

**PLAN COMMISSION STAFF REPORT
CITY OF MONONA**

**MEETING DATE: June 13, 2016
AGENDA ITEM 5C & 5D
CASE NO. 2-004-2016**

Project: Recommendation on a Zoning Permit Request for a New Restaurant, Breakwater, at the Former Location of Bourbon Street Grille, at 6308 Metropolitan Lane.
Project Address: 6308 Metropolitan Lane
Applicants: Tim Trpkosh, Breakwater (Representing Tenant)
Tom Thompson, Yacht Club (Representing Building Owner)

Proposal Summary:

Tim Trpkosh has submitted an application on behalf of Breakwater, a tenant seeking approval to open a new restaurant at the former location of Bourbon Street Grille at 6308 Metropolitan Lane. The tenant space is within the Four Lakes Yacht Club (FLYC) building, owned by the FLYC.

Applicable Regulations, Policy, or Practice:

The Plan Commission must review the plans for consistency with applicable zoning regulations, including determining if the new restaurant's proposed seating diagram/patron capacity is consistent with parking regulations in Appendix A of the zoning code, and other applicable regulations including but not limited to the lighting and noise ordinance of the code.

Recommendation:

Approval of a zoning permit for Breakwater, a new restaurant located at 6308 Metropolitan Lane, as proposed, according to Section 13-1-180 of the Monona Municipal Zoning Code is recommended with the following findings of fact and conditions of approval:

Findings of Fact:

1. The applicants have provided a site plan showing 34 parking stalls on the property 6308/6312 Metropolitan Lane, and an additional 20 leased parking stalls on the property at 802 W Broadway for a total of 54 off-street parking stalls which supports a seating capacity of 162 patrons per Appendix A of the Monona Municipal Zoning Code.
2. A capacity credit has been granted for additional restaurant occupancy of 52 patrons during summer months, between April 15th and October 15th, for restaurant patrons arriving via boat at the thirteen available boat slips for a total allowable restaurant capacity of 214 patrons.

Conditions of Approval:

1. Approval of all required building permits shall be obtained.
2. The restaurant occupancy shall be limited to 214 patrons during the summer months between April 15th and October 15th, and 162 patrons during winter months.
3. Any amplified noise emitted from the patio shall comply with the decibel levels of Section 13-1-42(a) of the Zoning Code – Operational Use Performance Standards: Noise.
4. Outdoor live music is permitted from 4:00pm to 8:00pm on weeknights and from 12:00pm to 9:00pm on weekends.
5. Future signage shall be submitted for review and approval by the Plan Commission.

Proposal

The former tenant of the space at 6308 Metropolitan Lane, Bourbon Street Grill, closed in January 2016. The property is owned by the Four Lakes Yacht Club. Breakwater has submitted materials requesting approval to open a new restaurant at this location. The Plan Commission must review a zoning permit for the proposed new restaurant to determine if the proposed seating capacity is consistent with zoning regulations for parking. Additionally, the applicant must provide details on outdoor patio use for zoning impacts such as noise and lighting so the Plan Commission can determine if the uses are consistent with surrounding properties and applicable zoning regulations.

Plans Submitted

The following plans were submitted for the 5/23/16 meeting:

- Letter of Application – Provides overview of the new restaurant, hours of operation, number of employees, approximate number of patrons, and parking.
- Google images showing parking stalls available.
- A supplemental letter was submitted dated 6/9/16 to follow-up on information requested at the prehearing conference.

Public Hearing

A public hearing is scheduled for the 6/13/16 Plan Commission meeting and a notice was mailed to surrounding properties within 250' to allow nearby property owners the opportunity to comment on the plans and to notify them of the proposal.

Zoning Requirements

Code Sec. 13-1-180 defines when a zoning permit is required. A zoning permit is required for any construction, substantial relocation, or substantial enlargement of any structure or building. A zoning permit is also required for any use or substantial change in use of any land, water, structure or building as determined by the zoning administrator. A zoning permit is not required for a change of ownership. However, if a change in ownership is accompanied by another action which requires a zoning permit, a zoning permit is required for such other action.

The applicants are proposing a new restaurant and did not initially define the seating capacity of the restaurant as required by Appendix A of the Code. Therefore, staff was unable to determine if there is enough parking on site to satisfy the zoning requirements for the proposed use. The Plan Commission must review the application for all applicable regulations of the Monona Municipal Zoning Code including the general use, and site performance standards of the code (Sec. 13-1-41, and 13-1-61), parking and lighting standards in Appendix A, and the operational use standards of Sec 13-1-42 including noise.

Parking Requirements

Appendix A of the zoning code regulates parking including the requirements listed below.

- All construction shall be provided with sufficient **off-street parking** to accommodate all vehicles which are expected to use the premises in the normal course of events. The number of required parking spaces shall be determined by the Plan Commission. The Plan Commission shall base their determination on the City of Monona standards for parking in Appendix A of the Code. Restaurants, cafes, bars, taverns, and night clubs shall provide

at least 1 parking space for each 3 seats based on capacity design, or where there is no design layout, one space for each 25 square feet for gross floor area.

- Adjustments to the minimum number of parking spaces may be authorized by the Plan Commission where the applicant can document shared facilities arrangements with neighboring uses or where there are documented shared-ride or carpooling programs. The documentation for joint use of shared facilities must be in the form of an easement or contract between property owners specifying the number of shared spaces and terms and conditions. **At this time, there are no additional shared facility arrangements between Four Lakes Yacht Club/Breakwater and neighboring uses/properties.**

The applicants provided three Google images with numbered parking stalls available to serve the property at 6308 Metropolitan. These stalls are outlined below.

- Google image with numbered parking stalls on-site: 34 parking stalls.
- Note regarding long-term lease between Yacht Club and 802 W Broadway (Chase Bank) giving Yacht Club rights to 20 parking stalls.
- Google image showing 45 parking stalls at 6406 Bridge Road (City Property). An agreement has not been made for shared use of this parking facility, and these parking stalls are therefore not counted toward the overall permitted restaurant capacity.
- Google image showing nearby street parking - 8 on Metropolitan and 24 on Bridge Road: 32 parking stalls

The parking required by the code needs to be off-street parking. Therefore, based on the requirement of 1 parking stall for each 3 seats in a restaurant, the 34 parking stalls on-site allows for a total seating capacity for 102 patrons. When the 20 off-street stalls at the Chase Bank property are included for a total of 54 parking stalls, the total seating capacity allowed is 162.

- The applicant has submitted a capacity design showing the maximum amount of seating that could be fit into the space. The total numbers shown on this capacity design are 263, with 159 inside and 104 outside.
- **The capacity recommended by staff has been adjusted downward to a maximum of 214 patrons during summer months and 162 patrons during winter months. This is based on Plan Commission discussion during the prehearing conference, indicating that a capacity credit could be provided for any patrons arriving by boat during summer months. The number of boat slips available is identified as 13 (4 persons per boat) by the applicant in the letter dated 6/9/16.**

Lighting

Illumination of off-street parking areas shall be established and directed so as not to be cast directly upon public right-of-ways, occupied structures, or neighboring properties or to be illuminated in intensity, color, or character in a manner that is likely to be seriously disturbing to neighboring properties.

Noise

No use shall regularly emit noise beyond the premises of the source in excess of 65 decibels between 7:00am and 9:00pm and 55 decibels between 9:00pm and 7:00am in any octave band of frequency above 300 cycles per second as measured by a standard sound level meter. Noise shall

be so muffled or otherwise controlled as not to become objectionable, due to intermittence, duration, beat, frequency, impulse character, periodic character or shrillness.

Future Signage

Per Sec. 13-1-220 of the Monona Zoning Code: Sign permit applications that accompany requests for a zoning permit require Plan Commission approval. Future signage requests shall be submitted for review by the Plan Commission.



5211 SCHLUTER ROAD ■ MONONA, WI 53716-2598
CITY HALL (608) 222-2525
FAX (608) 222-9225
http://www.mymonona.com

ZONING PERMIT

NEW STRUCTURE
 NEW CONSTRUCTION

ENLARGEMENT/ADDITION/ALTERATION
 NEW USE

PERMIT NO.: 2-001-2014

PROPERTY OWNER: Four Lakes Yacht Club

PROJECT/BUSINESS: Outdoor Deck Addition to Building

DESCRIPTION OF USE APPROVED: Zoning Permit for a New Structure/Expansion of Building, for a new outdoor deck on the Four Lakes Yacht Club Building

LOCATION: 6312 Metropolitan Lane

THE APPROVAL OF THIS ZONING PERMIT IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. In accordance with Sec. 13-1-183(e) of the Monona Municipal Code, all permits are subject to review and appeal within thirty (30) days after issuance.
2. This approval does not preclude the applicant from obtaining any and all other permits not under the purview of this Permit.
3. The conditions of approval shall also be met as attached but are subject to approval of the minutes of the Plan Commission meeting of January 27, 2014.
4. In accordance with Sec. 13-1-183(e) of the Monona Municipal Code, this Approval may be revoked if the Conditions of Approval of the permit have not been satisfied, or the holder of the Permit cited under Sec. 13-1-163 of the Monona Municipal Code.
5. In accordance with Sec. 13-1-181(a) of the Monona Municipal Code a performance bond or irrevocable letter of credit for any of the improvements shown on the approved site plan which have not been completed at the time of request for an occupancy permit, with the amount to be determined by the Plan Commission, may be required before an occupancy permit is granted.

This Zoning Permit is issued for the use, construction, or structure described above, at the above location, and as depicted in plans and statements on file with the City of Monona according to Sec. 13-1-180 of the Monona Municipal Code. Having determined that the proposal complies with the standards, procedures, and applicable provisions of the Municipal Code of the City of Monona, I hereby issue this Zoning Permit, effective January 27, 2014.

Sonja Ruchert
(Zoning Administrator)

1-28-14
(Date)

DATE OF APPROVAL BY PLAN COMMISSION: January 27, 2014

The applicant should notify the Zoning Administrator upon beginning construction. If construction or occupancy has not commenced by July 27, 2014 this zoning permit is void. The Zoning Administrator may extend this date for just cause.

POLICE DEPARTMENT
5211 Schluter Road
222-0463

COMMUNITY CENTER
1011 Nichols Road
222-4167

MONONA SENIOR CENTER
1011 Nichols Road
222-3415

FIRE DEPARTMENT
5211 Schluter Road
222-2528

**Four Lakes Yacht Club
6312 Metropolitan Lane
Zoning Permit
Deck Addition**

Approved by Plan Commission January 27, 2014

CONDITIONS OF APPROVAL

A motion carried for approval of a Zoning Permit for a Deck Addition to the Four Lakes Yacht Club Building at 6312 Metropolitan Lane, as proposed, according to Section 13-1-180 of the Monona Municipal Code of Ordinances, with the following findings of fact and conditions of approval:

Findings of Fact:

- 1. The proposal is compliant with the City of Monona's Shoreland-Wetland Zoning Ordinance development standards in Section 13-2-3(c)(2) of the City of Monona Code of Ordinances.**
- 2. An erosion control permit is not required because the area of land disturbance is less than 3,000sf and is not required by the Director of Public Works.**
- 3. Additional parking stalls are not required on the site because the deck addition is an expansion of the building and not an expansion of the restaurant business, the Bourbon Street Grille, and existing capacity of the restaurant is expected to be reallocated in the space rather than expanded.**

Conditions of Approval:

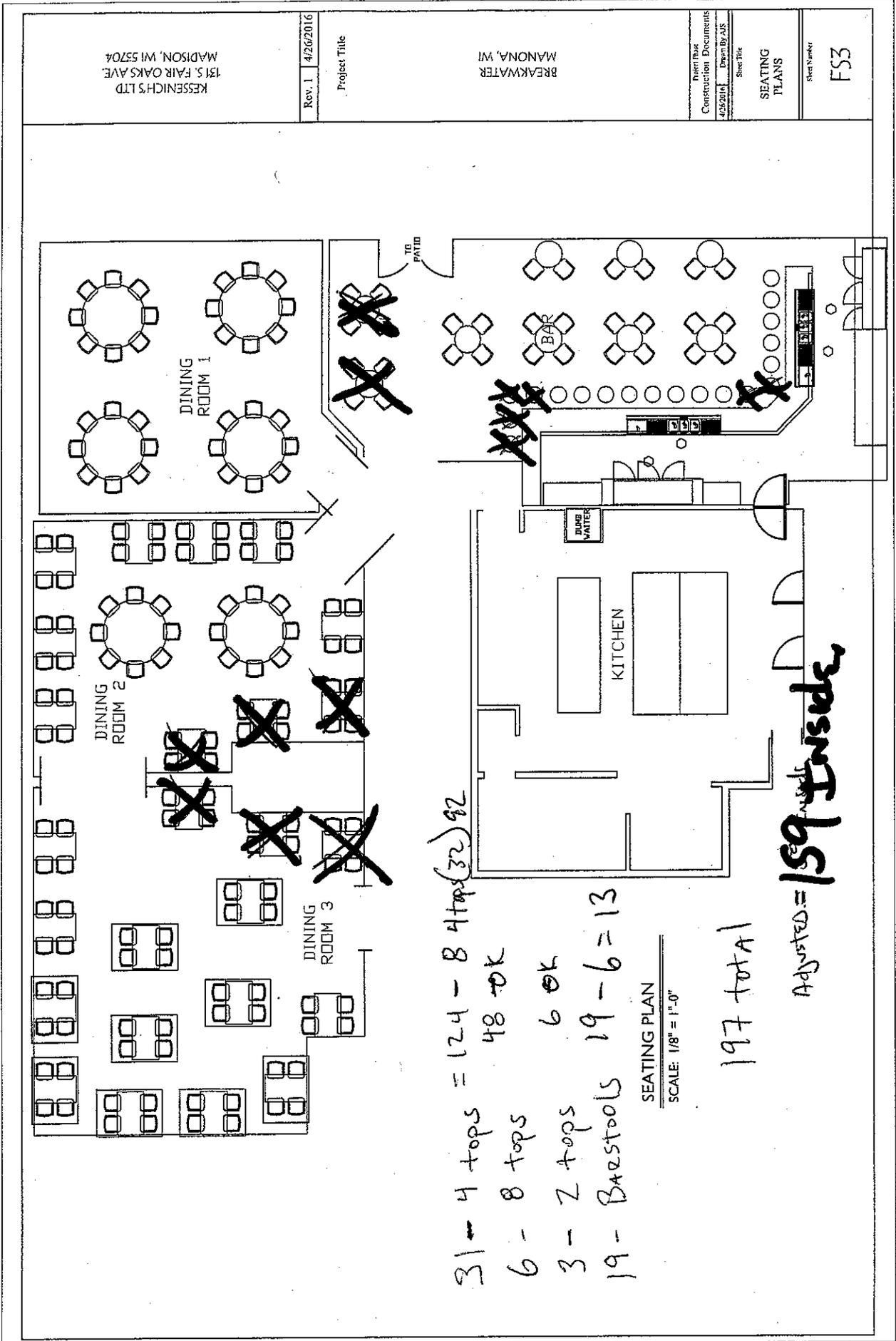
- 1. Approval of all building permits required by State and local agencies shall be obtained.**
- 2. Seating shall not be added to the restaurant above and beyond the number of seats that currently exists in the restaurant and no additional outside seating shall be added.**
- 3. Alcohol consumption on the new deck will require an extension of the licensed premises and an application must be filed with the City Clerk.**
- 4. The temporary stairway shown on the site plan submitted 1/2/14 on page S1.2 is allowed only during construction and must be removed upon completion of the project's construction.**
- 5. Because the Four Lakes Yacht Club is proposing to use the property at 6300 Metropolitan Lane, owned by Madison Metropolitan Sewerage District (MMSD), for a portion of the temporary stairway to be used during construction, an agreement between the Yacht Club and MMSD shall be documented prior to the beginning of construction.**

- 6. Because the Four Lakes Yacht Club is proposing to use the property at 6300 Metropolitan Lane, owned by Madison Metropolitan Sewerage District (MMSD), for siting of construction equipment during construction activities for this project, an agreement between the Four Lakes Yacht Club and MMSD for this purpose shall be documented prior to the beginning of construction.**
- 7. Any existing landscaping on the north side of the building including approximately five large arbor vitae and one large evergreen tree is required to remain and shall be returned to its existing condition if it is disturbed during construction activity.**
- 8. Exterior lighting and/or speakers shall not be added to the new deck.**
- 9. The new deck shall be subject to the previously approved zoning permit and conditions for outdoor live music as approved by the Plan Commission 5/27/08 except that condition number nine from the 5/27/08 permit shall state: "If no complaints about the outdoor live music are received by the City of Monona through September 30th of any year, the Zoning Permit may be renewed by City Staff for the following year."**

**Temporary Zoning Permit for Outdoor Live Music
Bourbon Street Grille
6312 Metropolitan Lane
Approved by Plan Commission May 27, 2008
Effective from May 27, 2008 to September 30, 2008**

A motion was approved for an extension of the Temporary Zoning Permit for Outdoor Live Music for the Bourbon Street Grille at 6312 Metropolitan Lane by the Plan Commission on May 27, 2008. This extension is valid until September 30, 2008 with the following twelve (12) conditions:

1. The outdoor live music is limited to a five person group or quintet.
2. The outdoor live music shall be limited to any two (2) days of the week or two (2) occurrences.
3. The outdoor live music shall be limited to a maximum of 4 hours per occurrence including breaks.
4. The outdoor live music is allowed from 4 p.m. to 8 p.m. on weeknights and from 12 p.m. to 9 p.m. on weekends.
5. The outdoor live music shall be limited to live un-amplified music, except for light amplification of vocals and acoustic instruments and drums with brushes only (no drum sticks).
6. The type of music shall be limited to easy listening as proposed by the applicant.
7. The applicant shall provide the dates of the performances to the Plan Commission.
8. This permit may be revoked if the Plan Commission or the City of Monona Police determine there is a violation of this Zoning Permit or of City Noise Ordinances.
9. If no complaints about the outdoor live music are received by the City of Monona through September 30, 2008, the Zoning Permit may be renewed by city staff in 2009.
10. Light trespass from the balcony shall be controlled per city ordinance.
11. Signage shall be installed, as needed, to control dockage hours of operation.
12. Outdoor speakers shall point away from residential properties.

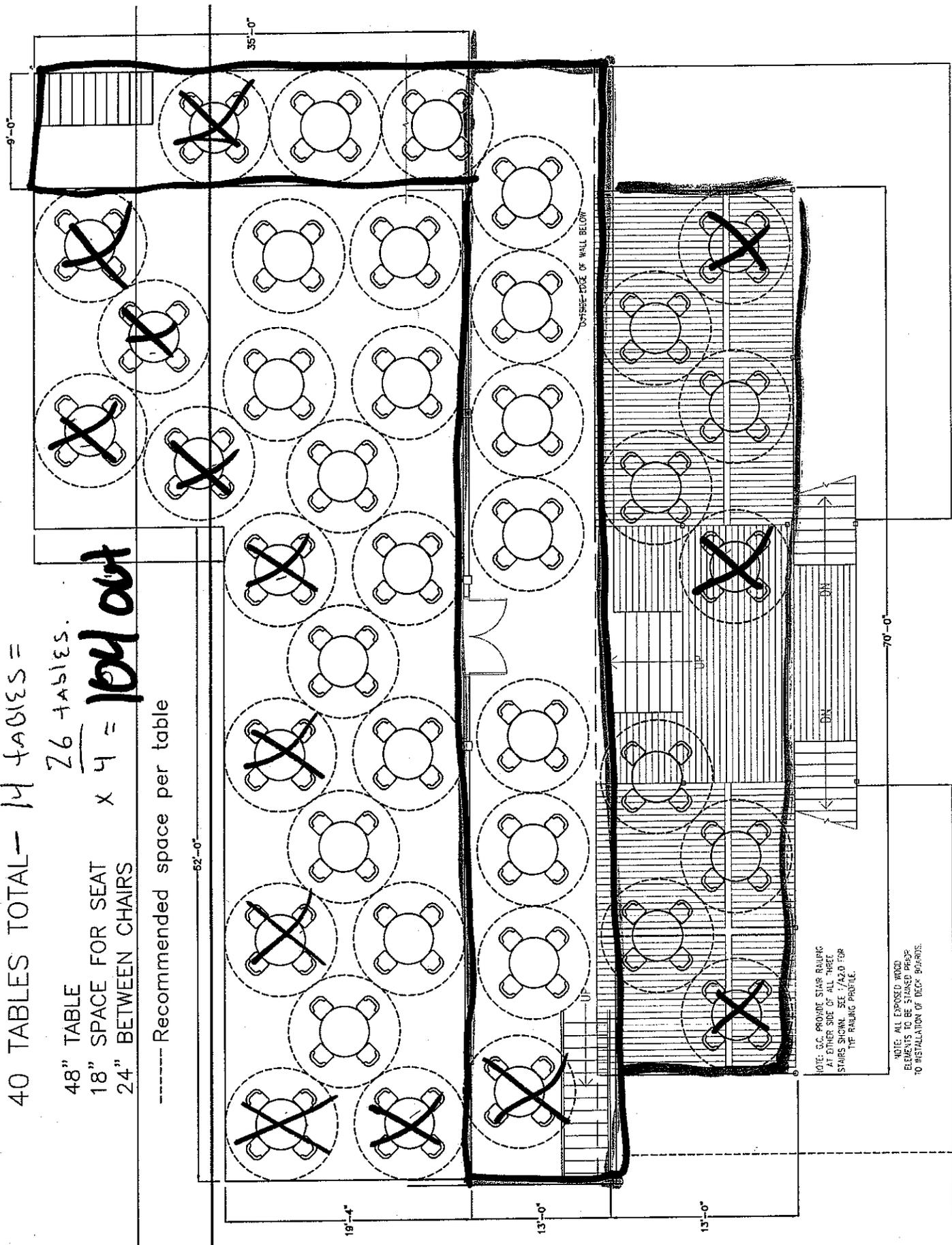


159 In 104 out = 263 total

40 TABLES TOTAL - 14 TABLES =

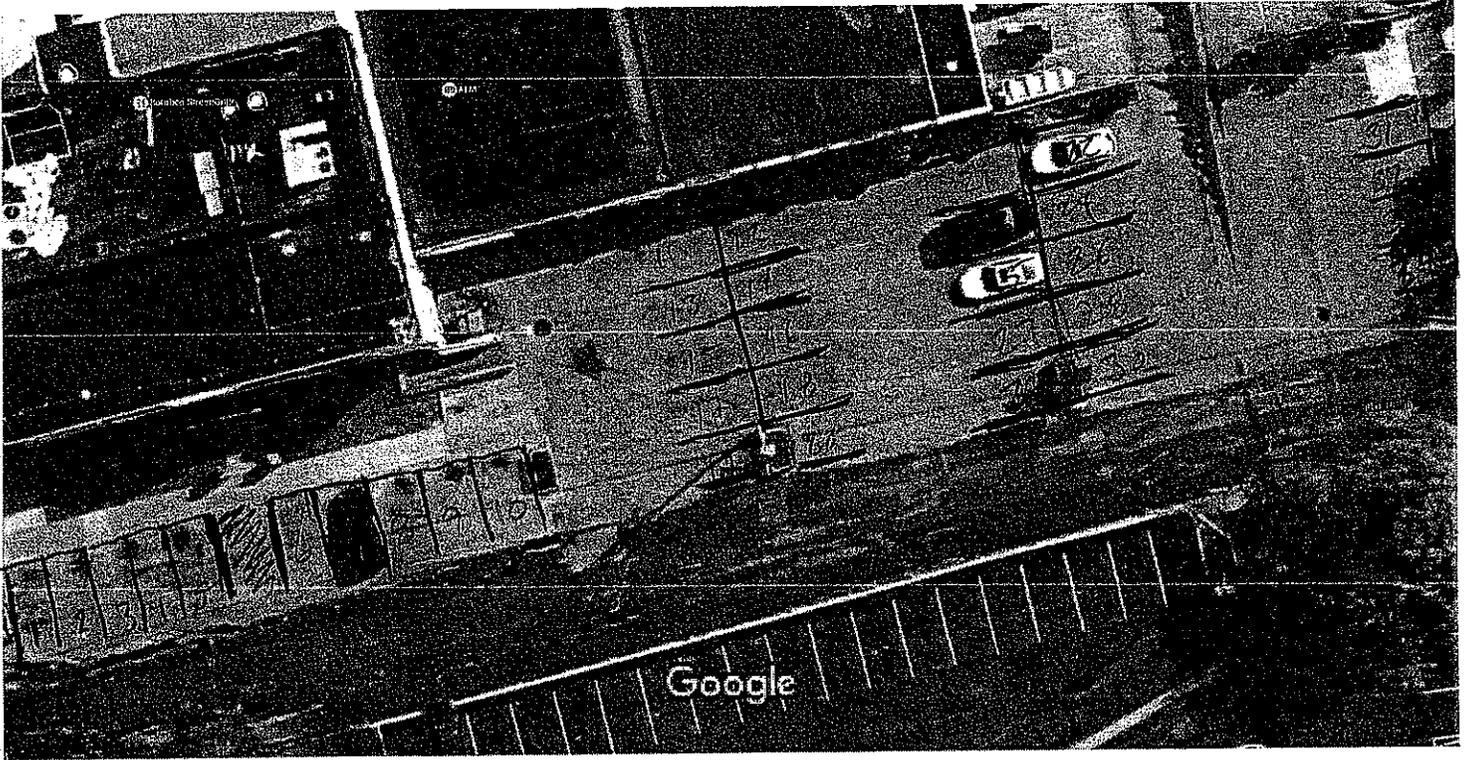
48" TABLE
18" SPACE FOR SEAT
24" BETWEEN CHAIRS
26 TABLES.
 $4 \times 4 = 164$ out

----- Recommended space per table



159 IN 104 out = 263 total

Google Maps



Imagery ©2016 Google, Map data ©2016 Google 10 ft

Google Maps

- ⑩ 34 stalls on site
- ⑩ 20 stalls leased at 802 W Broadway

June 9, 2016

Sonja/Plan Commission:

Based upon the last meeting and the items we left up for discussion for the meeting on June 13th, 2016, the following is an attempt to bring clarity to the proposed plan for Breakwater Monona.

The CAD drawing was requested at the last meeting that showed more of a detailed seating plan. The purpose of the submitted drawing was to show a max number of seating capacity which exceeded 260 people. Under the current ordinances, the available seating is being deemed 162 patrons and an exception is being considered for the summer months with the use of the boat slips. There are 13 boat slips that each carry a 4 person value for calculating capacity. That would take the total during the "summer months" to 214 people.

That leads to the next item, which is the defined time of those "summer months." In Wisconsin the weather can greatly vary from year to year and there should a six month period from April 15th thru October 15th. This would allow for that variance in weather conditions from year to year.

There was outdoor speaker from the previous owner. Breakwater will remove those speakers and if new speakers are installed we will follow the decibel levels that are identified in the code. It is understood that that reading is to be done at the edge of the property. As for live music, the times that the old establishment had would be accommodating for Breakwater. The issue was the use of amplified music and the same decibel levels will apply to live music.

Tim Trpkosh