



Department of Planning & Community & Economic Development

## Planning Division

Katherine Cornwell, Director

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July 11, 2014

Scott Spilger  
Fourth Wave Project, LLC  
414 N 7th Street  
Madison, WI 53704

RE: Approval of a conditional use to establish an outdoor eating area for restaurants in a property adjacent to a park at **2202 East Johnson Street**

Dear Mr. Spilger:

At its July 7, 2014 meeting the Plan Commission, meeting in regular session, approved your request for a conditional use to establish an outdoor eating area for restaurants in a property adjacent to a park at 2202 East Johnson Street. In order to receive final approval of the conditional use and for permits to be issued, the following conditions must be met:

**Please contact Janet Schmidt of the City Engineering Division at 261-9688 if you have questions regarding the following ten (10) items.**

1. The site plan shall show and dimension the existing Lot lines, the limits of the Public Sidewalk Easement per Doc. No. 4779770 and the location of the existing improvements along with the proposed improvements on the lot. Any of the proposed improvements for the outdoor seating proposed within the Public Sidewalk Easement shall be noted on the plan. A Consent to Occupy Easement Document may be required to be drafted and recorded by the City of Madison Office of Real Estate Services for any improvements that are planned and approved within the public sidewalk easement.
2. The area downstream of this site has flooding problems. The Applicant shall provide infiltration such that there is no increase in volumetric discharge off the site during the 10-year rain event.
3. 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)
4. 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.

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. Effective January 1, 2010, The Department of Commerce's authority to permit commercial sites, with over one (1) acre of disturbance, for stormwater management and erosion control has been transferred to the Department of Natural Resources (WDNR). The WDNR does not have an authorized local program transferring this authority to the City of Madison. The City of Madison has been required by the WDNR to continue to review projects for compliance with NR216 and NR-151 but a separate permit submittal is now required to the WDNR for this work as well. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process.

As this site is greater than one (1) acre, the applicant is required by State Statute to obtain a Water Resources Application for Project Permits (WRAPP) from the Wisconsin Department of Natural Resources, prior to beginning construction. This permit was previously known as a Notice of Intent Permit (NOI). Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. Information on this permit application is available on line <http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm> (NOTIFICATION)

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 a) detain the 2, 10, & 100-year storm events and b) 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 PDF files to the Engineering Division (Jeff Benedict or Tim Troester). 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) lot lines and right-of-way lines, e) Street names, f) Stormwater Management Facilities, and g) detail drawings associated with stormwater management facilities (including if applicable planting plans).
9. 20. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including: a) SLAMM DAT files; b) RECARGA files; c) TR-55/HYDROCAD/Etc... and d) Sediment loading calculations.
10. All outstanding Madison Metropolitan Sewerage District (MMSD) are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Schmidt (608-261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4)).

**Please contact Eric Halvorson of the Traffic Engineering Division at 261-9688 if you have questions regarding the following five (5) items.**

11. There is insufficient information to properly review this plan to see what if any impacts there are on the public Right-of-Way and how this site will impact multimodal travel. Expect additional requirements upon delivery of a complete site plan. Please see the General or Standard Review Comments for the standards of a complete site plan.

12. 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.
13. 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.
14. 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.
15. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

**Please contact Bill Sullivan, Madison Fire Department at 261-9658 if you have questions regarding the following item:**

16. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances. Ensure all exit and exit widths are maintained.

**Please contact Patrick Anderson, Assistant Zoning Administrator at 266-5978 if you have questions regarding the following item:**

17. No off-street parking facilities are being provided for this development. Previous administrative parking reductions of six parking stalls have been approved as part of tenant build-outs. The amount of parking required for this use is within the allowances per Sec. 28.141(5) that may be reduced administratively by the Zoning Administrator. This approval shall include a nine stall parking reduction for the existing facility and increased capacity of these restaurants.
18. For bike parking, final plans shall show a minimum of three bike parking stalls, designed as short-term bike parking per Sec. 28.141(11). The bike racks shall be securely anchored to the ground or building to prevent the racks from moving. Final bike parking and bike rack location shall be shown on final plans submitted for sign-off. NOTE: A bike-parking stall is two feet by six feet with a five-foot access aisle. Provide a detail or photo of bike rack installation.
19. Pursuant to Section 28.142 (2)(d) Any displaced landscaping elements must be replaced on the site or a revised landscaping plan must be prepared for the site.
20. 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.

21. Provide lot coverage calculations for existing development and proposed expansion. NOTE: if existing development exceeds 75% lot coverage, pervious paving must be used for new outdoor seating area, as this does not count toward an increase in lot coverage.
22. The submitted site and landscaping plan do not appear consistent in regard to areas of the site that are to be landscaped and areas that are to be paved. Final plans shall match.

**Please contact my office at 267-1150 if you have questions regarding the following item:**

23. That the site plans be revised to specifically show the proposed paving details for the proposed colored concrete. Plans shall accurately depict the location of the recorded easement and the relationship to proposed improvements. These details shall be approved by staff.

**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 eight (8) 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, 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. 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. The Water Utility will not need to sign off the final plans, and will not need a copy of the approved plans.
4. 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.
5. 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.
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.

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: Janet Schmidt, City Engineering Division  
Eric Halvorson, Traffic Engineering Division  
Bill Sullivan, Fire Department  
Patrick Anderson, Zoning

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

\_\_\_\_\_  
*Signature of Applicant*

\_\_\_\_\_  
*Signature of Property Owner (if not the applicant)*

<b>For Official Use Only, Re: Final Plan Routing</b>			
<input checked="" type="checkbox"/>	Planning Div. (Firchow)	<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 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: