



Report to the Plan Commission

May 21, 2012

Legistar ID # 26395
515 South Midvale Boulevard
Alteration to an Approved PUD-SIP

Report Prepared By:
Kevin Firchow, AICP
Planning Division

Requested Action: Approval of a PUD-SIP (Planned Unit Development-Specific Implementation Plan) alteration to create an outdoor eating area for a restaurant.

Applicable Regulations & Standards: Section 28.07(6)(4)d provides the guidelines and regulations for the approval of alterations to specific implementation plans (SIPs).

Summary Recommendation: The Planning Division recommends that the Plan Commission find the project meets the applicable standards and **approve** the proposed request for a PUD-SIP (Planned Unit Development-Specific Implementation Plan) alteration to allow an outdoor eating area at 515 South Midvale Boulevard, subject to input provided at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Background Information

Applicant: Luigi's Pizzeria; Food Fight Inc; 515 South Midvale Boulevard; Madison, WI 53711

Contact: Kris Herbrand; Luigi's Pizzeria; 515 South Midvale Boulevard; Madison, WI 53711

Property Owner: Sequoya Commons LLC; 120 East Lakeside Street #1; Madison, WI 53711

Proposal: The applicant proposes to operate an outdoor eating area for Luigi's Pizzeria at Sequoya Commons, an existing multi-tenant mixed-use development. No permanent physical changes are proposed to accommodate the eating area.

Parcel Location: The subject site is part of the Sequoya Commons mixed-use development, located at the northeast corner of South Midvale and Tokay Boulevards. The site is within the boundaries of Aldermanic District 11 and the Madison Metropolitan School District.

Existing Conditions: The subject development is a two-building mixed-use development featuring ground level commercial uses and upper level dwelling units.

Surrounding Land Use and Zoning:

North: Midvale Heights Apartments, zoned R5 (General Residence District); Midvale Elementary School, zoned R1 (Single-Family Residence District);

South: Midvale Community Lutheran Church, zoned R1;

East: Single-family residences, zoned R2 (Single-Family Residence District);

West: Single-family residences, zoned R1.

Adopted Land Use Plan: The Comprehensive Plan recommends neighborhood mixed-use development for the subject site.

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.

Zoning Summary: The site is now zoned PUD-SIP (Planned Unit Development-Specific Implementation Plan). As such, there are no predetermined bulk requirements. Zoning staff has compared this site to the C2 (General Commercial District) for comparative purposes.

Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	Adequate
Lot width	50'	Adequate
Front yard	0'	existing building
Side yards	0'	existing building
Rear yard	10'	existing building
Floor area ratio	n/a	n/a
Number parking stalls	(30% of capacity)	existing
Accessible stalls	Existing	Adequate
Loading	n/a	n/a
Number bike parking stalls	Existing	Existing
Landscaping	No	No
Lighting	No	No
Other Critical Zoning Items	Barrier free (ILHR 69)	

Table Prepared by Pat Anderson, Assistant City Zoning Administrator

Project Review, Analysis, and Conclusion

The applicant requests approval of an alteration to a PUD-SIP (Planned Unit Development-Specific Implementation Plan) to allow the operation of an outdoor eating area.

The eating area would serve Luigi's Pizzeria, a restaurant tenant within the "Sequoia Commons" mixed-use development at the intersection of Midvale and Tokay Boulevards. The small outdoor dining area measures roughly 10 by 18 feet and the seating plan shows the area will contain three (3) tables providing seating for 12 patrons. Staff note that while the plan shows seating for 12, the letter of intent estimates a slightly higher capacity of 12-18.

The applicant requests the seating area be open until 9:00 pm on weekdays and 10:00 pm on weekends. Temporary sidewalk café-style enclosures are proposed to separate the outdoor eating area from the adjacent sidewalk. No permanent physical changes are proposed as part of this application. The applicant states that all furniture will be brought inside at the close of business.

Luigi's Pizzeria occupies the southwestern corner of the Sequoia Commons northern building. A private sidewalk, nearly 15 feet in width, lines the building's southern edge and provides pedestrian access across the site, connecting the public streets, parking area and building. The outdoor eating area is proposed in a portion of this sidewalk adjacent to the restaurant. Plans show that at its

narrowest point, there would be over five (5) feet of clear sidewalk remaining for pedestrian access. The Fire Department has noted concerns over the placement of a bike rack between the patio and exist staircase. Comments have been provided requesting that this feature be relocated to meet applicable codes.

The subject building includes 100 dwelling units in the building's upper three stories. Some windows and balconies will be in relatively close proximity to the patio, though plans show the patio extends only about eight (8) feet adjacent to the building wall with the residential units. The balance of the patio (approximately 10 feet) is adjacent to the exit stairwell, where there are no windows or dwelling units. At the time of report writing, staff had received one email expressing opposition to this proposal. That correspondence references concerns over noise and wheelchair accessibility and is provided for the Plan Commission. Zoning staff has reviewed the plans and indicates that the plans appear to exceed minimum ADA (Americans with Disabilities Act) accessibility standards.

Staff supports this request for a Specific Implementation Plan amendment and believes that if well-managed, a small outdoor eating area would be a benefit to the existing restaurant and should have limited impacts on the nearby dwelling units. Staff have recommended a few operating conditions, including those proposed by the applicant, to minimize the potential impacts. Planning staff has also recommended a condition providing the Plan Commission continuing jurisdiction authority to resolve complaints, similar to the process used for outdoor eating areas approved as conditional uses.

Recommendation and Proposed Conditions of Approval

Major/Non-Standard Conditions are Shaded

Planning Division Recommendation (Contact Kevin Firchow, 267-1150)

The Planning Division recommends that the Plan Commission find the project meets the applicable standards and **approve** the proposed request for a PUD-SIP (Planned Unit Development-Specific Implementation Plan) alteration to allow an outdoor eating area at 515 South Midvale Boulevard, subject to input provided at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

1. That as noted in the applicant's letter of intent, there shall be no outdoor amplified sound on the patio.
2. That as noted in the applicant's letter of intent, the patio shall be closed by 9:00 pm Sunday through Thursday and by 10:00 pm, Friday and Saturday.
3. That final capacity and seating plan shall be approved by City Building Inspection, not to exceed that in this approval. This outdoor eating area approval includes up to three (3) tables and seating for 12 patrons, as shown on the attached plans. A fourth table and a capacity up to 18 (as requested in the letter of intent) will be considered consistent with this approval if it meets applicable code requirements and maintains a clear path along the sidewalk. Additional outdoor capacity or alternative patio layouts not consistent with this approval will require approval of an alteration to this PUD.

4. That the Plan Commission shall have continuing jurisdiction over this outdoor eating area for the purpose of resolving complaints against its maintenance and operation. Such authority shall be in addition to the enforcement authority of the Zoning Administrator to order the removal or discontinuance of any unauthorized alterations and the elimination, removal, or discontinuance of any violation of approved conditions or other provisions of the Zoning Ordinance.

The Plan Commission may modify existing conditions or impose additional reasonable conditions upon the outdoor eating area in order to bring the outdoor eating area into compliance with approved conditions, PUD or Zoning Map Amendment Standards, and to make a finding that the uses, values, and enjoyment of other properties or other onsite uses already established shall be in no foreseeable manner substantially impaired or diminished by the maintenance or operation of this outdoor eating area. In the event that no reasonable modification can be used to meet the above-mentioned standards and finding, the Plan Commission may revoke this outdoor seating area.

Continuing jurisdiction actions and appeals shall follow the process outlined in the Zoning Ordinance for Conditional Use Continuing Jurisdiction (Sec 28.12(11)(h)3).

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

5. Prepare plans that are sufficient to determine impervious / pervious areas for stormwater billing purposes. Contact Lori Zenchenko at 608-266-5952.
6. This property is part of a declared condominium (Sequoia Commons Phase II). Please clarify if the improvements are located within declared limited common elements of the condominium. Condominium amendment and/or addendum documents may be required.

Traffic Engineering Division (Contact Bryan Walker, 267-8754)

7. The applicant shall provide a four (4) ft high fence along the outdoor eating area separating the eating area from the parking lot and sidewalk. All information as tables and seating shall be shown or noted on the plan. 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.

Zoning Administrator (Contact Pat Anderson, 266-5978)

8. Meet applicable building/fire codes. The outdoor capacity shall be established. Occupancy is established by the Building Inspection Unit. Contact Mike VanErem at 266-4559 to help facilitate this process.
9. 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 prior to sign installations. Banners, Pennants, temporary signs, portable signs etc. are not approved as a part of this project

10. If outdoor lighting is provided, it must comply with City of Madison General Ordinances Section 10.085 outdoor lighting standards.
11. Note: Contact the City Clerk regarding the "change of license premise" to allow outdoor service to your liquor license.

Fire Department (Contact Bill Sullivan, 261-9658)

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| 12. Bicycle rack and patio fencing appear to block the exiting from the building. Revise proposal to ensure compliance with the International Building Code. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances. |
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Water Utility (Contact Dennis Cawley, 261-9243)

13. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. This property is not in a wellhead protection district. The Water Utility will not need to sign off the final plans, and will not need a copy of the approved plans.

Parks Division (Contact Kay Rutledge, 266-6518)

This agency did not submit a response to this request.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit a response to this request.