



Department of Planning & Community & Economic Development

Planning Division

Katherine Cornwell, Director

Madison Municipal Building, Suite LL-100

215 Martin Luther King, Jr. Boulevard

P.O. Box 2985

Madison, Wisconsin 53701-2985

Phone: (608) 266-4635

Fax (608) 267-8739

www.cityofmadison.com

August 11, 2016

Brad Konig
Shulfer Architects
7780 Elmwood Ave., Suite 208
Middleton, WI 53562

RE: Approval of a Conditional Use for the construction a one-story, 10,000 square-foot multi-tenant commercial building with a vehicle access sales and service window at **2201 Zeier Rd.**

Dear Mr. Konig:

At its August 8, 2016 meeting, the Plan Commission **approved** your request for the construction a one-story, 10,000 square-foot multi-tenant commercial building with a vehicle access sales and service window at **2201 Zeier Rd.** In order to receive final approval of the conditional use and for any necessary permits to be issued, the following conditions must be met:

Please contact my office, Planning Division at 267-8733 if you have any questions regarding the following three (3) items:

1. As indicated on the lighting plan there light levels are in excess of 7.0 footcandles throughout the site and in excess of 1.0 footcandles at the property line. The Applicant shall work with Planning Division and Building Inspection staff to reduce light levels and finalize a site lighting plan.
2. Prior to final approval and building permit issuance, the Applicant shall submit final plans for review and approval by staff, and shall include the following revisions:
 - a. Revise Sheet ES1.1 to include light fixture pole and mounting heights.
 - b. As indicated on Sheet A3.1, decorative wall sconces are proposed on all building elevations. Revise Sheets A3.1 and ES1.1 to include or eliminate these fixtures. In addition, if the fixtures are to be included, please provide a fixture cutsheet.
 - c. In order to verify the lot coverage of Lot 1 and Lot 2, a lot coverage calculation is required, including, but not limited to building footprints, patios and paved areas.
3. The Applicant shall work with Planning Division and Urban Design staff to finalize the building design, including:
 - a. Reducing the building setbacks along Zeier Road and East Towne Boulevard to provide a building that is more prominently located on the corner.
 - b. Reducing the overall amount of EIFS and utilizing a more authentic, human scale material to provide texture and enhance the pedestrian realm.

- c. Providing pedestrian connections between the sidewalk and the building along both street frontages.

Please contact Brenda Stanley, City Engineering Division, at 261-9127 if you have any questions regarding the following sixteen (16) items:

1. The sanitary sewer lateral for the proposed building crosses the adjacent Shopko lot. The Applicant shall dedicate a private sanitary sewer easement if the lateral serving the proposed building will continue to cross the Shopko lot.
2. All outstanding Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's/Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering sign-off (Section 16.23(9)(d)(4), MGO).
3. This project site 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.
4. The Applicant shall submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division with any private storm and sanitary sewer utilities. 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 Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
 - e) Right-of-Way lines (public and private)
 - f) Lot lines or parcel lines if unplatted
 - g) Lot numbers or the words unplatted
 - h) Lot/Plat 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)

All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email CAD file transmissions are preferred to: bstanley@cityofmadison.com. Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement, private on-site sanitary sewer utilities, or private on-site storm sewer utilities during construction will require a new CAD file.

5. The Applicant shall submit, prior to plan sign-off but after all revisions have been completed, digital

PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com. 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) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
 - e) Right-of-Way lines (public and private)
 - f) Lot lines or parcel lines if unplatted
 - g) Lot numbers or the words unplatted
 - h) Lot/Plat dimensions
 - i) Street names
 - j) Stormwater Management Facilities
 - k) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
6. 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 Section 37.09(2), MGO).
7. 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 (POLICY and Sections 10.29 and 37.05(7)(b), MGO for over 10,000 SF of impervious area).
8. Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project. Include copies of all stormwater, utility, and detail plan sheets that contain stormwater practices on 8.5x14 size paper in the draft document. These drawings do not need to be to scale as they are for informational purposes only. Once City Engineering staff have reviewed the draft document and approved it with any required revisions submit a signed and notarized original copy to City Engineering. Include a check for \$30.00 made out to Dane County Register of Deeds for the recording fee. City Engineering will forward the document and fee for recording at the time of issuance of the stormwater management permit. Draft document can be emailed to Tim Troester (west) at ttroester@cityofmadison.com, or Jeff Benedict at jbenedict@cityofmadison.com final document and fee should be submitted to City Engineering.
9. 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 (POLICY and Section 10.29, MGO).

10. The Applicant shall demonstrate compliance with Sections 37.07 and 37.08, MGO 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.
11. 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).
12. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to Reduce TSS by 80% off of the proposed development when compared with the existing site. Oil and grease control is also required.
13. 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, MGO.
14. 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).
15. All work in the public right-of-way shall be performed by a City licensed contractor (Sections 16.23(9)(c)5 and 23.01, MGO).
16. All damage to the pavement on Zeier Rd & East Towne Blvd, 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).

Please contact Eric Halvorson, Traffic Engineering Division, at 266-6527 if you have questions regarding the following eight (8) items:

1. The Applicant shall provide a queuing model showing the capacity for 6 vehicles from the order board and 3 additional vehicles from the service window. If the 6 vehicle requirement is not able to be met a second queuing lane may be required.
2. The Applicant shall provide an ADA accessible route to each unit.
3. 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; semi-trailer movement and vehicle routes; dimensions of radii; and percent of slope.

4. 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.
5. 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.
6. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
7. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
8. All pedestrian walkways adjacent parking stalls shall be 7 feet wide to accommodate vehicle overhang, signage and impediments to walkway movements. Any request for variance shall be submitted to and reviewed by City Traffic Engineering.

Please contact Jenny Kirchgatter, Assistant Zoning Administrator at 266-4429 if you have questions regarding the following twelve (12) items:

1. This project is designed as a planned multi-use site. Per Section 28.137(2)(a), a planned multi-use site shall have a plan and reciprocal land use agreement approved by the Traffic Engineer, City Engineer and Director of Planning and Community and Economic Development recorded in the office of the Dane County Register of Deeds.
2. The proposed vehicle access sales and service window shall comply with the Supplemental Regulations pursuant to Section 28.151, MGO for Vehicle Access Sales and Service Windows. Submit details of any structures related to the proposed drive-through lane, such as a canopy, speaker box or menu board. Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.
3. Provide a calculation and plan detail for lot coverage with the final submittal. The lot coverage maximum is 85%. Lot coverage is defined as the total area of all buildings, measured at grade, all accessory structures including pools, patios, etc., and all paved areas as a percentage of the total area of the lot, with the following exceptions: sidewalks or paved paths no wider than five (5) feet, pervious pavement, green roofs and decks.
4. The number of bicycle parking stalls proposed (8 stalls) is adequate for general retail and service business uses. The number of required bicycle parking stalls will be re-evaluated prior to obtaining Zoning approval for each use. Provide a detail of the model of bike rack to be installed.

5. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3), "Landscape Plan and Design Standards", MGO, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
6. Install a landscape island within the row of parking immediately adjacent the building. A planting island shall be located at least every twelve (12) contiguous stalls where there is no break. Provide details for the two landscape islands located southeast of the building. Per Sections 28.142(3)(c) and 28.142(4)(e), MGO planting beds or planted areas must contain at least 75% vegetative cover mulched. Mulch shall consist of shredded bark, chipped wood or other organic material installed at a minimum depth of two (2) inches.
7. 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.
8. Submit a floor plan showing the potential tenant spaces and a rooftop plan showing the location of any proposed rooftop mechanical equipment and screening. 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), MGO. Screens shall be of durable, permanent materials that are compatible with the primary building materials.
9. Provide details showing that the primary street façade meets the door and window opening requirements of Section 28.060(2)(d), MGO. For nonresidential uses at ground floor level, windows and doors or other openings shall comprise at least sixty percent (60%) of the length and at least forty percent (40%) of the area of the ground floor of the primary street facade. At least fifty percent (50%) of windows on the primary street facade shall have the lower sill within three (3) feet of grade.
10. Outdoor patio areas are identified on the site plan on the north side of the building. An outdoor eating area associated with a food and beverage establishment is a permitted use in the Commercial Center district. Outdoor patios shall meet the applicable supplemental requirements of Section 28.151, MGO. Meet applicable building and fire codes. The outdoor capacity shall be established by the Building Inspection Unit. Contact a Building Inspection Plan Reviewer to help facilitate this process.
11. Per Section 28.186(4)(b), MGO the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.
12. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31, "Sign Codes" and Chapter 33, "Urban Design District ordinances", MGO. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Please contact Bill Sullivan, Fire Department at 261-9658 if you have questions regarding the following item:

1. Ensure building exits along East Towne Blvd have a clear path, including removal of snow, out to the public way per the International Building Code.

Please contact Janet Schmidt, Parks Division, at 266-4714 if you have questions regarding the following item:

1. 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>.

Any tree removals that are required for construction after the development plan is approved will require at least a 72 hour wait period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan.

Please contact Adam Wiederhoeft, Water Utility, at 266-9121 if you have questions regarding the following two (2) items:

1. All operating private wells shall be identified and permitted by the Water Utility in accordance with Section 13.21, MGO. All unused private wells shall be abandoned in accordance with Section 13.21, MGO.
2. As currently depicted on the Utility Plan, the proposed 6-inch water service extends into the adjacent lot to connect to the existing 8-inch City of Madison water main, which will require a private easement between these lots. This could be potentially addressed as part of the concurrent CSM/Lot Division submittal (LNDCSM-2016- 00025). Alternatively if an easement is not preferred, water service could directly enter the property from existing mains located in East Towne Boulevard or Zeier Road.

Please contact Jeff Quamme, City Engineering Review Mapping, at 266-4097 if you have questions regarding the following four (4) items:

1. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD) prior to issuance of any building permits for new construction. When the recorded CSM image is available from the ROD, the Assessor's Office can then create the new Address-Parcel- Owner (APO) data in GEO so that the Accela system can upload this data and permit issuance made available for this new land record.
2. The proposed two sites within this development are dependent on each other for overland and

subsurface stormwater drainage. A private Storm Sewer/Drainage Easement/Agreement for all lots within this development shall be drafted, executed and recorded prior to building permit issuance.

3. The Applicant shall be aware that reciprocal easements and agreements including, but not limited to, access, parking, utilities, common areas, storm management and other items are required to be recorded prior to final site plan sign-off to accomplish the development as proposed.
4. The proposed addresses for the new building are 2245 Zeier Rd, 2249 Zeier Rd, 2253 Zeier Rd, 2257 Zeier Rd. 2245 is the northerly tenant space with the drive thru window. Revise the site plan to reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.

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

For obtaining your conditional use, please follow the procedures listed below:

1. Please revise your plans per the above conditions and submit nine (9) copies of a complete, fully dimensioned and scaled plan set to the Zoning Administrator for final review and comment. This submittal shall also include one complete digital plan set in PDF format. 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, MGO, and any other documentation requested herein by the Zoning Administrator, located in Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Blvd., Madison, WI 53701. The sets of final revised plans or documents will be circulated by the Zoning staff to the City department staff listed above for final approval.
2. Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right-of-way. Permission for such activities must be obtained from the City Forester, 266-4816.
3. This letter shall be signed by the Applicant to acknowledge the conditions of approval and returned to the Zoning Administrator.
4. The approval is valid for one (1) year from the date of the Plan Commission approval. During this time, the Applicant must either lawfully commence the use or obtain a building permit and begin erecting the building. If the Applicant obtains a valid building permit, construction must commence within six (6) months of the date of issuance. The building permit shall not be renewed unless construction has commenced as is being diligently prosecuted.
5. Any alteration in plans for a proposed alternative use shall require Plan Commission approval, except for minor alterations. The Zoning Administrator may issue permits for minor alterations or additions which are approved by the Director of Planning and Community and Economic Development and are compatible with the concept approved by the City Plan Commission and the conditional use approval standards.

6. The Plan Commission retains continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses.

If you have any questions regarding obtaining your conditional use, or building permits, please contact the Zoning Administrator at 266-4429. If you have any questions, or if I may be of any further assistance, please do not hesitate to contact my office at 267-8733.

Sincerely,



Jessica Vaughn, AICP
Planner

cc: Brenda Stanley, City Engineering Division
Eric Halvorson, Traffic Engineering Division
Jenny Kirchgatter, Zoning
Bill Sullivan, Fire Department
Janet Schmidt, Park Division
Adam Wiederhoeft, Water Utility
Jeff Quamme, Engineering Mapping Sec.

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

Signature of Applicant

Signature of Property Owner (if not the applicant)

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