



Department of Planning & Community & Economic Development
Planning Division

Website: www.cityofmadison.com

Madison Municipal Building
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June 16, 2009

Janet Reid
GHA Architecture & Development
11410 Dallas Parkway #250
Dallas, Texas 75254

RE: Approval of a conditional use and demolition permit to allow demolition of an existing restaurant and construction of a Longhorn Steakhouse restaurant at 418 S. Gammon Road in the West Towne Mall planned commercial site.

Dear Ms. Reid;

At its June 15, 2009 meeting, the Plan Commission found the conditional use and demolition permit standards met and approved your client's application to allow demolition of an existing restaurant and construction of a new restaurant at 418 S. Gammon Road, subject to the conditions below. In order to receive final approval of the project and for demolition and building permits to be issued, the following conditions must be met:

Please contact Janet Dailey, City Engineering Division, at 261-9688 if you have questions regarding the following eleven (11) items:

1. The applicant shall revise the plans to show a sanitary sewer structure for monitoring purposes. Said sewer structure shall be placed prior to existing manhole, but after all building discharges including the grease trap.
2. The applicant shall replace all sidewalk and curb and gutter that abuts the property, which is damaged by the construction, or any sidewalk and curb and gutter that 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.
3. A City-licensed contractor shall perform all work in the public right of way.
4. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to: control 40% TSS (20 micron particle) off of new paved surfaces; provide oil & grease control from the first 1/2" of runoff from parking areas, and; 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.
5. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the Engineering Division. (Lori Zenchenko) lzenchenko@cityofmadison.com. The digital copies shall be drawn to scale and represent final construction including: building footprints, internal walkway areas, internal site parking areas, lot lines/ numbers/ dimensions, street names, and other miscellaneous impervious areas. All other levels (contours, elevations, etc) are not to be included with this file submittal. Email file transmissions are preferred. The digital CAD file shall be to scale and represent final construction. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format. Please include the site address in this transmittal.

6. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
7. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management File including: SLAMM DAT files; RECARGA files; TR-55/HYDROCAD/etc., and; sediment loading calculations. If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided.
8. The applicant shall obtain a Street Excavation permit for the installation of utilities required to serve this project. The applicant shall pay the permit fee, inspection fee and street degradation fee as applicable and shall comply with all the conditions of the permit.
9. The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work.
10. Prior to approval of the conditional use application, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1) \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2) \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner.

The permit applications for Items 8-10 are available on line at:
<http://www.cityofmadison.com/engineering/permits.cfm>.

11. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior City Engineering Division sign-off, unless otherwise collected with the Developer's Agreement.

Please contact John Leach, Traffic Engineering Division, at 267-8755 if you have questions about the following eleven (11) items:

12. The applicant shall show the drive aisles across the West Towne Mall ring road. The applicant will need to align with the main drive across the ring road. The applicant shall move the approaches onto the ring road south or north to align with existing westerly drive aisles. If the applicant aligns the drive aisle with the main drive to mall, the applicant shall install a "STOP" sign and stop bar pavement parking.
13. The owner shall provide an easement at no cost to the City for the placement of City-owned traffic signal facilities at the S. Gammon Road-Gammon Place intersection, including, but not limited to, the right of ingress and egress; the right to excavate, install, operate, maintain, repair, replace, and modify the facilities; and the right to perform all work incidental thereto upon and over the required easement area. The applicant shall provide a "Perpetual Limited Easement for Public Traffic Signal Purposes" to Jeff Ekola in the City of Madison Office of Real Estate Services prior to final sign off.
14. The applicant shall replace the existing terrace, sidewalk, ramps and crosswalks between the proposed site and future development on the north by others as noted. The applicant shall install public access sidewalk, terrace with raise curbs, ramps and crosswalks from S. Gammon Road as existing across West Towne Mall Entrance ring road. The pedestrian path shall not be part of the loading area or in the parking drive aisle.
15. The applicant has modified the parking lot closer to the sidewalk along the northerly side of the driveway approach to S. Gammon Rd. The applicant shall modify the area to provide a 4-foot grass terrace between the sidewalk and parking lot. The 4-foot grass terrace shall not include the 2-foot vehicle overhang.

16. The applicant shall indicate the type of bicycle racks to be installed. In addition, the applicant shall relocate the bike rack by the entrance to the restaurant.
17. When the applicant submits final plans for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), and a scaled drawing at 1" = 20'.
18. The applicant shall provide scaled drawing on one contiguous plan sheet showing all the West Towne facility's access, existing and proposed buildings, layouts of parking lots, loading areas, trees, signs, pavement markings, signal locations, vehicle movements, and approaches.
19. All signs at the approaches shall be installed behind the property line. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
20. The attached traffic signal/street light declaration of conditions and covenants shall be executed and returned with site plans. The development shall acknowledge on their proportionate share of traffic signal assessments. The development shall further agree in writing to not oppose their proportionate share of the traffic signal assessments as part of the City's Special Assessment districts for traffic signals.
21. The developer shall post a deposit and reimburse the City for all costs associated with any modifications to traffic signals, street lighting, signing and pavement marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.
22. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Please contact Pat Anderson, Assistant Zoning Administrator, at 266-5978 if you have any questions regarding the following seven items:

23. Provide 11 bike parking stalls in a safe and convenient location on an impervious surface near the building to be shown on the final plan. Note: A bike-parking stall is two feet by six feet with a five-foot access area. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices.
24. Parking lot plans with greater than 20 stalls, landscape plans must be stamped by a registered landscape architect. Provide a landscape worksheet with the final plans that shows that the landscaping provided meets the point and required tree ordinances. In order to count toward required points, the landscaping shall be within 15' and 20' of the parking lot depending on the type of landscape element. (Note: The required trees do not count toward the landscape point total.) Planting islands shall consist of at least 75% vegetative cover, including trees, shrubs, ground cover, and/or grass. Up to 25% of the island surface may be brick pavers, mulch or other non-vegetative cover. All plant materials in islands shall be protected from vehicles by concrete curbs.
25. Meet all applicable State accessible requirements, including but not limited to:
26. Provide a reuse/recycling plan, to be reviewed and approved by The City's Recycling Coordinator, Mr. George Dreckmann, prior to a demolition permit being issued. Sec 28.12(12)(e) of the Madison Zoning Ordinance requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan. Please note, the owner must submit documentation of recycling and reuse within 60 days of completion of demolition.
27. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31, MGO, Street Graphics Code and Chapter 33.24 Urban Design Commission ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

28. Lighting is required. Provide a plan showing at least .5 footcandle on any surface on any lot and an average of .75 footcandles. The max. light trespass shall be 0.5 fc at 10 feet from the adjacent lot line. (See City of Madison lighting ordinance).
29. Provide (1) 10' x 35' loading areas with 14' vertical clearance to be shown on the plan. The loading area shall be exclusive of drive aisle and maneuvering space.

Please contact Scott Strassburg, Madison Fire Department, at 261-9843 if you have any questions regarding the following two items:

30. Provide fire apparatus access as required by Comm. 62.0509 and MGO 34.19, as follows:
 - a.) The site plans shall clearly identify the location of all fire lanes.
 - b.) Provide a fire lane that extends to within 150 feet of all exterior portions of the structure, or it can be extended to within 250 feet if the building is fully sprinklered.
 - c.) Where there is a change in the direction of a fire lane, the minimum inside turning radius shall be at least 28 feet.
 - d.) Provide a completed MFD "Fire Apparatus Access and Fire Hydrant Worksheet" with the site plan submittal.
31. All portions of the exterior walls of newly constructed public buildings and places of employment and open storage of combustible materials shall be within 500 feet of at least two fire hydrants. Distances are measured along the path traveled by the fire truck as the hose lays off the truck. See MGO 34.20 for additional information.

Please contact my office at 261-9632 if you have questions about the following item:

32. That the plan set be revised per Planning Division approval prior to final staff approval and issuance of demolition and building permits:
 - a.) submit detailed and labeled floorplans for the new restaurant and revise the elevations to clarify whether the shutters shown on the northern and southern elevations will have vision glass behind them; where not located in a restroom, office or kitchen, the shutters shall be operable with vision glass beyond to allow natural lighting into the restaurant, and;
 - b.) submit revised elevations that specify the height of the building on all four walls and the building materials to be used.

The applicant is also required to satisfy the conditions of approval of the Urban Design Commission prior to the final staff approval of the project and the issuance of building permits. Please contact Al Martin, Urban Design Commission Secretary, at 267-8740 if you have any questions about those conditions.

Please now follow the procedures listed below for obtaining your conditional use and demolition permit:

1. Please revise your plans per the above and submit **nine (9) copies** of a **complete 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.
2. The Recycling Coordinator shall approve the reuse and recycling plan submitted prior to the issuance of a wrecking permit. If not previously submitted to the Recycling Coordinator, the reuse and recycling plan shall be submitted along with the resubmittal of site plans for forwarding to the Recycling Coordinator.
3. The Madison Water Utility shall be notified to remove the water meter prior to demolition.
4. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting demolition and/or building permit approval.
5. 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. The Plan Commission shall retain jurisdiction over this matter for the purpose of resolving complaints against the approved conditional use permit.

If you have any questions regarding obtaining your building permits, please contact the Zoning Administrator at 266-4551. If you have any questions or if you may be of any further assistance, please do not hesitate to contact my office at 261-9632.

Sincerely,

Timothy M. Parks
Planner

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

Signature of Applicant

cc: Janet Dailey, City Engineering Division
John Leach, Traffic Engineering Division
Scott Strassburg, Madison Fire Department
Pat Anderson, Asst. Zoning Administrator

| For Official Use Only, Re: Final Plan Routing | | | |
|---|--------------------------|-------------------------------------|--------------------------|
| <input checked="" type="checkbox"/> | Planning Div. (T. Parks) | <input checked="" type="checkbox"/> | Engineering Mapping Sec. |
| <input checked="" type="checkbox"/> | Zoning Administrator | <input type="checkbox"/> | Parks Division |
| <input checked="" type="checkbox"/> | City Engineering | <input checked="" type="checkbox"/> | Urban Design Commission |
| <input checked="" type="checkbox"/> | Traffic Engineering | <input checked="" type="checkbox"/> | Recycling Coord. (R&R) |
| <input checked="" type="checkbox"/> | Fire Department | <input type="checkbox"/> | Other: |