



Location  
6402 Millpond Road

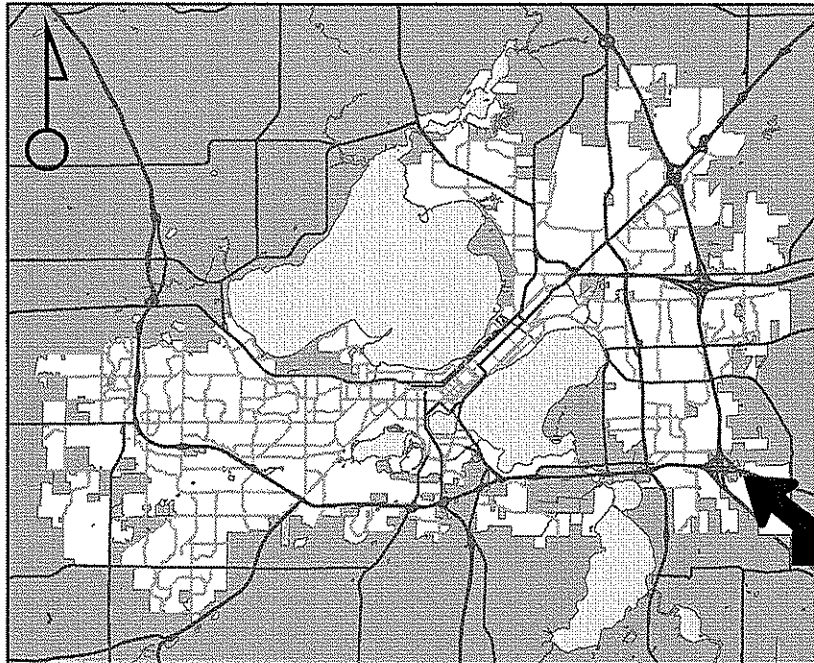
Project Name  
Rev. Jim's Roadhouse Outdoor Area

Applicant  
James and Rebecca Halbach/Ronald Trachtenberg - Murphy Desmond SC

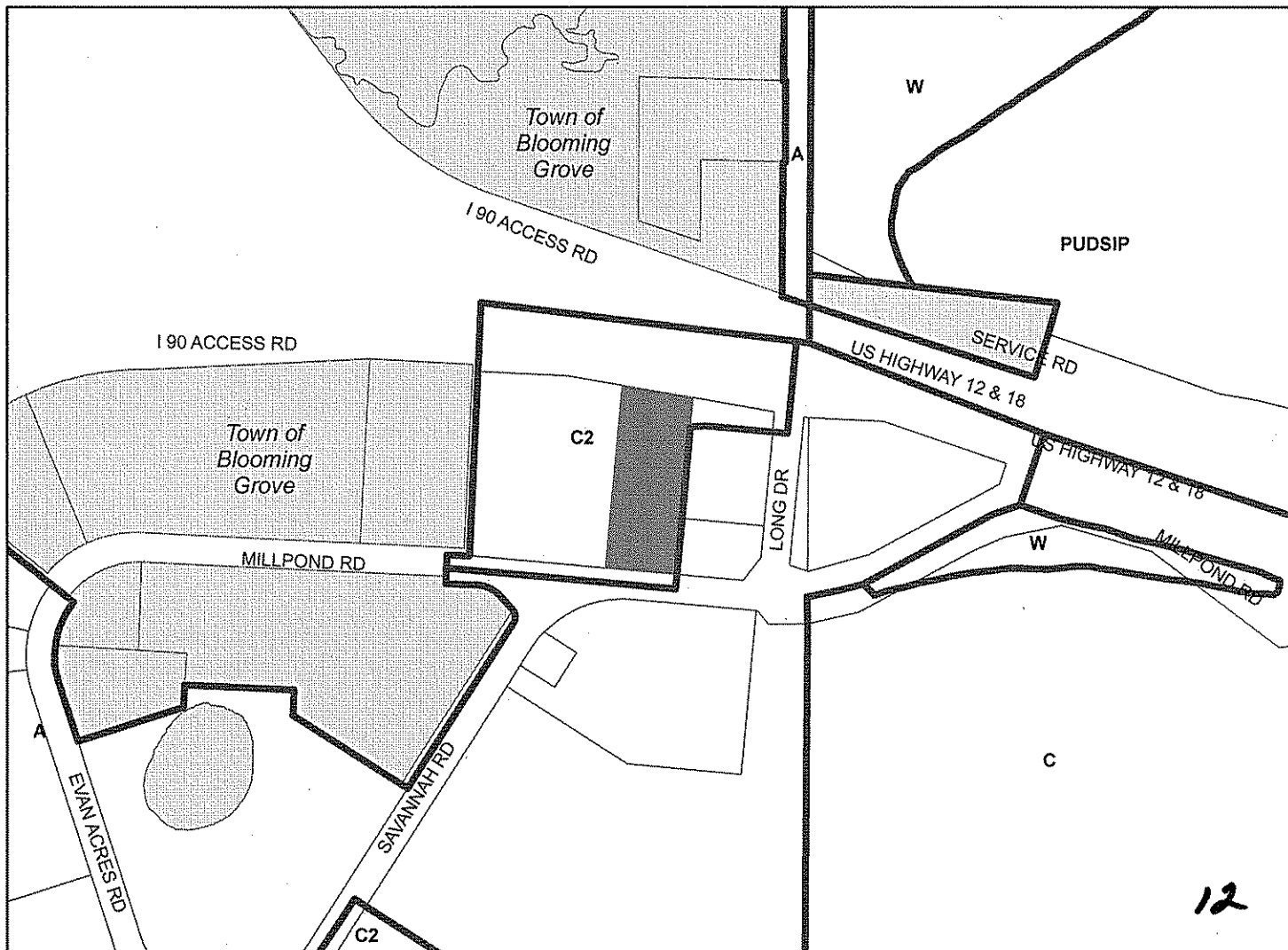
Existing Use  
Tavern

Proposed Use  
Outdoor Eating and Recreation Area and Parking Reduction for Tavern

Public Hearing Date  
Plan Commission  
11 January 2010



For Questions Contact: Kevin Firchow at: 267-1150 or [kfirchow@cityofmadison.com](mailto:kfirchow@cityofmadison.com) or City Planning at 266-4635



Scale : 1" = 400'





# LAND USE APPLICATION Madison Plan Commission

215 Martin Luther King Jr. Blvd; Room LL-100  
PO Box 2985; Madison, Wisconsin 53701-2985  
Phone: 608.266.4635 | Facsimile: 608.267.8739

- The following information is required for all applications for Plan Commission review except subdivisions or land divisions, which should be filed with the Subdivision Application.
- Before filing your application, please review the information regarding the **LOBBYING ORDINANCE** on the first page.
- Please read all pages of the application completely and fill in all required fields.
- This application form may also be completed online at [www.cityofmadison.com/planning/plan.html](http://www.cityofmadison.com/planning/plan.html)
- All Land Use Applications should be filed directly with the Zoning Administrator.

6402 Millpond Road

<b>FOR OFFICE USE ONLY:</b> 104 213	
Amt. Paid <u>\$600.00</u>	Receipt No. <u>104212</u>
Date Received <u>9/29/09</u>	
Received By <u>HAC, JLC</u>	
Parcel No. <u>0710 26103061</u>	
Aldermanic District <u>16 Judy Compton</u>	
GQ <u>OK</u>	
Zoning District <u>C2</u>	
<b>For Complete Submittal</b>	
Application <input checked="" type="checkbox"/> Letter of Intent	<input checked="" type="checkbox"/>
IDUP <u>NA</u> Legal Descript.	<input checked="" type="checkbox"/>
Plan Sets <input checked="" type="checkbox"/> Zoning Text	<u>NA</u>
Alder Notification <u>July 29</u> Waiver	
Ngrbrhd. Assn Not. _____ Waiver	
Date Sign Issued <u>9/29/09</u>	

1. Project Address: Whiskey River LLC

Project Area in Acres: 1.77

Project Title (if any): Rev. Jim's Roadhouse

2. This is an application for:

<b>Zoning Map Amendment</b> (check the appropriate box(es) in only one of the columns below)		
<input type="checkbox"/> <b>Rezoning to a Non-PUD or PCD Zoning Dist.:</b> Existing Zoning: _____ to _____ Proposed Zoning (ex: R1, R2T, C3): _____		
<input type="checkbox"/> <b>Rezoning to or Amendment of a PUD or PCD District:</b> <input type="checkbox"/> Ex. Zoning: _____ to PUD/PCD-GDP <input type="checkbox"/> Ex. Zoning: _____ to PUD/PCD-SIP <input type="checkbox"/> Amended Gen. Dev. <input type="checkbox"/> Amended Spec. Imp. Plan		
<input checked="" type="checkbox"/> <b>Conditional Use</b>	<input type="checkbox"/> <b>Demolition Permit</b>	<input type="checkbox"/> <b>Other Requests (Specify):</b> _____

3. Applicant, Agent & Property Owner Information:

Applicant's Name: Whiskey River LLC Company: dba Rev. Jim's Roadhouse

Street Address: 6402 Millpond Road City/State: Madison, WI Zip: 53718

Telephone: ( ) \_\_\_\_\_ Fax: ( ) \_\_\_\_\_ Email: \_\_\_\_\_

Project Contact Person: Atty. Ronald M. Trachtenberg Company: Murphy Desmond, SC

Street Address: P O Box 2038 City/State: Madison, WI Zip: 53701-1038

Telephone: (608) 268-5575 Fax: (608) 257-2508 Email: rtrachtenberg@murphydesmond.com

Property Owner (if not applicant): James R. and Rebecca Halbach

Street Address: 6402 Millpond Road City/State: Madison, WI Zip: 53718

4. Project Information:

Provide a brief description of the project and all proposed uses of the site: \_\_\_\_\_

Zoning is C2. Principal use is a tavern. Proposed conditional use (28.09 (3)(d) 2) is outdoor eating and recreational area.

Development Schedule: Commencement ASAP Completion ASAP

**5. Required Submittals:**

- Plans** submitted as follows below and depicts all lot lines; existing, altered, demolished or proposed buildings; parking areas and driveways; sidewalks; location of any new signs; existing and proposed utility locations; building elevations and floor plans; landscaping, and a development schedule describing pertinent project details:
  - **7 copies** of a full-sized plan set drawn to a scale of one inch equals 20 feet (collated and folded)
  - **7 copies** of the plan set reduced to fit onto 11 inch by 17 inch paper (collated, stapled and folded)
  - **1 copy** of the plan set reduced to fit onto 8 ½ inch by 11 inch paper
- Letter of Intent (12 copies):** describing this application in detail including, but not limited to: existing conditions and uses of the property; development schedule for the project; names of persons involved (contractor, architect, landscaper, business manager, etc.); types of businesses; number of employees; hours of operation; square footage or acreage of the site; number of dwelling units; sale or rental price range for dwelling units; gross square footage of building(s); number of parking stalls, etc.
- Legal Description of Property:** Lot(s) of record or metes and bounds description prepared by a land surveyor. For any application for rezoning, the description must be submitted as an electronic word document via CD or e-mail. For applications proposing rezoning to more than one district, a separate description of each district shall be submitted.
- Filing Fee:** \$ 600.00 See the fee schedule on the application cover page. Make checks payable to: *City Treasurer*.
- Electronic Submittal:** All applicants are required to submit copies of all items submitted in hard copy with their application (including this application form, the letter of intent, complete plan sets and elevations, etc.) as Adobe Acrobat PDF files on a non-returnable CD to be included with their application materials, or in an e-mail sent to [pcapplications@cityofmadison.com](mailto:pcapplications@cityofmadison.com). The e-mail shall include the name of the project and applicant. Applicants unable to provide the materials electronically should contact the Planning Division at (608) 266-4635 for assistance.

**In Addition, The Following Items May Also Be Required With Your Application:**

- For any applications proposing demolition or removal of existing buildings, the following items are required:
  - Prior to the filing of an application, the applicant or his/her agent is required to notify a list of interested persons registered with the City **30 or 60 days prior to filing** their application using the online notification tool found at: <https://www.cityofmadison.com/developmentCenter/demolitionNotification/>
  - A photo array (6-12 photos) of the **interior and exterior** of the building(s) to be demolished or removed. A written assessment of the condition of the building(s) to be demolished or removed is highly recommended.
  - Note: A Reuse and Recycling Plan approved by the City's Recycling Coordinator is required prior to issuance of wrecking permits and the start of construction.
- Zoning Text (12 copies):** must accompany Planned Community or Planned Unit Development (PCD/PUD) submittals.

**6. Applicant Declarations:**

- Conformance with adopted City plans:** Applications shall be in accordance with all adopted City of Madison plans:
 

→ The site is located within the limits of N/A Plan, which recommends: \_\_\_\_\_ for this property.
- Pre-application Notification:** Section 28.12 of the Zoning Code requires that the applicant notify the district alder and any nearby neighborhood & business associations in writing no later than **30** days prior to filing this request:
 

→ List below the Alderperson, Neighborhood Association(s), Business Association(s) AND dates you sent the notices:

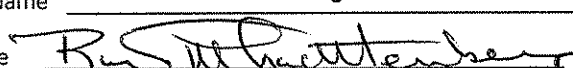
Ald. Judy Compton July 2, 2009

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NOTE: If the alder has granted a waiver to this requirement, please attach any such correspondence to this form.
- Pre-application Meeting with staff:** Prior to preparation of this application, the applicant is required to discuss the proposed development and review process with Zoning and Planning Division staff; note staff persons and date.
 

Planning Staff: Kevin Firchow Date: 8/5/09 Zoning Staff: Matt Tucker Date: 8/5/09
- Check here if this project will be receiving a public subsidy.** If so, indicate type in your Letter of Intent.

**The signer attests that this form is accurately completed and all required materials are submitted:**

Printed Name Ronald M. Trachtenberg Date 9/29/09  
 Signature  Relation to Property Owner Atty. Property Owner /Applicant

Authorizing Signature of Property Owner  Date 9/29/09



33 East Main Street  
 Suite 500  
 Madison, WI 53703-3095  
**Mailing Address:**  
 P.O. Box 2038  
 Madison, WI 53701-2038  
**Phone:**  
 608.257.7181  
**Fax:**  
 608.257.2508  
 www.murphydesmond.com

**Ronald M. Trachtenberg**  
 Direct Line 608.268.5575  
 Facsimile 608.257.2508  
 rtrachtenberg@murphydesmond.com

29 September 2009

**CONDITIONAL USE APPLICATION LETTER OF INTENT**

Chair and Members of the Plan Commission  
 c/o Department of Planning and Community  
 and Economic Development  
 City of Madison  
 215 Martin Luther King Jr. Boulevard  
 Madison, WI 53703

Re: Whiskey River LLC dba Rev. Jim's Roadhouse  
 6402 Millpond Road, Madison, WI 53718  
 Application for Condition Use Permit Under Section 28.09(3)(d) 2, MGO

Dear Chair and Members of the City of Madison Plan Commission:

We are the attorneys for James R. and Rebecca L. Halbach, the owners of 6402 Millpond Road, City of Madison, and Whiskey River, LLC, dba Rev. Jim's Roadhouse, the tenant at 6402 Millpond Road, City of Madison.

6402 Millpond Road is located just east of the Interstate (I 90 & 39) and just south of USH 12 & 18. The nearest two landmarks are the Yahara Hills Golf Course and De Jope Bingo. The area is essentially largely vacant and all non-residential commercial except for a small hotel and a small apartment complex, both of which are at approximately 750 feet from the 6402 Millpond Road site.

6402 Millpond Road was originally a McDonalds, after which it became a lodge for the Loyal Order of Moose. As attendance at the Moose Lodge fell, the land and building were sold to Mr. and Mrs. Halbach and leased to a wholly owned limited liability company, Whiskey River, LLC, which operates a tavern on site.

As of the writing of this letter of intent, Whiskey River, LLC, has pending before the Alcohol License Review Commission (and subsequently the Common Council) an

application for change of premises to allow a portion of the exterior of the site to be used for outdoor events. The conditions that have been negotiated between Whiskey River, LLC, the alderperson (Ald. Judy Compton) and the Madison Police Department that are to be considered by the ALRC and Common Council are as follows:

1. Outdoor venue/amplification use will be permitted on Friday and Saturday evenings, as well as Sundays from 12 pm to 8 pm if this day falls prior to a Monday holiday; permission for any other day may be granted with prior approval from MPD East District command staff, said request shall be made a minimum of 48 hours prior to the event;
2. No amplification prior to Noon or past 12 am allowed during any day or special event;
3. Amplification shall be no louder than 45 decibels within a 100' radius of Rev. Jim's property line; amplification may include live or pre-recorded music;
4. A minimum of one visible identifiable security staff for every 50 customers will be required; security will be responsible for monitoring inside the tavern, outdoor seating or stage area and parking lot;
5. A licensed security company shall be retained to assist with larger scale outdoor events on a case-by-case basis after consultation with MPD;
6. Semi-trucks shall not be allowed extended parking (in excess of one hour) in the lot, although this would not prohibit short-term delivery of supplies to include loading and unloading;
7. Fencing shall be required surrounding the designated outside venue as depicted in the proposal with signage indicating "no alcoholic beverages past this point"; and
8. Capacity shall be kept at 581.

If the conditions of change of premises as adopted by the Common Council are different than the foregoing, we will advise the Plan Commission.

Whiskey River, LLC is making this conditional use application under Section 28.09(3)(d) 2, MGO, for outdoor eating (and drinking) and recreation related to the operation of a tavern in a C2 zoned area consistent with the conditions of the approved change of premises for the beer/liquor license. The only physical change to the premises will be a temporary snow fencing enclosure of the exterior area being used.

The type of events that Whiskey River, LLC plans to sponsor for 2010 and future years include tailgate parties for UW (home) football games, Thunder Run, Women in Motion Riding for a Cause ASMI fundraiser, Band Camp pre and post event party, Harley Davidson Anniversary Ride/Kick-Off to Milwaukee, and Rev. Jim's Roadhouse "Bike Night" (generally Friday nights from May through October).

Through an error, outside events were held the summer of 2008. A 2008 change of premises on the beer/alcohol license with specific 2008 dates was sought and granted and events were held under that license, but no conditional use permit was known to be needed or requested. Unfortunately, while the City Clerk notifies the Plan Department in the case of a new beer/alcohol license application, the City Clerk did not notify the Plan Department in the case of an application for an amendment to an existing beer/alcohol license. That was discovered during Whiskey River, LLC's 2009 application for changes to the 2008 license conditions and the City Clerk has changed the Clerk's office's procedure. We bring this up simply to note that for the 2008 season and the one 2009 event (Band Camp pre and post event party) held under the 2008 license, there were no known complaints.

We look forward to presenting this application for a conditional use permit under Section 28.09(3) (d) 2, MGO.

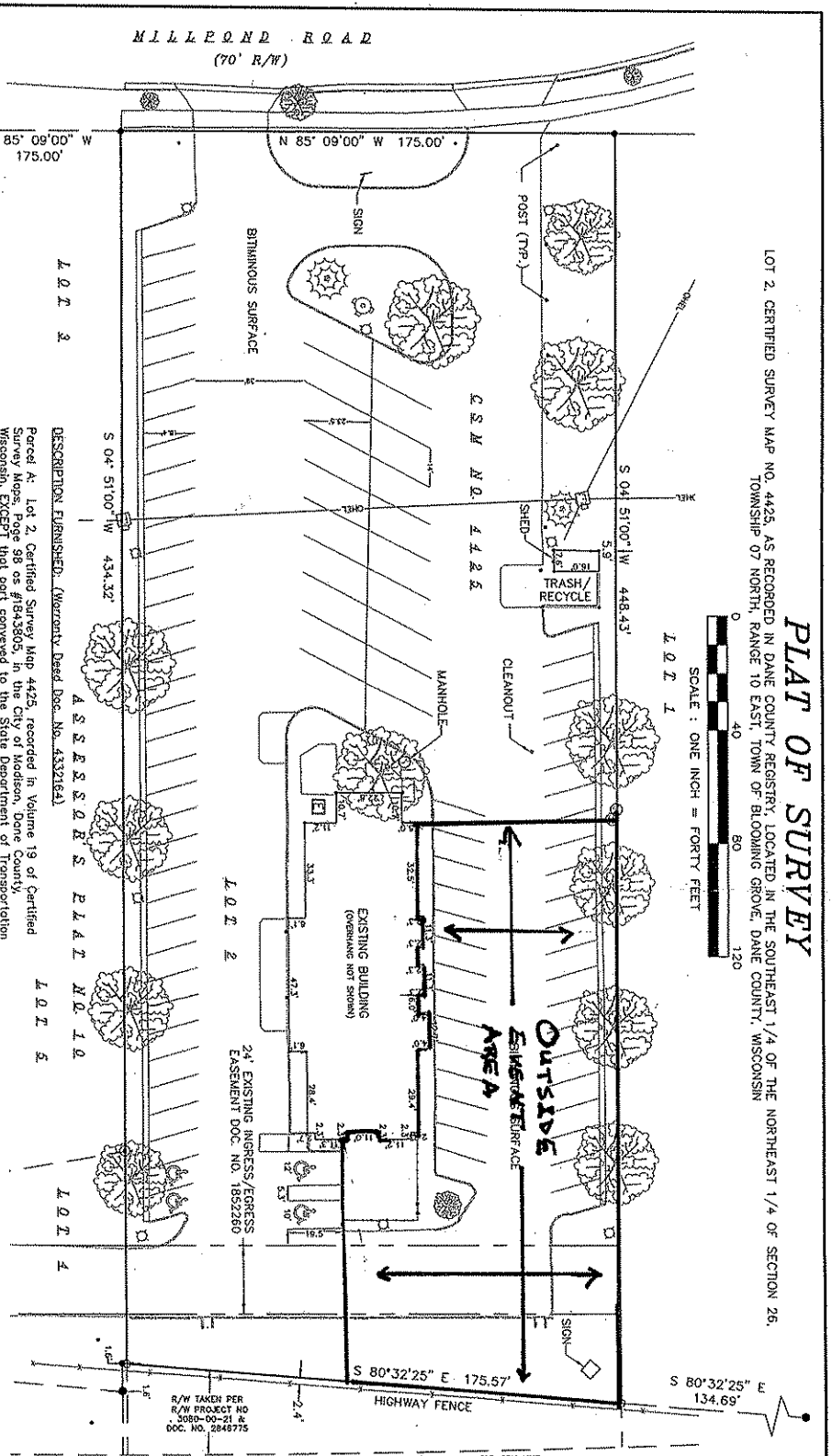
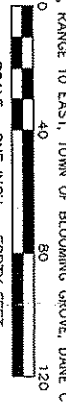
Very truly yours,

Ronald M. Trachtenberg

RMT:srp  
071681  
Plan Commission lt of intent

# PLAT OF SURVEY

LOT 2, CERTIFIED SURVEY MAP NO. 4425, AS RECORDED IN DANE COUNTY REGISTRY, LOCATED IN THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 07 NORTH, RANGE 10 EAST, TOWN OF BLOOMING GROVE, DANE COUNTY, WISCONSIN



**LEGEND**

- 3/4" SOLID IRON ROD FOUND
- IRON FOUND WITH CAP
- 3/4" X 18" SOLID IRON RE-ROD SET, WT. 1.50 LBS./FT.
- FOUND DOT YELLOW CAP MONUMENT
- OVERHEAD UTILITY WIRE
- GAS VALVE
- ELECTRIC BOX
- UTILITY POLE
- LIGHT POLE
- DECIDUOUS TREE
- CONIFEROUS TREE

DISTANCES ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT. BUILDINGS ARE MEASURED TO THE NEAREST TENTH OF A FOOT.

**DESCRIPTION FURNISHED:** (Warranty Deed Doc. No. 4332184)

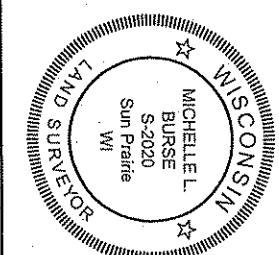
Parcel A: Lot 2, Certified Survey Map 4425, recorded in Volume 19 of Certified Survey Maps 58 as #1845803, in the County of Madison, Dane County, Wisconsin, EXCEPT that part conveyed to the State Department of Transportation recorded as #2846775.

Parcel B: Easement for the benefit of Parcel A as created in Easement Agreement recorded in Volume 6116 of Records, Page 13, as #1852260.

**SURVEYOR'S CERTIFICATE:**

I, Michelle L. Burse, Registered Land Surveyor, No. 2020, hereby certify that the foregoing survey was executed under my direction and control, and that said survey meets the minimum standards for property surveys of the Wisconsin Administrative Code (S-47), and the map hereon is correct to the best of my knowledge and belief.

Dated this 25th day of SEPTEMBER, 2009.  
 Signed: *Michelle L. Burse*  
 Michelle L. Burse, R.L.S. No. 2020



**U.S.H. 12-1-B (R/W VARIES)**

- 1) Except as specifically stated or shown on this map, this survey does not purport to reflect any of the following which may be applicable to the subject real estate: easements; building setback lines; restrictive covenants; utility easements; or other facts that an accurate and current title search may disclose.
- 2) No attempt has been made as a part of this boundary survey to obtain or show data concerning existence, size, depth, condition, capacity, or location of any utility or municipally/public service facility. For information regarding these utilities or facilities, please contact the appropriate agencies.
- 3) Additional buried utilities/structures may be encountered. No excavations were made to locate utilities. Before excavations are performed contact Digger's Hotline.
- 4) Dates of field work: September 2, 2009
- 5) Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
- 6) All buildings, and surface and subsurface improvements on and adjacent to the site are not necessarily shown hereon.
- 7) All trees, hedges and ground cover on the site may not necessarily be shown hereon.
- 8) Lot Area = 77,242 s.t. or 1.7732 Acres.

SURVEYED FOR:  
 WISCONSIN BUREAU OF LAND SURVEY  
 P.O. BOX 2028  
 MADISON, WI 53701

SURVEYED BY:  
**Burse**  
 Surveying & Engineering, Inc.  
 1400 L. Washington Ave., Suite 150  
 Sun Prairie, WI 53588  
 Tel: 608.251.9365  
 Fax: 608.251.9366  
 Email: burse@bourse.com  
 www.bourseengineering.com

**NOTES:**

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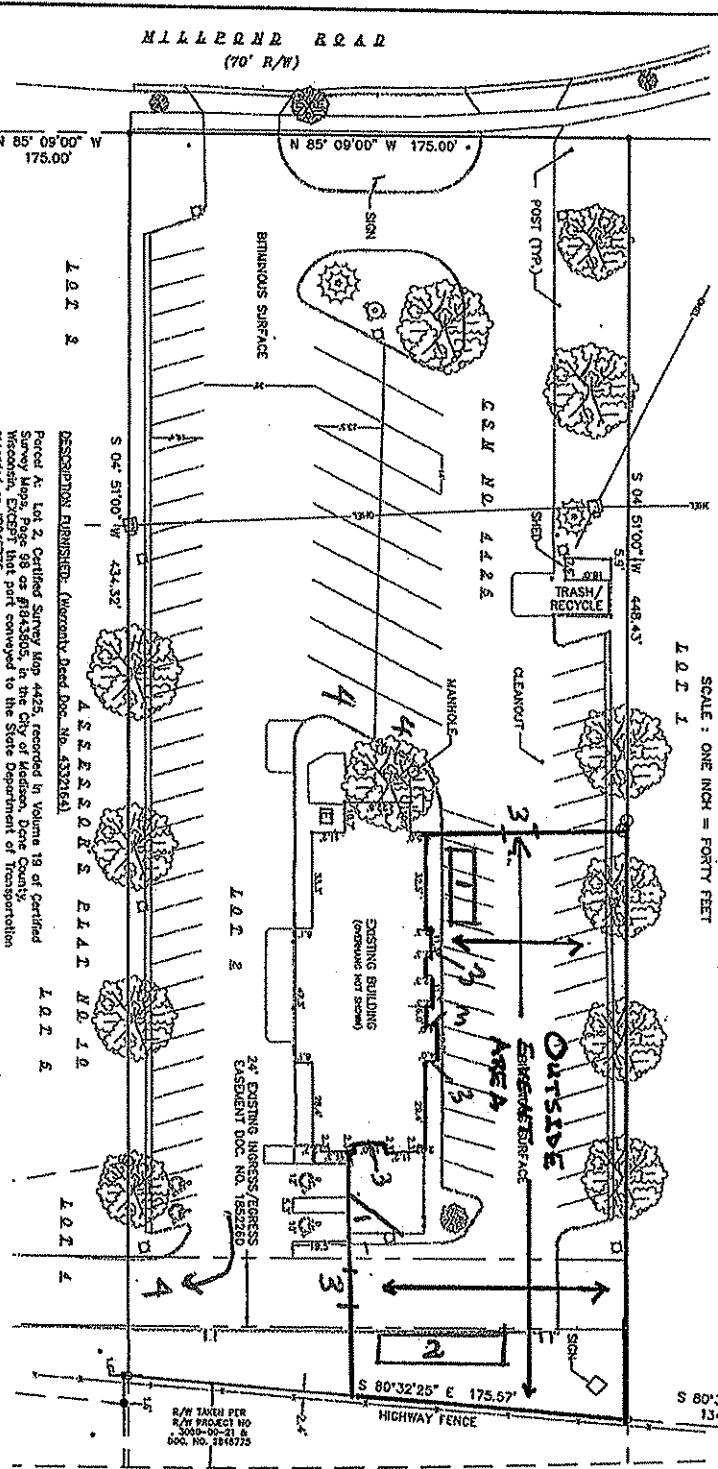
SURVEYED FOR:  
 WISCONSIN BUREAU OF LAND SURVEY  
 P.O. BOX 2028  
 MADISON, WI 53701

**ASSUMED NORTH**  
 BEARING HAS BEEN ASSUMED TO BE THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 07 NORTH, RANGE 10 EAST, TOWN OF BLOOMING GROVE, DANE COUNTY, WISCONSIN.



# PLAT OF SURVEY

LOT 2 CERTIFIED SURVEY MAP NO. 4425, AS RECORDED IN DANE COUNTY REGISTRY, LOCATED IN THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 07 NORTH, RANGE 10 EAST, TOWN OF BLOOMING GROVE, DANE COUNTY, WISCONSIN



**LEGEND**

- 3/4" SOLID IRON ROD FOUND
- IRON FOUND WITH CAP
- 3/4" X 18" SOLID IRON RE-ROD SET, WT. 1.50 lbs./ft.
- FOUND DOT YELLOW CAP MONUMENT
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- ⊞ NEAREST BUILDING MEASURED TO THE NEAREST TENTH OF A FOOT.
- ⊞ NEAREST BUILDING MEASURED TO THE NEAREST TENTH OF A FOOT.

**ASSOCIATION FURNISHED:** (Inventory Deed Doc. No. 433218)

Parcel A: Lot 2, Certified Survey Map 4425, recorded in Volume 19 of Certified Survey Maps, Page 98 of 98 at 8/18/2005, in the City of Madison, Dane County, Wisconsin, EXCEPT that part conveyed to the State Department of Transportation recorded as 82045775.

Parcel B: Easement for the benefit of Parcel A as created in Easement Agreement recorded in Volume 819 of Records, Page 10, of 1/15/2000.

**SURVEYOR'S CERTIFICATE:**

I, Michelle L. Burse, Registered Land Surveyor, No. 2020, hereby certify that the foregoing survey was executed under my direction and control, and that said survey meets the minimum standards for property surveys of the Wisconsin Administrative Code (A-E7), and the map hereon is correct to the best of my knowledge and belief.

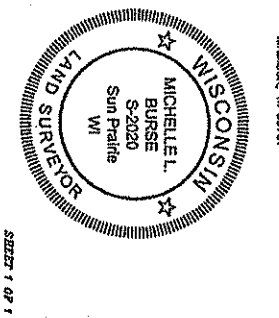
Dated this 25th day of SEPTEMBER, 2009.

Signed: *Michelle L. Burse*  
Michelle L. Burse, R.L.S. No. 2020

**SURVEYED FOR:**  
WISCONSIN LAND SURVEYORS, LTD.  
P.O. BOX 2028  
MADISON, WI 53701

**NOTES:**

- 1) Except as specifically stated or shown on this map, this survey does not purport to reflect any of the following which may be applicable to the subject real estate:
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  - e) Surveyor has made no investigation or independent search for easements, restrictions, restrictive covenants, ownership title evidence, or any other facts that on scenario and current title search may disclose.
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  - g) All trees, hedges and ground cover on the site may not necessarily be shown hereon.
  - h) Lot Area = 77,242 sq. ft. or 1.7732 Acres.



**SURVEYED BY:**  
Burse  
Surveying & Engineering, Inc.  
1409 E. Wacker Ave., 2nd Fl. 150  
Madison, WI 53703 608.350.9525  
Fax: 608.350.2345  
Cell: 608.350.9525  
www.burseengineering.com

**ASSUMED NORTH**  
MAGNETIC NORTH  
TRUE NORTH  
MAGNETIC NORTH  
TRUE NORTH

33 East Main Street  
Suite 500  
Madison, WI 53703-3095  
Mailing Address:  
P.O. Box 2038  
Madison, WI 53701-2038  
Phone:  
608.257.7181  
Fax:  
608.257.2508  
www.murphydesmond.com

Ronald M. Trachtenberg  
Direct Line 608.268.5575  
Facsimile 608.257.2508  
rtrachtenberg@murphydesmond.com



27 October 2009

**VIA EMAIL ONLY** [kfirchow@cityofmadison.com](mailto:kfirchow@cityofmadison.com)

Mr. Kevin Firchow AICP  
Department of Planning and Community  
and Economic Development  
City of Madison  
215 Martin Luther King Jr. Boulevard  
Madison, WI 53703

Re: Whiskey River LLC dba Rev. Jim's Roadhouse  
6402 Millpond Road, Madison, WI 53718  
Application for Condition Use Permit Under Section 28.09(3)(d) 2, MGO

Dear Mr. Firchow:

In reply to the four issues raised in your email of October 16, 2009, please see the enclosed plot plan (the numbers denote the paragraph numbers noted below) and the following comments:

1. **Services Area:** Generally, all service is done from the inside of the building. When needed, there is a service bar set up at the southeast corner of the deck at the east end of the building and a propane grill at the west end of the north side of the building with access to and from the kitchen located at the west end of the building.
2. **Porto-Toilets:** When additional toilets are needed per anticipated customer count, they will be located on the grass area immediately adjacent to the blacktop area at the east end of the paved outdoor event area.
3. **Exits and Entrances to the Outside Event Area:** There are four doors to and from the building and the outdoor event area. In addition, emergency escape gates will be placed at the west end of the outside event area and the south end (on the east side) of the outside event area. Staff will make certain that those gates are only used for emergency purposes.

Mr. Kevin Firchow AICP  
27 October 2009  
Page 2

4. Parking Lot Operation and Overflow: On event days, the two center parking spaces closest to the west end of the building will be kept open to allow for automobiles to pull into the south parking lot entrance and to park on the north side of the parking lot. For those parking on the south side of the parking lot, for exiting they will be directed to the roadway access east of the Mobil station, around the Mobil station and then out to Mill Pond Road. In addition, the applicant has arranged for the lot to the west of the Mobil station to be used for overflow parking. On event days, staff is present to control traffic flow and parking.

If you have any further questions, please advise. Also, as soon as we are assigned a meeting date, please advise in order that we can post the yellow notice sign.

Thank you.

Very truly yours,

Ronald M. Trachtenberg

RMT:srp  
071681  
Firchow lt  
Enclosure  
cc w/enc.:

James R. and Rebecca L. Halbach VIA EMAIL ONLY [revjim@jvl.net](mailto:revjim@jvl.net)  
Whiskey River, LLC

Attn: Mr. Kevin Weaver VIA EMAIL ONLY [sgnbldr@aol.com](mailto:sgnbldr@aol.com)

Attorney Marinus (Rick) J.W. Petri VIA EMAIL ONLY

Attorney Stephen C. Werner, Jr. VIA EMAIL ONLY

Alderson Judy Compton VIA EMAIL ONLY [district16@cityofmadison.com](mailto:district16@cityofmadison.com)



GAS STATION

Hotel

Commercial

REV. JIM'S

DeIope

Commercial

Apartment