



PREPARED FOR THE PLAN COMMISSION

Project Address: 1325-1331 Greenway Cross (14th Alder District, Ald. Carter)
Application Type: Conditional Use
Legistar File ID #: [68694](#)
Prepared By: Lisa McNabola, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Contact: Celso Paco Xelhua; Paco’s Tacos, LLC; 1325-1331 Greenway Cross, Madison WI, 53713

Property Owner: 1325GC, LLC; 701 E Washington Ave, #LL2, Madison, WI 53703

Requested Action: Consideration of a conditional use in the Commercial Corridor Transitional (CC-T) District to allow a restaurant-nightclub in an existing, multi-tenant commercial building at 1331-1325 Greenway Cross.

Proposal Summary: The applicant proposes to offer live music for dine-in customers and private events at an existing restaurant located in a 4,635 square-foot tenant space. No exterior or interior changes to the building are proposed with this application.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183] as Table 28D-2 [MGO §28.061] lists a *restaurant-nightclub* as a conditional use in the Commercial Corridor Transitional (CC-T) District. The Supplemental Regulations [MGO §28.151] contain further regulations for this use.

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 allow a restaurant-nightclub in an existing commercial building in the Commercial Corridor Transitional (CC-T) District at 1325-1331 Greenway Cross. This request is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 68,588 square-foot (1.57-acre) parcel is located at the southeast corner of the intersection of Greenway Cross, Index Road and Applegate Road. It is also located within Alder District 14 (Ald. Carter) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The site is occupied by a 22,535 square-foot, one-story structure, built in 1984 and remodeled in 2018. It is zoned Commercial Corridor Transitional (CC-T) District.

Surrounding Land Use and Zoning:

North: Across Greenway Cross, a one-story car dealership, zoned Commercial Corridor Transitional (CC-T) District;

East: A one-story commercial building, zoned Industrial-Limited (IL) District;

South: Two, one-story commercial buildings (City of Fitchburg); and

West: Across Index Road, a one-story retail building, zoned Commercial Center (CC) District.

Adopted Land Use Plan: The [2018 Comprehensive Plan](#) recommends Industrial (I) development for the subject property and properties to the west. Properties to the east are recommended for Employment (E).

Zoning Summary: The property is zoned Commercial Corridor Transitional (CC-T) District.

Requirements	Required	Proposed
Lot Area (sq. ft.)	None	68,588
Lot Width	None	175
Front Yard Setback	5 ft	Existing, no change
Side Yard Setback	None	Existing, no change
Rear Yard Setback	20 ft	Existing, no change
Maximum Lot Coverage	85%	Existing, no change
Maximum Building Height	5 stories/78 ft	Existing, no change

Site Design	Required	Proposed
Number Parking Stalls	Existing	Existing, no change
Accessible Stalls	Existing	Existing, no change
Loading	No	No
Number Bike Parking Stalls	Existing	Existing, no change
Landscaping	Existing	Existing, no change
Lighting	Existing	Existing, no change
Building Forms	Existing	Existing, no change

Table Prepared by Jacob Moskowitz, Assistant Zoning Administrator

Environmental Corridor Status: The subject site is not within a mapped environmental corridor.

Public Utilities and Services: This property is served by a full range of urban services, with Madison Metro Route 40 serving the site on weekdays.

Related Approvals

On August 3, 2021, the Common Council, based on the recommendation of the Alcohol License Review Committee (ALRC), approved a 21+ Entertainment License [MGO§38.06(11)(c)] for Paco’s Tacos (Legistar ID # [66379](#)). The Council’s approval set the permitted capacity at 60 persons and included the following conditions:

1. Alcohol sales shall cease at 10:00 pm Sunday through Thursday, and at midnight Friday and Saturday.
2. Establishment shall provide MPD South District with a security plan.
3. Establishment shall have food available at all times during operating hours.
4. Establishment shall meet the definition of a restaurant as defined by Madison General Ordinance 38.02, at all times.

Project Description

The applicant intends to establish a restaurant-nightclub in a multi-tenant commercial building at 1325-1331 Greenway Cross. The applicant currently operates a restaurant on site, and proposes to offer live music for dine-in customers and private events. No exterior or interior changes to the building are planned at this time. The proposed hours of operation are Monday to Wednesday, 11:00 a.m. to 8:00 p.m. and Thursday to Saturday, 11:00 a.m. to 10:00 p.m.

Their Entertainment License, obtained from the Common Council on August 3, 2021, is a 21+ Entertainment License, which allows for live music performances.

Analysis and Conclusion

This proposal is subject to the standards for Conditional Uses [MGO §28.183] as Table 28D-2 [MGO §28.061] lists a *restaurant-nightclub* as a conditional use in the Commercial Corridor Transitional (CC-T) District. The Supplemental Regulations [MGO §28.151] contain further regulations for this use.

Conformance with Adopted Plans

The [2018 Comprehensive Plan](#) recommends Industrial (I) development for the subject site. Staff do not believe that the proposed restaurant-nightclub use in an existing commercial building would impede the development or operation of industrial and employment uses in the surrounding area.

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.

Given due consideration, the Planning Division anticipates that the conversion of the existing restaurant into a restaurant-nightclub use should not result in significant negative impacts to the surrounding properties. 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 Section 28.183(9)(d).

Staff believes that the Conditional Use Standards can be found met.

Supplemental Regulations

According to Table 28D-2 [MGO §28.060], a *restaurant-nightclub* must adhere to the Supplemental Regulations found in MGO §28.151:

- a) Maximum capacity to be established by the Director of Building Inspection Division, not to exceed the number of available seats, plus staff, plus a reasonable number of people waiting for seats.
- b) Must serve food at all hours it is open.
- c) Shall hold an entertainment license under Sec. 38.06(11).

- d) Shall at all times operate consistent with and according to the requirements of a valid alcohol license issued by the City.

With the applicant already having obtained their Entertainment License, and the conditions of approval, the Planning Division believes that all of the Supplemental Regulations can be found met.

Conclusion

Staff believe that the proposed restaurant-nightclub 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 received a call from a nearby business with questions about the proposed use, no written comments were provided.

Recommendation

Planning Division Recommendation (Contact Lisa McNabola, 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 allow a restaurant-nightclub in the Commercial Corridor Transitional (CC-T) District at 1325-1331 Greenway Cross. This recommendation is subject to input at the public hearing and the following conditions:

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

Zoning (Contact Jacob Moskowitz, 266-4560)

1. Maximum capacity to be established by the Director of the Building Inspection Division, not to exceed the number of available seats, plus staff, plus a reasonable number of people waiting for seats.
2. Must serve food at all hours it is open

Engineering Division (Tim Troester, 267-1995)

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

Traffic Engineering Division (Sean Malloy, 266-5987)

3. The applicant shall mark a crosswalk in the parking lot to provide better pedestrian access to bus stop.

Fire Department (Contact William Sullivan, 261-9658)

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

Parks Division (Contact Ann Freiwald, 243-2848)

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

Forestry Section (Contact Brad Hofmann, 267-4908)

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

Water Utility (Contact Jeff Belshaw, 261-9835)

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

Metro Review (Contact Timothy Sobota, 261-4289)

9. In coordination with any public works improvements, the applicant shall maintain or replace the concrete boarding terrace surface at the existing Metro bus stop on the south side of Greenway Cross, east of Index Road (#4131).
 10. The applicant shall include the location of these facilities on the final documents filed with their permit application, so that Metro Transit may review and effectively plan for City transit access to this property.
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11. Metro Transit currently operates weekday-only transit service along Greenway Cross adjacent this property - with trips at least every 60 minutes.

Engineering Division – Mapping Section (Contact Jeffrey Quamme, 266-4097)

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