



Department of Planning & Community & Economic Development  
**Planning Division**

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Website: [www.cityofmadison.com](http://www.cityofmadison.com)

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August 18, 2009

Christine Meske  
Ka, Inc.  
1468 W. 9<sup>th</sup> Street, Suite 600  
Cleveland, Ohio 44113

RE: Approval of a conditional use to allow construction of a multi-tenant retail building with outdoor eating area at 7017 Mineral Point Road in the West Towne Mall planned commercial site (CBL Properties).

Dear Ms. Meske;

At its August 17, 2009 meeting, the Plan Commission found the conditional use standards met and approved your client's application to construct a new multi-tenant retail building at 7017 Mineral Point Road, subject to the conditions below. In order to receive final approval of the project and for 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 ten items:**

1. The approved address for the Smashburger Restaurant is 402 S. Gammon Road. The approved address for the retail space is 406 S. Gammon Road if a single tenant with an address of 410 S. Gammon Road available for a second tenant space if necessary.
2. The Madison Metropolitan Sewerage District has a manhole in front of the crosswalk on the southwest corner of the Mineral Point-S. Gammon Road intersection on top of their 33" diameter sewer. With regard to the maintenance of the sanitary sewer facilities for these two restaurants, it would be in the interest of these two buildings to connect one to the MMSD sewer and one to the City sewer (where it is currently proposed).
3. A sanitary sewer access structure for purposes of effluent monitoring shall be constructed at a location approved by the City Engineer.
4. If "shared" storm and sanitary sewer facilities are proposed, the owner shall provide evidence of an agreement for the shared facilities.
5. 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 7.5-tons per acre per year.
6. The City of Madison is an approved agent of the Wisconsin Department of Commerce. This proposal contains a commercial building and as such, the City is authorized to review infiltration,

stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the Wisconsin Department of Natural Resources is required.

7. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to: 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.
8. 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](mailto: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.
9. 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).
10. 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.

**Please contact John Leach, Traffic Engineering Division, at 267-8755 if you have questions about the following two items:**

11. 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.
12. When the applicant submits final plans of one contiguous plan 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, showing all easements, all pavement markings, building placement, and stalls, adjacent driveway to lots on either side and across the across drive aisles, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the 2 feet overhang, and a scaled drawing at 1" = 20'.

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

13. 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.

14. 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.
15. Meet all applicable State accessible requirements, including but not limited to:
  - a.) Provide a minimum of 2 accessible stalls striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8' wide with an 8' striped out area adjacent.
  - b.) Show signage at the head of the stalls. Accessible signs shall be a minimum of 48" between the bottom of the sign and the ground.
  - c.) Show the accessible path from the stalls to the building. The stalls shall be as near the accessible entrance as possible. Show ramps, curbs, or wheel stops where required.
16. 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.
17. 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).
18. 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.
19. Occupancy of the outdoor eating and recreation area must be established. Please contact Alan Harper at 266-4558 to help facilitate this process.
20. If you have a license to sell alcohol in an outdoor eating area, the Alcohol License Review Committee has established conditions for operation for these applications that involve fencing, security guards, toilet facilities, litter, etc. All businesses that sell alcohol must comply with the requirements imposed by the Alcohol License Review Committee at the time of issuance of your original application to expand or change your licensed premises to include the outdoor eating area.

**Please contact Scott Strassburg, Madison Fire Department, at 261-9843 to discuss the provision of fire hydrants and fire lanes to serve the new building with the Fire Department prior to final signoff of the conditional use.**

**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 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. 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.
3. 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.

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*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 type="checkbox"/>            | Recycling Coord. (R&R)   |
| <input checked="" type="checkbox"/>           | Fire Department          | <input type="checkbox"/>            | Other:                   |