

PLANNING DIVISION STAFF REPORT

October 14, 2019



PREPARED FOR THE PLAN COMMISSION

Project Address: 4102 Monona Drive (District 15 – Ald. Foster)
Application Type: Conditional Use
Legistar File ID # [57317](#)
Prepared By: Sydney Prusak, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Planning Division

Summary

Applicant & Property Owner: Steve Doran; Galway Companies; 6430 Bridge Road #230; Madison, WI; 53713

Contact: Brad Koning; Sketchworks Architecture, LLC; 7780 Elmwood Avenue Suite 208; Middleton, WI 53562

Requested Action: The applicant requests approval of a conditional use to establish a restaurant-tavern and outdoor eating area in an existing multi-tenant commercial building on a property zoned NMX (Neighborhood Mixed-Use District) at 4102 Monona Drive.

Proposal Summary: The applicant proposes to establish a restaurant-tavern with an outdoor eating area in an existing multi-tenant commercial building.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183] as MGO §28.061 lists *restaurant-taverns* and *outdoor eating areas associated with food and beverage establishments* as conditional uses in the NMX (Neighborhood Mixed-Use) Zoning District. The Supplemental Regulations [MGO §28.151] contain further regulations for these uses.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the approval standards for conditional uses are met and **approve** the requests to establish a restaurant-tavern and an outdoor eating area in an existing multi-tenant commercial building on a property zoned NMX (Neighborhood Mixed-Use District) at 4102 Monona Drive. These requests are subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 122,334-square-foot (2.81-acre) project site is located at the south east corner of the intersection of Monona Drive, Buckeye Road, and Lake Edge Road. The site is within both Aldermanic District 15 (Ald. Foster) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject parcel contains a one-story, 45,168-square-foot, multi-tenant commercial building. The applicant will occupy a 4,905-square-foot tenant space. City Assessor records state that the building was originally constructed in 1949 and has undergone many renovations since.

Surrounding Land Use and Zoning:

North: Single-family residences and the Lake Edge Lutheran Church, zoned SR-C1 (Suburban Residential – Consistent 1);

East: Single-family residences, zoned SR-C1;

South: Single-family residences, zoned SR-C1 and

West: The City of Monona, with Lake Monona beyond.

Adopted Land Use Plan: The [Comprehensive Plan \(2018\)](#) recommends neighborhood mixed-use (NMU) for the subject property.

Zoning Summary: The project site is currently zoned Neighborhood Mixed-Use (NMX).

Requirements	Required	Proposed
Front Yard Setback	None	Adequate
Side Yard Setback: Other cases	None unless needed for access	.9' north side yard 17.1' south side yard
Rear Yard Setback	20'	19.8' existing rear yard
Maximum Lot Coverage	75%	Existing lot coverage
Maximum Building Height	3 stories/ 40'	1 story

Requirements	Required	Proposed
Number Parking Stalls	Restaurant-tavern: 15% of capacity of persons (24)	137 (7)(8)
Accessible Stalls	Yes	4 (8)(9)
Loading	2 (10' x 50')	Existing loading area
Number Bike Parking Stalls	Restaurant-tavern: 5% of capacity of persons (8)	None (6)(8)(10)
Landscaping and Screening	Not required	Existing landscaping
Lighting	Not required	Existing lighting
Building Forms	Not required	Existing building
Other Critical Zoning Items	Barrier Free (ILHR 69)	

Table Prepared by Jacob Moskowitz, 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.

Project Description

The applicant, Galway Companies on behalf of The Muskellounge and Sports Bar, proposes to establish a restaurant-tavern with an outdoor eating area in an existing multi-tenant commercial building. The subject site is located within the Lake Edge Shopping Center, and the restaurant-tavern will occupy a 4,905 square-foot tenant space (formally Elie's Family Restaurant) near the east side of the building, with the outdoor eating area replacing the parking area immediately in front of the space. There are an assortment of uses in the existing shopping center including restaurants, an exercise studio, animal daycare, and hair salon.

The outdoor patio will be located on a 295 square-feet raised concrete area and will be bordered by a black aluminum fence along the three sides facing the parking lot. There will be six small tables, with seating for

approximately 24 people. According to the letter of intent, there will be no additional lighting for the area, nor any outdoor amplified sound. As proposed, both the restaurant-tavern and outdoor eating area will be open from 4:00 p.m. to 1:00 a.m. Sunday through Thursday and 12:00 p.m. to 1:00 a.m. Friday and Saturday.

Project Analysis and Conclusion

Conditional Use Standards

In regards to the approval standards, the Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, and finding that all of the conditional use standards of MGO §28.183(6) are met.

Staff believes that the proposed uses are compatible with the [Comprehensive Plan \(2018\)](#), which recommends Neighborhood Mixed-Use (NMU) for the subject site. Furthermore, Conditional Use Standard #3 states, "The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner." Given the fact that there are residential properties directly across Buckeye Road, approximately 110 feet away from the outdoor seating area, staff recommends a condition of approval limiting the hours of operation for the outdoor space to 10:00 p.m. Sunday through Thursday and 11:00 p.m. Friday and Saturday. The Director of the Planning Division may consider a minor alteration to the conditional use in the future to further modify the hours of operation for the outdoor eating area following a recommendation by the District Alder. With this condition of approval, and the fact that no outdoor amplified sound is proposed, the Planning Division believes that the Conditional Use Standards can be found met.

Lastly, according to Table 28D-2 in MGO §28.061, *restaurant-taverns and outdoor eating areas associated with food and beverage establishments* must adhere to the Supplemental Regulations found in MGO §28.151. Staff believes the Supplemental Regulations can be found met. The Supplemental Regulations for outdoor eating areas state that, "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." Given that the patio space will be surrounded by surface parking, the Planning Division believes that the proposed site improvements, including the fencing surrounding the patio, fulfill this supplemental requirement.

Conclusion

Staff believes that the proposed restaurant-tavern and outdoor eating area 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.

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 §28.183(9)(d). At the time of report writing, staff was not aware of any concerns on this request.

Recommendation

Planning Division Recommendation (Contact Sydney Prusak, (608) 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 establish a restaurant-tavern with an outdoor eating area in an existing multi-tenant commercial building on a property zoned NMX (Neighborhood Mixed-Use District) at 4102 Monona

Drive. These requests are subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Recommended Conditions of Approval Major/Non-Standard Conditions are Shaded

Planning Division (Contact Sydney Prusak, (608) 243-0554)

1. No outdoor amplified sound (from music, televisions, etc.) or live musical performance shall be allowed in the outdoor eating area.
2. The outdoor eating area shall close at 10:00 p.m. Sunday through Thursday and at 11:00 p.m. on Friday and Saturday. The Director of the Planning Division may consider a minor alteration to the conditional use in the future to further modify the hours of operation for the outdoor eating area following a recommendation by the District Alder.

Traffic Engineering Division (Contact Sean Malloy, (608) 266-5987)

3. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign at all class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
4. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
5. The applicant shall provide a clearly defined 5' walkway clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.

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

6. Site plans have recently been approved for Lake Edge Shopping Center tenants Tabby and Jacks at 4116 Monona Dr and Lake Edge Sea Food at 4100 Monona Dr. The proposed site plan shall include elements of previously approved plans, including bicycle parking locations and trash enclosures. Site compliance will include compliance with previously approved plans.
7. Work with Zoning staff to verify the existing tenant uses and vehicle parking requirements for the Lake Edge Shopping Center. Minimum requirements for off-street automobile parking are applicable for the existing tenants of the Lake Edge Shopping Center, as well as the proposed restaurant-tavern. The number of existing vehicle parking stalls appears to be adequate based on an initial review of the tenant uses and vehicle parking requirements.

8. Provide an updated vehicle and bicycle parking summary for Lake Edge Shopping Center, including the number of vehicle stalls located in the north parking lot and south parking lot, number of accessible stall, and number of bicycle stalls.
9. Provide one (1) additional accessible stall for a total of five (5) accessible stalls. If the total number of vehicle stalls is between 101 and 150 stalls, then five (5) accessible stalls are required. Show the dimensions of the accessible stalls on the site plan. An accessible stall is a minimum of 8 feet wide with a 5 feet wide access aisle. A van accessible stall is a minimum of 8 feet wide with an 8 foot wide striped access aisle. Show the required signage at the head of the stalls.
10. Bicycle parking shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum number of short-term bicycle parking stalls equal to five percent (5%) of capacity of persons (8 stalls) for the proposed restaurant-tavern located in a convenient and visible area on a paved or impervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance. Note: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Provide a detail of the proposed bike rack.
11. The capacity shall be established for the outdoor eating area. Occupancy is established by the Building Inspection Unit. Contact Building Inspection staff at (608) 266-4559 to help facilitate this process.
12. 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.
13. 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. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.