



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

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

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March 11, 2008

Derrick Matter  
C.M. Architecture, PA  
219 North 2<sup>nd</sup> Street  
Minneapolis, MN 55401

RE: Approval of a conditional use for an addition for a new restaurant with an outdoor eating area at 89 East Towne Mall

Dear Mr. Matter:

The Plan Commission, meeting in regular session on March 10, 2008, determined that the ordinance standards could be met and **approved** your conditional use request subject to the conditions below. In order to receive final approval of the conditional use and for the conditional use to be in effect, the following conditions must be met and this letter signed and returned to the Zoning Administrator:

**Please contact Janet Dailey, City Engineering, at 261-9688 if you have questions regarding the following five (5) items:**

1. Proposed restaurant to be located where existing City of Madison sanitary sewers are located. Developer will be required to enter into a City/Developer Agreement to move these City sewer mains. Owner/Developer will be required to provide the City with an easement (15-foot wide) where the new City sewer mains are to be located. Additional pending public sanitary and water main easements from a prior East Towne Mall project (Engineering Project No. 53B1940) shall also be resolved by this project. A Permit to Excavate in the Right of Way with surety may be accepted in lieu of a City/Developer's Agreement.
2. Engineering shall not sign off on the site plan until all existing and new easement requirements for this parcel are met.
3. The approved address for the proposed restaurant will be 240 East Towne Mall.
4. 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.
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](mailto:lzenchenko@cityofmadison.com). The digital copies shall be drawn to scale and represent final construction, including each of the following on a separate layer name/level num: building footprints, internal walkway areas, internal site parking areas, lot lines/ numbers/ dimensions, street names, and other miscellaneous impervious areas. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format. Email file transmissions preferred. Please include the site address in this transmittal.

**Please contact John Leach, Traffic Engineering, at 267-8755 if you have questions regarding the following nine (9) items:**

6. The applicant shall provide scaled drawing at 1" = 150' or larger on one contiguous plan sheet showing all the facility's access, existing and proposed buildings, layouts of parking lots, loading areas, trees, on site signage plan, on site pavement markings plan, Bus Stops and approaches.
7. The applicant shall provide sidewalks, ramps and pavement markings improving the pedestrian linkages from East Towne Blvd., Eagan Rd., Zeier Road, along the ring road and to Culvers lot. The applicant shall provide pedestrian linkages from Public Streets to the building entrances.
  - The applicant shall show existing and proposed sidewalks along the major drive entrances across the parking lot to East Towne front sidewalks. The applicant shall provide additional raised sidewalks, ramps, & crosswalks through the parking lot. The applicant may need to reduce the number of parking spaces to accommodate the pedestrian sidewalks across the parking lots.
8. The applicant shall modify the bike parking areas, so that the bicycle parking spaces do not encroach on the five (5) ft public sidewalk. The bike parking shall be provided in areas by entrances to the building.
9. The applicant shall indicate the type of bicycle racks to be installed.
10. The applicant shall modify the sidewalk in front and along the proposed restaurant to 10 ft width with no items in the sidewalk to the East Towne's Food Court main entrance.
11. 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), 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'.
12. All directional/regulatory signage and pavement markings on the site shall be shown on the contiguous plan and approved by the City Traffic Engineer. The applicant shall modify the pavement markings and signage plan according to the Federal Highway Administration manual on "Uniform Traffic Devices." All "Stop" signs shall be installed at a height of seven (7) feet at all driveway approaches. 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.
13. The applicant shall show the dimensions for proposed and existing parking stalls' items A, B, C, D, E, F, and degree of angle parking width and backing up, according to Figures II "Medium and Large Vehicles" parking design standards in Section 10.08(6)(b) 2. Signs and planting areas are to be excluded from the rectangular stall areas including the two (2) feet of vehicle overhang. The two (2) feet of vehicle overhang shall be shown on the plan and dimensioned.
14. 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 Tim Sobota, Metro Transit, at 261-4289 if you have questions about the following ten (10) items.**

15. The developer shall install and maintain all infrastructure necessary to suitably relocate the existing East Towne Mall bus stop.
16. The new bus stop location must be situated in the area between the Mall Access off Eagan Road south of East Towne Boulevard adjacent Culver's Restaurant and the Mall Access to East Towne Boulevard opposite Independence Lane so as to ideally decrease the distance currently traveled through the parking lot and thereby avoiding impacts to the existing schedules.
17. The new bus stop infrastructure shall include the following items at a minimum:
  - An accessible, raised, pedestrian access from the Food Court Mall Entrance adjacent Barnes & Noble to a bus stop boarding island (i.e. curb ramps & crosswalks).
  - A concrete or other reinforced slab for a stopped bus, not blocking any travel lanes, measuring at least 10' wide by 150' long.
  - A passenger boarding zone, located adjacent the front door a stopped bus, clear of any landscape items and measuring 6' wide (parallel to travel lane) by 8' deep (from back of curb). The remaining passenger boarding island parallel to the bus slab must be clear at least 5' deep.
  - In the immediate vicinity of the passenger boarding zone: A trash receptacle, a shelter with enclosed bench (128 square feet or larger), additional benches or other seating amenity (10 people or more); and vertical separation between the passenger waiting area and any adjacent parking stalls (i.e. 18"-36" high wall or other landscaping elements) – for the length of the island.
  - Additional pedestrian facilities as necessary to connect this mall entrance and the passenger boarding island to the public street and sidewalk network, specifically including marked crosswalks and curb ramps to cross the ring road towards East Towne Boulevard.
18. The developer shall include the design and locations of the proposed elements of the new bus stop on the final documents filed with their permit application so that Metro Transit may review and approve the design.
19. Metro Transit operates bus service seven days a week along the Eagan/Lien Road frontage of East Towne Mall, with a bus stop facing the entrance corridor adjacent Boston Store and Sears. The developer currently maintains a shelter with enclosed bench at this location.
20. The developer may use the existing shelter structure in combination with a second structure in order to achieve the square footage requirement for sheltered waiting space on the passenger boarding island.
21. Metro Transit serves East Towne Mall with routes from four directions (downtown, North Transfer Point, East Transfer Point, High Crossing/City View). Currently up to three buses (40 foot vehicles) might stack along the frontage of the Boston Store at a given time, thereby dictating the length requirement outlined above.
22. Metro Transit has fielded concerns from East Towne mall management and Boston Store officials in the past regarding the current bus stop location, related to the impacts caused in part by the limited space available for both buses and passengers to stage along this frontage of the shopping mall.

23. Metro Transit coordinated a similar bus stop relocation design with a conditional use application at West Towne Mall in 2006 - to the general benefit of bus passengers, Metro transit operations, and Mall management.
24. Metro Transit requests to sign and review final documents submitted for this project.

**Please contact Scott Strassburg, Madison Fire Department, at 261-9843 if you have questions about the following three (3) items:**

25. 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.
26. Per the IFC chapter 10 and MGO34:
  - a. Applicant shall submit approved capacity with the site plan and post the capacity of the outside dining area in accordance International Fire Code 2006 edition.
  - b. Proposed deck, patio or fenced in area shall not be located at, adjacent or obstruct the required exits from the building.
  - c. Provide and maintain exits from the deck, patio or fenced in area in accordance with the International Fire Code 2006 edition.
  - d. Submit a seating plan for the proposed deck, patio or fenced in area space.
27. Provide fire apparatus access as required by Comm 62.0509 and MGO 34.19, as follows:
  - a. Provide a completed MFD "Fire Apparatus Access and Fire Hydrant Worksheet" with the site plan submittal.

**Please contact Patrick Anderson, Assistant Zoning Administrator, at 266-5978 if you have questions regarding the following six (6) items:**

28. Meet all applicable State accessible requirements, including but not limited to:
  - a. Provide a minimum required 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. The rest of the accessible stalls shall have a 5' striped out area adjacent.
  - b. Show signage at the head of the stalls. Accessible signs shall be a minimum of 60" 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.
29. Provide bike parking stalls, number required 1 per 10 car parking stalls, in a safe and convenient location on an impervious surface 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.
30. Identify extent of parking devoted to restaurant and designate on site plan.

- 31. Parking lot plans with greater than twenty (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.
- 32. The proposed street graphics do not meet the requirements of MGO 31. Also, the Plan Commission does not grant signage approvals. Signage must be reviewed for compliance with Chapter 31 of the Madison General Ordinances. Permits must be issued by the Zoning Section of the Department of Planning and Community and Economic Development before signage may be placed.
- 33. Provide one 10' x 35' loading areas with 14' vertical clearance to be shown on the plan. The loading area shall be exclusive of drive aisle, fire lane, and maneuvering space.

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

- 34. That the City Zoning Administrator and Urban Design Commission approve the signage package.

**Please now follow the procedures listed below for obtaining your conditional use:**

- 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 demolition permit.

If you have any questions regarding obtaining the conditional use approval, please contact the Zoning Administrator at 266-4551. If you have any questions or if may be of any further assistance, please do not hesitate to contact my office at 267-1150.

Sincerely,

Kevin Firchow, AICP  
 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, Engineering Division  
 John Leach, Traffic Engineering  
 Scott Strassburg, Madison Fire Department  
 Patrick Anderson, Ast. Zoning Administrator  
 Tim Sobota, Madison Metro  
 Al Martin, Secretary, UDC

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Division (Firchow)	<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 checked="" type="checkbox"/>	Urban Design Commission
<input checked="" type="checkbox"/>	Traffic Engineering	<input checked="" type="checkbox"/>	Other: METRO

