



Department of Planning & Community & Economic Development

## Planning Division

Heather Stouder, Director

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April 23, 2019

Brad Koning  
Sketchworks Architecture, LLC  
7780 Elmwood Avenue, Suite 208  
Middleton, WI 53562

RE: Legistar #54398; Accela 'LNDUSE-2019-00003' -- Approval of a demolition permit to raze an existing bank building and conditional uses to construct a new multi-tenant commercial building with a vehicle sales and service windows and outdoor eating at **4702 East Towne Boulevard**.

Dear Mr. Koning:

At its April 22, 2018 meeting, the Plan Commission, meeting in regular session, found the standards met and approved your demolition permit to demolish a bank building and a conditional use to construct a new multi-tenant commercial building with a double-width vehicle sales and service window and an outdoor eating patio at **4702 East Towne Boulevard**. In order to receive final approval of the conditional use and for any permits that may need to be issued for your project, the following conditions shall be met:

**Please contact Colin Punt of the Planning Division, at 243-0455, if you have any questions regarding the following one (1) item:**

1. Resolve conflicts between the Landscaping Plan and Site Plan, specifically regarding plantings within the pedestrian path connecting the storefronts to East Washington Avenue.

**Please contact Jenny Kirchgatter, Assistant Zoning Administrator, at 266-4429 if you have any questions regarding the following fourteen (14) items:**

2. No more than four (4) vertical feet of the parapet wall may be included in the measurement of the signable area for wall signs. The signable area may not extend more than four (4) feet above the roofline. Show the roofline on the elevations and adjust the signable areas so that no more than four (4) feet of the signable area extends above the roofline.
3. Section 28.185(7)(a)5. requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Bryan Johnson (608-266-4682).

4. Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185 (7)(a)5. shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
5. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
6. This project is part of a 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.
7. As each tenant space is leased, the entire development must reflect compliance in the required amount, type and number of auto and bicycle parking spaces, to be reviewed prior to obtaining zoning approval for each use. Auto and bicycle parking requirements for food and beverage establishments will be based on the capacity or number of occupants as established by the Building Inspection Unit. Provide the capacity of the proposed restaurant-tavern to determine the minimum and maximum vehicle parking requirements.
8. Per Table 28I-3 Off-Street Parking Requirements, the automobile parking maximum for general retail, service business, bank or financial institution is one parking space per 200 sq. ft. of floor area. The maximum parking requirement for a food and beverage establishment is 40% of capacity of persons. Per Section 28.141(6), a vehicle parking adjustment will be required to exceed the maximum number of parking spaces. The Zoning Administrator may approve an increase of up to twenty (20) spaces above the maximum requirement.
9. The capacity shall be established for the outdoor eating area. Occupancy is established by the Building Inspection Unit. Contact Building Inspection staff at (608) 266-4559 to help facilitate this process.
10. 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.
11. Verify whether rooftop mechanical equipment is proposed. On the rooftop plan, show the location of any proposed rooftop mechanical equipment and screening. Provide a detail or profile demonstrating that rooftop mechanical equipment will not be visible to view above the height of the parapets. 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). Screens shall be of durable, permanent materials that are compatible with the primary building materials.
12. Verify whether exterior vents or louvers are proposed. If vents or louvers are proposed, show their locations on the building elevations.
13. 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.

14. 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.
15. 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. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

**Please contact Brenda Stanley of the Engineering Division, at 261-9127 if you have any questions regarding the following nineteen (19) items:**

16. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing sanitary sewer lateral that serves a building which is proposed for demolition. For each lateral to be plugged the owner shall complete a sewer lateral plugging application and pay the applicable permit fees. The permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
17. 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. (MGO 16.23(9)(d)(4))
18. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service.
19. Notes 7 and 9 on sheet C4.0 are pointed to the sanitary sewer but the notes are with regard to storm sewer and private water main.
20. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE. The project will be expected to meet a higher standard of erosion control than the minimum standards set by the WDNR in order to comply with TMDL limits.
21. 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.
22. 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](mailto:bstanley@cityofmadison.com) (East) or [ttroester@cityofmadison.com](mailto: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.

23. 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](mailto:bstanley@cityofmadison.com) (East) or [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com) (West). The digital copies shall be to scale, and shall have a scale bar on the plan set. (MGO 37.09(2)) PDF submittals shall contain the following information:

- 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) Stormwater Management Facilities
- k) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).

24. 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. MGO 37.09(2))

25. 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](mailto:ttroester@cityofmadison.com), or Daniel Olivares at [DAOlivares@cityofmadison.com](mailto:DAOlivares@cityofmadison.com) final document and fee should be submitted to City.
26. 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. POLICY AND MGO 10.29
27. 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.
28. 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 <http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm>
29. This property shares drainage and cross access with the property located at 4710 East Town Blvd and is inter-dependent upon one another for stormwater runoff conveyance. Provide a copy of the cross access and shared drainage agreement if one exists. If one doesn't exist, 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.
30. 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.
31. 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 and grease control in accordance with Chapter 37 of the Madison General Ordinances.
32. 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. (MGO 10.05(6)) This permit

application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

33. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing storm sewer. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 37.05(7))
34. 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. (MGO 16.23(9)(d)(6)) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

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

35. There is filling, fencing, a trash enclosure and a substantial retaining wall of up to 7' in height planned over existing MG&E facilities and within a recorded easement per Doc No 2468744. Written consent per the terms of the easement is required for this type of grade change and construction. Provide a copy of the written consent from MG&E prior to final site plan sign off.
36. A copy of the signed and sealed property survey that has been used for these plans shall be provided and also filed at the County Surveyor's Office.
37. Revised submittal, now 4 tenant spaces:  
The address of Tenant space 1 (easterly space) is 4702 East Towne Blvd.  
The address of Tenant space 2 (mid east space) is 4704 East Towne Blvd.  
The address of Tenant space 3 (mid west space) is 4706 East Towne Blvd.  
The address of Tenant space 4 (westerly space) is 4708 East Towne Blvd.  
Update all sheets and floor plans accordingly. 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.
38. Record the deed from current owner, Anchorbank SSB, to applicant and provide the Document Number prior to final sign off. Project contacts indicate Galway Companies, LLC is the owner.

**Please contact Sean Malloy of the Traffic Engineering Division, at 266-5987 if you have any questions regarding the following seven (7) items:**

39. 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; vision triangles; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
40. 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.

41. 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.
42. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
43. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
44. 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.
45. Developer shall provide a recorded copy of any joint driveway ingress/egress and crossing easements and shall be noted on face of plan.

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

46. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Division Chief Tracy Burrus at [tburrus@cityofmadison.com](mailto:tburrus@cityofmadison.com) or (608)266- 5959.
47. If all exiting from the exterior patio is through the building, then exterior fire alarm notification and unique locking arrangements maybe necessary.

**Please contact Adam Wiederhoeft of the Water Utility, at 266-9121 if you have any questions regarding the following two (2) items:**

48. The Madison Water Utility shall be notified to remove the water meter at least two working days prior to demolition. Contact the Water Utility Meter Department at (608) 266-4765 to schedule the meter removal appointment.
49. 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.

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

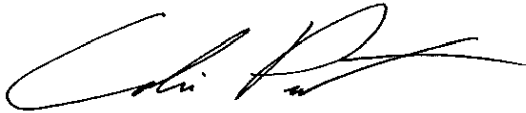
**Please now follow the procedures listed below for obtaining your conditional use:**

1. Please revise your plans per the above conditions and submit **eight (8) 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, **215 Martin Luther King, Jr. Blvd.** 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. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission. Where the plans have not been altered since issuance of the demolition or removal permit and the permit has expired, the Director of Planning and Community and Economic Development may, after consultation with the Alderperson of the District, approve an extension for up to 24 months from the expiration date.
4. The conditional use 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.
5. Any alteration in plans to an approved conditional use shall require Plan Commission approval, except for minor alterations. The Zoning Administrator, following consideration by the alderperson of the district, 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.
6. 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 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 243-0455.

Sincerely,



Colin Punt  
Planner

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

\_\_\_\_\_  
*Signature of Applicant*

\_\_\_\_\_  
*Signature of Property Owner (if not the applicant)*

cc: Jenny Kirchgatter, Asst. Zoning Administrator  
Sean Malloy, Traffic Engineering  
Brenda Stanley, Engineering Division  
Jeff Quamme, Engineering Division – Mapping  
Bill Sullivan, Fire Department  
Adam Wiederhoeft, Water Utility  
Bryan Johnson, Streets Division

<b>LNDUSE-2019-00003</b>			
<b>For Official Use Only, Re: Final Plan Routing</b>			
<input checked="" type="checkbox"/>	Planning Div. (Punt)	<input checked="" type="checkbox"/>	Engineering Mapping Sec.
<input checked="" type="checkbox"/>	Zoning Administrator	<input type="checkbox"/>	Parks Division
<input checked="" type="checkbox"/>	City Engineering	<input type="checkbox"/>	Urban Design Commission
<input checked="" type="checkbox"/>	Traffic Engineering	<input checked="" type="checkbox"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input checked="" type="checkbox"/>	Water Utility
<input type="checkbox"/>	Metro Transit	<input type="checkbox"/>	Other: