



PREPARED FOR THE PLAN COMMISSION

Project Address: 1511 Williamson Street (6th Aldermanic District - Ald. Rummel)
Application Type: Conditional Use
Legistar File ID # [46284](#)
Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant, Contact & Property Owner: Aaron Collins; Banzo LLC; 1511 Williamson Street; Madison, WI 53703

Requested Action: The applicant requests approval of a conditional use to establish a restaurant-tavern in an existing commercial building as well as an outdoor eating area in the NMX (Neighborhood Mixed-Use) zoning district at 1511 Williamson Street, Third Lake Ridge Historic District.

Proposal Summary: The applicant proposes to convert an existing restaurant into a restaurant-tavern and add an outdoor eating area to the space between the existing commercial building and the side street, Cantwell Court, with intent to serve both food and beverage (including alcoholic beverages) in this area. The applicant is requesting an occupancy of 12 for the outdoor eating area.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183], as §28.061 of the Zoning Code lists both *Restaurant-taverns* and *Outdoor eating areas associated with food and beverage establishments* as conditional uses in the NMX (Neighborhood Mixed-Use) district. The Supplemental Regulations [MGO §28.151] contain further regulations for both uses.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the approval standards for Conditional Use are met and **approve** the request for a restaurant-tavern in an existing commercial building as well as an outdoor eating area in the NMX (Neighborhood Mixed-Use) zoning district at 1511 Williamson Street. This request is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 3,330-square-foot (0.08-acre) project site is located at the southeast corner of the intersection of Williamson Street and Cantwell Court. The site is in Aldermanic District 6 (Ald. Rummel); in the Third Lake Ridge Historic District; and is within the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject parcel contains two buildings: 1) a 1,360-square-foot, one-story, "L"-shaped commercial building tucked up against the Williamson Street frontage creating a patio area along the majority of the Cantwell Court frontage, and 2) a roughly 325-square-foot, one-story storage shed at the south end of the site which houses the restaurant's walk-in cooler and dry goods storage. Two off-street parking stalls are also located between the shed and the Cantwell Court sidewalk.

Surrounding Land Use and Zoning:

- Northwest:** Across Williamson Street are single-family residences in the TR-V1 (Traditional Residential – Varied 1) Zoning District;
- Northeast:** Across Cantwell Court is a fabric store in the NMX (Neighborhood Mixed-Use) Zoning District;
- Southeast:** Single-family residences in the TR-C4 (Traditional Residential – Compact 4) Zoning District; and
- Southwest:** A two-unit apartment in the NMX Zoning District.

Adopted Land Use Plan: The [Comprehensive Plan \(2006\)](#) recommends Neighborhood Mixed-Use (NMX) uses for this property. The [Marquette-Schenk-Atwood Neighborhood Plan \(1994\)](#) does not have a specific recommendation for the subject property.

Zoning Summary: The project site is currently zoned NMX (Neighborhood Mixed-Use).

Requirements	Required	Proposed
Front Yard Setback	None	Adequate
Side Yard Setback	None unless needed for access	Existing building setback
Rear Yard Setback	20'	Adequate
Maximum Lot Coverage	75%	Existing lot coverage <i>(See Condition #8)</i>
Maximum Building Height	3 stories/ 40'	1 story existing building
Number Parking Stalls	Restaurant-tavern: 15% of capacity of persons (5)	2 <i>(See Condition #9)</i>
Accessible Stalls	Yes	1
Loading	None	None
Number Bike Parking Stalls	Restaurant-tavern: 5% of capacity of persons (2)	4 existing stalls located in right-of-way terrace <i>(See Condition #10)</i>
Landscaping and Screening	None	None <i>(See Conditions #11, #12 & #13)</i>
Lighting	None	None
Building Forms	None	Existing building
Other Critical Zoning Items	Historic District (Third Lake Ridge); Barrier Free (ILHR 69)	

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, including several Metro Transit Routes running along Williamson Street.

Related Reviews and Approvals

On July 5, 2016, the Common Council, based on the recommendation of the Alcohol License Review Committee, approved the alcohol license for Banzo LLC (dba Banzo Shuk), allowing for an estimated internal capacity of 30. The only condition of approval associated with the motion was that alcohol sales will cease at 11:00 pm.

Project Description

The applicant proposes to convert an existing restaurant into a restaurant-tavern and add an outdoor eating area to the space between the existing commercial building and the side street, Cantwell Court. The applicant intends to provide both food and beverage service (including alcoholic beverages) in this area.

The restaurant-tavern, which is defined in the Zoning Code as any establishment in which meals are provided and fermented malt beverages or intoxicating liquors are sold for consumption upon the premises, will be located in the roughly 1,200-square-foot existing principal building. It has a proposed capacity of 24 (note: the final details of the seating plan and capacity to be approved by the Building Inspection Unit). This is the same as that of the existing restaurant which has two 2-person tables, two 4-person tables, eight seats at the window counter, two extra chairs, and two high chairs. Primary access will continue to be from the existing door at the corner of Williamson Street and Cantwell Court. The restaurant-tavern is shaped like a backwards “L” with full street frontage along Williamson Street before stretching back along the southwest lot line.

Regarding the hours of operation of the restaurant-tavern, the applicant is requesting Tuesday to Friday, 5:00 pm – 10:00 pm; Saturday, 11:00 am – 10:00 pm; and Sunday, 11:00 am – 8:00 pm. Deliveries will continue to be handled via the rear entrance and refuse bins, currently stored in the area proposed for the outdoor patio, will be moved to the area between the shed and restaurant. The applicant will need to update their plans accordingly to show both the location of the refuse disposal area and required screening. Additional screening, in the form of a six-foot fence along the entire southern boundary line which borders single family residences in the TR-C4 (Traditional Residential – Compact 4) Zoning District, will also be installed in order to meet the requirement to locate screening along all property boundaries between commercial/mixed-use districts and residential districts.

The proposed outdoor eating area will be located in the roughly 546 square-foot area located in between the building and the Cantwell Court sidewalk. The applicant proposes to have a capacity of approximately 12 people with its three four-person tables (note: the final details of the seating plan and capacity to be approved by the Building Inspection Unit). The applicant has stated that smoking will not be allowed in the patio area nor will amplified or live music. An eight-foot tall wooden fence currently runs along the Cantwell Street property line from the building to the driveway and the applicant proposes to add another section of fence along the southern edge of the proposed outdoor eating area in order to further mitigate sounds. Existing exterior lighting for the patio will be used with the potential addition of some low-wattage rope or string lights. Regarding the hours of operation of the outdoor patio, the applicant is requesting Tuesday to Friday, 5:00 pm – 9:30 pm; Saturday, 11:00 am – 9:30 pm; and Sunday, 11:00 am – 8:00 pm.

Regarding transportation to and from the site, given the location nearby major transit and cycling routes, it is anticipated that many patrons will arrive via alternative modes of transport. All-day Metro service with 30-minute headways in both directions is provided along Williamson Street, with stops located almost adjacent to the site. The Capital City Bike Trail, one of the City’s most heavily-used off-street cycle tracks, is located just to the north of the site. While there are four bicycle parking stalls located in front of the building, along the Williamson Street sidewalk, because these stalls are located in the public right-of-way, they do not count toward the minimum bicycle parking. Therefore, the applicant shall be required to add at least two additional stalls on site. Regarding automobile parking, Staff notes that there are parallel on-street parking located along one side of both Williamson Street and Cantwell Court. The report of the Assistant Zoning Administrator remarks that an administrative-level automobile reduction will be required. However, the number of parking stalls (three) to be reduced is below the threshold requiring Plan Commission consideration.

Analysis and Conclusion

This proposal is subject to the approval standards for Conditional Uses. 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 MGO §28.183(6) are met. This proposed use is consistent with the [Comprehensive Plan \(2006\)](#) which recommends Neighborhood

Mixed-Use (NMX) uses for this property. The plan specifically notes that one group of land uses are recommended are neighborhood-serving commercial buildings and uses. The Planning Division believes that if well-managed, the proposed restaurant-tavern and outdoor eating area should not result in significant negative impacts to the surrounding properties. Factors that are anticipated to mitigate potential negative impacts include the limited hours of operation; the limited scale of the proposed restaurant and outdoor eating area; the six-foot solid fence that buffers the patio area from the nearby residences; the lack of amplified or live music allowing in the patio area; and the proposed conditions of approval. 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).

At the time of report writing, staff has received comments from a nearby resident or property owner who is not in support of the proposed development. These comments are included in the Plan Commission materials.

Staff believes that the proposed restaurant-tavern and associated outdoor eating area can be found to meet the conditional use approval standards and recommends that it be approved by the Plan Commission.

Recommendation

Planning Division Recommendation (Contact Chris Wells, (608) 261-9135)

The Planning Division recommends that the Plan Commission find that the approval standards for Conditional Use are met and **approve** the request for a restaurant-tavern in an existing commercial building as well as an outdoor eating area in the NMX (Neighborhood Mixed-Use) zoning district at 1511 Williamson Street. This request is 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 Chris Wells, (608) 261-9135)

1. The hours of operation for the restaurant-tavern shall be Tuesday to Friday, 5:00 pm – 10:00 pm; Saturday, 11:00 am – 10:00 pm; and Sunday, 11:00 am – 8:00 pm. Future modifications to the hours of operation of the restaurant-tavern may be requested by the applicant in the future as a minor alteration of the conditional use following a recommendation by the district alder.
2. The hours of operation for the outdoor eating area shall be Tuesday to Friday, 5:00 pm – 9:30 pm; Saturday, 11:00 am – 9:30 pm; and Sunday, 11:00 am – 8:00 pm. Future modifications to the hours of operation of the outdoor eating area may be requested by the applicant in the future as a minor alteration of the conditional use following a recommendation by the district alder.
3. Pending review by the Building Inspection Division, the capacity of the outdoor eating area shall not exceed **12 persons** (as approved by the Alcohol License Review Committee).
4. The applicant shall submit a detailed and scaled seating plan of the outdoor seating area.
5. There shall be no amplified sound, including, but not limited to television, ambient music or musical performances, in the outdoor eating area.

Traffic Engineering Review (Contact Eric Halvorson, 608-266-6527)

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

Zoning Review (Contact Jenny Kirchgatter, 608-266-4429)

8. Provide a calculation for lot coverage with the final submittal. The lot coverage maximum is 75%. Lot coverage is defined as the total area of all buildings, measured at grade, all accessory structures including patios, etc., and all paved areas as a percentage of the total area of the lot, with the following exceptions: sidewalks or paved paths no wider than five (5) feet, pervious pavement, green roofs and decks. If the existing site currently exceeds 75% maximum lot coverage, proposed site improvements may not further increase lot coverage above the maximum.
9. A vehicle parking reduction of three (3) stalls will be required per Section 28.141(5). For non-residential uses, the applicant may reduce the parking requirement by the greater of 5 parking spaces or 10% of the required parking. Submit a request for a parking reduction with the final plan submittal including information to support the argument for reducing the required number of spaces.
10. Bicycle parking shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of two (2) short-term bicycle parking stalls located in a convenient and visible area on a paved or impervious surface. Bicycle parking shall be located within one hundred (100) feet of a principal entrance. The existing bicycle stalls located in the public right of way do not count toward the minimum bicycle parking requirement. 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.
11. Provide a photo of the existing 4 foot high fence adjacent the proposed outdoor eating area.
12. Provide a detail of the proposed 6 foot high fence. Screening is required adjacent the Zoning district boundary along the southeast property line. Screening shall be provided alongside and rear property boundaries between commercial/ mixed-use districts and residential districts. Screening shall consist of a solid wall, solid fence, or hedge with year-round foliage, between six (6) and eight (8) feet in height.
13. Show the refuse disposal area on the site plan. All developments, except single family and two family developments, shall provide a refuse disposal area. If the refuse disposal area is located outside the building, it shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet. Submit a detail of the trash enclosure if provided outside the building.
14. The proposed outdoor eating area shall meet applicable building/fire codes. 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.
15. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.