



Department of Planning & Community & Economic Development

## Planning Division

Heather Stouder, Director

215 Martin Luther King Jr. Boulevard

P.O. Box 2985

Madison, Wisconsin 53701-2985

Phone: (608) 266-4635

Fax (608) 267-8739

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

August 14, 2019

Jacob Dehaven  
Dehaven Properties  
2342 E Washington Avenue  
Madison, WI 53704

RE: Legistar #56127; Accela ID: 'LNDUSE-2019-00070' -- Approval of a Conditional Use to allow a theater, assembly hall, concert hall with a restaurant-nightclub (Incidental Use) and outdoor eating area in the Neighborhood Mixed-Use (NMX) Zoning District at 2262 Winnebago Street.

Dear Mr. Dehaven:

At its August 12, 2019 meeting, the Plan Commission, meeting in regular session, found the standards met and approved your conditional use request to establish a theater, assembly hall, concert hall with a restaurant-nightclub (Incidental Use) and outdoor eating area in the Neighborhood Mixed-Use (NMX) Zoning District at 2262 Winnebago Street. 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 Jeffery Quamme of the Engineering Division – Mapping Section at (608) 266-4097 if you have any questions regarding the following three (3) items:**

1. The site plan shall include all lot/ownership lines and all pavement including the access pavements to Winnebago Street. Also refer to Birrenkott Survey of August 7, 2018.
2. Label and denote fully on the site plan the lease area for Parking Lot Improvements per Document No 5461180.
3. Label and dimension the 15' wide City of Madison Transportation Parcel adjacent to this site.

**Please contact Sean Malloy of the Traffic Engineering Division at (608) 266-5987 if you have any questions regarding the following nine (9) items:**

4. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles,

hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.

5. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
6. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.

**Please contact Jenny Kirchgatter, the Assistant Zoning Administrator at (608) 266-4429 if you have any questions regarding the following seven (7) items:**

7. There is no minimum vehicle parking requirement for a *theater, assembly hall, or concert hall* use nor for a building under 10,000 sq. ft. in floor area within the NMX zoning district. There will be a minimum vehicle parking requirement for the incidental *restaurant-nightclub* use operating while there are no performances. The vehicle parking requirement for the restaurant-nightclub is equal to 15% of capacity of persons. The maximum capacity of the restaurant-nightclub shall be established by the Director of the Building Inspection Division based on the number of available seats, plus staff, plus a reasonable number of people waiting for seats. Verify with Zoning staff the basis for the 60 person capacity for the restaurant-nightclub. An administratively approved parking reduction may be required.
8. Four (4) bicycle parking spaces above the minimum number required may be substituted for one (1) required automobile parking space. Seven (7) bicycle stalls are proposed above the minimum of eleven (11) stalls for a substitution of one (1) vehicle stall.
9. Show the dimensions of the proposed bicycle stalls that abut the deck and accessible stall. A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area.
10. Show the required signage at the head of the accessible stall. Accessible signs shall be a minimum of 48" between the bottom of the sign and the ground.
11. Screening is required adjacent the Zoning district boundary along the north and west property lines. Screening shall be provided along side and rear property boundaries between commercial/ mixed-use districts and residential districts. Screening shall consist of a solid wall, solid fence, or hedge with year-round foliage, between six (6) and eight (8) feet in height. Submit a detail of the screening fence or hedge with the final plans.
12. 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.
13. 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 at (608) 261-9658 if you have any questions regarding the following item:**

14. MFD supports the phased plan with fire sprinkler protection being installed in the summer of 2019.

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

15. Metro Transit staff, as well as our passengers and other stakeholders in the Capitol East District, have identified that the existing hourly bus service frequency that operates on Route 6 along East Washington Avenue on weekends and holidays is inadequate for the densities and uses that are being proposed, and have been previously approved.
16. As part of the 2019 budget process, Metro Transit again submitted an operating budget request that includes an investment proposal that would afford an increase to the bus service frequency in the East Washington Avenue corridor on weekends and holidays, to more frequent trips running every 30 minutes. The supplemental budget request for an approximate annual operating cost of \$450,000 - that would be necessary to implement this service frequency increase, by using four additional buses on weekends and holidays - was not adopted in either the 2018 or 2019 operating budgets.
17. Metro Transit provides daily bus service along East Washington Avenue and Winnebago Street, including stops near the Sixth Street intersection. Trips on East Washington operate at least once every 30 minutes on weekdays, but only pass once an hour each direction all day on weekends. Trips along Winnebago only operate once an hour, both weeknight evenings and all day on weekends.
18. The proposed operating hours, at night, extend beyond the final bus trips currently funded by the City of Madison. The last trips westbound - towards the downtown and campus - depart as early as 1105pm on weeknights, and 1010pm on weekend evenings. The final departures heading the opposite direction, towards the North Transfer Point or East Towne Mall, depart as early as 1155pm during the week, and 1040pm on Saturdays and Sundays.

**Please contact Adam Wiederhoeft at (608) 266-9121 if you have any questions regarding the following two (2) items:**

19. The proposed development may require the installation of a fire protection/automatic sprinkler system depending on occupancy/intended use (see also Madison Fire Department review comments); subsequently, a higher capacity water service lateral may be required to meet required flow rates. 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.
20. Madison Water Utility will be required to sign off as part of the approval review associated with this Land Use Application/Site Plan Review prior to the issuance of building permits for the proposed development.

**Please contact my office at (608) 243-0554 if you have any questions regarding the following five (5) items:**

21. The occupancy for the theater, assembly hall, concert hall shall be limited to 130 persons.
22. The door to the outdoor eating area on the southwest side of the building shall remain closed at all times.
23. No outdoor amplified sound (from music, televisions, etc.) or live musical performance shall be allowed in the outdoor seating area.
24. The outdoor eating area shall close at 10:00 p.m., seven days a week. The Director of the Planning Division may consider a minor alteration to the conditional use in the future to further modify the hours of operation for the outdoor areas following a recommendation by the District Alder.
25. The theater, assembly hall, concert hall and restaurant-nightclub shall close at 12:00 a.m. seven days a week.

**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, 215 Martin Luther King Jr. Boulevard. **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

cc: Brenda Stanley, Engineering  
Jeffery Quamme, Engineering Mapping  
Sean Malloy, Traffic Engineering  
Jenny Kirchgatter, Zoning  
Bill Sullivan, Fire Department  
Tim Sobota, Metro Transit  
Adam Wiederhoeft, Water Utility

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)*

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (Prusak)	<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 checked="" type="checkbox"/>	Metro Transit
<input checked="" type="checkbox"/>	Water Utility		