



Report to the Plan Commission

March 22, 2010

Legistar I.D. #17825

1621 Thierer Road

Conditional Use (Arcade in C3L Zoning)

Report Prepared By:

Kevin Firchow, AICP

Planning Division

Requested Action: Approval to operate an arcade in an existing multi-tenant retail center.

Applicable Regulations & Standards: Section 28.12 (11) provides the guidelines and regulations for the approval of conditional uses.

Summary Recommendation: The Planning Division recommends that the Plan Commission find the conditional use standards are met and **approve** the applicant's request to operate an arcade at 1621 Thierer Road, subject to input at the public hearing and comments from reviewing agencies.

Background Information

Applicant: Richard Hanson; Fraggin' Dragon; 339 Lincoln Street; Evansville, WI 53536

Contact: John Brigham; Lee & Associates; 4726 East Towne Blvd, STE 220; Madison, WI 53704

Property Owner: Robert Brigham & Theodore Holen; 3370 Ridgeway Avenue; Madison, WI 53704

Proposal: The applicant proposes to operate a video gaming center in an existing multi-retail center.

Parcel Location: The parcel is an approximately 5.5 acre parcel located at the intersection of Thierer and Lien Roads. This parcel is located within Aldermanic District 17 and the Madison Metropolitan School District.

Existing Conditions: The property includes the East Point Plaza, a multi-tenant retail center.

Surrounding Land Use and Zoning: The subject site and surrounding properties are located in the commercial area surrounding East Towne Mall. Properties are zoned C3 (Highway Commercial District) or C3L (Commercial Service and Distribution District). Uses within the area include large format retail, multi-tenant commercial centers, restaurants, and other similar commercial uses. A small number of manufacturing facilities, zoned M1 (Light Manufacturing District), are located west of the subject property, along Lien Road.

Adopted Land Use Plan: The Comprehensive Plan recommends regional mixed use development for the subject site and surrounding properties.

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.

Zoning Summary: The property is zoned C3L (Highway Commercial District).

Bulk Requirements	Required	Proposed
Lot Area	6,000 sq ft	238,365 sq ft
Lot Width	50 ft	Adequate
Bulk Requirements	0 ft	Adequate / Existing
Number of Parking Stalls	10% of Capacity	Adequate
Lighting	No	
Other Critical Items	Urban Design approval required for exterior façade changes and street graphics permits	
Utility Easements	None Shown	
	<i>Table Prepared by Pat Anderson, Assistant Zoning Administrator</i>	

Analysis, Evaluation, & Conclusion

The applicant requests approval to operate the “Fraggin’ Dragon Video Gaming Center” as a tenant in an existing multi-tenant retail building. The business would provide access to a variety of offline and online video game options. The City’s Zoning Administrator has determined that the business meets the Zoning Code’s definition of an “amusement arcade” and is a conditional use under the property’s C3L (Commercial Service and Distribution District) zoning. Therefore, this proposal is subject to conditional use review and the standards of Section 28.12 (11).

The applicant’s plans and supporting information are available for online viewing from the following link: <http://www.cityofmadison.com/planning/projects/conditional/1621tr.html>

No changes are proposed to the site or building exterior. The proposed business would occupy a 1,500 square foot tenant space within the East Point Plaza commercial development. The development is located at the corner of Thierer and Lien Roads and currently includes a variety of tenants including a restaurant, a bike store, and other small retail businesses. The surrounding area comprises the outlying commercial area surrounding East Towne Mall. A small number of manufacturing facilities are located west of the site.

The applicant has provided operational details with the submittal. During the school year, the planned hours of operation are from 4:00 pm to 12:00 am Monday through Thursday, and 4:00 pm through 2:00 am on Fridays. Saturday hours would be from 10:00 am until 2:00 am with the facility open from 10:00 am until 10:00 pm on Sunday. During the summer, the applicant proposes to open the facility at 12:00 pm during weekdays. Other hours of operation would remain the same. The facility would be staffed by two employees, the applicant and his wife, and the maximum capacity will be 48 patrons. The applicant indicates that children under 13 years would need to be accompanied by an adult.

From a land use perspective, the proposed business is not in conflict with the general recommendations found in the Comprehensive Plan. Planning staff believe that public safety considerations are also important factors in evaluating this proposal. Issues such as loitering, noise, and other concerns related to patron conduct have historically been considered in evaluating traditional arcade establishments. This proposal was forwarded to police and fire department staff and no specific public safety concerns or recommended approval conditions were noted. The applicant has indicated that this request has the support of the district alderperson.

The Planning Division concludes that the ability of the project to meet conditional use standards lies largely in the management and operation of the business. At this time, the Planning Division does not have evidence indicating that the proposed operation or its management would lead to conflicts to nearby properties and uses. Therefore, staff believe the conditional use standards can likely be met. If approved, this and all conditional uses remain under the continuing jurisdiction of the Plan Commission, and therefore, should problems arise or conditions of approval fail to be met, the operation of this business could return to the Plan Commission for reconsideration.

Recommendation and Proposed Conditions of Approval

Major/Non-Standard Conditions are Shaded

Planning Division Recommendation (Contact Kevin Firchow, 267-1150)

The Planning Division recommends that the Plan Commission find the conditional use standards are met and **approve** the applicant's request to operate an arcade at 1621 Thierer Road, subject to input at the public hearing and comments from reviewing agencies.

The following conditions have been submitted by reviewing agencies:

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

This agency submitted a response recommending no conditions of approval.

Traffic Engineering Division (Contact John Leach, 267-8755)

This agency submitted a response recommending no conditions of approval.

Zoning Administrator (Contact Matt Tucker, 266-4569)

1. 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 and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Fire Department (Contact Scott Strassburg, 261-9843)

This agency submitted a response recommending no conditions of approval.

Police Department (Contact Frank Chandler, 266-4238)

This agency did not submit a response to this request.

Water Utility (Contact Dennis Cawley, 261-9243)

This property is not in a Wellhead Protection District. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. The Water Utility will not need to sign off the final plans, nor need a copy of the approved plans.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit a response to this request.