



PREPARED FOR THE PLAN COMMISSION

Project Address: 1133 Williamson Street (District 6 – Ald. Rummel)

Application Type: Conditional Use

Legistar File ID # [57983](#)

Prepared By: Sydney Prusak, Planning Division
Report Includes Comments from other City Agencies, as noted

Reviewed By: Kevin Firchow, AICP, Planning Division

Summary

Applicant, Contact, & Property Owner: WenXin Chen; Tokyo Sushi & Poke LLC; 513 S Brooks Street; Madison, WI 53715

Requested Action: The applicant requests approval of a conditional use to establish an outdoor eating area for a restaurant-tavern on a property zoned TSS (Traditional Shopping Street) and HIS-TL (Historic Third Lake Ridge) District at 1133 Williamson Street.

Proposal Summary: The applicant proposes to establish an outdoor eating area for a restaurant-tavern.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183] as MGO §28.061 lists *outdoor eating areas associated with food and beverage establishments* as a conditional use in the TSS (Traditional Shopping Street) Zoning District and HIS-TL (Historic Third Lake Ridge) District. The Supplemental Regulations [MGO §28.151] contain further regulations for these uses.

Review Required By: Plan Commission. The City’s Preservation Planner administratively reviewed this request on behalf of the Landmarks Commission.

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the approval standards for conditional uses are met and **approve** the request to establish an outdoor eating area for a restaurant-tavern on a property zoned TSS (Traditional Shopping Street) and HIS-TL (Historic Third Lake Ridge) District at 1133 Williamson. These requests are subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 4,356-square-foot (0.1-acre) subject site is located on the east side of Williamson Street between S Ingersoll Street and S Few Street. The site is within both Aldermanic District 6 (Ald. Rummel) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject parcel contains a two-story, 3,221-square-foot commercial building. According to City Assessor records, the building was originally constructed in 1894 and contains 1,198 square-feet of restaurant space on the first floor, and 1,198 square-feet of office space above.

Surrounding Land Use and Zoning:

Northeast: A mix of single-family, two-family, and multi-family residences, zoned TR-V2 (Traditional Residential – Varied 2) and HIS-TL (Historic Third Lake Ridge) District;

- Southeast:** A mix of single-family, two-family, and three-unit residences, zoned TR-C4 (Traditional Residential – Consistent 4) and HIS-TL District;
- Southwest:** A mix of single-family and two-family residences zoned TR-V2 and HIS-TL District; and
- Northwest:** An auto service station, zoned TSS (Traditional Shopping Street) and HIS-TL District.

Adopted Land Use Plan: There are multiple adopted plans for the subject site and surrounding area. First, the [Comprehensive Plan \(2018\)](#) recommends Low Medium Residential (LMR) for the subject property. Second, the [Williamson Street BUILD Plan \(2004\)](#), which provides design guidelines for renovations, repairs, demolition, and new construction along Williamson Street, makes no reference to outdoor eating areas in terms of its design standards. Third, the [Marquette Neighborhood Center Master Plan \(2000\)](#) makes no specific recommendations for the subject site, but aims to maintain a “funky, eclectic” mix of businesses – an aesthetic character defined by local residents and business owners. Lastly, the [Marquette-Schenk-Atwood Neighborhood Plan \(1994\)](#) includes the subject property within the neighborhood shopping district. According to that plan, the first priority for this area is to recruit business that serve the neighborhood customer.

Zoning Summary: The project site is currently zoned Traditional Shopping Street (TSS) and HIS-TL (Historic Third Lake Ridge) District.

Requirements	Required	Proposed
Front Yard Setback	None	16.3'
Side Yard Setback: Where buildings abut residentially zoned lots at side lot line	Minimum side yard required in the adjacent residential district: TR-V2 (3.3')	2.0' existing side yard
Rear Yard Setback	The lesser of 20% of lot depth or 20'	49.7'
Maximum Lot Coverage	85%	Exceeds 85% (9)
Maximum Building Height	3 stories/ 40'	2-story existing building

Requirements	Required	Proposed
Number Parking Stalls	Restaurant-tavern: 15% of capacity of persons (7)	3 (12)
Accessible Stalls	Yes	1
Loading	Not required	None
Number Bike Parking Stalls	Restaurant-tavern: 5% of capacity of persons (2)	None (10)(11)
Landscaping and Screening	Not required	Existing landscaping (13)
Lighting	Not required	Existing lighting
Building Forms	Not required	Existing building
Other Critical Zoning Items	Historic District (HIS-TL); 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.

Project Description

The applicant, Tokyo Sushi, proposes to establish an outdoor eating area to serve their restaurant-tavern. A restaurant-tavern is a permitted use in the TSS (Traditional Shopping Street) Zoning District, however an *outdoor eating area associated with a food and beverage establishment* is a conditional use in the TSS District.

As proposed, the outdoor eating area will be located immediately adjacent to the restaurant-tavern fronting onto Williamson Street. The proposed site plan depicts five tables, with seating for ten people. According to the letter of intent, no music will be played in the patio area. Proposed hours of operation are 11:00 a.m. to 2:30 p.m. and again from 4:00 p.m. to 9:30 p.m. Sunday through Thursday and 11:00 a.m. to 10:00 p.m. on Fridays and Saturdays. The patio area will be fenced in by a small existing railing. While the building contains a second floor office space, the applicant does not plan to utilize that space as part of the restaurant-tavern at this time.

Project Analysis and Conclusion

Conditional Use Standards

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 MGO §28.183(6) are met.

Staff believes that the proposed use is generally compatible with the [Comprehensive Plan \(2018\)](#), which recommends Low Medium Residential (LMR) for the subject site. While the proposal is not a residential use, the subject site has commercial zoning (Traditional Shopping Street District) and a history of commercial uses, including previous restaurant tenants. Furthermore, the residential character of the existing building is still intact, which may allow the space to transition to a residential or mixed-use building in the future.

Furthermore, Conditional Use Standard #3 states, "The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner." Given the fact that there are residential properties directly adjacent to the proposed outdoor eating area, staff recommends a condition of approval limiting the hours of operation for the outdoor space to 9:30 p.m. Sunday through Thursday and 10:00 p.m. Friday and Saturday, as proposed by the applicant. This is less restrictive than the requested hours of operation from the Neighborhood Association, but is consistent with other patios for restaurants of similar size in the area. The Director of the Planning Division may consider a minor alteration to the conditional use in the future to further modify the hours of operation for the outdoor eating area following a recommendation by the District Alder. With this condition of approval, and the fact that no outdoor amplified sound is proposed, the Planning Division believes that the Conditional Use Standards can be found met.

Lastly, according to Table 28D-2 in MGO §28.061, *outdoor eating areas associated with food and beverage establishments* must adhere to the Supplemental Regulations found in MGO §28.151. Staff believes the Supplemental Regulations can be found met. The Supplemental Regulations for outdoor eating areas state that, "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 character of the neighborhood." Given that the patio abuts Williamson Street, a busy pedestrian and vehicular street, and is directly across from an auto service station, the Planning Division believes that the proposed patio, including the fencing surrounding the area, fulfils this supplemental requirement.

Public Input

At the time of report writing, staff received a letter of support from the Marquette Neighborhood Association. That letter is included in the Plan Commission materials.

Conclusion

Staff believes that the proposed outdoor eating area can be found to meet the Conditional Use Approval Standards and recommends that it be approved by the Plan Commission, subject to input at the public hearing and comments from reviewing agencies.

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 §28.183(9)(d). At the time of report writing, staff was not aware of any concerns on this request.

Recommendation

Planning Division Recommendation (Contact Sydney Prusak, (608) 243-0554)

The Planning Division recommends that the Plan Commission find that the approval standards for Conditional Uses are met and **approve** the request to establish an outdoor eating area for a restaurant-tavern a property zoned TSS (Traditional Shopping Street) and HIS-TL (Historic Third Lake Ridge) District at 1133 Williamson Street. 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 Sydney Prusak, (608) 243-0554)

1. No outdoor amplified sound (from music, televisions, etc.) or live musical performance shall be allowed in the outdoor eating area.
2. The outdoor eating area shall close at 9:30 p.m. Sunday through Thursday and at 10:00 p.m. on Friday and Saturday. In the future, the Director of the Planning Division may consider a minor alteration to the conditional use, upon a favorable recommendation of the District Alder, as allowed in MGO §28.183(8) to further modify the hours of operation for the outdoor eating area.
3. Submit a final patio plan depicting the exact number of tables and chairs in keeping with the ALRC approval.

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

4. 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.
5. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

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

6. This is a 2 story building. Clarify if the second floor part of the restaurant is for eating or for storage. Or, is it an apartment or an office? Clarify its use.
7. Submit a Floor Plan in PDF format to Lori Zenchenko (lzenchenko@cityofmadison.com) that includes a floor plan for each floor on a separate sheet for the development of a complete interior addressing plan. The Addressing Plan for the entire project shall be finalized and approved by Engineering (with consultation and consent from the Fire Marshal if needed) prior to the application submittal for the final Site Plan Approval with Zoning. The approved Addressing Plan shall be included in the final application.
8. For any changes pertaining to the location, deletion or addition of a unit, or to the location of a unit entrance, (before, during, or after construction), a revised Address Plan shall be resubmitted to Lori Zenchenko to review addresses that may need to be changed and/or reapproved. The final revised Addressing Plan shall be submitted by the applicant to Zoning to be attached to the final filed approved site plans.

Zoning (Contact Jenny Kirchgatter, (608) 266-4429)

9. Provide a calculation and plan detail for lot coverage with the final submittal. The lot coverage maximum is 85%. Lot coverage is defined as the total area of all buildings, measured at grade, all accessory structures including patios, etc., and all paved areas as a percentage of the total area of the lot, with the following exceptions: sidewalks or paved paths no wider than five (5) feet, pervious pavement, green roofs and decks. If the existing site currently exceeds 85% maximum lot coverage, proposed site improvements may not further increase lot coverage above the maximum.

10. Bicycle parking for the restaurant-tavern and outdoor eating area shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of two (2) short-term bicycle parking stalls located in a convenient and visible area on a paved or pervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance. Note: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Provide a detail of the proposed bike rack.
11. If the owner desires to reduce the amount of required bicycle parking, the owner must obtain approval of a bicycle parking reduction from the Zoning Administrator. In order to obtain a bicycle parking reduction, the owner shall submit the Parking Adjustment application for a bicycle parking reduction with supporting information. Factors to be considered by the Zoning Administrator include but are not limited to: availability, proximity, and use characteristics of public bike parking in the public right of way within two hundred (200) feet of the subject property; existing or potential shared parking agreements; proximity to transit routes and/or multi-use paths; characteristics of the use, including hours of operation and peak parking demand times; design and maintenance of off-street bicycle parking, and whether the use is existing or is an addition to an existing use.
12. Vehicle parking is required for the restaurant-tavern at a minimum amount of 15% of capacity of persons (7 vehicle parking stalls). Three (3) parking stalls are provided. For non-residential uses, the applicant may reduce the parking requirement by the greater of (5) parking spaces or ten percent (10%) of the required parking. Submit a Parking Adjustment application form to document the reduction in vehicle parking.
13. Show the refuse disposal area on the site plan. All developments, except single family and two family

developments, shall provide a refuse disposal area. If the refuse disposal area is located outside the building, it shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet. Submit a detail of the trash enclosure if provided outside the building.

14. 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.
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.