



Department of Planning & Community & Economic Development

## Planning Division

Heather Stouder, Director

126 S. Hamilton Street  
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July 20, 2018

Josh Jiru  
Swine Madison, LLC  
5269 Bishops Bay Parkway  
Middleton, WI 53597

RE: Legistar #51950; Accela ID: 'LNDUSE-2018-00058' -- Approval of a Conditional Use to establish a  
an outdoor eating area for a restaurant-tavern on a property zoned DC (Downtown Core District)  
at 101 N Hamilton Street.

Dear Mr. Jiru:

At its July 16, 2018 meeting, the Plan Commission, meeting in regular session, found the standards met and approved your conditional use request to establish an outdoor eating area for a restaurant-tavern at **101 N Hamilton**, 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 Sean Malloy of the Traffic Engineering Division at (608) 266-5987 if you have any questions regarding the following two (2) items:**

1. The applicant shall work with Traffic Engineering to secure outdoor eating area. Typically this is done with a gate that has a swing radius that does not encroach on the Right of Way.
2. 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.

**Please contact Jacob Moskowitz, the Assistant Zoning Administrator at (608) 266-4560 if you have any questions regarding the following three (3) items:**

3. A bicycle parking reduction will be required per Section 28.141(5). Submit a request for a bicycle parking reduction with the final plan submittal including information to support the argument for reducing the required number of bicycle spaces.

4. Meet applicable building/fire codes. The capacity shall be established for the outdoor eating area. Occupancy is established by the Building Inspection Unit. Contact Building Inspection staff at (608) 266-4559 to help facilitate this process.
5. If you have a license to sell alcohol in an outdoor eating area, the Alcohol License Review Committee will establish conditions for operation, which involve fencing, security guards, toilet facilities, litter, etc. All businesses that sell alcohol must comply with the requirements imposed by the Alcohol License Review Committee at the time of issuance of your original application to expand or change your licensed premises to include the outdoor eating area. It is your responsibility to have the outdoor service area added to your licensed premise. Please contact the City Clerk's office for assistance ALRC issues.

**Please contact my office at (608) 243-0554 if you have any questions regarding the following five (5) items:**

6. The hours of operation for the outdoor eating area located in front of the space addressed as 101 N Hamilton, shall be 3:00 p.m. – 11:00 p.m. Monday through Friday and 11:00 a.m. – 11:00 p.m. on Saturdays. Future modifications to the hours of operation of the outdoor eating area may be considered as a minor alteration of the conditional use following a recommendation by the District Alder.
7. The capacity of the outdoor eating area located in front of the space addressed as 101 N Hamilton shall not exceed 10 persons (note: the final details of the seating plan and capacity to be approved by the Building Inspection Unit). Future modifications to the capacity of the outdoor eating area may be considered as a minor alteration of the conditional use following a recommendation by the district alder and approval from the Building Inspection Unit.
8. There shall be no amplified sound, including, but not limited to television, ambient music or musical performances, in the outdoor eating area located in front of the tenant space addressed as 101 N Hamilton.
9. The applicant shall submit a more detailed and scaled seating plan that indicates exactly how many seats will be on the patio, as well as materials for the updated fencing, to be reviewed for final sign-off.
10. Changes to the exterior and railing require approval by the Landmarks Commission or the Preservation Planner per MGO §41.18(1)(a).

**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:**

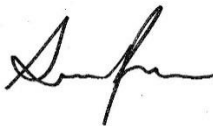
1. Please revise your plans per the above conditions and submit **four (4) copies** of a complete, fully dimensioned and scaled plan set to the Zoning Administrator for final review and comment. Also be sure to include any additional materials requested by these departments for their approval prior to 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) 243-0554.

Sincerely,



Sydney Prusak  
 Planner

I hereby acknowledge that I understand and will comply with the above conditions of approval for the conditional use permit.	
_____ <i>Signature of Applicant</i>	
_____ <i>Signature of Property Owner (if not the applicant)</i>	

cc: Sean Malloy, Traffic Engineering  
 Jacob Moskowitz, Zoning

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