



Department of Planning & Community & Economic Development

## Planning Division

Heather Stouder, Director

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September 19, 2017

Michael Desbarres  
Mob Design, LLC  
624 W. Madison Street  
Spring Green, WI 53588

RE: Legistar #48337; Accela 'LNDUSE-2017-00080' -- Approval of a conditional use request to establish a nightclub in an existing building at **3116 Commercial Avenue**.

Dear Mr. Desbarres:

At its September 18, 2017 meeting, the Plan Commission, meeting in regular session, found the standards met and approved your client's conditional use request to establish a nightclub in an existing building at **3116 Commercial Avenue**, subject to the conditions below. 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 Brenda Stanley of the City Engineering Division at (608) 261-9127 if you have any questions regarding the following eight (8) items:**

1. Based on WDNR records (BRRTS #03-13-000304, 03-13-002516), the property may contain residual contaminated soil. If contaminated soil is encountered as part of this redevelopment, all WDNR and DSPS regulations shall be followed for proper handling and disposal.
2. An erosion control permit application & fee shall be submitted to the Engineering Division for review and approval prior to grading or any other construction activities. The Preconstruction Meeting for Public Improvements shall not be scheduled prior to issuance of this permit. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 5-tons per acre per year.
3. The construction of this project will require that the applicant shall enter into a City / Developer agreement for the required infrastructure improvements. The applicant shall contact City Engineering to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. Obtaining a developer's agreement generally takes approximately 4-6 weeks, minimum. (MGO 16.23(9)c)

4. The approval of this zoning approval does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. (MGO 16.23(9)(d)(6))
5. The Applicant shall provide the City Engineer with a survey indicating the grade of the existing street for the design of the sidewalk, curb and adjacent pavement. (POLICY)
6. All work in the public right-of-way shall be performed by a City licensed contractor. (MGO 16.23(9)(c)5) and MGO 23.01)
7. The Applicant shall Construct Sidewalk to a plan approved by the City
8. The Applicant shall make improvements to Rethke Ave & Commercial Ave. The improvements shall consist of Installing curb and gutter, terrace improvements and up to half of the roadway along the frontages as determined by City Engineer. (MGO 16.23(9)(d)(6))

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

9. The site plan shall include all existing and proposed utility locations. Most notably there is storm sewer adjacent to the southerly and easterly sides of this property. The storm sewer needs to be accurately located in relation to the true property lines and shown on the plan. This shall be done to determine if the proximity of the storm sewer to the site boundary requires a public storm sewer easement to be drafted and recorded over the southeasterly portion of the property.

**Please contact Eric Halvorson of the Traffic Engineering Division at (608) 266-6527 if you have any questions regarding the following ten (10) items:**

10. To limit interference to the street and an improved pedestrian environment, the entrances on Rethke Avenue shall be reduce in width to a more typical one-way entrance of 10 to 15 feet.
11. 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.
12. 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.

13. 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.
14. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
15. Note: Traditionally Commercial Ave Service Rd has not had parking and with increased development and the addition of street improvements the applicant can expect this condition to return.
16. All entrances shall be modified from 'street' type entrances to 'commercial' entrances.
17. "Stop" signs shall be installed at a height of seven (7) feet at all class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
18. 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.
19. The applicant shall adhere to all vision triangle requirements as set in MGO 27.05 (No visual obstructions between the heights of 30 inches and 10 feet – 25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO 27.05(2)(bb) – Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer. Note: Future fenced outdoor patio may be in violation of the vision triangle.

**Please contact Jenny Kirchgatter of the Zoning Division at (608) 266-4429 if you have any questions regarding the following ten (10) items:**

20. Provide a calculation and plan detail for lot coverage with the final submittal. The lot coverage maximum is 85%. Lot coverage is defined as the total area of all buildings, measured at grade, all accessory structures including pools, patios, etc., and all paved areas as a percentage of the total area of the lot, with the following exceptions: sidewalks or paved paths no wider than five (5) feet, pervious pavement, green roofs and decks.
21. Bicycle parking shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of 16 short-term bicycle parking stalls located in a convenient and visible area on a paved or impervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance. Show the bicycle parking locations and numbers consistently through the plan set. Note: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Provide a detail of the proposed bike rack.
22. 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.

23. Confirm that the proposed landscape island located within the west row of parking contains a minimum of 75% vegetative cover. Per Sections 28.142(3)(c) and 28.142(4)(e), planting beds or planted areas must contain at least 75% vegetative cover mulched. Mulch shall consist of shredded bark, chipped wood or other organic material installed at a minimum depth of two (2) inches.
24. Verify whether new rooftop mechanical equipment will be installed. All rooftop and ground level mechanical equipment and utilities shall be fully screened from view from any street or residential district per Section 28.142(9)(d).
25. 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.
26. The proposed nightclub shall conform to the Supplemental Regulations of Section 28.151 for a Nightclub.
27. The area identified as future outdoor patio will require a separate Conditional Use review and approval from Plan Commission.
28. 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.
29. 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. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

**Please contact Bill Sullivan of the Fire Department at (608) 261-9658 if you have any questions regarding the following four (4) items:**

30. Provide documentation on the exiting width/capacity. IBC 1028.2 Ensure that the main entrance is capable of accommodating at least 50% of the capacity.
31. All sound dampening materials shall comply with Chapter 8 of the IBC.
32. The fire sprinkler system piping shall be designed to allow expansion into the existing garage at a later date.
33. A Place of Assembly License will be required prior to occupancy. Additional information can be found at: <http://www.cityofmadison.com/fire/permits-inspections/licenses-permits/licenses-permits-applications>

**Please contact Adam Wiederhoeft of the Madison Water Utility at (608) 266-9121 if you have any questions regarding the following three (3) items:**

34. The proposed development requires installation of a fire protection/automatic sprinkler system (see also Madison Fire Department review comments); subsequently, a higher capacity water service lateral may be required to meet required flow rates. Verify existing 2-inch diameter water lateral is sufficient to serve the proposed fire protection system.
35. Contact the Water Utility Meter Department at (608) 266-4765 to review proposed water demands/proposed supply fixture units to determine if any new customer account or domestic meter changes will be required.
36. 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 Janet Schmidt of the Parks Division at (608) 261-9688 if you have questions regarding the following two (2) items:**

37. Spacing changes street trees are needed for this project. All street tree planting locations and trees species within the right of way shall be determined by City Forestry. Please submit a site plan (in PDF format) to Brad Hofmann – [bhofmann@cityofmadison.com](mailto:bhofmann@cityofmadison.com) or 266-4816. Tree planting specifications can be found in Section 209 of City of Madison Standard Specifications for Public Works Construction.
38. Contractor shall contact City Forestry Brad Hofmann [bhofmann@cityofmadison.com](mailto:bhofmann@cityofmadison.com) or 266-4816 at least one week prior to planting to schedule inspecting the nursery stock and review planting specifications with the landscaper.

**Please contact Tim Sobota, Metro Transit, at (608) 261-4289 if you have any questions regarding the following item:**

39. Metro Transit provides daily bus service along East Washington Avenue, at stops in the Rethke Avenue intersection. Trips operate at least once every 30 minutes on weekdays, but only pass once an hour each direction on weekends. The last trips westbound - towards the downtown and campus - depart approximately 11:05 pm on weeknights, and 10:10 pm on weekend evenings. The final departures heading the opposite direction, towards East Towne Mall, depart around midnight during the week, and 11:15 pm on Saturdays and Sundays.

**Please contact my office at (608) 261-9135, if you have questions regarding the following four (4) items:**

40. That the nightclub shall operate consistently with the conditions approved as part of the Alcohol and Entertainment licenses including: a) The size of the nightclub shall be 5,800 square feet; and b) capacity shall not exceed 325 persons. 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.

41. All doors and windows associated with nightclub shall not be kept open.
42. There shall be no amplified sound, including, but not limited to television, ambient music or musical performances, on the exterior of the building.
43. That no outdoor seating areas are approved as part of this request.

**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 **nine (9) 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 not 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.
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) 261-9135.

Sincerely,



Chris Wells  
 Planner

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| <p>I hereby acknowledge that I understand and will comply with the above conditions of approval for the conditional use permit.</p><br><br><hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <p style="text-align: center;"><i>Signature of Applicant</i></p><br><br><hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <p style="text-align: center;"><i>Signature of Property Owner (if not the applicant)</i></p> |
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- cc: Brenda Stanley, Engineering – Main Office  
 Jeff Quamme, Engineering Mapping  
 Eric Halvorson, Traffic Engineering  
 Jenny Kirchgatter, Zoning  
 Bill Sullivan, Fire Department  
 John Sapp, City Engineering  
 Janet Schmidt, Parks/Forestry  
 Adam Weiderhoeft, Water utility

| <b>For Official Use Only, Re: Final Plan Routing</b> |                       |                                     |                          |
|--|-----------------------|-------------------------------------|--------------------------|
| <input checked="" type="checkbox"/>                  | Planning Div. (Wells) | <input checked="" type="checkbox"/> | Engineering Mapping Sec. |
| <input checked="" type="checkbox"/>                  | Zoning Administrator  | <input checked="" 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:                   |