



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

Madison Municipal Building, Suite LL-100

126 S. Hamilton Street

P.O. Box 2985

Madison, Wisconsin 53701-2985

Phone: (608) 266-4635

Fax (608) 267-8739

www.cityofmadison.com

November 27, 2017

Blanca Ramirez
Ramirez Law Office
P.O. Box 6616
Madison, WI 53716

RE: Legistar #49135; Accela 'LNDUSE-2017-00105' -- Approval of two conditional uses – to establish a restaurant-tavern and an outdoor eating area – in an existing multi-tenant commercial building on a property zoned NMX (Neighborhood Mixed-Use District) at **305 N. Fourth Street**.

Dear Ms. Ramirez:

At its November 20, 2017 meeting, the Plan Commission, meeting in regular session, found the standards met and approved your client's conditional use requests – to establish a restaurant-tavern and an outdoor eating area – in an existing multi-tenant commercial building on a property zoned NMX (Neighborhood Mixed-Use District) at **305 N. Fourth Street**, subject to the conditions below. In order to receive final approval of the conditional use, and for any permits to be issued for your project, the following conditions shall be met:

Please contact Brenda Stanley of the City Engineering Division – Main Office at (608) 261-9127 if you have any questions regarding the following item:

1. Less than 4,000 sf disturbed area, no Erosion Control or Storm Water Management Permits required.

Please contact Eric Halvorson of the Traffic Engineering Division at (608) 266-6527 if you have any questions regarding the following seven (7) items:

2. 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.

3. 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.
4. 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.
5. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
6. Applicant shall submit for review a waste removal plan. This shall include vehicular turning movements.
7. Applicant shall submit for review a Commercial Delivery Plan. This plan will include times, vehicle size, use of loading zones and all related turning movements.
8. The applicant shall demonstrate use of loading zone with turning template.

Please contact Jenny Kirchgatter of the Zoning Division at (608) 266-4429 if you have any questions regarding the following six (6) items:

9. Vehicle parking is required at a minimum amount of 15% of capacity of persons. Verify the capacity of the proposed restaurant-tavern and existing outdoor eating area. A vehicle parking reduction may be required per Section 28.141(5). A vehicle parking reduction of up to 20 spaces may be approved by the Zoning Administrator. A previous parking stall reduction of 9 stalls was approved for this multi-tenant building.
10. Show the location of the proposed exterior mechanical equipment and screening on the site plan. All rooftop and ground level mechanical equipment and utilities shall be fully screened from view from any street or residential district, as viewed from six (6) feet above ground level. Screening may consist of a building wall or fence and/or landscaping as approved by the Zoning Administrator. Provide details of the screening.
11. Show the location of the Zoning district boundary screening on the site plan. Screening shall be provided alongside 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.
12. The capacity shall be established for the existing outdoor eating area. Occupancy is established by the Building Inspection Unit. Contact Building Inspection staff at (608) 266-4559 to help facilitate this process.
13. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.

14. 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. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Please contact my office at (608) 261-9135, if you have questions regarding the following four (4) items, including Condition #17 which was amended by the Plan Commission at their November 20, 2017 meeting:

15. The hours of operation for the restaurant-tavern shall be daily from 7:00 am – 10:00 pm. Future modifications to the hours of operation of the restaurant-tavern in the tenant space addressed as 305 N. Fourth Street, Suite B may be requested by the applicant in the future as a minor alteration of the conditional use following a recommendation by the district alder.
16. The hours of operation for the outdoor eating area located in front of the tenant space addressed as 305 N. Fourth Street, Suite B shall be daily from 7:00 am – 10:00 pm. Future modifications to the hours of operation of the outdoor eating area may be requested by the applicant in the future as a minor alteration of the conditional use following a recommendation by the district alder.
17. The capacity of the outdoor eating area located in front of the tenant space addressed as 305 N. Fourth Street, Suite B shall be up to nine persons (note: the final details of the seating plan and capacity to be approved by the Building Inspection Unit). Future modifications to the capacity of the outdoor eating area may be requested by the applicant in the future as a minor alteration of the conditional use following a recommendation by the district alder and approval from the Building Inspection Unit.
18. There shall be no amplified sound, including, but not limited to television, ambient music or musical performances, in the outdoor eating area located in front of the tenant space addressed as 305 N. Fourth Street, Suite B.

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 **seven (7) 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, 126 S. Hamilton Street. **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.
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. 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.
6. 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 (608) 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 (608) 261-9135.

Sincerely,



Chris Wells
 Planner

<p>I hereby acknowledge that I understand and will comply with the above conditions of approval for conditional use.</p> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <p style="text-align: center;"><i>Signature of Applicant</i></p> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <p style="text-align: center;"><i>Signature of Property Owner (if not the applicant)</i></p>
--

- cc: Brenda Stanley, City Engineering
 Jeff Quamme, Engineering Mapping
 Eric Halvorson, Traffic Engineering Division
 Jenny Kirchgatter, Zoning Division
 Bill Sullivan, Madison Fire Department

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (Wells)	<input checked="" type="checkbox"/>	Engineering Mapping Sec.
<input checked="" type="checkbox"/>	Zoning Division	<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"/>	Water Utility
<input type="checkbox"/>	Metro Transit	<input type="checkbox"/>	Other: