Rail Corridor Plan \(2004\)](#); and the [Marquette-Schenk-Atwood Neighborhood Plan \(1994\)](#) (which recommends high-density residential development as well as light-commercial development for the 1100 block of E. Wilson Street).

Zoning Summary: The property is in the Traditional Employment (TE) Zoning District.

Requirements	Required	Proposed
Lot Area (sq. ft.)	6,000 sq. ft.	23,232 sq. ft.
Lot Width	50'	176'
Front Yard Setback	None	Existing front setback
Side Yard Setback	Minimum side yard required in the adjacent residential district: 5' east side yard None: west side yard	Existing side setback
Rear Yard Setback	Lesser of 20% lot depth or 20'	Existing rear setback
Maximum Lot Coverage	85%	Existing lot coverage
Minimum Building Height	22' measured to building cornice	1 story existing building
Maximum Building Height	5 stories/ 68'	1 story existing building

Site Design	Required	Proposed
Number Parking Stalls	Brewpub: 15% of capacity of persons (15)	14 <i>(See Comment #7)</i>
Accessible Stalls	Yes	1
Loading	None	None
Number Bike Parking Stalls	Brewpub: 5% of capacity of persons (5)	5 <i>(See Comment #8)</i>
Landscaping	Not required	Yes <i>(See Comments #9 & #10)</i>
Lighting	Not required	Yes
Building Forms	Not required	Existing building

Other Critical Zoning Items	Barrier Free (ILHR 69)
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Tables 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. Regarding Metro Transit service, the nearest stop is located 0.2-miles to the south at the intersection of Jenifer Street and S. Few Street.

Project Description

The applicant, Working Draft Beer Company, LLC., proposes to establish a 640-square-foot outdoor seating area adjacent to an existing brewpub & tasting room, with intent to serve both food and beverage (including alcoholic beverages) in this area. The outdoor eating area will be located along the southerly façade of the brewpub, just east of its main entrance, in an area of what currently is the parking lot (though there are no parking stalls currently programmed in this space). The patio area will consist of a 20-foot by 32-foot concrete pad, around the perimeter of which will sit a steel frame, 10 to 12 feet in height, and constructed out of roughly 3½-inch-square steel. The enclosure will be provided via the roughly 2½-foot-tall paneling (constructed out of miscellaneous bicycle parts), which will run along the base of the frame's westerly and southerly elevations as well as via a wire metal trellis which will form the entire easterly elevation. Four canvas canopy panels, running along the top of the frame, will provide some protection from the sun and rain. The sole access to the patio for patrons will be directly from the brewpub via the two large, operable glass doors located along the northerly elevation. While the southerly elevation will have a service gate, it will be locked and used only for service/delivery purposes.

The eating area will have a seating capacity of 40 persons (note: the final details of the seating plan and capacity to be approved by the Building Inspection Unit). On the submitted site plan, seating is provided in the form of four 4-person tables, four 2-person tables, and four 1-person tables. As stated in the submitted materials, the eating area will be a designated non-smoking area, and will not have amplified music. Regarding the hours of operation, the applicant is requesting the following: Monday – Thursday, 3:00 pm – 9:00 pm; Friday and Saturday, 11:00 am – 9:00 pm; and Sunday, 11:00 am – 9:00 pm. As a point of reference, the tasting room's hours of operation are Monday – Thursday, 3:00 pm – 10:00 pm; Friday and Saturday, 11:00 am – 10:00 pm; and Sunday, 11:00 am – 9:00 pm (with a once a year exception for New Year's Eve, when the tasting room will be open until 1:00 am) and the hours for the brewing production are Monday – Friday, 7:00 am – 3:00 pm. (The brewpub was approved by the Plan Commission back on June 19, 2017, see Legistar File ID #: [47301](#)). In order to have the patio cleaned up and vacated each nightly by 9:00 pm, the applicant has developed a "patio decommissioning checklist." A copy of this plan has been included in the Plan Commission's packet of materials.

Analysis and Conclusion

The application is subject to Conditional Use standards as *Outdoor eating areas associated with food and beverage establishments* require Conditional Use approval in the Traditional Employment (TE) District and the Supplemental Regulations [MGO §28.151] contain further regulations for this use.

Conditional Use 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 MGO §28.183(6) are met.

In regards to adopted plan recommendations, high and higher-density residential development is recommended for the subject site by the [Comprehensive Plan \(2006\)](#), the [East Rail Corridor Plan \(2004\)](#), and the [Marquette-Schenk-Atwood Neighborhood Plan \(1994\)](#). The Marquette Plan, in addition to higher-density residential, also recommends light commercial for the 1100 block of E. Wilson Street. Considering the historic non-residential use of this site and the fact that the non-residential use is already established, the Planning Division believes it would be possible to find the proposed use compatible with residential uses, provided possible negative impacts are mitigated.

Regarding possible impacts on surrounding properties, the Planning Division believes that if the outdoor eating area is well-managed, this proposal should not result in significant negative impacts to the surrounding properties. The existing brewpub currently opens its two large, operable glass doors during the day, and this would be continued as part of their current request. These doors are closed 9:00 pm, nightly. Another consideration is that the applicant is not permitted to have any outdoor amplified sound or music. Given that the overall capacity is not being increased as part of this request, and that large doors are already opened during the day, the addition of the outdoor eating area does not represent an entirely new source of noise on the surroundings. It does, however, provide additional activity outside and closer to the neighboring residential structure.

Supplemental Regulations for Outdoor Eating Areas Associated With Food and Beverage Establishments

Outdoor Eating Areas Associated with Food and Beverage Establishments are also subject to the Supplemental Regulations pursuant to Section 28.151. These include the following:

- a) Primary access to the area shall be from within the establishment.
- b) Hours of operation may be restricted and noise and lighting limits imposed as part of the conditional use approval.
- c) Where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

The Planning Division believes the Supplemental Regulations are met, with the recommended conditions.

Public Input

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

Conclusion

Staff believes that a finding could be made that the Conditional Use standards are met, and staff recommends that it be approved by the Plan Commission. Factors such as the limited hours of operation – including continuing the current policy of closing the glass doors each night; the proposed operational “patio decommissioning checklist” to institute the nightly 9:00 pm closing; the lack of amplified outdoor music; and the other proposed conditions of approval will help mitigate anticipated impacts. Staff is mindful of the building’s location roughly 90 feet from the closest residential dwelling unit and, to that end, points out that 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 §28.183(9)(d).

Recommendation

Planning Division Recommendation (Contact Chris Wells, (608) 261-9135)

The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the request to establish an outdoor seating area for a brewpub in the Traditional Employment (TE) District at 1133 E. Wilson Street. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

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

Planning Division (Contact Chris Wells, (608) 261-9135)

1. The hours of operation for the outdoor eating area shall be Monday – Thursday, 3:00 pm – 9:00 pm; Friday and Saturday, 11:00 am – 9:00 pm; and Sunday, 11:00 am – 9:00 pm. Future modifications to the hours of operation of the outdoor eating area may be requested by the applicant in the future as a minor alteration of the conditional use following a recommendation by the district alder.
2. There shall be no amplified sound, including, but not limited to television, ambient music or musical performances, in the outdoor eating area.
3. The capacity of the outdoor eating area located in front of the tenant space addressed as 1133 E. Wilson Street shall not exceed 40 persons (note: the final details of the seating plan and capacity to be approved by the Building Inspection Unit). Future modifications to the capacity of the outdoor eating area may be considered as a minor alteration of the conditional use following a recommendation by the district alder and approval from the Building Inspection Unit.
4. The development shall operate in accordance with the submitted management plan/patio checklist.

Engineering Division (Main Office) (Contact Brenda Stanley, (608) 261-9127)

The agency reviewed this request and has recommended no conditions or approval.

Engineering Division (Mapping) (Contact Jeffrey Quamme, (608) 266-4097)

5. It appears per information shown on the site plan that a property survey has been completed of this property. None are filed at the County Surveyor's Office. If one exists, provide a pdf copy of the survey to Jeff Quamme (jrquamme@cityofmadison.com)
6. It appears part of the parking or impervious pavement is being removed and landscaping added. Provide detail of the type of impervious being removed or is the landscaping raised bed plantings on pavement.

Traffic Engineering (Contact Sean Malloy, (608) 266-5987)

The agency reviewed this request and has recommended no conditions or approval.

Zoning (Contact Jenny Kirchgatter, (608) 266-4429)

7. Verify the capacity of the brewpub and proposed outdoor dining area to determine the vehicle parking requirement. Vehicle parking is required at a minimum of 15% of capacity of persons. A vehicle parking reduction may be required per Section 28.141(5). The applicant may reduce the parking requirement by the greater of (5) parking spaces or ten percent (10%) of the required parking. A further reduction of up to 20 spaces may be approved by the Zoning Administrator.
8. Bicycle parking shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum amount of bicycle parking equal to 5% of capacity of persons located in a convenient and visible area on a paved or impervious surface. 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.
9. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
10. Identify and label the district boundary screening fence and the trash enclosure on the site plan as per the 09-15-2017 approved plans.
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. 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.

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

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| 13. The occupant load of the outdoor patio (40) shall be added to the occupant load of existing tenant space for application of egress and fire protection systems. |
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Parks/Forestry Review (Contact Kate Kane, (608) 261-9671)

The agency reviewed this request and has recommended no conditions or approval.

Water Utility (Contact Adam Wiederhoeft, (608) 266-9121)

The agency reviewed this request and has recommended no conditions or approval.

Metro Transit (Contact Timothy Sobota, (608) 261-4289)

The agency reviewed this request and has recommended no conditions or approval.