



Project Address: 7066 Sligo Drive (9th Aldermanic District – Ald. Skidmore)

Application Type: Conditional Use

Legistar File ID #: [56130](#)

Prepared By: Chris Wells, Planning Division
Report includes comments from other City agencies, as noted.

Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Cheryl Heidorn; Chipotle Mexican Grill; 1382 Cutter Court; Columbus, OH 43235

Contact: Julian Akogyeram; Wilkus Architects; 15 Ninth Avenue North; Hopkins, MN 55343

Owner: Ryan Eley; 2248 Deming Way, Suite 200; Middleton, WI 53562

Requested Action: Approval of two conditional uses – 1) to establish a *restaurant-tavern* in an existing multi-tenant commercial building and 2) to add an *outdoor eating area associated with a food and beverage establishment* – on a property zoned SE (Suburban Employment) at 7066 Sligo Drive.

Proposal Summary: The applicant proposes renovate an existing tenant space into a Chipotle Mexican Grill (considered a restaurant-tavern by the Zoning Code since they serve alcohol). Regarding site changes, the applicant also proposes to add a roughly 350-square-foot outdoor eating area with a capacity of 16 persons to the south of the tenant space and add a drive-through lane (with an accompanying vehicle sales and service window) between the building and western property line. Note: the vehicle sales and service window is a permitted use in the SE (Suburban Employment District).

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183], as §28.061 of the Zoning Code lists *Restaurant-taverns* as well as *Outdoor eating areas associated with food and beverage establishments* as conditional uses in the Suburban Employment (SE) District. The Supplemental Regulations [MGO §28.151] contain further regulations for these uses.

Review Required By: Urban Design Commission and Plan Commission.

Summary Recommendations: The Planning Division recommends that the Plan Commission find the standards met and **approve** the conditional uses – 1) to establish a restaurant-tavern in an existing multi-tenant commercial building and 2) to add an outdoor eating area associated with said restaurant-tavern – on a property zoned SE (Suburban Employment) at 7066 Sligo Drive, subject to input at the public hearing and the conditions from reviewing agencies in this report.

Background Information

Parcel Location: The subject site is a 58,830-square-foot (1.35-acre) parcel located to the northeast of the intersection of Mineral Point Road and Sligo Drive, and sits across Mineral Point Road from West Towne Mall. It is also within Aldermanic District 9 (Ald. Skidmore) and the Madison Municipal School District.

Existing Conditions and Land Use: The site is developed with a one-story, roughly 10,200-square-foot, three-tenant, commercial building, which according to City Assessor records, was constructed in 1997. The site is zoned SE (Suburban Employment) District.

Surrounding Land Uses and Zoning:

North: Currently under construction, a large surface automobile parking lot is planned for this area, zoned SE (Suburban Employment) District;

South: Across Mineral Point Road are the various pad sites of West Towne Mall, beyond which is the actual Mall. All are zoned CC (Commercial Center) District;

East: The new five-story, Navitus office building, zoned SE; and

West: Across Sligo Drive is a UW Health West Towne Urgent Care clinic, zoned SE.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) recommends Community-Mixed Use (CMU) uses for the subject site.

Zoning Summary: The subject property is zoned SE (Suburban Employment District):

Requirements	Required	Proposed
Lot Area (sq. ft.)	20,000	58,829
Lot Width	65 ft.	123 ft.
Front Yard Setback	None	195 ft.
Side Yard Setback	15 ft. or 20% building height	30 ft.
Rear Yard Setback	30 ft.	100 ft.
Maximum Lot Coverage	75%	60.5%
Maximum Building Height	5 stories/68 ft.	1 story

Site Design	Required	Proposed
Number Parking Stalls	15% of capacity (80) = 12	46 (existing)
Accessible Stalls	2	3
Loading	No	No
Number Bike Parking Stalls	5% of capacity (80) = 4	6
Landscaping	Yes	Yes
Lighting	Yes	Yes
Building Forms	Yes	Flex

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

Environmental Corridor Status: The property is not located within a mapped environmental corridor.

Public Utilities and Services: The site is served by a full range of urban services. Daily transit service is located roughly 450 feet to the east at the intersection of Mineral Point Road and S. Gammon Road.

Project Description

The applicant is seeking approval of two conditional uses – 1) to establish a *restaurant-tavern* (a Chipotle Mexican Grill) in an existing multi-tenant commercial building and 2) to add an *outdoor eating area associated with a food and beverage establishment* – on a property zoned SE (Suburban Employment) at 7066 Sligo Drive.

The applicant proposes to establish a Chipotle Mexican Grill in a tenant space, which currently sits vacant. Roughly 3,000 square-feet in size, it is the western-most of the roughly 10,200-square-foot, commercial building's three leasable spaces. The space's interior will be remodeled and divided roughly into thirds with the customer entrance and area for ordering and seating occupying the southern third; the food cooking and serving areas as well as drive-through window occupying the middle third; and the food storage and cleaning areas occupying the northern third. A hallway, which runs the entire length of the space's eastern wall, will provide customer access to both the bathrooms as well as a rear egress door.

The rectangular site, while having street frontage along both Mineral Point Road as well as Sligo Drive, only has access onto the later. One curb cut provides access to roughly a dozen parking stalls located to the north of the multi-tenant building while the southern curb cut provides access to roughly 60 stalls located in the southern lot. The subject site, however, shares cross access with a much larger site which borders it to the north and east. Currently under construction, once this adjacent lot is built out, the two surface lots on the subject site will be further connected via a drive aisle, which will run, on the adjacent property, to the east of the subject building. While the drive aisles will not be altered by this proposal, the applicant is proposing to add a drive-through lane along the western property line, between the building and sidewalk. It will provide access to the sales and service window (i.e. drive-up window) proposed along the building's western façade. While this will be for customers to pick up their ordered food, the applicant has stated that customers will not order from a call box and menu on site but rather do so solely online. In order to better facilitate automobile movement in and around the site, the applicant is proposing to add a number of pavement markings – including arrow markings and text such as "Mobile Order Pick Up Ahead" – in the drive aisles, particularly at the northern end of the site. A "Chipotle Digital Marketing Board" is also proposed to be added at the beginning of the drive-through lane, on the driver's side. The applicant has stated that this sign will not be for placing orders but merely as a wayfinding sign to the drive-through lane. (Note: Signage is not approved by the Plan Commission).

At the south of the building, just to the east of where the proposed drive-through lane ends, the applicant is proposing to convert a portion of the area into a 350-square-foot outdoor eating area. It will have capacity for 16 persons with three 4-person tables and two 2-person tables (note: the final details of the seating plan and capacity to be approved by the Building Inspection Division). The applicant is proposing removable fencing to run along the western, southern, and eastern sites of the eating area (i.e. between the eating area and the adjacent drive aisle/parking stall). No detail regarding the design or materials of this fence has been provided and will be required to be submitted for review by Zoning and Planning Staff before final sign off. The applicant has stated that the hours of operation of the outdoor eating area will be daily from 10:45a.m. -10:00 p.m. and that there will be no amplified music associate with the outdoor seating.

Two other proposed site changes of note are: 1) The addition of a crosswalk, across the proposed drive-through lane, just north of the outdoor eating area to accommodate pedestrian access from the Sligo Drive sidewalk to the Chipotle front door, and 2) Six bicycle stalls being added just south of the drive-through lane, along the Sligo Drive sidewalk.

The Chipotle Mexican Grill is considered a restaurant-tavern (by the Zoning Code) because they will serve alcohol (and allow the consumption both within the restaurant and with the outdoor eating area. Approval from the Alcohol License Review Committee (ALRC) is required before alcohol may be sold by the proposed restaurant. The applicant has stated that they plan to submit an application for this request in the near future.

Analysis & Conclusion

This proposal is subject to the standards for Conditional Uses [MGO §28.183], as §28.061 of the Zoning Code lists *Restaurant-taverns* as well as *Outdoor eating areas associated with food and beverage establishments* as conditional uses in the Suburban Employment (SE) District. The Supplemental Regulations [MGO §28.151] contain further regulations for these uses. 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.

The [Comprehensive Plan](#) (2018) recommends Community-Mixed Use (CMU) uses for the subject site. CMU uses include, among other things, retail uses that serve both adjacent neighborhoods and wider community markets. As such, the Planning Division believes the conditional use requests to establish a restaurant tavern with outdoor eating in an existing building is generally consistent with adopted plan recommendations.

The Planning Division anticipates that if well-managed, the proposed restaurant-tavern and outdoor eating area should not result in significant negative impacts to the surrounding properties. Factors such as the limited size and capacity of the proposed patio; the prohibition of amplified or live music on the patio; the lack of proximity to nearby residential units; and the proposed conditions of approval will help mitigate possible negative impacts. Furthermore, Traffic Engineering has reviewed the proposed traffic and pedestrian movements. They have requested additional signage be added at specific locations on the site in addition to requesting confirmation of vehicle turning movements and radii but otherwise are comfortable with the proposal. Finally, 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).

Finally, save for the need to obtain an Alcohol License – a requirement the applicant is aware of and is taking action to address – Staff believe that the proposal satisfies the Supplemental Regulations for both *Restaurant-taverns* as well as the *Outdoor eating area* has been satisfied. (A copy of the Supplemental Regulations for both uses has been included in Attachment #1, located at the end of this report.)

Staff believe the proposed restaurant-tavern and outdoor eating area can be found to meet the conditional use approval standards and recommends that they be approved by the Plan Commission. At the time of report writing, staff was not aware of any concerns regarding this request.

Recommendation

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

The Planning Division recommends that the Plan Commission find the standards met and **approve** the conditional uses – 1) to establish a restaurant-tavern in an existing multi-tenant commercial building and 2) to add an outdoor eating area associated with said restaurant-tavern – on a property zoned SE (Suburban Employment) at 7066 Sligo Drive, subject to input at the public hearing and the following conditions:

Recommended Conditions of Approval: Major/Non-Standard Conditions are Shaded

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

1. The applicant shall submit detail regarding the design or materials of the outdoor eating area fence for review by Zoning and Planning Staff before final sign off.
2. Approval from the Alcohol License Review Committee (ALRC) for the proposed restaurant is required before alcohol may be sold by the establishment at this site.

City Engineering Division (Contact Timothy Troester, (608) 261-1995)

3. This site appears to have a land use that will result in their inclusion as a restaurant class sanitary sewer customer. This will charge commercial kitchen facilities a higher sanitary sewer fee per gallon than domestic users and is based on strengths of waste measured at representative similar customers throughout the City. If the applicant desires, a sampling manhole may be installed, as part of the initial construction at their cost, to allow site specific sampling of their waste to determine sanitary sewer charges specifically for this site. If no sampling manhole is installed, this site will default to the restaurant class code in Chapter 35 recently adopted by the Common Council. If you have questions on the restaurant class sewer charges please contact Megan Eberhardt at 608-266-6432.
4. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service. (POLICY)
5. The Applicant shall submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division with any private storm and sanitary sewer utilities. The digital CAD file shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the only the following data, each on a separate layer name/level number:
 - a. Building Footprints
 - b. Internal Walkway Areas
 - c. Internal Site Parking Areas
 - d. Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
 - e. Right-of-Way lines (public and private)
 - f. Lot lines or parcel lines if unplatted
 - g. Lot numbers or the words unplatted
 - h. Lot/Plat dimensions
 - i. Street names
 - j. Private on-site sanitary sewer utilities (including all connections to public sanitary)
 - k. Private on-site storm sewer utilities (including all connections to public storm)

All other levels (contours, elevations, etc.) are not to be included with this file submittal.

NOTE: Email CAD file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement, private on-site sanitary sewer utilities, or private on-site storm sewer utilities during construction will require a new CAD file.

6. The applicant shall submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West). 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. Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
 - e. Right-of-Way lines (public and private)
 - f. Lot lines or parcel lines if unplatted
 - g. Lot numbers or the words unplatted
 - h. Lot/Plat dimensions
 - i. Street names
 - j. Stormwater Management Facilities
 - k. Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
7. Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project. Include copies of all stormwater, utility, and detail plan sheets that contain stormwater practices on 8.5 in. x 14 in. size paper in the draft document. These drawings do not need to be to scale as they are for informational purposes only. Once City Engineering staff have reviewed the draft document and approved it with any required revisions submit a signed and notarized original copy to City Engineering. Include a check for \$30.00 made out to Dane County Register of Deeds for the recording fee. City Engineering will forward the document and fee for recording at the time of issuance of the stormwater management permit. Draft document can be emailed to Tim Troester (west) at ttroester@cityofmadison.com, or Daniel Olivares at DAOlivares@cityofmadison.com final document and fee should be submitted to City
8. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year.
9. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to Reduce TSS by 80% off of the proposed development when compared with the existing site.
10. Oil and Grease Control is required for this site.

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

11. There is new storm sewer proposed to connect to the private storm sewer within the private access drive area west of this site. The maintenance and repair Agreement for the private drive per Doc No 2080229 requires written consent by the parties of the Agreement for any additional use of the easement area. Provide a copy of the consent prior to final site plan sign off.
12. The address of the tenant location is 7066 Sligo Dr. Update all sheets accordingly. 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.

Traffic Engineering Division (Contact Sean Malloy, (608) 266-5987)

13. 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; vision triangles; 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.
14. 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.
15. 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.
16. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
17. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
18. All pedestrian walkways adjacent parking stalls shall be 7 feet wide to accommodate vehicle overhang, signage and impediments to walkway movements. Any request for variance shall be submitted to and reviewed by City Traffic Engineering.
19. The applicant shall adhere to all vision triangle requirements as set in MGO 27.05 (No visual obstructions between the heights of 30 inches and 10 feet at a distance of 25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO 27.05(2)(bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.
20. The applicant shall provide a clearly defined 5' walkway clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.
21. "Stop" signs shall be installed at a height of seven (7) feet at all class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
22. One way operation of the site shall be secured by placing a "One Way" sign at the entrance and a "Do Not Enter" sign at the Exit.
23. Applicant shall submit for review a vehicular turning movement template demonstrating the use of the order board and pick-up window.
24. All vehicle service window access aisles shall have a minimum outside turning radius of thirty (30) feet.

Zoning Administrator (Contact Jacob Moskowitz, (608) 266-4560)

25. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.
26. Submit a detail of the trash enclosure. The trash enclosure 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.
27. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.

Fire Department (Contact Bill Sullivan, (608) 261-9658)

28. Provide a fire sprinkler system within the area of work with the overall increase of occupants to the building. The sprinkler system should be of sufficient capacity to be extended to the rest of the building during future Level II alterations, changes of use, or occupant load increases.

Water Utility (Contact Adam Wiederhoeft, (608) 266-9121)

29. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumberscontractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Ave. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. A Water Meter Application Form will subsequently be required to size & obtain a water meter establish a Water Utility customer account and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

Parks Division (Contact Sarah Lerner, (608) 261-4281)

The agency reviewed this request and has recommended no conditions of approval.

Forestry Division (Contact Brad Hofmann, (608) 267-4908)

The agency reviewed this request and has recommended no conditions of approval.

Metro Transit (Contact Timothy Sobota, (608) 261-4289)

The agency reviewed this request and has recommended no conditions of approval.

ATTACHMENT #1: SUPPLEMENTAL REGULATIONS FOR OUTDOOR EATING AREAS ASSOCIATED WITH FOOD AND BEVERAGE ESTABLISHMENTS & RESTAURANT-TAVERNS. (MGO §28.151)

Outdoor Eating Areas Associated with Food and Beverage Establishments.

- (a) Primary access to the area shall be from within the establishment.
- (b) Hours of operation may be restricted and noise and lighting limits imposed as part of the conditional use approval.
- (c) Where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

Restaurant-Tavern.

- (a) 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.
- (b) Restaurant-Taverns shall not hold an entertainment license under Sec. 38.06(11).
- (c) Restaurant-Taverns shall at all times operate Consistent with and according to the requirements of a valid alcohol license issued by the City.