Department of Planning & Community & Economic Development
Planning Division
Meagan Tuttle, Director
Madison Municipal Building, Suite 017
215 Martin Luther King, Jr. Blvd
P.O. Box 2985
Madison, Wisconsin 53701-2985
Phone: (608) 266-4635
www.cityofmadison.com

May 20, 2025

Jack Yip
Two Birds Madison LLC
711 E Johnson Street
Madison, Wisconsin 53703

RE: Legistar ID 83269; Accela 'LNDUSE-2024-00031' -- Consideration of a conditional use in the Neighborhood Mixed-Use (NMX) District for an outdoor eating area open past 9:00 p.m. at 709-711 E Johnson Street.

Dear Jack Yip:

At its May 19, 2025 meeting, the Plan Commission, meeting in regular session, found the standards met and approved your requested conditional use in the Neighborhood Mixed-Use (NMX) District for an outdoor eating area open past 9:00 p.m. at 709-711 E Johnson Street. In order to receive final approval of your request, and for any other permits that may need to be issued for your project, the following conditions shall be met:

Please contact my office at cwells@cityofmadison.com or (608) 261-9135 if you have any questions regarding the following five (5) items:

1. There shall be no amplified sound, including, but not limited to television, ambient music or musical performances, in the outdoor eating area unless allowed as part of the conditional use approval.

2. That the hours of operation for the outdoor eating area shall be Daily from 4:00 p.m. to 10:00 p.m., after which time the outdoor eating area shall be closed, with no service or seating in the outdoor area. Patrons may not utilize the outdoor patio area after these 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.

3. That any doors to the outdoor area (from the bar) remain closed [not be propped open] at all times.

4. That the windows of the bar be closed at 11:00 p.m. nightly.

5. That the applicant consider rounded corners to the enclosure of the outdoor seating area.

Please contact Timothy Troester of the City Engineering Division–Main Office at (608) 267-1995 if you have any questions regarding the following item:

6. Relocate outdoor seating area, including fence, outside of the right-of-way into private property.

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

7. Revise the plan, remove the old line of the previous right of way and move the line to the new right of way that is 2.5 feet further east. This is the correct boundary of the parcel.

Please contact Sean Malloy of the Traffic Engineering Division at (608) 266-5987 if you have any questions regarding the following item:

8. The applicant shall provide a fence/barrier to secure their outdoor seating area from encroaching onto the City Right of Way/Easement to be approved by Traffic Engineering.

Please contact Jacob Moskowitz of the Zoning Division at (608) 266-4560 if you have any questions regarding the following two (2) items:

9. Meet applicable building/fire codes. 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.

10. If you have a license to sell alcohol in an outdoor eating area, the Alcohol License Review Committee will establish conditions for operation, which involve fencing, security guards, toilet facilities, litter, etc. All businesses that sell alcohol must comply with the requirements imposed by the Alcohol License Review Committee at the time of issuance of your original application to expand or change your licensed premises to include the outdoor eating area. It is your responsibility to have the outdoor service area added to your licensed premise. Please contact the City Clerk's office for assistance ALRC issues.

Please contact Tim Sobota of Metro Transit at (608) 261-4289 if you have any questions regarding the following four (4) items:

11. In coordination with any public works improvements or encroachment agreements, the applicant shall maintain a clear accessible area across the concrete boarding pad surface and public sidewalk along the length of the existing Metro bus stop on the south side of East Johnson Street, east of North Blount Street (#1397).

12. The applicant is encouraged to install and maintain a concrete amenity pad surface and dedicated seating (bench) - either as part of the private landscape plan or in the public right-of-way area - serving the curbside bus stop zone on the south side of East Johnson Street, east of North Blount Street. If located in the public right-of- way, the applicant shall submit a Privilege in Streets (Bus Bench) application for review by the City. An approved Encroachment Agreement, for the bus bench, shall be executed prior to sign off. Contact City Real Estate to start the Privilege in Streets (Bus Bench) application process. (MGO 10.31)

13. The applicant shall include the location of these transit facilities on the final documents filed with their permit application so that Metro Transit may review the design.

14. Metro Transit operates daily all-day transit service along East Johnson Street adjacent this property – with trips at least every 30 minutes (every 15 minutes or less during the day on weekdays).

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 your conditional use:

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; the appropriate site plan review application and 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 zoning@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. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting conditional use approval.

3. The conditional use approval is valid for two (2) years from the date of the Plan Commission approval. During this time, the applicant must either lawfully commence the use or obtain a building permit and begin erecting the building. If the applicant obtains a valid building permit, construction must commence within six (6) months of the date of issuance. The building permit shall not be renewed unless construction has commenced as is being diligently prosecuted. 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.

4. Any alteration in plans for a proposed alternative use shall require Plan Commission approval, except for minor alterations. The Zoning Administrator may issue permits for 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 City Plan Commission and the conditional use approval standards.

5. The Plan Commission retains continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses.

If you have any questions regarding obtaining your conditional use or building permits, please contact the Zoning Administrator at 266-4551. If you have any questions or if I 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: Timothy Troester, Engineering
Jeff Quamme, Engineering Mapping
Sean Malloy, Traffic Engineering
Jacob Moskowitz, Asst. Zoning Administrator
Tim Sobota, Metro Transit

I hereby acknowledge that I understand and will comply with the above conditions of approvals.

_____

Signature of Applicant

_____

Signature of Property Owner (if not the applicant)

LNDUSE-2024-00031			
For Official Use Only, Re: Final Plan Routing			
☒	Planning Div. (Wells)	☒	Engineering Mapping Sec.
☒	Zoning Administrator	☐	Parks Division
☒	City Engineering	☐	Urban Design Commission
☒	Traffic Engineering	☐	Recycling Coor. (R&R)
☒	Fire Department	☐	Water Utility
☒	Metro Transit	☐	Forestry
☐	Parking Utility		