

# PLANNING DIVISION STAFF REPORT

March 17, 2025

PREPARED FOR THE PLAN COMMISSION



**Project Address:** 406 North Frances Street (District 2 – Alder Bennett)  
**Application Type:** Conditional Use  
**Legistar File ID #** [87143](#)  
**Prepared By:** Colin Punt, AICP, Planning Division  
Report includes comments from other City agencies, as noted.  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

## Summary

**Applicant:** Jay Wanserski; Wando Ventures Inc; 406 N Frances St; Madison, WI 53703

**Requested Action:** The applicant is seeking approval of a conditional use for a nightclub in a UMX (Urban Mixed Use) district per §28.076(2) MGO.

**Proposal Summary:** The applicant is seeking approvals to operate a nightclub in an existing commercial building. No structural changes to the building are planned.

**Applicable Regulations & Standards:** Standards for conditional use approval are found in §28.183(6) MGO. The Supplemental Regulations [MGO §28.151] contain further applicable regulations for nightclubs.

**Review Required By:** Plan Commission

**Summary Recommendations:** The Planning Division recommends that the Plan Commission find that the standards for conditional uses are met and **approve** a conditional use for a nightclub at 406 North Frances Street, subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies beginning on page 3.

## Background Information

**Parcel Location:** The 2,753-square foot subject site is located on the west side of North Frances Street between State Street and University Avenue. The site is within Alder District 2 (Alder Bennett) and the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The site, zoned UMX (Urban Mixed Use district), is occupied by a one-story, 2,108-square foot building that is and has for some time been used as a tavern. According to City Assessor data, the building was originally constructed in 1923.

### Surrounding Land Uses and Zoning:

North: Two-story, three-unit multifamily residential building zoned PD (Planned Development district);

South: A three-story tavern building, a three-story mixed use building, and a one-story restaurant building, all zoned UMX;

West: A three-story multifamily residential building and a three-story mixed-use building, both zoned UMX; and

East: Across North Frances Street, a three-story mixed use building zoned UMX.

**Adopted Land Use Plan:** The [Comprehensive Plan](#) (2023) and [Downtown Plan](#) (2012) both recommend Downtown Mixed Use (DMU) for the site.

**Zoning Summary:** The subject property is zoned UMX (Urban Mixed Use District):

Other Critical Zoning Items	Urban Design (UMX), Utility Easements
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*Table Prepared by Jacob Moskowitz, Assistant Zoning Administrator*

**Environmental Corridor Status:** The property is not located within a mapped environmental corridor.

**Public Utilities and Services:** The site is served by a full range of urban services.

## Project Description, Analysis, & Conclusion

The applicant is requesting conditional use approval to establish a nightclub with entertainment license at an existing one-story commercial building at 406 North Frances Street. The building has, for some time, operated as a tavern and has recently changed operators. The applicant intends to host live musical performances of one or two performers at a time, including amplified sound. The approximately 25-square-foot stage is located in one of the front corners of the 1200-square foot bar space opposite the door. Hours of operation are to be 7 p.m. to 2 a.m. Tuesday through Thursday and 3 p.m. to 2 a.m. Friday and Saturday. The applicant's entertainment license has already been approved and the letter of intent notes alignment in operation with the liquor and entertainment license approvals.

This request is subject to the standards for conditional uses. This section continues with a summary of adopted plan recommendations, conditional use standards, supplemental regulations, and ends with a conclusion.

### Consistency with Adopted Plans

The [Comprehensive Plan](#) (2023) recommends Downtown Mixed Use (DMU) for the site. DMU is used for areas outside the core of downtown but are still appropriate for intensive mixed-use development, and may include residential, retail, service, government, and employment uses. The [Downtown Plan](#) (2012) places this site within the "State Street" district and also identifies this area as "Downtown Mixed-Use," with a maximum building height of 12 stories at this location. Frances Street is identified as a "Pedestrian Connection" street.

### Conditional Use Standards

In regard to conditional use approval standards, the Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of §28.183(6) M.G.O. are met. Staff advises the Plan Commission that in evaluating the conditional use standards, State law requires that conditional use findings must be based on "substantial evidence" that directly pertains to each standard and not based on personal preference or speculation.

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 in the adjacent properties along Frances Street and University Avenue 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 28E-2 in MGO §28.072(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 the Supplemental Regulations can be found met.

### **Conclusion**

The applicant requests conditional use approval to operate a nightclub in an existing commercial building. Staff believe the request is consistent with the recommendations of the applicable adopted plans and that all applicable conditional use standards can be found met.

Staff notes that as a conditional use, 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).

At time of writing, staff is unaware of any public comments received regarding this request.

## **Recommendation**

### **Planning Division Recommendations** (Contact Colin Punt 243-0455)

The Planning Division recommends that the Plan Commission find that the standards for conditional uses are met and **approve** a conditional use for an nightclub at 406 North Frances Street, subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies below.

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

### **Planning Division** (Contact Colin Punt, 608-243-0455)

1. Exterior doors shall remain closed and not be propped open during any live musical performances.

### **Fire Department** (Contact Matt Hamilton, 608-266-4457)

2. Occupancy to be limited to the current level of 99 occupants which includes all people including employees.

**Metro Transit** (Contact Tim Sobota, 608-261-4289)

3. Metro Transit operates daily all-day rapid transit service along University Avenue and West Johnson Street near this property - with trips at least every 30 minutes (every 15 minutes or less during the day on weekdays and Saturdays), thru roughly midnight. Metro Transit operates additional daily late night campus transit service along University Avenue near this property - with trips at least every 30 minutes during the academic year, thru roughly 2:00 AM.
4. Metro Transit would initially estimate the following counts of potentially eligible trips towards US Green Building Council/LEED Quality Access to Transit points: 373 Weekday & 165 Weekend. Please contact Metro Transit if additional analysis would be of interest.

**Parking Utility** (Contact Trent Schultz, 608-246-5806)

5. The agency reviewed this project and determined a Transportation Demand Management (TDM) Plan is not required as part of approving the proposed change of use.

*The Office of the Zoning Administrator, Engineering Division Main Office, Engineering Division Mapping Section, Traffic Engineering Division, Parks Division, Forestry Section, and Water Utility have reviewed this request and have recommended no conditions of approval.*