



PLANNING DIVISION STAFF REPORT

September 9, 2024

PREPARED FOR THE PLAN COMMISSION

Project Address: 1018-1034 Walsh Road (3rd Alder District – Ald. Field)
Application Type: Conditional Use
Legistar File ID #: [84686](#)
Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant, Contact, & Property Owner: Jeff Kuhl; Boneyard Dog Park & Biergarten; 1018 Walsh Road; Madison, WI 53714

Requested Action: Consideration of a conditional use in the Industrial-Limited (IL) District for a nightclub to allow live music at a private dog park with incidental alcohol sales.

Proposal Summary: The applicant proposes to hold live music at their private dog park with incidental alcohol sales (the Boneyard Dog Park & Biergarten).

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183(6)] as Table 28F-1 in MGO Section 28.082(1) notes that *nightclubs* are conditional uses in the Industrial-Limited (IL) District. The Supplemental Regulations [MGO §28.151] contain further regulations for this use.

Review Required By: Plan Commission (PC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the Conditional Use Standards are met and **approve** the request for a nightclub to allow live music at a private dog park with incidental alcohol sales at 1018-1034 Walsh 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 81,924 square-foot (approximately 1.88-acre) subject site is comprised of two parcels (1018 and 1034 Walsh Road). The subject site is located at the southwest corner of the Walsh Road and Sycamore Avenue intersection. It is located within Alder District 3 (Ald. Field) as well as the Madison Metropolitan School District.

Existing Conditions and Land Use: The property is developed with a parking lot and roughly 2,400-square-foot building with a small bar and outdoor patio at the southern end of the site. A fenced-in, off-leash dog play area occupies the northern portion. The properties are zoned Industrial-Limited (IL).

Surrounding Land Use and Zoning:

North: Across Sycamore Avenue are industrial and manufacturing uses, zoned Industrial-Limited (IL), with the Wisconsin Southern Railroad Line and a City stormwater facility, zoned Conservancy (CN) District beyond.

- East:** A variety of commercial and light industrial uses, zoned IL;
- South:** A warehouse use, zoned IL; and
- West:** Starkweather Creek stormwater facility, zoned CN.

Adopted Land Use Plan: The [Comprehensive Plan \(2023\)](#) recommends Industrial (I) uses for the subject site. The [East Towne - Burke Heights Neighborhood Development Plan \(1987\)](#), amended in 2007, recommends Commercial uses for the northern portion of the site and Industrial uses for the southern portion.

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

Requirements	Required	Proposed
Number Parking Stalls	No minimum	24
Electric Vehicle Stalls	None	None
Accessible Stalls	1	1
Loading	No	No
Number Bike Parking Stalls	4	4
Landscaping and Screening	Existing	No Change
Lighting	Existing	No Change

Other Critical Zoning Items:	Floodplain; Utility Easements
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Table Prepared Jacob Moskowitz, Assistant Zoning Administrator

Environmental Corridor Status: While the subject site is not located in a mapped environmental corridor, the property immediately to the west is located in the Starkweather Creek Environmental Corridor.

Public Utilities and Services: This property is served by a full range of urban services. Metro Transit operates daily all-day transit service along Nakoosa Trail near this property - with trips at least every 30 minutes. There is not a public sidewalk connection along Walsh Road, between the existing wheelchair accessible bus stops at the Nakoosa Trail intersection and the project site. Metro Transit would initially estimate the following counts of potentially eligible trips towards US Green Building Council/LEED Quality Access to Transit points: 36 Weekday & 35 Weekend (average). Please contact Metro Transit if additional analysis would be of interest.

Related Approvals

At its meeting on October 5, 2020, the Plan Commission approved two conditional use requests in the Industrial-Limited (IL) District - for indoor recreation and for outdoor recreation - to allow construction of a private dog park with incidental alcohol sales at 1018-1034 Walsh Road. (Legistar File [61819](#))

Project Description, Analysis, and Conclusion

The applicant proposes to establish a nightclub use to allow live music at a private dog park with incidental alcohol sales (the Boneyard Dog Park & Biergarten). The applicant proposes to host outdoor live music on Saturday afternoons from noon to 6:00 pm and potentially smaller acoustic performances inside the building. The stage for the outdoor live music will be located to the northeast of the building, near the chain link fence which runs along the eastern property line (along Walsh Road).

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 Industrial uses for the subject site. Furthermore, the [East Towne - Burke Heights Neighborhood Development Plan \(1987\)](#), amended in 2007, recommends Commercial uses for the northern portion of the site and Industrial uses for the southern portion. While, the proposed use is not an Industrial nor a traditional Commercial use, staff does not believe that the establishment of a nightclub use (i.e. the addition of occasional live outdoor music) at this location will preclude the site from redeveloping in accordance to adopted plans in the future.

The Planning Division believes that the Conditional Use Approval Standards can be found met and provides additional discussion on the following standards. Approval Standard #3 states, *"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 all the surrounding properties are either zoned for Industrial, Conservancy, or Commercial uses and the nearest residential property is over 800 feet from the subject site. Therefore, staff does not believe that the establishment of live outdoor music at the subject site, given the proposed hours of operation, will negatively impact the adjacent uses.

Lastly, Conditional Use Standard #4 states, "The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district." As previously stated, the proposed use is neither an industrial, a manufacturing, nor a traditional commercial use like the neighboring properties. However, staff does not believe that the establishment of live outdoor music will preclude redevelopment of the subject property or surrounding properties in the future given the minimal site improvements proposed.

As for the supplemental regulations, for a *nightclub* use, Section 28.151 includes the following two regulations: (a) Shall hold entertainment license under Sec. [38.06\(11\)](#), MGO. (b) Shall at all times operate consistent with and according to the requirements of a valid liquor alcohol license issued by the City. On April 20, 2022 the Alcohol License Review Committee (ALRC) recommended approval of the applicant's request for a 21+ Entertainment License at 1018-1024 Walsh Road with the condition that *"Live music must cease by 10pm."* (Legistar File [70757](#)) (The Council granted approval of this request on April 10, 2022.) Staff therefore believe that the proposal is consistent with these two supplemental regulations.

The Planning Division believes that all the Conditional Use Standards can be found met. As for public comments, at the time of report writing, one comment (expressing general support) has been received from the property owner across the street.

Recommendation

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

The Planning Division recommends that the Plan Commission find that the Conditional Use Standards are met and **approve** the request for a nightclub to allow live music at a private dog park with incidental alcohol sales at 1018-1034 Walsh 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

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

1. Per the applicant's letter of intent, live entertainment events shall not occur after 6:00 p.m. and only on Saturdays. In the future, the Director of the Planning Division may consider a minor alteration to the conditional use to further modify the hours of operation following a recommendation by the district alder.

Traffic Engineering (Contact Luke Peters, (608) 266-5987)

2. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign 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.

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

Engineering – Main Office; Engineering – Mapping; Zoning; Fire; Parks Division; Forestry; Water Utility; Metro; and Parking