



PREPARED FOR THE PLAN COMMISSION

Project Address: 1444 E. Washington Avenue (2nd Aldermanic District, Ald. Zellers)
Application Type: Conditional Use
Legistar File ID # [46116](#)
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: Jim Goronson; Parched Eagle Brewpub; 5440 Willow Rd., Ate. 112; Westport, WI 53597
Property Owner: John Chandler; 1444 E. Washington Ave.; Madison, WI 53703

Requested Action: The applicant requests approval of a conditional use for a tavern in an existing multi-tenant commercial building in TE (Traditional Employment District) zoning at 1444 E. Washington Avenue. The site is in Urban Design District #8.

Proposal Summary: The applicant proposes to tavern to an existing multi-tenant commercial building.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183] as §28.082(1) of the Zoning Code lists *Taverns* as a conditional use in the Traditional Employment (TE) district. The Supplemental Regulations [MGO §28.151] contain further regulations for this use. As the subject site is located in Urban Design District #8, this proposal is also subject to the review standards for that district [MGO §33.24(6)(c)].

Review Required By: Plan Commission (The Acting Secretary of the Urban Design Commission reviewed this request administratively on behalf of the Urban Design 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 a tavern in an existing multi-tenant commercial building on a property zoned Traditional Employment (TE) at 1444 E. Washington Avenue. This request is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Related Reviews and Approvals

On March 3, 2015, the Common Council, based on the recommendation of the Alcohol License Review Committee, approved the alcohol license for this same property for the Harlem Renaissance Museum, allowing for an estimated internal capacity of 50.

Background Information

Parcel Location: The 9,450-square-foot (0.22-acre) project site is located at the northwest corner of E. Washington Avenue and Sparkle Court, just west of the Yahara River. The site is in Aldermanic District 2 (Ald. Zellers); in Urban Design District #8; in Tax Increment Financing District #36; and is within the Madison Metropolitan School District.

Existing Conditions and Land Use: The 9,450 square foot site has a two-story, 11,501-square-foot commercial brick building leased to multiple tenants. A driveway from E. Washington Avenue leads to a loading dock on the east side of the building.

Surrounding Land Use and Zoning:

Northeast: Across Sparkle Court to the northeast, automobile repair services in the TE (Traditional Employment) Zoning District, beyond which is the Yahara River Parkway which is zoned CN (Conservancy) District;

Northwest: Across the railroad right of way, warehousing and storage buildings in the TE District.

Southeast: Across East Washington Avenue to the southeast, surface parking associated with an office building in the TE District;

Southwest: Immediately next door and contiguous to the subject building is a tattoo parlor, beyond which and across the railroad right of way, is the “Washington Square” office building, both in the TE District.

Adopted Land Use Plan: The [Comprehensive Plan \(2006\)](#) as well as the [Tenney-Lapham Neighborhood Plan \(2008\)](#) recommend Employment Uses for the property while the [East Washington Avenue Capitol Gateway Corridor Plan \(2008\)](#) recommends Employment/Residential uses (with some ground-floor Commercial along E. Washington Avenue).

Zoning Summary: The project site is currently zoned Traditional Employment (TE).

Requirements	Required	Proposed
Lot Area (sq. ft.)	6,000 sq. ft.	9,451 sq. ft.
Lot Width	50'	80.3'
Front Yard Setback	None	Adequate
Side Yard Setback	None unless needed for access.	Adequate
Rear Yard Setback	Lesser of 20% lot depth or 20'	Existing building setback
Maximum Lot Coverage	85%	Existing site lot coverage
Minimum Building Height	22' measured to building cornice	2 stories existing building
Maximum Building Height	5 stories/ 68'	2 stories existing building
Number Parking Stalls	Proposed Tavern: 15% of capacity of persons (5.4) Existing Tavern, Nightclub: 15% of capacity of persons (7.35) (13 total)	19
Accessible Stalls	Yes	1
Loading	None	Existing loading dock
Number Bike Parking Stalls	Proposed Tavern: 5% of capacity of persons (2) Existing Tavern, Nightclub: 5% of capacity of persons (2) Existing tattoo parlor: 1 per 2,000 sq. ft. of floor area (2) Existing artists studios: 1 per 2,000 sq. ft. of floor area (2) (8 total)	9
Landscaping	No	Existing site landscaping
Lighting	No	Existing site lighting
Building Forms	No	Existing building
Other Critical Zoning Items	Urban Design District (#8); 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 E. Washington Avenue.

Project Description

The applicant requests approval to establish a tavern within an existing multi-tenant commercial building. The property is zoned Traditional Employment (TE) and taverns are a conditional use within this zoning district. The proposal is subject to the approval standards for conditional uses and the supplemental regulations for taverns. The site is also within Urban Design District 8 and is therefore also subject to the review standards for that district.

The proposed tavern would be established within a vacant 676-square-foot ground floor space at the front of the building (along E. Washington Avenue). They would utilize an additional space of roughly 90 square-feet in the basement for climate-controlled storage. While the facility is considered a tavern under the City's Zoning Code, staff notes that the facility is an off-site retail facility for a brewery located in Westport, WI.

The applicant holds a Brewery Permit (issued by the State Department of Revenue (DOR)). A brewery is authorized to conduct retail sales of its own beer, or beer manufactured in the state of Wisconsin, at the brewery premises and at one additional retail outlet under the brewer permit issued by DOR. As a result, there is no requirement to obtain a local alcohol license. Therefore, there are no hours of operation or other conditions as there would typically be with Alcohol License Review Committee and Common Council review. Regarding the hours of operation, the applicant proposes the following: Tuesday to Thursday, 3:00 pm – 10:00 pm; Friday and Saturday, 4:00 pm – 12:00 am; and Sunday, 4:00 pm – 10:00 pm. They will also not have any outdoor amplified sound or music. (These hours and conditions are consistent with the recommendations of Alder Zellers and the Tenney-Lapham Neighborhood Association and are also the same as those associated with Maria's, a separate facility in the adjacent tenant space).

Primary access will be from E. Washington Avenue via short staircase which also provides access to the existing nightclub tenant. There will also be access from the *Art In* event space which is also located on the ground floor and immediately adjacent to both the nightclub and tavern (to the north). As shown on the applicant's materials, the tavern space is roughly 24-feet by 29-feet. It will have a proposed capacity of 49 people and seating for 36 with its seven 3-person tables, four 2-person tables, and seven seats at the bar (note: the final details of the seating plan and capacity to be approved by the Building Inspection Unit). The bar will be located at the rear of the space, next to the doors that will lead into the *Art In* event space. While tavern patrons will be free to walk into the art space from the tavern – either for events or to use the restrooms located along the building's rear wall - alcoholic beverages will be required to stay in the tavern.

The subject property is part of a planned multi-use site that includes the subject building, an adjacent building, and surface parking under separate ownership (a portion of the lot is owned by the city while another by a private entity). There is currently a lease agreement between the City and the property owner for use of a portion of the lot under city ownership. As recommended in the approval conditions, City Traffic Engineering Division is recommending conditions to improve vehicular circulation across the site. Deliveries will be handled via either the loading dock along the eastern side or via the ramp located at the rear of the building. Refuse will also be handled via the rear ramp.

As this site is within Urban Design District 8, any exterior changes must be reviewed by the Urban Design Commission or its Secretary. Considering that no changes are proposed to the building and only minor site plan changes are proposed, this request was reviewed by the Acting Secretary who approved the changes, noting that any future façade alterations or signage will require further review.

Analysis and Conclusion

This proposal is subject to the approval standards for conditional uses. 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. In regards to Plan Consistency, the Planning Division does not believe that the establishment of a tavern use within the existing tenant space would be inconsistent or incompatible with the adopted recommendations for employment and ground floor commercial uses.

Based on the provided information, the Planning Division believes the conditional use standards can be found met. Staff does not anticipate the proposed tavern would result in significant negative impacts to the surrounding properties if well-managed. Factors such as the limited scale of the proposed tavern; the lack of residential units nearby; the limited hours of operation; the access to alternative modes of transportation; the lack of outdoor amplified sound/music; and the proposed conditions of approval will help mitigate possible negative impacts. 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).

Staff believes that the proposed tavern can be found to meet the conditional use approval standards and recommends that it be approved by the Plan Commission. 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 for a tavern in an existing multi-tenant commercial building on a property zoned Traditional Employment (TE) at 1444 E. 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. There shall be no outdoor amplified sound, including, but not limited to television, ambient music or musical performances.
2. The hours of operation for the tavern shall be Tuesday to Thursday, 3:00 pm – 10:00 pm; Friday and Saturday, 4:00 pm – 12:00 am; and Sunday, 4:00 pm – 10:00 pm.
3. The final details of the seating plan and a maximum internal capacity of 49 shall be approved by City Building Inspection.
4. This request has been reviewed and approved administratively by the Acting Urban Design Secretary on behalf of that Commission. The applicant is advised that future signage, building, or site modifications will require additional review.

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.
6. The Developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.
7. The City Traffic Engineer may require public signing and marking related to the development; the Developer shall be financially responsible for such signing and marking.
8. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
9. The applicant shall has two options to bring the parking facility into compliance with MGO 10.08. Option One: remove and reinstall the parking islands to align with the existing parking stalls. Option two: install one-way signage and secure a cross-access agreement with the Mullins Group Parcel to the west.

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

10. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.
11. 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. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

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

12. Occupant load numbers shall include both patrons, employees, and patrons waiting for a seat. Occupancy separations are required per the IBC to establish individual fire areas. Provide fire sprinklers as required in Chapter 9 of the IBC.

Metro Transit (Contact Timothy Sobota, 261-4289)

13. Metro Transit provides daily bus service along East Washington Avenue, at stops in the Dickinson Street intersection. Trips operate at least once every 30 minutes on weekdays, but only pass once an hour each direction on weekends. The last trips westbound - towards the downtown and campus - depart approximately 1110pm on weeknights, and 1015pm on weekend evenings. The final departures heading the opposite direction, towards East Towne Mall, depart around 1155pm during the week, and 1105pm on Saturdays and Sundays.