



PREPARED FOR THE PLAN COMMISSION

Project Address: 222 W. Washington Avenue (4th Aldermanic District, Ald. Verveer)
Application Type: Conditional Use
Legistar File ID # [46117](#)
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: James Juedes; Casetta Kitchen and Counter; 222 W. Washington Ave., Ste. 30; Madison, WI 53703
Property Owner: Fiore Company; 150 E. Gilman Street, #1600; Madison, WI 53703

Requested Action: The applicant requests approval of a conditional use for an outdoor eating area for a restaurant-tavern in a multi-tenant commercial building at 222 W. Washington Avenue.

Proposal Summary: The applicant proposes to add an outdoor seating area in front of an existing restaurant-tavern establishment on the site. The patio area itself already exists within an alcove and the only modification will be the addition of tables and chairs. No structural or programmatic changes to the existing building are proposed.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183], as §28.072(1) of the Zoning Code lists *Outdoor eating areas associated with food and beverage establishments* as a conditional use in the DC (Downtown Core) district. The Supplemental Regulations [MGO §28.151] contain further regulations for this type of use.

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 to establish an outdoor seating area on a property zoned DC (Downtown Core) at 222 W. Washington Avenue. This request 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 along the northern side of W. Washington Avenue, in between and N. Fairchild and N. Henry Streets. The site is in Aldermanic District 4 (Ald. Verveer) and is in the Madison Metropolitan School District.

Existing Conditions and Land Use: The 52,270-square-foot (1.2-acre) site includes an existing 10-story, 202,340-square-foot multi-tenant commercial building. The restaurant-tavern which this outdoor seating area will serve is already open and is located directly behind the proposed patio site.

Surrounding Land Use and Zoning:

North: Office uses, Downtown Core (DC) zoning;

South: Office uses, Downtown Core (DC) zoning;

East: Office uses, Downtown Core (DC) zoning; and

West: Office uses, Urban Mixed-Use (UMX) zoning.

Adopted Land Use Plan: The [Comprehensive Plan \(2006\)](#) and [Downtown Plan \(2012\)](#) identifies this site within the Downtown Core sub-district. For this area, the [Comprehensive Plan](#) recommends for mixed-use buildings with high-quality urban building designs and amenities that foster pedestrian and transit activity and create an attractive, vibrant, unique destination. One of the recommended land uses is mixed-use buildings with first story dining/entertainment. The [Downtown Plan](#) recommends a mix of office, employment, retail, government, residential, cultural, entertainment, and other uses to retain the area’s vibrancy, including beyond normal business hours.

Zoning Summary: The project site is currently zoned Downtown Core (DC).

Requirements	Required	Proposed
Lot Area (sq. ft.)	No minimum	52,272 sq. ft.
Front Yard Setback	0	Existing building setback
Side Yard Setback	The first 2 stories of one side of all buildings: 0	Existing building setback
Rear Yard Setback	0	Existing building setback
Minimum Building Height	2 stories	Existing building
Maximum Building Height	Capitol View Height limit	Existing building
Stepback	None	Existing building
Number Parking Stalls	No minimum: Central Area	Existing underground parking
Accessible Stalls	None	Existing underground parking
Loading	None	None
Number Bike Parking Stalls	Restaurant-tavern: 5% of capacity of persons (2)	Existing
Landscaping	No	No
Lighting	No	No
Building Forms	No	Existing building
Other Critical Zoning Items	Urban Design (DC); Barrier Free (ILHR 69)	

Table 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, including seven day-a-week Metro service along W. Washington Avenue.

Related Reviews and Approvals

On June 20, 2011, the Plan Commission approved a conditional use request for this same property to establish an outdoor eating area (with seating for 24) for a restaurant (Bluephies).

On January 3, 2017, the Common Council approved the alcohol license for Casetta Kitchen and Counter, allowing for an estimated capacity of 49 indoor and 40 outdoor. The only condition of approval associated with the motion was that alcohol sales will cease at midnight.

Project Description, Analysis and Conclusion

The applicant proposes to establish an outdoor seating area adjacent to an existing restaurant-tavern with intent to serve both food and beverage (including alcoholic beverages) in this area. The seating area will occupy a portion of an existing covered alcove area, to the side of the building's primary entrance off of W. Washington Avenue. While adjacent to the public sidewalk, the entire alcove area is located on private property. The alcove area has three columns equally-spaced along the opening, effectively dividing the space into four blocks. Casetta's outdoor seating area will occupy the block furthest to the east, directly in front of the restaurant-tavern.

The roughly 200-square-foot patio area is approximately 11 feet by 18 feet, and will have seating for 18 people with one 6-seat table and three 4-seat tables (note: the final details of the seating plan and capacity will be approved by City Building Inspection). The tables will be brought inside at the end of each business day. Movable metal barriers (colored grey to match the columns) will be added along the western and southern sides with an opening located midway along the street-facing edge to provide entry and egress to the patio as well as the restaurant-tavern's entrance. The hours of operation proposed for the outdoor seating area are the same as those for the restaurant-tavern: Monday-Wednesday, 7:30 am-7:00 pm; Thursday-Friday, 7:30 am-11:00 pm, and Saturday, 9:00 am-3:00 pm. Additionally, amplified music will not be permitted in the patio area.

No structural or programmatic changes to the existing building or restaurant are proposed as part of this request. Restaurant deliveries currently are and will continue to be handled via the building's primary entrance (i.e. to the left of the patio area) and be brought in through the entrance off of the main lobby. Refuse will also be handled internally within the building.

Analysis and Conclusion

In regards to the approval 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. Based on the provided information, the Planning Division believes the conditional use standards can be found met. Staff believes the proposal is consistent with the recommendations in the Comprehensive Plan and Downtown Plan. Staff also believes that if well-managed, the proposed outdoor eating area should not result in significant negative impacts to the surrounding properties. Factors such as the limited scale and capacity of the proposed outdoor eating area; its placement along the sidewalk and orientation towards the street; the lack of residential units nearby; the lack of amplified sound; the proposed hours of operation; and the proposed conditions of approval will help mitigate anticipated impacts. Staff also notes that the same space was previously occupied by another restaurant which had a comparably-sized outdoor seating area for which no complaints were received. 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 MGO Section 28.183(9)(d). At the time of report writing, staff was not aware of any concerns on this request.

Recommendation

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

The Planning Division recommends that the Plan Commission find that the approval standards for Conditional Use are met and **approve** the request to establish an outdoor seating area on a property zoned DC (Downtown Core) at 222 W. Washington Avenue. This request 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 Chris Wells, (608) 261-9135)

1. The hours of operation for the outdoor eating area shall be Monday-Wednesday, 7:30 am-7:00 pm; Thursday-Friday, 7:30 am-11:00 pm, and Saturday, 9:00 am-3:00 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. Pending approval by City Building Inspection, the capacity of the outdoor eating area shall not exceed 18 persons.

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

4. Update the site plan to show that the majority of the concrete terrace area in the middle of the site along W. Washington has been enclosed and distinctly show and label the outdoor eating area on that site plan.

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

5. 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.

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

6. Meet applicable building/fire codes. The capacity shall be established for the outdoor eating area. Occupancy is established by the Building Inspection Unit. Contact Mike VanErem at 266-4559 to help facilitate this process.
7. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.