



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

June 22, 2010

James Bresette  
West Side Business Association  
437 S. Junction Rd.  
Madison, WI 53717

RE: Approval of a conditional use for an outdoor eating area in the C2 (General Commercial) District.

Dear Mr. Bresette:

The Plan Commission, meeting in regular session on June 22, 2010 determined that the ordinance standards could be met and **approved** your request for a conditional use at 437 CTH M (hereafter referred to as 437 South Junction Road). In order to receive final approval for the conditional use, the following conditions must be met:

**Please contact my office at 266-5974 with questions about the following item:**

1. Outdoor amplified sound will not be permitted after 10:00 PM on any day of the week.

**Please contact Janet Dailey, City Engineering, at 261-9688 with questions about the following item:**

2. Provide Engineering Mapping (Lori Zenchenko – [Lzenchenko@cityofmadison.com](mailto:Lzenchenko@cityofmadison.com)) a detail drawing of the outdoor eating area to allow for accurate updates of the pervious-impervious area data maintained in Stormwater Utility records.

**Please contact John Leach, Traffic Engineering, at 267-8755 with questions about the following eight (8) items:**

3. The applicant shall provide site plans showing the outdoor eating area separating the eating area from the parking lot. All information such as tables and seating shall be shown or noted on the plan. If the outdoor eating area is along the parking area the applicant will need to install a 4 ft high fence between the parking lot and eating area. This fence is required to prevent vehicles from encroaching into the outdoor eating area and defines the outdoor eating from the parking lot for the customers. The applicant will need to submit two sets of plans: one with outdoor eating area and one without, showing day-to-day operation.
4. The applicant will need to secure walkway linkage to the front entrance from vehicles and demonstrate on the site plans.
5. The applicant shall indicate the type of City approved bicycle racks to be installed and the locations. The bike rack should be located by the entrances to the buildings. Please contact Bob Arseneau, Traffic Engineer at 266-4761 with questions regarding this item.
6. 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 two (2) feet overhang, and a scaled drawing at 1" = 20'.

7. The parking facility shall be modified to provide for adequate internal circulation for vehicles. This can be accommodated by eliminating a parking stall at the dead ends. The applicant will need to remove parking spaces to accommodate a 20 ft drive aisle for internal circulation according to MGO.
8. The applicant shall show dimensions for the proposed and existing parking stalls' items B, C, D, E, F, and degree of angle parking width and backing up, according to Figures II "Medium and Large Vehicles" parking design standards in MGO Section 10.08(6)(b) 2. Signs and planting areas are to be excluded from the rectangular stall areas including the two (2) feet of vehicle overhang. The two (2) feet of vehicle overhang shall be shown on the plan and dimensioned.
9. A "Stop" sign shall be installed at a height of seven (7) feet at the Junction Road or CTH M driveway approach. All signs at the approaches shall be installed behind the property line. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
10. 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, Zoning at 266-5978 with questions about the following seven (7) items:**

11. 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 six accessible stalls striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8' wide with an 8' striped out area adjacent.
  - b) Show signage at the head of the stalls.
  - c) Show the accessible path from the stalls to the building.
12. Bike parking shall comply with MGO Section 28.11. Provide 18 bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. The bike racks shall be securely anchored to the ground or building to prevent the racks from moving. NOTE: a bike-parking stall is two feet by six feet with a five-foot access area.
13. Meet applicable building and fire codes for the additional outdoor capacity and for ingress and egress to the establishment with the areas and uses for the site. Occupancy is established by the Building Inspection Unit. Contact Alan Harper at 266-4558 to help facilitate this process. Contact the City Clerk regarding the "change of license premise" to your liquor license.
14. Parking and loading shall comply with MGO Section 28.11(4). Provide (1) 10' by 35' loading area with 14' vertical clearance to be shown on the plan. The loading area shall be exclusive of drive aisle and maneuvering space.
15. Lighting is required and shall be in accordance with MGO Section 10.085. Provide a plan showing at least .5 foot candle on any surface on any lot and an average of .75 footcandles. The maximum light trespass shall be 0.5 fc at 10 ft from the adjacent lot line (see City of Madison lighting ordinance).
16. No portion of the site plan may change without Plan Commission approval, however, 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 standards in MGO Section 28.12(11)(g).
17. Parking lot plans with greater than twenty (20) stalls shall comply with MGO Section 28.04(12). Landscape plans must be stamped by a registered landscape architect. Provide a landscape worksheet with the 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.

**Please contact Dennis Cawley, Water Utility, at 261-9243 with questions about the following item.**

18. 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

**Please Contact Bill Sullivan, Madison Fire Department, at 266-4420 with questions about the following five (5) items**

- 19. The applicant shall submit approved capacity with the site plan and post the capacity of the outside dining area in accordance with International Fire Code 2009 edition (IFC).
- 20. Proposed deck, patio, or fenced in area shall not be located at, adjacent or obstruct the required exists from the building.
- 21. Provide and maintain exits from the deck, patio, or fenced in area in accordance with the IFC.
- 22. Submit a site plan showing any/all seating, bar, tent, dumpster, structures, and fixtures for the proposed deck, patio, or fenced in area.
- 23. Provide fire apparatus access as required for IFC 503, 2009 edition, MGO Sec. 34.03(17) and MGO Sec. 34.19 as follows: The site plans shall clearly identify the location of all fire lanes.

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

- 1. Please revise your plans per the above and submit **eight (8) copies** of a complete plan set to the Zoning Administrator for final staff review and comment.
- 2. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting the demolition permit and conditional use permit.
- 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.

If you have any questions regarding obtaining your conditional use permit, please contact the Zoning Administrator at 266-4551. If I may be of any further assistance, please do not hesitate to contact my office at 266-5974.

Sincerely,

Heather Stouder, AICP  
Planner

cc: Pat Anderson, Assistant Zoning Administrator  
Janet Dailey, City Engineering  
John Leach, Traffic Engineering  
Bill Sullivan, Fire Department

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

\_\_\_\_\_  
*Signature of Applicant*

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Division (H. Stouder)	<input checked="" type="checkbox"/>	Engineering Mapping
<input checked="" type="checkbox"/>	Zoning Administrator	<input checked="" type="checkbox"/>	Fire Department
<input checked="" type="checkbox"/>	City Engineering	<input type="checkbox"/>	Urban Design Commission
<input checked="" type="checkbox"/>	Traffic Engineering	<input type="checkbox"/>	Recycling Coordinator (R & R)