



PREPARED FOR THE PLAN COMMISSION

Project Address: 1301 Regent Street (13th Aldermanic District, Ald. Evers)
Application Type: Conditional Use
Legistar File ID # [61061](#)
Prepared By: Colin Punt, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Sam Brown; First Madco, Inc.; 1309 Vilas Ave Apt 1F; Madison, WI 53715
Property Owner: Donna Wilson; 425 Bowlavard Ave; Bellevue, WI 53508

Requested Action: The applicant requests approval of a conditional use to convert an existing restaurant-tavern into a restaurant-nightclub at a property zoned TSS (Traditional Shopping Street District) at 1301 Regent Street.

Proposal Summary: The applicant proposes to establish a restaurant-nightclub in a building that was previously used as a restaurant-tavern in order to host live music. No structural changes to the building are planned, nor are changes to the hours of operation.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183] as MGO §28.065(2) lists a restaurant-nightclub as conditional uses in the TSS (Traditional Shopping Street) 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 convert an existing restaurant-tavern into a restaurant-nightclub at a property zoned TSS (Traditional Shopping Street District) at 1301 Regent 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 12,326-square-foot parcel is located at the southwest quadrant of the intersection of Regent Street and Orchard Street. This parcel is located within Aldermanic District 13 (Ald. Evers) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The parcel contains a one-story, roughly 7,000-square-foot structure, built in 1979, with two commercial tenant spaces. A parking lot extends across the front (Regent Street) half of the parcel.

Surrounding Land Use and Zoning:

North: Across Regent Street, a two-story mixed-use building complex, zoned PD (Planned Development district);

South: Three-unit residences, zoned TR-V1;

East: Across Orchard Street, an automobile repair garage, zoned TSS; and

West: A large single-story brewpub and tavern, zoned TSS.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) recommends neighborhood mixed-use (NMU) development for the subject site and surrounding properties. The [Greenbush Neighborhood Plan](#) (2008) recommends mixed-use development with buildings between two and four stories in height. Neither the [Monroe Street Commercial District Plan](#) (2007) nor the [Brittingham-Vilas Neighborhood Plan](#) (1989) have any specific applicable recommendations for this site.

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 TSS (Commercial Corridor-Transitional)

| Requirements | Required | Proposed |
|-------------------------|-----------------|---------------------|
| Lot Area (sq. ft.) | None | 12,326 |
| Lot Width | None | 99.4 ft |
| Front Yard Setback | 5 ft | Existing, no change |
| Side Yard Setback | 5 ft | Existing, no change |
| Rear Yard Setback | 20 ft | Existing, no change |
| Maximum Lot Coverage | 85% | Existing, no change |
| Maximum Building Height | 3 stories/40 ft | Existing, no change |

| Site Design | Required | Proposed |
|----------------------------|-------------------|---------------------|
| Number Parking Stalls | 15% capacity = 15 | 18 |
| Accessible Stalls | 1 | 1 |
| Loading | No | No |
| Number Bike Parking Stalls | 5% capacity = 5 | 5 |
| Landscaping | Yes | Existing, no change |
| Lighting | Yes | Existing, no change |
| Building Forms | Yes | Existing, no change |

| | |
|------------------------------------|---|
| Other Critical Zoning Items | Utility Easements, Wellhead Protection District |
|------------------------------------|---|

Tables Prepared by Jacob Moskowitz, Assistant Zoning Administrator

Project Description, Analysis, and Conclusion

The applicant, representing Leopold's Books, Bar, and Caffe, is seeking an entertainment license for small musical acts, which requires a conditional use for a nightclub. The applicant plans to host small live music acts in a small section of the existing soft-seating area no more than five nights per week. Current hours of operation are 12 p.m. to 12 a.m. Tuesday through Sunday. According to the letter of intent, all live music events will end before midnight. There are no modifications to the building planned as part of this proposal and no changes to occupancy requested. The existing parking lot currently has 20 vehicle parking spaces; no changes are proposed to the parking lot.

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 neighborhood mixed-use (NMU) development for the subject site and surrounding properties on Regent Street. The NMU category includes relatively small existing and planned Activity Centers that include residential uses, as well as retail, restaurant, service, institutional, and civic uses

primarily serving nearby residents. The [Greenbush Neighborhood Plan](#) (2008) recommends mixed-use development with buildings between two and four stories in height. Residential units should be located on upper floors and neighborhood-friendly offices or retail uses on the street-level floors. Parking should be located behind the buildings and appropriately screened. Neither the [Monroe Street Commercial District Plan](#) (2007) nor the [Brittingham-Vilas Neighborhood Plan](#) (1989) have any specific applicable recommendations for this site.

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 commercial uses in the adjacent properties up and down Regent Street and no outdoor amplified music will occur. As a result, the Planning Division does not anticipate that conversion of this use to a restaurant-nightclub for the purpose of adding 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 restaurant-nightclub must adhere to the Supplemental Regulations found in MGO §28.151:

- a) Maximum capacity to be established by the Director of Building Inspection Division, not to exceed the number of available seats, plus staff, plus a reasonable number of people waiting for seats.
- b) Must serve food at all hours it is open.
- c) Shall hold an entertainment license under Sec. 38.06(11)
- d) Shall at all times operate consistent with and according to the requirements of a valid alcohol license issued by the City.

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

Conclusion

Staff believes that the proposed restaurant-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). Staff have recommended operating conditions to limit possible impacts on surrounding properties, similar to what has been approved for other requests.

At the time of report writing, staff has received one letter from a neighboring property noting concerns on this request, which has been included with the Plan Commission packet of materials.

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 convert an existing restaurant-tavern into a restaurant-nightclub on a

property zoned TSS (Traditional Shopping Street District) at 1301 Regent 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)

1. All exterior doors shall remain closed during musical performances to minimize sound spillover to adjacent parcels.

Zoning Administrator (Contact Jacob Moskowitz, 266-24560)

2. Maximum capacity to be established by the Director of the Building Inspection Division, not to exceed the number of available seats, plus staff, plus a reasonable number of people waiting for seats.
3. Must serve food at all hours it is open.
4. Shall at all times operate consistent with and according to the requirements of a valid alcohol license issued by the City.

Fire Department (Contact Bill Sullivan, 261-9658)

5. The maximum capacity remains at 99 which shall include staff and musicians until the building and occupants are protected by an automatic fire sprinkler system

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

City Engineering Division (Mapping Office), Traffic Engineering Division, Parks Division, Forestry Section, Water Utility, and Metro Transit