

PLANNING DIVISION STAFF REPORT

November 21, 2016



PREPARED FOR THE PLAN COMMISSION

Project Address: 823 E Johnson St. (District 2-Ald. Zellers)
Application Type: Conditional Use
Legistar File ID # [44821](#)
Prepared By: Jessica Vaughn, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted

Summary

Applicant and Contact: Anthony and Rachel Verbrick; Macha Tea Company; 823 E Johnson St.; Madison, WI 53703

Property Owner: Russell Endres Living Trust; 2040 S Park St.; Madison, WI 53713

Requested Action: The applicant is requesting approval of a Conditional Use to establish a restaurant-tavern use for an existing tea house.

Proposal Summary: The applicant requests approval of a Conditional Use to establish a restaurant-tavern use for an existing tea house. The applicant has expanded their business model to not only provide retail sales of loose leaf teas and a menu of brewed tea beverages, but to also offer a lunch, brunch and to host guest chef private dinner events that would include with wine and beer service. The capacity of the establishment is 15 as determined by the Building Inspection Division Capacity Revise Letter dated August 30, 2016. The hours of operation are limited to 11 p.m., seven days a week, consistent with the applicant's ALRC License approval.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses pursuant to Section 28.183(6), MGO, and the supplemental regulations pursuant to Section 28.151, MGO for restaurant-tavern 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 to establish a restaurant-tavern use for an existing tea house located at 823 E Johnson St. This recommendation is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The project site is located within the 800-block of E Johnson Street, mid-block between N Paterson and N Livingston Streets on the east side of the street. The project site is comprised of approximately 4,365 square feet (0.1 acres).

The site is in Aldermanic District 2 (Ald. Zellers), the Madison Metropolitan School District and the Tenney-Lapham Neighborhood.

Existing Conditions and Land Use: Currently the project site is comprised of a three-story mixed-use building that was constructed in the early 1900s, according to the City of Madison Assessor. The building is home to two commercial spaces on the ground floor, one of which is home to the existing Macha Tea Company, the subject of this application that is roughly 1,085 square feet, and four apartment units on the second and third floors.

Overall, the building is roughly 5,445 square feet in size with a flat roof configuration, rectangular building footprint and is primarily clad in masonry with the exception of storefront window façade on the first floor. At its August 2, 2016 meeting the Alcohol License Review Committee granted approval of an alcohol license to serve beer and wine at Macha Tea House located at 823 E Johnson St. The Committee added a condition of approval limiting the hours of operation to 11 p.m., nightly.

Surrounding Land Use and Zoning:

North: Mixed-use commercial and residential; NMX zoning;

South: Mixed-use commercial and residential; NMX zoning;

East: Residential uses (two units); Traditional Residential-Varied 1 (TR-V1) zoning; and

West (across E Johnson Street): Mixed-use commercial and residential, NMX zoning.

Zoning Summary: The project site is currently zoned Neighborhood Mixed Use (NMX). Pursuant to Section 28.064, MGO, the NMX zoning district’s general purpose and intent statement speaks to:

- Encourage pedestrian, bicycle and transit use as a means of accessing these commercial areas;
- Ensure diversification of uses, including residential, commercial and civic uses, in order to enhance the vitality and appeal of these areas; and
- Facilitate preservation, development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.

| Requirements | Required | Proposed |
|--|---|--|
| Front Yard Setback | None | None |
| Side Yard Setback | None unless needed for access | None |
| Rear Yard Setback | 20' | Adequate |
| Maximum Lot Coverage | 75% | Existing lot coverage |
| Maximum Building Height | 3 stories/ 40' | Existing 3-story building |
| Number Parking Stalls: Restaurant-tavern Use | Tavern: 15% of capacity of persons (2) | 18 existing stalls |
| Accessible Stalls | Yes | No (See Zoning Condition # 1) |
| Loading | No | No |
| Number Bike Parking Stalls: Restaurant-tavern Use | 5% of capacity of persons (2 minimum) | 4 existing bike racks located in public right-of-way (See Zoning Condition # 2) |
| Landscaping and Screening | No | Existing landscaping (See Zoning Conditions # 3, 4) |
| Lighting | No | Existing lighting |
| Building Forms | No | Existing building |

| | |
|------------------------------------|---|
| Other Critical Zoning Items | |
| Yes: | Barrier Free (ILHR 69), Wellhead protection district (WP-24) |
| No: | Urban Design, Historic District, Floodplain, Adjacent to Park, Utility Easements, Wetland |

Zoning Tables prepared by: Jenny Kirchgatter, Assistant Zoning Administrator

Adopted Land Use Plan: The Comprehensive Plan recommends Neighborhood Mixed Use development for the project site, which are areas that "...are the recommended locations for clusters of relatively small convenience shopping and service uses that serve as activity centers or gathering places for the surrounding neighborhoods or districts" (Pg.2-86).

Adopted Neighborhood Plan: The project site is located within the Tenney-Lapham Neighborhood Plan (the "Plan") planning area. The Plan identifies the project site as being within the Neighborhood Mixed Use (NMU) district. On the same block as the project site, the plan also identifies a conceptual location for future Transit Oriented Development. As defined in the Plan the NMU land use category is defined as having an average net density of 15-40 dwelling units per acre and as an area where pedestrian/transit-oriented design principles should be utilized to influence design. Ground-floor retail with residential uses above is recognized as an appropriate design for new structures in this district (Map 5, Tenney-Lapham Neighborhood Plan).

Within the Land Use Goals, the Plan identifies "... [the] growth of the East Johnson Street business district along both sides of the 700 and 800 blocks and part of the 900 block of East Johnson Street" as a goal (Page 18, Tenney-Lapham Neighborhood Plan). The Plan states: "*The neighborhood seeks to increase the business use of these blocks while keeping the residential flavor. Adaptive reuse of residential structures for specialty businesses is encouraged for this district. Replacement structures specifically designed for neighborhood mixed-use is also encouraged*" (Page 18, Tenney-Lapham Neighborhood Plan).

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

The applicant requests approval of a Conditional Use to establish a restaurant-tavern use for an existing tea house. The applicant has expanded their business model to not only provide retail sales of loose leaf teas and a menu of brewed tea beverages, but to also offer a lunch and brunch menus, and to host guest chef private dinner events that would include with wine and beer service. The capacity of the establishment is 15 as determined by the Building Inspection Division Capacity Review Letter dated August 30, 2016. The hours of operation are limited to 11 p.m., seven days a week.

No change to the existing building is proposed as a result of this proposal.

Analysis and Conclusion

Restaurant-tavern uses are allowed as conditional uses in the NMX zoning district and are subject to the Conditional Use review criteria pursuant to Section 28.183(6), MGO. Generally, the intent of the Conditional Use review is to determine if a particular site is an appropriate location for a proposed use, to evaluate the compatibility of that use with surrounding uses and development, and to mitigate potential nuisance impacts to surrounding properties.

Restaurant-tavern uses are also subject to the supplemental regulations pursuant to Section 28.151, MGO which generally speak to establishing maximum capacity and that such uses shall operation in accordance with the approved City alcohol license. Conditions of approval have been included to reflect consistency with the Supplemental Regulations pursuant to Section 28.151, MGO.

The Planning Division believes that the applicant’s request to establish a restaurant-tavern use in an existing tea house meets the Conditional Use approval standards, including those related to use, value and enjoyment, the supplemental regulations and zoning district standards given:

- That the proposed restaurant-tavern use will conform to all applicable regulations of the NMX zoning district and supplemental regulations associated with such uses pursuant to Section 28.151, MGO (Standard #7);
- Planning Division staff believes that potential adverse impacts of the proposed restaurant-tavern use will be minimal given that the tea house is an existing establishment and that the proposed restaurant-tavern use does not seek to increase the seating capacity or intensity of the existing establishment, but instead to allow for the service of alcohol (beer and wine) as part of the establishment’s offerings (Standard #1, 3).
- In addition, the project site is located in an area identified for business expansion as identified in the Tenney-Lapham Neighborhood Plan and is located along a major transit corridor, E Johnson St. (Standard #2, 4, 5)

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 Section 28.183(9)(d), MGO.

Although, at the time of report writing, no public comment was received with regard to the subject application, a letter of support from the Tenney-Lapham Neighborhood Association (TLNA) was forwarded to the ALRC for consideration in their review. As stated in the letter, “The TLNA Council enthusiastically and unanimously supports this request by Macha Tea.”

Recommendation

Planning Division Recommendation (Contact Jessica Vaughn, (608) 267-8733)

The Planning Division recommends that the Plan Commission find that the approval standards for Conditional Use are met and **approve** the request to establish a restaurant-tavern use for an existing tea house located at 823 E Johnson St. This recommendation 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 Jessica Vaughn, (608) 267-8733)

1. Restaurant -taverns shall at all times operate consistent with and according to the requirements of a valid alcohol license issued by the City. Prior to final approval and building permit issuance, the Applicant shall submit a revised Letter of Intent that reflects the same hours of operation as the City issued alcohol license.

2. As indicated in the Capacity Review Letter dated August 30, 2016, issued by the Building Inspection Division, the capacity of the restaurant-tavern shall not exceed 15 persons.

City Engineering Division (Contact Brenda Stanley, (608) 261-9127)

The agency reviewed this request and has recommended no conditions of approval.

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

1. 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; semi-trailer movement and vehicle routes; dimensions of radii; and percent of slope.
2. All parking facility design shall conform to the standards, as set forth in Section 10.08(6), MGO.
3. The City Traffic Engineer may require public signing and marking related to the development; the Developer shall be financially responsible for such signing and marking.
4. The Applicant shall secure the parking pursuant to Section 10.08, MGO. This is typically through the use of a six-foot rolled curb, but other methods (wheel stops, fencing) are acceptable.

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

1. Parking requirements for persons with disabilities must comply with Section 28.141(4)(e), MGO. Final plans shall show a minimum of one (1) van accessible stall. A van accessible stall is a minimum of eight feet wide with an eight-foot wide striped access aisle. Show the required signage at the head of the stall.
2. Bicycle parking shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11), MGO. Provide a minimum of two (2) bicycle stalls located in a convenient and visible area on a paved or impervious surface. The bicycle stalls shall be located on the private property. The existing bicycle stalls located in the public right-of-way do not count toward this 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.
3. Screening is required adjacent the zoning district boundary along the rear (south) property line. Screening shall be provided along side 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. Submit a detail of the screening fence with the final plans.
4. Show the trash enclosure area on the site plan. All developments, except single family and two family developments, shall provide a refuse disposal area. Such area 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.

5. Pursuant to Section 28.186(4)(b), MGO, 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)

The agency reviewed this request and has recommended no conditions of approval.

Parks Division (Contact Janet Schmidt, (608) 261-9688)

The agency reviewed this request and has recommended no conditions of approval.

Water Utility (Contact Adam Wiederhoeft, (608) 266-9121)

The agency reviewed this request and has recommended no conditions of approval.

Metro Transit (Contact Timothy Sobota, (608) 261-4289)

The agency reviewed this request and has recommended no conditions of approval.

City Engineering Review Mapping (Contact Jeff Quamme, (608) 266-4097)

1. The Applicant shall revise the site plan to include Document No. 2824789 to the Driveway Easement text on the site plan.
2. The Applicant shall revise the site plan to identify lot and block numbers of recorded Certified Survey Map or Plat.
3. The Applicant shall revise the site plan to include a full and complete legal description of the site or property being subjected to this application.