

**PLANNING DIVISION REPORT
DEPARTMENT OF PLANNING AND COMMUNITY
AND ECONOMIC DEVELOPMENT
Of January 9, 2008**

RE: LD. # 08743, Conditional Use Application – 3801 E. Washington Avenue

1. Requested Action: Approval of a major alteration to an existing shopping center in excess of 25,000 square feet to allow renovation of an existing retail building and the addition of two drive-up windows for a new grocery store tenant at 3801 E. Washington Avenue. The subject site is also a planned commercial site.
2. Applicable Regulations: Section 28.09 (2)(d) identifies drive-in/ up establishments and zoning lots with greater than 25,000 square feet of retail as conditional uses in C2 zoning. Section 28.12 (11) provides the guidelines and regulations for the approval of conditional uses. Section 28.04 (24) provides the guidelines for planned commercial sites. Section 33.24 (4)(f) provides the standards for large retail establishments, which the center is considered.
3. Report Prepared By: Timothy M. Parks, Planner

GENERAL INFORMATION

1. Applicant & Agent: Pete Hosch, Hy-Vee, Inc.; 5820 Westown Parkway; West Des Moines, Iowa.

Property Owner: 3800 East Washington Avenue, LLC; 625 N. Segoe Road; Madison.
2. Development Schedule: Construction will commence in fall 2008, with completion anticipated in the fall of 2009.
3. Location: Approximately 11.15 acres generally located at southeast corner of E. Washington Avenue and Mendota Street; Aldermanic District 17; Urban Design District 5; Madison Metropolitan School District.
4. Existing Conditions: The subject site is developed with the 104,000 square-foot former K-Mart retail building located on the southeasterly third of the property and a detached 3,000 square-foot Credit Union Express drive-up banking facility located in the northwesterly corner of the site adjacent to the corner of E. Washington Avenue and Mendota Street. The northerly half of the site is zoned C3 (Highway Commercial District) while the southern half is zoned C3L (Commercial Service and Distribution District).
5. Proposed Land Use: The existing retail will largely remain as currently and will be refaced. The building renovation proposes the addition of two drive-up windows along the front facade. No changes to the separate credit union drive-up facility are proposed.

6. Surrounding Land Use and Zoning:
North: One- and two-family residences, zoned R3 (Single- and Two-Family Residence District);

South: Various warehousing/ distribution, heavy commercial and light manufacturing uses, zoned C3L (Commercial Service and Distribution District);

East: Howard Johnson's Hotel, zoned C3 (Highway Commercial District); various warehousing/ distribution and heavy commercial uses, zoned C3L;

West: Various commercial establishments along E. Washington Avenue in C2 (General Commercial District) zoning; single-family residences in R1 (Single-Family Residence District) zoning and four-unit apartments in R4 (General Residence District) zoning generally along the west side of Mendota Street.
7. Adopted Land Use Plan: The Comprehensive Plan identifies the subject site for Community Mixed-Use development. The East Towne-Burke Heights Neighborhood Development Plan identifies the subject site and properties to the south along Mendota Street and east along E. Washington Avenue for commercial uses.
8. Environmental Corridor Status: The subject site is not located in a mapped environmental corridor.
9. Public Utilities & Services: The property is served by a full range of urban services.

STANDARDS FOR REVIEW

This application is subject to the conditional use standards of Section 28.12 (11) and the urban design standards for large retail establishments of Section 33.24 (4)(f).

PLAN REVIEW

The applicant, Hy-Vee, Inc., a Des Moines-based grocery store company, is requesting approval of a major alteration to an existing conditional use to substantially remodel the former K-Mart store located at 3801 E. Washington Avenue into the company's first Madison-area store. The proposed supermarket will occupy 90,670 square feet of the existing one-story, approximately 104,000 square-foot building, which is located on the southerly third of a 11.15-acre site at the southeasterly corner of E. Washington Avenue and Mendota Street. The remaining 12,077 square feet of the building will be divided into two for-lease commercial spaces.

The subject parcel is located both in C3 and C3L commercial zoning and includes a 0.6-acre parcel located at northwesterly corner of the site, which is developed with a credit union drive-up banking facility. Two parcels, including one developed with an Schlotzsky's Deli, are under separate ownership and not included with the proposed redevelopment project. In general, the subject site is bordered by commercial properties to the east, southeast, and west along E. Washington Avenue, while the lands directly north of the site across E. Washington and to the west across Mendota Street are developed with mostly low-density residential uses.

The 90,670 square-foot grocery store will be comprised of an 85,556 square-foot food store that will include an in-store pharmacy, Starbucks coffeehouse, kitchens, dining room and classroom/meeting room in addition to the customary grocery and general merchandise sections. A small outdoor dining area is shown adjacent to the dining room in the northeastern corner of the store. The other 5,114 square feet of floor area within the supermarket is identified as a separate wine and spirits store, which will have entrances from both the food store and the parking lot. A floorplan of the proposed grocery store has been included for informational purposes.

The proposed supermarket will include two drive-up service lanes to be located near the northwestern corner of the store adjacent to the pharmacy and near the entrance to the wine and spirits store. The drive-up lane closest to the building will be used by pharmacy customers, with a service window to be incorporated into the new front façade of the building. The second, outside lane will be for use by grocery customers. A sidewalk extending across the length of the front wall of the store will be located adjacent to and outside of the grocery pickup lane. The drive-up area will be partially covered by a canopy that will extend outward from the store's front wall.

Specific floorplans for the two tenant spaces proposed along the western edge of the building have not been provided for review, though the building elevations submitted suggest that one of the tenant spaces will face to the north with an entrance along the front elevation. The second tenant space will be located at the southern end of the western elevation and have access from a parking located between the building and Mendota Street. Users for these two spaces have not been identified.

In addition to the canopy over the proposed drive-up service lanes, the applicant proposes to reconstruct the front façade of the building facing E. Washington Avenue with a combination of brick and EIFS to replace the gray-painted concrete block exterior of the former K-Mart. The reconstructed front wall will include various vertical columns, wall projections, windows and a cornice to add visual interest to the façade. A similar treatment will be implemented along the western side wall facing Mendota Street and will also wrap around the northeastern corner of the building near the supermarket's dining room and patio. Plans for the exterior also call for an enclosed two-story tall atrium to be constructed around the grocery store's entrance, which will be located on the eastern half of the front wall. The remainder of the building will be painted to match the exterior treatments being proposed. A portion of the eastern side wall of the building will be reconstructed to include a truck loading dock at the southeastern corner, which will be

located approximately 200 feet from the nearest portion of the Howard Johnson Hotel located at 3841 E. Washington Avenue.

Other improvements to the site include the reconfiguration of the portion of the surface parking lot located directly in front of the store. At present, the site includes an uninterrupted parking lot that largely extends between the 104,000 square-foot building and E. Washington Avenue from Mendota Street to the property line shared with the adjacent hotel, with no significant vegetation present. The applicant proposes to construct a 379-space parking field on the southern portion of the existing parking lot that will include two dedicated pedestrian walkways to connect to the sidewalk that will extend along the front wall of the store. Landscaped islands will be added at regular intervals through the reconstructed proportion of the parking area, which will also have two underground stormwater infiltration systems installed to treat parking lot runoff. Additional landscaping will be added between the western wall of the store and Mendota Street, and new walkways will be added along the west side of the property to improve pedestrian circulation between the residential neighborhood to the west and the grocery store.

The applicant is not proposing improvements to the remainder of the existing parking lot north of the store at this time and instead identifies that space, shown in gray on the site plans, for future development. The applicant will maintain the driveway into the site from Mendota Street located opposite Hoover Drive as well as the right-in/ right-out driveway from E. Washington Avenue to provide access to the site. A second driveway from Mendota Street south of the credit union drive-up facility will likely be closed once future development of the northern portion of the parking area commences. The site plans submitted provide an opportunity for a private drive parallel to E. Washington located on the hotel property to the east to be relocated further away from the street to connect to the drive crossing the subject site. If this drive relocation (which is supported by City staff) occurs, it would provide a continuous private drive across four developments connecting Mendota Street and Hoover Drive with Lien Road.

ANALYSIS AND CONCLUSION

The proposed conversion of the former K-Mart store into a full-service grocery store requires the approval of the Plan Commission as a result of the addition of the drive-up service lanes to be added to the front wall of the building and the overall modifications to the existing conditional use for the retail center in excess of 25,000 square feet. The Planning Division generally believes that the proposal meets the standards for a conditional uses and largely represents a significant improvement to and appropriate reuse of a recently moribund 104,000 square-foot retail building. The introduction of a grocery store on this site should also enhance the availability of residential-serving retail uses in this area of the City, while the building, circulation and landscaping improvements proposed should make the site more functional and aesthetically appealing for the foreseeable future and encourage further redevelopment activity on this site and other nearby properties.

Because the center includes greater than 40,000 square feet of commercial space on the zoning lot, the provisions of the large retail establishment ("big box") regulations apply to this site and the proposed addition. In particular, the provisions related to site design, pedestrian circulation, the design of parking lots and the architecture of the site apply. Recognizing existing conditions on the site, the regulations require compliance to the extent possible. In reviewing the proposed improvements versus the standards, the Planning Division has found the proposed grocery store to be in conformance with the large retail establishment ordinance to the extent possible. The front building elevations contain the required horizontal and vertical relief elements and color, texture and roofline variations and largely feature durable materials as prescribed in the ordinance. In general, staff views the improvements as positive incremental enhancements that will make the center a better facility for the neighborhood than the existing center.

One area, however, that may require additional enhancement is the side wall of the building facing Mendota Street. The applicant proposes to reconstruct the existing gray-painted masonry wall with a new primarily brick exterior that incorporates columns for relief. However, Planning Division staff recommends that the applicant revisit the proposed treatment of this façade to reduce the amount of blank wall between the northwestern corner of the building and the second for-lease tenant space located at the southern end of this wall. While the proposed improvements are a visual enhancement beyond the existing condition, staff does not feel that they will lead to additional activity along this elevation and may result in a dead space between the grocery store and Mendota Street. It may also hinder the viability of the second tenant space, which will be well removed from the activity on the E. Washington Avenue facade. Staff recommends that the first for-lease tenant space be at least partially oriented towards Mendota Street. The inclusion of west-facing windows along this elevation is also recommended to break up the mostly uninterrupted wall and provide more visual activity along that elevation.

The subject site is identified for community mixed-use development in the Comprehensive Plan. The Planning Division generally regards the reuse of the former K-Mart building as a grocery store to be in keeping with many of the Comprehensive Plan recommendations although the building largely does not adhere to the design guidelines for such mixed-use developments. Staff believes that there is an opportunity to incorporate more of the facets of community mixed-use developments with the projects that will be built on the portion of the existing parking lot shown in gray for "future development." These future buildings would ideally be a minimum of two stories in height and incorporate a wider variety of uses beyond the retail traditionally present on this property, including the possibility of limited residential uses on the second floors of mixed-use buildings. The use of shared parking on the entire site is also encouraged to provide more flexibility in site planning. In addition to the gray-shaded area on the plans for the subject site, staff anticipates that the credit union drive-up facility and the two unrelated parcels along the E. Washington Avenue frontage will also be redeveloped following the community mixed-use guidelines.

The UDC reviewed the proposed modifications to the site on December 19, 2007 and granted initial approval with conditions (see attached report).

In closing, the Planning Division believes that the project complies with the conditional use and other ordinance standards and warrants approval.

RECOMMENDATION

The Planning Division recommends the Plan Commission find that the conditional use standards met for the proposed major alterations to an existing retail center in excess of 25,000 square feet and the addition of two drive-up windows at 3801 E. Washington Avenue, subject to input at the public hearing and the following conditions:

1. Comments from reviewing agencies.
2. That the applicant revise the western elevation per Planning Division approval to reduce the uninterrupted western side wall of the building facing Mendota Street. Revisions to this elevation may include, but not be limited to, the addition of storefront glass and an entrance to the "Tenant A" space along the western wall and/or the relocation of the "Tenant B" space further north along the western elevation to put it closer to the activity present on the northern portion of the building.

AGENDA # 1

City of Madison, Wisconsin

REPORT OF: URBAN DESIGN COMMISSION

PRESENTED: December 19, 2007

TITLE: 3801 East Washington Avenue –
Renovation and New Construction in
Urban Design District No. 5, Grocery
Store. 17th Ald. Dist. (07849)

REFERRED:

REREFERRED:

REPORTED BACK:

AUTHOR: Alan J. Martin, Secretary

ADOPTED:

POF:

DATED: December 19, 2007

ID NUMBER:

Members present were: Lou Host-Jablonski, Marsha Rummel, Richard Slayton, Jay Ferm and Todd Barnett.

SUMMARY:

At its meeting of December 19, 2007, the Urban Design Commission **GRANTED INITIAL APPROVAL** of renovation and new construction located at 3801 East Washington Avenue. Appearing on behalf of the project were Bree Cooper, Henry A. Gempeler, Bob Johnson and Pete Hosch, all representing Hy-Vee, Inc., and Ald. Joe Clausius, District 17. Wagner was excused at 5:15 p.m. during the presentation on this item. The presentation on the revised plans feature the following:

- A day lighting issue was addressed on the front façade with the peeling back of the existing façade with a raised roof structure to let light into the front of the building.
- Punched up architecture by creating uniform tie to architectural treatment for main, minor, and accessory tenant spaces. The expanded use of the brick provided as a base material pushing and diminishing EIFS on the upper façade.
- The project as proposed with seek LEED certification. A review of the site landscape plan modifications featured the doubling up of trees on islands. The utilization of nine different types of trees species with special attention to salt tolerance and accommodations for dry seasons. In addition, landscape maintenance was also looked at in regards to trees and plantings adaptability to parking lot conditions.
- A reexamination of a proposed bio-swale with existing contours on the south side of the site adjacent to Mendota Street shows that a bio-swell would not work in this area. Therefore, surface bio-swales were replaced with an alternative underground detention facilities. The parking lot also features modifications to provide sidewalks to the storefronts in combination with trees and planting areas.

Following the presentation the Commission noted the following:

- Applaud the use of the existing building, new entry with transom window, high space to provide for daylight. But a little letdown about the loss of the liveliness of the architecture of the existing building's front façade, a previous project.
- Enliven front façade with more windows and/or landscaping, provide more windows on bank tenant's façade. Encourage applicant to work with tenant (bank) for more windows.
- Issue with drive-up conflicting with pedestrian walkway at front of building, the pharmacy drive-up and grocery pick-up.
- Examine potential for down lighting on the Mendota Street elevation.

- Like grocery pick-up removed from main entry to store but problem with 2-way traffic will have with signage issues. Less concern with the remoteness from the main entry.
- Need fixture cut sheets for final approval.
- The “Columnar” Ginko should be “standard” Ginko with one tree, a tree island when utilized.
- Examine the potential to put trees along the southeasterly property line behind the building to provide more shade.
- Shrubs and ground cover and planting beds should be durable. The use of perennials and the deciduous shrubs a concern with winter texture and cutting/maintenance in the fall.
- Like additional sidewalk in parking lot to main entry, share concern with sidewalk, pharmacy drop-off and grocery pick-up conflicts. Need to provide a blow-up of area for further consideration.
- Look at another concept on how pedestrian pharmacy drop-off and grocery drive-up can be accommodated. Reexamine the level of parking which exceeds the Zoning Code level, if some parking stalls could be eliminated; area could be used to benefit drop-off issue or provide additional on-site rain garden or bio-retention amenities.
- Reexamine traffic movement and circulation to the pharmacy drive-up for the site as a whole in addition to issues and conflicts with pedestrian movement and grocery pick-up.

Ald. Joe Clausius spoke in support of the project noting neighborhood association support in the Hawthorne and Mayfair Neighborhood Associations where a full service grocery will replace an under-utilized site where people will drive, walk and bike in addition to the provision of jobs within the area. Clausius further noted that the project was formerly an “Onion Award” winner which will be cleaned up; a good fit for the neighborhood and district where the issue relevant to a liquor store is a non-issue.

ACTION:

On a motion by Rummel, seconded by Barnett, the Urban Design Commission **GRANTED INITIAL APPROVAL**. The motion was passed on a unanimous vote of (5-0). The motion required address of the above stated concerns and the following:

- Provide a close-up view of the pharmacy drive-thru with a more comprehensive look to a final solution for pedestrian walking/pharmacy drive-up and grocery pick-up.
- Provide lighting fixture cut sheets in addition to a full photometric with further consideration of the project.
- Modify the landscape plan in regards to the use of Ginko trees.
- Look at front elevation again to add more windows.
- Look at brickwork; maybe different colored base and top with a provision on the rear elevation of a return of brick from the adjacent elevations at four-foot minimum.
- Relook at lane directions relationship to drive-up.
- Address concern with the extent of outdoor display needs to be defined including any details of front façade display at the walk.
- Signage is to return for formal consideration.

After the Commission acts on an application, individual Commissioners rate the overall design on a scale of 1 to 10, including any changes required by the Commission. The ratings are for information only. They are not used to decide whether the project should be approved. The scale is 1 = complete failure; 2 = critically bad; 3 = very poor; 4 = poor; 5 = fair; 6 = good; 7 = very good; 8 = excellent; 9 = superior; and 10 = outstanding. The overall ratings for this project are 5, 5, 5, 6, 6.5 and 7.

URBAN DESIGN COMMISSION PROJECT RATING FOR: 3801 East Washington Avenue

	Site Plan	Architecture	Landscape Plan	Site Amenities, Lighting, Etc.	Signs	Circulation (Pedestrian, Vehicular)	Urban Context	Overall Rating
Member Ratings	-	-	-	-	-	-	-	6.5
	5	5	4	5	-	-	5	5
	6	5	6	6	-	5	6	6
	5	6	6	6	5	5	5	5
	7	6	8	7	-	-	7	7
	6	5	6	5	5	6	6	5

General Comments:

- Great reuse; front pedestrian zone, however, needs further work and though.
- Desired use.
- Appreciate LEEDS certification effort. Address drive thru and lane directions; parking underground, infiltration system interesting alteration to traditional bioswales. Daylighting to front façade is an improvement. Welcome to Madison, great use!
- Provide enlarged plans at detailed areas (plaza, parcel pick-up, etc.) include critical dimensions.
- Glad you're seeking LEED. Parking lot is much improved, keep looking for ways to make it beautiful!
- Great to reuse building; examine drop-off, pick-up, architecture predictable.



Department of Public Works City Engineering Division

608 266 4751

Larry D. Nelson, P.E.
City Engineer

City-County Building, Room 115
210 Martin Luther King, Jr. Boulevard
Madison, Wisconsin 53703
608 264 9275 FAX
1 866 704 2315 Textnet

Deputy City Engineer
Robert F. Phillips, P.E.

Principal Engineers
Michael R. Dailey, P.E.
Christina M. Bachmann, P.E.
John S. Fahrney, P.E.
Gregory T. Fries, P.E.

Facilities & Sustainability
Jeanne E. Hoffman, Manager
James C. Whitney, A.I.A.

Operations Manager
Kathleen M. Cryan

Hydrogeologist
Joseph L. DeMorett, P.G.

GIS Manager
David A. Davis, R.L.S.

Financial Officer
Steven B. Danner-Rivers

DATE: January 4, 2008

TO: Plan Commission

FROM: *for* Larry D. Nelson, P.E., City Engineer

SUBJECT: 3801 East Washington Avenue Conditional Use

Robert Phillips

The City Engineering Division has reviewed the subject development and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. Driveway on Mendota Street, that is shown to be widened, shall be constructed in accordance with the City of Madison Standards.
2. Site plan not clear where existing sanitary laterals located. Revise plan to include both existing sanitary lateral and proposed lateral locations.
3. Prior to approval, dedicate a 15-foot wide public sanitary sewer easement for any existing public sanitary not currently within a recorded easement.
4. Prior to approval, dedicate a public ingress/egress/maintenance access easement over all drive aisle for accessing the public sanitary sewer.
5. Public easements, in addition to those listed above, may be deemed necessary by the City Engineer, Traffic Engineer or various city agencies. The City Real Estate Department, requiring submittal of a \$500 processing fee and easement maps and legal descriptions prepared by a Registered Land Surveyor, shall administer all public easements. Make preliminary submittals to City Engineering Division Land Records Coordinator Eric Pederson (epederson@cityofmadison.com) for review and project setup and coordination with the Real Estate Department. Another suggested alternative, which may be more efficient and cost effective for the applicant, could be the submittal of a Certified Survey Map to accomplish the same, and also improve the title of the property owned by the applicant.

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

Engineering Division Review of Planned Community Developments, Planned Unit Developments and Conditional Use Applications.

Name: 3801 East Washington Avenue Conditional Use

General

- ☐ 1.1 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.
- ☐ 1.2 The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
- ☐ 1.3 The site plan shall include all lot/ownership lines, existing building locations, proposed building additions, demolitions, parking stalls, driveways, sidewalks (public and/or private), existing and proposed signage, existing and proposed utility locations and landscaping.
- ☐ 1.4 The site plan shall identify the difference between existing and proposed impervious areas.
- ☐ 1.5 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.
- ☐ 1.6 Coordinate all necessary new interior addresses associated with this proposed development with City Engineering Program Specialist Lori Zenchenko lzenchenko@cityofmadison.com or (608) 266-5952
- ☐ 1.7 The site plan shall include a full and complete legal description of the site or property being subjected to this application.
- ☐ 1.8 The Developer is required to pay Impact Fees for the _____ Impact Fee District for Lot(s) _____ of the _____ Plat/CSM. The current rate is \$ _____ /1000SF for a total of \$ _____. The Developer shall select one of the following two options for payment of these fees:
- 1) Impact Fees shall be paid in full prior to Engineering sign-off of the plat/csm.
 - 2) The Developer has elected to defer the payments until such time as the building permits are applied for, in which case the owner(s) shall have fourteen (14) days after receiving the invoices to pay the outstanding impact fees. The following shall be required prior to plat sign off:
 - a) The Developer shall supply an Excel spreadsheet with lot numbers, lot areas, and number of dwelling units per lot. The Developer shall supply a CADD file of the proposed FINAL plat, in a format compatible with Microstation J. This information shall be required to calculate the Impact Fees, which will then be recorded at the Register of Deeds against each lot in the subdivision..
 - b) All information shall be transmitted to Janet Dailey by e-mail at jdailey@cityofmadison.com, or on a CD to:

Janet Dailey
City of Madison Engineering Division
210 Martin Luther King Jr. Blvd
Room 115
Madison, WI 53703
 - c) A minimum of three (3) weeks shall be required for staff to calculate the Impact Fees and record the documents prior to plat sign-off.

The Developer shall put the following note on the face of the plat:

ALL THE LOTS WITHIN THIS SUBDIVISION ARE SUBJECT TO IMPACT FEES THAT ARE DUE AND PAYABLE WITHIN FOURTEEN DAYS OF THE ISSUANCE OF BUILDING PERMIT(S).

Right of Way / Easements

- ☐ 2.1 The Applicant shall Dedicate a _____ foot wide strip of Right of Way along _____.
- ☐ 2.2 The Applicant shall Dedicate a _____ foot wide strip of Right of Way along _____.
- ☐ 2.3 The Applicant shall Dedicate a Permanent Limited Easement for grading and sloping _____ feet wide along _____.
- ☐ 2.4 The City Engineer has reviewed the need for pedestrian and bicycle connections through the development and finds that no connections are required.
- ☐ 2.5 The Applicant shall Dedicate a Permanent Limited Easement for a pedestrian / bicycle easement _____ feet wide from _____ to _____.
- ☐ 2.6 The Developer shall provide a private easement for public pedestrian and bicycle use through the property running from _____ to _____.
- ☐ 2.7 The developer shall be responsible for the ongoing construction and maintenance of a path within the easement. The maintenance responsibilities shall include, but not be limited to, paving, repaving, repairing, marking and plowing. The developer shall work with the City of Madison Real Estate Staff to administer this easement. Applicable fees shall apply.
- ☐ 2.8 The Public Sanitary Sewer Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- a. The property owner reserves the right to use and occupy the Public Sanitary Sewer Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public sanitary sewer facilities.
 - b. No above-ground improvements shall be located in the Public Sanitary Sewer Easement Area(s) by the City or the property owner, with the exception that grates, sewer access structure (SAS) covers, and other access points to the public sanitary sewer facilities shall be permitted at grade level. (Optional: and with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
 - c. Plantings and landscaping within the Public Sanitary Sewer Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
 - d. The property owner shall not change the grade of the Public Sanitary Sewer Easement Area(s) without the prior written approval of the City's Engineering Division.
 - e. The Public Sanitary Sewer Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.
- ☐ 2.9 The Public Sidewalk Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- a. The property owner reserves the right to use and occupy the Public Sidewalk Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public sidewalk improvements.
 - b. No above-ground improvements will be allowed in the Public Sidewalk Easement Area(s) by the property owner. (Optional: with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
 - c. Plantings and landscaping within the Public Sidewalk Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
 - d. The property owner shall not change the grade of the Public Sidewalk Easement Area(s) without the prior written approval of the City's Engineering Division.
 - e. The Public Sidewalk Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.
- ☐ 2.10 The Public Storm Sewer Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- a. The property owner reserves the right to use and occupy the Public Storm Sewer Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public storm sewer facilities.
 - b. No above-ground improvements shall be located in the Public Storm Sewer Easement Area(s) by the City or the property owner, with the exception that grates, sewer access structure (SAS) covers, and other access points to the public storm sewer facilities shall be permitted at grade level. (Optional: and with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
 - c. Plantings and landscaping within the Public Storm Sewer Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
 - d. The property owner shall not change the grade of the Public Storm Sewer Easement Area(s) without the prior written approval of the City's Engineering Division. The Public Storm Sewer Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.
- ☐ 2.11 The Public Water Main Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:

- a. The property owner reserves the right to use and occupy the Public Water Main Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public water main facilities.
- b. No above-ground improvements will be allowed in the Public Water Main Easement Area(s) by the property owner. (Optional: with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
- c. Plantings and landscaping within the Public Water Main Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
- d. The property owner shall not change the grade of the Public Water Main Easement Area(s) without the prior written approval of the City's Engineering Division.
- e. The Public Water Main Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.

Streets and Sidewalks

- ☐ 3.1 The Applicant shall execute a waiver of notice and hearing on the assessments for the improvement of [roadway] _____ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.
- ☐ 3.2 **Value of sidewalk installation over \$5000.** The Applicant shall Construct Sidewalk to a plan approved by the City Engineer along _____.
- ☐ 3.3 **Value of sidewalk installation under \$5000.** The Applicant shall install public sidewalk along _____. The Applicant shall obtain a Street Excavation Permit for the sidewalk work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. All work must be completed within six months or the succeeding June 1, whichever is later. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- ☐ 3.4 The Applicant shall execute a waiver of their right to notice and hearings on the assessments for the installation of sidewalk along [roadway] _____ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.
- ☐ 3.5 The Applicant shall grade the property line along ____ to a grade established by the City Engineer. The grading shall be suitable to allow the installation of sidewalk in the future without the need to grade beyond the property line. The Applicant shall obtain a Street Excavation permit prior to the City Engineer signing off on this development. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- ☐ 3.6 The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
- ☐ 3.7 **Value of the restoration work less than \$5,000. When computing the value, do not include a cost for driveways. Do not include the restoration required to facilitate a utility lateral installation.** The Applicant's project requires the minor restoration of the street and sidewalk. The Applicant shall obtain a Street Excavation Permit for the street restoration work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- ☐ 3.8 The Applicant shall make improvements to _____ in order to facilitate ingress and egress to the development. The improvement shall include a (Describe what the work involves or strike this part of the comment.) _____.
- ☐ 3.9 The Applicant shall make improvements to _____. The improvements shall consist of _____.
- ☐ 3.10 The approval of this Conditional Use 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.
- ☐ 3.11 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.
- ☒ 3.12 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.
- ☐ 3.13 The Applicant shall obtain a privilege in streets agreement for any encroachments inside the public right of way. The approval of this development does not constitute or guarantee approval of the encroachments.

- ☐ 3.14 The Applicant shall provide the City Engineer with the proposed soil retention system to accommodate the restoration. The soil retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system.
- ☐ 3.15 The Applicant shall complete work on exposed aggregate sidewalk in accordance with specifications provided by the city. The stone used for the exposed aggregate shall be approved by the City. The Construction Engineer shall be notified prior to beginning construction. Any work that does not match the adjacent work or which the City Construction Engineer finds is unacceptable shall be removed and replaced.
- ☒ 3.16 All work in the public right-of-way shall be performed by a City licensed contractor.
- ☐ 3.17 Installation of "Private" street signage in accordance with 10.34 MGO is required.

Storm Water Management

- ☐ 4.1 The site plans shall be revised to show the location of all rain gutter down spout discharges.
- ☐ 4.2 Storm sewer to serve this development has been designed and constructed. The site plans shall be revised to identify the location of this storm sewer and to show connection of an internal drainage system to the existing public storm sewer.
- ☒ 4.3 The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used.
- ☐ 4.4 The applicant shall show storm water "overflow" paths that will safely route runoff when the storm sewer is at capacity.
- ☒ 4.5 The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
- ☐ 4.6 The City of Madison is an approved agent of the Department of Commerce. This proposal contains a commercial building and as such, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required.
- ☐ 4.7 This development includes multiple building permits within a single lot. The City Engineer and/or the Director of the Inspection Unit may require individual control plans and measures for each building.
- ☐ 4.8 If the lots within this site plan are inter-dependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the site plan and recorded at the Dane Co Register of Deeds.
- ☒ 4.9 Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to:
 - ☐ Detain the 2 & 10-year storm events.
 - ☐ Detain the 2, 10, & 100-year storm events.
 - ☒ Control 40% TSS (20 micron particle) off of new paved surfaces
 - ☐ Control 80% TSS (5 micron particle) off of new paved surfaces
 - ☐ Provide infiltration in accordance with Chapter 37 of the Madison General Ordinances
 - ☐ Provide substantial thermal control.
 - ☒ Provide oil & grease control from the first 1/2" of runoff from parking areas.
 - ☒ 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 Chapter 37 of the Madison General Ordinances.

Stormwater management plans shall be submitted and approved by City Engineering prior to sign-off.

- ☒ 4.10 The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement.
- ☐ 4.11 A portion of this project comes under the jurisdiction of the US Army Corp of Engineers and WDNR for wetland or flood plain issues. A permit for those matters shall be required prior to construction on any of the lots currently within the jurisdictional flood plain.
- ☒ 4.12 The Applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn)

Version J or older, or Universal (dxf) format and contain 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 Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
- e) Right-of-Way lines (public and private)
- f) Lot lines
- g) Lot numbers
- h) Lot/Plat dimensions
- i) Street names

NOTE: Email file transmissions preferred izenchenko@cityofmadison.com . Include the site address in this transmittal.

- ☐ 4.13 NR-151 of the Wisconsin Administrative Code will be effective on October 1, 2004. Future phases of this project shall comply with NR 151 in effect when work commences. Specifically, any phases not covered by a Notice of Intent (NOI) received from the WDNR under NR-216 prior to October 1, 2004 shall be responsible for compliance with all requirements of NR-151 Subchapter III. As most of the requirements of NR-151 are currently implemented in Chapter 37 of the Madison General Ordinances, the most significant additional requirement shall be that of infiltration.

NR-151 requires infiltration in accord with the following criteria. For the type of development, the site shall comply with one of the three (3) options provided below:

Residential developments shall infiltrate 90% of the predevelopment infiltration amount, 25% of the runoff from the 2-year post development storm or dedicated a maximum of 1% of the site area to active infiltration practices.

Commercial development shall infiltrate 60% of the predevelopment infiltration amount, 10% of the runoff from the 2-year post development storm or dedicate a maximum of 2% of the site area to active infiltration practices.

- ☒ 4.14 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.

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 Management Facilities (including if applicable planting plans).

- ☒ 4.15 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.

- ☐ 4.16 The area adjacent to this proposed development has a known flooding risk. All entrances shall be 2-feet above the adjacent sidewalk elevation or 1-foot above the 100-year regional flood elevation (whichever is greater). This includes garage entrances.

Utilities General

- ☐ 5.1 The Applicant shall obtain a Street Excavation permit for the installation of utilities required to serve this project. The Applicant shall pay the permit fee, inspection fee and street degradation fee as applicable and shall comply with all the conditions of the permit. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- ☐ 5.2 The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- ☐ 5.3 All proposed and existing utilities including gas, electric, phone, steam, chilled water, etc shall be shown on the plan.
- ☐ 5.4 The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

- ☐ 5.5 The site plans shall be revised to show the location of existing utilities, including depth, type, and size in the adjacent right-of-way.
- ☐ 5.6 The developer shall provide information on how the Department of Commerce's requirements regarding treatment of storm water runoff, from parking structures, shall be satisfied prior to discharge to the public sewer system. Additionally, information shall be provided on which system (storm or sanitary) the pipe shall be connected to.

Sanitary Sewer

- ☒ 6.1 Prior to approval of the conditional use application, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1). \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2). \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- ☐ 6.2 All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (608-261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
- ☐ 6.3 Each unit of a duplex building shall be served by a separate and independent sanitary sewer lateral.
- ☐ 6.4 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.



Traffic Engineering and Parking Divisions

David C. Dryer, P.E., City Traffic Engineer and Parking Manager

Suite 100
215 Martin Luther King, Jr. Boulevard
P.O. Box 2986
Madison, Wisconsin 53701-2986
PH 608 266 4761
TTY 866-704-2315
FAX 608 267 1158

January 4, 2008

TO: Plan Commission

FROM: David C. Dryer, P.E., City Traffic Engineer and Parking Manager

SUBJECT: **3801 East Washington Avenue – Conditional Use – Redevelopment of Big Box Center**

The City Traffic Engineering Division has reviewed the subject development and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. The applicant shall be responsible for securing all proper permits and approvals from any municipality or government unit having jurisdiction with the project. In particular, the applicant shall contact Lisa Stern, Wisconsin Department of Transportation (608-246-5635), with site plans sets for review and approval onto East Washington Avenue. The applicant shall return a set of site plans or letter with WDOT-approved copies to the City of Madison Traffic Engineering Division.
2. The applicant shall execute and return the attached declaration of conditions and covenants for traffic signals prior to sign off.
3. The site shall take active measures to re-orient access and service needs away from Mendota St to Lien Rd and East Washington Ave, particularly in light of the limited access and signal capacity at Mendota St and E. Washington Ave.
4. On Mendota St, the site shall provide a new special design "Street Type Entrance" forty (40) feet in width with a radius of twenty-five (25) feet at the right-of-way. The egress shall be two lanes with a fourteen (14) foot "Right Turn Lane Only" and a pavement arrow separated by an eight-inch solid white line with a pavement arrow in the lane with a sign and an eleven (11) foot thru and "Left Turn Lane Only" and a pavement arrow with a double yellow line dividing the fifteen (15) foot ingress lane. A six (6) inch white lines for the six (6) wide crosswalk and twenty-four (24) inch white stop bar five (5) feet behind the crosswalk shall be painted at the intersection of the street. The Applicant shall provide a 1" – 20 ft detail drawing of the "Street Type Entrance" with plan sheets showing these details. In addition, a note shall be shown on the plan, " ALL PAVEMENT MARKING SHALL BE INSTALLED IN EPOXY AND MAINTIAN BY THE PROPERTY OWNER."
5. The applicant shall modify the Mendota St access street type entrances as follows. The northern side of the landscape island shall be modified as follows: The northern side of the approach shall extend 135 ft easterly from the Mendota Street property line. In

addition, the applicant shall widen the northerly island to accommodate a 4 ft grass terrace on each side of a 5 ft sidewalk and ramp at the end for a future sidewalk along the roadway to the easterly property line. In addition, the site shall make plans to continue this northern side sidewalk and terrace treatment from Mendota St east to Lien Rd as part of future phases or redevelopments.

6. The applicant shall provide one contiguous plan from Mendota Street to Lien Road and from the southerly property line to East Washington Avenue for the facility showing the following: All the facility's, existing and proposed buildings, existing and proposed layouts of parking lots, loading areas, trees, signs, the sidewalk along the northerly property line, easements and approaches.

PEDESTRIAN AND BICYCLE TRANSPORTATION REVIEW COMMENTS

7. The applicant shall indicate the type of bicycle racks to be installed and shall include dimensions for the bicycle parking areas including the width and length of the bicycle parking spaces and any access aisles.
8. The applicant should provide bike racks near each of the entrances to the building, including entrances to tenant occupied spaces.
9. The applicant shall show all sidewalk ramps.
10. The applicant shall provide a bicycle only access ramp from Mendota St at the building entrance to facilitate front door access from Mendota St and the neighborhood.

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

11. When the applicant submits final plans for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 40'.
12. When site plans are submitted for approval, the developer shall provide recorded copies of the joint driveway ingress/egress and easements.
13. "Stop" and "No Left Turns" signs shall be installed at a height of six (6) feet to the bottom of the first sign at the driveway approach to East Washington Ave. and a "Stop" sign shall be installed at a height of seven (7) feet at all other approaches. All signs at the approaches shall be installed behind the property line. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
14. The applicant shall show the dimensions for proposed and existing parking stalls' items A, B, C, D, E, F, and degree of angle parking width and backing up, according to Figures II "Medium and Large Vehicles" parking design standards in Section 10.08(6)(b) 2. Signs and planting areas are to be excluded from the rectangular stall areas including the two (2) feet of vehicle overhang. The two (2) feet of vehicle overhang shall be shown on the plan and dimensioned.

15. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Please contact John Leach, City Traffic Engineering at 267-8755 if you have questions regarding the above items:

Contact Person: Pete Hosch
Fax: 515-267-2967
Email: phosch@hy-vee.com

DCD: DJM: dm



CITY OF MADISON FIRE DEPARTMENT

Fire Prevention Division

325 W. Johnson St., Madison, WI 53703-2295

Phone: 608-266-4484 ♦ FAX: 608-267-1153

DATE: January 11, 2008
TO: Plan Commission
FROM: Edwin J. Ruckriegel, Fire Marshal
SUBJECT: **3801 E. Washington Ave.**

The City of Madison Fire Department (MFD) has reviewed the subject development and has the following comments:

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. If and when the direct driveway access to E. Washington is removed and if being used as part of the fire lane, the fire lane must be revisited and maintained code-complaint.

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

2. Provide fire apparatus access as required by Comm 62.0509 and MGO 34.19, as follows:
 - a. The site plans shall clearly identify the location of all fire lanes.
 - b. Where there is a change in the direction of a fire lane, the minimum inside turning radius shall be at least 28-feet.
 - c. Provide a completed MFD "Fire Apparatus Access and Fire Hydrant Worksheet" with the site plan submittal.
3. All portions of the exterior walls of newly constructed public buildings and places of employment and open storage of combustible materials shall be within 500-feet of at least TWO fire hydrants. Distances are measured along the path **traveled by the fire truck as the hose lays off the truck**. See MGO 34.20 for additional information.

Please contact Scott Strassburg, New Construction Inspector at 608-261-9843 if you have questions regarding the above items.

cc: Bill Sullivan