



PREPARED FOR THE PLAN COMMISSION

Project Address: 1835 Monroe Street (13th Aldermanic District, Alder Eskrich)
Application Type: Conditional Use
Legistar File ID #: [40041](#)
Prepared By: Heather Stouder, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted

Summary

Applicant/Contact: Sarah Jones; Double S BBQ, LLC; 1835 Monroe Street, Madison, WI 53711

Property Owner: Chris and Daniel Kerwin; 3219 Bay View Ln., McHenry, IL 60050

Requested Action: Approval of a conditional use for an outdoor smoker associated with a barbecue establishment in the Traditional Shopping Street (TSS) District.

Proposal Summary: The applicant proposes to place an outdoor barbecue pit in the asphalt area at the rear of the property for use up to 12 hours per day and 7 days per week.

Applicable Regulations & Standards: This proposal is subject to the standards for conditional uses (MGO Section 28.183(6)).

Review Required By: Plan Commission (PC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the conditional use standards cannot be met with the current proposal and **place on file** the request at 1835 Monroe Street. 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: 1835 Monroe Street is located on the southeast side of Monroe Street between South Prospect Avenue and Harrison Street; Aldermanic District 13 (Eskrich); Madison Metropolitan School District.

Existing Conditions and Land Use: The 18-foot wide, 2,100 square foot property is developed with a one-story commercial building connected via party walls to similar buildings on both sides. Behind the building is an 850 square foot asphalt space accessed via an alley behind the property.

Surrounding Land Use and Zoning:

Northwest: Across Monroe Street to the northwest, a six-story mixed use building with a grocery store and upper level residential units in the Planned Development (PD) District.

Northeast: Commercial buildings in the Traditional Shopping Street (TSS) District.

Southeast: Single-, two-, and three-family homes in the Traditional Residential – Consistent 4 (TR-C4) District.

Southwest: Commercial buildings in the Traditional Shopping Street (TSS) District.

Adopted Land Use Plan: The Comprehensive Plan (2006) recommends neighborhood mixed-use development for this block. The Monroe Street Commercial Corridor Plan (2008) does not have recommendations pertinent to this proposal.

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

Requirements	Required	Proposed
Lot Area (sq. ft.)	N/A	2,103 Sq. ft.
Lot Width	N/A	18'-2"
Side Yard Setback	0	0
Rear Yard Setback	10'	TBD
Maximum Lot Coverage	85%	100%± (existing)
Lot Area (sq. ft.)	N/A	2,103 Sq. ft.

Site Design	Required	Proposed
Number Parking Stalls	6 (39 persons @ 15%)	0 (reduction approved)
Accessible Stalls	0	0
Loading	No	1
Number Bike Parking Stalls	2	2 in adjacent r-o-w
Landscaping	No	Existing site
Lighting	None proposed	N/A

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 transit routes running along Monroe Street.

Related Reviews and Approvals

ALRC - On June 2, 2015, following a May 20 recommendation by the Alcohol License Review Committee, the Common Council granted a beer and wine license for the applicant’s establishment with several conditions, including a condition that there will be no outdoor smoker on the property (see Legislative Item #[38182](#)). If the conditional use were to be approved by the Plan Commission, the applicant would need to seek a subsequent approval from the ALRC in order to remove this condition of approval.

Public Health Restaurant License – Staff from the Department of Public Health, Dane County and Madison would need to provide a license for the outdoor barbecue pit, which can only be provided for a restaurant if the restaurant can demonstrate that the cooking proposed outside could also be accommodated within the associated indoor commercial kitchen, so as not to substitute outdoor cooking for insufficient commercial kitchen space. In this case, Public Health staff have determined that the kitchen includes the proper ventilation and other equipment to meet this threshold.

Project Description, Analysis, and Conclusion

The applicant proposes to place an outdoor barbecue pit in the area directly behind their existing restaurant space in a one-story commercial building, where they have been in operation since early October. As shown in submitted plans, the piece of equipment is approximately 14-feet long by four feet wide, with two smoke stacks approximately 7-8 feet tall (exact height not shown on plans). The outdoor barbecue pit would be approximately 100 feet from rear of the nearest homes on the north side of Madison Street.

The applicant, who has been renting additional off-site space for cooking over the course of the past few weeks, has requested that the on-site outdoor cooking operation be allowable 7 days per week, up to an average of 4-12 hours per day, but is not able to specify particular days or times due to the fluctuation of inventory and weather parameters. The applicant has verbally indicated that the off-site outdoor cooking

since the restaurant opened has taken place 4 days per week, and that they would expect to cook 3-4 days per week on-site.

On October 22, a live on-site demonstration of the equipment took place from about 8:00 AM to 3:00 PM, in order to provide nearby residents and others an opportunity to observe the operation. Public Health staff monitored fine particulate matter in the air on nearby properties before, during, and after the demonstration, and the results from this will be summarized in a memorandum to be provided to Plan Commissioners prior to the November 2 meeting. Staff from Public Health, Zoning, and Planning, and Alder Eskrich visited the site during the day, which was relatively clear and still, providing a good opportunity to observe and better understand typical impacts on nearby properties. That evening, a neighborhood meeting was held by Alder Eskrich at the subject site, where both support and opposition were voiced for the proposal. Many written comments, a majority of which indicate opposition, will be provided to the Plan Commission.

The Plan Commission has experience with only one similar conditional use request for outdoor cooking operations within 200 feet of residential property. In 2014, the Plan Commission voted 6-2 to approve a request for an outdoor barbecue pit at 5502 University Avenue (Legislative Item No. [33902](#)). In that case, the pit was to be sited approximately 150 feet from an apartment building, with a commercial building between the pit and the apartment building. A condition of approval was that the operation only take place *up to 12 times per year*, consistent with that applicant's request. That approval has now lapsed, as the business never moved forward with outdoor cooking on that particular site. In this case, the pit is closer to nearby residential properties, and there are essentially no limitations to the frequency of use, based on the needs for this applicant's business to maintain flexibility.

Conditional Use Standards - An evaluation of the proposal's ability to meet the standards for conditional use approval is summarized below.

As stated in MGO Section 28.183(6)(a), *"The City Plan Commission shall not approve a conditional use without due consideration of the recommendations in the City of Madison Comprehensive Plan and any applicable neighborhood, neighborhood development, or special area plan, including design guidelines as adopted as supplements to these plans. No application for a conditional use shall be granted by the Plan Commission unless it finds that all of the following conditions are present:*

1. *The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.*

At this time, it is unclear whether this standard is met. Staff will share with the Plan Commission results from an air quality monitoring study before, during, and after the October 22 demonstration.

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 is 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 does not believe that this standard is met, even if health impacts are minimal, nonexistent, or difficult to quantify. The impacts of such frequent smoke and strong smells on residential properties within the immediate area, particularly within a half-block radius, may significantly diminish the ability for residents and even nearby business owners and employees to enjoy their properties and open their windows for much of each day and week.

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 is met, in that the outdoor cooking operation in and of itself would not likely impact surrounding development patterns or selective redevelopment possibilities in the area.

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 is met.

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 is met, and does not believe that there is a need for a TDM.

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 Zoning conditions of approval are sufficiently addressed.

[Standards 8-15 do not apply to this request]

Conclusion – After careful review, staff cannot find that the proposal for outdoor cooking several hours at a time, several days each week within 100-200 feet of residential properties can meet conditional use Standard No. 3, which relates to the uses, values, and enjoyment of nearby properties. At this time, it is unclear whether Standard No. 1, as it relates to cumulative public health impacts of frequent wood smoke, can be met. Staff greatly appreciates the time and financial investment the applicants have made in the business and this particular building over the last few months, but notes that concerns about the desired outdoor cooking were conveyed to the applicant well in advance of that work being done.

In this case, the impacts of frequent smoke and strong smells on properties within a fairly tight radius of the subject site would be significant, and staff believes that they outweigh the benefits to the applicants that would come from being able to cook outside on-site in order to minimize costs and logistical challenges. Understanding from the applicants that they have little interest in indoor smoking of meat, which they could do on-site without any special approvals, staff is hopeful that the business can continue to thrive in this location with an off-site outdoor cooking operation further away from residential properties.

Recommendation

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

The Planning Division recommends that the Plan Commission find that the conditional use standards cannot be met with the current proposal and **place on file** the request at 1835 Monroe Street. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Should the Plan Commission determine that the standards are met, they may decide to approve the request with conditions recommended below or as modified following the public hearing.

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

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

1. A property survey by a professional land surveyor is recommended prior to the installation of the 6 foot commercial fence.

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

2. IFC 308.1.4 Charcoal burners and other open-flame devices shall not be operated within 10-ft of combustible construction. Maintain clearances from wooden fences, dumpsters and buildings.

Traffic Engineering (Contact Eric Halvorson, 266-6527)

3. 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.
4. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
5. Traffic Engineering will no longer be accepting paper plans; to ensure a timely review all submittals will include an electronic copy (.pdf preferred).

Zoning Administrator (Contact Matt Tucker, 266-4429)

6. Provide detail on final site plan relative to location of outdoor cooking device and enclosure area. NOTE: a 10' minimum rear setback from the alley is required.

Water Utility (Contact Dennis Cawley, 266-4651)

This agency had no comments pertaining to this request.