



Department of Planning & Community & Economic Development  
**Planning Division**

Website: [www.cityofmadison.com](http://www.cityofmadison.com)

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April 14, 2011

Steve Spilde  
Landmark Builders, Inc  
7122 Country Wood Lane  
Madison, WI 53719

RE: Approval of a demolition permit and conditional use for 2202 East Johnson Street to raze a former machine shop and allow construction of multi-tenant retail building adjacent to a city park.

Dear Mr. Spilde:

The Plan Commission, meeting in regular session on April 11, 2011, determined that the ordinance standards were met and **approved** your client's requests for a demolition permit and conditional use to raze a former machine shop and allow construction of multi-tenant retail building adjacent to a city park at 2202 East Johnson Street. In order to receive final approval of the demolition permit and the conditional use the following conditions must be met:

**Please contact Janet Dailey, City Engineering, at 261-9688 if you have questions regarding the following fifteen (15) items:**

1. This property is located within the Demetral Landfill Specific Zone of Concern as outlined in COM Building Ordinance Sec. 29.20(20)(a)3.e. Any new building constructed on this site shall be equipped with a passive sub-slab depressurization system, like a radon mitigation system, to protect against potential landfill gas migration. Such system is subject to the review and approval of the City Engineer and Building Inspection.
2. If determined by the Plan Commission that a public pedestrian-bicycle connection be constructed on this property adjacent to the parking lot which currently exists within the N. Fourth Street public right-of-way. If this connection is required, the owner/applicant shall coordinate the conveyance of a public sidewalk easement with Eric Pederson (Engineering Division Land Records Coordinator / [epederson@cityofmadison.com](mailto:epederson@cityofmadison.com) / 266-4056. The City of Madison Office of Real Estate Services will require a metes and bounds legal description and map of easement area prepared by your project Surveyor.
3. In accordance with 10.34 MGO – STREET NUMBERS: Please coordinate the final address plan for this site with Engineering Mapping Lori Zenchenko ([addressing@cityofmadison.com](mailto:addressing@cityofmadison.com)). If there are any changes pertaining to the location of units, the deletion or addition of units, or to the location of the entrance into any unit, (before, during or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal.
4. The "ACTUAL" plan north arrow is incorrect on the plan. Please revise and update on the final plans.

5. Revise plans to identify the adjoining North Fourth Street public right-of-way as well as the public Demetral Park / East High Athletic Fields.
6. Value of the restoration work less than \$5,000. When computing the value, do not include a cost for driveways. Do not include the restoration required to facilitate a utility lateral installation. The Applicant's project requires the minor restoration of the street and sidewalk. The Applicant shall obtain a Street Excavation Permit for the street restoration work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. (MGO 16.23(9)(d)(6) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
7. 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.
8. All work in the public right-of-way shall be performed by a City licensed contractor.
9. All damage to the pavement on East Johnson Street & North Fourth Street, 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>
10. The site plans shall be revised to show the location of all rain gutter down spout discharges.
11. 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.
12. 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.
13. All proposed and existing utilities including gas, electric, phone, steam, chilled water, etc shall be shown on the plan.
14. Prior to approval of the conditional use application, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1). \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2). \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner. (POLICY)This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
15. 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 John Leach, Traffic Engineering, at 267-8755 if you have questions regarding the following ten (10) items:**

16. The applicant is to explore with City's Parks an 8 to 10 ft bike/ped connection to the existing path end on North Fourth Street to the sidewalk in front of the building.

17. The applicant shall revise site plans to include public sidewalk, ramps, crosswalks, curbs and existing parking stalls on North Fourth Street and East Johnson Street.
18. The developer shall post a deposit and reimburse the City for all costs associated with any modifications to Street Lighting, Signing and Pavement Marking for parking spaces in street and easterly crosswalk, including labor, engineering and materials for both temporary and permanent installations.
19. The applicant will need to supply a public easement for any public use of the sidewalk in from to the building on North Fourth Street.
20. 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'.
21. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
22. The driveway approach shall be a mountable curb the width of the noted service bay and should be revised and noted on the site plan. This information shall be provide to Traffic Engineering can redesign the on-street parking according to M.G.O.
23. The applicant shall prevent encroachment onto adjacent land and City Park areas by barriers of some type, which shall be noted on the face of the revised plans.
24. 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 hand holes, including labor, engineering and materials for both temporary and permanent installations.
25. 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 Bill Sullivan, Madison Fire Department, at 261-9658 if you have questions regarding the following item:**

26. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

**Please contact Patrick Anderson, Assistant Zoning Administrator, at 266-5978 if you have questions regarding the following eight (8) items.**

27. No off-street parking facilities will be provided for this project. An administrative parking reduction will be reviewed as part of this project. The submitted plans reflect that the proposal will require a 6 parking space reduction for the proposed restaurant use. Please submit a parking stall reduction request application as part of final sign-off. NOTE: future parking reduction will be required for future use of second tenant space.
28. Bike parking shall comply with City of Madison General Ordinances Section 28.11.
29. Provide a minimum of 2 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. Final bike parking and bike rack location shall be shown on final plans submitted for sign-off. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area.

30. Provide a reuse/recycling plan, to be reviewed and approved by The City's Recycling Coordinator, Mr. George Dreckmann, prior to a demolition permit being issued. Sec. 28.12(12)(e) of the Madison Zoning Ordinance requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan. The owner must submit documentation of recycling and reuse within 60 days of completion of demolition.
31. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.
32. If outdoor lighting is provided, it must comply with City of Madison General Ordinances Section 10.085 outdoor lighting standards.
33. The Plan Commission has modified standard 28.04(12)(c). Solid screening shall not be required along the north (park) property line which is also a zoning district boundary. The applicant shall provide additional plantings on the property line, intended to discourage trespassing and nuisance behavior. Plantings should also create additional visual separation and partial screening of the rear of the building, service area, and dumpster enclosure from the park. To accommodate plantings, the planting area adjacent to the service bay shall be widened. Final plans shall be approved by Parks, Zoning, Police, and the Planning Division.
34. On final plans provide detail of trash enclosure, including gate detail.

**Please contact Dennis Cawley, Madison Water Utility, at 261-9243 if you have questions on the following item:**

35. The Madison Water Utility shall be notified to remove the water meter prior to demolition. 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.

**Please contact my office at 267-1150 if you have questions on the following fifteen (15) items.**

36. That the establishment of new uses or changes to uses on this property shall be reviewed as an alteration to this conditional use, and reviewed and approved by staff or the Plan Commission utilizing the conditional use standards.
37. That the applicant installs an 8 foot tall solid wood fence between along the eastern property line. The fence shall start at the front setback of the building and run to the rear property line. Details of the fence shall be shown on the plans for approval by Planning Division staff.
38. That the details of the trash enclosure be provided for Planning Division staff approval.
39. That the location of any ground sign is depicted on the final site plan for approval by Planning Division staff.
40. That a lighting plan be provided for approval by the Planning Division, Police Department, and Building Inspection.

41. That any illuminated signage be turned off during non-business hours. Motion activation shall be provided on the exterior of the building.
42. That Milios will post signs stating that no loitering is allowed and that restaurant staff will enforce this condition and notify police if not complied with.
43. That the business may be open to customers between the hours of 9:00 am until 9:00 pm, nightly. Restaurant staff shall remain on site for at least one hour after closing to enforce the no-loitering condition.
44. That the applicant works with appropriate agencies (including City Engineering, Traffic Engineering, City Parks, and Planning) to provide a direct pedestrian route from the sidewalk proposed along the west (Fourth Street) side of the building to the path at Demetral Field. An easement shall be recorded to grant public access to this sidewalk. Details are subject to approval by the appropriate City agencies.
45. That the details of any bollards or similar improvements installed to direct pedestrian traffic towards the crosswalk (as requested by Traffic Engineering) be shown on the plans submitted for approval by Planning Division, Traffic Engineering, and the Police Department.
46. That outdoor on-site trash receptacles be provided with the details and location specified on final plans for approval by Planning Division staff.
47. That restaurant staff will pick-up establishment-related litter on the subject property and that accessible from sidewalks at the following locations: a) between East High School and the establishment; b) between the establishment and Demetral Field; and c) along East Johnson Street between Fourth and Fifth Streets. Clean up shall occur daily, generally after the lunch hour between the hours of 1 and 2:30 pm. A formal commitment shall be provided by the applicant in writing for inclusion in the City's Conditional Use file.
48. That the building exterior materials be revised. Masonry shall replace the EIFS located on the entryway projections (areas under the hip roofs) that directly abut the sidewalk areas. On the south elevation, this includes the area adjacent to the Johnson Street-facing door. On the west elevation, this includes the areas surrounding both the doors. Specific materials and colors should be labeled on final plan sets for staff approval.
49. That the applicant works with staff to minimize the sound impacts of HVAC systems.
50. That the business should use window coverings after dark on the windows on the building's east side that face the neighboring residential property.

**No interior, exterior or structural demolition or wrecking activities or remodeling activities (including material reclamation activities by the applicant or a third party) shall commence nor any wrecking or building permits be issued until the applicant has met all of the conditions of approval stated in this letter.**

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

1. Please revise your plans per the above and submit **eleven (11) copies** of a complete 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.

2. A reuse and recycling plan approved by the Recycling Coordinator is required by ordinance prior to the issuance of a wrecking permit.
3. This letter shall be signed by the applicant and property owner to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting demolition and/or building permit approval.
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. 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. The Plan Commission shall retain jurisdiction over this matter for the purpose of resolving complaints against the approved demolition permit and conditional use permit.

If you have any questions regarding obtaining the demolition or conditional use approval, 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 267-1150.

Sincerely,

Kevin Firchow, AICP  
 Planner

cc: Janet Dailey, Engineering Division  
 John Leach, Traffic Engineering  
 Pat Anderson, Ast. Zoning Administrator  
 Bill Sullivan, Madison Fire Department  
 George Dreckmann, Recycling Coordinator  
 Frank Chandler, Police

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

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*Signature of Applicant*

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*Signature of Property Owner (if not the applicant)*

<b>For Official Use Only, Re: Final Plan Routing</b>			
<input checked="" type="checkbox"/>	Planning Div. (Firchow)	<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	<input checked="" type="checkbox"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input checked="" type="checkbox"/>	Other: Police - Chandler