



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

215 Martin Luther King Jr. Boulevard

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August 27, 2019

Jason Socha
Alabaster Holdings, LLC.
3116 Commercial Avenue
Madison, WI 53714

RE: Legistar #56800; Accela ID: 'LNDUSE-2019-00085' -- Approval of a Conditional Use to add an outdoor eating area for an existing nightclub in the Traditional Employment (TE) District at 3116 Commercial Avenue.

Dear Mr. Socha:

At its August 26, 2019 meeting, the Plan Commission, meeting in regular session, found the standards met and **approved** your conditional use request to add an outdoor eating area for an existing nightclub in the Traditional Employment (TE) District 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–Main Office at (608) 261-9127 if you have questions regarding the following item:

1. Based on WDNR records (BRRS #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.

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

2. The proposed improvements are within a public Sloping and Grading Easement. Any improvements are subject to the rights of the City of Madison when Commercial Avenue is reconstructed. The enclosure and any other improvements will be required to be removed by the owner when necessary when the street is reconstructed in the future.

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

3. The applicant shall secure their patio from the Commercial Avenue Right of Way with a fence or a substantial barrier.

Please contact Jenny Kirchgatter, Assistant Zoning Administrator, at (608) 266-4429 if you have any questions regarding the following two (2) items:

4. The applicant is not seeking to increase the overall capacity of the nightclub establishment. 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. 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) 261-9658 if you have any questions regarding the following item:

6. The patio gates shall incorporate panic hardware for exiting the building & patio area.

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

7. The applicant shall submit more details and high-resolution colored renderings of the design and materials of the outdoor eating area fence for review by Zoning and Planning Staff before final sign off.
8. There shall be no amplified sound, including, but not limited to television, ambient music or musical performances, in the outdoor eating area.
9. The hours of operation for the outdoor eating area shall be 4:00 pm-2:00 am, Wednesdays through Saturdays, and 1:00 pm-10:00 pm on Sundays.
10. Pending review by the Building Inspection Division, the capacity of the outdoor eating area shall not exceed 50 persons (as approved by the Alcohol License Review Committee).

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 **seven (7) 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, 215 Martin Luther King Jr. Boulevard. **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

cc: Brenda Stanley, Engineering
 Jeff Quamme, Engineering–Mapping
 Sean Malloy, Traffic Engineering
 Jenny Kirchgatter, Zoning
 Bill Sullivan, Fire Department

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>	

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