



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

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

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July 21, 2009

Jeremy Cynkar  
Destree Design Architects  
222 West Washington Avenue  
Madison, Wisconsin 53703

RE: Approval of a conditional use for an outdoor eating area at a restaurant in the C2 (General Commercial) District.

Dear Mr. Cynkar:

The Plan Commission, meeting in regular session on July 20, 2009 determined that the ordinance standards could be met and **approved** your client's request for a conditional use for an outdoor eating area at 2501 West Beltline Highway. In order to receive final approval for the conditional use, the following conditions must be met:

**Please contact my office at 266-5974 if you have any questions about the following four (4) items:**

1. By signing this letter of approval, the applicant acknowledges the presence of current and future highway noise near the proposed outdoor eating area.
2. Final plans submitted for staff approval will show the location of the lilac trees, if they are to be relocated elsewhere on the site.
3. The posted capacity of the outdoor eating area will be a maximum of 60 persons, or a lower number as deemed necessary to comply with Madison General Ordinances.
4. The Plan Commission retains continuing jurisdiction over the approval of this conditional use. If complaints are received related to noise on the outdoor patio in the future, the Plan Commission may further restrict the hours of operation or limit the use of outdoor amplified music.

**Please contact John Leach, Traffic Engineering at 267-8755 if you have questions about the following item:**

5. When the applicant submits final plans 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, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), and a scaled drawing at 1" = 30'.

**Please contact Pat Anderson, Zoning Administrator at 266-5978 if you have questions about the following eight (8) items:**

6. Lighting is not required. However, if it is provided for the commercial/retail portion of the parking, it must comply with City of Madison outdoor lighting standards (See parking lot packet). Lighting will be limited to .10 watts per square foot.
7. Occupancy of the outdoor eating and recreation area must be established. Contact Zoning staff to help facilitate this process.

8. For licenses to sell alcohol in outdoor eating areas, the Alcohol License Review Committee (ALRC) establishes conditions for operation involving fencing, security guards, toilet facilities, litter, etc. All businesses that sell alcohol must comply with the requirements imposed by the ALRC at the time of issuance of your original application to expand or change your licensed premises to include the outdoor eating area.
9. Identify the extent of parking devoted to restaurant and designate on site plan.
10. For parking lot plans with greater than twenty (20) stalls, landscape plans must be stamped by a registered landscape architect. Provide a landscape worksheet with the final plans that shows that the landscaping provided meets the point and required tree ordinances.
11. Provide one 10' x 35' loading area with 14' vertical clearance to be shown on the final plans. The loading area shall be exclusive of drive aisle, fire lane, and maneuvering space.
12. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 of the Madison General Ordinances. Signage must be approved by the Urban Design Commission and Zoning staff. Sign permits must be issued by the Zoning Section of the Department of Planning and Community and Economic Development prior to sign installations.
13. Provide bike parking (1 stall per 10 automobile parking stalls required) in a safe and convenient location on an impervious surface to be shown on the final plan. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices.

**Please contact Scott Strassburg, Madison Fire Department, at 261-9843 if you have questions about the following two (2) items:**

14. The outdoor fire pit is not included in this review or approval and shall meet or exceed all building, fire and life safety codes. Please contact both the Building Inspection staff and Fire Department for approval of any outdoor fire pit to be installed.
15. Per International Fire Code (IFC) Chapter 10 and MGO 34, the applicant shall:
  - a) Submit an approved capacity with the site plan and post the capacity of the outside dining area in accordance with the IFC 2006 edition.
  - b) Ensure that the proposed patio shall not be located at, adjacent to, or obstruct the required exists from the building.
  - c) Provide and maintain exits from the patio in accordance with the IFC 2006 edition.
  - d) Submit a seating plan for the proposed patio for final approval by Madison Fire Department staff.

**Please contact Janet Dailey, City Engineering at 261-9688 if you have questions about the following item:**

16. The approved address for the BonFyre Grille is 2601 W. Beltline Highway.

**Please contact Dennis Cawley, Madison Water Utility at 261-9243 if you have questions about the following item:**

17. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

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

1. Please revise your plans per the above and submit *seven (7) copies* of a complete plan set to the Zoning Administrator for final staff review and comment.
2. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting the conditional use permit.
3. 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 permit.

If you have any questions regarding obtaining your conditional use permit, 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 266-5974.

Sincerely,

Heather Stouder, AICP  
 Planner

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

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*Signature of Applicant*

cc: Pat Anderson, Assistant Zoning Administrator  
 Janet Dailey, City Engineering  
 John Leach, Traffic Engineering  
 Scott Strassburg, Madison Fire Department

| For Official Use Only, Re: Final Plan Routing |                                |                                     |                               |
|---|--------------------------------|-------------------------------------|-------------------------------|
| <input checked="" type="checkbox"/>           | Planning Division (H. Stouder) | <input type="checkbox"/>            | Recycling Coordinator (R & R) |
| <input checked="" type="checkbox"/>           | Zoning Administrator           | <input checked="" type="checkbox"/> | Fire Department               |
| <input checked="" type="checkbox"/>           | City Engineering               | <input type="checkbox"/>            | Urban Design Commission       |
| <input checked="" type="checkbox"/>           | Traffic Engineering            | <input type="checkbox"/>            | Other:                        |
| <input checked="" type="checkbox"/>           | Engineering Mapping            | <input type="checkbox"/>            | Other:                        |