



Report to the Plan Commission

April 11, 2011

Legistar I.D. #21976
674 South Whitney Way
Conditional Use

Report Prepared By:
Kevin Firchow, AICP
Planning Division

Requested Action: Approval to construct and operate an outdoor eating area for a restaurant and brewpub.

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 find that the conditional use standards are met for the proposed outdoor eating area at 674 South Whitney Way and **approve** the requested conditional use subject to input at the public hearing, comments from the Planning Division and comments from other reviewing agencies.

Background Information

Applicant & Contact: Bryan Manning; Vintage Brewing Company; 674 South Whitney Way; Madison

Owner: Whitney Square 1999 LLC; 1720 Bellaire Street, #1209; Denver, CO; 80222

Proposal: The applicant proposes to construct an outdoor eating area for an existing restaurant and brewpub.

Parcel Location: The subject site is an approximately 9 acre (401,197 square foot) parcel located at the corner of Whitney Way and Odana Road. The improvements are limited to the area surrounding the "Vintage Brewing Company" building, located close to the Whitney Way. Changes are not proposed to the balance of the shopping center site. This parcel is located within Aldermanic District 19, Urban Design District 3, and the Madison Metropolitan School District.

Existing Conditions: The subject site is part of the Whitney Square shopping center that currently includes the subject building and other commercial buildings surrounded by relatively large surface parking areas.

Surrounding Land Use and Zoning: The subject site is zoned C3-L (Commercial Service and Distribution District). Westgate Mall is located on the opposite side of Whitney Way and zoned C2 (General Commercial). Similar commercial development is located north of the site and also zoned C2. The nearest residential properties are located at the southeast corner of Odana Road and Whitney Way, roughly 450 feet from the proposed outdoor eating area. That property is zoned R4 (General Residence District).

Adopted Land Use Plan: The Comprehensive Plan recommends community mixed-use development uses for this property and the surrounding area.

Environmental Corridor Status: The property is not within an environmental corridor.

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

Zoning Summary: The property is zoned C3L (Commercial Service and Distribution District)

Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	9,899 sq. ft.
Lot width	50'	99.12'
Usable open space	n/a	n/a
Front yard	0'	5.6' existing
Side yards	0'	50.43' R/S / 3.5' L/S existing
Rear yard	10'	34.38' existing
Floor area ratio	3.0	Less than 1.0
Building height	---	n/a
Site Design	Required	Proposed
Number parking stalls	(30% of capacity) + 1 per two employees - 127	79 existing
Accessible stalls	4	2 (See Comment #4)
Loading	1	1 (See Comment #10)
Number bike parking stalls	8	5 (See Comment #6)
Landscaping	Yes	Yes (See Comment #11)
Lighting	Yes	Yes (See Comment #7)
Other Critical Zoning Items	Urban Design; Barrier free (ILHR 69)	

Table Prepared by Pat Anderson, Assistant Zoning Administrator

Analysis, Evaluation, & Conclusion

The applicant requests conditional use approval to construct and operate an outdoor eating area for the Vintage Brewing Company. This proposal is subject the conditional use review standards.

The Vintage Brewing Company is located in a stand-alone building within the larger Whitney Square shopping center at the intersection of Odana Road and Whitney Way. The outdoor eating area would be constructed along Whitney Way, on an elevated patio constructed along the building's east side. The proposed patio is 18 feet wide and would be enclosed with a guardrail. An existing retaining wall would be extended to facilitate this construction. Details of the patio and retaining wall have been provided. Staff also request that the applicant provide a detail of the guardrail, for staff approval.

Upon completion, the outdoor eating area would have a maximum capacity of 33 patrons. Plans show that eight (8) tables will be provided. The hours of operation are from 11:00 am until close on the weekdays and from 9:00 am until close on the weekends. The applicant notes that food will be available to patrons on the patio during all open hours. Staff do not anticipate any noise or other conflicts would result from the operation of this patio, as proposed. The nearest residential uses are over 450 feet from the proposed patio, in a multi-building development located on the southeast corner of Whitney Way and Odana Road.

In addition to the patio, the applicant will be bringing the portion of the parking lot surrounding the building up to current code requirements. This includes the installation of a pervious landscape island and the installation of new parking lot directional signage

Staff believe the conditional use standards are met. The proposal is not in conflict with any adopted plans and staff was not aware of any neighborhood concerns at the time of report writing.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are Shaded

Planning Division Recommendation (Contact Kevin Firchow, 267-1150)

The Planning Division recommends that the Plan Commission find that the conditional use standards are met for the proposed outdoor eating area at 674 South Whitney Way and **approve** the requested conditional use subject to input at the public hearing, comments from the Planning Division and comments from other reviewing agencies.

1. That the applicant provides a detail of the guardrail for approval by staff.

The following conditions have been submitted by reviewing agencies:

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

2. The retaining wall shall not be located within public right of way.
3. 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: building footprints, internal walkway areas, internal site parking areas, lot lines/ numbers/ dimensions, street names, and other miscellaneous impervious areas. All other levels (contours, elevations, etc) are not to be included with this file submittal. 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))

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

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

Zoning Administrator (Contact Pat Anderson, 266-5978)

4. Parking requirements for persons with disabilities must comply with City of Madison General Ordinances Section 28.11 (3) 6.(m) which includes all applicable State accessible requirements, including but not limited to:
 - a. Provide a minimum of four 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.
5. Bike parking shall comply with City of Madison General Ordinances Section 28.11.

6. Provide 8 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.
7. Lighting is required and shall be in accordance with City of Madison General Ordinances Section 10.085. Provide a plan showing at least .5 foot candle on any surface on any lot and an average of .75 footcandles. The max. light trespass shall be 0.5 fc at 10 ft from the adjacent lot line. (See City of Madison lighting ordinance).
8. Meet applicable building/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 Mike Van Erem at 266-4559 to help facilitate this process.
9. NOTE: Contact the City Clerk regarding the "change of license premise" to allow outdoor service to your liquor license.
10. Parking & Loading shall comply with City of Madison General Ordinances Section 28.11 (4). Provide (1) 10' x 35' loading areas with 14' vertical clearance to be shown on the plan. The loading area shall be exclusive of drive aisle and maneuvering space.
11. Parking lot plans with greater than twenty (20) stalls shall comply with City of Madison General Ordinances Section 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. (Note: The required trees do not count toward the landscape point total.)

Fire Department (Contact Bill Sullivan, 261-9658)

12. Post the maximum capacity for each area of the restaurant and outdoor seating area. Occupancy capacity to be approved by Building Inspection.

Water Utility (Contact Dennis Cawley, 261-9243)

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. The Water Utility will not need to sign off the final plans, and not need a copy of the approved plans.

Parks Division (Contact Kay Rutledge, 266-6518)

This agency did not submit a response to these requests.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit a response to these requests.