



Department of Planning & Community & Economic Development
Planning Division

Website: www.cityofmadison.com

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January 19, 2010

Ronald M. Trachtenberg
Murphy Desmond, SC
PO Box 2038
Madison, WI 53701

RE: Approval of a conditional use to allow for an outdoor eating / recreation area and parking reduction for a tavern at 6402 Millpond Road

Dear Mr. Trachtenberg:

At its January 11, 2010 meeting, the Plan Commission found the conditional use standards met and approved your client's conditional use application to allow for an outdoor eating / recreation area and parking reduction for a tavern at 6402 Millpond Road, subject to the conditions below. In order to receive final approval of the conditional use, the following conditions must be met:

Please contact Janet Dailey, City Engineering Division, at 261-9688 if you have questions regarding the following two (2) items:

1. Burse Surveying & Engineering has agreed to revise their Plat of Survey base drawing to include the existing public sanitary sewer and watermain easement per Document No. 1848256 to better memorialize this record. Burse Surveying & Engineering was provided copy of the recorded easement document via email attachment from Engineering Mapping on 12/23/2009.
2. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the Engineering Division. (Lori Zenchenko) lzenchenko@cityofmadison.com. The digital copies shall be drawn to scale and represent final construction including: building footprints, internal walkway areas, internal site parking areas, lot lines/ numbers/ dimensions, street names, and other miscellaneous impervious areas. All other levels (contours, elevations, etc) are not to be included with this file submittal. Email file transmissions are preferred. The digital CAD file shall be to scale and represent final construction. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format. Please include the site address in this transmittal.

Please contact John Leach, Traffic Engineering Division, at 267-8755 if you have questions about the following eight (8) items:

3. The applicant shall provide a four (4) ft high fence along the outdoor eating area separating the outdoor eating area from the parking lot. All information as tables and seating shall be shown or noted on the plan. This fence is required to prevent vehicles from encroaching into the outdoor eating area and defines the outdoor eating from the parking lot for the customers.

4. The applicant shall submit traffic circulation through the parking lot according to M.G.O. The applicant shall submit a event signage and barricade plan; how parking spaces are to be securing the traffic circulation on site operation to be approved by City Traffic Engineering.
5. The applicant shall indicate the type of City approved bicycle racks to be installed and locations. The bike rack should be located by the entrances to the buildings.
6. When the applicant submits final plans of one contiguous plan for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, showing all easements, all pavement markings, building placement, and stalls, adjacent driveway approaches to lots, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.
7. When site plans are submitted for approval, the developer shall provide recorded copies of the joint driveway ingress/egress and easements.
8. A "Stop" sign shall be installed at a height of seven (7) feet at all driveway approaches. All signs at the approaches shall be installed behind the property line. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan for both daily and special event operations.
9. The applicant shall design the surface stalls and backing up according to Figures II of the ordinance using the 9' or wider stall for the commercial/retail area. Drive aisles, ramps, columns, offices or work areas are to be excluded from these rectangular areas, when designing parking areas.
10. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Please contact Pat Anderson, Assistant Zoning Administrator, at 266-5978 if you have any questions regarding the following nine (9) items:

11. Meet all applicable State accessible requirements, including but not limited to:
 - a. Provide a minimum of four accessible stalls striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8' wide with an 8' striped out area adjacent.
 - b. Show signage at the head of the stalls.
 - c. Show the accessible path from the stalls to the building.
12. Provide 10 bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. The bike racks shall be securely anchored to the ground or building to prevent the racks from moving. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area.
13. Meet applicable building/fire codes for the additional outdoor capacity and for ingress and egress of the establishment with the areas and uses for the site. Occupancy is established by the Building Inspection Unit. Contact Alan Harper at 266-4558 to help facilitate this process.
14. Parking lot plans with greater than twenty (20) stalls, landscape plans must be stamped by a registered landscape architect. Provide a landscape worksheet with the final plans that shows that the landscaping provided meets the point and required tree ordinances.
15. The submitted plans reflect that the proposal is 113 parking spaces deficient or 285% of the required number of spaces for the proposed use. As part of this application the Plan Commission will consider approval of a parking reduction.

16. If outdoor lighting is provided, it must comply with City of Madison outdoor lighting standards, it must comply with City of Madison General Ordinances Section 10.085.
17. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 of the Madison General Ordinances. Sign permits must be issued by the Zoning Section of the Department of Planning and Community and Economic Development prior to sign installations. Banner's, Pennant's, temporary signs, portable sign's etc. are not a part of this approval.
18. No portion of the site plan may change without Plan Commission approval, however, 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 standards in 28.12(11)(g).
19. Event area obstructs the flow of traffic though the site. The approved site plan must show compliant parking lot layout and vehicle movements as approved by Traffic Engineering.

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

20. Per the IFC chapter 10 and MGO34:
 - a. Applicant shall submit approved capacity with the site plan and post the capacity of the outside dining area in accordance International Fire Code 2009 edition.
 - b. 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 2009 edition.
 - d. Submit a site plan showing any/all seating, bar, tent, dumpster, structures and fixtures for the proposed deck, patio or fenced in area space.

Please contact my office at 267-1150 if you have questions regarding the following ten (10) items:

21. Outdoor venue/amplification use will be permitted on Friday and Saturday evenings, as well as Sundays from 12 pm to 8 pm if this day falls prior to a Monday holiday; permission for any other day may be granted with prior approval from MPD East District command staff, said request shall be made a minimum of 48 hours prior to the event.
22. No amplification prior to Noon or past 12 am allowed during any day or special event.
23. Amplification shall be no louder than 45 decibels within a 100' radius of Rev. Jim's property line; amplification may include live or pre-recorded music.
24. A minimum of one visible identifiable security staff for every 50 customers; security will be responsible for monitoring inside the tavern, outdoor seating or stage area and parking lot.
25. A licensed security company shall be retained to assist with larger scale outdoor events on a case-by-case basis after consultation with MPD.
26. Semi-trucks shall not be allowed extended parking (in excess of one hour) in the lot, although this would not prohibit short-term delivery of supplies to include loading and unloading.

- 27. Fencing shall be required surrounding the designated outside venue as depicted in the proposal with signage indicating "no alcoholic beverages past this point."
- 28. Capacity kept at 581.
- 29. That the applicant provide signed agreements for the proposed off-site shared parking for staff approval prior to final approval of the conditional use.
- 30. That this conditional use shall be valid for a period of one year from the date of Plan Commission approval. Per the request of the district alderperson, Planning Division staff will contact appropriate representatives from the Police Department and alderperson regarding ongoing operations prior to the end of the first year of operation. Planning Division staff may renew this approval if no complaints have been filed with the Zoning Administrator and if there are no concerns regarding the operation. The continuing jurisdiction standards shall still apply. Should complaints, concerns, or issues arise regarding this condition use, this conditional use will be referred to the Plan Commission for further consideration.

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

- 1. Please revise your plans per the above and submit eight (8) 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. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. City Engineering staff will review plans for compliance. Please note, this property is not in a Wellhead Protection District.
- 3. 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.
- 4. 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 conditional use.

If you have any questions regarding obtaining the conditional use approval, 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 267-1150.

Sincerely,

Kevin Firchow, AICP
 Planner

cc: Janet Dailey, City Engineering Division
 John Leach, Traffic Engineering Division
 Scott Strassburg, Madison Fire Department
 Pat Anderson, Asst. Zoning Administrator

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

Signature of Applicant

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (Firchow)	<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 type="checkbox"/>	Other: