



PREPARED FOR THE PLAN COMMISSION

Project Address: 7440 Mineral Point Road
Application Type: Demolition Permit and Conditional Use
Legistar File ID # [72780](#) and [72781](#)
Prepared By: Timothy M. Parks, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, Planning Division

Summary

Applicant: John Flad, Flad Development; 3330 University Avenue, Suite 206; Madison.

Contact Person: Kevin Burow, Knothe & Bruce Architects; 7601 University Avenue, Suite 201; Middleton.

Requested Actions: 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.

Proposal Summary: The applicant proposes to demolish a one-story, 5424 square-foot Pizza Hut restaurant. Following demolition, the applicant proposes construction of a one-story, 8,656 square-foot multi-tenant commercial building, which will include vehicle access sales and service windows along the northern and western walls. Construction of the project will commence in spring 2023, with completion anticipated by fall 2023.

Applicable Regulations & Standards: Table D-2 in Section 28.061(1) identifies vehicles access sales and service windows as a conditional accessory use in the CC zoning district. Section 28.183 provides the process and standards for the approval of conditional use permits. Section 28.185 provides the process and standards for the approval of demolition and removal permits.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends the following to the Plan Commission:

- That the Plan Commission that the standards for demolition permits are met to **approve** demolition of the one-story restaurant at 7440 Mineral Point Road; and
- If the Plan Commission can find that the conditional use standards are met, it **approve** the request to construct a one-story multi-tenant commercial building with vehicle access sales and service windows subject to input at the public hearing and the conditions from reviewing agencies beginning on page 8.

Background Information

Parcel Location: An approximately 44,233 square-foot (1.02-acre) parcel located at the northeastern corner of Randolph Drive and Mineral Point Road. The planned multi-use site that comprises 7402-7440 Mineral Point contains three parcels and a total of 3.8 acres of land, with 630 feet of frontage along the north side of Mineral Point Road. The three-parcel planned multi-use site is located in Alder District 9 (Conklin) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site is developed with a 5,424 square-foot restaurant. The restaurant is part of a planned multi-use site that also includes two one-story multi-tenant buildings at 7406 and 7428 Mineral Point Road, which contain approximately 23,943 square feet of commercial space, and a one-story, 436 square-foot coffee shop at 7402 Mineral Point. The three parcels are zoned CC (Commercial Center District).

Surrounding Land Uses and Zoning:

North: Sunset Memory Gardens, zoned CN (Conservancy District);

South: Multi-tenant retail center, zoned PD; Shopko, West Towne Mall, zoned CC (Commercial Center District);

West: Kwik Trip across Randolph Drive, zoned CC;

East: Sunset Memory Gardens, zoned CN.

Adopted Land Use Plans: The 2018 Comprehensive Plan identifies the subject site and commercial properties to the west on both sides of Mineral Point Road at Randolph/D’Onofrio Drives for Community Mixed-Use (CMU); West Towne Mall to the southeast of the site is recommended for Regional Mixed-Use (RMU); Sunset Memory Gardens is recommended for Park and Open Space uses (P). The site is not located within the boundaries of an adopted neighborhood or sub-area plan.

Zoning Summary: The property is zoned CC (Commercial Center District).

Requirements	Required	Proposed
Minimum Front Yard Setback	0’ or 5’	20.28’ (from Randolph Dr.)
Maximum Front Yard Setback	85’	
Side Yard Setbacks	5’	Adequate from north and south
Rear Yard	5’ (Corner lots adjacent to nonresidential zoning district)	Adequate
Maximum Lot Coverage	85%	78%
Maximum Building Height	5 stories, 78 feet	1 story (see conditions)
Auto Parking	No minimum	43
Accessible Stalls	Yes	Not shown
Bike Parking	General retail; service business; office: 1 per 2,000 sq. ft. floor area (4) Restaurant; restaurant-tavern: 5% of capacity of persons (TBD)	5 (See Conditions)
Loading	None	0
Building Forms	Freestanding Commercial Building	(See Zoning Conditions)
Other Critical Zoning Items		
Yes:	Barrier Free, Utility Easements	
No:	Urban Design, Floodplain, Wellhead Protection, Landmarks, Waterfront Development, Adjacent to Park	
<i>Prepared by: Jenny Kirchgatter, Assistant Zoning Administrator</i>		

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

Public Utilities and Services: The site is served by a full range of urban services, including daily Metro Transit service along westbound Mineral Point Road. The subject site is also located along the future east-west Bus Rapid Transit route, with planned stops east and west of the site at S Westfield Road and High Point Road, respectively.

Related Approval

On February 5, 2018, the Plan Commission approved a conditional use to construct a coffee shop with vehicle access sales and service window at 7402 Mineral Point Road.

Project Description

The applicant is requesting approval of a demolition permit to raze a one-story, 5,424 square-foot restaurant at 7440 Mineral Point Road and a conditional use to allow construction of a one-story, 8,656 square-foot multi-tenant commercial building with vehicle access sales and service windows along the northern and western walls.

The subject site a 1.02-acre parcel located at the northeastern corner of Mineral Point Road and Randolph Drive. The parcel is part of a larger approximately 3.8-acre planned multi-use site, which is comprised of two other parcels at 7402 and 7406-7428 Mineral Point Road. The 7402 parcel is developed with a one-story, 436 square-foot coffee shop with vehicle access sales and service window, while the 7406-7428 parcel is developed with two one-story multi-tenant commercial buildings with 23,943 square feet of combined floor area. The three parcels share a surface parking lot containing automobile stalls primarily located between the buildings and Mineral Point Road and Randolph Drive, with access provided by two driveways from each street, including one from Mineral Point shared with Sunset Memory Gardens, which surrounds the center on the north and east.

The restaurant to be demolished was constructed in 1984 according to City records and has been used consistently since as a "Pizza Hut." Photos of the interior and exterior of the building are attached to the demolition permit file ([link to photos](#)).

The 8,656 square-foot multi-tenant commercial building proposed to replace the restaurant will be oriented to Mineral Point Road and include up to four storefronts that would be accessed from a plaza that will extend across the entire south side of the building. One of the two proposed vehicle access sales and service windows will extend along the entire west side of the building, with access at the northwestern corner and egress at the southwestern corner. The second vehicles access sales and service window will be located along the northern façade, with access to the L-shaped queue from the east and egress to the north. Parking for 43 autos will be provided north and south of the building, with two driveways from Randolph Drive proposed to provide access to the site and larger planned multi-use site.

The proposed building will be clad with a combination of stone veneer and horizontal siding designed to complement the exterior of the buildings at 7406 and 7428 Mineral Point. The roof of the building is designed to partially overhang the plaza on the south side, which will be designed to include raised planters, bike parking, and a variety of seating opportunities.

Supplemental Regulations

Section 28.151 of the Zoning Code includes the following supplemental regulations for Vehicle Access Sales and Service Windows (as applicable in the CC zoning district):

- a) In all districts, vehicle access sales and services windows shall be at least 60 feet from the closest point of any residentially zoned property or property with a residential building.
- b) Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of two streets and at least 60 feet from abutting residentially zoned property.
- c) Plans for onsite circulation and driveway locations shall be reviewed where conditional use approval is required. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern. Adequate queuing lane space shall be provided without interfering with onsite parking/circulation.
- d) Speaker box sounds from the drive-through lane shall not be plainly audible so as to unreasonably disturb the peace and quiet of abutting residential property.
- e) Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.
- f) A six-foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property.
- g) Bicyclist use of sales and service windows shall not be prohibited.

Analysis

The Plan Commission is required to approve demolition of the existing restaurant. Vehicle access sales and service windows are identified as a conditional accessory use in the CC zoning district subject to supplemental regulations in Section 28.151, as noted in the preceding section.

Review of Demolition Permit

At its October 5, 2021 meeting, the Common Council adopted Ordinance 21-00065 (ID [67074](#)) to revise the standards and process for demolition and removal permits in Section 28.185 of the Zoning Code to remove consideration of proposed future use as a factor in approving demolition requests. In order to approve a demolition request under the revised standards, the Plan Commission shall consider the seven approval standards in MGO Section 28.185(9)(c) when making a determination regarding demolition requests. The factors include a finding that the proposed demolition or removal is consistent with the statement of purpose of the demolition permits section and with the health, prosperity, safety, and welfare of the City of Madison. The standards state that the Plan Commission shall consider the report of the City's historic preservation planner regarding the historic value of the property as well as any report that may be submitted by the Landmarks Commission.

At its June 27, 2022 meeting, the Landmarks Commission voted to recommend to the Plan Commission that the building to be demolished had no known historic value. Planning staff has no information to suggest that the Plan Commission could not find the standards met to allow the proposed demolition.

Review of Conditional Use Request

Similarly, the Plan Commission may not approve an application for a conditional use unless it can find that all of the standards found in Section 28.183(6)(a), Approval Standards for Conditional Uses, are met. That section states: “The City Plan Commission shall not approve a conditional use without due consideration of the recommendations in the City of Madison Comprehensive Plan and any applicable, neighborhood, neighborhood development, or special area plan, including design guidelines adopted as supplements to these plans. No application for a conditional use shall be granted by the Plan Commission unless it finds that all of the [standards for approval in Section 28.183(6) are met].”

The 2018 Comprehensive Plan recommends the subject site and other three quadrants of the Mineral Point Road-D’Onofrio Drive-Randolph Drive intersection for Community Mixed-Use (CMU). Southeast of the site across Mineral Point Road, West Towne Mall is recommended for Regional Mixed-Use (RMU). In general, the CMU category includes existing and planned areas supporting an intensive mix of residential, employment, retail, civic/institutional, and service uses serving both adjacent neighborhoods and wider community markets. CMU areas are generally located at major intersections and along relatively high-capacity transit corridors, and include many of the City’s aging, auto-oriented strip commercial centers due to their accessible locations along major transportation corridors. CMU areas can generally accommodate significant development with a variety of housing options and commercial uses that attract a wide customer base. Buildings in CMU areas may range from two to six stories in height, with more residential units and commercial space compared with development in the less-intensive Neighborhood Mixed-Use districts. Development in the CMU category, however, is less intensive than the RMU category, which allows up to twelve-story or potentially taller buildings and has no limit on residential density. Development and design within CMU areas should create a walkable node or corridor, ideally adjacent to existing or planned transit, and CMU development should be transit-oriented. CMU areas should be well connected with surrounding neighborhoods and have buildings placed close to the sidewalk. Residential uses in CMU districts may be as dense as 130 units per acre. There is currently no adopted neighborhood or sub-area plans that include the subject site.

Mineral Point Road is also identified as a regional growth corridor, which the Comprehensive Plan suggests have the potential to support a mix of uses along their length as they transition from an auto-oriented development pattern to one that is more transit-, walk-, and bike-friendly.

In reviewing the conditional use request for vehicle access sales and service windows, staff believes that standards 4 and 9 are the most salient to the Plan Commission’s review. The Traffic Engineering Division has reviewed the layout of the proposed facility and has offered no major or non-standard comments that would suggest that conditional use standards 5 and 6, dealing with parking, circulation, and impact on surrounding streets, could not be met.

Conditional use standard 4 states:

“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.”

The above standard addresses the impact that a proposed conditional use could have on the development pattern planned for a particular area as well as the impact the proposed use could have on existing uses to continue in much the same fashion as the area has functioned historically. Whether a request meets this standard is informed not only by the specific aspects of the proposal but also the recommendations contained in adopted plans. Staff feels that the Plan Commission would need to evaluate whether establishing this conditional use would impede

the development of other permitted uses in the Zoning district on *surrounding properties*, specifically in this case the other existing sites and structures and potential future development within the planned multi-use site.

Conditional use standard 9 states:

“When applying the above standards to any new construction of a building or an addition to an existing building the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district. In order to find that this standard is met, the Plan Commission may require the applicant to submit plans to the Urban Design Commission for comment and recommendation.”

Considered in tandem in this case, standards 4 and 9 ask the Plan Commission to consider the *normal and orderly development* and compatibility with the *intended character of the area* as it considers whether to approve the two vehicle access sales and service windows proposed as part of the one-story multi-tenant commercial building.

The Planning Division believes that a more intensive mixed-use development of the site would be more in keeping with the intended community mixed-use character summarized above. Generally speaking, more intensive development would generally be desirable in this area given its location along the east-west Bus Rapid Transit route that will open in 2024 and its proximity to parks and open space and residential neighborhoods to the north.

However, staff will note that the only conditional use requested is for the vehicle access sales and service windows on the north and west sides of the building. One-story buildings are permitted in the CC zoning district, and staff will note that there have been other recent approvals of one-story buildings and vehicle access sales and service windows in the greater West Towne Mall area, the vast majority of which are recommended for CMU or RMU development by the Comprehensive Plan.

The statement of purpose for the CC zoning district states that it is *“established to recognize the existing large-format retail and office sites within the City that remain largely auto-oriented, and to encourage their transformation into mixed-use centers that are equally conducive to pedestrian, bicycle, transit and motor vehicle activity.”* The CC district is the most permissive of the mixed-use and commercial zoning districts and allows a number of auto-oriented land uses, including motor vehicle sales as permitted uses, and vehicles access sales and service windows and car washes as conditional uses. The district also allows a limited amount of surface parking between buildings and streets and does not include a minimum number of floors to mandate vertical forms of development, both of which would better implement the general building placement and height provisions for areas recommended for mixed-use development in adopted plans.

Finally, the supplemental regulations for vehicle access sales and service windows are the most permissive in the CC district. Whereas in other mixed-use and commercial districts, such accessory facilities must be located to the side of, rear of, or under buildings, and shall not be located between the principal structure and a public street (as in CC-T or TSS, for example), no such provisions apply in the CC district.

Further, staff does not believe that the proposed vehicle access sales and service windows will preclude future redevelopment of the 1.02-acre subject site or adjacent sites within the planned multi-use site from developing in the future with higher-intensity or density uses as recommended by the 2018 Comprehensive Plan consistent with conditional use standard 4. Likewise, failure to approve the vehicle access sales and service windows would not preclude development of the proposed building without them.

[Note: The subject site is located within the forthcoming Transit-Oriented Development (TOD) zoning overlay, which may preclude aspects of the proposed one-story building and vehicle access sales and service windows if approved. Consideration of an amendment to the Zoning Code to codify the TOD overlay is anticipated later this fall. Staff encourages the Plan Commission to not consider that future zoning text amendment while it considers the proposed conditional use request.]

No alder or public comments have been received as of the writing of this report that would suggest that the Plan Commission could not approve the request as submitted.

Urban Design Commission Review

The Plan Commission should note that a report of the Urban Design Commission (UDC) is attached to the conditional use file (ID 72781). The applicant made an informational presentation to the UDC on July 13, 2022 under the impression that a formal UDC recommendation would be needed prior to Plan Commission review. However, while the subject site is a part of a planned multi-use site, the three parcels comprising the planned multi-use site do not meet the thresholds for requiring conditional use approval and UDC review. The general regulations for planned multi-use sites in Section 28.137(2) of the Zoning Code require conditional use approval for alterations and new construction in a planned multi-use site containing more than 40,000 square feet of floor area and where 25,000 square feet of floor area is designed or intended for retail use or for hotel or motel use. The floor area of the planned multi-use site following construction of the proposed 8,656 square-foot building will be less than the 40,000 square-foot primary threshold despite being greater than the secondary threshold of 25,000 square feet of space designed or intended for retail.

However, while Urban Design Commission review is not required for this project, staff believes that the UDC discussion of the project may be informative for the Plan Commission as it considers the request.

Conclusion

The applicant proposes to construct a one-story, 8,656 square-foot multi-tenant commercial building with two vehicle sales and service windows. The vehicle sales and service windows require conditional use approval by the Plan Commission, as does the demolition of the existing one-story 5,424 square-foot restaurant that occupies the 1.02-acre site.

The Planning Division believes that the proposed demolition meets the standards for approval. Staff further believes that the Plan Commission can find that the request meets the standards for conditional use approval despite the proposed building and use being contrary to some of the general design recommendations for the Community Mixed-Use land use category in the 2018 Comprehensive Plan. Additionally, there is not a specific prohibition in the Comprehensive Plan regarding vehicle access sales and service windows and no adopted neighborhood or sub-area plan for the north side of Mineral Point Road that would suggest that the vehicle access sales and service windows should not be approved. In particular, staff believes that the Plan Commission may find that the project does not impede the normal and orderly development of surrounding properties and that the project creates an environment of sustained aesthetic desirability consistent with conditional use standards 4 and 9 despite the plan inconsistency. Reviewing agencies have not submitted any major or non-standard comments that would suggest that the conditional use standards cannot be met.

In the event that the Commission is not able to find the standards are met, the Plan Commission shall specify its findings of fact and list the standard(s) that have not been met and the reasons such standard(s) were not met.

Those findings shall be based on “substantial evidence” that directly pertains to each standard and not based on personal preference or speculation.

Recommendation

Planning Division Recommendation (Timothy M. Parks, (608) 261-9632)

The Planning Division recommends the following to the Plan Commission regarding the applications for 7440 Mineral Point Road:

- That the Plan Commission that the standards for demolition permits are met to **approve** demolition of the one-story restaurant; and
- If the Plan Commission can find that the conditional use standards are met, it **approve** the request to construct a one-story multi-tenant commercial building with vehicle access sales and service windows subject to input at the public hearing and the conditions from reviewing agencies beginning that follow.

Recommended Conditions of Approval Major/Non-Standard Conditions are Shaded

Planning Division

1. 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.

City Engineering Division (Contact Tim Troester, (608) 267-1995)

2. 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.
3. 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.
4. 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.
5. An Erosion Control Permit is required for this project.
6. A Storm Water Management Report and Storm Water Management Permit is required for this project.
7. A Storm Water Maintenance Agreement (SWMA) is required for this project.
8. 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.

9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.

16. 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).
17. 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.

City Engineering Division – Mapping Section (Contact Julius Smith, (608) 264-9276)

18. 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.

19. 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.
20. 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.
21. 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.
22. Coordinate and request from the utility companies serving this area the easements required to serve this development.

23. 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.

24. Cite the proper Document No. 1792278 that set forth the 5-foot wide Limited Highway Easement.

25. 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.

Traffic Engineering Division (Contact Sean Malloy, (608) 266-5987)

26. The applicant shall submit for review a vehicular turning movement template demonstrating the use of the order board and pick-up window.

27. All vehicle service window access window aisles shall have a minimum outside turning radius of thirty (30) feet.

28. 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.

29. 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.
30. 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.
31. All parking facility design shall conform to MGO Section 10.08(6).
32. All bicycle parking adjacent pedestrian walkways shall have a 2-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
33. 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.
34. 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.
35. "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.
36. 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.
37. 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.
38. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.

Zoning Administrator (Contact Jenny Kirchgatter, (608) 266-4429)

39. 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.
40. Submit an overall site plan for the planned multi-use site including 7406-7428 Mineral Point Road and 7402 Mineral Point Road.
41. 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.

42. 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.
43. 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.
44. 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.
45. 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.
46. 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.
47. 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.
48. 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.

Fire Department (Contact Bill Sullivan, (608) 261-9658)

49. 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.

Parks Division (Contact Ann Freiwald, (608) 243-2848)

This agency has reviewed the request and recommended no conditions of approval.

Forestry Division (Contact Brandon Sly, (608) 266-4816)

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.

Water Utility (Contact Jeff Belshaw, (608) 261-9835)

51. 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.

Metro Transit (Contact Tim Sobota, (608) 261-4289)

52. 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.

53. 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.