



## Report to the Plan Commission

August 20, 2012

**Legistar ID: #27378**  
**1402 Williamson Street**  
**Conditional Use**

Report Prepared By:  
Kevin Firchow, AICP  
Planning Division

**Requested Action:** The applicant requests approval of two conditional uses: 1) Allow construction and operation of an outdoor eating area and 2) Allow a bakery with more than eight employees and selling at other than retail.

**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 find the conditional use standards are met and **approve** the proposed conditional uses at 1402 Williamson Street. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

### Background Information

**Applicant:** Ian Gurfield; Batch Bakehouse Inc; 1511 Williamson Street; Madison, WI 53703  
**Agent / Contact:** Jim Glueck; Glueck Architects; 116 North Few St; Madison, WI 53703  
**Property Owner:** Steve Silverberg; 448 West Washington Avenue #102; Madison WI 53703

**Proposal:** The applicant proposes to convert an existing building for use as a retail and wholesale bakery (with more than 8 employees) and to operate an eight (8) seat outdoor eating area.

**Parcel Location:** The subject site is located at the northeast corner of Williamson and South Dickenson Streets. The site is located in Aldermanic District 6; Madison Metropolitan School District; and the Third Lake Ridge Historic District.

**Existing Conditions:** The site includes a one-story retail building, now occupied by Chronometro Bicycles.

### Surrounding Land Use and Zoning:

North: Two-unit residential buildings, zoned R5 (General Residence District);

South: Residential buildings, zoned R5 immediately across the street. A mix of commercial and residential buildings zoned C2 (General Commercial District) and C3 (Highway Commercial District) are located further to the west.

East: Mixed-use building with two apartments immediately to the east with other two-five unit residential buildings, beyond; and

West: Ace Hardware Store; zoned C2.

**Adopted Land Use Plan:** The Comprehensive Plan recommends neighborhood mixed use development for this property. While there are several adopted plans for Williamson Street and surrounding areas, there are not specific recommendations for the subject property.

**Environmental Corridor Status:** The subject site is not located in 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)

Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	3,608 sq. ft. (existing)
Lot width	50'	44.3' (existing)
Front yard	0'	existing building
Side yards	0'	existing building
Rear yard	10'	existing building
Floor area ratio	3.0	less than 1.0
Site Design	Required	Proposed
Number parking stalls	TBD	0
Accessible stalls	0	0
Loading	0	1, shared with neighboring property
Number bike parking stalls	2	2
Landscaping	No	No
Lighting	TBD	TBD
Other Critical Zoning Items		Third Lake Historic District

*Table Prepared by Patrick Anderson, Assistant Zoning Administrator*

## **Project Review, Analysis, and Conclusion**

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The applicant, Batch Bakehouse, requests approval of two conditional uses. This request is subject to the conditional use approval standards of the Zoning Code.

The applicant is currently located in the 1500 block of Williamson Street and planning to relocate to the subject site. The new property at 1402 Williamson Street is roughly 3,600 square feet in area, located at the northeast corner of Williamson and South Dickenson Streets. The subject building is built close to the front lot line, though plans show there is an area of roughly 160 sq feet between the building and the Williamson Street sidewalk.

The first conditional use request is for the approval of an outdoor eating area. The outdoor eating area would be placed at the front of the building, in the small area between the building and Williamson Street sidewalk. The attached plans show that there will three (3) tables with a total of 8 seats. The hours of operation for the outdoor eating area are from 7:00 am until 6:00 pm Tuesday through Saturday and 7:00 am through 3:00 pm on Saturday and Sunday. A 30 inch-tall movable café barrier is proposed to separate the eating area from the sidewalk. The only permanent physical site changes noted in the application are the installation two bike stalls located to the building's rear and modifications to the existing rear loading dock.

The property is within the Third Lake Ridge Historic District. This City's Preservation Planner reviewed the plans and indicated she had no objections to this conditional use request. As a note, any future alterations to the building may require a certificate of appropriateness.

The second conditional use request is to address the expanded bakery operations, proposed to include both wholesale and retail functions. In C2 zoning a “bakery with more than eight (8) employees or selling at other than retail” requires conditional use approval. The letter of intent indicates that there are currently eight (8) full time employees. The proposed production hours of operation would be from 9:00 pm until 11:00 am, daily.

Staff believe that the conditional use standards can be met for both requests. In regards to the outdoor eating area, staff anticipate the small number of outdoor seats and limited hours of operation for bakery patrons will not result in negative impacts on the surrounding properties.

In regards to the conditional use for the expanded bakery operations, staff also believe the conditional use standards can be met. The Zoning Code states that bakeries with more than eight employees that have a wholesale component must meet the following:

- That adequate off-street parking and loading exists on the site.
- That the hours of operation shall be established after consideration of the occupants of adjacent properties.

In regards to parking, the reconfigured plans will require approval of an administrative-level parking reduction for the six (6) parking stalls that would be required for this use. There is not room on this site to accommodate any vehicular parking. In regards to loading, the Zoning Administrator has indicated that the code would not require a 10 foot by 35 foot loading zone for this proposal. However, submitted plans and correspondence suggest a shared loading area exists with 1406 Williamson Street. As a condition of approval, staff recommend that the applicant provides a letter or other evidence of a plan for shared off-site loading.

At the time of writing, staff is not aware of concerns from adjacent property owners or residents of adjacent properties, which include a two-unit residence to the north and a mixed-use building (with two apartments and an interior decorator office) to the east. There are other commercial, residential, and mixed use buildings opposite the subject site on both Williamson and South Dickenson Streets.

If approved, staff note that all conditional uses remain under the continuing jurisdiction of the Plan Commission, and therefore, should parking problems arise or conditions of approval fail to be met, this item could return to the Plan Commission for further consideration.

## **Recommendation and Proposed Conditions of Approval**

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Major/Non-Standard Conditions are Shaded

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

The Planning Division recommends that the Plan Commission find the conditional use standards are met and **approve** the proposed conditional uses at 1402 Williamson Street. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

1. As proposed by the applicant, the hours of operation for the outdoor eating area are from 7:00 am until 6:00 pm, Tuesday through Friday and from 7:00 until 3:00 pm on Saturday and Sunday.

2. That the applicant provides additional information on the plans for off-street loading, for approval by staff. This may include a letter from the adjoining property owner at 1406 Williamson Street giving consent of the applicant to utilize the loading area depicted on plans.

***The following conditions have been submitted by reviewing agencies:***

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

3. There is a pre-existing 10ft by 15ft public bus shelter easement on this property at the intersection of Williamson St and S Dickinson St that was granted to the City of Madison in 1975 per Register of Deeds recorded Document No. 1423215. According to City records this location is no longer used as a bus stop. Coordinate with Madison Metro (Tim Sobota) and Office of Real Estate Services (Joe Stepnik) if the property owner desires to release this easement encumbrance from the property.
4. Add reference to the Register of Deeds Document No. 3469021 to the site plan which defines the cross-hatched private joint right-of-way area shown.

**Traffic Engineering Division** (Contact Dan McCormick, 267-1969)

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

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

5. The submitted plans indicate a desired capacity for 8 persons for the outdoor seating area. The outdoor seating capacity must be established by the Building Inspection Division. Contact Mike VanErem at 266-4559 to facilitate this process.
6. A parking stall reduction will be required for the proposed capacity. The total parking stall requirement and subsequent reduction amount will be determined after the capacity is set by the Building Inspection Division. Parking reduction may not exceed 19 parking stalls.
7. If you have a license to sell alcohol in an outdoor eating area, the Alcohol License Review Committee (ALRC) may establish additional 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 ALRC 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 regarding ALRC issues.
8. Provide a revised letter of intent which characterizes the business activity. This letter shall clearly outline the loading and delivery characteristics for the facility.

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

9. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

**Water Utility** (Contact Dennis Cawley, 261-9243)

10. 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, and not need a copy of the approved plans.

**Metro Transit** (Contact Tim Sobota, 261-4289)

This agency did not submit a response to this request.

**Parks Division** (Contact Kay Rutledge 266-4717)

This agency did not submit a response to this request.