



Department of Planning & Community & Economic Development  
**Planning Division**

Website: [www.cityofmadison.com](http://www.cityofmadison.com)

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July 25, 2012

Alan Theobald  
Iconica 901 Deming Way  
Madison, WI 53717

RE: Conditional Use approval for **2101 East Springs Drive** to allow construction of a 99,995 square foot retail building with two pad sites.

Dear Mr. Theobald:

At its July 23, 2012 meeting, the Plan Commission, meeting in regular session, approved your client's conditional use request for 2101 East Springs Drive to allow construction of a 99,995 square foot retail building with two pad sites. In order to receive final approval of the conditional use and for the conditional use to be in effect, the following conditions must be met and this letter signed and returned to the Zoning Administrator:

**Please contact Janet Dailey, City Engineering Division, at 261-9688 if you have questions regarding the following 25 items:**

1. The prior Certified Survey Map (CSM) application from March 2009 with a conditional approval letter dated June 2, 2009 shall be completed, and/or re-approved as necessary, and CSM recorded with the Register of Deeds prior to issuance of building permits.
2. The city of Madison requires the new Address-Parcel-Owner (APO) data be created post-CSM and populated within city databases so that all permits are then issued under the current and correct APO data.
3. Provide additional drainage design data relative to the 54" diameter storm culvert from IH 90/94 that discharged adjacent to this parcel in the NE corner. Provide data prepared by a professional engineering to show that the culver discharge will not flood the proposed development during storm events up to and including the 100 year event.
4. Provide a CADD file (Microstation compatible) of the wetland delineation boundary and a PDF of the wetland report.
5. Applicant shall be aware that all three lots already have sanitary sewer laterals stubbed out of East Springs Drive to serve the development.
6. The Applicant shall provide soil borings that indicate the depth to the water table. If construction or permanent dewatering is anticipated the Applicant shall submit a plan outlining how they will minimize impacts to the adjacent spring.
7. Due to the proximity of the adjacent spring, minimal use of salt for winter deicing is strongly recommended.

8. This project has previously been approved through the Board of Public Works and a Development agreement has been drafted and provided to the Applicant outlining the conditions of approval from the previous submittal. The City will need to update the agreement to modify any requirements that have changed since the original agreement was drafted. Prior to approval, the Development Agreement and all related requirements must be met prior to sign-off of the plans.
9. The Applicant shall provide copies of valid (non-expired) permits from Wisconsin DNR and any necessary permits or correspondence from Army Corp of Engineers to ensure all permitting has been completed.
10. Per the previous conditions of approval, the Applicant shall dedicate a 20ft wide public ped/bike easement and a 15ft wide temporary grading easement to the city. The Developer shall be required to grade the site to meet the design grades for the future path installation.
11. Per the previous conditions of approval, the Applicant shall dedicate 10ft of right of way adjacent to East Springs Drive and construct improvements to facilitate the widening of the roadway. This may require storm sewer reconstruction on East Springs Drive.
12. 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.
13. 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.
14. All work in the public right-of-way shall be performed by a City licensed contractor.
15. All damage to the pavement on East Springs Drive, 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>
16. 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.
17. 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.
18. 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.
19. 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) Detain the 2 & 10-year storm events; b) Control 80% TSS (5 micron particle) off of new paved surfaces; c) Provide infiltration in accordance with Chapter 37 of the Madison General Ordinances; d) Provide oil & grease control from the first 1/2" of runoff from parking areas; and e) 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.

20. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the Engineering Division. (Lori Zenchenko) [lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com). The digital copies shall be drawn to scale and represent final construction including: building footprints, internal walkway areas, internal site parking areas, lot lines/ numbers/ dimensions, street names, and other miscellaneous impervious areas. All other levels (contours, elevations, etc) are not to be included with this file submittal. Email file transmissions are preferred. The digital CAD file shall be to scale and represent final construction. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format. Please include the site address in this transmittal.
21. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
22. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management File including: SLAMM DAT files; RECARGA files; TR-55/HYDROCAD/etc., and; 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.
23. 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>
24. 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>
25. 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.

**Please contact Dan McCormick, Traffic Engineering Division, at 267-1969 if you have questions regarding the following six (6) items:**

26. If not otherwise provided, the applicant shall enter into a developer's agreement for turn lane improvements on East Springs Drive to serve the development.
27. The applicant shall install or provide a plan and schedule for the site's ped-bike facilities and referenced "future" sidewalk improvements.
28. The applicant will need to demonstrate how the truck service will ingress the truck loading area off of East Springs Dr as well as maneuver through the site and egress back onto East Springs Dr using Autoturn and shown on the plans when submitted for approval.
29. When site plans are submitted for approval, the developer shall provide a recorded copy of the reciprocal land agreement for passage over, upon, across and through the facilities and ingress and

egress for each building, loading and parking site. This land agreement for vehicular and pedestrian access shall be a perpetual, non exclusive, unimpeded or unobstructed land agreement for the lots in the commercial site.

30. The developer shall post a deposit and reimburse the City for all costs associated with any modifications to Traffic Signals, Street Lighting, Signing and Pavement Marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.
31. 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 Patrick Anderson, Zoning Administrator, at 266-5978 if you have any questions regarding the following six (6) items.**

32. Meet all applicable State accessible requirements, including but not limited to:
  - a. Show signage at the head of the stalls. Accessible signs shall be a minimum of 60" between the bottom of the sign and the ground.
  - b. Show the accessible path from the stalls to the building. The stalls shall be as near the accessible entrance as possible. Show ramps, curbs, or wheel stops where required.
33. Show and dimension three 10' x 50' loading areas on the site for building #1 as well as the proposed loading area's for the other 2 future buildings, (two for bldg#2 and one for bldg #3). The loading berths shall be exclusive of aisle and maneuvering space, and shall have a vertical Clearance of at least fourteen (14) feet.
34. Signage must be reviewed for compliance with Chapter 31 of the Madison General Ordinances. Signage must be approved by the Urban Design Commission and Zoning Sign permits must be issued by the Zoning Section of the Department of Planning and Development prior to signage installations.
35. Provide 36 bike-parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan disbursed among the retail center. A minimum of seven of the stalls shall be conveniently located at the proposed 16,000 sq. ft. bldg and four stalls conveniently located at the proposed 10,000 sq. ft. bldg. Racks shall be securely anchored to the ground or building to prevent the lockers or racks from being removed from the location. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices
36. Parking lot plans with greater than twenty (20) stalls, landscape plans must be stamped by a registered landscape architect. Provide a landscape worksheet with the final plans that shows that the landscaping provided meets the point and required tree ordinances. In order to count toward required points, the landscaping shall be within 15' and 20' of the parking lot depending on the type of landscape element. (Note: The required trees do not count toward the landscape point total.) Planting islands shall consist of at least 75%vegetative cover, including trees, shrubs, ground cover, and/or grass. Up to 25% of the island surface may be brick pavers, mulch or other non-vegetative cover. All plant materials in islands shall be protected from vehicles by concrete curbs.
37. A reciprocal land use agreement or a cross access easement agreements shall be approved by the Traffic Engineer, City Engineer and Director of Planning and Development recorded in the Office of the Dane County Register of Deeds.

**Please contact Bill Sullivan, Madison Fire Department, at 261-9658 if you have any questions regarding the following two (2) items:**

38. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.
39. Provide fire apparatus access as required by IFC 503 2009 edition, MGO 34.503, as follows:
  - a. IFC 503 Appendix D105, Provide an aerial apparatus access fire lane that is at least 26-feet wide, with the near edge of the fire lane within 30-feet and not closer than 15 feet from the structure, and parallel to one entire side of the structure, if any part of the building is over 30 feet in height.
  - b. Provide a minimum unobstructed width of 26-feet for at least 20-feet on each side of the fire hydrant.
  - c. Fire lanes shall be constructed of concrete or asphalt only, and designed to support a minimum load of 85,000 lbs.

**Please contact Dennis Cawley, at 261-9243 if you have any questions regarding the following two (2) items:**

40. The owner shall utilize the existing 8" water service lateral rather than excavate in the street right-of-way for a new water service lateral.
41. This property is not in a Wellhead Protection District. All operating private wells shall be identified and permitted by the Water Utility in accordance with Madison General Ordinance 13.21. All unused private wells shall be abandoned in accordance with Madison General Ordinance 13.21. The Water Utility will not need to sign off the final plans, nor need a copy of the approved plans.

**Please contact my office, at 267-1150 if you have any questions regarding the following three (3) items:**

42. That with this approval, the Plan Commission has determined that unique or unusual circumstances warrant special consideration to achieve a superior design solution in order to approve the proposed site plan in which the building placement along East Springs Drive is not entirely consistent with the site design standards of Section 33.24(4)(f)8. Please note, the Urban Design Commission (UDC) reviewed the original proposal and granted final approval on April 22, 2009, finding the proposed site plan was a superior design solution. Note, please see page 5 of this report for further information.
43. That as part of the first phase of development, the applicant provides a direct sidewalk connection(s) between East Springs Drive and the Steinhafels building, in compliance with the requirements of Section 33.02(4)(f)11. This detail shall be shown as part of plans approved for final sign-off. The applicant shall work with Planning Division staff to identify potential options to meet this condition, understanding that an interim solution may need to be developed, due to the conceptual nature of the pad site plans. An interim site plan may need to be prepared and approved by City reviewing agencies.
44. That the proposed bike path be designed and installed per applicable ordinance requirements and the approved recommendations of the Urban Design Commission, Traffic Engineering, and other reviewing agencies. The bike path shall be installed when requested by the City Traffic Engineer.

**The applicant is also required to satisfy the conditions of approval of the Urban Design Commission prior to the final staff approval of the project and the issuance of building permits. Please contact Al Martin, Urban Design Commission Secretary, at 267-8740 if you have any questions about those conditions.**

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

1. Please revise your plans per the above and submit **nine (9) copies** of a complete 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.
2. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting demolition and/or 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 a valid building permit is issued and construction commenced within six months of the issuance of said building permit. The Plan Commission shall retain jurisdiction over this matter for the purpose of resolving complaints against the approved demolition permit.
4. This property is not in a Wellhead Protection District. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. The Water Utility will not need to sign off the final plans, and not need a copy of the approved plans.

If you have any questions regarding obtaining the conditional use approval, please contact the Zoning Administrator at 266-4551. If you have any questions or if may be of any further assistance, please do not hesitate to contact my office at 267-1150.

Sincerely,

Kevin Firchow, AICP  
 Planner

cc: Janet Dailey, City Engineering Division  
 Dan McCormick, Traffic Engineering Division  
 Patrick Anderson, Zoning Administrator  
 Bill Sullivan, Madison Fire Department

<p>I hereby acknowledge that I understand and will comply with the above conditions of approval for this conditional use.</p> <p>_____</p> <p style="text-align: center;"><i>Signature of Applicant</i></p> <p>_____</p> <p style="text-align: center;"><i>Signature of Property Owner (if not the applicant)</i></p>
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<b>For Official Use Only, Re: Final Plan Routing</b>			
<input checked="" type="checkbox"/>	Planning Div. (Firchow)	<input checked="" type="checkbox"/>	Engineering Mapping Sec.
<input checked="" type="checkbox"/>	Zoning Administrator	<input type="checkbox"/>	Parks Division
<input checked="" type="checkbox"/>	City Engineering	<input checked="" 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 type="checkbox"/>	Other: