



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

Madison Municipal Building, Suite 017
215 Martin Luther King Jr. Boulevard
Madison, Wisconsin 53703
Phone: (608) 266-4635
www.cityofmadison.com

****BY E-MAIL ONLY****

March 23, 2022

Travis Dettinger
Grace Built, LLC
3245 Token Road
Sun Prairie, WI 53590

RE: Consideration of four conditional uses in the Neighborhood Mixed-Use (NMX) District – 1) for a brewpub; 2) for an outdoor eating area; 3) for free-standing vending located within 200 feet from the property line of a lot with a residential use; and 4) for a parking reduction of more than 20 automobile spaces and 25 percent or more of the required parking – all to allow an existing commercial building to be converted into a multiple food and beverage establishments, related goods sales, outdoor eating area, and a food cart at 557 North Street. (LNDUSE-2022-00009; ID [69566](#))

Dear Travis,

At its March 21, 2022 meeting, the Plan Commission found the standards met and **approved** your conditional use requests for 557 North Street. Prior to issuance of permits for the project, the conditions of approval in the following sections shall be satisfied:

Please contact Brenda Stanley of the City Engineering Division–Main Office at (608) 261-9127 if you have questions regarding the following four (4) items:

1. This property was historically a gas station and has no record with the WDNR. Any site work involving excavation of soil may encounter contaminated soils associated with the abandoned undergrounds storage tanks. If contaminated soil is encountered, all WDNR and standards must be followed for proper handling and disposal.
2. Revise the site plan to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service. (POLICY)
3. This project appears to have proposed uses which could require sanitary sewer demand charges or monitoring of the discharge of sanitary sewerage. Install a monitoring sewer access structure on the exterior of the building in compliance with City of Madison Engineering criteria. Please contact Megan Eberhardt with any questions at Meberhardt@cityofmadison.com or 608-266-6432.

4. This site appears to have a land use that will result in their inclusion as a restaurant class sanitary sewer customer. This will charge commercial kitchen facilities a higher sanitary sewer fee per gallon than domestic users and is based on strengths of waste measured at representative similar customers throughout the City. If the applicant desires, a sampling structure may be installed, as part of the initial construction at their cost, to allow site-specific sampling of their waste to determine sanitary sewer charges specifically for this site. If no sampling structure is installed, this site will default to the restaurant class code in MGO Chapter 35. If you have questions on the restaurant class sewer charges please contact Megan Eberhardt at Meberhardt@cityofmadison.com or 608-266-6432.

Please contact Jeff Quamme of the City Engineering Division–Mapping Section, at (608) 266-4097 if you have questions regarding the following two (2) items:

5. Identify on the plans the lot and block numbers of recorded Certified Survey Map or Plat. Also there are two lots comprising this parcel, total exterior dimensions are 115 x 80' feet shall be correctly drawn and dimensioned.
6. Provide a full and complete legal description of the site or property being subjected to this application on the site plan.

Please contact Sean Malloy of the Traffic Engineering Division at (608) 266-5987 if you have any questions regarding the following eight (8) items:

7. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be to engineering scale and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
8. The Developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.
9. The City Traffic Engineer may require public signing and marking related to the development; the Developer shall be financially responsible for such signing and marking.
10. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
11. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.

12. All pedestrian walkways adjacent parking stalls shall be 7 feet wide to accommodate vehicle overhang, signage and impediments to walkway movements. Any request for variance shall be submitted to and reviewed by City Traffic Engineering.
13. The applicant shall provide a clearly defined 5' walkway from the front door to the public Right of Way clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.
14. The applicant shall remove their existing Commercial Avenue Driveway and replace it with curb and gutter.

Please contact Jacob Moskowitz of the Zoning Division at (608) 266-4560 if you have any questions regarding the following six (6) items:

15. Maximum capacity to be established by the Director of Building Inspection Division, not to exceed the number of available seats, plus staff, plus a reasonable number of people waiting for seats. Provide a seating plan with final plans.
16. Brewpubs shall not hold an entertainment license under Sec. 38.06(11).
17. Hours of operation for the free-standing vending shall be between the hours of 7:30 a.m. and 11:30 p.m., including set up and take down. No part of the operator's free-standing vending equipment or operation may remain on the property outside the hours of operation.
18. Provide further detail of the bicycle parking facility demonstrating 10 code compliant bike parking stalls. Bicycle parking not meeting dimensional or access aisle requirements may be installed but shall not count towards a minimum bicycle parking requirement.
19. Submit a detail of the trash enclosure. The trash enclosure 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.
20. Meet applicable building/fire codes. The capacity shall be established for the outdoor eating area. Occupancy is established by the Building Inspection Unit. Contact Mike VanErem at 266-4559 to help facilitate this process.

Please contact Bill Sullivan of the Madison Fire Department at (608) 261-9658 if you have any questions regarding the following two (2) items:

21. Obtain an Outdoor Assembly Permit prior to use of the outdoor seating area in excess of 50 persons. The permit can be applied for online at: <https://elam.cityofmadison.com/CitizenAccess/Default.aspx>
22. Establish and post maximum capacity for the proposed interior spaces.

Please contact Brad Hofmann of the Forestry Division at (608) 267-4908 if you have questions regarding the following eight (8) items:

23. An existing inventory of street trees located within the right of way shall be included on the site, demo, utility, landscape, grading, fire aerial apparatus and street tree plan sets. The inventory shall include the following: location, size (diameter at 4 1/2 feet), and species of existing street trees. The inventory should also note if a street tree is proposed to be removed and the reason for removal.
24. All proposed street tree removals within the right of way shall be reviewed by City Forestry before the Plan Commission meeting. Street tree removals require approval and a tree removal permit issued by City Forestry. Any street tree removals requested after the development plan is approved by the Plan Commission or the Board of Public Works and City Forestry will require a minimum of a 72-hour review period which shall include the notification of the Alderperson within who's district is affected by the street tree removal(s) prior to a tree removal permit being issued. Add as a note on the street tree plan set.
25. Contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. Contractor shall operate equipment in a manner as to not damage the branches of the street tree(s). This may require using smaller equipment and loading and unloading materials in a designated space away from trees on the construction site. Any damage or injury to existing street trees (either above or below ground) shall be reported immediately to City Forestry at (608) 266-4816. Penalties and remediation shall be required. Add as a note on the site, grading, utility, demolition, and street tree plan set.
26. As defined by the Section 107.13 of City of Madison Standard Specifications for Public Works Construction: No excavation is permitted within 5 feet of the trunk of the street tree or when cutting roots over 3 inches in diameter. If excavation is necessary, the Contractor shall contact Madison City Forestry at (608) 266-4816 prior to excavation. City of Madison Forestry personnel shall assess the impact to the tree and to its root system prior to work commencing. Tree protection specifications can be found on the following website: <https://www.cityofmadison.com/business/pw/specs.cfm> Add as a note on the site, grading, utility, demolition and street tree plan sets.
27. Section 107.13(g) of City of Madison Standard Specifications for Public Works Construction (website: <https://www.cityofmadison.com/business/pw/specs.cfm>) addresses soil compaction near street trees and shall be followed by Contractor. The storage of parked vehicles, construction equipment, building materials, refuse, excavated spoils or dumping of poisonous materials on or around trees and roots within five (5) feet of the tree or within the protection zone is prohibited. Add as a note on both the site and street tree plan sets.
28. On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on both the site and street tree plan sets.

29. Street tree pruning shall be coordinated with City Forestry at a minimum of two weeks prior to the start of construction for this project. Contact City Forestry at (608) 266-4816. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on both the site and street plan sets.
30. Additional street trees are needed for this project. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction (website: <https://www.cityofmadison.com/business/pw/specs.cfm>) - All street tree planting locations and tree species within the right of way shall be determined by City Forestry. A landscape plan and street tree planting plan shall be submitted in PDF format to City Forestry for approval of planting locations within the right of way and tree species. All available street tree planting locations shall be planted within the project boundaries. Add following note on both the landscape and street tree plan sets: At least one week prior to street tree planting, Contractor shall contact City Forestry at (608) 266-4816 to schedule inspection and approval of nursery tree stock and review planting specifications with the landscaper.

Please contact Tim Sobota, Metro Transit, at (608) 261-4289 if you have any questions regarding the following item:

31. Metro Transit confirms current weekday trip counts of 54 buses per day, at each of the two nearby bus stops. Total buses per week would be 270 trips, at each stop (5 times 54 weekday trips, plus 17 trips on both Saturday and Sunday).

Please contact my office at cwells@cityofmadison.com or (608) 261-9135 if you have questions regarding the following five (5) items:

32. That the number of food carts allowed on the site at a time be limited to one (1). In the future, the Director of the Planning Division may consider a minor alteration to the conditional use to further modify the number of food carts allowed on the site at time following a positive recommendation by the district alder, as described in the Zoning Code.
33. That the hours of operation for the food cart(s) on site shall be Monday-Saturday: 7:30 am – 10:00 pm; Sunday: 8:00 am – 7:00 pm, including set up and take down. No part of the operator's free-standing vending equipment or operation may remain on the property outside the hours of operation. In the future, the Director of the Planning Division may consider a minor alteration to the conditional use to further modify the hours of operation for the food cart(s) following a positive recommendation by the district alder, as described in the Zoning Code.
34. That the hours of operation for the outdoor eating area be Monday-Saturday: 7:30 am – 10:00 pm; Sunday: 8:00 am – 7:00 pm. No patrons may utilize the outdoor patio area after hours for smoking or otherwise. 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 positive recommendation by the district alder, as described in the Zoning Code.
35. There shall be no amplified sound, including, but not limited to television, ambient music or musical performances, in (or associated with) the outdoor eating area.

36. That the doors to the outdoor eating area shall remain closed [not propped open]. This shall not preclude the installation and opening of operable doors and windows within the interior of the “V”-shaped area. These windows and doors can only be propped open during the hours when the outdoor eating area is open and shall operate in accordance with the approved conditional uses.

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. After the plans have been revised per the above conditions, please **one (1) complete digital plan set in PDF format** of complete, fully dimensioned, and to-scale plans; the appropriate site plan review application and [site plan review fee \(pursuant to Section 28.206 of the Zoning Code\)](#); and any other documentation requested herein to the Zoning Administrator at zoning@cityofmadison.com. (Note that that an individual email cannot exceed 20MB and it is the responsibility of the applicant to present files in a manner that can be accepted. Please email zoning@cityofmadison.com regarding questions or if you need alternative filing options. The sets of final revised plans or documents will be circulated by Zoning staff to the City department staff listed above for their final approval.
2. The [site plan review fee pursuant to Section 28.206](#) can be mailed in, dropped in the drop box at the Madison Municipal Building, or you can make an appointment at the Zoning counter to pay the fee. Checks should be made out to “City Treasurer.” If you mail in the check or use the drop box, please include the application form with the project address and contact information. Zoning staff typically suggest using the drop box or making an appointment with the Zoning counter to pay the fee as they are the quickest.

Mailing Address: City of Madison Building Inspection. P.O. Box 2984. Madison, WI 53701-2984

Drop Box Location: Madison Municipal Building, Doty Street Entrance. 215 Martin Luther King Jr Blvd. Madison, WI 53701-2984

Zoning Counter Appointment: <https://www.cityofmadison.com/dpced/bi/schedule-a-counter-appointment/3423/>
3. City Agencies who submitted conditions of approval will review your revised plans to verify that their conditions, along with any applicable requirements, have been satisfied. When the revised plans are submitted, the applicant will be emailed a hyperlink to a website to follow, in real time, which agencies have reviewed the revised documents, and signed off or need additional information.
4. 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. [Signature block on last page]

- 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. No alteration of a conditional use shall be permitted unless approved by the Plan Commission provided, however, the Zoning Administrator following consideration by the alderperson of the district, may approve 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 Plan Commission and the conditional use standards. This approval shall become null and void one (1) 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 6 months of the issuance of said building permit. 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 24 months from the expiration date. 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 (608) 266-4551. If you have any other questions or if may be of any further assistance, please do not hesitate to contact my office at cwells@cityofmadison.com or (608) 261-9135.

Sincerely,



Chris Wells
 Planner

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

Signature of Applicant

Signature of Property Owner (if not the applicant)

cc: Brenda Stanley, Engineering Main Office
 Jeff Quamme, Engineering – Mapping
 Sean Malloy, Traffic Engineering
 Jacob Moskowitz, Zoning Administrator
 Bill Sullivan, Fire Department
 Brad Hofmann, Forestry
 Tim Sobota, Metro Transit

LNDUSE-2022-00009			
For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (Wells)	<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"/>	Water Utility
<input type="checkbox"/>	Metro Transit	<input checked="" type="checkbox"/>	Forestry