



PREPARED FOR THE PLAN COMMISSION

Project Address: 2089 Atwood Avenue (6th Aldermanic District, Ald. Rummel)
Application Type: Conditional Use
Legistar File ID # [42318](#)
Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Jay Wendt, Principal Planner

Summary

Applicant: Monty’s Blue Plate Diner; Food Fight Restaurant Group; 2089 Atwood Avenue; Madison, WI 53704
Contact: Joey Connaughty; Food Fight Restaurant Group; 5111 Monona Drive; Monona, WI 53716
Property Owner: Peder Moren; Moren Investments; 2002 Atwood Avenue; Madison, WI 53704

Requested Action: The applicant requests approval of a conditional use for an outdoor seating area on a property zoned TSS (Traditional Shopping Street).

Proposal Summary: The applicant seeks approval to operate an outdoor seating area on an existing patio at their existing restaurant establishment, Monty’s Blue Plate Diner. The primary change from their current setup would be the shift from self-service to service exclusively by wait staff for the seven (7) patio tables, and the maximum of 27 patrons.

Applicable Regulations & Standards: Section 28.061(1) of the Zoning Code lists *Outdoor eating areas associated with food and beverage establishments* as a conditional use in the TSS (Traditional Shopping Street) district. The Supplemental Regulations [Section 28.151] contain further regulations for this type of use. This proposal is subject to the standards for Conditional Uses [Section 28.183].

Review Required By: Plan Commission (PC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the approval standards for Conditional Use are met and **approve** the request for an outdoor seating area on a property zoned TSS (Traditional Shopping Street) at 2089 Atwood Avenue. This request is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 15,658-square-foot (0.36-acre) project site is located along the south side of Atwood Avenue, just west of the intersection with Division Street. The site is in Aldermanic District 6 (Rummel) and is in the Madison Metropolitan School District.

Existing Conditions and Land Use: The site includes an existing two-story building with a 3,080-square-foot restaurant (Monty’s Blue Plate Diner) on the ground floor and a 420-square-foot office above. The building, originally constructed in 1938 and last remodeled in 1989, sits near the southwest corner of the parcel with its front façade perpendicular to Atwood Avenue. The site includes a sizable patio area directly in front of the

restaurant, and the rest of the site is paved with 19 automobile parking stalls (including one accessible stall) on the eastern side of the building. These stalls are accessed via the two-way drive aisle which turns into a one-way as it continues around the south and west of the building. Note: There is an access easement shared between the subject site and the neighboring parcel to the west (at 2087 Atwood Avenue) which follows the path of the drive aisle clockwise around the subject site. The one-story office building that occupied this adjacent site to the west was recently demolished and construction of a four-story mixed-use building with up to 3,300 square-feet of commercial space and 30 apartments will soon commence. Five angled parking stalls will replace the ten that were lost in the redevelopment and while they will be associated with the new commercial space of the mixed-use development, they will also be available to residential visitors as well as diner patrons on a first-come, first-serve basis.

Surrounding Land Use and Zoning:

North: The Barrymore Theater, retail and a restaurant, zoned Traditional Residential-Varied 1 (TR-V1) which is flanked on the left by retail and residential and on the right by retail, a bar and several restaurants, all zoned TSS (Traditional Shopping Street). Beyond are single-family residences, zoned Traditional Residential-Varied 1 (TR-V1) and Traditional Residential-Varied 2 (TR-V2);

South: Across Eastwood Drive is the Cap City Bike Path with light industrial uses beyond (including Schoeps Ice Cream), zoned Traditional Employment (TE);

East: A small grove of trees and across Division Street, a public median; and

West: Construction is underway for a four-story mixed-use building with up to 3,300 square feet of commercial space and 30 apartments. Both are zoned Traditional Shopping Street (TSS).

Adopted Land Use Plan: The Comprehensive Plan (2006) recommends Community Mixed-Use for this block. The Marquette-Schenk-Atwood Neighborhood Plan (1994) does not have a specific recommendation for this area, but does encourage the addition of parks and open space in the area. The Schenk-Atwood-Starkweather-Worthington Park Neighborhood Plan (2000) does not have a specific recommendation, but encourages the business community and neighborhood to “develop an image of the Schenk-Atwood corridor that will attract old and new customers to the area to dine and shop. Outdoor cafes, farmers market, and entertainment venues are possible attractions for area businesses to pursue.” (Schenk-Atwood-Starkweather-Worthington Park Neighborhood Plan, Pg. 35). Finally, the Schenk-Atwood Neighborhood Business District Master Plan (2000) recommends that [for redevelopment in the Central Atwood area] some setbacks of street front facades from the lot line are encouraged, if they provide for outdoor use such as dining or seating, and provide for additional amenities. (Schenk-Atwood Neighborhood Business District Plan, Pg. 50).

Zoning Summary:

The project site is currently zoned Traditional Shopping Street (TSS).

Requirements	Required	Proposed
Front Yard Setback	None	Adequate
Side Yard Setback	One-story: 5' Two-story or higher: 6'	Adequate
Rear Yard Setback	The lesser of 20% of lot depth or 20'	Adequate
Maximum Lot Coverage	85%	Adequate
Maximum Building Height	3 stories/ 40'	Existing building
Rear Yard Setback	10'	Existing building
Maximum Lot Coverage	90%	Existing site lot coverage
Minimum Building Height	2 stories	Existing building
Number Parking Stalls	Restaurant-tavern: 15% of capacity of persons (TBD)	19

Accessible Stalls	Yes	1
Loading	None	None
Number Bike Parking Stalls	Restaurant-tavern: 5% of capacity of persons (TBD)	Yes
Landscaping	None	Existing landscaping
Lighting	None	None
Building Forms	None	Existing building
Other Critical Zoning Items		
	Barrier Free (ILHR 69)	

Table Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

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, including seven day-a-week Metro service along Atwood Avenue.

Project Description

The applicant seeks approval to operate an outdoor seating area within an existing outdoor patio for Monty’s Blue Plate Diner. (The patio was added in 1989, at the same time of the last major remodeling of the building and site into what exists today). The existing 480-square-foot patio area is approximately 20 feet by 24 feet and is located in between the restaurant and Atwood Avenue, on the north side of the site. It is set back a few feet from the sidewalk by a low metal fence and a planting bed, which buffers the patio from the sidewalk. The aforementioned fence also wraps around the western perimeter of the patio where it is further reinforced by a bicycle rack. A separate section of fencing provides moderate southern definition of the seating area while another bicycle rack defines the eastern perimeter. The patio has seven patio tables providing seating for 28 people (note: the final details of the seating plan and capacity will be approved by City Building Inspection). There are existing lights on the underside of the table umbrellas which illuminate the tables, and street lights and exterior building lights which illuminate the patio. Currently, restaurant patrons have been utilizing the outdoor seating tables both while they wait for a table in the restaurant as well as a place where they eat their “to go” food. Moving forward, the main change from an operational perspective would be that the tables would exclusively be serviced by restaurant staff and no longer by the patrons themselves. Responding to the issue of “lost” seating available for waiting patrons, another bench will be added along the western side of the main walkway from Atwood Avenue to join the existing bench located along the main façade.

The applicant has requested the patio be used each year from Memorial Day until Labor Day. The hours of operation for the outdoor seating area will be 11:00 am to 8:30 pm, Monday to Friday, and 9:00 am to 9:00 pm, Saturday and Sunday. The applicant has noted that while a start time of 8:30 am has been requested, this is primarily for the staff to get setup; customer seating doesn’t usually begun until 9:30-10:00 am each day of the week. Regarding the end of the night, the applicant has stated that customer seating on the patio generally ends between 7:30 pm and 8:00 pm. They are requesting a 9:00 pm closing time to give their staff time to clean up. Occupancy of the seating area after 9:00 pm will be prohibited. Given a request from Alder Rummel, staff has recommended a condition that amplified sound, including, but not limited to ambient music or the informing of waiting patrons of their table availability, be prohibited in the outdoor eating area.

No structural or programmatic changes to the existing building are proposed.

Analysis and Conclusion

Land Use and Plan Consistency – The Planning Division believes the proposed use is generally consistent with the Comprehensive Plan (2006), the Marquette-Schenk-Atwood Neighborhood Plan (1994), Schenk-Atwood-Starkweather-Worthington Park Neighborhood Plan (2000) and the Schenk-Atwood Neighborhood Business District Master Plan (2000). All four plans emphasize the pedestrian-friendly experience and recommend amenities like plazas, outdoor cafes, patios when, for example, providing a counterpoint (i.e. a place of respite) amongst well-designed buildings placed close to the sidewalk and street.

Conditional Use Standards - The Planning Division believes that if the outdoor eating area is well-managed, this proposal should not result in significant impacts to the surrounding properties. Factors such as the limited hours of operation; the prohibition of amplified sounds in the outdoor space; the limited scale and capacity of the eating area; its placement along the sidewalk with a landscaped buffer; and the other proposed conditions of approval will help mitigate anticipated impacts.

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 MGO Section 28.183(9)(d). Lastly, staff has received public comments as well as a request by Alder Rummel to prohibit amplified sound in the outdoor space outdoor as part of this approval.

Staff believes that the proposed outdoor eating area meets the conditional use approval standards and recommends that it be approved by the Plan Commission.

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 Use are met and **approve** the request for an outdoor seating area on a property zoned TSS (Traditional Shopping Street) at 2089 Atwood Avenue. This request 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 Chris Wells, (608) 261-9135)

1. The hours of operation for the outdoor seating area will be 11:00 am to 8:30 pm, Monday to Friday and 9:00 am to 9:00 pm, Saturday and Sunday. Future modifications to the hours of operation of the outdoor eating area may be requested by the applicant in the future as a minor alteration of the conditional use following a recommendation by the district alder.
2. There shall be no amplified sound, including, but not limited to ambient music or the informing of waiting patrons of their table availability, in the outdoor eating area.
3. Occupancy of the seating area after 9:00 pm will be prohibited.
4. Once reviewed and determined by City Building Inspection, the capacity of the outdoor eating area shall not be exceeded.

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

5. 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.
6. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
7. The applicant shall show the improvements to the adjoining property on the final submitted plan.
8. The applicant shall adhere to all vision triangle requirements as set in MGO 27.05 (No visual obstructions between the heights of 30 inches and 10 feet – 25 feet behind the property line at streets and 10 feet at driveways.). If applicant believes public safety can be maintained they shall apply for a waiver of MGO 27.05(2) (bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the waiver shall be the determination of the City Traffic Engineer.

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

9. The properties at 2081 and 2089 Atwood Ave are a planned multi-use site. Submit the overall site plan and overall landscape plan showing both of the properties.
10. Meet applicable building/fire codes. The capacity shall be established for the outdoor eating area. Occupancy is established by the Building Inspection Unit. Contact Mike VanErem at 266-4559 to help facilitate this process.
11. Provide the capacity of the restaurant-tavern and outdoor eating area. Vehicle parking is required at a minimum of fifteen percent (15%) of capacity of persons.
12. Bicycle parking shall be provided at a minimum of five percent (5%) of capacity of persons. Clearly show the numbers of bicycle stalls and typical dimensions of the bicycle stalls and access aisles. A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access aisle. Bicycle parking not meeting dimensional or access aisle requirements may be installed but shall not count towards a minimum bicycle parking requirement. Provide a detail or photo of the existing or proposed bike racks. All racks shall accommodate cable locks and "U" locks including removing the front wheel and locking it to the rear fork and frame.
13. Per Section 28.186(4)(b), 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.

Water Utility (Contact Dennis Cawley, (608) 261-9243)

14. All operating private wells shall be identified and permitted by the Water Utility in accordance with MGO 13.21. All unused private wells shall be abandoned in accordance with MGO 13.21.