

PLANNING DIVISION STAFF REPORT

August 24, 2015



PREPARED FOR THE PLAN COMMISSION

Project Address: 821 East Johnson Street (District 2 – Ald. Zellers)
Application Type: Conditional Use
Legistar File ID # [39484](#)
Prepared By: Kevin Firchow, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Jay Wendt, Principal Planner

Summary

Applicant: Chad Vogel; The Robin Room, LLC; 815 Prospect Place, Lower A; Madison, WI 53703
Contact: Jacob Morrison; Morrison Architecture Studio; 1933 Keyes Avenue; Madison, WI 53711
Property Owner: Russel Endres; 2040 South Park Street; Madison, WI 53713

Requested Action: The applicant requests conditional use approval to establish a restaurant-tavern in the NMX (Neighborhood Mixed-Use) Zoning District.

Proposal Summary: The applicant proposes to establish a restaurant-tavern within an existing 1,020 square foot tenant space in an existing three-story building. The facility has a proposed capacity of 46 persons (including staff). The proposed hours of operation from 4pm to 2:00 am, daily. No changes to the building's exterior are proposed with this request.

Applicable Regulations & Standards: Restaurant-Taverns are identified as a conditional use in the NMX (Neighborhood Mixed-Use) Zoning District. This proposal is subject to the standards for Conditional Uses [MGO Section 28.183(6)].

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that conditional use standards met and **approve** the request to establish a restaurant-tavern in the NMX (Neighborhood Mixed-Use) Zoning District at 821 East Johnson Street. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 5,445 square foot subject property is located on the south side of East Johnson Street, midblock between North Livingston and Paterson Streets. The site is within Aldermanic District 2 (Ald. Zellers) and within the limits of the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site includes an existing three-story building constructed in 1916. The lot also includes a rear surface parking area.

Surrounding Land Use and Zoning:

North: 1-4 unit residences with office and commercial interspersed, zoned NMX (Neighborhood Mixed-Use District);

South: 1-3 unit residences, zoned TR-V1 (Traditional Residential-Varied 1 District);

East: Mixed-use and commercial buildings, zoned NMX or PD (Planned Development District); and

West: Commercial, gallery, and apartment buildings, zoned NMX.

Adopted Land Use Plan: The Comprehensive Plan (2006) recommends Neighborhood Mixed Use development for the subject site and surrounding properties. The Tenney Lapham Neighborhood Plan (2008) identifies the subject block as an important mixed-use area and states related goals of encouraging more businesses in the subject block and improving parking near East Johnson and North Paterson Streets.

Zoning Summary: The property is zoned NMX (Neighborhood Mixed Use District). Further Zoning information was not available at the time of report writing.

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, Analysis, and Conclusion

The applicant requests approval to establish a restaurant-tavern in a property zoned NMX (Neighborhood Mixed- Use District). This request is subject to the approval standards for conditional uses.

The proposed facility would occupy an existing 1,020 square foot tenant space within an existing three-story mixed-use building. The tenant space is one of two ground floor commercial spaces in the building. Plans show the building has a proposed capacity of 46 persons (including staff) and the proposed hours of operation are from 4:00 pm until 2:00 am, daily. There is no outdoor eating area proposed as part of this request.

The zoning code identifies restaurant-taverns as a conditional uses in this zoning district. A restaurant-tavern is defined as “Any establishment in which meals are provided and fermented malt beverages or intoxicating liquors are sold for consumption upon the premises.” This differentiated from a “restaurant” that does not serve any alcohol, and a “restaurant-nightclub” that provides meals and holds an entertainment license. Staff notes that a liquor license was granted for this facility in July 2015.

The letter of intent also notes that a parking reduction is being sought. Based on the review of the Assistant Zoning Administrator, this is beneath the number of stalls that require review by the Plan Commission. See Zoning staff comments for further information.

Staff believes the applicable standards can be met. At the time of report writing, the Planning Division was not aware of public comments on this request.

Recommendation

Planning Division Recommendation (Contact Kevin Firchow, 267-1150)

The Planning Division recommends that the Plan Commission find that conditional use standards met and **approve** the request to establish a restaurant-tavern in the NMX (Neighborhood Mixed-Use) Zoning District at 821 East Johnson Street. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

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

City Engineering Division (Contact Janet Schmidt, 261-9688)

1. Site plan shall be updated to use the correct addresses. There is no "SUITE B". The address for Robin Room is 821 E Johnson St. The adjacent section of the building is 823 E Johnson St (apartments are 823 E Johnson St Apts 1 thru 4; at grade commercial tenant is 823 E Johnson St # 5). Revise wording for parking stalls and use the appropriate address. There is no suite A or suite B.
2. The recorded Document Numbers for the common driveway easements serving this property per Document No's 2565837 and 2824789 shall be noted on the site plan.
3. The site plan shall identify lot and block numbers of recorded Plat.
4. The site plan shall include a full and complete legal description of the site or property being subjected to this application.

Traffic Engineering Division (Contact Eric Halvorson, 266-6572)

5. Per MGO 10.08 All parking facilities shall be so designed as to secure the parking, as such all gravel area shall be separated from the parking, typically with 6" rolled curb.
 6. Current parking lay out is substandard; work with Traffic Engineering to meet 10.08 by modifying stall, backup/drive aisle width and signage to meet 'Medium and Large Vehicles' (9'x18' with 24 backup - typical) and 'Small Vehicles' (8.5' x 16' with 22' backup - typical) standards.
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. The developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement

marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.

9. 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.
10. All parking facility design shall conform to MGO standards, as set in section 10.08(6), current configuration does not meet this standard in stall dimensions (standard 9' x 18') or secured parking (there does not appear to be anything separating the pavement from the gravel).

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

Comments were not received in time to be included within this report.

Fire Department (Contact Bill Sullivan, 261-9658)

11. As required by MGO 10.34 and IFC 505.1, all residential and commercial buildings must have the approved address posted. The address numbers shall be 4 inches in height, numbers shall be in contrast to the background and visible from the street. Verify property addresses with City Engineering.

Water Utility (Contact Dennis Cawley, 261-9243)

12. Lands in this application are included in City of Madison Wellhead Protection District WP-24. This proposed use is allowed in this district. Any proposed changes in use shall be approved by the Water Utility General Manager or his designee. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

Parks Division (Contact Kay Rutledge, 266-4714)

This agency did not submit comments for this request.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit comments for this request.