

**PREPARED FOR THE PLAN COMMISSION**

Project Address: 1313 Regent Street (District 13 – Ald. Eskrich)
Application Type: Conditional Use
Legistar File ID # [39089](#)
Prepared By: Kevin Firchow, AICP, Planning Division
Reviewed By: Jay Wendt, Principal Planner
Report Includes Comments from other City Agencies, as noted

On October 15, the applicant provided an updated seating plan. The seating plan shows a capacity of 58, consistent with the letter of intent. The previously submitted seating plan showed a capacity of 48. Staff does not anticipate that the change in capacity from 48 to 58 will result in significantly different impacts, provided all other approval conditions are met. Further, staff notes that this is consistent with the letter of intent.

Staff notes that the additional capacity would increase the required parking by two (2) stalls. Thus, a slightly larger parking reduction is also being requested. Staff anticipates that this will be discussed at Monday's public hearing. Staff notes that should the Plan Commission agree to the revised plan, conditions of approval related to outdoor eating area capacity should be modified.

Summary

Applicant and Contact: John Bieno, TJK Design Build; 612 West Main Street; Madison WI, 53703

Property Owner: FCS Plan B LLC (Rod Ripley); 5625 Cobblestone Lane; Waunakee, WI 53597

Requested Actions: The applicant requests approval of a conditional use for an accessory outdoor eating area and parking reduction.

Proposal Summary: The applicant proposes to convert a former auto repair facility (Foreign Car Specialists) into a brewpub with an outdoor eating area and a reception hall. While brewpubs and reception halls are permitted uses, outdoor eating areas require conditional use approval. Further, the applicant requests approval of a parking stall reduction, which is also a conditional use. The plans also include the development of a 19-stall parking lot.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses.

Review Required By: Plan Commission (PC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards for conditional uses are met and **approve** the conditional use request for an outdoor eating area and parking reduction for 1313 Regent Street, subject to input at the public hearing and the comments and conditions from reviewing agencies.

Background Information

Parcel Location: The subject site is a 35,486 square foot (approximately 0.8 acre) property located on the south side of Regent Street, between South Randall and South Orchard Streets. The site is within the limits of the Madison Metropolitan School District and within Aldermanic District 13 (Ald. Eskrich).

Existing Conditions and Land Use: The site includes the existing commercial building with rear fenced in area facing onto Bowen Court.

Surrounding Land Use and Zoning:

North: Mixed-use and commercial development, zoned PD (Planned Development District); and TSS (Traditional Shopping Street District);

South: Multi-family residential properties zoned TR-V1 (Traditional Residential-Varied 1 District);

East: Multi-tenant commercial building zoned TSS, with residential properties zoned TR-V1, beyond; and

West: Commercial development zoned TSS along Regent Street, with residential uses to the south.

Adopted Land Use Plan: The Comprehensive Plan (2006) recommends neighborhood mixed use along Regent Street and medium-density residential along Bowen Court. The Regent Street – South Campus Neighborhood Plan provides the same land use recommendation and provides more detailed design and development recommendations.

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.

Zoning Summary: The property is zoned TSS (Traditional Shopping Street). Please see the separate report of the Zoning Administrator for further information.

Related Actions

This request was originally submitted in conjunction with a conditional use request to construct a 26-unit apartment building on Bowen Court and a Land Division dividing the subject property into two lots. Due to concerns regarding fire access and plan consistency for the proposed apartment building, the applicant agreed to withdraw those requests at this time and they were placed on file at the Plan Commission's October 5 meeting.

Project Description, Analysis, and Conclusion

The applicant seeks to convert a former auto-repair facility ("Foreign Car Specialists") into a brewpub with a reception hall. These uses are permitted under the property's TSS (Traditional Shopping Street) zoning. As part of this conversion, there are two conditional use requests before the Plan Commission. The first conditional use request is to establish an outdoor eating area. The second request is for a parking stall reduction to provide less parking than required by the Zoning Code. These requests are subject to the approval standards for conditional uses.

The subject one-story building is nearly 11,000 square feet in area. City Assessor records show the structure was constructed in 1940. The rear of the lot includes a fenced in yard that has been used for parking and auto storage. As part of the renovations, the applicant plans to remove a 1,650 square foot addition on the building's west side. This removal does not require Plan Commission approval of a Demolition Permit. In addition to the depicted building modifications, the applicant proposes to create a 19-stall parking lot at the rear of the site.

Outdoor Seating Request

The applicant first seeks to establish an outdoor eating area. This area, located at the rear of the structure, has an area of approximately 1,860 square feet. While final capacity has not been approved by City Building Inspection, plans depict 48 total persons seated among 12 tables, based on the most current seating plan provided. (Note, that the letter of intent notes a larger capacity of 58 persons.) The letter of intent states that this area will close at 10:00 pm, nightly. Further, the applicant has agreed to not provide outdoor amplified sound.

The Zoning Code prohibits this area from being utilized as an outdoor "beer garden" for UW football games to its proximity to residential properties. Staff has also recommended a condition that the outdoor eating area not be available to patrons during UW home football games, consistent with other areas that are not approved beer gardens in this area.

At the time of report writing, staff is aware the applicant desires to increase the capacity of the outdoor eating area to 110 persons. A revised seating plan for this capacity has not been provided. Staff is concerned about potential noise impacts from the larger area. As discussed below, the larger requested capacity will also

increase the required parking and the amount of "Parking Stall Reduction" requested. At this time, staff supports the smaller capacity as included in the submitted materials.

Parking Reduction Request

In regards to the second conditional use request, the applicant is seeking a parking reduction between 73-87 stalls based on the brewpub and reception hall space. Staff notes the following conditional use standard that pertains specifically to parking reduction requests:

When applying the above standards to an application for a reduction in off-street parking requirements, the Plan Commission shall consider and give decisive weight to all relevant facts, including but not limited to, the availability and accessibility of alternative parking; impact on adjacent residential neighborhoods; existing or potential shared parking arrangements; number of residential parking permits issued for the area; proximity to transit routes and/or bicycle paths and provision of bicycle racks; the proportion of the total parking required that is represented by the requested reduction; the proportion of the total parking required that is represented by the requested reduction; the proportion of the total parking required that is decreased by Sec. 28.141. The characteristics of the use, including hours of operation and peak parking demand times design and maintenance of off-street parking that will provided; and whether the proposed use is now or a small addition to an existing use.

The minimum parking requirements are based on providing parking for 15% of the approved capacity. This includes the capacity of the brewpub, the outdoor seating area, and the proposed reception hall.

The applicant desires to operate the reception hall in two ways. The first would be with "fixed seating" and have a maximum capacity of 155 persons. This would be used for events such as private parties, weddings, and other events. It is not intended to be allowed simply to create a larger capacity for the brew pub. The second use would be a larger "General Assembly" occupancy with no fixed seats, used only during UW home football games. Under this scenario, the room would have a maximum capacity of 450 persons.

The minimum parking requirement is 15% of the capacity, in persons. Based on the submitted materials:

	Estimated Capacity	Required Parking Stalls
Brewpub	208	31
Outdoor Seating Area	48	7
Sub Total	256	38
Opt 1. Reception Hall – Fixed Seating	155	24
Opt 2. Banquet Facility – General Assembly	450	68

Based on the above assumptions, the brewpub alone, without any additional reception hall facilities would require 38 parking stalls. This number increases with the reception hall. When considering a reception hall with "fixed" seating occupancy of 155 persons, there would be a total parking requirement of 92 stalls. With a larger "General Assembly" seating capacity, the facility would require 106 total stalls. That is a reduction of 73 stalls (79% of required) and 87 stalls (82% of required), respectively.

Several conditions are recommended to limit anticipated parking impacts on the surrounding neighborhood. These include:

- Parking facilities must be available at all times, and shall not be shut down for any events.
- Limit the hours of operations of the reception hall/room to closing at midnight.
- Maximum capacities to be approved by the Director of Building inspection but shall not exceed:

- 208 for brewpub (number of available seats, plus staff, plus a reasonable number of people waiting for seats)
- 48 for patio (chairs & tables-drive capacity number)
- 155 for reception hall/room when furniture, tables and chairs are present (fixed-seat capacity)
- 450 for reception hall/room when no tables or chairs present (general assembly capacity)
- The reception hall/room may be used with the general assembly capacity for Wisconsin Badger Home Football games, capacity will be limited to 155 all other days/events (fixed-seat capacity).
- The reception hall space shall not be used as expanded capacity for the brewpub. In no event shall the reception hall be used as a music venue other than music provided in conjunction with private events such as weddings, receptions, private parties (retirement, birthday, holiday, reunion, or other special occasions including private events hosted related to Kohl Center and Camp Randall sporting events and concerts). The doors are required to be closed and locked to reception hall space but for when it is being used for separate events.

The Planning Division believes it is possible to meet the applicable standards, with the conditions recommended in this report. In regards to the outdoor eating area, the restrictions on hours, amplified sound, and capacity limits should reduce impacts on surrounding properties. In regards to the parking reduction requests, the Planning Division acknowledges that this is a large request. Staff notes the relatively central location of this site, in close proximity to the University. Staff anticipates that the proposed use, especially the brewpub, will be in part, a neighborhood serving use, which should limit some vehicle trips that may be expected in other locations. The site is well connected by sidewalk, bus, and nearby bike routes. The plans show 38 bicycle parking stalls will be provided. Staff has recommended several conditions related to use and hours of operation, proposed to minimize parking impacts. Finally staff notes that the applicant has made efforts to revise the plans and the most current version includes 19 on-site stalls, six (6) more than previously provided. Area exists to physically expand this lot, should that be found necessary at a future time.

At the time of report writing, staff was not aware of objections to this proposal. Staff notes that the Plan Commission retains continuing jurisdiction on both conditional use requests. Should issues arise, concerns raised, or conditions of approval fail to be met, this item could return to the Plan Commission for further consideration.

Recommendation

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

The Planning Division recommends that the Plan Commission find that the standards for conditional uses are met and **approve** the conditional use request for an outdoor eating area and parking reduction for 1313 Regent Street, subject to input at the public hearing and the comments and conditions from reviewing agencies.

- Recommended Agency Comments are included in the Attached Report –