



Department of Planning & Community & Economic Development
Planning Division

Website: www.cityofmadison.com

Madison Municipal Building
215 Martin Luther King, Jr. Boulevard
P.O. Box 2985
Madison, Wisconsin 53701-2985
TDD 608 266-4747
FAX 608 267-8739
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April 11, 2007

Jon Okonek
Johnny O's
620 University Avenue
Madison, Wisconsin 53715

RE: Approval of a conditional use for an outdoor seating area to serve a restaurant/bar/ entertainment complex located at 620 University Avenue.

Dear Mr. Okonek:

The Plan Commission, meeting in regular session on April 9, 2007 determined that the ordinance standards could be met and **approved** your request a conditional use for an outdoor eating area, subject to the conditions below. In order to receive final approval of the conditional use, the following conditions must be met:

Please contact Kathy Voeck, the Assistant Zoning Administrator, at 266-4551 if you have questions regarding the following item:

1. Obtain a rear yard variance for the stairway enclosure in the rear of the building [if you have not already].

Please contact Scott Strassburg, Madison Fire Department, at 261-9843 if you have questions about the following item:

2. Per the International Fire Code Chapter 10 and MGO Section 34:
 - a.) the applicant shall submit approved capacity with the site plan and post the capacity of the outside dining area in accordance International Fire Code 2006 edition;
 - b.) the proposed deck, patio or fenced in area shall not be located at, adjacent or obstruct the required exits from the building;
 - c.) provide and maintain exits from the deck, patio or fenced in area in accordance with the International Fire Code 2006 edition;
 - d.) submit a seating plan for the proposed deck, patio or fenced in area space;
 - e.) [Note: The condition requiring automatic fire sprinklering of throughout the building was rescinded by the Fire Marshal.]

Please contact my office at 261-9632 if you have any questions about the following three Plan Commission conditions of approval:

3. That outdoor amplified sound be ambient in nature using up to eight-inch [diameter] speakers, and that all outdoor amplified sound end at 10 P.M. daily.
4. The conditional use granted for an outdoor eating area at 620 University Avenue shall be contingent upon compliance with the memorandum of agreement between the applicant, Jon Okonek, and the Varsity of Madison, LLC, dated April 7, 2007, and that any failure of such compliance at any time subsequent to the

granting of the conditional use permit may serve as the foundation for the Plan Commission to assert its continuing jurisdiction to review the conditional use.

5. That the applicant work with staff from the Planning Division to move the railing adjacent to University Avenue back a sufficient distance in the interest of public safety to reduce the potential for objects being thrown over the railing onto University Avenue. [Staff recommends that the railing be moved back five feet from its current location parallel to University Avenue in order to satisfy this condition.]

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

1. Please revise your plans per the above and submit *five (5) copies* of a complete 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.
2. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting demolition and/or building permit approval.
3. No alteration of this proposal shall be permitted unless approved by the Plan Commission, provided, however, the Zoning Administrator may issue permits for minor alterations. This approval shall become null and void one year after the date of the Plan Commission unless the use is commenced, construction is under way, or a valid building permit is issued and construction commenced within six months of the issuance of said building permit. The Plan Commission shall retain jurisdiction over this matter for the purpose of resolving complaints against the approved demolition permit.

If you have any questions regarding obtaining your demolition or building permits, please contact the Zoning Administrator at 266-4551. If you have any questions or if may be of any further assistance, please do not hesitate to contact my office at 261-9632.

Sincerely,

Timothy M. Parks
Planner

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

Signature of Applicant

cc: Kathy Voeck, Assistant Zoning Administrator
Scott Strassburg, Madison Fire Department

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Unit (T. Parks)	<input type="checkbox"/>	Recycling Coordinator (R & R)
<input checked="" type="checkbox"/>	Zoning Administrator	<input checked="" type="checkbox"/>	Fire Department
<input type="checkbox"/>	City Engineering	<input type="checkbox"/>	Urban Design Commission
<input type="checkbox"/>	Traffic Engineering	<input type="checkbox"/>	Other: