



## Report to the Plan Commission

October 15, 2012

**Legistar ID #27595**  
**809 Williamson Street**  
**Conditional Use Request**

Report Prepared By:  
Kevin Firchow  
Planning Division Staff

**Requested Action:** Approval of a conditional use for an outdoor eating area and a parking reduction for a restaurant in the C2 (General Commercial) District.

**Applicable Regulations & Standards:** Section 28.12(11) provides the guidelines and standards for the approval of conditional uses. Note, conditional use approval standard 10 pertains specifically to off-street parking reductions.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the standards for conditional uses are met, and **approve** the request for an outdoor eating area and parking reduction at 809 Williamson Street. This approval is subject to input at the public hearing and the recommended conditions of approval from the Planning Division and other reviewing agencies.

### Background Information

**Applicant/Property Owner:** John Martens; Martens Design; 4118 Hegg Avenue; Madison, WI 53716

**Proposal:** The applicant proposes to establish an outdoor eating area and requests approval of a parking reduction to allow for the establishment of a new restaurant (the Underground Food Collective) within an existing building at the rear of the subject property.

**Parcel Location:** The 8,780 square foot (0.2-acre) property is located on the south side of Williamson Street between Livingston Street and Paterson Street; Aldermanic District 6 (Rummel); Madison Metropolitan School District.

**Existing Conditions:** The 8,780 square foot parcel is developed with three buildings which would remain. A mixed-use building with a ground floor restaurant (Bon Appetit Café), ground floor office space in the rear, and a second floor apartment is located on the front and western portion of the property facing Williamson Street. The second building is a concrete block building located in the rear and eastern portion of the property. This building was originally constructed as a welding shop in the 1950s, and would be converted into the proposed restaurant. Outdoor seating would be placed in front of it.

### Surrounding Land Use and Zoning:

**North:** Across Williamson Street to the north, a four story mixed use building with ground floor commercial space and 32 residential units above in the PUD-SIP District;

**East:** A two-story mixed use building with ground floor commercial space and one residential unit above, in the C2 (General Commercial) District;

**South:** Immediately to the south and abutting this property, two properties with single-family homes in the R4 (General Residence) District; and

**West:** A 4-unit apartment building facing Livingston Street and a small office building (originally a residential building) on Williamson Street, both in the C2 (General Commercial) District.

**Adopted Land Use Plan:** The Comprehensive Plan (2006) recommends Community Mixed-Use for this area. Adopted Neighborhood Plans have no specific recommendations pertaining to this request.

**Environmental Corridor Status:** These properties are not located within a mapped environmental corridor.

**Public Utilities and Services:** The area is served by a wide range of urban services, including several Metro Transit Routes running along Jenifer Street just to the south.

**Zoning Summary:** The property is zoned C2 (General Commercial District).

Bulk Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	8,712 sq. ft.
Lot width	50'	66'
Front yard	0'	Existing
Side yards	0'	adequate
Rear yard	10'	adequate
Site Design	Required	Proposed
Number parking stalls	30% capacity of restaurant and outdoor eating area/ 1 for apartment. employees (30)	2
Accessible stalls	1	None shown
Loading	n/a	n/a
Number bike parking stalls	2	24
Landscaping	Yes	Yes
Lighting	Yes	Yes
<b>Other Critical Zoning Items</b>	Third Lake Ridge Historic District, Barrier free (ILHR 69)	

*Table Prepared by Patrick Anderson, Assistant Zoning Administrator*

## **Project Review, Analysis, and Conclusion**

The applicant requests conditional use approval of an outdoor eating area and a parking reduction to allow for the establishment of a new restaurant (the Underground Food Collective) within an existing building at the rear of the property. This proposal is subject to the approval standards for conditional uses.

The property includes three buildings. The subject building is a concrete block building at the rear of the property. Other buildings include a 767 mixed residential/office building at the center of the site and the existing restaurant building at the Williamson Street frontage, currently occupied by "Bon Appetite."

Total capacity of the new restaurant, as proposed, would be 70 persons, with 40 inside and 30 on the proposed outdoor deck. Staff notes the plans have been significantly revised since the original submittal and the most current plans are attached. These plans show a new concrete deck in front of the eastern side of the rear building. The outdoor eating area was previously sited on the building's west side, but relocated to address concerns raised about noise conflicts with the nearby residence. The balance of the area in front of the rear building will be converted into a planting area as shown on the attached plans.

Staff understands that the applicant has attended multiple neighborhood meetings. Staff has received a letter of support from the Marquette Neighborhood Association, which is attached. That letter recommends body including closing the outdoor eating area at 10pm nightly and that this conditional use is non-transferable to another user. Staff has included these as formal conditions.

Staff has also recommended that there be no outdoor amplified sound. Staff has received a letter in opposition from a property owner on Jenifer Street. This is included in the packets.

The property is within the Third Lake Ridge Historic District, and as such the physical changes to this property were reviewed by the Landmarks Commission and approved on October 1, 2012. Improvements to the rear building include the accessible deck, addition of new window openings and the replacement of an existing opaque overhead door with glass.

Over 600 square feet of impervious surface would be replaced with grass and landscaping, new fences and plantings would be installed as screening along the rear and western property lines, and the parking area would be formalized to include two automobile stalls and thirteen bicycle stalls.

During the review of this application, zoning staff indicated that the proposal will result in a shortage of 30 code-required automobile parking stalls. Only two stalls are proposed. This is beyond the level of parking stalls that can be approved administratively, and as such, the applicant has amended their conditional use application to request the parking reduction.

Aside from the Bon Apetit Café on the same property, there are no other restaurants on the block at this time, so this property will be the primary generator of evening on-street parking for this block. On-street parking is available along Williamson Street, Livingston Street, and other streets within easy walking distance. The provision of thirteen new bicycle stalls should help significantly on this site, which is easily accessible from the Capital City Trail and Jenifer Street bicycle routes for customers and employees. Finally, the site is well served by transit, with multiple routes running along Jenifer Street and East Washington Avenue. The applicant has indicated that he owns other properties with parking in the surrounding blocks that could be available to patrons of this property in the future should a need arise.

Staff believe the conditional use standards can likely be met. If approved, this and all conditional uses remain under the continuing jurisdiction of the Plan Commission, and therefore, should concerns arise on either request or conditions of approval fail to be met, this item could return to the Plan Commission for further consideration.

## **Recommendations and Proposed Conditions of Approval**

Major/Non-Standard Conditions are shaded

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### **Planning Division Recommendation** (Contact Kevin Firchow, 267-1150)

The Planning Division recommends that the Plan Commission find that the standards for conditional uses are met, and approve the request for an outdoor eating area and parking reduction at 809 Williamson Street. This approval is subject to input at the public hearing and the recommended conditions of approval from the Planning Division and other reviewing agencies.

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| 1. The outdoor eating area shall close no later than 10:00pm, nightly. |
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2. That this conditional use be non-transferable to another operator. Such a change will require approval of an alteration to this conditional use permit.
3. There shall be no outdoor amplified sound on the property.

***The following conditions have been submitted by reviewing agencies:***

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

4. This conditional use application calls for a shared driveway. Provide the Register of Deeds recording information on the site plan Sheet CU-2 and/or provide recording information/recorded documents which memorialize the shared driveway rights and maintenance responsibilities. Preferred transmittal via email to Engineering Division Land records Coordinator Eric Pederson at [epederson@cityofmadison.com](mailto:epederson@cityofmadison.com).
5. The Applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number:
  - a) Building Footprints
  - b) Internal Walkway Areas
  - c) Internal Site Parking Areas
  - d) Other Misc. Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
  - e) Right-of-Way lines (public and private)
  - f) All Underlying Lot lines or parcel lines if unplatted
  - g) Lot numbers or the words "unplatted"
  - h) Lot/Plat dimensions
  - i) Street names

All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred [ljenchenko@cityofmadison.com](mailto:ljenchenko@cityofmadison.com). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file (POLICY and MGO 37.09(2) & 37.05(4)).

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

6. Pursuant to section 28.04 (12)(c) where sites shares a zoning district boundary with residential development. This development must provide effective 6' – 8' high screening along the lot line of this commercial district adjoining a residential zoning district. This requirement may be modified by the Plan Commission for this Conditional use.
7. Bike parking shall comply with City of Madison General Ordinances Section 28.11. Provide two bike parking stalls 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.

8. Parking requirements for persons with disabilities must comply with City of Madison General Ordinances Section 28.11 (3) 6.(m) which includes all applicable State accessible requirements, including but not limited to:
  - a. Provide a minimum of one accessible stalls striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8' wide with an 8' striped out area adjacent.
  - b. Show signage at the head of the stalls. Accessible signs shall be a minimum of 60" between the bottom of the sign and the ground.
  - c. Show the accessible path from the stalls to the building. The stalls shall be as near the accessible entrance as possible. Show ramps, curbs, or wheel stops where required.
9. Lighting is required and shall be in accordance with City of Madison General Ordinances Section 10.085. See City of Madison lighting ordinance.
10. Meet applicable building/fire codes. The outdoor capacity shall be established. Occupancy is established by the Building Inspection Unit. Contact Mike VanErem at 266-4559 to help facilitate this process.
11. 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 prior to sign installations.
12. Obtain a parking reduction for 28 parking stalls.

**Fire Department** (Contact Bill Sullivan, 266-4420)

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| 13. Potential change of use could trigger compliance with IEBC Chapter 9. |
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14. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.
  15. Ensure address is posted and clearly visible from street per IFC 505 & MGO 34.505.

**Water Utility** (Contact Dennis Cawley, 261-9243)

16. . 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.

**Traffic Engineering** (Contact Dan McCormick, 267-1969)

17. When the applicant submits final plans of one contiguous plan 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, showing all easements, all pavement markings, building placement, and stalls, adjacent driveway approaches to lots on either side and across the street, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.
18. The Developer shall post a deposit and reimburse the City for all costs associated with any modifications to Traffic Signals, Street Lighting, Signing and Pavement Marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.
19. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

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

This agency did not submit a response for this request.

**Parks Division** (Contact Kay Rutledge, 266-4714)

This agency did not submit a response for this request.