

**PLANNING DIVISION REPORT
DEPARTMENT OF PLANNING AND COMMUNITY
AND ECONOMIC DEVELOPMENT
June 13, 2008**

RE: I.D. #10874, Conditional Use Permit – 4302 East Washington Avenue

1. Requested Action: Approval of a remodeled retail site with drive-through service and an outdoor eating area at 4302 East Washington Avenue in C2 (General Commercial District) zoning. In C2 zoning, drive-through establishments and outdoor eating areas are conditional uses.
2. Applicable Regulations: Section 28.12 (11) provides the guidelines and regulations for the approval of conditional uses. Drive-through establishments and outdoor eating areas in C2 zoning are governed by Section 28.09 (3)(d).
3. Report Prepared By: Heather Stouder, AICP, Planner

GENERAL INFORMATION:

1. Applicant & Property Owner: Tim Neitzel; 5301 Voges Rd.; Madison
Architect: Dimension IV Madison Design Group; 6515 Grand Teton Plaza, Suite 120; Madison
Engineer: Mike Calkins, Calkins Engineering; 5010 Voges Rd.; Madison
Landscape Architect: Paul Skidmore; 13 Red Maple Trail; Madison
2. Development Schedule: The applicant wishes to begin remodeling construction in June 2008 and complete it in November 2008.
3. Parcel Location: Approximately 15,000 square feet generally located at northeast corner of Continental Lane and East Washington Avenue; Aldermanic District 17; Urban Design District 5; Madison Metropolitan School District.
4. Existing Conditions: The site is developed with a one-story, approximately 3,325 square-foot retail building, zoned C2 (General Commercial District). The parcel bordering the site to the north and east, where many of the improvements are proposed, is developed with the six-story Crown Plaza Hotel, which is an existing conditional use also zoned C2.
5. Proposed Use: A remodeled two-tenant commercial building with a drive-through facility and outdoor eating area. Improvements to the adjacent parcel are required to accommodate the drive-through lane.
6. Surrounding Land Use and Zoning:
North: Crowne Plaza Hotel parking lot, zoned C2 (General Residence District); one and two-family residences, zoned R1 Single-Family Residence District) and R3 (Single and Two-Family Residence District)
East: Crowne Plaza Hotel, zoned C2

South: Across East Washington Avenue, East Towne Mall, Olive Garden restaurant, zoned C3L (Commercial Service and Distribution District)

West: Across Continental Lane, BP gas station and car wash, Imperial Gardens, zoned C2

7. Adopted Land Use Plan: The Comprehensive Plan identifies the subject site and other business on the north side of East Washington Avenue for general commercial uses.
8. Environmental Corridor Status: This property is not located within a mapped environmental corridor.
9. Urban Design District: This property is in Urban Design District 5.
10. Public Utilities & Services: This 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).

PRIOR APPROVALS:

On May 21, 2008, the applicant received *final approval* from the Urban Design Commission for the proposed conditional use in Urban Design District 5 (see attached report).

ANALYSIS:

The applicant is requesting approval to remodel an existing commercial building, incorporate a drive-through facility at the rear of the building, add an outdoor eating area, and make landscaping and design improvements to the site. Many improvements relating to the drive-through are proposed on an adjacent parcel, 4402 East Washington Avenue. Thus, approval of this application may only be granted on the condition that a minor alteration to a conditional use is sought and approved for 4402 East Washington Avenue.

Existing Conditions

The subject site is 4302 East Washington Avenue, located on the northeast corner of East Washington Avenue and Continental Lane in C2 commercial zoning. The property is an approximately 100-foot wide and 150-foot deep parcel with 15,000 square feet of area. The existing one story building, built in 1959, has approximately 3,300 square feet of retail space configured to serve two (2) tenants. The building is set back approximately 95 feet from the front property line, with very limited setbacks on the sides and rear of the building. Access is provided from Continental Lane to the west. A 43-foot cross access easement at the front of the property provides a second access driveway from Continental Lane, as well as nine (9) parking stalls for the Crowne Plaza Hotel.

Building Design

Plans submitted with this demolition request propose a complete remodeling of the building to include new windows and doors, a brick facade on three sides, a small "mezzanine" (two-story) component, and a drive-through window at the rear. The proposed building has 3,333 square

feet on the first floor, 1,458 square feet in the basement, and 161 square feet in the second story for a total of 4,952 square feet. The proposed building would maintain spaces for two (2) tenants. Submitted plans show a four-colored brick and EIFS front facade with floor-to-ceiling glass windows and two glass entrance doors situated under new awnings. East and west elevations are shown with brick facades and similar windows toward the front of the building. Concrete masonry units are proposed for the south elevation, which would also have a new drive-through window and three utility doors. The use and design of the mezzanine is unclear on submitted elevations.

Site Plan

Two vehicle access points to Continental Lane, one of which is to the hotel site, would be maintained in their current locations. From submitted plans, it appears that drivers may enter the drive-through lane from both within the retail parking lot and from the southeastern part of the hotel parking lot. After making purchases, drivers then circle behind the building and exit through the hotel lot onto Continental Lane. The applicant indicates that twelve (12) automobile parking stalls, including one accessible stall, and four (4) bicycle racks would be provided in front of the building, although the type of bicycle parking racks is not specified. An outdoor eating area constructed in front of the western retail space would be surrounded by a metal railing and an accessible sidewalk ramp.

The applicant indicates that the property owner is working in conjunction with the Crowne Plaza Hotel to provide improvements related to the drive-through facility, although formal cross access easements were not provided as part of the application. As shown on plans, landscaped strips and islands are proposed in several locations throughout the existing parking lot on the site itself, as well as the hotel parking lot. A long landscaped strip will define the outer edge of the drive-through lane, separating it from the hotel lot. A net 14 existing parking stalls associated with the Crown Plaza hotel would be removed in order to accommodate the new drive-through lane, landscaped strips, and a trash enclosure on the east and back sides of the building.

EVALUATION:

This portion of the East Washington Avenue corridor currently contains a mix of retail, service, fast food, and hotel establishments, many of which are auto-oriented in nature. While many future customers will likely be driving automobiles, hotel guests and the residents of single-family and two-family homes to the north represent a potential walking customer base.

Staff is generally in agreement that the proposed remodeling represents a significant improvement to the site, with three recommendations for improvement. First, the materials on the northern elevation should maintain consistency with the front and sides of the building, and better relate to the neighborhood to the north. Second, from an aesthetics perspective, it seems that the number of colors on the front of the building is excessive, and a better result may be obtained with two rather than three colors of brick. Finally, the function and design of the mezzanine level is unclear in the submitted application, and should be included in final plans for review by planning staff.

The main concern of the Planning Division relates to the fact that the majority of proposed improvements relating to the drive-through facility actually occur in a parking lot on the adjacent parcel, 4402 East Washington, rather than on the applicant's property. Circulation of

automobiles through the drive-through facility will require significant use of the adjoining property, and it is unclear on submitted plans exactly how circulation will occur. As a condition of approval, staff suggests that Plan Commission require a full site plan to include both parcels to be administratively approved by staff. The site plan should include clearly established cross access easements, the proposed vehicle circulation pattern for the drive-through. Further, since the proposed improvements involve changes to the Crowne Plaza Hotel parking lot, a minor alteration to an existing conditional use must be granted for 4402 East Washington Avenue before a permit may be issued.

CONCLUSION:

Planning Division staff feels that the proposed remodeling of an existing retail building with an outdoor eating area and drive-through lane is not an inappropriate land use at this site. The design of the new building is superior to the existing building, and the landscaping plan provides functional, aesthetically pleasing improvements to the site.

RECOMMENDATION:

The Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** demolition of the existing one-story structure and construction of a new convenience store, subject to input at the public hearing and the following conditions:

1. Comments from reviewing agencies.
2. Final plans submitted for administrative review by Planning and Urban Design Commission staff shall clarify the use and design of the mezzanine, as well as any updates to types and colors of proposed exterior materials. Acceptable changes to exterior materials include a reduction in the number of colors of brick and changes to make the north elevation more similar to the others.
3. The applicant must submit a full site plan, to be approved by staff, including the Crowne Plaza Hotel parcel showing cross access easements and the proposed vehicle circulation pattern for the drive-through facility.
4. Before a permit can be issued related to this application, a *minor alteration to a conditional use* is required for changes to the parking lot of the Crowne Plaza Hotel parcel, 4402 East Washington Avenue.

AGENDA # 2

City of Madison, Wisconsin

REPORT OF: URBAN DESIGN COMMISSION	PRESENTED: May 21, 2008
TITLE: 4302 East Washington Avenue – Remodel Existing One-Story Commercial Building in UDD No. 5. 17 th Ald. Dist. (02778)	REFERRED: REREFERRED: REPORTED BACK:
AUTHOR: Alan J. Martin, Secretary	ADOPTED: POF:
DATED: May 21, 2008	ID NUMBER:

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

SUMMARY:

At its meeting of May 21, 2008, the Urban Design Commission **GRANTED FINAL APPROVAL** of a remodel located at 4302 East Washington Avenue. Appearing on behalf of the project was Jerry Bourquin, the project architect. The modified plans as presented featured the following:

- Change in the parking lot design with a reorientation of the queue for the drive-up lane to allow for an escape lane, a reconfiguration of the surface parking area immediately adjacent to the existing building, in combination with a reduction of surface parking within the access easement area abutting the property's East Washington Avenue frontage.
- Other site plan changes include the extension of a walkway to the adjacent hotel, along with additional landscaping, initial landscape buffer along the south edge of the proposed surface parking lot immediately adjacent to the hotel and the access easement drive aisle.
- An outdoor patio area has been added off to the southwesterly corner of the building (raised).
- The trash enclosure has been relocated from the front to the rear of the building.
- Elevational changes include a raised up façade to include clearstory windows, along with raised up cornices on the parapet.
- The addition of more glass and masonry has been provided on the storefront façades (north and south elevations).
- A discussion on alterations to the access easement requiring State approval were noted as potential effecting the stall orientation and number with a potential loss of 4-5 stalls.

Following the presentation the Commission noted the following:

- Like what's been done.
- Look at providing a smaller canopy on center section for solar control on the south elevation suggested as an alternative to go back to staff for approval.
- Extend line of metal cap from the center element across the face of the corner façade.

ACTION:

On a motion by Slayton, seconded by Barnett, the Urban Design Commission **GRANTED FINAL APPROVAL**. The motion was passed on a unanimous vote of (6-0). The motion provided latitude for a south facing awning to be approved by staff and includes extension of a metal cap across the balance of the façade of the corner elements at the control joint to be approved by staff.

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, 6, 6, 6/7, and 7.

URBAN DESIGN COMMISSION PROJECT RATING FOR: 4302 East Washington Avenue

	Site Plan	Architecture	Landscape Plan	Site Amenities, Lighting, Etc.	Signs	Circulation (Pedestrian, Vehicular)	Urban Context	Overall Rating
Member Ratings	-	-	-	-	-	-	-	7
	-	-	-	-	-	-	-	6
	6	5	5	-	-	5	5	5.5
	6	5	5	-	-	6	6	6
	6	6	6	6	-	-	-	-
	7	6	5/6	-	-	7	6	6/7

General Comments:

- Collaboration with hotel has improved access to site. Appreciate architectural details.
- Nice renovation.
- Good improvements to circulation.
- Landscape is workable but plan selection lacks interest and innovation.
- Great resolution of circulation issue.



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. Dailey, 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: May 30, 2008
TO: Plan Commission
FROM: *per* Larry D. Nelson, P.E., City Engineer
SUBJECT: *per* 4302 East Washington Avenue 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. Provide the City of Madison all recorded documentation of intended use (i.e. ownership, lease, joint driveway agreement, etc.) of the lands adjacent to this applicants subject property. If the owner of the land for this submittal (East Edge, LLC) intends to purchase lands from the neighbor (Meles Madison, LLC), a Certified Survey Map shall be submitted to the City for approval and recording prior to plan sign-off.
2. Any damage to the pavement on Continental Lane shall require restoration in accordance with the City's Patching Criteria.

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: 4302 East Washington Avenue 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.
- 1.2 The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
- 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.

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- 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 Submit a PDF of all floor plans to Lori Zenchenko lzenchenko@cityofmadison.com so that a preliminary interior addressing plan can be developed. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during, or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshall.
- 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:
 - 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

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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.
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.
- 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 sign-off.

- 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 only the following data, each on a separate layer name/level number:
 - a) Building Footprints
 - b) Internal Walkway Areas
 - c) Internal Site Parking Areas
 - d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
 - e) Right-of-Way lines (public and private)
 - f) All Underlying Lot lines or parcel lines if unplatted
 - g) Lot numbers or the words "unplatted"
 - h) Lot/Plat dimensions
 - i) Street names

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

NOTE: Email file transmissions preferred lzenchenko@cityofmadison.com. Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file.

- 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.



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

March 23, 2006

Rev: June 5, 2008

TO: Plan Commission

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

SUBJECT: **4302 East Washington Avenue – Demolition / Conditional Use – Restaurant with Drive-up Window – Starbucks Coffee**

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 revise site plans showing the 50 ft building setback, and ingress/egress easement for lot 2 as noted on CSM 2325. The applicant shall need to modify the parking lot, landscaping, bike racks, and approach to accommodate "Future Right-of-way" and the egress/ingress 50 ft easement for lot 2 as noted on the C.S.M.
2. The applicant shall be responsible for securing all proper permits and approvals from any municipality or government unit having jurisdiction with the project. In particular, the applicant shall contact Lisa Stern, Wisconsin Department of Transportation (608-246-5635), with site plans sets for review and approval. The applicant shall return a set of site plans or letter with WDOT-approved copies to the City of Madison Traffic Engineering Division.
3. When site plans are submitted for approval, the developer shall provide a recorded copy of the joint driveway ingress/egress and crossing easements available to all lots in the project.

PEDESTRIAN AND BICYCLE TRANSPORTATION REVIEW COMMENTS

4. The applicant shall modify the sidewalk in front of the building to 7 to 8 ft wide to accommodate the proposed vehicle 2 ft overhang and 5 ft sidewalk.

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), adjacent driveway approaches to lots on either side and across the street, 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. When site plans shall show the 50 ft, future street right-of-way and joint driveway ingress/egress and easements.
7. The applicant shall show the dimensions for proposed and existing parking stalls' to the drive-up 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. The applicant shall show the existing northerly and easterly parking spaces adjacent to the proposed site to be in accordance to M.G.O.
8. A "Stop" sign shall be installed at a height of seven (7) feet at all driveway approaches behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan. The applicant shall provide signage to secure the one-way operation of drive-up window.
9. The Access Rd. is a special design "Street Type Entrance" as approved. The applicant shall provide a detail 1" = 20' detail drawing of the "Street Type Entrance" on plan sheets showing signage, epoxy white lines cross walks, and stop bar and pavement markings details to be approved by the City Traffic Engineer. In addition, a note shall be shown on the plan, "ALL PAVEMENT MARKING SHALL BE INSTALLED IN EPOXY AND MAINTIAN BY THE PROPERTY OWNER."
10. 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.
11. 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: Jerry Bourquin
Fax: 829-444
Email: jbourquin@dimensionivmadison.com

DCD: DJM: dm

**CITY OF MADISON
INTERDEPARTMENTAL
CORRESPONDENCE**

Date: June 16, 2008

To: Plan Commission
From: Patrick Anderson, Assistant Zoning Administrator
Subject: 4302 E Washington Ave.

Present Zoning District: C-2

Proposed Use: Convert existing building into a coffee shop with drive-up and outdoor eating area.

Conditional Use: 28.09 (3)(d) 9. & 28.09(3)(d) 32. Drive up establishments & outdoor eating areas for restaurants are a conditional use.

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. If lighting is provided, it must comply with City of Madison outdoor lighting standards.
2. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 of the Madison General Ordinances. This is in an Urban Design District. Signage must be approved by the Urban Design Commission and Zoning. Sign permits must be issued by the Zoning Section of the Department of Planning and Development prior to sign installations.
3. Provide three (3) bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. The lockable enclosed lockers or racks or equivalent structures in or upon which the bicycle may be locked by the user shall be securely anchored to the ground or building to prevent the lockers or racks from being removed from the location. **NOTE: A bike-parking stall is two feet by six feet with a five-foot access area. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices.**

4. Show one (1) accessible parking stalls that meet state required striping and signage as near the accessible entrances as possible. Meet all applicable State accessible requirements, including but not limited to:
 - a. Provide required accessible stalls striped per State requirements. A minimum of 1 of the stalls shall be a van accessible stalls 8' wide with an 8' 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. Highlight or call out the accessible path from the stalls to the building. The stalls shall be as near the accessible entrance or elevator as possible. Show ramps, curbs, or wheel stops where required.

ZONING CRITERIA

Bulk Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	15,000 sq. ft.
Lot width	50'	100'
Front yard	0'	Adequate
Side yards	0'	1' 10" L, 5' 5" R (existing)
Rear yard	10'	Existing
Floor area ratio	3.0	Less than 1.0

Site Design	Required	Proposed
Number parking stalls	11 + employee parking	24
Accessible stalls	1	1 (4)
Loading	n/a	n/a
Number bike parking stalls	3	4 (3)
Landscaping	Yes	
Lighting	No	(1)

Other Critical Zoning Items	
Urban Design	Yes
Historic District/Landmark building	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.



Madison Metro Transit System

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



May 29, 2008

TO: Plan Commission
FROM: Timothy Sobota, Transit Planner, Metro Transit
SUBJECT: **4302 East Washington Avenue – Retail Drive Thru**

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 applicant shall maintain or replace the existing concrete passenger boarding pad on the east side of Continental Lane, approximately 15 feet north of the corner radius of the private driveway (second apron north of East Washington).
2. The developer shall include the location of this passenger amenity 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:

3. Metro Transit operates bus service seven days a week along Continental Lane between East Washington Avenue and Dwight Drive.
4. The developer may propose to remove the existing concrete pad and install a new pad of similar size slightly to the north, on the other side of the telephone pole, in order to permit a forty-foot bus stopped here from blocking driveway access. Link to [Google Street View image](#).
5. 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: 2008.05.29
11:26:11 -05'00'

CC: Project contact person, Jerry Bourquin: jbourquin@dimensionivmadison.com