



Department of Planning & Community & Economic Development
Planning Division

Website: www.cityofmadison.com

Madison Municipal Building
215 Martin Luther King, Jr. Boulevard
P.O. Box 2985
Madison, Wisconsin 53701-2985
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FAX 608 266-8739
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March 8, 2011

Robert Shapiro
Sammy Aziz, LLC
217 S. Orchard St.
Madison, WI 53715

RE: Approval of a major alteration to an existing conditional use for an expanded outdoor eating area in the C1 (Limited Commercial) District.

Dear Mr. Shapiro:

The Plan Commission, meeting in regular session on March 7, 2011 determined that the conditional use standards could be met and **approved** your request for a conditional use at 1336 Drake Street. In order to receive final approval, the following conditions must be met:

Please contact my office at 266-5974 with questions about the following five (5) items:

1. When the outdoor eating area is closed each year, the tables and chairs shall be stored within an enclosed area or off the premises.
2. There shall be no outdoor amplified sound, and use of the outdoor eating area shall cease at 9:00pm daily.
3. If the existing fence between this property and the property to the east is removed in the future, the applicant (or future owner of the subject property) is required to build and maintain an opaque 6-foot to 8-foot fence along this shared property line, as long as the outdoor eating area is in front of the building. At that time, detail for the new fence shall be submitted to Zoning staff and reviewed as a minor alteration.
4. Site plans submitted for staff review and sign-off shall include annotation on the proposed groundcover for the temporary outdoor eating area.
5. Plans submitted for staff review and sign-off will include a second site plan with a compliant parking area for the designated months that the outdoor eating area will not be in use.

Please contact Janet Dailey, City Engineering, at 261-9688 with questions about the following four (4) items:

6. Engineering Mapping asks that a note be added to the site plan clarifying the permitted seasonal temporary bicycle parking within the existing driveway aprons from May 1 thru Nov 1 and reference made to Real Estate Project No 9568 that has been established for the administration and recording of the required Encroachment Agreement.
7. This plan is only acceptable for May to November annually. If the depicted plan becomes permanent, the drive aprons would need to be removed, and the curb and gutter would need to be replaced at each drive apron with full 6" curb head.
8. The temporary bike parking shall consist of traffic engineering acceptable bike racks.
9. The applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg)

Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number:

- 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) All Underlying Lot lines or parcel lines if unplatted
- g) Lot numbers or the words "unplatted"
- h) Lot/Plat dimensions
- i) Street names

All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred addressing@cityofmadison.com . Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file (POLICY and MGO 37.09(2) & 37.05(4)).

Please contact John Leach, Traffic Engineering at 267-8755 with questions about the following seven (7) items:

10. The applicant shall submit two site plans for approval according to MGO. One site plan shall be from November 1, to May 1 with parking and second site plan from May 1, to November 1, both plans according to MGO.
11. The approval of this facility does not include the approval of the as proposed improvements or use of temporary bike parking in the street right-of-way. The applicant should remove all proposed improvements or submit for encroachment in the right-of-way on the site plan sheets or note: "All right-of-way improvements use require separate approval by the Board of Public Works and Common Council for the public right-of-way changes to be requested by the developer."
12. The applicant shall indicate the type of City approved bicycle racks to be installed and locations on site and proposed in the right-of-way. The bike rack should be located by the entrances to the building.
13. 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, existing driveway approaches to lot, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.
14. The intersection shall be so designed so as not to violate the City's sight-triangle preservation requirement which states that on a corner lot no structure, screening, or embankment of any kind shall be erected, placed, maintained or grown between the heights of 30 inches and 10 feet above the curb level or its equivalent within the triangle space formed by the two intersecting street lines or their projections and a line joining points on such street lines located a minimum of 25 feet from the street intersection in order to provide adequate vehicular vision clearance.
15. The applicant shall design the surface parking areas for stalls and backing up according to Figures II of the ordinance using the 9' or wider stall for the commercial/retail area.
16. 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, Zoning at 266-5978 with questions about the following seven (7) items:

17. Parking requirements for persons with disabilities must comply with MGO Section 28.11(3)6.m, which includes all applicable State accessibility requirements, including but not limited to:
 - a) Provide a minimum of one van accessible stall striped per State requirements if a parking stall is provided. This stall shall be 8' wide with an 8' striped out area adjacent.
 - b) Show signage at the head of the stalls.
 - c) Show the accessible path from the stalls to the building.
18. Bike parking shall comply with MGO Section 28.11. Provide 2 bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. The bike racks shall be securely anchored to the ground or building to prevent the racks from moving. NOTE: A bike-parking stall is two feet by six feet with a five foot access area.
19. Meet applicable building and fire codes for the additional outdoor capacity and for ingress and egress of the establishment with the areas and uses for the site. Occupancy is established by the Building Inspection Unit. Contact Mike Van Erem at 266-4559 to help facilitate this process. Contact the City Clerk regarding the "change of licensed premise" to your liquor license.
20. Obtain a parking reduction of greater than 20 stalls. A thirteen stall parking reduction was granted to this property on 12/29/04. A further reduction (total reduction of approximately 35 stalls, to be determined by approved occupancy) is being requested with this application, and must be approved by the Plan Commission.
21. No portion of the site plan may change without Plan Commission approval, 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 standards in 28.12(11)(g).

Please contact Bill Sullivan, Fire Department at 261-9658 with questions about the following item.

22. The Madison Fire Department does not object to this proposal provided it complies with all applicable fire codes and ordinances.

Please contact Jerry Lund, Real Estate at 267-8718 with questions about the following item.

23. Prior to any change within the public right of way, the applicant shall work with Real Estate staff to complete an encroachment agreement for the proposed bicycle racks. The racks shall meet Traffic Engineering requirements.

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 staff review and comment.
2. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting the conditional use permit.
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.

If you have any questions regarding obtaining your conditional use, 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 266-5974.

Sincerely,

Heather Stouder, AICP
Planner

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

Signature of Applicant

- cc: Pat Anderson, Assistant Zoning Administrator
Janet Dailey, City Engineering
John Leach, Traffic Engineering
Bill Sullivan, Fire Department
Jerry Lund, Real Estate

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Division (H. Stouder)	<input type="checkbox"/>	Recycling Coordinator (R & R)
<input checked="" type="checkbox"/>	Zoning Administrator	<input checked="" type="checkbox"/>	Fire Department
<input checked="" type="checkbox"/>	City Engineering	<input type="checkbox"/>	Urban Design Commission
<input checked="" type="checkbox"/>	Traffic Engineering	<input type="checkbox"/>	Metro Transit:
<input checked="" type="checkbox"/>	Engineering Mapping	<input checked="" type="checkbox"/>	Real Estate: