

**Plan Commission Meeting Date: April 28, 2014**

**PLAN COMMISSION (Agenda Item 5.C. and 5.D.)**

**AGENDA ITEM:**

**Recommendation on Request by the Pizza Oven Restaurant for a Zoning Permit to Operate at 5511 Monona Drive.**

**Case No.**

**2-005-2014**

**REQUESTED BY:**

**Mike Vesert, Building Owner**

**Greg Ewelt, Pizza Oven**

**PERMIT/POLICY ANALYSIS STATEMENT:**

**Brief Description of Proposal:**

**Greg Ewelt, owner of the Pizza Oven restaurant, has submitted a letter and zoning permit application in order to operate his business in the Village Pedaler space at 5511 Monona Drive. The Pizza Oven is currently located in the adjacent building at 5417 Monona Drive. The Village Pedaler would no longer operate out of the space at 5511 Monona Drive. A zoning permit is required for this proposed use, because it is a change in use from the existing retail store. The letter submitted by Mike Veserat, dated 3/12/14 describes the proposal. The applicants have stated that the restaurant is moving into this space because the layout of the space works better for their business. It also allows an opportunity in the future for the tenant Greg Ewelt, to own the space.**

**Current Policy or Practice**

**A zoning permit is required for a new use in a space in the retail business zoning district. Plan Commission review and approval is required.**

**Recommendation**

**Approval of a zoning permit for the Pizza Oven restaurant to operate at 5511 Monona Drive, as proposed, according to Section 13-1-180 of the Monona Municipal Zoning Code, is recommended with the following conditions of approval:**

- 1. Approval of all building permits shall be obtained.**
- 2. Approval by the License Review Committee of the revised alcohol license premises is required.**

**Item 5.C. and 5.D. Recommendation on Request by the Pizza Oven Restaurant for a Zoning Permit to Operate at 5511 Monona Drive.  
Plan Commission Meeting April 28, 2014**

**Proposal**

The building at 5511 Monona Drive is owned by Mike Vesperat. He owns and operates the bicycle and hockey business, The Village Pedaler out of this space. The Pizza Oven restaurant and bar is currently located at 5417 Monona Drive, a few spaces north of 5511 Monona Drive.

Greg Ewelt, owner of the Pizza Oven restaurant, has submitted a letter and zoning permit application in order to operate his business in the space at 5511 Monona Drive. The Village Pedaler would no longer operate out of this space. A zoning permit is required for this proposed use, because it is a change in use from the existing retail store to a restaurant. The letter submitted by Mike Vesperat, dated 3/12/14 describes the proposal. The applicants have stated that the restaurant is moving into this space because the layout of the space works better for their business. It also allows an opportunity in the future for the tenant Greg Ewelt, to own the space.

**Public Hearing and Prehearing Conference Held 3/24/14**

A public hearing and prehearing conference were held regarding this proposal at the 3/24/14 Plan Commission meeting. Discussion was as follows:

- Mike Vesperat, building owner, reviewed the proposal. The Pizza Oven will move into the space currently occupied by the Village Pedaler. He is preparing a floor plan to confirm the number of seats and stated the existing HVAC equipment used by the Pizza Oven will be moved to this space and used in the same way. He said there is a shared parking agreement for the center.
- Alder Holmquist said the biggest issue will be parking if the restaurant has 90 seats, they would be about 14 parking stalls short. The applicant needs to confirm the seats, parking agreement, and hours of operation to ensure the parking will be adequate. City Administrator Pat Marsh said there was a restriction on the use of Pizza Oven's second floor as part of a parking agreement. Mr. Vesperat said there are two angled spots that employees can use. Mr. Homburg said the whole site is under parked and said the biggest problem could be during lunch hours.
- Mr. Homburg said the applicants should address concerns with noise from mechanical equipment. Mr. Vesperat said the existing HVAC equipment has a diffuser.
- Mr. Homburg said the existing dumpster is well screened.

**Consistency with Zoning Ordinance, and Comprehensive Plan, and Surrounding Uses**

The building at 5511 Monona Drive is part of the Retail Business (RB) Zoning District. The proposed use, a restaurant and bar, is consistent with the retail business zoning. A zoning permit is required for any use or substantial change in the use of any land, water, structure, or building, as determined by the Zoning Administrator. Because this business is a substantial change in use from the most recent occupancy as a retail sales store, and because restaurant uses generally have

additional impacts on surrounding properties, the proposal requires approval of a zoning permit by the Plan Commission.

## **Hours of Operation**

The attached table shows the hours of operation for business in the entire shopping center. It appears the largest parking demand is between 11:00am and 5:00 on weekdays. The Plan Commission should consider hours of operation in relation to parking demand and availability to determine if there will be adequate parking for the Pizza Oven. The Pizza Oven's current hours of operation are as follows:

- Monday through Thursday: 11:00am - 10:00pm
- Friday and Saturday: 11:00am – 12:00pm
- Sunday: 4:00pm - 9:00pm

## **Deliveries**

Deliveries will be made either from the rear alley or the side of the building. The Pizza Oven currently uses the same rear alley for all deliveries. Staff has no concerns regarding deliveries to the space at 5511 Monona Drive.

## **Parking**

### Parking Requirements

The Zoning Code requires one (1) parking stall per three (3) seats in a restaurant/cafe use, or one (1) stall per thirty-five (35) square feet of gross floor area. The Monona Zoning Ordinance requires that each business provide enough parking on the site that is needed for all users of the business including all employees, customers and patrons. MCO Section 13-1-62(a), off-street parking, reads: all uses 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.

### Parking Available

The letter of application states that the parking available for the building at 5511 Monona Drive is sixteen (16) stalls. Additional stalls are available from the rest of the retail strip when other businesses are closed. A shared parking agreement is in place between the business owners in the entire retail strip.

### Parking Needed

The Pizza Oven currently accommodates ninety (90) seats in their space at 5417 Monona Drive. If the restaurant plans to accommodate ninety (90) seats in the new space, the Zoning Code would require thirty (30) parking stalls (90 seats/3). The 3/12/14 letter from Mike Veserat states that the expected occupancy and parking requirements should be adequate with sixteen (16) available stalls and approximately 5,550 square feet of space. Based on the Code requirements, however, the business would be fourteen (14) stalls short.

The Pizza Oven currently operates with ten (10) available stalls. The Pizza Oven will gain an additional six stalls and will be located on the end of the retail center rather than in the middle.

Because a shared parking agreement is in place that makes additional stalls available during evening hours, and because the Pizza Oven is currently operating in the same retail center as the proposed new space, staff does not have major concerns regarding parking availability.

### **Refuse and Recyclables**

Waste receptacles are currently being stored in the rear alley with no enclosure as there is no room for such a structure. These receptacles are adequately screened and therefore staff does not have any concerns.

### **HVAC Equipment**

Residential lots are adjacent to this property directly to the west behind the building. This is a similar context to other restaurants that have received zoning permit approval from the Plan Commission, including Rossi's Pizza at 4503 Monona Drive, and Swad Indian Restaurant at 6007 Monona Drive. After Rossi's Pizza opened in its current location, residents directly behind the building filed complaints regarding noise emitted from the new external kitchen exhaust fan that was installed at the rear of the building. The complainant stated that the exhaust fan was in violation of the zoning ordinance regulation on screening of HVAC equipment and emitted noise in excess of 40 decibels, which did not comply with the noise ordinance. The noise ordinance has since been revised. Section 13-1-42(a) Operational Use Performance Standards, states that no use shall regularly emit noise beyond the premises of the source in excess of 65 decibels during the day between 7am and 9pm and 55 decibels at night (9pm-7am). Section 13-1-42(g) states all building and site heating, ventilating, and air conditioning (HVAC) and other mechanical equipment shall be screened from view with materials and landscaping complimentary and harmonious to the building and site.

HVAC equipment will be moved from the existing Pizza Oven location to the proposed space at 5511 Monona Drive. A photo of the exterior fans was submitted by Mike Vesperat. There have been no complaints from residents to the west regarding noise from this equipment.

### **Department Review**

A copy of the letter of application was provided to City department heads. City Clerk Joan Andrusz noted that the Pizza Oven will need to change their premise description to describe the new location on their renewal alcohol license.

To: City of Monona Planning  
Date: 4/14/14

As per our pre hearing conference the issues that were brought up are as follows with the information needed to grant immediate approval.

The current parking for 5507/5511 Monona Dr should be adequate for the 99 person capacity Pizza Oven that is being proposed for consideration. As there is a parking agreement we intend to abide by that agreement.

The ventilation hoods, picture attached, should be an adequate noise buffer for neighbors to the west as there have been no complaints with these same hoods.

There for JMV.LLC requests immediate approval for conditional use of 5507/5511 Monona Dr as a bar/ restaurant.

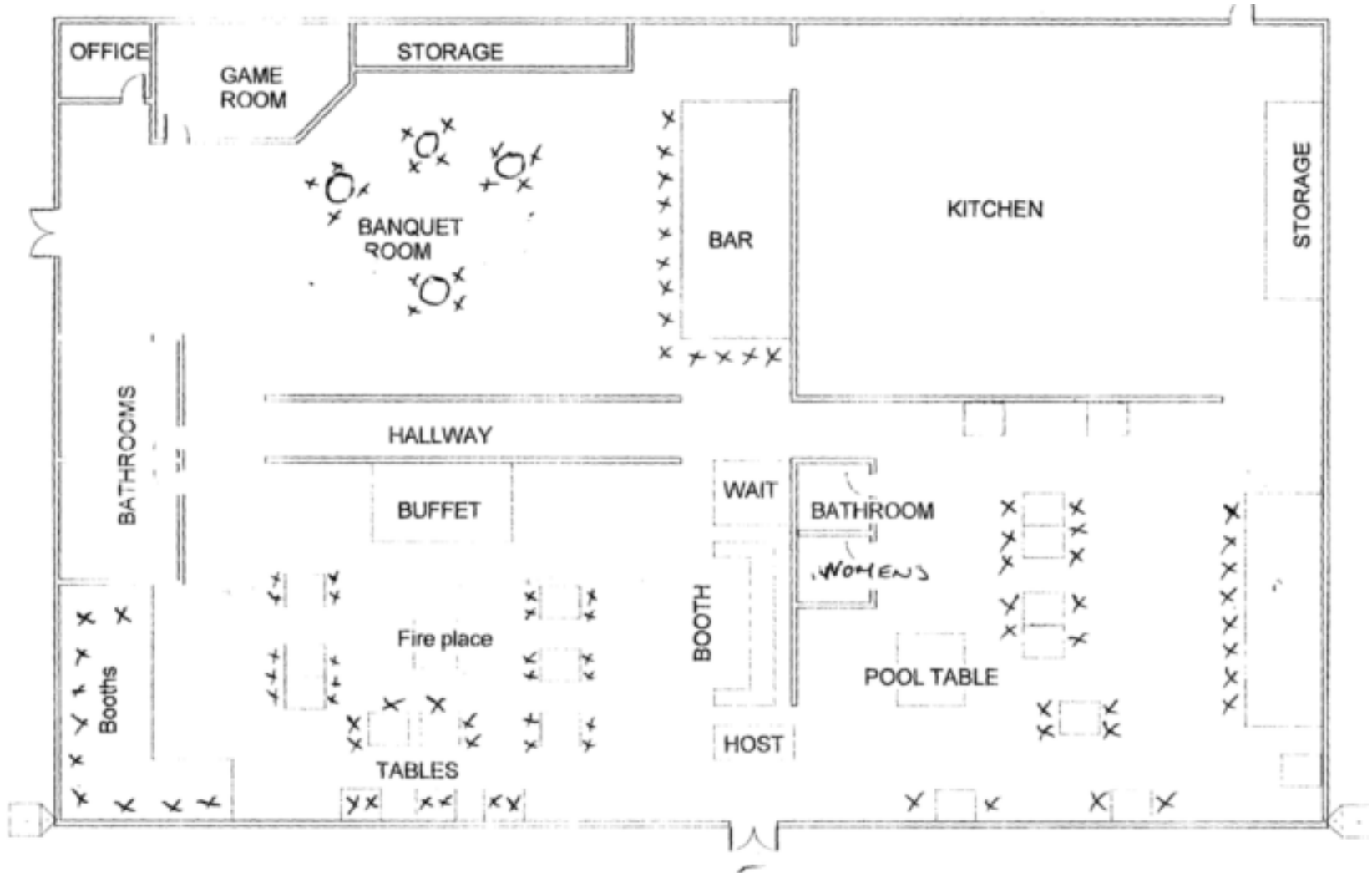
Sincerely,

Managing Member JMV, LLC

# Pizza Oven Exterior HVAC Equipment



# Pizza Oven Proposed Seating Layout - 5511 Monona Drive



BAR + RESTAURANT  
99 SEATS