

**PLANNING DIVISION REPORT  
DEPARTMENT OF PLANNING AND COMMUNITY  
AND ECONOMIC DEVELOPMENT  
Of April 30, 2008**

**RE: LD. # 10174, Conditional Use Application – 1033 S. Park Street**

1. Requested Action: Approval of a conditional use for an outdoor eating area at a restaurant located at 1033 S. Park Street.
2. Applicable Regulations: Section 28.09 (3)(d) identifies outdoor eating areas as conditional uses in C2 zoning. Section 28.12 (11) provides the guidelines and regulations for the approval of conditional uses.
3. Report Prepared By: Timothy M. Parks, Planner

**GENERAL INFORMATION**

1. Applicants: Josefa Trejo, Taqueria Guadalajara; 1033 South Park Street; Madison.  
Contact Person: Imelda Perez, Taqueria Guadalajara, 1033 South Park Street; Madison.  
Property Owner: North American Group of Companies Inc; 5787 Auburn Drive; Madison.
2. Development Schedule: The applicant wishes to proceed as soon as all necessary permits are issued.
3. Location: An approximately 3,250 square-foot parcel on the east side of S. Park Street, between Lakeside and Emerson streets; Urban Design District 7; Aldermanic District 13; Madison Metropolitan School District.
4. Existing Conditions: The property includes a restaurant, deck, and gravel parking area, zoned C2 (General Commercial District).
5. Proposed Land Use: The applicant requests permission to operate an outdoor eating area.
6. Surrounding Land Use and Zoning: Properties to the north and south along the east side of S. Park Street are zoned C2 (General Commercial District) and include a mix of commercial and multi-family residential buildings, with an apartment building and a store immediately adjacent. The site is located across S. Park Street from the former Park/ Bancroft Dairy, zoned C3 (Highway Commercial District). Single-family homes are located east of the site across a public alley in R2 (Single-Family Residence District) zoning.
7. Adopted Land Use Plan: The Comprehensive Plan recommends “community mixed use” for this property.

8. Environmental Corridor Status: The subject site is not located in a mapped environmental corridor.
9. Public Utilities & Services: The property is served by a full range of urban services.

### **STANDARDS FOR REVIEW**

This application is subject to the conditional use standards of Section 28.12 (11).

### **ANALYSIS, EVALUATION & CONCLUSION**

The applicant is requesting conditional use approval to operate an outdoor eating area in the rear yard of Taqueria Guadalajara at 1033 S. Park Street in C2 (General Commercial District) zoning. The 18-foot wide and 16-foot deep wood deck proposed will replace a similarly sized deck that was constructed last summer behind the restaurant without the necessary land use and building permits. The restaurant occupies the entire ground floor of the two-story building, which also includes an apartment unit on the second floor. The subject building shares a driveway with another two-story commercial-residential building located at 1035 S. Park Street. Parking for approximately six vehicles is shared between these two rear yards, with additional access provided by a public alley that extends south from Lakeside Street parallel to S. Park Street. The properties east of the alley along both Lakeside and Emerson streets are developed with single-family residences in the R2 single-family zoning district.

The proposed outdoor eating area will be located outside the rear door of the restaurant, which is slightly elevated above the grade of the parking area. Access to the wood deck and rear of the restaurant will be provided by a ramp that will extend along the southerly and easterly walls of the building. The 18 X 16-foot deck will stand about four feet in height and will include seating for 20 persons. The applicant indicates that the outdoor eating area will operate between the hours of either 9:00 or 10:00 AM and 11:00 PM seven days a week during warm weather months. The letter of intent indicates that beer will be served, and an application to expand the current premise licensed for Class B beer service is pending before the Alcohol License Review Committee.

The Planning Division does not object to the establishment of an outdoor eating area for the applicant's restaurant and believes that the use can meet the standards for conditional uses. However, staff recommends that no outdoor amplified sound be permitted for the proposed outdoor eating area due to the proximity of the seating area to residences located to the east of the site along Lakeside and Emerson streets. The outdoor eating area will be located approximately 65 feet from the alley and 100 feet from the nearest residence, located on Lakeside Street. Staff also recommends that the hours of operation for the outdoor eating area initially be limited to

10:00 PM nightly, with the opportunity for the hours of operation to be expanded in the future following another public hearing.

### **RECOMMENDATION**

The Planning Division recommends that the Plan Commission find the conditional use standards are met for an outdoor seating area for a coffeehouse/ restaurant located at 1033 S. Park Street, subject to input at the public hearing and the following conditions:

1. Comments from reviewing agencies.
2. That no outdoor amplified sound be permitted for the outdoor eating area.
3. That operation of the outdoor eating area cease at 10:00 PM, Monday through Sunday.
4. That the site plans be revised per Planning Division approval to show a minimum of two covered 50-gallon waste receptacles to serve the outdoor eating area, or that the applicant provide additional information on how trash from the outdoor area will be managed.



Department of Public Works  
City Engineering Division

608 266 4751

Larry D. Nelson, P.E.  
City Engineer

City-County Building, Room 115  
210 Martin Luther King, Jr. Boulevard  
Madison, Wisconsin 53703  
608 264 9275 FAX  
1 866 704 2315 Textnet

**Deputy City Engineer**  
Robert F. Phillips, P.E.

**Principal Engineers**  
Michael R. Dailey, P.E.  
Christina M. Bachmann, P.E.  
John S. Fahrney, P.E.  
Gregory T. Fries, P.E.

**Facilities & Sustainability**  
Jeanne E. Hoffman, Manager  
James C. Whitney, A.I.A.

**Operations Manager**  
Kathleen M. Cryan

**Hydrogeologist**  
Joseph L. DeMorett, P.G.

**GIS Manager**  
David A. Davis, R.L.S.

**Financial Officer**  
Steven B. Danner-Rivers

DATE: April 18, 2008  
TO: Plan Commission  
FROM: Larry D. Nelson, P.E., City Engineer  
SUBJECT: 1033 South Park Street Conditional Use

The City Engineering Division has reviewed the subject development and has the following comments.

**MAJOR OR NON-STANDARD REVIEW COMMENTS** (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

- 1. N/A

**GENERAL OR STANDARD REVIEW COMMENTS**

In addition, we offer the following General or Standard Review Comments: NONE





## Traffic Engineering and Parking Divisions

David C. Dryer, P.E., City Traffic Engineer and Parking Manager

Suite 100  
215 Martin Luther King, Jr. Boulevard  
P.O. Box 2986  
Madison, Wisconsin 53701-2986  
PH 608 266 4761  
TTY 866-704-2315  
FAX 608 267 1158

April 24, 2008

TO: Plan Commission

FROM: David C. Dryer, P.E., City Traffic Engineer and Parking Manager

SUBJECT: **1033 and 1035 South Park Street – Conditional Use – Outdoor Eating Area.**

The City Traffic Engineering Division has reviewed the subject development and has the following comments.

**MAJOR OR NON-STANDARD REVIEW COMMENTS** (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. The applicant shall provide a four (4) ft high fence or railing along the outdoor eating area separating the eating area from the public area or parking lot. All information as tables and seating shall be shown or noted on the plan. This fence is required to prevent tables and seating from encroaching into the public areas and parking lot area and defines the outdoor eating.
2. The applicant shall modify the parking spaces at 1035 South Park Street to be in accordance to M.G.O. Standard Parking Design. The applicant will need to eliminate the Accessible parking space to accommodate the eating area.

### PEDESTRIAN AND BICYCLE TRANSPORTATION REVIEW COMMENTS

3. The applicant shall indicate the type and location of bicycle racks for both 1033 and 1035 South Park Street to be installed.

### GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

4. When the applicant submits final plans for 1033 and 1035 South Park Street 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, one contiguous plan (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'.

5. When site plans are submitted for approval, the applicant shall provide recorded copy of the joint driveway ingress/egress and parking easements or the applicant shall prevent encroachment onto adjacent land areas by barriers of some type, which shall be noted on the face of the revised plans.
6. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
7. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Please contact John Leach, City Traffic Engineering at 267-8755 if you have questions regarding the above items:

Mail to Contact Person:

*Imelda Perez  
1033 S Park St.  
Madison, Wisconsin 53715*

DCD: DJM: dm

**CITY OF MADISON  
INTERDEPARTMENTAL  
CORRESPONDENCE**

**Date:** May 5<sup>th</sup> 2008

**To:** Plan Commission  
**From:** Patrick Anderson, Assistant Zoning Administrator  
**Subject:** 1033 South Park Street

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**Present Zoning District:** C2

**Proposed Use:** Outdoor eating area for Taqueria Guadalajara Restaurant  
**Conditional Use:** 28.09(3)(d) 2. Outdoor eating/drinking areas for restaurant are a conditional use.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project). **NONE.**

GENERAL OR STANDARD REVIEW COMMENTS

1. Meet all applicable State accessible requirements, including but not limited to:
  - a. **Show signage at the head of the accessible stalls.** Accessible signs shall be a minimum of 60" between the bottom of the sign and the ground.
  - b. Show the accessible path from the stalls to the building. The stalls shall be as near the accessible entrance as possible. Show ramps, curbs, or wheel stops where required.
2. Lighting is not required. However, if it is provided, it must comply with City of Madison outdoor lighting standards. (See parking lot packet). Lighting will be limited to .10 watts per square foot.
3. If you have a license to sell alcohol in an outdoor eating area, the Alcohol License Review Committee will establish conditions for operation, which involve fencing, security guards, toilet facilities, litter, etc. All businesses that sell alcohol must comply with the requirements imposed by the Alcohol License Review Committee at the time of issuance of your original application to expand or change your licensed premises to include the outdoor eating area. It is your responsibility to have the outdoor service area added to your licensed premise. Please contact the City Clerk's office for ALRC issues.

**Zoning Criteria**

<b>Bulk Requirements</b>	<b>Required</b>	<b>Proposed</b>
Lot Area	6,000 Sq. Ft.	3,250 sq. ft. (existing)
Lot Width	50'	25' (existing)
Usable Open Space	N/A	N/A
Front Yard	0'	1.2' (existing)
Side Yards	0'	5.7' (existing building)
Rear Yard	30'	Adequate
Floor Area Ratio	3.0	Less than 1.0

<b>Site Design</b>		
No. Parking Stalls	30% of restaurant capacity	6 (existing, shared)
Accessible Stalls	1	1 (1)
Loading	N/A	N/A
No. Bike Parking Stalls	2	0 (2)
Lighting	No	(2)

<b>Other Critical Zoning Items</b>	
Urban Design	Yes
Historic District	No
Flood plain	No
Utility easements	None shown
Barrier free (ILHR 69)	Yes

With the above conditions, the proposed project **does** comply with all of the above requirements. Zoning has no technical objection to the proposed conditional use.





# CITY OF MADISON FIRE DEPARTMENT

## Fire Prevention Division

325 W. Johnson St., Madison, WI 53703-2295  
Phone: 608-266-4484 ♦ FAX: 608-267-1153

DATE: April 24, 2008  
TO: Plan Commission  
FROM: Edwin J. Ruckriegel, Fire Marshal  
SUBJECT: **1033 S. Park St.**

The City of Madison Fire Department (MFD) has reviewed the subject development and has the following comments:

**MAJOR OR NON-STANDARD REVIEW COMMENTS** (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. None

## **GENERAL OR STANDARD REVIEW COMMENTS**

In addition, we offer the following General or Standard Review Comments:

2. Per the IFC chapter 10 and MGO34: ***(For outside seating and/or dining areas)***
  - a. Applicant shall submit approved capacity with the site plan and post the capacity of the outside dining area in accordance International Fire Code 2006 edition.
  - b. Proposed deck, patio or fenced in area shall not be located at, adjacent or obstruct the required exits from the building.
  - c. Provide and maintain exits from the deck, patio or fenced in area in accordance with the International Fire Code 2006 edition.
  - d. Submit a seating plan for the proposed deck, patio or fenced in area space.

Please contact Scott Strassburg, New Construction Inspector at 608-261-9843 if you have questions regarding the above items.

cc: Bill Sullivan