

PLANNING DIVISION STAFF REPORT

March 3, 2025



PREPARED FOR THE PLAN COMMISSION

Project Address: 3915 Lien Road (District 3 – Alder Field)
Application Type: Conditional Use
Legistar File ID # [86523](#)
Prepared By: Chris Wells, Planning Division
Report includes comments from other City agencies, as noted.
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Contact: Mylena Oliveira; Plaza Stret Partners; 3400 College Blvd, Suite 200; Leawood, Kansas 66211
Property Owner: Repvblik Madison Outparcels, LLC; Attn: Colin Hooper; 1784 Hamilton Road; Okemos, MI 48864

Requested Action: Consideration of a conditional use in the Commercial Corridor-Transitional (CC-T) District and Transit-Oriented Development (TOD) Overlay District for a drive-through window to allow construction a coffee shop with drive-through window at 3915 Lien Road.

Proposal Summary: The applicant proposes to construct a two-story, roughly 2,230-square-foot 7 Brew Coffee building ('kiosk') with drive-through window. It will be served by two parallel lanes on the site for customers to queue in their automobiles, place their order, and wait for their food to be delivered.

Applicable Regulations & Standards: This proposal is subject to the standards of approval for Conditional Uses [MGO §28.183(6)] as Table 28D-2 [MGO §28.061] lists a *drive-through window* as a conditional use in the Commercial Corridor-Transitional (CC-T) District. The Supplemental Regulations [MGO §28.151] contain further regulations for this use. As the subject site is located within the Transit-Oriented Development (TOD) Overlay District, the proposal is also subject to the requirements as outlined in MGO Section 28.104. The UDC is also an approving body on this application request as the site is within Urban Design District No. 5 ("UDD 5"), which requires that the Urban Design Commission review the proposed project using the design requirements and guidelines of [Section 33.24\(12\)](#).

Review Required By: Urban Design Commission and Plan Commission

Summary Recommendations: The Planning Division recommends it **approve** a request for a drive-through window in the Commercial Corridor-Transitional (CC-T) District and to allow construction a coffee shop with drive-through window at 3915 Lien Road. Approval of the project should be subject to input at the public hearing, and the recommended conditions beginning **on page 9**.

Background Information

Parcel Location: The 35,979-square-foot (0.83-acre) subject site is located on the southeast side of East Washington Avenue between Lien Road and Mendota Street. The site is within Alder District 3 (Alder Field), the Transit-Oriented Development (TOD) Overlay District, and the Madison Municipal School District.

Existing Conditions and Land Use: The site, zoned CC-T (Commercial Corridor – Transitional District), is partially developed with drive aisles currently running along the northwestern, northeastern and southeastern property

lines, surface parking occupying the southern half, and grass occupying the rest. The site is cross-connected with the adjacent lots to the southwest and southeast.

Surrounding Land Uses and Zoning:

Northeast: A gas station and convenience store, zoned CC-T (Commercial Corridor – Transitional) District;

Northwest: Across E Washington Avenue, is a one-story, multi-tenant commercial building, zoned CC-T, and single-family residences zoned SR-C3 (Suburban Residential-Consistent 3 District); beyond which is the City of Madison’s Reindahl Park, zoned PR (Parks and Recreation) District;

Southwest: A lot zoned CC-T which is currently vacant but on which the City’s Urban Design Commission, on December 18, 2024, granted final approval to a two-story, 5,313-square-foot car wash facility (see Legistar File [86168](#)); and

Southeast: A former hotel, now 197-unit, multi-family apartment building, zoned CC-T.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2023) and [Northeast Area Plan](#) (2024) both recommend Community Mixed Use (CMU) for the site.

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

Requirements	Required	Proposed
Front Yard Setback	0’ or 5’	14.0’
Max. Front Yard Setback: TOD	20’	14.0’
Side Yard Setback: Where proposed buildings or abutting buildings have window openings in side wall(s) within 6’ of lot line	One-story: 5’ Two-story or higher: 6’	69.16’ northeast side yard 63.08’ southwest side yard
Rear Yard Setback	The lesser of 20% of lot depth or 20’	Adequate
Maximum Lot Coverage	85%	65.8%
Minimum Building Height: TOD	2 stories	2 stories
Maximum Building Height	5 stories/78’	2 stories

Site Design	Required	Proposed
Number Parking Stalls	TOD no minimum required Coffee shop: TOD maximum 25% of capacity of persons (2) General retail; service business; office: TOD maximum 1 per 325 sq. ft. floor area (3) (5 total)	4
Electric Vehicle Stalls	Not required	None
Accessible Stalls	Yes	1
Loading	Not required	None
Number Bike Parking Stalls	Coffee shop: 5% of capacity of persons General retail; service business; office: 1 per 2,000 sq. ft. floor area (2 minimum)	2 <i>(See Comment #32)</i>
Landscaping and Screening	Yes	Yes <i>(See Comments #33 & #34)</i>
Lighting	Yes	Yes
Building Form and Design	Yes	Free-standing commercial building <i>(See Comment #31)</i>

Other Critical Zoning Items	Yes	Urban Design (UDD #5); Barrier Free (ILHR 69); Utility Easements; Wellhead Protection District (WP-15); TOD Overlay District
	No	Adjacent to a Park; Floodplain; Wetlands; Historic District

Tables Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

Environmental Corridor Status: The site is not within any mapped environmental corridors.

Public Utilities and Services: The site is served by a full range of urban services.

Project Description

The applicant is seeking approval of a conditional use for a drive-through window in the Commercial Corridor-Transitional (CC-T) District at 3915 Lien Road.

The applicant, Brew 4 You, LLC, doing business as 7 Brew Coffee, proposes to construct a two-story, roughly 2,230-square-foot 7 Brew Coffee building ('kiosk') with drive-through window. The building will be located adjacent to the E Washington Avenue public sidewalk. Customers will be able to access the site from Mendota Street to the west, E Washington Avenue to the north, and Lien Road to the east. A new drive aisle which will run along the subject property's southeastern property line, as well as that of the adjacent parcel to the west, will be added. (Image 1 to the right shows this new access aisle with the dashed red line while the existing drive aisles through the adjacent and interconnected parcels out to the public roads are indicated with the dashed black line).

Once on the access aisle, automobiles will enter the subject site at the south corner and line up in one of two parallel queuing lanes which circulate clockwise around the site. The drive-through window is located on the southeast façade of the building, beneath the second-story portion of the building which extends over these drive aisles. As for the operations of the drive-through service, the applicant notes in submitted materials and communications with Staff that employees "greet customers at their cars with iPads to take their orders." Cars "usually don't form long queues outside because employees will walk down the line and take the orders with iPads [...] so they will not be ordering just when they arrive at the covered area of the building." In total, their aim is for the entire process, from order to pick up, to last at most four minutes. In the event a customer changes their mind, there is a third lane on the right/inside of the loop to bypass or exit the drive-through windows and loop around and exit the site where they first entered. The proposed hours of operation are Sunday-Thursday 5:30am - 10pm; and Friday-Saturday 5:30am - 11pm.

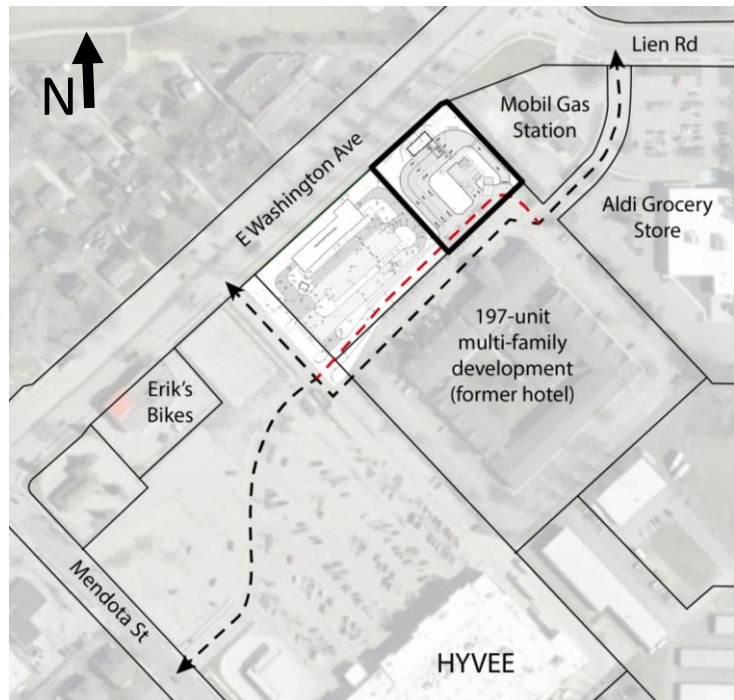


Image 1: Access to the subject site (outlined in bold) and proposed access to the car wash (approved but not yet under construction) to the west. The new drive aisle accessing these two parcels is indicated with the dashed red line.

In the middle of the site, in the island created by the drive-through lanes, are four surface automobile parking stalls and the trash enclosure area. These will all be accessed from the main drive aisle which runs along the southeast property line. The applicant has noted that these four stalls are intended but not exclusively for employees (of which there are typically anticipated to be 5-8 on site at a given time); customers are welcome to park there if there are spots available. Furthermore, the applicant notes that the owner of the apartment complex to the south is agreeable to allowing the employees of the 7 Brew building to use the existing parking stalls located just off the subject site, to the southeast.

The proposed building will be two stories with roughly 960 square-feet on the ground floor primarily occupied by space for the preparation of food, a cooler, and bathroom (the applicant has noted that the restroom will not be made available to the public). The exterior door on the southwest façade will be used for deliveries while the door at the northern corner will serve as the 'main entrance'. The applicant has noted that the entire building will be for employees only. The second story, accessed via an exterior door located along the building's northwest façade, will have roughly 1,270 square-feet of space which will be divided up into roughly 320 square-feet for mechanical access and roughly 950 square-feet for storage and office space.

Architecturally, the applicant intends to differentiate the architectural volumes – a Nichiha fiber cement panel resembling a variety of light colored brick will clad the main volume and a zinc grey vertical metal panel will clad the cantilevering projection which extends over the drive through. The grey metal volume will appear supported by a ribbon clad of blue metal paneling.

Due to the grade change north to south across the site, the applicant will be installing a two-plus-foot retaining wall to the north of the building. They will also be constructing a ramp and stairs at the northern corner of the site and a walkway the length of the northeast property line to provide pedestrian access both to the subject building as well as the multi-family development to the southeast.

If approved, the applicant intends to begin construction in Spring 2025 with project completion in Winter 2025.

Supplemental Regulations

According to Table 28D-2 [MGO §28.061], Drive-Through Windows must adhere to the following Supplemental Regulations found in MGO §28.151:

- (a) In CC-T, RMX, TE, DC, and UMX Districts drive-through windows shall be located to the side of or rear of buildings or fully under an occupiable conditioned story, and shall not be located between the principal structure and a public street.
- (b) In the TSS District, drive-through windows shall be fully located under an occupiable conditioned story, and the building shall have commercial or residential uses along the primary street frontage.
- (c) Drive-through windows shall be at least sixty (60) feet from the closest point of any residentially zoned property or property with a residential building.
- (d) The location of points of vehicular ingress and egress shall be as required by Traffic Engineering.
- (e) Plans for onsite circulation and driveway locations shall be reviewed where conditional use approval is required. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern. Adequate queuing lane space shall be provided without interfering with onsite parking/circulation.
- (f) Speaker box sounds from the drive-through lane shall not be plainly audible so as to unreasonably disturb the peace and quiet of abutting residential property.

- (g) 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.
- (h) Bicyclist use of sales and service windows shall not be prohibited.
- (i) Pedestrian access to the establishment must also be provided.

With the recommended agency conditions, Staff believe these supplemental regulations can be found met.

Analysis and Conclusion

This proposal is subject to the standards of approval for Conditional Uses [MGO §28.183(6)] as Table 28D-2 [MGO §28.061] lists a *drive-through window* as a conditional use in the Commercial Corridor-Transitional (CC-T) District. The Supplemental Regulations [MGO §28.151] contain further regulations for this use. As the subject site is located within the Transit-Oriented Development (TOD) Overlay District, the proposal is also subject to the requirements as outlined in MGO Section 28.104. The UDC is also an approving body on this application request as the site is within Urban Design District No. 5 (“UDD 5”), which requires that the Urban Design Commission review the proposed project using the design requirements and guidelines of [Section 33.24\(12\)](#).

This section begins with a summary of adopted plan recommendations, followed by conditional use standards, and finally a conclusion.

Conformance with Adopted Plans

The [Comprehensive Plan](#) (2023) recommends CMU (Community Mixed Use) for the site. It notes that CMU areas consist of an intensive mix of residential, retail, office, institutional, and civic uses, serving residents and visitors from the surrounding area and the community as a whole. It further notes that CMU areas are generally located along relatively high-capacity transit corridors, with buildings two- to six-stories in height, placed close to the sidewalk, and screening any surface parking from the street.

As part of the “due consideration” of adopted plans, staff notes that the [Comprehensive Plan](#) states that CMU development should be transit-oriented. In addition to physical planning considerations, TOD development is recommended to include uses that generate pedestrian activity, such as retail shops, services, and offices, particularly at ground level. Importantly, while these broad principles were established as part of a plan, a specific TOD ordinance has been created to implement the plan’s TOD recommendations. Staff notes that Zoning has determined that this development complies with this ordinance and staff note that the use is an allowable conditional use within the Commercial Corridor-Transitional (CC-T) District.

Related to transportation, staff note that Strategy 5 on Page 30 states, “*Concentrate the highest intensity development along transit corridors, Downtown, and at Activity Centers.*” Supporting actions note the development of “*TOD overlay zoning along BRT and other existing and planned high-frequency transit service corridors to create development intensity minimums, reduce parking requirements, and to support transit use.*” Another action listed under this strategy is to “*Prepare plans to transition auto-oriented commercial areas into mixed-use Activity Centers.*”

The [Northeast Area Plan](#) (2024) also recommends CMU for this site and recommends a building height of two to six stories. The Plan does not provide other specific recommendations regarding the subject site.

Staff note that both plans recommend a planned street connecting Lien Road to Mendota Street, approximately following the existing drive aisle which runs parallel to but just off the subject site's southeastern property line. However, after consultation with the City Attorney's Office, Staff note that because the subject site does not overlap the land and easement needed for that street connection, the plan recommendation regarding this connection does not apply to this development site or proposal. Similarly, the adjacent outlot was not required to dedicate a public street.

Conditional Use Standards

The Plan Commission may not approve an application for a conditional use unless it can find that all of the standards found in Section 28.183(6)(a), Approval Standards for Conditional Uses, are met. That section states: *"The City Plan Commission shall not approve a conditional use without due consideration of the recommendations in the City of Madison Comprehensive Plan and any applicable, neighborhood, neighborhood development, or special area plan, including design guidelines adopted as supplements to these plans. No application for a conditional use shall be granted by the Plan Commission unless it finds that all of the [standards for approval in Section 28.183(6) are met]."*

In reviewing the conditional use request to establish a drive-through window, staff provides the following additional analysis related to Standards 3, 4, 5, 6, and 8. Conditional Use standard 3 states:

"The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner."

Related to this standard, staff look at how the potential drive-through window could impact surrounding properties. Given the distance from the drive-through windows and the multi-family to the southeast (roughly 200 feet), and the fact the subject site will be accessed via a separate access aisle which by-passes the multi-family development to the southeast, Staff do not believe the uses, values and enjoyment of the surrounding properties will be negatively impacted.

Conditional Use Standard 4 states:

"The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district."

This standard addresses the impact that a proposed conditional use could have on the development pattern or improvements on surrounding properties and should be informed by the specific aspects of the proposal. Staff notes that adopted plan recommendations are among the key measures typically used to review "normal and orderly" development. In this case, the Plan Commission should consider whether the establishment of this conditional use could be determined to preclude the development of "community mixed-use" development in the surrounding properties. Provided that negative external impacts of this development are able to be controlled and managed so as not to make surrounding properties undesirable for mixed-use development, staff believes it is possible this standard could be found met. Staff does not have substantial evidence that approving this indicating this standard is not met.

As a reference related to this last point, Staff note that on August 28, 2023, the Plan Commission placed on file a conditional use request (Legistar File ID [78197](#)) to construct a car wash on the adjacent lot to the west (at the time addressed as 3919 Lien Road but currently addressed as 3837 E Washington Avenue). The proposal included a one-story, auto-oriented development which was redesigned to and oriented on the site in order to satisfy the TOD Overlay District and other zoning code requirements. The Plan Commission motion was subsequently appealed and was eventually considered by Dane County Circuit Court, where on May 13, 2024, the Court reversed

the City's decision denying the conditional use permit (Dane County Case Number 2023CV002894 Repvblik Madison Outparcels LLC vs. City of Madison et al). As part of the judge's ruling related to Conditional Use Approval Standard 4, the judge noted "the Court can only find a basis for a generalized concern, not a basis rooted in "credible, relevant, and probative evidence" that provides a non-speculative basis for the Plan Commission's final decision."

Conditional Use Standard 5 States:

"Adequate utilities, access roads, drainage, internal circulation improvements for pedestrians, bicyclists, public transit and vehicles, parking supply (in cases with minimum parking requirements) and other necessary site improvements have been or are being provided."

Due to grade change on the site (roughly four feet down from the level of the E Washington Avenue public sidewalk), a ramp (for ADA access) and stairs are being provided at the north corner of the site. However, from the bottom of the ramp/stairs, in order to access the building, pedestrians are currently required to cross the drive-through lanes not once but twice. In order to improve pedestrian safety, Staff have recommended a condition of approval requiring the applicant to work with staff prior to sign off to revise the design to one that more directly accesses the building and doesn't cross over the drive-through lanes.

Furthermore, the external door on the northwest façade which provides the lone access up to the second floor is accessed via a walkway which runs counterclockwise around the building before dumping out into the drive-through lane. Instead, in order to provide access to this door from the parking lot and public sidewalk (via the more-direct walkway recommended by staff and described in the paragraph above), Staff believe the walkway which currently wraps around the east side of the building to provide access to the ground floor's main entrance, should be extended to provide access to this other door as well. To this end, Staff have recommended another condition of approval requiring the applicant to make this change and be approved by Staff prior to final sign off.

With these conditions of approval, Staff believe the Plan Commission can find this standard met.

Conditional Use Standard 6 States:

"The conditional use conforms to all applicable regulations of the district in which it is located."

As mentioned previously in this report, buildings in the Transit-Oriented Development (TOD) Overlay District are required to be at least two stories. The particular requirement in the Zoning Code (MGO Section 28.104(7)(c)) reads as follows: "A minimum of two stories is required for a minimum of seventy-five percent (75%) of the building footprint [...]." Zoning Staff have reviewed the plans and confirmed that what is proposed satisfies this requirement.

Zoning Staff also note that the applicant will need to increase the amount of glazing on the E Washington Avenue façade to a minimum of 40% in order to satisfy MGO Section 28.060(2)(d) which pertains to door and/or window openings in mixed-use and commercial districts and states, "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." Zoning Staff have provided a comment that this Zoning standard must be met.

As a reference to this standard, the aforementioned 2024 Dane County Circuit Court pertaining to the Plan Commissions findings on Approval Standard 6 also to be in error. The judge found that the Plan Commission relied too intensely on the TOD Overlay District's Statement of Purpose (See MGO [Section 28.104\(1\)](#)). In 2023 the Plan Commission objected to the fact that the proposed use is auto only" and found that it "only benefits auto modes

of transportation and does not support transit, which is contrary to and violates the goals of the TOD Overlay ordinance.” However, the judge noted that while a statement of purpose “can be a helpful tool of statutory interpretation, as it helps illuminate what may be an ambiguous statutory provision based on the text alone [...] However, a statement of purpose is not, in and of itself, substantive.” The judge goes on to note that the TOD Overlay District Ordinance “begins with a statement of purpose, followed by numerous regulations aimed at achieving that purpose. Instead of pointing to one—or any—of those substantive regulations, Defendants rely solely on the introductory and non-substantive statement of purpose.”

Staff believe it possible for the Plan Commission to find this standard met given the agency comments.

Conditional Use Standard 8 states:

“When applying the above standards to any new construction of a building or an addition to an existing building the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district. In order to find that this standard is met, the Plan Commission may require the applicant to submit plans to the Urban Design Commission for comment and recommendation.”

Staff note that the applicant has continued to refine the building’s design since the initial meetings with staff. Staff’s remaining design concerns are all covered by the Urban Design Commission’s conditions of approval which came with its motion granting the proposal initial approval at their meeting on February 19, 2025. That said, given the UDC’s approval and associated conditions (which are listed in the following section), agency conditions, and other factors described above, Staff believe the Plan Commission can find standard 8 is met.

Staff believes that the Conditional Use standards can be found met and further advise the Plan Commission to site substantial evidence should it find that any of the approval standards are not met.

Urban Design Commission

The UDC is also a co-approving body for this request, as the site is located within Urban Design District 5 (“UDD 5”). This requires that the Urban Design Commission review the proposed project using the design requirements and guidelines of Section 33.24(12). (The UDC Legistar File is [86494](#).) At its February 19, 2025 meeting, the UDC granted initial approval of this request. Their approval conditions, provided as a reference below, are part of that body’s approval and cannot be waived by the Plan Commission as part of this Conditional Use consideration.

- Refining the building design to decrease the mass of the second floor, including, but not limited to increasing the window sizes, utilizing consistent window proportions and details across the building, look at the material applications, proportion and types of windows - ribbon versus punched more modern less heavy, etc.
- Refining the Site Plan to reduce the impervious surface, (i.e., eliminating or reducing the pass-thru lane) as much as possible and increasing the landscape to screen the drive-thru as much as possible.
- Consider incorporating a more direct pedestrian connection from the E Washington Avenue or a pedestrian amenity into the site plan.

Conclusion

Staff believe that the proposal is consistent with many recommendations of both the Comprehensive Plan and Northeast Area Plan – namely, the two-story building height, locating the building along the public street and using it to shield surface parking on site, etc. While staff believes that the establishment of this auto-oriented use is arguably less intensive than the development pattern envisioned in plan recommendations, it is allowed in the recently adopted TOD ordinance and can comply with Zoning Regulations if the noted modifications are made. Staff does not have substantial evidence to indicate that the approval standards are not met. On balance, staff believes the development could be found to meet the underlying conditional use standards.

At time of writing, Staff received one public comment primarily raising the concerns about pedestrians accessing the various part of the building from the E Washington Avenue public sidewalk. Staff note that the two conditions recommended by the Planning Division largely address such concerns.

Recommendation

Planning Division Recommendations (Contact Chris Wells, (608) 261-9135)

The Planning Division recommends it **approve** a request for a drive-through window in the Commercial Corridor-Transitional (CC-T) District to allow construction a coffee shop with drive-through window at 3915 Lien Road. Approval of the project should be subject to input at the public hearing, and the following conditions recommended by reviewing agencies:

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

Planning Division Recommendation (Contact Chris Wells, (608) 261-9135)

1. The applicant shall incorporate a more direct pedestrian connection from the bottom of the ramp/stairs at the north corner of the site to the building that does not cross over the drive-through lanes. Plans shall be reviewed and approved by Planning, UDC, and Traffic Engineering Staff prior to final sign off.
2. The applicant shall revise the site plan so the walkway which currently wraps around the east side of the building shall extend to also provide access to the door which leads up to the building's second floor. Plans shall be reviewed and approved by Planning, UDC, and Traffic Engineering Staff prior to final sign off.

The following conditions have been submitted by reviewing agencies:

Engineering Division (Main Office) (Contact Brenda Stanley, (608) 261-9127)

3. This site will need to have an interlot drainage agreement with the lands to the south where the drainage system is directed.
4. 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 signoff. (MGO 16.23(9)(d)(4))

5. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
6. A Storm Water Management Report and Storm Water Management Permit is required for this project. See Storm comments for report and permit specific details and requirements.
7. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
8. Revise the site plan to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service. (POLICY)
9. Revise the plans to show a proposed private internal drainage system on the site. Include the depths and locations of structures and the type of pipe to be used. (POLICY AND MGO 10.29)
10. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE and therefore will be regulated to meet a higher standard.
11. This project will disturb 20,000 sf or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.

Demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year. The WDNR provided workbook to compute USLE rates can be found online at <https://dnr.wi.gov/topic/stormwater/publications.html>

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.

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 submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Stormwater Management Permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.

The Storm Water Management Plan & Report shall include compliance with the following:

Report: Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.

Electronic Data Files: Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. 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 to City Engineering. (POLICY and MGO 37.09(2))

Rate Control Redevelopment: By design detain the 10-year post construction design storm such that the peak discharge during this event is reduced 15% compared to the peak discharge from the 10-year design storm in the existing condition of the site. Further, the volumetric discharge leaving the post development site in the 10-year storm event shall be reduced by 5% compared to the volumetric discharge from the site in an existing condition during the 10-year storm event. These required rate and volume reductions shall be completed, using green infrastructure that captures at least the first 1/2 inch of rainfall over the total site impervious area. If additional stormwater controls are necessary beyond the first 1/2 inch of rainfall, either green or non-green infrastructure may be used.

TSS Redevelopment with TMDL: Reduce TSS by 80% off of the proposed development when compared with the existing site.

Oil/Grease Control: Treat the first 1/2 inch of runoff over the proposed parking facility and/or drive up window.

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.

13. 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 (East) or ttroester@cityofmadison.com (West).

City Engineering – Mapping (Contact Jeffrey Quamme, (608) 266-4097)

14. There is a sanitary sewer lateral serving this site proposed to be constructed over and across the lands to the southeast at 3917 Lien Rd to connect to public sanitary sewer facilities. Per Doc No. 5980087 Reciprocal Easements and Covenants Agreement a Utilities Construction Notice is to me made to the affected property Owner. Provide confirmation of the notice being provided.
15. Adjacent Lot 1 of CSM 16565 (Car Wash Site) is per Document No. 5980087 to construct the Shared Driveway Improvements. Show and label the shared driveway improvements to be constructed by that party versus the improvements to be constructed as part of this development on the site plans
16. Show and label the offsite parking stalls benefitting this site. Also provide the recorded agreement with the adjoining parcel allowing for the offsite parking.
17. There is storm sewer serving this site proposed to be constructed over and across the lands to the southeast at 3917 Lien Rd to connect to public storm sewer facilities. Per Doc No. 5979918 Declaration of Storm Water Easement a Storm Water Improvements Construction Notice is to me made to the affected property Owner. Provide confirmation of the notice being provided.
18. Add a note to the storm sewer to be constructed over the northwesterly corner of this site serving the adjacent car wash site referencing the easement rights per Doc No. 5979918. Also confirm the configuration as the car wash plan shows the private storm manhole further northeast opposite the southeastern most inlet in E Washington Ave.
19. Note: The applicant shall confirm the allowance of the concrete pad in front of the trash enclosure within the access easement area does not violate the shared access easement terms.

Traffic Engineering (Contact Sean Malloy, (608) 266-5987)

20. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be to engineering scale and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
21. 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.
22. 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.
23. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
24. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
25. 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.
26. The applicant shall provide a clearly defined 5' walkway, from the front door to the public sidewalk, clear of all obstructions to assist citizens with disabilities, especially those who use a wheelchair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.
27. Applicant shall submit for review a waste removal plan. This shall include vehicular turning movements.
28. Applicant shall submit for review a Commercial Delivery Plan. This plan will include times, vehicle size, use of loading zones and all related turning movements.
29. The applicant shall maintain the existing pedestrian walkway across the site from the southeast to the northwest.

Parking Review (Contact Trent W Schultz, (608) 246-5806)

30. The agency reviewed this project and determined a Transportation Demand Management (TDM) Plan is not required, based on the proposed building size (2,006 sq. ft.) and on-site parking (4 stalls). Any changes to the building size and parking count could require compliance with TDM requirements.

Zoning Administrator (Contact Jenny Kirchgatter, (608) 266-4429)

31. Increase the glazed area of the ground floor of the west street facing façade to a minimum of forty percent (40%). 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. Spandrel glass that mimics the appearance of windows may be used for up to twenty percent (20%) of the required area of the openings.
32. Submit a bike rack detail of the model of bike rack to be installed. The bike rack shall permit the locking of the bicycle frame and one (1) wheel to the rack and shall support a bicycle in a stable position. Note: The Madrax Capital Square bike rack is not an approved style of bike rack.
33. On the landscape plan, label and number the proposed trees and plantings with the planting code in addition to the identification symbol. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
34. 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.
35. Per Section 28.186(4)(b), 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.
36. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Madison Fire Department (Contact Matt Hamilton, (608) 266-4457)

The agency reviewed this request and has recommended no conditions of approval.

Parks Division (Contact Kathleen Kane, 608-261-9671)

The agency reviewed this request and has recommended no conditions of approval.

Forestry Division (Contact Jeffrey Heinecke, (608) 266-4890)

37. All proposed street tree removals within the right of way shall be reviewed by City Forestry before the Plan Commission meeting. Street tree removals require approval and a tree removal permit issued by City Forestry. Any street tree removals requested after the development plan is approved by the Plan Commission or the Board of Public Works and City Forestry will require a minimum of a 72-hour review period which shall include the notification of the Alderperson within who's district is affected by the street tree removal(s) prior to a tree removal permit being issued. Add as a note on the street tree plan set.

38. As defined by the Section 107.13 of City of Madison Standard Specifications for Public Works Construction: No excavation is permitted within 5 feet of the trunk of the street tree or when cutting roots over 3 inches in diameter. If excavation is necessary, the Contractor shall contact Madison City Forestry at (608) 266-4816 prior to excavation. City of Madison Forestry personnel shall assess the impact to the tree and to its root system prior to work commencing. Tree protection specifications can be found on the following website: <https://www.cityofmadison.com/business/pw/specs.cfm> Add as a note on the site, grading, utility, and demolition plan sets.
39. On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on the site plan.
40. Street tree pruning shall be coordinated with City Forestry at a minimum of two weeks prior to the start of construction for this project. Contact City Forestry at (608)266-4816. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on the site plan.

Water Utility (Contact Jeff Belshaw, (608) 261-9835)

41. This property is in a Wellhead Protection District–Zone (WP-15). Applicant shall provide the Madison Water Utility with confirmation that no hazardous and/or toxic materials will be stored on site, and that all proposed uses of this site comply with the City of Madison Wellhead Protection Ordinance. Any future change in use for this property will require review by the Madison Water Utility General Manager or his designated representative. Contact Sarah Scroggins at Sscroggins@madisonwater.org for additional information, including a summary of the submittal requirements.

Metro Transit (Contact Timothy Sobota, (608) 261-4289)

42. Metro Transit operates daily all-day rapid transit service along East Washington Avenue near this property - with trips at least every 30 minutes (every 15 minutes or less during the day on weekdays and Saturdays).
43. Metro Transit would initially estimate the following counts of potentially eligible trips towards US Green Building Council/LEED Quality Access to Transit points: 67 Weekday & 48 Weekend. Please contact Metro Transit if additional analysis would be of interest.