

PLANNING DIVISION STAFF REPORT

March 24, 2014



PREPARED FOR THE PLAN COMMISSION

Project Address: 711 State Street
Application Type: Conditional Use
Legistar File ID #: [33084](#)
Prepared By: Kevin Firchow, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted

Summary

Applicant: Bill Montelbano; Bill Montelbano, Architect; 8 East Hudson Street; Mazomanie, WI 53560
Contact: Bill Montelbano; Bill Montelbano, Architect; 8 East Hudson Street; Mazomanie, WI 53560
Property Owner: Lutheran Church, Missouri Synod –South Wisconsin District, LCMS 8100 W Capitol Drive Milwaukee, WI 53222-1981

Requested Action: The applicant requests conditional use approval to establish an outdoor eating area in a property zoned DC (Downtown Core).

Proposal Summary: The applicant proposes to excavate an approximately 420 square foot area adjacent to the University Book Store for the purpose of establishing a below-grade outdoor eating area. An existing stone wall would be removed and replaced by a new metal fence and stairway.

Applicable Regulations & Standards: This proposal is subject to the standards for conditional uses (MGO Section 28.183(6)).

Review Required By: Urban Design Commission (UDC) and Plan Commission (PC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the requested conditional use to establish an outdoor eating area at 711 State Street. 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 property is located at the intersection of Library Mall, State Street, and Lake Street.

Existing Conditions and Land Use: The 22,704 square foot property includes an existing three-story, multi tenant building. Tenants include a church and UW Bookstore. The portion of the building proposed for the outdoor eating area is currently an unexcavated recess beneath a large storefront window adjacent to Library Mall. There is an existing stone wall that separates this recessed area from Library Mall.

Surrounding Land Use and Zoning:

North: Memorial Library, zoned Campus Institutional;

South: UW Extension Building, zoned Campus Institutional;

East: Mixed-use development on State Street zoned Downtown Core; and

West: Churches, with other campus uses, beyond. Zoned Planned Development and CI.

Adopted Land Use Plan: The Comprehensive Plan and the Downtown Plan identify the subject property as part of the “State Street” Downtown Sub district. This area is generally recommended for Downtown mixed use development.

Zoning Summary: The property is zoned DC (Downtown Core).

	Requirements	Proposed Structure
Lot Area	6,000 sq. ft.	22,704 sq. ft.
Lot width	50'	172'
Usable open space	n/a	n/a
Front yard	0'	n/a
Side yards	0'	n/a
Rear yard	10'	existing
Number parking stalls	0	0
Loading	0	0
Number bike parking stalls	1 per 5 employees 5% of the capacity of persons	TBD
Landscaping	No	No
Lighting	Yes	
Other Critical Zoning Items	Urban Design, Barrier free (ILHR 69)	

Table Prepared by Patrick Anderson, 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 requests conditional use approval to establish an outdoor eating area in an existing multi-tenant building. This request is subject to the standards for conditional uses.

The subject three-story building is at the intersection of Lake and State Streets, adjacent to Library Mall. The restaurant tenant has been identified as a “Subway.” The proposed restaurant tenant space would be below grade, beneath the UW Bookstore. The area identified for the outdoor eating area is within a recessed portion of the building, set back about 12 feet from the edge of Library Mall. As part of this proposal, the applicant would excavate an approximately 12 by 35 foot area within this recess. The resulting outdoor eating area will have an approximate area of 420 square feet.

A new three-foot, six-inch metal railing, stairs, and retaining wall would be installed. The existing stone wall in this location would be removed. The applicant has clarified that the primary entrance to the restaurant will be through the inside of the building, not from Library Mall. A new below-grade storefront would be established as

shown on the attached plans. The storefront retains a band of existing windows and adds storefront windows and doors. The interior walls will be sandblasted concrete. All of the improvements are on the subject site and no encroachments onto City right-of-way are shown.

As noted in the Zoning Administrator's comments, the final capacity has not yet been set. Building Inspection must establish the final capacity based on formal review of the plans.

Staff does not believe the outdoor seating area will negatively impact surrounding properties and believes that the conditional use standards can be met. At the time of report writing, staff was not aware of concerns on this proposal.

Recommendation

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

The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the requested conditional use to establish an outdoor eating area at 711 State Street. 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

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

1. The address of food service tenant is 701 State Street Suite 11.
2. The Applicant shall provide a pumping plan stamped by a professional engineer or master plumber for the new exposed access to the lower level.
3. If the connection to the public drainage system is made prior to the reconstruction of State Street Mall, the Applicant shall sign a waiver of special assessments for the cost to reconnect the private storm sewer to the new storm sewer.
4. If the Applicant chooses to build the improvements during the State Street Mall reconstruction project, the Applicant shall be liable for all claims regarding delay and shall be liable for all damage to the new city infrastructure damaged during the UW Bookstore construction.
5. The Applicant shall take out a Permit to Excavate in the Right of Way for the work in the public right of way. A deposit shall be required as surety to cover any damage done to the city's infrastructure. Upon completion and acceptance of the work the City will refund the deposit. City Engineering will determine the amount of the deposit.

6. The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
7. The site plan shall include all lot/ownership lines, existing building locations, proposed building additions, demolitions, parking stalls, driveways, sidewalks (public and/or private), existing and proposed signage, existing and proposed utility locations and landscaping.
8. The site plan shall include a full and complete legal description of the site or property being subjected to this application.
9. The Applicant shall provide the City Engineer with the proposed earth retention system to accommodate the restoration. The earth retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system. (POLICY)
10. The Applicant shall complete work on exposed aggregate sidewalk in accordance with specifications provided by the city. The stone used for the exposed aggregate shall be approved by the City. The Construction Engineer shall be notified prior to beginning construction. Any work that does not match the adjacent work or which the City Construction Engineer finds is unacceptable shall be removed and replaced. (POLICY)
11. All work in the public right-of-way shall be performed by a City licensed contractor. (MGO 16.23(9)(c)5) and MGO 23.01)
12. 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 Miscellaneous 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; and i) Street names

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

NOTE: Email file transmissions preferred lzenchenko@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))

13. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set (POLICY and MGO 37.09(2)). PDF submittals shall contain the following information:
 - a) Building footprints.
 - b) Internal walkway areas.
 - c) Internal site parking areas.
 - d) Lot lines and right-of-way lines.
 - e) Street names.
 - f) Stormwater Management Facilities.
 - g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).

14. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. MGO 37.05(7) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
15. City of Madison Environmental Project Staff are not aware of any land dedications required for this plat/CSM. As a result, a Phase 1 Environmental Site Assessment (ESA) will not be required of the applicant. If Right of Way is dedicated as a result of the project, the applicant shall notify Brynn Bemis (608.267.1986) to determine if a Phase I ESA will be required. (MGO 16.23(5)(g)(2))

Traffic Engineering (Contact Eric Halvorson, 266-6527)

16. No encroachment on State St. Right-of-Way shall be permitted as part of this approval.
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17. The applicant shall submit one contiguous plan for approval. The plan drawing shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
18. The City Traffic Engineer may require public signing and marking related to the development; the Developer shall be financially responsible for such signing and marking.
19. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

Zoning Administrator (Contact Pat Anderson, 266-5978)

20. Bike parking shall comply with City of Madison General Ordinances Table 28I-3 (General Regulations). Provide the minimum bike parking stalls for said uses on the final plan or contact the Zoning Administrator to discuss a deferment or reduction in the required bicycle parking. Bicycle parking design and location shall comply with Sec. 28.141 (11) of the City of Madison General Ordinances. Provide details on final plans, a bike-parking stall is two feet by six feet with a five-foot access area.
21. Shall comply with supplemental regulations for outdoor eating areas associated with food and beverage establishments section 28.151 of the City of Madison General Ordinances.
22. 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.
23. If outdoor lighting is provided, it must comply with City of Madison General Ordinances Section 10.085 outdoor lighting standards.
24. 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.

Fire Department (Contact Bill Sullivan, 261-9658)

This agency submitted a report with no recommended conditions of approval.

Parks Division (Kay Rutledge, 266-4816)

This agency did not submit comments for this request.

Water Utility (Contact Dennis Cawley, 266-4651)

25. 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 provide comments for this request.

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