



Report to the Plan Commission

May 1, 2009

Legistar I.D. #14541
5109 West Terrace Drive
Conditional Use

Report Prepared By:
Heather Stouder, AICP
Planning Division Staff

Requested Action: Approval of a conditional use for an outdoor eating area at a hotel in the O-4 (Administrative Office and Research and Development) 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 O-4 District per Sec. 28.085(5)(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/Property Owner: John P Stauffacher; Madison Northeast, LLC; 5109 W Terrace Dr, Madison
Project Contact: Ann Stauffacher; Madison Northeast, LLC; 5109 W Terrace Dr, Madison

Proposal: The applicant proposes the use of an outdoor patio for food and beverage service at an existing hotel. The applicant hopes to begin service when all approvals are obtained.

Parcel Location: 5109 West Terrace Drive is a 4.8-acre parcel generally located on the west side of West Terrace Drive just south of Terrace Court; Aldermanic District 17 (Clausius); Sun Prairie School District.

Existing Conditions: The site is currently developed with a five-story hotel, zoned O-4 (Administrative Office and Research and Development) District.

Surrounding Land Use and Zoning: The site is part of the "American Center Plat", situated just east of I-90/94 and north of Hwy 151 and zoned O-4 (Administrative Office and Research and Development District). The site is generally surrounded by existing office buildings and vacant lands planned for future office development. The proposed outdoor eating area is located on the east side of the existing hotel facing West Terrace Drive and buffered from the interstate by the building itself.

Adopted Land Use Plan: The Comprehensive Plan recommends Employment Uses for this area, which includes complementary uses such as hotels primarily serving district employees and users. The Rattman Neighborhood Plan, adopted in January 1992, recommends Office Uses for this area.

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 and Metro Transit Route 25, which provides peak hour weekday service for area employees from the Capitol Square.

Zoning Summary:

Bulk Requirements	Required	Proposed
Lot Area	130,680 sq. ft.	209,035 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	139	180
Accessible stalls	6 (1 Van accessible)	6
Loading	1 (10'x35') area	1
No. Bike Parking Stalls	1 per 20 employees	2
Landscaping	Yes	As shown
Lighting	No	(see comment No. 12)

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

Project Description

The applicant is seeking a conditional use to utilize an existing patio on the northeast side of the building for an outdoor eating area at the Holiday Inn Hotel at the American Center. As proposed, the 2,100 square foot patio is intended for primary use on weekdays by area employees, as well as their guests and visitors. The applicant also wishes to make the space available for occasional outdoor receptions associated with weekend events such as weddings. No physical changes to the site are proposed at this time.

Access to the outdoor space from the inside of the hotel is proposed through the three doors currently exiting to the patio.

Existing Conditions:

The 4.8-acre parcel, Lot 27 of the American Center Plat, is located in the southwest portion of The American Center Plat with access from both Terrace Court and West Terrace Drive. The site includes a 4-story, 140-room hotel building oriented parallel to I-90/94 and 180 surface parking stalls.

Previous Approvals:

On January 23, 2006, the Plan Commission approved a conditional use for the existing 140-room hotel in the O-4 (Administrative Office and Research and Development District). Aside from the use of the patio as an outdoor eating area, no changes to the existing and approved conditional use on the site would occur.

On March 31, 2009, the Common Council approved a recommendation by the Alcohol License Review Committee to expand an existing Class B Liquor License for the interior of the hotel to two outdoor patios, including the 2,100 square foot patio affiliated with this conditional use request. (The second area considered by the ALRC was a 900 square foot outdoor patio adjacent to the indoor pool area on the south side of the building, and it is not part of the current conditional use request).

Evaluation and Conclusion

The proposed outdoor eating area has support from representatives of area businesses, who would constitute the primary clientele for the space. At the time of this writing, no opposition has been submitted to the Planning Division. Common issues considered with regard to proposals for outdoor eating areas are noise, hours of operation, capacity, and accessibility.

Generally, outdoor eating areas are carefully considered with regard to the potential affects of noise on nearby properties. In this case, it is unlikely that the nearby employment uses would be negatively affected by noise, and the applicant has indicated that the space would have no amplified sound in any case. On the other hand, as this hotel is located just over 600 feet from an interstate highway, a more pertinent concern might be the potential negative impact of vehicle noise on patrons utilizing the outdoor patio. Staff believes that the outdoor eating area proposed is located at the most advantageous location, with the existing building providing an adequate shield between the highway and the patio. However, staff recommends that the applicant acknowledge as part of the approval of this conditional use the presence of current and future highway noise.

With regard to hours of operation, the applicant has indicated that the outdoor space would primarily be used in the early evenings and need not remain open after 10:00pm on any night of the week. However, it may be beneficial for area employees to have access to an outdoor eating space for the lunch hour during warm weather months. Planning Division staff recommends allowing for flexible hours of operation for the proposed space, defined as 11:00am to 10:00pm, on all days of the week.

The space has been approved by the ALRC for a capacity of 150 persons, but at the time of this writing, the applicant understands that it may need to be decreased slightly based on how the seating is arranged to meet International Fire Code regulations. Planning Division staff suggests that the capacity be limited to 150 or less in any case and determined with by the applicant with review by Zoning, Building Inspection, Madison Fire Department, and Madison Police Department staff prior to use of the space for outdoor food and beverage service.

The space is virtually an extension of the interior "prefunction area", accessible by three sets of double doors on the east side of the building. Fully accessible restroom facilities are located just inside the building.

Finally, buffering from adjacent surface parking lots should be taken into account when considering proposed outdoor eating areas. In this case, the existing patio is located more than 16 feet away from the surface parking lot, with a terrace approximately 10 feet wide between the patio and sidewalk landscaped with low shrubs and groundcover. Planning Division staff believes that this distance and landscaping provides an adequate buffer.

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 hours of operation for the outdoor eating area will be limited to 11am to 10pm on all days of the week.
2. The posted capacity of the outdoor eating area will be no greater than 150 persons, and may be less based on agency review of the outdoor seating layout.
3. By signing this letter of approval for the conditional use requested, the applicant acknowledges the presence of current and future highway noise near the proposed outdoor eating area.

The following conditions have been submitted by reviewing agencies:

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

4. The applicant shall contact the Department of Planning and Development to comply with MGO Sec. 16.23(3)(d)--Highway Noise Land Use Provisions policies and ordinances.
5. The applicant shall submit final plans for approval with the following items shown: 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), 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'.
6. A "Stop" sign shall be installed at a height of seven (7) feet at all driveway approaches. All signs at the approaches shall be installed behind the property line. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
7. The intersection shall be so designed so as not to violate the City's sight-triangle preservation requirement which states that on a corner lot no structure, screening, or embankment of any kind shall be erected, placed, maintained or grown between the heights of 30 inches and 10 feet above the curb level or its equivalent within the triangle space formed by the two intersecting street lines or their projections and a line joining points on such street lines located a minimum of 25 feet from the street intersection in order to provide adequate vehicular vision clearance.
8. The applicant shall show the dimensions for proposed and existing parking stalls' items A, B, C, D, E, F, and degree of angle parking width and backing up, according to Figures II "Medium and Large Vehicles" parking design standards in Section 10.08(6)(b)2. Signs and planting areas are to be excluded from the rectangular stall areas including the two (2) feet of vehicle overhang. The two (2) feet of vehicle overhang shall be shown on the plan and dimensioned.
9. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Zoning Administrator (Contact Pat Anderson, 266-5978)

10. Provide a detailed seating layout of the outdoor eating/recreation area.
11. Occupancy of the outdoor eating and recreation area must be established based on the detailed layout of the outdoor eating/recreation area. The applicant shall have an Architect or Certified Commercial Building Inspector establish the capacity for final staff review and approval, and may contact zoning staff to facilitate this process.
12. 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.
13. If you have a license to sell alcohol in an outdoor eating area, the Alcohol License Review Committee has established conditions for operation for these applications that involve fencing, security guards, toilet facilities, litter, etc. All businesses that sell alcohol must comply with the requirements imposed by the Alcohol License Review Committee at the time of issuance of your original application to expand or change your licensed premise to include the outdoor eating area.

Fire Department (Contact Scott Strassburg, 261-9843)

14. Per the International Fire Code (IFC) Chapter 10 and MGO 34, the applicant shall submit an approved capacity with the site plan and post the capacity of the outside dining area in accordance IFC 2006 edition.
15. The proposed outdoor eating area shall not be located at, adjacent to or obstruct the required exits from the building.
16. The applicant shall provide and maintain exits from the outdoor eating area in area in accordance with the IFC 2006 edition.
17. The applicant shall submit a seating plan for the proposed outdoor eating area.

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

This agency submitted a response with no comments regarding this request.

Water Utility (Contact Dennis Cawley, 261-9243)

This agency did not submit a response for this request.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit a response for this request.