



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 1001 S. Whitney Way (District 10-Cheeks)  
**Application Type:** Conditional Use  
**Legistar File ID #** [42999](#)  
**Prepared By:** Jessica Vaughn, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted

## Summary

**Property Owner:** Frank and Laurie Peregrine; 1001 Whitney Way; Madison, WI 53711

**Applicant/Contact:** Denise Clearwood; Pine Clearwood Architects; 421 N. Westfield Rd.; Madison, WI 53717

**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 is requesting approval of a Conditional Use for an outdoor eating area for an existing restaurant-tavern, Cambridge Winery Tasting Room, located at 1001 S. Whitney Way in the Commercial Corridor-Transitional (CC-T) zoning district. As part of the proposal, the applicant will be constructing a roughly 536 square-foot wooden deck along the north and west elevations of the existing building, oriented towards the S. Whitney Way frontage. The proposed outdoor eating area will have a capacity of 38 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 eating area use at 1001 S. Whitney Way. 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 an irregularly shaped, almost triangular in shape, lot located at the intersection of S. Whitney Way and Gilbert Street.

The site is in Aldermanic District 10 (Ald. Cheeks), the Madison Metropolitan School District and in Urban Design District No. 2.

**Existing Conditions and Land Use:** The project site is comprised of a roughly 6,600 square-foot, one-story multi-tenant commercial building that is currently occupied by:

- The Cambridge Winery Tasting Room (2,044 square-foot tenant space),
- An insurance office (1,392 square-foot tenant space),
- A spa (1,800 square-foot tenant space), and

- A chiropractic office (1,440 square-foot tenant space).

On the project site are 21 parking stalls, six bike parking spaces, and an existing trash enclosure.

**Surrounding Land Use and Zoning:** The project site is currently zoned Commercial Corridor-Transitional (CC-T).

North (across S. Whitney Way): Commercial uses, including retail, restaurant, and automobile service uses; CC-T zoning;

South (across Gilbert Court): Residential uses; Suburban Residential-Consistent 3 (SR-C3) zoning;

East (across Gilbert Street): Residential uses; Suburban Residential-Varied 2 (SR-V2) zoning; and

West (across S. Whitney Way): Indoor/outdoor recreation facility, Vitense Golfland, Parks and Recreation (PR) zoning.

**Zoning Summary:**

Requirements	Required	Proposed
Front Yard Setback	None	None
Side Yard Setback	None	Adequate
Rear Yard Setback	The lesser of 20% of lot depth or 20'	Adequate
Maximum Lot Coverage	85%	No change
Maximum Building Height	5 stories/ 68'	Existing building
Number Parking Stalls: Restaurant-tavern Use	None	21
Accessible Stalls	Yes	1
Loading	None	None
Number Bike Parking Stalls: Restaurant-tavern Use	Tasting room (tavern): 5% of capacity of persons (5) Office: 1 per 2,000 sq. ft. floor area (1) Chiropractic office (medical facility): 1 per 5 employees (1) Service business: 1 per 2,000 sq. ft. floor area (1) (8 total)	6
Landscaping and Screening	None	Yes
Lighting	None	Existing
Building Forms	None	Existing building

Other Critical Zoning Items	
Yes:	Urban Design District (UDD No. 2), Barrier Free (ILHR 69), Utility Easements, Wellhead Protection District
No:	Historic District, Floodplain, Adjacent to Park, Wetlands

*Zoning Tables prepared by: Jenny Kirchgatter, Assistant Zoning Administrator*

**Comprehensive Plan:** The Comprehensive Plan recommends Medium Density Residential (MDR) development for the project site. MDR development is characterized as primarily dense multi-family housing types, including larger apartment buildings and complexes. While the MDR recommendation is primarily a residential designation, a limited amount of other land uses are also located within MDR areas and these often serve as focal points for neighborhood activity. The Comprehensive Plan recognizes various commercial uses, including

neighborhood-serving retail and service amenities as being appropriate in MDR areas (Pgs. 2-82 and 84, Comprehensive Plan).

**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, Cambridge Winery Tasting Room, located at 1001 S. Whitney Way. As part of the proposal, the applicant will be constructing a 536 square-foot wooden deck that wraps around the north and west sides of the building, addressing the S. Whitney Way frontage. The deck will accommodate 38 seats with operating hours not exceeding 9 p.m. on any day of the week, as stated in the applicant's Letter of Intent and Site Plan.

## Analysis and Conclusion

Outdoor eating area uses are allowed as conditional uses in the CC-T 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, one public comment was received from the Orchard Ridge Neighborhood Association Board who reviewed the applicant's proposal and has expressed their support and approval of the project: "Please notify the appropriate city officials the ORNA wishes to have this project approved and constructed as soon as possible. We believe this project will enhance the gateway into our neighborhood."

While the project site is located within Urban Design District No. 2, a formal recommendation from the Urban Design Commission to Plan Commission is not required given the limited scope of the proposal. Pursuant to Section 33.24(4)(g)(1), MGO, the Secretary may administratively approve certain proposed building additions, minor façade alterations, or minor construction within an Urban Design District..." Given the limited scope of the construction and the consistency in materiality between the deck and building, the Secretary of the Urban Design Commission has administratively approved the request for the construction of the proposed deck. Signage is not part of this approval and will require review and approval.

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. Specifically, the Planning Division believes:

- That the proposed outdoor eating area use will conform to all applicable regulations of the CC-T 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 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 (Cambridge Winery Tasting Room) is an existing use, its location along the S. Whitney Way, a commercial corridor, and within a multi-tenant commercial building.

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 1001 S. Whitney Way. 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. The outdoor eating area shall not be used for food and beverage service or outdoor activity after 9:00 PM, seven days a week.
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 review by the Building Inspection Division, the capacity of the outdoor eating area shall not exceed 38 persons.

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

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

**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; semi-trailer movement and vehicle routes; dimensions of radii; and percent of slope.
6. All parking facility design shall conform to the standards pursuant to Section 10.08(6), MGO.

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

7. The north edge of the proposed deck is shown to be along the public right-of-way. The Applicant shall provide, within the final plan set, a recent survey by a professional land surveyor showing the existing lot boundaries in relation to the existing building to ensure the proposed improvements will not be constructed within the public right-of-way as proposed.
8. The footings for the deck shall be confirmed and shown on the site plan to not encroach into the public right-of-way.
9. The site plan shall reflect the proper street name of S. Whitney Way.
10. Submit a PDF of all floor plans to [lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com). Label tenant spaces with the appropriate tenant name and include the appropriate address suite number for each tenant space. Each tenant in a Multi-tenant building should have an address. The interior addressing plan is subject to the review and approval of the Fire Marshal. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during or after construction) the addresses may need to be changed.

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

11. 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.
12. Parking requirements for persons with disabilities must comply with Section 28.141(4)(e), MGO. Show the required van accessible stall including the striped access aisle. A van accessible stall is a minimum of 11 feet wide with a five (5)-foot wide striped access aisle, or eight (8) feet wide with an eight (8)-foot wide striped access aisle. Show the required signage at the head of the stall.
13. Bicycle parking shall comply with the requirements of sections 28.141(4)(g) and 28.141(11), MGO. Provide a minimum of eight (8) short-term bicycle parking stalls located in a convenient and visible area on a paved or impervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance. Identify and dimension the bicycle stalls, including the access aisles, on the final plans. Note: A bicycle stall is a minimum two (2) feet by six (6) feet with a five (5) foot wide access area. Provide a detail of the proposed bike rack.

14. Any displaced landscaping elements must be replaced on the site and shown on a revised landscape plan. The landscape plan should identify existing as well as proposed landscaping.
15. Submit a photo or detail of the existing trash enclosure. The trash enclosure shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet.
16. 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.

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

17. If the occupant load exceeds 99 persons, a fire sprinkler system will be required. The occupant load includes both patrons and employees. The occupant load also includes the adjacent Tenant space unless an occupancy separation is provided per IBC Chapter 7.

**Parks Division** (Contact Janet Schmidt, (608) 261-9688)

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

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

19. 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)

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