

**PLANNING DIVISION REPORT
DEPARTMENT OF PLANNING AND COMMUNITY
AND ECONOMIC DEVELOPMENT
Of October 31, 2007**

RE: ID # 07837: Demolition Permit/ Conditional Use Application – 3051 E. Washington Avenue

1. Requested Actions: Approval of a demolition permit and conditional use to allow a restaurant with drive-up service window to be demolished and a new restaurant with drive-up service window to be constructed at 3051 E. Washington Avenue.
2. Applicable Regulations: Section 28.04 (22) provides the guidelines and regulations for the approval of demolition permits. Section 28.09 (3)(d) identifies drive-up service windows as conditional uses in C2 zoning. Section 28.12 (11) provides the guidelines and regulations for the approval of conditional uses.
3. Report Prepared By: Timothy M. Parks, Planner

GENERAL INFORMATION

1. Applicant & Property owner: Mike Mead, McDonald's Corporation; 5003 N. Cumberland Boulevard; Whitefish Bay.
2. Development Schedule: The applicant wishes to begin construction the site as soon as all approvals have been granted with completion anticipated in spring 2008.
3. Location: Approximately 1.11 acres located at 3051 E. Washington Avenue (US Highway 151) on the south side of E. Washington Avenue generally east of N. Marquette Street and Starkweather Creek; Aldermanic District 15; Urban Design District 5; Madison Metropolitan School District.
4. Existing Conditions: The site is developed with a McDonald's restaurant and drive-up service window located near the center of the site.
5. Proposed Land Use: The applicant proposes to demolish the existing restaurant and build a newer prototype of the restaurant with drive-up along the easterly side property line.
6. Surrounding Land Use and Zoning: The restaurant site is generally located amongst a line of commercial properties located on both sides of E. Washington Avenue in the C2 (General Commercial) and C3 (Highway Commercial) zoning districts. The site is bordered on the immediate east by Wisconsin Auto Title Loans along the E. Washington frontage road and the Salvation Army Community Center on the north side of Darbo Drive. The area south of the site is developed with a single-, two-, and multi-family buildings in R4 (General

Residence District) zoning, with the Easton Square Condominiums located southeast of the site on the south side of Darbo Drive in R5 (General Residence District) zoning.

7. Adopted Land Use Plan: The Comprehensive Plan identifies the subject site and other properties on the E. Washington Avenue frontage road for future community mixed-use and transit-oriented development. The site is also located within the Schenk-Atwood-Starkweather-Worthington Park Neighborhood Plan, which specifically recommends that the adjacent title loan business and former hotel at 3059 and 3077 E. Washington Avenue, respectively, be redeveloped with commercial office space/retail/mixed-use/restaurant uses. The adjacent recommendation does not appear to apply to the McDonald's site.
8. Environmental Corridor Status: The property is not located within a mapped environmental corridor, though the property is separated from Starkweather Creek by the right of way of a former section of Clyde Gallagher Avenue, which will now be used as a bike path.
9. Public Utilities & Services: The property is served by a full range of urban services.

STANDARDS FOR REVIEW

This application is subject to the standards for demolition permits and conditional uses.

ANALYSIS, EVALUATION AND CONCLUSION

McDonald's Corporation is requesting approval of a demolition permit and conditional use to allow their existing restaurant with drive-up service window located at 3051 E. Washington Avenue to be demolished and a new restaurant with drive-up window to be built. The subject site is a 1.11-acre parcel zoned C2 (General Commercial District) that currently has access from both a frontage road paralleling E. Washington Avenue (US Highway 151) on the north and Darbo Drive on the south. The right of way of Clyde Gallagher Avenue forms the western property line of the subject site, with Starkweather Creek just to the west. The property is bordered to the east by a title loan business located along the frontage road and the Salvation Army Community Center, which is located on the north side of Darbo Drive. The area south of the site is residential in character and is developed with a variety of single-, two-, and multi-family buildings located in R4 and R5 zoning, including the Easton Square Condominiums, which are located southeast of the site on Darbo Drive.

The existing McDonald's restaurant on the site is a single-story white-painted brick building with red accents and an asphalt-shingled mansard roof. The approximately 3,500 square-foot building is located in the northwesterly corner of the site, with the existing drive-up service window extending along the easterly side wall. Parking for the site is provided in approximately 80 stalls

located generally east, south and west of the building. Access to the site is currently provided by driveways from the E. Washington Avenue frontage road and Darbo Drive.

As part of the reconstruction of E. Washington Avenue, the section of Clyde Gallagher Avenue between E. Washington and Darbo Drive has been discontinued as a through street and is currently being converted into a bike path in conjunction with an overall redesign of the intersection of E. Washington Avenue and N. Marquette Street. The bike path will parallel Starkweather Creek and be carried over E. Washington by a pedestrian overpass currently being constructed between the creek and subject site. The southern landing of the overpass will be located adjacent to the subject site. In addition to the repurposing of Clyde Gallagher Avenue, the E. Washington Avenue reconstruction project also calls for the closure of the frontage road along the front of the subject site, which will result in the site only having vehicular access from Darbo Drive.

The new, approximately 4,560 square-foot restaurant proposed to replace the current facility will be situated along the northeasterly property line, with seating for 74 persons inside. The proposed one-story building will be constructed with a two-toned brick and cultured stone exterior with an arched painted metal roof covering the portion of the building closest to E. Washington Avenue. Parking for the new restaurant will be provided in 36 spaces located southwest and southeast of the building. The site plan for the new restaurant has been designed to accommodate the single driveway access to the site from Darbo Drive. The drive-up service window for the new restaurant will be located along the easterly side wall, with a divided drive-up queue containing two menu boards and ordering positions located southeast of the new building that is intended to expand the capacity of the drive-up business. A bypass lane adjacent to the drive-thru lanes will facilitate circulation of customer and delivery vehicles around the building.

The applicant has provided a selection of pictures of the interior and exterior of the building to be demolished and staff has conducted a windshield survey of the site. The existing building appears to be in average condition for a building of its age, and the Planning Division has no information that would indicate that the building is not structurally sound or capable of being rehabilitated or repaired. However, staff believes that the proposed redevelopment of the property allows this site to continue to be economically productive for the foreseeable future and should substantially comply with the demolition standards. Staff believes that the new restaurant and site are well designed and that the project represents a positive investment along this portion of the E. Washington Avenue corridor.

The proposed development also responds to the City's desire to reduce the length of the E. Washington frontage road, which may ultimately be removed back to Webb Avenue in the event that the western two-thirds of the block bounded by E. Washington Avenue, Rosemary Avenue, Webb Avenue and Darbo Drive is redeveloped and a new access pattern for the block is

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implemented. The Schenk-Atwood-Starkweather-Worthington Park Neighborhood Plan includes a recommendation that the title loan business and former hotel properties east of the subject site along the frontage road be redeveloped in the future with commercial office space/retail/mixed-use/restaurant uses. While that plan recommendation does not apply specifically to the site, staff does not believe that the proposed restaurant would be incongruous with the type of mixed-use redevelopment encouraged by the neighborhood plan.

The subject site is located in Urban Design District 5, which requires the review and approval of the Urban Design Commission prior to Plan Commission action. The Urban Design Commission reviewed this development at its September 19, 2007 meeting and granted final approval (see attached reports).

A reuse and recycling plan approved by the Recycling Coordinator is required by ordinance prior to the issuance of a wrecking permit.

RECOMMENDATION

The Planning Division recommends that the Plan Commission find the demolition and conditional use standards are met and **approve** the demolition of the existing restaurant and drive-up service window and the construction of a new restaurant with drive-up service window at 3051 E. Washington Avenue subject to input at the public hearing and comments from reviewing agencies.



3051 E. Washington Avenue
McDonalds proposed for demolition for new McDonalds

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AGENDA # 6

City of Madison, Wisconsin

REPORT OF: URBAN DESIGN COMMISSION	PRESENTED: September 19, 2007
TITLE: 3051 East Washington Avenue – Demolition and New Construction of a Restaurant in UDD No. 5. 15 th Ald. Dist.	REFERRED: REREFERRED: REPORTED BACK:
AUTHOR: Alan J. Martin, Secretary	ADOPTED: POF:
DATED: September 19, 2007	ID NUMBER:

Members present were: Paul Wagner, Chair; Jay Ferm, Richard Slayton, Bruce Woods, and Marsha Rummel, Lou Host-Jablonski and Todd Barnett.

SUMMARY:

At its meeting of September 19, 2007, the Urban Design Commission **GRANTED FINAL APPROVAL** for the demolition and new construction of a restaurant. Appearing on behalf of the project were Mike Mead, Michael Mangin, and Dace Zeps. Mead provided an update to the Commission relevant to subsequent communications and meetings with the Worthington Park Neighborhood Association following the project's referral. He noted a meeting with representatives of the Worthington Park Neighborhood Association, as well as the adjacent property owner, the Salvation Army held August 28, 2007. He reported on neighborhood concerns relevant to pedestrian access across the main drive aisle entry to the site in regards to conflicts with the drive-up queuing, vehicular circulation and parking. He detailed the addition of a sidewalk adjacent to the curb to Darbo Drive to facilitate pedestrian access and the enlargement of an outdoor seating area. He noted a request for fencing to create a barrier to eliminate pedestrian access would be considered in the future based on neighborhood input. Wagner referenced a memo written by Dace Zeps, interim vice president of the Worthington Park Neighborhood Association submitted to the Commission voicing support of the project. A detailed presentation of the plans featured the following:

- The closing of driveway access to the frontage road as previously requested by staff consistent with provisions of the neighborhood plan.
- The elevations have been modified to resolve issues relevant to the signable area at the front of the building while still maintaining clearstory windows on its side elevations below the barrel vaulted roof.
- A reiteration of McDonald's commitment to work with the neighborhood relevant to pedestrian access and safety with further consideration for landscaping and fencing to provide safety for pedestrians based on actual pedestrian looping patterns on the site.

Following the presentation the Commission noted the following:

- Check out the current demand for bike parking and provide more as it evolves with the development of the new facility.
- The proposed diagonal surface parking is still going the wrong way, in addition to the site still featuring too much pavement. In regards to this issue staff noted that the site plan based on our input by various

staff, Traffic Engineering and Planning features a remarked reduction in hard surface, as well as proposed parking. The site plan as proposed provides for the adherence to the requirements for truck circulation, drive-up access and other provisions required by reviewing agencies where additional reductions may not be possible in order to accommodate the need for more pervious green areas. Staff recommended as a condition of approval that the applicant, in conjunction with both Traffic Engineering and Planning staff could meet to further review the need to eliminate excessive pavement to provide for more green amenities on the site, at the same time still maintain adherence to minimum City standards in regards to vehicular circulation and parking.

ACTION:

On a motion by Slayton, seconded by Wood, the Urban Design Commission **GRANTED FINAL APPROVAL**. The motion was passed on a vote of (5-2) with Rummel and Barnett voting no. The motion required that the applicant meet with staff to attempt to refine the site design and layout to minimize asphalt and provide more greenspace in consultation with Slayton.

After the Commission acts on an application, individual Commissioners rate the overall design on a scale of 1 to 10, including any changes required by the Commission. The ratings are for information only. They are not used to decide whether the project should be approved. The scale is 1 = complete failure; 2 = critically bad; 3 = very poor; 4 = poor; 5 = fair; 6 = good; 7 = very good; 8 = excellent; 9 = superior; and 10 = outstanding. The overall ratings for this project are 5, 5, 5.5, 6, 6/7 and 7.

URBAN DESIGN COMMISSION PROJECT RATING FOR: 3051 East Washington Avenue

	Site Plan	Architecture	Landscape Plan	Site Amenities, Lighting, Etc.	Signs	Circulation (Pedestrian, Vehicular)	Urban Context	Overall Rating
Member Ratings	4	7	6	6	6	4	6	5
	5	6	5	-	-	5	-	5
	-	-	-	-	-	-	-	7
	6	7	7	6	-	6	6	6/7
	6	5	5	-	5	6	6	5.5
	5	6	6	6	6	5	6	6

General Comments:

- Site planning details seem unresolved—insufficient pavement.
- Nothing changed in last two presentations – drive aisles too wide, too much pavement, not enough landscaping that softens the sea of asphalt.
- Tough, important site – applicant has been very responsive to neighborhood and commission input.

AGENDA # 4

City of Madison, Wisconsin

REPORT OF: URBAN DESIGN COMMISSION	PRESENTED: August 8, 2007
TITLE: 3051 East Washington Avenue – New Construction of a Restaurant in UDD No. 5. 15 th Ald. Dist. (06636)	REFERRED: REREFERRED: REPORTED BACK:
AUTHOR: Alan J. Martin, Secretary	ADOPTED: POF:
DATED: August 8, 2007	ID NUMBER:

Members present were: Paul Wagner, Marsha Rummel, Richard Slayton, Michael Barrett and Todd Barnett.

SUMMARY:

At its meeting of August 8, 2007, the Urban Design Commission **REFERRED** their consideration of a demolition and new construction of a restaurant located at 3051 East Washington Avenue. Appearing on behalf of the project were Michael Mangin, Tiffany Roberts and Dace Zeps, president and vice president of the Worthington Park Neighborhood Association. The modified plans featured the following:

- The curb line of the surface parking lot parallel to the property's Clyde Gallagher Avenue frontage has been moved in to increase the width of the intervening landscaped open space by 5 to 7-feet.
- The surface parking lot has been redesigned to utilize angled parking to create a better flow of traffic.
- The revised site plan reflects modifications to pedestrian linkages to the pedestrian bridge and bike path.
- The landscape plan has been revised to provide for additional landscaping utilizing more native plantings.
- The landscaping has been altered to be consistent in detail with the building elevations.

Staff provided background relative to issues raised in a memo from Traffic Engineering, as well as excerpts distributed by staff relevant to the provisions within the East Washington Avenue Gateway Revitalization Plan, a supplement to: The Old East Side Master Plan, which calls for the elimination of the proposed northerly frontage road paralleling East Washington Avenue, in addition to the proposed access drive to the frontage road. The applicant then presented an alternate proposal which provides for the elimination of the requested driveway access in order to resolve the inconsistency with the adopted plan. Following the presentation, Tiffany Roberts and Dace Zeps, of the Worthington Park Neighborhood Association spoke in favor of the project, but raised concerns relevant to the following:

- The neighborhood association had not been involved in the planning process for the demolition and renovation of the McDonald's restaurant until the end of July with not enough time to look at changes to access and visibility of McDonald's, which appears drastic but logical.
- Appreciate changes to accommodate foot traffic from neighborhood as well as adjacent neighborhoods across East Washington Avenue, but feel parking lot a bit bigger as combined and relocated to one side of the building.

- Accommodations should be made to provide for a larger outdoor eating area next to the pedestrian bridge with an emphasis to generally provide more outside seating to accommodate more foot traffic.
- Concern about lighting and conflicts with pedestrians and vehicles entering the site.
- The emphasis of development of parking on the site is contrary to the fact that very little parking occurs at the site. Traffic is primarily drive-up and walk-up.
- The parking area should be revised to create more greenspace, in conjunction with adjacent public open space.
- The plan needs to be altered to accommodate foot traffic, bike traffic and drive-thru as an emphasis.
- The neighborhood has not had sufficient time to review the project in order to make an informed decision on the proposal.
- Consider moving driveway with less parking lot and make more connected and friendly to the neighborhood. Concern with pedestrian safety.

Following comments by members of the neighborhood association, the Commission noted the following:

- Need to consider the provision of a decorative fence/barrier to prevent non-safe cut-throughs through the proposed surface parking area to the building.
- The area at the driveway needs to be consistently well lit in order to reduce conflicts between pedestrian, automobile and bikes accessing the site.
- The main drive aisle entry and its relationship to surface parking and the drive-up queue appears awkward.
- Consider making exiting from the drive-up use only utilizing the first drive aisle of the surface parking lot with a left hand turn movement only, in addition to incorporating a bump out to steer traffic.
- Need to resolve conflicts with the amount of hard surface at parking and at the main entry, as well as resolve conflicts with the truck, vehicle and pedestrian circulation.
- Concern with the queue of drive-up vehicles precluding ability of automobiles accessing the surface parking stall area.

ACTION:

On a motion by Barnett, seconded by Rummel, the Urban Design Commission **REFERRED** consideration of this item. The motion was passed on a vote of (4-1) with Slayton voting no. The motion cited:

- The Commission's discomfort with consideration of approval of the project due to concerns with queuing for drive-up versus parking access, including issues with pedestrian and bicycle connectivity to the building.
- Lighting, in combination with City street lighting needs to be examined to ensure adequate lighting of the site as well as pedestrian/vehicular conflicts.
- The applicant needs to meet with the neighborhood association due to the lack of previous discussion on the project as proposed.
- Relevant to architecture, the clearstory makes signage not compliant with the Street Graphics Ordinance, therefore needs to be resolved.
- Be more creative about the siting of the building, access and circulation, rethink what side of the building parking is sited on and provide direct connection for pedestrians.
- Provide for a formal meeting with the neighborhood association. Look at one-way traffic flow to narrow the width of drive aisles.
- The Commission noted its appreciation to the applicant for attempting to work with a difficult site.

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URBAN DESIGN COMMISSION PROJECT RATING FOR: 3051 East Washington Avenue

	Site Plan	Architecture	Landscape Plan	Site Amenities, Lighting, Etc.	Signs	Circulation (Pedestrian, Vehicular)	Urban Context	Overall Rating
Member Ratings	5	6	6	6	5	5	5	5
	6	7	7	6	5	5	6	6
	5	7	6	6	6	2	5	5
	4	5	-	-	5	4	4	5

General Comments:

- Why was there no neighborhood meeting before coming to UDC? There may need to be a major revision to the site design to accommodate safe pedestrian passage.
- Should have met with neighborhood association before this. McDonald's sign letters must not cross clearstory mullions.
- Place bike parking around site. Rethink site circulation.
- A difficult site, many issues to resolve and many conflicting modes of access. Thanks for efforts at working with neighborhood.



Department of Public Works
City Engineering Division

608 266 4751

Larry D. Nelson, P.E.
City Engineer

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

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

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

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

Operations Manager
Kathleen M. Cryan

Hydrogeologist
Joseph L. DeMorett, P.G.

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

Financial Officer
Steven B. Danner-Rivers

DATE: October 1, 2007
TO: Plan Commission
FROM: Larry D. Nelson, P.E., City Engineer
SUBJECT: 3051 East Washington Avenue Demolition and 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. The address for this site is now 3002 Darbo Drive.
2. Show proposed public storm sewer that will be used as a connection point for the needed private on-site storm system.
3. In accordance with the neighborhood plan, no driveway connection shall be allowed to the frontage road along East Washington Avenue. The City shall remove the frontage road at a later date. The developer shall remove the existing drive apron and curb cut on the frontage road.
4. Show connection to the public sewer that resides within the lot running towards Webb Avenue.
5. Provide detail of exterior grease traps with maintenance schedules.

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: 3051 East Washington Ave Demolition and 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.

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

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

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

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

Right of Way / Easements

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

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

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

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

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

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

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- 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.

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 signoff.

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

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

- 4.13 NR-151 of the Wisconsin Administrative Code will be effective on October 1, 2004. Future phases of this project shall comply with NR 151 in effect when work commences. Specifically, any phases not covered by a Notice of Intent (NOI) received from the WDNR under NR-216 prior to October 1, 2004 shall be responsible for compliance with all requirements of NR-151 Subchapter III. As most of the requirements of NR-151 are currently implemented in Chapter 37 of the Madison General Ordinances, the most significant additional requirement shall be that of infiltration.

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

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

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

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

Utilities General

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

Sanitary Sewer

- 6.1 Prior to approval of the conditional use application, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1). \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2). \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 6.2 All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (608-261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
- 6.3 Each unit of a duplex building shall be served by a separate and independent sanitary sewer lateral.



6.4 The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service.



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

August 9, 2007
Rev: October 4, 2007

TO: Plan Commission
FROM: David C. Dryer, P.E., City Traffic Engineer and Parking Manager
SUBJECT: **3051 East Washington Avenue – Conditional Use – New McDonald's with Drive-up Window**

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. None

PEDESTRIAN AND BICYCLE TRANSPORTATION REVIEW COMMENTS

2. The applicant shall indicate the type of bicycle racks to be installed.

GENERAL OR STANDARD REVIEW COMMENTS

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

3. When the applicant submits final plans for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.
4. The applicant shall modify the site operation to accommodate the one – way operation, parking spaces and with access onto Darbo Drive.
5. The drive-thru shall be clearly identified with pavement markings and signage and the service point shall be shown. The Applicant shall provide to Traffic Engineering for approval, a Queuing Model showing provision for adequate queue storage that prevents queue interference with pedestrian or other vehicular movements.

6. The applicant shall submit truck-loading movement with plan site submittal.
7. A "Stop" sign shall be installed at a height of seven (7) feet at the all driveway approach (es). The applicant shall show all signage to secure the one-way operation around the building. All signs at the approaches shall be installed behind the property line. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
8. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

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

Contact Person: Michael Mead

Fax: 414-964-5111

Email:

DCD: DJM: dm



CITY OF MADISON FIRE DEPARTMENT

Fire Prevention Division

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

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

DATE: August 8, 2007
TO: Plan Commission
FROM: Edwin J. Ruckriegel, Fire Marshal
SUBJECT: **3051 E. Washington Ave.**

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

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

None.

GENERAL OR STANDARD REVIEW COMMENTS

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

1. Provide fire apparatus access as required by Comm 62.0509 and MGO 34.19, as follows: **(commercial structures only)**
 - a. The site plans shall clearly identify the location of all fire lanes.
 - b. Provide a completed MFD "Fire Apparatus Access and Fire Hydrant Worksheet" with the site plan submittal.
2. All portions of the exterior walls of newly constructed public buildings and places of employment and open storage of combustible materials shall be within 500-feet of at least TWO fire hydrants. Distances are measured along the path **traveled by the fire truck as the hose lays off the truck**. See MGO 34.20 for additional information.

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

cc: Bill Sullivan

CITY OF MADISON
Common Council
INTER-DEPARTMENTAL
CORRESPONDENCE
210 Martin Luther King, Jr. Blvd., Rm. 417
266-4071

DATE: October 2, 2007

TO: Brad Murphy, Director, Planning Division

FROM: Ald. Larry Palm, District 15 *LP/d*

SUBJECT: **3051 E. Washington Avenue: Demolish and Reconstruct McDonald's Restaurant with Drive-Up Window**

The McDonald's Restaurant at 3051 E. Washington Avenue is located in District 15 and, specifically, in the Worthington Park Neighborhood.

The applicant has met with me and attended a Worthington Park Neighborhood meeting in August 2007 to discuss this project. At the neighborhood meeting, the applicant presented the plan for the demolition and reconstruction of the existing restaurant. I support this project, as did a majority of neighborhood residents who attended the meeting. In addition, there is a letter of support from the neighboring property owner, the Salvation Army.

No project is without discussion, and the specific issues brought forward by the residents were the pedestrian/vehicle circulation in the parking lot and access to the site. While I am aware that there are several options, I respect any decision by the Plan Commission and would urge approval so that the applicant may begin construction.

If you have any questions or concerns, please contact me at lpalm@cityofmadison.com.

cc: Tiffany Roberts, President, Worthington Park Neighborhood Association
Major Paul Moore, Salvation Army
Mike Mead, Project Manager, McDonald's Restaurant



From: Paul_Moore@usc.salvationarmy.org
Sent: Thursday, August 30, 2007 5:27 PM
To: Planning
Cc: mmangin@missoulamac.salvationarmy.org; council
Subject: McDonald's proposed reconstruct on East Washington Av

Please see that these comments are forwarded to both the Planning Commission and the Urban Design Commission. Thank you.

The Salvation Army of Dane County, which owns the adjacent property to the McDonald's Restaurant on East Washington Av at Marquette St, would like to go on the record in support of the current plans to demolish the current building and rebuild on the same plot. McDonalds has been a neighbor for over 12 years to our Corps Community Center located at 3030 Darbo Dr and has been an asset to the area. McDonalds is a small business who has taken an interest in helping the Worthington Park Neighborhood survive economically by employing and training many area youth before they go on to other jobs. This is an important consideration for The Salvation Army as we work daily with the youth of the same area.

After reviewing the current site plan at the Worthington Park Neighborhood meeting this week, it is apparent that much thought and work has been put into the concept being developed. The proposed plan fits well in the current neighborhood and should be a leading structure in any future development of the land in the 3000 block of East Washington Av. As you are probably aware, many properties in the 3000 block of East Washington Av are less than optimal in presenting a favorable first look at the City of Madison for those entering the city from Highway 30. The materials and colors which have been chosen will make an attractive facility without being gaudy, showy or otherwise detracting from the physical landscape. Hopefully, this development will inspire current property owners and other developers to look at improving the properties in that block.

My one concern is the parking situation. I am greatly concerned with the diminished amount of parking for the restaurant compared to the current parking situation. I would encourage both commissions to help McDonalds maximize the amount of parking on their site to accommodate their customers. I do not encourage the commissions to work quickly, but rather to work with diligence so a good neighbor, McDonalds, can have a facility that will be an even greater asset to our area of the City of Madison.

If you have any questions of me, please feel free to contact me 608 250 2220.

Paul Moore D.Min
Major
Dane County Coordinator
The Salvation Army

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usc

8/31/2007

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