



PLANNING DIVISION STAFF REPORT

October 1, 2018

PREPARED FOR THE PLAN COMMISSION

Project Address: 524 E Wilson Street (District 6 - Ald. Rummel)
Application Type: Conditional Use
Legistar File ID # [52905](#)
Prepared By: Sydney Prusak, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant, Contact

& Property Owner: Bob Worm; Prosit-To-You-Inc.; 524 E Wilson Street; Madison, WI; 53703

Requested Action: The applicant requests conditional use approval to convert an existing tavern into a nightclub in the UMX (Urban Mixed Use) Zoning District and HIS-TL (Third Lake Ridge Historic District).

Proposal Summary: The applicant proposes convert an existing tavern into a nightclub. The subject property obtained an entertainment license from the Common Council on March 6, 2018, following a recommendation from the City's Alcohol License Review Committee (ALRC). Due to this new licensing, the property was reclassified as a nightclub, which is a conditional use in the UMX Zoning District.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183], as *nightclubs* are conditional uses in UMX zoning. The Supplemental Regulations [MGO §28.151] contain further regulations for these uses.

Review Required By: Plan Commission (PC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the approval standards for conditional uses are met and **approve** the request for a nightclub in UMX (Urban Mixed Use) zoning at 524 E 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 project site is located on the north side of E Wilson Street at the intersection with S Blair Street. It is within Aldermanic District 6 (Ald. Rummel), as well as the Madison Metropolitan School District.

Existing Conditions and Land Use: The proposed nightclub is located within a 960 square-foot tenant space within an existing three-story 16,588 square-foot mixed-use building. The nightclub is located on the first floor of a hotel (Hotel Ruby Marie). There is a deli and gift shop that occupy the additional first floor commercial space. All existing uses are under the same ownership. According to the City Assessor's Office, the total subject site is 4,422 square-feet (.10 acres).

Surrounding Land Use and Zoning:

North: Madison Gas and Electric Headquarters, zoned TE (Traditional Employment);

South: The E Wilson, S Blair Street, Williamson Street, John Nolen, and Wisconsin and Southern Railroad intersection, with Law Park, zoned PR (Parks and Recreation) beyond;

East: Across S Blair Street is the Capital City Bike Trail and The Gateway Mall with a variety of commercial tenants, zoned TE; and

West: A multi-tenant building, that includes a tavern and a restaurant tavern, zoned PD (Planned Development).

Adopted Land Use Plan: The [Comprehensive Plan \(2018\)](#) recommends Downtown Core for the subject site, with more specific recommendations in the [Downtown Plan \(2012\)](#). While the Plan makes no specific land use recommendations for the subject site, the Downtown Plan specifically states that, “Continued expansion of a mix of uses, such as employment, retail, entertainment, cultural, and residential, will help ensure that the Downtown Core remains a popular destination beyond normal business hours.”

Zoning Summary: The project site is currently zoned Urban Mixed Use (UMX).

Requirements	Required	Proposed
Lot Area (sq. ft.)	3,000 sq. ft.	4,422 sq. ft.
Lot Width	30'	67'
Front Yard Setback	Nonresidential or mixed-use buildings: 0	None
Max Front Yard Setback	10'	None
Side Yard Setback	0	None
Rear Yard Setback	10'	Existing rear setback
Maximum Lot Coverage	90%	Existing lot coverage
Minimum Building Height	2 stories	3 stories existing building
Maximum Building Height	See Downtown Height Map: 6 stories	3 stories existing building
Stepback	See Downtown Height Map: None	3 stories existing building
Number Parking Stalls	Central Area: no minimum	Existing parking lot
Accessible Stalls	Yes	Existing accessible stalls
Loading	Not required	None
Number Bike Parking Stalls	Nightclub: 5% of capacity of persons (no change in capacity)	Existing bike parking
Landscaping	Not required	Existing landscaping
Lighting	Not required	Existing lighting
Building Forms	Not required	Existing building
Other Critical Zoning Items		
Yes:	Urban Design (UMX), Historic District (His-TL), Barrier Free (ILHR 69), Wellhead Protection District (WP-17)	
No:	Floodplain, Adjacent to Park, Wetlands	

Table Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

Environmental Corridor Status: The subject site is not located in a mapped environmental corridor.

Public Utilities and Services: This property is served by a full range of urban services, with multiple Madison Metro Transit routes running by the site daily.

Project Description

The applicant, Prosit To You Inc., proposes to convert an existing tavern (The Up North) into a nightclub. According to MGO §28.211, a *nightclub* is defined as, “an establishment in which fermented malt beverages intoxicating liquors are sold for consumption upon the premises and which holds an entertainment license under Sec. 38.06(11) but does not include kitchen facilities.” The existing tavern was issued an entertainment license in

March, 2018 and therefore was reclassified as a nightclub. According to the applicant, live music performances have occurred on site since 1998, and conditional use approval will bring them into compliance with the City's Zoning Code. As proposed, the operations and security management of the nightclub will coincide with the City's Alcohol License Review Committee (ALRC) conditions of approval.

In the letter of intent, the applicant indicated that because of the hotel guests on the second and third floor of the building (which are under the same ownership), the nightclub is conscious of noise level and music types offered at the establishment. While the nightclub is open from 2:30 pm to 2:00 am seven days a week, the performance schedule varies. According to the applicant, there are typically one to three musicians either playing from 7:00 to 10:00 pm, 8:00 pm to 11:00 pm or 9:00 pm to 12:00 am. The applicant also stated that there are video surveillance systems in place and the staff is trained and licensed to check IDs and contact police and fire emergency services if needed. The approved capacity for the existing tavern is 147 persons.

While this proposal is in a landmarked building, no exterior changes are proposed and therefore does not require Landmarks Commission review. Lastly, in terms of parking, the nightclub shares a surface parking lot with the Essen House (514 E Wilson Street) in the rear of the site. Given that no exterior or capacity changes are proposed with this application, a site plan was not required for the project submittal.

Project Analysis and Conclusion

This proposal is subject to the approval standards for conditional uses. 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 Planning Division believes that the proposed use is generally consistent with the land use recommendations for the Downtown Core in the [Comprehensive Plan \(2018\)](#) and the [Downtown Plan \(2012\)](#).

Conditional Use Approval Standard #3 states that in order to approve a conditional use, the Plan Commission must find "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." Staff believes that this standard can be found met given the fact that this establishment has been operating as a tavern with live music with no major issues or conflicts that Planning Division staff is aware of.

Supplemental Regulations

MGO §28.151(d) contains Supplemental Regulations for nightclubs. The Supplemental Regulations state that the establishment must offer live entertainment a minimum of two (2) nights per week, and that the establishment shall be open for business no more than three (3) hours prior to any event or activity qualifying the establishment as an entertainment venue and shall close its business no more than two (2) hours following such an event or activity. While the proposed hours conflict with these regulations, a Zoning Text Amendment to modify several aspects of restaurant, restaurant-tavern, restaurant-nightclub, and nightclub, including these requirements, is being introduced for review and consideration by the Plan Commission and Common Council. This Amendment was initiated by Alder Rummel and was not specifically related to this request.

Conclusion

The Planning Division believes that the proposed nightclub at 524 E Wilson Street can meet the conditional use approval standards and recommends that the Plan Commission approve the request, 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). At the time of report writing, staff was not aware of any neighborhood concerns on this request.

Recommendation

Planning Division Recommendation (Contact Sydney Prusak, (608) 243-0554)

The Planning Division recommends that the Plan Commission find that the approval standards for a Conditional Use are met and **approve** the request to convert an existing tavern into a nightclub in UMX (Urban Mixed Use) district zoning at 524 E Wilson. This request is subject to the input at the public hearing and the conditions recommended by other reviewing agencies.

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

Planning Division (Contact Sydney Prusak, (608) 243-0554)

1. The nightclub at 524 E Wilson Street is subject to the ALRC conditions of approval for the 21+ Entertainment License granted on March 3, 2018.

Zoning (Contact Jenny Kirchgatter, (608) 266-4569)

2. The nightclub shall comply with Supplemental Regulations section 28.151 Nightclub.

Fire Department (Contact Bill Sullivan, (608) 261-9658)

3. MFD does not object provided the space complies with all applicable building and fire codes.
4. Obtain an Assembly Occupancy License from Madison Fire Department prior to operation or confirm an existing Assembly Occupancy license has been issued for the Up North Bar.