



Department of Planning & Community & Economic Development

## Planning Division

Heather Stouder, Director

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Madison Municipal Building, Suite LL-100  
126 S. Hamilton Street  
P.O. Box 2985  
Madison, Wisconsin 53701-2985  
Phone: (608) 266-4635  
Fax (608) 267-8739  
[www.cityofmadison.com](http://www.cityofmadison.com)

January 23, 2018

Marc Torres  
Cheba Hut  
453 W. Gilman St.  
Madison, WI 53703

RE: Legistar #49294; Accela 'LNDUSE-2017-00108' -- Approval of a conditional use to establish an outdoor eating area at an existing restaurant-tavern at **453 W. Gilman Avenue**.

Dear Mr. Torres:

At its January 22, 2018 meeting, the Plan Commission, meeting in regular session, found the standards met and approved your request to establish an outdoor eating area for an existing restaurant-tavern in the Urban Mixed Use (UMX) District at **453 W. Gilman 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 Jenny Kirchgatter of the Zoning Division at (608) 266-4429 if you have any questions regarding the following five (5) items:**

1. The capacity for the restaurant-tavern and outdoor eating area has been established by the Building Inspection Unit at 99 persons. The capacity is subject to the issuance of the building permit for the proposed deck.
2. Bicycle parking shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide five (5) short-term bicycle parking stalls (minimum of 5% of capacity of persons) located in a convenient and visible area on a paved or impervious surface. Bicycle parking shall be located within one hundred (100) feet of a principal entrance. Note: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Provide a detail of the proposed bike rack. If bicycle parking cannot be accommodated on the property, a bicycle parking adjustment will be required subject to MGO 28.141(5).
3. Show the trash enclosure area on the site plan. All developments, except single family and two family developments, shall provide a refuse disposal area. Such area shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet. Submit a detail of the trash enclosure or screening.
4. Provide a detail of the proposed bamboo privacy screen.

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 Madison Fire Department at (608) 261-9658 if you have any questions regarding the following item:**

6. Ensure that a clear exit path from the rear building exit and the proposed deck out to the public way is provided and maintained.

**Please contact my office at (608) 261-9135, if you have questions regarding the following three (3) items:**

7. The outdoor eating area shall be close at 10:00 pm, Sunday through Wednesday and 12:00 am, Thursday through Sunday. Future modifications to the hours of operation of the patio may be requested by the applicant in the future as a minor alteration of the conditional use following a recommendation by the district alder.
8. There shall be no amplified sound, including, but not limited to television, ambient music or musical performances, in the outdoor eating area. Future modifications related to the permission to play ambient music in the outdoor eating area may be requested by the applicant in the future as a minor alteration of the conditional use following a recommendation by the district alder.
9. The final capacity for the outdoor seating area shall be approved by City Building Inspection.

**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, 126 S. Hamilton Street. **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

<p>I hereby acknowledge that I understand and will comply with the above conditions of approval for conditional use.</p>  <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <p style="text-align: center;"><i>Signature of Applicant</i></p>  <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <p style="text-align: center;"><i>Signature of Property Owner (if not the applicant)</i></p>
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cc: Jenny Kirchgatter, Zoning Division  
 Bill Sullivan, Madison Fire Department

<b>For Official Use Only, Re: Final Plan Routing</b>			
<input checked="" type="checkbox"/>	Planning Div. (Wells)	<input checked="" type="checkbox"/>	Engineering Mapping Sec.
<input checked="" type="checkbox"/>	Zoning Division	<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"/>	Water Utility
<input type="checkbox"/>	Metro Transit	<input type="checkbox"/>	Other: