



Report to the Plan Commission

August 6, 2012

Legistar I.D. #27249
1445 Regent Street
Conditional Use

Report Prepared By:
Kevin Firchow, AICP
Planning Division

Requested Action: Approval of a conditional use to establish a non-accessory event area (beer garden) for events at Camp Randall Stadium.

Applicable Regulations & Standards: Section 28.09(2)30 lists non-accessory uses associated with events taking place within Camp Randall Stadium limited to the sale of food and beverages to the public, and including the offering of live or amplified music as a conditional use in the C1 and C2 districts. Section 28.12 (11) provides the guidelines and regulations for the approval of conditional uses.

Summary Recommendation: Subject to input at the public hearing, if the Plan Commission finds that the applicable standards are met, the Planning Division recommends that the Plan Commission approve the conditional use request to approve a “beer garden” at 1445 Regent Street for events at Camp Randall Stadium. This recommendation is subject to the conditions from the Planning Division and other reviewing agencies. Should the Commission not find the standards are met, the Commission shall specify those standards that are not met and enumerate reasons the Commission has used in determining that each standard was not met.

Background Information

Applicant: Marcia Whittington; Agrace HospiceCare; 5395 East Cheryl Pkwy; Madison, WI 53711
Contact: Charlene Malueg Agrace HospiceCare; 5395 East Cheryl Pkwy; Madison, WI 53711
Property Owner: Ed Tallard; 1445 Regent Street; Madison, WI 53711

Proposal: The applicant proposes to establish a beer garden for home Badger Football games. The applicant hopes to have

Parcel Location: The subject parcel is a 5,227 square foot parcel located on at corner of Madison and Regent Streets. The property is within Aldermanic District 13 and the Madison Metropolitan School District.

Existing Conditions: The site is currently includes a two story building with office space on the ground floor and a two-story apartment above. There is a fenced in area to the north side of the building, adjacent to Madison and Regent Streets. This area is the proposed location of the outdoor eating area.

Surrounding Land Use and Zoning:

North: “The Regent” student housing development, zoned R6, General Residence District;

South & East: Single and Two-family homes zoned R4A (Limited General Residence District).

West: Single-story commercial development fronting onto Regent Street, zoned C2 (General Commercial District)

Adopted Land Use Plan: The Comprehensive Plan recommends neighborhood mixed use land uses for the subject site. 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 C2 (General Commercial District)

Zoning Criteria:

Requirements	Required	Proposed
Lot area	6,000 sq. ft.	5,2227 sq. ft.
Lot width	50'	Adequate
Front / Side yard	0'	Adequate
Rear yard	10	Adequate
Floor area ratio	3.0	Less than 1
Number parking stalls	N/A	N/A
Accessible stalls	N/A	N/A
Loading	N/A	N/A
Number bike parking stalls	N/A	N/A
Landscaping	Existing	Existing
Lighting	No	No change
Other Critical Zoning Items	Barrier Free (ILHR 69)	

Prepared by Pat Anderson, Assistant Zoning Administrator

Project Description

The applicant, Agrace HospiceCare, requests approval of a conditional use to operate a beer garden at 1445 Regent Street for events at Camp Randall Stadium. This proposal is subject to the conditional use standards of Section 28.12 (11) of the Zoning Code.

The applicant is a non-profit entity and the letter of intent states that this beer garden is intended to serve as a fundraising opportunity for the organization. Further information on this non-profit is included in the letter of intent. Staff note that other non-profit organizations have operated beer gardens, with the most recent being Badger Honor Flight, approved in 2011 for a parking lot at 1124 Regent Street.

The subject site, located at the corner of Regent and Madison Streets includes a two-story building. The building is currently occupied with an office and a two-unit apartment building. The property includes an open area to the north of the building, where the proposed beer garden would be sited. Commercial development is located adjacent to the subject site along Regent Street with single and two-family homes located along Madison and Jefferson Streets, to the south.

No permanent physical changes are proposed. The proposed beer garden area is already separated from the sidewalk and adjoining properties by existing fences. A chain link fence lines a portion of the Regent Street frontage, wrapping around to Madison Street. A wooden fence lines the southwestern property line, which abuts a two-unit residential property. Entrances and exits would correspond to existing fence openings. The primary entrance to the site is along Regent Street, adjacent to the building. The primary exit is located just around the Madison Street corner. A smaller opening to the rear parking lot is listed as an emergency-only exit in the letter of intent and would not otherwise be available to patrons.

The beer garden includes about 1,122 square feet of area. A maximum capacity of 75 persons is proposed. The applicant has been working with the Fire Department, who approves the final capacity. The beer garden would be staffed by Agrace HospiceCare staff and volunteers, who will perform duties such as manage capacity, check IDs, and keep people from using the rear exit. The applicant proposes to serve canned beer and wine in plastic cups. Food from Quaker Steak and Lube and Johnsonville will also be provided. The site will also include two (2) portable bathrooms.

The applicant proposes to start operations three hours prior to each home game, closing during the first quarter of the game. The applicant also requests to have outdoor amplified sound, consistent with the Uniform Operating Conditions, and indicates that a local radio station will provide music during beer garden operation. (A copy of these conditions is attached). The DJ stand and speaker locations are noted on the attached site plan.

The applicant has met with both the Alder and Vilas Neighborhood Association in advance of making this application. Staff note that neither are in support of this application. At the time of report writing, staff has received an email in support of this application from a resident within the Vilas Neighborhood. Please see the attached comments.

The Plan Commission will need to carefully consider the submitted materials, the testimony provided at the public hearing, and the submitted staff comments in order to find whether the applicable standards can be met. Due to the relatively close proximity to residential uses, there is the potential for conflicts with operating a beer garden at this location. However, staff note that this site has previously been used for private (not open-to-the-public) game-day tailgate parties, which likely result in similar neighborhood impacts, but are not regulated by the Plan Commission or subject to the Uniform Operating Conditions. If approved as a conditional use, one might argue that there would be more predictability as to how the site would be managed and operated. Staff also note that if approved, the Plan Commission would retain "continuing jurisdiction" authority over the beer garden, meaning that should complaints arise, the Commission could take further action, requiring additional restrictions or possible revocation of the conditional use should it find the approval standards cannot be met.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are Shaded

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

Subject to input at the public hearing, if the Plan Commission finds that the applicable standards are met, the Planning Division recommends that the Plan Commission approve the conditional use request to approve a "beer garden" at 1445 Regent Street for events at Camp Randall Stadium. This recommendation is subject to the conditions from the Planning Division and other reviewing agencies. Should the Commission not find the standards are met, the Commission shall specify those standards that are not met and enumerate reasons the Commission has used in determining that each standard was not met.

1. This use shall be operated in accordance with the Uniform Operating Conditions approved for beer gardens associated with events at Camp Randall Stadium, except that the beer garden shall be closed at the end of the first quarter of each football game.

2. That as stated in the operating plan, that the exit to the rear parking area shall be for emergency exiting only.
3. That the final capacity is approved by the Fire Department, but shall not exceed 75 persons.
4. Amplified sound is approved, when operated in accordance to the Uniform Operating Conditions.

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

Comments were not received in time to be included in this report

Traffic Engineering Division

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

Zoning Administrator (Contact Pat Anderson, 266-5978)

5. Meet applicable building and fire codes for the additional outdoor capacity and for ingress and egress of the establishment with the areas and uses for the site.
6. Beer garden site plan shall be in effect only for Wisconsin Badger home football games and stadium concerts, as outlined in the 1998 uniform operating conditions letter.

Fire Department (Contact Bill Sullivan, 261-9658)

7. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.
8. Please submit the site plan, the operational plan, staffing plan and safety plan to Joe Seifert at the Madison Fire Department. Once received, the department will issue the required capacity sign.

Water Utility (Contact Dennis Cawley, 261-9243)

9. Lands in this project limits are included in City of Madison Wellhead Protection District WP-27. This proposed use is allowed in this district. All proposed changes in land use shall be reviewed by the Madison Water Utility General Manager or his/her designee in accordance with Madison General Ordinances 13.22 and 28.107.

All operating private wells shall be identified and permitted by the Water Utility in accordance with Madison General Ordinance 13.21. All unused private wells shall be abandoned in accordance with Madison General Ordinance 13.21.

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.