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29 September 2009

CONDITIONAL USE APPLICATION LETTER OF INTENT

Chair and Members of the Plan Commission
c/o Department of Planning and Community
and Economic Development
City of Madison
215 Martin Luther King Jr. Boulevard
Madison, WI 53703

Re: Whiskey River LLC dba Rev. Jim's Roadhouse
6402 Millpond Road, Madison, WI 53718
Application for Condition Use Permit Under Section 28.09(3)(d) 2, MGO

Dear Chair and Members of the City of Madison Plan Commission:

We are the attorneys for James R. and Rebecca L. Halbach, the owners of 6402 Millpond Road, City of Madison, and Whiskey River, LLC, dba Rev. Jim's Roadhouse, the tenant at 6402 Millpond Road, City of Madison.

6402 Millpond Road is located just east of the Interstate (I 90 & 39) and just south of USH 12 & 18. The nearest two landmarks are the Yahara Hills Golf Course and De Jope Bingo. The area is essentially largely vacant and all non-residential commercial except for a small hotel and a small apartment complex, both of which are at approximately 750 feet from the 6402 Millpond Road site.

6402 Millpond Road was originally a McDonalds, after which it became a lodge for the Loyal Order of Moose. As attendance at the Moose Lodge fell, the land and building were sold to Mr. and Mrs. Halbach and leased to a wholly owned limited liability company, Whiskey River, LLC, which operates a tavern on site.

As of the writing of this letter of intent, Whiskey River, LLC, has pending before the Alcohol License Review Commission (and subsequently the Common Council) an

application for change of premises to allow a portion of the exterior of the site to be used for outdoor events. The conditions that have been negotiated between Whiskey River, LLC, the alderperson (Ald. Judy Compton) and the Madison Police Department that are to be considered by the ALRC and Common Council are as follows:

1. Outdoor venue/amplification use will be permitted on Friday and Saturday evenings, as well as Sundays from 12 pm to 8 pm if this day falls prior to a Monday holiday; permission for any other day may be granted with prior approval from MPD East District command staff, said request shall be made a minimum of 48 hours prior to the event;
2. No amplification prior to Noon or past 12 am allowed during any day or special event;
3. Amplification shall be no louder than 45 decibels within a 100' radius of Rev. Jim's property line; amplification may include live or pre-recorded music;
4. A minimum of one visible identifiable security staff for every 50 customers will be required; security will be responsible for monitoring inside the tavern, outdoor seating or stage area and parking lot;
5. A licensed security company shall be retained to assist with larger scale outdoor events on a case-by-case basis after consultation with MPD;
6. Semi-trucks shall not be allowed extended parking (in excess of one hour) in the lot, although this would not prohibit short-term delivery of supplies to include loading and unloading;
7. Fencing shall be required surrounding the designated outside venue as depicted in the proposal with signage indicating "no alcoholic beverages past this point"; and
8. Capacity shall be kept at 581.

If the conditions of change of premises as adopted by the Common Council are different than the foregoing, we will advise the Plan Commission.

Whiskey River, LLC is making this conditional use application under Section 28.09(3)(d) 2, MGO, for outdoor eating (and drinking) and recreation related to the operation of a tavern in a C2 zoned area consistent with the conditions of the approved change of premises for the beer/liquor license. The only physical change to the premises will be a temporary snow fencing enclosure of the exterior area being used.

The type of events that Whiskey River, LLC plans to sponsor for 2010 and future years include tailgate parties for UW (home) football games, Thunder Run, Women in Motion Riding for a Cause ASMI fundraiser, Band Camp pre and post event party, Harley Davidson Anniversary Ride/Kick-Off to Milwaukee, and Rev. Jim's Roadhouse "Bike Night" (generally Friday nights from May through October).

Through an error, outside events were held the summer of 2008. A 2008 change of premises on the beer/alcohol license with specific 2008 dates was sought and granted and events were held under that license, but no conditional use permit was known to be needed or requested. Unfortunately, while the City Clerk notifies the Plan Department in the case of a new beer/alcohol license application, the City Clerk did not notify the Plan Department in the case of an application for an amendment to an existing beer/alcohol license. That was discovered during Whiskey River, LLC's 2009 application for changes to the 2008 license conditions and the City Clerk has changed the Clerk's office's procedure. We bring this up simply to note that for the 2008 season and the one 2009 event (Band Camp pre and post event party) held under the 2008 license, there were no known complaints.

We look forward to presenting this application for a conditional use permit under Section 28.09(3) (d) 2, MGO.

Very truly yours,

Ronald M. Trachtenberg

RMT:srp
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Plan Commission lt of intent