



Department of Planning & Community & Economic Development

## Planning Division

Heather Stouder, Director

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March 21, 2018

James McFadden  
McFadden & Company  
380 W. Washington Ave.  
Madison, WI 53704

RE: Legistar ID# 50428 | Accela ID: 'LNDUSE-2018-00017' -- Approval of a major alteration to an existing conditional use to add an outdoor eating area at an existing restaurant-tavern on a property zoned TSS (Traditional Shopping Street) District at **308 S. Paterson Street and 852 Williamson Street.**

Dear Mr. McFadden:

At its March 19, 2018, the Plan Commission, meeting in regular session, found the standards met and **approved** your client's conditional use request for **308 S. Paterson Street and 852 Williamson Street**. 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 Jenny Kirchgatter of the Zoning Division at (608) 266-4429 if you have any questions regarding the following seven (7) items:**

1. Vehicle parking is required for the tavern and outdoor eating area equal to a minimum of 15% of capacity of persons. A minimum of four (4) off-street vehicle parking spaces are required. Zero spaces will be provided. Per MGO Section 28.141(5) Table 28I-4, for non-residential uses, the applicant may reduce the parking requirement by the greater of (5) parking spaces or ten percent (10%) of the required parking.
2. Bicycle parking shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). A minimum of two (2) bicycle stalls are required. Zero bicycle parking stalls are proposed on the site. Note that bicycle stalls located in the public right-of-way do not count toward the minimum bicycle parking requirement. A bicycle parking reduction will be required per Section 28.141(5) Table 28I-4. Submit a request for a bicycle parking reduction with the final plan submittal.
3. Identify the location of the refuse disposal area on the site plan. All developments, except single family and two family developments, shall provide a refuse disposal area. If the refuse disposal area is located outside the building, it shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet. Submit a detail of the trash enclosure if provided outside the building.

4. The capacity shall be established for the outdoor eating area. Occupancy is established by the Building Inspection Unit. Contact Building Inspection staff at (608) 266-4559 to help facilitate this process.
5. Exterior lighting provided shall be in accordance with City of Madison General Ordinances Section 10.085. If exterior site lighting is provided, submit an exterior lighting plan and fixture cut sheets with the final plan submittal.
6. 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.
7. 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. Note that the proposed wall sign location does not meet Chapter 31 Sign Code requirements for a wall sign.

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

8. Provided that the basement level is used only by employees, MFD does not have any concerns with the proposed use.

**Please contact my office at (608) 261-9135 if you have any questions regarding the following four (4) items, including Condition #9, which was amended by the Plan Commission at their March 19, 2018 meeting:**

9. The hours of operation for the outdoor eating area located to the west of the tenant space addressed as 308 S. Paterson Street shall be: Sunday - Thursday, 3:00 pm to 10:00 pm and Friday and Saturday, 3:00 pm to 11:00 pm. Future modifications to the hours of operation of the outdoor eating area may be approved in the future as a minor alteration of the conditional use following a recommendation by the district alder.
10. The total capacity of the restaurant-tavern addressed as 308 S. Paterson Street which includes the capacity of the outdoor eating area located to the west of the aforementioned tenant space, shall be 30 persons (note: the final details of the seating plan and capacity to be approved by City Building Inspection). Future modifications to the capacity of the outdoor eating area may be approved in the future as a minor alteration of the conditional use following a recommendation by the district alder and approval from City Building Inspection.
11. Outdoor patio lighting must be below the fence and facing down.

12. There shall be no amplified sound, including, but not limited to television, ambient music or musical performances, in the outdoor eating area located to the west of the tenant space addressed as 308 S. Paterson Street.

**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 **seven (7) 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, demolition 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) 261-9135.

Sincerely,



Chris Wells  
Planner

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

\_\_\_\_\_  
*Signature of Applicant*

\_\_\_\_\_  
*Signature of Property Owner (if not the applicant)*

cc: Brenda Stanley, City Engineering  
John Sapp, City Engineering  
Jeff Quamme, Engineering Mapping  
Sean Malloy, Traffic Engineering  
Jenny Kirchgatter, Zoning Division  
Bill Sullivan, Fire Department

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 checked="" 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"/>	Metro Transit
<input type="checkbox"/>	Water Utility		