



Department of Planning & Community & Economic Development

Planning Division

Katherine Cornwell, Director

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July 9, 2014

John Brigham
Fallen Oak, LLC and MMI, LLC
5301 Voges Road
Madison, Wisconsin 53718

RE: Approval of a conditional use to allow construction of a brewery with a tasting room and outdoor eating area at 3801 Kipp Street (which is also addressed in City records as 3757 Marsh Road)

Dear Mr. Brigham;

At its July 7, 2014 meeting, the Plan Commission found the standards met and **approved** your conditional use for 3801 Kipp Street (3757 Marsh Road). The conditions of approval in the following sections shall be satisfied prior to issuance of building permits for the project.

Please contact Janet Dailey of the City Engineering Division at 261-9688 if you have questions regarding the following nineteen (19) items:

1. This property has floodplain currently mapped on it. The applicant shall show the horizontal limits of the floodplain and the vertical elevation of the floodplain shall be shown on the plan. The 1% chance of flood line is shown on the site plan. Contrary to what is shown on the site plan, the current FEMA flood panel shows all but a small portion of the lot to be within zone AE (1% chance floodplain). Coordinate with City of Madison Zoning staff to determine the actions required to address the floodplain that would permit the project to be constructed as proposed.
2. The site plan shall show and label all easements of record.
3. Revise the plans to include a sewer access structure, as approved by the City Engineer, for purpose of monitoring sewerage strengths for billing purposes.
4. The address of the new brewery will be 3757 Marsh Road.
5. Modify and reconstruct the existing sidewalk at the northern most drive to have it in a more standard location, which is 1 foot from the property line.
6. The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.

7. The applicant shall replace all sidewalk and curb and gutter abutting the property, which is damaged by the construction, or any sidewalk and curb and gutter that 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.
8. All work in the public right of way shall be performed by a City-licensed contractor.
9. All damage to the pavement on Marsh Road and Kipp Street adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.
10. This project falls in the Rock River TMDL Zone and is subject to increased erosion control enforcement as authorized by Resolution 14-00043 passed by the Common Council on January 21, 2014. The project will be expected to meet a higher standard of erosion control than the minimum standards set by the Wisconsin Department Natural Resources (WDNR).
11. The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used.
12. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of 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.
13. For commercial sites less than 1 acre in disturbance, the City of Madison is an approved agent of the Department of Commerce and Wisconsin Department of Natural Resources (WDNR). As this project is on a site with disturbance area less than 1 acre and contains a commercial building, the City 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.
14. Prior to final approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to: provide infiltration in accordance with Chapter 37 of the Madison General Ordinances; provide oil & grease control from the first 1/2" of runoff from parking areas, and; 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 Chapter 37 of the Madison General Ordinances.
15. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management File including: SLAMM DAT files; RECARGA files; TR-55/HYDROCAD/etc., and; sediment loading calculations. If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided.
16. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).

17. The area adjacent to this proposed development has a known flooding risk. All entrances shall be 2 feet above the adjacent sidewalk elevation or 1 foot above the 100-year regional flood elevation (whichever is greater), including garage entrances.
18. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.
19. The site plan shall be revised 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.

Please contact Eric Halvorson of the Traffic Engineering Division at 266-6527 if you have any questions regarding the following nine (9) items:

20. The applicant shall provide a direct sidewalk connection to Kipp Street and Marsh Road. Connections as shown on the submitted plan do not provide for a safe pedestrian connection to the public right of way.
21. The sidewalk in front of building adjacent to motor-vehicle parking shall be a minimum of 7 feet wide to account for vehicle overhang
22. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; 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 2 feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
23. 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.
24. 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.
25. All parking facility design shall conform to the standards in MGO Section 10.08(6).
26. All new or modified entrances shall conform to City of Madison driveway standards and shall be 'commercial' type entrances.
27. No portion of a site entrance shall be constructed in front of an adjacent parcel.

Please contact Pat Anderson, Assistant Zoning Administrator, at 266-5978 if you have any questions regarding the following seven (7) items:

28. A significant portion of this property appears to be located within the current regulatory floodplain area, as shown on the City's official floodplain maps. Prior to any building or site grading permit issuance, all floodplain zoning-related requirements must be satisfied.
29. 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 help facilitate this process.
30. Bicycle parking shall comply with MGO Section 28.141(4)(g) Table 28I-3 (General Regulations). Provide the minimum number of bicycle parking stalls for said uses. Bicycle parking design and location shall comply with MGO Sec. 28.141 (11). Provide details on final plans, a bike-parking stall is 2 feet by 6 feet with a 5-foot access area.
31. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31, Sign Codes prior to sign installations.
32. Pursuant to Sec. 28.142(3), *Landscape Plan and Design Standards*: Landscape plans for zoning lots greater than 10,000 square feet in size must be prepared by a registered landscape architect.
33. Screening of other site elements are subject to MGO Section 28.142(9). Provide details of refuse enclosure, loading area and rooftop equipment screening.
34. Label distances to buildings from property lines on final plan sets.

Please contact Dennis Cawley of the Madison Water Utility at 261-9243 if you have any questions regarding the following item:

35. Note: All operating private wells shall be identified and permitted and any unused private wells shall be abandoned by the Madison Water Utility in accordance with MGO Section 13.21.

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

36. Provide fire apparatus access as required by IFC 503 2012 edition, MGO Section 34.503.
37. Where a building, or portion thereof, is used for high-piled combustible storage, fire department access shall be provided as required by IFC 503.1.3 and IFC 2306.6.

Please contact Kay Rutledge of the Parks Division at 266-4714 if you have any questions regarding the following two (2) items:

38. Additional street trees are needed for this project. All street tree planting locations and trees species in the right of way shall be reviewed by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl – dkahl@cityofmadison.com or 266-4816. Approval and permitting of tree planting shall be obtained from the City Forester and/or the Board of Public Works prior to the

approval of the site plan. Tree planting specifications can be found in Section 209 of the *City of Madison Standard Specifications for Public Works Construction*.

39. Existing street trees shall be protected. Please include the following note on the site plan: The contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, the contractor shall contact City Forestry (266-4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry.” Tree protection specifications can be found in Section 107.13 of *City of Madison Standard Specifications for Public Works Construction*. Please reference ID# 14134 when contacting Parks Division staff about this project.

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

40. In coordination with public works improvements, the applicant shall install a new concrete passenger boarding pad on the east side of Marsh Road, north of Kipp Street. The concrete pad shall occupy the full distance of the terrace, measure a minimum of 10 feet in width parallel to the street, and lie flush between the sidewalk and the top of curb. The applicant shall include the location of these transit amenities on the final documents filed with their permit application so that Metro Transit may review and approve the design.

Please contact my office at 261-9632 if you have any questions regarding the following item:

41. That the letter of intent be revised prior to the issuance of building permits to clarify that the hours of operation for the outdoor eating area shall be the same as the tasting room. The Director of the Planning Division may consider a minor alteration to the conditional uses for the brewery and outdoor eating area to modify the hours of operation for either following a recommendation by the district alder.

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 file **ten (10) sets** of complete, fully dimensioned, and to-scale plans, the appropriate site plan review application and fee pursuant to Section 28.206 of the Zoning Code, and any other documentation requested herein with the Zoning Administrator, Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard. 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. 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. Approval of the plans for this project does not include any approval to prune, remove or plant trees in the public right of way. Permission for such activities must be obtained from the City Forester, 266-4816.

4. 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 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
 Eric Halvorson, Traffic Engineering Division
 Pat Anderson, Asst. Zoning Administrator
 Kay Rutledge, Parks Division
 Dennis Cawley, Madison Water Utility
 Bill Sullivan, Madison Fire Department

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 Applicant)*

| For Official Use Only, Re: Final Plan Routing | | | |
|---|--------------------------|-------------------------------------|--------------------------|
| <input checked="" type="checkbox"/> | Planning Div. (T. Parks) | <input checked="" type="checkbox"/> | Engineering Mapping Sec. |
| <input checked="" type="checkbox"/> | Zoning Administrator | <input checked="" 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 checked="" type="checkbox"/> | Other: Metro Transit |