

PLANNING DIVISION STAFF REPORT

April 13, 2020



PREPARED FOR THE PLAN COMMISSION

Project Address: 110 King Street (District 4 – Ald. Verveer)
Application Type: Conditional Use
Legistar File ID # [59686](#)
Prepared By: Sydney Prusak, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Contact: Tom Dufek; Plain Spoke Cocktail Company; 1415 Diamond Court; Sun Prairie, WI 53590

Property Owner: Joe Reinardy; 4102 Paunack Avenue; Madison, WI 53711

Requested Action: The applicant requests approval of a conditional use to allow a tasting room within a mixed-use building on a property zoned Downtown Core (DC) District and Wellhead Protection District 17 (WP-17) at 110 King Street.

Proposal Summary: The applicant proposes to establish a tasting room in a second floor tenant space within an existing mixed-use building. The brewpub located on the first floor is a permitted use in the Downtown Core (DC) Zoning District and is not associated with this request. No exterior changes are proposed with this application.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183] as MGO §28.072 lists *tasting rooms* as a conditional use in the Downtown Core (DC) Zoning District.

Review Required By: Plan Commission. The Urban Design Commission (UDC) Secretary administratively reviewed this request on behalf of the UDC.

Summary Recommendation: The Planning Division recommends that the Plan Commission find the standards met and **approve** the request to allow a tasting room on a property zoned Downtown Core (DC) District and Wellhead Protection District 17 (WP-17) at 110 King Street. This request is 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 north side of King Street between E Main Street/S Pinckney Street and E Doty Street/S Webster Street. The site is within Aldermanic District 4 (Ald. Verveer) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The existing 3,545 square-foot (approximately 0.08-acre) subject site contains one 7,453 square-foot, two-story mixed-use building, contains a brewpub (under construction) and office users. In concurrence with this land use application, the property owner also submitted a Certified Survey Map for review and approval in order to combine the existing lot and the lot directly adjacent to the east. The new parcel will be 7,756 square feet (approximately 0.18 acres) and will contain two mixed-use buildings separated by a party wall agreement.

Surrounding Land Use and Zoning:

- North:** Mixed-use buildings containing restaurant, tavern, and office users, zoned Downtown Core (DC), HIST-L (Designated Landmark), and Wellhead Protection District 17 (WP-17);
- East:** A three story mixed-use building, with surface parking lot beyond, zoned DC and WP-17;
- South:** A variety of food and beverage and entertainment establishments and office users, zoned DC, HIST-L, WP-17, and Planned Development (PD); and
- West:** A variety of food and beverage establishments and office users, zoned DC, HIST-L, and WP-17.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) recommends Downtown Core (DC) for the subject property and references the [Downtown Plan \(2012\)](#) for further detail. According to the [Downtown Plan \(2012\)](#), the Downtown Core is the “nucleus of Downtown and accommodates a wide variety of office, employment, retail, government, and other uses in larger-scale buildings that comprise the most densely developed part of the city.”

Zoning Summary: The project site is currently zoned Downtown Core (DC).

Requirements	Required	Proposed
Lot Area (sq. ft.)	None	3,545 sq. ft.
Front Yard Setback	None	Existing
Max. Front Yard Setback	5 ft.	Existing
Side Yard Setback	None	Existing
Rear Yard Setback	None	Existing
Minimum Building Height	2 stories	Existing
Maximum Building Height	6 stories	Existing

Site Design	Required	Proposed
Number Parking Stalls	None	None
Accessible Stalls	None	None
Loading	Not required	None
Number Bike Parking Stalls	5% of capacity (99) = 5	None (2)
Landscaping	Yes	Existing
Lighting	No	No
Building Forms	N/A	N/A

Other Critical Zoning Items	Urban Design (Downtown Core); Wellhead Protection District
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Table Prepared by Jacob Moskowitz, 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, Plain Spoke Cocktail Company, proposes to convert a second floor tenant space of an existing mixed-use building into a tasting room for cocktails produced off site. The tasting room will also sell limited packaged offerings available for consumption off premise. According to the submitted materials, the tasting room will occupy 1,877 square-feet and will have a capacity of 99 persons. In regards to access, there is a stairwell

leading to the second floor tasting room off King Street, with the ADA accessible entrance and elevator located in the rear of the building, off Webster Street. The brewpub located on the first floor of the building is a separate entity and is not part of this land use application. According to MGO §28.072, *brewpubs* are a permitted use in the Downtown Core (DC) Zoning District.

According to the letter of intent, the tasting room will be open from 4:00 p.m. to 11:00 p.m. Wednesday through Thursday, 11:00 a.m. to 12:00 a.m. Friday and Saturday, and 11:00 a.m. to 9:00 p.m. on Sundays. The tasting room will employ seven full time employees and four part time employees.

This proposal is subject to the standards for Conditional Uses [MGO §28.183] as MGO §28.072 lists *tasting rooms* as a conditional use in the Downtown Core (DC) Zoning 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 MGO §28.183(6) are met.

In regards to the adopted plans, staff believes that this proposal is consistent with the Downtown Core (DC) recommendations in both the [Comprehensive Plan \(2018\)](#) and [Downtown Plan \(2012\)](#). Recommendations and priorities for the DC include, "encouraging non-residential uses, focusing on retail, cultural, and entertainment uses on the first floor of street frontages around the square" and that "the continued expansion of a mix of uses, such as employment, retail, entertainment, cultural, and residential, will help ensure that the DC remains a popular destination beyond normal business hours." The Planning Division believes that the proposed tasting room is generally compatible with these recommendations and will serve a variety of Downtown residents and visitors. While the tasting room will be located on the second floor of the building, staff believes the proposal enhances non-residential uses downtown.

Furthermore, the Planning Division believes that the Conditional Use Approval Standards can be found met. Staff does not believe that establishing a tasting room in the DC will impede normal and orderly development in the area, nor will it diminish the uses, values, and enjoyment of the surrounding property for uses permitted in the district. Staff notes the varied pattern of downtown development and the variety of food and beverage establishments in the immediate vicinity.

Conclusion

Staff believes that the proposed tasting room 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 allow a tasting room on a property zoned Downtown Core (DC) District

and Wellhead Protection District 17 (WP-17) at 110 King 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

Fire Department (Contact Bill Sullivan, (608) 261-9658)

1. Provide fire sprinkler protection in the second floor tasting room (A-2 Assembly) tenant space.

Zoning (Contact Jacob Moskowitz, (608) 266-4560)

2. A vehicle parking reduction will be required per Section 28.141(5). Submit a request for a parking reduction with the final plan submittal including information to support the argument for reducing the required number of spaces.

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

3. The address of the bar tasting room is 110 King St Suite 205. The address of the event room is 110 King St Suite 204. The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.
4. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD), the new parcel data created by the Assessor's Office and the parcel data available to zoning and building inspection staff prior to issuance of building permits for new construction.

Water Utility (Contact Jeff Belshaw, (608) 261-9835)

5. The proposed development may require the installation of a fire protection/automatic sprinkler system (see also Madison Fire Department review comments); subsequently, a higher capacity water service lateral may be required to meet required flow rates. If a new water service will be required, contact Madison Water Utility Engineering Section to evaluate service connection options, confirmation of water meter size, or any applicable customer account revisions.