



Department of Planning and Community and Economic Development
Building Inspection Division

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TO: Katherine Plominski, Alcohol Policy Coordinator
FROM: Matt Tucker, Zoning Administrator
DATE: January 15, 2010
RE: Bernie and Tony's back Door, 4265 W. Beltline Hwy.

I am aware that a party has applied for an alcohol license for a new restaurant-tavern at 4265 W. Beltline Highway. You have asked for a brief summary of the zoning and development related issues that must be resolved before the business may open at this location.

City records dating back to 1975 identify the principal building on this site as a single family residence. In current configuration, it appears there may be an office in the first floor and a residence above, but I have found no permit record to allow for this mix of uses at the site. I am not aware of a proposal to eliminate the dwelling unit (s) or if the upper unit will remain.

The change-of-use of the property/site to facilitate the restaurant-tavern land use will require the building and site to be converted from residential to commercial use, including the installation of a commercial parking lot. Generally, the required changes to the site would include:

- The provision of the required number of off-street parking spaces.
- An approved parking lot layout, designed in compliance with the City's construction and design requirements for parking lots (M.G.O. 10.08), and demonstrating compliance with landscaping requirements as outlined in the Zoning Ordinance (M G O 28).
- The provision of required accessible parking spaces, bicycle parking, and parking lot lighting.

The applicant has met with zoning staff earlier this week to discuss zoning-related issues that must be resolved before the occupancy may be approved. No plans were shared at this meeting, and it was discussed that a parking reduction likely will be requested, given the proposed occupancy relative to the parking requirement and the likely inability of the site to provide the required minimum number of off-street parking spaces. It is possible that site plan and parking issues could be resolved, with consideration offered to the following:

- The parking requirement for this land use has not been determined, but appears to be between 30 and 33 stalls (30% of 100-110 person occupancy).
- The existing parking arrangement on site is inadequate for a commercial building, and does not conform to City requirements. It must be modified or replaced with an approved, compliant parking lot. No site plan has been submitted or approved to date.
- A parking reduction could be requested, but it has not been determined if this reduction could be within the threshold of administrative approval or will require Conditional Use approval by the City's Plan Commission.

When all the relevant facts surrounding these issues are provided, we will have a better idea as to process and likelihood of the proposed restaurant-tavern land use and occupancy being approved.

Feel free to contact me should you have any further questions regarding this matter.