



Department of Planning & Community & Economic Development

Planning Division

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****BY E-MAIL ONLY****

November 3, 2023

Steve Doran
Galway Companies, Inc.
800 West Broadway
Monona, WI 53713

RE: – Consideration of a conditional use to allow a vehicle access sales and service window in an existing restaurant building at 1609 South Park Street. (ID [78428](#) LNDUSE-2023-00043)

On October 30, 2023, the Plan Commission found the standards met and **conditionally approved** your conditional use for 1609 South Park Street. In order to receive final approval of the conditional use and for any other permits that may need to be issued for your project, the following conditions shall be met:

Please contact Lisa McNabola of the Planning Division at (608) 243-0554 if you have any questions regarding the following six (6) items:

1. The applicant shall provide for review, comprehensive reciprocal easements and agreements including, but not limited to, access and parking. Such easements shall not preclude future development on 1605 South Park Street from complying with the maximum setback in the Transit Oriented Development (TOD) District. Such information shall be approved by staff.
2. The property at 1609 South Park Street is located within the boundary of the Oregon Street Mounds grouping (DA-0146, BDA-0394). As such, any ground-disturbing work will need to secure a Request to Disturb permit from the Wisconsin Historical Society.
<https://www.wisconsinhistory.org/Records/Article/CS15239>

Contact Kim Cook at the Wisconsin Historical Society to secure the Request to Disturb permit. 608-264- 6493 \ kimberly.cook@wisconsinhistory.org

3. The following information is provided for the reference of the applicant as many Madison properties are associated with locations of Native effigy mounds and archaeological sites.

Burial Sites Preservation (§ 157.70):

(2r) Site Disturbance Prohibited. Except as provided under subs (4) and (5) and State Statute 157.111 and 157.112, no person may intentionally cause or permit the disturbance of a burial site or catalogued land contiguous to a cataloged burial site.

(3) Report of Disturbed Burial Sites. (a) Except as provided under s. 979.01, a person shall immediately notify the Wisconsin Historical Society (608-264-6502) if the person knows or has reasonable grounds to believe that a burial site or the cataloged land contiguous to a cataloged burial site is being disturbed or may be disturbed contrary to the requirements of subs. (4) and (5).

Many Madison properties are associated with locations of Native American effigy mounds and archeological sites. This site is known to be very close to those associated with archeological and historic resources. The Burial Sites Preservation statute requires that the property owner contact the Wisconsin Historical Society to discuss the location of the proposed project and any possible disturbance of an archaeological or historic resource before the work commences. During the construction work, if a burial site disturbance occurs, the work shall stop immediately until the Wisconsin Historical Society is able to assess the site.

4. As part of securing the required Request to Disturb from the Wisconsin Historical Society, also copy the submittal to the Ho-Chunk National Tribal Historic Preservation Office. Contact at The Ho-Chunk Nation's National Tribal Historic Preservation Office: William Quackenbush. P. O. Box 667, Black River Falls, WI 54615. Phone: 715-284-7181 ext. 1121. Email: bill.quackenbush@ho-chunk.com
5. The applicant shall add signage directing traffic to the driveway entrance along South Park Street.
6. The operator shall provide full service operations with indoor seating for the duration of the conditional use.

Please contact Jacob Moskowitz, Assistant Zoning Administrator at (608) 266-4560 if you have any questions regarding the following six (6) items:

7. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
8. Verify whether new parking lot or site lighting will be installed. New parking lot lighting must comply with City of Madison General Ordinances Section 10.085 outdoor lighting standards. If parking lot site lighting is provided, submit a lighting photometric plan and fixture cut sheets with the final plan submittal.

9. Provide elevations with glass detail consistent with Sec. 28.129 Bird-Safe Glass Requirements. Sec. 28.129 applies only to the added windows.
10. 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.
11. All rooftop equipment shall be screened from view from adjacent streets and public rights-of-way per Sections 28.060(2)(f) and 28.142(9)(d). Screens shall be of durable, permanent materials that are compatible with the primary building materials.
12. Submit a detail of the trash enclosure. The trash enclosure shall be screened on four (4) 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 and not greater than eight (8) feet.

Please contact Tim Troester of the Engineering Division at (608) 267-1995 if you have any questions regarding the following five (5) items:

13. The application indicates disturbance will be limited to less than 10,000 SF - please confirm this to be the limits. If field disturbance exceeds that amount stormwater redevelopment requirements shall be enforced.

14. Obtain a Street Terrace permit for the proposed work (installation of the driveway apron, landscaping, etc.) This permit application is available and must be completed on line at <http://www.cityofmadison.com/engineering/permits.cfm> (MGO 10.08)
15. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
16. This site appears to have a land use that will result in their inclusion as a restaurant class sanitary sewer customer. This will charge commercial kitchen facilities a higher sanitary sewer fee per gallon than domestic users and is based on strengths of waste measured at representative similar customers throughout the City. If the applicant desires, a sampling structure may be installed, as part of the initial construction at their cost, to allow site-specific sampling of their waste to determine sanitary sewer charges specifically for this site. If no sampling structure is installed, this site will default to the restaurant class code in MGO Chapter 35. If you have questions on the restaurant class sewer charges please contact Megan Eberhardt at Meberhardt@cityofmadison.com or 608-266-6432.
17. This project will disturb 4,000 sf or more of land area and require an Erosion Control Permit. Submit the Erosion Control Permit Application (with USLE calculations and associated fee) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval. The permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.com>

Please contact Sean Malloy of the Traffic Engineering Division at (608) 266-5987 if you have any questions regarding the following twelve (12) items:

18. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be to engineering scale and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; 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
14. (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
19. 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.
20. 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.
21. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
22. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
23. The applicant shall provide a clearly defined 5' walkway clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.
24. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign 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.
25. One way operation of the site shall be secured by placing a "One Way" sign at the entrance and a "Do Not Enter" sign at the Exit.
26. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
27. Applicant shall submit for review a waste removal plan. This shall include vehicular turning movements.
28. All vehicle service window access aisles shall have a minimum outside turning radius of thirty (30) feet.

29. Applicant shall submit for review a Commercial Delivery Plan. This plan will include times, vehicle size, use of loading zones and all related turning movements.

Please contact Julius Smith of the City Engineering Division – Mapping Section at (608) 264-9276 if you have any questions regarding the following six (6) items:

30. The Coordinate and request from the utility companies serving this area the easements required to serve this development.
31. Provide for review, comprehensive reciprocal easements and agreements including, but not limited to, access, parking, utilities, common areas, storm management that are necessary to accomplish the land division or site development as proposed prior to final sign off. The document(s) shall be executed and recorded immediately subsequent to the CSM recording and prior to building permit issuance. or if there is no longer a CSM being planned for this site simply, shall be executed and recorded prior to building permit issuance.
32. There are cross accesses, parking and electrical utilities along with surface drainage between the adjacent parcels.
33. Identify on the plans the lot and block numbers of recorded Certified Survey Map or Plat.
34. Provide a full and complete legal description of the site or property being subjected to this application on the site plan.
35. Site plan does not seem to incorporate parcel lines in prior CSM application LNDSCM-2022-00050 and follows existing parcel lines.

Please contact Brandon Sly of the Forestry Section at (608) 266-4816 if you have any questions regarding the following eight (8) items:

36. An existing inventory of street trees located within the right of way shall be included on the site, demo, utility, landscape, grading, fire aerial apparatus and street tree plan sets. The inventory shall include the following: location, size (diameter at 4 1/2 feet), and species of existing street trees. The inventory should also note if a street tree is proposed to be removed and the reason for removal.

NOTE: The existing 4in diameter maple right of the driveway was removed, and is to be replaced following the landscape plan sent to the developer.

37. Additional street trees are needed for this project. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction (website: <https://www.cityofmadison.com/business/pw/specs.cfm>) - All street tree planting locations and tree species within the right of way shall be determined by City Forestry. A landscape plan and street tree planting plan shall be submitted in PDF format to City Forestry for approval of planting locations within the right of way and tree species. All available street tree planting locations shall be planted within the project boundaries. Add following note on both the landscape and street tree plan sets: At least one week prior to street tree planting, Contractor shall contact City Forestry at (608) 266-4816 to schedule inspection and approval of nursery tree stock and review planting specifications with the landscaper.

38. All proposed street tree removals within the right of way shall be reviewed by City Forestry before the Plan Commission meeting. Street tree removals require approval and a tree removal permit issued by City Forestry. Any street tree removals requested after the development plan is approved by the Plan Commission or the Board of Public Works and City Forestry will require a minimum of a 72-hour review period which shall include the notification of the Alderperson within who's district is affected by the street tree removal(s) prior to a tree removal permit being issued. Add as a note on the street tree plan set.
39. Contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. Contractor shall operate equipment in a manner as to not damage the branches of the street tree(s). This may require using smaller equipment and loading and unloading materials in a designated space away from trees on the construction site. Any damage or injury to existing street trees (either above or below ground) shall be reported immediately to City Forestry at (608) 266-4816. Penalties and remediation shall be required. Add as a note on the site, grading, utility, demolition, and street tree plan set.
40. As defined by the Section 107.13 of City of Madison Standard Specifications for Public Works Construction: No excavation is permitted within 5 feet of the trunk of the street tree or when cutting roots over 3 inches in diameter. If excavation is necessary, the Contractor shall contact Madison City Forestry at (608) 266-4816 prior to excavation. City of Madison Forestry personnel shall assess the impact to the tree and to its root system prior to work commencing. Tree protection specifications can be found on the following website: <https://www.cityofmadison.com/business/pw/specs.cfm> Add as a note on the site, grading, utility, demolition and street tree plan sets.
41. Section 107.13(g) of City of Madison Standard Specifications for Public Works Construction (website: <https://www.cityofmadison.com/business/pw/specs.cfm>) addresses soil compaction near street trees and shall be followed by Contractor. The storage of parked vehicles, construction equipment, building materials, refuse, excavated spoils or dumping of poisonous materials on or around trees and roots within five (5) feet of the tree or within the protection zone is prohibited. Add as a note on both the site and street tree plan sets.
42. On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on both the site and street tree plan sets.
43. Street tree pruning shall be coordinated with City Forestry at a minimum of two weeks prior to the start of construction for this project. Contact City Forestry at (608)266-4816. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on both the site and street plan sets.

The following agencies reviewed the request and recommended no conditions of approval: Fire Department, Parks Division, Water Utility, Metro Transit and Parking.

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. After the plans have been revised per the above conditions, please submit one (1) complete digital plan set in PDF format and any other supporting materials that are necessary, as specified in this letter to sprapplications@cityofmadison.com (note: A 20MB email limit applies and multiple transmittals may be required). The sets of final revised plans or documents will be circulated by Zoning staff to the City department staff listed above for their final approval.
2. A check for the site plan review fee shall be mailed to the City of Madison Building Inspection Division; PO Box 2984; Madison, WI 53701-2984.
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 conditional use approval is valid for two (2) years 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 or building permits, 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 243-0554 or lmcnabola@cityofmadison.com.

Sincerely,



Lisa McNabola
Planner

cc: Jacob Moskowitz, Asst. Zoning Administrator
Tim Troester, Engineering Division
Julius Smith, Mapping Section
Brandon Sly, Forestry Section
Sean Malloy, Traffic Engineering

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

Signature of Applicant

Signature of Property Owner (if not the applicant)

LNDUSE-2023-00043			
For Official Use Only, Re: Final Plan Routing			
☒	Planning Div.	☒	Engineering Mapping Sec.
☒	Zoning Administrator	☐	Parks Division
☒	City Engineering	☐	Urban Design Commission
☒	Traffic Engineering	☐	Recycling Coord. (R&R)
☐	Fire Department	☐	Water Utility
☐	Metro Transit	☒	Other: Forestry