

PLANNING DIVISION STAFF REPORT

January 9, 2017

PREPARED FOR THE PLAN COMMISSION



Project Address: 904 Williamson Street (Aldermanic District 6, Alder Rummel)
Application Type: Conditional Use
Legistar File ID #: 44822
Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Oscar Villareal; Fuegos Steak and Tapas; 904 Williamson Street; Madison, WI 53703

Project Contact: Elizabeth Cwik; BWZ Architects; 100 S. Baldwin St., Ste. 306; Madison, WI 53703

Property Owner: Chuck Chvala; 10 E. Doty St. #507; Madison, WI 53703

Requested Action: Approval of conditional uses for a parking reduction and outdoor eating areas for a restaurant-tavern at 904 Williamson Street.

Proposal Summary: The applicant requests a 28-stall parking reduction in addition to proposing two outdoor eating areas for a restaurant-tavern at 904 Williamson Street. The outdoor eating areas will be located on the patio areas which flank the restaurant.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183], as §28.082 of the Zoning Code lists *Outdoor eating areas associated with food and beverage establishments* as a conditional use in the Traditional Shopping Street (TSS) district and §28.141(5) states that a reduction of more than 20 spaces and 25% or more of the required parking requires conditional use approval. The Supplemental Regulations [MGO §28.151] contain further regulations for *Outdoor eating areas associated with food and beverage establishments*.

Review Required By: Plan Commission (PC).

Summary Recommendation: Subject to input at the public hearing and review of the materials, the Planning Division recommends that the Plan Commission find that the standards are met and approve the proposed conditional uses, subject to the comments and conditions recommended by reviewing agencies. In the alternative, if the Plan Commission cannot find that the conditional use standards are met, the Commission shall list the standard(s) that have not been met and the reasons such standard(s) are not met and place on file those conditional use requests without prejudice.

Background Information

Parcel Location: The 13,000-square-foot property is located on the northeast corner of Williamson and S. Paterson Streets; Third Lake Ridge Local Historic District; Aldermanic District 6 (Ald. Rummel); Madison Metropolitan School District.

Existing Conditions and Land Use: The site is zoned Traditional Shopping Street (TSS) District and is currently developed with a four-story mixed-use building with 25 residential units and roughly 4,400 square feet of commercial space.

Surrounding Land Use and Zoning:

North: Two-story metal office buildings and associated surface parking in the Traditional Shopping Street (TSS) District;

East: Small two-story commercial building in the TSS District;

South: Across Williamson Street to the south, a two-story mixed-use building in the TSS District; and

West: Across Paterson Street to the west, a two-story tavern in the TSS District.

Adopted Land Use Plan: The Comprehensive Plan (2006) recommends Community Mixed-Use for this area. The Marquette-Schenk-Atwood Neighborhood Plan (1994) included this property within the “Williamson Street Downtown Commercial District B”, which the Plan notes should serve downtown workers first and neighborhood consumers second. In this area, businesses should serve the downtown worker, outside patrons, and commuters, while also contributing to the vitality of the neighborhood. The Williamson Street Design Guidelines (2004) recommends such design guidelines as incorporating design features that promote neighborhood interaction and connectivity. To this end, it promotes enlivening the ‘street life’ by adding ‘social’ building features such as ground level amenities and public gathering places.

Zoning Summary: The property is in the Traditional Shopping Street (TSS) District.

Requirements	Required	Proposed
Number Parking Stalls	Multi-family dwelling: 1 per dwelling (25) 176 person capacity Restaurant-tavern (26) Total parking required = 51 stalls	23 enclosed
Accessible Stalls	Yes	Yes
Loading	No	No
Number Bike Parking Stalls	Multi-family dwelling: 1 per unit up to 2-bedrooms (25) 1 guest space per 10 units (2) Restaurant-tavern 9 (36 total)	Garage standard stalls – 24 Interior wall-mount* – 10 Exterior surface - 14 (34) *bicycle racks placed above front of parking stalls are not counted
Landscaping	Yes	Yes
Lighting	Yes	Yes
Other Critical Zoning Items	Historic District (Third Lake Historic District); Barrier Free (ILHR 69); Utility Easements	

Table Prepared by Matt Tucker, 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 several Metro Transit Routes running along Jenifer Street and East Washington Avenue.

Related Reviews and Approvals

Liquor/Beer License - On October 4, 2016, the Common Council, upon recommendation of the Alcohol License Review Committee (ALRC), approved a Class B Combination Liquor & Beer license for the estimated 120-person capacity restaurant (including one outdoor eating area) with the following conditions:

1. Meet the definition of a restaurant per MGO 38.02 at all times.
2. No alcohol sales after 10:00 pm Sunday - Thursday and 11:00 pm Friday - Saturday.
3. Outdoor patio closing time is 9:00 pm Sunday - Thursday and 10:00 pm Friday - Saturday.
4. Outdoor patio capacity of 12.
5. No outdoor music.
6. No amplified music.
7. No 24-hour production of food or use of exhaust hoods.

While the 12-person outdoor eating before the Plan Commission is consistent with the above approval, the larger 16-seat eating area is not. That area and the proposed capacity increases would require further modifications to the liquor license.

Administrative Parking Stall Reduction – A two-stall parking reduction was by the Zoning Administrator when the building was originally approved for construction on 2/2/16, for a 25-unit mixed-use building with 23 parking spaces and no commercial tenant. A 20-stall parking reduction was approved by the Zoning Administrator on 10/31/16, for a 120 person capacity restaurant-tavern in a mixed-use building with 25 dwelling units. With the requested capacity of 176 persons, 51 parking spaces are required for all uses in the building. The Zoning Administrator may waive up to 20 stalls. The current request would be for a 28 stall reduction, which must be approved by the Plan Commission.

Project Description, Analysis, and Conclusion

The applicant, Fuegos Steak & Tapas, LLC, recently established a restaurant-tavern in the ground-floor commercial space of the mixed-use building. This use is permitted under the property's TSS (Traditional Shopping Street district) zoning and the restaurant is currently approved for a capacity of 120-persons. As the applicant now seeks to increase their overall capacity to 176 (allowing for an interior capacity of 148 persons and two outdoor seating areas with capacities of 12 and 16), there are two conditional use requests before the Plan Commission. The first conditional use request is to establish two outdoor eating areas on the property's existing patios. 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.

Outdoor Seating Request

The applicant first seeks to add two outdoor eating areas to an existing restaurant-tavern with intent to serve both food and beverage (including alcoholic beverages) in these areas. The smaller outdoor seating area has a proposed occupancy of 12 people and is roughly 240 square feet in size. It is located along the S. Paterson Street frontage, near the intersection with Williamson Street. While it will be mostly defined by a fence, it will have access both from the restaurant as well as the S. Paterson Street sidewalk. The larger seating area has a proposed occupancy of 16 and is roughly 480 square feet in size. It is located on the patio area on the eastern side of the building, abutting Williamson Street. This seating area will be enclosed on three sides with the tall

planter boxes and have access from both from the restaurant as well as the Williamson Street sidewalk. (Note: the final details of the seating plans and capacities must be approved by the Building Inspection Division prior to occupancy).

The applicant has stated that no live music will be held in the patio areas nor will they have amplified music in the outdoor areas. Regarding the hours of operation of the outdoor patios, the applicant is requesting Monday to Thursday, 11:00 am – 10:00 pm; Friday, 11:00 am – 11:00 pm; Saturday, 9:00 am – 11:00 pm; and Sunday, 9:00 am – 10:00 pm. (These hours and conditions are consistent with the conditions both recommended to the Alcohol License Review Committee (ALRC) by the Marquette Neighborhood Association and eventually approved by the Common Council on October 4, 2016).

Parking Reduction Request

The applicant next requests Conditional Use approval for an automobile parking stall reduction of 28-stalls. This is based on their desired increased capacity (including the two outdoor eating areas) from 120 to 176 persons. In the Traditional Shopping Street (TSS) District, automobile parking is required for restaurant-taverns if located within three hundred feet of another restaurant, restaurant-tavern, tavern, or brewpub. With a proposed total capacity of 176 persons, the Zoning Code requires a minimum of 26 stalls or 15-percent of the total capacity. As noted in the previous section, the Zoning Administrator administratively previously approved a 20-stall reduction.

The below table summarizes the current approval compared to what is currently proposed.

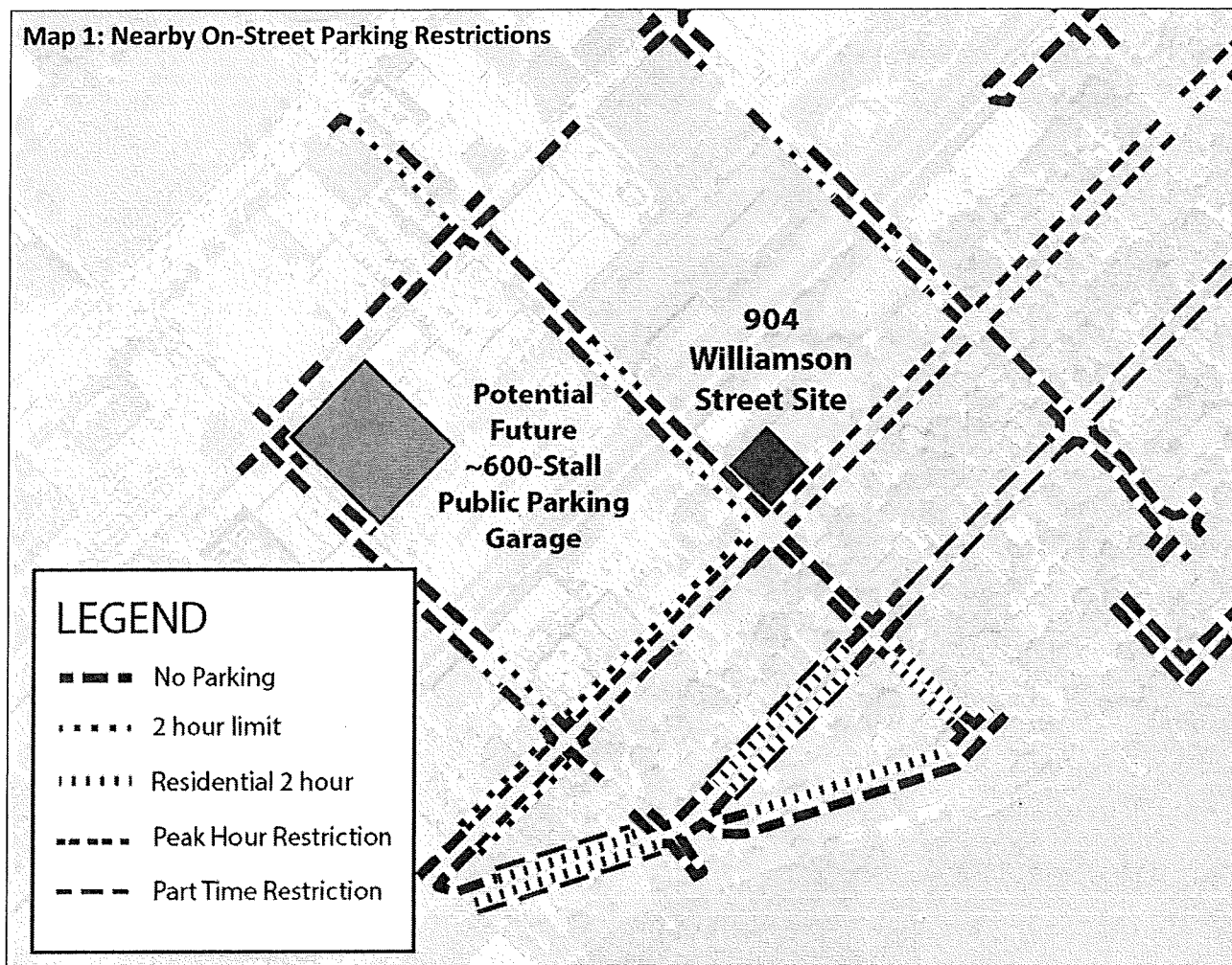
	As Currently Approved (for 25 Dwelling Units & 120-capacity Restaurant-Tavern)		Proposal (for 25 Dwelling Units & a 176-capacity Restaurant-Tavern)	
	Required	Provided	Required	Provided
Number Auto Parking Stalls	Multi-family dwelling: 1 stall per dwelling (25)	23 under-building stalls (2 short of requirement)	Multi-family dwelling: 1 stall per dwelling (25)	23 under-building stalls (2 short of requirement)
	120-capacity Restaurant-Tavern: 15% of capacity of persons (18)	0 stalls (18 short of requirement)	176-capacity Restaurant-Tavern: 15% of capacity of persons (26)	0 Stalls (26 short of requirement)
	43 Total	23 Total Stalls → 20 Stall Administrative Parking Reduction Approved by the Zoning Administrator	51 Total Stalls	23 Total Stalls (28 short of requirement) → 28 Stall Request before the Plan Commission

Staff notes that Conditional Use Standard #10 pertains specifically to parking reduction requests and states:

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 be provided; and whether the proposed use is new or a small addition to an existing use.

In regards to this standard, staff notes several considerations. The subject site is well-served by alternate modes of transportation. The Capital City Bike Trail, one of the City's most heavily-used off-street cycle tracks, is located just to the north of the site. Bicycle parking is provided at several points around the building – two stalls adjacent to the southeast patio and 12 bike stalls adjacent to the southwest corner of the site. All-day Metro service with 30-minute headways in both directions is provided along Jennifer Street, with stops located one block south of the proposed development at the intersection with S. Paterson Street. The schedule of this Metro route matches the closing time of the subject restaurant-tavern.

Staff also notes that there are several areas of restricted street parking in the immediate vicinity.



Staff notes that an 88-stall parking reduction was approved in the subject block for a night club use.

In addition, Conditional Use Standard 10 references residential parking permits. An analysis of the City's Residential Parking Permit Program (RP3) for the neighborhood (i.e. Area 19) from 2013, shows 81 active permits for 97 estimated RP3 spaces. Please see the two RP3 parking maps attached with this report. The Planning Division has contacted the Parking Utility and will provide additional information if available.

As a future consideration, the City's adopted 2016 and 2017 capital budgets include \$13 million to build a 600-stall parking garage to serve the Capitol East District on land currently owned by Madison Gas and Electric at the southeasterly corner of E. Main and S. Livingston streets. The Parking Utility will own and operate the facility. During daytime work hours Monday through Friday, up to 550 of the 600 stalls will be leased to American Family Insurance, owner of The Spark (at 819 E. Washington Avenue), and Gebhardt Development (at 801 E. Washington Avenue) for the employees within these two buildings between the hours of 6:00 AM and 6:00 PM. The remaining 50 stalls (as well as any additional stalls not leased or being used) will be available for hourly public parking for daytime usage on weekdays and will be operated similar to other Parking Utility structures. On evenings after 6:00 PM and on weekends, the Parking Utility will operate the entire structure for hourly and special event parking similar to its downtown structures. Detailed information on the development agreement for The Spark, The Cosmos, and the Capitol East Parking Structure may be found under File [ID 44762](#), which was adopted by the Common Council on November 1, 2016. While the garage's construction has not been finalized and regardless, would not come online for several years, at a distance approximately 0.2-miles away from the subject site, it would provide additional parking in the area.

Public Comment

At the time of report writing, staff has received comments from the Marquette Neighborhood Association stating that their board: (1) supports the restaurant with a seating capacity of 120 (total) but opposes any additional waiver of parking requirements beyond the 20-stall reduction administrative already granted because of parking shortages in the adjacent commercial and residential areas, (2) support only a single outdoor eating area on the east side with seating for 12, which will close an hour before the restaurant, (3) do not support an expansion of the restaurant to a total capacity greater than 160, and (4) request that any change in restaurant ownership require reconsideration of that use by the Plan Commission. A copy of this letter is included in your packet of materials.

Conclusion

The Planning Division believes it is possible for the requests before the Plan Commission to meet the applicable standards, with the conditions recommended in the following section. In regards to the outdoor eating areas, the restrictions on hours, amplified sound, and capacity are anticipated to reduce possible impacts on surrounding properties. In regards to the parking reduction request, the Planning Division believes that there are several factors to be considered. This includes the site's central location of this site which is in close proximity to Madison's Downtown, several Near East neighborhoods, and a major off-street bicycle path. The site also includes the presence of bicycle racks (with additional stalls recommended as a condition of approval). The site is located one block from all-day Metro transit routes. Staff also notes the seasonal nature of some of the excess parking demand, noting that the 28 outdoor seats will likely be utilized in warmer months. Staff also anticipates that the proposed use will be, in part, a neighborhood serving use, which should limit some vehicle trips that may be expected in other locations. As noted in the original staff report for the site's newly-constructed building, along this portion of Williamson Street, it is not at all uncommon for commercial spaces (retailers and

restaurants) to operate without off-street parking. The Planning Division acknowledges the concerns raised in the neighborhood's correspondence and that information should be carefully considered as it relates to the conditional use standards.

Finally, staff notes that the Plan Commission retains continuing jurisdiction on all conditional use requests. Should issues arise, concerns raised, or conditions of approval fail to be met, these items could return to the Plan Commission for further consideration.

Recommendation

Planning Division Recommendation (Contact Chris Wells, 261-9135)

Subject to input at the public hearing and review of the materials, the Planning Division recommends that the Plan Commission find that the standards are met and approve the proposed conditional uses, subject to the comments and conditions recommended by reviewing agencies. In the alternative, if the Plan Commission cannot find that the conditional use standards are met, the Commission shall list the standard(s) that have not been met and the reasons such standard(s) are not met and place on file those conditional use requests without prejudice.

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

Planning Division (Contact Chris Wells, 261-9135)

1. There shall be no amplified sound, including, but not limited to television, ambient music or musical performances, in the outdoor eating area.
2. The hours of operation for the outdoor areas shall be Monday to Thursday, 11:00 am – 10:00 pm; Friday, 11:00 am – 11:00 pm; Saturday, 9:00 am – 11:00 pm; and Sunday, 9:00 am – 10:00 pm.
3. Pending review by the Building Inspection Division, the capacity of the outdoor eating area shall not exceed **12 persons** (as approved by the Alcohol License Review Committee).
4. The applicant shall work with City Staff to provide additional bike parking.
5. The applicant shall update their landscaping plan to show updated bike parking.

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

6. 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.

7. 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.
8. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
9. Secure the outdoor eating area; typically this is accomplished using fencing.

Zoning Administrator (Contact Matt Tucker, 266-4569)

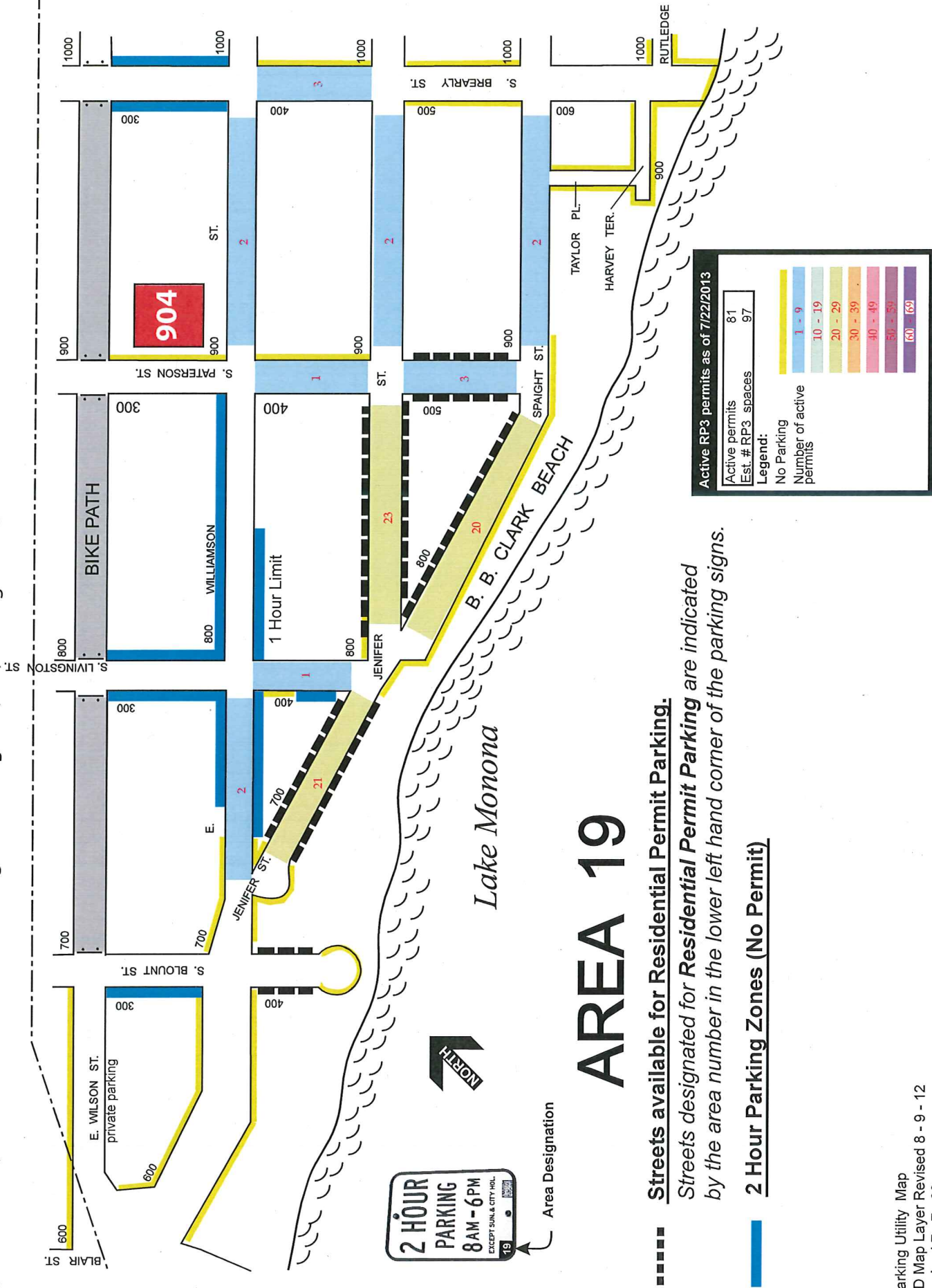
10. Bicycle parking shall comply with Sections 28.141(4)(g) and 28.141(11). A minimum of 25 bicycle stalls are required for the residential use plus 2 guest stalls. A minimum of 90% of the required bicycle parking stalls for the residential use shall be designed as long term stalls, and the remaining 10% may be short-term stall. Guest stalls for the residential use shall be short-term. A minimum of 9 short-term bicycle stalls will be required for the 176 person capacity restaurant-tavern. Although the total number of bike parking stall exceeds the minimum required, the design of all stalls does not meet city code, so bicycle parking reduction likely will be required.
11. Bicycle parking proposed for placement in the public right-of-way will require approval from the City Real Estate section.
12. A site visit has shown that some elements of the approved site and landscape plan have not been implemented, and appear to conflict with the improvements at the site. A revised site and landscape plan showing the final condition at the site shall be submitted and approved before the large capacity outdoor seating area may be used.
13. Per Section 28.142(3) Landscape Plan and Design Standards, submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
14. Exterior lighting provided shall be in accordance with City of Madison General Ordinances Section 10.085. If exterior building lighting is provided, submit an exterior lighting plan and fixture cut sheets with the final plan submittal.
15. 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. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Metro Review (Contact Timothy Sobota, (608) 261-4289)

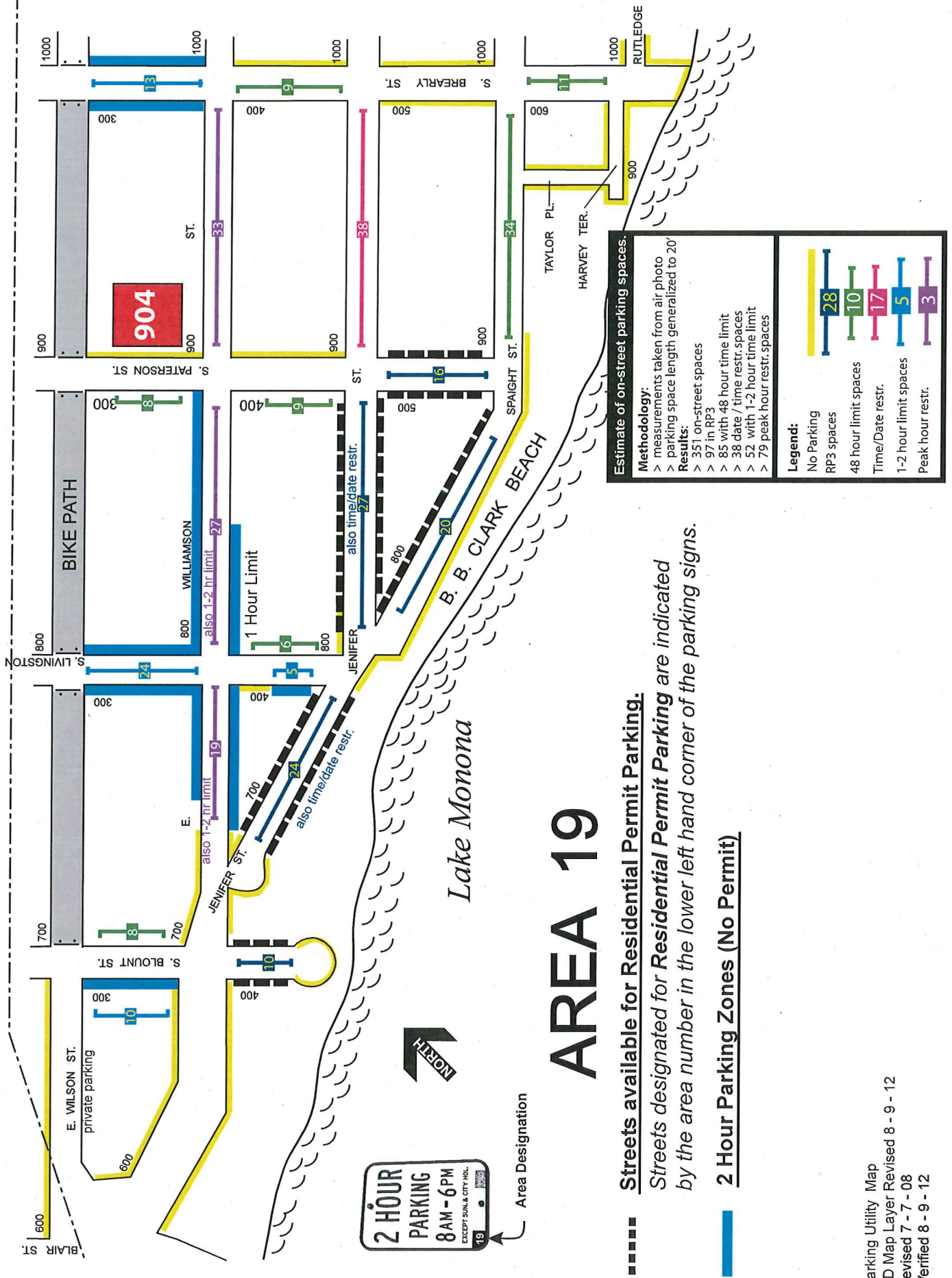
16. Metro Transit operates daily bus trips at least once every 30 minutes in both directions along Jenifer Street, serving bus stops one block south of the proposed development at the S Paterson intersection.

17. The final trips in either direction depart after 11pm on weeknights. On weekend evenings, the last trips depart prior to 10:30pm headed westbound towards downtown and the UW campus, and just before 11pm headed east out the Isthmus.

Map 3: Active City of Madison Residential Parking Permit Program (RP3) Parking Permits



Map 2: Estimated Number of City of Madison Residential Permit Parking (RP3) On-Street Parking Spaces



Parking Utility Map
 PD Map Layer Revised 8 - 9 - 12
 Revised 7 - 7 - 08
 Verified 8 - 9 - 12