

**PLANNING DIVISION REPORT
DEPARTMENT OF PLANNING AND COMMUNITY
AND ECONOMIC DEVELOPMENT
March 10, 2008**

RE: LD. # 09434, Conditional Use Application – 89 East Towne Mall

1. Requested Action: Approval of a conditional use for an addition to East Towne Mall for a new restaurant with an outdoor eating area.
2. Applicable Regulations: Section 28.09 (3)(d) identifies outdoor eating areas as a conditional use in C3L zoning district. Section 28.12 (11) provides the guidelines and regulations for the approval of conditional uses.
3. Report Prepared By: Kevin Firchow, AICP, Planner

GENERAL INFORMATION

1. Applicants: Derrick Matter; C.M. Architecture, PA; 219 North 2nd Street; Minneapolis, MN 55401

Property Owner: CBL and Associates Properties, Inc.; CBL Center, Suite 500; 2030 Hamilton Place Blvd. Chattanooga, TN 37421
2. Development Schedule: The applicant did not indicate the development schedule.
3. Location: An approximately 31-acre parcel that is part of the East Towne Mall site; Aldermanic District 17; Madison Metropolitan School District.
4. Existing Conditions: A sidewalk, loading area, and landscaping cover this portion of the East Towne Mall property. The proposed construction area is adjacent to the existing food court.
5. The property is zoned C3L (Commercial Service and Distribution District).
6. Proposed Land Use: The applicant proposes an addition to East Towne Mall for a new restaurant with an outdoor eating area.
7. Surrounding Land Use and Zoning: The subject site includes East Towne Mall and several commercial properties. Surrounding properties are zoned C3L (Commercial Service and Distribution), C3 (Highway Commercial) M1 (Limited Manufacturing).
8. Adopted Land Use Plan: The Comprehensive Plan recommends “regional mixed use” for this site.

9. Environmental Corridor Status: The subject site is not located in a mapped environmental corridor.
10. Public Utilities & Services: The property is served by a full range of urban services.

STANDARDS FOR REVIEW

This application is subject to the conditional use standards of Section 28.12 (11).

ANALYSIS, EVALUATION & CONCLUSION

The applicant requests approval of a building addition for East Towne Mall creating a new restaurant with outdoor seating. The building addition and outdoor seating area are both conditional uses requiring Plan Commission approval. As an exterior alteration to a commercial building over 50,000 square feet in area, the project also requires Urban Design Commission (UDC) approval.

The addition consists of a new 7,380 square foot "Buffalo Wild Wings" restaurant. Construction is planned adjacent to the mall's existing food court in a location currently used as a sidewalk and landscaped area. The existing mall site is not in compliance with current landscaping and parking lot standards and reviewing agencies and the UDC have recommended several changes. These changes generally include increasing bike parking, providing pervious areas, improving pedestrian facilities, and modifying bus stops and their connections to the mall. Specific recommendations addressing these issues are provided in each of the reviewing agencies' staff reports and in the minutes from the UDC.

The applicant proposes several changes to the site as depicted in the attached plans. The drive aisle adjacent to the mall will be reconfigured to accommodate the proposed restaurant. New sidewalk and landscaping will be provided at the perimeter, as shown. Modifications are also proposed to adjacent parking stalls, crosswalks, and planting islands. City sanitary sewer runs beneath the proposed construction site and City Engineering recommends that the applicant relocate these facilities as a condition of approval.

The proposed one-story building will be clad in EIFS and include a stone-veneer base. Fabric awnings are proposed along the building's windows, per the attached plans. The Urban Design Commission granted initial approval on February 27, 2008, however several modifications were recommended (see attached report). Signage will need to meet city standards and be approved by the UDC and City Zoning.

The final component of this request is the proposed outdoor eating area. This seating would be located in a patio on the north side of the building. Outdoor seating for up to 40 is proposed, in

addition to the 278 indoor seats. In meetings with City staff, the applicant has indicated this area will be separated from the public sidewalk by landscaping and a decorative fence. This system would allow for exit of the facility, however, entrance to the restaurant would not occur through the patio.

Proposed hours of operation for the restaurant and seating area are from 11:00 am to 1:00 am (Monday through Thursday), 11:00 am to 2:00 am (Friday and Saturday) and 11:00 am to midnight (Sunday). Staff does not feel that limitations on hours of operation or outdoor amplified sound are necessary for this outdoor eating area due to the distance from residential properties and the overwhelmingly commercial character of the surrounding area.

The proposed addition and outdoor eating area are not in conflict with the Comprehensive Plan's recommendation for "regional mixed use". The Planning Division believes that proposed project can meet the applicable standards for conditional uses.

RECOMMENDATION

The Planning Division recommends that the Plan Commission find the conditional use standards are met and **approve** a conditional use for an addition to East Towne Mall for a new restaurant with an outdoor eating area subject to the following conditions:

1. Comments from reviewing agencies.
2. That the City Zoning Administrator and Urban Design Commission approve the signage package.



Department of Public Works
City Engineering Division

608 266 4751

Larry D. Nelson, P.E.
City Engineer

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

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

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

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

Operations Manager
Kathleen M. Cryan

Hydrogeologist
Joseph L. DeMorett, P.G.

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

Financial Officer
Steven B. Danner-Rivers

DATE: February 1, 2008
TO: Plan Commission
FROM: Larry D. Nelson, P.E., City Engineer
SUBJECT: *for* 89 East Towne Mall Conditional Use

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

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

1. Proposed restaurant to be located where existing City of Madison sanitary sewers are located. Developer will be required to enter into a City/Developer Agreement to move these City sewer mains. Owner/Developer will be required to provide the City with an easement (15-foot wide) where the new City sewer mains are to be located. Additional pending public sanitary and water main easements from a prior East Towne Mall project (Engineering Project No. 53B1940) shall also be resolved by this project. A Permit to Excavate in the Right of Way with surety may be accepted in lieu of a City/Developer's Agreement.
2. Engineering shall not sign off on the site plan until all existing and new easement requirements for this parcel are met.
3. The approved address for the proposed restaurant will be 240 East Towne Mall.

GENERAL OR STANDARD REVIEW COMMENTS

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

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

Name: 89 East Towne Mall Conditional Use

General

- 1.1 The construction of this building will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City / Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project. An excavation permit with surety may be accepted in lieu of a City/Developer Agreement
- 1.2 The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat. 10



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

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

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

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

Right of Way / Easements

- 2.1 The Applicant shall Dedicate a _____ foot wide strip of Right of Way along _____.
- 2.2 The Applicant shall Dedicate a _____ foot wide strip of Right of Way along _____.
- 2.3 The Applicant shall Dedicate a Permanent Limited Easement for grading and sloping _____ feet wide along _____.
- 2.4 The City Engineer has reviewed the need for pedestrian and bicycle connections through the development and finds that no connections are required.
- 2.5 The Applicant shall Dedicate a Permanent Limited Easement for a pedestrian / bicycle easement _____ feet wide from _____ to _____.
- 2.6 The Developer shall provide a private easement for public pedestrian and bicycle use through the property running from _____ to _____.
- 2.7 The developer shall be responsible for the ongoing construction and maintenance of a path within the easement. The maintenance responsibilities shall include, but not be limited to, paving, repaving, repairing, marking and plowing. The developer shall work with the City of Madison Real Estate Staff to administer this easement. Applicable fees shall apply.
- 2.8 The Public Sanitary Sewer Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:

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

2.9 The Public Sidewalk Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:

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

2.10 The Public Storm Sewer Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:

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

2.11 The Public Water Main Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:

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

Streets and Sidewalks

3.1 The Applicant shall execute a waiver of notice and hearing on the assessments for the improvement of [roadway] _____ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.

3.2 **Value of sidewalk installation over \$5000.** The Applicant shall Construct Sidewalk to a plan approved by the City

Engineer along _____.

- 3.3 **Value of sidewalk installation under \$5000.** The Applicant shall install public sidewalk along _____. The Applicant shall obtain a Street Excavation Permit for the sidewalk work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. All work must be completed within six months or the succeeding June 1, whichever is later. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 3.4 The Applicant shall execute a waiver of their right to notice and hearings on the assessments for the installation of sidewalk along [roadway] _____ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.
- 3.5 The Applicant shall grade the property line along ____ to a grade established by the City Engineer. The grading shall be suitable to allow the installation of sidewalk in the future without the need to grade beyond the property line. The Applicant shall obtain a Street Excavation permit prior to the City Engineer signing off on this development. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 3.6 The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
- 3.7 **Value of the restoration work less than \$5,000. When computing the value, do not include a cost for driveways. Do not include the restoration required to facilitate a utility lateral installation.** The Applicant's project requires the minor restoration of the street and sidewalk. The Applicant shall obtain a Street Excavation Permit for the street restoration work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 3.8 The Applicant shall make improvements to _____ in order to facilitate ingress and egress to the development. The improvement shall include a (Describe what the work involves or strike this part of the comment.) _____
- 3.9 The Applicant shall make improvements to _____. The improvements shall consist of _____.
- 3.10 The approval of this Conditional Use does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester.
- 3.11 The Applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The Applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The Applicant shall provide the City Engineer the proposed grade of the building entrances. The City Engineer shall approve the grade of the entrances prior to signing off on this development.
- 3.12 The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction.
- 3.13 The Applicant shall obtain a privilege in streets agreement for any encroachments inside the public right of way. The approval of this development does not constitute or guarantee approval of the encroachments.
- 3.14 The Applicant shall provide the City Engineer with the proposed soil retention system to accommodate the restoration. The soil retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system.
- 3.15 The Applicant shall complete work on exposed aggregate sidewalk in accordance with specifications provided by the city. The stone used for the exposed aggregate shall be approved by the City. The Construction Engineer shall be notified prior to beginning construction. Any work that does not match the adjacent work or which the City Construction Engineer finds is unacceptable shall be removed and replaced.
- 3.16 All work in the public right-of-way shall be performed by a City licensed contractor.
- 3.17 Installation of "Private" street signage in accordance with 10.34 MGO is required.
- 3.18. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl, of the City Parks Department - dkahl@cityofmadison.com or 266-4816.

Storm Water Management

- 4.1 The site plans shall be revised to show the location of all rain gutter down spout discharges.

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

- Detain the 2 & 10-year storm events.
- Detain the 2, 10, & 100-year storm events.
- Control 40% TSS (20 micron particle) off of new paved surfaces
- Control 80% TSS (5 micron particle) off of new paved surfaces
- Provide infiltration in accordance with Chapter 37 of the Madison General Ordinances
- Provide substantial thermal control.
- Provide oil & grease control from the first 1/2" of runoff from parking areas.
- Complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website -- as required by Chapter 37 of the Madison General Ordinances.

Stormwater management plans shall be submitted and approved by City Engineering prior to signoff.

- 4.10 The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement.
- 4.11 A portion of this project comes under the jurisdiction of the US Army Corp of Engineers and WDNR for wetland or flood plain issues. A permit for those matters shall be required prior to construction on any of the lots currently within the jurisdictional flood plain.
- 4.12 The Applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain the following data, each on a separate layer name/level number:
 - a) Building Footprints
 - b) Internal Walkway Areas
 - c) Internal Site Parking Areas
 - d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
 - e) Right-of-Way lines (public and private)
 - f) Lot lines
 - g) Lot numbers
 - h) Lot/Plat dimensions
 - i) Street names

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

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

in Chapter 37 of the Madison General Ordinances, the most significant additional requirement shall be that of infiltration.

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

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

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

- 4.14 The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set.
- PDF submittals shall contain the following information:
- a) Building footprints.
 - b) Internal walkway areas.
 - c) Internal site parking areas.
 - d) Lot lines and right-of-way lines.
 - e) Street names.
 - f) Stormwater Management Facilities.
 - g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
- 4.15 The Applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including:
- a) SLAMM DAT files.
 - b) RECARGA files.
 - c) TR-55/HYDROCAD/Etc...
 - d) Sediment loading calculations
- If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided.
- 4.16 The area adjacent to this proposed development has a known flooding risk. All entrances shall be 2-feet above the adjacent sidewalk elevation or 1-foot above the 100-year regional flood elevation (whichever is greater). This includes garage entrances.

Utilities General

- 5.1 The Applicant shall obtain a Street Excavation permit for the installation of utilities required to serve this project. The Applicant shall pay the permit fee, inspection fee and street degradation fee as applicable and shall comply with all the conditions of the permit. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 5.2 The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 5.3 All proposed and existing utilities including gas, electric, phone, steam, chilled water, etc shall be shown on the plan.
- 5.4 The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 5.5 The site plans shall be revised to show the location of existing utilities, including depth, type, and size in the adjacent right-of-way.
- 5.6 The developer shall provide information on how the Department of Commerce's requirements regarding treatment of storm water runoff, from parking structures, shall satisfied prior to discharge to the public sewer system. Additionally, information shall be provided on which system (storm or sanitary) the pipe shall be connected to.

Sanitary Sewer

- 6.1 Prior to approval of the conditional use application, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1). \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2). \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 6.2 All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection

charges are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (608-261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.

- 6.3 Each unit of a duplex building shall be served by a separate and independent sanitary sewer lateral.
- 6.4 The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service.

City of Madison, Wisconsin

REPORT OF: URBAN DESIGN COMMISSION**PRESENTED:** February 27, 2008**TITLE:** 89 East Towne Mall – New Building
Addition to a Planned Commercial Site for
Buffalo Wild Wings. 17th Ald. Dist.
(08547)**REFERRED:****REREFERRED:****REPORTED BACK:****AUTHOR:** Alan J. Martin, Secretary**ADOPTED:****POF:****DATED:** February 27, 2008**ID NUMBER:**

Members present were: Marsha Rummel, Bruce Woods, John Harrington, Bonnie Cosgrove, Richard Wagner, Jay Ferm and Lou Host-Jablonski.

SUMMARY:

At its meeting of February 27, 2008, the Urban Design Commission **GRANTED INITIAL APPROVAL** of a new building addition located at 89 East Towne Mall. Appearing on behalf of the project Chris Olson, Att. Bill White, David Brown, Dave Glusick, Russ Kowalski and Tammy Rozek, all of CBL & Associates. Prior to the presentation staff noted that the area's Alderperson, Joe Clausius had provided an email to staff in support. Ald. Clausius was in agreement with staff on a preference for the building as designed for "Buffalo Wild Wings" as detailed in "Option #2." Staff noted its support for Option #2 as consistent with the Commission's previously stated concerns regarding the project from its meeting of January 30, 2008. Staff noted that the elevational features of Option #2 were in direct address of many of the Commission's concerns with an issue remaining with the yellow coloration of the entry tower consistent with the corporate identification for Buffalo Wild Wings, as well as the alternating black and white vertical column at its corner adjacent to its corporate logo. Staff noted that the yellow coloration of the tower as an element of the corporate identification for the restaurant was still problematic in extending the street graphic as an element of the building's architecture. Further discussion on this issue between staff, the Commission and the applicant rendered it to less of an issue because the wall graphic projected significantly from the face or façade of the tower to provide a physical separation between it and the yellow coloration of the tower's façade, as well as alternating black and white vertical column. A detailed review of the revised plans featured the following:

- The main tower element is shorter than that of the existing mall entrance and tower element of the Barnes & Noble structure. Based on input from reviewing City agencies, the scope and scale of the affected area to be improved as part of the addition to the mall has been enlarged to include provisions for a relocated bus stop, additional pedestrian pathways, as well as an increase in the amount of landscape tree islands, including a significant area of surface parking stall affected by the redevelopment proposal.

Following the presentation the Commission noted the following:

- Look at placing wheel stops at 16-feet on 18-foot long stalls adjacent to the bus stop area to provide for more landscape opportunities and allow for an increase in the 5-foot landscape buffer within this area.
- Provide a tree lined walkway between the bus stop area along the pedestrian pathway to the food court.
- Parking lot plantings around building are fine, but in parking lot needs to be more diverse, need a mix of canopy trees and understory species, including grasses.
- The plan details as presented versus those details contained within the application packet still do not match.
- Like the yellow accent at the entry tower as a means of identification of its function, but mourn the loss of the previously proposed canopy over the outdoor eating area.

ACTION:

On a motion by Ferm, seconded by Cosgrove, the Urban Design Commission **GRANTED INITIAL APPROVAL** (the second option as noted by staff). The motion was passed on a unanimous vote of (7-0). The motion required that the parking lot address the provisions for a landscape tree islands at an interval of 12-15 stalls, with the plan being adjusted to provide for address of the landscaping amenities as requested. Further consideration of the project requires consistency between the application packet and presentation documents.

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



Traffic Engineering and Parking Divisions

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

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

January 31, 2008

TO: Plan Commission

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

SUBJECT: **89 East Towne Mall – Conditional Use – Restaurant w/Outdoor Eating Area**

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

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

1. The applicant shall provide scaled drawing at 1" = 150' or larger on one contiguous plan sheet showing all the facility's access, existing and proposed buildings, layouts of parking lots, loading areas, trees, on site signage plan, on site pavement markings plan, Bus Stops and approaches.

PEDESTRIAN AND BICYCLE TRANSPORTATION REVIEW COMMENTS

2. The applicant shall provide sidewalks, ramps and pavement markings improving the pedestrian linkages from East Towne Blvd., Eagan Rd., Zeier Road, along the ring road and to Culvers lot. The applicant shall provide pedestrian linkages from Public Streets to the building entrances.
 - The applicant shall show existing and proposed sidewalks along the major drive entrances across the parking lot to East Towne front sidewalks. The applicant shall provide additional raised sidewalks, ramps, & crosswalks through the parking lot. The applicant may need to reduce the number of parking spaces to accommodate the pedestrian sidewalks across the parking lots.
3. The applicant shall modify the bike parking areas, so that the bicycle parking spaces do not encroach on the five (5) ft public sidewalk. The bike parking shall be provided in areas by entrances to the building.
4. The applicant shall indicate the type of bicycle racks to be installed.

The applicant shall modify the sidewalk in front and along the proposed restaurant to 10 ft width with no items in the sidewalk to the East Towne's Food Court main entrance.

GENERAL OR STANDARD REVIEW COMMENTS

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

5. When the applicant submits final plans for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.
6. All directional/regulatory signage and pavement markings on the site shall be shown on the contiguous plan and approved by the City Traffic Engineer. The applicant shall modify the pavement markings and signage plan according to the Federal Highway Administration manual on "Uniform Traffic Devices." All "Stop" signs shall be installed at a height of seven (7) feet at all driveway approaches. All signs at the approaches shall be installed behind the property line. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
7. The applicant shall show the dimensions for proposed and existing parking stalls' items A, B, C, D, E, F, and degree of angle parking width and backing up, according to Figures II "Medium and Large Vehicles" parking design standards in Section 10.08(6)(b) 2. Signs and planting areas are to be excluded from the rectangular stall areas including the two (2) feet of vehicle overhang. The two (2) feet of vehicle overhang shall be shown on the plan and dimensioned.
8. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

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

Contact Person: Derrick Matter
Fax: 612-338-2995
Email: dmatter@cmarch.com

DCD: DJM: dm



Madison Metro Transit System

1101 East Washington Avenue
Madison, Wisconsin, 53703
Administrative Office: 608 266 4904
Fax: 608 267 8778



January 25, 2008

TO: Plan Commission

FROM: Timothy Sobota, Transit Planner, Metro Transit

SUBJECT: **89 East Towne Mall – Buffalo Wild Wings**

Metro Transit has reviewed the subject development and has the following comments.

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

1. The developer shall install and maintain all infrastructure necessary to suitably relocate the existing East Towne Mall bus stop.
2. The new bus stop location must be situated in the area between the Mall Access off Eagan Road south of East Towne Boulevard adjacent Culver's Restaurant and the Mall Access to East Towne Boulevard opposite Independence Lane so as to ideally decrease the distance currently traveled through the parking lot and thereby avoiding impacts to the existing schedules.
3. The new bus stop infrastructure shall include the following items at a minimum:
 - An accessible, raised, pedestrian access from the Food Court Mall Entrance adjacent Barnes & Noble to a bus stop boarding island (i.e. curb ramps & crosswalks).
 - A concrete or other reinforced slab for a stopped bus, not blocking any travel lanes, measuring at least 10' wide by 150' long.
 - A passenger boarding zone, located adjacent the front door a stopped bus, clear of any landscape items and measuring 6' wide (parallel to travel lane) by 8' deep (from back of curb). The remaining passenger boarding island parallel to the bus slab must be clear at least 5' deep.
 - In the immediate vicinity of the passenger boarding zone: A trash receptacle, a shelter with enclosed bench (128 square feet or larger), additional benches or other seating amenity (10 people or more); and vertical separation between the passenger waiting area and any adjacent parking stalls (i.e. 18"-36" high wall or other landscaping elements) – for the length of the island.
 - Additional pedestrian facilities as necessary to connect this mall entrance and the passenger boarding island to the public street and sidewalk network, specifically including marked crosswalks and curb ramps to cross the ring road towards East Towne Boulevard.
4. The developer shall include the design and locations of the proposed elements of the new bus stop on the final documents filed with their permit application so that Metro Transit may review and approve the design.

GENERAL OR STANDARD REVIEW COMMENTS

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

5. Metro Transit operates bus service seven days a week along the Eagan/Lien Road frontage of East Towne Mall, with a bus stop facing the entrance corridor adjacent Boston Store and Sears. The developer currently maintains a shelter with enclosed bench at this location.

January 25, 2008

Page 2

6. The developer may use the existing shelter structure in combination with a second structure in order to achieve the square footage requirement for sheltered waiting space on the passenger boarding island.
7. Metro Transit serves East Towne Mall with routes from four directions (downtown, North Transfer Point, East Transfer Point, High Crossing/City View). Currently up to three buses (40 foot vehicles) might stack along the frontage of the Boston Store at a given time, thereby dictating the length requirement outlined above.
8. Metro Transit has fielded concerns from East Towne mall management and Boston Store officials in the past regarding the current bus stop location, related to the impacts caused in part by the limited space available for both buses and passengers to stage along this frontage of the shopping mall.
9. Metro Transit coordinated a similar bus stop relocation design with a conditional use application at West Towne Mall in 2006 - to the general benefit of bus passengers, Metro transit operations, and Mall management.
10. Metro Transit requests to sign and review final documents submitted for this project.

Please contact Tim Sobota, Metro Transit at 608-261-4289
or by email at <tsobota@cityofmadison.com>
if you have questions regarding the above items.



Digitally signed
by Tim Sobota
Date: 2008.01.25
11:08:06 -06'00'

CC: Project contact person, Derrick Matter: dmatter@cmarch.com

Atch.

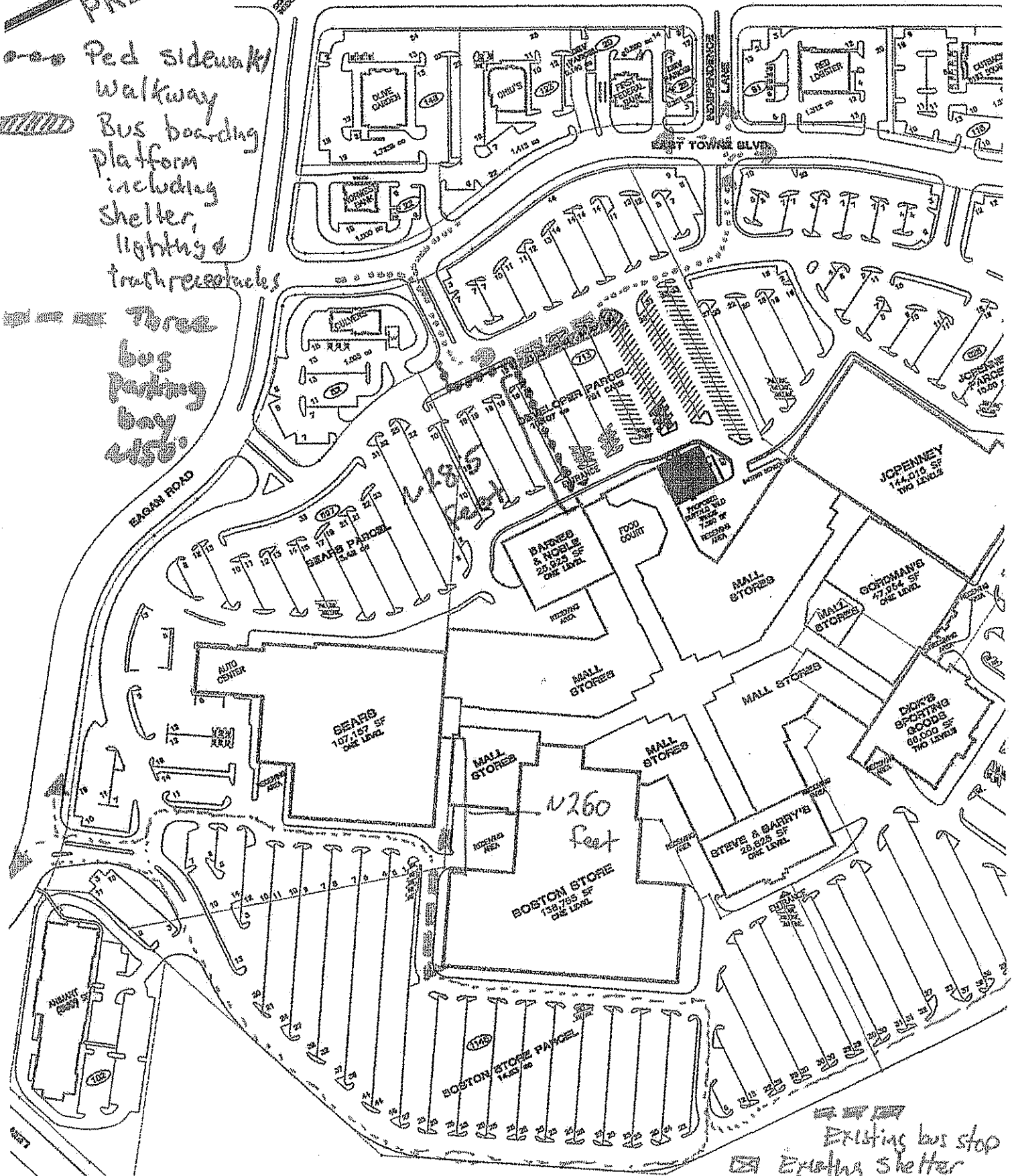
- Sketch on site plan showing locations of pedestrian and bus infrastructure upgrades at East Towne Mall, existing bus stop, and present/proposed bus access paths (not to scale)
- Site plan showing recently completed West Towne Mall bus stop design adjacent Gammon Road frontage, between Odana Road and Gammon Place access points.

PRELIMINARY NOT

U.S. 101 EAST WASHINGTON AVENUE

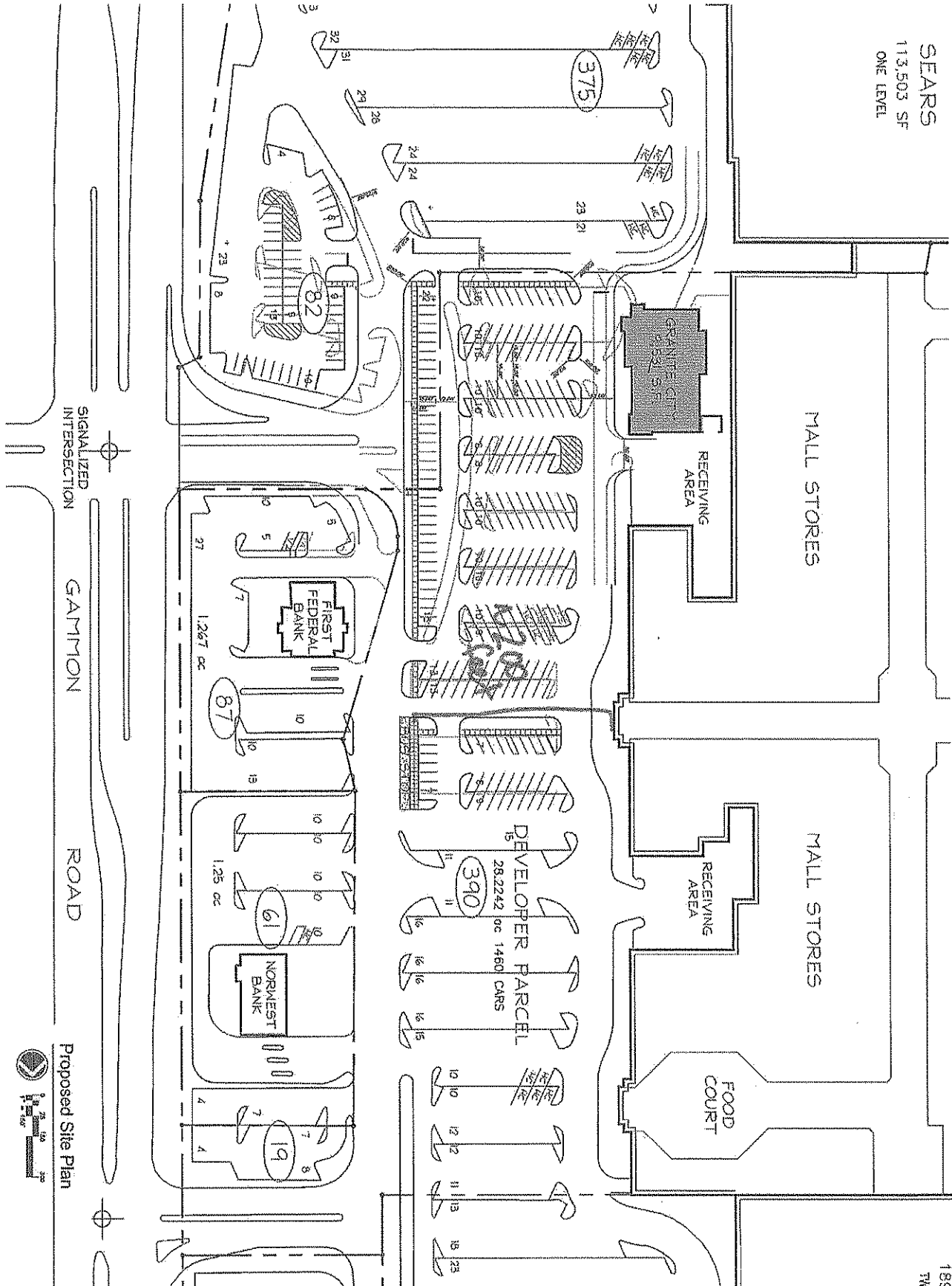
— Ped sidewalk
Walkway
Bus boarding
Platform
including
shelter,
lighting &
trash receptacles

Three
bus
parking
bay
also.



Existing bus stop
Existing shelter

SEARS
113,503 SF
ONE LEVEL



185
TW

West Towne Mall
Madison, WI

28 FEB 2004
28 FEB 2004

Proposed Site Plan

SP
02

185 TW



**CITY OF MADISON
INTERDEPARTMENTAL
CORRESPONDENCE**

Date: January 21, 2007

To: Plan Commission

From: Patrick Anderson, Assistant Zoning Administrator

Subject: 89 East Towne Mall

Present Zoning District: C3L

Proposed Use: Restaurant addition w/ outdoor eating area at East Towne Mall

Conditional Use: 28.09(3)(d)32 Outdoor eating areas are a conditional use.
28.04 (24)(b) Major alteration to a Planned Commercial Site must be reviewed by P.C.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project). **NONE.**

GENERAL OR STANDARD REVIEW COMMENTS

1. Meet all applicable State accessible requirements, including but not limited to:
 - a. Provide a minimum required accessible stalls striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8' wide with an 8' striped out area adjacent. The rest of the accessible stalls shall have a 5' striped out area adjacent.
 - b. 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.
 - 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.
2. Provide bike parking stalls, number required 1 per 10 car parking stalls, in a safe and convenient location on an impervious surface to be shown on the final plan. 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.
3. Identify extent of parking devoted to restaurant and designate on site plan.

4. 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.

5. The proposed street graphics do not meet the requirements of MGO 31. Also, the Plan Commission does not grant signage approvals. Signage must be reviewed for compliance with Chapter 31 of the Madison General Ordinances. Permits must be issued by the Zoning Section of the Department of Planning and Community and Economic Development before signage may be placed.

6. Provide one 10' x 35' loading areas with 14' vertical clearance to be shown on the plan. The loading area shall be exclusive of drive aisle, fire lane, and maneuvering space.

ZONING CRITERIA

Bulk Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	1,138,730 sq. ft.
Lot width	50'	Adequate
Front yard	0'	Adequate
Side yards	0'	Adequate
Rear yard	10'	n/a
Floor area ratio	3.0	Less than 1.0
Building height	---	1 story

Site Design	Required	Proposed
Number parking stalls	TBD	TBD (3 & 4)
Accessible stalls	TBD	(1)
Loading	1 – 10'X35'	None shown (6)
Number bike parking stalls	TBD	TBD (2)
Landscaping	Yes	TBD (4)
Lighting	No	Exsiting

Other Critical Zoning Items	
Urban Design	Yes
Flood plain	No
Utility easements	None shown
Barrier free (ILHR 69)	Yes

With the above conditions, the proposed project **does** comply with all of the above requirements.



CITY OF MADISON FIRE DEPARTMENT

Fire Prevention Division

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

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

DATE: February 4, 2008
TO: Plan Commission
FROM: Edwin J. Ruckriegel, Fire Marshal
SUBJECT: **89 East Towne Mall**

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

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

1. Provide fire apparatus access as required by Comm 62.0509 and MGO 34.19, as follows:
 - a. The site plans shall clearly identify the location of all fire lanes.
2. Per the IFC chapter 10 and MGO34:
 - a. Applicant shall submit approved capacity with the site plan and post the capacity of the outside dining area in accordance International Fire Code 2006 edition.
 - b. Proposed deck, patio or fenced in area shall not be located at, adjacent or obstruct the required exits from the building.
 - c. Provide and maintain exits from the deck, patio or fenced in area in accordance with the International Fire Code 2006 edition.
 - d. Submit a seating plan for the proposed deck, patio or fenced in area space.

GENERAL OR STANDARD REVIEW COMMENTS

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

3. Provide fire apparatus access as required by Comm 62.0509 and MGO 34.19, as follows:
 - a. Provide a completed MFD "Fire Apparatus Access and Fire Hydrant Worksheet" with the site plan submittal.

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

cc: Bill Sullivan



Department of Planning & Community & Economic Development
 Planning/Neighborhood Preservation & Inspection/Economic & Community Development
 Mark A. Olinger, Director

GREG MEYERS
 608.648.1616
 X10

Bradley J. Murphy
 Planning Division
 215 Martin Luther King, Jr. Boulevard
 P.O. Box 2985
 Madison, WI 53701-2985
 (608) 266-4635

REVIEW REQUEST FOR:

- PRELIMINARY PLAT
- FINAL PLAT
- LOT DIVISION/CSM
- CONDITIONAL USE
- DEMOLITION
- REZONING
- INCLUSIONARY ZONING
- OTHER

89 EAST TOWNE MALL
 ADDITION TO EAST TOWNE MALL FOR NEW
 RESTAURANT W/OUTDOOR EATING AREA
 CRL & ASSOCIATES PROPERTIES, INC/
 DERRICK MATTER - CM ARCHITECTURE

11

PLANNING DIVISION CONTACT: KEYVIN FIRCHOW

RETURN COMMENTS BY: 31 JANUARY 2008

PLEASE ALSO EMAIL OR FAX ANY COMMENTS TO THE APPLICANT:

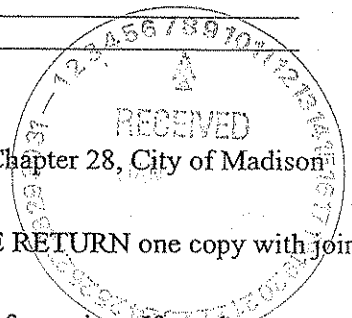
Applicant E-mail: dmatter@cmarch.com Fax: 608-338-2995

Date Submitted: 19 DECEMBER 2007 Plan Commission: 11 FEBRUARY 2008

Date Circulated: 21 DECEMBER 2007 Common Council: _____

CIRCULATED TO:

- | | | |
|-----------------------------------------------|------------------------------------------------------|--------------------------------------------------------------------------|
| <input type="checkbox"/> ZONING | <input type="checkbox"/> DISABILITY RIGHTS | <input checked="" type="checkbox"/> ALD. <u>CLAUSIUS</u> DIST. <u>17</u> |
| <input type="checkbox"/> FIRE DEPARTMENT | <input type="checkbox"/> POLICE DEPT. - THURBER | <input type="checkbox"/> MADISON GAS & ELECTRIC |
| <input type="checkbox"/> PARKS DIVISION | <input type="checkbox"/> CITY ASSESSOR - M. RICHARDS | <input type="checkbox"/> ALLIANT ENERGY |
| <input type="checkbox"/> TRAFFIC ENG. | <input type="checkbox"/> MADISON METRO - SOBOTA | <input type="checkbox"/> A T & T |
| <input type="checkbox"/> CITY ENG. - DAILEY | <input type="checkbox"/> MMSD BOARD, C/O SUPT. | <input type="checkbox"/> T D S |
| <input type="checkbox"/> CITY ENG. - PEDERSON | <input type="checkbox"/> PUBLIC HEALTH - SCHLENKER | <input type="checkbox"/> MT. VERNON TELE |
| <input type="checkbox"/> WATER UTILITY | <input type="checkbox"/> NEIGHBORHOOD ORGANIZATION | _____ |
| <input type="checkbox"/> CDBG - CONSTANS | | _____ |
| <input type="checkbox"/> REAL ESTATE - EKOLA | | _____ |



- Review the above as per time schedule set in Chapter 16.23(5)(b)2; 16.23(5)(3)3; or Chapter 28, City of Madison Ordinance; OR your agency's comments cannot be considered prior to action.
- One copy for your files; one copy for file of appropriate telephone company; PLEASE RETURN one copy with joint comments.
- The above is located in your district. A copy is on file in the Planning Division Office for review. If you have any questions or comments, contact our office at 266-4635.
- The above is located within or near the limits of your neighborhood organization. A copy is on file in the Planning Division Office for review. If you have any questions or comments, contact our office at 266-4635.

RETURN COMMENTS TO: PLANNING DIVISION, DEPT. OF PLANNING & COMMUNITY & ECONOMIC DEVELOPMENT, ROOM LL100 MMB, 215 MARTIN LUTHER KING JR. BLVD.

NO COMMENTS / YOUR COMMENTS:

HAVE DISCUSSED BUFFALO WILD WINGS PROJECT WITH THE EAST TOWNE MANAGER AND GREG MEYERS.
 PROJECT AS DONE WELL AND WILL DRAW CONSUMERS INTO THE EAST TOWNE AREA.
 YOU HAVE MY APPROVAL FOR THE PROJECT.
 JOE CHANDLER
 DISTRICT 17 ALDER

10