

PLANNING DIVISION STAFF REPORT

October 17, 2016



PREPARED FOR THE PLAN COMMISSION

Project Address: 1968 Atwood Ave. (District 6-Ald. Rummel)
Application Type: Conditional Use
Legistar File ID # [44433](#)
Prepared By: Jessica Vaughn, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted

Summary

Applicant/Property Owner/Contact: Michael Randall; Ideal Bar, LLC; 1968 Atwood Ave.; Madison, WI 53704

Requested Action: The applicant is requesting approval of a Conditional Use to establish an outdoor eating area associated with an existing tavern.

Proposal Summary: The applicant requests approval of a Conditional Use to establish an outdoor eating area for an existing tavern, Ideal Bar, located at 1968 Atwood Ave. in the Traditional Shopping Street (TSS) zoning district. This Conditional Use application and proposed changes to the site, including removing the existing awning that encroaches into the rear yard setback, will bring the existing patio area into compliance with the Zoning Code.

The outdoor eating area is located behind the existing building, is screened with an eight-foot fence, and will have an occupancy of 12.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses pursuant to Section 28.183(6), MGO, and the supplemental regulations pursuant to Section 28.151, MGO for outdoor eating area uses.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the approval standards for Conditional Use are met and **approve** the request for an outdoor seating area use at 1968 Atwood Ave. This recommendation is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The project site is located just west of the intersection of Winnebago Street and Atwood Avenue. The site is in Aldermanic District 6 (Ald. Rummel) and the Madison Metropolitan School District as well as the Marquette-Schenk-Atwood Neighborhood.

Existing Conditions and Land Use: The project site, currently home to the Ideal Bar has been a tavern use of record since 1948. The existing building, just over 1,500 square feet in size is a one-story building with a flat roof configuration. Located behind the existing building is a 245 square-foot covered patio area currently utilized as a smoking and drinking area that was established in 2005, according to the applicant's Letter of Intent.

In August 2006, a Conditional Use request was approved for the existing outdoor eating area located behind the existing tavern. Since the applicant did not act on the approval or satisfy the conditions of approval, the approval has since expired. This Conditional Use request will result in the existing outdoor eating area becoming compliant with the Zoning Code.

The existing awning covering the patio area encroaches into the rear yard setback and is considered nonconforming.

There is no onsite parking.

Surrounding Land Use and Zoning: The project site is currently zoned Traditional Shopping Street (TSS).

North: Multi-family residential use, TSS zoning;

East: Mixed-use building with café and residential; TSS zoning

South (across Winnebago Street): Commercial uses; TSS zoning; and

West: Mixed-use building with retail and residential; TSS zoning.

Zoning Summary:

Requirements	Required	Proposed
Front Yard Setback	None	None
Side Yard Setback	None unless needed for access	None
Rear Yard Setback	The lesser of 20% of lot depth or 20'	10' existing setback
Maximum Lot Coverage	85%	Existing lot coverage
Maximum Building Height	3 stories/ 40'	One story existing
Number Parking Stalls: Tavern Use	None	None
Accessible Stalls	None	None
Loading	None	None
Number Bike Parking Stalls	Tavern: 5% of capacity of persons, TBD	None
Landscaping and Screening	None	Existing landscaping
Lighting	None	None
Building Forms	None	Existing building

Other Critical Zoning Items	
Yes:	Barrier Free (ILHR 69)
No:	Urban Design, Historic District, Adjacent to Park, Barrier Free (ILHR 69), Wetlands, Floodplain, Wellhead Protection District, Utility Easements

Zoning Tables prepared by: Jenny Kirchgatter, Assistant Zoning Administrator

Comprehensive Plan: The Comprehensive Plan recommends Community Mixed Use (CMU) development for the project site, which are areas that "...are the recommended locations for a relatively high density of residential, retail, offices, institutional and civic uses in a compact urban setting" (Pg.2-88).

Adopted Neighborhood Plan: The project site is located within the Marquette-Schenk-Atwood Neighborhood within the Marquette-Schenk-Atwood Neighborhood Plan (the "Plan") planning area. While the project site is located within the neighborhood plan planning area, it is not located within one of the four areas identified as a key Land Use Area; the Plan does not provide any detailed land use recommendation for the project site, nor does it specifically speak to outdoor eating areas.

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.

Project Description

The applicant is requesting the approval of a Conditional Use for an outdoor eating area for an existing tavern, Ideal Bar, located at 1968 Atwood Ave.

Located behind the existing building, the outdoor eating area is approximately 245 square feet in size and will have a limited capacity of not more than 12 people/seats. As part of the proposal, the existing nonconforming awning structure covering the patio will be removed. The outdoor eating area will be accessible from the interior of the tavern as well as an unpaved alley that runs along the west side of the project site.

There is no new construction associated with the proposed outdoor eating area, only the addition of seats. No change to the existing building is proposed as a result of this proposal.

Analysis and Conclusion

Outdoor eating area uses are allowed as conditional uses in the TSS zoning district and are subject to the Conditional Use review criteria pursuant to Section 28.183(6), MGO. Generally, the intent of the Conditional Use review is to determine if a particular site is an appropriate location for a proposed use, to evaluate the compatibility of that use with surrounding uses and development, and to mitigate potential nuisance impacts to surrounding properties.

Outdoor eating area uses are also subject to the supplemental regulations pursuant to Section 28.151, MGO which generally speak to mitigating nuisance impacts to surrounding properties, including noise, lighting, and providing adequate separation or buffer to residential uses. The supplemental regulations recognize that conditions of approval addressing adverse impacts may be imposed through the conditional use approval.

As part of the Planning Division review and recommendations, staff has proposed conditions intended to mitigate potential adverse impacts related to the general operating characteristics of the proposed outdoor eating area use, including limiting amplified sound and capacity, and maintaining operations that are consistent with the Alcohol License Review Committee (ALRC) approval conditions. All of which directly relate to those Conditional Use standards that speak to maintaining use, value and enjoyment of other property within the neighborhood, consistency and compatibility with surrounding development, and supplemental regulations.

The Planning Division believes that the revised plans, with the conditions of approval, can meet the Conditional Use approval standards, including those related to use, value and enjoyment, the supplemental regulations and zoning district standards given:

- That the proposed outdoor eating area use will conform to all applicable regulations of the TSS zoning district and supplemental regulations for outdoor eating area uses associated with food and beverage establishments pursuant to Section 28.151, MGO; and
- The conditions of approval regarding limiting capacity, amplified sound, coupled with the location of the proposed outdoor eating area behind the existing building and the ALRC conditions of approval, including the construction of a wall, staff does not anticipate that the proposed outdoor eating area use will result in a significant impact to surrounding properties.

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 Section 28.183(9)(d), MGO.

At the time of report writing, no public comment was received.

Recommendation

Planning Division Recommendation (Contact Jessica Vaughn, (608) 267-8733)

The Planning Division recommends that the Plan Commission find that the approval standards for Conditional Use are met and **approve** the request for an outdoor seating area use at 1968 Atwood Ave. This recommendation is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

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

Planning Division (Contact Jessica Vaughn, (608) 267-8733)

1. Prior to final approval and building permit issuance, the Applicant shall submit final plans for review and approval by staff, including a revised Letter of Intent that reflects the intended hours of operation and seating plan.
2. There shall be no amplified sound, including, but not limited to television, ambient music or musical performances, in the outdoor eating area.
3. Pending review by the Building Inspection Division, the maximum capacity shall be approved by the Director of Building Inspection or designee but shall not exceed 12 persons for the outdoor eating area.
4. This approval is conditioned on the Outdoor Eating Area operating consistently with and according to the conditions of approval as noted in the Alcohol License Review Commission (ALRC) approval. Taverns shall at all times operate consistent with and according to the requirements of a valid alcohol license issued by the City.
5. As noted in the ALRC conditions of approval, *“The Ideal Bar will building a solid “wall” to block off the licensed area from the alley. This “wall” will be at least eight feet high and will not have any openings, other than a solid door for emergency exiting and utility use.”* Please provide details of the existing “wall” and door.
6. As noted in the ALRC conditions of approval, *“The Ideal Bar will provide lighting in the alley between the two building at night during regular open house.”* If lighting is proposed please provide a lighting plan consistent with Section 10.085, MGO, and fixture cutsheets that meet this requirement.

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

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

City Engineering Review Mapping (Contact Jeff Quamme, (608) 266-4097)

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

Traffic Engineering Division (Contact Eric Halvorson, (608) 266-6527)

1. The Applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope
2. All parking facility design shall conform to the standards as set forth in Section 10.08(6), MGO.

Zoning Administrator (Contact Jenny Kirchgatter, (608) 266-4569)

1. Meet applicable building/fire codes. The capacity shall be established for the outdoor eating area. Capacity is established by the Building Inspection Unit. Contact Building Inspection staff at (608)266-4559 to help facilitate this process.
2. Provide details of the outdoor eating area, including the proposed layout of the tables and chairs and photos of the existing fence and gate.
3. If the capacity of the tavern increases due to the proposed outdoor eating area, compliance with the bicycle parking requirement will be triggered. The bicycle parking requirement is a minimum of 5% of capacity of persons. After the capacity has been established by the Building Inspection Unit, contact Zoning staff to discuss the bicycle parking requirement.

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

1. Establish and post occupant loads for the outdoor seating area. Verify that the occupant load for the interior is also posted.

Parks Division (Contact Janet Schmidt, (608) 266-9688)

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

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

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

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

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