



Department of Planning & Community & Economic Development
Planning Division

Website: 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
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May 5, 2009

Ann Stauffacher
Madison Northeast, LLC
5109 West Terrace Drive
Madison, Wisconsin 53718

RE: Approval of a conditional use for an outdoor eating area at a hotel in the O-4 (Administrative Office and Research and Development) District.

Dear Ms. Stauffacher:

The Plan Commission, meeting in regular session on May 4, 2009 determined that the ordinance standards could be met and **approved** your request for a conditional use for an outdoor eating area at 5109 West Terrace Drive. In order to receive final approval for the conditional use, the following conditions must be met:

Please contact my office at 266-5974 if you have any questions about the following two items:

1. The hours of operation for the outdoor eating area will be limited to 11am to 10pm on all days of the week.
2. The posted capacity of the outdoor eating area will be no greater than 150 persons, and may be less based on agency review of the outdoor seating layout.
3. By signing this letter of approval for the conditional use requested, the applicant acknowledges the presence of current and future highway noise near the proposed outdoor eating area.

Please contact John Leach, Traffic Engineering at 267-8755 if you have questions about the following 6 items:

4. The applicant shall contact the Department of Planning and Development to comply with MGO Sec. 16.23(3)(d)--Highway Noise Land Use Provisions policies and ordinances.
5. The applicant shall submit final plans for approval with the following items shown: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, one contiguous plan (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'.
6. A "Stop" sign shall be installed at a height of seven (7) feet at all driveway approaches. 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 intersection shall be so designed so as not to violate the City's sight-triangle preservation requirement which states that on a corner lot no structure, screening, or embankment of any kind shall be erected, placed, maintained or grown between the heights of 30 inches and 10 feet above the curb level or its equivalent within the triangle space formed by the two intersecting street lines or their projections and a line joining points on such street lines located a minimum of 25 feet from the street intersection in order to provide adequate vehicular vision clearance.
8. The applicant shall show the dimensions for proposed and existing parking stalls' items A, 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 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. 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 Administrator at 266-5978 if you have questions about the following 4 items:

10. Provide a detailed seating layout of the outdoor eating/recreation area.
11. Occupancy of the outdoor eating and recreation area must be established based on the detailed layout of the outdoor eating/recreation area. The applicant shall have an Architect or Certified Commercial Building Inspector establish the capacity for final staff review and approval, and may contact zoning staff to facilitate this process.
12. Lighting is not required. However, if it is provided for the commercial/retail portion of the parking, it must comply with City of Madison outdoor lighting standards (see parking lot packet). Lighting will be limited to .10 watts per square foot.
13. If you have a license to sell alcohol in an outdoor eating area, the Alcohol License Review Committee has established conditions for operation for these applications that involve fencing, security guards, toilet facilities, litter, etc. All businesses that sell alcohol must comply with the requirements imposed by the Alcohol License Review Committee at the time of issuance of your original application to expand or change your licensed premise to include the outdoor eating area.

Please contact Scott Strassburg, Madison Fire Department at 261-9843 if you have questions about the following 4 items:

14. Per the International Fire Code (IFC) Chapter 10 and MGO 34, the applicant shall submit an approved capacity with the site plan and post the capacity of the outside dining area in accordance IFC 2006 edition.
15. The proposed outdoor eating area shall not be located at, adjacent to or obstruct the required exits from the building.
16. The applicant shall provide and maintain exits from the outdoor eating area in area in accordance with the IFC 2006 edition.
17. The applicant shall submit a seating plan for the proposed outdoor eating area.

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

1. Please revise your plans per the above and submit *seven (7) 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 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. 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 conditional use permit, 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 266-5974.

Sincerely,

Heather Stouder, AICP
Planner

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| I hereby acknowledge that I understand and will comply with the above conditions of approval for this conditional use permit. |
| _____ |
| <i>Signature of Applicant</i> |

- cc: Pat Anderson, Assistant Zoning Administrator
Janet Dailey, City Engineering
John Leach, Traffic Engineering
Scott Strassburg, Madison Fire Department

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