



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 608 267-8739  
PH 608 266-4635

August 21, 2007

Melissa Destree  
Destree Design Architects  
222 W Washington Avenue  
Madison, WI 53703

RE: Approval of a conditional use for an outdoor seating area to serve a restaurant at 240 W Gilman Street.

Dear Ms. Destree:

The Plan Commission, meeting in regular session on August 20, 2007, determined that the ordinance standards could be met and **approved** your client's request for a conditional use for an outdoor eating area, subject to the conditions below. In order to receive final approval of 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 item:**

1. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the Engineering Division (Lori Zenchenko) [lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com). The digital copies shall be drawn to scale and represent final construction including: building footprints, internal walkway areas, internal site parking areas, lot lines/ numbers/ dimensions, street names, and other miscellaneous impervious areas. Email file transmissions preferred. 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. Please include the site address in this transmittal.

**Please contact John Leach, Traffic Engineering, at 267-8755 if you have questions regarding the following eight items:**

2. The applicant shall revise gates that are shown opening toward the public sidewalk, to open into the property.
3. The applicant shall relocate bicycle racks from the back of the site to a location closer to the entrance for direct access. In addition, applicant shall indicate the type of bicycle racks to be installed.
4. The applicant has located the accessible parking loading area with direct access with steps. The applicant should install a ramp to and from the accessible parking loading area.
5. When the applicant submits final 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 property lines, 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'.
6. 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.

7. The applicant shall design the surface parking areas for stalls and backing up according to Figures II of the ordinance using the 9.5' or wider stall. The applicant will need to show the dimensions for proposed degree parking stalls' items A, B, C, E, F, H and degree angle parking width and backing up, according to Figures II "Medium and Large Vehicles" parking design standards in Section 10.08(6)(b) 2.
8. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan. The applicant shall note on the plan the most westerly driveway approach is to be removed as approved with a "Permit to Construct Commercial Driveway Approach" for the removal of one (1) driveway approach issued on April 3, 2007.
9. 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 Matt Tucker, the Zoning Administrator, at 266-4551 if you have questions regarding the following six items:**

10. Meet all applicable State accessible requirements, including but not limited to:
  - a. **Show signage at the head of the accessible stalls.** Accessible signs shall be a minimum of 60" between the bottom of the sign and the ground.
  - b. Show the accessible path from the stalls to the building. The stalls shall be as near the accessible entrance as possible. Show ramps, curbs, or wheel stops where required.
11. Provide two (2) bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. The lockable enclosed lockers or racks or equivalent structures in or upon which the bicycle may be locked by the user shall be securely anchored to the ground or building to prevent the lockers or racks from being removed from the location. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices.
12. Provide a detailed landscape plan. Show species and sizes of landscape elements. 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.)
13. Lighting is not required. However, if it is provided, it must comply with City of Madison outdoor lighting standards. (See parking lot packet). Lighting will be limited to .10 watts per square foot.
14. Obtain approval from the Landmarks Commission for exterior alterations to a Landmark property.
15. Contact the City Clerk regarding the "change of license premise" to your liquor license.

**Please contact Scott Strassburg, Madison Fire Department, at 261-9843 if you have questions about the following item:**

16. Per the International Fire Code Chapter 10 and MGO Section 34:
  - a.) Applicant shall submit approved capacity with the site plan and post the capacity of the outside dining area in accordance International Fire Code 2006 edition.
  - b.) Proposed deck, patio or fenced in area shall not be located at, adjacent or obstruct the required exits from the building.
  - c.) Provide and maintain exits from the deck, patio or fenced in area in accordance with the International Fire Code 2006 edition.
  - d.) Submit a seating plan for the proposed deck, patio or fenced in area space.

**Please contact my office at 267-1150, if you have questions regarding the following five items, including condition #21 added by the Plan Commission:**

17. That no outdoor amplified sound be permitted in the outdoor seating area.
18. That the hours of operation be limited to 11AM to Midnight, daily.
19. That the City Zoning Administrator and Urban Design Commission approve the signage package.
20. That the Planning Division staff approve a detailed landscaping plan submitted by the applicant.
21. That if the ALRC amends the applicant's liquor license to allow alcohol service on the outdoor seating area, the Plan Commission will need to reapprove an amended conditional use permit specifically allowing such service. This shall occur prior to alcohol service being allowed in the outdoor seating area.

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

1. Please revise your plans per the above and submit *nine (9) 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. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting demolition and/or building permit approval.
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. The Plan Commission shall retain jurisdiction over this matter for the purpose of resolving complaints against the approved conditional use.

If you have any questions regarding obtaining your demolition or 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 267-1150.

Sincerely,

Kevin Firchow, AICP  
Planner

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

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

cc: Matt Tucker, Zoning Administrator  
Scott Strassburg, Madison Fire Department  
John Leach, Traffic Engineering  
Janet Dailey, Engineering Division

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