



PREPARED FOR THE PLAN COMMISSION

Project Address: 729 Glenway Street (13th Aldermanic District, Alder Eskrich)
Application Type: Conditional Use
Legistar File ID #: [51319](#)
Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant/Project Contact: Megan Hile; Madison Chocolate Company; 729 Glenway Avenue; Madison, WI 53711

Property Owner: Patrick Corcoran; Patrick Properties; 2417 University Avenue; Madison, WI 53726

Requested Action: Approval of a conditional use to establish an outdoor seating area for a restaurant-tavern located in the Traditional Shopping Street (TSS) District at 729 Glenway Street.

Proposal Summary: The applicant proposes add an outdoor eating area adjacent to an existing restaurant-tavern, with capacity for eight (8) people.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183], as §28.082(1) of the Zoning Code lists *Outdoor eating areas associated with food and beverage establishments* as a Conditional Use in the Traditional Shopping Street (TSS) district. The Supplemental Regulations [MGO §28.151] contain further regulations for this use.

Review Required By: Plan Commission (PC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the request to establish an outdoor seating area for a restaurant-tavern located in the Traditional Shopping Street (TSS) District at 729 Glenway Street. 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: The property is located at the northeast corner of Monroe Street and Glenway Street; Aldermanic District 13 (Eskrich); Madison Metropolitan School District.

Existing Conditions and Land Use: The 13,200-square-foot corner lot is developed with a four-story, roughly 35,000-square-foot, mixed-use building constructed in 2016. The building has roughly 4,000 square feet of ground floor commercial space (which fronts onto both streets) and 19 residential apartments on the three upper floors. The building also has 20 under-building parking stalls and a 9-stall surface parking area on the northwesterly portion of the site. Both are accessed from Glenway Street.

Surrounding Land Use and Zoning:

- Northwest: Single-family homes in the TR-C2 District;
- Northeast: Arbor House Bed and Breakfast, a Local Landmark, in the Planned Development (PD) District;
- Southeast: Across Monroe Street to the southeast, UW Arboretum in the Conservancy (CN) District; and
- Southwest: Across Glenway Street to the southwest, Parman Place, a mixed-use building with a first floor restaurant and 18 residential units on upper levels, in the PD District.

Adopted Land Use Plan: The Comprehensive Plan (2006) recommends Neighborhood Mixed-Use for this area. The Monroe Street Commercial District Plan (2008) recommends commercial and mixed-use for this property.

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

Requirements	Required	Proposed
Front Yard Setback	None	Existing front
Side Yard Setback	6'	Existing side setback
Rear Yard Setback	The lesser of 20% of lot depth or 20'	Existing rear setback
Maximum Lot Coverage	85%	Existing lot coverage
Maximum Building Height	3 stories/ 40'	4 story existing building

Site Design	Required	Proposed
Number Parking Stalls	Proposed restaurant-tavern: 15% of capacity of persons (5) Existing general retail; service business; office: 1 per 400 sq. ft. floor area (3) Existing multi-family dwelling: 1 per dwelling (19) (27 stalls)	9 surface 20 underground 29 total
Accessible Stalls	Yes	1
Loading	Not required	None
Number Bike Parking Stalls	Proposed restaurant-tavern: 5% of capacity of persons (2) Existing general retail; service business; office: 1 per 2,000 sq. ft. floor area (2) Existing multi-family dwelling: 1 guest space per 10 units (2) (6 short-term stalls)	6 surface
Landscaping	Not required	Existing landscaping
Lighting	Not required	Existing lighting
Building Forms	Not required	Existing building

Other Critical Zoning Items	Barrier Free (ILHR 69); Historic District (Adjacent to a Landmark)
------------------------------------	--

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 Metro Transit.

Project Description

The applicant, Madison Chocolate Company, proposes to establish an outdoor seating area adjacent to an existing restaurant-tavern, with intent to serve both food and beverage (including alcoholic beverages) in this area. The outdoor eating area is located along the existing covered walkway, which runs along the southwesterly façade of the commercial tenant spaces. It has a proposed capacity of eight persons (note: the final details of the seating plan and capacity to be approved by the Building Inspection Unit) with seating consisting of four 2-person tables oriented parallel to the walkway. While the submitted site plan shows tables with a width of two feet, as the existing walkway is only 6.5 feet wide, the Traffic Engineering Division recommends the applicant modify the table width in order to maintain a 5-foot-wide path for circulation.

As stated in the submitted materials, the eating area will not have amplified music and for the hours of operation, the applicant is requesting the following: Monday – Thursday, 7:00 am – 6:00 pm; Friday and Saturday, 7:00 am – 9:00 pm; and Sunday, 8:00 am – 5:00 pm.

No structural or programmatic changes to the existing building or restaurant-tavern are proposed as part of this request.

Analysis and Conclusion

The application is subject to Conditional Use standards as *Outdoor eating areas associated with food and beverage establishments* require Conditional Use approval in the Traditional Employment (TE) District and the Supplemental Regulations [MGO §28.151] contain further regulations for this use.

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. Based on the provided information, the Planning Division believes the conditional use standards can be found met. Staff believes the proposal is consistent with the [Comprehensive Plan \(2006\)](#) which recommends Neighborhood Mixed-Use for this area as well as the [Monroe Street Commercial District Plan \(2007\)](#) which recommends commercial and mixed-use for this property. Staff also believes that if well-managed, the proposed outdoor eating area should not result in significant negative impacts to the surrounding properties. Factors such as the limited scale and capacity of the proposed outdoor eating area; its placement along the sidewalk and orientation towards the street; the proposed hours of operation; the lack of amplified sound; and the proposed conditions of approval will help mitigate anticipated impacts. Staff are mindful of the fact that there are residential units located on the floors above the proposed outdoor eating area location. To that end, Staff point out that 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, the only public comment that has been received is a letter from the Dungeon Monroe Neighborhood Association expressing their support for the proposal.

Supplemental Regulations for Outdoor Eating Areas Associated With Food and Beverage Establishments

Outdoor Eating Areas Associated with Food and Beverage Establishments are also subject to the Supplemental Regulations pursuant to Section 28.151. These include the following:

- a) Primary access to the area shall be from within the establishment.
- b) Hours of operation may be restricted and noise and lighting limits imposed as part of the conditional use approval.
- c) 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.

The Planning Division believes the Supplemental Regulations are met, with the recommended conditions.

Recommendation

Planning Division Recommendation (Contact Chris Wells, (608) 261-9135)

The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the request to establish an outdoor seating area for a restaurant-tavern located in the Traditional Shopping Street (TSS) District at 729 Glenway Street. 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

Planning Division (Contact Chris Wells, (608) 261-9135)

1. The hours of operation for the outdoor eating area shall be Monday – Thursday, 7:00 am – 6:00 pm; Friday and Saturday, 7:00 am – 9:00 pm; and Sunday, 8:00 am – 5:00 pm. Future modifications to the hours of operation of the outdoor eating area may be requested by the applicant in the future as a minor alteration of the conditional use.
2. The capacity of the outdoor eating area located in front of the tenant space addressed as 729 Glenway Street shall not exceed eight (8) persons (note: the final details of the seating plan and capacity to be approved by the Building Inspection Unit). Future modifications to the capacity of the outdoor eating area may be considered as a minor alteration of the conditional use.
3. There shall be no amplified sound, including, but not limited to television, ambient music or musical performances, in the outdoor eating area.

Engineering Division (Main Office) (Contact Timothy Troester, (608) 267-1995)

The agency reviewed this request and has recommended no conditions of approval.

Engineering Division (Mapping) (Contact Lori Zenchenko, (608) 266-5952)

4. The address of Madison Chocolate Company is 729 Glenway St. Supplemental drawing shows it as 727. The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.

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

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. The capacity for the restaurant-tavern and outdoor eating area has been established by the Building Inspection Unit (27 persons inside and 6 outside; 33 total). If the applicant proposes to adjust the approved capacity, contact Building Inspection staff at (608) 266-4559 to help facilitate this process.

Fire Department (Contact Bill Sullivan, (608) 261-9658)

The agency reviewed this request and has recommended no conditions of approval.

Parks/Forestry Review (Contact Kate Kane, (608) 261-9671)

The agency reviewed this request and has recommended no conditions of approval.

Water Utility (Contact Adam Wiederhoeft, (608) 266-9121)

The agency reviewed this request and has recommended no conditions of approval.

Metro Transit (Contact Timothy Sobota, (608) 261-4289)

The agency reviewed this request and has recommended no conditions of approval.