

PLANNING UNIT REPORT
DEPARTMENT OF PLANNING AND DEVELOPMENT
May 23, 2006

CONDITIONAL USE APPLICATION:

1. Requested Action: Approval to operate an outdoor eating area for a restaurant located at 617 Williamson Street.
2. Applicable Regulations: Section 28.09(2)(d)6 requires that outdoor eating areas of restaurants must obtain a conditional use permit. In addition, Section 28.04(19) regulates development on waterfront properties.
3. Report Drafted By: Peter Olson, Planner II.

GENERAL INFORMATION:

1. Applicant: John Gadau, Hot Soup II, LLC, 617 Williamson Street, Madison, WI 53703; Bob Harriman, RG Harriman Company, Inc., 10 East Doty Street, Suite 421, Madison, WI 53703; and Jeff Cotta, 7J's, Inc., 617 Williamson Street, Madison, WI 53703.
2. Status of Applicants: Restaurant operator, building contractor, and property owner.
3. Development Schedule: The applicant expects to have this new restaurant open by mid-June 2006.
4. Parcel Location: Southeast side of Williamson Street at the South Blair Street intersection and also adjacent to Lake Monona, Aldermanic District 6, Madison Metropolitan School District.
5. Parcel Size: The underlying parcel contains a total of 48,704 square feet.
6. Existing Zoning: C3 Highway Commercial District.
7. Existing Land Use: This building contains six store units generally devoted to retail sales and similar approved commercial uses.
8. Proposed Use: The store unit to be occupied by the applicant will be a restaurant. The applicant proposes to operate an outdoor eating area in conjunction with the proposed restaurant on an existing outdoor deck at the rear of the existing building.
9. Surrounding Land Use and Zoning: The subject property is located at the eastern edge of the Central Business District, which contains a variety of offices, retail and service commercial uses, and medium and high density residential uses, including park and open space along the Lake Monona shore, zoned C2, C3, C4, R4, R5, R6, M1, PUD(SIP) and C (Conservancy).

10. **Adopted Land Use Plan:** The subject property is recommended for employment uses in the recently adopted Comprehensive Plan for the City of Madison.
11. **Environmental Corridor Status:** This property is not located within a mapped environmental corridor. The subject property is located, however, along the shore of Lake Monona. City of Madison waterfront development standards regulate any land disturbing activity and changes to existing landscape materials within a 35-foot wide strip adjacent to the shoreline. No portion of the proposed development will be located within this 35-foot strip.

PUBLIC UTILITIES AND SERVICES:

This property is served by a full range of urban services.

STANDARDS FOR REVIEW:

This application is subject to the conditional use standards. This property is regulated by the waterfront development standards, however, no new construction will be required by this development proposal and no disturbing of land or vegetation within a 35-foot strip adjacent to the Lake Monona shoreline will take place, therefore the waterfront development standards will not apply to this specific application.

ANALYSIS, EVALUATION AND CONCLUSION:

The applicant will be leasing a vacant commercial space located in the "Machinery Row" building at 617 Williamson Street to establish a new restaurant. In conjunction with the restaurant operation, the applicant wishes to utilize a portion of the former loading dock adjacent to this store unit for an outdoor eating area. Zoning Code provisions allow the restaurant as a permitted use in the C3 Highway Commercial District, but do require that outdoor eating areas of restaurants obtain a conditional use permit.

The existing building was originally constructed with a rear loading dock adjacent to a one time railroad spur. This loading dock extends from the rear of the existing building approximately 6-feet and matches the floor level of the interior space. The applicant proposes to enclose the loading dock adjacent to the restaurant space with a decorative railing which will allow the placement of approximately seven tables, accommodating a maximum of 18-20 diners. Although this loading dock is located adjacent to the rear surface parking facility, the loading dock is raised approximately 3-4 feet above the parking lot surface and the orientation of this property adjacent to the Monona Lakeshore should provide an attractive view for patrons to look out over the lake and the far shorelines. The presence of diners and wait staff within this area will also provide additional visual surveillance for safety and security of patrons using the rear parking facility later in the evening hours.

The subject property is located adjacent to the Fauerbach Condominiums, a residential land use. The president of the Fauerbach Condominium Association, Don Last, has written a

communication to the Plan Commission regarding the proposed outdoor eating area. This letter raises some valid concerns and staff recommend that the Plan Commission consider these points carefully. Normally, Planning Unit staff would recommend that an outdoor eating area adjacent to a residential land use be limited to a 10:00 p.m. closure time on weekday evenings with a possibly later closing time allowed on Friday and Saturday nights. Staff recommends that the Plan Commission specify specific closure hours for the outdoor patio, prohibit the use of any sound amplification devices or speakers within the exterior areas, and require installation of an opaque curtain at the easterly end (facing the condominiums) of the outdoor eating area.

The subject property is located within the Third Lake Ridge Historic District. This proposal was approved by the Landmarks Commission approximately one year ago. However, the design of the exterior arrangement and railing has changed according to a memo received from Kitty Rankin, Preservation Planner. Ms. Rankin has indicated that this item will return to the Landmarks Commission for final consideration at their June 5, 2006 meeting, and the results of the Landmarks Commission recommendation will be made available to the Plan Commission at their June 5 meeting as well.

RECOMMENDATIONS:

The Planning Unit recommends that the Plan Commission carefully consider the issues raised in this report, other City agency reports, Landmarks Commission approval, input at the public hearing and the issues and concerns raised in the letter from the Fauerbach Condominium Association dated May 17, 2006, along with the applicant's desire to maintain an outdoor eating area for the proposed Sardine Restaurant located at 617 Williamson Street against the conditional use standards. If the Plan Commission finds that the standards can be met, the Planning Unit recommends the following conditions of approval:

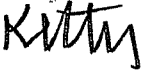
1. Reviewing agency comments.
2. The applicant shall close the outdoor eating area and ensure that patrons do not occupy this space any later than 10:00 p.m. or as specified by the Plan Commission.
3. The exterior patio doors connecting the interior restaurant space to the outdoor eating area shall be closed at the above specified closure hour, or earlier.
4. The applicant shall install an opaque curtain from floor to ceiling along the northeasterly end of the outdoor eating area, facing the Fauerbach Condominium tower.
5. No sound amplification device or speakers shall be allowed within the outdoor eating area.

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Hi, Pete –

The plans that are included with this application are different from the ones that the Landmarks Commission approved a year ago. I don't foresee any problems, but it will have to go back to the Landmarks Commission for their review. I have a call in to the contact person. It will probably be on the June 5 agenda and we will schedule it such that we will be done with it before the Plan Commission meeting.

Thanks,

Kitty 
5-8-06



Department of Public Works
City Engineering Division

608 266 4751

Larry D. Nelson, P.E.
City Engineer

City-County Building, Room 115
210 Martin Luther King, Jr. Boulevard
Madison, Wisconsin 53703
608 264 9275 FAX
608 267 8677 TDD

Deputy City Engineer
Robert F. Phillips, P.E.

Principal Engineers
Michael R. Dailey, P.E.
Christina M. Bachmann, P.E.
John S. Fahrney, P.E.
David L. Benzschawel, P.E.
Gregory T. Fries, P.E.

Operations Supervisor
Kathleen M. Cryan

Hydrogeologist
Joseph L. DeMorett, P.G.

GIS Manager
David A. Davis, R.L.S.

DATE: May 15, 2006
TO: Plan Commission
FROM: Larry D. Nelson, P.E., City Engineer
SUBJECT: 617 Williamson Street Conditional Use

The City Engineering Division has reviewed the subject development and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

- 1. Prior to approval, the applicant shall revise plans to include a new sanitary sewer lateral to serve the proposed restaurant, or provide documentation that demonstrates adequate service.

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

Engineering Division Review of Planned Community Developments, Planned Unit Developments and Conditional Use Applications.

Name: 617 Williamson Street Conditional Use

General

- 1.1 The construction of this building will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City / Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project.
- 1.2 The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
- 1.3 The site plan shall include all lot/ownership lines, existing building locations, proposed building additions, demolitions, parking stalls, driveways, sidewalks (public and/or private), existing and proposed signage, existing and proposed utility locations and landscaping.
- 1.4 The site plan shall identify the difference between existing and proposed impervious areas.
- 1.5 The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.
- 1.6 The site plan shall include a full and complete legal description of the site or property being subjected to this application.

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Right of Way / Easements

- 2.1 The Applicant shall Dedicate a _____ foot wide strip of Right of Way along _____.
- 2.2 The Applicant shall Dedicate a _____ foot wide strip of Right of Way along _____.
- 2.3 The Applicant shall Dedicate a Permanent Limited Easement for grading and sloping _____ feet wide along _____.
- 2.4 The City Engineer has reviewed the need for pedestrian and bicycle connections through the development and finds that no connections are required.
- 2.5 The Applicant shall Dedicate a Permanent Limited Easement for a pedestrian / bicycle easement _____ feet wide from _____ to _____.
- 2.6 The Developer shall provide a private easement for public pedestrian and bicycle use through the property running from _____ to _____.
- 2.7 The developer shall be responsible for the ongoing construction and maintenance of a path within the easement. The maintenance responsibilities shall include, but not be limited to, paving, repaving, repairing, marking and plowing. The developer shall work with the City of Madison Real Estate Staff to administer this easement. Applicable fees shall apply.

Streets and Sidewalks

- 3.1 The Applicant shall execute a waiver of notice and hearing on the assessments for the improvement of [roadway] _____ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.
- 3.2 **Value of sidewalk installation over \$5000.** The Applicant shall Construct Sidewalk to a plan approved by the City Engineer along _____.
- 3.3 **Value of sidewalk installation under \$5000.** The Applicant shall install public sidewalk along _____. The Applicant shall obtain a Street Excavation Permit for the sidewalk work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. All work must be completed within six months or the succeeding June 1, whichever is later.
- 3.4 The Applicant shall execute a waiver of their right to notice and hearings on the assessments for the installation of sidewalk along [roadway] _____ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.
- 3.5 The Applicant shall grade the property line along _____ to a grade established by the City Engineer. The grading shall be suitable to allow the installation of sidewalk in the future without the need to grade beyond the property line. The Applicant shall obtain a Street Excavation permit prior to the City Engineer signing off on this development.
- 3.6 The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
- 3.7 **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.
- 3.8 The Applicant shall make improvements to _____ in order to facilitate ingress and egress to the development. The improvement shall include a (Describe what the work involves or strike this part of the comment.) _____.
- 3.9 The Applicant shall make improvements to _____. The improvements shall consist of _____.
- 3.10 The approval of this Conditional Use does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester.
- 3.11 The Applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The Applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The Applicant shall provide the City Engineer the proposed grade of the building entrances. The City Engineer shall approve the grade of the entrances prior to signing off on this development.
- 3.12 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

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because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction.

- 3.13 The Applicant shall obtain a privilege in streets agreement for any encroachments inside the public right of way. The approval of this development does not constitute or guarantee approval of the encroachments.
- 3.14 The Applicant shall provide the City Engineer with the proposed soil retention system to accommodate the restoration. The soil retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system.
- 3.15 The Applicant shall complete work on exposed aggregate sidewalk in accordance with specifications provided by the city. The stone used for the exposed aggregate shall be approved by the City. The Construction Engineer shall be notified prior to beginning construction. Any work that does not match the adjacent work or which the City Construction Engineer finds is unacceptable shall be removed and replaced.
- 3.16 All work in the public right-of-way shall be performed by a City licensed contractor.

Storm Water Management

- 4.1 The site plans shall be revised to show the location of all rain gutter down spout discharges.
- 4.2 Storm sewer to serve this development has been designed and constructed. The site plans shall be revised to identify the location of this storm sewer and to show connection of an internal drainage system to the existing public storm sewer.
- 4.3 The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used.
- 4.5 The applicant shall show storm water "overflow" paths that will safely route runoff when the storm sewer is at capacity.
- 4.6 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.
- 4.7 The City of Madison is an approved agent of the Department of Commerce. This proposal contains a commercial building and as such, 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.
- 4.8 This development includes multiple building permits within a single lot. The City Engineer and/or the Director of the Inspection Unit may require individual control plans and measures for each building.
- 4.9 If the lots within this site plan are inter-dependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the site plan and recorded at the Dane Co Register of Deeds.
- 4.10 Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to:
 - Detain the 2 & 10-year storm events.
 - Detain the 2, 10, & 100-year storm events.
 - Control 40% TSS (20 micron particle).
 - Control 80% TSS (5 micron particle).
 - Provide infiltration in accordance with NR-151.
 - Provide substantial thermal control.
 - Provide oil & grease control from the first 1/2" of runoff from parking areas.

Stormwater management plans shall be submitted and approved by City Engineering prior to signoff.

- 4.11 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.
- 4.12 A portion of this project comes under the jurisdiction of the US Army Corp of Engineers and WDNR for wetland or flood plain issues. A permit for those matters shall be required prior to construction on any of the lots currently within the jurisdictional flood plain.
- 4.13 The Applicant shall submit, prior to plan sign-off, digital CAD files to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital copies shall be to scale and represent final construction.

CAD submittals can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) formats and contain the following data, each on a separate layer name/level number:

- a) Building Footprints
- b) Internal Walkway Areas

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- 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) Lot lines
- g) Lot numbers
- h) Lot/Plat dimensions
- i) Street names

NOTE: Email file transmissions preferred izenchenko@cityofmadison.com . Include the site address in this transmittal.

- 4.14 NR-151 of the Wisconsin Administrative Code will be effective on October 1, 2004. Future phases of this project shall comply with NR 151 in effect when work commences. Specifically, any phases not covered by a Notice of Intent (NOI) received from the WDNR under NR-216 prior to October 1, 2004 shall be responsible for compliance with all requirements of NR-151 Subchapter III. As most of the requirements of NR-151 are currently implemented in Chapter 37 of the Madison General Ordinances, the most significant additional requirement shall be that of infiltration.

NR-151 requires infiltration in accord with the following criteria. For the type of development, the site shall comply with one of the three (3) options provided below:

Residential developments shall infiltrate 90% of the predevelopment infiltration amount, 25% of the runoff from the 2-year post development storm or dedicated a maximum of 1% of the site area to active infiltration practices.

Commercial development shall infiltrate 60% of the predevelopment infiltration amount, 10% of the runoff from the 2-year post development storm or dedicate a maximum of 2% of the site area to active infiltration practices.

- 4.15 The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set.

PDF submittals shall contain the following information:

- a) Building footprints.
- b) Internal walkway areas.
- c) Internal site parking areas.
- d) Lot lines and right-of-way lines.
- e) Street names.
- f) Stormwater Management Facilities.
- g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).

- 4.16 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...
- d) Sediment loading calculations

If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided.

Utilities General

- 5.1 The Applicant shall obtain a Street Excavation permit for the installation of utilities required to serve this project. The Applicant shall pay the permit fee, inspection fee and street degradation fee as applicable and shall comply with all the conditions of the permit.
- 5.2 The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work.
- 5.3 All proposed and existing utilities including gas, electric, phone, steam, chilled water, etc shall be shown on the plan.
- 5.4 The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.
- 5.5 The site plans shall be revised to show the location of existing utilities, including depth, type, and size in the adjacent right-of-way.
- 5.6 The developer shall provide information on how the Department of Commerce's requirements regarding treatment of storm water runoff, from parking structures, shall satisfied prior to discharge to the public sewer system. Additionally, information shall be provided on which system (storm or sanitary) the pipe shall be connected to.

Sanitary Sewer

- 6.1 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

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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.

- 6.2 All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to connection to the public sewerage system.
- 6.3 Each unit of a duplex building shall be served by a separate and independent sanitary sewer lateral.
- 6.4 The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size and alignment of the proposed service.

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Traffic Engineering Division

David C. Dryer, City Traffic Engineer

Madison Municipal Building
215 Martin Luther King, Jr. Boulevard
P.O. Box 2986
Madison, Wisconsin 53701-2986
PH 608/266-4761
TTY 608/267-9623
FAX 608/267-1158

May 25, 2006

TO: Plan Commission

FROM: David C. Dryer, P.E., City Traffic Engineer

SUBJECT: **617 Williamson St – Conditional Use – Outdoor Eating Area / Marigold
Brasserie**

The City Traffic Engineering Division has reviewed the subject development and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. None

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

2. 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, 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, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.
3. 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 John Leach, City Traffic Engineering at 267-8755 if you have questions regarding the above items:

Contact Person: John Gadau / Bob Harriman
Fax: 608-661-5144

DCD:DJM:dm

**CITY OF MADISON
INTERDEPARTMENTAL
CORRESPONDENCE**

Date: May 18, 2006

To: Plan Commission
From: Kathy Voeck, Assistant Zoning Administrator
Subject: 617 Williamson St.

Present Zoning District: C-3

Proposed Use: Outdoor eating area for the "Sardine Restaurant"

Conditional Use: 28.09(3)(d)32. Outdoor eating areas are a conditional use.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project). **NONE.**

GENERAL OR STANDARD REVIEW COMMENTS

1. Provide **seven** 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.

ZONING CRITERIA

Bulk Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	48,704 sq. ft.
Lot width	50'	adequate
Usable open space	n/a	n/a
Front yard	0'	0'
Side yards	0'	0'
Lake setback	existing	existing
Floor area ratio	3.0	less than 1.0
Building height	---	2 stories

Site Design	Required	Proposed
Number parking stalls	As shown	adequate
Accessible stalls	As shown	adequate
Number bike parking stalls	7	(1)
Landscaping	As shown	adequate
Lighting	No	existing

Other Critical Zoning Items	
Historic District	Third Lake Historic District
Landmark building	National Register and Historic Landmark
Water front development	Waterfront property, no addition
Barrier free (ILHR 69)	Yes

With the above conditions, the proposed project **does** comply with all of the above requirements.



CITY OF MADISON FIRE DEPARTMENT

Fire Prevention Division

325 W. Johnson St., Madison, WI 53703-2295

Phone: 608-266-4484 ♦ FAX: 608-267-1153

DATE: 5/18/06
TO: Plan Commission
FROM: Edwin J. Ruckriegel, Fire Marshal
SUBJECT: **617 Williamson St.**

The City of Madison Fire Department (MFD) has reviewed the subject development and has the following comments:

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. Per the IFC chapter 10 and MGO34:
 - a. Applicant shall post the capacity of the outside dining area in accordance International Fire Code 2006 edition.
 - b. Proposed deck shall not be located at, adjacent or obstruct the required exits from the building.
 - c. Provide and maintain exits from the deck in accordance with the International Fire Code 2006 edition.
 - d. Submit a seating plan for the proposed Deck space.

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

2. No comments.

Please contact John Lippitt, MFD Fire Protection Engineer, at 608-261-9658 if you have questions regarding the above items.

cc: John Lippitt

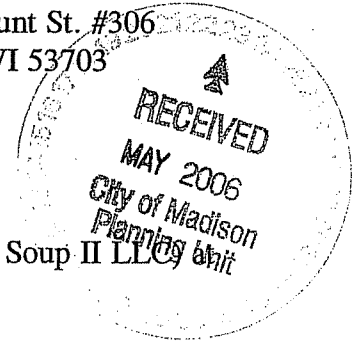
The Fauerbach Condominium Association

Don Last, President
404 S. Blount St. #306
Madison WI 53703

May 17, 2006

To: Members and Staff of the Madison Plan Commission

Re: Pending Request for Conditional Use Permit for Restaurant (Hot Soup II LLC) Machinery Row (dba Sardine).



At the May 2 City Council meeting, we asked that the plan commission be allowed to complete a review regarding hours of operation before a conditional use permit is granted for an outdoor eating area proposed for a new restaurant opening at Machinery Row. We understand this conditional use request will be on the Plan Commission agenda on June 5, 2006.

Prior to the June 5 commission meeting, we invite you to visit the site of the proposed outdoor eating area. This area is more than a designated place outdoors along the sidewalk. It actually is a patio area that was constructed as an extension to the existing restaurant. A site visit may be the best way to put into context the concerns we have about hours of operation for the proposed patio service area. For those who may be interested in touring both the patio service area and our adjacent condo property, you are invited to tour any evening between 5 and 8 p.m. I ask that you call me at 287-0077 so I can arrange to meet with you during your site visit. For those of you unable to make a site visit, I am enclosing photos that illustrate why we have concerns about operating hours for the patio.

As you know, most outdoor eating areas in downtown Madison are sandwiched between a restaurant and traffic on the street. Examples are numerous on State and King Streets and elsewhere around the square. In such settings, conversations by diners and drinkers are barely discernable because they are overshadowed by much louder street sounds. Such is not the case with the outdoor dining area as proposed because it is shielded from most street noise by Machinery Row and by the Fauerbach condos.

You may be interested to know that street noise is barely perceptible to Fauerbach condo owners because the interior corridors serving the units are on the Williamson Street side of our buildings. These corridors and the internal stairwells that face the street prevent most traffic sounds from reaching into the condos. It comes as a pleasant surprise to visitors that our condos are amazingly devoid of city sounds given the fact they are located downtown. In fact, our condo "backyards" are every bit as quiet as are the backyards of most quiet residential neighborhoods. This low noise ambiance will become evident if you come for a site visit.

All our condos face Lake Monona and each has a patio on the lake side. Our landscaped grounds occupy the space between the condos and the lake. We prize our ability to keep our patio doors open to the call of loons, to the rhythm of the waves on the shore, and to the feel of the wind off the lake. We would lose much of the value of our unique setting if we found it necessary to close our patio doors and bedroom windows and to turn on the air conditioners so as to drown out sounds from late night patrons on the restaurant patio next door. 12

Our association consists of 37 family homes clustered on a 106,000 square foot parcel (2.4 acres). Our residents are as young as 8 months and as old as 80 years. Just as with you and your

neighbors, we especially welcome peace and quiet after the sun goes down at night.

Because of our exceedingly close proximity to the proposed outdoor dining and drinking area, we are concerned that we will lose some of the quiet ambiance we now enjoy. The quality of our evenings on the lake in the future depends on how the next door restaurant will be operated. Such is the case because our closest family homes are only 90 feet from the restaurant's proposed outdoor eating area. We know conversations among persons dining or drinking on the restaurant's proposed outdoor patio will be audible to some condo owners. The only question is how long into the evening each night these owners will hear those conversations. In addition, some restaurant parking stalls are only 15 feet from some of our family homes. Headlights from these vehicles and the sound of engines running and doors closing six nights per week could become bothersome after 10 o'clock in the evening.

Another concern we have relates to trash handling. The trash containers are located on the line between our properties. Will the restaurant and bar be emptying their trash into these containers after closing hours each night? Will trash haulers be dumping these bottles and cans into their collection trucks before 8:00 a.m. in the morning? We also wish to know whether restaurant exhaust fans will discharge on the lake side or the street side of the building?

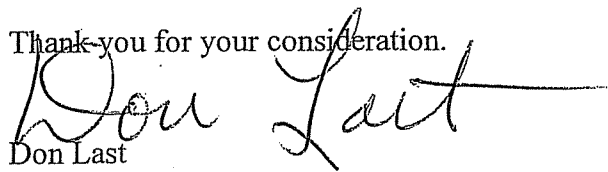
As we explained at the recent council meeting, we asked the ALRC for hours of operation that would be similar to most nearby restaurants which close at 10 each evening. The ALRC instead has recommended later hours of operation. Our association respectfully disagrees with the operating hours as proposed by the ALRC---and especially with the service hours suggested for the open air patio.

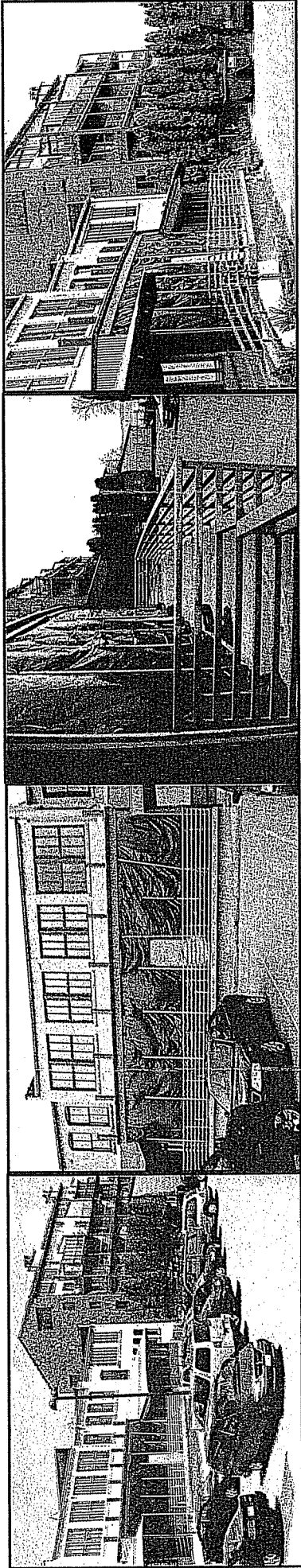
Our Fauerbach families asked for the following considerations at the council meeting and we will bring some of these requests to you at your June 5 meeting:

1. Patio dining or outdoor alcohol service would not be permitted after 9 p.m. daily and weekends (to be decided by the Plan Commission).
2. The restaurant's French doors (this series of doors separate the patio addition from the restaurant) and the restaurant's main entry door must be closed every evening by 9:00 p.m. (to be decided by the Plan Commission).
3. The east end of the patio dining area must have an opaque noise barrier or curtain from floor to ceiling (request granted by the ALRC and Council).
4. Exterior audio speakers or other sound amplification devices are not permitted (request granted by the ALRC and Council).
5. The chain link fence between Machinery Row and the Fauerbach Condos must have an opaque covering on the parking lot side (request not granted by the ALRC or council).
6. The restaurant/bar must close no later than 10 p.m. daily and weekends (request not granted by the ALRC or council).

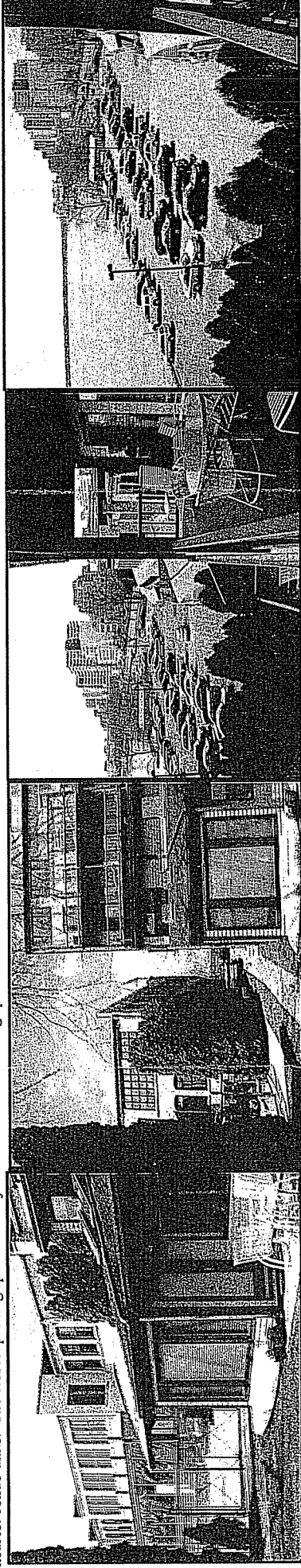
Without the above patio operating procedures, we envision potential conflicts among our residents (who are entitled to a restful night's sleep) and the late night patrons of the restaurant and bar. We hope you as Plan Commissioners will agree that the outdoor patio hours should be limited so that service would end by 9:00 p.m. nightly so that most patrons enjoying their meal and/or drink would be finished by 10 p.m. at the time when our residents are preparing to retire for the evening.

Thank you for your consideration.


Don Last
President



Photos of Fauerbach Proximity to Restaurant at Machinery Row--Set 1: The patio seating area is within the steel railing shown. This is where outdoor patrons will eat, drink, and smoke. The temporary black coverings will be replaced with multiple French doors across the entire width of the restaurant. These French doors could be open allowing sounds to escape to the outside from 190 restaurant and bar patrons. Some patio seats would be a mere 90 feet from the nearest condo units. The closest parking space will be just 15 feet from the living space of the closest condo.



Photos of Fauerbach Proximity to Restaurant at Machinery Row: Set 2: These photos are from the property of the Fauerbach condominiums looking toward the restaurant patio seating area and toward the 70 car parking lot. The patio area is visible in the far left photo. It also is shown in the second from the right photo taken from a condo balcony about 90 feet away. Sounds from car doors, engines, and patron conversations likely will disturb the sleep of condo residents, many of whom are senior citizens, if the restaurant-bar operates after bedtime hours.

Accordingly, the Fauerbach Condominium Association requests operating conditions be imposed by the ALRC and Plan Commission on the restaurant/bar (to minimize noise from up to 190 patrons inside and up to patron 70 cars):

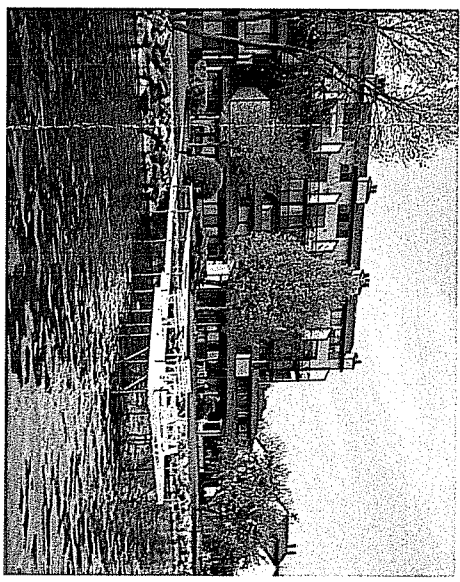
1. Exterior audio speakers or other sound amplification devices are not permitted.
2. Patio dining or outdoor alcohol service would not be permitted after 9 p.m. daily and weekends.
3. The restaurant's French doors (doors separating the patio from the restaurant) and the restaurant's main entry door must be closed every evening by 9:00 p.m.
4. The east end of the patio dining area must have an opaque noise barrier or curtain from floor to ceiling.
5. The chain link fence between Machinery Row and the Fauerbach Condos must have an opaque covering on the parking lot side.
6. The restaurant/bar must close no later than 10 p.m. daily and weekends. Saturday or Sunday before noon open hours are permitted.

20 Facts Relating to the Restaurant/Bar at Machinery Row Neighboring the Fauerbach Condominiums

1. Number of Condo Owners Petitioning To Impose Conditions On Machinery Row Restaurant/Bar Closing Time, Service Hours For Outdoor Drinking/Dining, and Outdoor Music or Sound Amplification: 20 of 37 units
2. Existing Restaurants within One Block That Serve Alcohol: 6 (including El Dorado Grill)
3. Common Closing Time of Six Nearby Restaurants That Serve Alcohol: 10 p.m.
4. Condo Units Facing The Lake: all 37
5. Condo Units Shielded From Street and Traffic Noise: all 37 (12 ground level units are shielded by the 3 story buildings and the 25 units in the main buildings are shielded by the interior corridors on every floor along the Williamson side of buildings).
6. Condo Ambiance: Building design and layout and lake frontage affords a quiet environment more akin to a rural setting than to a downtown venue--thus there is virtually no Williamson Street noise evident inside the condo units.
7. Distance Of Nearest Condo Unit To The Parking Lot Serving The Restaurant/Bar At Machinery Row: 15 feet for four condo units.
8. Distance Of Nearest Condo Unit To The Proposed Outdoor Dining/Drinking Area For The Restaurant/Bar at Machinery Row: 90 feet for four condo units.
9. Condo Outdoor Parking Spaces That May Be Used Illegally by Machinery Row Restaurant/Bar Patrons: 16



10. Fauerbach Condominium Developers: Noted History of Madison author David Mollenhoff and his wife Leigh.
11. Fauerbach Condo Origin: Madison's first TIF project (occupied starting in 1982 on the former brewery site).
12. Number of Condo Units: 37
13. Range of Value of Units: \$280,000 to nearly 1 Million.
14. Units Occupied by Original Owners: 7
15. State and Local Elected Official Who Are Owners: 4 (WI Supreme Court Justice, County Executive, two former State Representatives)
16. Attorney Owners: 6.
17. MD or PHD Owners: 7.
18. Owners of Social Security Age: 15.
19. Owners of Businesses Located in Machinery Row: 1
20. Owners of Downtown Restaurants: 1.



Photos: Above shows some of the 37 Fauerbach residences viewed from the water. Left shows the view from Fauerbach condo No. 306 of a scene not unlike a quiet lake in northern Wisconsin (quiet enough for the loon shown center left in this picture to enjoy).



Madison

Department of Planning & Development
Planning/Inspection/Real Estate/Community & Economic Development
Mark A. Olinger, Director

Bradley J. Murphy
Planning Unit
215 Martin Luther King, Jr. Boulevard
P.O. Box 2985
Madison, WI 53701-2985
(608) 266-4635

REVIEW REQUEST FOR:

- PRELIMINARY PLAT
- FINAL PLAT
- LOT DIVISION/CSM
- CONDITIONAL USE
- DEMOLITION
- REZONING
- INCLUSIONARY ZONING
- OTHER _____

617 WILLIAMSON STREET
 OUTDOOR EATING AREA FOR A RESTAURANT
 JEFF COATTA / BOB HARRIMAN - R.G. HARRIMAN, INC

(11)

PLANNING UNIT CONTACT: RETE OLSON

RETURN COMMENTS BY: 25 MAY 2006

PLEASE ALSO EMAIL OR FAX ANY COMMENTS TO THE APPLICANT:

Applicant E-mail: _____ Fax: _____

Date Submitted: 19 APRIL 2006 Plan Commission: 05 JUNE 2006

Date Circulated: 02 MAY 2006 Common Council: _____

CIRCULATED TO:

- | | | |
|--|---|--|
| <input type="checkbox"/> ZONING | <input type="checkbox"/> DISABILITY RIGHTS | <input checked="" type="checkbox"/> ALD. <u>OLSON</u> DIST. <u>6</u> |
| <input type="checkbox"/> FIRE DEPARTMENT | <input type="checkbox"/> POLICE DEPT. - THURBER | <input type="checkbox"/> MADISON GAS & ELECTRIC |
| <input type="checkbox"/> PARKS DIVISION | <input type="checkbox"/> CITY ASSESSOR - SEIFERT | <input type="checkbox"/> ALLIANT ENERGY |
| <input type="checkbox"/> TRAFFIC ENGINEERING | <input type="checkbox"/> MADISON METRO - SOBOTA | <input type="checkbox"/> SBC |
| <input type="checkbox"/> CITY ENGINEERING | <input type="checkbox"/> BOARD OF EDUCATION C/O SUPT. | <input type="checkbox"/> MID PLAINS TELE |
| <input type="checkbox"/> WATER UTILITY | <input type="checkbox"/> PUBLIC HEALTH - K. VEDDER | <input type="checkbox"/> MT. VERNON TELE |
| <input type="checkbox"/> CDBG - CONSTANS | <input type="checkbox"/> NEIGHBORHOOD ORGANIZATION | _____ |
| <input type="checkbox"/> REAL ESTATE - EKOLA | | _____ |

- Review the above as per time schedule set in Chapter 16.23(5)(b)2; 16.23(5)(3)3; or Chapter 28, City of Madison Ordinance; OR your agency's comments cannot be considered prior to action.
- One copy for your files; one copy for file of appropriate telephone company; PLEASE RETURN one copy with joint comments.
- The above is located in your district. A copy is on file in the Planning & Development Office for review. If you have any questions or comments, contact our office at 266-4635.
- The above is located within or near the limits of your neighborhood organization. A copy is on file in the Planning & Development Office for review. If you have any questions or comments, contact our office at 266-4635.
- A resolution will be before the Common Council within a few weeks regarding this matter.

RETURN COMMENTS TO: PLANNING UNIT, DEPARTMENT OF PLANNING & DEVELOPMENT

NO COMMENTS / YOUR COMMENTS:

Adjacent neighbors have raised concerns about late night noise which would be especially audible close to the lake. The owners have taken steps to mitigate undue disturbance. The chief step they have taken is to agree to close the restaurant earlier than bartime to distinguish themselves from a bar or restaurant/bar. with regard to the patio, they have agreed to 3 important conditions: ① earlier than bartime closure; ② no outside music; ③ an awning to deflect sound. All this...

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