



Report to the Plan Commission

April 11, 2011

Legistar I.D. #21980
2202 East Johnson Street
Demolition and Conditional Use

Report Prepared By:
Kevin Firchow, AICP
Planning Division

Requested Action: Approval of a demolition permit and conditional use to raze a former machine shop to allow construction of multi-tenant retail building adjacent to Demetral Field

Applicable Regulations & Standards: Section 28.12 (12) provides the guidelines and regulations for the approval of demolition permits. Section 28.04 (21) states that all new development within 200 feet of a city-owned public park require approval as a conditional use. Section 28.12 (11) provides the guidelines and regulations for the approval of conditional uses.

Summary Recommendation: If after considering the public hearing testimony and the materials in the packet, the Plan Commission can make a finding that all of the applicable conditional use and demolition standards are met, the Commission should approve the applicant's request to demolish a commercial building for the purpose of constructing a multi-tenant retail building adjacent to Demetral Field, subject to the comments recommended by the Planning Division and other reviewing agencies. Should the request be denied, the Plan Commission shall furnish the applicant in writing those standards that are not met and enumerate reasons the Commission has used in determining that each standards was not met.

Background Information

Applicant: Steve Spilde; Landmark Builders, Inc; 7122 Country Wood Lane; Madison, WI 53719

Contact: Steve Spilde; Landmark Builders, Inc; 7122 Country Wood Lane; Madison, WI 53719

Property Owner: Brian Roberts; 5846 Devero Road; Madison, WI 53719

Proposal: The applicant proposes to demolish a former machine shop to allow construction of a retail building adjacent to Demetral Field. The proposed building includes two tenant spaces, with the known tenant as a Milios Sandwich Shop. The other tenant is unknown at this time.

Parcel Location: The subject property is 5,808 square feet (0.13 acres) in area, located on the northeast corner of the intersection of Fourth and East Johnson Streets. The site sits between East High School and Demetral Field. Further context information is included in the body of the report. The parcel is within Aldermanic District 12 and the Madison Metropolitan School District

Existing Conditions: The subject site currently includes a vacant one-story metal building. According to City Assessor's records, the structure was constructed in 1931 and was previously utilized as a machine-shop. Further information on the building and site improvements are included in the body of the report. There is currently a city-owned sidewalk on the opposite side of the Fourth Street parking lot, leading to Demetral Field though no sidewalk is located in front of the subject property along this frontage.

Surrounding Land Use and Zoning:

North: Demetral Field, zoned R4 (General Residence District)

South: East High School with single-family homes to the south west. These properties are also zoned R4 (General Residence District)

East: Single-Family homes, zoned R4 (General Residence District)

West: City-owned public parking lot with Church beyond, zoned C3 (Highway Commercial District)

Adopted Land Use Plan: The Comprehensive Plan recommends low density residential development for this site and the surrounding area. That recommendation notes that within areas recommended for low density residential development, small scale commercial uses may be appropriate. Isolated commercial properties are typically not mapped at the Comprehensive Plan level, but should be identified in more site-specific neighborhood plans. The Emerson East-Eken Park Neighborhoods Plan, adopted in 1998, recognizes this site as an existing commercial property, though recommends the zoning should be changed from C3 Highway Commercial to C1 (Limited Commercial) to preserve the existing character of the neighborhood.

Environmental Corridor Status: The subject site not within a mapped environmental corridor.

Public Utilities and Services: This property is served by a full range of urban services.

Zoning Summary: The property is zoned C3 (Highway Commercial District)

Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	5,808 sq. ft.
Lot width	50'	44'
Front yard	Setback match to east property	15' (adequate)
Side yards	6'	6'
Rear yard	10'	14'
Floor area ratio	3.0	Less than 1.0
Number parking stalls	(30% of capacity) or 6 Tenant space TBD	0 (6+ stall reduction)
Accessible stalls	0	0
Loading	n/a	1
Number bike parking stalls	2	2 (See Comment # 41)
Landscaping	Yes	Yes
Lighting	Yes	Yes
Other Critical Zoning Items	Adjacent to park	

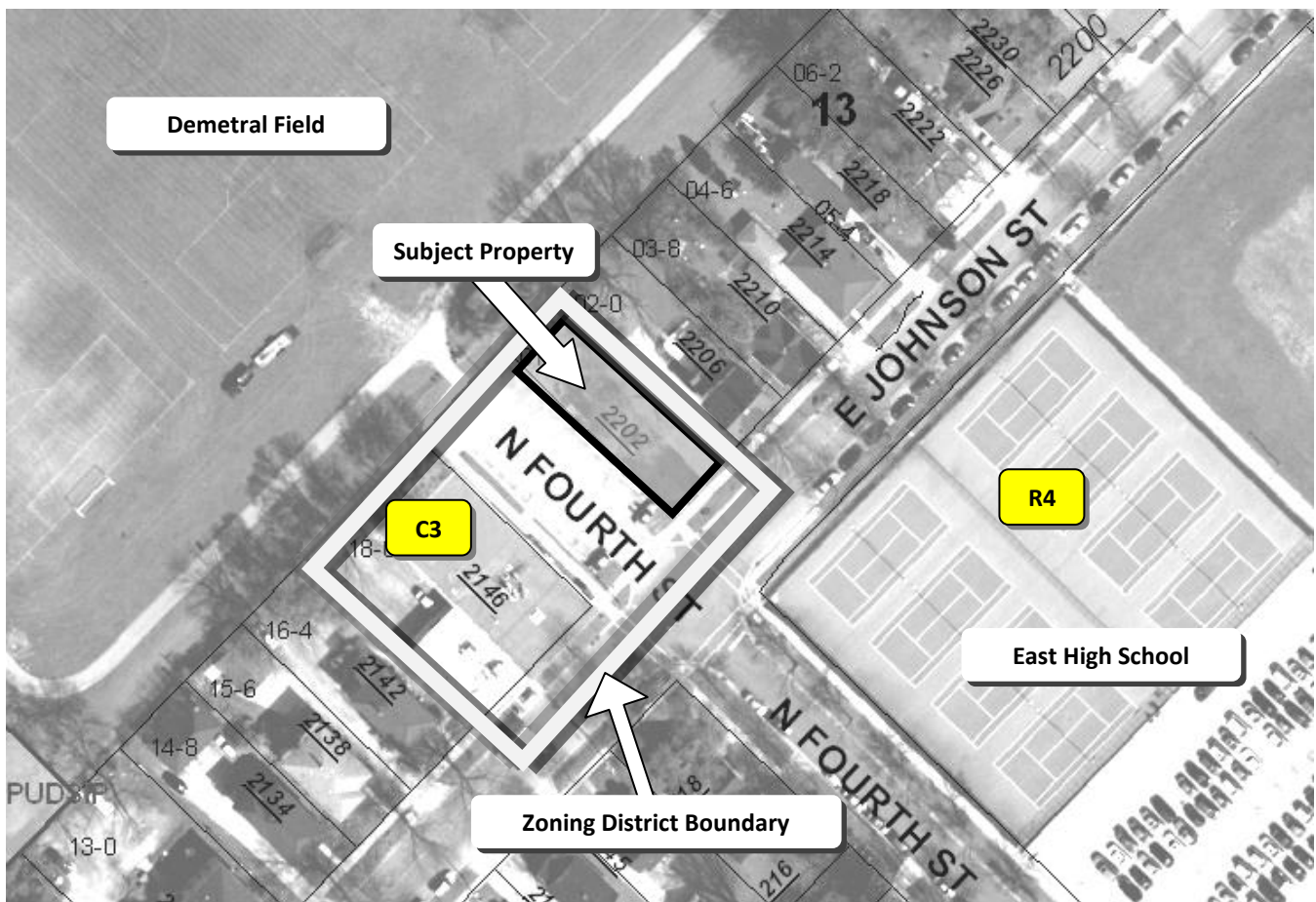
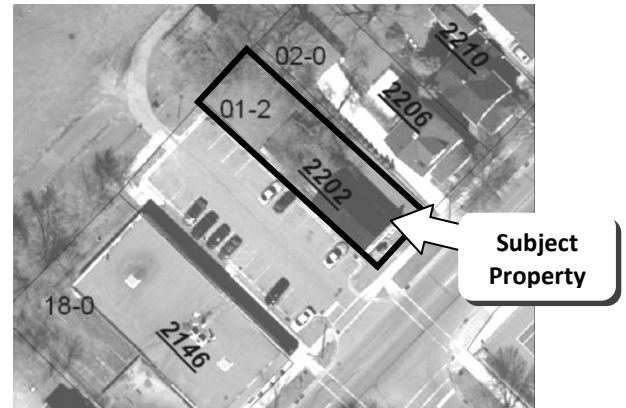
Table prepared by Matt Tucker, Zoning Administrator

Project Analysis, Evaluation, and Conclusion

The applicant requests demolition and conditional use approval to demolish a former machine shop to allow construction of a retail building adjacent to Demetral Field. The proposed building includes two tenants, with the known tenant being a “Milios” sandwich shop. This proposal is subject to the demolition and conditional use approval standards.

Surrounding Context

The subject property is located at the intersection of Fourth and East Johnson Streets and is zoned C3 (Highway Commercial District). While the portion of Fourth Street adjacent to this site is configured to accommodate perpendicular parking, Traffic Engineering indicates this is considered a city street. Demetral Field is located north of the subject site and East High School is to the south. Single-family homes zoned R4 (General Residence District) are located east of the property. A church, also zoned C3, is located across Fourth Street.



Summary of Development Proposal

The applicant proposes to demolish the existing 2,100 square foot building for the purpose of constructing a larger one-story commercial building with an approximate footprint of 3,000 square feet. The structure is 30 feet wide (along the Johnson Street side) and has a varying depth between 101 and 103 feet. The building footprint covers roughly 52% of the lot.

The proposed building has two tenant spaces, the aforementioned "Milios" sandwich shop and another tenant, which is unknown at this time. The Milios tenant space would be located on the Johnson Street-side of the building and have two entrances, one on Johnson Street and one facing Fourth Street. The second tenant space has one customer entrance located along Fourth Street.

The structure will be set back 15 feet from the Johnson Street sidewalk and eight (8) feet from Fourth Street, allowing room for the installation of a new sidewalk along the building's west side. On the property's east side, a six (6) foot setback is proposed, consistent with the minimum sideyard required. The building is set 14 feet from the rear property line abutting Demetral Field.

The building features a hip roof and is approximately 16 feet in height (measured to midway between the peak and eave.) The primarily exterior building material is tan-colored EIFS. The lowest three feet of the building would be clad in four-inch wide split-face block veneer. The Johnson and Fourth Street elevations have a relatively high percentage of storefront glass. The east elevation adjacent to the existing single-family home features two rows of windows located at the top of the façade, intended to provide day-lighting into the building.

The site plan includes an inventory of existing vegetation. Per the plans, only one Box Elder tree would be removed to facilitate construction. Other vegetation, including three other box elder trees located close to the property lined shared with Demetral field would remain. A row of 15 existing arbor vitas are shown on the site plan. At neighborhood meetings, the applicant indicated if preferred, he would install a fence along this property line, though that would likely require removal of this vegetation.

Adjacent to the park, the site plan shows a service area and a trash enclosure. Details on the enclosure have not been provided but should be provided should the Commission approve the request. In considering the service area, Traffic Engineering indicates that one-to-two striped parking stalls would have to be removed to accommodate access to the rear service area. While this section of Fourth Street appears to be a parking lot, it is in fact street right-of-way and driveway openings can be granted by Traffic Engineering, providing all applicable standards are met.

Adopted Plan Recommendations

The proposal is generally consistent with adopted plans. The Comprehensive Plan recommends low density residential development for this site and the surrounding area. Although this is primarily a residential designation, the plan states that a limited amount of other uses, including small-scale commercial uses may be appropriate. Such commercial uses include neighborhood serving retail, service, and office, especially when located in a mixed use building. In terms of mapping detail, the text clarifies that isolated commercial properties are typically not mapped at the Comprehensive Plan level, but should be identified in more site-specific neighborhood plans. The Emerson East-Eken Park Neighborhoods Plan, adopted in 1998, recognizes this site as an existing commercial property, though recommends the zoning should be changed from C3 (Highway Commercial District) to C1 (Limited Commercial District) to preserve the existing character of the neighborhood.

Neighborhood Input

The applicant has presented at two neighborhood meetings with the Emerson East-Eken Park Neighborhood. In summary, the neighborhood voted to not support the project. Numerous concerns were raised including issues regarding trash, loitering, parking, concerns over pedestrian safety and the overall compatibility between the proposed development and the existing homes. Correspondence provided to the Planning Division is attached. This includes copies of a petition noting opposition to this request that were circulated by the adjacent home owners.

Demolition Considerations

City Assessor records indicate the existing building was built in 1931. The building is one-story in height and has an approximate area of 2,100 square feet. The Planning Division has not performed a formal inspection of the building's interior. Based on the provided photos, the building appears vacant and generally in poor condition. These photos can be viewed online at the following website: http://www.cityofmadison.com/planning/projects/reports/2202ejs_photos.pdf. The City's Preservation Planner has reviewed this request and does not have any objections to the proposed demolition. At the time of report writing, staff was not aware of concerns specifically on razing the existing building.

In addition to considering the proposed demolition, the Plan Commission also needs to make a finding that the proposed use is compatible with the purpose of the demolition standards and the intent and purpose expressed in the zoning code. The proposed use is allowed under the property's C3 zoning (Highway Commercial District) and in fact, is significantly less intense than many of the other permitted and conditional uses for this district. Staff note that the proposed use would also be allowed within the less intensive C1 (Limited Commercial District).

The ordinance further states the use should be consistent with adopted neighborhood plans and the Comprehensive Plan. As noted above, staff believe this proposal is consistent with these plans. In making its findings, the Plan Commission can also consider the effects the proposed demolition and proposed use would have on the normal and orderly development and improvement of surrounding properties.

Conditional Use Considerations

The subject property abuts Demetral Field, a city-owned park. As such, the zoning code requires that all new development requires approval as a conditional use. Staff believe that multiple conditions should be considered to help ensure compliance with the conditional use standards. Potential conditions related to the applicable standards are discussed in more detail, below.

Conditional Use Standards

While this development is a conditional use because of its park-adjacency, the zoning ordinance does not limit consideration to only the impacts on surrounding parks. The impact on the other surrounding properties can also be considered through this process since the ordinance requires that all of the CUP standards must be met for the Commission to approve a conditional use.. In evaluating the request, staff believe that Conditional Use standards numbers Three (3), Four (4), and Five (5) warrant close consideration.

These standards state:

Standard 3: That the uses, values and enjoyment of other property in the neighborhood for purposes already established shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.

Standard 4: That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

Standard 5: That adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit, and other necessary site improvements have been or are being provided.

As noted above, there have been several concerns raised by nearby residents and property owners regarding impacts of this proposed development. The following is a summary of the issues:

- *Litter and Refuse Clean-Up.* Since the original submittal, the applicant has provided a follow-up commitment that Milios staff will clean the Milio's related litter left on the property of East H.S. on the sidewalk leading to our store from the H.S. exit generally between the times of 1:00-2:30 pm each school day. To address concerns from surrounding property owners, staff recommend that the applicant also commit to a similar trash removal program along East Johnson Street, between Fourth and Fifth Streets and into Demetral Field. Staff further recommend that exterior trash receptacles are provided on site.
- *Loitering and Crowd Management.* The applicant has indicated that loitering is not permitted. To control loitering, Milios will post signs stating this. Restaurant staff will ask the people to leave the property if this becomes an issue, noting that the Police would be called if there isn't compliance with staff's orders.
- *Pedestrian and Vehicle Conflicts.* Staff anticipate this development could significantly increase pedestrian traffic. As noted above, the applicant has modified plans to provide an eight (8) foot sidewalk in front of the store. Additionally, the applicant has also indicated they would be willing to install a new connection from that sidewalk to the path at Demetral Field. A public easement on that sidewalk will also be provided. Such changes would provide a direct pedestrian path adjacent to Fourth Street. Traffic Engineering has also requested the applicant install a physical barrier to direct foot traffic to the crosswalk and discourage mid-block crossings. The Planning Division further recommends that any such barrier be designed to discourage seating and not include surfaces that could readily accommodate graffiti.
- *Vehicular Parking Adequacy.* No off-site parking is proposed as part of this proposal and parking adequacy was raised at the two neighborhood meetings. In considering context, the site is adjacent to 19 perpendicular stalls at the end of Fourth Street. Those stalls are open to the public and are not dedicated to a specific business. The site is located along bus lines and on a city-identified bicycle route. As proposed, approval of a parking reduction is required, though the Zoning Administrator has determined this would not be a conditional use-level parking reduction (of more than 20 stalls or more than 25% of the required total) requiring Plan Commission approval. However, parking should be

considered by the Commission, noting that Conditional use standard 5 requires the Plan Commission make a finding that the proposed parking is adequate. Considering the information provided by the applicant, proximity to bus lines and understanding that a significant portion of the peak-hour clientele will be walking to the establishment, staff believes that additional surface stalls are not necessary at this time. However, depending on the user of the other tenant space, it is possible that additional parking or approval of further parking reductions may be required in the future.

- Lighting: Lighting will be provided over entrance doors and front of building facing the parking lot. Lower-intensity safety lighting would be located along the back of the building which aims downward (not outward) from the eaves to the ground. This was suggested by Madison police. These lights are on the side of the building adjacent to the residence next door. Lighting on the Johnson Street side will include a Milios sign which will be lit. Staff recommend that any exterior lighting be at the lowest allowable levels that meet ordinance requirements and recommendations by the Police Department.
- Compatibility with Surrounding Residential Properties. A concern raised at the neighborhood meetings was whether this development is compatible with the surrounding residential development. As noted above, this use is allowed under the property's C3 zoning.

Many of the neighborhood concerns relate to the operation of the proposed Milios. Staff believe that many of these impacts can be potentially addressed, at least in part, through operating conditions. At a minimum, staff recommend the establishment should close by at least 9:00 pm, nightly. Staff understands that the adjacent neighbors may be seeking more restrictive hours, which the Plan Commission could consider at the public hearing. Staff also support the installation of solid fencing along the property line.

Other issues have been raised about future uses that are also permitted. One particular challenge is the myriad of intensive commercial uses allowed under the site's C3 (Highway Commercial Zoning) that would not be consistent with the surrounding homes. Issues with an outright restriction on future uses are most appropriately handled through a separate rezoning process. Though, it would be highly unusual to require a zoning change as a conditional of approval. Staff have recommended a condition that future uses be reviewed as an alteration to this conditional use, providing a further review opportunity to ensure new uses continue to meet the conditional use standards.

Park-Related Conditional Use Standards

In addition to the general conditional use standards, the zoning ordinance provides the following four (4) additional review standards for development adjacent to City Parks (Section 28.04(21))

1. *Upon the filing of an application for a Conditional Use permit, the development plan shall show a complete inventory of vegetation in any area proposed for building, filling, grading or excavating within one hundred (100) feet of the park. In addition, the development plan shall indicate those trees and shrubbery which will be removed as a result of the proposed development. The cutting of trees and shrubbery shall be limited in the strip thirty-five (35) feet from the park or from the right-of-way line directly across a street to those approved for removal.*

2. *Signs in excess of thirty-two (32) square feet may be permitted within two hundred (200) feet of the park where they will not interfere with the view of or from the park.*
3. *Grading and drainage within thirty-five (35) feet of the park shall be reviewed for its effect on the park and on trees, shrubbery and ground cover.*
4. *That projected pedestrian traffic to and from the park will not be unduly hampered by the traffic pattern and volumes. The Plan Commission shall consider the recommendations of the Traffic Engineer before acting.*

In considering vegetation (standard 1, above), the applicant has indicated on-site vegetation removal is limited to one box elder tree and potentially, the removal of 15 arbor vitae trees along the eastern property line if necessary to install a privacy fence. Staff do not believe that such changes would significantly impact the park.

In regards to standard 2, above, detailed sign information has not been provided with this proposal. In pre-application discussions, the applicant has indicated they intend to install a monument-style sign near the intersection of East Johnson and Fourth Streets. The applicant indicates the sign will be lit, though staff is not aware if this would occur internally or externally. The sign would likely be within 140 feet of the park, and subject to the above standard. While staff doesn't anticipate a modest ground sign would likely impact the park, details have not been provided. Staff recommend the sign-off plans show the location of any ground sign, noting however, signage details are not approved by the Plan Commission. To address concerns over limiting lighting, staff would recommend the sign not be illuminated during non-business hours.

Considering standard 3, staff note that the plans have been reviewed by City Engineering and Parks and their comments are attached. At the time of report writing, Planning Division staff is not aware of any drainage or grading concerns.

In reviewing standard 4, staff anticipate this development could significantly increase pedestrian traffic between East High School and Demetral Field. As such, staff from Traffic Engineering, Parks, and Planning have worked with the applicant on several potential conditions to improve pedestrian circulation. The applicant as agreed to install an eight-foot wide sidewalk on their property, adjacent to the Fourth Street right-of-way. That is shown on the plans before the Commission. While not depicted on these plans, the applicant has also indicated that a direct connection from the sidewalk to the path at Demetral Field will be installed. In addition, the owner will dedicate a public easement along this sidewalk to ensure public access. Please see the detailed comments from the City Traffic Engineer and Parks. Traffic engineering has also requested the applicant install some type of physical barrier to direct foot traffic to the crosswalk and discourage mid-block crossings.

Design Considerations

Considering portions of this building will be located adjacent to a park and along a potentially highly-traveled pedestrian route, staff has concerns about the amount of EIFS proposed and its durability overtime. The applicant has indicated that a more durable mesh would be used in certain areas and that additional split-face masonry could be used along the doors. Staff recommend that masonry replace the EIFS located on the entryway projections (areas under the hip roofs) that directly abut the sidewalk areas. On the south elevation, this includes the area adjacent to the Johnson Street-facing door. On the west elevation, this includes the areas surrounding both the doors. Specific materials and colors should be labeled on final plan sets for staff approval.

The applicant is also proposing ornamental landscaping trees and shrubs in the front of the building. Staff understands that the row of 15 arbor vitae along the eastern property line would be removed so the applicant could install a fence. This should be noted on the final landscape plan. In addition to aesthetic consideration, the sign-off plans should be reviewed and approved by the Police Department that has been in discussion with the applicant on planting strategies that discourage trespassing while maintaining visibility into the property.

Conclusion

The applicant requests demolition and conditional use approval to raze a former machine shop to allow construction of a multi-tenant retail building adjacent to Demetral Field. The subject site is at the intersection of East Johnson and Fourth Streets, behind East High School. The proposed building includes two tenant spaces, with the known tenant being a Milios Sandwich Shop. While the use is permitted under the site's existing C3 (Highway Commercial) zoning, its proximity to a City-park requires conditional use approval. The proposal is generally consistent with the underlying plan recommendations.

The project is subject to the demolition and conditional use approval standards. Staff believe that the anticipated impacts on the park have been or will be addressed through the recommended conditions. As a conditional use, the impacts on the other surrounding properties can also be considered and staff note that there is neighborhood opposition to the proposal, including the opposition from the neighborhood association and adjoining home owners. The raised concerns relate primarily to the site's proximity to the high school and the anticipated increase of non-residential activity at this corner. Staff has recommended several conditions to address the anticipated impacts, though, at the time of report writing, staff understands that even with the establishment of conditions, opposition likely remains. To date, the applicant has been willing to work with staff and adjoining neighbors to address operational and design issues.

With the establishment of operational conditions and the recommended physical site changes, staff believes that this proposal may be able to meet the applicable standards. Careful consideration of the submitted materials and input at the public hearing will be critical in making this determination.

Recommendation and Proposed Conditions of Approval

Major/Non-Standard Conditions are Shaded

Planning Division Recommendation (Contact Kevin Firchow, 267-1150)

If after considering the public hearing testimony and the materials in the packet, the Plan Commission can make a finding that all of the applicable conditional use and demolition standards are met, the Commission should approve the applicant's request to demolish a commercial building for the purpose of constructing a multi-tenant retail building adjacent to Demetral Field, subject to the comments recommended by the Planning Division and other reviewing agencies. Should the request be denied, the Plan Commission shall furnish the applicant in writing those standards that are not met and enumerate reasons the Commission has used in determining that each standards was not met.

1. That the establishment of new uses or changes to uses on this property shall be reviewed as an alteration to this conditional use, and reviewed and approved by staff or the Plan Commission utilizing the conditional use standards.

2. That the applicant installs a solid wood fence between 6-8 feet tall along the eastern property line. The fence shall start at the front setback of the building and run to the rear property line. Details of the fence shall be shown on the plans for approval by Planning Division staff.
3. That details on the trash enclosure be provided for Planning Division staff approval.
4. That the location of any ground sign is depicted on the final site plan for approval by Planning Division staff.
5. That any illuminated signage be turned off during non-business hours.
6. That Milios will post signs stating that no loitering is allowed and that restaurant staff will enforce this condition and notify police if not complied with.
7. That the business close by 9:00 pm, nightly (unless an alternative time is approved by the Commission). Restaurant staff shall remain on site for at least one hour after closing to enforce the no-loitering condition.
8. That the applicant works with appropriate agencies (including City Engineering, Traffic Engineering, City Parks, and Planning) to provide a direct pedestrian route from the sidewalk proposed along the west (Fourth Street) side of the building to the path at Demetral Field. An easement shall be recorded to grant public access to this sidewalk. Details are subject to approval by the appropriate City agencies.
9. That the details of any bollards or similar improvements installed to direct pedestrian traffic towards the crosswalk (as requested by Traffic Engineering) be shown on the plans submitted for approval by Planning Division, Traffic Engineering, and the Police Department.
10. That outdoor on-site trash receptacles be provided with the details and location specified on final plans for approval by Planning Division staff.
11. That restaurant staff will pick-up establishment-related litter on the subject property and that accessible from sidewalks at the following locations: a) between East High School and the establishment; b) between the establishment and Demetral Field; and c) along East Johnson Street between Fourth and Fifth Streets. Clean up shall occur daily, generally after the lunch hour between the hours of 1 and 2:30 pm. A formal commitment shall be provided by the applicant in writing for inclusion in the City's Conditional Use file.
12. That a lighting plan be provided for approval by the Planning Division, Police Department, and Building Inspection.
13. That the building exterior materials be revised. Masonry shall replace the EIFS located on the entryway projections (areas under the hip roofs) that directly abut the sidewalk areas. On the south elevation, this includes the area adjacent to the Johnson Street-facing door. On the west elevation, this includes the areas surrounding both the doors. Specific materials and colors should be labeled on final plan sets for staff approval.

The following conditions have been submitted by reviewing agencies:

City Engineering Division (Contact Janet Dailey, 261-9688)

14. This property is located within the Demetral Landfill Specific Zone of Concern as outlined in COM Building Ordinance Sec. 29.20(20)(a)3.e. Any new building constructed on this site shall be equipped with a passive sub-slab depressurization system, like a radon mitigation system, to protect against potential landfill gas migration. Such system is subject to the review and approval of the City Engineer and Building Inspection.
15. If determined by the Plan Commission that a public pedestrian-bicycle connection be constructed on this property adjacent to the parking lot which currently exists within the N. Fourth Street public right-of-way. If this connection is required, the owner/applicant shall coordinate the conveyance of a public sidewalk easement with Eric Pederson (Engineering Division Land Records Coordinator / epederson@cityofmadison.com / 266-4056. The City of Madison Office of Real Estate Services will require a metes and bounds legal description and map of easement area prepared by your project Surveyor.
16. In accordance with 10.34 MGO – STREET NUMBERS: Please coordinate the final address plan for this site with Engineering Mapping Lori Zenchenko (addressing@cityofmadison.com). If there are any changes pertaining to the location of units, the deletion or addition of units, or to the location of the entrance into any unit, (before, during or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal.
17. The “ACTUAL” plan north arrow is incorrect on the plan. Please revise and update on the final plans.
18. Revise plans to identify the adjoining N. Fourth Street public right-of-way as well as the public Demetral Park / East High Athletic Fields.
19. Value of the restoration work less than \$5,000. When computing the value, do not include a cost for driveways. Do not include the restoration required to facilitate a utility lateral installation. The Applicant’s project requires the minor restoration of the street and sidewalk. The Applicant shall obtain a Street Excavation Permit for the street restoration work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. (MGO 16.23(9)(d)(6) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
20. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction. (POLICY)
21. 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)
22. All damage to the pavement on East Johnson Street & North Fourth Street, adjacent to this development shall be restored in accordance with the City of Madison’s Pavement Patching Criteria. For additional information please see the following link:
<http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY)

23. The site plans shall be revised to show the location of all rain gutter down spout discharges. (POLICY)
24. 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.
25. The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement. (POLICY)
26. All proposed and existing utilities including gas, electric, phone, steam, chilled water, etc shall be shown on the plan. (POLICY)
27. Prior to approval of the conditional use application, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1). \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2). \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner. (POLICY) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
28. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service. (POLICY)

Traffic Engineering Division (Contact John Leach, 267-8755)

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| <ol style="list-style-type: none">29. The applicant is to explore with City's Parks an 8 to 10 ft bike/ped connection to the existing path end on N. Fourth Street to the sidewalk in front of the building.30. The applicant shall revise site plans to include public sidewalk, ramps, crosswalks, curbs and existing parking stalls on N. Fourth Street and East Johnson Street.31. The Developer shall post a deposit and reimburse the City for all costs associated with any modifications to Street Lighting, Signing and Pavement Marking for parking spaces in street and easterly crosswalk, including labor, engineering and materials for both temporary and permanent installations.32. The applicant will need to supply a public easement for any public use of the sidewalk in from to the building on North Fourth Street. |
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33. 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, 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'.

34. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
35. The driveway approach shall be a mountable curb the width of the noted service bay and should be revised and noted on the site plan. This information shall be provide to Traffic Engineering can redesign the on-street parking according to M.G.O.
36. The applicant shall prevent encroachment onto adjacent land and City Park areas by barriers of some type, which shall be noted on the face of the revised plans.
37. The Developer shall post a deposit and reimburse the City for all costs associated with any modifications to Traffic Signals, Street Lighting, Signing and Pavement Marking, and conduit and hand holes, including labor, engineering and materials for both temporary and permanent installations.
38. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Parks Division (Contact Kay Rutledge, 266-6518)

39. The Parks Division recommends that the applicant constructs an extension to the trail currently located in Demetral Field to allow the public access from the proposed sidewalk on the subject property to the park. The Parks Division understands that the applicant will provide a public access easement to allow public access on the sidewalk on the subject property. The applicant will be required to coordinate the design and construction of this connection with Kay Rutledge, Parks Planning and Development Manager.

Zoning Administrator (Contact Pat Anderson, 266-5978)

40. No off-street parking facilities will be provided for this project. An administrative parking reduction will be reviewed as part of this project. The submitted plans reflect that the proposal will require a 6 parking space reduction for the proposed restaurant use. Please submit a parking stall reduction request application as part of final sign-off. NOTE: future parking reduction will e required for future use of second tenant space.
41. Bike parking shall comply with City of Madison General Ordinances Section 28.11.
42. Provide a minimum of 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. 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 area.
43. Provide a reuse/recycling plan, to be reviewed and approved by The City's Recycling Coordinator, Mr. George Dreckmann, prior to a demolition permit being issued. Sec. 28.12(12)(e) of the Madison Zoning Ordinance requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan. The owner must submit documentation of recycling and reuse within 60 days of completion of demolition.
44. 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.

- 45. If outdoor lighting is provided, it must comply with City of Madison General Ordinances Section 10.085 outdoor lighting standards.
- 46. The site shares a zoning district boundary with a residentially zoned property to the east and north (park). Per Sec. 28.04(12)(c), this development must provide effective 6'- 8' high screening along the district boundary lines adjoining the residential district. The plan Commission may modify this requirement as part of the Conditional Use review.
- 47. On final plans provide detail of trash enclosure, including gate detail.

Fire Department (Contact Bill Sullivan, 261-9658)

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

Water Utility (Contact Dennis Cawley, 261-9243)

- 49. The Madison Water Utility shall be notified to remove the water meter prior to demolition. 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.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit a response to this request.