



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

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Madison, Wisconsin 53703
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****BY E-MAIL ONLY****

January 18, 2022

Steve Shulfer
Sketchworks Architecture, LCC
7780 Elmwood Ave, #208
Middleton, WI 53562

RE: Consideration of a demolition permit to demolish a portion of a street-facing wall of a commercial building at 1124-1134 Regent Street; Consideration of a conditional use in the Traditional Shopping Street (TSS) District for an outdoor eating area for a restaurant-tavern, and Consideration of a conditional use in the TSS District for a walk-up service window located within ten (10) feet of a public sidewalk, all to allow conversion of a portion of a commercial building to be converted into a restaurant-tavern with outdoor eating area and two walk-up service windows at 1124-1134 Regent Street. [LNDUSE-2021-00118; ID [68441](#) and [68442](#)]

Dear Steve;

At its January 10, 2022 meeting, the Plan Commission **approved** the demolition permit and conditional uses for the related project located at 1124-1134 Regent Street. Prior to issuance of demolition or building permits for the project, the conditions of approval in the following sections shall be satisfied:

Please contact Timothy Troester of the City Engineering Division–Main Office at (608) 267-1995 if you have any questions regarding the following two (2) items:

1. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) 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))
2. Obtain a permanent sewer plug permit for each existing sanitary sewer lateral serving a property that is not to be reused and a temporary sewer plug permit for each sewer lateral that is to be reused by the development. The procedures and fee schedule is available online at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))

Please contact Jeff Quamme of the City Engineering Division–Mapping Section, at (608) 266-4097 if you have questions regarding the following four (4) items:

3. The address of Budget Bicycle remains 1124 Regent St. The new restaurant address is 1134 Regent St.

4. The plans shall include a specific site demolition plan sheet.
5. Update the project sheet title bars to show the addresses of 1124 & 1134 Regent St.
6. 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.

Please contact Jenny Kirchgatter of the Zoning Division at (608) 266-4429 if you have any questions regarding the following twelve (12) items:

7. Section 28.185(9) requires that every applicant for a demolition or removal approval that requires approval by the Plan Commission is required to get a Reuse and Recycling Plan approved by the City Recycling Coordinator, Bryan Johnson at streets@cityofmadison.com prior to receiving a raze permit. Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(9) shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
8. Provide calculations for the existing and proposed lot coverage with the final plan submittal. The lot coverage maximum is 85%. Lot coverage is defined as the total area of all buildings, measured at grade, all accessory structures including patios, etc., and all paved areas as a percentage of the total area of the lot, with the following exceptions: sidewalks or paved paths no wider than five (5) feet, pervious pavement, green roofs and decks. If the existing site currently exceeds 85% maximum lot coverage, proposed site improvements may not further increase lot coverage above the maximum.
9. Provide details of the existing parking lot, including the layout and dimensions of the parking stalls and accessible stalls.
10. Parking requirements for persons with disabilities must comply with MGO Section 28.141(4)(e) which includes all applicable State accessible requirements. Provide a minimum of two (2) accessible stalls striped per State requirements. A minimum of one (1) of the stalls shall be a van accessible stall 8 feet wide with an 8 foot wide striped access area adjacent. Show signage at the head of the stalls. Accessible signs shall be a minimum of 48" between the bottom of the sign and the ground. Show the accessible path from the stalls to the building. The stalls shall be as near the accessible entrance as possible. Show ramps, curbs, or wheel stops where required.
11. A minimum of 45 vehicle parking stalls are required equal to 15% of capacity of persons. A vehicle parking reduction will be required per Section 28.141(5). Submit an application for a parking reduction with the final plan submittal including information to support the request to reduce the required number of spaces.
12. Bicycle parking shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of 15 bicycle stalls for the restaurant-tavern equal to 5% of capacity of persons. A minimum of 3 bicycle stalls are required for Budget Bicycle Center retail business. The short-term bicycle parking stalls shall be located in a convenient and visible area at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance. Note: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Provide a detail of the proposed bike rack.

13. If the required number of bicycle stalls cannot be provided on the site, a bicycle parking reduction will be required per Section 28.141(5). Submit an application for a bicycle parking reduction with the final plan submittal including information to support the request to reduce the required number of spaces.
14. Verify the percentage of site disturbance for the project. If the area of site disturbance is 10% or more of the development site, then the entire development site must be brought up to compliance with Landscaping and Screening Requirements Section 28.142. 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.
15. Show the trash enclosure area on the site plan. All developments, except single family and two family developments, shall provide a refuse disposal area. Such area 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. Submit a detail of the trash enclosure.
16. Verify whether new parking lot or site lighting will be installed. New parking lot lighting must comply with MGO 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.
17. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.
18. 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. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Please contact Bill Sullivan of the Madison Fire Department at (608) 261-9658 if you have any questions regarding the following two (2) items:

19. Provide a fire sprinkler system throughout the areas under going a change of use and any additions or Level II alterations.
20. Open flame devices are not permitted in an assembly occupancy.

Please contact Brad Hofmann of the Forestry Division at (608) 267-4908 if you have questions regarding the following eight (8) items:

21. 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 266-4816. Penalties and remediation shall be required. Add as a note on the plan set.

22. 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 (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 plan set.
23. 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 the plan set.
24. Street tree pruning shall be coordinated with Madison Forestry at a minimum of two weeks prior to the start of construction for this project. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on the plan set.
25. Section 107.13(g) of City of Madison Standard Specifications for Public Works Construction 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 the plan set.
26. 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 plan set.
27. An existing inventory of street trees located within the right of way shall be included on the landscape, site, demo, and utility plans. 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.
28. The Developer shall post a security deposit prior to the start of the development to be collected by City Engineering as part of the Developers Agreement. In the event that street trees are damaged during the construction process, City Forestry will draw from this deposit for damages incurred.

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

No interior, exterior or structural demolition or wrecking activities or remodeling activities (including material reclamation activities by the applicant or a third party) shall commence nor any wrecking or building permits 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 permits for your project:

1. After the plans have been revised per the above conditions, please **one (1) complete digital plan set in PDF format** of complete, fully dimensioned, and to-scale plans; the appropriate site plan review application and [site plan review fee pursuant to Section 28.206](#) of the Zoning Code; and any other documentation requested herein to the Zoning Administrator at zoning@cityofmadison.com. (Note that that an individual email cannot exceed 20MB and it is the responsibility of the applicant to present files in a manner that can be accepted. Please email zoning@cityofmadison.com regarding questions or if you need alternative filing options. 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. The [site plan review fee pursuant to Section 28.206](#) can be mailed in, dropped in the drop box at the Madison Municipal Building, or you can make an appointment at the Zoning counter to pay the fee. Checks should be made out to "City Treasurer." If you mail in the check or use the drop box, please include the application form with the project address and contact information. Zoning staff typically suggest using the drop box or making an appointment with the Zoning counter to pay the fee as they are the quickest.

Mailing Address: City of Madison Building Inspection. P.O. Box 2984. Madison, WI 53701-2984

Drop Box Location: Madison Municipal Building, Doty Street Entrance. 215 Martin Luther King Jr Blvd. Madison, WI 53701-2984

Zoning Counter Appointment: <https://www.cityofmadison.com/dpced/bi/schedule-a-counter-appointment/3423/>

3. 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. [Signature block on last page]
4. City Agencies who submitted conditions of approval will review your revised plans to verify that their conditions, along with any applicable requirements, have been satisfied. When the revised plans are submitted, the applicant will be emailed a hyperlink to a website to follow, in real time, which agencies have reviewed the revised documents, and signed off or need additional information.
5. Approval of 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, (608) 267-4908.
6. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission. Where the plans have not been altered since issuance of the demolition or removal permit and the permit 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.

7. 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 demolition or building permits, please contact the Zoning Administrator at (608) 266-4551. If you have any questions or if you 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 project.

Signature of Applicant

Signature of Property Owner (if not the applicant)

cc: Timothy Troester, City Engineering Division
 Jeff Quamme, City Engineering Division—Mapping
 Jenny Kirchgatter, Zoning Administrator
 Bill Sullivan, Fire Department
 Brad Hofmann, Forestry Division
 Bryan Johnson, Streets Division

LNDUSE-2021-00118			
For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (Wells)	<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 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"/>	Water Utility
<input type="checkbox"/>	Metro Transit	<input checked="" type="checkbox"/>	Other: Forestry