



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

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January 9, 2018

Skip Alexander
CBL Properties
2030 Hamilton Place Boulevard
Chattanooga, TN 37421-6000

RE: Legistar #49536; Accela 'LNDUSE-2017-00114' -- Approval of a conditional use request to amend an existing Planned Multi-Use Site to establish a restaurant with a vehicle access sales and service window in the CC (Commercial Center) zoning district at **135 East Towne Mall**.

Dear Mr. Alexander:

At its January 8, 2018 meeting, the Plan Commission, meeting in regular session, found the standards met and approved your conditional use request to amend an existing Planned Multi-Use Site to establish a restaurant with a vehicle access sales and service window at **135 East Towne Mall**, subject to the conditions below. In order to receive final approval of the conditional use, and for any permits to be issued for your project, the following conditions shall be met:

Please contact Brenda Stanley of the Engineering Division at (608) 261-9127 if you have any questions regarding the following eighteen (18) items:

1. The sanitary sewer sampling manhole needs to be relocated to downstream from the grease trap and upstream from the regular sewer lateral.
2. All outstanding Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO16.23(9)(d)(4))
3. This project appears to have proposed uses which could require sanitary sewer demand charges or monitoring of the discharge of sanitary sewerage. The applicant shall install a monitoring manhole on the exterior of the building in compliance with City of Madison Engineering criteria.
4. The Applicant shall submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division with any private storm and sanitary sewer utilities. The digital CAD file shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal

can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the 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. Lot lines or parcel lines if unplatted
- g. Lot numbers or the words unplatted
- h. Lot/Plat dimensions
- i. Street names
- j. Private on-site sanitary sewer utilities (including all connections to public sanitary)
- k. Private on-site storm sewer utilities (including all connections to public storm)

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

NOTE: Email CAD file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement, private on-site sanitary sewer utilities, or private on-site storm sewer utilities during construction will require a new CAD file.

5. The applicant shall submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2))

PDF submittals shall contain the following information:

- l. Building Footprints
- m. Internal Walkway Areas
- n. Internal Site Parking Areas
- o. Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
- p. Right-of-Way lines (public and private)
- q. Lot lines or parcel lines if unplatted
- r. Lot numbers or the words unplatted
- s. Lot/Plat dimensions
- t. Street names
- u. Stormwater Management Facilities
- v. Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).

6. The Applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including:
 - w. SLAMM DAT files
 - x. RECARGA files
 - y. TR-55/HYDROCAD/Etc

- z. 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. (POLICY and MGO 37.09(2))
7. Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project. Include copies of all stormwater, utility, and detail plan sheets that contain stormwater practices on 8.5x14 size paper in the draft document. These drawings do not need to be to scale as they are for informational purposes only. Once City Engineering staff have reviewed the draft document and approved it with any required revisions submit a signed and notarized original copy to City Engineering. Include a check for \$30.00 made out to Dane County Register of Deeds for the recording fee. City Engineering will forward the document and fee for recording at the time of issuance of the stormwater management permit. Draft document can be emailed to Tim Troester (west) at ttroester@cityofmadison.com, or Jeff Benedict at jbenedict@cityofmadison.com final document and fee should be submitted to City Engineering.
 8. 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 5.0 tons per acre per year.
 9. This project will require a concrete management plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. (POLICY)
 10. 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. (POLICY)
 11. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to Reduce TSS by 80% off of the proposed development when compared with the existing site.
 12. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to provide oil/grease control for the new asphalt area.
 13. 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.
 14. This site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR216 and NR-151 however a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. Information on this permit application is available on line

at <http://dnr.wi.gov/topic/Stormwater/> (NOTIFICATION)

15. This project appears to require construction dewatering. A dewatering plan shall be submitted to City Engineering as part of the Erosion Control Permit application and plan. If contaminated soil or groundwater conditions exist on or adjacent to this project additional WDNR, Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit.
16. 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. (POLICY)
17. All work in the public right-of-way shall be performed by a City licensed contractor. (MGO 16.23(9)(c)5) and MGO 23.01)
18. All damage to the pavement on East Towne Blvd, adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link: <http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY)

Please contact Jeffrey Quamme of the Engineering Division – Mapping at (608) 266-4097 if you have any questions regarding the following four (4) items:

19. The address of the proposed building is 4505 East Towne Blvd. 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.
20. Applicant is responsible for the relocation of the gas and electric facilities that cross this site to permit the development of the site as proposed.
21. A stormwater drainage easement agreement between this proposed parcel and the remaining JC Penney parcel will be required prior to final sign off to address the drainage from this site onto the JC Penney parcel.
22. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD) prior to issuance of any building permits for new construction. When the recorded CSM image is available from the ROD, the Assessor's Office can then create the new Address-Parcel- Owner (APO) data in GEO so that the Accela system can upload this data and permit issuance made available for this new land record

Please contact Sean Malloy of the Traffic Engineering Division at (608) 266-59877 if you have any questions regarding the following eighteen (18) items:

23. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles,

hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.

24. The Developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.
25. The City Traffic Engineer may require public signing and marking related to the development; the Developer shall be financially responsible for such signing and marking.
26. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
27. The applicant shall provide a clearly defined 5' walkway clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.
28. "Stop" signs shall be installed at a height of seven (7) feet at all class III driveway approaches, including existing driveways, 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 current specs show an irregular stop sign for the site, the applicant shall use MUTCD standard stop signs for their site.
29. One way operation of the site shall be secured by placing a "One Way" sign at the entrance and a "Do Not Enter" sign at the Exit.
30. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
31. Secure parking facility. This is usually done with continuous six (6) inch curb, timbers, preformed wheel stops, guardrail erected at a height of eighteen (18) inches or fencing of sufficient strength to act as a vehicle bumper.
32. All paint dividing traffic at the entrance shall be a double yellow line and noted on the plan.
33. All sidewalks adjacent parking stalls shall be 7' to accommodate vehicle overhang.
34. Applicant shall submit for review a vehicular turning movement template demonstrating the use of the order board and pick-up window.
35. The applicant shall enter into a signed developer's agreement through City of Madison Engineering prior to sign off.
36. The applicant shall construct a 5' sidewalk with a 6' terrace along the western edge of the site.

37. The applicant shall construct a 7' sidewalk along the south edge of the site, adjacent to East Towne Blvd.
38. The applicant shall construct a crosswalk across the entrance/exit of their site and include the appropriate curb ramps.
39. The applicant shall construct a 7' sidewalk along the eastern edge of the site. To minimize impact of the parking lot plan, TE recommends the parking stalls on the eastern edge of the site be shortened to 16' in length to allow for 2' of vehicle overhang. This 2' of vehicle overhang space can be included in the sidewalk width.
40. The proposed North-South crosswalk on the eastern side of the site is not typical. The applicant can do one of two things to remedy this issue: 1. Continuation of proposed sidewalk on the south side of internal roadway to allow for a proper crossing 2: Remove crosswalk

Please contact Jenny Kirchgatter, the Assistant Zoning Administrator at (608) 266-4429 if you have any questions regarding the following eight (8) items:

41. The proposed restaurant will be part of an existing planned multi-use site. Per Section 28.137(2)(a), a planned multi-use site shall have a plan and reciprocal land use agreement approved by the Traffic Engineer, City Engineer and Director of Planning and Community and Economic Development recorded in the office of the Dane County Register of Deeds.
42. Bicycle parking shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum amount of short-term bicycle parking stalls equal to 5% of capacity of persons for the proposed restaurant. The capacity shall be established for the restaurant and outdoor eating area by the Building Inspection Unit. A minimum of 12 bicycle stalls are required based on the proposed capacity. Bicycle parking shall be located in a convenient and visible area on a paved or impervious surface at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance. Note: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area.
43. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
44. Submit a detail of the trash enclosure. The trash enclosure shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet.
45. Provide details showing that the primary street façade meets the door and window opening requirements of Section 28.060(2)(d). For nonresidential uses at ground floor level, windows and doors or other openings shall comprise at least sixty percent (60%) of the length and at least forty percent (40%) of the area of the ground floor of the primary street facade. At least fifty percent (50%) of windows on the primary street facade shall have the lower sill within three (3) feet of grade. Glass on windows and doors shall be clear or slightly tinted, allowing views into and out of the interior. Spandrel glass that mimics the appearance of windows may be used for up to twenty percent (20%) of the required area of the openings. Identify the spandrel glass areas on the elevations, and provide the percentage of spandrel glass.

46. Provide a cross section or detail showing the height of the rooftop mechanical equipment in relation to the height of the parapet. All rooftop equipment shall be screened from view from adjacent streets and public rights-of-way per Sections 28.060(2)(f) and 28.142(9)(d).
47. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.
48. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Please contact Bill Sullivan of the Fire Department at (608) 261-9658 if you have any questions regarding the following two (2) items:

49. All fire lanes shall be located within 500-ft of at least (2) fire hydrants. The distance shall be measured along an approved route as a fire engine would travel.
50. Establish the appropriate building address with City of Madison Engineering. Update plans accordingly.

Please contact Janet Schmidt of the Parks Division at (608) 261-9688 if you have any questions regarding the following two (2) items:

51. An existing inventory of trees (location, species, & DBH) and any tree removal plans (in PDF format) shall be submitted to the plans and Brad Hofmann – bhofmann@cityofmadison.com or 266-4816. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Approval and permitting of street tree removals shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan. Please add 24" Ash located in the center front terrace to the site plans.
52. Existing street trees shall be protected. Please include the following note on the site plan: Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266- 4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry prior to the start of construction. Tree protection specifications can be found in section 107.13 of City of Madison Standard Specifications for Public Works Construction – <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part1.pdf>. Any tree removals that are required for construction after the development plan is approved will require at least a 72 hour wait period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan.

Please contact Adam Wiederhoeft of the Madison Water Utility at (608) 266-9121 if you have any questions regarding the following item:

53. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumberscontractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Ave. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. A Water Meter Application Form will subsequently be required to size & obtain a water meter establish a Water Utility customer account and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

Please contact Tim Sobota of Metro Transit at (608) 261-4289 if you have questions regarding the following item:

54. Metro Transit operates frequent daily bus service to/from a private bus stop zone on the East Towne Mall ring road property - immediately west of the proposed development site. Metro vehicles travel along the existing access driveway that is opposite Independence Lane, between the ring road surrounding the mall and East Towne Boulevard (on the west frontage of the proposed development site).

Please contact my office at (608) 243-0554 if you have questions regarding the following item:

55. Outdoor drive-thru employees shall wear reflective clothing while working the vehicle que.

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

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

1. Please revise your plans per the above conditions and submit **eleven (11) copies** of a complete, fully dimensioned and scaled plan set to the Zoning Administrator for final review and comment. Also be sure to include any additional materials requested by these departments for their approval prior to sign off. The final site plan shall be accompanied by the appropriate site plan review application and fee pursuant to Section 28.206 of the Zoning Code, and any other documentation requested herein with the Zoning Administrator, 126 S. Hamilton Street. This submittal shall all also include one complete digital plan set in PDF format. The sets of final revised plans or documents will be circulated by the Zoning staff to the City department staff listed above for their final approval.
2. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting conditional use approval.
3. The approval is valid for one (1) year from the date of the Plan Commission approval. During this time, the applicant must either lawfully commence the use or obtain a building permit and begin erecting the building. If the applicant obtains a valid building permit, construction must commence

within six (6) months of the date of issuance. The building permit shall not be renewed unless construction has commenced as is being diligently prosecuted.

4. Any alteration in plans for a proposed alternative use shall require Plan Commission approval, except for minor alterations. The Zoning Administrator may issue permits for minor alterations or additions which are approved by the Director of Planning and Community and Economic Development and are compatible with the concept approved by the City Plan Commission and the conditional use approval standards.
5. The Plan Commission retains continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses.

If you have any questions regarding obtaining your conditional use or building permits, please contact the Zoning Administrator at (608) 266-4551. If you have any questions or if I may be of any further assistance, please do not hesitate to contact my office at (608) 243-0554.

Sincerely,



Sydney Prusak
Planner

cc: Brenda Stanley, Engineering
Sean Malloy, Traffic Engineering
Jeffrey Quamme, Engineering-Mapping
Jenny Kirchgatter, Zoning
Bill Sullivan, Fire Department
Tim Sobota, Metro Transit
Janet Schmidt, Parks Division
Adam Wiederhoeft, Water Utility

I hereby acknowledge that I understand and will comply with the above conditions of approval for the conditional use permit.

Signature of Applicant

Signature of Property Owner (if not the applicant)

For Official Use Only, Re: Final Plan Routing

☒	Planning Div. (Prusak)	☒	Engineering Mapping Sec.
☒	Zoning Administrator	☒	Parks Division
☒	City Engineering	☒	Urban Design Commission
☒	Traffic Engineering	☐	Recycling Coord. (R&R)
☒	Fire Department	☒	Water Utility
☒	Metro Transit	☐	Other: