



PREPARED FOR THE PLAN COMMISSION

Project Address: 744 Williamson Street (6th Aldermanic District, Ald. Rummel)

Application Type: Conditional Use

Legistar File ID # [47307](#)

Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted

Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Joey Connaughty; Food Fight, Inc.; 5111 Monona Drive; Monona, WI 53716

Contact: Steve Shulfer; Shulfer Architects, LLC.; 7780 Elmwood Avenue; Middleton, WI 53562

Property Owner: John Martens; 4118 Hegg Drive; Madison, WI 53716

Requested Action: The applicant requests approval of a conditional use to establish an outdoor eating area for a restaurant-tavern at 744 Williamson Street.

Proposal Summary: The applicant proposes to establish an outdoor seating area in an existing covered outdoor patio structure of an existing restaurant-tavern establishment on the site. While minor structural and aesthetic improvements are proposed to the outdoor seating structure, no structural or programmatic changes to the historic, principal building are proposed.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183], as §28.072(1) of the Zoning Code lists *Outdoor eating areas associated with food and beverage establishments* as a conditional use in the Traditional Shopping Street (TSS) District. The Supplemental Regulations [MGO §28.151] contain further regulations for this type of use.

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 to establish an outdoor seating area on a property zoned Traditional Shopping Street (TSS) District at 744 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 site is located along the northern side of Williamson Street, at the northeast corner of the intersection with S. Blount Street, within Aldermanic District 6 (Ald. Rummel); within the Third Lake Ridge Historic District; and within the Madison Metropolitan School District.

Existing Conditions and Land Use: The 17,424-square-foot (0.40-acre) project site includes an existing 3-story, 19,800-square-foot, multi-tenant, commercial building and two surface parking lots which are both accessed from Williamson Street. The restaurant-tavern, which this outdoor seating area will serve, is located on the ground floor of the site's principal building and the existing outdoor patio area is located directly off the restaurant on the east side of the building, in the site's eastern parking lot.

Surrounding Land Use and Zoning:

Northwest: A 39-unit multi-family residential building, zoned Planned Development (PD);

Northeast: A multi-tenant office building, zoned Traditional Shopping Street (TSS);

Southeast: Across Williamson Street are multi-family housing, zoned Planned Development (PD); and multi-family housing as well as single-family residences, zoned Traditional Family-Varied 1 (TR-V1); and

Southwest: A roughly 24-stall surface parking lot, zoned TSS.

Adopted Land Use Plan: The [Comprehensive Plan \(2006\)](#) recommends Community Mixed-Use (CMU). One of the land uses it recommends for the CMU District is: ‘Commercial buildings, employment, retail and service uses serving both adjacent neighborhoods and wider community markets’. The [Marquette-Schenk-Atwood Neighborhood Plan \(1994\)](#) identifies the subject parcel as in its *downtown commercial district* portion of Williamson Street for which it recommends businesses that serve the downtown worker, outside patrons, and commuters, but also contribute to the vitality of the neighborhood. It also recommends requiring new and rehabilitated buildings to reflect the character, aesthetics and scale of the surrounding historic buildings. The [East Rail Corridor Plan \(2004\)](#); recommends employment uses for the subject parcel while also noting its support for limited retail uses primarily focused on serving employees of the district in the East Rail Corridor employment districts.

Zoning Summary: The project site is currently zoned Traditional Shopping Street (TSS) District.

Requirements	Required	Proposed
Front Yard Setback	None	None
Side Yard Setback	None unless needed for access	None northeast (See Comment #10) Existing setback southwest
Rear Yard Setback	The lesser of 20% of lot depth or 20’	Existing setback
Maximum Lot Coverage	85%	Existing lot coverage
Maximum Building Height	3 stories/ 40’	3-story existing building
Number Parking Stalls	Restaurant-tavern: 15% of capacity of persons	Existing parking lot (See Comment #11)
Accessible Stalls	Yes	Existing accessible stalls
Loading	None	None
Number Bike Parking Stalls	Restaurant-tavern: 5% of capacity of persons	Existing bike stalls (See Comment #12)
Landscaping and Screening	Not Required	Existing landscaping (See Comment #13)
Lighting	Not Required	Existing lighting
Building Forms	Not Required	Existing building
Other Critical Zoning Items	Utility Easements; Barrier Free (ILHR 69); Historic District (Third Lake Ridge), Historic Landmark	

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. Regarding Metro Transit service, the nearest stop is located 0.1-miles to the southwest at the intersection of Williamson Street and S. Blount Street.

Project Description, Analysis and Conclusion

The applicant, Food Fight, Inc., seeks approval to operate an outdoor seating area within an existing outdoor patio structure of an existing restaurant-tavern establishment on the site (the Eldorado Grill) with intent to serve both food and beverage (including alcoholic beverages) in this area. While the patio was originally added around 2000,

the applicant never acquired the necessary Conditional Use approval. Located centrally along principal building's eastern façade, the existing 222-square-foot patio area sits atop a raised deck roughly four feet off the ground on pilings. It is approximately 18½ feet by 12 feet in size, currently has a corrugated metal roof, and is enclosed on all three sides by a canvas tarp-like material, stretched over a steel structural frame. Lacking any insulation, it is not intended to be used as a four-season space and will therefore only see seasonal use during the warmer months.

Moving forward, per feedback from City Staff, the fabric sides (walls) will also be removed (i.e. rolled up) the majority of the time, except in case of inclement weather. While the existing corrugated roof material will remain, the corrugated 'sides' of the roof will be removed, exposing the steel trusses, and will be replaced with new wire insect screening. The existing metal railing around the perimeter of the seating area will be either left unfinished or painted grey. Regarding the floor structure, five of the existing supportive posts will be removed and replaced with two posts near the front corners. Diagonal bracing will also be added underneath for additional structural support. This space below the seating floor will be screened by rough-sawn horizontal wood planks which will be added on all three sides. Lastly, a bollard will be added at each of the two outer corners of the seating area for protection from automobiles.

The materials submitted show a capacity for 20 people on the deck with its five 4-person tables (note: the final details of the seating plan and capacity will be approved by City Building Inspection). The patio area directly abuts the principal building on the site and will be accessed solely by a door from the main building (and restaurant space). There are existing lights on the underside of the roof which will continue to be used moving forward to illuminate the patio area.

The hours of operation requested for the outdoor seating area are the same as those for the restaurant-tavern: Monday – Wednesday, 4:30 pm – 9:00 pm; Thursday and Friday, 4:30 pm – 10:00 pm; Saturday, 9:00 am – 2:00 pm and 4:30 pm – 10:00 pm; and Saturday, 9:00 am – 2:00 pm and 4:30 pm – 9:00 pm. (These hours and conditions are consistent with the recommendations of Marquette Neighborhood Association.)

No structural or programmatic changes to the existing principal building or restaurant are proposed as part of this request.

Analysis and Conclusion

This request is subject to the approval standards for Conditional Uses.

Conditional Use Standards

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. Based on the provided information, the Planning Division believes the conditional use standards can be found met. Staff believes the proposal is consistent with the recommendations in the Comprehensive Plan (2006), the Marquette-Schenk-Atwood Neighborhood Plan (1994), and the East Rail Corridor Plan (2004). Staff also believes that if well-managed, the proposed outdoor eating area should not result in significant negative impacts to the surrounding properties. Factors such as the limited scale and capacity of the proposed outdoor eating area; its placement away from the sidewalk and away from the nearby residential units; the lack of amplified sound; the proposed hours of operation; and the proposed conditions of approval will help mitigate anticipated impacts. 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).

Public Input

At the time of report writing, staff has received comments from the Marquette Neighborhood Association noting their approval of the proposal, as was also agreed upon by the applicant at their neighborhood meeting, given: 1) that the outdoor seating area close by 10:00 pm; 2) that the redesign of the seating area be more in line with the historic character of the building, as suggested by City staff; and 3) that the area of the patio be no greater than the current square footage. These comments are included in the Plan Commission materials.

Conclusion

Staff believes that a finding could be made that the Conditional Use standards are met, and staff 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 to establish an outdoor seating area on a property zoned Traditional Shopping Street (TSS) District at 744 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 outdoor eating area shall be Monday – Wednesday, 4:30 pm – 9:00 pm; Thursday and Friday, 4:30 pm – 10:00 pm; Saturday, 9:00 am – 2:00 pm and 4:30 pm – 10:00 pm; and Saturday, 9:00 am – 2:00 pm and 4:30 pm – 9:00 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.
2. There shall be no amplified sound, including, but not limited to television, ambient music or musical performances, in the outdoor eating area. Future modifications related to the permission to play ambient music in 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. The final capacity for the outdoor seating area shall be approved by City Building Inspection.

City Engineering Division - Mapping (Contact Jeffrey Quamme, (608) 266-4097)

4. The site plan indicates "Approximate Property Line". The final site plan shall show a correct and accurate property line as located by a professional land surveyor, particularly considering the proximity of the proposed improvements to the property line

5. The site plan shall show the 22' x 64' Common Access Easement No. 3 used for parking lot access per Document No. 2876944 over the adjacent property at 754 Williamson Street.

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

6. The parking stalls south of the patio addition have previously been approved at MGO compliant 9 feet by 18 feet. The applicant shall work with Traffic Engineering to see if the stalls were installed incorrectly or if they are in fact 9 feet wide and simply mislabeled. If the stalls are substandard the applicant shall work to bring the stalls into compliance with MGO 10.08.
7. 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.
8. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

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

9. Submit a complete site plan showing the entire property including the parking lot, accessible parking, bicycle parking and landscaped areas.
10. Show the setback distance of the covered patio structure measured to the northeast side property line.
11. Vehicle parking is required at a minimum number of 15% of capacity of persons. Provide the capacity information for the existing restaurant-tavern and proposed outdoor eating area to establish the minimum parking requirement.
12. Bicycle parking shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide short-term bicycle parking at a minimum number of 5% of capacity of persons. Short-term bicycle parking stalls shall be located in a convenient and visible area on a paved or impervious surface at least as close as the closest non accessible automobile parking and within one hundred (100) feet of a principal entrance. 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.
13. Show the refuse disposal area on the site plan. 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 capacity of the outdoor eating area shall be established. 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.

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

1. The existing patio structure is located in close proximity to the existing property line. The owner shall provide the code required fire resistance construction per the IBC, obtain a permanent no-build easement from the adjacent owner, or pursue a Petition for Variance from the building codes.