



**Legistar I.D. #23869**  
**416 South Park Street**  
**Conditional Use Request**

Report Prepared By:  
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Planning Division Staff

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**Requested Action:** Approval of a conditional use for an outdoor eating area in the C2 (General Commercial) District.

**Applicable Regulations & Standards:** 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 finds that the conditional use standards can be met and **approve** the request for the conditional use for an outdoor eating area.

## **Background Information**

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**Applicant/Project Contact:** Bryan Richgels; the Mason Lounge, LLC; 416 S. Park St.; Madison, WI, 53715

**Property Owner:** Constantine Choles; Choles Properties, LLC; 6255 Oak Hollow Dr.; Oregon, WI 53575

**Proposal:** The applicant requests a conditional use for a small outdoor eating area on the west side (rear) of the building.

**Parcel Location:** 416 South Park Street is location on the west side of South Park Street between Vilas Avenue and Drake Street; Urban Design District 7; Aldermanic District 13 (Ellingson); Madison Metropolitan School District.

**Existing Conditions:** The one-story, 1,400 square foot commercial building sits at the front of this narrow 3,000 square foot lot within a row of similar buildings. The main entrance is right off of the sidewalk along South Park Street, and a rear entrance currently leads to an informal asphalt parking area shared with the two buildings to the south, under the same ownership.

**Surrounding Land Use and Zoning:** This site is located in the South Park Street commercial corridor, surrounded by the following specific uses:

**North and South:** Single and two-story commercial buildings in the C2 (General Commercial) District

**East:** Across South Park Street, a cash store and other commercial uses in the C2 (General Commercial) District

**West:** Behind the building, a 4-unit residential building in the C2 (General Commercial District

**Adopted Land Use Plan:** The Comprehensive Plan (2006) recommends Community Mixed Use for this property.

**Environmental Corridor Status:** This property is not located within a mapped environmental corridor.

**Public Utilities and Services:** The property is served by a full range of urban services, including several Metro Transit routes.

**Zoning Summary:** The property is in the C2 (Limited Commercial) District, where an outdoor eating area is a conditional use.

## **Project Description**

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The applicant seeks a conditional use for a small outdoor eating area behind the building. As shown in submitted plans, the L-shaped area would be situated immediately behind the building, accessible through the rear entrance. The area includes two picnic tables and five deck chairs, and a surrounding 7 ½ foot wooden fence to separate it from the surface parking area behind the row of buildings. A gate within this fence provides a rear exit, but will not serve as an entrance to the business. While the outdoor eating area will be open to the air, a wooden pergola is proposed above it to support vines and provide some shade and a sense of enclosure for customers.

The applicant proposed a variety of operational parameters for the area, including a 10:00 pm closing time, a no-smoking policy, and an agreement that there will be no outdoor amplified sound. The letter of intent mentions lighting the area with strings of “holiday” lights and security flood lights.

Submitted plans also include a newly striped surface parking area with 12 stalls behind this building and the two properties immediately to the south under common ownership, as well as a new bicycle parking area behind the outdoor eating area. The exact parking stall requirement will be determined based on further information about the barber shop and insurance office immediately to the south under common ownership, which also utilize this parking area. Once known, zoning staff will determine the parking reduction needed, if any. Staff estimates that a parking reduction will be needed in this case, but that it will likely fall within a range that can be administratively reviewed by either the Zoning Administrator or the Director of the Department of Planning and Community and Economic Development.

### **Related Approvals**

The Alcohol License Review Committee recommended approved the request for a change to a licensed premise on July 25, 2011 with the condition that the outdoor eating area be closed at 9:00 pm. On August 2, 2011, the Common Council approved the request for the change with the additional condition that there be no outdoor amplified sound on the premise. These changes were in response to concerns expressed by a resident in the four-unit building behind the property and the District 13 Alder.

### **Public Input**

The request to the ALRC was supported by the Greenbush Neighborhood Association and a nearby resident, but opposed by a resident in the four-unit building behind the property, who expressed his concerns to the District 13 Alder. As mentioned above, the ALRC and Common Council approved the request with conditions that the outdoor eating area be closed at 9:00 pm and that there be no outdoor amplified sound. Planning Division staff is unaware of further public input at the time of this report.

## **Evaluation and Conclusion**

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As proposed, the addition of an outdoor eating area behind the building has no impact on the building itself, nor on the Park Street frontage. With a seating capacity for approximately 24 people, the outdoor eating area is quite small, and should only minimally impact surrounding properties. The four-unit residential building immediately behind this lot, also in the C2 (General Commercial) zoning district, would likely be the property most affected by noise from the area. Second floor apartments in the building two properties to the south may also be impacted by noise from the area. However, staff believes that the low capacity and the proposed fence surrounding the outdoor eating area should adequately minimize any negative impacts on nearby properties.

Conditions of approval from the ALRC and Common Council requiring a 9:00 pm closing time and a prohibition on outdoor amplified sound are included in the Planning conditions of approval below. Further, final plans submitted for review by Planning Division staff should be drawn at a scale of 1"=20' or 1"=10'. Finally, since the letter of intent mentions lighting the outdoor eating area, staff recommends that the applicant coordinate with Building Inspection staff to make sure all lighting standards can be met before submitting final plans for review and approval.

Planning Division staff recommends that the Plan Commission finds that the conditional use standards can be met, and **approve** the request subject to input at the public hearing and conditions from reviewing agencies.

### **Recommendations and Proposed Conditions of Approval**

Major/Non-Standard Conditions are shaded

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#### **Planning Division Recommendation** (Contact Heather Stouder, 266-5974)

The Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** the request subject to input at the public hearing and the following conditions:

#### **Planning Division** (Contact Heather Stouder, 266-5874)

1. The outdoor eating area shall close no later than 9:00 pm.
2. There shall be no outdoor amplified sound on the property.
3. Final plans submitted for review and approval shall be drawn at a standard scale of 1 inch=10 feet or 1 inch=20 feet.
4. Prior to submitting final plans for staff review and approval, the applicant shall contact Lighting Reviewer Fred Rehbein ([frehbien@cityofmadison.com](mailto:frehbien@cityofmadison.com), 267-8688) to discuss appropriate lighting for the outdoor eating area to meet ordinance requirements.

***The following conditions have been submitted by reviewing agencies:***

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

5. 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, and stalls, adjacent driveway approaches to lots on either side and across the street, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.

#### **Zoning Administrator** (Contact Pat Anderson, 266-5978)

6. Parking requirements for persons with disabilities must comply with MGO Section 28.11(3)(m). which includes all applicable State accessibility requirements, including but not limited to:
  - a) Provide a minimum of one van accessible stall striped per State requirements if a parking stall is provided. This stall shall be 8 feet wide with an 8 foot striped out area adjacent.
  - b) Show signage at the head of the stalls.
  - c) Show the accessible path from the stalls to the building.

7. Bike parking shall comply with MGO Section 28.11. Provide 2 bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. The bike racks shall be securely anchored to the ground or building to prevent the racks from moving. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area.
8. If outdoor lighting is provided, it must comply with MGO Section 10.085 outdoor lighting standards.
9. Meet applicable building/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 Unit. Contact Mike Van Erem at 266-4559 to help facilitate this process.
10. Contact the City Clerk regarding the "change of licensed premise" to your liquor license (*approved by Common Council August 2, 2011*).
11. If a parking stall reduction is required, the applicant must apply for it and it must be approved prior to final staff signoff. In order to determine the number of parking stalls required in the parking area, the applicant shall provide the following information to zoning staff:
  - a) The final approved capacity of the tavern on the subject property
  - b) The gross square footage of the two ground floor businesses immediately to the south under common ownership
  - c) The number of bedrooms in each of the two second floor dwelling units on properties immediately to the south under common ownership
12. No portion of the site plan may change without Plan Commission approval, however the Zoning Administrator may issue permits for minor alterations or additions which are approved by the Director of Planning and Community and Economic Development and are compatible with the concept approved by the City Plan Commission and the standards in MGO Section 28.12(11)(g)

**Fire Department** (Contact Bill Sullivan, 266-4420)

13. The maximum capacity of the patio, as well as the interior, shall be posted.

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

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

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

**Parks Division** (Contact Kay Rutledge, 266-4714)

This agency did not submit a response for this request.

**Water Utility** (Contact Dennis Cawley, 261-9243)

This agency did not submit a response for this request.

**Metro Transit** (Contact Tim Sobota, 261-4289)

This agency did not submit a response for this request.