



Department of Planning & Community & Economic Development

## Planning Division

Katherine Cornwell, Director

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August 5, 2014

John Vesperman  
1405 Emil St.  
Madison, WI, 53713

RE: Approval of a conditional use for an outdoor eating area associated with a restaurant-tavern in the Industrial Light (IL) District.

Dear Mr. Vesperman:

At its July 28, 2014 meeting, the Plan Commission found the standards met and **approved** your conditional use request for an outdoor eating area at 1405 Emil Street, subject to the conditions below. In order to receive final approval of the conditional use, and for any necessary permits to be issued for your project, the following conditions shall be met:

**Please contact my office at 266-5974 if you have questions regarding the following item:**

1. There shall be no outdoor amplified sound associated with the outdoor eating areas

**Please contact Janet Schmidt of the City Engineering Division at 261-9688 if you have questions regarding the following 5 items:**

2. The site plan shall show the current conditions of the site. The plan provided does not reflect some of the current conditions of the site. The site plan shall also show and dimension the property lines.
3. The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
4. The site plan shall include all lot/ownership lines, existing building locations, proposed building additions, demolitions, parking stalls, driveways, sidewalks (public and/or private), existing and proposed signage, existing and proposed utility locations and landscaping.
5. The site plan shall include a full and complete legal description of the site or property being subjected to this application.

6. 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
- g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans)

**Please contact Pat Anderson of the Zoning Office at 266-5978 if you have any questions regarding the following 9 items:**

7. This application includes a request of the Plan Commission to remove the required physical barriers (curb-stops) in place between the property and the adjacent development to the east. These curb stops are required because no easement or agreement is in place between the two properties to allow cross-access. The adjacent development to the east is also required to provide a physical barrier along the common lot line. The two property owners have not expressed joint interest in establishing legal cross-access via easement or acceptable agreement, thus physical separation is required to prevent cross-access and vehicle encroachment. If such cross-access were established, no physical barrier would be required. Also, it is not within the authority of the Plan Commission, as established by ordinance, to approve such an exception or variance.
8. The Conditional Use approval for outdoor seating from 2006 was not executed within twelve months of original approval, and has thus expired. This request will function as approval for both outdoor seating areas.
9. Meet applicable building/fire codes. The outdoor capacity shall be established. Occupancy is established by the Building Inspection Unit. Contact Building Inspection Plan Reviewer Mike VanErem at 266-4559 to help facilitate this process.
10. Bicycle parking design and location shall comply with MGO Sec. 28.141(11). Provide details on final plans, a bike-parking stall is two feet by six feet with a five-foot access area. Provide detail of bike rack to be installed.
11. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31, prior to sign installations.
12. Provide lot coverage calculations for existing development and proposed expansion. NOTE: if existing development exceeds 75% lot coverage, pervious paving or wood decking must be used for new outdoor seating area, as this does not count toward an increase in lot coverage.
13. Provide details of refuse and cooler enclosure. Screening shall be between six and eight feet in height and any mechanical equipment must be screened.
14. Any new exterior lighting shall be installed in compliance with MGO 10.085, the City's outdoor lighting regulations.

15. Provide a Landscape Plan pursuant to MGO Sec. 28.142, *Landscaping and Screening Requirements*. Landscape plans shall be stamped by a Registered Landscape Architect.

**Please contact Dennis Cawley of the Water Utility at 266-4651 if you have any questions regarding the following 3 items:**

16. Madison Water Utility shall be notified to remove the water meter prior to demolition.
17. This property is not in a wellhead protection district.
18. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

**Please contact Eric Halvorson of Traffic Engineering at 266-6527 if you have any questions regarding the following 2 items:**

19. 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.
20. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

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

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

**Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency. No building permits shall be issued until the applicant has met all of the conditions of approval stated in this letter.**

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

1. Please revise the plans per the above conditions and file **eight (8)** sets of complete, fully dimensioned, and to-scale plans, along with the appropriate site plan review application and fee pursuant to Section 28.206 of the Zoning Code. Also provide any other documentation requested herein with the Zoning Administrator, Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard.
2. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting 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.

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 I may be of any further assistance, please do not hesitate to contact my office at 266-5974.

Sincerely,

Heather Stouder, AICP  
Planner

cc: Janet Schmidt, City Engineering Division  
Jeff Quamme, City Engineering Division  
Pat Anderson, Asst. Zoning Administrator  
Eric Halvorson, Traffic Engineering  
Bill Sullivan, Fire Department

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

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

\_\_\_\_\_  
*Signature of Property Owner, if not Applicant*

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