



Department of Planning & Community & Economic Development

Planning Division

Katherine Cornwell, Director

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March 18, 2016

Mike Franklin
1612 Seminole Hwy.
Madison, WI 53711

RE: Approval of a Zoning Map Amendment (Rezoning) and Conditional Use to continue the restaurant-tavern and outdoor eating area uses and construct various site improvements at **1612 Seminole Hwy.**

Dear Mr. Franklin:

At its March 7 and March 15, 2016 meetings, the Plan Commission and Common Council, respectively, **approved** your request for to rezone the project site from TR-C2 to NMX, and a conditional use to continue the existing restaurant-tavern and outdoor eating area uses and construct to various site improvements at 1612 Seminole Hwy. In order to receive final approval of the conditional use and for any necessary permits to be issued, the following conditions must be met:

Please contact my office at 267-8733 if you have questions regarding the following four (4) items:

1. Prior to final approval and building permit issuance, the Applicant shall submit final plans for review and approval by staff, including:
 - a. A revised Letter of Intent that reflects the same hours of operation, parking and seating as indicated on the plans and liquor license.
 - b. A detailed Landscape Plan that shows development frontage landscaping along Seminole Highway consistent with Section 28.142(5), MGO.
2. The outdoor eating area shall not be used for food and beverage service or outdoor activity after **10:00 PM**, seven days a week. The Director of the Planning Division may consider a minor alteration to the conditional use in the future to further modify the hours of operation for the outdoor eating area following a recommendation by the district alder.
3. There shall be no amplified sound, including, but not limited to television, ambient music or musical performances, in the outdoor eating area.
4. Pending review by the Building Inspection Division, the capacity of the outdoor eating area shall not exceed **49 persons**.

Please contact Jeff Quamme, City Engineering Review Mapping, at 266-4097 if you have questions regarding the following item:

5. The site plan shall accurately show the limits of all pavement and impervious areas, particularly the west side of the site plan where this detail is missing.

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

6. 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; semi-trailer movement and vehicle routes; dimensions of radii; and percent of slope.
7. All parking facility design shall conform to Section 10.08(6), MGO.
8. Traffic Engineering will no longer be accepting paper plans; to ensure a timely review all submittals will include an electronic copy (.pdf preferred).

Please contact Bill Sullivan, Fire Department at 261-9658 if you have questions regarding the following item:

9. The capacity for Tony Frank's was set at 53, which includes both patrons and customers. Contact Building Inspection regarding the need for a plan review to increase the inside capacity. An outside capacity will also need to be obtained from Building Inspection. Both capacities shall be posted in accordance with MGO.

Please contact Jenny Kirchgatter, Assistant Zoning Administrator at 266-4429 if you have questions regarding the following seven (7) items:

10. Provide a calculation and plan detail for lot coverage with the final submittal. Clearly show the extent of the impervious surface/ paved area west of the restaurant building. The lot coverage maximum is 75%. Lot coverage is defined as the total area of all buildings, measured at grade, all accessory structures including pools, 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.
11. Provide a minimum of five (5) short-term bicycle parking stalls 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. Show the dimensions of the bicycle stalls on the site plan. 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.

12. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3), *Landscape Plan and Design Standards*, MGO, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect. The landscape plan shall show existing as well as proposed landscaping. Provide adequate development frontage landscaping adjacent Seminole Highway per Section 28.142(5), *Development Frontage Landscaping*, MGO. Landscaping and/or ornamental fencing shall be provided between buildings or parking areas and the adjacent street(s), except where buildings are placed at the sidewalk.
13. Screening is required adjacent the zoning district boundary along the north and west property lines. Screening shall be provided along both 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. Submit a detail of the screening fence with the final plans.
14. 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.
15. The outdoor eating area shall meet applicable building and fire codes. The outdoor capacity shall be established by the Building Inspection Unit.
16. Exterior lighting provided shall be in accordance with Section 10.085, MGO. Provide an exterior lighting plan and fixture cut sheets, with the final plan submittal.

Please contact Dennis Crawley, Water Utility at 261-9243 if you have questions regarding the following item:

17. All operating private wells shall be identified and permitted by the Water Utility in accordance with Section 13.21, MGO. All unused private wells shall be abandoned in accordance with Section 13.21, MGO.

Specific questions regarding the comments or conditions 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.

For obtaining your conditional use, please follow the procedures listed below:

1. Please revise your plans per the above conditions and submit six (6) copies of a complete, fully dimensioned and scaled plan set to the Zoning Administrator for final review and comment. This submittal shall also include one complete digital plan set in PDF format. 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, MGO, and any other documentation requested herein by the Zoning Administrator, located in Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Blvd., Madison, WI 53701. The sets of final revised plans or documents will be circulated by the Zoning staff to the City department staff listed above for final approval.
2. The Madison Water Utility shall be notified to remove the water meters prior to demolition. 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.
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. When requesting conditional use approval, this letter shall be signed by the Applicant to acknowledge the conditions of approval and returned to the Zoning Administrator.
6. 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.
7. Any alteration in plans for a proposed alternative use shall require Plan Commission approval, except for minor alterations. 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.
8. 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 267-8733.

Sincerely,



Jessica Vaughn, AICP
Planner

cc: Jeff Quamme, City Engineering Review Mapping
Eric Halvorson, Traffic Engineering Division
Bill Sullivan, Fire Department
Jenny Kirchgatter, Zoning

I hereby acknowledge that I understand and will comply with the above conditions of approval for the 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. (Vaughn)	<input checked="" type="checkbox"/>	Zoning Administrator
<input type="checkbox"/>	City Engineering	<input type="checkbox"/>	Parks Division
<input checked="" type="checkbox"/>	Engineering Mapping Sec.	<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: