



## Report to the Plan Commission

September 19, 2011

**Legistar I.D. #23865**

**2 South Mills Street**

**Conditional Use Alteration Request**

Report Prepared By:  
Heather Stouder, AICP  
Planning Division Staff

**Requested Action:** Approval of a major alteration to an existing conditional use for the expansion of existing Football Saturday beer garden 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 that the conditional use standards can be met and **approve** the request for the conditional use for an expanded Football Saturday beer garden.

### Background Information

**Applicant/Property Owner:** Philip Leung; Hong Kong Café; 2 S. Mills St.; Madison, WI, 53715

**Project Contact:** Matt Aro; Aro Eberle Architects; 116 King St., Ste. 202; Madison, WI, 53703

**Proposal:** The applicant requests an alteration to an existing conditional use to expand capacity of a Football Saturday beer garden on the West side of the building, along Regent Street.

**Parcel Location:** 2 S. Mills St. and 1107 Regent St are adjacent parcels on the southwest corner of Regent Street and Mills Street, Aldermanic District 13 (Ellingson); Madison Metropolitan School District.

**Existing Conditions:** The 5,500 square foot site includes a two-story mixed-use building with a restaurant on the first floor and two residential units on the second floor, with an asphalt surface to the west currently utilized for outdoor eating and beer gardens on football Saturdays.

**Surrounding Land Use and Zoning:** This site is located in the Regent Street commercial corridor just south of the UW-Madison Campus, surrounded by the following specific uses:

**North:** McDonald's Restaurant in the C2 (General Commercial) District

**East:** Medical Clinic in the C2 (General Commercial) District

**South:** Two-unit residential building in the C2 (General Commercial) District

**West:** Automobile surface parking in the C2 (General Commercial) District.

**Adopted Land Use Plan:** The Comprehensive Plan (2006) and Regent Street South Campus Plan (2008) recommend Neighborhood Mixed Use for this property. The Regent Street-South Campus Neighborhood Plan recommends a 4-story maximum height on this block.

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

**Public Utilities and Services:** The property is served by a full range of urban services, including Metro Transit Route 6.

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

Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	5,394 sq. ft. (existing)
Lot width	50'	44' (Mills St.)
Front yard	0'	Existing/adequate
Side yards	0'	Existing/adequate
Rear yard	10'	24' to canopy
Floor area ratio	3.0	less than 1.0
Building height	N/A	N/A

### Site Design

No. Parking stalls	30% of capacity	2
Accessible stalls	1	1
Loading	N/A	N/A
No. Bike Parking stalls	2	6
Landscaping	No	No
Lighting	Yes	

### Approved Occupancy of property per MFD

Tavern	80 persons
Tavern + outdoor eating area	TBD (see Condition No. 5, page 3)
Tavern + outdoor eating area without fixed seats	TBD (see Condition No. 5, page 3)
Beer garden	TBD (see Condition No. 5, page 3)

### Other Critical Zoning Items

Urban Design	No
Utility Easements	Yes
Adjacent to park	No
Barrier free (ILHR 69)	Yes

Prepared by: Pat Anderson, Asst. Zoning Administrator

## Project Description, Evaluation, and Conclusion

The applicant seeks an alteration to an existing conditional use to expand the capacity of the Football Saturday Beer Garden to 310 persons from 195 persons, which was the capacity approved by the Plan Commission on July 26, 2010. All other site plan and operational details would remain the same.

No expansion of the 2,300 square foot beer garden itself is proposed. Rather, a portion of the area approved in 2010 for tables and chairs is now proposed as a standing area, which allows for a greater number of customers. The proposed site plan still retains nearly half the beer garden area for tables and chairs, unlike most beer gardens along Regent Street.

A supportive letter from the neighbor immediately to the south is provided in the Plan Commission packet. Staff is unaware of further public input at the time of this report. The Alcohol License Review Committee recommended approval of the requested change on August 17, and the request was approved by the Common Council on September 6, 2011.

Staff believes that the requested capacity is reasonable, noting that it is significantly less than several of the Football Saturday beer gardens in the area. With the conditions of approval recommended by reviewing agencies, staff believes that the proposal can meet the standards for conditional use approval.

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:

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

1. The applicant shall submit three different parking lot plans, one showing the layout of the parking with the beer garden area during Camp Randall events, one showing the layout of the parking with the seasonal outdoor eating area including the location of the 64 seats, and one showing the layout of the parking without the beer garden or outdoor eating area during normal working hours.
2. The Outdoor Eating Area site plan shall show height of fence, with a setback of 2 or 3 feet from the public sidewalk the length of the service area separating the public sidewalk. This service area should have one or two 6 to 10 foot wide entrances to the outdoor service area for customers. The public sidewalk is narrow at this point and requires adequate wide entrances to accommodate customer access as to not block the sidewalk. All information shall be shown or noted on the plan.
3. 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'.

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

4. Fence enclosure, security guards, litter control and portable toilets. If you have a license to sell alcohol in an outdoor eating area, the Alcohol License Review Committee has established conditions for operation for these applications that involve fencing, security guards, toilet facilities, litter, etc. All businesses that sell alcohol must comply with the requirements imposed by the ALRC at the time of issuance of your original application to expand or change your licensed premises to include the outdoor eating area.
5. 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 Alan Harper at 266-4558 to help facilitate this process. The submitted plans do not indicate that an increased capacity is being requested (except for Badger football Saturday beer garden) so no additional parking will be required.
6. 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 Section 28.12(11)(g).

**Fire Department** (Contact Bill Sullivan, 266-4420)

7. Rear entrance from neighboring property should be staffed or designed as an emergency exit only.
8. Switch the "In" and "Out" along Regent Street so that the exit is next to the trash and any line formed waiting for entrance can be directed along the brick wall on the owner's property.
9. Submit an updated operational plan to MFD for review and approval.

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

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

**Parks Division** (Contact Kay Rutledge, 266-4714)

This agency did not submit a response for this request.

**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.