



## Report to the Plan Commission

May 2, 2011

**Legistar I.D. #22224**  
**322 West Johnson Street**  
**Conditional Use**

Report Prepared By:  
Kevin Firchow, AICP  
Planning Division

**Requested Action:** Approval of a conditional use alteration 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 subject to input at the public hearing and the conditions from the Planning Division and other reviewing agencies.

### Background Information

**Applicant / Contact:** Adam C. Mais; Logans Madtown; 322 West Johnson Street; Madison, WI 53703

**Property Owner:** 322 West Johnson Street Partnership

**Proposal:** The applicant proposes to seasonally convert a portion the existing parking lot into two sand volleyball courts.

**Parcel Location:** 322 West Johnson Street is a 35,500 square foot (0.8-acre parcel generally located on the north side of West Johnson Street between Broom Street and State Street; Aldermanic District 4 (Verveer); Madison Metropolitan School District.

**Existing Conditions:** The site is currently developed with a two-story building with a vacant restaurant space along the Johnson Street frontage and an automobile repair shop in the rear, zoned C3 (Highway Commercial) District.

**Surrounding Land Use and Zoning:** The site is in a mixed-use area within a half block of State Street.

North: Commercial and mixed-use buildings just north of the site (311-341 State Street) are zoned C4 (Downtown Core District), and share access with the proposed restaurant.

East: City of Madison Fire Station #1, zoned C3 (Highway Commercial), is located just across West Johnson Street.

South: Across West Johnson Street, the Capitol Centre residential development, zoned PUD-SIP (Planned Unit Development – Specific Implementation Plan District) has 150 dwelling units.

West: Surface parking associated with automobile repair shop in same building, zoned C2 (General Commercial District). Immediately west of this, at the corner of W Johnson Street and Broom Street, is an historical firehouse building with commercial offices.

**Adopted Land Use Plan:** The Comprehensive Plan identifies this site as a portion of the “State Street” sub district of Downtown. Recommended uses include mixed-use buildings with dining and entertainment. This proposal is not inconsistent with that recommendation.

**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)

Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	5,016 sq. ft. (existing)
Lot width	50'	38.9' (existing)
Usable open space	N/A	N/A
Front yard	0'	0.2' (existing)
Side yards	0'	0' R /5' L (existing)
Rear yard	30'	30.2'
Floor area ratio	3.0 maximum	Less than 1.0
No. Parking stalls	N/A	N/A
Accessible stalls	1	1
Loading	Yes	1 existing
Number of Bike Parking Stalls	3	3 existing
Landscaping	Yes	Yes
Lighting	No	
<b>Other Critical Zoning Items:</b> Barrier Free (ILHR 69); Proposed Occupancy- 100 outdoors		

*Prepared by: Pat Anderson, Asst. Zoning Administrator*

## **Project Description**

The applicant requests approval of a conditional use alteration to seasonally convert the existing 13-stall surface parking lot on the property's east side into an outdoor recreation area with two (2) sand volleyball courts. The subject property includes a mixed-use building occupied by Logan's Madtown restaurant and an automobile repair shop. In 2009, the Plan Commission approved a conditional use allowing an outdoor dining area for the restaurant. This proposal is subject to the conditional use standards of section 28.12 (11).

The applicant has provided an updated site plan and other graphics depicting the proposed courts. Plans show the courts would be installed adjacent to the outdoor dining patio. No changes to the patio (or its capacity) are proposed as part of this request. The reconfigured parking lot provides five (5) stalls north of the proposed courts, accessed from the adjoining alley. No changes are proposed to the on-site parking on the west side of the building, where 19 stalls shown.

The courts would be surrounded by 30 foot-tall nets to keep wayward balls from leaving the playing area. Plans indicate that the existing ornamental fence will be covered in a "visibility reducing screen" between the masonry pillars. Such a screen has been requested by City Traffic Engineering.

Staff believe the conditional use standards are likely met as the applicant has addressed the issues that would most likely create conflicts with a use of this type. The applicant has specified that no additional outdoor amplified sound is proposed. No extra lighting is proposed and all volleyball games would end by 9:00 pm, if not earlier as noted in the application materials. The proposal is not in conflict with any adopted plans. Staff is aware that a nearby property raised concerns regarding parking and noise impacts, though no formal comments were provided 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 322 West Johnson Street, subject to input at the public hearing and the conditions from the Planning Division and other reviewing agencies.

1. 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. Note, that any outdoor amplified sound on the existing patio is prohibited after 10:00 pm, per the 2009 conditional use approval.
  - c) That hours of operation for the volleyball court end by 9:00 pm, nightly.
  - d) No additional lighting is proposed.Modifications to the above will require approval of an alteration to this conditional use.
2. That all temporary fencing, netting, and visibility reducing screens be removed at the end of the season.
3. That Planning Division staff shall approve the design of the fencing, netting, and materials used for the visibility reducing screen.

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

Comments were not provided in time to be included in this report.

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

4. 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.

### **Zoning Administrator** (Contact Pat Anderson, 266-5978)

5. If you have a license to sell alcohol in an outdoor eating area, the Alcohol License Review Committee will establish conditions for operation, which 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 premises to include the outdoor eating area. It is your responsibility to have the outdoor service area added to your licensed premise. Please contact the City Clerk's office for ALRC issues.

6. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 of the Madison General Ordinances. Signage must be approved by the Urban Design Commission and Zoning. Sign permits must be issued by the Zoning Section of the Department of Planning and Community and Economic Development prior to sign installations
7. Provide a detailed landscape plan. Show species and sizes of landscape elements. 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.) It appears that 2 Blue Arrow Redcedar Junipers will be removed from approved plan?
8. Lighting is not required. However, if it is provided, it must comply with City of Madison outdoor lighting standards. (See parking lot packet). Lighting will be limited to .10 watts per square foot.
9. Meet all applicable State accessible requirements, including but not limited to:
  - a. Provide a minimum of two 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. Accessible signs shall be a minimum of 60" between the bottom of the sign and the ground.
  - c. Show the accessible path from the stalls to the building. The stalls shall be as near the accessible entrance as possible. Show ramps, curbs, or wheel stops where require.

**Fire Department** (Contact Bill Sullivan, 261-9658)

10. The required exiting from the outdoor patio shall be maintained at all times. Obtain necessary approvals from the City of Madison Building Inspection Unit.

**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.