



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

Madison Municipal Building, Suite 017
215 Martin Luther King Jr. Boulevard
Madison, Wisconsin 53703
Phone: (608) 266-4635
www.cityofmadison.com

****BY E-MAIL ONLY****

July 21, 2022

Mike Booth
OPN Architects
301 N Broom Street
Madison, WI 53703

RE: Consideration of a conditional use in the Downtown Core (DC) District for the hours of an outdoor eating area to extend past 9:00 p.m. to allow the addition of a second floor outdoor eating area for a restaurant-nightclub at 222 W Gorham Street. (LNDUSE-2022-00045; ID [71637](#))

Dear Mike;

On July 11, 2022, the Plan Commission found the standards met and **approved** your client's conditional use request for 222 W Gorham Street. 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 satisfied:

Please contact Jenny Kirchgatter of the Zoning Division at (608) 266-4429 if you have any questions regarding the following three (3) items:

1. The outdoor eating area shall comply with the Supplemental Regulations Section 28.151 of the Zoning Code for Outdoor Eating Areas Associated With Food and Beverage Establishments. The capacity shall be established for the outdoor eating area. Occupancy is established by the Building Inspection Unit. Contact Building Inspection staff at (608) 266-4551 to help facilitate this process.
2. Submit floorplans for review to establish the capacity of the restaurant-nightclub consist with the Zoning Code Supplemental Regulations Section 28.151 Restaurant-Nightclub. Maximum capacity of the restaurant-nightclub shall be established by the Director of the Building Inspection Division, not to exceed the number of available seats, plus staff, plus a reasonable number of people waiting for seats, as shown on the floor plan consistent with approved capacity.
3. 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 two (2) items:

4. The Madison Fire Department does not support the use of open flame in assembly occupancies nor the proposed location beneath the structure.
5. In addition to posting the total capacity of the building, the maximum capacity of each floor level shall be posted and maintained.

Please contact my office at (608) 261-9135 if you have questions regarding the following five (5) items, including Conditions 8-10 which were added by the Plan Commission at their July 11, 2022 meeting:

6. That the hours of operation for the outdoor eating area shall be until 1:30 a.m. nightly as stated in the letter of intent. No service shall occur in the outdoor area after 1:30 a.m., and patrons may not utilize the outdoor patio area after those hours for smoking or otherwise. In the future, the Director of the Planning Division may consider a minor alteration to the conditional use to further modify the hours of operation for the outdoor eating area following a recommendation by the district alder.
7. Amplified sound is prohibited in the outdoor eating area unless approved by the Plan Commission as a conditional use.
8. That the pedestrian/person doors to the outdoor area not be propped open during business hours.
9. That the overhead doors facing northeast be closed at 12:00 a.m. (midnight) nightly.
10. That a solid barrier be added behind the gabion wall to provide additional noise attenuation.

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 permits for your project:

1. The applicant shall resubmit a PDF copy of the plan set and any other supporting materials that are necessary, as specified in this letter to Zoning@cityofmadison.com. (Note: A 20MB email limit applies and multiple transmittals may be required.). A check for the site plan review fee shall be mailed to the City of Madison Building Inspection Division; PO Box 2984; Madison, WI 53701-2984.
2. City Agencies who submitted conditions of approval will review your revised plans to verify that their conditions, along with any applicable requirements, have been satisfied. When the revised plans are submitted, the applicant will be emailed a hyperlink to a website to follow, in real time, which agencies have reviewed the revised documents, and signed off or need additional information.

3. This letter shall be signed by the applicant and property owner (if not the applicant) to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting building permit approval. [Signature block on last page]

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. No alteration of a conditional use shall be permitted unless approved by the Plan Commission provided, however, the Zoning Administrator following consideration by the alderperson of the district, may approve 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 Plan Commission and the conditional use standards. This approval shall become null and void one (1) 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 6 months of the issuance of said building permit. Where the plans have not been altered from the Plan Commission’s approval, and the conditional use has expired, the Director of Planning and Community and Economic Development may, after consultation with the Alderperson of the District, approve an extension for up to 24 months from the expiration date. The Plan Commission shall retain jurisdiction over this matter for the purpose of resolving complaints against the approved conditional use permit.

If you have any questions regarding obtaining your building permits, please contact the Zoning Administrator at (608) 266-4551. If you have any questions or if may be of any further assistance, please do not hesitate to contact my office at (608) 261-9135.

Sincerely,



Chris Wells
 Planner

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

Signature of Applicant

*Signature of Property Owner
 (If Not Applicant)*

cc: Jenny Kirchgatter, Zoning Administrator
 Bill Sullivan, Fire Department

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| LNDUSE-2022-00045 | | | |
| For Official Use Only, Re: Final Plan Routing | | | |
| <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 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: Forestry |
| <input type="checkbox"/> | Water Utility | <input type="checkbox"/> | Other: Metro |