

PLANNING DIVISION STAFF REPORT

March 24, 2014



PREPARED FOR THE PLAN COMMISSION

Project Address: 829 East Washington Avenue
Application Type: Conditional Use
Legistar File ID #: [33075](#)
Prepared By: Kevin Firchow, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted

Summary

Applicant: Jonathan T. Reske; Fourcap LLC; 3128 Lakeland Avenue #11; Madison, WI 53704
Contact: Matt Tills; Tills Architecture; 2501 Balden Street; Madison, WI 53713
Property Owner: PAMAS, LLC; PO Box 208, Madison, WI 53701

Requested Action: The applicant requests conditional use approval to establish a restaurant with outdoor eating area in a property zoned TE.

Proposal Summary: The applicant proposes to modify an existing courtyard area for the purpose of creating an outdoor eating area.

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 are met and **approve** the requested conditional use to establish an outdoor eating area at 829 State 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: The subject property is located on the south side of East Washington Avenue, midblock between Livingston and Paterson Streets. The property is within Aldermanic District 6 and Urban Design District 1.

Existing Conditions and Land Use: The 10,890 square foot property includes a vacant 8,261 square feet building which was previously utilized as a teen center.

Surrounding Land Use and Zoning:

North: Undeveloped site recently approved as mixed-use building (The Galaxie), zoned TE (Traditional Employment);

South: Warehousing and storage buildings, zoned TE;

East: Children/Family serving non-profit with office building, beyond, zoned TE;

West: Undeveloped property, zoned TE.

Adopted Land Use Plan: The Comprehensive Plan recommends employment uses for the subject site.

Zoning Summary: The property is zoned TE (Traditional Employment).

	Requirements	Proposed
Lot Area	6,000 sq. ft.	10,890 sq. ft.
Lot width	50'	66'
Front Yard Setback	none	0
Side Yard Setback	One-story: 5' Two-story: 6'	Existing
Rear Yard	20'	Existing
Maximum lot coverage	85%	Existing
Minimum Height	22' measured to building cornice	N/A
Maximum Height	5 stories/68'	N/A
Usable open space	N/a	N/A
Site Design	Required	Proposed
Number parking stalls	0 (Table 28I-2 exception)	0
Loading	0	0
Number bike parking stalls	5% of capacity (20)	32
Landscaping	No	Yes
Lighting	Yes	Yes
Building form	Yes	Yes
Other Critical Zoning Items	(UDD #8) Utility easements Well Head Protection	

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.

Project Description, Analysis, and Conclusion

The applicant requests conditional use approval to establish a restaurant with an outdoor eating area. Both restaurants and outdoor eating areas are listed as conditional uses in the TE (Traditional Employment) zoning district. This request is subject to the conditional use approval standards.

The existing two-story building is currently vacant and includes a “tunnel” that connects East Washington Avenue to the courtyard area. This feature would remain and allow for patron pedestrian and bicycle access to the courtyard. Minor changes to the exterior façade are proposed. These have been reviewed by the Urban Design Commission (UDC) Secretary on behalf of the UDC. Changes include new awnings, replacement doors, and painting of the tunnel walls. Please note, new signage will be proposed, but that is not under the jurisdiction of the Plan Commission and must meet all applicable standards.

The most significant design changes are to the interior courtyard area, which will receive several improvements including an elevated deck, new seating rear wall, and landscaping. Additional entrances from the building will open up onto the courtyard. Just prior to completing this report, the applicant provided the Planning Division with revised plans for the interior courtyard design. Specific changes are noted in the provided materials. The most notable change is a reduction in the outdoor capacity, down to 150 persons (originally proposed at 200). Final capacities must be approved by Building Inspection. Other changes include the addition of an outdoor bar, reconfiguration of the deck and rear wall, and the addition of surface bike parking. The Planning Division does not object to these changes.

In terms of operation, the restaurant will be operated by a common restaurant group with distinct service areas including a more formal (“chef/menu driven”) restaurant at the rear, a wine/cocktail lounge in the middle, and a bakery and cafe at the front of the building. Patrons of any of the service areas will have access to the courtyard. Hours of operation for the restaurant group would be 6:30 am-1:00 am weekdays and 6:30 am-2:30 am on Fridays and Saturdays. No further restrictions are proposed for use of the outdoor courtyard.

The applicant has indicated that they may wish to have ambient music played through exterior speakers and also have live music in the courtyard at times. Considering the current lack of residential units south of East Washington Avenue near this site, staff don’t anticipate this would cause conflicts at this time and are not recommending any special restrictions on outdoor amplified sound. (Ordinance decibel requirements still apply.)

The Planning Division believes that the conditional use standards can be met and recommend approval. The District Alder has noted her support for the project and also cites the support of the Marquette Neighborhood. Staff notes that the applicant is still required to obtain ALRC (Alcohol License Review Committee) for this proposal. Staff notes that as a conditional use, the Plan Commission retains “continuing jurisdiction” to review and resolve complaints that may arise on the operation of the conditional use.

Recommendation

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

The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the requested conditional use to establish an outdoor eating area at 829 East Washington 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 Kevin Firchow, 267-1150)

1. The revised internal courtyard (with reduced capacity) and façade drawings were provided on March 19, 2013 for distribution to the Plan Commission. These revised sheets have not been reviewed by City Agencies. Approval of the revised sheets by the Plan Commission is subject to additional comments by reviewing agencies on their review of this supplemental information.

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

2. Show all easements of record on the site plan. City Engineering staff is aware of a 10, right of way to MG&E along the rear of this property per Doc. No. 3374205.
3. The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
4. The site plan shall include all lot/ownership lines, existing building locations, proposed building additions, demolitions, parking stalls, driveways, sidewalks (public and/or private), existing and proposed signage, existing and proposed utility locations and landscaping.
5. The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.
6. The site plan shall include a full and complete legal description of the site or property being subjected to this application.
7. 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).

Traffic Engineering (Contact Eric Halvorson, 266-6527)

8. The applicant shall submit one contiguous plan for approval. The plan drawing 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.
9. 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.
10. 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.

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

Zoning Administrator (Contact Pat Anderson, 266-5978)

12. 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.
13. Bike parking shall comply with City of Madison General Ordinances Table 28I-3 (General Regulations). Provide the minimum bike parking stalls for said uses. 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.
14. Shall comply with supplemental regulations for outdoor eating areas associated with food and beverage establishments section 28.151 of the City of Madison General Ordinances.
15. 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 prior to sign installations.
16. If outdoor lighting is provided, it must comply with City of Madison General Ordinances Section 10.085 outdoor lighting standards.

Fire Department (Contact Bill Sullivan, 261-9658)

17. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

Parks Division (Kay Rutledge, 266-4816)

18. Existing street trees shall be protected. Please include the following note on the site plan: Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266-4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry. Tree protection specifications can be found in section 107.13 of City of Madison Standard Specifications for Public Works Construction - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part1.pdf> Please reference ID# 14111 when contacting Parks about this project.

19. Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right-of-way. Permission for such activities must be obtained from the City Forester, 266-4816.

Water Utility (Contact Dennis Cawley, 266-4651)

20. This property is in wellhead protection district WP-24. This proposed use is allowed in this district. Any proposed changes in use shall be approved by the Water Utility General Manager or his designee. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. The Water Utility will not need to sign off the final plans, and will not need a copy of the approved plans.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not provide comments for this request.