

PLANNING DIVISION STAFF REPORT

October 6, 2025

PREPARED FOR THE PLAN COMMISSION



Project Address: 53 West Towne Mall

Application Type: Conditional Use, Conditional Use Alteration, and Certified Survey Map Referral

Legistar File ID # [89479](#) and [89482](#)

Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted

Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Contact: Mylena Oliviera; Plaza Street Partners; 3400 College Blvd, Suite 200; Leawood, KS 66211

Property Owner: Madison WT Associates, LLC; 4500 Bissonnet St, Suite 200; Bellaire, TX 77401

Requested Actions: There are three requests – a conditional use, an alteration to an existing conditional use, and a certified survey map – before the Plan Commission:

- ID [89479](#) – Consideration of a conditional use for a major alteration to a planned multi-use site with 40,000 square feet or more of floor area of which 25,000 square feet or more is designed as retail, a hotel or motel, and consideration of a conditional use in the Regional Mixed-Use (RMX) District and Transit-Oriented Development (TOD) Zoning Overlay for a drive-through window for a coffee shop at 53 West Towne Mall; and
- ID [89482](#) – Consideration of a Certified Survey Map of property owned by Madison WT Associates, LLC generally addressed as 53 West Towne Mall.

Proposal Summary: The applicant proposes to carve off a 0.6-acre parcel immediately south of the West Towne Mall entrance from S Gammon Road, opposite Odana Road, and construct a two-story, roughly 2,270-square-foot Seven Brew Coffee building ('kiosk') with drive-through window. It will be served by two parallel lanes on the site for customers to queue in their automobiles, place their order, and wait for their food and drinks to be delivered.

Applicable Regulations & Standards: This proposal is subject to the standards for conditional uses in MGO §28.183 as Table 28D-2 in Section 28.061(1) notes that a *Drive-Through Window* is a conditional use in the Regional Mixed-Use (RMX) District. Furthermore, MGO 28.137(2)(e) notes that a *Planned Multi-Use Site* containing more than 40,000 square-feet of floor area and where 25,000 square-feet of floor area is designed or intended for retail use or for hotel or motel use, shall require conditional use approval following a recommendation on the design of any specific proposal by the Urban Design Commission. Additionally, MGO 28.137(2)(b) states that alterations to existing Planned Multi-Use Sites require Plan Commission approval. The Supplemental Regulations [MGO §28.151] contain further regulations for *Drive-Through Windows*. Lastly, MGO Section 16.23(5)(g) provides the process and standards of approval for certified survey maps.

Review Required By: Urban Design Commission, Plan Commission, and Common Council (CSM only).

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the requests at 53 West Towne Mall. Additionally, the Planning Division believes the technical standards for land divisions can be found met and recommends the Plan

Commission forward the Certified Survey Map to the Common Council with a recommendation of **approval**. These recommendations are subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies beginning on **page 9** of this report for the land use requests, and on **page 14** for the CSM.

Background Information

Parcel Location: The project site on which the coffee shop is proposed is 26,335 square-feet (0.605 acres). It is proposed to be carved, via the Certified Survey Map (CSM) outlined in this staff report, out of the larger 709,320-square-foot (16.3-acre) site located in the southeastern quadrant of the 133-acre West Towne Mall complex. The subject site is located immediately south of the entrance from S. Gammon Road opposite Odana Road. It is located in Alder District 9 (Ald. Pritchett); Wellhead Protection District #16; and Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site is almost entirely occupied by an existing surface automobile parking lot.

Surrounding Land Uses and Zoning: The entire West Towne Mall is zoned RMX (Regional Mixed-Use) District. S Gammon Road is immediately adjacent to the east of the 0.6-acre site which is proposed to be created while the Mall's private internal ring road runs along the eastern property line. The W. Beltline Highway (US Highway 12 & 14) is roughly 650 feet to the south. Generally, the next closest retail uses to the site are the Johnson Financial Group bank located roughly 200 feet to the north and the Sushi Lover Madison restaurant, roughly 290 feet to the west.

Adopted Land Use Plans: The [Comprehensive Plan](#) (2023) and [West Area Plan](#) (2024) both identify the subject site and the overall West Towne Mall complex for Regional Mixed-Use (RMU) development.

Zoning Summary: The site is zoned Regional Mixed-Use (RMX) District:

Requirements	Required	Proposed
Front Yard Setback	None	11.91'
Max. Front Yard Setback: TOD	20'	11.91'
Side Yard Setback: Where proposed buildings or abutting buildings have window openings in side wall(s) within 6' of lot line	6'	27.53' south side Adequate north side
Rear Yard Setback	The lesser of 20% of lot depth or 20'	Adequate
Maximum Lot Coverage	90%	71.0%
Minimum Building Height	2 stories	2 stories
Maximum Building Height: TOD	8 stories/116'	2 stories

Site Design	Required	Proposed
Number Parking Stalls	No minimum required: TOD Coffee shop TOD maximum: 25% of capacity of persons	4 (See Comment #36)
Electric Vehicle Stalls	Not required	None
Accessible Stalls	Yes	1
Loading	Not required	None
Number Bike Parking Stalls	Coffee Shop: 5% of capacity of persons (2 minimum)	2 (See Comment #36)
Landscaping and Screening	Yes	Yes (See Comment #37)
Lighting	Yes	Yes
Building Form and Design	Yes	Flex building (See Comment #34)

Other Critical Zoning Items:	
Yes:	Urban Design (Planned Multi-Use Site), Utility Easements, Barrier Free (ILHR 69), TOD Overlay, Wellhead Protection District #16
No:	Floodplain, Landmarks, Waterfront Development, Adjacent to Park, Historic District, Wetlands

Tables Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

Environmental Corridor Status: The property is not located in a mapped environmental corridor.

Public Utilities and Services: West Towne Mall is served by a full range of urban services, including daily all-day Metro transit service along South Gammon Road adjacent this property – with trips at least every 30 minutes. Metro Transit operates additional daily all-day rapid transit service along Mineral Point Road near this property - with trips at least every 30 minutes (every 15 minutes or less during the day on weekdays and Saturdays).

Project Description

The applicant requests three approvals: 1) a major conditional use alteration to a planned multi-use site containing more than 40,000 square-feet of floor area and where 25,000 square-feet of floor area is designed or intended for retail use; 2) a conditional use for a drive-through window in the Regional Mixed-Use (RMX) District and Transit-Oriented Development (TOD) Zoning Overlay; and 3) a two-lot Certified Survey Map (CSM) – all to allow construction of a two-story, roughly 2,270-square-foot Seven Brew Coffee building (‘kiosk’) with drive-through window at 53 West Towne Mall.

The proposed two-story building will be located on the east side of the roughly 0.6-acre site which would be created as part of the proposed Certified Survey Map (CSM). While the building will be located parallel to and just a few feet from the S Gammon Road public sidewalk to the east, customers, in their automobiles, will access the site from the West Towne Mall’s private internal ring road which runs along the site’s west property line. There will be two curb cuts from this ring road, located at the site’s southwest corner – the northern one will be a one-way entrance into the site while the southern will be a one-way exit. Just onto the site, drivers will access the two drive-through queuing lanes by immediately turning left. The lanes will loop clockwise around the site before running beneath the building’s second-story projection where the drive-through window (and waiting staff) are located. As with the 2024 proposal at 3915 Lien Road, regarding the operations of the drive-through service, the applicant notes in submitted materials and communications with Staff that employees “greet customers at their cars with iPads to take their orders.” Cars “usually don’t form long queues outside because employees will walk down the line and take the orders with iPads [...] so they will not be ordering just when they arrive at the covered area of the building.” In total, their aim is for the entire process, from order to pick up, to last at most four minutes. The proposed hours of operation are Sunday-Thursday 5:30am - 10pm; and Friday-Saturday 5:30am - 11pm.

Four automobile surface parking stalls as well as an enclosed trash area will be located in the middle of the site, in the area created by the circular queuing lanes. The applicant has noted that these four stalls are intended but not exclusively for employees (of which there are typically anticipated to be 5-8 on site at a given time); customers are welcome to park there if there are spots available.

The proposed building will be two stories with roughly 1,500 square-feet on the ground floor primarily occupied by space for the preparation of food, a cooler, and bathroom (the applicant has noted that the restroom will not be made available to the public). The exterior door on the north façade will be used for deliveries while the door at the southeast corner will serve as the ‘main entrance’. The applicant has noted that the entire building will be for employees only. The second story, accessed via an exterior door located along the building’s east façade, will have roughly 1,160 square-feet of space which will be divided up into roughly 300 square-feet for mechanical access and roughly 800 square-feet for storage and office space.

Regarding exterior materials, the applicant intends to clad the building primarily with an architectural cement board (like a Nichiha fiber cement panel) which will appear like light colored brick while a dark blue standing seam metal panel will wrap part of the east façade and appear to support the cantilevering projection which extends over the drive through.

Finally, the applicant will be providing a pedestrian walkway from the northeast corner of the site to connect the S Gammon Road public sidewalk to the 'main entrance' near the southeast corner of the building. They will also extend this sidewalk around the perimeter of the queuing aisles to where it meets the existing east-west crosswalk across the ring road on the west side of the site.

Supplemental Regulations

According to Table 28D-2 [MGO §28.061], Drive-Through Windows must adhere to the following Supplemental Regulations found in MGO §28.151:

- (a) In CC-T, RMX, TE, DC, and UMX Districts drive-through windows shall be located to the side of or rear of buildings or fully under an occupiable conditioned story, and shall not be located between the principal structure and a public street.
- (b) In the TSS District, drive-through windows shall be fully located under an occupiable conditioned story, and the building shall have commercial or residential uses along the primary street frontage.
- (c) Drive-through windows shall be at least sixty (60) feet from the closest point of any residentially zoned property or property with a residential building.
- (d) The location of points of vehicular ingress and egress shall be as required by Traffic Engineering.
- (e) Plans for onsite circulation and driveway locations shall be reviewed where conditional use approval is required. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern. Adequate queuing lane space shall be provided without interfering with onsite parking/circulation.
- (f) Speaker box sounds from the drive-through lane shall not be plainly audible so as to unreasonably disturb the peace and quiet of abutting residential property.
- (g) Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.
- (h) Bicyclist use of sales and service windows shall not be prohibited.
- (i) Pedestrian access to the establishment must also be provided.

The Planning Division believes the supplemental regulations listed above are satisfied by the proposal and offer the following comments related to select regulations:

Regarding Supplemental Regulation (a), Staff note that the West Town Mall ring road, located along the west side of the subject site, is not considered a public street. Therefore, the location of the drive through window on the west side of the building satisfies this supplemental regulation.

Regarding Supplemental Regulations (d) and (e), Staff note that Traffic Engineering Staff have reviewed the plans and are comfortable with the proposal. They do believe, however, that the size of the entry and exit along the ring road are unnecessarily wide and could safely be narrowed. Staff note that this corresponds with the Urban Design Commission's recommended condition to "minimize the paving as much as possible." The Urban Design Commission's review is described further later in this report and this condition of approval has been included in the list of conditions at the end of this report.

With the conditions recommended by the Urban Design Commission as well as those by reviewing city agencies, Staff believe these supplemental regulations can be found met.

Analysis and Conclusion

This proposal is subject to the standards for conditional uses in MGO §28.183 as Table 28D-2 in Section 28.061(1) notes that a *Drive-Through Window* is a conditional use in the Regional Mixed-Use (RMX) District. Furthermore, MGO 28.137(2)(e) notes that a *Planned Multi-Use Site* containing more than 40,000 square-feet of floor area and where 25,000 square-feet of floor area is designed or intended for retail use or for hotel or motel use, shall require conditional use approval following a recommendation on the design of any specific proposal by the Urban Design Commission. Additionally, MGO 28.137(2)(b) states that alterations to existing Planned Multi-Use Sites require Plan Commission approval. The Supplemental Regulations [MGO §28.151] contain further regulations for *Drive-Through Windows*. Lastly, MGO Section 16.23(5)(g) provides the process and standards of approval for certified survey maps.

Conformance with Adopted Plans

The 2023 [Comprehensive Plan](#) recommends Regional Mixed-Use (RMU) for the subject sites and surrounding areas. With a general height range between two and 12 stories, RMU areas are generally intended to be the most intensively developed areas outside of the Downtown. The plan describes RMU as including *“existing and planned high-intensity centers supporting a variety of multifamily housing options and commercial activity serving the needs of the region. [...] As regional destinations for retail and jobs, RMU areas should be well connected with the adjoining street network and be transit-oriented. Areas should provide an urban environment characterized by a pedestrian friendly public street network, buildings placed close to the sidewalk and street, and should provide pedestrian amenities, such as decorative paving, lighting, plazas, benches, and landscaping.”*

The plan, however, acknowledges that both the East and West Towne mall areas may continue to be auto-oriented malls for some time. Further, the plan states that future redevelopment that requires rezoning (which this request does not) should begin the transition to a more pedestrian/bicycle/transit friendly environment with a wider variety of uses. It also states, *“Any future intensive mixed-use redevelopment on the sites must proceed under either an adopted city plan for the area or be master-planned to ensure that redevelopment leads to a cohesive mixed-use project and not a series of disconnected buildings and discontinuous development.”*

However, while Staff does not consider this development as an “intensive” or mixed-use redevelopment, Staff do note that the [West Area Plan](#), which was adopted in 2024, recommends Regional Mixed-Use (RMU) uses between two and 16 stories for the subject site as well as the roughly eastern half of the West Towne Mall development.

Finally, as part of the “due consideration” of adopted plans, staff notes that, as noted above, the [Comprehensive Plan](#) states that RMU development should be transit-oriented. In addition to physical planning considerations, transit-oriented development (TOD) is recommended to include uses that generate pedestrian activity, such as retail shops, services, and offices, particularly at ground level. Importantly, while these broad principles were established as part of a plan, a specific TOD ordinance has been created to implement the plan’s TOD recommendations. Staff notes that Zoning has determined that this development complies with this ordinance and staff note that the use is an allowable conditional use within the Regional Mixed-Use (RMX) District.

Therefore, Staff believe that the development of a two-story, commercial development could be found to be compatible with the recommendations of the [Comprehensive Plan](#) and [West Area Plan](#).

Conditional Use Standards

The Plan Commission may not approve an application for a conditional use unless it can find that all of the standards found in Section 28.183(6)(a), Approval Standards for Conditional Uses, are met. That section states: *"The City Plan Commission shall not approve a conditional use without due consideration of the recommendations in the City of Madison Comprehensive Plan and any applicable, neighborhood, neighborhood development, or special area plan, including design guidelines adopted as supplements to these plans. No application for a conditional use shall be granted by the Plan Commission unless it finds that all of the [standards for approval in Section 28.183(6) are met]."*

In reviewing the conditional use request to establish a drive-through window, staff provides the following additional analysis related to Standards 3, 4, 5, 6, and 8. Conditional Use standard 3 states:

"The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner."

Related to this standard, staff look at how the potential drive-through window could impact surrounding properties. Given the fact that there is only commercial development within at least 900 feet, Staff do not believe the uses, values and enjoyment of the surrounding properties will be negatively impacted.

Conditional Use Standard 4 states:

"The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district."

This standard addresses the impact that a proposed conditional use could have on the development pattern or improvements on surrounding properties and should be informed by the specific aspects of the proposal. Staff notes that adopted plan recommendations are among the key measures typically used to review "normal and orderly" development. In this case, the Plan Commission should consider whether the establishment of this conditional use could be determined to preclude the development of "regional mixed-use" development in the surrounding properties. Provided that negative external impacts of this development are able to be controlled and managed so as not to make surrounding properties undesirable for mixed-use development, staff believes it is possible this standard could be found met. Staff does not have substantial evidence indicating this standard cannot be found met.

Conditional Use Standard 5 States:

"Adequate utilities, access roads, drainage, internal circulation improvements for pedestrians, bicyclists, public transit and vehicles, parking supply (in cases with minimum parking requirements) and other necessary site improvements have been or are being provided."

As described above, Traffic Engineering have confirmed that, with the proposed sidewalk connection both from the public sidewalk to the building's main entrance (and perimeter of the building) as well as around the perimeter of the queuing lanes to connect to the existing crosswalk across the Mall's loop road, that this condition can be found met. Staff believe the Plan Commission can find this standard met.

Conditional Use Standard 6 States:

"The conditional use conforms to all applicable regulations of the district in which it is located."

As mentioned previously in this report, buildings in the Regional Mixed-Use (RMX) and Transit-Oriented Development (TOD) Overlay Districts are required to be at least two stories. The particular requirement in the Zoning Code (MGO Section 28.104(7)(c)) reads as follows: *"A minimum of two stories is required for a minimum of seventy-five percent (75%) of the building footprint [...]."* Zoning Staff have reviewed the plans and confirmed that what is proposed satisfies this requirement.

While not a requirement of the TOD Overlay but merely a general requirement for all buildings in mixed-use and commercial districts, Zoning Staff note that the applicant will need to verify whether spandrel glass is proposed and if so, will need to meet MGO Section 28.060(2)(d)1, which states, *"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."* Zoning Staff have provided a comment that this Zoning standard must be met.

Staff believe it possible for the Plan Commission to find this standard met given the agency comments.

Conditional Use Standard 8 states:

"When applying the above standards to any new construction of a building or an addition to an existing building the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district. In order to find that this standard is met, the Plan Commission may require the applicant to submit plans to the Urban Design Commission for comment and recommendation."

Staff note that the Urban Design Commission (UDC) reviewed this request and, at their September 17, 2025 meeting, gave the project a recommendation of final approval with the following conditions:

- The paving shall be minimized as much as possible,
- The landscape plan shall be reviewed to replace the Stella D'Oro day lilies with an alternative species of perennial or day lily, and
- The continued review can be completed administratively.

Please see [Legislative ID 89441](#) for more information about the UDC review and action.

With the final approval recommendation (and associated conditions) from the Urban Design Commission, Staff believe this Standard could be found met.

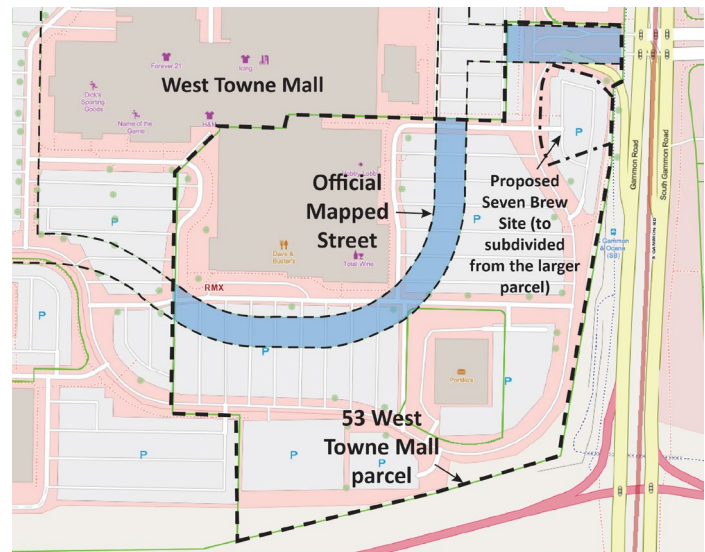
Staff believes that the Conditional Use standards can be found met and further advise the Plan Commission to site substantial evidence should it find that any of the approval standards are not met.

Land Division

The applicant has submitted a certified survey map to divide the parcel into two lots – one lot, 0.605 acres in size, for the proposed Seven Brew Coffee drive-through building and the other the remainder of the underlying 53 West Towne Mall site. M.G.O. Section 16.23(5)(g) provides the process for certified survey maps.

The situation at 53 West Towne Mall is a bit unusual given the fact that along with recent area planning efforts such as the Odana Area Plan, the City subsequently officially mapped a number of streets within such areas as the West Towne Mall with the intent of starting to transition the mall development from one entirely commercial and auto-oriented by breaking up the existing large blocks to create a more walkable, bikeable, and transit-friendly area.

Official mapping reserves space for future streets by preventing building permits from being issued in designated areas. Furthermore, official mapping does not acquire the right of way itself, and property owners are still free to use the space for uses such as parking. This approach is beneficial because officially mapped right of ways may count as front lot lines for zoning purposes, enabling more development within central areas of the large site. For this site, street segments recommended for official mapping do not extend into existing buildings, which means property owners are able to continue normal operations of their buildings within the existing footprint without needing to go through a variance-type process to get building permits typical of commercial renovations or tenant buildouts.



MGO Section 16.23(3)(a)2.c.i states that when a parcel to be subdivided embraces any part of a street, highway or greenway designated in the official map, such proposed public way shall be platted and dedicated by the subdivider in the location and at a width indicated. As seen in the image above, there are two areas (shaded blue) reserved on the official map for future street purposes on the land to be divided with the proposed Certified Survey Map (CSM).

As a practical matter, the mapped future streets in this request are small, non-contiguous segments of a larger street network within the current mall site, and staff believes it is desirable for the City to own and improve these streets as public rights-of-way when other parts of the network can be connected. Planning Division staff have worked staff in Engineering, Engineering-Mapping and the Attorney's Office to recommend a condition which preserves the City's rights to mapped streets while providing additional time before these streets are formally owned by the City. A condition has been recommended to provide a right-of-way reservation on the CSM, which identifies the width and location of the designated future public streets. The subdivider shall also enter into an agreement with the City, which stipulates the future dedication of the reserved area at no cost to the City upon order of the Common Council and regulates the use or improvement of the reserved area in the interim. This condition can be found at the end of this report.

With this condition, staff believe that all applicable standards for land divisions can be found met, subject to the comments recommended by reviewing agencies.

Public Input

At the time of report writing, Staff have received comments from several residents pointing out the discrepancy between the dense, urban, pedestrian-oriented development envisioned by Regional Mixed-Use (RMU) plan recommendations and the small, two-story, auto-oriented use proposed by the applicant. These comments have been included in the public record for this request (Legistar File ID [89479](#)).

Conclusion

Staff believe that the proposal is consistent with many recommendations of both the [Comprehensive Plan](#) and [West Area Plan](#) – namely, the two-story building height (at minimum) which is located along the public street

and which helps shield the surface parking on site, etc. While staff believes that the establishment of this auto-oriented use is less intensive than the development pattern envisioned in plan recommendations, it is allowed in the adopted TOD ordinance and can comply with Zoning Regulations if the noted modifications are made. Staff does not have substantial evidence to indicate that the conditional use approval standards are not met. On balance, staff believes the development could be found to meet the underlying conditional use standards.

Recommendation

Planning Division Recommendation (Contact Chris Wells, 261-9135)

The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the requests at 53 West Towne Mall. Additionally, the Planning Division believes the technical standards for land divisions can be found met and recommends the Plan Commission forward the Certified Survey Map to the Common Council with a recommendation of **approval**. These recommendations are subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies beginning below for the land use requests, and on **page 14** for the CSM.

Recommended Conditions of Approval Major/Non-Standard Conditions are Shaded

Urban Design Commission (Contact Jessica Vaughn, (608) 267-8740)

1. The paving shall be minimized as much as possible,
2. The landscape plan shall be reviewed to replace the Stella D'Oro day lilies with an alternative species of perennial or day lily, and
3. The continued review can be completed administratively.

Conditions from Reviewing Agencies

Engineering Review Main Office (Contact Kathleen Kane, (608) 266-4098)

4. Applicant shall confirm the location of existing sanitary sewer lateral and provide a private sanitary sewer easement that confirms that the sewer lateral can be used by the proposed lot development.
5. 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))
6. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
7. A Storm Water Management Report and Storm Water Management Permit is required for this project. See Storm comments for report and permit specific details and requirements.

8. This site appears to disturb less than one (1) acre of land. No submittal to the WDNR, CARPC or Department of Safety and Professional Services (DSPS) is required as the City of Madison Building Inspection Department is an approved agent for DSPS.
9. Based on WDNR BRRS #s 02-13-188156, 09-13-295156, and 09-13-580610 associated with the former Sears Auto Center and Store, the property may contain residual contamination. If contamination is encountered, follow all WDNR and DSPS regulations for proper handling and disposal.
10. Revise the site plan 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. (POLICY)
11. This project will disturb 20,000 sf or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.

Demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year. The WDNR provided workbook to compute USLE rates can be found online at <https://dnr.wi.gov/topic/stormwater/publications.html>

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.

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 submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Stormwater Management Permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.

The Storm Water Management Plan & Report shall include compliance with the following:

Report: Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.

Electronic Data Files: Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. 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 to City Engineering. (POLICY and MGO 37.09(2))

Rate Control Redevelopment: By design detain the 10-year post construction design storm such that the peak discharge during this event is reduced 15% compared to the peak discharge from the 10-year design storm in the existing condition of the site. Further, the volumetric discharge leaving the post development site in the 10- year storm event shall be reduced by 5% compared to the volumetric discharge from the site in an existing condition during the 10-year storm event. These required rate and volume reductions shall be completed, using green infrastructure that captures at least the first 1/2 inch of rainfall over the total site impervious area. If additional stormwater controls are necessary beyond the first 1/2 inch of rainfall, either green or non-green infrastructure may be used.

TSS Redevelopment with TMDL: Reduce TSS by 80% off of the proposed development when compared with the existing site.

Oil/Grease Control: Treat the first 1/2 inch of runoff over the proposed parking facility and/or drive up window.

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.

13. 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)

City Engineering Division – Mapping Section (Contact Julius Smith, (608) 264-9276)

14. Grant a new Public Sidewalk easements on the face of the concurrent land division. The final width and location to be approved by City Engineering and Traffic Engineering for a public sidewalk along the North line of Lot 1.

Contact Jule Smith of Engineering Mapping (jsmith4@cityofmadison.com, 608-266-4097) to receive the appropriate easement terms/conditions language for inclusion on this CSM/Plat.

15. Under MGO section 16.23(3)(a)2.c.i, the Applicant shall dedicate/plat a 66' foot wide strip of Right-of-Way along the route of the officially mapped street per Resolution RES_23_00195 with the Concurrent CSM. Or in lieu of immediate dedication, enter into a deferred dedication agreement.

16. Provide for review, comprehensive reciprocal easements and agreements including, but not limited to, access, parking, utilities, common areas, storm management that are necessary for the site development as proposed prior to final sign off. The document(s) shall be executed and recorded immediately subsequent to the CSM recording and prior to building permit issuance.

Amend Document No. 5812957 to allow for the new Pad Site and define the responsibility's for the new shared use of utilities and drainage rights

17. Coordinate and request from the utility companies serving this area the easements required to serve this development.
18. The address of the proposed building is 7222 West Towne Way. 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.
19. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD), the new parcel data created by the Assessor's Office and the parcel data available to zoning and building inspection staff prior to issuance of building permits for new construction.

Traffic Engineering (Contact Sean Malloy, (608) 266-5987)

20. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be to engineering scale 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.
21. 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.
22. 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.
23. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
24. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
25. 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.
26. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign at all exiting 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.
27. Applicant shall submit for review a Commercial Delivery Plan. This plan will include times, vehicle size, use of loading zones and all related turning movements.
28. 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.
29. Applicant shall submit for review a Waste Removal Plan. This shall include vehicular turning movements, times, vehicle size, use of loading zones and all related steps to remove trash from its location.
30. All vehicle service window access aisles shall have a minimum outside turning radius of thirty (30) feet.
31. Applicant shall submit for review a vehicular turning movement template demonstrating the use of the order board and pick-up window.
32. Developer shall provide a recorded copy of any joint driveway ingress/egress and crossing easements and shall be noted on face of plan.

Parking Review (Contact Trent W Schultz, (608) 246-5806)

33. The agency reviewed this project and determined a Transportation Demand Management (TDM) Plan is not required as part of approving the proposed site changes, based on the proposed building size (2,667 sq. ft.) and amount of on-site parking (4 stalls).

Zoning Administrator (Contact Jenny Kirchgatter, (608) 266-4429)

34. Verify whether spandrel glass is proposed. Provide the window and door schedule. 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.
35. Bicyclist use of drive-through sales and service windows shall not be prohibited. Pedestrian access to the establishment must also be provided.
36. Verify the capacity of the proposed coffee shop. The minimum bicycle parking and maximum vehicle parking requirements are based on the capacity of the proposed coffee shop use.
37. 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.
38. 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.
39. 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.

Water Utility (Contact Jeff Belshaw, (608) 261-9835)

40. Update the utility plan to show the size of the proposed water service.
41. 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/plumbers-contractors>), 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.

Metro Transit (Contact Tim Sobota, 261-4289)

42. Metro Transit operates daily all-day transit service along South Gammon Road adjacent this property – with trips at least every 30 minutes. Metro Transit operates additional daily all-day rapid transit service along Mineral Point Road near this property - with trips at least every 30 minutes (every 15 minutes or less during the day on weekdays and Saturdays).
43. Metro Transit would initially estimate the following counts of potentially eligible trips towards US Green Building Council/LEED Quality Access to Transit points: 133 Weekday & 99 Weekend. Please contact Metro Transit if additional analysis would be of interest.

The Planning Division, Fire Department, Parks Division, and Forestry have reviewed this request and recommended no conditions of approval.

Certified Survey Map

Planning Division (Contact Chris Wells, (608) 261-9135)

44. Per MGO Section 16.23(3)(a)2.c.i, whenever a parcel to be subdivided embraces any part of a street, highway or greenway designated in the official map, such part of such proposed public way shall be platted and dedicated by the subdivider in the location and at a width indicated. There are two areas reserved on the official map for future street purposes on the land to be divided with the proposed Certified Survey Map (CSM), which shall be dedicated.

However, in lieu of immediate dedication, the subdivider may map the reservation on the face of the CSM, which identifies the width and location of the designated future public streets. The subdivider shall also enter into an agreement with the City, which stipulates the future dedication of the reserved area at no cost to the City upon order of the Common Council and regulates the use or improvement of the reserved area in the interim. The deferred dedication agreement shall be binding on the subdivider and their successors and assigns, and no modification or release of the agreement shall be allowed without the approval of the Common Council. The Applicant/Owner/Developer is responsible for any City Office of Real Estate Services Projects and Fees that may be required to completely execute the deferred dedication agreement.

Engineering Review Main Office (Contact Kathleen Kane, (608) 266-4098)

45. 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))

46. A minimum of two (2) working days prior to requesting City Engineering signoff on the plat/csm contact either Tim Troester (West) at 261-1995 (ttroester@cityofmadison.com) or Brenda Stanley (East) at 608-261-9127 (bstanley@cityofmadison.com) to obtain the final stormwater utility charges that are due and payable prior to sub-division of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service and must be cleared prior to the land division (and subsequent obsolesces of the existing parcel).
47. Based on WDNR BRRS #s 02-13-188156, 09-13-295156, and 09-13-580610 associated with the former Sears Auto Center and Store, the property may contain residual contamination. If contamination is encountered, follow all WDNR and DSPS regulations for proper handling and disposal.

City Engineering Division – Mapping Section (Contact Julius Smith, (608) 264-9276)

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| <p>48. Grant a Public Sidewalk Easement(s) to the City on the face of this Certified Survey Map or Subdivision Plat with the final width and location to be approved by City Engineering and Traffic Engineering for a public sidewalk along the north line of Lot 1.</p> <p>Contact Jule Smith with Engineering Mapping for the final language to be included on the face of the CSM.</p> <p>49. Under MGO Section 16.23(3)(a)2.c.i, the Applicant shall dedicate/plat a 66' foot wide strip of Right-of-Way along the route of the officially mapped street per Resolution RES_23_00195. Or in lieu of immediate dedication, enter into a deferred dedication agreement.</p> <p>50. Provide for review, comprehensive reciprocal easements and agreements including, but not limited to, access, parking, utilities, common areas, storm management that are necessary to accomplish the land division or site development as proposed prior to final sign off. The document(s) shall be executed and recorded immediately subsequent to the CSM recording and prior to building permit issuance.</p> <p>Amend Document No. 5812957 to allow for the new Pad Site and define the responsibility's for the new shared use of utilities and drainage rights</p> |
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51. In accordance with Chapter 236, Wisconsin Statutes, the Applicant must show the type, location and width of any and all easements on a Plat or CSM. Clearly identify the difference between existing easements (cite recording data) and easements which are being conveyed by the land division. Identify the owner and/or benefiting interest of all easements. Include any and all language required to properly and legally create any easement by this land division. Also Per 236.20(2)(c) delineate all non typical easements and state who is actually benefitting and all of the benefiting parties and or uses are noted for each.
 52. Coordinate and request from the utility companies serving this area the easements required to serve this development. Those easements shall be properly shown, dimensioned and labeled on the final plat.
 53. This parcel is subject to numerous other documents not listed on this CSM most notably all of the West town covenants, restrictions and Operating agreements as listed on the prior CSM and the Pad Site Declaration per Document 5812957. list these documents on the face of the CSM

54. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The Developer's Surveyor and/or Applicant must submit copies of required tie sheets or monument condition reports (with current tie sheet attached) for all monuments, including center of sections of record, used in this survey, to Jule Smith, City Engineering (jSmith4@cityofmadison.com)
55. In accordance with Section s. 236.18(8), Wisconsin Statutes, the Applicant shall reference City of Madison WCCS Dane Zone, 1997 Coordinates on all PLS corners on the Plat or Certified Survey Map in areas where this control exists. The Surveyor shall identify any deviation from City Master Control with recorded and measured designations. Visit the Dane County Surveyor's Office (web address <https://www.countyofdane.com/PLANDEV/records/surveyor.aspx>) for current tie sheets and control data that has been provided by the City of Madison.
56. Prior to Engineering final sign-off by main office for Plats or Certified Survey Maps (CSM), the final Plat or CSM in pdf format must be submitted by email transmittal to Engineering Land Records Coordinator Jule Smith (jSmith4@cityofmadison.com) for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off.
57. Add U.S.H. 12 & 18, and W. Beltline Hwy as street names in addition to U.S.H. 12 & 14.
58. per 236.20(2)(c) The length and bearing of the exterior boundaries, the boundary lines of all blocks, public grounds, streets, and alleys, and all lot lines, except that when the lines in any tier of lots are parallel it shall be sufficient to mark the bearings of the outer lines on one tier. Easements not parallel to a boundary or lot line shall be shown by center line distance, bearing, and width or by easement boundary bearings and distances. Where easement lines are parallel to boundary or lot lines, the boundary or lot line distances and bearings are controlling. Where the exterior boundary lines show bearings or lengths that vary from those recorded in abutting plats or certified surveys there shall be the following note placed along the lines, "recorded as (show recorded bearing or length or both)." this applies to both lines and curves... Show the "Recorded as" information for all curves where different from record.
59. While the original CSM is not specific and clear on where the Northeast corner of CSM 15734 is fully located and states line falls in the building line. it appears that the original CSM intended to hold the Northeast corner of the existing building as the parcel limits explain why this is not continuing, it would appear the physical monument of the building still exists.
60. Note the Dane County ROD prefers that each sheet carry a block for the CSM No. the Document No. and the Volume and page on the bottom of each sheet. Contact the Dane County ROD for fully requirements for Recording
61. Add the document no. 5739229 to the caption at the top of each sheet
62. Per A-E 7.05(11) note the datum and adjustment for the county coordinates used ...E.G NAD 83(97)

63. Submit to Jule Smith, prior to Engineering sign-off of the subject plat, one (1) digital CADD drawing in a format compatible with AutoCAD. The digital CADD file(s) shall be referenced to the Dane County Coordinate System and shall contain, at minimum, the list of items stated below, each on a separate layer/level name. The line work, preferably closed polylines for lot lines, shall be void of gaps and overlaps and match the final recorded plat:

- a) Right-of-Way lines (public and private)
- b) Lot lines
- c) Lot numbers
- d) Lot/Plat dimensions
- e) Street names
- f) Easement lines (i.e. all shown on the plat including wetland & floodplain boundaries.)

NOTE: This Transmittal is a separate requirement from the required Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat, electronic data for any changes subsequent to any submittal.

Traffic Engineering (Contact Sean Malloy, (608) 266-5987)

64. Developer shall provide a recorded copy of any joint driveway ingress/egress and crossing easements and shall be noted on face of plan.

Parking Review (Contact Trent W Schultz, (608) 246-5806)

65. The agency reviewed this project and determined a Transportation Demand Management (TDM) Plan is not required as part of approving the proposed site changes, based on the proposed building size (2,667 sq. ft.) and amount of on-site parking (4 stalls).

Water Utility (Contact Jeff Belshaw, (608) 261-9835)

66. The following information shall be noted on the CSM prior to final approval: The properties are located within Wellhead Protection District—Zone (WP-16). Uses of the properties are required to comply with the City of Madison Wellhead Protection requirements as provided under MGO Sections 13.22 and 28.102.

Office of Real Estate Services (Contact Heidi Radlinger, (608) 266-6558)

67. Prior to approval sign-off by the Office of Real Estate Services (“ORES”), the Owner’s Certificate on the CSM shall be executed by all parties of interest having the legal authority to do so, pursuant to Wis. Stats. 236.21(2)(a). The title of each certificate shall be consistent with the ownership interest reported in the most recent title report.

The City and Register of Deeds are now accepting electronic signatures. A .pdf of the CSM containing electronic signatures shall be provided to ORES to obtain approval sign-off.

68. Prior to CSM approval sign-off, an executed and notarized or authenticated certificate of consent for Symetra Life Insurance Company shall be included.
69. If the mortgage or other financial instrument is reported in record title but has been satisfied or no longer encumbers the lands or ownership within the CSM boundary, a copy of a recorded satisfaction or release document for said instrument shall be provided prior to CSM approval sign-off.
70. All ownership consents and certifications for the subject lands shall conform to Wis. Stats. 236.21(2) and 236.29 by including the language ...surveyed, divided, mapped and dedicated....
71. If any portion of the lands within the CSM boundary are subject to an Option to Purchase or other Option interest please include a Certificate of Consent for the option holder and have it executed prior to CSM sign-off, if said ownership interest meets the criteria set forth by Wis. Stat. Sec. 236.34 and Sec. 236.21(2)(a).
72. A Consent of Lessee certificate shall be included on the CSM for all tenant interests in excess of one year, recorded or unrecorded, and executed prior to CSM sign-off.
73. Madison Common Council Certificate: Signatory is Michael Haas, Acting City Clerk
74. 2024 real estate taxes are paid in full for the subject property.

Per 236.21(3) Wis. Stats. and 16.23(4)(f)(3) Madison General Ordinances, the property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to CSM recording. This includes property tax bills for the prior year that are distributed at the beginning of the year.
75. As of the date of this letter, there are no special assessments reported. If special assessments are levied against the property during the review period and prior to CSM approval sign-off, they shall be paid in full pursuant to Madison General Ordinance Section 16.23(4)(f)(3).
76. Pursuant to Madison City Ordinance Section 16.23(4)(c)(1), the owner shall furnish an updated title report to ORES via email to Heidi Radlinger as well as the survey firm preparing the proposed CSM. The report shall search the period subsequent to the date of the initial title report (7/18/2025) submitted with the CSM application and include all associated documents that have been recorded since the initial title report.

A title commitment may be provided, but will be considered only as supplementary information to the title report update. Surveyor shall update the CSM with the most recent information reported in the title update. ORES reserves the right to impose additional conditions of approval in the event the title update contains changes that warrant revisions to the CSM.
77. The owner shall email the document number of the recorded CSM to Heidi Radlinger when the recording information is available.

The Zoning Division, Fire Department, Parks Division, Metro Transit, Assessor's Office, and Forestry have reviewed this request and recommended no conditions of approval.