



PREPARED FOR THE PLAN COMMISSION

Project Address: 4100 Monona Drive (District 15 – Ald. Ahrens)
Application Type: Conditional Use
Legistar File ID # [50989](#)
Prepared By: Sydney Prusak, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Planning Division

Summary

Applicant & Contact: John R. Kitto; Lake Edge Seafood Company; 4100 Monona Drive; Madison, WI 53713

Property Owner: Galway Companies; 6430 Bridge Road #230; Madison, WI; 53713

Requested Action: The applicant requests approval of two conditional uses 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 4100 Monona Drive.

Proposal Summary: The applicant proposes to establish a restaurant-tavern and an outdoor seating area in an existing multi-tenant commercial building. The seating area would be located immediately adjacent to the restaurant on the existing front walkway and patio area and have a capacity of ten (10) persons. The restaurant-tavern is currently in operation and conditional use approval would bring the tenant into compliance with applicable zoning requirements.

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 Neighborhood Mixed-Use (NMX) 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 4100 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. Ahrens) 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 existing subject restaurant-tavern occupies a 2,650-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 \(2006\)](#) recommends neighborhood mixed-use 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 | Existing side yard |
| Rear Yard Setback | 20' | Existing rear yard |
| Maximum Lot Coverage | 75% | Existing lot coverage |
| Maximum Building Height | 3 stories/ 40' | Existing 1 story building |
| Number Parking Stalls | Proposed restaurant-tavern: 15% of capacity of persons () Existing restaurant; restaurant-tavern: 15% of capacity of persons (31) Existing general retail; service business: 1 per 400 sq. ft. floor area (81) (122 total) | 140 |
| Accessible Stalls | Yes | 4 |
| Loading | 2 (10' x 50') | 4 |
| Number Bike Parking Stalls | Proposed restaurant-tavern: 5% of capacity of persons (3) | 4 |
| 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 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.

Project Description

The applicant, Lake Edge Seafood Company, proposes to establish a restaurant-tavern with an outdoor seating area in an existing multi-tenant commercial building. Lake Edge Seafood Company obtained a liquor license in February, 2018 which re-classified them as a *restaurant-tavern* under the City’s Zoning Code. Therefore, conditional use approval would bring them into compliance with the Neighborhood Mixed-Use (NMX) zoning requirements.

The outdoor eating area would be located on the front patio of the existing building’s northern most tenant space. The applicant is proposing a total of five (5) tables with ten (10) chairs for restaurant-tavern patrons. As proposed,

the hours of operation for outdoor eating area would coincide with the hours of operation for the restaurant-tavern (10:00 am – 8:00 pm Monday – Saturday and 10:00 am to 2:00 pm on Sundays). The applicant has indicated that the tables would be in front of the restaurant-tavern under the existing building canopy so staff can easily monitor the customers outside. The applicant has not indicated that amplified sound would be played in the outdoor eating area.

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 §28.183(6) MGO are met. 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." The Planning Division believes that this standard can be found met. The proposed restaurant-tavern and outdoor eating area should not result in significant impacts to the surrounding properties. Factors such as the limited size of the patio; the lack of any amplified or live music on the exterior; the location in front of the building, oriented away from single-family residences; and the proposed conditions of approval will help mitigate possible impacts.

Furthermore, Staff believes that this proposed use is compatible with the [Comprehensive Plan \(2006\)](#), which recommends Neighborhood Mixed-Use for the subject site.

Supplemental Regulations

M.G.O. 28.151 contains further regulations for outdoor eating areas associated with food and beverage establishments. First, primary access to the area shall be from within the establishment. According to the site plan provided, this requirement has been fulfilled. Second, hours of operation may be restricted and noise and lighting limits imposed as part of the conditional use approval. The Planning Division has provided conditions of approval to regulate the outdoor music and sound. Lastly, 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 neighborhood. Staff does not believe that the applicant needs to provide additional site improvements to mitigate the impacts on surrounding properties. While there are adjacent residential uses, the proposed outdoor eating area would occupy a small space in front of the restaurant-tavern and would front Monona Drive, which is a busy City thoroughfare.

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. The Lake Edge Neighborhood Association wrote a letter of support for this conditional use request, and those comments are included in the meeting packet. At the time of report writing, staff was not aware of any concerns on this request.

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).

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 and outdoor eating area in an existing multi-tenant commercial building on a property zoned NMX (Neighborhood Mixed-Use District) at 4100 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. The hours of operation for the outdoor eating area located in front of the tenant space addressed as 4100 Monona Drive, shall be 10:00 am – 8:00 pm daily. Future modifications to the hours of operation of the outdoor eating area may be considered as a minor alteration of the conditional use following a recommendation by the District Alder.
2. The capacity of the outdoor eating area located in front of the tenant space addressed as 4100 Monona Drive shall not exceed 10 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 following a recommendation by the district alder and approval from the Building Inspection Unit.
3. There shall be no amplified sound, including, but not limited to television, ambient music or musical performances, in the outdoor eating area located in front of the tenant space addressed as 4100 Monona Drive.

City Engineering Review Mapping (Contact Jeff Quamme, (608) 266-4097)

4. Applicant shall be aware that there is a Temporary Easement for the reconstruction of Buckeye Road that encumbers a 5 foot width adjacent to Buckeye Road in front of this store. The table closest to Buckeye Road may not be usable during the reconstruction of Buckeye Road.

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

5. The applicant shall provide a clearly defined 5' walkway with 1' shy distance on either side 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 Division (Contact Jenny Kirchgatter, (608) 266-4569)

6. 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.