



PREPARED FOR THE PLAN COMMISSION

Project Address: 2741 University Avenue (District 5 - Ald. Bidar)
Application Type: Conditional Use
Legistar File ID # [55910](#)
Prepared By: Colin Punt, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant/Contact: Lisa Donmeyer; Lingle Design Group; 158 W. Main St.; Lena, IL 61048
Property Owner: 2741 University Avenue, LLC; 241 N. Broadway #501; Milwaukee, WI 53202

Requested Action: The applicant requests approval of a major alteration to a conditional use to expand an existing outdoor eating area for a restaurant on a property zoned CC-T (Commercial Corridor - Transitional District) per M.G.O §28.067(2), within Urban Design District #6 at 2741 University Avenue.

Proposal Summary: The applicant proposes to expand an existing outdoor eating area for an existing restaurant from 14 occupants to 24 occupants at six tables immediately adjacent to the restaurant storefront as part of a building remodel in UDD #6.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [M.G.O. §28.183] as M.G.O §28.067(2) lists *outdoor eating areas associated with food and beverage establishments* as conditional uses in the Commercial Corridor - Transitional (CC-T) District. The Supplemental Regulations [M.G.O. §28.151] contain further regulations for these uses.

Review Required By: Plan Commission, UDC (Administrative - Secretary's review)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the approval standards for Conditional Uses are met and **approve** the requests to establish an outdoor eating area for a restaurant on a property zoned CC-T (Commercial Corridor - Transitional District) at 2741 University Avenue. These requests are subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The subject site is located on the south side of University Avenue between Farley Avenue and Franklin Avenue. The site is within both Aldermanic District 12 (Ald. Bidar), the Madison Metropolitan School District, and Urban Design District #6.

Existing Conditions and Land Use: The 13,706-square foot (0.31-acre) subject parcel is zoned CC-T and contains one building with two rental bays, both occupied by restaurants. The building and storefronts faces University Avenue to the north. A shared parking lot is immediately west of the building.

Surrounding Land Use and Zoning:

- North:** Across University Avenue and a WSOR railroad, mixed use buildings within the Village of Shorewood Hills;
- East:** A vehicle repair garage zoned Commercial Corridor - Transitional (CC-T) district;
- South:** Four- to sixteen-unit apartment buildings, zoned Traditional Residential-Urban 1 (TR-U1) district; and
- West:** A Madison Water Utility well, zoned CC-T.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) recommends Community Mixed Use for this property. The parcel is not within any special area plans.

Zoning Summary: The project site is currently zoned Commercial Corridor - Transitional (CC-T).

Requirements	Required	Proposed
Front Yard Setback	None	Adequate
Side Yard Setback	None unless needed for access	Existing side yard
Rear Yard Setback	The lesser of 20% of lot depth or 20'	Existing rear yard
Maximum Lot Coverage	85%	Existing lot coverage
Maximum Building Height	5 stories/ 68'	Existing 1-story building

Site Design	Required	Proposed
Number Parking Stalls	Qdoba restaurant: 15% of capacity of persons (12) Existing Wings Over Madison restaurant: (2) (14 total)	20 existing stalls
Accessible Stalls	Yes	1 existing stall (see zoning condition 4)
Loading	None	None
Number Bike Parking Stalls	Qdoba restaurant: 5% of capacity of persons (4) Existing Wings Over Madison restaurant: (1) (5 total)	Existing bike rack (see zoning condition 5)
Landscaping	Not required	Existing landscaping
Lighting	Not required	Existing lighting
Building Forms	Not required	Existing building

Other Critical Zoning Items	Urban Design (UDD #6), Barrier Free (ILHR 69), Wellhead Protection District (WP-06)
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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.

Project Description, Analysis, and Conclusion

The applicant, representing Qdoba Mexican Eats, proposes an interior and exterior remodel of the restaurant at 2741 University Avenue, which includes expanding the existing outdoor eating area. The existing capacity for the Qdoba restaurant interior is 50 and the capacity of the existing approved outdoor seating area is 14 occupants. The applicant's proposal requests increases to 56 interior occupants and 24 exterior occupants at six tables within the expanded outdoor eating area. The outdoor eating area is separated from the University Avenue public sidewalk with landscaping in raised beds. The existing bicycle parking and accessibility ramp to the building are not proposed for changes. Current restaurant hours are daily 10:30 a.m. to 10:30 p.m. The applicant has not included a request for any outdoor music as part of this conditional use approval, and the restaurant does not currently hold an entertainment license. The restaurant has been utilizing the present location of the outdoor eating for some time, though the original conditional use approval was for an outdoor eating area along the east property line, where the bicycle parking is located instead. The applicant intends to remedy these site plan issues with this approval.

This proposal is subject to the standards for Conditional Uses [M.G.O. §28.183] as M.G.O §28.067(2) lists *Outdoor eating areas associated with food and beverage establishments* as conditional uses in the Commercial Corridor - Transitional (CC-T) District. In regards to the approval standards, the Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, and finding that all of the conditional use standards of §28.183(6) M.G.O. are met. This use fits within the commercial portion of the Community Mixed Use recommendation in the Comprehensive Plan. The Planning Division anticipates that if well-managed, the proposed expansion to the outdoor eating area should not result in significant impacts to the surrounding properties, especially in a predominantly commercial area surrounded by other retail, service, and restaurant uses along a major arterial street and somewhat separated from residential areas. Staff is unaware of any previous issues with the existing outdoor eating area.

M.G.O. 28.151 contains further regulations for outdoor eating areas associated with food and beverage establishments. First, primary access to the area shall be from within the establishment. According to the site plan provided, Staff believes that this requirement has been fulfilled. Second, hours of operation may be restricted and noise and lighting limits imposed as part of the approval. Because of the commercial surroundings and location on the lot in reference to the building, Planning Staff is not proposing hours of operation more restrictive than those of the restaurant provided by the applicant. Lastly, where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the neighborhood. Staff does not believe that the applicant needs to provide additional site improvements to mitigate the impacts on surrounding properties other than those already in place or shown on the submitted site plan, which includes a fence on the east property line.

Staff believes that the outdoor eating area associated with the restaurant can be found to meet the Conditional Use Approval Standards and recommends that it be approved by the Plan Commission. At the time of report writing, Staff is unaware of any comments from the public. If approved, 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).

Recommendation

Planning Division Recommendation (Contact Colin Punt, (608) 243-0455)

The Planning Division recommends that the Plan Commission find that the approval standards for Conditional Uses are met and **approve** the request to expand an outdoor eating area for a restaurant on a property zoned CC-T (Commercial Corridor - Transitional District) at 2741 University Avenue. These requests are 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 Colin Punt, (608) 243-0455)

1. There shall be no amplified sound, including, but not limited to television, ambient music or musical performances, in the outdoor eating areas located at the restaurant addressed 2741 University Avenue.
2. The capacity of the outdoor eating area located in front of the tenant space addressed as 2741 University Avenue shall not exceed 24 persons (note: the final details of the seating plan and capacity to be approved by the Building Inspection Unit). Future modifications to the capacity of the outdoor eating area may be considered as a minor alteration of the conditional use following a recommendation by the district alder and approval from the Building Inspection Unit.
3. The hours of operation for the outdoor eating area located in front of the tenant space addressed as 2741 University Avenue shall be 10:30 a.m. – 10:30 p.m. Future modifications to the hours of operation of the outdoor eating area may be considered as a minor alteration of the conditional use following a recommendation by the District Alder.

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

4. Parking requirements for persons with disabilities must comply with Section 28.141(4)(e). Final plans shall show the required van accessible stall and access aisle with the dimensions. A van accessible stall is a minimum of 8 feet wide with an 8 foot wide striped access aisle. Show the required signage at the head of the stall.
5. Bicycle parking shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of five (5) short-term bicycle parking stalls and show the dimensions of the bicycle stalls and access aisle on the site plan. A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Note that the existing fence style of bike rack does not meet City of Madison requirements nor is it consistent with the approved 2008 plan. Provide a detail of the proposed bike rack to be installed.
6. 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.
7. 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.

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

8. 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; vision triangles; 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.
9. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

City Engineering Division – Mapping Section (Contact Jeff Quamme, (608) 266-4097)

10. The site plan shall show, dimension and label the Public Sidewalk Easement along University Ave per Document No. 3422100.