



Report to the Plan Commission

February 7, 2011

Legistar I.D. #21240
1026 North Sherman Avenue
Conditional Use Request

Report Prepared By:
Heather Stouder, AICP
Planning Division Staff

Requested Action: Approval of a conditional use for an outdoor eating area at a restaurant in the C3 (Highway 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 that the conditional use standards can be met and **approve** the request for the conditional use for an outdoor eating area.

Background Information

Applicant/Project Contact: Thomas List; Thomas List-Architect; 4370 Citation Ct; Cottage Grove

Property Owner: Peitro Pipitone; 1026 North Sherman Ave; Madison

Proposal: The applicant is requesting a conditional use for an outdoor eating area at a restaurant in the C3 (Highway Commercial) District

Parcel Location: 1026 Sherman Avenue is located on the west side of Sherman Avenue just south of Roth Street, Aldermanic District 12 (Rhodes-Conway); Madison Metropolitan School District.

Existing Conditions: The 0.3-acre parcel includes a one-story, 1,650 square-foot commercial building in the southeast corner close to North Sherman Avenue, with an asphalt parking area for 23 vehicles beside and behind the building.

Surrounding Land Use and Zoning:

North: Auto-repair shop in the C3L (Commercial Service and Distribution) District

East: Across North Sherman Avenue, the Esquire Club restaurant in the C2 (General Commercial) District

South: A small commercial building in the C3 (Highway Commercial) District

West: Across the rail road right-of-way, single family homes and Firemen's Park in the Village of Maple Bluff.

Adopted Land Use Plan: The Comprehensive Plan (2006) recommends Community Mixed-Use (CMU) for this property. The Northport-Warner Park-Sherman Neighborhood Plan (2009) has no further land use recommendation for this property, but recommends supporting aesthetic improvements along the North Sherman Avenue corridor and an enhanced streetscape in this specific area.

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, including three Metro Transit Routes on North Sherman Avenue and the nearby North Transfer Point.

Zoning Summary: The property is in the C3 (Highway Commercial) District.

Requirements	Required	Proposed
Lot Area	6,000 sq ft	13,952 sq ft
Lot width	50'	79.3'
Usable open space	N/A	N/A
Front yard	0'	Adequate
Side yards	0'	Adequate
Rear yard	10'	Adequate
Floor area ratio	3.0	N/A
Building height	---	N/A

Site Design

No. Parking stalls	23 (30% capacity of restaurant)	23
Accessible stalls	1	1 existing (See Condition No. 13 , Page 4)
Loading	N/A	N/A
No. Bike Parking stalls	2	2 (See Condition No. 14 , Page 5)
Landscaping	Yes	(See Condition No. 16 , Page 5)
Lighting	Yes	Yes (See Condition No. 15 , Page 5)

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

The 0.3-acre parcel includes a one-story, 1,650 square-foot commercial building in the southeast corner close to North Sherman Avenue, with an asphalt parking area for 23 vehicles to the west and north of the building. The parking lot does not match a City-approved site plan from 1993, the most recent plan on file for the property, nor does it comply with current codes with regard to parking lot landscaping or parking stall configuration.

As an outdoor eating area for the existing restaurant, a small 280 square foot deck is proposed between the south side of the building and the southern property line. No other exterior changes are proposed for the building itself, but two new bicycle parking stalls are proposed near the entrance of the building.

As proposed, the deck will seat a maximum of 22 patrons, bringing the total capacity of the restaurant to 75. The deck will be open seasonally during normal business hours, and the applicant does not plan on having amplified sound. The applicant notes that the deck will be screened on all sides, although no detail was provided with the application materials.

Evaluation and Conclusion

In an area planned for community mixed-use redevelopment, the site is appropriate for outdoor eating areas. With the nearest home over 250 feet away from the proposed deck, staff believes that residential properties in the Village of Maple Bluff to the west will not be negatively impacted by noise or lighting associated with this new, relatively small outdoor eating area. However, a few important changes to the site plan are necessary prior to final staff review and approval of the conditional use.

Site Plan Revisions

The current site condition is inconsistent with the most recent site plan approved by the City for a previous owner in 1993, and fails to meet several more contemporary ordinance requirements regarding landscaping and parking stall configuration. Although the expected site plan changes are due to ordinance requirements not under the purview of the Plan Commission, staff has worked closely with the applicant to make these changes clear prior to the meeting. Staff recommends that the Plan Commission focus on the appropriateness of the proposed use, recognizing that the final site plan will include changes when it is submitted for staff approval.

The main change required involves the removal of stalls north of the building to provide for an adequate drive aisle. An approvable parking lot at this location will likely have closer to 14-16 stalls, rather than the 23 stalls shown in submitted plans. At the proposed occupancy, this change will necessitate a parking reduction that can be handled at the administrative level. Further, once the stalls north of the building are removed, staff has noted that the north rather than south side of the building would likely be a more appropriate location for the proposed deck.

Deck Location and Screening

As proposed, the six-foot wide deck fills the area between the building and the southern property line, and the commercial building located immediately to the south is only 10-12 feet away from the subject building. Importantly, questions have been raised by staff from City Engineering-Mapping and the Assessor's Office regarding the accuracy of the southern property line as drawn on submitted plans.

While not recommended as a condition of approval, Planning Division staff believes that a relocation of the deck to the north side of the building would be an improvement to the proposal, assuming site plan requirements regarding the parking lot will allow for this. The applicant indicated that this will be explored in conjunction with required changes to the parking lot configuration. In any case, final plans submitted for staff review and approval should include detail on the deck location and the type of fence or screening proposed to surround it. If the deck is indeed located on the south side of the building as shown on submitted plans, the applicant should provide a survey demonstrating that the proposed deck is entirely on the subject parcel.

Operational Details

The applicant does not plan on having amplified sound within the outdoor eating area. The hours of operation are proposed to be limited to those of the current restaurant, which closes at 9:00 pm on Sundays, 10:00 pm Monday through Thursday, and midnight Fridays and Saturdays. Staff believes that a limitation on the hours of operation as proposed is adequate for this location.

Public Input

The District 12 Alder supports the proposal, and staff is unaware of any opposition at this time.

Planning Division staff recommends that the Plan Commission finds that the conditional use standards can be met, and **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. Final plans shall include detail on the screening proposed to surround the outdoor eating area.
2. The applicant is encouraged to relocate the deck to the north side of the building. If the deck remains on the south side of the building, a survey shall be submitted to confirm that it will be located entirely on the subject property (see Engineering Condition No. 5 below).
3. Use of the outdoor eating area shall cease at 9:00 pm on Sundays, 10:00 pm Monday through Thursday, and midnight on Fridays and Saturdays.

The following conditions have been submitted by reviewing agencies:

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

4. The site plan shall be revised to clearly identify and differentiate the pervious and impervious areas within the site.
5. The submitted site plan lacks exact width dimensions of the proposed deck, as well as available side yard dimensions along the north property line. It is unclear whether the proposed deck could be erected entirely within the owner's property without encroachment on the adjacent property. The applicant/owner shall have a Registered Land Surveyor prepare a plat of survey of the site to confirm the location of both existing and proposed conditions relative to the property lines. Although a complete plat of survey is in the best interest of the owner, a potential suggestive cost saving option to the applicant would be to request separate cost estimates from the Surveyor for:
 - a) A complete plat of survey of the entire site, or
 - b) A "line survey" of only the more critical north property line

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

6. When the applicant submits final plans of one contiguous plan for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, showing all easements, all pavement markings, building placement, and stalls, adjacent driveway, 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'.
7. The existing noted parking spaces shall not block the driveway approach. The applicant shall revise site plans as not to block the driveway approach and accommodate back up and two-way operation for ingress and egress to North Sherman Avenue according to Madison General Ordinances.
8. The applicant shall design the surface parking areas for stalls and backing up according to Figures II of the ordinance using the 9' or wider stall for the commercial/retail area. The noted existing parking has been modified from the approved site plan. The applicant shall modify parking spaces in accordance to MGO parking standards.
9. The applicant shall prevent encroachment with parking and outdoor eating area onto adjacent land areas and public sidewalk by barriers of some type, which shall be noted on the face of the revised plans.
10. The parking facility shall be modified to provide for adequate internal circulation for vehicles. This can be accommodated by eliminating a parking stall at the dead ends. The eliminated stall shall be modified to provide a turnaround area ten (10) to twelve (12) feet in width and signed with a "No Parking Anytime".
11. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
12. 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)

13. 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 one accessible stall striped per State requirements. This 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.
14. Bike parking shall comply with MGO Sec. 28.11. Provide 2 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.
15. Lighting is required and shall be in accordance with MGO Section 10.085. Provide a plan showing at least .5 foot candle on any surface on any lot and an average of .75 foot candles. The maximum light trespass shall be 0.5 fc at 10 ft from the adjacent lot line (see City of Madison lighting ordinance).
16. Parking lot plans with greater than twenty (20) stalls shall comply with MGO Sec. 28.04(12). Landscape plans must be stamped by a registered landscape architect. Provide a landscape worksheet with the final plans that shows that the landscaping provided meets the point and required tree ordinances. In order to count toward required points, the landscaping shall be within 15' and 20' of the parking lot, depending on the type of landscape element.
17. On final plans, provide detail of trash enclosure.

Fire Department (Contact Bill Sullivan, 266-4420)

18. IFC 1004.3. Capacities for the interior and exterior deck shall be posted in accordance with this section.
19. IFC 505.1. Ensure the building address is posted in accordance with this section.
20. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

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.