



Department of Planning & Community & Economic Development  
**Planning Division**

Website: [www.cityofmadison.com](http://www.cityofmadison.com)

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April 28, 2010

Rico Sabatini  
3923 Claire Street  
Madison, WI 53716

RE: Approval of alterations to an approved conditional use and denial of a new conditional use to establish an outdoor eating (drinking) area at 924 Williamson Street.

Dear Mr. Sabatini:

At its April 26, 2010 meeting, the Plan Commission, meeting in regular session, approved the following alterations to an approved conditional use at 924 Williamson Street.

- Approval of the fencing /screening plan for the parking lot based on the plans and agreement provided in the Plan Commission materials;
- Approval of an additional parking reduction to allow for an increase capacity; and
- Approval to establish a smoking enclosure as shown in the applicant's materials, with a maximum capacity of 47 persons.

These alterations are subject to the conditions noted in this letter. Please also note the following conditions are in addition to those stated in the March 10, 2009 approval letter for the original conditional use.

At that same meeting, the Plan Commission found that the conditional use standards were not met and denied your request for an outdoor eating (drinking) area for the night club. No outdoor consumption of food or beverages is allowed within the aforementioned enclosure.

**Please contact Janet Dailey, City Engineering Division, at 261-9688 if you have questions regarding the following two (2) items:**

1. Revise plan to replace "Proposed 2' Wide Public Sidewalk Easement" note with "2' Wide Public Sidewalk Easement per Doc 4580587".
2. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the Engineering Division. (Lori Zenchenko) [izenchenko@cityofmadison.com](mailto:izenchenko@cityofmadison.com). The digital copies shall be drawn to scale and represent final construction including: building footprints, internal walkway areas, internal site parking areas, lot lines/ numbers/ dimensions, street names, and other miscellaneous impervious areas. All other levels (contours, elevations, etc) are not to be included with this file submittal. Email file transmissions are preferred. The digital CAD file shall be to scale and represent final construction. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format. Please include the site address in this transmittal.

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

3. The applicant shall demonstrate truck turning movements to allow the truck access to the proposed loading area. The applicant may need to relocate the truck loading area and demonstrate truck access to the loading area.
4. The applicant will need to modify the 17 ft – 0 in Turning Radius to noted item “F” = 20 ft min according to M.G.O.
5. When the applicant submits final plans of one contiguous plan 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, showing all easements, all pavement markings, building placement, and stalls, 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'.
6. 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.
7. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

**The applicant should also contact Scott Strassburg, Madison Fire Department, at 261-9843 if you have any questions regarding the following item:**

8. Per the IFC chapter 10 and MGO34:
  - a. Applicant shall submit approved capacity with the site plan and post the capacity of the outside dining area in accordance International Fire Code 2009 edition.
  - b. Proposed deck, patio or fenced in area shall not be located at, adjacent or obstruct the required exits from the building.
  - c. Provide and maintain exits from the deck, patio or fenced in area in accordance with the International Fire Code 2009 edition.
  - d. Submit a site plan showing any/all seating, bar, tent, dumpster, structures and fixtures for the proposed deck, patio or fenced in area space.

**Please contact Pat Anderson, Assistant Zoning Administrator, at 266-5978 if you have any questions regarding the following three (3) items:**

9. A revised landscape plan must be submitted, showing on-site landscaping and final approved location of fence as established by the Plan Commission. Provide a landscape worksheet with the final plans that shows that the landscaping provided meets the point and required tree ordinances. In order to count toward required points, the landscaping shall be within 15' and 20' of the parking lot depending on the type of landscape element.

(Note: The required trees do not count toward the landscape point total.) Planting islands shall consist of at least 75% vegetative cover, including trees, shrubs, ground cover, and/or grass. Up to 25% of the island surface may be brick pavers, mulch or other non-vegetative cover. All plant materials in islands and along the east side of the property shall be protected from vehicles by concrete curbs.

10. Provide a lighting plan showing at least .5 foot candle on any surface on any lot and an average of .75 footcandles. The maximum light trespass shall be 0.5 fc at 10 ft from the adjacent lot line. (See City of Madison lighting ordinance).
11. Meet all applicable State accessible requirements, including but not limited to:
  - a. Provide a minimum of two accessible stall striped per State requirements. A minimum of one of the stall shall be a van accessible stall 8' wide with an 8' striped out area adjacent.
  - b. Show signage at the head of the stall.

**Please contact my office at 267-1150 if you have questions about the following nine (9) items:**

12. That the following conditions are in addition to those stated in the March 10, 2009 approval letter.
13. That the fence shall be set back from the Williamson Street sidewalk, with the setback to match the front building setback of the adjacent two-flat building. As a clarification, this setback should match the wall of the building and not the porch. Traffic Engineering shall also approve the location of the fence for compliance with applicable vision triangle standards.
14. That there is no outdoor amplified sound or live music allowed in the outdoor enclosure.
15. That no chairs or tables are placed in the outdoor enclosure. Submitted plans show a maximum capacity of 47 patrons. This capacity shall be reviewed and approved by the Fire Department, ALRC, and Common Council, but in no event shall it be greater than 47 persons.
16. That the color and/or stain of both the screening fence and patio enclosure fence are labeled, for approval by Planning Division staff.
17. That there be no food or drink service or consumption in the outdoor enclosure.
18. That the applicant prepares and submits one site plan showing all approved site improvements for final sign-off.
19. That the details of the modified fence enclosure (increasing the height of the rear wall from 4 to 6 feet) be provided on sign-off plans, for approval by Planning Division staff.
20. That the applicant confirms that previously-noted sound proofing efforts have been installed to limit sound escaping from the side door and note additional efforts being taken, for approval by staff.

**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. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. City Engineering staff will review plans for compliance. Please note, this property is not in a Wellhead Protection District.
3. 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.

- 4. 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 the conditional use approval, 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

cc: Janet Dailey, City Engineering Division  
John Leach, Traffic Engineering Division  
Scott Strassburg, Madison Fire Department  
Pat Anderson, Asst. Zoning Administrator

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

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*Signature of Applicant*

| 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 type="checkbox"/>            | Other:                   |