

**PLANNING DIVISION REPORT  
DEPARTMENT OF PLANNING AND COMMUNITY  
AND ECONOMIC DEVELOPMENT  
August 18, 2008**

**RE: LD. # 11603 Conditional Use Application – 449 State Street, Unit B**

1. Requested Action: Approval of a conditional use to allow operation of an “arcade” in a multi-tenant building zoned C4 (Central Commercial District).
2. Applicable Regulations: Section 28.09 (5) (d) 18 identifies “amusement arcades” as a conditional use in C4 zoning. Section 28.12 (11) provides the guidelines and regulations for the approval of conditional uses.
3. Report Prepared By: Kevin Firchow, AICP, Planner

**GENERAL INFORMATION**

1. Applicant: Fletcher Kurtz, Madnet Cyber Cafe LLC; 449 State St, Unit B; Madison, WI 53703  
Contact: Jonathan Cain; 509 State Street, #5; Madison, WI; 53703  
Property Owner: Gary Witte, Opitz Realty; 502 N. Eau Claire Street; Madison, WI 53705
2. Development Schedule: The applicant wishes to proceed as all approvals are in place and estimates project completion and opening by September 1, 2008.
3. Location: An approximately 13,000 square foot parcel located at the intersection of State, Gilman and Broom Streets; Aldermanic District 4; Madison Metropolitan School District.
4. Existing Conditions: The subject property includes a two story multi-tenant commercial building. The subject space occupies the first floor and basement and is currently vacant.
5. Zoning: The property is zoned C4 – DDZ1 (Central Commercial District, Downtown Design Zone 1).
6. Proposed Land Use: The applicant wishes operate a business providing access to computers and video game consoles for both productivity and gaming services. The Zoning Administrator has determined that this use meet’s the Zoning Code’s definition of an “amusement arcade.”
7. Surrounding Land Use and Zoning: The property is surrounded by other State Street businesses zoned C4.
8. Adopted Land Use Plan: The Comprehensive Plan includes the subject property within the “State Street” district of Downtown. Recommended uses includes mixed-use buildings with a combination of retail, dining, entertainment, office, buildings with residential uses on upper floors.

9. Environmental Corridor Status: The subject site is not located in a mapped environmental corridor.
10. Public Utilities & Services: The property is served by a full range of urban services.

### **STANDARDS FOR REVIEW**

This application is subject to the conditional use standards of Section 28.12 (11).

### **ANALYSIS, EVALUATION & CONCLUSION**

The applicant requests approval to operate "Madnet Cybercafe" as a tenant in an existing building. The business would provide access to computers and gaming consoles for entertainment and productivity purposes. Other uses include internet access, limited refreshments, PC repair, and technical computer support. The City's Zoning Administrator has determined that the business meets the Zoning Code's definition of an "amusement arcade" and is a conditional use under the property's C4 (Central Commercial District) zoning. Therefore, this proposal is subject to conditional use review and the standards of Section 28.12 (11).

The proposed business would occupy approximately 2,000 square feet of the first floor and basement of an existing multi-tenant building. This structure sits at the corner of State, Gilman, and Broom Streets and currently includes multiple restaurants, retail stores, and a check cashing facility. The surrounding blocks of State Street include a mix of retail, entertainment, restaurant, and bars, with residential units above many of the buildings. Larger residential developments are found in the surrounding blocks. The applicant does not indicate there will be changes to the site or building exterior.

The applicant has provided operational details with the submittal. The planned hours of operation are from 12:00 pm to 12:00 am Sunday through Thursday, and 2:00 pm through 2:00 am on Fridays and Saturdays. The facility would initially be staffed by two to three employees for the first six months with up to six employees possible within a year. Roughly 1,800 square feet of area would be utilized for computer and console space, with an additional 200 square feet set aside for restroom, administration, and computer repair purposes. The applicant anticipates an opening-day capacity of 37 patrons with capacity increasing to 45 patrons upon expanding into the building's lower level. The applicant's conditional use floor plans show the layout of the larger, two-level operation.

From a land use perspective, the proposed business is not in conflict with the Comprehensive Plan and would be consistent with the mix of entertainment and other uses in the immediate area. Planning staff believe that public safety considerations are also important factors in evaluating this proposal. Issues such as loitering, noise, and other concerns related to patron conduct have historically been considered in evaluating traditional arcade establishments. And while the

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proposed business is in many ways unique from a traditional arcade, the aforementioned concerns could become issues if not managed by the business's staff. Planning staff has discussed this proposal with police, and neither the police nor fire departments have noted specific public safety concerns or recommended conditions of approval at this time.

The Planning Division concludes that the ability of the project to meet conditional use standards lies largely in the management and operation of the business. At this time, the Planning Division does not have evidence indicating that the proposed operation or its management would lead to conflicts to nearby properties and uses. If approved, this and all conditional uses remain under the continuing jurisdiction of the Plan Commission, and therefore, should problems arise or conditions of approval fail to be met, the operation of this business could return to the Plan Commission for reconsideration.

If the Plan Commission can determine that the conditional use standards are met, staff recommend this request be approved.

#### **RECOMMENDATION**

The Planning Division recommends that the Plan Commission find the conditional use standards are met and **approve** the applicant's request to operate an arcade at 449 State Street, subject to input at the public hearing and comments from reviewing agencies.



Department of Public Works  
**City Engineering Division**

608 266 4751

Larry D. Nelson, P.E.  
City Engineer

City-County Building, Room 115  
210 Martin Luther King, Jr. Boulevard  
Madison, Wisconsin 53703  
608 264 9275 FAX  
1 866 704 2315 Textnet

**Deputy City Engineer**  
Robert F. Phillips, P.E.

**Principal Engineers**  
Michael R. Dalley, P.E.  
Christina M. Bachmann, P.E.  
John S. Fahrney, P.E.  
Gregory T. Fries, P.E.

**Facilities & Sustainability**  
Jeanne E. Hoffman, Manager  
James C. Whitney, A.I.A.

**Operations Manager**  
Kathleen M. Cryan

**Hydrogeologist**  
Joseph L. DeMorett, P.G.

**GIS Manager**  
David A. Davis, R.L.S.

**Financial Officer**  
Steven B. Danner-Rivers

DATE: August 7, 2008  
TO: Plan Commission  
FROM: Larry D. Nelson, P.E., City Engineer  
SUBJECT: 449 State Street Conditional Use

The City Engineering Division has reviewed the subject development and has the following comments.

**MAJOR OR NON-STANDARD REVIEW COMMENTS** (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. Coordinate unit addresses for this property with Lori Zenchenko with Engineering Mapping. She can be contacted via e-mail at the following address: [Lzenchenko@cityofmadison.com](mailto:Lzenchenko@cityofmadison.com)

**GENERAL OR STANDARD REVIEW COMMENTS**


In addition, we offer the following General or Standard Review Comments: NONE

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**CITY OF MADISON  
INTERDEPARTMENTAL  
CORRESPONDENCE**

**Date:** August 18<sup>th</sup> 2008

**To:** Plan Commission  
**From:** Matt Tucker, Zoning Administrator   
**Subject:** 449 State Street

**Present Zoning District:** C-4

**Proposed Use:** Amusement Arcade

**Conditional Use:** 28.09(5)(d)18. Amusement Arcade establishments are a conditional use in the C-4 district.

**MAJOR OR NON-STANDARD REVIEW COMMENTS** (Comments which are special to the project and/or may require additional work beyond a standard, more routine project). None.

**GENERAL OR STANDARD REVIEW COMMENTS**

1. 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.

**ZONING CRITERIA**

<b>Bulk Requirements</b>	<b>Required</b>	<b>Proposed</b>
Lot Area	6,000 sq. ft.	13,068 sq. ft.
Lot width	50'	Adequate
Bulk Requirements	0'	Adequate/existing

<b>Site Design</b>	<b>Required</b>	<b>Proposed</b>
Number parking stalls	0	0
Lighting	No	

<b>Other Critical Zoning Items</b>	
Urban Design	Yes, exterior facade changes and street graphics permits
Utility easements	None shown

With the above conditions, the proposed project **does** comply with all of the above requirements.



# CITY OF MADISON FIRE DEPARTMENT

## Fire Prevention Division

325 W. Johnson St., Madison, WI 53703-2295  
Phone: 608-266-4484 ♦ FAX: 608-267-1153

DATE: 7/29/08  
TO: Plan Commission  
FROM: Edwin J. Ruckriegel, Fire Marshal  
SUBJECT: **449 State St.**

The City of Madison Fire Department (MFD) has reviewed the subject development and has the following comments:

**MAJOR OR NON-STANDARD REVIEW COMMENTS** (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. None.

### **GENERAL OR STANDARD REVIEW COMMENTS**

In addition, we offer the following General or Standard Review Comments:

2. No comments on this conditional use.

Please contact Scott Strassburg, New Construction Inspector at 608-261-9843 if you have questions regarding the above items.

cc: Bill Sullivan