

# PLANNING DIVISION STAFF REPORT

August 10, 2020



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 416 S. Park Street (13<sup>th</sup> 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:** Matthew Kleiser; MADJAR LLC; 109 Rosemary Ave; Madison, WI 53714

**Property Owner:** Conn Choles; 421 S Park St; Madison, WI 53715

**Requested Action:** The applicant requests approval of a conditional use to convert an existing tavern into a nightclub and establish an outdoor eating and drinking area at a property zoned TSS (Traditional Shopping Street District) at 416 S. Park Street in Urban Design District 7.

**Proposal Summary:** The applicant proposes to establish a nightclub in a building that was previously used as a tavern in order to host live music. The applicant also proposes an outdoor eating and drinking area at the rear of the building. 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 nightclub and outdoor eating areas 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 tavern into a nightclub and establish an outdoor eating and drinking area at a property zoned TSS (Traditional Shopping Street District) at 416 S. Park 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 3,000-square-foot parcel is located on the west side of South Park Street, between Vilas Avenue and Drake 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 1100-square-foot structure, built in 1930. A small deck extends off the rear of the building. A parking lot extends across the rear of this parcel and those to the south.

### Surrounding Land Use and Zoning:

North: Two-story mixed-use buildings, zoned TSS (Traditional Shopping Street District);

South: Two-story mixed-use buildings, zoned TSS;

**East:** Across South Park Street, a single-story commercial building with surface parking lot, zoned TSS; and

**West:** Four-unit residential building, zoned TSS.

**Adopted Land Use Plan:** The [Comprehensive Plan](#) (2018) recommends community mixed-use (CMU) 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 [South Madison Plan](#) (2005) 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.)	No minimum	3,000
Lot Width	No minimum	25 ft
Front Yard Setback	No minimum	Existing, no change
Max. Front Yard Setback	25 ft	Existing, no change
Side Yard Setback	No minimum	0 ft
Rear Yard Setback	20 ft	Existing, no change
Maximum Lot Coverage	85%	Existing, no change
Maximum Building Height	3 stories/40 ft	1 story

Site Design	Required	Proposed
Number Parking Stalls	Existing	Existing, no change
Accessible Stalls	Existing	Existing, no change
Loading	No	No
Number Bike Parking Stalls	Existing	Existing, no change
Landscaping	Existing	Existing, no change
Lighting	No	No
Building Forms	Existing	Existing, no change

<b>Other Critical Zoning Items</b>	Urban Design (UDD 7); Utility Easements
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*Tables Prepared by Jacob Moskowitz, Assistant Zoning Administrator*

## Project Description, Analysis, and Conclusion

The applicant, representing the Mason Lounge, proposes to convert the existing tavern into a nightclub in order to offer live music. Music will be occasionally amplified during indoor performances, with no amplified music outdoors. The Mason Lounge is open Tuesday through Sunday, generally closing at 12:30 pm. The applicant anticipates music performances to be concluded at least one half hour prior to closing. The applicant also requests to establish an outdoor eating and drinking area on an existing deck at the rear of the building. Indoor capacity is currently 80 people, and is also not proposed to change. The existing rear outdoor deck is proposed to include two picnic tables and six additional seats. The final details of the seating plan and capacity will be approved by City Building Inspection. There are no modifications to the building planned as part of this proposal.

The applicant's request for the 21+ Entertainment License for the subject site was approved by the City's Alcohol License Review Committee (ALRC) on June 2, 2020.

### 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 community mixed-use (CMU) development for the subject site and surrounding properties on South Park Street. The CMU category includes existing and planned areas supporting an intensive mix of residential, commercial, and civic uses serving residents and visitors from the surrounding area and the community as a whole. 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 (e.g., restaurants, hairstylists, etc.). Parking should be located behind the buildings and appropriately screened (with landscaping, etc). Neither the [South Madison Plan \(2005\)](#) 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 South Park Street and the outdoor deck is an existing condition. Further, no outdoor amplified music will occur and an existing fence screens the adjacent small multi-family building from the outdoor deck and parking area. As a result, the Planning Division does not anticipate that conversion of this use to a nightclub for the purpose of adding live entertainment will have significant impacts on surrounding properties.

### 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) 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.

Outdoor eating areas associated with food and beverage establishments also must adhere to Supplemental Regulations found in MGO §28.151:

- a) Primary access to the area shall be from within the establishment.
- b) Hours of operation may be restricted and noise and lighting limits imposed as part of the conditional use approval.
- c) 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.

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

## Conclusion

Staff believes that the proposed nightclub and outdoor eating area 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 tavern into a nightclub and establishment of an outdoor eating area on a property zoned TSS (Traditional Shopping Street District) at 416 South Park 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. There shall be no outdoor amplified sound or musical performances outdoors.
2. The outdoor eating and drinking area shall not be occupied by customers later than 10 p.m.
3. All exterior doors shall remain closed during musical performances to minimize sound spillover to adjacent parcels.

#### Zoning Administrator (Contact Jacob Moskowitz, 266-24560)

4. Applicant must comply with Sec. 28.151 supplemental regulations for nightclubs

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

5. Establish a set up plan for the possible live music arrangements and establish updated capacity limits based on reduced floor area available for customers.

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

*Engineering Division (Main Office), Engineering Division (Mapping), Traffic Engineering, Metro Transit, Forestry, and Water Utility.*