



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 2503 Monroe Street (13<sup>th</sup> Aldermanic District, Ald. Eskrich)  
**Application Type:** Conditional Use  
**Legistar File ID #** [43790](#)  
**Prepared By:** Chris Wells, Planning Division  
Report Includes Comments from other City Agencies, as noted

## Summary

**Applicant & Contact:** Ann Culligan; Infusion Chocolates; 5352 King James Way, Suite 200; Fitchburg, WI 53719  
**Property Owner:** Gary Stone; 4932 Borchers Beach Road; Waunakee, WI 53597

**Requested Action:** The applicant requests approval of a conditional use to allow limited production and processing and an outdoor eating area for food and related goods sales business in TSS (Traditional Shopping Street District) zoning at 2503 Monroe Street; 13th Ald. Dist.

**Proposal Summary:** The applicant proposes to add retail and small scale production of chocolate and confectionary items, with outdoor seating.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Conditional Uses [Section 28.183]. Section 28.061(1) of the Zoning Code lists *Outdoor eating areas associated with food and beverage establishments* as well as *Limited Production and Processing* as a conditional use in the TSS (Traditional Shopping Street) district. The Supplemental Regulations [Section 28.151] contain further regulations for both types of use.

**Review Required By:** Plan Commission (PC)

**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 limited production and processing and an outdoor eating area for food and related goods sales business in TSS (Traditional Shopping Street District) zoning at 2503 Monroe Street. This request is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

## Background Information

**Parcel Location:** The 6,050-square-foot (0.13-acre) project site is located along the south side of Monroe Street, directly across from the intersection with Commonwealth Avenue. The site is in Aldermanic District 13 (Eskrich) and is in the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The site includes an existing one-story building with approximately 1,922 square-feet on the ground floor as well as the basement. The building was constructed in 1992. The site includes six parking stalls (one of which is accessible). These stalls are accessed via the two-way drive aisle located on the neighboring parcel. Note: The subject parcel is part of a planned multi-use site with the parcel to the west (2505 Monroe Street) and there is a common ingress/egress easement along the southwest property line.

**Surrounding Land Use and Zoning:**

North: A dry cleaners and auto-repair garage, both zoned Traditional Shopping Street (TSS). Beyond are single-family residences, zoned Traditional Residential-Consistent 2 (TR-C2) and Traditional Residential-Consistent 3 (TR-C3);

South: Wingra Park, zoned Conservancy (CN);

East: An interior decoration store, zoned TSS. Beyond is Wingra Park, zoned Conservancy (CN); and

West: A tavern, zoned TSS.

**Adopted Land Use Plan:** The [Comprehensive Plan \(2006\)](#) recommends Neighborhood Mixed-Use (NMU) for this block of parcels. The [Monroe Street Commercial District Plan \(2007\)](#) recommends that the site remain a commercial land use.

**Zoning Summary:** The project site is currently zoned Traditional Shopping Street (TSS).

| Requirements                       | Required   | Proposed   |
|------------------------------------|--|--|
| Front Yard Setback                 | None   | Adequate   |
| Side Yard Setback: Other Cases     | None unless needed for access                                    | Adequate   |
| Rear Yard Setback                  | The lesser of 20% of lot depth or 20'                            | Adequate   |
| Maximum Lot Coverage               | 85%  | Existing lot coverage                              |
| Maximum Building Height            | 3 stories/ 40'   | 1 story existing building                          |
| Number Parking Stalls              | None   | 6  |
| Accessible Stalls                  | Yes  | 1 (See Comment #11)                                |
| Loading                            | None   | None   |
| Number Bike Parking Stalls         | Limited production and processing: 1 per 5 employees (2 minimum) | 8 (See Comment #12)                                |
| Landscaping and Screening          | No   | Existing site landscaping (See Comments #13 & #15) |
| Lighting                           | No   | Existing site lighting                             |
| Building Forms                     | No   | Existing building                                  |
| <b>Other Critical Zoning Items</b> | Adjacent to Park; 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, including seven day-a-week Metro service along Monroe Street.

**Project Description**

The applicant, Infusion Chocolates, has had a store located at the Hilldale Shopping Center since 2008, and is now looking to open a second location. To do so, they are requesting approval of a conditional use to allow limited production and processing and an outdoor eating area for their food and related goods sales business, at the subject site. The proposed 180-square-foot outdoor eating area is approximately 5 feet by 38 feet and is located in between the existing building and the Monroe Street sidewalk. The intent of the applicant is to allow for the consumption of both food and beverages. Note: no liquor license is being requested. The eating area will be non-smoking and have five tables - two 30-inch tables with four chairs each and three 24-inch tables with 2-3 stools each - providing seating for 16 people (note: the final details of the seating plan and capacity will be approved by City Building Inspection). The applicant is requesting approval for hours of operation for the

outdoor eating area (as well as the store and café) to be 10:00 am-8:00 pm, Monday through Thursday; 10:00 am-9:00 pm, Friday and Saturday; and 11:00 am-6:00 pm on Sunday.

Externally, aside from the addition of the tables along the sidewalk, changes will include a new coat of paint, new awnings, and potentially new windows. The applicant also anticipates adding minimal outdoor lighting for the eating area and a lighted sign on the face of the building. (If exterior lighting is provided, it must comply with Madison General Ordinances Section 10.085 outdoor lighting standards. Additionally, signage is not before the Plan Commission and will require separate approval.) Finally, two bicycle racks will also be added at the southeast corner of the lot, to the east of the six parking stalls.

The limited production and processing will be of confectionary items including chocolate and will be located at the rear of the building. For the confectionary item production, the applicant is requesting the hours of operation be 9:00 am-5:00 pm, Monday through Friday. The retail component of the business will be located in the front of the building and will offer a variety of chocolates and other confectionary items, gift items, and beverages available for purchase. A few tables and chairs will be located inside for customers. While staff will not provide service to the tables, they will bus the tables after the patrons are finished. The applicant is requesting approval for hours of operation for the retail component and indoor seating area be the same as the outdoor eating area (i.e. 10:00 am-8:00 pm, Monday through Thursday; 10:00 am-9:00 pm, Friday and Saturday; and 11:00 am-6:00 pm on Sunday). Delivery loading for the production and retail will occur at the rear of the building. The applicant anticipates about five deliveries per week, usually early in the week and usually in the mid-morning to mid-afternoon hours. The applicant notes that these deliveries are usually smaller items that are typically hand delivered. The large deliveries of ingredients and packaging materials will not be shipped directly to the subject site but rather a warehouse facility offsite before typically being delivered by the car load by the applicant. The business is anticipated to employ roughly 12 employees however three to four are expected to work during the day and up to two working evenings and weekends. The applicant anticipates parking for the staff to be accommodated on site.

The applicant anticipates construction commencing at the beginning of 2017 and being completed by the end of May of that year.

## Analysis and Conclusion

**Land Use and Plan Consistency** – The Planning Division believes the proposed use is consistent with the [Comprehensive Plan](#) (2006) and the [Monroe Street Commercial District Plan](#) (2007). The [Comprehensive Plan](#) recommends Neighborhood Mixed-Use (NMU) for this block of parcels and states that one of the recommended land uses is neighborhood-serving commercial buildings and uses. [Monroe Street Commercial District Plan](#) (2007) recommends that the site remain a commercial land use.

**Conditional Use Standards** – Staff believes the conditional use standards can be met and provides the additional informational analysis.

Standard #16 states that, *“When applying the above standards to an application for limited production and processing use, the Plan Commission shall consider the effect of such a use on the surrounding properties, including the effects of odors, noise, vibration, glare, hours of operation, and other potential side effects of a manufacturing process.”* The applicant has noted that that the odors from the production will be greatly limited as 1) the production of the actual chocolate is done offsite whereas it is merely heated and melted onsite and 2) the light roasting of various nuts is done in limited batches on site and in a convection oven, which helps contain the odors. Staff believes that this standard is met, given the anticipated limited impacts including the minimal odors and lack of noise from the production process, the limited number of weekly deliveries, and the large buffer between the subject site and the nearest residential uses.

Additionally, as noted in MGO Section 28.151, the supplemental regulations for Limited Production and Processing state: *“All such uses shall be compatible with adjacent nonindustrial uses and be accompanied by a retail component.”* Staff also believes this regulation to be met, again given the limited number of weekly deliveries and the large buffer between the subject site and the nearest residential uses.

The Planning Division believes that if the outdoor eating area and limited processing operations are well-managed, this proposal should not result in significant impacts to the surrounding properties. Factors such as the limited scale of production; the limited hours of operation; limited odors and noise produced during the production process; the large buffer from residential uses; and the limited size and capacity of the eating area are anticipated to result in limited impacts to surrounding properties. 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 proposed outdoor eating area and limited processing and production meet the conditional use approval standards and recommends that it be approved by the Plan Commission.

At the time of report writing, staff was not aware of any neighborhood concerns related to this request.

## Recommendation

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

The Planning Division recommends that the Plan Commission find that the approval standards for Conditional Use are met and **approve** the request to allow limited production and processing and an outdoor eating area for food and related goods sales business in TSS (Traditional Shopping Street District) zoning at 2503 Monroe Street. 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 Chris Wells, (608) 261-9135)

1. The hours of operation for the outdoor eating area will be 10:00 am to 8:00 pm, Monday through Thursday; 10:00 am to 9:00 pm, Friday and Saturday; and 11:00 am to 6:00 pm on Sunday. 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 following a recommendation by the district alder.
2. The hours of operation of the production and processing of the various confectionary items including the chocolate products will be 9:00 am-5:00 pm, Monday through Friday.
3. That maximum capacity for the outdoor eating area shall be approved by City Building Inspection but shall not exceed 16, as requested in this application.

### City Engineering Division - Mapping (Contact Jeffrey Quamme, (608) 266-4097)

4. The site plan shall show the common ingress/egress easement along the southwest property line per Doc No. 874730.

**Traffic Engineering Division** (Contact Eric Halvorson, (608) 266-6527)

5. 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; 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.
6. 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.
7. 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.
8. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
9. No portion of the outdoor seating area shall encroach on the public Right-of-Way.

**Zoning Administrator** (Contact Jenny Kirchgatter, (608) 266-4569)

10. Parking requirements for persons with disabilities must comply with Section 28.141(4)(e). Final plans shall show the required accessible stall including the striped access aisle. Show the required signage at the head of the stall.
11. Bicycle parking shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of two (2) short-term bicycle parking stalls located in a convenient and visible area on a paved or impervious surface. Show the dimensions of the bicycle parking area along with the number of bicycle stalls. Note: A bicycle stall is a minimum two (2) feet by six (6) feet with a five (5) foot wide access area. Provide a detail of the proposed bike rack.
12. Show the trash enclosure area on the site plan. All developments, except single family and two family developments, shall provide a refuse disposal area. Such area shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet. Submit a detail of the trash enclosure.
13. Provide an interior floor plan for the proposed chocolate and confections shop. A limited production and processing use shall be accompanied by a retail component.
14. Confirm whether new roof mounted or ground mounted mechanical equipment or HVAC system will be installed. All rooftop and ground level mechanical equipment and utilities shall be fully screened from view from any street or residential district per Sections 28.060(2)(f) and 28.142(9)(d). If rooftop or ground mounted mechanical equipment or HVAC system is proposed, provide location and screening details.

15. The outdoor eating area shall meet applicable building/fire codes. The capacity shall be established for the outdoor eating area. Occupancy is established by the Building Inspection Unit. Contact a building plan reviewer at (608) 266-4559 to help facilitate this process.
16. Provide details of the outdoor eating area including a barrier separating the outdoor eating area from the public sidewalk.