



Staff Report

Public Hearing: **April 25, 2017**

Petition: **CUP 2375**

Zoning Amendment:
None

Town/sect:
**Burke
Section 24**

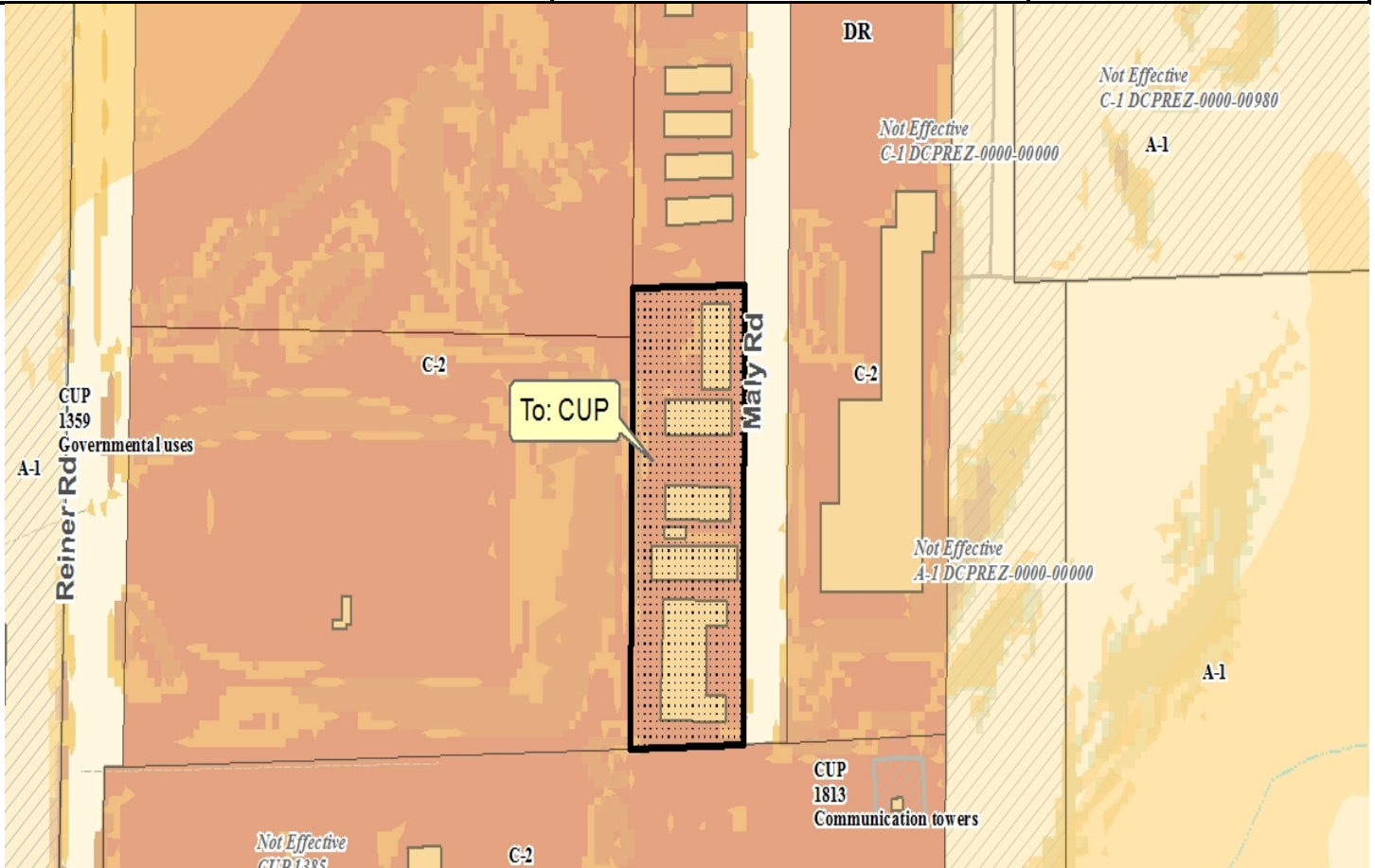
Acres: 2.09
Survey Req.

Applicant
Maley Enterprises LLC

Reason:
**Allow sales of alcoholic
beverages**

Location:
5353 Maly Rd

Zoning and Land Regulation Committee



DESCRIPTION: The applicant is requesting a conditional use permit (CUP) for a tavern on 2.09 acres zoned C-2. Currently a distillery is located on this site. As part of their limited retail sales of sealed product from this site, they are seeking a permit that will allow customers to sample the product before purchase. The owners have no intent of operating a bar or tavern of any kind. Total volume of purchased sales per customer will not exceed the legal limit of 1.5 ounces. Employees will be limited to the four co-owners. Hours of operation will be Thursday and Friday from 4 – 8 pm, Saturday 11 to 5, and Sunday 12 to 3 pm. There will be no outdoor activities or storage. Signage will include a sign on the door, and a wooden sign near the intersection of Maly and Nelson Roads.

OBSERVATIONS: The subject property is surrounded with commercial and industrial uses.

TOWN PLAN: The subject property is in the *Commercial Retail & Services* future land use district.

RESOURCE PROTECTION: The subject property is not within a resource protection area.

STAFF: The proposal meets all dimensional standards of the zoning district. It also meets those for a conditional use permit, including standards for commercial parking, screening and outdoor lighting requirements.

TOWN: The town approved with seven conditions. Please see them listed on the next page.

Proposed Conditional Use Permit # 2375

In order for an applicant to obtain a Conditional Use Permit, the Zoning and Land Regulation Committee must find that all of the following standards are met for the proposed land use:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.
2. The uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.
3. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made; and
5. That adequate measures have been or will be being taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

Staff has prepared a list of conditions that may be used in order to meet the six standards as listed above to allow the conditional use on the property. The following list of conditions are those approved by the town of Burke Plan Commission and Board. Please note that the conditions may need to be changed or additional conditions added to address potential nuisances that may come to light during the public hearing.

1. The CUP is limited to 5353 Maly Rd Unit B first floor inside only.
2. The applicant shall apply for, received and keep current Federal and State permits pertaining to the operation of a distillery and remain compliant with rules thereof.
3. On site consumption of alcohol is limited to taste samples as allowed under the manufacturer permit issued by the DOR (currently 1.5 ounces per person per day)
4. Hours of operations shall be limited to Thursday and Friday 4 p.m. to 8 p.m., Saturday 11 a.m. to 5 p.m. and Sunday 12 p.m. to 3 p.m.
5. Occupancy is limited to 20 people (including staff and customers); never to exceed the limit imposed by the Fire Inspector for the Sun Prairie Volunteer Fire Department Inc.
6. Any free standing signage must be approved by the City of Madison.
7. Operator will take adequate measures to ensure employees and customers obey Town of Burke parking regulations as to not impede traffic on Maly Road.