

**PLANNING DIVISION REPORT
DEPARTMENT OF PLANNING AND COMMUNITY
AND ECONOMIC DEVELOPMENT
Of August 6, 2007**

RE: I.D. # 07108, Conditional Use Applications – 107-109 Cottage Grove Road

1. Requested Action: Approval of a conditional use for an outdoor seating area to serve a tavern located at 107-109 Cottage Grove Road. The applicant also requests conditional use approval for a wall mural on the east side of the subject building.
2. Applicable Regulations: Section 28.09 (3)(d) identifies outdoor eating and recreation areas as conditional uses in C-2 zoning. Section 31.15, the Street Graphics Ordinance requires that wall murals obtain approval as a conditional use. Section 28.12 (11) provides the guidelines and regulations for the approval of conditional uses.
3. Report Prepared By: Kevin Firchow, AICP, Planner

GENERAL INFORMATION

1. Applicant: Hawk Schenkel, Jade Monkey; 120 N. Baldwin Street; Madison, WI; 53703

Property Owner: James Malcheski, 3900 Monona Drive; Monona, WI 53716
2. Development Schedule: The applicant wishes to proceed as soon as all necessary approvals have been granted. The applicant wishes to be under construction later this summer and open for business by late summer or early fall 2007.
3. Location: Approximately 0.24 acres located on Cottage Grove Road, near its intersection with Monona Drive / Atwood Avenue; Aldermanic District 15; Madison Metropolitan School District.
4. Existing Conditions: The site was recently used as a single-story tavern, zoned C2-General Commercial District. It is currently under renovation.
5. Proposed Land Use: The applicant wishes to operate an outdoor seating area along the northwestern wall of the building, adjacent to Cottage Grove Road.
6. Surrounding Land Use and Zoning: The subject site is surrounded by commercial properties zoned C2. Uses include two shopping centers and an auto repair establishment, under the same ownership of the subject property. Lakefront multi-family condominiums and apartments are located roughly 250 feet from the proposed area, along Monona Drive and Atwood Avenue.

7. Adopted Land Use Plan: The Comprehensive Plan identifies the subject site for NMU-Neighborhood Mixed Use.
8. Environmental Corridor Status: The subject site is not located in a mapped environmental corridor.
9. Public Utilities & Services: The property is served by a full range of urban services.

STANDARDS FOR REVIEW

This application is subject to the outdoor seating standards in Section 28.09 (3)(d), Street Graphics Ordinance Section 31.15, and the conditional use standards of Section 28.12 (11).

ANALYSIS, EVALUATION & CONCLUSION

The applicant requests two conditional use approvals. The first request is for an outdoor seating area to serve a new tavern, "The Jade Monkey". The tavern is located in an existing one-story commercial building that has a history of being operated as a tavern. The subject property is zoned C2- General Commercial District. Outdoor seating areas require conditional use approval in the C2 district.

The property is located near the intersection of Cottage Grove Road and Monona Drive / Atwood Avenue and is surrounded by several commercial uses including two shopping centers and an automobile repair establishment. Several apartments and condominium uses are found on the surrounding blocks. The closest residential units are found on Davidson Street, in the block behind the subject property, with the closest units approximately 200 feet from the proposed outdoor seating area. The closest residential units on Monona Drive are roughly 250 feet from the proposed outdoor seating area.

The proposed outdoor seating area is located at the front of the existing building, along Cottage Grove Road. This outdoor seating patio would be framed by the subject building on the south and east sides. The street side of the patio is separated from the public sidewalk by nearly eight (8) feet. Within this eight feet are a proposed planter and wheelchair access ramp. A decorative fence consisting of cedar boards with bamboo trim would further separate the patio from the street and sidewalk. As the patio is raised, this fence will be about three and one-half feet tall viewed from the patio. The fence posts extend taller to support an open decorative lattice above the patio deck.

The existing building has an approximate footprint of 1,624 square feet. The proposed outdoor eating area has an approximate area of 530 square feet. The tavern has a maximum capacity of 65 people and the submitted plans show room on the patio for at least eight tables, seating four apiece.

The applicant states 20 parking stalls will be available through existing and potential shared parking. Parking on-site would be accommodated with the seven existing parking stalls located at the rear of the site. One accessible stall exists. There will be 11 additional parking stalls with one accessible stall available on the adjacent auto repair site. Shared parking is possible, as the same property owner currently owns both sites. The hours of operation for the auto repair facility have very little overlap with the tavern and therefore, these spots would be available to the tavern patrons. Counting this entire supply, the parking would comply with standards in the zoning code. Shared parking arrangements in lieu of required on site parking will need final approval from the zoning administrator.

Planning Division staff does not object to the outdoor seating area for the tavern and believes that the proposed use can meet the standards for conditional uses. In considering similar requests, staff often recommends that the Plan Commission consider restrictions on outdoor amplified sound and hours of operation for outdoor seating areas near residential properties. While the area is primarily commercial in nature, there are residential units within roughly 200 feet on an adjacent property. Staff recommends that the Plan Commission consider prohibiting any outdoor amplified sound, including the playing or performing of amplified live or recorded music on the patio. The Plan Commission may wish to consider limits on the hours operation based on testimony at the public hearing. Staff notes that the Plan Commission maintains continuing jurisdiction over this conditional use.

The applicant's second request is to allow a wall mural along the east side of the building. Over two decades ago, the Street Graphics Ordinance was amended to provide review and approval of exterior wall murals by the Plan Commission under the conditional use process for the primary purpose of allowing input from neighborhood residents on a given proposal. Unless testimony is provided at the public hearing to the contrary, the Planning Division believes that the conditional use standards can be met for this proposal.

RECOMMENDATION

The Planning Division recommends that the Plan Commission find the conditional use standards are met and **approve** the applicants request for an outdoor seating area and wall mural for a tavern located at 107-109 Cottage Grove Road, subject to input at the public hearing and the following conditions:

1. Comments from reviewing agencies.
2. That no outdoor amplified sound be permitted for the outdoor seating area.