

OPLANNING DIVISION STAFF REPORT

May 7, 2018



PREPARED FOR THE PLAN COMMISSION

Project Address: 2911 N. Sherman Avenue (District 12 - Ald. Palm)
Application Type: Conditional Use
Legistar File ID # [50988](#)
Prepared By: Colin Punt, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Brian Carriveau; Bierock; 2442 Superior Street; Madison, WI 53704
Contact: Amanda Carriveau; Bierock; 2442 Superior Street; Madison, WI 53704
Property Owner: Northside Town Center; 1865 Northport Drive Ste. B; Madison, WI 53704

Requested Action: The applicant requests approval of a conditional use to establish an outdoor eating area for a restaurant-tavern on a property zoned CC-T (Commercial Corridor - Transitional District) at 2911 N. Sherman Avenue.

Proposal Summary: The applicant proposes to establish an outdoor eating area for an existing restaurant-tavern with four tables seating twenty patrons immediately adjacent to the restaurant storefront under the building canopy.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [M.G.O. §28.183] as M.G.O §28.061(1) lists *outdoor eating areas associated with food and beverage establishments* as conditional uses in the Commercial Corridor - Transitional (CC-T) District. The Supplemental Regulations [M.G.O. §28.151] contain further regulations for these uses.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the approval standards for Conditional Uses are met and **approve** the requests to establish an outdoor eating area for a restaurant-tavern on a property zoned CC-T (Commercial Corridor - Transitional District) at 2911 N. Sherman Avenue. These requests are subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The subject site is located in a tenant bay of the Northside Town Center located at the southeast corner of the intersection of North Sherman Avenue and Northport Drive. The subject site is a portion of a parent parcel addressed as 1841 Northport Drive. However, the subject site is part of a multi-tenant building on the adjacent parcel addressed 2901 North Sherman Avenue. Both parcels are part of the multi-building, multi-parcel Northside Town Center. The site is within both Aldermanic District 12 (Ald. Palm) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The 6.23-acre subject parcel is zoned CC-T and developed with two buildings. However, the subject site is part of a 48,635-square foot building built in 1999 on an adjacent 4.11-acre parcel zoned CC-T. Both parcels are part of the multi-building, multi-parcel Northside Town Center, which contains a mix

of retail, service, and restaurant uses. The restaurant storefront faces west and fronts on a large shared parking lot.

Surrounding Land Use and Zoning:

The subject site is within the Northside Town Center shopping center. The nearest non-commercial use is over 300 feet from the proposed outdoor eating area. The following surrounding land uses are those beyond the shopping center

North: Across Northport Drive, a multi-building apartment complex, zoned Suburban Residential – Variable 2 (SR-V2) district;

East: A variety of commercial uses and a 34-unit apartment building in the Commercial Corridor - Transitional (CC-T) district;

South: Single-family homes, zoned Suburban Residential-Consistent 1 (SR-C1) district; and

West: Across North Sherman Avenue, Warner Park, zoned Parks and Recreation (PR) district.

Adopted Land Use Plan: The [Comprehensive Plan \(2006\)](#) recommends Community Mixed Use for this property. [Northport Warner Park Sherman Neighborhood Plan \(2009\)](#) identifies Northside Town Center as a mixed-use redevelopment site, recommending increased density, street-oriented and transit-oriented development, improved connectivity, community interaction, and additional height and density.

Zoning Summary: The project site is currently zoned Commercial Corridor - Transitional (CC-T).

Requirements	Required	Proposed
Front Yard Setback	None	Adequate
Side Yard Setback	One-story: 5	Existing side yard
Rear Yard Setback	The lesser of 20% of lot depth or 20 feet	Existing rear yard
Maximum Lot Coverage	85%	Existing lot coverage
Maximum Building Height	5 stories/ 68'	Existing 1 story building

Site Design	Required	Proposed
Number Parking Stalls	Restaurant-tavern: 15% of capacity of persons (15)	Existing parking lot
Accessible Stalls	Yes	Yes
Loading	2 (10' x 50')	Existing loading
Number Bike Parking Stalls	Restaurant-tavern: 5% of capacity of persons (5)	None (see Zoning comment #4)
Landscaping	Not required	Existing landscaping
Lighting	Not required	Existing lighting
Building Forms	Not required	Existing building

Other Critical Zoning Items	Barrier Free (ILHR 69), Planned Multi-Use Site
------------------------------------	--

Table Prepared by Jenny Kirchgatter, 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, Bierock, proposes to establish an outdoor seating area for a restaurant-tavern at their under-construction location. Bierock is currently remodeling a 2,428-foot rental space at Northside Town Center as a restaurant and tavern, with anticipated opening in May 2018. The applicant is requesting a conditional use for an outdoor eating area immediately in front of Bierock's rented space underneath the canopy of the larger multi-tenant building. Under the canopy, the five-table, twenty-seat area will not impede the sidewalk or the entrance to the restaurant. As proposed, the hours of operation for the restaurant-tavern are 3 pm – 10 pm Tuesday and Wednesday, 3 pm – 12 am Thursday, 3 pm – close/"bar time" (no later than 2:30 am) Friday, 10 am – close/"bar time" (no later than 2:30 am) Saturday, and 10 am – 10 pm Sundays. Bierock will be closed Mondays. The applicant has not included a request for any outdoor music as part of this conditional use approval. Bierock does not currently hold an entertainment license.

This proposal is subject to the standards for Conditional Uses [M.G.O. §28.183] as M.G.O §28.082(1) lists *Outdoor eating areas associated with food and beverage establishments* as conditional uses in the Commercial Corridor - Transitional (CC-T) District. In regards to the approval standards, the Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, and finding that all of the conditional use standards of §28.183(6) M.G.O. are met. This use fits well within the commercial portion of the CMU recommendation in the Comprehensive Plan. The Planning Division anticipates that if well-managed, the proposed outdoor eating areas should not result in significant impacts to the surrounding properties, especially in a predominantly commercial area surrounded by other retail, service, and restaurant uses well separated from residential areas.

M.G.O. 28.151 contains further regulations for outdoor eating areas associated with food and beverage establishments. First, primary access to the area shall be from within the establishment. According to the site plan provided, Staff believes that this requirement has been fulfilled. Second, hours of operation may be restricted and noise and lighting limits imposed as part of the approval. Because of the commercial surroundings and significant distance from any residential areas, Planning Staff is not proposing hours of operation more restrictive than those provided by the applicant. Lastly, where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the neighborhood. Staff does not believe that the applicant needs to provide additional site improvements to mitigate the impacts on surrounding properties. The other tenants of Northside Town center closest to the site have commercial uses and are busiest during the daytime and residential uses are distant. The nearest residential use is over 300 feet to the southeast from the proposed outdoor eating area, shielded from the outdoor eating area by the large multi-tenant building, which backs onto the residential building. The nearest residential use within line of site of the outdoor eating area is over 500 feet away to the north across Northport Drive.

Staff believes that the outdoor eating area associated with the restaurant-tavern can be found to meet the Conditional Use Approval Standards and recommends that it be approved by the Plan Commission. At the time of report writing, Staff is unaware of any comments from the public. 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 MGO Section 28.183(9)(d).

Recommendation

Planning Division Recommendation (Contact Colin Punt, (608) 243-0455)

The Planning Division recommends that the Plan Commission find that the approval standards for Conditional Uses are met and **approve** the request to establish an outdoor eating area for a restaurant-tavern on a property zoned CC-T (Commercial Corridor - Transitional District) at 2911 N. Sherman Avenue. These requests are subject to the 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 Colin Punt, (608) 243-0455)

1. There shall be no amplified sound, including, but not limited to television, ambient music or musical performances, in the outdoor eating areas located at the restaurant-tavern addressed 2911 North Sherman Avenue.
2. The capacity of the outdoor eating area located in front of the tenant space addressed as 2911 North Sherman Avenue shall not exceed 20 persons (note: the final details of the seating plan and capacity to be approved by the Building Inspection Unit). Future modifications to the capacity of the outdoor eating area may be considered as a minor alteration of the conditional use following a recommendation by the district alder and approval from the Building Inspection Unit.
3. The hours of operation for the outdoor eating area located in front of the tenant space addressed as 2911 North Sherman Avenue shall be 3 pm – 10 pm Tuesday and Wednesday, 3 pm – 12 am Thursday, 3 pm – 2:30 am Friday, 10 am – 2:30 am Saturday, and 10 am – 10 pm Sundays. Future modifications to the hours of operation of the outdoor eating area may be considered as a minor alteration of the conditional use following a recommendation by the District Alder.

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

4. Bicycle parking shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of five (5) 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. If existing bicycle stalls are located within 100 feet of the entrance, identify the stalls on the site plan and provide the number of stalls. Note: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Provide a detail of the proposed bike rack.
5. The capacity shall be established for the outdoor eating area. Occupancy is established by the Building Inspection Unit. Contact Building Inspection staff at (608) 266-4559 to help facilitate this process.

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

6. Extend the existing building fire sprinkler system into this tenant space alteration.