



PLANNING DIVISION STAFF REPORT

May 9, 2022

PREPARED FOR THE PLAN COMMISSION

Project Address: 1701 Moorland Road (14th Aldermanic District, Alder Carter)
Application Type: Conditional Use
Legistar File ID # [70748](#)
Prepared By: Colin Punt, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Patricia Sanchez; Los Remedios; 1701 Moorland Road; Madison, WI 53711

Property Owner: Dave Norsman; 6135 County Hwy M; Fitchburg, WI 53575

Requested Action: The applicant requests approval of a conditional use to convert a restaurant-tavern into a resaturant-nightclub in an existing building zoned IL (Industrial-Limited District) at 1701 Moorland Road.

Proposal Summary: The applicant proposes to establish a restaurant-nightclub in a building that is currently used as a restaurant-tavern. No structural changes to the building are planned.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183] as MGO §28.065(2) lists a nightclub as conditional uses in the IL (Industrial-Limited) District. The Supplemental Regulations [MGO §28.151] contain further applicable regulations.

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 a restaurant-nightclub at a property zoned IL (Industrial-Limited District) at 1701 Moorland Road. This request is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 37,283-square-foot parcel is located on the south side of Moorland Road, immediately south of its intersection with South Towne Drive. This parcel is located within Aldermanic District 14 (Alder Carter) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The parcel contains a one-story 2,880-square-foot structure, built in 1974, that has been occupied by a tavern for the past several decades.

Surrounding Land Use and Zoning:

North: Across Moorland Road, the Madison Metropolitan Sewerage District wastewater treatment plant, which is not within the City of Madison;

South: Small commercial shop buildings zoned IL (Industrial-Limited district);

East: A single-family house and small commercial shop buildings, all zoned IL; and

West: Highland Manor Park and a mobile home park, both zoned PMHP (Planned Mobile Home Park district).

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) recommends Industrial land uses for the subject site. The site is not within the boundaries of any other adopted plans

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.

Zoning Summary: The property is zoned IL (Industrial-Limited district)

Requirements	Required	Proposed
Lot Area (sq. ft.)	20,000	37,283
Lot Width	75 ft	135 ft
Front Yard Setback	None	Existing, no change
Side Yard Setback	None	Existing, no change
Rear Yard Setback	30 ft	Existing, no change
Maximum Lot Coverage	75%	Existing, no change

Site Design	Required	Proposed
Number Parking Stalls	No minimum	Existing, no change
Accessible Stalls	Existing	Existing, no change
Loading	No	No
Number Bike Parking Stalls	5% of capacity of persons	None (6)
Landscaping	Existing	Existing, no change
Lighting	No	No
Building Forms	Yes	Existing, no change

Other Critical Zoning Items	Utility Easements
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Tables Prepared by Jacob Moskowitz, Assistant Zoning Administrator

Project Description, Analysis, and Conclusion

The applicant, representing Los Remedios, is requesting a conditional use to convert the existing business at 1701 Moorland Road from a restaurant-tavern to a restaurant-nightclub. The applicant is pursuing an entertainment license and plans to pursue DJ'd music from 10 p.m. to 2 a.m. on Thursday through Saturday nights. General hours of operation are 10 a.m. to 10 p.m. Wednesday through Sunday and 10 a.m. to 2 a.m. on Thursday through Saturday. The existing restaurant-tavern has a full kitchen, and plans to continue serving food. The applicant has not indicated any intended changes to capacity or any exterior changes.

Conditional Use Standards

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 MGO §28.183(6) are met. Staff believes that this proposed use is compatible with the [Comprehensive Plan](#) (2018), which recommends Industrial (I) land uses for this site. The I designation accommodates manufacturing, wholesale, storage, distribution, transportation, repair/maintenance, and utility uses. While it is not intended for retail or office uses not related to an industrial use, except for limited retail goods and services provided primarily to employees and users of businesses within the area, this site has housed a tavern use for several decades and the restaurant-tavern is an existing use. The site is not within any special area planning boundaries.

Staff believes that the Conditional Use Standards can be found met and provides further discussion on Standard 3.

Conditional Use Standard #3 states that, *"The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner."* The Planning Division believes that this standard can be found met. Staff notes that there is one house and several small commercial shop buildings on a lot under common ownership to the east and south. Beyond this, and to the north, are large parcels owned and used by the Madison Metropolitan Sewerage District. To the west is the Highland Manor Mobile Home Park, but only four mobile homes within the park are within 200 feet of the subject building and no outdoor amplified music will occur. As a result, the Planning Division does not anticipate that the establishment of this use and hosting live entertainment will have significant impacts on surrounding properties. Conditions such as ensuring exterior doors remain closed during performances, can help minimize any impacts.

Supplemental Regulations

According to Table 28D-2 in MGO §28.065(2), a nightclub must adhere to the Supplemental Regulations found in MGO §28.151:

- (a) Capacity may be as high as five (5) square feet per person.
- (b) Shall hold entertainment license under Sec. 38.06(11), MGO.
- (c) Shall at all times operate consistent with and according to the requirements of a valid liquor alcohol license issued by the City.

Staff believes that all of the Supplemental Regulations can be found met.

Conclusion

Staff believes 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.

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 §28.183(9)(d).

Recommendation

Planning Division Recommendation (Contact Colin Punt, 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 a restaurant-nightclub at a property zoned IL (Industrial-Limited District) at 1701 Moorland Road. This recommendation is subject to input at the public hearing and the following conditions:

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

Planning Division (Contact Colin Punt, 243-0455)

1. Exterior doors shall remain closed and not be propped open during live musical performances.

Zoning Administrator (Contact Jacob Moskowitz, 266-4560)

2. 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.
3. Must serve food at all hours it is open.
4. Shall hold entertainment license under Sec. 38.06(11).
5. Shall at all times operate consistent with and according to the requirements of a valid alcohol license issued by the City.
6. Bicycle parking for the project shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of 5% of capacity in short-term bicycle parking stalls located in a convenient and visible area on a paved or impervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance. 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

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

7. Note: This lot and the lot to the east are under common ownership and share a driveway access. There is a 30' wide access easement in favor of this parcel per Document No 1423913. Any future conveyances of either lot should include a reference to this access easement.
8. Note: This proposed use does not include any changes to the exterior site improvements. Any changes to the site improvements in the future will require a full site plan.

Fire Department (Contact Bill Sullivan, 261-9658)

9. Occupant load should be capped at 99 people due to the lack of fire sprinkler protection.

The following agencies reviewed the request and recommended no conditions of approval:

The Traffic Engineering Division, Forestry Section, Water Utility, Metro Transit