



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

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April 24, 2018

Rod Ripley
Luckys 1313 Brew Pub LLC
1335 Drake Street
Madison, WI 53715

RE: Legistar #50876; Accela 'LNDUSE-2018-00027' -- Approval of conditional use for a restaurant-tavern-brewpub to add outdoor recreation, re-approve a parking reduction, expand capacity of reception hall and outdoor eating area, and allow the reception hall and brewpub spaces to be combined for a certain amount of special events per year.

Dear Mr. Ripley:

At its April 23, 2018 meeting, the Plan Commission, meeting in regular session, found the standards met and approved your conditional use request to establish outdoor recreation (volleyball), and modify your existing conditional use to increase the capacity of the outdoor eating area, modify the layout of the outdoor eating area to add an outdoor bar, combine the reception hall space with the brewpub area for larger special events, re-approve the Plan Commission level parking stall reduction for the site at **1313 Regent Street**. In order to receive final approval of the conditional use, and for any permits to be issued for your project, the following conditions shall be met:

Please contact Tim Troester of the Engineering Division, at (608) 267-1995 if you have questions related to the following three (3) items:

1. Additional detail needs to be provided on how to control sand migration off site to the public storm sewer system.
2. The applicant shall submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or troester@cityofmadison.com (West). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2))PDF submittals shall contain the following information:
 - a. Building Footprints
 - b. Internal Walkway Areas
 - c. Internal Site Parking Areas
 - d. Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
 - e. Right-of-Way lines (public and private)
 - f. Lot lines or parcel lines if unplatted

- g. Lot numbers or the words unplatted
 - h. Lot/Plat dimensions
 - i. Street names
 - j. Stormwater Management Facilities
 - k. Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
3. Current plan shows less than 4,000 sf disturbed area. If plans are not revised, no Erosion Control or Storm Water Management Permits will be required.

Please contact Jeffery Quamme of the Engineering Division – Mapping Section at (608) 266-4097 if you have any questions regarding the following item:

4. The driveway and parking at 7 S. Randall Street to be used by this site for patrons approved in 2016 has not been constructed as of the date of this application. The reciprocal easement for this proposed condition has been recorded as Doc No. 5267583.

Please contact Sean Malloy of the Traffic Engineering Division at (608) 266-5987 if you have any questions regarding the following five (5) items:

5. 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.
6. One way operation of the site shall be secured by placing a "One Way" sign at the entrance and a "Do Not Enter" sign at the Exit.
7. 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.
8. 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.
9. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

Please contact Jenny Kirchgatter, the Assistant Zoning Administrator, at (608) 266-4429 if you have questions regarding the following eight (8) items:

10. Per the supplemental regulations for outdoor recreation, Section 28.151, provide a twenty-five (25) foot setback area between the proposed volleyball courts and the abutting residential zoned properties located to the east of the site. A twenty-five (25) foot minimum setback area maintained as open space shall be provided along the perimeter of the site wherever it abuts a residential district.
11. A re-evaluation of the previously approved parking reduction is required due to the requested change in capacity. The parking requirement for the brewpub, reception hall, and outdoor eating area with outdoor volleyball courts during general use and for proposed private parties and special events is 67 stalls based on a proposed capacity of 445 persons. 19 parking stalls are proposed resulting in a parking reduction of 48 stalls. The parking requirement for Badger Football Game Days will remain as previously approved at 99 stalls based on a capacity of 658 persons. The proposed parking reduction will remain as previously approved at 80 stalls.
12. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
13. On the plans, show the approved district boundary screening fence located adjacent the east property line. Screening shall be provided alongside and rear property boundaries between commercial/mixed-use districts and residential districts. Screening shall consist of a solid wall, solid fence, or hedge with year-round foliage, between six (6) and eight (8) feet in height.
14. Reduce the height of the proposed screening fence adjacent Bowen Court to a maximum of 8 feet in height. The maximum height of a screening fence in a mixed-use or nonresidential zoning district shall not exceed 8 feet in height.
15. The outdoor eating area shall meet applicable building/fire codes. The capacity shall be re-established for the outdoor eating area. Occupancy is established by the Building Inspection Unit. Contact Building Inspection at (608) 266-4559 to help facilitate this process.
16. Exterior lighting provided shall be in accordance with City of Madison General Ordinances Section 10.085. Provide an exterior lighting plan and fixture cut sheets with the final plan submittal.
17. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.

Please contact Bill Sullivan of the Fire Department at (608) 261-4289 if you have any questions regarding the following item:

18. Exiting and capacity counts shall be maintained at all times. Verify with MFD regarding the need for any operational permits/licenses.

Please contact Adam Wiederhoeft of the Water Utility at (608) 266-9121 if you have questions regarding the following two (2) items:

19. An existing 2015 8-IN water service exists in the approximate location of the proposed new 8-IN water service connection. Diameter reduction to 4-IN may not be permissible if existing line is used for fire protection purposes. Contact Adam Wiederhoeft at Madison Water Utility to confirm intent of proposed water service improvements associated with this development - awiederhoeft@madisonwater.org.
20. Madison Water Utility will be required to sign off as part of the approval review associated with this Land Use Application/Site Plan Review prior to the issuance of building permits for the proposed development.

Please contact my office at (608) 243-0554 if you have any questions regarding the following seventeen (17) items:

21. That there shall be no outdoor amplified sound in the outdoor eating area or in the sand volleyball courts.
22. That the sand volleyball courts and outdoor eating area shall close at 10:00 pm, nightly. No patrons shall remain in these areas after 10:00 pm. Only staff may be present after 10:00 pm for the purpose of area clean up. Lights to the volleyball court area shall be turned off by 10:15 pm.
23. That no whistles or amplified speakers be used during volleyball games.
24. That the approval is based on the most recently submitted site plan which shows the required twenty-five (25) foot setback area between the proposed volleyball courts and the abutting residential zoned properties located to the east of the site. The corresponding exhibit provided has not been reviewed by City agencies. Additional conditions may be recommended based on agency review and applicable requirements.
25. That the screening fence along the eastern and southern property boundary be extended to eight (8) feet in height.
26. That final details on the seasonal netting and support brackets be provided for approval by staff. Any supports used for the seasonal netting shall be removable and not present when the net is not in use.
27. That final details on the volleyball courts shall be provided for approval by staff. This shall include information on any edging used to contain sand.
28. That the outdoor seating area and outdoor volleyball courts shall not be available of use during regular season Wisconsin Badger home football games.
29. That the reception hall/room shall close at midnight.

30. That the parking facilities must be available at all times, and shall not be shut down for any events.
31. That maximum capacities shall be approved by City Building Inspection but shall not exceed:
- a) 208 for brewpub (number of available seats, plus staff, plus a reasonable number of people waiting for seats)
 - b) 82 for patio (chairs & tables – drive capacity number, includes players for volleyball courts)
 - c) 155 for reception hall/room where furniture, tables, and chairs are present (fixed-seat capacity)
 - d) 450 for reception hall/room when no tables or chairs are present (general assembly capacity)

An alteration to this conditional use shall be required prior to granting a higher capacity.

32. The reception hall/room may be used with the general assembly capacity for Wisconsin Badger Home Football games and other events open to the public taking place within Camp Randall Stadium. The capacity will be limited to 155 (the fixed-seat capacity) on all other days/events. To minimize parking impacts, the reception hall space shall not be used as expanded capacity for the brewpub. In no event shall the reception hall be used as a music venue other than music provided in conjunction with private events such as weddings, receptions, private parties (retirement, birthday, holiday, reunion, or other special occasions including private events hosted related to Kohl Center and Camp Randall sporting events and concerts).
33. The applicant may combine the brewpub and reception hall spaces for private events such as weddings, receptions, private parties (retirement, birthday, holiday, reunion, or other special occasions including private events hosted related to Kohl Center and Camp Randall sporting events and concerts). During these private events, the entire property would be closed to the general public and the maximum capacity of the site shall be 445 persons (208 persons for the brewpub, 155 persons for the reception hall, and 82 for the outdoor area). The doors are required to be closed and locked to reception hall space but for when it is being used for separate events.
34. The applicant may also host 16 events per year (no more than four (4) per month, and no more than two (2) per week), where the brewpub and reception space would be combined for a maximum capacity of 445 persons for the entire site (208 persons for the brewpub, 155 persons for the reception hall, and 82 for the outdoor area) and open to the general public. The doors are required to be closed and locked to reception hall space but for when it is being used for separate events. If the applicant chooses to host more than these 24 events per year, an alteration to this conditional use will be required.
35. In connection with special event days during which the reception hall will be open to brewpub patrons, the applicant shall follow a management plan for operations of the site at all times, including during special event days which will have increased staffing, security personnel, and cleaning staff. The applicant shall submit the management plan for final sign-off review.
36. The applicant shall provide advance notice of each special event day to the Zoning Administrator, and Police and Fire Departments.
37. That the lighting shall be dark sky compliant.

Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency.

Please now follow the procedures listed below for obtaining your conditional use:

1. Please revise your plans per the above conditions and submit **eight (8) copies** of a complete, fully dimensioned and scaled plan set to the Zoning Administrator for final review and comment. Also be sure to include any additional materials requested by these departments for their approval prior to sign off. The final site plan shall be accompanied by the appropriate site plan review application and fee pursuant to Section 28.206 of the Zoning Code, and any other documentation requested herein with the Zoning Administrator, 126 S. Hamilton Street. **This submittal shall all also include one complete digital plan set in PDF format.** The sets of final revised plans or documents will be circulated by the Zoning staff to the City department staff listed above for their final approval.
2. This property is located within in a wellhead protection district. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. 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.
3. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting conditional use approval.
4. The approval is valid for one (1) year from the date of the Plan Commission approval. During this time, the applicant must either lawfully commence the use or obtain a building permit and begin erecting the building. If the applicant obtains a valid building permit, construction must commence within six (6) months of the date of issuance. The building permit shall not be renewed unless construction has commenced as is being diligently prosecuted.
5. Any alteration in plans for a proposed alternative use shall require Plan Commission approval, except for minor alterations. The Zoning Administrator may issue permits for minor alterations or additions which are approved by the Director of Planning and Community and Economic Development and are compatible with the concept approved by the City Plan Commission and the conditional use approval standards.
6. The Plan Commission retains continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses.

If you have any questions regarding obtaining your conditional use or building permits, please contact the Zoning Administrator at (608) 266-4551. If you have any questions or if I may be of any further assistance, please do not hesitate to contact my office at (608) 243-0554

Sincerely,



Sydney Prusak
Planner

I hereby acknowledge that I understand and will comply with the above conditions of approval for conditional use.

Signature of Applicant

Signature of Property Owner (if not the applicant)

cc: Tim Troester, City Engineering
Jeffery Quamme, Engineering Mapping
Sean Malloy, Traffic Engineering
Jenny Kirchgatter, Zoning
Bill Sullivan, Fire Department
Adam Wiederhoeft, Water Utility

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (Prusak)	<input checked="" type="checkbox"/>	Engineering Mapping Sec.
<input checked="" type="checkbox"/>	Zoning Administrator	<input type="checkbox"/>	Parks Division
<input checked="" type="checkbox"/>	City Engineering	<input type="checkbox"/>	Urban Design Commission
<input checked="" type="checkbox"/>	Traffic Engineering	<input type="checkbox"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input checked="" type="checkbox"/>	Water Utility
<input type="checkbox"/>	Metro Transit	<input type="checkbox"/>	Other: