



## PLANNING DIVISION STAFF REPORT

November 7, 2022

PREPARED FOR THE PLAN COMMISSION

**Project Address:** 418 East Wilson Street (6<sup>th</sup> Alder District, Alder Benford)  
**Application Type:** Conditional Use  
**Legistar File ID #** [74051](#)  
**Prepared By:** Colin Punt, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

### Summary

**Applicant:** Allison Lenz; The Cardinal Bar, LLC; 418 E Wilson St; Madison, WI 53703

**Property Owner:** Cardinal Associates; 4801 Tradewinds Pkwy; Madison, WI 53718

**Requested Action:** The applicant requests approval of conditional uses to establish a nightclub and an outdoor eating area in an existing building zoned UMX (Urban Mixed Use District) at 418 East Wilson Street.

**Proposal Summary:** The applicant proposes to establish a nightclub with outdoor eating area in a building that had previously been used as a nightclub. No structural changes to the building are planned.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Conditional Uses [MGO §28.183] as MGO §28.065(2) lists nightclub and outdoor eating areas open after 9 p.m. as conditional uses in the UMX (Urban Mixed Use) District. The Supplemental Regulations [MGO §28.151] contain further applicable regulations.

**Review Required By:** Urban Design Commission (Secretary's Review), Plan Commission

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the approval standards for conditional uses are met and **approve** the request to establish a nightclub with outdoor eating area at a property zoned UMX (Urban Mixed Use District) at 418 East Wilson Street. This request is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

### Background Information

**Parcel Location:** The 8,142-square-foot parcel is located at the western quadrant of the intersection of East Wilson Street and South Franklin Street. This parcel is located within Alder District 6 (Alder Benford) and the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The parcel contains a five-story building with 21 residential units and first-floor commercial space, originally constructed in 1908. The building is a designated Madison Landmark.

#### Surrounding Land Use and Zoning:

Northeast: Across South Franklin Street, two-story restaurant buildings zoned PD (Planned Development district);

Southeast: Across East Wilson Street, Water Utility Well 17, zoned UMX; and

Southwest: One- and two-story commercial buildings zoned UMX;

Northwest: One- and two-story residences zoned DR1.

**Adopted Land Use Plan:** The [Comprehensive Plan](#) (2018) recommends Downtown Core (DC) for the site. The [Downtown Plan](#) (2012) recommends Downtown Core Mixed-Use.

**Environmental Corridor Status:** The subject site is not within 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 UMX (Urban Mixed Use district)

Requirements	Required	Proposed
Lot Area (sq. ft.)	3,000	8,142
Lot Width	30 ft	69 ft
Front Yard Setback	Existing	No change
Side Yard Setback	Existing	No change
Rear Yard Setback	Existing	No change
Maximum Lot Coverage	Existing	No change
Maximum Building Height	Existing	No change

Site Design	Required	Proposed
Number Parking Stalls	None	No change
Accessible Stalls	None	No change
Loading	No	No
Number Bike Parking Stalls	Existing	No change
Landscaping	Existing	No change
Lighting	Existing	No change
Building Forms	Existing	No change

<b>Other Critical Zoning Items</b>	Urban Design (UMX), Historic District, Utility Easements, Wellhead Protection District
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*Tables Prepared by Jacob Moskowitz, Assistant Zoning Administrator*

## Project Description, Analysis, and Conclusion

The applicant, representing The Cardinal Bar, is requesting a conditional use for a nightclub for a bar with live music at 418 East Wilson Street. The applicant is pursuing an entertainment license and plans host live music, usually jazz, and special events. No structural changes to the building or tenant space are proposed, other than changes to signage and cosmetic interior changes. Proposed hours of operation are 4 p.m. to 11 p.m. Tuesdays through Saturdays and 11 a.m. to 11 p.m. on Sundays. The outdoor eating area will be open until 9 p.m. during the outdoor eating season, but there will be no music provided outdoors. A nightclub previously occupied this space, but ceased operation more than twelve months ago, necessitating consideration of a new conditional use.

### Conditional Use Standards

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. Staff believes that this proposed use is compatible with the [Comprehensive Plan](#) (2018), which recommends Downtown Core (DC) development types for the subject site and surrounding properties on East Wilson Street. The DC category represents the nucleus of downtown and accommodates a wide variety of employment, service, retail, government, residential, and other uses in large scale buildings that comprise the most intensely developed part of the city. The [Downtown Plan](#) (2012) also

identifies the area as Downtown Core Mixed-Use and places it within the First Settlement district, and recommends enhancing the Wilson Street commercial corridor as a cohesive and engaging commercial spine.

Staff believes that the Conditional Use Standards can be found met and provides further discussion on Standard 3.

Conditional Use Standard #3 states that, *“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 there are a variety of similar uses along East Wilson Street and no outdoor amplified music will occur. As a result, the Planning Division does not anticipate that the establishment of this use and hosting live entertainment will have significant impacts on surrounding properties. Conditions such as ensuring exterior doors remain closed during performances, can help minimize any impacts.

### Supplemental Regulations

According to Table 28D-2 in MGO §28.065(2), a nightclub must adhere to the Supplemental Regulations found in MGO §28.151:

- (a) Capacity may be as high as five (5) square feet per person.
- (b) Shall hold entertainment license under Sec. 38.06(11), MGO.
- (c) Shall at all times operate consistent with and according to the requirements of a valid liquor alcohol license issued by the City.

Staff believes that all of the Supplemental Regulations can be found met.

### Conclusion

Staff believes that the proposed nightclub can be found to meet the Conditional Use Approval Standards and recommends that it be approved by the Plan Commission, subject to input at the public hearing and comments from reviewing agencies.

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 §28.183(9)(d).

## Recommendation

### Planning Division Recommendation (Contact Colin Punt, 243-0455)

The Planning Division recommends that the Plan Commission find that the approval standards for conditional uses are met and **approve** the request to establish a nightclub with outdoor eating area at a property zoned UMX (Urban Mixed Use District) at 418 East Wilson Street. This recommendation is subject to input at the public hearing and the following conditions:

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

### Planning Division (Contact Colin Punt, 243-0455)

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| 1. Exterior doors shall remain closed and not be propped open during karaoke or other live musical performances. |
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**Zoning Administrator** (Contact Jacob Moskowitz, 266-4560)

2. Hours of operation for the outdoor eating area shall end at 9:00 p.m. unless extended as part of a future conditional use approval.
3. No amplified sound is permitted in the outdoor eating area unless allowed as part of a future conditional use approval.

**City Engineering Division – Mapping Section** (Contact Julius Smith, 264-9276)

4. The Site Plan Possibly indicates encroaching into a right of way. The Applicant shall confirm and note on the plans all encroachments, including, (but not limited to) balconies, roof overhangs and underground vaults. Make an application with City of Madison Real Estate for a privilege in streets agreement. Link as follows - <http://www.cityofmadison.com/developmentcenter/landdevelopment/streetencroachment.cfm>. An approval of the development does not constitute or guarantee approval of any encroachments within a public right of way.

5. Provide legible plan to review. Plan scoop and items could on fully be determined from site plan provided.

**Traffic Engineering Division** (Contact Sean Malloy. 266-5987)

6. Items in the Right-of-Way are not approvable though site plan approval, work with City Real Estate to start the 'Privilege in Streets' process to obtain an Encroachment Agreement for items in the Right-of-Way (bicycle racks, planters, outdoor eating areas.)

7. Items in the Right-of-Way are not approvable through the site plan approval process. Make a note on all pages showing improvements in the ROW that states: The Right-of-Way is the sole jurisdiction of the City of Madison and is subject to change at anytime per the recommendation/plan of Traffic Engineering and City Engineering Divisions.

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

8. Address items from the MFD Official Notice dated 9-19-2022 prior to MFD sign-off of this application.

**The following agencies reviewed the request and recommended no conditions of approval:**

*Parks Division, Forestry Section, Water Utility, Metro Transit*