

PLANNING UNIT REPORT  
DEPARTMENT OF PLANNING AND DEVELOPMENT  
September 12, 2005

**CONDITIONAL USE APPLICATION:**

1. Requested Action: Approval to operate an outdoor eating area for a proposed tavern/restaurant located at 523 State Street.
2. Applicable Regulations: Section 28.09 requires that outdoor eating areas for restaurants must obtain a conditional use permit.
3. Report Drafted By: Bill Roberts, Planner IV.

**GENERAL INFORMATION:**

1. Applicant: Gary Garten, "Monday's," 523 State Street, Madison, WI 53703.
2. Status of Applicant: Managers of Monday's.
3. Development Schedule: The applicant wishes to provide this outdoor eating area for patrons as soon as all necessary land use approvals have been obtained.
4. Parcel Location: South side of State Street between Frances Street and West Gilman Street, Madison Metropolitan School District, Aldermanic District 4.
5. Existing Zoning: C4 Commercial District.
6. Existing Land Use: Tavern/restaurant.
7. Proposed Use: To provide an outdoor eating area for patrons' use to the rear of the existing building.
8. Surrounding Land Use and Zoning: This site is surrounded by predominantly commercial uses, surface parking lot zoned C4.

**PUBLIC UTILITIES AND SERVICES:**

This property is served with the full range of urban services.

**STANDARDS FOR REVIEW:**

This application is subject to the conditional use standards.

### **ANALYSIS, EVALUATION AND CONCLUSION:**

This existing tavern is seeking approval to add an outdoor eating area to the rear of their existing building for patron's use. The outdoor area will occupy a portion of the tavern's rear yard that is presently vacant. This area cannot be seen from State Street or West Gilman Street. The area will be enclosed with a fence. The primary purpose of this outdoor area is to provide accommodation to tavern patrons that are no longer able to smoke inside the establishment. There are a number of apartments close to this site that may be impacted by any amplified sound or music.

### **RECOMMENDATIONS:**

The Planning Unit recommends that the Plan Commission find that the conditional use standards are met and approve this application subject to the input at the public hearing and the following:

1. No amplified sound or music shall be allowed in the outdoor area unless approved by the Plan Commission.



Department of Planning & Development  
 Planning/Inspection/Real Estate/Community & Economic Development  
 Mark A. Olinger, Director

8-5-05

Bradley J. Murphy  
 Planning Unit  
 215 Martin Luther King, Jr. Boulevard  
 P.O. Box 2985  
 Madison, WI 53701-2985  
 (608) 266-4635

**REVIEW REQUEST FOR:**

- PRELIMINARY
- FINAL PLAT
- LOT DIVISION
- CONDITIONAL USE
- REZONING
- INCLUSIONARY ZONING
- OTHER: \_\_\_\_\_

523 STATE STREET  
 OUTDOOR EATING AREA  
 BILLYO GARGANO / GARY GARTEN - MONDAYS

PLANNING UNIT CONTACT: BILL ROBERTS

RETURN COMMENTS BY: 03 SEPTEMBER 2005

PLEASE ALSO EMAIL OR FAX ANY COMMENTS TO THE APPLICANT:

Applicant E-mail: mondays@choc.us.net Fax: \_\_\_\_\_

Date Submitted: 27 JULY 2005 Plan Commission: 19 SEPTEMBER 2005

Date Circulated: 01 AUGUST 2005 Common Council: \_\_\_\_\_

**CIRCULATED TO:**

- ZONING
- FIRE DEPARTMENT
- PARKS DIVISION
- TRAFFIC ENGINEERING
- CITY ENGINEERING
- WATER UTILITY
- CDBG - HURIE
- REAL ESTATE - D. WARREN
- DISABILITY RIGHTS - SCHAEFER
- POLICE DEPT. - THURBER
- CITY ASSESSOR - SEIFERT
- MADISON METRO - SOBOTA
- BOARD OF EDUCATION C/O SUPT.
- PUBLIC HEALTH - K. VEDDER
- NEIGHBORHOOD ORGANIZATION
- ALD. \_\_\_\_\_ DIST. \_\_\_\_\_
- MADISON GAS & ELECTRIC
- ALLIANT ENERGY
- SBC
- MID PLAINS TELE
- MT. VERNON TELE

- Review the above as per time schedule set in Chapter 16.23(5)(b)2; 16.23(5)(3)3; or Chapter 28, City of Madison Ordinance; OR your agency's comments cannot be considered prior to action.
- One copy for your files; one copy for file of appropriate telephone company; PLEASE RETURN one copy with joint comments.
- The above is located in your district. A copy is on file in the Planning & Development Office for review. If you have any questions or comments, contact our office at 266-4635.
- The above is located within or near the limits of your neighborhood organization. A copy is on file in the Planning & Development Office for review. If you have any questions or comments, contact our office at 266-4635.
- A resolution will be before the Common Council within a few weeks regarding this matter.

RETURN COMMENTS TO: PLANNING UNIT, DEPARTMENT OF PLANNING & DEVELOPMENT

NO COMMENTS / YOUR COMMENTS:

We have no problem with the subject outdoor eating area.  
 Kathy Weck  
 9-8-05  
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# 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: 9/6/05  
TO: Plan Commission  
FROM: Edwin J. Ruckriegel, Fire Marshal  
SUBJECT: **523 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. Per the IFC chapter 10 and MGO34:
  - a. Applicant shall post the capacity of the outside dining area in accordance International Fire Code 2003 edition.
  - b. Proposed deck shall not be located at, adjacent, or obstruct the required exits from the building.
  - c. Provide and maintain exits from the deck in accordance with the International Fire Code 2003 edition.
  - d. Submit a seating plan for the proposed deck space.

## **GENERAL OR STANDARD REVIEW COMMENTS**

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

- e. All exiting shall be shown all the way to the public way.

Please contact John Lippitt, MFD Fire Protection Engineer, at 608-261-9658 if you have questions regarding the above items.

cc: John Lippitt



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**Traffic Engineering Division**

David C. Dryer, City Traffic Engineer

Madison Municipal Building  
215 Martin Luther King, Jr. Boulevard  
P.O. Box 2986  
Madison, Wisconsin 53701-2986  
PH 608/266-4761  
TTY 608/267-9623  
FAX 608/267-1158

September 8, 2005

TO: Plan Commission

FROM: David C. Dryer, P.E., City Traffic Engineer

SUBJECT: **523 State Street – Conditional Use – Outdoor Eating Area**

The City Traffic 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. None

**GENERAL OR STANDARD REVIEW COMMENTS**

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

2. None

Please contact John Leach, City Traffic Engineering at 267-8755 if you have questions regarding the above items:

Contact Person: Gary Garten

Fax:

Email: Internet: Mondays@chrous.net

DCD:DJM:dm

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As per ALRC approval granted 7/20/05: Monday's is requesting a conditional use permit for our backyard area (15 x 25 ft. ). We will accommodate our customers during regular business hours on a supervised patio. The patio will simply be a cement slab enclosed by a 6 foot fence, with stand up tables to accommodate 25 people. Enclosed please find a letter of support from surrounding business owners and tenants, endorsing our proposal.

Thank you very much for your attention in this matter.