



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

Madison Municipal Building, Suite 017
215 Martin Luther King Jr. Boulevard
Madison, Wisconsin 53703
Phone: (608) 266-4635
www.cityofmadison.com

****BY E-MAIL ONLY****

October 6, 2022

Kevin Burow
Knothe & Bruce Architects
7601 University Avenue, Suite 201
Middleton, Wisconsin 53562

RE: Approval of a demolition permit to demolish a one-story restaurant, and approval of a conditional use in the Commercial Center (CC) District for vehicle access sales and service windows to allow construction of a one-story multi-tenant commercial building containing approximately 8,700 square feet of floor area and two vehicle access sales and service windows (John Flad, Flad Development) (LNDUSE-2022-00066; ID 72780 and 72781).

Dear Kevin;

On October 3, 2022, the Plan Commission found the standards met and **approved** your demolition permit and conditional use requests for the above site. Prior to issuance of demolition or building permits for your project, the conditions of approval in the following sections shall be satisfied:

Please contact Tim Troester of the City Engineering Division at (608) 267-1995 if you have any questions regarding the following sixteen (16) items:

1. Obtain a permit to Excavate in the right of way for completing the improvements in the public right of way. As a condition of the permit a deposit to cover estimated City expenses will be required.
2. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
3. Obtain a permanent sewer plug permit for each existing sanitary or storm sewer lateral serving a property that is not to be reused and a temporary sewer plug permit for each sewer lateral that is to be reused by the development.
4. An Erosion Control Permit is required for this project.
5. A Storm Water Management Report and Storm Water Management Permit is required for this project.
6. A Storm Water Maintenance Agreement (SWMA) is required for this project.

7. This site appears to disturb less than one (1) acre of land. No submittal to the Wisconsin Department of Natural Resources (WDNR), Capital Area Regional Planning Commission (CARPC), or Department of Safety and Professional Services (DSPS) is required as the City of Madison Building Inspection Department is an approved agent for DSPS.
8. The developer shall be aware that the City is planning to expand the Mineral Point Road sidewalk into a 10-foot path. A right of way purchase may be required. The developer shall coordinate construction with the Bus Rapid Transit project.
9. Revise the plans to identify the location of the public storm sewer (proposed or existing) that will serve the development show the connection of the private internal drainage system to the public storm sewer.
10. This site appears to be a mixed use building where one or more users will be subject to restaurant class sanitary sewer rates. It is recommended to have tenants with a commercial kitchen separately metered or sub-metered so the entire building is not subjected to the higher sewer rates. Additionally, please note these users will be required to submit proof of maintenance for their grease trap(s) to the City on an annual basis. Instructions will be provided when a Food and Drink permit is obtained from the Madison-Dane County Public Health. If you have questions on the restaurant class sewer charges or grease trap maintenance, please contact Megan Eberhardt at Meberhardt@cityofmadison.com or (608) 266-6432.
11. This project will disturb 20,000 square feet or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.
12. Demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year.
13. 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.
14. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Storm Water Management Plan & Report shall include compliance with the following:

Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.

Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data

files. If calculations are done by hand or are not available electronically, the hand copies or printed output shall be scanned to a PDF file and provided to City Engineering.

Detain the 2-, 5-, 10-, 100-, and 200-year storm events, matching post development rates to predevelopment rates and using the design storms identified in MGO Chapter 37.

By design detain the 10-year post-construction design storm such that the peak discharge during this event is reduced 15% compared to the peak discharge from the 10-year design storm in the existing condition of the site. Further, the volumetric discharge leaving the post development site in the 10-year storm event shall be reduced by 5% compared to the volumetric discharge from the site in an existing condition during the 10-year storm event. These required rate and volume reductions shall be completed, using green infrastructure that captures at least the first half-inch of rainfall over the total site impervious area. If additional stormwater controls are necessary beyond the first half-inch of rainfall, either green or non-green infrastructure may be used.

If the plat or subdivision has an enclosed area with provides existing storage, the existing storage will need to be accounted for in addition to meeting the requirements for detention.

Provide infiltration of 90% of the pre-development infiltration volume.

Reduce TSS by 80% (control the 5-micron particle) off of newly developed areas compared to no controls.

Reduce TSS by 40% (control the 20-micron particle) off of new paved surfaces as compared to no controls.

Reduce TSS by 80% off of the proposed development when compared with the existing site.

Treat the first half-inch of runoff over the proposed parking facility and/or drive up window.

Provide onsite volumetric control limiting the post construction volumetric discharge to the predevelopment discharge volume as calculated using the 10-year storm event.

Provide substantial thermal control to reduce runoff temperature in cold water community or trout stream watersheds.

The applicant shall demonstrate that water can leave the site and reach the public right of way without impacting structures during a 100-year event storm. This analysis shall include reviewing overflow elevations and unintended storage occurring on site when the storm system has reached capacity.

Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any best management practices (BMP) used to meet stormwater management requirements on this project.

15. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West).
16. Submit, prior to plan sign-off, a single digital CADD file to the Public Works Development Manager (Tim Troester ttroester@cityofmadison.com for West or Brenda Stanley bstanley@cityofmadison.com for East). The digital CADD file shall be to scale and represent final construction. It shall be on the WISCRS Dane County Projection as set forth in the website link below. The single CADD file submittal shall be either AutoCAD (dwg) or Universal (dxf) format and shall

contain the required data per the City of Madison CADD Site Plan Approval Submittal instructions available on the City Engineering Division website.

Please contact Jule Smith of the City Engineering–Mapping Section at (608) 264-9276 if you have any questions regarding the following eight (8) items:

17. The proposed parcels within this development (and/or adjacent to) are dependent on each other for ingress and egress to and from the public street. A private cross access/ ingress egress Easement/Agreement for all parcels within (and/or adjacent to) this development shall be drafted, executed and recorded prior to building permit issuance. Amend the ingress egress easement shown on CSM 4463 Document No.1849188 to reflect proposed changes to the drive lanes. Note that the agreement is further defined as referenced in warranty deeds Document Nos. 18550133, 1915530, 3440995 and lease 1878465. Additionally release the portion of the ingress egress easement set forth on CSM 04383 Document No. 1839587 that cuts through the current building that has not been released.
18. The proposed parcels within this development (and/or adjacent to) are dependent on each other for overland and subsurface storm water drainage. A private storm sewer/drainage easement/agreement for all parcels within (and/or adjacent to) this development shall be drafted, executed and recorded prior to building permit issuance. Note there is an existing 10-foot wide Storm Easement as set forth and referenced in warranty deeds Document Nos. 18550133, 1915530, 3440995 and Lease 1878465 which also needs to be shown on the plans, but is not currently being used in either the existing and proposed plans, consider releasing this if it is not of value to any party.
19. The address for Pizza Hut will remain 7440 Mineral Point Road. The smaller westerly tenant space is 7452 Mineral Point Rd. The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.
20. Cite the proper Document No. 1632030 that set forth the 10-foot wide Limited Highway Easement and show easement extend up to the Northwest PC of C1.
21. Coordinate and request from the utility companies serving this area the easements required to serve this development.
22. There is work being performed shown on adjacent private property on the plans at the Northeast corner of the parcel. The contractor/owner/developer/ responsible to obtain the necessary permission/ easement/ agreement to perform work on the adjacent lot. Consider adding the area and language into the cross access agreement for such work.
23. Cite the proper Document No. 1792278 that set forth the 5-foot wide Limited Highway Easement.
24. Note: There are future plans for sidewalk and bike path improvements along the Mineral Point Road right-of- way; landscape plan features have been show along this right-of-way. Coordinate with the Metro and Traffic Engineering agencies about the placement of these features with the Bus Rapid Transit Project.

Please contact Sean Malloy of the Traffic Engineering Division at (608) 266-5987 if you have any questions regarding the following thirteen (13) items:

25. The applicant shall submit for review a vehicular turning movement template demonstrating the use of the order board and pick-up window.
26. All vehicle service window access window aisles shall have a minimum outside turning radius of thirty (30) feet.
27. 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; vision triangles; 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.
28. 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.
29. 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.
30. All parking facility design shall conform to MGO Section 10.08(6).
31. All bicycle parking adjacent pedestrian walkways shall have a 2-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
32. All pedestrian walkways adjacent parking stalls shall be 7 feet wide to accommodate vehicle overhang, signage and impediments to walkway movements. Any request for variance shall be submitted to and reviewed by City Traffic Engineering.
33. The applicant shall provide a clearly defined five-foot walkway from the front door to the public right of way clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.
34. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign at all Class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/ regulatory signage and pavement markings on the site shall be shown and noted on the plan.

35. One-way operation of the site shall be secured by placing a "One Way" sign at the entrance and a "Do Not Enter" sign at the exit.
36. The applicant shall show the dimensions for the proposed Class III driveway including the width of the drive entrance, width of the flares, and width of the curb cut.
37. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.

Please contact Jenny Kirchgatter, Assistant Zoning Administrator at (608) 266-4429 if you have questions about the following ten (10) items:

38. Section 28.185(7)(a)5 requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Bryan Johnson (266-4682). Section 28.185(10) requires that every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(7)(a)5 shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
39. Submit an overall site plan for the planned multi-use site including 7406-7428 Mineral Point Road and 7402 Mineral Point Road.
40. Parking requirements for persons with disabilities must comply with MGO Section 28.141(4)(e) which includes all applicable State accessible requirements. Provide a minimum of two (2) accessible stalls striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8 feet wide with an 8 foot wide striped access area adjacent.
41. Provide electric vehicle stalls per Section 28.141(8)(e) Electric Vehicle Charging Station Requirements. A minimum of 10% of the residential parking stalls (5 stalls) must be electric vehicle ready, and a minimum of 2% of the stalls (1 stall) must be electric vehicle installed. Identify the locations of the electric vehicle ready and installed stalls on the plans and add the count of electric vehicle stalls to the parking summary.
42. Bicycle parking for the commercial tenant space shall comply with the requirements of MGO Sections 28.141(4)(g) and 28.141(11) and will be reviewed prior to obtaining zoning approval for the use. Provide a minimum of four (4) short-term bicycle parking stalls located in a convenient and visible area on a paved or pervious surface. A minimum amount of bicycle parking equal to 5% of capacity of persons is required for a restaurant or food and beverage establishment. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within 100 feet of a principal entrance.
43. Install a landscape island within the south row of parking stalls. A planting island shall be located at least every twelve (12) contiguous stalls with no break.
44. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than 10,000 square feet in size must be prepared by a registered landscape architect.

45. Provide details showing that the primary street façade adjacent Mineral Point Road meets the door and window opening requirements of Section 28.060(2)(d). For nonresidential uses at ground floor level, windows and doors or other openings shall comprise at least 60% of the length and at least 40% of the area of the ground floor of the primary street facade. At least 50% of windows on the primary street facade shall have the lower sill within three (3) feet of grade. Glass on windows and doors shall be clear or slightly tinted, allowing views into and out of the interior. Spandrel glass that mimics the appearance of windows may be used for up to 20% of the required area of the openings.
46. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.
47. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31 Sign Codes and Section 33.24 Urban Design Commission ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Please contact Bill Sullivan of the Madison Fire Department at (608) 261-9658 if you have any questions regarding the following item:

48. Please consider allowing the Madison Fire Department to conduct training sequences prior to demolition. Contact Division Chief Jeff Larson of the MFD Training Division at jtlarson@cityofmadison.com or (608) 266- 5946 to discuss this possibility.

Please contact Jeff Belshaw of the Madison Water Utility at (608) 261-9835 if you have any questions regarding the following item:

49. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days' notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumbers-contractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Avenue. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. A Water Meter Application Form will subsequently be required to size and obtain a water meter establish a Water Utility customer account and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

Please contact Brandon Sly of the Forestry Section at (608) 266-4816 if you have any questions regarding the following item:

50. The developer shall post a security deposit prior to the start of the development to be collected by City Engineering as part of the Developers Agreement. In the event that street trees are damaged during the construction process, City Forestry will draw from this deposit for damages incurred.

Please contact Tim Sobota of Metro Transit at (608) 261-4289 if you have any questions regarding the following two (2) items:

51. The applicant shall maintain or replace the accessible bus stop boarding pad at the curbside bus stop zone on the east side of Randolph Drive, opposite the Westward Way intersection.
52. The existing curbside bus stop zone and accessible boarding pad and sidewalk areas provide critical access to the City's transit operations, and any planned or permitted obstruction of the existing bus stop zones in excess of thirty (30) days may require additional right-of-way improvements and/or other mitigation measures in coordination with Traffic Engineering and Metro Transit staff in order to create an alternate bus stop and layover/parking zone that would serve the Randolph Drive at Westward Way intersection area in a comparable operational and accessible manner. The applicant shall include the location of these transit amenities on the final documents filed with their permit application so that Metro Transit may review the design.

Please contact my office at (608) 261-9632 if you have questions about the following item:

53. Provide a site plan that includes 7402 and 7406-7428 Mineral Point Road. The data table for the project shall also include the lot area for the overall site, the gross square-footage of the buildings, and the automobile and bicycle parking located in the planned multi-use site.

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 permits for your project:

1. The applicant shall resubmit a PDF copy of the plan set and any other supporting materials that are necessary, as specified in this letter to sprapplications@cityofmadison.com. (Note: A 20MB email limit applies and multiple transmittals may be required.). A check for the site plan review fee shall be mailed to the City of Madison Building Inspection Division; PO Box 2984; Madison, WI 53701-2984.
2. City Agencies who submitted conditions of approval will review your revised plans to verify that their conditions, along with any applicable requirements, have been satisfied. When the revised plans are submitted, the applicant will be emailed a hyperlink to a website to follow, in real time, which agencies have reviewed the revised documents, and signed off or need additional information.
3. This letter shall be signed by the applicant and property owner (if not the applicant) to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting building permit approval. [Signature block on last page]
4. 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. No alteration of a conditional use shall be permitted unless approved by the Plan Commission provided, however, the Zoning Administrator following consideration by the alderperson of the district, may approve 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 Plan Commission and the conditional use standards. This approval shall become null and void one (1) 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 6 months of the issuance of said building permit. Where the plans have not been altered from the Plan Commission's approval, and the conditional use has expired, the Director of Planning and Community and Economic Development may, after consultation with the Alderperson of the District, approve an extension for up to 24 months from the expiration date. The Plan Commission shall retain jurisdiction over this matter for the purpose of resolving complaints against the approved conditional use permit.

If you have any questions regarding obtaining your building permits, please contact the Zoning Administrator at (608) 266-4551. If you have any questions or if may be of any further assistance, please do not hesitate to contact my office at (608) 261-9632 or tparks@cityofmadison.com.

Sincerely,

Timothy M Parks

Timothy M. Parks
Planner

cc: Tim Troester, City Engineering Division
Jule Smith, City Engineering Division
Sean Malloy, Traffic Engineering Division
Jenny Kirchgatter, Asst. Zoning Administrator
Bill Sullivan, Madison Fire Department
Brandon Sly, Forestry Section
Jeff Belshaw, Madison Water Utility
Tim Sobota, Metro Transit

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

Signature of Applicant

*Signature of Property Owner
(If Not Applicant)*

LNDUSE-2022-00066			
For Official Use Only, Re: Final Plan Routing			
☒	Planning Div. (T. Parks)	☒	Engineering Mapping Sec.
☒	Zoning Administrator	☐	Parks Division
☒	City Engineering	☐	Urban Design Commission
☒	Traffic Engineering	☒	Recycling Coordinator
☒	Fire Department	☒	Other: Metro Transit
☒	Water Utility	☒	Other: Forestry Section