



Department of Planning & Community & Economic Development
Planning Division

Website: www.cityofmadison.com

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March 24, 2009

Harvey L. Temkin, Esq.
Reinhart Boerner Van Deuren SC
PO Box 2018
Madison, WI 53703

RE: Continuing Jurisdiction Hearing – 1419 Monroe Street (Stadium Sports Bar and Eatery)

Dear Mr. Temkin:

On January 26, 2009, the Plan Commission found that standards number 1 and 3 relative to conditional uses were not met and denied approval to operate a beer garden at the above-referenced property for the following events: 1) The University of Wisconsin Spring Football Game, 2) The Crazy Legs Run, 3) The WIAA High School Football Championships, and 4) "Other similar events that may arise in the future."

The Plan Commission, at its meeting of March 23, 2009, approved the following modifications and additional conditions determined necessary to bring the remaining aspects of your existing conditional use into compliance with the standards set forth in Section 28.12(11)(g) and previous conditions imposed by the Plan Commission. Upon meeting the conditions in this letter, the conditional use approval for the above-referenced property includes:

1. Approval to operate a beer garden in accordance with terms and events specified in the Uniform Operating Conditions Letter of 1998, when operated in accordance to approved site and management plans and below conditions.
2. Approval to operate two or three court sand volleyball courts when operated in accordance to approved site plans and below conditions.
3. Approval to utilize the area adjacent to the building for "year-round" eating and drinking, when operated in accordance to approved site plans and below conditions.

In order to receive final approval of the conditional use and for the conditional use to be in effect, the following conditions must be met and this letter signed and returned to the Zoning Administrator:

Please contact Janet Dailey, City Engineering Division, at 261-9688 if you have questions regarding the following item:

1. Revise plans to provide for a mechanism to keep sand out of the existing catchbasin during the sand volleyball activities.

Please contact John Leach, Traffic Engineering Division, at 267-8755 if you have questions about the following five (5) items:

2. When the applicant submits final plans all phases 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, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), volleyball courts, beer garden, 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'.
3. A "Stop" sign shall be installed at a height of seven (7) feet at the approach. 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.
4. The applicant shall show the dimensions for proposed and existing parking stalls' items B, C, E, and degree of angle parking width and backing up, according to Figures II "Medium and Large Vehicles" parking design standards in Section 10.08(6)(b) 2. Signs and planting areas are to be excluded from the rectangular stall areas including the two (2) feet of vehicle overhang. The two (2) feet of vehicle overhang shall be shown on the plan and dimensioned.
5. 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 Matt Tucker, Zoning Administrator, at 266-4569 if you have any questions regarding the following five (5) items:

6. 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.
7. Beer garden site plan shall be in effect only for Wisconsin Badger home football games and stadium concerts, as outlined in 1998 uniform operating conditions letter. (This approval does not include the spring game.)
8. 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.
9. If outdoor lighting is provided, it must comply with City of Madison outdoor lighting standards.
10. 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).

Please contact Scott Strassburg, at 261-9843 if you have any questions regarding the following five (5) items:

11. Per the IFC chapter 10 and MGO34:
 - a) Proposed deck, patio or fenced in area shall not be located at, adjacent or obstruct the required exits from the building.

- b) Provide and maintain exits from the deck, patio or fenced in area in accordance with the International Fire Code 2006 edition.
 - c) Proposed deck, patio or fenced in area shall not be located at, adjacent or obstruct the required exits from the building.
 - d) Submit a seating plan for the proposed deck, patio or fenced in area space.
12. 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.
13. All different setups shall have a listed & approved capacity on the sheet. All sheets will show exiting paths from the building, tent, or structures and exit discharge to the street or public way.
14. The plan for the beer garden must be revised to indicate the landscape planters are removed for the beer garden set-up.
15. The tent plan shall be revised to indicate the actual size of the tent (65 ft. X 120 ft.); the capacity of the tent (1,560 persons) and tent does not have side walls.

Please contact my office at 267-1150 if you have questions about the following twelve (12) items. This includes conditions approved by the Plan Commission at both its January 26, 2009 and March 23, 2009 meetings. Unless otherwise specified, the following conditions shall be met prior to any "beer garden" or outdoor recreation activity commencing later this year.

16. That the Stadium Sports Bar and Eatery must comply with the June 1, 1998 Uniform Operating Conditions.
17. That the entire parking area can be only utilized for a "beer garden" for the events specified in the Uniform Operating Conditions Letter, when operated in accordance to the approved site and management plans. These events include UW home football games and concert events specified in that letter. All procedures, including opening and closing times shall be consistent with standards established in that letter. These rules supercede other conditional use approvals on the days of UW home football games and concert events as allowed per the Uniform Operating Conditions letter.
18. That the "year-round" outdoor eating and drinking area (non-beer garden) is limited to the area adjacent to the building, identified on approved site plans. This area is to close at midnight. This outdoor eating and drinking area shall not be available after closing of the larger "beer garden" for UW home football games and Camp Randall concerts identified in the Uniform Operating Conditions Letter.
19. That the (non-beer garden) outdoor eating/drinking and volleyball courts are limited to the designated fenced-in area shown on the approved site plan(s). This area shall close at midnight, nightly, with lighting and exterior music ceasing at that time.
20. That the applicant notify the Madison Police Department within 48 hours prior to operating the "year-round" outdoor eating and drinking area without tables and chairs. As a clarification, this condition applies only to the area immediately adjacent to the building (shown with an approved non-fixed seating capacity of 132 persons and a fixed seating capacity of 44 persons) on the approved plans.
21. All non-game day storage shall be consistent with the approved site and management plans.
22. That the refrigerated semi-trailer and other storage not permissible under City ordinances be removed.

23. That the operation plan proposed for "Football Game Day Management" be amended to further describe the "staff uniform", which shall be readily recognizable and distinguishable to public safety or zoning officials. Additionally, the plan shall indicate the site shall be arranged in accordance to the approved site plan for UW Home Football Games & Stadium Concerts.
24. That the addendum document be incorporated into the Football Game Day Management Plan for final agency sign-off to ensure all approved conditions of approval have been met.
25. That the title blocks be revised to remove the "Outdoor Beer Garden" label on the non-beer garden plans.
26. That the applicant revises landscaping information on site plans to eliminate the proposed "options" and include the selected species, per approval of Planning Division staff.
27. That the year-round outdoor eating and drinking area now shown on the "Summer Volleyball 3" Plan are also depicted on the "Summer Volleyball 2" and "Winter Parking Plan."
28. That the ornamental "Omega Fencing" included as part of the July 19, 2004 Conditional Use Alteration must be installed to replace the chain-link fence.

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. 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 conditional use.

If you have any questions regarding obtaining your conditional use 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 267-1150.

Sincerely,

Kevin Firchow, AICP
 Planner

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

Signature of Applicant

cc: Janet Dailey, City Engineering Division
 John Leach, Traffic Engineering Division
 Scott Strassburg, Madison Fire Department
 Matt Tucker, Zoning Administrator
 Kristen Roman, Madison Police Department

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 checked="" type="checkbox"/>	Other: Police