



Department of Planning & Community & Economic Development
Planning Division

Website: www.cityofmadison.com

Madison Municipal Building
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July 26, 2013

Gregg Hackett
Partners & Sirny Architects
212 West Franklin Avenue
Minneapolis, MN 55404

RE: Approval of a conditional use at **4323 East Towne Boulevard** to allow the construction of a new restaurant with outdoor eating area at East Towne Mall

Dear Mr. Hackett:

At its July 22, 2013 meeting, the Plan Commission, meeting in regular session, approved your client's request for a conditional use to allow the construction of a new restaurant with an outdoor eating area at 4323 East Towne Boulevard. In order to receive final approval of the conditional use and for permits to be issued, the following conditions must be met:

Please contact Janet Dailey, City Engineering Division, at 261-9688 if you have questions regarding the following fourteen (14) items.

1. If the intent is to lease the land for this development, provide a Register of Deeds recorded copy of the lease to Engineering Mapping (Lori Zenchenko – lzenchenko@cityofmadison.com) and Assessor Office (Maureen Richards – mrichards@cityofmadison.com) prior to issuance of building permits.
2. If the intent is to sell the land to facilitate the proposed development, a Certified Survey Map (CSM) application shall be made to City Planning for review, approval and recording with the Register of Deeds prior to issuance of building permits.
3. If ownership transfer and CSM is the preferred owner/applicant solution for this project, note the CSM shall be completed and recorded with the Register of Deeds (ROD) prior to issuance of BUILDING permits. When the recorded CSM image is available from the ROD, the Assessor's Office can then create the new Address-Parcel-Owner (APO) data in GEO so that the Accela system can upload this data and OCCUPANCY permit issuance made available for this new land record.
4. 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)
5. 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)

6. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl, of the City Parks Department - dkahl@cityofmadison.com or 266-4816. Approval and permitting of any tree removal or replacement shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan. (POLICY)
7. All damage to the pavement on East Towne Blvd, 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)
8. 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.
9. 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)
10. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to a) Reduce TSS off of the proposed development by 80% when compared with the existing site. b) Provide oil & grease control from the first 1/2" of runoff from parking areas; and 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 Chapter 37 of the Madison General Ordinances.
11. 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 miscellaneous impervious areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.), 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, and 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))
12. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including: a) SLAMM DAT files, b) RECARGA files, c) TR-55/HYDROCAD/Etc..., and d) Sediment loading calculations.
13. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (608-261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4))

14. 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. (POLICY)

Please contact Eric Halvorson, Traffic Engineering Division, at 266-6572 if you have questions regarding the following four (4) items.

15. When the applicant submits plans 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 and proposed property lines, addresses, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), adjacent driveway approaches to lots on either side and across the street, signage, percent of slope, semitrailer movements and vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'. Contact City Traffic Engineering if you have questions.
16. 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.
17. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.
18. When site plans are submitted for approval, the developer shall provide a recorded copy of the reciprocal land agreement for passage over, upon, across and through the facilities and ingress and egress for each building, loading and parking site. This land agreement for vehicular and pedestrian access shall be a perpetual, non exclusive, unimpeded or unobstructed land agreement for the lots in the commercial site.

Please contact Bill Sullivan, Madison Fire Department, at 261-9658 if you have questions regarding the following item.

19. Coordinate address with City Engineering.

Please contact Kay Rutledge, Parks Division at 266-4714 if you have questions regarding the following three (3) items.

20. Existing street trees shall be protected. Please include the following note on the site plan: 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, 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
<http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part1.pdf>.
21. Please reference ID# 13138 when contacting the Parks Division about this project.
22. Approval of 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.

Please contact my office at 267-1150, if you have questions regarding the following five (5) items. Please note that conditions 25-27 were made by the Plan Commission at their July 22 meeting, replacing recommended conditions of approval from the Planning Division or the Urban Design Commission, as noted below.

23. That the proposed 5 foot sidewalk along the front (east) side of the building, connecting the parking lot to the main building entrance be widened to 6 feet. Details shall be approved by the Planning Division and Traffic Engineering Division.
24. That a direct pedestrian route connecting the main building entrance to the bus stop on the opposite side of East Towne Way. Details shall be approved by the Planning Division and Traffic Engineering Division.
25. That the plans are approved subject to the spandrel glass and shutters as shown on the submitted plans. This condition replaces the UDC recommended condition from the July 10, 2013 meeting that stated "The shutter infill is not to be spandrel but comply with the ordinance.
26. That Condition 2 of the revised July 22, 2013 staff report be deleted. A revised condition stating that a revised sidewalk location, as presented to the Plan Commission, shall be required instead of the sidewalk recommended in Condition 2. The revised sidewalk shall extend along the northeastern side of the building, as currently shown, and extend to a new sidewalk installed parallel to East Towne Way (the private mall ring road). The sidewalk shall extend southwest parallel to East Towne Way, to the intersection of the ring road and the mall entry road. A crosswalk shall be provided at the intersection leading to the installed sidewalk on the opposite side of the ring road.
27. That the applicant can revise the awning color to allow for terra-cotta colored awnings. This condition replaces the UDC recommended condition from the July 10, 2013 meeting that stated "The canvas awning shall match in color as shown on the drawings."

Please contact Matt Tucker, Zoning Administrator, at 266-4569 if you have questions regarding compliance with the Zoning Code.

Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency.

The applicant is also required to satisfy the conditions of approval of the Urban Design Commission prior to the final staff approval of the project and the issuance of building permits. Please contact Al Martin, Urban Design Commission Secretary, at 267-8740 if you have any questions about those conditions.

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

1. Please revise your plans per the above conditions and submit ten (10) 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. The final site plan shall be accompanied by 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 the Zoning staff to the City department staff listed above for their final approval.

2. 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. The Water Utility will not need to sign off the final plans, and will not need a copy of the approved plans.
4. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting conditional use approval.
5. The approval is valid for one (1) year from the date of the Plan Commission approval. During this time, the applicant must either lawfully commence the use or obtain a building permit and begin erecting the building. If the applicant obtains a valid building permit, construction must commence within six (6) months of the date of issuance. The building permit shall not be renewed unless construction has commenced as is being diligently prosecuted.
6. Any alteration in plans for a proposed alternative use shall require Plan Commission approval, except for minor alterations. The Zoning Administrator may issue permits for 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 City Plan Commission and the conditional use approval standards.
7. The Plan Commission retains continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses.

If you have any questions regarding obtaining your conditional use, demolition or building permits, 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 267-1150.

Sincerely,

Kevin Firchow, AICP
 Planner

cc: Janet Dailey, City Engineering Division
 Eric Halvorson, Traffic Engineering Division
 Bill Sullivan, Fire Department
 Patrick Anderson, Zoning
 Kay Rutledge, Parks

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

Signature of Applicant

Signature of Property Owner (if not the applicant)

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (Firchow)	<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 checked="" 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: