



Department of Planning & Community & Economic Development

Planning Division

Katherine Cornwell, Director

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June 12, 2014

Brian Ezman
Middleton BBQ Company
4326 Rock Crest Rd.
Middleton, WI 53562

RE: Approval of a conditional use for catering and an outdoor cooking operation in the NMX District.

Dear Mr. Ezman:

At its June 9, 2014 meeting, the Plan Commission found the standards met and **approved** your request for a conditional use at 5502 University Avenue, subject to the conditions below. In order to receive final approval of the conditional use, and for any necessary permits to be issued for your project, the following conditions shall be met:

Please contact my office at 266-5974 if you have questions regarding the following 2 items:

1. The use of the smoker shall be limited to a maximum of twelve (12) days per year, and occur between the hours of 5:00 AM and 7:00 PM. If these limitations are not adhered to, the Plan Commission may revoke the approval as part of their continuing jurisdiction over the conditional use.
2. The conditional use approval is only relevant to this applicant. Any future business seeking to do outdoor cooking or catering at this site will require subsequent conditional use approval.
3. The Plan Commission shall have continuing jurisdiction over this conditional use. At the first Plan Commission meeting after June 9, 2015, the Zoning Administrator shall provide the Plan Commission with a report on the first year of operation of the catering and outdoor cooking operation on this property. Based on this report, the Plan Commission shall determine whether the report indicates that the subject conditional use is in compliance with its approval and should continue. If the Plan Commission determines there is a reasonable probability of a violation of the approval, it shall conduct a hearing after giving notice as provided in Section 28.183(4) to modify or revoke the conditional use as allowed by Section 28.183(9)(c)4.

Please contact Pat Anderson of the Zoning Office at 266-5978 if you have any questions regarding the following 6 items:

4. The submitted site plan is not drawn to scale and does not accurately reflect the condition of the property relative to the reconstruction of University Avenue. Submit a final site plan, drawn to scale, showing the parking, buildings lot lines, etc. showing all dimensions of building, parking and setbacks. Include location for placement of smoker during outdoor cooking events.
5. 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 prior to

sign installations. Banners, pennants, temporary signs, portable signs etc. are not approved as a part of this project.

6. Per the conditions identified in the letter of intent, the smoker and any associated equipment shall not be stored on-site but for when in use or when being set up or taken down in association with an approved outdoor cooking operation event.
7. Submitted plans do not show any new/additional rooftop or ground level equipment proposed for the building. Per Sec. 28.142(9)(d), any new rooftop or ground level mechanical equipment must be screened.
8. Provide required accessible parking stall if none is provided on site currently.
9. Bike parking shall comply with City of Madison General Ordinances Table 28I-3 (General Regulations). Provide the minimum of 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. Provide details of bike rack on final plan sets.

Please contact Eric Halvorson of Traffic Engineering at 266-6527 if you have any questions regarding the following 4 items:

10. 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.
11. 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.
12. 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.
13. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

Please contact Bill Sullivan of the Madison Fire Department at 261-9658 if you have any questions about the following item:

14. A means to extinguish uncontrolled fire shall be readily available such as 2A fire extinguisher or garden hose.

Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency. No building permits shall 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 your building permits:

1. Please revise the plans per the above conditions and file **eight (8)** sets of complete, fully dimensioned, and to-scale plans, along with the appropriate site plan review application and fee pursuant to Section 28.206 of the Zoning Code. Also provide any other documentation requested herein with the Zoning Administrator, Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard.
2. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting building permit approval.
3. 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.

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 266-5974.

Sincerely,

Heather Stouder, AICP
Planner

cc: Jeff Quamme, City Engineering Division
Pat Anderson, Asst. Zoning Administrator
Bill Sullivan, Fire Department
Eric Halvorson, Traffic Engineering
Doug Voegli, Public Health

I hereby acknowledge that I understand and will comply with the above conditions of approval for this demolition permit and conditional use.

Signature of Applicant

Signature of Property Owner (if not Applicant)

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (H. Stouder)	<input 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 checked="" type="checkbox"/>	Public Health