

PLANNING DIVISION STAFF REPORT

October 3, 2022



PREPARED FOR THE PLAN COMMISSION

Project Address: 931 East Main Street (6th Alder District, Ald. Benford)
Application Type: Conditional Use
Legistar File ID #: [73120](#)
Prepared By: Lisa McNabola, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Patrick O'Halloran; MMAP Imports & Holdings, dba The Delicouser; 1218 University Bay Drive, Madison, WI 53705

Contact: Jeff Gleiter; JSG Custom Builder, LLC; 6696 Purcell Road, Belleville, WI 53508

Property Owner: Ashley Gohlke; Common Wealth Development; 1501 Williamson Street, Madison, WI 53703

Requested Action: Consideration of a conditional use in the Traditional Employment (TE) District to allow general retail, restaurant-tavern, reception hall, and arts/technical/trade school uses in a tenant space of a multi-tenant commercial building at 931 East Main Street.

Proposal Summary: The applicant proposes to establish the following uses in a tenant space of a multi-tenant commercial building: general retail, restaurant-tavern, reception hall, and arts/technical/trade school. This is all to allow a small batch spice manufacturing business with a kitchen studio/tasting room, per the application materials. The kitchen studio/tasting room will host cooking classes, private dinners, and holiday pop-up shops. Limited production and processing will occur on site, which is a permitted use in the Traditional Employment (TE) District.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183] as Table 28F-1 [MGO §28.082] lists *general retail, restaurant-tavern, reception hall, and arts/technical/trade school* as conditional uses in the Traditional Employment (TE) District. The Supplemental Regulations [MGO §28.151] contain further regulations for all four uses.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find the approval standards for conditional uses met and **approve** the request to allow general retail, restaurant-tavern, reception hall, and arts/technical/trade school uses in a tenant space of a multi-tenant commercial building in the Traditional Employment (TE) District at 931 East Main Street. This request is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 69,696 square-foot (1.6-acre) parcel is located at the southwest corner of East Main Street and South Brearly Street. It is also located within Alder District 6 (Ald. Benford) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The site is occupied by a 51,655 square-foot, multi-tenant commercial structure, built in 1938 with an addition constructed in 1948. The building was remodeled in 1995. It is zoned Traditional Employment (TE) District.

Surrounding Land Use and Zoning:

North: Across East Main Street, Hotel Indigo, office building, and warehouse, zoned Traditional Employment (TE) District;

East: Across South Brearly Street, manufacturing building, zoned TE District;

South: Unimproved right-of-way; vacant parcel, zoned TE District; commercial building, and warehouse, zoned TE District; and

West: City of Madison Water Utility vehicle storage building, zoned TE District.

Adopted Land Use Plan: The [2018 Comprehensive Plan](#) recommends Employment (E) development for the subject property and adjacent properties. The [East Rail Corridor Plan](#) (2004) recommends, “The primary uses developed along East Main Street should be employment uses, including offices, light industrial enterprises, artists and artisans, business incubators and other employment uses compatible with the development objectives of the district.”

Zoning Summary: The property is zoned Traditional Employment (TE) District.

Site Design	Required	Proposed
Number Parking Stalls	7	40
Accessible Stalls	2	2
Loading	No	No
Number Bike Parking Stalls	3	8
Landscaping	Existing	Existing, no change
Lighting	No	No
Building Forms	Existing	Existing, no change

Table Prepared by Jacob Moskowitz, Assistant Zoning Administrator

Environmental Corridor Status: The subject site is not within a mapped environmental corridor.

Public Utilities and Services: This property is served by a full range of urban services.

Project Description

The applicant proposes to establish general retail, restaurant-tavern, reception hall, and arts/technical/trade school uses in in a tenant space of a multi-tenant commercial building at 931 East Main Street. Limited production and processing will also occur on site, which is a permitted use. This is all to allow a small batch spice manufacturing business with a kitchen studio/tasting room, per the application materials. The primary use would be spice manufacturing. The applicant would also provide cooking classes, private dinners, and holiday pop-up shops. There would be approximately 12 events per month. Proposed hours of operation for events are 9 a.m. to 10 p.m. There would be 4-6 employees per event. The business would occupy a 1,887 square-foot tenants space, with 1,000 square feet used for manufacturing. No exterior modifications are proposed with this application.

Analysis and Conclusion

This proposal is subject to the standards for Conditional Uses [MGO §28.183] as Table 28F-1 [MGO §28.082] lists a lists *general retail, restaurant-tavern, reception hall, and arts/technical/trade school* as conditional uses in the Traditional Employment (TE) District. The Supplemental Regulations [MGO §28.151] contain further regulations for all four uses.

Conformance with Adopted Plans

The 2018 Comprehensive Plan recommends Employment (E) development for the subject site. Employment areas generally do not include retail and consumer service uses for the wider community, but may include limited retail and service establishments that primarily serve employees and users of the area. Staff believes that establishing the proposed conditional uses in concert with the permitted spice processing use within an existing commercial building is generally consistent with this plan. Based on the provided information, staff does not believe this would impede the development or operation of employment uses in the surrounding area. The East Rail Corridor Plan recommends, “The primary uses developed along East Main Street should be employment uses, including offices, light industrial enterprises, artists and artisans, business incubators and other employment uses compatible with the development objectives of the district.” The primary use is limited production and processing. Staff believe this can be found to be consistent with the employment uses outlined in the East Rail Corridor Plan.

Conditional Use Standards

The Conditional Use approval standards state that the Plan Commission shall not approve a conditional use without due consideration of the City’s adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of MGO §28.183(6) are met. Please note, recent changes to state law requires that conditional use findings must be based on “substantial evidence” that directly pertains to each standard and not based on personal preference or speculation.

Given due consideration, the Planning Division anticipates that the establishment of general retail, restaurant-tavern, reception hall, and arts/technical/trade school uses should not result in significant negative impacts to the surrounding properties. If approved, the Plan Commission retains continuing jurisdiction over this conditional use, meaning that should complaints be filed, the Plan Commission could take further action on this conditional use as allowed in MGO Section 28.183(9)(d).

Staff believes that the Conditional Use Standards can be found met.

Supplemental Regulations

According to Table 28F-1 [MGO §28.082], *general retail* must adhere to the Supplemental Regulations found in MGO §28.151:

- a) Except as allowed in (b), in the TE and SE Districts, general retail uses shall not exceed five thousand (5,000) square feet in floor area.
- b) Within employment districts, general retail uses shall not exceed ten thousand (10,000) square feet in floor area, unless such uses are part of a planned multi-use site.

According to Table 28F-1 [MGO §28.082], a *restaurant-tavern* must adhere to the Supplemental Regulations found in MGO §28.151:

- a) Maximum capacity to be established by the Director of the Building Inspection Division, not to exceed the number of available seats, plus staff, plus a reasonable number of people waiting for seats.
- b) Restaurant-Taverns shall not hold an entertainment license under Sec. 38.06(11).
- c) Restaurant-Taverns shall at all times operate consistent with and according to the requirements of a valid alcohol license issued by the City.

According to Table 28F-1 [MGO §28.082], a *reception hall* must adhere to the Supplemental Regulations found in MGO §28.151:

- a) Service of food and intoxicating beverages allowed when licensed.

According to Table 28F-1 [MGO §28.082], an *arts/technical/trade school* must adhere to the Supplemental Regulations found in MGO §28.151:

- a) A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.
- b) Where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.
- c) With the exception of facilities located in industrial districts, all activities shall occur within enclosed buildings.
- d) For uses established in employment districts, the applicant shall submit a Traffic Demand Management plan to be approved by the Traffic Engineer and to be kept on file with the Zoning Administrator. (Cr. by ORD-16-00097, 11-9-16)

Staff believes that all of the Supplemental Regulations are met.

Conclusion

Staff believe that the proposed general retail, restaurant-tavern, reception hall, and arts/technical/trade school uses can be found to meet the Conditional Use Approval Standards and recommends that it be approved by the Plan Commission, subject to input at the public hearing and comments from reviewing agencies.

At the time of report writing, staff was not aware of any concerns regarding this request.

Recommendation

Planning Division Recommendation (Contact Lisa McNabola, 243-0554)

The Planning Division recommends that the Plan Commission find that the approval standards for conditional uses are met and **approve** the request to allow general retail, restaurant-tavern, reception hall, and arts/technical/trade school uses in the Traditional Employment (TE) District at 931 East Main Street. This recommendation is subject to input at the public hearing and the following conditions:

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

Zoning (Contact Jacob Moskowitz, 266-4560)

1. Maximum capacity to be established by the Director of the Building Inspection Division, not to exceed the number of available seats, plus staff, plus a reasonable number of people waiting for seats. Final bicycle and car parking requirements will be based on this capacity.
2. Restaurant-Taverns shall not hold an entertainment license under Sec. 38.06(11).

Engineering Division (Contact Tim Troester, 267-1995)

3. This site appears to be a mixed use building where one or more users will be subject to restaurant class sanitary sewer rates. It is recommended to have tenants with a commercial kitchen separately metered or sub-metered so the entire building is not subjected to the higher sewer rates. Additionally, please note these users will be required to submit proof of maintenance for their grease trap(s) to the City on an annual basis. Instructions will be provided when a Food and Drink permit is obtained from the Department of Public Health. If you have questions on the restaurant class sewer charges or grease trap maintenance, please contact Megan Eberhardt at Meberhardt@cityofmadison.com or 608-266-6432.

City Engineering Division – Mapping Section (Contact Jeffrey Quamme, 266-4097)

4. Revise the site plan removing the references to the lease area in Railroad Street. Those leases have been terminated and place a note that the area is subject to an Encroachment Agreement per Document No 5564564.

The following agencies reviewed the request and recommended no conditions of approval: Traffic Engineering, Fire Department, Parks Division, Forestry Division, Water Utility, and Metro Transit