



Report to the Plan Commission

May 7, 2012

Legistar ID #26216
301 North Street
Conditional Use

Report Prepared By:
Kevin Firchow, AICP
Planning Division

Requested Action: Approval of a conditional use alteration to expand an existing outdoor recreation area for a restaurant/tavern to allow special events in the parking lot and the approval of an associated parking reduction during those events.

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. Section 28.11 (2) (c) requires that parking reductions of 20 (or more) stalls be approved as a conditional use.

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the conditional use request for 301 North Street to expand an existing outdoor recreation area in a portion of the parking lot to allow special events and an associated parking reduction during those events. This request is subject to input at the public hearing and the recommended conditions from the Planning Division and other reviewing agencies.

Background Information

Applicant / Contact: Nicholas Zabel; NDZ Enterprises, LLC dba Dexter's Pub; 2610 East Johnson Street; Madison, WI 53704

Property Owner: Vito Cerniglia; 2303 Pinehurst Drive; Middleton, WI 53562

Proposal: The applicant, Dexter's Pub, proposes to amend the existing conditional use approvals for outdoor eating/recreation areas to allow a portion of the parking lot to be used for outdoor special events up to four times a year.

Parcel Location: The subject property is a 11,894 square foot parcel at a small neighborhood commercial node located at intersection of North and East Johnson Streets. The property is within Aldermanic District 12 and within the limits of the Madison Metropolitan School District.

Existing Conditions: The site includes the subject bar/restaurant and related site improvements. The building is located close to the corner with an existing 10-stall parking lot located to the building's north side. Behind the existing parking lot are sand volleyball courts. The property has previously received a conditional use for outdoor recreation for sand volleyball. Dexter's also operates a separate 30-stall parking lot on the adjacent lot to the north.

Surrounding Land Use and Zoning:

North: Surface parking for Dexter's, with Bashford United Method Church, beyond, zoned R4 (General Residence District);

South: Mixed-use building, zoned C1 (Limited Commercial District);

East: Single-family homes lining East Johnson Street, zoned R4 (General Residence District); and

West: Small Commercial building, with single and two-family residences, zoned R4.

Adopted Land Use Plan: The Comprehensive Plan recommends neighborhood mixed use development for this site. The Emerson East-Eken Park Neighborhoods Plan provides some additional recommendations for the North and East Johnson commercial node. Further discussion is included within the body of this report.

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 C2 (General Commercial District). A zoning summary table was not provided in time to be included in this report.

Project Review, Analysis, and Conclusion

The applicant, Dexter's Pub, requests approval of a conditional use alteration to allow an expanded outdoor recreation area in their parking lot for the purpose of hosting up to four (4) outdoor events each year. Plan Commission approval of a parking reduction during these events is also required. This request is subject to the conditional use approval standards of the Zoning Code.

The subject site includes a 6,000 square foot restaurant/tavern building, sand volleyball courts, and an existing 10-stall parking lot located adjacent to the building. The proposed expanded recreation area would occur within this parking lot. Dexter's also operates a separate 30-stall parking lot on the adjoining property north of the building site. Staff note that this larger parking lot would not be part of the expanded outdoor recreation area and would remain available for patron parking. Please see the attached site plan for further information.

In considering the surrounding context, the Dexter's site lies within a small, neighborhood-serving mixed-use node at the corner of North and East Johnson Streets. The area surrounding this commercial node is zoned R4 (General Residence District) and predominantly includes a mix of single and two-family homes. The closest residential structures are immediately across North Street from the proposed recreation area/parking lot. Other residences are located behind the bar on East Johnson Street. Immediately north of the proposed expanded event area is the aforementioned parking lot with a large church, beyond.

The applicant has provided a detailed letter of intent that specifies the proposed operating details. In summary, the applicant would be limited to four (4) events per year. While specific dates or events are not confirmed, the applicant indicates that the expanded outdoor recreation area would likely occur on Saturdays or Sundays. The applicant also specifies that no event would go past 8:00 pm. A list of potential events is listed and includes parties related to Madison Craft Beer Week, Bell's Brewing Company Circus, neighborhood gatherings/block parties, volleyball tournaments, and other similar events. The applicant does request live or DJ-amplified music be allowed, indicating that various set-ups would be explored to limit neighborhood impacts. The letter of intent also notes that the applicant is willing to proceed with a one-year "trial run." Planning Division staff have recommend a condition relating to this trial run.

Staff note that the license to allow alcohol service in the outdoor recreation area was approved by the Common Council on May 1, 2012, based on the recommendation from the Alcohol License Review Committee (ALRC). This approval included the following conditions:

- Maximum of four events per year.

- Prior to each event, establishment will inform the District Police Captain, District Alder and City Clerk's Office.
- Event times will be noon to 8:00 p.m.
- Establishment must abide by all conditional use permit conditions.

In terms of physical site set up, there are no permanent physical changes proposed. Plans show that temporary fencing would be provided along western and northern sides of the parking lot to secure the area. Fence details were not provided but should be included in the materials submitted for final staff sign-off. Entrances would be provided along North Street and from the adjoining parking lot. Depending on the event type, tents could be provided on the site. Portable bathrooms would be provided in the middle of the east end of the parking lot, adjacent to the volleyball courts. The Fire Department has recommended a condition requiring final approval of set up and operation details.

The applicant acknowledges that parking has been one of the neighborhood's primary concerns and notes that on some busy nights, the current parking demand can already exceed the existing 42 spaces, leading to cars parking on-street. With a requested maximum capacity of up to 300 persons, the Zoning Code would require an additional 30 stalls for the outdoor recreation area. An additional 10 stalls would be required to make up for those lost with the conversion of the parking lot. As with many outdoor recreation areas in parking lots, a parking reduction approval is necessary. The applicant has indicated that they hope to alleviate some parking issues by encouraging customers to walk, bike, carpool, cab, or bus to Dexter's. Such information would be shared through posters and other media. Additionally, the applicant indicates that bike trail and bus information will also be posted. The applicant states he will work closely with the nearby church and neighborhood association to notify them 4-6 weeks of upcoming events.

Staff believe the conditional use standards can likely be met. The proposal is not believed to be in conflict with the Comprehensive Plan's general recommendation for neighborhood mixed use development. The Emerson East-Eken Park Neighborhoods Plan provides some specific recommendations for the surrounding business district, and this proposal is not in conflict with those. Considering the context, if not well-managed, such a use could potentially provide temporary conflicts with the surrounding properties. The applicant has indicated his support for operating under a one-year "trial run." Staff notes that the Plan Commission also retains continuing jurisdiction over all approved conditional uses. This means that if approved, should issues arise or conditions of approval fail to be met, this item could return to the Plan Commission for further consideration. The Eken Park Neighborhood Association previously voiced their support for the applicant's proposal in correspondence originally provided to the ALRC in 2011. That letter and more recent comments from the neighborhood association are included in the packet.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are Shaded
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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 for 301 North Street to expand an existing outdoor recreation area in a portion of the parking lot to allow special events and an associated parking reduction during those events. This request is subject to input at the public hearing and the recommended conditions from the Planning Division and other reviewing agencies.

1. That the conditions of approval established for the alcohol service license, approved by the Common Council, also apply to the conditional use:
 - 1a. Maximum of four events per year.
 - 1b. Prior to each event, establishment will inform the District Police Captain, District Alder and City Clerk's Office.
 - 1c. Event times will be noon to 8:00 p.m.
 - 1d. Establishment must abide by all conditional use permit conditions.
2. That this conditional use shall be valid for a period of one year from the date of Plan Commission approval. This approval may be extended by Planning Division Director after consideration of the recommendations of the Alderperson, Neighborhood Association President, Police Department, and Zoning Administrator. The continuing jurisdiction standards shall still apply. Should complaints, concerns, or issues arise regarding this condition use, this conditional use will be referred to the Plan Commission for further consideration as outlined in the Zoning Code.
3. That up to a 40-stall parking reduction applies only applies during the four events for which the expanded outdoor recreation area is in use.
4. That the applicant clarifies the type of temporary fencing provided for staff approval during sign-off.

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

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

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

5. 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'.
6. Applicant shall submit two different site plans, one showing the layout of the parking with the special event area and one showing the layout of the parking without the special event area according to MGO when final plans are submitted.

Fire Department (Contact Bill Sullivan, 261-9658)

7. Tents and membrane structures erected for less than 180 days shall comply with IFC Chapter 24.
8. Tents and membrane structures erected for 180 days or more shall comply with IBC Chapter 31 and IFC Chapter 24.

9. IFC Chap 2404.6 Smoking shall not be permitted in tents.
10. Refer to MGO 34.105 for applicable tent permits.
11. Submit an operational plan to MFD for approval of the special events. Plan shall address: crowd control, exiting, staff responsibilities.

Zoning Administrator (Contact Pat Anderson, 266-5978)

Comments were not available at the time of report writing.

Water Utility (Contact Dennis Cawley, 261-9243)

12. 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.