



Department of Planning & Community & Economic Development

## Planning Division

Heather Stouder, Director

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215 Martin Luther King Jr. Boulevard  
Madison, Wisconsin 53703  
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[www.cityofmadison.com](http://www.cityofmadison.com)

June 25, 2019

Josh Wilcox  
GBA Architecture | Design  
2248 Deming Way, Suite 120  
Middleton, Wisconsin 53562

RE: Approval of a conditional use in the Suburban Employment (SE) District for general retail; consideration of a conditional use in the SE District for food and beverage establishment(s); consideration of a conditional use in the SE District for an outdoor eating area for a food and beverage establishment; consideration of an alteration to a conditional use planned multi-use site, all to allow construction of two commercial buildings for future food and beverage and retail tenants with vehicle access sales and service window and outdoor eating area(s) at 2161 Rimrock Road (Madison Rimrock Retail Investors I, LLC/ North Central Group) (LNDUSE-2019-00042; ID 55596).

Gentlemen;

At its June 24, 2019 meeting, the Plan Commission found the standards met and **approved** your conditional use requests for 2161 Rimrock Road. The conditions of approval in the following sections shall be satisfied prior to issuance of building permits for the project.

**Please contact Tim Troester of the City Engineering Division at 267-1995 if you have questions regarding the following twenty (20) items:**

1. A long sewer lateral is shown serving the northern property will be required to have cleanouts due the lateral length. Cleanouts on laterals are required at 100-foot intervals per SPS 382.35(3)(d).
2. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing sanitary sewer lateral that serves a building which is proposed for demolition. For each lateral to be plugged the owner shall complete a sewer lateral plugging application and pay the applicable permit fees.
3. This site appears to have a land use that will result in their inclusion as a restaurant class sanitary sewer customer. The applicant shall be aware that beginning on April 1, 2018 restaurant class charges for sanitary sewer customers shall begin. 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 manhole 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 manhole is installed, this site will default to the restaurant class code in Chapter 35 recently adopted by the Common Council. If you have questions on the restaurant class sewer charges please contact Megan Eberhardt at 266-6432.

4. All outstanding Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to City Engineering sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Mark Moder (261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
5. 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.
6. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE. The project will be expected to meet a higher standard of erosion control than the minimum standards set by the Wisconsin Department of Natural Resources (WDNR) in order to comply with TMDL limits.
7. The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement.
8. The applicant shall submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division with any private storm and sanitary sewer utilities. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the only the following data, each on a separate layer name/level number. The digital copies shall be drawn to scale and represent final construction including: building footprints; internal walkway areas; internal site parking areas; other miscellaneous impervious areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.); right-of-way lines (public and private); plat name and lot lines (metes & bounds parcel lines if unplatted); platted lot numbers (noted "unplatted lands" if not platted); lot/plat property dimensions; street names; private on-site sanitary sewer utilities (including all connections to public sanitary); private on-site storm sewer utilities (including all connections to public storm). All other levels (contours, elevations, etc.) are not to be included with this file submittal. E-mail CAD file transmissions are preferred to: [bstanley@cityofmadison.com](mailto:bstanley@cityofmadison.com) (East) or [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com) (West). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement, private on-site sanitary sewer utilities, or private on-site storm sewer utilities during construction will require a new CAD file.
9. The applicant shall submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: [bstanley@cityofmadison.com](mailto:bstanley@cityofmadison.com) (East) or [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com) (West). 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) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.); e) Right-of-Way lines (public and private); f) Lot lines or parcel lines if unplatted; g) Lot numbers or the words unplatted; h) Lot/Plat dimensions; i) Street names; j) Stormwater Management Facilities; k) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).

10. Storm sewer to serve this development has been designed and constructed. The site plans shall be revised to identify the location of this storm sewer and to show connection of an internal drainage system to the existing public storm sewer.
11. Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project. Include copies of all stormwater, utility, and detail plan sheets that contain stormwater practices on 8 ½ x14" size paper in the draft document. These drawings do not need to be to scale as they are for informational purposes only. Once City Engineering staff have reviewed the draft document and approved it with any required revisions submit a signed and notarized original copy to City Engineering. Include a check for \$30.00 made out to Dane County Register of Deeds for the recording fee. City Engineering will forward the document and fee for recording at the time of issuance of the stormwater management permit. Draft document can be emailed to Tim Troester (west) at [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com), or Daniel Olivares at [DAOlivares@cityofmadison.com](mailto:DAOlivares@cityofmadison.com) final document and fee should be submitted to City.
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 5.0 tons per acre per year.
13. This site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR-216 and NR-151 however a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement.
14. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to reduce TSS by 80% off of the proposed development when compared with the existing site. Oil and grease control is also required for this development.
15. 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 Madison General Ordinances.
16. The property is an open contaminant site with the WDNR (BRRTS #02-13-581056, #02-13-581264). The applicant shall submit proof of coordination with the WDNR to remediate the site and address residual contaminant concerns associated with the proposed site plan (i.e. vapor mitigation, dewatering) to Brynn Bemis (267.1986, [bbemis@cityofmadison.com](mailto:bbemis@cityofmadison.com)).
17. The construction of this project will require that the applicant shall enter into a City/ Developer agreement for the required infrastructure improvements. The applicant shall contact the City Engineering Division to schedule the development of the plans and the agreement. The City Engineer

will not sign off on this project without the agreement executed by the developer. Note: Obtaining a developer's agreement generally takes approximately 4-6 weeks, minimum.

18. The applicant shall construct sidewalk along Rimrock Road according to a plan approved by the City.
19. The applicant shall construct median improvements in Rimrock Road as required by City Engineer.
20. The applicant shall construct right-turn lane improvements as required by City Engineer.

**Please contact Jeff Quamme of the City Engineering Division—Mapping Section at 266-4097 if you have any questions regarding the following three (3) items:**

21. There is a site pylon sign proposed in the southwest corner of this lot. Beyond the required permit from Madison Zoning, the sign location and sign base design requires approval from City of Madison Engineering, the Madison Water Utility and the Town of Madison. The sign lies within an existing Town of Madison Sanitary Easement (Document No. 2057283) and City of Madison Utility Easement (Document No. 2088477). If the sign is approved to be located within the easement areas, the applicant will be required to enter into a consent to Occupy Agreement with the Town and City. Coordination of this requirement shall be with Jeff Quamme of Engineering Mapping ([jrquamme@cityofmadison.com](mailto:jrquamme@cityofmadison.com)).
22. The Red Oaks shown per the landscaping plan shall be removed from the City of Madison and Town of Madison easement areas along the south side of this site.
23. The address of the Building A bar/restaurant building is 2185 Rimrock Road. The addresses of Building B multi-tenant spaces are: easterly tenant is 2161 Rimrock Road; the westerly tenant is 2167 Rimrock Road. 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.

**Please contact Sean Malloy of the Traffic Engineering Division at 266-5987 if you have any questions regarding the following nineteen (19) items:**

24. The applicant shall work with Traffic Engineering staff to provide ADA access from the Rimrock Road right of way to the proposed Building "A" entrance. Currently, stairs are shown as the pedestrian access to proposed Building "A" from the Rimrock Road right of way.
25. The applicant shall submit one contiguous plan for approval showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawing 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 two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
26. 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.

27. 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.
28. All parking facility design shall conform to the standards in MGO Section 10.08(6).
29. All bicycle parking adjacent pedestrian walkways shall have a two-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
30. All pedestrian walkways adjacent parking stalls shall be seven (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.
31. The applicant shall adhere to all vision triangle requirements as set in MGO Section 27.05 (No visual obstructions between the heights of 30 inches and 10 feet at a distance of 25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO 27.05(2)(bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer. It appears that directional signs are located within the Rimrock Road driveway vision triangle, these signs shall be under 30 inches in height or removed from the plan.
32. The applicant shall provide a clearly defined five-foot walkway 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.
33. The applicant shall provide a queuing model showing the capacity for six (6) vehicles from the order board and three (3) additional vehicles from the service window. If the six-vehicle requirement is not able to be met, a second queuing lane may be required.
34. "Stop" signs shall be installed at a height of seven (7) feet at all Class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
35. One-way operation of the site shall be secured by placing a "One Way" sign at the entrance and a "Do Not Enter" sign at the exit.
36. The applicant shall show the dimensions for the proposed class III driveway including the width of the drive entrance, width of the flares, and width of the curb cut.
37. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.

38. Secure parking facility. This is usually done with continuous six (6)-inch curb, timbers, preformed wheel stops, guardrail erected at a height of eighteen (18) inches or fencing of sufficient strength to act as a vehicle bumper.
39. Parking stalls that are located next to a sidewalk shall have a barrier between the stall and the sidewalk or a minimum three-foot buffer to serve as protection for any pedestrians.
40. Provide pedestrian access to all building entrances from the public right of way.
41. All vehicle service window access aisles shall have a minimum outside turning radius of thirty (30) feet.
42. The developer shall provide a recorded copy of any joint driveway ingress/egress and crossing easements and shall be noted on face of plan.

**Please contact Jenny Kirchgatter, Assistant Zoning Administrator, at 266-4429 if you have any questions regarding the following ten (10) items:**

43. Extend the height of both buildings to a minimum of 22 feet. In the Suburban Employment zoning district, the minimum building height is 22 feet measured to the building cornice.
44. Modify Building B so that it is better oriented to Rimrock Road. The building front shall be oriented to the primary street.
45. Submit an overall site plan for the planned multi-use site including the hotel site at 2153 Rimrock Road and Department of Revenue site at 2135 Rimrock Road.
46. Provide a calculation and plan detail for lot coverage with the final submittal. The lot coverage maximum within the Suburban Employment district is 75%. Lot coverage is defined as the total area of all buildings, measured at grade, all accessory structures including pools, patios, etc., and all paved areas as a percentage of the total area of the lot, with the following exceptions: sidewalks or paved paths no wider than five (5) feet, pervious pavement, green roofs and decks.
47. On the site plan, show the front and side building setback distances as measured to the property lines.
48. As each tenant space is leased, the entire development must reflect compliance in the required amount, type and number of auto and bicycle parking spaces, to be reviewed prior to obtaining zoning approval for each use. Auto and bicycle parking requirements for food and beverage establishments will be based on the capacity or number of occupants as established by the Building Inspection Unit. Provide the capacity of the proposed food and beverage establishments to determine the vehicle and bicycle parking requirements.
49. Submit an overall landscape plan including the previously approved landscaping on the hotel parcel at 2153 Rimrock Rd. The landscape plan and landscape worksheet shall be stamped by the registered landscape architect. Per Section 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.

50. The capacity shall be established for the outdoor eating area. Occupancy is established by the Building Inspection Division. Contact Building Inspection staff at (608) 266-4559 to help facilitate this process.
51. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.
52. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31, Sign Code. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

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

53. The fire pit has not been reviewed for compliance with the International Fire Code. A separate submittal directly to the Madison Fire Department will be required specific to the fire pit demonstrating compliance with all provisions of the IFC and Madison General Ordinances.

**Please contact Brad Hofmann of the Parks Division–Forestry Section at 267-4908 if you have any questions regarding the following item:**

54. Additional street trees are needed for this project. All street tree planting locations and trees species within the right of way shall be determined by City Forestry. Please submit a site plan (in PDF format) to Brad Hofmann – bhofmann@cityofmadison.com or 266-4816. Tree planting specifications can be found in Section 209 of the *City of Madison Standard Specifications for Public Works Construction*.

**Please contact Adam Wiederhoeft of the Madison Water Utility at 266-9121 if you have any questions regarding the following item:**

55. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two (2) working days' notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's Plumbers a Contractors website (<http://www.cityofmadison.com/water/plumberscontractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E. Olin Avenue. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. A Water Meter Application Form will subsequently be required to size and obtain a water meter, establish a Water Utility customer account, and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact Madison Water Utility at 266-4646.

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

56. The applicant shall identify the accessible pedestrian connection between Building A and the public sidewalk that extends to the City transit stop location that is north of the property. 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 the design.

**Please contact Janine Glaeser of the Urban Design Commission at 267-8740 if you have any questions regarding the following two (2) items, which were conditions of the final approval of your project by the commission:**

57. Revise the landscaping plan to provide landscaping along the eastern edge of the parking lot adjoining the hotel parking lot. Revise the planting plan to reduce the reliance on daylilies and swap the red oaks for other heartier shade tree species. Work with staff to increase the tree canopy on the site.
58. Improve pedestrian circulation to and through the site between Rimrock Road and the hotel, including providing a walkway to connect the hotel to the restaurant.

**Please contact my office at 261-9632 if you have any questions regarding the following two (2) items:**

59. Submit an overall site plan for the planned multi-use site, which includes the subject site (Lot 1 of CSM 14819), the hotel at 2153 Rimrock Road (Lot 2), and Department of Revenue site at 2135-2139 Rimrock Road (Outlot 1 of CSM 14819 and Town parcels).
60. The final zoning plans and letter of intent shall include a complete and accurate accounting of the floor area of the proposed buildings and parking on the subject site. The final zoning materials shall include the projected capacity of any food and beverage establishments, including all proposed outdoor eating areas (subject to approval by the Director of the Building Inspection Division and Fire Marshal).

**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 **nine (9) 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 017, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard. **This submittal shall all also include one (1) complete digital plan set in PDF format.** 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. [Signature block on last page]



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. 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 two (2) years 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 (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 twelve (12) 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: Tim Troester, City Engineering Division  
 Jeff Quamme, City Engineering Division  
 Sean Malloy, Traffic Engineering Division  
 Jenny Kirchgatter, Asst. Zoning Administrator  
 Bill Sullivan, Madison Fire Department  
 Adam Wiederhoeft, Madison Water Utility  
 Brad Hofmann, Forestry Section  
 Janine Glaeser, Urban Design Commission

<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-bottom: 5px;"/> <p style="text-align: center;"><i>Signature of Applicant</i></p>  <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <p style="text-align: center;"><i>Signature of Property Owner (If Not Applicant)</i></p>
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<b>LNDUSE-2019-00042</b>			
<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 checked="" type="checkbox"/>	Urban Design Commission
<input checked="" type="checkbox"/>	Traffic Engineering (EP)	<input type="checkbox"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input checked="" type="checkbox"/>	Other: Forestry
<input checked="" type="checkbox"/>	Water Utility (EP)	<input checked="" type="checkbox"/>	Other: Metro Transit