



PREPARED FOR THE PLAN COMMISSION

Project Address: 1313 Regent Street (District 13, Ald. Eskrich)
Application Type: Conditional Use
Legistar File ID # [50876](#)
Prepared By: Sydney Prusak, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Contact: Rodney J Ripley, Lucky's 1313 Brew Pub LLC; 1335 Drake Street; Madison, WI 53715

Property Owner: FCS Plan B, LLC; W11579 County Road V, Apt 1; Lodi, WI 53555

Requested Action: The applicant requests conditional use approval to establish outdoor recreation (volleyball). The applicant also requests other alterations to an approved conditional use which include a parking stall reduction and a greater capacity for the reception hall and the outdoor eating area at the restaurant-tavern-brewpub.

Proposal Summary: The applicant proposes the following modifications to their conditional use: 1) Construct an outdoor recreation area (two sand volleyball courts); 2) Increase the capacity of the outdoor eating area from 58 to 82 persons; 3) Modify the layout of the outdoor eating area to add an outdoor bar; 4) Combine the reception hall space with the brewpub area for larger special events; 5) Re-approve the Plan Commission level parking stall reduction for the site.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [M.G.O. §28.183], as M.G.O. §28.061 lists *outdoor recreation* and *outdoor eating areas associate with food & beverage establishment* as conditional uses in the Traditional Shopping Street (TSS) District. The Supplemental Regulations [MGO §28.151] contain further regulations for these uses. Parking reductions also require conditional use approval, and M.G.O. §28.141(5) provides the necessary procedures to obtain a parking reduction. Lastly, because the site is an existing conditional use site, changes to the permitted capacity require Plan Commission approval.

Review Required By: Plan Commission

Summary Recommendation: If the Plan Commission can find that the approval standards for conditional uses are met, then the Planning Division recommends that the Plan Commission **approve** the request to establish an outdoor recreation area, a parking reduction, and expanded capacity for an outdoor eating area and special events at a property zoned Traditional Shopping Street (TSS) District at 1313 Regent Street. This request is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The site is located on the south side of Regent Street between S Randall Avenue and S Orchard Street. It is in Aldermanic District 13 (Ald. Eskrich) as well as the Madison Metropolitan School District.

Existing Conditions and Land Use: The 35,486-square-foot (0.81-acre) project site includes an existing one-story, 10,156-square-foot, restaurant-tavern-brewpub.

Surrounding Land Use and Zoning:

- North:** Across Regent Street are a variety of commercial uses zoned Traditional Shopping Street and Planned Development (PD), with residential apartments zoned PD beyond;
- South:** Single and two-family residential homes, zoned Traditional Residential – Varied 1 (TR-V1);
- East:** A one-story multi-tenant commercial building, zoned TSS and multi-family residential, zoned TR-V1; and
- West:** A one-story commercial building, zoned TSS and single-family residential properties, zoned TR-V1.

Adopted Land Use Plan: The [Comprehensive Plan \(2006\)](#) and the [Regent Street - South Campus Neighborhood Plan \(2008\)](#) recommend Neighborhood Mixed-Use (NMU) for the front of the site (where the existing building is located) and Medium Density Residential (MDR) for the rear of the site (where the proposed volleyball courts and outdoor eating area would be located).

Zoning Summary: The project site is currently zoned Traditional Shopping Street (TSS) District.

Requirements	Required	Proposed
Front Yard Setback	None	Existing Building
Side Yard Setback: Where building abut residentially zoned lots at side lot line.	Minimum side yard required in the adjacent residential district: 5'	Existing Building
Rear Yard Setback	20'	Existing Building
Maximum Lot Coverage	85%	Less than 85%
Maximum Building Height	3 stories/ 40'	1 story

Site Design	Required	Proposed
Number Parking Stalls	Brewpub: 15% of capacity of persons (99)	19 (27)
Accessible Stalls	Yes	1
Loading	None	One (10' x 35')
Number Bike Parking Stalls	Brewpub: 5% of capacity of persons (33)	38
Landscaping and Screening	Yes	No (28)(29)(30)
Lighting	Yes	No (32)
Building Forms	No	Existing building

Other Critical Zoning Items	Utility Easements; Wellhead Protection District
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Tables Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

Environmental Corridor Status: The subject site is not located in a mapped environmental corridor.

Public Utilities and Services: This property is served by a full range of urban services. There are Madison Metro bus stops located at the north and south side of the Regent Street and Randall Avenue intersection as well as Regent Street and Orchard Street intersection.

Previous Approvals

On October 19, 2015, the Plan Commission approved a conditional use request to convert an auto repair shop into a restaurant-brewpub and reception hall with an outdoor eating area and parking reduction at 1313 Regent Street. This approval did not include the approval of the certified survey map (CSM) or 26-unit apartment building that was also submitted at this time.

On June 13, 2016, the Plan Commission placed on file without prejudice a conditional use alteration request to approve a revised 88-stall parking reduction; increase the capacity of an approved outdoor eating area from 58 persons to 82 persons; construct an outdoor recreation area with two sand volleyball courts and modify the layout of the outdoor eating area to add an outdoor bar. The Plan Commission found that conditional use standards 1, 3, 4, and 9 were not met. The Plan Commission stated that the reasons why these standards were not met included noise impacts and incompatibilities between these proposal and their impact on nearby residential dwelling units. The Plan Commission further stated that conditional use for the approved 58-person outdoor eating area (mentioned above) had not yet been opened and there was no track record regarding its operation or management to evaluate whether expanding that use and introducing more outdoor activities was appropriate at that time.

At the 2016 meeting, the Plan Commission did approve the applicant's request to incorporate the 7 S. Randall Avenue property into the subject site for the purpose of constructing eight (8) additional surface parking stalls. Though approved, that improvement was never constructed.

Project Description and Analysis

The applicant, Lucky's 1313 Brewpub, is seeking conditional use approval to add two sand volleyball courts to the rear of the site and expand the current outdoor eating area. As part of this review, the applicant is also requesting re-approval of an 80-stall parking reduction and approval to allow the existing reception hall in the building to be opened up to the brewpub for a specified number of events each year. This site is an existing conditional use, and therefore the proposals in this application are considered a major modification to an approved conditional use.

This request is subject to the approval standards for Conditional Uses. In regards to the approval standards, the Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, and finding that all of the conditional use standards of M.G.O. §28.183(6) are met. Based on the provided information, the Planning Division believes the conditional use standards can be found met.

The new uses that require conditional use approval as well as specific modifications to the existing conditional use proposed with this application include:

Sand Volleyball Courts

The applicant first requests approval of an accessory outdoor recreation area consisting of two sand volleyball courts in an area previously approved as a landscaped yard. In its current form, there are no outdoor recreation facilities at 1313 Regent Street, and therefore this is considered a new conditional use request.

According to the applicant, a seasonally removable net will surround the entire court, which would help isolate it from the neighboring property. As proposed, no trees would be removed and the applicant would add padding to nearby trees for player safety. The applicant is proposing to have a twenty (20) foot light pole that would only be used during game time. There would also be a fence around the perimeter of the property, which as proposed would be eight (8) feet tall and constructed of solid materials to minimize light and sound impact on neighbors. The applicant has indicated that there will be no outdoor amplified sound or speakers for the volleyball area and no whistles will be used. Games would be held from May through October, and all games would end at 10:00 pm with the courts completely vacated by 10:15 pm.

M.G.O. §28.151 contains the following Supplemental Regulations for Outdoor Recreation:

- a) A minimum twenty-five (25) foot setback area maintained as open space shall be provided along the perimeter of the site wherever it abuts a residential district.
- b) If the use will be available to the general public, an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate shall serve the site. Ease of access to the site by automobiles, transit, bicycles, and pedestrians shall be considered as a factor in the review of any application.
- c) The site shall be designed in such a way as to minimize the effects of lighting and noise on surrounding properties. Hours of operation may be restricted and noise and lighting limits imposed as part of the conditional use approval.
- d) An appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

The Planning Division believes that the Supplemental Regulations can be found met. The applicant has modified the layout of the volleyball courts in order for them to comply with the residential district setback requirements and has provided screening to minimize the impact on adjacent residential properties. An updated site plan that depicts the appropriate setback requirements is included as Attachment 1. As proposed, the nearest residential building is located 62 feet from the volleyball courts (across Bowen Court). Both residential buildings to the east of the site are located 73 feet from the volleyball courts. While the submitted site plan, depicts a ten (10) foot fence, the applicant has confirmed that the fence height would be eight (8) feet to help mitigate noise concerns and comply with Zoning Code requirements.

Staff anticipates that the operation of two volleyball courts within close proximity of residential dwelling units could result in impacts on surrounding properties. Such impacts could be lessened through facility management and establishment of operating conditions. Factors such as the lack of any amplified sound, including, but not limited to ambient music or musical performances, in the area proposed for outdoor recreation; the proposed hours of operation; and the proposed conditions of approval will help mitigate anticipated impacts.

Outdoor Eating Area

The outdoor eating area behind the building was previously approved with a capacity of 58 persons. As part of this application, the applicant seeks to reconfigure the area and increase the outdoor capacity to 82 persons. The applicant is requesting a larger capacity in order to accommodate 24 additional volleyball participants. The physical modifications include adding a service bar outside along with the proposed volleyball courts.

Previous conditions of approval established a closing time of 10:00 pm. This area was also approved with a condition that the outdoor eating area not be available to patrons during UW home football games, consistent with other businesses in the area that are not approved beer gardens. While the applicant previously sought a capacity of 110, a smaller capacity (58 persons) was approved based on limiting potential noise conflicts with neighboring residential properties and consideration of the capacity's impacts on parking requirements.

Reception Hall Use

The applicant is requesting additional use of the reception hall space, combining it with the brewpub within the existing building. The applicant is requesting a maximum capacity of 445 patrons (208 persons for the brewpub, 155 fixed-seat for the reception hall, and 82 for the outdoor area). The entire space would be combined for the following:

1. Rental of the entire area for private parties, during which the property would be closed to the public.
2. A limited number of special event days, which would not exceed 24 events per year (no more than four (4) per month, and no more than two (2) per week).

If the applicant chooses to host more than these 24 events per year, an alteration to this conditional use will be required.

It is important to note that the site also has a “General Assembly” capacity in the reception hall for a maximum 450 persons for UW home football games only. The parking requirement calculations are based off of the general assembly capacity of the reception hall combined with the brewpub capacity because this is considered the maximum capacity for the subject site.

The applicant is also requesting to extend the hours of operation for the reception hall for private parties and special event days to 2:00 am Sunday - Thursday and to 2:30 am Friday - Saturday. In order to reduce impacts on surrounding properties, the Planning Division believes that reception hall use shall end at 12:00 am, in keeping with the 2015 Plan Commission approval.

Parking Stall Reduction

In keeping with M.G.O . §28.141, the amount of required automobile parking for a brewpub is 15% of capacity of persons. As proposed, the maximum capacity for the site would be 658 persons (the general assembly + brewpub capacity). Similar to the parking reduction that was approved in October 2015, the applicant is seeking a reduction of 80 parking stalls. According to M.G.O. §28.141, a parking reduction of more than 20 spaces and 25% or more of the required parking requires conditional use approval. The applicant already has Plan Commission approval for an 80 stall reduction and therefore this reduction would be considered a re-approval of an existing request.

While the capacity is changing to accommodate larger events that combine the brew pub and reception hall (363 persons), as well as incorporating the outdoor dining patio and volleyball courts (82 persons), the maximum capacity will remain at 658 persons. This maximum general assembly capacity is for Camp Randall Event Days, where the outdoor dining area cannot be occupied. Because the underlying parking requirement is based on total capacity of the site, and the applicant is not proposing to increase the maximum capacity, the parking reduction request is the same as previously approved. Details are noted below:

	Approved Capacity	2018 Proposed Capacity
Brew Pub	208 persons	208 persons
Reception Hall	155 fixed-seat 450 general assembly capacity (Camp Randall Event Days)	155 fixed-seat 450 general assembly capacity (Camp Randall Event Days)
Outdoor Dining Patio & Volleyball Courts	58 persons 0 persons (Camp Randall Event Days)	82 persons 0 persons (Camp Randall Event Days)
Total Maximum Capacity (Brew Pub Capacity + General Assembly Capacity)	658 persons	658 persons
Required Parking Stalls	99 stalls	99 stalls
Provided Parking Stalls	19 stalls	19 stalls
Amount of Reduction	80 stalls	80 stalls

Staff notes the following Conditional Use Standard #10 which pertains specially to parking reduction requests:

When applying the above standards to an application for a reduction in off-street parking requirements, the Plan Commission shall consider and give decisive weight to all relevant facts, including but not limited to, the availability and accessibility of alternative parking; impact on adjacent residential neighborhoods; existing or potential shared parking arrangements; number of residential parking permits issues for the area; proximity to transit routes and/or bicycle paths and provision of bicycle racks; the proportion of the total parking required that is represented by the requested reduction; the proportion of the total parking required that is decreased by Sec. 28.141. The characteristics of the use, including hours of operation and peak parking demand times design and maintenance of off-street parking that will be provided; and whether the proposed use is now or a small addition to an existing use.

The Planning Division believes that this standard can be found met. Like with the 2015 and 2016 application, the Planning Division acknowledges that this is a large parking reduction request. As noted in the previous reviews, this is a centrally located property that is sited in close proximity to the University. Staff anticipates that the proposed use will be in part, a neighborhood serving use, which should limit some vehicle trips that may be expected in other locations. The site is well connected by sidewalk, bus, and nearby bikes routes. The submitted plans show that 38 bicycle parking stalls would be provided.

Copies of on-street parking information are again provided for the Plan Commission's consideration. According to 2017 Parking Utility Data, the subject site is within Residential Permit Parking Program (RP3) Area 8 which has an estimated 737 on-street parking spaces with 443 (60%) in RP3. Among the 443 RP3 stalls, there were 293 active RP3 Permits. The subject site is next to RP3 Area 10 which has an estimated 1,509 on-street parking spaces with 1,141 (75.6%) in RP3. Among the 1,141 RP3 Stalls, there were 423 active RP3 Permits. Given the availability of on-street parking, Staff believes that this condition can be found met.

In 2016, the Plan Commission approved the applicant's request to incorporate 7 S. Randall Avenue into the subject site for the purpose of constructing eight (8) additional surface parking stalls. The applicant has not included these stalls in their parking counts for this application.

Furthermore, Staff believes the proposal is generally consistent with the recommendations in the [Comprehensive Plan \(2006\)](#) and the [Regent Street - South Campus Neighborhood Plan \(2008\)](#). The proposed volleyball courts are located in the rear of the site where medium density residential (MDR) is the recommended land use. While this proposal does not necessarily fulfill this land use goal, the development of two volleyball courts does not preclude the site from being further development into a residential use in the future.

Conclusion

In conclusion, in order to approve this request the Plan Commission will need to find that the new outdoor recreation facilities and proposed modifications meet all of the conditional use approval standards. Among the proposed alterations, the Planning Division anticipates that the introduction of two volleyball courts, the capacity increase for the outdoor seating area, and the parking reduction could potentially have the most impacts on surrounding properties.

In 2016, when reviewing a very similar request, the Plan Commission found that Conditional Use Standards 1, 3, 4, and 9 could not be met. While this application does not significantly differ than the previously submitted request, the applicant has established a track record with the Fire Department and the Police Department, which was part of the Commissions previous deliberations. According to the Police Department, there were two instances in 2017 were Lucky's found to be over capacity. However, Police does not believe that volleyball would

drive public safety issues or concerns and does not oppose an expansion if the neighborhood and Alder do not have concerns. The Neighborhood Association stated that they do not have oppose the volleyball courts, provided that there is no opposition from immediate neighbors. However, the Association did state their concern regarding parking impacts in the neighborhood and that any efforts to mitigate parking spillover into the neighborhood would be appreciated by neighbors. At the time of report writing, Staff received one comment from a neighbor about the parking reduction request. Those comments are attached.

If well-managed, the Planning Division believes that the proposed modifications could result in limited negative impacts. Additional conditions of approval have been recommended in addition to those placed by the Plan Commission when it reviewed the earlier version of this request in 2016. With the proposed volleyball court screening, lack of amplified sound, proposed hours of operation, and limited special event days, the Planning Division believes that Conditional Use Standards 1, 3, 4, and 9 can be found met. Given that the outdoor volleyball is not inherently a permanent use, the rear of the site could be developed into a residential use in the future.

If approved, the Plan Commission retains continuing jurisdiction over this conditional use, meaning that should complaints be filed, the Plan Commission could take further action on this conditional use as allowed in MGO Section 28.183(9)(d).

Recommendation

Planning Division Recommendation (Contact Sydney Prusak, (608) 243-0554)

If the Plan Commission can find that the approval standards for conditional uses are met, then the Planning Division recommends that the Plan Commission **approve** the request for a modified outdoor eating area, parking reduction, and other modifications including the establishment of an outdoor recreation area at a property zoned Traditional Shopping Street (TSS) District at 1313 Regent Street. This request is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Recommended Conditions of Approval Major/Non-Standard Conditions are Shaded

Planning Division (Contact Sydney Prusak, (608) 243-0554)

- 1) That there shall be no outdoor amplified sound in the outdoor eating area or in the sand volleyball courts.
- 2) That the sand volleyball courts and outdoor eating area shall close at 10:00 pm, nightly. No patrons shall remain in these areas after 10:00 pm. Only staff may be present after 10:00 pm for the purpose of area clean up. Lights to the volleyball court area shall be turned off by 10:15 pm.
- 3) That no whistles or amplified speakers be used during volleyball games.
- 4) That the approval is based on the most recently submitted site plan which shows the required twenty-five (25) foot setback area between the proposed volleyball courts and the abutting residential zoned properties located to the east of the site. The corresponding exhibit provided has not been reviewed by City agencies. Additional conditions may be recommended based on agency review and applicable requirements.
- 5) That the screening fence along the eastern and southern property boundary be extended to eight (8) feet in height.

- 6) That final details on the seasonal netting and support brackets be provided for approval by staff. Any supports used for the seasonal netting shall be removable and not present when the net is not in use.
- 7) That final details on the volleyball courts shall be provided for approval by staff. This shall include information on any edging used to contain sand.

8) That the outdoor seating area and outdoor volleyball courts shall not be available of use during regular season Wisconsin Badger home football games.

9) That the reception hall/room shall close at midnight.

10) That the parking facilities must be available at all times, and shall not be shut down for any events.

11) That maximum capacities shall be approved by City Building Inspection but shall not exceed:

- a) 208 for brewpub (number of available seats, plus staff, plus a reasonable number of people waiting for seats)
- b) 82 for patio (chairs & tables – drive capacity number, includes players for volleyball courts)
- c) 155 for reception hall/room where furniture, tables, and chairs are present (fixed-seat capacity)
- d) 450 for reception hall/room when no tables or chairs are present (general assembly capacity)

An alteration to this conditional use shall be required prior to granting a higher capacity.

12) The reception hall/room may be used with the general assembly capacity for Wisconsin Badger Home Football games and other events open to the public taking place within Camp Randall Stadium. The capacity will be limited to 155 (the fixed-seat capacity) on all other days/events. To minimize parking impacts, the reception hall space shall not be used as expanded capacity for the brewpub. In no event shall the reception hall be used as a music venue other than music provided in conjunction with private events such as weddings, receptions, private parties (retirement, birthday, holiday, reunion, or other special occasions including private events hosted related to Kohl Center and Camp Randall sporting events and concerts).

13) The applicant may combine the brewpub and reception hall spaces for private events such as weddings, receptions, private parties (retirement, birthday, holiday, reunion, or other special occasions including private events hosted related to Kohl Center and Camp Randall sporting events and concerts). During these private events, the entire property would be closed to the general public and the maximum capacity of the site shall be 445 persons (208 persons for the brewpub, 155 persons for the reception hall, and 82 for the outdoor area). The doors are required to be closed and locked to reception hall space but for when it is being used for separate events.

14) The applicant may also host 24 events per year (no more than four (4) per month, and no more than two (2) per week), where the brewpub and reception space would be combined for a maximum capacity of 445 persons for the entire site (208 persons for the brewpub, 155 persons for the reception hall, and 82 for the outdoor area) and open to the general public. The doors are required to be closed and locked to reception hall space but for when it is being used for separate events. If the applicant chooses to host more than these 24 events per year, an alteration to this conditional use will be required.

- 15) In connection with special event days during which the reception hall will be open to brewpub patrons, the applicant shall follow a management plan for operations of the site at all times, including during special event days which will have increased staffing, security personnel, and cleaning staff. The applicant shall submit the management plan for final sign-off review.
- 16) The applicant shall provide advance notice of each special event day to the Zoning Administrator, and Police and Fire Departments.

Engineering Division - Main Office (Contact Timothy Troester, (608) 267-1995)

- 17) Additional detail needs to be provided on how to control sand migration off site to the public storm sewer system.

18) The applicant shall submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2)) PDF submittals shall contain the following information:

- a) Building Footprints
- b) Internal Walkway Areas
- c) Internal Site Parking Areas
- d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
- e) Right-of-Way lines (public and private)
- f) Lot lines or parcel lines if unplatted
- g) Lot numbers or the words unplatted
- h) Lot/Plat dimensions
- i) Street names
- j) Stormwater Management Facilities
- k) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).

19) Current plan shows less than 4,000 sf disturbed area. If plans are not revised, no Erosion Control or Storm Water Management Permits will be required.

Engineering Division - Mapping (Contact Jeffrey Quamme, (608) 266-4097)

20) The driveway and parking at 7 S. Randall Street to be used by this site for patrons approved in 2016 has not been constructed as of the date of this application. The reciprocal easement for this proposed condition has been recorded as Doc No. 5267583.

Traffic Engineering Division (Contact Sean Malloy, (608) 266-5987)

21) 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.

- 22) One way operation of the site shall be secured by placing a "One Way" sign at the entrance and a "Do Not Enter" sign at the Exit.
- 23) The Developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.
- 24) 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.
- 25) All parking facility design shall conform to MGO standards, as set in section 10.08(6).

Zoning (Contact Jenny Kirchgatter, (608) 266-4569)

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| <p>26) Per the supplemental regulations for outdoor recreation, Section 28.151, provide a twenty-five (25) foot setback area between the proposed volleyball courts and the abutting residential zoned properties located to the east of the site. A twenty-five (25) foot minimum setback area maintained as open space shall be provided along the perimeter of the site wherever it abuts a residential district.</p> |
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- 27) A re-evaluation of the previously approved parking reduction is required due to the requested change in capacity. The parking requirement for the brewpub, reception hall, and outdoor eating area with outdoor volleyball courts during general use and for proposed private parties and special events is 67 stalls based on a proposed capacity of 445 persons. 19 parking stalls are proposed resulting in a parking reduction of 48 stalls. The parking requirement for Badger Football Game Days will remain as previously approved at 99 stalls based on a capacity of 658 persons. The proposed parking reduction will remain as previously approved at 80 stalls.
 - 28) Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
 - 29) On the plans, show the approved district boundary screening fence located adjacent the east property line. Screening shall be provided alongside and rear property boundaries between commercial/ mixed-use districts and residential districts. Screening shall consist of a solid wall, solid fence, or hedge with year-round foliage, between six (6) and eight (8) feet in height.
 - 30) Reduce the height of the proposed screening fence adjacent Bowen Court to a maximum of 8 feet in height. The maximum height of a screening fence in a mixed-use or nonresidential zoning district shall not exceed 8 feet in height.
 - 31) The outdoor eating area shall meet applicable building/fire codes. The capacity shall be re-established for the outdoor eating area. Occupancy is established by the Building Inspection Unit. Contact Building Inspection at (608) 266-4559 to help facilitate this process.
 - 32) Exterior lighting provided shall be in accordance with City of Madison General Ordinances Section 10.085. Provide an exterior lighting plan and fixture cut sheets with the final plan submittal.
 - 33) 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.

Fire Department (Contact Bill Sullivan, (608) 261-9658)

34) Exiting and capacity counts shall be maintained at all times. Verify with MFD regarding the need for any operational permits/licenses.

Water Utility (Contact Adam Wiederhoeft, (608) 266-9121)

35) An existing 2015 8-IN water service exists in the approximate location of the proposed new 8-IN water service connection. Diameter reduction to 4-IN may not be permissible if existing line is used for fire protection purposes. Contact Adam Wiederhoeft at Madison Water Utility to confirm intent of proposed water service improvements associated with this development - awiederhoeft@madisonwater.org.

36) Madison Water Utility will be required to sign off as part of the approval review associated with this Land Use Application/Site Plan Review prior to the issuance of building permits for the proposed development.