



PREPARED FOR THE PLAN COMMISSION AND COMMON COUNCIL

Project Address: 1380 Williamson St. (District 6-Ald. Rummel)
Application Type: Conditional Use
Legistar File ID # [42297](#)
Prepared By: Jessica Vaughn, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Jay Wendt, Principal Planner

Summary

Applicant/Property Owner: Gilbert Altschul; Gib’s Bar; 1380 Williamson St.; Madison, WI 53703

Requested Action: The applicant is requesting approval of a Conditional Use for an outdoor eating area use associated with a food and beverage establishment.

Proposal Summary: The applicant requests approval of a Conditional Use for an outdoor eating area for an existing restaurant-tavern, Gib’s Bar, located at 1380 Williamson St. in the Traditional Shopping Street (TSS) zoning district. The proposed outdoor eating area will be located on the existing front porch and have a capacity of 12 persons.

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 1380 Williamson St.

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 Williamson and Dickinson streets on the north side of the street.

The site is in Aldermanic District 6 (Ald. Rummel) and the Madison Metropolitan School District as well as the Marquette-Schenk-Atwood Neighborhood and the Third Lake Ridge Historic District.

Existing Conditions and Land Use: The project site is home to Gib’s Bar, established in 2014 when the existing two-story, two-unit residential building was converted to a commercial building. Originally constructed in the late 1800s, the existing building is a simple Victorian style building with minimal detailing, including a large front porch. Although the building is located in the Third Lake Historic District, the building itself is not a landmark.

An administrative seven-stall parking reduction was granted in 2014; there is no parking located on the project site.

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

North: Residential uses; Traditional Residential-Consistent 4 (TR-C4) zoning;

South: Restaurant, residential and commercial uses; TSS zoning;

East: Commercial and residential uses; TSS zoning; and

West: Restaurant, residential and commercial uses, TSS zoning.

Zoning Summary:

Requirements	Required	Proposed
Front Yard Setback	None	19.5'
Side Yard Setback	Lot width < 40: 10% lot width	1.3 (right) 3.2 (left)
Rear Yard Setback	The lesser of 20% of lot depth or 20 feet.	75.3'
Maximum Lot Coverage	85%	Less than 85%
Maximum Building Height	3 stories/ 40'	Existing 2-story building
Number Parking Stalls: Restaurant-tavern Use	Tavern: 15% of capacity of persons; 7 spaces total	None (See comment no. 13)
Accessible Stalls	None	None
Loading	None	None
Number Bike Parking Stalls: Restaurant-tavern Use	5% of capacity of persons, 2 spaces total	6 existing
Landscaping and Screening	None	Existing landscaping
Lighting	None	None
Building Forms	None	Existing building

Other Critical Zoning Items	Y/N
Barrier Free (ILHR 69)	Yes
Historic District	Yes

Zoning Tables prepared by: Jenny Kirchgatter, Assistant Zoning Administrator

Comprehensive Plan: The Comprehensive Plan recommends Neighborhood Mixed Use development for the project site, which are areas that "...are the recommended locations for clusters of relatively small convenience shopping and service uses that serve as activity centers or gathering places for the surrounding neighborhoods or districts" (Pg.2-86).

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. The Plan further identifies the project site as being within an area designated as the Williamson Street Corridor Neighborhood Commercial Core A, which is defined as neighborhood retail and service businesses located between Few and Dickinson streets. More specifically, the Plan recommends that the 1100, 1200 and 1300 blocks of Williamson Street are intended to "exhibit a neighborhood shopping district." The Plan identifies the following recommendations to strengthen the vitality of the area, including:

- Recruit new and encourage development of existing businesses that serve the neighborhood;
- Accentuate historic character;
- Consider municipal parking facility; and
- Encourage mixed use buildings with ground floor commercial uses and residential uses above.

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 restaurant-tavern, Gib's Bar, located at 1380 Williamson St. The proposed outdoor eating area will be located on the existing front porch and will have a limited capacity of not more than 12 people/seats. 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.

At the time of report writing, several neighborhood concerns (as provided in **Attachment A**) were brought to staff's attention that generally speak to those conditional use approval standards associated with uses, values and enjoyment of property within the neighborhood as well as those identified in the supplemental regulations related to general operating characteristics, including:

- Limiting the hours of operation for the proposed outdoor eating area to no later than 10 pm;
- Ensuring that there would be no amplified outdoor sound; and
- Providing seating instead of standing room only.

As part of the Planning Division review and recommendations, staff has proposed conditions intended to mitigate potential adverse impacts, as identified above, related to the general operating characteristics of the proposed outdoor seating area use, including limiting the hours of outdoor service, amplified sound and capacity. 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, and satisfy the neighborhood concerns 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;
- The conditions of approval regarding capacity, amplified sound, seating and hours of service, coupled with the location of the proposed outdoor eating area on the front porch along the street, staff does not anticipate that the proposed outdoor eating area use will result in a significant impact to surrounding properties;
- That the proposed outdoor eating area use is compatible and consistent with the surrounding development given that the restaurant-tavern is an existing use, its location along the Williamson Street, a commercial corridor, and its limited scale (12 person capacity); and
- The proposed outdoor eating area is generally consistent with the recommendations in the adopted neighborhood plan that speak to strengthening the vitality of the Williamson Street Neighborhood Commercial Core by encouraging the development of existing businesses, providing neighborhood services, and activating the street; and

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.

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 1380 Williamson St.

This recommendation is subject to 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 same hours of operation and seating as indicated on the plans and that is reflected in the following conditions of approval.
2. The outdoor eating area shall not be used for food and beverage service or outdoor activity after 10:00 PM, seven days a week.
3. There shall be no amplified sound, including, but not limited to television, ambient music or musical performances, in the outdoor eating area.

4. Pending review by the Building Inspection Division, the capacity of the outdoor eating area shall not exceed 12 persons.
5. This approval is conditioned on obtaining approval from the Alcohol License Review Commission (ALRC) for the proposed Outdoor Eating Area. Restaurant -Taverns shall at all times operate consistent with and according to the requirements of a valid alcohol license issued by the City.

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

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

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

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

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

8. The applicant shall clearly define the area intended for use by patrons of this facility and provide for any required elements to separate this area from the Public Right-of-Way.

9. 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; semi-trailer movement and vehicle routes; dimensions of radii; and percent of slope.

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

10. 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.
11. Provide a detail of the seating layout for the outdoor seating area.
12. There is an approved parking stall reduction request on file. A seven (7) stall parking reduction was approved in 2014 for the tavern.

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

13. The exit path from the building shall be maintained clear at all times. Patrons shall not be permitted to stand or otherwise congregate in the exit path on the porch.

Parks Division (Contact Kay Rutledge, (608) 266-4714)

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

Water Utility (Contact Dennis Cawley, (608) 261-9243)

15. All operating private wells shall be identified and permitted by the Water Utility in accordance with Section 13.21, MGO. All unused private wells shall be abandoned in accordance with Section 13.21, MGO.

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

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

Attachment:

Attachment A: Public Comment