

PLANNING DIVISION STAFF REPORT

June 8, 2015

PREPARED FOR THE PLAN COMMISSION



Project Address: 4426 East Buckeye Road (16th Aldermanic District, Alder Demarb)
Application Type: Conditional Use
Legistar File ID #: [38150](#)
Prepared By: Heather Stouder, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted

Summary

Applicant: Diego Enterprises; Carlos Quiforga; 4426 East Buckeye Rd., Madison, WI 53718

Project Contact: Amy Volkman; 6327 Merritt Ridge; Madison, WI 53718

Property Owner: PDQ Stores, Inc.; 76701 Discovery Dr., Middleton, WI 53562

Requested Action: Approval of a conditional use for an outdoor eating area in the Suburban Employment (SE) District.

Proposal Summary: The applicant proposes an outdoor eating area for 20 patrons in conjunction with an existing restaurant/tavern.

Applicable Regulations & Standards: This proposal is subject to the standards for conditional uses (MGO Section 28.183(6)).

Review Required By: Plan Commission (PC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** the request at 4426 East Buckeye Road. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Background Information

Parcel Location: The subject property is located on the north side of East Buckeye Road between Blosson Lane and Dondee Road; Tax Increment District 39; Aldermanic District 16 (Demarb); Madison Metropolitan School District.

Existing Conditions and Land Use: The 1.1-acre property has an existing 2,604 square foot one-story building utilized as a restaurant on the southern portion of the property. It is surrounded by a surface parking area with access from Buckeye Road. The northern portion of the property is undeveloped.

Surrounding Land Use and Zoning:

North/Northwest: A series of 8-unit residential buildings in the SE District.

East: Across a railroad right of way to the east, single-family homes in the Suburban Residential – Consistent 1 (SR-C1) District.

South: Across East Buckeye Road to the south, Dean Health Medical Clinic in the SE District.

West: Convenience store with gas station and car wash in the SE District.

Adopted Land Use Plan: The Comprehensive Plan (as amended in 2012) recommends Community Mixed Use for this area, with a Transit-Oriented Development node. The Stoughton Road Revitalization Project Plan (2008) recommends Community Mixed-Use redevelopment for this area with multi-story mixed-use buildings with first floor commercial spaces and upper level offices or residential units.

Zoning Summary: This property is in the Suburban Employment (SE) District.

Requirements	Required	Proposed
Lot Area (sq. ft.)	20,000 sq. ft.	49,988 sq. ft.
Lot Width	65'	240'
Front Yard Setback	None	Existing
Side Yard Setback	15' or 20% building height	Existing
Rear Yard Setback	30'	Existing
Maximum Lot Coverage	75%	Less than 75%
Minimum Building Height	22' measured to building cornice	Existing building
Maximum Building Height	5 stories/ 68'	Existing building
Requirements	Required	Proposed

Other Critical Zoning Items: *Barrier Free (ILHR 69), Utility Easements*

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 Metro Transit Route 37, which runs along East Buckeye Road with a bus stop immediately in front of this property.

Related Reviews and Approvals

The Alcohol License Review Committee on April 15, 2015 recommended approval for a change in licensed premise for the existing alcohol license on the property. This was granted by the Common Council on May 5, 2015. The restaurant has a total capacity of 80, with a capacity for 20 in the proposed outdoor eating area, pending approval of the conditional use.

Project Description, Analysis, and Conclusion

The applicant requests approval for an outdoor eating area for up to 20 patrons on the private sidewalk in from of an existing restaurant/tavern, Cuco's. The small area proposed for outdoor eating is located at least 250 feet from the nearest residence, which is behind the building and thus shielded from noise impacts. The nearest single-family home is 300 feet to the east, across the railroad right of way.

Hours of operation for the restaurant are 11:00 am to 9:00 pm weekdays and 11:00 am to 10:00 pm on Fridays and Saturdays, with indoor karaoke lasting until 2:30 am on Sunday mornings. As requested, service in the outdoor eating area would end at normal closing time. In order to provide sufficient time for diners to complete meals beginning near the end of service, staff recommends as a condition of approval that the outdoor eating area be closed at 10:00 pm on Sunday through Thursday and at 11:00 pm on Friday and Saturday nights.

Staff believes that the proposal can meet all conditional use standards, and recommends approval of the request.

Recommendation

Planning Division Recommendation (Contact Heather Stouder, 266-5974)

The Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** the request for an outdoor eating area at 4426 Buckeye Road. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded
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Planning Division (Contact Heather Stouder, 266-5974)

1. There shall be no outdoor amplified sound on the property.
2. The hours of operation for the outdoor eating area shall be limited to 10:00 pm on weekdays and 11:00 pm on weekends.

Zoning Administrator (Contact Matt Tucker, 266-4569)

3. Meet applicable building/fire codes. The outdoor capacity shall be established. Occupancy is established by the Building Inspection Unit. Contact Mike VanErem at (608)266-4559 to help facilitate this process.
4. Submit a detail showing the proposed layout of the tables and chairs for the outdoor eating area. The use shall comply with supplemental regulations for outdoor eating areas associated with food and beverage establishments, section 28.151 of the City of MGO.
5. Provide bike parking at a minimum of 5% of capacity of persons. A minimum of five (5) bike stalls are required. Bicycle parking design and location shall comply with Sec. 28.141 (11) of the City of Madison General Ordinances. A bike-parking stall is two feet by six feet with a five-foot wide access area. Provide a detail of the proposed bicycle rack.
6. Provide screening for the trash disposal area. Per section 28.142(9)(a), the refuse disposal 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. Submit a detail showing the dimensions and construction materials of the trash enclosure area.
7. Signage approvals are not granted by the Plan Commission. Signage requires separate review by Zoning staff for compliance with Chapter 31 Sign Codes.

City Engineering Division (Contact Janet Schmidt, 261-9688)

8. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2)).

PDF submittals shall contain the following information:

- a) Building footprints
- b) Internal walkway areas
- c) Internal site parking areas
- d) Lot lines and right-of-way lines
- e) Street names
- f) Stormwater Management Facilities
- g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans)

Water Utility (Contact Dennis Cawley, 266-4651)

9. This property is not located in a wellhead protection district.
10. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

No other agencies submitted conditions of approval for this request.