



PREPARED FOR THE PLAN COMMISSION

Project Address: 2911 N. Sherman Avenue (12th Aldermanic District, Ald. Abbas)
Application Type: Conditional Use
Legistar File ID # [59928](#)
Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Contact: Brian Carriveau; Bierock; 2442 Superior Street; Madison, WI 53704
Property Owner: Sherman Plaza, Inc.; 1865-b Northport Drive, #14; Madison, WI 53704

Requested Action: The applicant requests approval of a conditional use to convert an existing restaurant-tavern into a restaurant-nightclub on a property zoned CC-T (Commercial Corridor-Transitional District) at 2911 N. Sherman Avenue.

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 a few times per week. 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 §28.061 lists a *restaurant-nightclub* as a conditional use in the CC-T (Commercial Corridor-Transitional District). The Supplemental Regulations [MGO §28.151] contain further regulations for this use.

Review Required By: 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 on a property zoned CC-T (Commercial Corridor-Transitional District) at 2911 N. Sherman 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 approximately 180,000-square-foot (4.13-acre) parcel is part of the larger approximately 20-acre Northside Town Center, located at southeast corner of N. Sherman Avenue and Northport Drive. This parcel is located within Aldermanic District 12 as well as the limits of the Madison Metropolitan School District.

Existing Conditions and Land Use: The parcel contains a roughly 50,000-square-foot structure, built in 1999. The parcel also contains approximately 250 parking spaces over the approximate 2.48 acres which stretch from the building face to the western parcel boundary along N. Sherman Avenue. Overall, the Northside Town Center includes roughly 180,000 square-feet of commercial, including Dane County offices, Lakeview Public Library, Old National Bank, Goodwill, Walgreens, True Value, Willy Street Co-Op-North, several restaurants, miscellaneous retail, and approximately 500 parking spaces, all zoned CC-T.

Surrounding Land Use and Zoning:

North: Across Northport Drive are a number of multi-family apartment buildings, zoned SR-V2 (Suburban Residential - Varied District 2);

South: Single-family residential, zoned SR-C1 (Suburban Residential - Consistent District 1);

East: Multi-family residential, office and a publisher, along Dryden Drive, all zoned CC-T; and

West: The Town Center’s parking lot with a bank abutting N. Sherman Avenue, zoned CC-T. Across N. Sherman Avenue is Warner Park, zoned PR (Parks and Recreation District).

Adopted Land Use Plan: The 2018 [Comprehensive Plan](#) recommends community mixed-use (CMU) development for the subject site and surrounding properties. Similarly, the [Northport-Warner Park-Sherman Neighborhood Plan](#) (2009) recommends mixed-use redevelopment (integrating commercial, residential, and employment) in a more pedestrian-friendly and compact form.

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 including 7-day-a-week Metro service along N. Sherman Avenue and Northport Drive.

Zoning Summary: The property is zoned CC-T (Commercial Corridor-Transitional)

Requirements	Required	Proposed
Front Yard Setback	None	Existing front yard
Side Yard Setback	One-story: 5’	Existing side yard
Rear Yard Setback	The lesser of 20% of lot depth or 20’	Existing rear yard
Maximum Lot Coverage	85%	Existing lot coverage
Maximum Building Height	5 stories/ 68’	Existing 1-story building

Site Design	Required	Proposed
Number Parking Stalls	Restaurant-nightclub: 15% of capacity of persons (15 based on existing capacity)	Existing parking lot
Accessible Stalls	Yes	Existing accessible stalls
Loading	Not required	Existing loading
Number Bike Parking Stalls	Restaurant-nightclub: 5% of capacity of persons (5 based on existing capacity)	Existing bike parking
Landscaping and Screening	Not required	None
Lighting	Not required	None
Building Forms	Not required	Existing building

Other Critical Zoning Items	Urban Design (Planned Multi-Use Site); Barrier Free (ILHR 69)
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Tables Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

Project Description, Analysis, and Conclusion

The applicant proposes to convert the existing restaurant-tavern into a restaurant-nightclub in order to offer live music a few times per week. There are no modifications to the building planned as part of this proposal. Furthermore, the hours of operation are not projected to change. They will still be: Tuesdays and Wednesday from 3:00 p.m. to 10:00 p.m.; Thursdays and Fridays from 3:00 p.m. to 12:00 a.m.; Saturdays from 11:00 a.m. to 12:00 a.m.; and Sundays from 11:00 a.m. to 10:00 p.m. Lastly, the capacity, currently 99, is also not proposed to change.

The applicant's request for the 21+ Entertainment License for the subject site is proposed to go before the City's Alcohol License Review Committee (ALRC) on April 23, 2020. The ALRC will, among other things, review the capacity. (Note: the final details of the seating plan and capacity will be approved by City Building Inspection.)

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. The Comprehensive Plan notes that this type of development includes, among other things, retail and service uses serving both adjacent neighborhoods and the wider community markets.

The [Northport-Warner Park-Sherman Neighborhood Plan](#) (2009) recommends mixed-use redevelopment (integrating commercial, residential, and employment) in a more pedestrian-friendly and compact form. Staff believe the subject proposal to be an appropriate interim use which would not prohibit the site (and greater Northside Town Center) from redeveloping in such a manner, in the future.

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 tenant spaces and the nearest residential unit is roughly 330 feet to the east (along Dryden Drive), on the back side of the shopping center (i.e. the opposite side of the building from the Bierock's entrance). 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.

Supplemental Regulations

Lastly, according to Table 28E-2 in MGO §28.072, 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.

With the Entertainment License anticipated to be approved by the Alcohol License Review Committee (ALRC) on April 23, 2020, the Planning Division 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). At the time of report writing, staff was not aware of any concerns on this request.

Recommendation

Planning Division Recommendation (Contact Chris Wells, 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 convert an existing restaurant-tavern into a restaurant-nightclub on a property zoned CC-T (Commercial Corridor-Transitional District) at 2911 N. Sherman 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

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

1. The proposed restaurant-nightclub must comply with Supplemental Regulations Section 28.151 Restaurant-Nightclub. Regulations include the following:
 - (a) 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.
 - (b) Must serve food at all hours it is open.
 - (c) Shall hold 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.

2. The maximum capacity of the restaurant-nightclub shall 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.

Fire Department (Contact Bill Sullivan, 261-9658)

3. Provide a set up plan and updated capacity calculations based on the proposed live music set up. The occupant load may need to be lowered based on reduced space available for customers or could be increased based on a proposal to remove tables and chairs. An occupant increase to 100 or higher will require the installation of a fire sprinkler system within the tenant space.

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

Planning, Engineering Division (Main Office), Engineering Division (Mapping), Traffic Engineering, Metro Transit, Parks, and Water Utility.