



Report to the Plan Commission

June 20, 2011

Legistar I.D. #22830
1 S. Pinckney Street
Conditional Use

Report Prepared By:
Timothy M. Parks, Planner
Planning Division

Requested Action: Approval of a conditional use to allow an outdoor eating area for a restaurant located at 1 S. Pinckney Street.

Applicable Regulations & Standards: Section 28.09(5)(d)3a identifies outdoor eating areas for restaurants or taverns as a conditional use in the C4 Central Commercial District. Section 28.12(11) provides the guidelines and regulations for the approval of conditional uses.

Summary Recommendation: The Planning Division recommends that the Plan Commission find the conditional use standards met and **approve** a conditional use for an outdoor eating area for a restaurant at 1 S. Pinckney Street, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 3 of this report.

Background Information

Applicant: Traci Miller, Deja Food, Inc., d/b/a Graze; 1 S. Pinckney Street; Madison.

Agent & Property Owner: Julie Wiedmeyer, Urban Land Interests, Inc.; 10 E. Doty Street; Madison.

Proposal: The applicant is requesting approval of an existing outdoor eating area for a restaurant with seating for approximately 24 persons at 10 tables. The outdoor eating area request also includes the sale of bakery items during the Saturday farmer's market. The applicant has been using the outdoor eating area since July 2010 and submitted a conditional use application when it was brought to their attention that they did not have the permissions needed.

Existing Conditions: Graze occupies a first floor retail space addressed as 3 S. Pinckney Street in the larger US Bank Plaza building (1 S. Pinckney Street), zoned C4 (Central Commercial District).

Parcel Location: The US Bank Plaza building shares a 2-acre block bounded by S. Pinckney Street, E. Main Street, S. Webster Street and E. Washington Avenue with the Tenney Building and a parking structure. Graze is located in a first floor retail space located at the southwesterly corner of the US Bank Plaza building, with the outdoor eating located along the southerly façade of the restaurant at sidewalk level. The subject site is located in Aldermanic District 4 (Verveer); Madison Metropolitan School District.

Surrounding Land Use and Zoning: The outdoor eating area is located adjacent to the S. Pinckney Street sidewalk in a courtyard formed by the northerly wall of the Tenney Building and the southerly façade of the US Bank Plaza building across from the State Capitol. The surrounding uses primarily include other retail/ services uses located on the first floor of the nearby buildings with a variety of office uses located above. Nearby properties are zoned C4 (Central Commercial District) or Planned Unit Development.

Adopted Land Use Plan: The Comprehensive Plan identifies the subject site within the boundaries of the “Downtown Core” downtown mixed-use sub-district. Development in this district is recommended to include mixed-use buildings containing a mix of office, service, dining, entertainment, etc. uses on the lower floors and residential uses on upper floors as well as government, office, cultural and institutional uses, lodging and structured parking.

Environmental Corridor Status: The site is not located within a mapped environmental corridor.

Public Utilities and Services: This property is served by a full range of urban services.

Zoning Summary: Existing C4 (Central Commercial District) zoning:

Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	Existing, adequate
Lot Width	50'	Existing, adequate
Front Yard	0'	Adequate
Side Yards	0'	Adequate
Rear Yard	10'	Adequate
Floor Area Ratio	3.0 maximum	Existing, adequate
Building Height	N/A	Existing
No. of Parking Stalls	Central Area–No parking required	---
Accessible Stalls	---	---
Loading	N/A	Existing, adequate
No. Bike Parking Stalls	2	Existing, adequate
Other Critical Zoning Items		
Yes:	Urban Design, Barrier Free	
No:	Utility Easements, Floodplain, Wellhead Protection; Landmark; Adjacent to Park	
<i>Prepared by: Pat Anderson, Asst. Zoning Administrator</i>		

Project Review, Analysis & Conclusion

Graze gastro pub is requesting approval of a conditional use for an outdoor eating area located at the southwesterly corner of the US Bank Plaza building, which is generally addressed as 1 S. Pinckney Street. The outdoor eating area began operation in the summer of 2010 concurrent with the opening of the restaurant, which occupies the first floor space at the southwestern of the nine-story office building. The outdoor eating area is located adjacent to the S. Pinckney Street sidewalk in a courtyard formed by the southerly façade of the US Bank Plaza building and the northerly wall of the Tenney Building, which shares the block bounded by S. Pinckney Street, E. Main Street, S. Webster Street and E. Washington Avenue with the subject building.

The applicant indicates that the outdoor eating area provides service for 24 patrons at 10 tables. In addition, the restaurant offers coffee and bakery for sale in the outdoor eating area to visitors to the Dane County Farmers Market on Saturdays. Entry to the outdoor eating area is provided from the courtyard formed by the buildings. The outdoor area is enclosed by a removable decorative fence, with the western edge of the enclosure generally parallel to the westerly wall of the US Bank Plaza building. Overall hours of operation of the outdoor eating area are 7:00 AM to 10:00 PM Monday through Wednesday, 7:00 AM to midnight Thursday through Saturday and 9:00 AM to 3:00 PM on Sunday.

Outdoor eating areas for restaurants or taverns are identified as conditional uses in the C4 Central Commercial District requiring Plan Commission approval prior to beginning operation. The Graze outdoor eating area was referenced on the plans reviewed by the City for the conversion of a portion of the first floor of the US Bank Plaza building into the Graze and adjacent L'Etoile restaurants. However, a formal conditional use application for the outdoor area was not submitted for Plan Commission approval prior to the restaurant's opening, and could not be granted by the staff-approved alteration for the exterior improvements related to the restaurant conversion. Staff believes the opening of the outdoor eating area in 2010 without conditional use approval was an oversight by the City, property owner and restaurateur, and no code enforcement proceedings have been undertaken to date as a result of the area operating without the needed approval.

The uses surrounding the outdoor eating area include other retail/ services uses located on the first floor of the subject and adjacent buildings and a variety of office uses located above. Staff is unaware of any concerns expressed about the outdoor eating area in its first year of operation and does not believe that legal continuation of the use will have a negative impact on the uses, value and enjoyment or normal and orderly development of nearby uses and properties. Staff also does not believe that limitations on hours of operation or outdoor amplified sound are necessary at this time.

Staff Recommendations, Conditions of Approval & General Ordinance Requirements
Major/Non-Standard Conditions are shaded

Planning Division Recommendation (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use for an outdoor eating area for Graze gastro pub generally located at 1 S. Pinckney Street in the US Bank Plaza building, subject to input at the public hearing and the conditions from reviewing agencies:

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

This agency submitted a response with no conditions of approval for this request.

Traffic Engineering Division (Contact John Leach, 267-8755)

1. When the applicant submits final plans of one contiguous plan for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, showing all easements, all pavement markings, building placement, signage, percent of slope, location of eating area in relation to the building, types of barriers, dimensions of eating area and sidewalk, locations of tables, and a scaled drawing at 1" = 20'.
2. The applicant shall prevent encroachment with outdoor eating area onto adjacent land areas and public sidewalk by barriers of some type, preferably a 4-foot tall fence, which shall be noted on the face of the revised plans.
3. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Zoning Administrator (Contact Pat Anderson, 266-5978)

4. Meet applicable Building and Fire codes for the additional outdoor capacity and for ingress and egress of the establishment with the areas and uses for the site. Occupancy is established by the Building Inspection Division. Contact Mike Van Erem at 266-4559 to help facilitate this process.
5. Note: Please contact the City Clerk's Office (266-4601) regarding the changes to your liquor license necessary to allow your proposed outdoor service.

Fire Department (Contact Scott Strassburg, 261-9843)

6. The Madison Fire Department does not object to the proposed outdoor patio provided the project complies with all applicable fire codes and ordinances. Ensure building exits are maintained to the public way.

Parks Division (Contact Tom Maglio, 266-4711)

This agency did not submit comments for this request.

Water Utility (Contact Dennis Cawley, 261-9243)

This agency submitted a response with no conditions of approval for this request.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit comments for this request.

Police Department (Contact Frank Chandler, 266-4238)

This agency did not submit comments for this request.