



Department of Planning & Community & Economic Development  
**Planning Division**

Website: [www.cityofmadison.com](http://www.cityofmadison.com)

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FAX 608 266-8739  
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December 18, 2013

Justin Frahm  
JSD Professional Services, Inc.  
161 Horizon Drive, Suite 101  
Verona, Wisconsin 53593

RE: Approval of a conditional use to allow a restaurant and a restaurant with a vehicle access sales and service window to be constructed in a parking lot at 7401 Mineral Point Road at West Towne Mall (CBL & Associates Properties, Inc.).

Dear Mr. Frahm;

At its December 16, 2013 meeting, the Plan Commission found the standards met and **approved** your client's conditional use request for 7401 Mineral Point Road. The conditions of approval in the following sections shall be satisfied prior to issuance of building permits for the project.

**Please contact Janet Dailey of the City Engineering Division at (608) 261-9688 if you have questions regarding the following twenty-nine (29) items:**

1. The pending Certified Survey Map (CSM) for this property shall be completed and recorded with the Dane County Register of Deeds prior to issuance of building permits.
2. The easterly restaurant's (Bonefish Grill) address is 7345 Mineral Point Road. The westerly restaurant's (Jason's Deli) address is 7349 Mineral Point Road.
3. Remove reference to "Westfield Road" on all plan sheets. S. Westfield Road does not extend into West Towne's property.
4. Dimensions of the lots of the proposed CSM shall be shown on the site plan. Also all easements, existing and those to be recorded, shall be shown, dimensioned and noted on the site plan (only existing conditions does not suffice).
5. The private ingress/egress easement over Lot 1 of the proposed CSM, the 30-foot wide Private Utility Easement between Lots 2 and 3 (this site), and the ingress/egress easement over CSM 13443 and the West Towne Mall lands (to the south and east of this site) shall be executed and recorded prior to issuance of building permits.
6. A private common access/parking agreement to address vehicular and pedestrian movement between Lots 2 and 3 of the proposed CSM (this site) and also Lot 1 of Certified Survey Map 13443 (adjacent site to south) shall be executed and recorded prior to issuance of building permits.

7. A common storm sewer/storm drainage easement/agreement for common private drainage and storm sewer facilities between Lots 1, 2 and 3 of the proposed CSM (this site and Shopko site to the west) shall be executed and recorded prior to issuance of building permits.
8. Provide a traffic control plan to be approved by the City Engineer for utility connections in Mineral Point Road.
9. A common sanitary sewer easement/ agreement for common the common private sanitary sewer serving the proposed restaurants shall be drafted and recorded and the recording data placed on the proposed CSM prior to the CSM being recorded.
10. Per the agreement by the property owner, the applicant shall convey public access easements for public sanitary sewer, storm sewer and water main for the property at West Towne Mall prior to the City Engineering Division sign off of the CSM.
11. The site plan shall identify lot and block numbers of recorded Certified Survey Map or plat.
12. 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 (per MGO Section 16.23(9)(d)(6)).
13. The applicant shall replace all sidewalk and curb and gutter abutting the property, which is damaged by the construction, or any sidewalk and curb and gutter that the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction.
14. All work in the public right of way shall be performed by a City-licensed contractor.
15. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl, of the City Parks Division - [dkahl@cityofmadison.com](mailto:dkahl@cityofmadison.com) or 266-4816. Approval and permitting of any tree removal or replacement shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan.
16. All damage to the pavement on Mineral Point Road adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.
17. 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.
18. 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.
19. Effective January 1, 2010, the Department of Commerce's authority to permit commercial sites, with over 1 acre of disturbance, for stormwater management and erosion control has been transferred to the Wisconsin

Department of Natural Resources (WDNR). The WDNR does not have an authorized local program transferring this authority to the City of Madison. The City of Madison has been required by the WDNR to continue to review projects for compliance with NR216 and NR-151 but a separate permit submittal is now required to the WDNR for this work as well. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their Notice of Intent Permit (NOI) or Water Resources Application for Project Permits (WRAPP) permit process. As this site is greater than 1 acre, the applicant is required by State Statute to obtain a WRAPP from the WDNR, prior to beginning construction. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement.

20. This development includes multiple building permits within a single lot. The City Engineer and/or the Director of the Building Inspection Division may require individual control plans and measures for each building.
21. 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 County Register of Deeds.
22. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to: reduce TSS off of the proposed development by 80% when compared with the existing site; provide oil & grease control from the first 1/2" of runoff from parking areas, and; 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 Chapter 37 of Madison General Ordinances.
23. 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.
24. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the City Engineering Division. (Lori Zenchenko) [lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com). The digital copies shall be drawn to scale and represent final construction including: building footprints, internal walkway areas, internal site parking areas, lot lines/ numbers/ dimensions, street names, and other miscellaneous impervious areas. All other levels (contours, elevations, etc) are not to be included with this file submittal. E-mail file transmissions are preferred. The digital CAD file shall be to scale and represent final construction. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format. Please include the site address in this transmittal.
25. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).

26. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management File including: SLAMM DAT files; RECARGA files; TR-55/HYDROCAD/etc., and; 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.
27. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior City Engineering Division sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of 2 working days prior to requesting City Engineering Division signoff.
28. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service.
29. This project appears to have proposed uses that 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 Division criteria. Please contact Tim Troester at 608-267-1195 with questions regarding this requirement.

**Please contact Eric Halvorson of the Traffic Engineering Division at (608) 266-6527 if you have any questions regarding the following six (6) items:**

30. The applicant shall show the order board location on the site plan for the vehicle service window along with vehicle queuing.
31. The applicant shall provide a 10-foot clear visibility triangle where vehicle service window drive intersects walkway in front of the building to insure visibility of pedestrians using the walkway. This vision triangle shall be shown on the final plans.
32. When the applicant shall submit 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 and proposed 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, semitrailer movements and vehicle routes, dimensions of radii, aisles, driveways, stalls including the 2 feet overhang, and a scaled drawing at 1" = 20'. Contact City Traffic Engineering if you have questions.
33. 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.
34. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.
35. All parking facility designs shall conform to the standards in MGO Section 10.08(6).

**Please contact Pat Anderson, Assistant Zoning Administrator at (608) 266-5978 if you have any questions regarding the following eight (8) items:**

36. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Section 31, Sign Code prior to sign installations.
37. Pursuant to MGO Section 28.142(3) – Landscape Plan and Design Standards: Landscape plans for zoning lots greater than 10,000 square feet in size must be prepared and stamped by a registered landscape architect.
38. Provide a minimum of 33 bike parking stalls in a safe and convenient location on an impervious surface subject to Section 28.141(11) to be shown on the final plan. Capacity of the restaurant is established by the Building Inspection Division (608-266-4551). Bike parking shall comply with MGO Table 28I-3 (General Regulations). Provide details of bike racks to be used.
39. Exterior lighting provided shall be in accordance with MGO Section 10.085. Provide an exterior lighting plan and fixture cut sheets, with the final plan submittal.
40. Parking requirements for persons with disabilities must comply with Section 28.141(4)e of the Zoning Code, which includes all applicable State accessible requirements.
41. Meet all Supplemental Regulations for vehicle-access service windows pursuant to Section 28.151, including bicyclist use of sales and service windows, which shall not be prohibited.
42. Rooftop screening appears to be provided by parapet, provide details that comply with MGO Section 28.060(2)(f).
43. Provide details and analysis that the project meets the design standards of subject to MGO Section 28.071(3), including but not limited to percentage of openings as required in 28.071(3)(e) and full color elevations including building materials subject to table 28E-1.

**Please contact Dennis Cawley of the Madison Water Utility at (608) 261-9243 if you have any questions regarding the following two (2) items:**

44. Each lot/ building shall have a separate water service lateral connected to a public water main. The Water Utility will not need to sign off the final plans, and will not need a copy of the approved plans.
45. 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 Bill Sullivan of the Madison Fire Department at (608) 261-9658 if you have any questions regarding the following item:**

46. Provide fire apparatus access as required by IFC 503 2012 edition, MGO Section 34.503.

**Please contact my office at (608) 261-9632 if you have any questions about the following four (4) items:**

47. Final plan sets shall provide detail and show compliance with the maximum lot coverage in CC zoning district for the two restaurants and new parking area.

48. The project boundaries on the site plans (Sheet C-1.0 and C-2.0) and landscaping plan (Sheet L-1.0) shall be revised to show the entire Steinhafel's Mattress site, including the building and full parking area.
49. A plan shall be included with the final plans for the proposed restaurants that shows the Shopko and its remaining parking field and includes the existing driveways to Mineral Point Road and West Towne Way (private ring road, located south of the Steinhafel's Mattress site). This plan shall show the direction of all drive aisles and the location of all existing traffic control measures (speed humps, stop signs, etc.).
50. The exterior of Restaurant A/ Bonefish Grill shall be revised to conform to the Building Materials table (Table 28D-1) in Section 28.060(2)(g) of the Zoning Code, which does not allow synthetic or hand-laid stucco as a "middle" material.

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

**The applicant is also required to satisfy the conditions of approval of the Urban Design Commission prior to the final staff approval of the project and the issuance of permits. Please contact Al Martin, Urban Design Commission Secretary, at (608) 267-8740 if you have any questions about those conditions.**

**NOTE: A letter regarding the related land division of the subject property and any conditions of approval related thereto will be sent separately.**

**Please now follow the procedures listed below for obtaining permits for your project:**

1. After the plans have been revised per the above conditions, please file **nine (9) sets** of complete, fully dimensioned, and to-scale plans, 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, Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard. 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. This letter shall be signed by the applicant and property owner (if not the applicant) to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting building permit approval.
3. Approval of the plans for this project does not include any approval to prune, remove or plant trees in the public right of way. Permission for such activities must be obtained from the City Forester, 266-4816.
4. 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. No alteration of a conditional use shall be permitted unless approved by the Plan Commission provided, however, the Zoning Administrator following consideration by the alderperson of the district, may approve 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 Plan Commission and the conditional use standards. This approval shall become null and void one (1) 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 6 months of the issuance of said building permit. Where the plans have not been altered from the Plan Commission's approval, and the conditional use has expired, the Director of Planning and Community

and Economic Development may, after consultation with the Alderperson of the District, approve an extension for up to 24 months from the expiration date. The Plan Commission shall retain jurisdiction over this matter for the purpose of resolving complaints against the approved conditional use permit.

If you have any questions regarding obtaining your building permits, please contact the Zoning Administrator at 266-4551. If you have any questions or if may be of any further assistance, please do not hesitate to contact my office at 261-9632.

Sincerely,

Timothy M. Parks  
 Planner

cc: Janet Dailey, City Engineering Division  
 Eric Halvorson, Traffic Engineering Division  
 Pat Anderson, Assistant Zoning Administrator  
 Dennis Cawley, Madison Water Utility  
 Bill Sullivan, Madison Fire Department

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

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*Signature of Applicant*

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*Signature of Property Owner  
 (If Not Applicant)*

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (T. Parks)	<input checked="" type="checkbox"/>	Engineering Mapping Sec.
<input checked="" type="checkbox"/>	Zoning Administrator	<input type="checkbox"/>	Parks Division
<input checked="" type="checkbox"/>	City Engineering	<input checked="" type="checkbox"/>	Urban Design Commission
<input checked="" type="checkbox"/>	Traffic Engineering	<input type="checkbox"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input type="checkbox"/>	Other: