



Report to the Plan Commission

July 20, 2009

Legistar I.D. #15409
2501 West Beltline Highway
Conditional Use

Report Prepared By:
Heather Stouder, AICP
Planning Division Staff

Requested Action: Approval of a conditional use for an outdoor eating area at an existing multi-tenant commercial building in the C2 (General Commercial) District.

Applicable Regulations & Standards: Section 28.12 (11) provides the guidelines and regulations for the approval of conditional uses. Outdoor eating areas, when accessory to another use, are conditional use in the C2 District per Sec. 28.09(3)(d).

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** the conditional use request subject to input at the public hearing and conditions from reviewing agencies.

Background Information

Applicant: Jeremy Cynkar; Destree Design Architects; 222 W Washington Ave.; Madison
Project Contact: Melissa Destree; Destree Design Architects; 222 W Washington Ave.; Madison
Business Owner: Arbor Gate Hospitality, LLC; 3001 W Beltline Hwy, Ste. 202; Madison

Proposal: The applicant proposes the use of an outdoor patio for food and beverage service for a new restaurant in an existing multi-tenant building. The applicant hopes to begin work when all approvals are obtained and complete it by October 2009.

Parcel Location: 2501 West Beltline Highway is a 4.8-acre parcel generally located on the south side of the West Beltline Highway Frontage Road just east of Todd Drive; Aldermanic District 14 (Bruer); Madison Metropolitan School District.

Existing Conditions: The site is currently developed with four-story multi-tenant commercial building, zoned C2 (General Commercial) District and C3L (Limited Highway Commercial).

Surrounding Land Use and Zoning: The site is part of the "Arbor Gate" development. The portion of the site in question is zoned C2 (General Commercial District), and a small eastern portion of the parcel is zoned C3L (Limited Highway Commercial District). Surrounding land uses are as follows:

North: Beltline Highway and frontage roads

East: East of the Arbor Gate development, used car sales lot in the C3L, (Limited Highway Commercial) District

South: Laundry facility directly to the south, zoned C2 (General Commercial). Across McDivitt Road, multifamily apartment buildings in the R4 (General Residence) District and one and two-family houses in the R3 (Single-Family and Two-Family Residence) District

West: Across Todd Drive, a gas station and convenience store, in the C3 (Highway Commercial) District

Adopted Land Use Plan: The Comprehensive Plan recommends Community Mixed-Use for this area, and the property does not lie within the boundaries of an adopted neighborhood plan.

Environmental Corridor Status: This property is not located within a mapped environmental corridor.

Public Utilities and Services: This property is served by a range of urban services, including all basic utilities. Metro Transit service includes two all-day routes with service to the South Transfer Point and Route 40, with peak service directly to and from the Capitol Square.

Zoning Summary:

| Bulk Requirements | Required | Proposed |
|-------------------|----------|-------------------|
| Lot Area | -- | 211,850 sq. ft. |
| Lot width | 50' | Adequate |
| Front yard | 25' | 175' |
| Side yards | 0' | 105' LS / 180' RS |
| Rear yard | 30' | Adequate |
| Floor area ratio | 1.0 | N/A |
| Building height | -- | N/A |

| Site Design | Required | Proposed |
|-------------------------|----------------------|-----------------------------------|
| No. Parking stalls | 70 | 180 |
| Accessible stalls | 3 (1 Van accessible) | 6 |
| Loading | 1 (10'x35') area | 1 (see Comment No.13, p.4) |
| No. Bike Parking Stalls | TBD | TBD (see Comment No.15, p.4) |
| Landscaping | Yes | As shown (see Comment No.12, p.4) |
| Lighting | No | (see Comment No. 8, p.4) |

| Other Critical Zoning Items | |
|--|------------|
| Urban Design | No |
| Barrier Free (COMM 69) | Yes |
| Utility Easements | None shown |
| <i>Prepared by: Pat Anderson, Asst. Zoning Administrator</i> | |

Project Description

The applicant is seeking a conditional use for an outdoor eating area for “BonFyre”, a new restaurant in an existing multi-tenant building. The proposed 1,414 square foot concrete patio would provide seating for 60 guests along the entire west side of the building with access to the interior via two new doors. An approximately 180 square-foot trellis supported by four steel beams is proposed in the north central portion of the patio, providing some shade for two tables. A “fire pit” surrounded by fixed stone seating is proposed just south of the trellis.

A row of raised concrete planters would provide a visual buffer between the patio and the parking lot immediately to the west. As proposed, three existing lilac trees would be relocated either elsewhere on site or to a different receiving property. The applicant has indicated a desire to maintain daily hours of operation of 11:00 am to 2:00 am for the patio, providing low level amplified music while open.

Existing Conditions:

The 4.86-acre parcel is located on the south side of the West Beltline Highway frontage road just east of Todd Drive, with access from both Todd Drive and the frontage road. The site includes a 4-story, multi-tenant commercial building oriented parallel to the beltline, structured parking behind the building to the south, and surface parking stalls surrounding the building on the west, north, and east sides. The existing building on the site is a permitted use in the C2 (General Commercial) and C3L (Limited Highway Commercial) Districts. The building has space available for additional tenants at the time of this writing.

Related Approvals and Requests:

In 2007, the site plan and building were reviewed and approved by the Plan Commission associated with a request to demolish buildings on site at that time.

The applicant has submitted an application for a Class B license to serve alcoholic beverages, with a decision scheduled for the August 4, 2009 Common Council meeting. The Alcohol License Review Committee, in their review, may recommend specific operational details for service in the outdoor eating area over and above the scope of this approval.

The applicant has also submitted an application for a Street Graphics Variance, scheduled for review by the Urban Design Commission (UDC) at their July 15, 2009 meeting. A rendering submitted for review by the UDC has been included to provide context, although signage is not part of the Plan Commission approval for the outdoor eating area.

Evaluation and Conclusion

The proposed outdoor eating area is consistent with the Comprehensive Plan, which recommends Community Mixed-Use for this area. "BonFyre" will be the first restaurant tenant in this relatively new multi-tenant building, providing an amenity for employees within the building as well as others in the area. There is no known opposition to the outdoor eating area at this time.

With regard to hours of operation and noise, the outdoor eating area as proposed is unlikely to negatively affect nearby properties. There are no residential uses adjacent to the site and low level music, even late into the night, will not negatively affect the laundromat to the south or the gas station to the west. In the event that patio noise were to affect nearby residential properties or office tenants in the Arbor Gate building, the Plan Commission could reconsider the hours of operation or the use of amplified music in the future. On the other hand, as this site is adjacent to the West Beltline Highway, the impact of vehicle noise on patrons is more likely. Staff recommends that the applicant acknowledge as part of the approval of this conditional use the presence of current and future highway noise.

The proposed arrangement of raised planters along the western edge of the outdoor patio appears to sufficiently buffer it from the parking lot to the west. If the existing lilac trees in this area are relocated elsewhere on the site, they should be shown in final plans to be approved by staff. Although the proposed fire bowl will still require review and approval by Building Inspection and Fire Department staff, it appears to be well located on the site.

Conditions of approval noted by Zoning staff relating to landscaping and bicycle parking relate closely to the number of vehicle stalls designated for use by restaurant employees and patrons. At the time of this writing, the applicant is working to determine which of the surface parking stalls surrounding the building will be designated as such, and understands that these details will need to be addressed in final plans to be approved by staff.

The Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** the conditional use request for the outdoor eating area subject to input at the public hearing and comments from reviewing agencies.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are shaded

Planning Division Recommendation (Contact Heather Stouder, 266-5974)

The Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** the conditional use request subject to input at the public hearing and the following conditions:

1. The applicant acknowledges the presence of current and future highway noise near the proposed outdoor eating area.
2. Final plans submitted for staff approval will show the location of the lilac trees, if they are to be relocated elsewhere on the site.
3. The posted capacity of the outdoor eating area will be a maximum of 60 persons, or a lower number as deemed necessary to comply with Madison General Ordinances.
4. The Plan Commission retains continuing jurisdiction over the approval of this conditional use. If complaints are received related to late-night noise on the outdoor patio in the future, the Plan Commission may further restrict the hours of operation or limit the use of outdoor amplified music.

The following conditions have been submitted by reviewing agencies:

Traffic Engineering Division (Contact John Leach, 267-8755)

5. When the applicant submits final plans for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), and a scaled drawing at 1" = 30'.

Zoning Administrator (Contact Pat Anderson, 266-5978)

6. Lighting is not required. However, if it is provided for the commercial/retail portion of the parking, it must comply with City of Madison outdoor lighting standards (See parking lot packet). Lighting will be limited to .10 watts per square foot.
7. Occupancy of the outdoor eating and recreation area must be established. Contact Zoning staff to help facilitate this process.
8. For licenses to sell alcohol in outdoor eating areas, the Alcohol License Review Committee (ALRC) establishes conditions for operation involving fencing, security guards, toilet facilities, litter, etc. All businesses that sell alcohol must comply with the requirements imposed by the ALRC at the time of issuance of your original application to expand or change your licensed premises to include the outdoor eating area.
9. Identify the extent of parking devoted to restaurant and designate on site plan.
10. For parking lot plans with greater than twenty (20) stalls, landscape plans must be stamped by a registered landscape architect. Provide a landscape worksheet with the final plans that shows that the landscaping provided meets the point and required tree ordinances.
11. Provide one 10' x 35' loading area with 14' vertical clearance to be shown on the final plans. The loading area shall be exclusive of drive aisle, fire lane, and maneuvering space.

12. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 of the Madison General Ordinances. Signage must be approved by the Urban Design Commission and Zoning staff. Sign permits must be issued by the Zoning Section of the Department of Planning and Community and Economic Development prior to sign installations.
13. Provide bike parking (1 stall per 10 automobile parking stalls required) in a safe and convenient location on an impervious surface to be shown on the final plan. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices.

Fire Department (Contact Scott Strassburg, 261-9843)

14. The outdoor fire pit is not included in this review or approval and shall meet or exceed all building, fire and life safety codes. Please contact both the Building Inspection staff and Fire Department for approval of any outdoor fire pit to be installed.

15. Per International Fire Code (IFC) Chapter 10 and MGO 34, the applicant shall:
 - a) Submit an approved capacity with the site plan and post the capacity of the outside dining area in accordance with the IFC 2006 edition
 - b) Ensure that the proposed patio shall not be located at, adjacent to, or obstruct the required exits from the building
 - c) Provide and maintain exits from the patio in accordance with the IFC 2006 edition
 - d) Submit a seating plan for the proposed patio for final approval by Madison Fire Department staff

City Engineering Division (Contact Janet Dailey, 261-9688)

16. Informational note: the approved address for the BonFyre Grille is 2601 W. Beltline Hwy

Water Utility (Contact Dennis Cawley, 261-9243)

This agency submitted a response with no conditions of approval but had the following comments:

This property is not in a Wellhead Protection District.

All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit a response for this request.