



PREPARED FOR THE PLAN COMMISSION

Project Address: 2302 Packers Avenue (12th Aldermanic District, Ald. Abbas)
Application Type: Conditional Use
Legistar File ID #: [65479](#)
Prepared By: Colin Punt, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Chris Warren; Villa Tap; 2302 Packers Ave; Madison, WI 53704

Contact: Reese Railling; 1902 Melrose St; Madison, WI 53703

Requested Action: Approval of a Conditional Use to establish an outdoor eating area at an existing restaurant-tavern in the Commercial Corridor - Transitional zoning district at 2302 Packers Avenue per M.G.O. §28.084(2).

Proposal Summary: The applicant seeks approval of an outdoor eating area at an existing restaurant-tavern.

Applicable Regulations & Standards: This proposal is subject to the standards for conditional uses, M.G.O. §28.183(6).

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the request to establish an outdoor eating area at an existing restaurant-tavern at 2302 Packers Avenue. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Background Information

Parcel Location: The subject site is a 17,734 square-foot parcel located northwest corner of the intersection of Packers Avenue and Melrose Street, approximately one block north of International Lane. It is within Aldermanic District 12 (Abbas) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The site, zoned CC-T (Commercial Corridor - Transitional District), is occupied by a 3,339-square foot tavern building originally constructed in 1930, with an addition from 1965. A surface parking lot occupies the western two-thirds of the lot.

Surrounding Land Uses and Zoning:

North: A single-story commercial and warehouse building zoned CC-T (Commercial Corridor – Transitional District);

West: Single-family residences zoned SR-C2 (Suburban Residential – Consistent 2 District);

South: Across Melrose Street, single-family residences zoned SR-C2; and

East: Across Packers Avenue, a railroad corridor, with Dane County Airport buildings beyond, zoned SE (Suburban Employment District).

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) recommends MR (Medium Residential) for the site. The [Northport Warner Park Sherman Neighborhood Plan](#) (2009) does not place this site within any of the targeted redevelopment areas.

Zoning Summary: The subject property is zoned CC-T (Commercial Corridor - Transitional District):

Requirements	Required	Proposed
Lot Area (sq. ft.)	None	17,734
Lot Width	None	140 ft
Front Yard Setback	5 ft	Existing, no change
Side Yard Setback	5 ft	Existing, no change
Rear Yard Setback	20 ft	Existing, no change
Maximum Lot Coverage	85%	Existing, no change
Maximum Building Height	5 stories/68 ft	Existing, no change
Lot Area (sq. ft.)	None	17,734
Lot Width	None	140 ft

Site Design	Required	Proposed
Number Parking Stalls	15	19
Accessible Stalls	1	0 (see Zoning Comment 2)
Loading	No	No
Number Bike Parking Stalls	5	0 (see Zoning Comment 3)
Landscaping	Yes	Existing, no change
Lighting	No	No (see Zoning Comment 4)
Building Forms	Yes	Existing, no change
Other Critical Zoning Items:	Utility Easements	

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, representing Villa Tap, requests conditional use approval to create an outdoor eating area in the parking lot behind the Villa Tap building. The proposed outdoor eating area would replace four existing vehicle parking stalls, utilizing an area approximately 16 feet deep and 36 feet wide (576 square feet). The applicant intends to seat up to 24 patrons at six tables within this area. Hours of operation for the outdoor eating area are proposed to be 11 a.m. to 10 p.m. from Monday through Saturday. The applicant also proposes to enclose the outdoor eating area with a three-foot tall fence and concrete parking curbs. Entrance and exit to the eating area are to the east, adjacent to the building. The applicant intends to provide amplified music for the eating area, but does not propose changes to the existing exterior lighting. According to the applicant, a seven-foot privacy fence was recently installed along the rear (west) property line from the northwest corner to a point approximately 15 feet from the sidewalk and southwest corner of the property. The applicant intends to begin the use in July 2021, as soon as all necessary approvals have been obtained.

Adopted Plan Recommendations

The [Comprehensive Plan](#) (2018) recommends MR (Medium Residential); which generally includes larger multifamily buildings or multifamily complexes, sometimes interspersed with other smaller housing types, with heights in the range of two to five stories and general density ranges of 20 to 90 dwelling units per acre; for the site. The [Northport Warner Park Sherman Neighborhood Plan](#) (2009) does not place this site within any of the targeted redevelopment areas, but identifies it as a "commercial-mixed use" area and recommends upgrades to exterior building facade and parking lot landscaping within the Packers Avenue corridor.

Conditional Use Standards

In regards to conditional use approval standards, the Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of §28.183(6) M.G.O. are met. Staff advises the Plan Commission that in evaluating the conditional use standards, State law requires that conditional use findings must be based on "substantial evidence" that directly pertains to each standard and not based on personal preference or speculation. Outdoor eating areas are often accompanied by light and noise, which are sometimes called out in reference to conditional use approval standard 1, related to the detriment or endangerment of public health, safety, and welfare, and standard 3, regarding impairment or diminishment of uses, values, and enjoyment of other property in the neighborhood. In this specific instance, there are single-family residences immediately adjacent to the parking lot where the outdoor eating area is proposed. However, a seven-foot privacy fence has been installed along the rear (west) property line adjacent to the houses and extends from the northwest corner of the property to the southeast corner of the parking lot, approximately 15 feet from the sidewalk. Further, the outdoor eating area is proposed to be located adjacent to the bar building, as far from the nearby residences as possible. Because the seating area will be at least 80 feet from the nearest residence, and the property abuts a 6-lane roadway urban roadway, staff some amplified outdoor music is appropriate and will not have significant negative impacts on the surrounding uses. With a restriction on the hours during which music can be provided for the outdoor eating area, staff believes that the conditional use standards of approval can be met.

Conclusion

Staff believes that the existing privacy fence, the location of the outdoor eating area as far away from the nearby residential uses as possible, and the recommended conditions of approval, the Plan Commission can find the applicable conditional use standards of approval to be met and approve the conditional use request. Staff notes that as a conditional use, the Plan Commission retains "continuing jurisdiction" to review and resolve complaints that may arise on the operation of the conditional use.

At time of report writing, staff has received several public comments in support of the request, which have been attached to the Plan Commission packet of materials.

Recommendation

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

The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the request to establish an outdoor eating area at an existing restaurant-tavern at 2302 Packers Avenue. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

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

1. Any outdoor amplified music shall cease by 8 p.m.

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

2. Parking requirements for persons with disabilities must comply with Section 28.141(4)(e). Final plans shall show the required van accessible stall. 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 stalls.
3. Bicycle parking for the project shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of 5 short-term bicycle parking stalls located in a convenient and visible area on a paved or impervious 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 two (2) feet by six (6) feet with a five (5) foot wide access area. Provide a detail of the proposed bike rack.
4. Lighting is not required. However, if it is provided, it must comply with City of Madison General Ordinances Section 10.085 outdoor lighting standards.
5. 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.
6. If you have a license to sell alcohol in an outdoor eating area, the Alcohol License Review Committee will establish conditions for operation, which involve fencing, security guards, toilet facilities, litter, etc. All businesses that sell alcohol must comply with the requirements imposed by the Alcohol License Review Committee at the time of issuance of your original application to expand or change your licensed premises to include the outdoor eating area. It is your responsibility to have the outdoor service area added to your licensed premise. Please contact the City Clerk's office for assistance ALRC issues.

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

7. Secure parking facility from outdoor eating area. This is usually done with continuous six (6) inch curb, timbers, preformed wheel stops, guardrail erected at a height of eighteen (18) inches or fencing of sufficient strength to act as a vehicle bumper.
8. All parking facility design shall conform to M.G.O. standards, as set in section 10.08(6).

Fire Department (Contact Bill Sullivan, (608) 886-4691)

9. There shall not be any fencing between the building and the proposed seating area. All exiting out of the building shall be fully functional, not obstructed, and have a clear path maintained to meet all exiting requirements.

The City Engineering Division Main Office, City Engineering Division - Mapping Section, Parks Division, Forestry Section, Water Utility, and Metro Transit have reviewed this request and have recommended no conditions of approval