

## PLANNING DIVISION STAFF REPORT

July 28, 2014

PREPARED FOR THE PLAN COMMISSION



**Project Address:** 1405 Emil Street  
**Application Type:** Conditional Use  
**Legistar File ID #:** [34482](#)  
**Prepared By:** Heather Stouder, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted

### Summary

**Applicant/Property Owner:** Larry Schmidt; Licaris Bar and Grill; 1405 Emil St., Madison, WI 53713

**Contact:** John Vesperman; 1405 Emil St., Madison, WI 53713

**Requested Action:** Approval of an outdoor eating area at a restaurant-tavern in the Industrial Light (IL) District.

**Proposal Summary:** The applicant proposes an outdoor eating area on the north side of the existing restaurant-tavern building.

**Applicable Regulations & Standards:** This proposal is subject to the standards for conditional uses (MGO Section 28.183(7)).

**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 1405 Emil 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

**Parcel Location:** The property is located on the south side of Emil Street just west of Damon Road; Industrial Light (IL) District; Aldermanic District 14 (Strasser); Madison Metropolitan School District.

**Existing Conditions and Land Use:** The 20,000 square foot property is developed with a 2,400 square foot one-story restaurant/tavern, with an asphalt surface parking lot in the rear.

**Surrounding Land Use and Zoning:**

North: Across Emil Street to the north, public works facility and contractors offices in the Industrial Limited (IL) District

East: Newly constructed multi-tenant restaurant building in the Commercial Center (CC) District.

South: Small commercial building (extermination services) in the Commercial Center (CC) District.

West: Outpatient substance abuse center in the Commercial Center (CC) District.

**Adopted Land Use Plan:** The Comprehensive Plan (2006) recommends General Commercial uses for this property and the surrounding area. The Leopold-Arbor Hills Neighborhood Plan (2013) does not have a more specific recommendation.

**Zoning Summary:** The property is in the Industrial Light (IL) District.

Dimensional Requirements	Required	Proposed
Lot Area	20,000 sq. ft.	20,050 sq. ft.
Lot Width	75'	100'
Front Yard Setback	0'	18' +- to proposed walk-in collar
Side Yard Setback	15'	adequate
Rear Yard	30'	30'+
Maximum Lot Coverage	75%	TBD

Site Design		
Number parking stalls	No minimum	24 existing
Bicycle parking	5% capacity of persons of restaurant-tavern and patio (capacity to remain at 81)	4
Landscaping	Yes	Yes
Lighting	Yes	Yes
Accessible stalls	Yes	Yes
Loading	No	No
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 make improvements for a new 1,200 square foot patio for outdoor eating in front of an existing restaurant/tavern along Emil Street. Associated with the new patio is a 200 square foot serving area and an outdoor cooler for storage. Along with the new concrete slab for the outdoor patio, the applicant proposes a five to six-foot decorative fence to surround it, and arbor vitae to be planted between the fence and adjacent sidewalks to the north and east. Associated lighting is also proposed, and would need to meet all City of Madison lighting ordinances. An existing, covered 200 square foot outdoor seating area behind the building is also included with this request.

The 81-person capacity of the establishment would not increase, but patrons would have indoor and outdoor options for dining and drinking. Hours of operation are proposed as 8:00 AM to the required closing time for taverns in Madison. The applicant has not requested approval for outdoor amplified sound. The site has 26 automobile parking stalls, and the letter of intent notes that four bicycle parking stalls are proposed.

Staff believes that the request can meet all standards of approval for conditional uses, so long as conditions of approval are met. With no increase in capacity, overall impacts with regard to traffic and parking should be negligible. Seeing as there are no residential uses within the immediate vicinity of the subject property, staff does not recommend an earlier closing time than that for the establishment itself. With the understanding that adjacent to this site is a day treatment center for substance abuse, staff recommends that outdoor amplified sound not be allowed on the site.

## 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 at 1405 Emil Street. 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)

1. There shall be no outdoor amplified sound associated with the outdoor eating areas.

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

2. The site plan shall show the current conditions of the site. The plan provided does not reflect some of the current conditions of the site. The site plan shall also show and dimension the property lines.
3. The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
4. 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.
5. The site plan shall include a full and complete legal description of the site or property being subjected to this application.
6. 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)

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

7. This application includes a request of the Plan Commission to remove the required physical barriers (curb-stops) in place between the property and the adjacent development to the east. These curb stops are required because no easement or agreement is in place between the two properties to allow cross-access. The adjacent development to the east is also required to provide a physical barrier along the common lot line. The two property owners have not expressed joint interest in establishing legal cross-access via easement or acceptable agreement, thus physical separation is required to prevent cross-access and vehicle encroachment. If such

cross-access were established, no physical barrier would be required. Also, it is not within the authority of the Plan Commission, as established by ordinance, to approve such an exception or variance.

8. The Conditional Use approval for outdoor seating from 2006 was not executed within twelve months of original approval, and has thus expired. This request will function as approval for both outdoor seating areas.
9. Meet applicable building/fire codes. The outdoor capacity shall be established. Occupancy is established by the Building Inspection Unit. Contact Building Inspection Plan Reviewer Mike VanErem at 266-4559 to help facilitate this process.
10. Bicycle parking design and location shall comply with MGO Sec. 28.141(11). Provide details on final plans, a bike-parking stall is two feet by six feet with a five-foot access area. Provide detail of bike rack to be installed.
11. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31, prior to sign installations.
12. Provide lot coverage calculations for existing development and proposed expansion. NOTE: if existing development exceeds 75% lot coverage, pervious paving or wood decking must be used for new outdoor seating area, as this does not count toward an increase in lot coverage.
13. Provide details of refuse and cooler enclosure. Screening shall be between six and eight feet in height and any mechanical equipment must be screened.
14. Any new exterior lighting shall be installed in compliance with MGO 10.085, the City's outdoor lighting regulations.
15. Provide a Landscape Plan pursuant to MGO Sec. 28.142, *Landscaping and Screening Requirements*. Landscape plans shall be stamped by a Registered Landscape Architect.

**Traffic Engineering** (Contact Eric Halvorson, 266-6527)

16. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
17. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

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

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

**No other agencies submitted comments for this request.**