



PLANNING DIVISION STAFF REPORT

March 7, 2022

PREPARED FOR THE PLAN COMMISSION

Project Address: 614 University Avenue (2nd Aldermanic District, Alder Heck)
Application Type: Conditional Use
Legistar File ID # [69554](#)
Prepared By: Colin Punt, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Andrew Greenwood; Mom's Bar; 1135 E Gorham St #2; Madison, WI 53703

Property Owner: Richard Lofgren; 405 N Henry St; Madison, WI 53703

Requested Action: The applicant requests approval of a conditional use to establish a nightclub in an existing building zoned UMX (Urban Mixed Use District) at 614 University Avenue.

Proposal Summary: The applicant proposes to establish a nightclub in a building that was previously used as a nightclub, but has since been vacant. 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 a nightclub 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 at a property zoned UMX (Urban Mixed Use District) at 614 University Avenue. This request is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 2,982-square-foot parcel is located on the north side of University Avenue between Hawthorne Court and North Lake Street. This parcel is located within Aldermanic District 2 (Alder Heck) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The parcel contains a three-story, roughly 7,200-square-foot structure, built in 1924, with two commercial tenant spaces and eight dwelling units.

Surrounding Land Use and Zoning:

North: A three-story five-unit residential building zoned UMX (Urban Mixed Use district);

South: Across University Avenue, the Fluno Center zoned CI (Campus Institutional district);

East: One-story commercial building zoned UMX; and

West: One-story commercial building zoned UMX.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) recommends downtown mixed-use development for the subject site and surrounding properties. The [Downtown Plan](#) (2012) also identifies the area as downtown 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	3,000 sq. ft.	2,982 sq. ft.
Lot Width	30'	42'
Front Yard Setback	0' or 5'	0'
Maximum Front Yard Setback	10'	0'
Side Yard Setback	0'	0'
Rear Yard Setback	10'	Existing rear yard setback
Maximum Lot Coverage	90%	Existing lot coverage
Minimum Building Height	2 stories	3 story existing building
Maximum Building Height: Downtown Height Map	12 stories	3 story existing building
Stepback: Downtown Stepback Map	15' stepback above 4 stories	None

Site Design	Required	Proposed
Number Parking Stalls	Not required: Central Area	None
Accessible Stalls	Not required	None
Loading	Not required	None
Number Bike Parking Stalls	Nightclub: 5% of capacity of persons	None
Landscaping and Screening	Not required	None
Lighting	Not required	None
Building Forms	Not required	Existing building

Other Critical Zoning Items	Urban Design (UMX), Barrier Free (ILHR 69)
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Tables Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

Project Description, Analysis, and Conclusion

The applicant, representing Mom’s Bar, is requesting a conditional use for a nightclub for a bar with karaoke and live music at 614 University Avenue. The applicant is pursuing an entertainment license and plans to pursue karaoke, live bands, DJ’d dances, and open mic nights. Musical acts will occur on a small stage located at the front of the tenant space adjacent to the University Avenue entrance. No food will be served, and no structural changes to the building or tenant space are proposed, other than changes to signage and cosmetic interior changes. Hours of operation are proposed to be 4 p.m. to 12 a.m. every day. A nightclub previously occupied this space, but ceased operation more than twelve months ago, necessitating approval 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 mixed-use development for the subject site and

surrounding properties on University Avenue. The DMU category is used to delineate areas of the downtown that are outside the core of the downtown, but are still appropriate for intensive mixed-use development. DMU areas are generally more focused on residential, retail, and service uses than Downtown Core areas, but may also include some government and employment uses. The [Downtown Plan](#) (2012) also identifies the area as downtown mixed-use and places it within the State Street district, and recommends providing for and reserving ground floor spaces suitable for small businesses, retail sales, and service uses.

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 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 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 at a property zoned UMX (Urban Mixed Use District) at 614 University Avenue. 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)

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

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

2. The nightclub shall comply with Supplemental Regulations Section 28.151 for a Nightclub. Capacity may be as high as five (5) sq. ft. per person. Verify the capacity of the proposed nightclub with Building Plan Review staff.
3. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development

City Engineering Division – Mapping Section (Contact Jeff Quamme, 266-4097)

4. The 100' depth of the building appears to be incorrect. The parcel depth of record is 71.62 feet. Correct the dimension(s) on the plan as appropriate.

Fire Department (Contact Bill Sullivan, 261-9658)

5. Capacity is limited to 50 occupants including patrons and staff unless a complete building code analysis is completed.

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

City Engineering Division, Traffic Engineering Division, Parks Division, Forestry Section, Water Utility, Metro Transit