



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

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July 3, 2018

Chad Corfits
Accurate Custom Creations, LLC
910B Cottage Court
Madison, WI 53714

RE: Legistar ID# 51765 | Accela ID: 'LNDUSE-2018-00050' -- Approval of a conditional use to establish an outdoor seating area for a restaurant-tavern located in the Commercial Corridor-Transitional (CC-T) Zoning District at 3900 Dempsey Road.

Dear Mr. Corfits:

At its July 2, 2018, the Plan Commission, meeting in regular session, found the standards met and **approved** your client's conditional use request for 3900 Dempsey Road. The conditions of approval in the following sections shall be satisfied prior to issuance of building permits for the project.

Please contact Brenda Stanley, City Engineering Division, at (608) 261-9127 if you have questions regarding the following item:

1. Current plan shows less than 4,000 sf disturbed area. If plans are not revised, no Erosion Control or Storm Water Management Permits will be required.

Please contact Sean Malloy, Traffic Engineering Division, at (608) 266-5987 if you have questions regarding the following six (6) items:

2. 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.
3. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

4. 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.
5. 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.
6. Stop signs shall be installed at a height of seven (7) feet at all class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
7. The applicant shall secure the parking facility (extend the fence to align with the southern drive aisle) as was done on the site plan approved by Traffic Engineering on March 2nd 2018.

Please contact Jacob Moskowitz, Zoning Division, at (608) 266-4560 if you have questions regarding the following item:

8. The letter of intent states an added capacity of 30 persons, for a total of 129, but the site plan shows an added capacity of 40 persons. Revise the site plan and letter of intent to match.

Please contact Bill Sullivan, Madison Fire Department, at (608) 261-9658 if you have questions regarding the following item:

9. Documents and plans are not in agreement as to the total capacity allowed and the building occupancy classification. Provide documentation on the official maximum capacity and confirm the building will be classified as a Group A-2 Assembly or a Group B-Business.

Please contact Tim Sobota, Metro Transit, at (608) 261-4289 if you have any questions regarding the following three (3) items:

10. The applicant shall construct a permanent physical barrier between the private vehicular drive aisle and the City right-of-way, that includes the public sidewalk and bus stop passenger loading area.
11. The applicant shall include the location of these transit amenities on the final documents filed with their permit application so that Metro Transit may review and approve the design.
12. The applicant might consider additional transit amenities on the property adjacent this bus stop zone, such as a trash receptacle or seating amenity, in finalizing their landscape plan.

Please contact my office at (608) 261-9135 if you have any questions regarding the four (4) following items (Note: Condition #13 was amended by the Plan Commission at their meeting on July 2, 2018):

13. The hours of operation for the outdoor eating area shall be Sunday – Thursday, 10:00 am – 10:00 pm; Friday – Saturday, 10:00 am – 12:00 am. Future modifications to the hours of operation of the outdoor eating area may be requested by the applicant in the future as a minor alteration of the Conditional Use.
14. The capacity of the outdoor eating area located in front of the tenant space addressed as 3900 Dempsey Road shall not exceed thirty (30) persons (note: the final details of the seating plan and capacity to be approved by the Building Inspection Unit). Future modifications to the capacity of the outdoor eating area may be considered as a minor alteration of the Conditional Use.
15. The applicant shall resolve all discrepancies regarding the capacity of the outdoor eating area and modify all documents accordingly. The capacity shall be consistent with that approved by the City's Alcohol License Review Committee at their meeting on June 5, 2018.
16. There shall be no amplified sound, including, but not limited to television, ambient music or musical performances, in the outdoor eating area.

Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency.

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

1. Please revise your plans per the above conditions and submit **eight (8) copies** of a complete, fully dimensioned and scaled 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. The final site plan shall be accompanied by the appropriate site plan review application and fee pursuant to Section 28.206 of the Zoning Code, and any other documentation requested herein with the Zoning Administrator, 126 S. Hamilton Street. **This submittal shall all also include one complete digital plan set in PDF format.** The sets of final revised plans or documents will be circulated by the Zoning staff to the City department staff listed above for their final approval.
2. 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.
3. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting conditional use approval.
4. The approval is valid for one (1) year from the date of the Plan Commission approval. During this time, the applicant must either lawfully commence the use or obtain a building permit and begin erecting the building. If the applicant obtains a valid building permit, construction must commence within six (6) months of the date of issuance. The building permit shall not be renewed unless construction has commenced as is being diligently prosecuted.

5. Any alteration in plans for a proposed alternative use shall require Plan Commission approval, except for minor alterations. The Zoning Administrator may issue permits for minor alterations or additions which are approved by the Director of Planning and Community and Economic Development and are compatible with the concept approved by the City Plan Commission and the conditional use approval standards.
6. The Plan Commission retains continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses.

If you have any questions regarding obtaining your conditional use, demolition or building permits, please contact the Zoning Administrator at (608) 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 (608) 261-9135.

Sincerely,



Chris Wells
Planner

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 the applicant)

cc: Brenda Stanley, City Engineering
Sean Malloy, Traffic Engineering
Jenny Kirchgatter, Zoning Division
Bill Sullivan, Fire Department
Tim Sobota, Metro Transit

For Official Use Only, Re: Final Plan Routing			
☒	Planning Div. (Wells)	☒	Engineering Mapping Sec.
☒	Zoning Administrator	☐	Parks Division
☒	City Engineering	☐	Urban Design Commission
☒	Traffic Engineering	☐	Recycling Coord. (R&R)
☒	Fire Department	☒	Metro Transit
☐	Water Utility		