



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 809 Williamson Street  
**Application Type:** Conditional Use  
**Legistar File ID #** [65476](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted.

**Summary**

**Applicant:** Rajan Pradah; 351 West Wilson Street #148; Madison.

**Contact Person:** James McFadden, McFadden & Company; 380 W Washington Avenue; Madison.

**Property Owner (per City records):** Cyborg, LLC; 809 Williamson Street; Madison.

**Requested Action:** Consideration of a conditional use in the Traditional Shopping Street (TSS) District for an outdoor eating area for a restaurant-tavern at 809 Williamson Street.

**Proposal Summary:** The applicant is requesting approval of a conditional use for an outdoor eating area for a restaurant-tavern to be located in a complex of buildings on the subject parcel. Completion and occupancy of the outdoor eating area will begin as soon as all regulatory approvals have been granted and the conditions of approval have been met.

**Applicable Regulations & Standards:** Table 28D-2 in Section 28.061(1) of the Zoning Code identifies outdoor eating areas for restaurants and taverns as conditional uses in the TSS (Traditional Shopping Street) zoning district. Section 28.183 provides the process and standards for the approval of conditional use permits.

**Review Required By:** Plan Commission

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use for an outdoor eating area for a restaurant-tavern located at 809 Williamson Street subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

**Background Information**

**Parcel Location:** An approximately 8,712 square-foot parcel located on the southeasterly side of Williamson Street, about 50 feet east of S Livingston Street; Third Lake Ridge Historic District; Aldermanic District 6 (Benford); Madison Metropolitan School District.

**Existing Conditions and Land Use:** The property is developed with a complex of four buildings, zoned TSS (Traditional Shopping Street District): 805 Williamson Street is a two-story building that contains a 15-seat restaurant on the first floor and a one-bedroom apartment above; 807 Williamson is a one-story building used as an apartment/office; the primary structure at 809 Williamson is a tall one-story 1,330 square-foot concrete block multi-purpose commercial building with an attached 630 square-foot accessory building.

**Surrounding Land Uses and Zoning:**

North: Livingston Condominiums mixed-use development and Williamson Place Apartments, zoned PD;

South: Single-family and multi-family residences along Jenifer Street, zoned TR-V1 (Traditional Residential–Varied 1 District) and TR-V2 (Traditional Residential–Varied 2 District);

West: Three-story mixed-use building and multi-family residential building, zoned TSS (Traditional Shopping Street District);

East: Existing and future mixed-use and multi-family residential buildings along Williamson Street, zoned TSS.

**Adopted Land Use Plan:** The 2018 Comprehensive Plan recommends the subject site and neighboring properties on the southerly side of Williamson Street for Neighborhood Mixed-Use (NMU). Properties in the 800-block of Jenifer Street to the southeast are recommended for Low-Medium Residential (LMR). Adopted neighborhood plans have no specific recommendations pertaining to the request.

**Zoning Summary:** The site is zoned TSS (Traditional Shopping Street District):

Requirements	Required	Proposed
Front Yard	0’ or 5’	Existing front yard
Side Yards	None unless needed for access	Existing side yard
Rear Yard	The lesser of 20% of lot depth or 20’	Existing rear yard
Maximum Lot Coverage	85%	Less than 85%
Maximum Building Height	3 stories / 40’	Existing; no change proposed
Auto Parking (Restaurant-tavern)	15% of capacity (14)	2 (See Zoning conditions)
Accessible Parking	Yes	TBD
Bike Parking (Restaurant-tavern)	<b>Restaurant-tavern:</b> 5% of capacity (5); <b>Office:</b> 1 per 2,000 sq. ft. floor area (1); <b>Multi-family dwelling:</b> 1 per unit up to 2-bedrooms, half-space per add. bedroom (1) (7 total)	13
Loading	None	0
Building Forms	Flex Building	Existing; no change proposed
<b>Other Critical Zoning Items</b>		
Yes:	Barrier Free, Landmarks (Third Lake Ridge Hist. Dist.), Utility Easements	
No:	Urban Design, Floodplain, Wetlands, Wellhead Protection, Adjacent to Park	
<i>Prepared by: Jenny Kirchgatter, Assistant Zoning Administrator</i>		

**Environmental Corridor Status:** The property is not located in a mapped environmental corridor.

**Public Utilities and Services:** The site is served by a full range of urban services, including Metro Transit, which runs nearby on Williamson and Jenifer streets and E Washington Avenue.

**Previous Approval**

On November 5, 2012, the Plan Commission approved conditional uses for a parking reduction and an outdoor eating area to serve a restaurant located at the rear of 809 Williamson Street subject to conditions (ID [27595](#)).

The conditional use was not established or maintained according to the requirements for same in the Zoning Code and expired, requiring that a new conditional use be approved to allow the proposed outdoor eating area.

## Supplemental Regulations

Section 28.151 of the Zoning Code includes the following supplemental regulations for Outdoor Eating Areas:

- (a) Primary access to the area shall be from within the establishment.
- (b) Hours of operation may be restricted and noise and lighting limits imposed as part of the conditional use approval.
- (c) 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.

## Project Description

The applicant is seeking approval of a conditional use for an outdoor eating area for a restaurant-tavern that will occupy the rearmost commercial building located in a complex of commercial and mixed-use buildings addressed as 805-809 Williamson Street.

The subject site is developed with a complex of four buildings that includes a two-story building at the front of the property addressed as 805 Williamson Street, which contains a 15-seat restaurant ("La Kitchenette") on the first floor and a one-bedroom apartment above; a one-story building used as an apartment/office along the westerly property line, which is addressed 807 Williamson; and two structures at 809 Williamson, which include a tall one-story 1,330 square-foot concrete block multi-purpose commercial building and an attached 630 square-foot building. The area between the buildings and easterly property line shared with an adjacent mixed-use building ("Taco Local") is improved with a courtyard and two-stall parking lot.

The applicant is seeking approval for an outdoor eating area to be located in front of the larger of the two 809 buildings, which are currently being remodeled as the new location of "Dobhan" restaurant. As shown on the project plans, the outdoor eating area will be located along the northerly wall of 809 between it and the existing parking lot. The letter of intent indicates that the outdoor eating area will have a capacity of 30 to go along with a regular capacity of 36 inside the restaurant. The application materials indicate that the one-story building at 807 will be used by the restaurant, although it is not clear how. The letter of intent indicates that the outdoor eating area will open as early as 8:00 AM (on weekends) and close by 10:00 PM, and that there will be no amplified music.

## Analysis and Conclusion

Restaurant-taverns are permitted uses in the TSS zoning district. However, outdoor eating areas for food and beverage establishments are conditional uses requiring Plan Commission approval.

In reviewing the conditional use for the outdoor eating area, the Plan Commission should consider the comments submitted by the Board of Directors of the Livingston Condominiums located north of the site at 808 Williamson Street, which are included in the legislative file, as well as any other public comments received prior to the meeting. While staff acknowledges the concerns about parking expressed in the condominium association's

comments, it will note that a conditional use parking reduction is not before the Plan Commission for approval, as the Zoning Administrator has determined that the amount of parking being provided versus the amount required by the Zoning Code falls within the range that may be administratively approved (see the Zoning conditions in the 'Recommendation' section). Further, staff does not believe that approval of the outdoor eating area can be conditioned on the cooperation of restaurants not directly associated with the proposed outdoor eating area as suggested in the public comments. However, expiration of the conditional use after a trial period like the one suggested in the condominium's comments (#3, last page) has been used in the past by the Plan Commission for other food and beverage-related conditional uses to determine whether a longer or fuller approval is warranted, although staff will note that such a limited approval would require the applicant to return to the Plan Commission with a new application for re-approval following a public hearing.

However, despite the concerns expressed by nearby condominium, the Planning Division believes that the Plan Commission can find that the conditional use standards and supplemental regulations for the proposed outdoor eating area are met subject to the limits on the hours of operation and a prohibition on outdoor amplified sound in the following section, as well as the other conditions recommended by reviewing agencies. While on-site and nearby on-street parking may be limited, the subject site is located about a three-block walk from the City's South Livingston parking garage, with other on-street parking available in the larger area. The surrounding neighborhood is also well served by transit and by a major regional multi-purpose path one block to the north, which should address some of the concerns about lack of automobile parking.

As with any conditional use, the Plan Commission retains continuing jurisdiction in the event that complaints are received about the outdoor eating area, which could result in more restrictive conditions being applied if deemed necessary following a public hearing.

## **Recommendation**

### **Planning Division Recommendation** (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use for an outdoor eating area for a restaurant-tavern located at 809 Williamson Street subject to input at the public hearing and the following conditions:

**Recommended Conditions of Approval:** Major/Non-Standard Conditions are Shaded

### **Planning Division**

1. That the hours of operation for the outdoor eating area shall be until 10:00 PM daily, after which time the outdoor eating area shall be closed, with no service or seating in the outdoor area after 10:00 PM. Patrons may not utilize the outdoor patio area after 10:00 PM for smoking or otherwise. In the future, the Director of the Planning Division may consider a minor alteration to the conditional use to further modify the hours of operation for the outdoor eating and recreation area following a recommendation by the district alder.
2. That any doors to the outdoor area remain closed [not be propped open] at all times.
3. Outdoor amplified sound, including from televisions, ambient music, or musical performance, is prohibited.

### **City Engineering Division** (Contact Tim Troester, 267-1995)

This agency reviewed this request and has recommended no conditions or approval.

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

4. Identify on the plans all lot lines (between Lot 1 and Lot 2) lot and block numbers of the recorded Original Plat of Madison

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

5. The applicant shall provide a clearly defined five-foot walkway from the front door to the public right of way clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.

**Zoning Administrator** (Contact Jenny Kirchgatter, 266-4429)

6. A minimum of 14 parking stalls are required equal to 15% of capacity of persons. 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.
7. Submit the landscape plan and landscape worksheet showing the existing and proposed landscape plantings.
8. Submit a detail of the proposed stockade fence with the final plans. Screening is required adjacent the Zoning district boundary along the rear property line. Screening shall be provided alongside and rear property boundaries between commercial/ mixed-use districts and residential districts. Screening shall consist of a solid wall, solid fence, or hedge with year-round foliage, between six (6) and eight (8) feet in height.
9. Submit a detail of the proposed six-foot decorative fence located along the side property lines.
10. The capacity shall be established for the outdoor eating area. Occupancy is established by the Building Inspection Division. Contact Building Inspection staff at 266-4559 to help facilitate this process. [Note: If a higher capacity than 30 persons is allowed by Building Inspection, an alteration to the conditional use shall be required.]
11. 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.
12. 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.

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

This agency reviewed this request and has recommended no conditions or approval.

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

This agency reviewed this request and has recommended no conditions or approval.

**Parks Division** (Contact Kathleen Kane, 261-9671)

This agency reviewed this request and has recommended no conditions or approval.

**Forestry Section** (Contact Bradley Hofmann, 267-4908)

This agency reviewed this request and has recommended no conditions or approval.

**Metro Transit** (Contact Tim Sobota, 261-4289)

This agency reviewed this request and has recommended no conditions or approval.