



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

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

Madison Municipal Building  
215 Martin Luther King, Jr. Boulevard  
P.O. Box 2985  
Madison, Wisconsin 53701-2985  
TDD 608 266-4747  
FAX 608 266-8739  
PH 608 266-4635

August 22, 2012

Ed Kuharski  
Green Design Studio  
405 Sidney Street  
Madison, Wisconsin 53703

RE: Approval of a conditional use for an outdoor eating area for a restaurant and an accessory parking lot in R4 (General Residence District) zoning to serve the restaurant located in C1 (Limited Commercial District) zoning, all at 5692-5696 Monona Drive (Diego Maldiva, Islas Del Mar/ JRE Properties, LLC).

Dear Mr. Kuharski;

At its August 20, 2012 meeting, the Plan Commission found the standards met and **approved** your client's conditional use for an outdoor eating area and accessory parking lot for a restaurant located at 5692-5696 Monona Drive. The following conditions of approval shall be satisfied prior to the issuance of any City building or occupancy permits related to this project:

**Please contact Janet Dailey of the City Engineering Division at 261-9688 if you have questions regarding the following item:**

1. The final site plan shall be revised to correctly identify the new Monona Drive right of way line following the recent land acquisition from this property for the Monona Drive street reconstruction project. Register of Deeds Document No. 4537870 is the appropriate acquisition document for this property that shall be used to generate the proper property boundary and street right of way lines.

**Please contact Bill Sullivan of the Madison Fire Department at 261-9658 if you have any questions regarding the following item:**

2. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances. Note: Alterations to the building or changes in occupancy could trigger additional requirements.

**Please contact Dan McCormick of the Traffic Engineering Division at 267-1969 if you have any questions regarding the following five (5) items:**

3. Any shared access or cross access easements need to be provided prior to approval.
4. The site plans need to show parking lot and stall dimensions to ensure the design is adequate.
5. 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 2 feet overhang, and a scaled drawing at 1" = 20'.

6. 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 handholes, including labor, engineering and materials for both temporary and permanent installations.
7. 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, Assistant Zoning Administrator, at 266-5978 if you have any questions regarding the following eight (8) items:**

8. The parking lot, shown as "existing" on the submitted plans, does not match the historic approval site plan for the property. Specifically, the R4-zoned portion of the property shows a refuse enclosure/parking area built into the setback, where a 25-foot front yard setback from the front (Tompkins Drive) lot line is required. The site must be modified to provide the required setback or a variance must be obtained from the Madison Zoning Board of appeals to provide a lesser setback than required.
9. Pursuant to MGO Section 28.04(12)(c), where sites share a zoning district boundary with residential development, this development must provided effective 6' – 8' high screening along the lot line of this commercial district adjoining a residential zoning district. As this is a conditional use, the Plan Commission may modify this requirement.
10. Bike parking shall comply with MGO Section 28.11. Provide 4 bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. Note: A bike-parking stall is 2 feet by 6 feet with a 5-foot access area. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices.
11. Lighting is required and shall be in accordance with MGO Section 10.085.
12. Parking lot plans with greater than 20 stalls shall comply with MGO Section 28.04(12). Landscape plans must be stamped by a registered landscape architect. Provided a landscape worksheet with final plans that shows that the landscaping provided meets the point and required tree ordinances. In order to count toward required points, the landscaping shall be within 15' and 20' of the parking lot, depending on the type of landscape element. (Note: The required trees do not count toward the landscape point total). Planting islands shall consist of at least 75% vegetative cover, including trees, shrubs, ground cover, and/or grass. Up to 25% of the island surface may be brick pavers, mulch, or other non-vegetative cover. All plant materials in islands shall be protected from vehicles by concrete curbs.
13. Parking requirements for persons with disabilities must comply with MGO Section 28.11(3)(6)(m), which includes all applicable State accessibility requirements, including but not limited to:
  - a.) Provide a minimum of 2 accessible stalls striped per State requirements. A minimum of 1 of the stalls shall be a van-accessible stall 8 feet wide with an 8-foot striped area adjacent.
  - b.) Show signage at the head of the stalls. Accessible signs shall be a minimum of 60" between the bottom of the sign and the ground.
  - c.) Show the accessible path from the stalls to the building. The stalls shall be as near the accessible entrance as possible. Show ramps, curbs, or wheel stops where required.

14. Meet applicable building and fire codes. The outdoor capacity shall be established. Occupancy is established by the Building Inspection Division. Contact Mike VanErem at 266-4559 to facilitate this process.
15. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31, Sign Control Code prior to sign installations.

**Please contact my office at 261-9632 if you have any questions about the following seven (7) items:**

16. That Sheet S1 be revised per Planning Division approval as follows:
  - a.) show the dimensions of the parking area, including all of the drive aisles, driveways, parking stalls and yards/ setbacks;
  - b.) provide a detail of the outdoor eating area showing the number of tables and seats proposed and any enclosure that will be used to separate the area from the walkway and parking areas.
17. The hours of operation for the outdoor eating area shall be limited to 10:00 a.m. to 6:00 p.m. Monday-Sunday as stated in the letter of intent. The hours of operation for the outdoor eating area may be modified through the approval of an alteration to this conditional use by the Director of the Planning Division following a recommendation by the district alderperson.
18. That the hours of operation for the R4-zoned portion of the parking lot coincide with the hours of operation for the restaurant and non-residentially zoned parking on the site, but that the applicant install permanent signage both inside and outside the restaurant that encourages patrons of the business to park closer to Monona Drive after 10:00 p.m. seven days a week. A detail of such signs and their exterior locations on the site shall be included on the final plans approved by the Planning Division prior to final approval of the site plan and the issuance of any permits for the restaurant.
19. That a six- to eight-foot tall suitable solid fence/ screen be provided along the northern and eastern property lines adjacent to the residential properties. The final details of the fence shall be approved by the Planning Division prior to final approval of the site plan and the issuance of any permits for the restaurant.
20. That outdoor amplified sound, including from televisions, is prohibited.
21. That all trash/ refuse, recycling and material storage for the restaurant be located entirely within the trash enclosure (a grease container was observed outside of enclosure during a recent visit to the site).
22. That a landscaping plan be approved by the Planning Division prior to final approval of the site plan and the issuance of any permits for the restaurant. The landscaping plan shall identify existing and proposed landscaping and provide the planting size and species of any new landscaping to be installed.

**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 permits for your project:**

1. Please revise your plans per the above conditions and submit **eight (8) 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.

2. This letter shall be signed by the applicant and property owner (if not the applicant) to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting building permit approval.
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 building permits, please contact the Zoning Administrator at 266-4551. If you have any questions or if may be of any further assistance, please do not hesitate to contact my office at 261-9632.

Sincerely,

Timothy M. Parks  
 Planner

cc: Janet Dailey, City Engineering Division  
 Dan McCormick, Traffic Engineering Division  
 Pat Anderson, Asst. Zoning Administrator  
 Bill Sullivan, Madison Fire Department

<p>I hereby acknowledge that I understand and will comply with the above conditions of approval for this project.</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 (If Not Applicant)</i></p>
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<b>For Official Use Only, Re: Final Plan Routing</b>			
<input checked="" type="checkbox"/>	Planning Div. (T. Parks)	<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 type="checkbox"/>	Other: