

PLANNING UNIT REPORT  
DEPARTMENT OF PLANNING AND DEVELOPMENT  
October 18, 2005

**CONDITIONAL USE APPLICATION:**

1. Requested Action: Approval to operate an outdoor eating area for an existing restaurant located at 3737 East Washington Avenue.
2. Applicable Regulations: Section 28.09 requires that outdoor eating areas must obtain a conditional use permit.
3. Report Drafted By: Peter Olson, Planner II.

**GENERAL INFORMATION:**

1. Applicant: Dale Beck, 1810 Roth Street, Madison, WI 53704.
2. Status of Applicant: Property owner.
3. Development Schedule: The applicant wishes to commence use of this exterior space as soon as all land use approvals have been obtained.
4. Parcel Location: Southeast side of East Washington Avenue between the intersections of North Stoughton Road and Mendota Street, Aldermanic District 17, Madison Metropolitan School District.
5. Existing Zoning: C2 General Commercial District.
6. Existing Land Use: Tavern and restaurant.
7. Proposed Use: Provide an outdoor eating area for patrons' use.
8. Surrounding Land Use and Zoning:
  - North – Retail commercial and commercial service uses along the East Washington Avenue corridor, and one and two-family homes zoned C2, C3L, R2 and R3.
  - East – Retail commercial, single-family homes and small apartment buildings zoned C2, C3, R4, R1 and C3L.
  - South – Small apartments and single-family homes and service commercial uses along the North Stoughton Road corridor zoned C2, R4 and R1.
  - West – A mixture of retail commercial and commercial service uses at the East Washington Avenue-North Stoughton Road intersection, and single-family homes zoned C2, C3L, C3 and R4.

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9. Adopted Land Use Plan: Cc Community Commercial.
10. Environmental Corridor Status: This property is not located within a mapped environmental corridor.

**PUBLIC UTILITIES AND SERVICES:**

This property is served by a full range of urban services.

**STANDARDS FOR REVIEW:**

This application is subject to the conditional use standards.

**ANALYSIS, EVALUATION AND CONCLUSION:**

The existing "Tailgators" tavern and restaurant is seeking approval to add an outdoor eating area located adjacent to the rear entrance of the building in a portion of the existing surface parking lot. This 1,000 square foot outdoor area will be enclosed with a wood screening fence. The increased occupancy will be dictated by Fire Department codes and Alcohol License Review Committee approval. The outdoor eating area will replace four existing off-street parking stalls. The applicant has obtained a parking exception for the reduction in the provided off-street parking for this existing facility. Zoning staff note some changes from the previously approved site plan and these differences will require correction on the final signed-off site plans (see attached Zoning report). The prior approved plan provided an appropriate amount of landscaping on this property.

The primary purpose of this outdoor area is to provide accommodation to tavern patrons that are no longer able to smoke inside this business. This site is directly adjacent to multi-family residential dwellings on the southeast that may be impacted by amplified sound or music. Staff recommends that the use of amplified sound or music within this contained area be limited.

**RECOMMENDATIONS:**

The Planning Unit recommends that the Plan Commission find that the conditional use standards are met and approve this application subject to input at the public hearing and the following condition:

1. Staff suggests that no amplified sound or music be allowed in the outdoor area unless specifically approved by the Plan Commission.

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**CITY OF MADISON  
INTERDEPARTMENTAL  
CORRESPONDENCE**

**Date:** October 18, 2005

**To:** Plan Commission  
**From:** Kathy Voeck, Assistant Zoning Administrator  
**Subject:** 3737 E Washington Avenue

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**Present Zoning District:** C-2

**Proposed Use:** Outdoor eating area of Tailgators Tavern/restaurant

**Conditional Use:** 28.09(3)(d)2 Outdoor eating areas of a restaurant/tavern is a conditional use.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project).

GENERAL OR STANDARD REVIEW COMMENTS

1. The site plan shall be consistent with the landscape plan. The final approved site plan shall be consistent with the final site conditions. (Note: the shed at the southern property line shall be moved to another location on the site and shown on the final plan if it will remain on the site.) Plan Commission has continuing jurisdiction on compliance of the conditional use approval. Zoning has continuing jurisdiction on site conditions as approved on the final signed parking lot plans. Note: Traffic may require that stall number 44 be striped for no parking as a turn around stall.
2. Provide detailed plans for the trash enclosure.
3. Provide **five** bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. The lockable enclosed lockers or racks or equivalent structures in or upon which the bicycle may be locked by the user shall be securely anchored to the ground or building to prevent the lockers or racks from being removed from the location. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices.

4. Parking lot plans with greater than twenty (20) stalls, landscape plans must be stamped by a registered landscape architect. Provide a landscape worksheet with the final plans that shows that the landscaping provided meets the point and required tree ordinances. In order to count toward required points, the landscaping shall be within 15' and 20' of the parking lot depending on the type of landscape element. (Note: The required trees do not count toward the landscape point total.) Planting islands shall consist of at least 75% vegetative cover, including trees, shrubs, ground cover, and/or grass. Up to 25% of the island surface may be brick pavers, mulch or other non-vegetative cover. All plant materials in islands shall be protected from vehicles by concrete curbs.

**ZONING CRITERIA**

<b>Bulk Requirements</b>	<b>Required</b>	<b>Proposed</b>
Lot Area	6,000 sq. ft.	44,738 sq. ft.
Lot width	50'	100'
Usable open space	n/a	n/a
Front yard	0'	adequate
Side yards	0'	adequate
Rear yard	10'	adequate
Floor area ratio	3.0	less than 1.0
Building height	----	1 story

<b>Site Design</b>	<b>Required</b>	<b>Proposed</b>
Number parking stalls	55 (183 capacity inc. outdoor)	48 (pkg. exception approve.)
Accessible stalls	2	4
Loading	n/a	n/a
Number bike parking stalls	5	(3)
Landscaping	Yes	(4)
Lighting	No	existing

<b>Other Critical Zoning Items</b>	
Urban Design	Yes
Barrier free (ILHR 69)	Yes

With the above conditions, the proposed project **does** comply with all of the above requirements.



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## Traffic Engineering Division

David C. Dryer, City Traffic Engineer

Madison Municipal Building  
215 Martin Luther King, Jr. Boulevard  
P.O. Box 2986  
Madison, Wisconsin 53701-2986  
PH 608/266-4761  
TTY 608/267-9623  
FAX 608/267-1158

October 13, 2005

TO: Plan Commission

FROM: David C. Dryer, P.E., City Traffic Engineer

SUBJECT: **3737 East Washington Avenue – Conditional Use – Out door Eating Area**

The City Traffic Engineering Division has reviewed the subject development and has the following comments.

**MAJOR OR NON-STANDARD REVIEW COMMENTS** (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. None
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### GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

2. When the applicant submits final plans 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, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), 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'.
3. The applicant shall provide one contiguous plan as noted on the proposed site plan, "Traffic lane to 80 additional parking stalls and access to Mendota Street." The applicant shall show all the facility's, ingress/egress, crossing and parking easements as proposed, existing and proposed buildings, dimension all existing and proposed layouts of all parking lots, loading areas, trees, signs, easements and approaches. The applicant shall submit for approved plan site plan for 3737, 3757, 3769 & 3773 East Washington Av. in accordance to M.G.O.
4. The applicant shall provide recorded copies of the joint driveway ingress/egress, parking, & crossing easements between 3737, 3757, 3769, & 3773 East Washington Av. with site plans for approval or the applicant shall prevent encroachment onto adjacent

land areas by barriers of some type, which shall be noted on the face of the revised plans.

5. The parking facility shall be modified to provide for adequate internal circulation for vehicles. This can be accommodated by eliminating a parking stall at the dead ends. The eliminated stall shall be modified to provide a turn around area ten (10) to twelve (12) feet in width and signed "No Parking Anytime."
6. "Stop" and "Right Turn Only" signs shall be installed at a height of six (6) feet to the bottom of the first sign at the driveway approach to E. Washington Ave. and a "Stop" sign shall be installed at a height of seven (7) feet at the Mendota St. approaches. All signs at the approaches shall be installed behind the property line. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
7. The applicant should show the dimensions for proposed and existing parking stalls' items A, B, C, D, E, and F, and for ninety-degree angle parking width and backing up, according to Figures II "Medium and Large Vehicles" parking design standards in Section 10.08(6)(b)
8. The Developer shall post a deposit or reimburse the City for all costs associated with any modifications to Street Lighting, Signing and Pavement Marking including labor and materials for both temporary and permanent installations.
9. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Please contact John Leach, City Traffic Engineering at 267-8755 if you have questions regarding the above items:

Contact Person: Mail  
Dale Beck  
1810 Roth St.  
Madison WI 53704

DCD:DJM:dm



Department of Public Works  
**City Engineering Division**

608 266 4751

Larry D. Nelson, P.E.  
City Engineer

City-County Building, Room 115  
210 Martin Luther King, Jr. Boulevard  
Madison, Wisconsin 53703  
608 264 9275 FAX  
608 267 8677 TDD

**Deputy City Engineer**  
Robert F. Phillips, P.E.

**Principal Engineers**  
Michael R. Dailey, P.E.  
Christina M. Bachmann, P.E.  
John S. Fahrney, P.E.  
David L. Benzschawel, P.E.  
Gregory T. Fries, P.E.

**Operations Supervisor**  
Kathleen M. Cryan

**Hydrogeologist**  
Joseph L. DeMorett, P.G.

**GIS Manager**  
David A. Davis, R.L.S.

DATE: October 12, 2005  
TO: Plan Commission  
FROM: Larry D. Nelson, P.E., City Engineer *[Signature]*  
SUBJECT: 3737 East Washington Avenue Conditional Use

The City Engineering Division has reviewed the subject development and has the following comments.

**MAJOR OR NON-STANDARD REVIEW COMMENTS** (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

- 1. N/A

**GENERAL OR STANDARD REVIEW COMMENTS**

In addition, we offer the following General or Standard Review Comments: NONE

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# CITY OF MADISON FIRE DEPARTMENT

## Fire Prevention Division

325 W. Johnson St., Madison, WI 53703-2295  
Phone: 608-266-4484 ♦ FAX: 608-267-1153

DATE: 10/20/05  
TO: Plan Commission  
FROM: Edwin J. Ruckriegel, Fire Marshal  
SUBJECT: **3737 E. Washington Ave.**

The City of Madison Fire Department (MFD) has reviewed the subject development and has the following comments:

**MAJOR OR NON-STANDARD REVIEW COMMENTS** (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. Per the IFC chapter 10 and MGO34:
  - a. Applicant shall post the capacity of the outside dining area in accordance International Fire Code 2003 edition.
  - b. Proposed deck shall not be located at, adjacent or obstruct the required exits from the building.
  - c. Provide and maintain exits from the deck in accordance with the International Fire Code 2003 edition.
  - d. Submit a seating plan for the proposed Deck space.

## **GENERAL OR STANDARD REVIEW COMMENTS**

In addition, we offer the following General or Standard Review Comments:

2. None.

Please contact John Lippitt, MFD Fire Protection Engineer, at 608-261-9658 if you have questions regarding the above items.

cc: John Lippitt



# MAYFAIR PARK

## Neighborhood Association


**Vern Kempfer**  
President  
**Dale Beck**  
Vice President

**Don Fjelstad**  
Treasurer  
**Pat Gray**  
Secretary

September 6, 2005

Tailgators  
Dale Beck, Owner

This is just to confirm that an outdoor designated smoking area would be acceptable at your establishment. A vote and approval were given at our neighborhood meeting on July 24, 2005. Alderman Rosas was in attendance and agreeable to this arrangement also.

  
Vern Kempfer, Pres.  
Mayfair Park N.A.

[www.mayfairpark.org](http://www.mayfairpark.org) [tvkempfer@yahoo.com](mailto:tvkempfer@yahoo.com)  
Vern Kempfer (244-3353) 1449 MacArthur Rd. 53714      Don Fjelstad (244-5308) 1409 MacArthur Rd.  
Dale Beck (225-1329) 1810 Roth St. 53704      Pat Gray (249-6152) 3921 Sycamore Ave.

## **Mayfair Park NA.**

*Meeting sign-in*

July 24, 2005

### **Picnic**

Jessica Paradowski	3910 Sycamore Ave	249-9190
Crystal Paradowski	3910 Sycamore Ave	249-9190
Eileen McCarville	3822 Sycamore Ave	244-0245
Dick Hanke	3901 Sycamore Ave	249-9700
Shirley Hanke	3901 Sycamore Ave	249-9700
Pat Gray	3921 Sycamore Ave	249-6152
Coke Gray	3921 Sycamore Ave	249-6152
Don Fjelstad	1409 MacArthur Rd	244-5308
Sonja Fjelstad	1409 MacArthur Rd	244-5308
Mel Felt	1205 Juniper Ave	241-0800
Mary Larson	1223 Juniper Ave	249-0796
Tim Markle	1350 MacArthur Rd	
Rhonda Thompson	1728 Violet Place Middleton	827-8522
Carol Kimball	1429 MacArthur Rd	244-6914
Gina Richardson	1302 MacArthur Rd	577-2939
Jenny Marquess	3814 #4 Hoover Dr	244-4436
Rita Benesh	3814 #4 Hoover Dr	244-4436
Janessa Fisher	3906 Sycamore Ave	249-0774
Michelle Lander	3906 Sycamore Ave	249-0774
Wayne Lander	3906 Sycamore Ave	249-0774
Rita Lander	3906 Sycamore Ave	249-0774
Landon Fisher	3906 Sycamore Ave	249-0774
Jim McCarville	3822 Sycamore Ave	244-0245
Carol Hutchinson	1225 MacArthur Rd	301-0484
Audrey Webster	3913 Sycamore Ave	249-9973
Mary Pierick	1361 MacArthur Rd	241-3761
Dale Beck	1810 Roth St.	225-1329
Jean Doll	1317 Ellenwood Dr	241-2447
Oylan Thompson		
Chris Hudzinski	1437 MacArthur Rd	240-9310
Cole Hudzinski	1437 MacArthur Rd	240-9310
Santiago Rosas	3385 Basil Dr	244-9197
Vern Kempfer	1449 MacArthur Rd	244-3353
Theresa Kempfer	1449 MacArthur Rd	244-3353