



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

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

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December 19, 2012

Joe Krupp  
2020 Eastwood Drive  
Madison, Wisconsin 53704

RE: Approval of a demolition permit and conditional use to allow an existing retail building to be demolished and a new multi-tenant retail building to be constructed with a drive-up service window and outdoor eating area at 5225 University Avenue.

Dear Mr. Krupp;

At its December 17, 2012 meeting, the Plan Commission found the standards met and **approved** your demolition permit and conditional use for 5225 University Avenue. The following conditions of approval shall be satisfied prior to the issuance of demolition and building permits for this project:

**Please contact Janet Dailey of the City Engineering Division at 261-9688 if you have questions regarding the following eighteen (18) items:**

1. The approved tenant addresses are: Tenant 1 (+/- 1,500 square feet) – 5227 University Avenue and Tenant 2 (+/- 2,500 square feet) – 5231 University Avenue.
2. Revise all four Quam Engineering-prepared site plan pages to include the location of, and reference to, the two existing public sanitary and storm sewer easements that encumber this property. There is a 10-foot wide public storm and sanitary easement created by CSM 207 (Document No. 1141736) and a 27-foot wide public storm sewer easement created by Document No. 1092266.
3. Provide an access easement through the parking lot to provide access for the City to perform maintenance and repairs on the public sanitary sewer main.
4. The sanitary lateral plug shall be in accordance with revisions to Section 35 of MGO, including the additional fee for plugging at the main.
5. The applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
6. The applicant shall replace all sidewalk and curb and gutter abutting the property, which is damaged by the construction, or any sidewalk and curb and gutter that 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.
7. All work in the public right of way shall be performed by a City-licensed contractor.

8. All damage to the pavement on University Avenue adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.
9. 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.
10. For commercial sites less than one acre in disturbance, the City of Madison is an approved agent of the Wisconsin Department of Commerce and Department of Natural Resources (WDNR). As this project is on a site with disturbance area less than one acres, and contains a commercial building, the City 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.
11. 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 off of the proposed development by 80% when compared with the existing site; provide oil and grease control from the first 1/2" of runoff from parking areas, and; 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 Section 37 of Madison General Ordinances.
12. The applicant shall submit, prior to plan signoff, 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 only the following data, each on a separate layer name/level number: building footprints; internal walkway areas; internal site parking areas; other miscellaneous impervious areas lot lines; lot/ plat lines, dimensions and labels; right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
13. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. 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).
14. 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.
15. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.
16. Prior to final approval of the demolition permit, the owner shall obtain a permit to plug each existing sanitary sewer and/ or storm 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.

17. 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 Contract. Contact Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of two working days prior to requesting City Engineering Division signoff.
18. 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.

**Please contact Bill Sullivan of the Madison Fire Department at 261-9658 if you have any questions regarding the following comment:**

The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances. Please consider allowing the Madison Fire Department to conduct training sequences prior to demolition. Contact the MFD Training Division to discuss this possibility at 246-4587.

**Please contact David Dryer of the Traffic Engineering Division at 267-8750 if you have any questions regarding the following eleven (11) items:**

19. The parking lot dimensions are substandard and shall be revised. Ten (10)-foot wide stalls may work, however, the site plan needs to be revised to meet ordinance standards.
20. The site plan shall be revised to reflect and maintain the existing easternmost driveway consistent with the as-built condition with the University Avenue reconstruction project.
21. The site plan shall show the order board and pickup area and provide adequate queuing on site.
22. The applicant shall provide a clear signing and marking plan for review and final approval by staff.
23. The site plan shall clearly show a pedestrian connection from the proposed front door to the public sidewalk.
24. The applicant will need to demonstrate how trucks will access the site.
25. Any legal cross-access easements and encumbrances on the site and lot shall be shown, and copies of the documents provided.
26. When the applicant submits final plans of one contiguous plan for approval, the applicant shall show the following: existing items in the terrace (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, showing all easements, all pavement markings, building placement, and stalls, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the 2 feet overhang, and a scaled drawing at 1" = 20'.
27. 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.
28. The applicant shall be required to provide any necessary easements for the installation of street lights and traffic signals, including control boxes, loops, hand-holes, markings and signing.

29. 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 Pat Anderson, Assistant Zoning Administrator, at 266-5978 if you have any questions regarding the following seven (7) items:**

30. Bike parking shall comply with MGO Section 28.11. Provide 2 bike parking stalls in a safe and convenient location on an impervious surface near the building to be shown on the final plan. Note: A bike-parking stall is 2 feet by 6 feet with a 5-foot access area. Provide detailed plans of bike parking stalls on final plans sets.

31. Parking lot plans with greater than 20 stalls shall comply with City of Madison General Ordinances Section 28.04(12). 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 feet of the parking lot depending on the type of landscape element. (Note: The required trees do not count toward the landscape point total. All plant materials in islands shall be protected from vehicles by concrete curbs.)

32. Parking requirements for persons with disabilities must comply with MGO Section 28.11(3)6(m) which includes all applicable State accessible requirements, including but not limited to:

- a.) Provide a minimum of one accessible stalls which shall be van accessible and striped per State requirements.
- b.) Show signage at the head of the stalls. Accessible signs shall be a minimum of 48" between the bottom of the sign and the ground.
- c.) 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. Provide a reuse/recycling plan, to be reviewed and approved by the City's Recycling Coordinator, George Dreckmann, prior to a demolition permit being issued. Sec 28.12(12)(e) of the Zoning Ordinance requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan. Please note, the owner must submit documentation of recycling and reuse within 60 days of completion of demolition.

34. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the MGO and Chapter 33 Urban Design Commission ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

35. Lighting is required and shall be in accordance with MGO Section 10.085. Provide a lighting photometric plan, including cut sheets for fixture, with the final plan submittal.

36. Meet applicable building and fire codes. The outdoor capacity shall be established. Occupancy is established by the Building Inspection Division. Contact Mike VanErem at 266-4559 to help facilitate this process. This process in addition to the inside capacity drives the off-street parking requirement and may lead to a parking reduction application.

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

37. This property is located in Wellhead Protection District WP-14. All proposed land uses in this district shall be reviewed by the Madison Water Utility General Manager or his/her designee in accordance

with MGO Sections 13.22 and 28.107.

38. The Madison Water Utility shall be notified to remove the water meter prior to demolition. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

**Please contact my office at 261-9632 if you have any questions about the following three (3) items:**

39. That the plans be revised per Planning Division approval prior to final approval of plans for the new building and the issuance of permits for demolition and new construction as follows:

- a.) provide a minimum 6-foot wide unobstructed sidewalk along the entire west side of the building to provide pedestrian access from the parking area to the retail entrances (which may cause the building to shift south eliminating the bypass lane for the drive-up service window or result in a one-way circulation pattern for the overall development);
- b.) redesign the southerly side of the building to provide an area protected by a curb to provide a space for a future menu board, additional landscaping and a defined area for deliveries and the trash enclosure already shown.

40. Prior to the issuance of permits, certificates or licenses for either tenant space proposing to use the outdoor eating area or drive-up service window/ vehicle access sales and service window, a request for alteration shall be made to the Planning Division for approval following a recommendation by the district alder. Due to the presence of residential properties nearby to the north, staff recommends that the hours of operation for both conditional uses be limited to 6:00 AM to 10:00 PM, Monday-Sunday, though different hours will be considered. Any alteration requests for the outdoor eating area shall be accompanied by a seating plan showing the number of seats, tables and overall occupancy, as well as any fencing, lighting or landscaping that will be installed. The alteration request for the drive-up service window/ vehicle access sales and service window shall be accompanied by the location of the menu board, details on speaker volume, hours of operation, and vehicle queuing.

41. That outdoor amplified sound is prohibited in the outdoor eating area.

**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 permits. Please contact Al Martin, Urban Design Commission Secretary, at 267-8740 if you have any questions about those conditions.**

**Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency.**

**Please now follow the procedures listed below for obtaining permits for your project:**

1. Please revise your plans per the above conditions and submit **nine (9) copies** of a complete, fully dimensioned, and to-scale plans, the appropriate site plan review application and fee pursuant to Section 28.12(13)(a)10 of the Zoning Code, and any other documentation requested herein with the Zoning Administrator, Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard. The sets of final revised plans or documents will be circulated by the Zoning staff to the City department staff listed above for their final approval.

2. This letter shall be signed by the applicant and property owner (if not the applicant) to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting building permit approval.
3. No alteration of this proposal shall be permitted unless approved by the Plan Commission, provided, however, the Zoning Administrator may issue permits for minor alterations. This approval shall become null and void one year after the date of the Plan Commission unless the use is commenced, construction is under way, or 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 conditional use permit.

If you have any questions regarding obtaining your building permits, 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 261-9632.

Sincerely,

Timothy M. Parks  
 Planner

cc: Janet Dailey, City Engineering Division  
 Dan McCormick, Traffic Engineering Division  
 Pat Anderson, Asst. Zoning Administrator  
 Dennis Cawley, Madison Water Utility  
 Bill Sullivan, Madison Fire Department

<p>I hereby acknowledge that I understand and will comply with the above conditions of approval for this project.</p>  <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <p style="text-align: center;"><i>Signature of Applicant</i></p>  <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <p style="text-align: center;"><i>Signature of Property Owner                  (If Not Applicant)</i></p>
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For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (T. Parks)	<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 checked="" type="checkbox"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input type="checkbox"/>	Other: