



Department of Planning & Community & Economic Development

## Planning Division

Katherine Cornwell, Director

Madison Municipal Building, Suite LL-100

215 Martin Luther King, Jr. Boulevard

P.O. Box 2985

Madison, Wisconsin 53701-2985

Phone: (608) 266-4635

Fax (608) 267-8739

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

March 25, 2014

Bill Montelbano  
8 East Hudson Street  
Mazomanie, WI 53560

RE: Approval of a Conditional Use to establish an outdoor eating area in a property zoned DC (Downtown Core) at **711 State Street**

Dear Mr. Montelbano:

At its March 24, 2014 meeting, the Plan Commission, meeting in regular session, approved your client's request to establish an outdoor eating area in a property zoned DC (Downtown Core) at 711 State 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 Dailey, Engineering Division at 261-9688 if you have questions regarding the following fifteen (15) items:**

1. The address of food service tenant is 701 State Street Suite 11.
2. The Applicant shall provide a pumping plan stamped by a professional engineer or master plumber for the new exposed access to the lower level.
3. If the connection to the public drainage system is made prior to the reconstruction of State Street Mall, the Applicant shall sign a waiver of special assessments for the cost to reconnect the private storm sewer to the new storm sewer.
4. If the Applicant chooses to build the improvements during the State Street Mall reconstruction project, the Applicant shall be liable for all claims regarding delay and shall be liable for all damage to the new city infrastructure damaged during the UW Bookstore construction.
5. The Applicant shall take out a Permit to Excavate in the Right of Way for the work in the public right of way. A deposit shall be required as surety to cover any damage done to the city's infrastructure. Upon completion and acceptance of the work the City will refund the deposit. City Engineering will determine the amount of the deposit.
6. The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.

7. 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.
8. The site plan shall include a full and complete legal description of the site or property being subjected to this application.
9. The Applicant shall provide the City Engineer with the proposed earth retention system to accommodate the restoration. The earth retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system. (POLICY)
10. The Applicant shall complete work on exposed aggregate sidewalk in accordance with specifications provided by the city. The stone used for the exposed aggregate shall be approved by the City. The Construction Engineer shall be notified prior to beginning construction. Any work that does not match the adjacent work or which the City Construction Engineer finds is unacceptable shall be removed and replaced. (POLICY)
11. 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)
12. 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; and i) Street names

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

NOTE: Email file transmissions preferred [lzenchenko@cityofmadison.com](mailto:lzenchenko@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))

13. 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).

14. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. MGO 37.05(7) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
15. City of Madison Environmental Project Staff are not aware of any land dedications required for this plat/CSM. As a result, a Phase 1 Environmental Site Assessment (ESA) will not be required of the applicant. If Right of Way is dedicated as a result of the project, the applicant shall notify Brynn Bemis (608.267.1986) to determine if a Phase I ESA will be required. (MGO 16.23(5)(g)(2))

**Please contact Eric Halvorson, Traffic Engineering at 266-6527 if you have questions regarding the following four (4) items:**

16. No encroachment on State St. Right-of-Way shall be permitted as part of this approval.
17. The applicant shall submit one contiguous plan for approval. The plan drawing 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.
18. 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.
19. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

**Please contact Patrick Anderson, Assistant Zoning Administrator at 266-5978 if you have questions regarding the following five (5) items:**

20. Bike parking shall comply with City of Madison General Ordinances Table 28I-3 (General Regulations). Provide the minimum bike parking stalls for said uses on the final plan or contact the Zoning Administrator to discuss a deferment or reduction in the required bicycle parking. Bicycle parking design and location shall comply with Sec. 28.141 (11) of the City of Madison General Ordinances. Provide details on final plans, a bike-parking stall is two feet by six feet with a five-foot access area.
21. Shall comply with supplemental regulations for outdoor eating areas associated with food and beverage establishments section 28.151 of the City of Madison General Ordinances.
22. 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 prior to sign installations.
23. If outdoor lighting is provided, it must comply with City of Madison General Ordinances Section 10.085 outdoor lighting standards.

24. Meet applicable building/fire codes. The outdoor capacity shall be established. Occupancy is established by the Building Inspection Unit. Contact Mike VanErem at 266-4559 to help facilitate this process.

**Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency.**

**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:**

1. Please revise your plans per the above conditions and submit nine (9) 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.
3. 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.
4. 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.
5. 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.
6. 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 Dailey, 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)*

For Official Use Only, Re: Final Plan Routing			
<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 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: