



Department of Planning & Community & Economic Development

## Planning Division

Heather Stouder, Director

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Madison Municipal Building, Suite LL-100  
215 Martin Luther King, Jr. Boulevard  
P.O. Box 2985  
Madison, Wisconsin 53701-2985  
Phone: (608) 266-4635  
Fax (608) 267-8739  
[www.cityofmadison.com](http://www.cityofmadison.com)

October 31, 2016

John P. Kavanaugh IV  
JK & JK LLC.  
4110 Carberry Street  
Madison, WI 53704

RE: Approval of a conditional use to construct a restaurant-tavern in an existing mixed-used building with an outdoor eating area at **8 N. Paterson Street and 858 E. Washington Avenue** in Urban Design District #8.

Dear Mr. Kavanaugh,

At its October 17, 2016 meeting, the Plan Commission found the standards met and approved your conditional use request to construct a restaurant-tavern in an existing mixed-used building with an outdoor eating area on a property zoned Traditional Employment (TE) at **8 N. Paterson Street and 858 E. Washington 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 Jeff Quamme, Engineering Mapping, at 266-4097 if you have questions regarding the following one item:**

1. The floor plans appear to not match the declared condominium. As part proposed expansion of the Galaxie Condominium along East Mifflin Street, this portion of the condominium plat shall also be amended to match final construction.

**Please contact Eric Halvorson of Traffic Engineering at 266-6527 if you have any questions regarding the following three (3) items:**

2. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.

3. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
4. The City Traffic Engineer may require public signing and marking related to the development; the Developer shall be financially responsible for such signing and marking.

**Please contact Jenny Kirchgatter, Assistant Zoning Administrator, at 266-4429 if you have questions regarding the following six (6) items:**

5. As each tenant space is leased, the entire development must reflect compliance in the required amount, type and number of automobile and bicycle parking spaces, to be reviewed prior to obtaining zoning approval for each use.
6. Bicycle parking shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum number of short-term bicycle parking stalls equal to 5% of capacity of persons (9 stalls) located in a convenient and visible area. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and 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.
7. Identify the previously approved exterior bicycle parking stalls on the site plan. If previously approved bicycle stalls are relocated due to the configuration of the outdoor eating area, show the new proposed bicycle stall locations and counts on the site plan.
8. 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.
9. Provide details whether fencing or barriers are proposed to prevent the encroachment of the outdoor eating area into public sidewalks. If fencing or barriers are provided, submit details showing what they will look like.
10. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

**Please contact Bill Sullivan, Fire Department, at 261-9658 if you have any questions regarding the following item:**

11. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances. Submit plans for the fire alarm and fire sprinkler system alterations and the kitchen suppression system to MFD for review and approval.

**Please contact Tim Sobota, Metro Transit, at 261-4289 if you have any questions regarding the following two (2) items:**

12. Metro Transit recommends that the applicant consider installing and maintaining a dedicated seating amenity feature for bus passengers - in the area near the existing concrete boarding pad on the north side of East Washington, west of North Paterson - that would be distinct from the outdoor seating oriented towards restaurant usage. [See attachment "8nps\_METRO.pdf]
13. Metro Transit operates daily transit service along East Washington Avenue, through the North Paterson Street intersection. Bus stop zone #1660 is posted No Parking on the north side of East Washington Avenue, from the concrete boarding pad and bus stop sign back east to the North Paterson Street intersection.

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

14. There shall be no amplified sound, including, but not limited to television, ambient music or musical performances, in the outdoor eating area.
15. The hours of operation for the restaurant-tavern shall be Monday – Friday, 11:00 am - bar time, and Saturday – Sunday, 9:00 am - bar time.
16. The hours of operation for the outdoor patio shall be Monday to Thursday, 11:00 am – 10:00 pm; Friday, 11:00 am – 11:00 pm; Saturday, 9:00 am – 11:00 pm; and Sunday, 9:00 am – 10:00 pm.

**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, Room LL-100, Madison Municipal Building, 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. All operating private wells shall be identified and permitted by the Water Utility in accordance with MGO 13.21. All unused private wells shall be abandoned in accordance with MGO 13.21.
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, demolition or building permits, please contact the Zoning Administrator at 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 261-9135.

Sincerely,



Chris Wells  
Planner

cc: Jeff Quamme, Engineering Mapping  
Eric Halvorson, Traffic Engineering  
Jenny Kirchgatter, Asst. Zoning Administrator  
Bill Sullivan, Fire Department  
Tim Sobota, Metro Transit

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

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*Signature of Applicant*

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*Signature of Property Owner (if not the applicant)*

<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 Administrator	<input type="checkbox"/>	Parks Division
<input 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: Metro Transit