



Department of Planning & Community & Economic Development  
**Planning Division**

Website: [www.cityofmadison.com](http://www.cityofmadison.com)

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May 8, 2012

Nicholas Zabel  
NDZ Enterprises, LLC dba Dexter's Pub  
2610 East Johnson Street  
Madison, WI 53704

RE: Conditional Use approval for **301 North Street** to expand an existing outdoor recreation area for a restaurant/tavern to allow special events in the parking lot and the approval of an associated parking reduction during those events

Dear Mr. Zabel:

At its May 7, 2012 meeting, the Plan Commission, meeting in regular session, found the standards were met and approved your conditional use requests to expand an existing outdoor recreation area for a restaurant/tavern to allow special events in the parking lot and the approval of an associated parking reduction during those events. To receive final approval of the conditional use, the following conditions must be met:

**Please contact Bryan Walker, Traffic Engineering Division, at 267-8754 if you have any questions regarding the following two (2) items:**

1. When the applicant submits final plans of one contiguous plan for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, showing all easements, all pavement markings, building placement, and stalls, adjacent driveway approaches to lots on either side and across the street, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.
2. Applicant shall submit two different site plans, one showing the layout of the parking with the special event area and one showing the layout of the parking without the special event area according to MGO when final plans are submitted.

**Please contact Bill Sullivan, Madison Fire Department, at 266-4420 if you have any questions regarding the following five (5) items:**

3. Tents and membrane structures erected for less than 180 days shall comply with IFC Chapter 24.
4. Tents and membrane structures erected for 180 days or more shall comply with IBC Chapter 31 and IFC Chapter 24.
5. IFC Chap 2404.6 Smoking shall not be permitted in tents.
6. Refer to MGO 34.105 for applicable tent permits.

7. Submit an operational plan to MFD for approval of the special events. Plan shall address: crowd control, exiting, staff responsibilities.

**Please contact Patrick Anderson, Assistant Zoning Administrator, at 266-5978 if you have any questions regarding the following seven (7) items:**

8. Meet applicable building/fire codes for the additional outdoor capacity and for ingress and egress of the establishment with the areas and uses for the site. Occupancy is established by the Building Inspection Unit. Contact Mike VanErem at 266-4559 to help facilitate this process.
9. 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 ALRC issues
10. Meet all applicable State accessible requirements, including but not limited to:
  - a. Provide a minimum of two accessible stalls striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8' wide with an 8' striped out area adjacent.
  - b. Show signage at the head of the stalls.
  - c. Show the accessible path from the stalls to the building.
11. If outdoor lighting is provided, it must comply with City of Madison outdoor lighting standards, it must comply with City of Madison General Ordinances Section 10.085.
12. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 of the Madison General Ordinances. Sign permits must be issued by the Zoning Section of the Department of Planning and Community and Economic Development prior to sign installations. Banner's, Pennant's, temporary signs, portable sign's etc. are not a part of this approval.
13. No portion of the site plan may change without Plan Commission approval, however, 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 standards in 28.12(11)(g).
14. A parking stall reduction will be approved with this request to remove the existing surface parking stalls (to be replaced with outdoor recreational area) and reduce the additional parking stalls required for the three hundred (300) person increase in capacity.

**Please contact my office at 267-1150 if you have any questions regarding the following four (4) items:**

15. That the conditions of approval established for the alcohol service license, approved by the Common Council, also apply to the conditional use:
  - a. Maximum of four events per year.
  - b. Prior to each event, establishment will inform the District Police Captain, District Alder and City Clerk's Office.
  - c. Event times will be noon to 8:00 p.m.
  - d. Establishment must abide by all conditional use permit conditions.

16. That this conditional use shall be valid for a period of one year from the date of Plan Commission approval. This approval may be extended by the Planning Division Director after consideration of the recommendations of the Alderperson, Neighborhood Association President, Police Department, and Zoning Administrator. The continuing jurisdiction standards shall still apply. Should complaints, concerns, or issues arise regarding this condition use, this conditional use will be referred to the Plan Commission for further consideration as outlined in the Zoning Code.
17. That up to a 40-stall parking reduction applies only applies during the four events for which the expanded outdoor recreation area is in use.
18. That the applicant clarifies the type of temporary fencing provided for staff approval during sign-off.

**Please now follow the procedures listed below for obtaining your conditional use:**

1. Please submit six (6) copies of a complete plan set to the Zoning Administrator for final review and comment.
2. This property is not in a Wellhead Protection District. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. The Water Utility will not need to sign off the final plans, and not need a copy of the approved plans.
3. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting demolition and/or building permit approval.
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. This approval shall become null and void one 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 six months of the issuance of said building permit. The Plan Commission shall retain jurisdiction over this matter for the purpose of resolving complaints against the approved conditional use.

If you have any questions regarding obtaining the conditional use approval, 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 267-1150.

Sincerely,

Kevin Firchow, AICP  
 Planner

cc: Bryan Walker, Traffic Engineering  
 Patrick Anderson, Zoning  
 Bill Sullivan, Madison Fire Department

I hereby acknowledge that I understand and will comply with the above conditions of approval for this demolition permit and conditional use.	
_____ <i>Signature of Applicant</i>	
_____ <i>Signature of Property Owner (if not the applicant)</i>	

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (Firchow)	<input 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 checked="" type="checkbox"/>	Traffic Engineering	<input type="checkbox"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input type="checkbox"/>	Other: