

PLANNING DIVISION STAFF REPORT

April 20, 2015

PREPARED FOR THE PLAN COMMISSION



Project Address: 3502 East Washington Avenue (15th Aldermanic District, Ald. Ahrens)

Application Type: Conditional Use

Legistar File ID #: [37606](#)

Prepared By: Kevin Firchow, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted

Summary

Applicant / Project Contact: Jeykell Badell; La Taguara; 3502 E. Washington Ave., Madison, WI, 53704

Property Owner: Antonio Davila; Riverside, California

Requested Action: Approval of a conditional use for an outdoor eating area in the Commercial Corridor-Transitional (CC-T) District.

Proposal Summary: The applicant proposes to open an outdoor eating area for an existing restaurant.

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

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

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the request at 3502 East Washington Avenue to allow the establishment and operation of an outdoor eating area. 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 property is on the northeast corner of East Washington Avenue and Reindahl Avenue; Urban Design District #5; Aldermanic District 17(Ald. Ahrens); Madison Metropolitan School District.

Existing Conditions and Land Use: The site includes the existing one-story restaurant building and surface parking lot.

Surrounding Land Use and Zoning:

North: Single-family homes zoned TR-C4 (Traditional Residential-Consistent 4 District);

South: Various commercial developments (on the opposite side of East Washington Avenue, zoned CC-T (Commercial Corridor-Transition District);

East: Commercial and office development, zoned CC-T; and

West: Medical Clinic, zoned CC-T.

Adopted Land Use Plan: The Comprehensive Plan (2006) recommends Neighborhood Mixed Use development for this property.

Zoning Summary: The property is in the Commercial Corridor-Transitional (CC-T) District.

Category	Dimensional Requirements	Proposed Development
Front yard setback	0'	Existing, no change
Side yard setback:	0'	Existing, no change
Rear yard setback:	0'	Existing, no change
Maximum height	5 stories / 68'	1 story
Maximum Lot Coverage	85%	Existing, no change
Number parking stalls	15% capacity of persons. (TBD)	7 (See Comment # 12)
Bicycle parking	5% capacity of persons of restaurant-tavern and patio (TBD)	0 (See Comment #13)
Landscaping	Yes	Existing
Lighting	TBD	None shown
Accessible stalls	Yes	1 (See Comment #17)
Loading	No	No
District Boundary Screening	Yes, to north	TBD (See Comment #16)
Site Design	Required	Proposed
Number parking stalls	15% capacity of persons. (TBD)	7 (See Comment #12)
Bicycle parking	5% capacity of persons of restaurant-tavern and patio (TBD)	0 (See Comment #13)
Landscaping	Yes	Existing
Lighting	TBD	None shown
Accessible stalls	Yes	1 (See Comment #17)
Loading	No	No
District Boundary Screening	Yes, to north	TBD (See Comment #16)
Other Critical Zoning Items	Urban Design and Barrier free (ILHR 69)	

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, La Taguara Restaurant, requests conditional use approval to establish and operate an outdoor eating area. This request is subject to the approval standards for conditional uses.

The proposed outdoor eating area is a 17 by 20-foot area adjacent to the front of the building (along the building's parking lot / East Washington Avenue side). Note, plan sheets include small discrepancies on the outdoor eating area's dimensions and staff recommends that any inconsistencies are resolved on the plans provided for final plan sign-off. Plans show that one existing parking stall would be removed. The perimeter

of the outdoor eating area will be defined through a series of removable sidewalk café-style gates. Based on the submitted plans, no permanent physical site changes are proposed. Comments from the Zoning Administrator indicate some improvements are required.

The more detailed seating plan depicts five tables with 20 total seats. The applicant has confirmed that the proposed outdoor seating area's hours would match that of the restaurant, closing at 8:00 pm Sunday through Thursday and 10:00 pm on Friday and Saturday. The applicant has also indicated that he wishes to install an outdoor speaker to provide outdoor amplified music, played at a low volume. Staff understands that the intent is for this to not be audible to the abutting residential properties, which are located on the opposite side of the building, away from the proposed patio.

At the time of report writing, the Planning Division was not aware of any concerns on this proposal and believes that the standards for Conditional Uses can be met. Correspondence from Ald. Ahrens indicates he supports this proposal. Staff notes that as a conditional use, the Plan Commission retains "continuing jurisdiction" to resolve complaints should any be raised on the outdoor eating area in the future.

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 request at 3502 East Washington Avenue to allow the establishment and operation of an outdoor eating area. 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

Planning Division (Contact Kevin Firchow, 261-9688)

1. This project is within Urban Design District 5 and reviewed by the Urban Design Commission Secretary on behalf of the Commission. As an informational note, the UDC Secretary notes that the café gates must comply with Chapter 31 (Sign Control Ordinance) of Madison General Ordinances.
2. Site Plan and other exhibits shall be consistent in regards to patio dimensions.

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

3. Property is a closed leaky underground storage (LUST) site with the DNR (BRRS # 03-13-237039). If contamination is encountered during construction, all WDNR & DSPS regulations must be followed. (Informational)
4. The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
5. 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.

6. 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 Mgmt Facilities (including if applicable planting plans)

Traffic Engineering (Contact Eric Halvorson, 266-6527)

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| <ol style="list-style-type: none">7. Applicant shall install curb stops at a minimum of 2 feet from the edge of enclosed outdoor eating area on all sides adjacent to drive aisles and parking stalls.8. All structural elements of the outdoor eating area shall conform to the standards of sidewalk café's as set in M.G.O. 9.13 |
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9. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings 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.
 10. Parking facility design shall conform to MGO standards, as set in section 10.08(6).

Zoning Administrator (Contact Matt Tucker, 266-4569)

11. Meet applicable building/fire codes. The outdoor capacity shall be established. Occupancy is established by the Building Inspection Unit. Contact Building Inspection Plan Reviewer Mike VanErem at 266-4559 to help facilitate this process.
12. Due to the proximity of the nearby restaurant, the facility is required to provide off-street parking. Parking equivalent to 15% of the capacity is required. Provide details on capacity of the restaurant-tavern, including outdoor seating area, so parking requirements can be calculated. NOTE: it appears as though this project will require a parking stall reduction, within a level approvable by the Zoning Administrator.
13. 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.
14. Provide a refuse enclosure for storage of the on-site refuse containers. Screening shall be between six and eight feet in height.
15. Any new exterior lighting shall be installed in compliance with MGO 10.085, the City's outdoor lighting regulations.

16. Sec. 28.142(8) requires district boundary screening for the abutting residential property to the north. Screening shall consist of a solid wall, solid fence, or hedge with year-round foliage, between six (6) and eight (8) feet in height. Show complaint screening on final plans.
17. The modification to the parking area will require the provision of a van-style accessible parking stall. Final site plan shall be revised to show the provision of this parking stall.

Fire Department (Contact Bill Sullivan, 261-9658)

18. MFD does not object provided the patio fence does not obstruct exiting from the building.

Water Utility (Contact Dennis Cawley, 266-4651)

19. 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.

Parks Division (Contact Kay Rutledge, 266-4714)

This agency did not submit a report for this request.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit a report for this request.