



Report to the Plan Commission

May 2, 2011

Legistar I.D. #22220
232 East Olin Avenue
Conditional Use

Report Prepared By:
Kevin Firchow, AICP
Planning Division

Requested Action: Approval of a conditional use to add an outdoor recreation area (volleyball courts) to an existing approved outdoor eating area.

Applicable Regulations & Standards: Section 28.12 (11) provides the guidelines and regulations for the approval of conditional uses. Section 28.09(3)(d)32 identifies outdoor recreational areas as conditional uses in the C2 and C3 zoning districts.

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the conditional use request to add an outdoor recreation area at 232 East Olin Avenue, subject to input at the public hearing and the conditions from the Planning Division and other reviewing agencies.

Background Information

Applicant / Property Owner: Denny Jax; Coliseum Bar & Banquet; 232 East Olin Ave; Madison, WI 53714

Contact: Ron Lamberty; Coliseum Bar & Banquet; 232 East Olin Ave; Madison, WI 53714

Proposal: The applicant proposes to seasonally convert a portion of the existing surface parking lot into two (2) sand volleyball courts.

Parcel Location: The subject property is a 58,404 square foot (1.25-acre) parcel at the intersection of John Nolen Drive and East Olin Avenue. The property is within Urban Design District 1, Aldermanic District 14, and the Madison Metropolitan School District.

Existing Conditions: The subject site is currently developed with two (2) restaurant/taverns.

Surrounding Land Use and Zoning:

North / Northwest: Office buildings zoned C3 (Highway Commercial);

East / Northeast: John Nolen Drive, with Olin Turville Park zoned Conservancy, beyond;

South / Southwest: Alliant Energy Center (Town of Madison), zoned Exposition District - Dane Co. Zoning

Adopted Land Use Plan: The Comprehensive Plan recommends employment uses for this site.

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

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

Zoning Summary: The property is zoned C3 (Highway Commercial District)

Project Description

The applicant requests conditional use approval to seasonally install and operate two (2) volleyball courts in a portion of their parking lot. This request is subject to the conditional use standards of section 28.12 (11).

The applicant has provided a site plan generally depicting the boundaries of the two courts, located on the northeast corner of the property. As a clarification, the plans before the Plan Commission have been revised. The initial plans showed portions of the volleyball courts extending over the property line. This is corrected on the revised drawings and the applicant has confirmed that the improvements will be entirely on the subject property.

The proposed courts abut a 100-foot wide property owned by the Wisconsin Department of Transportation. A rail line runs through the center of this property, parallel to John Nolen Drive. The applicant has indicated that 16 parking stalls would seasonally be removed to accommodate the proposed courts. As such, an administrative-level parking reduction is also required, should the Plan Commission approve this conditional use.

As proposed, the volleyball courts would be located over an existing parking lot tree island, and presumably that island would be removed. This site is within an Urban Design District and therefore, site plan alterations (such as these) require the approval of the Urban Design Commission (UDC). In addition, the applicant indicates lighting may be utilized. Planning Division staff have requested lighting details be provided to the UDC as part of their review. The applicant has filed an application for the April 27 UDC meeting, though at the time of report writing, staff did not have comments or conditions resulting from that meeting. Planning staff recommend that the plans are revised and made consistent with the UDC approval along with the approved conditions recommended by the reviewing agencies.

Since making the original application, the applicant has been reviewing different strategies to keep the sand in place. At the time of report writing, staff understands the applicant is likely pursuing a temporary wooden base. Additionally, a six (6) foot tall chain-link fence would surround the court and an 18-foot tall net would be provided to keep volleyballs from leaving the playing area. Staff believes that the Plan Commission could approve the conditional use, subject to these details being approved by reviewing agencies and the Urban Design Commission.

Staff do not anticipate this seasonal use will result in conflicts with surrounding properties, especially considering there are no residences in the surrounding area. The courts would be utilized from May through September. The proposed hours of operation are from 6:00 pm until 10:45 pm Monday through Saturday and 3:00 to 9:00 pm on Sundays. The letter of intent specifies no outdoor amplified sound would be added to the volleyball court area.

Staff believe the conditional use standards can be 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 and **approve** the conditional use request to add an outdoor recreation area at 232 East Olin Avenue, subject to input at the public hearing and the conditions from the Planning Division and other reviewing agencies.

1. That the applicant receives final approval from the Urban Design Commission and that sign-off plans are revised to reflect those changes and the approved conditions from reviewing agencies.
 2. That the design for erosion control, fencing and netting be provided for staff approval.
 3. That all related seasonal improvements be removed at the end of the season.
 4. As proposed in the applicant's materials:
 - a) This use and related improvements are seasonal.
 - b) That no extra speakers or sound producing devices will be provided for the volleyball courts.
 - c) That hours of operation for the volleyball court end by 10:45 pm Monday through Saturday and by 9:00 pm Sunday.
- Modifications to the above will require approval of an alteration to this conditional use.

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

5. The site plan indicates the proposed volley ball courts encroach into the adjacent WisDOT Bureau of Rails and Harbors owned corridor. Provide license / permit / lease / easement from WisDOT authorizing this encroachment or relocate the proposed courts to be completely within the Applicant's property.
6. An erosion control plan shall be provided and approved by City Engineering prior to starting work.

Traffic Engineering Division (Contact Bryan Walker, 267-8754)

7. 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 approaches to lots on either side and across the street, 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'.
8. Applicant shall submit two different seasonal plans, one showing the layout of the parking with the volleyball area during the summer and one showing the layout of the parking without the volleyball area during the winter. Specific dates of each season shall be noted on the face of each plan.

9. One parking stall to the northwest of the volleyball area, across from the handicap parking stalls, shall be shown as hashed out to allow a turn-around area for vehicles.

Fire Department (Contact Bill Sullivan, 261-9658)

10. During the site plan review process, document existing fire lanes to show compliance with MGO 34.503 and IFC 503.

Zoning Administrator (Contact Pat Anderson, 266-5978)

Comments were not available at the time of report writing.

Water Utility (Contact Dennis Cawley, 261-9243)

11. 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, nor need a copy of the approved plans.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit a response for this request.