



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 1344 E Washington Avenue (2<sup>nd</sup> Alder District – Ald. Heck)

**Application Type:** Conditional Use

**Legistar File ID #** [65137](#)

**Prepared By:** Chris Wells, Planning Division  
Report includes comments from other City agencies, as noted.

**Reviewed By:** Kevin Firchow, AICP, Principal Planner

## Summary

**Applicant & Contact:** Ben Roberts; Salsapants, Inc. DBA Pasqual’s Cantina; 1344 E Washington Avenue; Madison, WI 53703

**Property Owner:** Mullins Apartments, LLP; 401 N. Carroll St., Madison, WI 53703

**Requested Action:** Approval of a conditional use in the Traditional Employment (TE) District for food and related good sales in an existing restaurant-tavern.

**Proposal Summary:** The applicant proposes to reallocate space within the existing restaurant-tavern (Pasqual’s Cantina) for a local marketplace (considered “*food and related good sales*” by the Zoning Administrator). No exterior changes to the building are proposed.

**Applicable Regulations & Standards:** This proposal is subject to the standards for conditional uses (MGO Section 28.183(6)).

**Review Required By:** Plan Commission (PC) (The Secretary of the Urban Design Commission and the Secretary of the Landmarks Commission reviewed this request administratively on behalf of the Urban Design Commission and Landmarks Commission, respectively).

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** the request for food and related good sales in an existing restaurant-tavern at 1344 E Washington Avenue. 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:** 1344 E Washington Avenue is located on the northwest corner of E Washington Avenue and Dickinson Street. It is located within Urban Design District #8; Alder District 2 (Heck); and the limits of the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The half-acre property is developed with a 13,007-square-foot local landmark building originally constructed in 1890. The building is placed right at the corner of E Washington Avenue and Dickinson Street, with surface parking to the north and west.

**Surrounding Land Use and Zoning:**

Northeast: Washington Square Office Building, in the TE District;

Southeast: Across East Washington Avenue, ShopBop, in the TE District;

Southwest: A surface parking lot, in the TE District; and

Northwest: Surface parking in the TE District, further west and facing East Mifflin Street, a daycare facility in the TE District.

**Adopted Land Use Plan:** The [Comprehensive Plan](#) (2018) and [Tenney-Lapham-Old Market Neighborhood Plan](#) (2008) recommend Employment uses for this site. The [East Washington Avenue Capitol Gateway Corridor Plan](#) (2008) recommends Employment uses as well, and notes that the subject building is a local landmark building. This Plan identifies the property behind the building as a potential site for future shared structured parking.

**Zoning Summary:** This property is in the Traditional Employment (TE) District.

Requirements	Required	Proposed
Lot Area (sq. ft.)	6,000 sq. ft.	21,021 sq. ft.
Lot Width	50'	143'
Front Yard Setback	0' or 5'	Adequate
Side Yard Setback: Street Side Yard	0' or 5'	Existing street side yard
Side Yard Setback: Other cases	None	Adequate
Rear Yard Setback	Lesser of 20% lot depth or 20'	Adequate
Maximum Lot Coverage	85%	Existing lot coverage
Minimum Building Height	22' measured to building cornice	2 story existing building
Maximum Building Height	5 stories/ 68'	2 story existing building
Lot Area (sq. ft.)	6,000 sq. ft.	21,021 sq. ft.
Lot Width	50'	143'

Site Design	Required	Proposed
Number Parking Stalls	No minimum required	166 existing stalls
Accessible Stalls	Yes	6
Loading	Not required	None
Number Bike Parking Stalls	Food and related goods sales: 1 per 2,000 sq. ft. floor area (2 minimum) Existing restaurant-tavern: 5% of capacity of persons (18)	19 existing stalls
Landscaping and Screening	Not required	Existing landscaping
Lighting	Not required	Existing lighting
Building Forms	Not required	Existing building

<b>Other Critical Zoning Items</b>	Urban Design Review (UDD #8), Historic District (Historic Landmark), Barrier Free (ILHR 69)
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*Tables Prepared by Jenny Kirchgatter, 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, including many Metro Transit routes running along East Washington Avenue.

## Related Reviews and Approvals

June 23, 2014, the Plan Commission, approved a conditional use for a restaurant-tavern (Pasqual's) and an outdoor seating area in an existing Landmark building formerly used as a restaurant. (Legistar File [34160](#))

## Project Description, Analysis, and Conclusion

The applicant proposes to reallocate 1,140 square-feet of the existing restaurant-tavern (Pasqual's Cantina) space and add a marketplace (which is considered a "food and related goods sales" by the Zoning Administrator). According to submitted materials, the marketplace, *Provision and Pasqual's Cantina*, will sell such things as prepared foods, limited liquor offerings (packaged beer, wine & spirits with a local focus), and other grocery items such as canned/dry goods, pastas, limited fresh produce, locally-prepared goods and gifts, etc. The house-made food/products will be made on site, in the restaurant's kitchen.

The marketplace will be located along the building's E Washington Avenue façade, to the left (southwest) of the restaurant's main (E Washington Avenue) entrance. It will be separated from the rest of the restaurant and accessed via two entrances – one located off of the vestibule located within restaurant's aforementioned E Washington entrance, and the other located at the southwest corner of the building.

There are no exterior changes proposed to the building. Regarding interior modifications, the applicant notes, *"Minimal modification will be required for the space, primarily the removal of current table and banquette seating and the installation of product shelving, a small register counter, 2 free-standing beverage coolers and an open air refrigerated merchandiser for prepared food, beverage and produce display."*

The proposed hours of operation for the marketplace are Monday to Saturday from 12:00 pm to 9:00 pm; and Sundays from 11:00 am to 6:00 pm.

### Conformance with Adopted Plans

The Planning Division believes that this request can be found compatible with adopted plans. The [2018 Comprehensive Plan](#) recommends Employment uses for the subject site, for which it notes such 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."* The [Tenney-Lapham-Old Market Neighborhood Plan](#) (2008) and [East Washington Avenue Capitol Gateway Corridor Plan](#) (2008) both recommend Employment uses for this site. Staff believes the proposed use, if well-managed, would be compatible with the surrounding uses.

### 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.

Based on the provided information, the Planning Division believes the conditional use standards can be found met. Staff does not anticipate that the inclusion of the proposed marketplace in the building, and switch from restaurant space to food and related goods sales space will result in negative impacts on surrounding properties. Staff also believe the limited hours of operation will also help mitigate any such potential impacts. Finally, if approved, the Plan Commission retains continuing jurisdiction over both conditional uses, meaning that should complaints be filed, the Plan Commission could take further action on either, as allowed in MGO Section 28.183(9)(d).

### Public Comment

At the time of report writing, staff have not received any public comments.

### Conclusion

The Planning Division believes that the standards for conditional uses can be found met. Staff does not anticipate that the inclusion of the proposed marketplace in the building, and switch from restaurant space to food and related goods sales space will result in negative impacts on surrounding properties. Staff also believe the limited hours of operation will also help mitigate any such potential impacts.

## Recommendation

### Planning Division Recommendation (Contact Chris Wells, 261-9135)

The Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** the request for food and related good sales in an existing restaurant-tavern at 1344 E Washington Avenue. 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

### City Engineering Division - Mapping (Contact Jeffrey Quamme, (608) 266-4097)

1. Many improvements on the site plan are noted as "new" when in fact they have already been constructed as part of a previously approved plan. Correct notations for improvements that already exist and note properly any new improvements or revisions to the site.

### Zoning Administrator (Contact Jenny Kirchgatter, (608) 266-4429)

2. Contact Building Inspection at (608) 266-4551 or [bldginspect@cityofmadison.com](mailto:bldginspect@cityofmadison.com) to confirm with Building Plan Review staff whether a building permit will be required for the change of use from a dining room space to a retail market space. A new capacity review may be required for the existing restaurant-tavern.

3. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.
4. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

**The following agencies reviewed this request and have recommended no conditions of approval:**

Engineering-Main Office; Traffic Engineering; Fire; Parks; Forestry; Water Utility; Metro;