



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 219 Cottage Grove Road (District 15 – Ald. Foster)  
**Application Type:** Conditional Use  
**Legistar File ID #** [60166](#)  
**Prepared By:** Sydney Prusak, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Kevin Firchow, AICP, Planning Division

## Summary

**Applicant & Contact:** Hawk Sullivan; Jade Monkey; 4613 Maher Avenue; Madison, WI 53716

**Property Owner:** Jed Sandborn; 8426 Red Granite Road; Madison, WI 53719

**Requested Action:** The applicant requests approval of a conditional use to establish an outdoor eating area for a tavern in an existing multi-tenant commercial building on a property zoned Commercial Corridor - Transitional (CC-T) District at 219 Cottage Grove Road.

**Proposal Summary:** The applicant proposes to establish an outdoor eating area for a tavern (Jade Monkey) 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 *outdoor eating areas associated with food and beverage establishments* as a conditional use in the Commercial Corridor – Transitional (CC-T) 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 request to establish an outdoor eating area for a tavern in an existing multi-tenant commercial building on a property zoned Commercial Corridor - Transitional (CC-T) District at 219 Cottage Grove Road. These requests are subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

## Background Information

**Parcel Location:** The 21,794 square-foot (0.50-acre) subject site is located on the south side of Cottage Grove Road, across from the Clover Lane intersection, near Atwood Avenue/Monona Drive. 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, 3,938-square-foot, multi-tenant commercial building, which includes an existing pizza restaurant. The applicant will occupy a 3,326-square-foot tenant space, formerly occupied by Hoey Apothecary. City Assessor records state that the building was constructed in 1968.

**Surrounding Land Use and Zoning:**

- North:** A gas station and auto repair, and a tavern, both zoned Commercial Corridor – Transitional (CC-T), with single and two-family residences beyond, zoned Traditional Residential – Consistent 4 (TR-C4);
- East:** Veterans of Foreign Wars (VFW) Post 7591, with a surface parking lot, zoned CC-T, with single and multi-family residences beyond, zoned Suburban Residential – Varied 1 (SR-V1);
- South:** Davidson Street, with single-family residences beyond, zoned Suburban Residential – Consistent 1 (SR-C1); and
- West:** A one-story multi-tenant commercial building, zoned CC-T.

**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 Commercial Corridor - Transitional (CC-T).

Requirements	Required	Proposed
Front Yard Setback	N/A	Existing
Max. Front Yard Setback	N/A	Existing
Side Yard Setback	None	Existing
Rear Yard Setback	20'	Existing
Maximum Lot Coverage	85%	Existing

Requirements	Required	Proposed
Number Parking Stalls	15 min, 40 max	21
Accessible Stalls	1	1
Loading	No	No
Number Bike Parking Stalls	5	2 (12)
Landscaping	Yes	Yes (13)
Lighting	No	No (14)
<b>Other Critical Zoning Items</b>	Utility Easements	

*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, Hawk Sullivan on behalf of the Jade Monkey, proposes to establish and outdoor eating area for a tavern in an existing multi-tenant building. The tavern is in the process of relocating to this space from its former location at 109 Cottage Grove Road. Staff notes that a tavern is a permitted use in the Commercial Corridor – Transitional (CC-T) Zoning District, and the request before the Plan Commission is strictly for the outdoor seating area/patio space.

The approximately 272-square-foot outdoor patio will be located in front of the building, with immediate access from the tavern. There will be eight small tables, with seating for approximately 16 people. The applicant intends to hang string lights from the wooden pergola that will extend eight feet from the building. According to the applicant, there will be no outdoor amplified sound. As proposed, the outdoor eating area will be open from 3:00

p.m. to 1:30 a.m. Sunday through Thursday, 1:00 p.m. to 2:00 a.m. on Fridays, and 3:00 p.m. to 2:00 a.m. on Saturdays.

## 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. 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." Staff notes the varied pattern of development along Cottage Grove Road, with multiple existing restaurants and taverns. Furthermore, the outdoor eating area for the former Jade Monkey, located at 109 Cottage Grove Road, has been in operation since 2007, with no complaints filed with Zoning. The proposed hours of operation for the new patio are consistent with this former location and staff does not anticipate that the new patio poses different impacts from those at the existing location. The proximity to residential properties is essentially the same, with both the existing and proposed patios fronting Cottage Grove Road.

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). With this continuing jurisdiction, 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, *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 adjacent to surface parking and Cottage Grove Road, the Planning Division believes that the proposed site improvements, including fencing surrounding the patio, fulfill this supplemental requirement.

### Conclusion

Staff believes that the proposed 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.

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 an outdoor eating area for a tavern in an existing multi-tenant

commercial building on a property zoned Commercial Corridor – Transitional (CC-T) District at 219 Cottage Grove Road. This request is 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.

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

2. 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.
3. The Developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.
4. The City Traffic Engineer may require public signing and marking related to the development; the Developer shall be financially responsible for such signing and marking.
5. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
6. All bicycle parking adjacent pedestrian walkways shall have a 2-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
7. All pedestrian walkways adjacent parking stalls shall be 7 feet wide to accommodate vehicle overhang, signage and impediments to walkway movements. Any request for variance shall be submitted to and reviewed by City Traffic Engineering.
8. The applicant shall adhere to all vision triangle requirements as set in MGO 27.05 (No visual obstructions between the heights of 30 inches and 10 feet at a distance of 25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO 27.05(2)(bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer. This may involve the removal of parking stalls and/or driveway alterations.
9. TE recommends the applicant install a pedestrian walkway from the front door to the public ROW.

10. "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.
11. Secure parking facility. This is usually done with continuous six (6) inch curb, timbers, preformed wheel stops, guardrail erected at a height of eighteen (18) inches or fencing of sufficient strength to act as a vehicle bumper.

**Zoning** (Contact Jacob Moskowitz, (608) 266-4560)

12. 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.
13. Submit an updated landscape plan showing the new patio area.
14. Lighting is not required. However, if it is provided, it must comply with City of Madison General Ordinances Section 10.085 outdoor lighting standards.
15. Show the proposed pergola on the site plan. This structure will also require a building permit.

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

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| 16. The occupant load of the patio shall be included with the overall capacity of the tavern. Occupant load exceeding 100 persons require the installation of a fire sprinkler system. |
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**Metro Transit** (Contact Tim Sobota, (608) 261-4289)

17. Metro Transit operates daily all-day transit service along Atwood Avenue/Monona Drive in the Cottage Grove Road intersection, approximately 800 west of this property.