



PREPARED FOR THE PLAN COMMISSION

Project Address: 1444 East Washington Avenue (2nd Aldermanic District, Alder Zellers)
Application Type: Conditional Use
Legistar File ID #: [42556](#)
Prepared By: Kevin Firchow, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Jay Wendt, Principal Planner

Summary

Applicant | Contact: John H. Chandler; Gallery 1444, LLC; 1444 East Washington Avenue; Madison, WI 53703

Property Owner: Chandler Properties, LLC; 933 Menomonie Lane; Madison, WI, 53704

Requested Action: Approval of a conditional use to establish a nightclub in an existing multi-tenant building.

Proposal Summary: The applicant proposes to establish a nightclub within this multi-tenant building that currently includes a museum and art gallery. The applicant's liquor license, approved in March 2016, limits the capacity to 60 occupants and established a closing time of 10:00 pm on weekdays and 11:00 pm on weekdays.

Applicable Regulations & Standards: This proposal is subject to the standards for conditional uses (MGO Section 28.183(6)) and the Supplemental Regulations for Nightclubs (28.151).

Review Required By: Plan Commission (PC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the request to establish a nightclub at 1444 East Washington Avenue. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Background Information

Parcel Location: The property is located on the northwest corner of East Washington Avenue and Sparkle Court, just west of the Yahara River; Aldermanic District 2 (Ald. Zellers). The project is within Urban Design District 8 and is within the limits of the Madison Metropolitan School District.

Existing Conditions and Land Use: The 9,450 square foot site has a two-story, 11,501 square foot commercial brick building leased to multiple tenants. A driveway from East Washington Avenue leads to a loading dock on the east side of the building.

Surrounding Land Use and Zoning:

Northeast: Across Sparkle Court to the northeast, automobile repair services in the TE District; and

Southeast: Across East Washington Avenue to the southeast, surface parking associated with an office building in the TE District;

Southwest: Across the railroad right of way, “Washington Square” office building in the TE District; and

Northwest: Across the railroad right of way, warehousing and storage buildings in the TE District.

Adopted Land Use Plan: The Comprehensive Plan recommends Employment Uses for the property. The East Washington Avenue Capitol Gateway Corridor Plan (2008) and Tenny-Lapham Neighborhood Plan (2008) both recommend Employment and Residential uses for the property.

Zoning Summary: This property is in the Traditional Employment (TE) District.

Requirements	Required	Proposed
Lot Area (sq. ft.)	6,000 sq. ft.	9,451 sq. ft.
Lot Width	50'	80.3'
Front Yard Setback	None	Adequate
Side Yard Setback	None, unless needed for access	Adequate
Rear Yard Setback	Lesser of 20% lot depth or 20'	Existing building setback
Maximum Lot Coverage	85%	Existing site lot coverage
Minimum Building Height	22', measured to building cornice	2 story existing building
Maximum Building Height	5 stories/ 68'	2 story existing building
Number Parking Stalls	Tavern, Nightclub: 15% of capacity of persons (9)	18
Accessible Stalls	Yes	1
Loading	None	One existing loading dock
Number Bike Parking Stalls	Tavern, Nightclub: 5% of capacity of persons (3) Museum: 1 per 2,000 sq. ft. of floor area (1) Tattoo parlor: 1 per 2,000 sq. ft. of floor area (1)	6
Landscaping	None	Existing landscaping
Lighting	None	None
Building Forms	None	Existing building
Other Critical Zoning Items	Urban Design, Barrier Free (ILHR 69)	

Table prepared by Jenny Kirchgatter, 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, including Metro Transit Routes running along East Washington Avenue.

Previous Approval

On June 23, 2015, the Plan Commission approved a conditional use request for this same property to establish an animal husbandry operation for aquaponics and fish farming. The applicant for that request never moved forward with implementing that request and that use was not established.

Project Description, Analysis, and Conclusion

The applicant requests approval to establish a nightclub within an existing multi-tenant building. The property is zoned Traditional Employment (TE) and nightclubs are a conditional use within this zoning district. The proposal is subject to the approval standards for conditional uses and the supplemental regulations for nightclubs. The site is also within Urban Design District 8.

The proposed nightclub would be established within a vacant 1,040 space at the front of the building. The applicant intends to use this space primarily in conjunction with other events associated with the adjoining gallery and performance spaces. Food and beverages purchased in the nightclub space could be brought into other portions of the building. Alcohol and entertainment licenses were approved in March 2016 and established several operating conditions. The facility's capacity was set at a maximum of 60 persons. Per that approval, the nightclub is required to close at 10:00 pm on weekday evenings and 11:00 pm on weeknight evenings. No outdoor amplified sound is permitted as part of their approved operating licenses.

The subject property is part of a planned multi-use site that includes the subject building, an adjacent building and surface parking under separate ownership. The City of Madison is owner of some of this parking. As recommended in the approval conditions, the City Engineering Division-Mapping Section has recommended that a lease to share parking between the building owner and the City be finalized prior to final sign-off of this conditional use. This parking is also necessary to meet the requirements in the Zoning Code. At the time of report writing, staff understands that work on this lease agreement is in progress.

As this site is within Urban Design District 8, any exterior changes must be reviewed by the Urban Design Commission or its Secretary. Considering that no changes are proposed to the building and only minor site plan changes are proposed, this request was reviewed by the Secretary who approved the changes, noting that any future façade alterations or signage will require further review. The Planning Division notes that the property lines depicted in the applicant's site plans do not appear to correspond to City records and that this is recommended to be revised on plans submitted for final sign-off.

The Tenney Lapham Neighborhood Association and Alderperson have noted their support for establishment of this use, subject to the operating conditions already imposed as part of the alcohol and entertainment licenses. These operating conditions are also recommended as part of this conditional use.

The Planning Division believes that the conditional use standards can be met with the recommended conditions. If well managed, the Division does not anticipate that this use will result in significant impacts on surrounding properties which do not include residential uses. Staff also notes that the Plan Commission retains continuing jurisdiction on approved conditional uses, meaning if concerns or complaints regarding the conditional use are filed, the Plan Commission can take further action on this request if it determines that such action is necessary for the project to meet the approval standards.

Recommendation

Planning Division Recommendation (Contact Kevin Firchow, (608) 267-1150)

The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the request to establish a nightclub at 1444 East Washington Avenue. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

Planning Division (Contact Kevin Firchow, (608) 267-1150)

1. That the nightclub shall operate consistently with the conditions approved as part of the Alcohol and Entertainment licenses including: a) Capacity shall not exceed 60 persons; b) The facility shall close at 10:00 pm on weeknights and 11:00 pm on weekend nights; and c) There shall be no outdoor amplified sound. Changes to the operating conditions, which are first approved as part of future amendments to the alcohol or entertainment licenses, may be considered as a minor alteration to this conditional use by the Director of Planning, Community, and Economic Development upon recommendation of the District Alderperson.
2. That the site plan be revised to accurately show the property lines for this planned multi-use site.
3. This request has been reviewed and approved administratively by the Urban Design Secretary on behalf of that Commission. The applicant is advised that future signage, building, or site modifications will require additional review.

City Engineering Division (Contact Jeffrey Quamme, (608) 266-4097)

4. The owner shall coordinate with the staff of the City of Madison Office of Real Estate Services Division of the Planning Division to complete, execute and record the land lease of City of Madison Property for parking lot purposes. Refer to Office of Real Estate Services Project No. 3967.
5. The boundary shown for this site is not correct. The frontage of the lot is 80.3 feet not 85.3 per record documents. It is recommended that a professional land surveyor be utilized to produce an accurate site plan considering the lease of adjacent City lands will also be needed for this project.
6. The Renaissance Museum and the Blind Pig require suite numbers (also, if there is a tenant on the second floor or in the basement; they need an address). the Letter of Intent states the nightclub is 3,000 sq ft. Is it in the common area space?

Traffic Engineering (Contact Eric Halvorson, (608) 266-6527)

7. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; 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.
8. The Developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.
9. The City Traffic Engineer may require public signing and marking related to the development; the Developer shall be financially responsible for such signing and marking.

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

10. Automatic fire sprinklers will be required if the total occupant load exceeds 100. Occupant load includes employees and other tenant occupants where separated uses exists.

Zoning Administrator (Contact Matt Tucker, (608) 266-4569)

11. Parking requirements for persons with disabilities must comply with Section 28.141(4)(e). Final plans shall show the required van accessible stall. A van accessible stall is a minimum of 11 feet wide with a 5 foot wide striped access aisle or 8 feet wide with an 8 foot wide striped access aisle. Show the required signage at the head of the stall.
12. Work with Zoning staff to establish the bicycle parking requirements for all uses/tenants in the building. Provide the use and square footage information for all tenant spaces in the building, including the second floor.
13. The nightclub shall comply with the supplemental requirements for a Nightclub per Zoning Code Section 28.151.
14. 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.

Water Utility (Contact Dennis Cawley, (608) 266-4651)

15. All operating private wells shall be identified and permitted by the Water Utility in accordance with MGO 13.21. All unused private wells shall be abandoned in accordance with MGO 13.21.

Parks / Forestry (Contact Janet Schmidt, (608) 261-9688)

The agency reviewed this request and has recommended no conditions or approval.

Metro Transit (Contact Tim Sobota, (608) 261-4289)

16. Metro Transit provides daily bus service along East Washington Avenue, at stops near the Yahara River Bridge. The last trips westbound - towards the downtown and campus - depart approximately 1110pm on weeknights, and 1010pm on weekend evenings. The final departures heading the opposite direction towards East Towne Mall depart around midnight during the week, and 1110pm on Saturdays and Sundays.