



Department of Planning & Community & Economic Development

Planning Division

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June 20, 2016

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

RE: Conditional Use Request for 1313 Regent Street and 7 South Randall Avenue

Dear Mr. Bieno:

At its June 13, 2016 meeting, the Plan Commission, meeting in regular session, **placed on file without prejudice** your client's conditional use and conditional use alteration requests to 1) Approve a revised 88-stall parking reduction; 2) Increase the capacity of an approved outdoor eating area from 58 persons to 82 persons 3) Construct an outdoor recreation area with two sand volleyball courts; and 4) Modify of the layout of the outdoor eating area to add an outdoor bar. The Plan Commission found that conditional use standards 1, 3, 4, and 9 were NOT met. The Plan Commission stated that reasons why these standards were not met included noise impacts and incompatibilities between these proposals and their impacts on nearby residential dwelling units. The Plan Commission further stated that the conditional use for the approved 58-person outdoor eating area, approved in October 2015, has not yet been opened and there is no track record regarding its operation or management to evaluate whether expanding that use and introducing more outdoor activities is appropriate at this time.

During its consideration of this item, the Plan Commission voted to separately consider your client's request to incorporate the 7 South Randall Avenue property into the subject site for the purpose of constructing eight (8) additional surface parking stalls. The Plan Commission found that the standards were met and approved that request subject to the following conditions:

Please contact Tim Troester, Engineering Division at 267-1995 if you have questions regarding the following 12 items:

1. 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.
2. The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement. (POLICY)

3. The applicant shall submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or troester@cityofmadison.com (West). 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) Lot lines or parcel lines if unplatted g) Lot numbers or the words unplatted h) Lot/Plat dimensions i) Street names j) Stormwater Management Facilities k) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
4. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. MGO 37.05(7) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
5. Storm sewer to serve this development has been designed and constructed. The site plans shall be revised to identify the location of this storm sewer and to show connection of an internal drainage system to the existing public storm sewer. (POLICY AND MGO OVER 10,000 SF OF IMPERVIOUS AREA 10.29 and 37.05(7)(b))
6. 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.
7. 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)
8. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to Reduce TSS by 80% off of the proposed development when compared with the existing site.
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 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)
11. 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)
12. All damage to the pavement on Regent St & Randall Ave, 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)

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

13. The parking added to this site plan is on an additional separate parcel acquired by the applicant located at 7 Randall Court. To assure the parking and access rights remain regardless of the ownership of the additional parcel, applicant shall provide for review reciprocal easements and agreements including, but not limited to, access, parking, utilities and storm water management that are necessary to accomplish the development as proposed. The document(s) shall then be executed and recorded and copies provided prior to building permit issuance. A no merger clause will be necessary to address the current common ownership.

Please contact Eric Halvorson, Traffic Engineering at 266-6527 if you have questions regarding the following eight (8) items:

14. The applicant shall adhere to all vision triangle requirements as set in MGO 27.05 (No visual obstructions between the heights of 30 inches and 10 feet – 25 feet behind the property line at streets and 10 feet at driveways.). If applicant believes public safety can be maintained they shall apply for a waiver of MGO 27.05(2) (bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the waiver shall be the determination of the City Traffic Engineer.
15. Applicant shall decrease the width of the entrance on S Randall to align with the width of the one-way drive aisle.
16. 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.
17. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
18. 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.
19. 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.
20. Developer shall provide a recorded copy of any joint driveway ingress/egress and crossing easements and shall be noted on face of plan.

21. One way operation of the parallel parking area shall be secured using signage and pavement markings. "One Way Signs" and "Do Not Enter" signs shall be noted on the supplemental plan.

Please contact Jenny Kirchgatter, Assistant Zoning Administrator at 266-4429 if you have questions regarding the following five (5) items. Comments 24-26 relate to aspects of this proposal that were NOT approved by the Plan Commission. Please Contact Zoning regarding compliance issue questions.

22. 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.
23. Extend the district boundary screening south of the proposed driveway and parking area accessed from South Randall Ave (adjacent the property at 9 South Randall Ave). 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. Within ten (10) feet of point where the driveway crosses the street property line, the screening height shall be reduced to not more than thirty (30) inches high to maintain vision clearance at the driveway intersection.
24. Submit details of the protective netting surrounding the proposed volleyball courts.
25. Meet applicable building/fire codes. The capacity shall be re-established for the outdoor eating area. Occupancy is established by the Building Inspection Unit. Contact Mike Van Erem at 266-4559 to help facilitate this process.
26. A re-evaluation of the previously approved parking reduction is required due to the requested change in capacity and additional parking stalls being provided. The parking requirement for the restaurant-tavern with an outdoor eating area and outdoor volleyball courts is 115 stalls based on a proposed capacity of 764 persons. Twenty-seven (27) parking stalls are proposed resulting in a parking reduction of eighty-eight (88) stalls.

Please contact my office at 267-1150 if you have questions regarding the following item added by the Plan Commission at their June 13, 2016 meeting. Please note, no changes to the operating conditions approved on October 19, 2015 were altered as part of the Plan Commission action. Please see that approval letter for those conditions.

27. That the bump-outs for the 8-stall parking area be relocated from the east to the western side of the site the property.

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 nine (9) 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. This submittal shall all also include one complete digital plan set in PDF format. 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. 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. All operating private wells shall be identified and permitted by the Water Utility in accordance with MGO 13.21. All unused private wells shall be abandoned in accordance with MGO 13.21.

This property is in a Wellhead Protection District–Zone (27). This proposed use is permitted in this district. Any future change in use for this property will require review by the Madison Water Utility General Manager or his designated representative.

3. 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.

4. 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.

5. 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.

6. 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.

7. The Plan Commission retains continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses.

8. 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.

If you have any questions regarding obtaining your conditional use, demolition 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
Eric Halvorson, Traffic 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 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. (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: