



Department of Planning & Community & Economic Development

Planning Division

Katherine Cornwell, Director

Madison Municipal Building, Suite LL-100

215 Martin Luther King, Jr. Boulevard

P.O. Box 2985

Madison, Wisconsin 53701-2985

Phone: (608) 266-4635

Fax (608) 267-8739

www.cityofmadison.com

October 22, 2015

John Bieno
TJK Design Build
612 West Main Street
Madison, WI 53703

RE: Approval of a conditional use for an outdoor eating area and parking reduction at 1313 Regent Street

Dear Mr. Bieno:

At its October 19, 2015 meeting, the Plan Commission, meeting in regular session, approved your client's conditional use requests for an outdoor eating area and parking reduction at 1313 Regent Street. Please note that this approval DID NOT include approval of the certified survey map (CSM) or 26-unit apartment building submitted concurrently with this request. Those two requests were placed on file without prejudice by the Plan Commission on October 5, after being withdrawn by the applicant.

In order to receive final approval of the conditional use and for permits to be issued, the following conditions must be met.

Please contact Tim Troester, City Engineering Division at 267-1995 if you have questions regarding the following 14 items:

1. The applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which 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. (POLICY)
2. All work in the public right-of-way shall be performed by a City licensed contractor. (MGO 16.23(9)(c)5) and MGO 23.01)
3. All damage to the pavement on Regent Street and Bowen Court, adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link:
<http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY)
4. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in the ROCK RIVER TMDL ZONE and by Resolution 14-00043 passed by the City of Madison Common Council on 1/21/2014. You will be expected to meet a higher standard of erosion control than the minimum standards set by the WDNR.

5. 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.
POLICY AND MGO 10.29
6. The applicant shall show storm water "overflow" paths that will safely route runoff when the storm sewer is at capacity. (POLICY)
7. 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 5.0 tons per acre per year.
8. For commercial sites < 1 acre in disturbance the City of Madison is an approved agent of the Department of Commerce and WDNR. As this project is on a site with disturbance area less than one (1) acres, and contains a commercial building, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required. (NOTIFICATION)
9. 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 the Madison General Ordinances.
10. The applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Division (storm/sanitary section). The digital CAD file shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the 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 Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.) e) Right-of-Way lines (public and private) f) Plat name and lot lines (metes & bounds parcel lines if unplatted) g) Platted lot numbers (noted "unplatted lands" if not platted) h) Lot/Plat property dimensions i) Street names j) Private on-site sanitary sewer utilities (including connections to public sanitary) k) Private on-site storm sewer utilities (including connections the public storm) All other levels (contours, elevations, etc) are not to be included with this file submittal.

THE CAD FILE WILL ONLY BE REQUIRED PRIOR TO FINAL PLAN REVIEW SO THAT MULTIPLE FILES DO NOT NEED TO BE SUPPLIED OR REVIEWED. the project site address in the email subject line. Any changes or additions to the location of the building, private utilities, sidewalks, parking/pavement during construction will require a new CAD file transmittal.

11. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (email to Tim Troester at ttroester@cityofmadison.com). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2))PDF submittals shall contain the following information: a) Building Footprints b) Internal Walkway Areas c) Internal Site Parking Areas d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.) e) Right-of-Way lines (public and private) f) Plat name and lot lines (metes & bounds parcel lines if unplatted) g) Platted lot numbers (noted "unplatted lands" if not platted) h) Lot/Plat property dimensions i) Street names j) Stormwater Management Facilities k) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).

12. All outstanding 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))
13. 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. (POLICY)
14. This project appears to have proposed uses which 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 criteria. Please contact Tim Troester 608-267-1195 with any questions regarding this requirement. The recommended location of the monitoring manhole would be on the west side of the building and not over the City sanitary sewer main (located under the sidewalk).

Please contact Jeff Quamme, City Engineering Division (Mapping) at 266-4097, if you have questions regarding the following three (3) items:

15. The CSM land division has been withdrawn, therefore a CSM is not required.
16. The site plan indicates a private storm sewer along the east side of this property that serves lands within this site and lands to the east. A reciprocal storm sewer easement/agreement between all of the adjacent properties shall be drafted, executed and recorded prior to building permit issuance and the location of the easement and recording information of the document shall be shown and noted on the site plan.
17. There are overhead utilities along the west side of the site without an easement of record. It is recommended the owner grant an easement to MG&E for these facilities.

Please contact Jenny Kirchgatter, Assistant Zoning Administrator at 266-4429 if you have questions regarding the following nine (9) items:

18. Meet applicable building/fire codes. The outdoor capacity shall be established. Occupancy is established by the Building Inspection Unit. Contact Building Inspection Plan Reviewer Mike VanErem at (608) 266-4559 to help facilitate this process. Submit a plan for the outdoor eating area showing the layout of tables and chairs.
19. Vehicle and bicycle parking requirements are based on the capacity of the brewpub, reception hall, and outdoor patio spaces. Submit the capacity of the brewpub, reception hall, and outdoor patio spaces with the final plan submittal to establish the vehicle and bicycle minimum parking requirements.
20. Provide a minimum of 38 bicycle parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. Clearly label and dimension the bicycle stalls and required access area. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area.
21. Screening shall be provided along side and rear property boundaries between commercial/ mixed-use districts and residential districts. Screening shall consist of a solid wall, solid fence, or hedge with

year-round foliage, between six (6) and eight (8) feet in height. Show the district boundary screening adjacent the east and west property lines abutting the residentially zoned properties on the final plans and provide a detail of the screening.

22. A refuse disposal area shall be provided. The refuse 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. Submit a detail of the trash enclosure.
23. Submit a rooftop plan with the final plans. All rooftop and ground level mechanical equipment and utilities shall be fully screened from view. No rooftop or ground-level mechanical equipment is shown on the submitted plans. If such equipment is proposed, it must be screened per Sec. 28.060(2) (e) & (f).
24. Submit a landscape plan and landscape worksheet stamped by the registered landscape architect and a City of Madison landscape worksheet. Per section 28.142(3), landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared and stamped by a registered landscape architect.
25. Submit a calculation and detail plan page showing that the project meets the lot coverage requirement. The maximum lot coverage is 85%. Lot coverage is the total area of all buildings and paved areas as a percentage of the total lot area, with the exceptions of sidewalks or paved paths no wider than five (5) feet, pervious pavement, green roofs and decks.
26. 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.

Please contact Janet Schmidt, Parks Division at 261-9866 if you have questions regarding the following item:

27. There is one 22" Hackberry tree to protect on the terrace for this project. Please include the following note on the site plan: Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266-4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry. Tree protection specifications can be found in section 107.13 of City of Madison Standard Specifications for Public Works Construction - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part1.pdf>

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

28. Coordinate and post building address with City Engineering in accordance with Madison General Ordinances and the International Fire Code.

29. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

Please contact my office at 267-1150 if you have questions regarding the following eight (8) items:

30. That there shall be no outdoor amplified sound in the outdoor eating area.
31. That the outdoor eating area shall close at 10:00 pm, nightly.
32. That the outdoor seating area shall not be available of use during regular season Wisconsin Badger home football games.
33. That the parking facilities must be available at all times, and shall not be shut down for any events.
34. That the reception hall/room shall close at midnight.
35. That maximum capacities shall be approved by the Director of Building Inspection but shall not exceed:
- (a) 208 for brewpub (number of available seats, plus staff, plus a reasonable number of people waiting for seats)
 - (b) 58 for patio (chairs & tables-drive capacity number)
 - (c) 155 for reception hall/room when furniture, tables and chairs are present (fixed-seat capacity)
 - (d) 450 for reception hall/room when no tables or chairs present (general assembly capacity)
- An alteration to this conditional use shall be required prior to granting a higher capacity.
36. The reception hall/room may be used with the general assembly capacity for Wisconsin Badger Home Football games and other events open to the public taking place within Camp Randall Stadium. The capacity will be limited to 155 (the fixed-seat capacity) on all other days/events.
37. That to minimize parking impacts, the reception hall space shall not be used as expanded capacity for the brewpub. In no event shall the reception hall be used as a music venue other than music provided in conjunction with private events such as weddings, receptions, private parties (retirement, birthday, holiday, reunion, or other special occasions including private events hosted related to Kohl Center and Camp Randall sporting events and concerts). The doors are required to be closed and locked to reception hall space but for when it is being used for separate events.
38. That additional landscaping be provided around the outdoor patio with details to be approved by staff.

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. 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. Also be

sure to include any additional materials requested by these departments for their approval prior to sign off. The final site plan shall be accompanied by 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. This submittal shall all also include one complete digital plan set in PDF format. The sets of final revised plans or documents will be circulated by the Zoning staff to the City department staff listed above for their final approval.

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, and will not need a copy of the approved plans.
3. 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, 266-4816.
4. 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.
5. The approval is valid for one (1) year 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.
6. No alteration of a conditional use shall be permitted unless approved by the Plan Commission provided, however, 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.
7. 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 267-1150.

Sincerely,

Kevin Firchow, AICP
Planner

cc: Tim Troester, City Engineering Division
Bill Sullivan, Fire Department
Jenny Kirchgatter, Zoning
Janet Schmidt, Parks Division

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

Signature of Applicant

Signature of Property Owner (if not the applicant)

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 checked="" 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: