

**PLANNING DIVISION REPORT
DEPARTMENT OF PLANNING AND COMMUNITY
AND ECONOMIC DEVELOPMENT
March 10, 2008**

RE: I.D. # 09434, Conditional Use Application – 89 East Towne Mall

1. Requested Action: Approval of a conditional use for an addition to East Towne Mall for a new restaurant with an outdoor eating area.
2. Applicable Regulations: Section 28.09 (3)(d) identifies outdoor eating areas as a conditional use in C3L zoning district. Section 28.12 (11) provides the guidelines and regulations for the approval of conditional uses.
3. Report Prepared By: Kevin Firchow, AICP, Planner

GENERAL INFORMATION

1. Applicants: Derrick Matter; C.M. Architecture, PA; 219 North 2nd Street; Minneapolis, MN 55401

Property Owner: CBL and Associates Properties, Inc.; CBL Center, Suite 500; 2030 Hamilton Place Blvd. Chattanooga, TN 37421
2. Development Schedule: The applicant did not indicate the development schedule.
3. Location: An approximately 31-acre parcel that is part of the East Towne Mall site; Aldermanic District 17; Madison Metropolitan School District.
4. Existing Conditions: A sidewalk, loading area, and landscaping cover this portion of the East Towne Mall property. The proposed construction area is adjacent to the existing food court.
5. The property is zoned C3L (Commercial Service and Distribution District).
6. Proposed Land Use: The applicant proposes an addition to East Towne Mall for a new restaurant with an outdoor eating area.
7. Surrounding Land Use and Zoning: The subject site includes East Towne Mall and several commercial properties. Surrounding properties are zoned C3L (Commercial Service and Distribution), C3 (Highway Commercial) M1 (Limited Manufacturing).
8. Adopted Land Use Plan: The Comprehensive Plan recommends “regional mixed use” for this site.

9. Environmental Corridor Status: The subject site is not located in a mapped environmental corridor.
10. Public Utilities & Services: The property is served by a full range of urban services.

STANDARDS FOR REVIEW

This application is subject to the conditional use standards of Section 28.12 (11).

ANALYSIS, EVALUATION & CONCLUSION

The applicant requests approval of a building addition for East Towne Mall creating a new restaurant with outdoor seating. The building addition and outdoor seating area are both conditional uses requiring Plan Commission approval. As an exterior alteration to a commercial building over 50,000 square feet in area, the project also requires Urban Design Commission (UDC) approval.

The addition consists of a new 7,380 square foot "Buffalo Wild Wings" restaurant. Construction is planned adjacent to the mall's existing food court in a location currently used as a sidewalk and landscaped area. The existing mall site is not in compliance with current landscaping and parking lot standards and reviewing agencies and the UDC have recommended several changes. These changes generally include increasing bike parking, providing pervious areas, improving pedestrian facilities, and modifying bus stops and their connections to the mall. Specific recommendations addressing these issues are provided in each of the reviewing agencies' staff reports and in the minutes from the UDC.

The applicant proposes several changes to the site as depicted in the attached plans. The drive aisle adjacent to the mall will be reconfigured to accommodate the proposed restaurant. New sidewalk and landscaping will be provided at the perimeter, as shown. Modifications are also proposed to adjacent parking stalls, crosswalks, and planting islands. City sanitary sewer runs beneath the proposed construction site and City Engineering recommends that the applicant relocate these facilities as a condition of approval.

The proposed one-story building will be clad in EIFS and include a stone-veneer base. Fabric awnings are proposed along the building's windows, per the attached plans. The Urban Design Commission granted initial approval on February 27, 2008, however several modifications were recommended (see attached report). Signage will need to meet city standards and be approved by the UDC and City Zoning.

The final component of this request is the proposed outdoor eating area. This seating would be located in a patio on the north side of the building. Outdoor seating for up to 40 is proposed, in addition to the 278 indoor seats. In meetings with City staff, the applicant has indicated this area will be separated from the public sidewalk by landscaping and a decorative fence. This system would allow for exit of the facility, however, entrance to the restaurant would not occur through the patio.

Proposed hours of operation for the restaurant and seating area are from 11:00 am to 1:00 am (Monday through Thursday), 11:00 am to 2:00 am (Friday and Saturday) and 11:00 am to midnight (Sunday). Staff does not feel that limitations on hours of operation or outdoor amplified sound are necessary for this outdoor eating area due to the distance from residential properties and the overwhelmingly commercial character of the surrounding area.

The proposed addition and outdoor eating area are not in conflict with the Comprehensive Plan's recommendation for "regional mixed use". The Planning Division believes that proposed project can meet the applicable standards for conditional uses.

RECOMMENDATION

The Planning Division recommends that the Plan Commission find the conditional use standards are met and **approve** a conditional use for an addition to East Towne Mall for a new restaurant with an outdoor eating area subject to the following conditions:

1. Comments from reviewing agencies.
2. That the City Zoning Administrator and Urban Design Commission approve the signage package.