



Report to the Plan Commission

June 21, 2010

Legistar I.D. #18878
437 County Highway M (South Junction Road)
Conditional Use Request

Report Prepared By:
Heather Stouder, AICP
Planning Division Staff

Requested Action: Approval of a conditional use for an outdoor eating area in the C2 (General Commercial) District.

Applicable Regulations & Standards: 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 finds the conditional use standards can be met and **approve** the request for a conditional use for an outdoor eating area.

Background Information

Applicant/Owner/Project Contact: James Bresette; West Side Business Assoc; 437 CTH M; Madison

Proposal: The applicant requests a conditional use for an outdoor eating area in a small portion of the surface parking lot on the site

Parcel Location: 437 County Highway M is on the east side of County Highway M between Mineral Point Road and Watts Road; Aldermanic District 9 (Skidmore); Madison Metropolitan School District.

Existing Conditions: The 2.5-acre site includes a one-story commercial building, a 180-stall surface parking lot, and a small area in the northeastern corner of the property leased and used for a telecommunications tower.

Surrounding Land Use and Zoning:

North/East: Menards retail store in the C3L (Limited Highway Commercial) District

South: Bank in the C2 (General Commercial) District

West: Directly across CTH M, single-family rural residential lots in Agricultural and Residential Zoning Districts in the Town of Middleton. Beyond this Town "Island" is the future site of University Research Park - Pioneer in the City of Madison, currently zoned Agriculture.

Adopted Land Use Plan: The Comprehensive Plan (2006) recommends General Commercial uses for this property. There is no adopted neighborhood plan for this side of CTH M.

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

Public Utilities and Services: The property is served by a full range of urban services, including Metro Transit Route 73.

Zoning Summary: The property is in the C2 (General Commercial) District.

Bulk Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	107,289 sq. ft.
Lot width	50'	522.90'
Usable open space	N/A	N/A
Front yard	0'	adequate
Side yards	0'	adequate
Rear yard	10'	adequate
Floor area ratio	3.0	Less than 1.0
Building height	N/A	N/A

Site Design

No. Parking stalls	30% of capacity	181 existing
Accessible stalls	6	5 existing (see Condition No. 11, page 4)
Loading	1- 10' x 35'	None shown (see Condition No. 14, page 4)
No. Bike Parking stalls	18	None shown (see Condition No. 12, page 4)
Landscaping	Yes	(see Condition No. 17, page 4)
Lighting	Yes	(see Condition No. 15, page 4)

Other Critical Zoning Items

Urban Design	No
Utility easements	Yes
Waterfront development	No
Adjacent to park	No
Barrier free (ILHR 69)	Yes

Prepared by: Pat Anderson, Asst. Zoning Administrator

Project Description

Existing Conditions

The 2.5-acre site includes a one-story commercial building with office and restaurant oriented towards CTH M (S. Junction Road) to the west. A 180-stall surface parking lot to the side and rear of the building covers the southern and eastern portions of the lot. A small portion of the lot in the northeastern corner is leased and used for a telecommunications tower.

Site Plan

As proposed, the applicant would utilize a roughly 55-foot by 60-foot portion of the existing parking lot behind the building as an outdoor eating area for their restaurant, as well as banquets and parties for which the space would be reserved. The area includes 4 existing parking stalls, a landscaped island, and an access drive adjacent to the building. The applicant proposes placing a maximum of 32 patio tables with chairs in the area when utilized for banquets and parties (maximum capacity of 128 proposed), and only 10-12 tables when utilized in conjunction with their on-site restaurant on Fridays and Sundays. The outdoor eating area would be surrounded with temporary fencing when in use.

Evaluation and Conclusion

As proposed, an outdoor eating in the parking lot behind the existing building would have very little impact on nearby properties. During site plan review following a Plan Commission approval, the applicant will need to demonstrate compliance with all ordinances on the site, which will involve the incorporation of bicycle parking, possible upgrades to the landscaping, and possible adjustments to the striping of parking stalls. Further, the seating plan and proposed occupancy will need to be reviewed by relevant agencies for compliance with ordinances.

Planning Division staff recommends that the Plan Commission finds that the conditional use standards can be met, and **approve** the request subject to input at the public hearing and conditions from reviewing agencies.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are shaded

Planning Division Recommendation (Contact Heather Stouder, 266-5974)

The Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** the request subject to input at the public hearing and the following conditions:

The following conditions have been submitted by reviewing agencies:

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

1. Informational Note: The City of Madison recently mailed public hearing notices changing the name of County Trunk Highway M to S. Junction Road per Common council RES-10-00325. This resolution was adopted on April 13, 2010. New street signage is currently being fabricated for future installation. In conjunction with this work, official notice of this change will again be mailed by City Engineering. Although the address numbers were able to remain the same, the street name had to change for improved public safety reasons. The new address for this property is 437 S. Junction Road.
2. Provide Engineering Mapping (Lori Zenchenko – Lzenchenko@cityofmadison.com) a detail drawing of the outdoor eating area to allow for accurate updates of the pervious-impervious area data maintained in Stormwater Utility records.

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

3. The applicant shall provide site plans showing the outdoor eating area separating the eating area from the parking lot. All information such as tables and seating shall be shown or noted on the plan. If the outdoor eating area is along the parking area the applicant will need to install a 4 ft high fence between the parking lot and eating area. 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. The applicant will need to submit two sets of plans: one with outdoor eating area and one without, showing day-to-day operation.
4. The applicant will need to secure walkway linkage to the front entrance from vehicles and demonstrate on the site plans.
5. The applicant shall indicate the type of City approved bicycle racks to be installed and the locations. The bike rack should be located by the entrances to the buildings. Please contact Bob Arseneau, Traffic Engineer at 266-4761 with questions regarding this item.
6. 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, 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'.
7. The parking facility shall be modified to provide for adequate internal circulation for vehicles. This can be accommodated by eliminating a parking stall at the dead ends. The applicant will need to remove parking spaces to accommodate a 20 ft drive aisle for internal circulation according to MGO.
8. The applicant shall show dimensions for the proposed and existing parking stalls' items B, C, D, E, F, and degree of angle parking width and backing up, according to Figures II "Medium and Large Vehicles" parking design standards in MGO Section 10.08(6)(b) 2. Signs and planting areas are to

be excluded from the rectangular stall areas including the two (2) feet of vehicle overhang. The two (2) feet of vehicle overhang shall be shown on the plan and dimensioned.

9. A "Stop" sign shall be installed at a height of seven (7) feet at the Junction Road or CTH M driveway approach. 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.
10. 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)

11. Parking requirements for persons with disabilities must comply with MGO Section 28.11(3)6.(m) which includes all applicable State accessibility requirements, including but not limited to:
 - a) Provide a minimum of six 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.
12. Bike parking shall comply with MGO Section 28.11. Provide 18 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.
13. Meet applicable building and fire codes for the additional outdoor capacity and for ingress and egress to 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. Contact the City Clerk regarding the "change of license premise" to your liquor license.
14. Parking and loading shall comply with MGO Section 28.11(4). Provide (1) 10' by 35' loading area with 14' vertical clearance to be shown on the plan. The loading area shall be exclusive of drive aisle and maneuvering space.
15. Lighting is required and shall be in accordance with MGO Section 10.085. Provide a plan showing at least .5 foot candle on any surface on any lot and an average of .75 footcandles. The maximum light trespass shall be 0.5 fc at 10 ft from the adjacent lot line (see City of Madison lighting ordinance).
16. 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 MGO Section 28.12(11)(g).
17. Parking lot plans with greater than twenty (20) stalls shall comply with MGO Section 28.04(12). 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. In order to count toward required points, the landscaping shall be within 15' and 20' of the parking lot depending on the type of landscape element. NOTE: the required trees do not count toward the landscape point total.) Planting islands shall consist of at least 75% vegetative cover, including trees, shrubs, ground cover, and/or grass. Up to 25% of the island surface may be brick pavers, mulch, or other non-vegetative cover. All plant materials in islands shall be protected from vehicles by concrete curbs.

Water Utility (Contact Dennis Cawley, 261-9243)

18. 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.

Fire Department (Contact Bill Sullivan, 261-9658)

19. Applicant shall submit approved capacity with the site plan and post the capacity of the outside dining area in accordance with International Fire Code 2009 edition (IFC).

20. Proposed deck, patio, or fenced in area shall not be located at, adjacent or obstruct the required exists from the building.

21. Provide and maintain exits from the deck, patio, or fenced in area in accordance with the IFC.

22. Submit a site plan showing any/all seating, bar, tent, dumpster, structures, and fixtures for the proposed deck, patio, or fenced in area.

23. Provide fire apparatus access as required for IFC 503, 2009 edition, MGO 34.03(17) and 34.19 as follows: The site plans shall clearly identify the location of all fire lanes.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit comments for this proposal.