



PLANNING STAFF REPORT

MEMO DATE: February 5, 2020
MTG. DATE: **FEBRUARY 12, 2020**

TO: Village of Cottage Grove Plan Commission

CC: Village of Cottage Grove Board of Trustees
Matt Giese – Village Administrator
Lisa Kalata – Village Clerk
Larry Konopacki – Village Attorney
Kevin Lord – Village Engineer

FROM: [Erin Ruth, AICP – Village Planning Director](#)

RE: **Don Maguey Conditional Use Permit**

BACKGROUND

Property Owner: CG Silver Badger LLC

Location: 1609 Landmark Drive

Area: existing building

Agent: Alejandro Ramirez – Don Maguey Mexican Restaurant

Existing Zoning: Planned Office

Proposed Zoning: Planned Office

Future Land Use Plan: Planned Business

OVERVIEW

The applicant is seeking approval of conditional use permit for an indoor commercial entertainment land use that serves alcohol. The proposed Cottage Grove location would occupy approximately 2,850 square feet (including common restroom areas) within the existing multi-tenant Greywolf building located at 1609 Landmark Drive.



STAFF RECOMMENDATIONS

Staff recommends that the requested Conditional Use Permit be **APPROVED WITH CONDITIONS**, with the conditions as follows:

- 1) The permit shall be granted to Don Maguey for use at this location only. If granted, the permit will not transfer to a different business or to the same business at a new location.

COMPREHENSIVE PLAN CONSISTENCY

The proposed restaurant use is consistent with the Planned Business designation in the Comprehensive Plan.

ZONING ORDINANCE CONSISTENCY

The subject property is zoned PO, Planned Office, which is regulated by 325-39 of the Village Zoning Ordinance.

Per 325-39(B)(2)(b)(9), 'indoor commercial entertainment' is permitted as a conditional use in the Planned Office district, if the use is adjacent to residentially zoned property or if the subject business holds a liquor license. In this case, Don Maguey's proposed site is not adjacent to residentially zoned property, but they have applied and have been conditionally approved for a liquor license pending this CUP approval.

Per 325-49(D)(8)(b), parking requirements are 1 space for every three seats or patrons. The restaurant will have between 95 and 115 seats, requiring 32 to 38 spaces. At a recent meeting the ARC examined parking throughout the development area including the Greywolf Building, the future Comfort Suites Hotel, Arby's, and Kwik Trip. In total these properties provide 321 parking spaces.

The total required by all uses on the properties is 329 spaces when don Maguey is included. However, 10 of the spaces are required by office users that are only open during the day. Therefore, the number required in the evening is 319 which can be accommodated on the site.

CONDITIONAL USE PERMIT CRITERIA

325-111(D)(2) of the zoning ordinance requires a proposed conditional use to be compliant with standards (a) to (f) of that section. In the opinion of staff, the proposed use is compliant with those standards as outlined below.

- a) *The proposed conditional use (the use in general, independent of its location) is in harmony with the purposes, goals, objectives, policies, and standards of the Village of*



Cottage Grove's Comprehensive Master Plan, this chapter and any other plan, program, or ordinance adopted or under consideration pursuant to official notice by the Village.

The site location is designated as 'Planned Business' on the Comprehensive Plan's Future Land Use map. The proposed use is consistent with those allowable within that designation.

- b) *The proposed conditional use (in its specific location) is in harmony with the purposes, goals, objectives, policies, and standards of the Village of Cottage Grove's Comprehensive Master Plan, this chapter and any other plan, program, or ordinance adopted or under consideration pursuant to official notice by the Village.*

The proposed use in this specific location, in the opinion of staff, is in harmony with all the documents listed above. Specific examples of compliance with the Comprehensive Plan include:

- Land Use chapter, p. 64 – *“northern and western edges of the (Commerce) Park, with their visual exposure to I-94 and CTH N, are improved for Planned Business development which may consist of retail, high-quality office, and supporting uses...”* A restaurant is a desirable supporting use for other Commerce Park businesses.
 - Land Use chapter, p. 65 – *“encourage Planned Business development that occurs along major transportation routes to contribute toward establishing and enhancing a positive image for the Village.”* The proposed restaurant will occupy space in the Greywolf (formerly Ghidorzi) Building that has been vacant since the building was constructed. Filling another vacancy in that building improves the perception of the Village's business climate due to its prominent and highly visible location.
- c) *The proposed conditional use, in its proposed location and as depicted on the required site plan, does not result in substantial or undue adverse impacts on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights of way, or other matters affecting the public health, safety, or general welfare either as they now exist or as they may in the future be developed as a result of implementation of the provisions of this chapter, the Comprehensive Master Plan, or any other plan, program, map or ordinance adopted or under consideration pursuant to official notice by the Village or other government agency having jurisdiction to guide development.*

The Ghidorzi Building's site and the public ways leading to it were planned, designed, and implemented on the assumption the building would be fully rented. The site, prior to construction, was reviewed and approved based on all applicable Village plans and regulations. The proposed use is not inconsistent with the type of use expected for the building during planning, design, and prior approval processes. So while the restaurant will likely draw additional traffic to the immediate area, that traffic will be accommodated by the existing site and road network, and if anything the additional



traffic (and the potential customers associated with that traffic) will have a positive impact on the shopping center.

Any business serving alcohol has some potential to be disruptive. Concerns are largely mitigated in this case due to the family nature of the restaurant including a large game room, and the fact the facility will be open no later than 11 p.m. The property is not adjacent to any residentially zoned properties.

- d) *The proposed conditional use maintains the desired consistency of land uses, land use intensities and land use impacts as related to the environs of the subject property.*

The proposed use will fit within an existing building. The existing building was reviewed and approved relative to all applicable Village plans and ordinances, and it maintains the desired consistency and intensity of use.

- e) *The proposed conditional use is located in an area that will be adequately served by, and will not impose and undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property.*

The full range of urban services are available at the subject property, and the proposed use will not add an undue burden to any public utility or service.

- f) *The potential public benefits of the proposed conditional use outweigh all potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.*

The proposed use is not anticipated to create any adverse impacts on the Village or neighboring properties, while the potential public benefits are several, including:

1. The negative perception of the Village caused by the on-going vacancy of the Ghidorzi Building will be reduced. The proposed business will occupy approximately 1/3 of the building.
2. The proposed restaurant has the potential to passersby from I-94. In addition, the game room is an uncommon feature that may attract additional patrons from a wider radius. It will also serve the growing number of employees at other Commerce Park businesses, who have long sought additional restaurant options nearby.
3. The proposed bar/restaurant is an example of a 'third place', an informal place outside of home and work that provides the opportunity for social interaction. In a book on the topic, urban sociologist Ray Oldenburg describes third places as "anchors of community life" which "facilitate and foster broader, more creative interaction." Typical characteristics of a third place include 1) they are free or inexpensive, 2) food and drink are important, but not essential, 3) they are highly accessible, 4) they attract customers who



become regulars, 5) they are welcoming and comfortable, and 6) they are a place to meet both old and new acquaintances. In most areas, the number of third places has greatly decreased over the years. Clearly, the proposed project meets most of the criteria for a modern third place. Like many suburban areas dominated by post-war development, there have been relatively few 'third places' in the Village. This is changing and this proposal adds momentum to several recently built 'third places.'