

# PLANNING DIVISION STAFF REPORT

October 14, 2019



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 1815 East Washington Avenue (District 6 - Ald. Rummel)  
**Application Type:** Conditional Use  
**Legistar File ID #** [57318](#)  
**Prepared By:** Colin Punt, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

## Summary

**Applicant:** Syovata Edari; CocoVaa Chocolatier; 1815 East Washington Ave; Madison, WI 53704  
**Property Owner:** 1801 East Washington Madison Apartments, LLC c/o Dan Lipnick; 700 Louisiana #300; Houston TX 77002

**Requested Action:** The applicant requests approval of a conditional use to establish incidental alcohol sales at a general retailer on a property zoned TE (Traditional Employment District) per M.G.O §28.082(1), within Urban Design District #8 at 1815 East Washington Avenue.

**Proposal Summary:** The applicant proposes to begin alcohol sales at a business that predominantly makes and sells chocolate.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Conditional Uses [M.G.O. §28.183] as M.G.O §28.082(1) lists *incidental alcohol sales* as conditional uses in the Traditional Employment (TE) District. The Supplemental Regulations [M.G.O. §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 incidental alcohol sales on a property zoned TE (Traditional Employment District) at 1815 East Washington Avenue. These requests are subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

## Background Information

**Parcel Location:** The subject site is located within a multi-tenant building on the southeast side of East Washington Avenue immediately northeast of the Yahara River. The site is within Aldermanic District 6 (Ald. Rummel), the Madison Metropolitan School District, and Urban Design District #8.

**Existing Conditions and Land Use:** The 3.88-acre subject parcel is zoned TE and contains a large mixed-use multi-tenant building. The building and storefronts face East Washington Avenue to the northwest.

### Surrounding Land Use and Zoning:

**North:** Across East Washington Avenue, Burr Jones Park zoned Conservancy (CN) district;  
**East:** Small shop buildings zoned Industrial - Limited (IL) district, with a Wisconsin & Southern railroad beyond;

**South:** Across East Main Street, one- and two-unit residences zoned Traditional Residential-Consistent 4 (TR-C4) district; and

**West:** Across the Yahara River, office and warehousing buildings with parking lots zoned TE.

**Adopted Land Use Plan:** The [Comprehensive Plan](#) (2018) recommends Community Mixed Use for this property. [The Marquette-Schenk-Atwood Neighborhood Plan](#) (1994) does not include specific applicable recommendations for this site. The [East Washington Capitol Gateway Corridor Plan](#) (2008) identifies a mix of employment and residential uses for the site, with the potential of commercial uses wrapping the East Washington Avenue and Yahara River frontages.

**Zoning Summary:** The project site is currently zoned Traditional Employment (TE) district.

Requirements	Required	Proposed
Lot Area (sq. ft.)	6,000	168,837
Lot Width	50 ft	370 ft
Front Yard Setback	None	No Change
Side Yard Setback	None	No Change
Rear Yard Setback	20 ft	No Change
Maximum Lot Coverage	85%	No Change

Site Design	Required	Proposed
Number Parking Stalls	No Change	No Change
Accessible Stalls	No Change	No Change
Loading	No	No
Number Bike Parking Stalls	No Change	No Change
Landscaping	Yes	No Change
Lighting	Yes	No Change
Building Forms	Yes	No Change

<b>Other Critical Zoning Items</b>	UDD #8, Adjacent to Park, Utility Easements
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*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, Analysis, and Conclusion

The applicant requests approval of a conditional use for incidental alcohol sales at an existing chocolate shop and cafe. The existing business is a chocolatier that produces and sells chocolate, as well as coffee and limited baked goods in a café setting. According to the letter of intent, the applicant intends to provide alcohol pairings with the business’s other offerings, and serve wine or other drinks during tasting events. The applicant does not propose any other operation changes, and no physical changes to the tenant space, interior or exterior.

### Conditional Use Standards

This proposal is subject to the standards for Conditional Uses [M.G.O. §28.183] as M.G.O §28.082(1) lists *incidental alcohol sales* as a conditional use in the Traditional Employment (TE) District. Incidental alcohol sales, a relatively new use in the zoning code, is defined as “the sale of alcohol when such sales are affiliated with but subordinate

to a principal use or structure, where the owner or operator of the principal use or structure holds a Class B license under Sec. 38.06, and where the sale of alcohol does not exceed 25% of the gross receipts of the owner's uses on the land." 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 M.G.O. §28.183(6) are met. This use is consistent with the commercial portion of the Community Mixed Use recommendation in the Comprehensive Plan, as well as the recommendation for commercial uses to wrap the East Washington Avenue and Yahara River frontages of this large mixed-use site in the East Washington Capitol Gateway Corridor Plan. The Planning Division anticipates that if well-managed, this new use should not result in significant impacts to the surrounding properties, especially in a relatively intense mixed-use area with other retail, service, and restaurant uses along a major arterial street. There are no supplemental regulations for incidental alcohol sales. The applicant is currently acquiring the necessary approvals through ALRC to obtain a liquor license.

While it is in Urban Design District (UDD) #8, as there are no proposed physical changes to the interior or exterior of the tenant space, this proposal does not require UDC review.

### Conclusion

Staff believes that the proposed incidental alcohol sales with an existing chocolatier can be found to meet the Conditional Use Approval Standards and recommends that it be approved by the Plan Commission. At the time of report writing, Staff is unaware of any comments from the public. 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).

## Recommendation

### Planning Division Recommendation (Contact Colin Punt, (608) 243-0455)

The Planning Division recommends that the Plan Commission find that the approval standards for Conditional Uses are met and **approve** the request to establish incidental alcohol sales on a property zoned TE (Traditional Employment District) at 1815 East Washington Avenue. 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

### City Engineering Division – Mapping Section (Contact Jeff Quamme, (608) 266-4097)

1. The address of the tenant space is 1815 E Washington Ave Suite 100. 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.

*The Planning Division, Zoning Administrator, Engineering Division, Fire Department, Parks Division, Forestry Division, Water Utility, and Metro Transit have reviewed this request and have recommended no conditions of approval.*