



Department of Planning & Community & Economic Development

## Planning Division

Katherine Cornwell, Director

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October 9, 2015

Tate Walker  
OPN Architects  
301 N. Broom St., Ste 100  
Madison, WI, 53703

RE: Approval for the demolition of a commercial building, a conditional use for construction of a convenience store with fuel sales, and a rezoning of property from the CC-T District to the TR-C3 District.

Dear Mr. Walker:

At its September 21, 2015 meeting, the Plan Commission found the standards met and **approved** your client's request to demolish a commercial building for construction of a convenience store with fuel sales at 3520-3546 East Washington Avenue, contingent on Common Council approval of the rezoning or property along Ridgeway Avenue from CC-T to TR-C3. At its October 6 meeting, the Common Council approved the rezoning. In order to receive final approval of the demolition, conditional use, and rezoning, and for any necessary permits to be issued for your project, the following conditions shall be met:

**Please contact my office at 266-5974 if you have any questions regarding the following 8 items:**

1. The demolition and conditional use shall be approved contingent on Common Council approval of the rezoning of the lot being created along Ridgeway Avenue to a low-density residential zoning district.
2. This approval is subject to the Urban Design Commission granting final approval for development in Urban Design District 5.
3. Final plans submitted for review and approval by staff shall include a revised landscape plan to include the following revisions:
  - a) Further details and a maintenance plan for the bio-retention areas. These areas may be enlarged so as to become more viable for their intended function.
  - b) Planting beds must be revised with an organic mulch material and at least 75% vegetative cover so as to meet basic zoning requirements in MGO Section 28.142.
4. The applicant shall revise the site plan so as to include some of the bicycle parking near the southern entrance to the building facing East Washington Avenue.
5. The sale of wine, liquor, or beer on this site is not part of the conditional use approval, and would require separate review and approval by the City's Alcohol License Review Committee, and Common Council.

*Note: The Plan Commission modified Condition 5 and added Conditions 6-8 on September 21, 2015.*

6. The car wash facility shall maintain daily hours of operation not to exceed 6:00 AM to 10:00 PM on weekdays and 8:00 AM to 10:00 PM on weekends. Automobiles may only be washed when the overhead doors facing north are closed, in order to minimize noise impacts on properties to the north.
7. The 8-foot cedar fence proposed along the rear property line shall be extended eastward as far as Zoning and Traffic Engineering requirements allow.
8. The LED lighting strip may only be included on the East Washington Avenue side of the fuel canopy.
9. Delivery vehicles coming to and from the subject site shall not utilize Ridgeway Avenue.

**Please contact Eric Halvorson, Traffic Engineering, at 266-6527 if you have any questions regarding the following 7 items:**

10. The driveway on Schmedeman Avenue has been the subject of much discussion. Traffic Engineering has reviewed the proposed driveway access onto Schmedeman Avenue and finds the current location as designed provides the safest access point to Schmedeman Avenue. Positioning the driveway closer to East Washington Avenue is likely to degrade the safe operation of the driveway while having no effective impact on the amount of traffic choosing to turn left onto Schmedeman Avenue. Removing the driveway may result in additional traffic using Reindal Avenue and Ridgeway Avenue or Graceland Avenue. (The driveway alignment as shown in August 27<sup>th</sup> submittal is acceptable).
11. All driveway access points to East Washington Avenue shall be a minimum of 150' from Schmedeman Avenue per MGO 10.08. The plan as submitted currently meets this requirement.
12. The applicant shall adhere to all vision triangle requirements as set in MGO 27.05 (No visual obstructions between the heights of 30 inches and 10 feet – 25 feet behind the property line at streets and 10 feet at driveways.). If applicant believes public safety can be maintained they shall apply for a waiver of MGO 27.05(2)(bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the waiver shall be the determination of the City Traffic Engineer.
13. 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; 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.
14. 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.
15. 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.
16. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

**Please contact Brenda Stanley, City Engineering at 266-4537 if you have any questions regarding the following 31 items:**

17. The proposed new building will cross an underlying platted lot line. Current fire code and City enforcement requires the underlying platted lot line be dissolved by Certified Survey Map (CSM) prior to issuance of a building permit. A CSM and required supporting information shall be prepared and submitted to the City of Madison Planning Department. The CSM shall be approved by the City and recorded with the Dane County Register of Deeds prior to issuance of a building permit.
18. The sanitary sewer lying within this site has been abandoned. The easements for this sewer, although not shown correctly on this site plan, shall be released by separate document prepared by City Office of Real Estate Services. Applicant must prepare scale map exhibits for the portions to be released and provide to Engineering Land Records Coordinator Jeff Quamme for review. Upon approval of the exhibits and payment of the required \$500 administration fee (check payable to City of Madison Treasurer) to cover staff time and recording costs, Engineering will create the necessary Office of Real Estate Services (ORES) Project. ORES staff will then administer the release document(s) and record with the Dane County Register of Deeds. The required CSM will provide authorization for the release of the easements.
19. The Applicant shall construct public storm improvements at the intersection of Ridgeway Avenue and Schmedeman Avenue as this area is prone to flooding. The Applicant shall restore the roadway as necessary and in accordance with the plans approved by the City Engineer.
20. The Applicant shall provide estimated water use for the proposed car wash with the proposed development. The proposed development discharges into a small local sanitary sewer main (8" diameter).
21. The owner stated on the application, PDQ Food Stores, is not the current owner of the property. Provide the recorded deed of record conveying title to PDQ Food Stores.
22. The owner shall provide a waiver of hearing and notice on assessments for the installation of sidewalk and street improvements on both Ridgeway Avenue and on Schmedeman Avenue.
23. The Applicant shall grade the property line on Ridgeway Avenue to a grade established by the City Engineer to allow for future street and sidewalk construction.
24. The Applicant shall install curb and gutter on Schmedeman Avenue adjacent to the development.
25. A private easement is required for the sewer and water laterals that are shown cutting through the proposed residential lot. An easement/agreement shall be recorded setting forth construction and maintenance conditions and restrictions prior to issuance of a building permit.
26. Remove all landscaping and bioretention on sheet L1 from the East Washington Avenue Right of way.
27. The construction of this building will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City / Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project (MGO 16.23(9)c).

28. 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.
29. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass (POLICY).
30. The approval of this Conditional Use or PUD does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester (MGO 16.23(9)(d)(6)).
31. The Applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The Applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The Applicant shall provide the City Engineer the proposed grade of the building entrances. The City Engineer shall approve the grade of the entrances prior to signing off on this development (POLICY).
32. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction (POLICY).
33. All work in the public right-of-way shall be performed by a City licensed contractor (MGO 16.23(9)(c)5) and MGO 23.01).
34. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl, of the City Parks Department - [dkahl@cityofmadison.com](mailto:dkahl@cityofmadison.com) or 266-4816. Approval and permitting of any tree removal or replacement shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan (POLICY).
35. All damage to the pavement on E. Washington Ave, Schmedeman Ave, and Ridgeway Ave adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link: <http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY).
36. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in the ROCK RIVER TMDL ZONE and by Resolution 14-00043 passed by the City of Madison Common Council on 1/21/2014. You will be expected to meet a higher standard of erosion control than the minimum standards set by the WDNR.
37. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year.
38. This site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR216 and NR-151 however a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process).

Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. Information on this permit application is available on line <http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm> (NOTIFICATION)

39. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to:

- a) Reduce TSS by 80% off of the proposed development when compared with the existing site.
- b) Provide oil & grease control from the first 1/2" of runoff from parking areas.
- c) Complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website – as required by MGO Chapter 37.

Stormwater management plans shall be submitted and approved by City Engineering prior to signoff.

40. The Applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Division (storm/sanitary section). The digital CAD file shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the only the following data, each on a separate layer name/level number:

- a) Building Footprints
- b) Internal Walkway Areas
- c) Internal Site Parking Areas
- d) Other Misc Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
- e) Right-of-Way lines (public and private)
- f) Plat name and lot lines (metes & bounds parcel lines if unplatted)
- g) Platted lot numbers (noted "unplatted lands" if not platted)
- h) Lot/Plat property dimensions
- i) Street names
- j) Private on-site sanitary sewer utilities (including all connections to public sanitary)
- k) Private on-site storm sewer utilities (including all connections to public storm)

THE CAD FILE WILL ONLY BE REQUIRED PRIOR TO FINAL PLAN REVIEW SO THAT MULTIPLE FILES DO NOT NEED TO BE SUPPLIED OR REVIEWED.

Note: Email CAD file transmissions are preferred to: [jbendict@cityofmadison.com](mailto:jbendict@cityofmadison.com) or [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com). The party responsible for the CAD file email transmission shall include the project site address in the email subject line. Any changes or additions to the location of the building, private utilities, sidewalks, parking/pavement during construction will require a new CAD file transmittal.

41. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set (POLICY and MGO 37.09(2)).

PDF submittals shall contain the following information:

- a) Building footprints
- b) Internal walkway areas
- c) Internal site parking areas
- d) Lot lines and right-of-way lines

- e) Street names
  - f) Stormwater Management Facilities
  - g) Detail drawings associated with Stormwater Mgmt Facilities (including if applicable planting plans)
42. The Applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files, including:
- a) SLAMM DAT files
  - b) RECARGA files
  - c) TR-55/HYDROCAD/Etc
  - d) Sediment loading calculations

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 (POLICY and MGO 37.09(2)).

43. This project appears to require permanent dewatering. A permit to connect to the public stormwater system shall be required from City Engineering. Additionally, a permit for non-storm discharge to the storm sewer system from the City/County Health Department shall be required.
44. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. MGO 37.05(7). This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
45. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing sanitary sewer lateral that serves a building which is proposed for demolition. For each lateral to be plugged the owner shall complete a sewer lateral plugging application and pay the applicable permit fees. NOTE: As of January 1, 2013 new plugging procedures and permit fees go into effect. The new procedures and revised fee schedule is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14)).
46. All outstanding Madison Metropolitan Sewerage District (MMSD) are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Schmidt (608-261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff (MGO 16.23(9)(d)(4)).
47. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service (POLICY).

**Please contact Janet Schmidt, Parks Division, at 261-9688 if you have any questions regarding the following 2 items:**

48. Forestry will permit the removal of the 2" Elm on Schmedeman Av and the 12" Maple on E Washington Av for the new driveway locations. Contractor shall contact Forestry at least one week prior to construction to obtain a tree removal permit.
49. Existing street trees shall be protected. Please include the following note on the site plan:  
Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266-4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry. Tree protection specifications can be found in section 107.13 of *City of Madison Standard Specifications for Public Works Construction* -  
<http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part1.pdf>.

**Please contact Dennis Cawley, Water Utility, at 266-4651 if you have any questions regarding the following 2 items:**

50. This property is not located in a wellhead protection district.
51. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

**Please contact Bill Sullivan, Fire Department at 261-9658 if you have any questions regarding the following 3 items:**

*Note: Condition 51 was changed by the Plan Commission on September 21 in response to communication from Madison Fire Department staff.*

52. Provide fire apparatus access as required by IFC 503 2012 edition, MGO 34.503, as follows: The site plans shall clearly identify the location of all fire lanes.
53. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.
54. Please consider allowing Madison Fire Department to conduct training sequences prior to demolition. Contact MFD Training division to discuss possibilities (Lt. Scott Bavery, (608) 576-0600.

**Please contact Jenny Kirchgatter, Assistant Zoning Administrator at 266-4569 if you have any questions regarding the following 13 items:**

55. 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, Mr. George Dreckmann. (608-267-2626).
56. Section 28.185 (10) Every person who is required to submit a reuse and recycling plan pursuant to Sec. 28.185(7)(a)5 shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
57. Section 28.185 (9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
58. Submit a landscape plan stamped by the registered landscape architect and a City of Madison landscape worksheet. Per section 28.142(3), landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared and stamped by a registered landscape architect.
59. Provide adequate development frontage landscaping per section 28.142(5) Development Frontage Landscaping. Landscaping and/or ornamental fencing shall be provided between buildings or parking areas and the adjacent street(s), except where buildings are placed at the sidewalk. Note that landscaping must be installed on the private property.
60. Screening is required adjacent the Zoning district boundary along the west property line. Screening shall be provided along side and rear property boundaries between commercial/ mixed-use districts and residential districts. Screening shall consist of a solid wall, solid fence, or hedge with year-round foliage, between six (6) and eight (8) feet in height. Submit a detail of the screening fence with the final plans.

61. 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.
62. Parking is proposed in excess of the maximum number of spaces. Per Table 28I-3 Off-Street Parking Requirements, the automobile parking maximum is 1 parking space per 500 square feet of floor area (12 parking stalls). The Zoning Administrator may approve an increase of up to twenty (20) spaces above the maximum requirement. Submit an application for a Parking Adjustment and supporting documentation per Section 28.141(6) with the final plan submittal.
63. Bike parking shall comply with MGO Table 28I-3 and section 28.141(11). Provide a minimum of six (6) bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. Note that a bike parking stall is a minimum of 2 feet by 6 feet with a five foot wide access aisle. Submit a detail showing the model of bike rack to be installed.
64. Provide the lot coverage calculation as defined in section 28.211 with the final plan set. The maximum lot coverage is 85%.
65. Provide a detail showing the locations and approximate sizes of the outdoor display areas. Outdoor display areas shall meet the supplemental requirements per section 28.151. All products on display shall also be sold in the principal retail use. Outdoor display shall not exceed sixteen (16) hours per day.
66. Provide details showing that the primary street façade meets the door and window opening requirements of Section 28.060(2)(d).
67. 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.



**Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency. No demolition or building permits shall be issued until the applicant has met all of the conditions of approval stated in this letter.**

**Please now follow the procedures listed below for obtaining your demolition and conditional use permits:**

1. Please revise your plans per the above conditions and submit ten (10) copies of a complete, fully dimensioned and scaled plan set to the Zoning Administrator for final review and comment. Also be sure to include any additional materials requested by these departments for their approval prior to sign off. The final site plan shall be accompanied by the appropriate site plan review application and fee pursuant to Section 28.206 of the Zoning Code, and any other documentation requested herein with the Zoning Administrator, Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard. This submittal shall all also include one complete digital plan set in PDF format. The sets of final revised plans or documents will be circulated by the Zoning staff to the City department staff listed above for their final approval.
2. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting building permit approval.
3. 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. This approval shall become null and void one year after the date of the Plan Commission unless the use is commenced, construction is under way, or valid building permits are issued.

If you have any questions regarding obtaining the demolition and conditional use approval, please contact the Zoning Administrator at 266-4551. If you have any questions or if I may be of any further assistance, please do not hesitate to contact my office at 266-5974.

Sincerely,

Heather Stouder, AICP  
Planner

cc: Matt Tucker, Zoning Administrator  
 Bill Sullivan, Fire Department  
 George Dreckmann, Recycling Coordinator  
 Brenda Stanley, City Engineering  
 Jeff Quamme, Engineering Mapping  
 Janet Schmidt, Parks  
 Eric Halvorson, Traffic Engineering  
 Al Martin, Urban Design Commission

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

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*Signature of Applicant*

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*Signature of Property Owner (if not applicant)*

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (H. Stouder)	<input checked="" type="checkbox"/>	Engineering Mapping Sec.
<input checked="" type="checkbox"/>	Zoning Administrator	<input checked="" type="checkbox"/>	Parks Division
<input checked="" type="checkbox"/>	City Engineering	<input checked="" type="checkbox"/>	Urban Design Commission
<input checked="" type="checkbox"/>	Traffic Engineering	<input checked="" type="checkbox"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input type="checkbox"/>	Real Estate