



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

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

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November 6, 2012

John Martens  
Martens Design  
4118 Hegg Avenue  
Madison, WI 53716

RE: Conditional Use approval for **809 Williamson Street** to construct/operate an outdoor eating and a parking reduction.

Dear Mr. Martens:

At its November 5, 2012 meeting, the Plan Commission, meeting in regular session, approved your two conditional use requests: 1) to construct/operate an outdoor eating area and 2) a parking reduction at 809 Williamson Street. These approvals are subject to the below conditions. In order to receive final approval of the conditional use and for permits to be issued, the following conditions must be met:

**Please contact Janet Dailey, City Engineering Division, at 261-9688 if you have questions regarding the following two (2) items:**

1. This conditional use application calls for a shared driveway. Provide the Register of Deeds recording information on the site plan Sheet CU-2 and/or provide recording information/recorded documents which memorialize the shared driveway rights and maintenance responsibilities. Preferred transmittal via email to Engineering Division Land records Coordinator Eric Pederson at [epederson@cityofmadison.com](mailto:epederson@cityofmadison.com).
2. The Applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain 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) All Underlying Lot lines or parcel lines if unplatted, g) Lot numbers or the words "unplatted", h) Lot/Plat dimensions, and i) Street names

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

NOTE: Email file transmissions preferred [lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file (POLICY and MGO 37.09(2) & 37.05(4)).

**Please contact Eric Halvorson, Traffic Engineering, at 266-6527 if you have any questions regarding the following three (3) items.**

3. 17. When the applicant submits final plans of one contiguous plan 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 property lines, addresses, 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, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.
4. The Developer shall post a deposit and reimburse the City for all costs associated with any modifications to Traffic Signals, Street Lighting, Signing and Pavement Marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.
5. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

**Please contact Pat Anderson, Assistant Zoning Administrator, at 266-5978 if you have any questions regarding the following seven (7) items.**

6. Pursuant to section 28.04 (12)(c) where sites shares a zoning district boundary with residential development. This development must provide effective 6' – 8' high screening along the lot line of this commercial district adjoining a residential zoning district. This requirement may be modified by the Plan Commission for this Conditional use.
7. Bike parking shall comply with City of Madison General Ordinances Section 28.11. Provide two bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices.
8. Parking requirements for persons with disabilities must comply with City of Madison General Ordinances Section 28.11 (3) 6.(m) which includes all applicable State accessible requirements, including but not limited to:
  - a. Provide a minimum of one accessible stalls striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8' wide with an 8' striped out area adjacent.
  - b. Show signage at the head of the stalls. Accessible signs shall be a minimum of 60" between the bottom of the sign and the ground.
  - c. 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.
9. Lighting is required and shall be in accordance with City of Madison General Ordinances Section 10.085. See City of Madison lighting ordinance.
10. Meet applicable building/fire codes. The outdoor capacity shall be established. Occupancy is established by the Building Inspection Unit. Contact Mike VanErem at 266-4559 to help facilitate this process.
11. 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 prior to sign installations.
12. Obtain a parking reduction for 28 parking stalls.

**Please contact Bill Sullivan, Madison Fire Department, at 261-9658 if you have any questions regarding the following three (3) items:**

13. Potential change of use could trigger compliance with IEBC Chapter 9.
14. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.
15. Ensure address is posted and clearly visible from street per IFC 505 & MGO 34.505.

**Please contact my office at 267-1150 if you have questions regarding the following six (6) items. Items 19-21 were added by the Plan Commission.**

16. The outdoor eating area shall close no later than 10:00pm, nightly.
17. That this conditional use be non-transferable to another operator. Such a change will require approval of an alteration to this conditional use permit.
18. There shall be no outdoor amplified sound on the property.
19. That the HVAC equipment shall be shielded.
20. That the applicant provides a written fencing plan specifying a height of six feet and removability provisions.
21. That the applicant is encouraged to develop a shared off-site parking plan.

**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 along with the appropriate site plan review fee pursuant to section 28.12 (13)(a)10. Fees Received at Zoning Counter Also be sure to include any additional materials requested by these departments for their approval prior to sign off.
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. The Water Utility will not need to sign off the final plans, nor need a copy of the approved plans.
3. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting demolition and/or building permit approval.
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. 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 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 267-1150.

Sincerely,

Kevin Firchow, AICP  
Planner

cc: Janet Dailey, City Engineering Division  
Eric Halvorson, Traffic Engineering  
Pat Anderson, Asst. Zoning Administrator  
Bill Sullivan, Madison Fire Department

I hereby acknowledge that I understand and will comply with the above conditions of approval for this conditional use and demolition permit.
_____
<i>Signature of Applicant</i>
_____
<i>Signature of Property Owner (if not the applicant)</i>

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (Firchow)	<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 type="checkbox"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input type="checkbox"/>	Other: