



PREPARED FOR THE PLAN COMMISSION

Project Address: 2535 University Avenue
Application Type: Conditional Use
Legistar File ID #: [34917](#)
Prepared By: Heather Stouder, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted

Summary

Applicant/Owner: Tom and Larry Schmock; Blue Moon Bar & Grill; 2535 University Ave., Madison, WI, 53705

Project Contact: Jim Vincent; Designed by Jim Vincent; 221 S. Midwle Blvd.; Madison, WI 53705

Requested Action: Approval of a conditional use for an outdoor eating area associated with a restaurant-tavern in the TSS District.

Proposal Summary: The applicant proposes to construct a second floor outdoor eating area associated with an existing restaurant-tavern in the Traditional Shopping Street (TSS) District.

Applicable Regulations & Standards: This proposal is subject to the standards for conditional uses (MGO Section 28.183(7)).

Review Required By: Plan Commission (PC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** the request at 2535 University Avenue. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Background Information

Parcel Location: The property is located on the south side of University Avenue between Grand Avenue and Highland Avenue; Traditional Shopping Street (TSS) District; Aldermanic District 5 (Bidar-Sielaff); Madison Metropolitan School District.

Existing Conditions and Land Use: The 8,782 square foot property has a two-story, 2,246 square foot commercial building utilized as a restaurant-tavern. The rest of the property is utilized for surface parking, with approximately 18 stalls. The immediately adjacent property to the west, also owned by the applicant, has an additional 15 automobile parking currently used for the restaurant-tavern.

Surrounding Land Use and Zoning:

North: 6-story mixed-use building in the PD District

East: 13-unit multi-family building in the TSS District

South: 5-unit multi-family building in the TR-V2 District, and single- and two-family homes in the TR-C4 District

West: Two-family home in the TSS District, owned by applicant, with surface parking serving the subject property

Adopted Land Use Plan: The Comprehensive Plan (2006) recommends community mixed-use for this area. The University Avenue Corridor Neighborhood Plan (2014) recommendations pertinent to this request include retaining and attracting neighborhood-oriented businesses, and improving the ambience by use of outdoor spaces and upgraded facades.

Zoning Summary: The property is in the Traditional Shopping Street (TSS) District

Dimensional Requirements	Required	Proposed
Front Yard Setback	0'	Adequate
Side Yard Setback	0'	Adequate
Rear Yard Setback	0'	Adequate
Maximum Height	3 stories	2 stories

Site Design		
Number parking stalls	15% capacity of persons (22) Two-family dwelling (1)	33 existing
Bicycle parking	5% of capacity of persons of restaurant-tavern and patio (7 stalls)	10
Landscaping	Yes	Existing
Lighting	Yes	None shown
Accessible stalls	Yes	2 existing
Loading	No	No
Other Critical Zoning Items: Barrier free (ILHR 69)		

Table Prepared by Patrick Anderson, 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 several transit routes running along University Avenue.

Project Description, Analysis, and Conclusion

As part of a significant exterior update, the applicant proposes to construct a second floor patio as an outdoor eating area on the west side of this two-story restaurant-tavern. The new patio area is approximately 10 feet wide by 50 feet long, running along the length of the building. Submitted plans show 12 tables on the patio, and the applicant has requested additional capacity for 48 people, over and above the existing 99 person capacity of the interior two-story space. The additional capacity will necessitate the inclusion of a sprinkler system, as noted in comments from the Madison Fire Department.

No parking spaces are proposed to be removed with this request, as the patio will cantilever out over the existing parking stalls next to the building. Ten bicycle stalls are labeled on the east side of the building and noted on the site plan, but additional detail will be needed to determine that the stalls are adequately sized to meet the dimensional requirements in the zoning code.

Staff believes that the proposal is consistent with the University Avenue Corridor Plan (2014), which recommends retaining and attracting neighborhood businesses, and improving the ambience by use of outdoor spaces and upgraded facades, both of which are proposed as part of this request.

With regard to the impact on surrounding properties, staff notes that placement of the patio along the length of the building, and partially behind an exterior building wall, helps to shield it from the rear yards of residential properties to the south. However, since it is a second floor patio sitting above the height of the eight foot rear

screening fence, noises are likely to carry to a greater extent than they would for an at-grade outdoor seating area. The patio is 50 feet from the nearest residential use, which is the adjacent two-unit building owned by the applicant. The closest residential building oriented toward Kendall Avenue to the south is a two-unit building, 130 feet away from the patio.

At the time of this report, staff understands that the Alder, applicant, and neighbors have agreed that there will be no outdoor amplified sound, and have had many discussions regarding the closing time for the outdoor patio. The most recent suggestion from the Alder is for a closing time of 9:00 PM Sunday through Wednesday, and 10:00 PM Thursday through Saturday. In looking at the proposed capacity, distance from the nearest residential structures, and the approved hours of operation for similar projects, this seems reasonable.

Conditional Use Standards -Staff believes that the proposal can meet the conditional use standards as summarized below:

1. *The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.*
Staff believes that this standard can be met.
 2. *The City is able to provide municipal services to the property where the conditional use is proposed, given due consideration of the cost of providing these services.*
Staff believes that this standard can be met.
 3. *The uses, values, and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner.*
Staff believes that this standard can be met, so long as conditions of approval are adhered to.
 4. *The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*
Staff believes that this standard can be met.
 5. *Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit, and other necessary site improvements have been or are being provided.*
Staff believes that this standard can be met. While the increased capacity of the restaurant may put additional parking pressures on the neighborhood, staff believes that the 33 parking stalls provided on and adjacent to the subject property exceeds that which would be required for the restaurant and two-unit building.
 6. *Measures, which may include transportation demand management (TDM) and participation in a transportation management association have been or will be taken to provide adequate ingress and egress, including all off-site improvements, so designed as to minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets.*
Staff believes that this standard can be met.
 7. *The conditional use conforms to all applicable regulations of the district in which it is located.*
Staff believes that this standard can be met, so long as all conditions of approval are adequately addressed.
- [Standards 8-15 do not apply to this request]

Conclusion: Staff believes that the outdoor seating area and associated exterior improvements are consistent with the University Avenue Corridor Plan (2014), and that they will be a positive change at this location, and that all of the conditional use standards can be met with this proposal.

Recommendation

Planning Division Recommendation (Contact Heather Stouder, 266-5974)

The Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** the request at 2535 University Avenue. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

Planning Division (Contact Heather Stouder, 266-5974)

1. Hours of operation for the outdoor eating area will cease at 9:00 PM Sunday through Wednesday and 10:00 PM Thursday through Saturday.
2. There shall be no outdoor amplified sound on the property.

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

3. Provide a recorded copy, or draft and record a common access and parking easement/agreement between this property and the property located at 2545 University Avenue. The site plan identifies a common access to University Avenue and shows a total number of parking stalls between the two properties indicating common usage.
4. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set (POLICY and MGO 37.09(2)).

PDF submittals shall contain the following information:
 - a) Building footprints
 - b) Internal walkway areas
 - c) Internal site parking areas
 - d) Lot lines and right-of-way lines
 - e) Street names
 - f) Stormwater Management Facilities
 - g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans)

Zoning Administrator (Contact Pat Anderson, 266-5978)

5. Meet applicable building/fire codes. The outdoor capacity shall be established. Occupancy is established by the Building Inspection Unit. Contain Building Inspection Plan Reviewer Mike VanErem at 266-4559 to help facilitate this process.
6. Bicycle parking design and location shall comply with Sec. 28.141(11) of the City of Madison General Ordinances. Provide details on final plans. A bike-parking stall is two feet by six feet with a five-foot access area. Provide detail of bike rack to be installed.
7. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31, Sign Codes, prior to sign installations.

8. Provide details for refuse enclosure. Screening shall be between six and eight feet in height and any rooftop of ground-level mechanical equipment must be screened.
9. Any new exterior lighting shall be installed in compliance with MGO 10.085, the City's outdoor lighting regulations.
10. Sec. 28.142(8) requires district boundary screening for the abutting residential property to the south. An indication that a fence exists is included on the plan set, but it is not clear if this fence is on the subject property, or meets the minimum requirements for screening. Provide detail on this fence, noting the fence must be within the subject property and must be 6'-8' in height.
11. A Conditional Use was granted in 1997 at 2545 University Ave., providing accessory parking for the restaurant-tavern at 2535 University Ave. The propose project will increase the current capacity, thus increasing the demand of the accessory parking lot on the adjacent parcel. The current project shall require an alteration to the existing Conditional Use to be approved administratively as part of final sign-off for the project, subject to Section 28.137(2)(b).
12. NOTE: "Sidewalk Café" area within the right of way is not an outdoor eating area regulated by the City's zoning ordinance.

Traffic Engineering (Eric Halvorson, 266-6527)

13. 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.
14. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

Fire Department (Contact Bill Sullivan, 261-9658)

- | |
|--|
| 15. The additional square footage and increase in capacity to the building will require the installation of an automatic sprinkler system. |
|--|

No other agencies submitted comments for this request.