



Report to the Plan Commission

April 26, 2010

Legistar I.D. #18192
1262 John Q Hammons Drive
Conditional Use Request

Report Prepared By:
Heather Stouder, AICP
Planning Division Staff

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

Applicable Regulations & Standards: Section 28.12(11) provides the guidelines and regulations for the approval of conditional uses.

Summary Recommendation: The Planning Division recommends that the Plan Commission finds the project meets all applicable conditional use standards and **approve** the proposed request for the conditional use for an outdoor eating area.

Background Information

Applicant/Project Contact: Jeff Eaton; Iconica; 901 Deming Way; Madison

Property Owner: Capitol Cuisine, LLC; J & P Anderson Trust; PO Box 44507; Madison

Proposal: The applicant proposes to build a patio for a new outdoor eating area with an occupancy of 241 in the C2 (General Commercial) District. The fenced in patio would include landscaping, an outdoor covered bar area, and a fire pit. The configuration of the existing surface parking lot would be unchanged, but 20 bicycle parking stalls would be added.

Parcel Location: 1262 John Q Hammons Drive is located on the west side of John Q Hammons Drive between Holiday Avenue and Fourier Drive, Aldermanic District 9 (Skidmore); Middleton-Cross Plains School District.

Existing Conditions: The 3.7-acre site has an existing restaurant building in the eastern portion, and surface parking for 187 automobiles, including 6 accessible stalls behind the building. The existing restaurant, constructed in 1996, has an indoor capacity of 313 and two small outdoor patios with a collective capacity of 76, for a total of 389.

Surrounding Land Use and Zoning:

North: Surface parking and office uses in the City of Middleton

East: Across John Q Hammons Drive, a multi-story office building in the RPSM (Research Park-Specialized Manufacturing) District.

South/West: Undeveloped properties in the RPSM (Research Park-Specialized Manufacturing) District.

Adopted Land Use Plan: The Comprehensive Plan (2006) recommends Employment (E) uses for this property. There is no adopted neighborhood plan for this site.

Environmental Corridor Status: This property is not located within a mapped environmental corridor.

Public Utilities and Services: The property is served by a range of urban services.

Zoning Summary: The property is in the C2 (General Commercial) District.

| Requirements | Required | Proposed |
|-------------------|----------|-----------------|
| Lot Area | 6,000 | 162,034 sq. ft. |
| Lot width | 50' | 364.72' |
| Usable open space | 0' | n/a |
| Front yard | 0' | adequate |
| Side yards | 0' | adequate |
| Rear yard | 10' | adequate |
| Floor area ratio | 3.0 | less than 1.0 |
| Building height | --- | 1 story |

Site Design

| | | |
|-------------------------|-----------------------|---|
| No. Parking stalls | 189 (30% of capacity) | 187 existing |
| Accessible stalls | 6 | 6 existing (please see p. 5, Condition No. 14) |
| Loading | n/a | |
| No. Bike Parking stalls | 20 | (please see p. 5, Condition No. 15) |
| Landscaping | Yes | adequate |
| Lighting | Yes | (please see p. 5, Condition No. 18) |

Other Critical Zoning Items

| | |
|------------------------|-----|
| Urban Design | No |
| Utility Easements | Yes |
| Waterfront Development | No |
| Adjacent to park | No |
| Barrier free (ILHR 69) | Yes |

Prepared by: Pat Anderson, Asst. Zoning Administrator

Project Description

Existing Conditions

The 3.7-acre site is currently developed with a one-story commercial building (restaurant) and a surface parking lot with 187 parking stalls. Constructed in 1996, the building (formerly Houlihan's Restaurant) sits on the eastern portion of the site, and would remain unchanged with the proposal. The surface parking lot is located behind the building and accessed by a driveway on the northern portion of the site. The area immediately south of the building, which would be the site for the new outdoor eating area, is currently grass-covered, with a few small trees and shrubs.

Two small outdoor patios with a combined occupancy of 76 currently exist off of the front of the building, and would remain.

Site and Building Plans

The proposed outdoor eating area is a fenced-in area approximately 6,600 square feet in size, with a 4,100 sq. ft. concrete patio adjacent to the building and a grass-covered area on the southern end. An approximately 900 sq. ft. covered bar area sits in the center of the patio, and a gas fire pit surrounded by seating is proposed in the southeastern corner of the site.

The proposal involves the removal of three small trees, one shrub, and existing foundation plantings. The landscape plan within the outdoor eating area includes six trees (5 new honey locusts, and 1 existing tree), several shrubs, and low perennials. Outside of the outdoor eating area, a stone water feature faces John Q Hammons Drive, and new foundation plantings are proposed along the front of the building. Climbing hops are proposed to be planted at the base of the fence in a few locations, and five wooden barrel planters with barley, oats, and other grasses are proposed.

The fenced-in outdoor patio has two entrances from within the building, one on the west side closest to the parking lot, and a fourth on the east side, oriented to John Q Hammons Drive. Plans submitted show a seating plan with 35 tables for four, and 17 seats around the outdoor bar, for a total of 157 seats. The proposed outdoor occupancy of 241 assumes 15 square feet per person within the area specified for seating, but at full occupancy, 84 (35%) of those outside would presumably be standing. Planning Division staff does not object to this arrangement, but notes that all fire and building code requirements must be fully addressed prior to final staff approval of the conditional use (see Zoning Condition No. 16 and Fire Condition Nos. 20 and 21).

Operations and Management

Total occupancy for the establishment is proposed as 630 (241 for the proposed new patio, 76 for the existing patios, and 313 inside). As proposed, the outdoor eating area would operate seasonally from April to November, from 11:00 AM to 12:00 AM Monday through Thursday, and 11:00 AM to 1:00 AM Friday through Sunday, consistent with current hours for the restaurant. 8–12 employees are expected to serve within the outdoor space.

The applicant indicated that while soft background dining music would be typical for the outdoor space, they would like to allow for amplified sound (guitar, keyboard, and occasional small band performances) during evenings after 5:00 PM and on weekends, when nearby businesses are closed.

Evaluation

The Comprehensive Plan (2006) recommends Employment uses for this area, which includes complementary uses such as hotels and restaurants primarily serving district employees and users. The City of Middleton Comprehensive Plan has no specific recommendation for the area just north of the site, and it is assumed that the employment uses in this area will remain predominant.

Staff believes that this location is suitable for amplified sound, as long as it is limited to hours after 5:00 on weekdays, and all hours on weekend days so as not to disrupt employees in nearby office buildings (see Condition No. 1). Staff believes that as long as all conditions from other agencies are sufficiently addressed, site plans as submitted are adequate with regard to landscaping, placement of entrances, and overall design of the outdoor eating area. There has been no public input on the proposal to date.

Conclusion

Planning Division staff believes that the conditional use standards can be met, and recommends that the Plan Commission **approve** the request subject to input at the public hearing and conditions from reviewing agencies.

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 request subject to input at the public hearing and the following conditions:

Planning Division (Contact Heather Stouder, 266-5874)

1. Amplified sound will be limited to all open hours during weekends, and weekdays after 5:00 PM.

The following conditions have been submitted by reviewing agencies:

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

2. Please provide CAD file for this site (CAD base file(s) that include all data from Sheet A100 is preferred) to the GIS – Mapping Unit of the Engineering Division. E-mail transmissions also preferred to Lzenchenko@cityofmadison.com. Please include the site address in the subject line of the e-mail transmission. Any changes or additions to the CAD site plan file affecting the locations of any information contained within Sheet A100 shall be retransmitted and represent final construction.

3. Staff review identified that site plan Sheet A100 incorrectly identifies the location of the public sidewalk within John Q. Hammons right-of-way. The city of Madison acquired a permanent easement for public sidewalk adjacent to this right-of-way on this subject property per Dane County Register of Deeds Document No. 2898116. Engineering will not require a plan redraft for this particular item, but in the event any other city agency requires a plan redraft, please revise this item as well.
 4. Any damage to the pavement on John Q. Hammonds Drive shall require restoration in accordance with the City's Patching Criteria.
 5. Show entire lot on the existing conditions sheet. Include existing sanitary sewer main and easement.
 6. Proposed design creates an enclosed depression for stormwater immediately west of the new building. Applicant shall provide stamped calculations showing the storm system is capable of handling the 100-year storm with no building flooding.
 7. Informational comment: There is an existing sanitary main running through the property from EAST to WEST which may end up being less expensive to connect to depending on what is required for pavement patching.
8. 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).
 9. The applicant shall show storm water "overflow" paths that will safely route runoff when the storm sewer is at capacity (POLICY).
 10. 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
 - i) Street namesAll other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred addressing@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)).
 11. The applicant shall obtain a Street Excavation permit for the installation of utilities required to serve this project. The Applicant shall pay the permit fee, inspection fee and street degradation fee as applicable and shall comply with all the conditions of the permit. (MGO 10.05(6)). This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
 12. The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work (MGO 10.05(6)) and MGO 35.02(4)(c)(2)). This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
 13. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service. (POLICY)

Zoning Administrator (Contact Pat Anderson, 266-5978)

14. Parking requirements for persons with disabilities must comply with MGO Sec. 28.11(3)6(m) which includes all applicable State accessibility requirements, including but not limited to:
 - a) Provide a minimum of six 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.
 - c) Show the accessible path from the stalls to the building.
15. Bike parking shall comply with MGO Sec. 28.11. Provide 20 bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. The bike racks shall be securely anchored to the ground or building to prevent the racks from moving. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area.
16. Meet applicable building and fire codes for the additional outdoor capacity and for ingress and egress of the establishment with the areas and uses for the site. Occupancy is established by the Building Inspection Unit. Contact Alan Harper at 266-4558 to help facilitate this process.
17. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31. Sign permits must be issued by the Zoning Section of the Department of Planning and Community and Economic Development prior to sign installations. Banners, pennants, temporary signs, portable signs, etc. are not a part of this approval.
18. Lighting is required and shall be in accordance with MGO Sec. 10.085 (Lighting Ordinance).
19. No portion of the site plan may change without Plan Commission approval, however, the Zoning Administrator may issue permits for minor alterations or additions which are approved by the Director of Planning and Community and Economic Development and are compatible with the concept approved by the City Plan Commission and the standards in MGO Sec. 28.12(11)(g).

Fire Department (Contact Scott Strassburg, 261-9843)

20. Per the International Fire Code, 2009 edition (IFC) Chapter 10 and MGO Chapter 34:
 - a) Applicant shall submit approved capacity with the site plan and post the capacity of the outdoor eating area in accordance with the IFC.
 - b) Proposed deck, patio, or fenced in area shall not be located at, adjacent, or obstruct the required exits from the building.
 - c) Provide and maintain exits from the deck, patio, or fenced in area in accordance with the IFC.
 - d) Submit a site plan showing any/all seating, bar, tent, dumpster, structures and fixtures for the proposed deck, patio, or fenced in area.
21. As discussed, show how the occupant load was calculated.

Water Utility (Contact Dennis Cawley, 261-9243)

22. This property is not in a Wellhead Protection District. All wells on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

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

This agency submitted comments with no conditions of approval for this request.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit a response for this request.