



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

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March 21, 2018

Jeff Maertz
Bouril Design Studio, LLC
6425 Odana Road
Madison, WI 53719

RE: Legistar #50227; Accela ID: 'LNDUSE-2018-000010' -- Approval of a Conditional Use to establish an outdoor eating area for a restaurant-nightclub on a property zoned SE (Suburban Employment District) at 6405 Mineral Point Road.

Dear Mr. Maertz:

At its March 19, 2018 meeting, the Plan Commission, meeting in regular session, found the standards met and approved your conditional use request to establish an outdoor eating area with live music for a restaurant-nightclub at **6405 Mineral Point Road**, subject to the conditions below. 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 met:

Please contact Tim Troester of the Engineering Division at (608) 267-1995 if you have any questions regarding the following three (3) items:

1. The Applicant shall submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division with any private storm and sanitary sewer utilities. Show the public storm sewer and easement on the east end of the property. The digital CAD file shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the only the following data, each on a separate layer name/level number:
 - a) Building Footprints
 - b) Internal Walkway Areas
 - c) Internal Site Parking Areas
 - d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
 - e) Right-of-Way lines (public and private)
 - f) Lot lines or parcel lines if unplatted
 - g) Lot numbers or the words unplatted
 - h) Lot/Plat dimensions
 - i) Street names

- j) Private on-site sanitary sewer utilities (including all connections to public sanitary)
- k) Private on-site storm sewer utilities (including all connections to public storm)

All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email CAD file transmissions are preferred to: bstanley@cityofmadison.com (East) or <mailto:ttroester@cityofmadison.com> (West). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement, private on-site sanitary sewer utilities, or private on-site storm sewer utilities during construction will require a new CAD file.

2. The applicant shall submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2))PDF submittals shall contain the following information:
 - a. Building Footprints
 - b. Internal Walkway Areas
 - c. Internal Site Parking Areas
 - d. Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
 - e. Right-of-Way lines (public and private)
 - f. Lot lines or parcel lines if unplatted
 - g. Lot numbers or the words unplatted
 - h. Lot/Plat dimensions
 - i. Street names
 - j. Stormwater Management Facilities
 - k. Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
3. Less than 4,000 sf disturbed area, no Erosion Control or Storm Water Management Permits required.

Please contact Jenny Kirchgatter, the Assistant zoning Administrator at (608) 266-4429 if you have any questions regarding the following five (5) items:

4. Note the existing site currently exceeds the maximum lot coverage of 75%. Lot coverage is defined as the total area of all buildings, measured at grade, all accessory structures including patios, etc., and all paved areas as a percentage of the total area of the lot, with the following exceptions: sidewalks or paved paths no wider than five (5) feet, pervious pavement, green roofs and decks. The proposed site improvements may not further increase lot coverage above the maximum. Provide a detail of the pervious pavers proposed to maintain the existing lot coverage.
5. Bicycle parking for the restaurant-nightclub shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Verify the capacity of the restaurant-nightclub to determine the bicycle parking requirement. Provide the minimum number of short-term bicycle parking stalls equal to 5% of capacity of persons (8 bicycle stalls) located in a convenient and visible area on a paved or impervious surface. Bicycle parking shall be located at least as close as the closest non-accessible

automobile parking and within one hundred (100) feet of a principal entrance. Note: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Provide a detail of the proposed bike rack.

6. The outdoor eating areas shall meet applicable building/fire codes. The capacity shall be established for the outdoor eating areas. Occupancy is established by the Building Inspection Unit. Contact Building Inspection staff at (608) 266-4559 to help facilitate this process.
7. The restaurant-nightclub shall hold an entertainment license under Section 38.06(11) and operate in accordance to the Supplemental Regulations Section 28.151 for a Restaurant-Nightclub.
8. 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 Fire Department at (608) 261-9658 if you have any questions regarding the following two (2) items:

9. The total building occupancy shall remain at 137 as currently established by the Restaurant Tavern Capacity from Building Inspection unless a fire sprinkler system is provided.
10. In-fill windows on the First Floor or otherwise protect the opening in order to achieve the proposed fire separations

Please contact Adam Wiederhoeft of the Water Utility at (608) 266-9121 if you have any questions regarding the following item:

11. The proposed development may require the installation of a fire protection/automatic sprinkler system (see also Madison Fire Department review comments); subsequently, a higher capacity water service lateral may be required to meet required flow rates (existing lateral diameter is 1.5-inch). If a new water service will be required, contact Madison Water Utility Engineering Section to evaluate service connection options, confirmation of water meter size, or any applicable customer account revisions.

Please contact my office at (608) 243-0554 if you have any questions regarding the following two (2) items:

12. Reasonable amplified sound is permitted, except between the hours of 8:00 pm and 12:00 pm, in the outdoor eating areas located at the restaurant-nightclub addressed 6405 Mineral Point Road.
13. The hours of operation for the outdoor eating area located at 6405 Mineral Point Road shall be Monday through Saturday from 3:30 pm – 9:30 pm. Future modifications to the hours of operation of the outdoor eating area may be requested by the applicant in the future as a minor alteration of the conditional use following a recommendation by the district alder.

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. Please revise your plans per the above conditions and submit **six (6) copies** of a complete, fully dimensioned and scaled plan set to the Zoning Administrator for final review and comment. Also be sure to include any additional materials requested by these departments for their approval prior to sign off. The final site plan shall be accompanied by the appropriate site plan review application and fee pursuant to Section 28.206 of the Zoning Code, and any other documentation requested herein with the Zoning Administrator, 126 S. Hamilton Street. **This submittal shall all also include one complete digital plan set in PDF format.** The sets of final revised plans or documents will be circulated by the Zoning staff to the City department staff listed above for their final approval.
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.
3. 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.
4. The approval is valid for one (1) year 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.
5. 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.
6. 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 (608) 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 (608) 243-0554.

Sincerely,



Sydney Prusak
Planner

I hereby acknowledge that I understand and will comply with the above conditions of approval for the conditional use permit.

Signature of Applicant

Signature of Property Owner (if not the applicant)

cc: Tim Troester, Engineering
Jenny Kirchgatter, Zoning
Bill Sullivan, Fire Department
Adam Wiederhoeft, Water Utility

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