



Department of Planning & Community & Economic Development

Planning Division

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April 21, 2015

Steve Datka, AIA
Culver Franchising System, Inc.
1240 Water St.
Prairie du Sac, WI, 53578

RE: Approval of demolition of a restaurant building and a conditional use for construction of a one-story restaurant building with an outdoor eating area in the Suburban Employment (SE) District.

Dear Mr. Datka:

At its April 20, 2015 meeting, the Plan Commission found the standards met and **approved** your request to demolish a restaurant building and to construct a new one-story restaurant building with an outdoor eating area at 7202 Mineral Point Road. In order to receive final approval of the demolition, and for any necessary permits to be issued for your project, the following conditions shall be met:

Please contact my office at 266-5974 if you have any questions regarding the following item:

1. Final plans shall include the intended capacity for the restaurant, for both inside the restaurant and the outdoor eating area.

Please contact Janet Schmidt of City Engineering at 261-9688 if you have any questions regarding the following 17 items:

2. As proposed there are light poles and signage within an existing public sanitary sewer easement. If the light poles and proposed monument sign and are utilizing the same bases and foundation as the existing poles and sign then the improvements will be allowed within the 15 foot wide Public Sanitary Sewer Easement with a Consent to Occupy Easement document. If the poles and sign are NOT utilizing the existing bases and foundations then they will have to be relocated outside the easement. A Consent to Occupy Easement document, if required, shall be drafted and recorded to define responsibilities and requirements in conjunction with improvements shown within the easement. A City of Madison Real Estate project will be required along with a \$500 for administrative fee to create the document, obtain required approval(s) and record with the Register of Deeds. Coordinate with and provide legal descriptions and map exhibits along with the \$500 for administrative fees to Jeff Quamme at jrquamme@cityofmadison.com or 1600 Emil Street, Madison, WI 53703 (Ph. 608-266-4097).
3. The proposed bioretention basins shall not be allowed within the existing 15 foot wide Public Sanitary Sewer Easement. Relocate the basin as necessary.

4. The address of 7202 Mineral Point Rd is being retired with the demolition of the existing building. The new address for the proposed Culver's is 7206 Mineral Point Rd.
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.
6. All work in the public right-of-way shall be performed by a City licensed contractor (MGO 16.23(9)(c)5) and MGO 23.01).
7. All damage to the pavement on Mineral Point Road, 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> (POLICY).
8. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in the ROCK RIVER TMDL ZONE and by Resolution 14-00043 passed by the City of Madison Common Council on 1/21/2014. You will be expected to meet a higher standard of erosion control than the minimum standards set by the WDNR.
9. 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.
10. The site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR216 and NR-151 however a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process.
11. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to:
 - a) Reduce TSS by 80% off of the proposed development when compared with the existing site
 - b) Provide oil & grease control from the first 1/2" of runoff from parking areas; and
 - c) Complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website – as required by MGO Chapter 37.

Stormwater mgmt plans shall be submitted and approved by City Engineering prior to sign-off.

12. The Applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Division (mapping). The digital CAD file shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the only the following data, each on a separate layer name/level number:
 - a) Building Footprints
 - b) Internal Walkway Areas
 - c) Internal Site Parking Areas
 - d) Other Misc Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
 - e) Right-of-Way lines (public and private)
 - f) Plat name and lot lines (metes & bounds parcel lines if unplatted)
 - g) Platted lot numbers (noted "unplatted lands" if not platted)
 - h) Lot/Plat property dimensions

i) Street names

All other levels (contours, elevations, etc) are not to be included with this file submittal.

THE CAD FILE WILL ONLY BE REQUIRED PRIOR TO FINAL PLAN REVIEW SO THAT MULTIPLE FILES DO NOT NEED TO BE SUPPLIED OR REVIEWED.

NOTE: Email CAD file transmissions are preferred to: izenchenko@cityofmadison.com. The party responsible for the CAD file email transmission shall include the project site address in the email subject line. Any changes or additions to the location of the building, private utilities, sidewalks, parking/pavement during construction will require a new CAD file transmittal

13. 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 (POLICY and MGO 37.09(2))

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 Mgmt Facilities (including if applicable planting plans)

14. 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 (POLICY and MGO 37.09(2)).

15. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction (MGO 37.05(7)).
16. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing sanitary sewer lateral that serves a building which is proposed for demolition. For each lateral to be plugged the owner shall complete a sewer lateral plugging application and pay the applicable permit fees. NOTE: As of January 1, 2013 new plugging procedures and permit fees go into effect. The new procedures and revised fee schedule is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14)).
17. All outstanding Madison Metropolitan Sewerage District (MMSD) are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Schmidt (608-261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff (MGO 16.23(9)(d)(4)).
18. This project appears to have proposed uses which could require sanitary sewer demand charges or monitoring of the discharge of sanitary sewerage. The applicant shall install a monitoring manhole on the exterior of the building in compliance with City of Madison Engineering criteria. Please contact Tim Troester 608-267-1195 with question regarding this requirement.

Please contact Eric Halvorson, Traffic Engineering at 266-6527 if you have any questions regarding the following 4 items:

19. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
20. The Developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.
21. The City Traffic Engineer may require public signing and marking related to the development; the Developer shall be financially responsible for such signing and marking.
22. All parking facility design shall conform to MGO standards, as set in Section 10.08(6).

Please contact Bill Sullivan, Fire Department at 261-9658 if you have any questions regarding the following item:

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

Please contact Kay Rutledge, Parks Division at 266-4714 if you have any questions regarding the following 2 items:

24. Existing street trees shall be protected. Please include the following note on the site plan:
Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266-4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry. Tree protection specifications can be found in section 107.13 of *City of Madison Standard Specifications for Public Works Construction* -
<http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part1.pdf>.
25. Please reference ID#15119 when contacting Parks.

Please contact Dennis Cawley of the Water Utility (266-4651) if you have any questions regarding the following item:

26. 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 Matt Tucker, Zoning Administrator at 266-4569 if you have any questions regarding the following 12 items:

27. Shift the south drive aisle so that it is setback a minimum of twenty-five (25) feet from the front property line. A maximum of one drive aisle and two rows of parking, not to exceed seventy (70) feet of parking, may be located between the front of the principal building and the street, set back at least twenty-five (25) feet from the front lot line.
28. Provide the lot coverage calculation for the proposed project. The maximum lot coverage is 75% of the lot. Lot coverage is the total area of all buildings measured at grade and all paved areas as a percentage of the total area of the lot, with the exception of sidewalks or paved paths no wider than five (5) feet, pervious pavement, green roofs and decks.
29. Bike parking shall be provided per section 28.141(11) at a minimum of 5% of capacity of persons. Bike parking stalls shall be located in a safe and convenient location on an impervious surface. Label the dimensions of the bike stalls and access aisle on the final plan. Note a bike stall is a minimum of 2 feet by 6 feet with a 5 foot wide access aisle.
30. Submit a detail showing the model of bike rack to be installed. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices.
31. A minimum of three (3) accessible stalls are required per section 28.141(4)(e)
32. Submit a detail showing the table and seating layout of the outdoor eating area. The outdoor capacity shall be established. Occupancy is established by the Building Inspection Unit. The use shall comply with supplemental regulations for outdoor eating areas associated with food and beverage establishments, section 28.151 of the City of MGO.
33. Submit a detail of the refuse and recycling enclosure area. The refuse enclosure shall be screened on four sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet.
34. Submit a detail showing the height of the rooftop mechanical equipment in relation to the parapet height. All rooftop and ground level mechanical equipment and utilities shall be fully screened from view from any street, as viewed from six (6) feet above ground level.
35. 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 and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development
36. Sec. 28.185 (7)(a)5. requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Mr. George Dreckmann. (608-267-2626).
37. Sec. 28.185 (10) Every person who is required to submit a reuse and recycling plan pursuant to Sec. 28.185(7)(a)5. shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
38. Sec. 28.185(9) (a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission approval.

Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency. No building permits shall 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 and conditional use permits:

1. Please revise the plans per the above conditions and file **ten (10)** sets of complete, fully dimensioned, and to-scale plans, along with the appropriate site plan review application and fee pursuant to Section 28.206 of the Zoning Code. Also provide any other documentation requested herein with the Zoning Administrator, Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard.
2. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting 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 the demolition or conditional use approval, 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

cc: Matt Tucker, Zoning Administrator
Janet Schmidt, City Engineering
Jeff Quamme, Engineering Mapping
Eric Halvorson, Traffic Engineering
Bill Sullivan, Fire Department
Kay Rutledge, Parks Division
George Dreckmann, Recycling Coordinator

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

Signature of Applicant

Signature of Property Owner (if not applicant)

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (H. Stouder)	<input checked="" type="checkbox"/>	Engineering Mapping Sec.
<input checked="" type="checkbox"/>	Zoning Administrator	<input checked="" type="checkbox"/>	Parks Division
<input checked="" type="checkbox"/>	City Engineering	<input 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 type="checkbox"/>	Real Estate