



Department of Planning & Community & Economic Development
Planning Division

Website: www.cityofmadison.com

Madison Municipal Building
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P.O. Box 2985
Madison, Wisconsin 53701-2985
TDD 608 266-4747
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April 12, 2011

Todd Barnett
Barnett Architecture
118 North Breese Terrace
Madison, WI 53726

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

Dear Mr. Barnett:

The Plan Commission, meeting in regular session on April 11, 2011 determined that the conditional use standards could be met and **approved** your client's request for a conditional use at 961-967 South Park Street. In order to receive final approval, the following conditions must be met:

Please contact my office at 266-5974 with questions about the following three (3) items:

1. Outdoor amplified sound shall be prohibited on the subject properties.
2. The outdoor eating area shall open no earlier than 7:00am and close no later than 9:00pm each day.
3. Detail for all proposed bicycle parking shall be shown in final plans submitted for staff review and sign-off.

Please contact Janet Dailey, City Engineering, at 261-9688 with questions about the following twelve (12) items:

4. Provide Engineering Mapping (epederson@cityofmadison.com) and Assessor's Office (mrichards@cityofmadison.com) copies of all recorded cross access easements. City staff will also need recorded copies of either; 1) The intended property ownership transfer deeds or 2) Any land use leases or agreements defining the terms allowing this development to occur on two separate properties owned by different parties.
5. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass (POLICY).
6. *Value of the restoration work less than \$5,000. When computing the value, do not include a cost for driveways. Do not include the restoration required to facilitate a utility lateral installation.* The Applicant's project requires the minor restoration of the street and sidewalk. The Applicant shall obtain a Street Excavation Permit for the street restoration work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees (MGO 16.23(9)(d)(6)). This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
7. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer

determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction (POLICY).

8. All work in the public right-of-way shall be performed by a City licensed contractor (MGO 16.23(9)(c)5 and MGO 23.01).
9. All damage to the pavement on Parr Street & South Park Street, adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link:
<http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY)
10. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
11. For Commercial sites < 1 acre in disturbance the City of Madison is an approved agent of the Department of Commerce and WDNR. As this project is on a site with disturbance area less than one (1) acres, and contains a commercial building, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required (NOTIFICATION).
12. Prior to approval, this project shall comply with MGO Chapter 37 regarding stormwater management. Specifically, this development is required to:
 - a) Control 40% TSS (20 micron particle) off of new paved surfaces.
 - b) Provide oil & grease control from the first 1/2" of runoff from parking areas
 - c) Complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website – as required by MGO Chapter 37.

Stormwater management plans shall be submitted and approved by City Engineering prior to sign-off.

13. The Applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number:
 - a) Building footprints
 - b) Internal walkway areas
 - c) Internal site parking areas
 - d) Other misc
 - e) Right-of-way lines (public and private)
 - f) All underlying lot lines or parcel lines if unplatted
 - g) Lot numbers or the words "unplatted"
 - h) Lot/Plat dimensions
 - i) Street names

All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred addressing@cityofmadison.com. Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file (POLICY and MGO 37.09(2) & 37.05(4)).

14. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set (POLICY and MGO 37.09(2)).

PDF submittals shall contain the following information:

- a) Building footprints
 - b) Internal walkway areas
 - c) Internal site parking areas
 - d) Lot lines and right-of-way lines
 - e) Street names
 - f) Stormwater Management Facilities
 - g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans)
15. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. MGO 37.05(7). This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

Please contact John Leach, Traffic Engineering at 267-8755 with questions about the following ten (10) items:

16. When the applicant submits final plans of one contiguous plan 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, showing all easements, all pavement markings, building placement, and stalls, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.
17. When site plans are submitted for approval, the developer shall provide recorded copies of the joint driveway ingress/egress and easements.
18. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
19. The existing driveway approach on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
20. The applicant shall show the existing driveway approach on the southerly adjacent property. According to M.G.O. all driveway approach shall be a min. of 10 ft apart. The applicant will need to dimension the distance to the existing southerly approach.
21. The driveway to both South Park Street and Parr Street shall be modified according to M.G.O. Both approach shall be a minimum ten (10) ft in width with two five (5) ft flares in accordance to M.G.O. 10.08(4)(a) 3.
22. The applicant shall modify the westerly driveway according to MGO 10.08(3)(b), No entrance shall be closer than five (5) ft. to an adjacent property line; provided, however, that in cases of practical difficulty or unnecessary hardship the City Engineer, Traffic Engineer, and Director of the Building Inspection Division may jointly reduce such requirement with subsequent appeal to the Board, if necessary. No driveway approach shall be so constructed that any part of the same extends in front of the property belonging to a person other than the permittee unless both property owners sign a joint application for permit. In this case the applicant shall modify the Park Street approach according to a Class 3 driveway min. width of 10 ft. with two 5 ft flares design standard that will extend in front of the adjacent property owner.
23. The applicant shall show dimensions for the proposed existing parking stalls' items S=9.5 ft, A=20 ft, B=13.5ft, C=19.5 ft, E=9 ft, F=16.5 ft, and H=8.5 ft for 45 degree of angle parking width and backing up, according to Figures II "Medium and Large Vehicles" parking design standards in Section 10.08(6)(b) 2. Signs and planting areas are to be excluded from the rectangular stall areas

including the two (2) feet of vehicle overhang. The two (2) feet of vehicle overhang shall be shown on the plan and dimensioned.

24. The Developer shall post a deposit and reimburse the City for all costs associated with any modifications to Traffic Signals, Street Lighting, Signing and Pavement Marking, and conduit and hand holes, including labor, engineering and materials for both temporary and permanent installations.
25. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Please Contact Pat Anderson, Zoning at 266-5978 with questions about the following six (6) items:

26. Parking requirements for persons with disabilities must comply with MGO Section 28.11(3)(m), which includes all applicable State accessibility requirements, including but not limited to:
 - a) Provide a minimum of one accessible stall striped per State requirements. The stall shall be a van accessible stall 8' wide with an 8' striped out area adjacent.
 - b) Show signage at the head of the stalls.
 - c) Show the accessible path from the stalls to the building.
27. Bike parking shall comply with MGO Section 28.11. Provide 2 bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. The bike racks shall be securely anchored to the ground or building to prevent the racks from moving. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area.
28. Lighting is required and shall be in accordance with MGO Section 10.085. Provide a plan showing at least 0.5 foot candle on any surface on any lot and an average of 0.75 foot candles. The maximum light trespass shall be 0.5 fc at 10 ft from the adjacent lot line (See City of Madison lighting ordinance).
29. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31. This is in an Urban Design District. Signage must be approved by the Urban Design Commission and Zoning. Sign permits must be issued by the Zoning Section of the Department of Planning and Community and Economic Development prior to sign installations.
30. Obtain a parking stall reduction approval. Once the capacities and employee counts are confirmed, the parking reduction application shall be reviewed.
31. Contact the City Clerk regarding the "change of licensed premise" to allow outdoor service to your liquor license.

Please contact Bill Sullivan, Fire Department at 261-9658 with questions about the following item.

32. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

Please contact Dennis Cawley, Water Utility at 261-9243 with questions about the following item.

33. 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.

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

1. Please revise your plans per the above and submit **nine (9) 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.

If you have any questions regarding obtaining your conditional use, 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

<p>I hereby acknowledge that I understand and will comply with the above conditions of approval for this conditional use permit.</p> <hr style="border: 0; border-top: 1px solid black; margin: 10px 0;"/> <p style="text-align: center;"><i>Signature of Applicant</i></p> <hr style="border: 0; border-top: 1px solid black; margin: 10px 0;"/> <p style="text-align: center;"><i>Signature of Property Owner, 961 S. Park St.</i></p> <hr style="border: 0; border-top: 1px solid black; margin: 10px 0;"/> <p style="text-align: center;"><i>Signature of Property Owner, 967 S. Park St.</i></p>

cc: Pat Anderson, Assistant Zoning Administrator
 Janet Dailey, City Engineering
 John Leach, Traffic Engineering
 Bill Sullivan, Fire Department
 Al Martin, Urban Design Commission

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 checked="" type="checkbox"/>	Urban Design Commission
<input checked="" type="checkbox"/>	Traffic Engineering	<input type="checkbox"/>	Metro Transit:
<input checked="" type="checkbox"/>	Engineering Mapping	<input type="checkbox"/>	Real Estate: