

PLANNING DIVISION STAFF REPORT

May 8, 2023



PREPARED FOR THE PLAN COMMISSION

Project Address: 131 E Lakeside Street (District 13 – Ald. Evers)
Application Type: Conditional Use
Legistar File ID #: [77011](#)
Prepared By: Chris Wells, Planning Division
Report includes comments from other City agencies, as noted.
Reviewed By: Kevin Firchow, AICP, Principal Planner, Planning Division

Summary

Applicant: Therese Merkel; Tricky Foods; 116 E Lakeside Street; Madison, WI 53715
Contact: Kevin Burow; Knothe & Bruce Architects; 7601 University Avenue; Middleton, WI 53562
Property Owner: Avante Properties; 120 E Lakeside Street; Madison, WI 53715

Requested Action: Consideration of a conditional use in the Suburban Employment (SE) District for a restaurant-tavern to allow a restaurant-tavern tenant in a mixed-use building with outdoor eating area at 131 E Lakeside Street.

Proposal Summary: The applicant, Tricky Foods, proposes to establish a restaurant-tavern in the tenant space of an existing mixed-use building. The proposal also includes the addition of an outdoor seating area but staff note that since the hours of operation of the proposed seating area will end nightly by 9:00 pm and it will not have amplified sound, the seating area is a permitted use.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183(6)].

Review Required By: Urban Design Commission (The Secretary of the UDC reviewed this request administratively on behalf of the UDC) and Plan Commission

Summary Recommendations: The Planning Division recommends that the Plan Commission find that the approval standards for conditional uses are met, and **approve** the conditional use request. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 58,750 square-foot (1.35-acre) subject site is located at the southwest corner of the E Lakeside Street and Sayle Street intersection directly west of John Nolen Drive and the Wisconsin and Southern Railroad line. It is located in Alder District 13 (Ald. Evers), Urban Design District #1 (UDD #1), and the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site is zoned Suburban Employment (SE) District and is developed with a just recently constructed, four-story, mixed-use building with 1,240 square-feet of commercial space and 66 residential units.

Surrounding Land Uses and Zoning:

- North:** Across E Lakeside Street is a three-story office building, zoned Planned Development (PD);
- East:** Across John Nolen Drive is Olin Turville Park, which is zoned Parks and Recreation (PR);
- South:** A one-story commercial building (City of Madison Traffic Engineering Shop), zoned Suburban Employment (SE); and
- West:** A two-story mixed-use building, zoned Limited Mixed Use (LMX) and a two-unit, a three-unit, and four-unit residential building, zoned Traditional Residential – Varied 1 (TR-V1), with single-family residences zoned Traditional Residential – Consistent (TR-C3) and Traditional Residential – Consistent 4 (TR-C4) beyond.

Adopted Land Use Plan: The [Comprehensive Plan \(2018\)](#) recommends Employment (E) uses for the subject site. According to the Plan, Employment (E) areas *“include predominantly corporate and business offices, research facilities, laboratories, hospitals, medical clinics, and other similar uses. They generally do not include retail and consumer service uses for the wider community, but may include limited retail and service establishments that primarily serve employees and users of the area.”* The [Bay Creek Area Plan](#), adopted in 1991, recommends *“Medium Density Mixed Housing”* for the subject site. The [South Madison Neighborhood Plan](#), adopted in 2005, includes more site-specific recommendations for this site which recommends *“Well designed, high quality professional office or mixed-use buildings”* for the subject property. This plan specifically acknowledges the future redevelopment of this property and further recommends *“quality design and materials that are compatible with the neighborhood”* and that the *“height of the building should take advantage of lake views, but should not exceed four stories unless other site amenities are agreed upon by the neighborhood.”*

Zoning Summary: The subject property currently zoned Suburban Employment (SE) District.

Requirements	Required	Proposed
Lot Area (sq. ft.)	20,000 sq. ft.	58,750 sq. ft.
Lot Width	65'	302.3'
Front Yard Setback	0' or 5'	9.6'
Side Yard Setback	15' or 20% of building height	15.6' north side yard 15.0' south side yard
Rear Yard Setback	30'	41.3'
Usable Open Space	400 sq. ft./ d.u.	27,174 sq. ft.
Maximum Lot Coverage	75%	67%
Minimum Building Height	22' measured to building cornice	4 stories approved building
Maximum Building Height	5 stories/ 68'	4 stories approved building

Site Design	Required	Proposed
Number Parking Stalls	No minimum required	13 surface
Electric Vehicle Stalls	Not required	None
Accessible Stalls	Yes	Yes
Loading	Not required	None
Number Bike Parking Stalls	Restaurant-tavern: 5% of capacity of persons (4)	10 short-term surface stalls (See Comment #2)
Landscaping and Screening	Not required	Approved landscaping
Lighting	Not required	Approved lighting
Building Form and Design	Not required	Approved building

Other Critical Zoning Items	Urban Design (UDD #1); Barrier Free (ILHR 69)
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Environmental Corridor Status: The property is not located within a mapped environmental corridor.

Public Utilities and Services: The site is served by a full range of urban services, with Madison Metro routes 11 and 12 serving the subject site.

Project Description, Analysis, and Conclusion

The applicant, Tricky Foods, proposes to establish a restaurant-tavern in the existing tenant space located at the north end of the mixed-use building. In submitted materials, the applicant states that setup “*will include ‘grazing tables’ in addition to the pickup of premade boxes of food.*” Plans show a few small tables and chairs located inside with seating for roughly nine persons. There are also two bathrooms for use by the patrons. The proposal also includes the addition of an outdoor seating area to the north of the tenant space, in between the building and E Lakeside Street sidewalk. Like on the interior, submitted plans show outdoor seating consisting of a few small tables and chairs with seating for roughly nine persons. The hours of operation of the restaurant-tavern and outdoor eating area (season-dependending) will be daily from 11:00 am to 8:00 pm. As the applicant proposes to end the seating area’s hours of operation nightly by 9:00 pm and it will not have amplified sound, it is a permitted use.

While the majority of changes will consist of the interior build out of the tenant space, there are a few on the exterior. To define the outdoor seating area space, the applicant proposes to install three posts and string lights between them and the building. Staff note that Traffic Engineering is requiring the applicant to provide a fence/barrier to secure their outdoor seating area from encroaching onto the City Right of Way. This will need to be approved by Traffic Engineering prior to final sign off and the issuance of permits. A trash enclosure on the west side of the building will also be added.

Conditional Use Standards

This request includes a conditional use for a restaurant-tavern and is subject to the standards for Conditional Uses [MGO §28.183(6)]. In regards to the Conditional Use Approval Standards, the Plan Commission shall not approve a conditional use without due consideration of the City’s adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of MGO §28.183(6) are met. Please note, recent changes to state law requires that conditional use findings must be based on “substantial evidence” that directly pertains to each standard and not based on personal preference or speculation.

Staff believes that this proposed use is compatible with the adopted plans. The [Comprehensive Plan \(2018\)](#) recommends Employment (E) uses for the subject site, which it notes “include predominantly corporate and business offices, research facilities, laboratories, hospitals, medical clinics, and other similar uses. They generally do not include retail and consumer service uses for the wider community, but may include limited retail and service establishments that primarily serve employees and users of the area.” The [Bay Creek Area Plan](#), adopted in 1991, recommends “Medium Density Mixed Housing” for the subject site. The [South Madison Neighborhood Plan](#), adopted in 2005, includes more site-specific recommendations for this site which recommends “Well designed, high quality professional office or mixed-use buildings” for the subject property. This plan specifically acknowledges the future redevelopment of this property and further recommends “quality design and materials that are compatible with the neighborhood” and that the “height of the building should take advantage of lake views, but should not exceed four stories unless other site amenities are agreed upon by the neighborhood.”

Given the limited size, capacity, and hours of operation of the proposed business, Staff anticipates there will be little to no new negative impacts on the surrounding properties and the conditional use standards can be found met.

Public Input

At the time of report writing, staff have not received any public comments for this request.

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 uses are met, and **approve** the conditional use request. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Recommended Conditions of Approval: Major/Non-Standard Conditions are Shaded

Traffic Engineering Division (Contact Sean Malloy, (608) 266-5987)

1. The applicant shall provide a fence/barrier to secure their outdoor seating area from encroaching onto the City Right of Way to be approved by Traffic Engineering

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

2. The applicant states the hours of operation for the outdoor eating area will end by 9:00 p.m. For the outdoor eating area, hours of operation shall end at 9:00 p.m. unless extended as a conditional use approval. No amplified sound is permitted unless allowed as a conditional use approval.
3. Bicycle parking for the restaurant-tavern shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of four (4) short-term bicycle parking stalls equal to 5% of capacity of persons located in a convenient and visible area on a paved or pervious surface. Bicycle parking shall be located 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.
4. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

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

5. Access shall be maintained to the building fire department connection. Maintain a minimum of 5-ft clearance and a path to reach the FDC from the fire lane.

The Planning Division, Engineering Division, Engineering-Mapping, Parks Division, Forestry Section, Metro Transit, and Water Utility have reviewed this request and have recommended no conditions of approval.