

PLANNING DIVISION STAFF REPORT

August 28, 2023



PREPARED FOR THE PLAN COMMISSION

Project Address: 1609 South Park Street (District 13, Alder Evers)
Legistar File ID #: [78428](#)
Prepared By: Lisa McNabola, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Contact: Steve Doran; Galway Companies, Inc.; 800 West Broadway, Monona, WI 53713

Property Owner: Wingra Park, LLC; 1605 South Park Street, Madison, WI 53715

Requested Action: Consideration of a conditional use to allow a vehicle access sales and service window in an existing restaurant building at 1609 South Park Street.

Proposal Summary: The applicant proposes to open a coffee shop with a vehicle access sales and service window (or "drive-thru"). The coffee shop would have drive-thru only service as proposed.

Applicable Regulations & Standards: Standards for conditional uses are found in MGO §28.183(6). Supplemental Regulations for vehicle access sales and service windows are found in MGO §28.151. The site is located in the Transit Oriented Development (TOD) Overlay District and Urban Design District 7.

Review Required By: Urban Design Commission and Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find the approval standards for conditional uses are met and approve the request to allow a vehicle access sales and service window at 1609 South Park Street. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 59,034 square-foot (1.35-acre) parcel is bounded by South Park Street to the west and Beld Street to the east. It is located within Alder District 13 (Alder Evers) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The site is occupied by two buildings. The one-story commercial building at 1605 South Park Street is 6,188 square feet and was built in 1969 and remodeled in 2008. The one-story restaurant building at 1609 South Park Street is 3,231 square feet and was built in 1970 and remodeled in 1994. The site is zoned Commercial Corridor – Transitional (CC-T) District. The site is also located in the Transit Oriented Development (TOD) Overlay District and Urban Design District 7.

Surrounding Land Use and Zoning:

North: Two (2) one-story auto repair garages, a one-story commercial building, and a two-story commercial building, zoned Commercial Corridor – Transitional (CC-T) District;

East: Across Beld Street, single family residential, zoned Traditional Residential – Consistent 2 (TR-C2) District; a two-story commercial building with upper story residential unit, and a one-story commercial building, zoned Traditional Employment (TE).

South: Two (2) one-story warehouse buildings, a two-story restaurant with an upper story residential unit, and a two-story office with an upper story residential unit, zoned CC-T District; and

West: Across South Park Street, Madison Labor Temple, zoned CC-T District;

Adopted Land Use Plan: The [2018 Comprehensive Plan](#) recommends Community Mixed-Use (CMU) development for the subject property and surrounding properties. Properties across South Park Street are recommended for Regional Mixed Use (RMU) development, and properties across Beld Street are recommended for Low Residential (LR) and Medium Residential (MR). The [South Madison Neighborhood Plan](#) (2005) recommends Community Commercial development for the subject property.

Zoning Summary: The property is zoned Commercial Corridor – Transitional (CC-T) District.

Requirements	Required	Proposed
Front Yard Setback	Existing	40 ft
Max. Front Yard Setback	Existing	40 ft
Side Yard Setback	Existing	160 ft
Rear Yard Setback	Existing	150 ft
Maximum Lot Coverage	Existing	Less than existing
Minimum Building Height	Existing	Existing, no change
Maximum Building Height	Existing	Existing, no change

Site Design	Required	Proposed
Number Parking Stalls	No minimum, existing max	Less than existing
Electric Vehicle Stalls	None	None
Accessible Stalls	3	3
Loading	No	No
Number Bike Parking Stalls	5% capacity	6
Landscaping and Screening	Yes	Yes (6)
Lighting	No	No (7)
Building Form and Design	No	Existing

Other Critical Zoning Items		
Urban Design	Yes	UDD #7
TOD Overlay	Yes	

Table Prepared by Jacob Moskowitz, Assistant Zoning Administrator

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

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

Previous Approvals

In 1984, a conditional use was approved for a vehicle access sales and service window (or “drive-thru”) at an existing restaurant. Operation of the drive-thru ceased for more than one year and therefore the conditional use approval expired.

At its December 6, 2022 meeting the Common Council conditionally approved a Certified Survey Map (CSM) that includes 1605 South Park Street, 1609 South Park Street, 1613 South Park Street and 710 West Wingra Drive (see Legistar ID [74064](#)). As a result of the CSM, three lots would be created. Proposed Lot 1 includes the building at 1605 South Park Street, proposed Lot 2 includes the building at 1609 South Park Street and the parking lot at 1613 South Park Street, and proposed Lot 3 includes the building at 702 West Wingra Drive. At the time of report writing, the CSM has not been recorded.

Project Description

The applicant proposes to open a coffee shop with a vehicle access sales and service window (or “drive-thru”) in a building with existing drive-thru facilities. The applicant submitted revised materials on August 7, 2023 to address comments made by the Urban Design Commission at their July 26, 2023 meeting. Per the revised letter of intent dated August 23, 2023 the coffee shop would be a drive-thru only location with no walk-up service. In discussing the change with the applicant they noted that the walk-up service was removed due to potential pedestrian-vehicle conflicts. The proposed hours of operation are 5:00 a.m. to 9:00 p.m. There would be four to six employees per shift.

The existing building was previously used as a restaurant with a drive-thru. The properties at 1605 South Park Street, 1609 South Park Street, 1613 South Park Street and 710 West Wingra Drive have been developed so that the traffic circulation and parking areas are interconnected. The building and drive-thru can currently be accessed from two entries along South Park Street, two entries along Beld Street and one entry along West Wingra Drive. The existing drive-thru window is located on the north facade. The drive-thru lane continues along the west side and wraps around the building. Parking is located adjacent the east side of the building and adjacent to the drive-thru lane on the north and south side of the building.

The applicant is proposing various alterations to the site. The southern entrance on South Park Street would be removed. The exit from the drive-thru lane to the parking lot on 1605 South Park Street would be removed and the access to the parking lot at 1613 South Park Street would also be removed. The site would be accessed from the north on South Park Street and two entries along Beld Street. The parking along the east side of the building would be removed and replaced with a dumpster enclosure and walkway to the rear door. The parking adjacent to the drive-thru lane on the south side of the building would be removed. Curb and gutter would be added along the drive-thru lane.

The applicant is also proposing various alterations to the building. The drive-thru window would be relocated from the north elevation to the south elevation. An addition would be built along the south elevation to enclose the drive-thru window. The addition is comprised of tan brick and a metal roof. The atrium and screen wall along the west elevation would be removed and replaced with storefront windows. An entry door would be added to provide a main entrance facing the street. Other modifications include adding tan brick and brown metal panel accents, and replacing windows.

Analysis and Conclusion

Conformance with Adopted Plans

The [2018 Comprehensive Plan](#) recommends Community Mixed-Use (CMU) development for the subject site. Employment, retail, civic, institutional, and service uses serving both adjacent neighborhoods and wider community markets are recommended for CMU areas. Development should be transit-oriented, even in areas where transit is planned but does not yet exist.

[South Madison Neighborhood Plan](#) (2005) recommends Community Commercial development for the subject property. Community Commercial areas provide a large portion of the city's population with a wide range of goods and services. The size, scale, and range of activities can vary greatly.

As part of the "due consideration" of adopted plans, staff notes that the [Comprehensive Plan](#) states that development should be transit oriented. In addition to physical planning considerations, TOD development is recommended to include uses that generate pedestrian activity, such as retail shops, services, and offices, particularly at ground level. Importantly, while these broad principles were established as part of a plan, a specific TOD ordinance has been adopted to implement the plan's TOD recommendations. Staff notes that Zoning has determined that this development would comply with this recently adopted ordinance and staff note that the use is an allowable conditional use within this Zoning District.

Staff feel that the decision to remove walk-up service at this location is regrettable, despite the potential for pedestrian-vehicle conflicts. In discussing this with the applicant they noted that walk-up service may be added at a later date. Regarding the proposed use, although the [Comprehensive Plan](#) encourages TOD development in CMU areas, there is not a recommendation specifically against drive-thru facilities in mixed-use areas. Additionally, CMU areas are intended to include uses serving both adjacent neighborhoods and wider community markets.

Conditional Use Standards

The conditional use approval standards state that the Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of MGO §28.183(6) are met. Please note, recent changes to state law requires that conditional use findings must be based on "substantial evidence" that directly pertains to each standard and not based on personal preference or speculation.

Staff have provided the following comments regarding Conditional Use Standards four, five, seven, and nine.

Per standard four, "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." This standard addresses the impact that a proposed conditional use could have on the development pattern or improvements on *surrounding* properties and should be informed by the specific aspects of the proposal. Staff notes that adopted plan recommendations are among the key measures typically used to review "normal and orderly" development.

Staff's primary question is related to how potential easements could impact future development on surrounding properties. As described above, the properties at 1605 South Park Street, 1609 South Park Street, 1613 South Park Street and 710 West Wingra Drive have been developed so that the traffic circulation and parking areas are interconnected. If the approved Certified Survey Map (CSM), see Legistar ID [74064](#), is not recorded then the buildings at 1605 South Park Street and 1609 South Park Street would be located on the same lot and continue to share access and parking. If the CSM is recorded then the owner of 1609 South Park Street would need an easement across 1605 South Park Street and 710 West Wingra Street for the southern access to Beld Street. Without the easement, the drive-thru could not operate as proposed. Staff do not believe this easement would substantially impact future redevelopment of 710 West Wingra Street and 1605 South Park Street.

The applicant has indicated that they also intend to obtain an easement across 1605 South Park Street for access to South Park Street. Staff cannot verify the boundaries of the proposed easement to determine whether that easement it would impact normal and orderly development of 1605 South Park Street. Specifically staff would want to confirm that this easement would not preclude future development of 1605 South Park Street from complying with the 20-foot maximum front setback in the TOD District. Therefor staff recommend the following condition of approval as listed at the end of the report, “The applicant shall provide for review, comprehensive reciprocal easements and agreements including, but not limited to, access and parking. Such easements shall not preclude future development on 1605 South Park Street from complying with the maximum setback in the Transit Oriented Development (TOD) District. Such information shall be approved by staff.”

Per standard five, “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.” M.G.O. §28.151 lists supplemental regulations for vehicle access sales and service windows. Plans for onsite circulation and driveway locations are to be reviewed where conditional use approval is required. Site design must accommodate a logical and safe vehicle and pedestrian circulation pattern. Adequate queuing lane space shall be provided without interfering with onsite parking/circulation. Traffic Engineering believes that the closure of the curb cut on South Park Street provides better queueing for the site and improves the South Park Street operations. Traffic Engineering is also supportive of the revised submittal which removed the connection between the parking lot at 1613 South Park Street and the subject site. Staff note that the building is wrapped by the drive-thru lane. Pedestrians that access the site from South Park Street would have to cross the drive-thru lane via a painted crosswalk. Individuals that utilize the parking area to the north would have to do the same. Individuals that utilize the parking area to the east do not have a direct or protected path to the building. To improve pedestrian access from the eastern parking area, planning staff recommend the following condition of approval listed at the end of the report, “The applicant shall provide a painted cross walk across the drive-thru lane from the eastern parking area to the rear-entry walkway.” Planning staff note that the site plan has been determined to be adequate by city staff, and although pedestrian-vehicle conflicts exist the applicant proposes to operate a drive-thru only business at this time.

Per standard seven, “The conditional use conforms to all applicable regulations of the district in which it is located.” The property is located within the Transit Oriented Development (TOD) Overlay District. Per §28.104(7) M.G.O. the site standards for buildings do not apply because the proposed modifications do not account for fifty percent (50%) or more of building floor area. Per §28.104(8) M.G.O. the site standards for automobile infrastructure do apply. Vehicle access sales and service windows and drives shall not be allowed between the primary street-facing façades and the primary public or private street, shall be setback from the primary and secondary street equal to or greater to than the principal building setback, shall be located under the building in which they are located, and the building shall have commercial or residential uses as allowed in the base district along the primary street frontage. Per zoning staff, the proposed enclosure for the drive-thru complies with the TOD Overlay District. Staff note that existing drive-thru infrastructure is not subject to the site standards for automobile infrastructure on the TOD Overlay District. Staff also believe the Supplemental Regulations for vehicle access sales and service windows are met.

Per standard nine, “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...” At their August 16, 2023 meeting, the UDC granted final approval of the request, as noted below. Staff believe this standard can be found to be met.

Urban Design District 7

The site is located in Urban Design District 7, therefore the Urban Design Commission (UDC) is an approving body. On July 26, 2023, the UDC referred the request to their August 16, 2023 meeting to allow the applicant to address comments made by the UDC. At their August 16, 2023 meeting the UDC granted final approval (see Legistar ID [78641](#)).

Public Input

At the time of report writing, staff have received comments in opposition to the project, what are available on Legistar.

Conclusion

The applicant proposes to establish a vehicle access sales and service window in a building with existing drive-thru facilities. Given due consideration of adopted plans, staff notes that the Comprehensive Plan does state that development should be transit oriented. Staff acknowledges that the applicant is proposing to re-use an existing one-story structure, and therefore the development is subject to different standards. Additionally, there is not a recommendation specifically against “drive-thru” facilities in mixed-use areas. Staff believes, on balance, that because the applicant proposes to re-use a building with existing drive-thru facilities, and the proposed project complies with the Transit Oriented Development Overlay District, it may be possible to find the applicable standards met.

Recommendation

Planning Division Recommendation (Contact Lisa McNabola, 243-0554)

On balance, the Planning Division recommends that the Plan Commission find the approval standards for Conditional Uses are met and approve the request to allow a vehicle access sales and service window at 1609 South Park Street. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

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

Planning Division (Contact Lisa McNabola, 243-0554)

1. The applicant shall provide for review, comprehensive reciprocal easements and agreements including, but not limited to, access and parking. Such easements shall not preclude future development on 1605 South Park Street from complying with the maximum setback in the Transit Oriented Development (TOD) District. Such information shall be approved by staff.

2. The applicant shall provide a painted cross walk across the drive-thru lane from the eastern parking area to the rear-entry walkway.
3. The property at 1609 South Park Street is located within the boundary of the Oregon Street Mounds grouping (DA-0146, BDA-0394). As such, any ground-disturbing work will need to secure a Request to Disturb permit from the Wisconsin Historical Society.
<https://www.wisconsinhistory.org/Records/Article/CS15239>

Contact Kim Cook at the Wisconsin Historical Society to secure the Request to Disturb permit. 608-264-6493 \ kimberly.cook@wisconsinhistory.org

4. The following information is provided for the reference of the applicant as many Madison properties are associated with locations of Native effigy mounds and archaeological sites.

Burial Sites Preservation (§ 157.70):

(2r) Site Disturbance Prohibited. Except as provided under subs (4) and (5) and State Statute 157.111 and 157.112, no person may intentionally cause or permit the disturbance of a burial site or catalogued land contiguous to a catalogued burial site.

(3) Report of Disturbed Burial Sites. (a) Except as provided under s. 979.01, a person shall immediately notify the Wisconsin Historical Society (608-264-6502) if the person knows or has reasonable grounds to believe that a burial site or the catalogued land contiguous to a catalogued burial site is being disturbed or may be disturbed contrary to the requirements of subs. (4) and (5).

Many Madison properties are associated with locations of Native American effigy mounds and archeological sites. This site is known to be very close to those associated with archeological and historic resources. The Burial Sites Preservation statute requires that the property owner contact the Wisconsin Historical Society to discuss the location of the proposed project and any possible disturbance of an archaeological or historic resource before the work commences. During the construction work, if a burial site disturbance occurs, the work shall stop immediately until the Wisconsin Historical Society is able to assess the site.

5. As part of securing the required Request to Disturb from the Wisconsin Historical Society, also copy the submittal to the Ho-Chunk National Tribal Historic Preservation Office. Contact at The Ho-Chunk Nation's National Tribal Historic Preservation Office: William Quackenbush. P. O. Box 667, Black River Falls, WI 54615. Phone: 715-284-7181 ext. 1121. Email: bill.quackenbush@ho-chunk.com

Zoning (Contact Jacob Moskowitz, 266-4560)

6. 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 ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
7. Verify whether new parking lot or site lighting will be installed. New parking lot lighting must comply with City of Madison General Ordinances Section 10.085 outdoor lighting standards. If parking lot site lighting

is provided, submit a lighting photometric plan and fixture cut sheets with the final plan submittal.

8. Provide elevations with glass detail consistent with Sec. 28.129 Bird-Safe Glass Requirements. Sec. 28.129 applies only to the added windows.
9. 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 and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.
10. All rooftop equipment shall be screened from view from adjacent streets and public rights-of-way per Sections 28.060(2)(f) and 28.142(9)(d). Screens shall be of durable, permanent materials that are compatible with the primary building materials.
11. Submit a detail of the trash enclosure. The trash enclosure shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet.

Engineering Division (Contact Tim Troester, 267-1995)

12. The application indicates disturbance will be limited to less than 10,000 SF - please confirm this to be the limits. If field disturbance exceeds that amount stormwater redevelopment requirements shall be enforced.

13. Obtain a Street Terrace permit for the proposed work (installation of the driveway apron, landscaping, etc.) This permit application is available and must be completed on line at <http://www.cityofmadison.com/engineering/permits.cfm> (MGO 10.08)
14. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
15. This site appears to have a land use that will result in their inclusion as a restaurant class sanitary sewer customer. This will charge commercial kitchen facilities a higher sanitary sewer fee per gallon than domestic users and is based on strengths of waste measured at representative similar customers throughout the City. If the applicant desires, a sampling structure may be installed, as part of the initial construction at their cost, to allow site-specific sampling of their waste to determine sanitary sewer charges specifically for this site. If no sampling structure is installed, this site will default to the restaurant class code in MGO Chapter 35. If you have questions on the restaurant class sewer charges please contact Megan Eberhardt at Meberhardt@cityofmadison.com or 608-266-6432.
16. This project will disturb 4,000 sf or more of land area and require an Erosion Control Permit. Submit the Erosion Control Permit Application (with USLE calculations and associated fee) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval. The permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.

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

17. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be to engineering scale 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.
18. 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.
19. 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.
20. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
21. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
22. The applicant shall provide a clearly defined 5' walkway 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.
23. "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.
24. 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.
25. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
26. Applicant shall submit for review a waste removal plan. This shall include vehicular turning movements.
27. All vehicle service window access aisles shall have a minimum outside turning radius of thirty (30) feet.
28. Applicant shall submit for review a Commercial Delivery Plan. This plan will include times, vehicle size, use of loading zones and all related turning movements.

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

29. The Coordinate and request from the utility companies serving this area the easements required to serve this development.
30. Provide for review, comprehensive reciprocal easements and agreements including, but not limited to, access, parking, utilities, common areas, storm management that are necessary to accomplish the land division or site development as proposed prior to final sign off. The document(s) shall be executed and recorded immediately subsequent to the CSM recording and prior to building permit issuance. or if there is no longer a CSM being planned for this site simply, shall be executed and recorded prior to building permit issuance.
31. There are cross accesses, parking and electrical utilities along with surface drainage between the adjacent parcels.
32. Identify on the plans the lot and block numbers of recorded Certified Survey Map or Plat.
33. Provide a full and complete legal description of the site or property being subjected to this application on the site plan.
34. Site plan does not seem to incorporate parcel lines in prior CSM application LNDCSM-2022-00050 and follows existing parcel lines.

Forestry Section (Contact Brandon Sly, 266-4892)

35. An existing inventory of street trees located within the right of way shall be included on the site, demo, utility, landscape, grading, fire aerial apparatus and street tree plan sets. The inventory shall include the following: location, size (diamater at 4 1/2 feet), and species of existing street trees. The inventory should also note if a street tree is proposed to be removed and the reason for removal.
36. Additional street trees are needed for this project. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction (website: <https://www.cityofmadison.com/business/pw/specs.cfm>) - All street tree planting locations and tree species within the right of way shall be determined by City Forestry. A landscape plan and street tree planting plan shall be submitted in PDF format to City Forestry for approval of planting locations within the right of way and tree species. All available street tree planting locations shall be planted within the project boundaries. Add following note on both the landscape and street tree plan sets: At least one week prior to street tree planting, Contractor shall contact City Forestry at (608) 266-4816 to schedule inspection and approval of nursery tree stock and review planting specifications with the landscaper.
37. All proposed street tree removals within the right of way shall be reviewed by City Forestry before the Plan Commission meeting. Street tree removals require approval and a tree removal permit issued by City Forestry. Any street tree removals requested after the development plan is approved by the Plan Commission or the Board of Public Works and City Forestry will require a minimum of a 72-hour review period which shall include the notification of the Alderperson within who's district is affected by the street tree removal(s) prior to a tree removal permit being issued. Add as a note on the street tree plan set.

38. Contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. Contractor shall operate equipment in a manner as to not damage the branches of the street tree(s). This may require using smaller equipment and loading and unloading materials in a designated space away from trees on the construction site. Any damage or injury to existing street trees (either above or below ground) shall be reported immediately to City Forestry at (608) 266-4816. Penalties and remediation shall be required. Add as a note on the site, grading, utility, demolition, and street tree plan set.
39. As defined by the Section 107.13 of City of Madison Standard Specifications for Public Works Construction: No excavation is permitted within 5 feet of the trunk of the street tree or when cutting roots over 3 inches in diameter. If excavation is necessary, the Contractor shall contact Madison City Forestry at (608) 266-4816 prior to excavation. City of Madison Forestry personnel shall assess the impact to the tree and to its root system prior to work commencing. Tree protection specifications can be found on the following website: <https://www.cityofmadison.com/business/pw/specs.cfm> Add as a note on the site, grading, utility, demolition and street tree plan sets.
40. Section 107.13(g) of City of Madison Standard Specifications for Public Works Construction (website: <https://www.cityofmadison.com/business/pw/specs.cfm>) addresses soil compaction near street trees and shall be followed by Contractor. The storage of parked vehicles, construction equipment, building materials, refuse, excavated spoils or dumping of poisonous materials on or around trees and roots within five (5) feet of the tree or within the protection zone is prohibited. Add as a note on both the site and street tree plan sets.
41. On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on both the site and street tree plan sets.
42. Street tree pruning shall be coordinated with City Forestry at a minimum of two weeks prior to the start of construction for this project. Contact City Forestry at (608)266-4816. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on both the site and street plan sets.

The following agencies reviewed the request and recommended no conditions of approval: Fire Department, Parks Division, Water Utility, Metro Transit and Parking.