



PREPARED FOR THE PLAN COMMISSION

Project Address: 912 Regent Street
Application Type: Conditional Use
Legistar File ID #: [34161](#)
Prepared By: Kevin Firchow, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted

Summary

Applicant: Tyler Soukup; O.S.S; 1023 16th Avenue; Monroe, WI 53566
Contact: Rodney W. Helt, AIA; 8114 Paulson Road; Verona, WI 53593
Property Owner: Roger Charly; 8 North Charter Street; Madison, WI 53715

Requested Action: The applicant requests approval of two conditional uses. The first conditional use is to operate an outdoor eating area for the restaurant. The second request is to operate a “beer garden” for home UW football games. Please note, the latter is referred to as a “non-accessory temporary outdoor event area” in the Zoning Code.

Proposal Summary: The proposed outdoor eating area (for non-game days) would occur in a rear patio area. Table seating will be provided with a proposed maximum outdoor capacity of 50 persons. The proposed beer garden for UW football games would occur in the same area. The tables and bike parking would be removed and the patio area is requested to have a maximum capacity of 137 persons. Other operational details are included in the applicant’s materials and summarized in this report.

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

Review Required By: Plan Commission (PC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the conditional use requests to 1) establish an outdoor eating area for a restaurant and 2) operate a non-accessory temporary outdoor event area at 912 Regent 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 on the north side of Regent Street, west of its intersection with Park Street. The property is within Aldermanic District 8 and within the limits of the Madison Metropolitan School District.

Existing Conditions and Land Use: The 3,128 square foot property includes an existing two-story, multi-tenant building. The ground floor of the building includes the applicant’s restaurant, O.S.S. and two one-story apartments are located on the second story. Note, the City Assessor’s information indicates there are two upstairs apartments, the letter of intent states there is one.

Surrounding Land Use and Zoning:

North: Mixed-use building with 65 apartments, zoned PD (Planned Development District);

South: Medical clinic, zoned CI (Campus Institutional District)

East: Mixed-use building with 65 apartments, zoned PD (Planned Development District); and

West: Smaller commercial and residential development, zoned TSS (Traditional Shopping Street District).

Adopted Land Use Plan: The Comprehensive Plan and the Regent Street-South Campus Plan recommend employment uses for the subject site.

Zoning Summary: The property is zoned TSS (Traditional Shopping Street).

	Required	Proposed
Lot width	n/a	40' (existing, no change)
Front Yard Setback	0	0 (existing, no change)
Side Yard Setback	One-story: 5' Two-story: 6'	4' RS, 7' LS (existing)
Rear Yard	15.6'	24'±(existing, no change)
Maximum lot coverage	75%	Approx 100% (existing)
Maximum Height	3 stories/40'	2 stories (existing)
Number parking stalls	15% of capacity for restaurant-tavern- 81 to 105 (12 to 16)	0 (Please see condition #14)
Accessible stalls	0	0
Number bike parking stalls	5% of capacity (TBD) Total 4-5	14
Landscaping	Yes	None shown (Please see condition #15)
Lighting	No	Existing
Other Critical Zoning Items	Adjacent to Landmark (5)	

Table prepared by Matt Tucker, 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 approval of two conditional uses at 912 Regent Street. These requests are subject to the approval standards for conditional uses.

The first conditional use request is to establish an outdoor eating area for a restaurant located in the ground floor of a two-story mixed-use building. The proposed outdoor eating area would be located in a patio area behind the building. This accessory outdoor eating area is referred to as the "normal operation" in the letter of intent. The site plan shows five tables with a maximum outdoor capacity of 50 persons. The indoor capacity is 54 persons. The proposed hours of operation match that of the restaurant, 11am to 11 pm, daily. No outdoor

amplified sound is proposed due to the proximity of residential units. Site details are shown on the provided site plan.

The second requested conditional use is for the operation of a “beer garden” during home UW football games. This is referred to as a “non-accessory temporary outdoor event area” in the Zoning Code. A separate game-day site plan has been provided, showing the proposed patio layout to be utilized during “beer garden” events. Under this plan, the five tables and the bike rack would be removed from the patio area. The only proposed obstructions in the area are three garbage cans. A maximum capacity of 137 persons is requested for the outdoor area. The letter of intent notes that the indoor capacity would be 70 persons, with a total capacity of 207.

Additional operational details on the beer garden operations are provided. In summary, there will be between 4-6 staff members positioned across the site, responsible for a variety of functions including monitoring the capacity and providing other service functions. An outdoor service table is provided on the west side of the building. Employees will wear distinctive florescent-colored O.S.S shirts so they can be easily distinguished from the customers. The applicant has also committed to staff to follow the “Uniform Operating Conditions” approved to govern all game-day “beer gardens.”

The applicant has participated in multiple discussions with Police, Fire, and Zoning on aspects of this request. At the time of report writing, the Planning Division understands that the proposed request is acceptable, provided it can be effectively implemented and managed. Revised management details are included in the latest letter of intent. The revisions are based on discussions with various agencies and such details are recommended to be approved as part of final sign-off.

The application also includes references to a parking stall reduction. The Zoning Administrator has confirmed that while no parking is available or provided on site, this parking stall reduction is beneath the threshold requiring Plan Commission approval and it is not before the Commission.

At the time of report writing, staff was not aware of concerns on this proposal. Given its location in close proximity to several residential dwelling units, there is the potential for conflicts with both requested conditional uses. If well-managed, staff believes such conflicts could be minimized. If approved, the Plan Commission would retain “continuing jurisdiction” authority, meaning that should complaints arise, the Commission could take further action, requiring additional restrictions or possible revocation of either conditional use should it find the approval standards cannot be met.

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 conditional use requests to 1) establish an outdoor eating area for a restaurant and 2) operate a non-accessory temporary outdoor event area at 912 Regent 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

1. That this use shall be operated in accordance with the Uniform Operating Conditions approved for beer gardens associated with events at Camp Randall Stadium.
2. That the site plans be clearly titled to distinguish the football game day configuration from the normal outdoor eating configuration.
3. That the details of the management plan included in the revised letter of intent be approved by Police, Fire, Zoning, and Planning Division staff. The revised letter of intent was provided just prior to finalization of this report, in response to meetings with various agencies.

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

4. The address of the restaurant / bar is 910 Regent St. The apartment base address is 912 Regent St. The letter of intent states that there is 1 apartment on the second floor.
5. The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
6. The site plan shall identify the difference between existing and proposed impervious areas.
7. The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.
8. Submit a PDF of all floor plans to izenchenko@cityofmadison.com so that a preliminary interior addressing plan can be developed. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during, or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal.
9. The site plan shall include a full and complete legal description of the site or property being subjected to this application.
10. 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, and g) detail drawings associated with stormwater management facilities (including if applicable planting plans).

Traffic Engineering (Contact Eric Halvorson, 266-6527)

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

Zoning Administrator (Contact Pat Anderson, 266-5978)

11. The submitted materials include conflicting information regarding the capacity of the facility. The capacity for the facility, including indoor, outdoor and game day capacity shall be approved as part of final sign-off. Game day event capacity shall be approved by the Madison Fire Department and non-gameday capacity for both the restaurant and outdoor seating area shall be approved by Building Inspection.
12. Bike parking shall comply with City of Madison General Ordinances Table 28I-3 (General Regulations). Provide a minimum of five bike parking stalls. 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. Provide detail of bike rack to be installed.
13. If outdoor lighting is provided, it must comply with City of Madison General Ordinances Section 10.085 outdoor lighting standards.
14. This approval includes a parking reduction for the increased capacity for this restaurant-tavern. The amount of parking required for this use is within the allowances per Sec. 28.141(5) that may be reduced administratively by the Zoning Administrator.
15. Provide required landscaping per sec. 28.142 on final site plan.
16. This property is adjacent to a City Landmark. Per Sec. 28.144, this project requires review from the Landmarks Commission. Please contact Preservation Planner Amy Scanlon (266-6552) to discuss this review.
17. Badger gameday events shall comply with 1998 "uniform conditions" for game day operations and 2012 "night game uniform condition" for operation during night games. Said conditions shall be included in the final management plan, to be included with final plans.

Fire Department (Contact Bill Sullivan, 261-9658)

18. Capacity is based on the site plan provided by the applicant and any changes or deviations shall require a review to determine the approved capacity of the new layout or set up.
19. Gates shall be kept in the locked open position at all times of operation.
20. Capacity of the building shall not be exceeded based on building inspections approved capacity for the use of bathrooms or to purchase goods and services.
21. A means of having an accurate and continuous count of people both inside and outside and not just total shall be provided and maintained.

Parks Division (Kay Rutledge, 266-4816)

This agency did not submit comments for this request.

Water Utility (Contact Dennis Cawley, 266-4651)

22. 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.