



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****

January 11, 2024

Susan McKinney
MCKO, LLC
2809 Rosellen Avenue
Fitchburg, Wisconsin 53711

RE: Consideration of a request to rezone 118 State Street from PD (Planned Development District) to DC (Downtown Core District); and consideration of a conditional use in the [Proposed] DC District for a nightclub. (LNDUSE-2023-00086; ID 80828 and 80432)

Dear Susan;

On January 9, 2024, the Common Council **approved** your request to rezone 118 State Street from PD to DC. On December 11, 2023, the Plan Commission found the standards met and **conditionally approved** your conditional use request for a nightclub subject to Council approval of the rezoning. Prior to issuance of permits for your project, the conditions of approval in the following sections shall be satisfied:

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

1. The applicant/ owner shall note that this property is subject to a Private Air Rights Agreement over this entire property in favor of the 122 State Street property in which the air space above specified elevations is restricted per Document No. 1929114. It is solely the owner's responsibility to comply with the agreement in regard to any improvements such as the sky tubes.

Please contact Jacob Moskowitz, Assistant Zoning Administrator at (608) 266-4560 if you have questions about the following three (3) items:

2. Exterior lighting is not required. However, if it is provided, it must comply with MGO Section 29.36 outdoor lighting standards. If exterior site lighting is provided, submit an exterior lighting plan and fixture cut sheets with the final plan submittal.
3. The nightclub shall at all times operate consistent with and according to the requirements of a valid liquor alcohol license issued by the City.
4. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31 Sign Codes and Section 33.24 Urban Design Commission ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Please contact Matt Hamilton of the Madison Fire Department at (608) 266-4457 if you have any questions regarding the following two (2) items:

5. Provide automatic fire sprinkler system per IFC 903.
6. Provide life safety/ egress plan for increased proposed increase occupancy load prior to final sign-off.

Please contact Tim Sobota of the Metro Transit at (608) 261-4289 if you have any questions regarding the following three (3) items:

7. Vehicle travel lanes on the State Street transit mall have been officially designated by the City of Madison as fixed guideway facilities for transit operations with the Federal Transit Administration. This official designation, and the associated travel restrictions against general traffic usage, allows the City of Madison to receive annual Federal funding that goes towards the operation and maintenance of these lane facilities for transit operations.
8. Any closure of the designated transit travel lanes along State Street that may be approved by City Traffic Engineering to facilitate construction of this project may require that the applicant post a deposit or otherwise reimburse Metro Transit and the City of Madison for the potential loss of Federal funding for any period of time where scheduled transit trips might be required to detour off this fixed guideway facility.
9. Any detour of scheduled transit trips to alternate downtown streets that may be implemented by Metro Transit in response to such an approved closure of State Street may additionally require that the applicant reimburse the Madison Parking Utility for the loss of any parking meter revenue (where implementing alternate bus stop zones may eliminate existing metered parking stalls).

Please contact my office at (608) 261-9632 if you have questions about the following two (2) items, including the condition added by the Plan Commission on December 11, 2023 (#11):

10. Note: Approval of any exterior alterations related to the proposed renovation may require review pursuant to Sections 28.074(4) and 28.144 of the Zoning Code prior to issuance of building permits.
11. That no outdoor amplified sound is allowed.

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 sprapplications@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 two (2) years 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 one (1) year 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) 261-9632 or tparks@cityofmadison.com.

Sincerely,



Timothy M. Parks
 Planner

cc: Tim Troester, City Engineering Division
 Jeff Quamme, City Engineering Division
 Jacob Moskowitz, Asst. Zoning Administrator
 Matt Hamilton, Madison Fire Department
 Tim Sobota, Metro Transit

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)*

LNDUSE-2023-00086			
For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (T. Parks)	<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 Coordinator
<input checked="" type="checkbox"/>	Fire Department	<input checked="" type="checkbox"/>	Other: Metro Transit
<input type="checkbox"/>	Water Utility	<input type="checkbox"/>	Other: