



Department of Planning & Community & Economic Development

## Planning Division

Heather Stouder, Director

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August 26, 2020

Colleen Bos  
Bos Meadery  
849 E Washington Avenue  
Madison, WI 53703

RE: Legistar #61474; Accela ID: 'LNDUSE-2020-00080' -- Approval of a conditional use to establish a nightclub and outdoor eating area on property zoned Traditional Employment (TE) District at 849 E Washington Avenue.

Dear Ms. Bos,

At its August 24, 2020 meeting, the Plan Commission, meeting in regular session, found the standards met and approved your conditional use request to establish a nightclub and outdoor eating area in an existing multi-tenant commercial building on a property zoned Traditional Employment (TE) District at 849 E Washington Avenue. 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 my office at [sprusak@cityofmadison.com](mailto:sprusak@cityofmadison.com) if you have any questions regarding the following two (2) items:**

1. The outdoor eating area shall close at 10:00 p.m. seven days a week as stated in the application materials. 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 eating area following a recommendation by the District Alder.
2. No outdoor amplified sound (from music, televisions, etc.) or live musical performance shall be allowed in the outdoor eating area.

**Please contact Brenda Stanley of the Engineering Division at (608) 261-9127 if you have any questions regarding the following item:**

3. Based on Wisconsin DNR BRRS record #03-13-561428 HUMISTON KEELING COMPANY, the property contains residual contamination. If contamination is encountered, all WDNR and DSPS regulations for proper handling and disposal of contaminated soils shall be followed.

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

4. The applicant shall provide a barrier between their site and the Right of Way to secure the Right of Way from encroachment.

**Please contact Jenny Kirchgatter, Assistant Zoning Administrator, at (608) 266-4429 if you have any questions regarding the following six (6) items:**

5. 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.
6. Submit a complete site plan showing the existing parking lot with vehicle stalls and accessible stalls. Show the location of the previously approved bicycle stalls adjacent the East Washington Avenue frontage. Include a parking lot summary for the existing parking lot with the numbers of vehicle stalls, accessible stalls and bicycle stalls.
7. Work with Zoning staff to determine the minimum vehicle parking requirement for the existing nightclub and multi-tenant building. The vehicle parking requirement for a nightclub is 15% of capacity of persons. The vehicle parking requirement for an office use or service business is one (1) parking space per 400 sq. ft. of floor area. The existing parking lot contains 65 stalls. It is likely that a vehicle parking reduction will be required. Per Section 28.141(5), parking for nonresidential uses may be reduced by one space for each space in a public parking lot or public parking structure located within 1,320 feet of the use, as measured by using the shortest pedestrian route from the nearest corner of the parking lot or structure to the main public entrance of the use served. Due to the proximity of the Capital East Parking Ramp located at 111 South Livingston Street, parking for the existing nightclub and mixed-use building may be reduced. Submit an application for a Parking Reduction to document the availability of off-site parking. Please include information regarding the proposed capacity of the existing nightclub and tenant uses and floor area for the existing tenant spaces.
8. Bicycle parking shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum number of short-term bicycle parking stalls equal to five percent (5%) of capacity of persons for the nightclub. On the site plan, show the previously approved bicycle stalls located adjacent the East Washington Avenue frontage. Bicycle parking shall be located in a convenient and visible area on a paved or pervious surface 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.
9. Show 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. Note that City issued trash containers are not required to be screened.
10. 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 Janine Glaeser, Urban Design Commission Secretary, at (608) 267-8740 if you have any questions regarding the following three (3) items:**

11. Replace stone mulch planting bed with wood mulch and add some lower plantings to existing corner planting area that will remain.
12. Consider keeping an additional planting bed with mulch next to the smaller side stair.
13. Consider a slightly sloped concrete patio instead of a raised deck.

**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 resubmit a PDF copy of the 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 with the Zoning Administrator ([zoning@cityofmadison.com](mailto:zoning@cityofmadison.com)). Note that the 20MB email limit still applies. Please mail the check, made out to "City Treasurer", for the site plan review fee to the following address: City of Madison Building Inspection P.O. Box 2984 Madison, WI 53701-2984. Include a cover page with the check, which includes the project address, brief description of the project, and contact information.
2. This property is located within 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. A 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 twelve (12) months from the expiration date.
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 [sprusak@cityofmadison.com](mailto:sprusak@cityofmadison.com).

Sincerely,



Sydney Prusak, AICP  
Planner

cc: Brenda Stanley, Engineering  
Sean Malloy, Traffic Engineering  
Jacob Moskowitz, Zoning  
Bill Sullivan, Fire Department  
Janine Glaeser, Urban Design Commission  
Jeff Belshaw, 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 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 checked="" type="checkbox"/>	Water Utility		