



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

September 19, 2023

Robert Proctor
Axley Bryenelson, LLP
2 E Mifflin Street, #200
Madison, Wisconsin 53702

RE: Consideration of a conditional use in an approved PD(SIP) (Planned Development District-Specific Implementation Plan) for a nightclub on the first floor of a mixed-use building at 339 W Gorham Street. (LNDUSE-2023-00055; ID [79321](#))

Dear Robert,

At its September 18, 2023 meeting, the Plan Commission found the standards met and **approved** your client's conditional use request for 339 W Gorham Street. Prior to issuance of permits for the project, the conditions of approval in the following sections shall be satisfied:

Please contact Jeffrey Quamme of the City Engineering Division–Mapping Section, at (608) 266-4097 if you have questions regarding the following item:

1. The address of Tap Tap is 347 State St.
The address of Olive is 351 State St.
The address of Roxxy I is 327 W Gorham St.
Roxxy II has 2 entrances, the primary entrance will be thru the vestibule entrance with the address of 335 W Gorham St.
The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.

Please contact Jenny Kirchgatter of the Zoning Division at (608) 266-4429 if you have any questions regarding the following four (4) items:

2. The proposed nightclub shall comply with supplemental regulations Section 28.151 Nightclub.
3. Bicycle parking for the proposed nightclub tenant space shall comply with the requirements of MGO Sections 28.141(4)(g) and 28.141(11) and will be reviewed prior to obtaining zoning approval for the use. The minimum bicycle parking requirement for a nightclub use is equal to 5% of capacity of persons.
4. 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.

5. 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. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Please contact Bill Sullivan of the Madison Fire Department at (608) 261-9658 if you have any questions regarding the following two (2) items:

6. The design shall comply with the applicable building and fire codes including but not limited to fire alarm sound levels and egress widths.
7. Each assembly occupancy shall obtain a Place of Assembly License prior to start of operations.

Please contact my office at cwells@cityofmadison.com or (608) 261-9135 if you have questions regarding the following two (2) items:

8. The hours of operation for the nightclub shall be 11 a.m. to 2 a.m., Sundays through Thursdays, and 11 a.m. to 2:30 a.m., Fridays and Saturdays. Future modifications to the hours of operation of the nightclub may be requested by the applicant in the future as a minor alteration of the conditional use following a recommendation by the district alder.
9. That prior to sign-off, the applicant shall provide a management plan for staff approval that should reflect the commitments made in this application. Minor modifications to this final plan may be administratively approved if such alterations can be found to adequately address the same considerations. This Plan shall be approved by the Planning Division Director (or designee) and the use shall be operated in accordance with this plan.

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. After the plans have been revised per the above conditions, please **one (1) complete digital plan set in PDF format** of complete, fully dimensioned, and to-scale plans; [site plan review fee \(pursuant to Section 28.206 of the Zoning Code\)](#); and any other documentation requested herein to the Zoning Administrator at SPRApplications@cityofmadison.com. (Note that that an individual email cannot exceed 20MB and it is the responsibility of the applicant to present files in a manner that can be accepted. Please email SPRApplications@cityofmadison.com regarding questions or if you need alternative filing options. The sets of final revised plans or documents will be circulated by Zoning staff to the City department staff listed above for their final approval.

2. The [site plan review fee pursuant to Section 28.206](#) can be mailed in, dropped in the drop box at the Madison Municipal Building, or you can make an appointment at the Zoning counter to pay the fee. Checks should be made out to “City Treasurer.” If you mail in the check or use the drop box, please include the application form with the project address and contact information. Zoning staff typically suggest using the drop box or making an appointment with the Zoning counter to pay the fee as they are the quickest.

Mailing Address: City of Madison Building Inspection. P.O. Box 2984. Madison, WI 53701-2984

Drop Box Location: Madison Municipal Building, Doty Street Entrance. 215 Martin Luther King Jr Blvd. Madison, WI 53701-2984

Zoning Counter Appointment: <https://www.cityofmadison.com/dpced/bi/schedule-a-counter-appointment/3423/>

3. 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.
4. 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]
5. 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 other questions or if you may be of any further assistance, please do not hesitate to contact my office at cwells@cityofmadison.com or (608) 261-9135.

Sincerely,



Chris Wells
Planner

cc: Jeffrey Quamme, Engineering – Mapping
Jenny Kirchgatter, Zoning Administrator
Bill Sullivan, Fire Department

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

<i>Signature of Applicant</i>

<i>Signature of Property Owner (if not the applicant)</i>

LNDUSE-2023-00055			
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 type="checkbox"/>	City Engineering	<input type="checkbox"/>	Urban Design Commission
<input type="checkbox"/>	Traffic Engineering	<input type="checkbox"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input type="checkbox"/>	Water Utility
<input type="checkbox"/>	Metro Transit	<input type="checkbox"/>	Other: Forestry