



PREPARED FOR THE PLAN COMMISSION

Project Address: 2513 Seiferth Road (16th Alder District – Ald. Currie)
Application Type: Conditional Use
Legistar File ID #: [66977](#)
Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Jesse Steinberg; Red Rooster Madison LLC; 602 Gately Terrace; Madison, WI 53711
Contact: Joseph Gallagher; Ramaker; 1955 Atwood Avenue, Suite 202; Madison, WI 53704
Property Owner: Dan Resnick; 5001 Tonyawatha Trail; Madison, WI 53716

Requested Action: Consideration of conditional uses to establish a *restaurant-nightclub* in an existing building with an *outdoor eating area* on property zoned Industrial - Limited (IL) District at 2513 Seiferth Road.

Proposal Summary: The applicant proposes to re-establish a *restaurant-nightclub* in an existing building (the former blues bar, the Knuckle Down Saloon) with an outdoor eating area. The former bar closed in 2020 and due to more than 12 months of inactivity, its associated conditional use approvals for a restaurant-nightclub and outdoor eating area have expired. As part of this application to reestablish these approvals, the applicant intends to partially update the building and site and effectively recreate the former venue, now under new management and with a new name.

Applicable Regulations & Standards: This proposal is subject to the approval standards for Conditional Uses [MGO §28.183] as Table 28F-1 in MGO §28.082(1) lists both *Restaurant-Nightclubs* and *Outdoor Eating Areas Associated with Food & Beverage Establishments* as conditional uses in the Industrial - Limited (IL) Zoning District. The Supplemental Regulations [MGO §28.151] contain further regulations for both 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 to establish a restaurant-nightclub and add an outdoor eating area on a property zoned Industrial - Limited (IL) District at 2513 Seiferth Road. This request is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The roughly 28,000-square-foot (0.64-acre) subject site is located on the east side of Seiferth Road, between Pflaum Road and Tompkins Drive. It is located in Aldermanic District 16 (Ald. Currie) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The property is currently developed with a one-story, 2,480-square-foot tavern which formerly housed The Knuckle Down Saloon. According to City Assessor’s Office records, it was constructed in 1979. The principal building is located near the northwest corner of the site. The site is accessed from Seiferth Road via a curb cut located to the south of the building. Surface parking wraps around the building’s south and east. The property is zoned Industrial - Limited (IL) District.

Surrounding Land Use and Zoning:

North: An auto repair business, zoned Industrial - Limited (IL);

South: An auto parts store, zoned IL;

East: An industrial welding supply business, zoned IL; and

West: Across Seiferth Road is a one-story office building in the IL District.

Adopted Land Use Plan: The [Comprehensive Plan \(2018\)](#) and [Stoughton Road Revitalization Project Plan \(2008\)](#) both recommend Industrial uses for the subject site.

Zoning Summary: The property is zoned Industrial – Limited (IL)

Requirements	Required	Proposed
Lot Area (sq. ft.)	20,000	27,965
Lot Width	75 ft	100 ft
Front Yard Setback	5 ft	Existing
Side Yard Setback	None	8 ft
Rear Yard Setback	30 ft	165 ft
Maximum Lot Coverage	75%	47%
Maximum Building Height	None	1 story

Site Design	Required	Proposed
Number Parking Stalls	No Minimum	None (See Comment #3)
Accessible Stalls	None	None (See Comment #4)
Loading	No	No
Number Bike Parking Stalls	5% capacity of persons	None (See Comment #5)
Landscaping	Yes	No (See Comment #6)
Lighting	No	No (See Comment #7)
Building Forms	Yes	Existing, no change

Other Critical Zoning Items:	Utility Easements
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Tables Prepared Jacob Moskowitz, 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.

Related Approvals

On September 21, 2021, the Common Council, based on the recommendation of the Alcohol License Review Committee, approved an 18+ Center for Visual & Performing Arts License (Legistar ID # [66960](#)) (as defined by MGO §38.06(12)(c)) for the Red Rooster at 2413 Seiferth Road. There were no additional conditions associated with this approval.

On August 31, 2021, the Common Council, based on the recommendation of the Alcohol License Review Committee, approved a request (Legistar ID # [66604](#)) for a Class B Combination Liquor & Beer license for the Red Rooster. The approval was for an internal capacity of 160 persons and an external capacity of 125 persons. There were no additional conditions associated with this approval.

Project Description

The applicant proposes to re-establish a restaurant-nightclub in an existing building, which, until 2020, housed the Knuckle Down Saloon – itself a restaurant-nightclub with live music at this location for over ten years. The former bar closed in 2020 and due to more than 12 months of inactivity, its associated conditional use approvals for a restaurant-nightclub and outdoor eating area have expired. As part of this application to reestablish these approvals, the applicant intends to partially update the building and site and effectively recreate the former venue, now under new management and with a new name.

To prepare for the new occupant, the building will undergo minor interior and exterior changes. Internally, the bathrooms will be completely renovated and a new bar and stage will be added. Externally, the existing deck and concrete curbs, landing and stairs located along the southern and western façades will be demolished and rebuilt. The new deck will be seven to ten feet wide, extend the length of the eastern façade, and have tables and chairs for roughly 15 to 40 persons. The submitted materials note however that in the future, the plan is to widen the deck to roughly 40 feet. In conversations with staff, the applicant has clarified that until the deck is enlarged, they likely will not add the door and garage door on the eastern façade, as shown on the submitted materials. Furthermore, while the approvals for the alcohol license and entertainment license both set the capacity at 125 on the exterior, the applicant doesn't anticipate reaching that capacity until the deck is expanded. Staff note that the final details of the seating plan as well as capacity – inside and outside - must be reviewed and approved by City Building Inspection prior to final sign off and the issuance of permits.

In order to allow live music at the venue, they applied for, and on September 21, 2021 were granted, an entertainment license – specifically, an *18+ Center for Visual & Performing Arts License* which allows those 18 years and older to be able watch live music performances in a setting where alcohol is also being sold. Staff note that the applicant stated on their entertainment license application that they anticipate nearly all events will be 21+ and rarely 18+.

While submitted materials note that the hours of operation of the bar and outdoor eating area are still to be determined, the applicant anticipates evenings and weekends. The hours that they requested and were approved for for their alcohol license were 11:00 am to 10:00 pm, Sundays, Mondays and Wednesdays; 11:00 am to 12:00 am, Thursdays; and 11:00 am to 1:00 am, Fridays and Saturdays. In comparison, Staff note that the hours of the Knuckle Down Saloon were 11:00 am to 2:00 am on weekdays and 12:00 pm to 2:30 am on weekends.

Regarding amplified sound outside associated with the eating area, similar to the previous establishment, the applicant also plans to have amplified music on the back out desk. The applicant stated that they plan to have music played over speakers at a reasonable volume.

Analysis & Conclusion

This proposal is subject to the approval standards for Conditional Uses [MGO §28.183] as Table 28F-1 in MGO §28.082(1) lists both *restaurant-nightclubs* and *Outdoor Eating Areas Associated with Food & Beverage Establishments* as conditional uses in the Industrial - Limited (IL) Zoning District. The Supplemental Regulations [MGO §28.151] contain further regulations for both uses.

This analysis begins with an analysis of adopted plan recommendations.

Conformance with Adopted Plans

The [Comprehensive Plan \(2018\)](#) and [Stoughton Road Revitalization Project Plan \(2008\)](#) both recommend Industrial uses for the subject site. The Comprehensive Plan states Industrial areas “accommodate manufacturing, wholesale, storage, distribution, transportation, repair/maintenance, and utility uses” and are “not intended for retail or office uses not related to an industrial use, except for limited retail goods and services provided primarily to employees and users of businesses within the area.” The Stoughton Road Plan does not include more specific information regarding industrial uses.

In regards to plan consistency, Staff believe that the proposed use could be found to be compatible with adopted plans and does believe the establishment of these conditional uses would preclude other industrial development as planned for in the area.

Conditional Use Standards

The conditional use approval standards state that 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 MGO §28.183(6) are met. Please note, recent changes to 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.

Given due consideration, the Planning Division anticipates that if well-managed, the re-establishment of a restaurant-tavern with an outdoor eating area at the rear of the building should not result in significant negative impacts to the surrounding properties. Staff again note that this proposal is nearly identical to the previous establishment which existing on this site for the past ten years. Regarding noise, Staff note that the nearest residential unit is over 515 feet to the north, across Pflaum Road. Finally, 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 Section 28.183(9)(d). That said, Staff believe the Plan Commission can find the conditional use standards met and therefore recommends that it be approved.

Supplemental Regulations

M.G.O. 28.151 contains further regulations for both uses. For restaurant-nightclubs, the supplemental regulations note: 1) 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; 2) Must serve food at all hours it is open; 3) Shall hold entertainment license under [Sec. 38.06\(11\)](#); and 4) Shall at all times operate consistent with and according to the requirements of a valid alcohol license issued by the City.

For the outdoor eating area, the supplemental regulations note that 1) the primary access to the area shall be from within the establishment; 2) the hours of operation may be restricted and noise and lighting limits imposed as part of the conditional use approval; and 3) where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

The Planning Division believes the supplemental regulations listed above are satisfied by the proposal and the conditions of approval.

Public Input

At the time of report writing, staff has not received any comments on the proposed request. Staff notes that the alder held an informal public meeting a few weeks ago and attendees were supportive of maintaining the site for entertainment under new ownership. The alder does not have concerns regarding this proposal.

Conclusion

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

Recommendation

Planning Division Recommendation (Contact Chris Wells, (608) 261-9135)

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 restaurant-nightclub and add an outdoor eating area on a property zoned Industrial - Limited (IL) District at 2513 Seiferth Road. This request is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

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

Traffic Engineering Division (Contact Sean Malloy, (608) 266-5987)

1. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be to engineering scale and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
2. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

Zoning Administrator (Contact Jacob Moskowitz, (608) 266-4560)

3. The site plan as currently submitted shows no off-street parking. If parking is proposed, show the striping and dimensions on the plans.
4. If off-street parking is provided, parking requirements for persons with disabilities must comply with Section 28.141(4)(e). Final plans shall show the required accessible stalls including van accessible stalls. A van accessible stall is a minimum of 8 feet wide with an 8 foot wide striped access aisle. Show the required signage at the head of the stalls.

5. Bicycle parking for the project shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of 5% of the capacity of the building in short-term bicycle parking stalls located in a convenient and visible area on a paved or impervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance. Note: A bicycle stall is a minimum two (2) feet by six (6) feet with a five (5) foot wide access area. Provide a detail of the proposed bike rack.
6. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect. Provide adequate development frontage landscaping per section 28.142(5) Development Frontage Landscaping. Landscaping and/or ornamental fencing shall be provided between buildings or parking areas and the adjacent street(s), except where buildings are placed at the sidewalk. Note that landscaping must be installed on the private property.
7. Exterior lighting provided shall be in accordance with City of Madison General Ordinances Section 10.085. Provide an exterior lighting plan and fixture cut sheets with the final plan submittal.
8. Show the trash enclosure area on the site plan. All developments, except single family and two family developments, shall provide a refuse disposal area. Such area shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet. Submit a detail of the trash enclosure.
9. Meet applicable building/fire codes. The capacity shall be established for the outdoor eating area. Occupancy is established by the Building Inspection Unit. Contact Mike VanErem at 266-4559 to help facilitate this process.
10. If you have a license to sell alcohol in an outdoor eating area, the Alcohol License Review Committee will establish conditions for operation, which involve fencing, security guards, toilet facilities, litter, etc. All businesses that sell alcohol must comply with the requirements imposed by the Alcohol License Review Committee at the time of issuance of your original application to expand or change your licensed premises to include the outdoor eating area. It is your responsibility to have the outdoor service area added to your licensed premise. Please contact the City Clerk's office for assistance with ALRC issues.
11. The restaurant-nightclub and outdoor eating area must comply with all supplemental regulations in Sec. 28.151.
12. Maximum capacity for the restaurant-nightclub 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.

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

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| <p>13. Provide a detail information on the determination of the occupant load. The recent Liquor License Application LICLIB-2021-00417, estimated the capacity at 286. This submittal seems to imply the occupant load to be less than 100 based on the code analysis that fire sprinkler protection is not required.</p> |
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The following agencies have reviewed this request and has recommended no conditions or approval:

Engineering Main Office; Engineering-Mapping; Parks Division; Forestry; Water Utility; Metro