

PLANNING DIVISION STAFF REPORT

April 28, 2014



PREPARED FOR THE PLAN COMMISSION

Project Address: 901 Applegate Road
Application Type: Conditional Use
Legistar File ID #: [33460](#)
Prepared By: Heather Stouder, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted

Summary

Applicant/Contact: Ashford I Williams; Aktive Entertainment, LLC; 2080 Allen Blvd. #1; Middleton, WI, 53562

Property Owner: Shyam LLC; 2001 Fullerton Dr.; Prairie du Sac, WI 53578

Requested Action: Approval of a conditional use for a restaurant in the Industrial Limited (IL) District

Proposal Summary: The applicant proposes to establish a restaurant in a former motel accessory restaurant space.

Applicable Regulations & Standards: This proposal is subject to the standards for conditional uses (MGO Section 28.183(6)).

Review Required By: Plan Commission (PC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** the request at 901 Applegate Road. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Background Information

Parcel Location: 901 Applegate Road is located on the southwest corner of Applegate Road and Perry Street; Industrial Limited (IL) District; Aldermanic District 14 (Strasser); Madison Metropolitan School District.

Existing Conditions and Land Use: The property is developed with a motel and a vacant building formerly utilized as a restaurant-tavern. The two buildings on the property are surrounded by asphalt, and there are four separate driveway entrances to the site from Applegate Road.

Surrounding Land Use and Zoning:

North: Across Applegate Road and the Beltline Highway to the north are office buildings and vacant motels in the CC (Commercial Center) District

East: Across Perry Street to the east, light industrial and commercial uses in the Town of Madison

South: Commercial printing establishment and office building in the IL District

West: Contractors shops in the IL District

Adopted Land Use Plan: The Comprehensive Plan (2006) recommends.

Zoning Summary: This property is in the Industrial Limited (IL) District.

Dimensional Requirements	Required	Proposed
Lot Area	20,000 sq. ft.	80,468 sq. ft.
Front Yard Setback	0	existing
Side Yard Setback	15'	existing
Rear Yard Setback	30'	existing
Maximum Lot Coverage	75%	Less than 75%
Maximum Height	none	existing

Site Design	Required	Proposed
Number parking stalls	No minimum	56
Bike parking	2	16
Landscaping	No	No
Lighting	No	No
Accessible stalls	Yes	TBD (5)
Loading	0	0
Building forms	Yes	Existing building
Other Critical Zoning Items: Barrier free (ILHR 69)		

Table Prepared by Patrick Anderson, Assistant Zoning Administrator

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.

Project Description, Analysis, and Conclusion

The applicant proposes to utilize an existing vacant building as a restaurant, which requires conditional use review and approval in the Industrial-Limited District. The property is visible from the Beltline Highway but somewhat difficult to access for a restaurant, with automobile access from Perry Street on the east side and Applegate Road on the north side, which functions as a frontage road along the Beltline.

The building was formerly used as a restaurant-tavern associated with a motel on the same property, but has been vacant for over a year. As a tenant leasing the space, the applicant has already completed a considerable amount of the improvements to the interior space, and would like to open the restaurant as soon as approvals are received.

According to the letter of intent, the restaurant would also be a lounge with various types of music and dancing, but there is currently no alcohol license approved for this site. The applicant would need to obtain approval by the Alcohol License Review Commission and a future approval by the Plan Commission for a conditional use for a restaurant-tavern in order to serve alcohol on site.

The applicant has proposed hours of operation for the restaurant until 12:00 midnight Monday-Thursday, until 1:00 AM on Fridays and Saturdays, and until 10:00 PM on Sundays. Staff recommends that with this conditional use approval, the hours of operation for the restaurant not exceed 10:00 PM Sunday through Thursday, and 11:00 PM on Fridays and Saturdays. However, staff would support a minor alteration to further extend the hours in the future, so long as a request to do so is accompanied by a supportive recommendation from the Madison Police Department. The applicant has agreed to this condition.

There are no exterior changes proposed, but basic zoning requirements such as a restriping of the parking area and the provision of bicycle parking must be met on a site plan prior to final approval by staff. In addition,

Madison Fire Department staff have noted that an automatic fire sprinkler system will need to be added to the building in order for the capacity of the restaurant to exceed 99 persons.

Conditional Use Standards

Staff believes that the proposal can meet the conditional use standards as summarized below:

1. *The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.*

Staff believes that this standard can be met with the proposed restaurant use. However, concerns have been raised by Madison Police Department staff regarding past use of this building as a tavern associated with illegal activity at the motel on the same property. Thus, staff is recommending that the hours of operation be limited to typical restaurant hours, with a closing time no later than 10:00 PM Sunday through Thursday, and 11:00 PM Friday and Saturday.

2. *The City is able to provide municipal services to the property where the conditional use is proposed, given due consideration of the cost of providing these services.*

Staff believes that this standard can be met.

3. *The uses, values, and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner.*

Staff believes that this standard can be met with a limitation on the hours of operation of the restaurant as mentioned above.

4. *The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*

Staff believes that this standard can be met.

5. *Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit, and other necessary site improvements have been or are being provided.*

Staff believes that this standard can be met, so long as all conditions of approval are addressed.

6. *Measures, which may include transportation demand management (TDM) and participation in a transportation management association have been or will be taken to provide adequate ingress and egress, including all off-site improvements, so designed as to minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets.*

Staff believes that this standard can be met, so long as all conditions of approval are addressed.

7. *The conditional use conforms to all applicable regulations of the district in which it is located.*

Staff believes that this standard can be met.

[Standards 8-15 do not apply to this request]

Recommendation

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 for a restaurant at 901 Applegate Road. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded
--

Planning Division (Contact Heather Stouder, 266-5974)

- | |
|---|
| <ol style="list-style-type: none">1. Hours of operation for the restaurant shall be limited to no later than 10:00 PM Sunday through Thursday and 11:00 PM Fridays and Saturdays. Any request for an extension of hours of operation in the future could be requested as a Minor Alteration to the conditional use following a supportive recommendation by staff from the Madison Police Department.2. The approval requested is for restaurant with no alcohol service. Prior to the provision of any alcohol license in the future, this would need to be reviewed by the Plan Commission as a restaurant-tavern. |
|---|

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

- | |
|---|
| <ol style="list-style-type: none">3. The existing property boundaries shall be accurately shown on the site plan. The site plan shall acknowledge that the property at 2810 Perry Street is not part of this site. The Perry Street parcel is located in the vicinity of the southeast corner of the existing plan.4. A full building drawing with demising walls and entrances, including the hotel portion and the restaurant/bar portion shall be provided. Additional comments will be provided upon review of complete plan set.5. The second westerly building shall be addressed 915 Applegate Rd. The building address may need suite numbers or another additional address depending on the review of the full building plan.6. The applicant shall provide more detailed plans for review and comment. It is understood that the majority of the work will be for internal remodeling but some exterior site modifications may be required to comply with Zoning. Additional comments will be provided upon review of complete plan set. |
|---|
7. The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
 8. The site plan shall include all lot/ownership lines, existing building locations, proposed building additions, demolitions, parking stalls, driveways, sidewalks (public and/or private), existing and proposed signage, existing and proposed utility locations and landscaping.
 9. The site plan shall include a full and complete legal description of the site or property being subjected to this application.

10. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set (POLICY and MGO 37.09(2)).

PDF submittals shall contain the following information:

- a) Building footprints
- b) Internal walkway areas
- c) Internal site parking areas
- d) Lot lines and right-of-way lines
- e) Street names
- f) Stormwater Management Facilities
- g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans)

Fire Department (Contact Bill Sullivan, 261-9658)

- | |
|---|
| 11. An automatic fire sprinkler system will be required if the capacity (patrons and employees) exceeds 99. |
|---|

Zoning Administrator (Contact Pat Anderson, 266-5978)

12. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances prior to sign installations.
13. Bike parking shall comply with City of Madison General Ordinances Table 28I-3 (General Regulations). Provide the capacity for the restaurant so the minimum number of bike parking stalls can be calculated. Bike parking stalls must be in a safe and convenient location on an impervious surface to be shown on the final plan. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area. Provide details of bike rack on final plan sets.
14. The existing site does not appear to have correctly installed the required parking spaces and arrangement per the approved site plan. The parking lot must be striped and maintained per the approved site plan.
15. The motel use is a nonconforming use, not a listed permitted or conditional use in the IL zoning district. Obtain a certificate of occupancy for a nonconforming use per sec. 28.195.
16. Provide required number and type of accessible parking stalls for the restaurant use.

No other agencies submitted conditions of approval for this request.