

PLANNING DIVISION STAFF REPORT July 27, 2016 (UDC), August 8, 2016 (PC)



PREPARED FOR THE URBAN DESIGN COMMISSION and PLAN COMMISSION

Project Address: 2201 Zeier Rd. (District 17 - Ald. Baldeh)

Application Type: Conditional Use

Legistar File ID # [43667](#) and [43429](#)

Prepared By: Jessica Vaughn, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted

Reviewed By: Jay Wendt, Principal Planner

Summary

Applicant & Property Owner: Steve Doran; Quick Draw Capital, LLC; PO Box 45; McFarland, WI 53558

Contact: Brad Koning; Shulfer Architects, LLC; 7780 Elmwood Ave. Suite 208; Middleton, WI 53562

Requested Action: The applicant requests approval of a Conditional Use to construct a 10,000 square-foot multi-tenant commercial building with vehicle access sales and service window as part of an existing planned multi-use site that has over 40,000 square feet of floor area and where 25,000 square feet of floor area is designed or intended for retail use.

Proposal Summary: The applicant is seeking approval of a Conditional Use to construct a one-story, 10,000 square-foot multi-tenant commercial building with a vehicle access sales and service window in the Commercial Center (CC) zoning district. As part of the development proposal, various site improvements are proposed, including site landscaping, bike parking, site lighting and restriping a portion of the existing vehicle parking to meet current standards.

Applicable Regulations & Standards: Pursuant to Section 28.060, MGO, vehicles sales and service windows are identified as a conditional use in the CC zoning district. As such, this proposal is subject to the standards for conditional uses pursuant to Section 28.183(6), MGO and the Supplemental Regulations pursuant to Section 28.151, MGO. In addition, the project site will be part of a planned multi-use site. Pursuant to Section 28.137, MGO, planned multi-use sites that are over 40,000 square feet of floor area and where 25,000 square feet of floor area is designed or intended for retail use require Conditional Use approval following a recommendation by the Urban Design Commission.

Review Required By: Urban Design Commission and Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the approval standards for Conditional Use are met and **approve** the conditional use request to construct a 10,000 square-foot multi-tenant commercial building with vehicle access sales and service window at 2201 Zeier Rd. This recommendation is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The project site is located at the northeast corner of the intersection of East Towne Boulevard and Zeier Road and is comprised of approximately 34,846 square feet (0.79 acres).

Currently in process, by separate application (LNDCSM-2016-00025) the applicant has proposed to subdivide the existing Shopko property into two lots; one lot will remain home to the existing Shopko (348,463 square feet)

and the other lot will become the ‘project site’ for the proposed multi-tenant building (34,846 square feet). Given the shared access and parking facilities between the project site and the adjacent properties, including Shopko and DSW, the project site will be part of an existing planned multi-use site.

The site is in Aldermanic District 17 (Baldeh) and the Madison Metropolitan School District.

Existing Conditions and Land Use: Currently the project site is only a portion (roughly ten percent) of a larger site that is home to a ‘big box’ retail establishment, Shopko. The project site is located in the southwest corner of the Shopko lot and is developed as shared surface parking, comprised of roughly 40 parking spaces.

Surrounding Land Use and Zoning: The project site is zoned Commercial Center (CC). Pursuant to Section 28.060, MGO, the Commercial Center zoning district’s general purpose and intent statement speaks to:

- Improving the quality of landscaping, site design and urban design within commercial centers;
- Encouraging diversification of land use in commercial centers; and
- Facilitating preservation, development or redevelopment consistent with the adopted goals objectives, policies and recommendations of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.

North (across East Towne Boulevard): Commercial and restaurant uses (Anchor Bank and Applebees); Commercial Corridor-Transitional (CC-T) zoning;

South: Retail uses (Ulta Beauty and DSW); CC zoning;

East: Retail uses (Famous Footwear and Kohl’s); CC zoning; and

West (across Zeier Road): Commercial uses (Firestone and Eat Towne Mall); CC zoning.

Zoning Summary:

Requirements	Required	Proposed
Front Yard Setback	85’ maximum	39’-2”
Side Yard Setback	One-story: 5’ Two-story or higher: 6’	32’-2”
Rear Yard Setback: For corner lots, where all abutting property is in a nonresidential zoning district	The required rear yard setback shall be the same as the required side yard setback: 5’	Adequate
Maximum Lot Coverage	85%	TBD (Zoning Condition #3)
Maximum Building Height	5 stories/68’	1 story
Site Design	Required	Proposed
Number Parking Stalls	None	677 total shared stalls
Accessible Stalls	Yes	3 (13 total)
Loading	None	None
Number Bike Parking Stalls	General retail, service business: 1 per 2,000 sq. ft. floor area (5) Coffee shop, restaurant, restaurant-tavern: 5% of capacity of persons (TBD)	8 (Zoning Condition #4)

Landscaping and Screening	Yes	Yes (Zoning Conditions #5,6,7,8)
Lighting	Yes	Yes
Building Forms	Yes	Yes, Free-Standing Commercial Building (Zoning Condition #9)

Other Critical Zoning Items	
Yes:	Urban Design (Planned Multi-use Site), Barrier Free (ILHR 69), Utility Easements
No:	Historic District, Floodplain, Adjacent to Park, Wetlands Wellhead Protection District

Zoning Table prepared by: Jenny Kirchgatter, Assistant Zoning Administrator

Comprehensive Plan: The Comprehensive Plan designates the project site as being within the Regional Commercial (RC) district. The Comprehensive Plan recognizes that the RC district is primarily used to identify the majority of existing commercial-retail activity centers that serve the surrounding region. Typically, the RC district is located near majority arterial highways, interchanges and high-capacity mass transit routes. The Comprehensive Plan recommends large retail, service, restaurant and entertainment, and office uses as being appropriate in the RC districts.

Adopted Neighborhood Plan: The project site is located within the East Towne-Burke Heights Neighborhood Development Plan (the “Plan”) planning area. The Plan identifies three distinct commercial areas as part of the planning area, including the East Towne-East Springs Commercial District, which is generally identified as the area located north of Lien Road, including the project site. As indicated in the Plan, this area is designated for Commercial development.

The Plan also includes the East Towne-East Springs Commercial District Plan, which was adopted with the Plan in 1987, and which provides design goals and objectives as well as recommendations for land use for the planning area, including the project site. Generally, the design goals identified in the Plan speak to:

- Providing for multi-modal transportation opportunities and connectivity;
- Encourage compact, mixed-use development; and
- Encourage high standards of building design, landscaping, lighting and signage to create an enhanced design aesthetic.

The East Towne-East Springs Commercial District Plan further designates the project site as Shopper’s Retail, and identifies uses “consistent with the intent of this category are establishments selling various types of goods, including food, apparel and accessories, furniture, home furnishings and equipment, hardware, general merchandise, and eating and drinking establishments” (Page 25, East Towne-Burke Heights Neighborhood Development Plan).

Environmental Corridor Status: The subject site not within a mapped environmental corridor.

Public Utilities and Services: This property is served by a full range of urban services.

Project Description

The applicant requests approval of a Conditional Use to construct a one-story, 10,000 square-foot multi-tenant commercial building comprised of four tenant spaces with vehicle access sales and service window at 2201 Zeier Rd. As part of the development proposal, various site improvements are proposed, including site landscaping, bike parking, site lighting and restriping a portion of the existing vehicle parking to meet current standards.

Although the proposed building resembles that of a strip-retail center, the applicant is proposing some design elements to enhance the design aesthetic and pedestrian realm, including providing patios and building entries along East Towne Boulevard, awnings, lighting and landscaping. The proposed building material palette is comprised primarily of EIFS with brick and CMU masonry accents.

Analysis and Conclusion

Urban Design Considerations:

Pursuant to Section 28.137, MGO, planned multi-use sites that are over 40,000 square feet of floor area and where 25,000 square feet of floor area is designed or intended for retail use require Conditional Use approval following a recommendation by the Urban Design Commission (“UDC”).

The Planning Division has identified the following design related considerations:

- **Building Corner Presence.** The highly visible location of the project site at an intersection on the corner of East Towne Boulevard and Zeier Road provides a unique opportunity to address the corner and frame the intersection. As identified in the adopted neighborhood plan, compact, relatively intensive development that utilizes the available land efficiently is encouraged (Page 21, East Towne-Burke Heights Neighborhood Development Plan). Given the proposed building setback of over 30 feet on either frontage, the building does not address the corner with either primary building entry or a prominent architectural corner presence. Consideration should be given to providing a more prominent corner presence.
- **Building Materials.** The primary building materials consist of EIFS with masonry accents. As identified in the adopted neighborhood development plan, high standards of building design, landscaping and lighting are encouraged to create an attractive environment (Page 22, East Towne-Burke Heights Neighborhood Development Plan). Consideration should be given to reducing the overall amount of EIFS and utilizing a more authentic, human scale material to provide texture and enhance the pedestrian realm.
- **Connectivity.** Given the location of the project site at the corner of East Towne Boulevard and Zeier Road, the project site has two frontages, both of which have sidewalks. In addition, outdoor patios/eating areas are proposed along East Towne Boulevard. As identified in the adopted neighborhood development plan, providing convenient pedestrian movements within the district, and especially among groupings of commercial activities (Page 21, East Towne-Burke Heights Neighborhood Development Plan). Consideration should be given to providing pedestrian connections between the sidewalk and the building along both street frontages.

At their July 27, 2016 meeting, the UDC voted unanimously to give the project initial/final approval incorporating staff’s considerations as identified above as part of the motion.

Conditional Use:

Generally, the intent of a Conditional Use review is to determine if a particular site is an appropriate location for a proposed use, to evaluate the compatibility of that use with surrounding uses and development, and to mitigate potential nuisance impacts to surrounding properties. In order to approve the Conditional Use request, Plan Commission must find that the proposed Conditional Use approval standards pursuant to Section 28.183(6), MGO, including those related to normal and orderly development, mitigating nuisance impacts, and consistency and compatibility with the existing development have been met.

Planning Division staff believes that the proposed Conditional Uses can meet the Conditional Use approval standards, including:

- The area is characterized by predominantly commercial development serving as a regional retail-commercial activity center that is already served by a full range of City services as identified in the City's Comprehensive Plan and adopted neighborhood development plan. The development proposal is considered infill development that redevelops a portion of an existing large surface parking lot with a free-standing, multi-tenant, commercial/retail building is consistent with development pattern prevalent in the area as well as adopted plan goals and objectives that speak to minimizing the overall land area dedicated to parking and encouraging normal and orderly development (Standards #1-2, 4-5).
- The proposed multi-tenant building and vehicles sales and service window will provide additional commercial and restaurant opportunities in an area that serves as a regional commercial activity center. As such, the future uses will be consistent and compatible with the nature and operational characteristics of the surrounding uses as identified in both the Comprehensive Plan and adopted neighborhood development plan. Any foreseeable adverse impacts will be minimal (Standard #3).
- The proposed multi-tenant building and vehicle sales and service window will be consistent with the development standards as stipulated by the Zoning Code, including setbacks and lot. In addition, the proposed vehicle sales and service window will be consistent with the Supplemental Regulations pursuant to Section 28.151, MGO, including those related to the design of drive-through canopy, speaker box or menu board.
- The proposed building design and material palette, as revised per the UDC recommendations and as identified below, will provide for an enhanced design aesthetic that is consistent with the goals and objectives identified in the adopted neighborhood development plan, including:
 - Use a building material palette that provides for an enhanced design aesthetic;
 - Reducing the building setbacks along Zeier Road and East Towne Boulevard to provide a building that is more prominently located on the corner;
 - Incorporate an corner architectural feature; and
 - Provide for enhanced connectivity between the existing sidewalks and the site (Standard #9).

At the time of report writing no public comment had been received.

Recommendation

Planning Division Recommendation (Contact Jessica Vaughn, (608) 267-8733)

The Planning Division recommends that the Plan Commission find that the approval standards for Conditional Use are met and **approve** the conditional use request to construct a 10,000 square-foot multi-tenant commercial building with vehicle access sales and service window at 2201 Zeier Rd. This recommendation is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

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

Planning Division (Contact Jessica Vaughn, (608) 267-8733)

1. As indicated on the lighting plan there light levels are in excess of 7.0 footcandles throughout the site and in excess of 1.0 footcandles at the property line. The Applicant shall work with Planning Division and Building Inspection staff to reduce light levels and finalize a site lighting plan.
2. Prior to final approval and building permit issuance, the Applicant shall submit final plans for review and approval by staff, and shall include the following revisions:
 - a. Revise Sheet ES1.1 to include light fixture pole and mounting heights.
 - b. As indicated on Sheet A3.1, decorative wall sconces are proposed on all building elevations. Revise Sheets A3.1 and ES1.1 to include or eliminate these fixtures. In addition, if the fixtures are to be included, please provide a fixture cutsheet.
 - c. In order to verify the lot coverage of Lot 1 and Lot 2, a lot coverage calculation is required, including, but not limited to building footprints, patios and paved areas.
3. The Applicant shall work with Planning Division and Urban Design staff to finalize the building design, including:
 - a. Reducing the building setbacks along Zeier Road and East Towne Boulevard to provide a building that is more prominently located on the corner.
 - b. Reducing the overall amount of EIFS and utilizing a more authentic, human scale material to provide texture and enhance the pedestrian realm.
 - c. Providing pedestrian connections between the sidewalk and the building along both street frontages.

City Engineering Division (Contact Brenda Stanley, (608) 261-9137)

1. The sanitary sewer lateral for the proposed building crosses the adjacent Shopko lot. The Applicant shall dedicate a private sanitary sewer easement if the lateral serving the proposed building will continue to cross the Shopko lot.
2. All outstanding Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's/Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering sign-off (Section 16.23(9)(d)(4), MGO).

3. This project site falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in the ROCK RIVER TMDL ZONE and by Resolution 14-00043 passed by the City of Madison Common Council on 1/21/2014. You will be expected to meet a higher standard of erosion control than the minimum standards set by the WDNR.
4. The Applicant shall submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division with any private storm and sanitary sewer utilities. The digital CAD file shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the only the following data, each on a separate layer name/level number:
 - a) Building Footprints
 - b) Internal Walkway Areas
 - c) Internal Site Parking Areas
 - d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
 - e) Right-of-Way lines (public and private)
 - f) Lot lines or parcel lines if unplatted
 - g) Lot numbers or the words unplatted
 - h) Lot/Plat dimensions
 - i) Street names
 - j) Private on-site sanitary sewer utilities (including all connections to public sanitary)
 - k) Private on-site storm sewer utilities (including all connections to public storm)

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

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

5. The Applicant shall submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com. The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2))PDF submittals shall contain the following information:
 - a) Building Footprints
 - b) Internal Walkway Areas
 - c) Internal Site Parking Areas
 - d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
 - e) Right-of-Way lines (public and private)
 - f) Lot lines or parcel lines if unplatted
 - g) Lot numbers or the words unplatted
 - h) Lot/Plat dimensions
 - i) Street names
 - j) Stormwater Management Facilities
 - k) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).

6. 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 (POLICY and Section 37.09(2), MGO).
7. 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 (POLICY and Sections 10.29 and 37.05(7)(b),MGO for over 10,000 SF of impervious area).
8. Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project. Include copies of all stormwater, utility, and detail plan sheets that contain stormwater practices on 8.5x14 size paper in the draft document. These drawings do not need to be to scale as they are for informational purposes only. Once City Engineering staff have reviewed the draft document and approved it with any required revisions submit a signed and notarized original copy to City Engineering. Include a check for \$30.00 made out to Dane County Register of Deeds for the recording fee. City Engineering will forward the document and fee for recording at the time of issuance of the stormwater management permit. Draft document can be emailed to Tim Troester (west) at ttroester@cityofmadison.com, or Jeff Benedict at jbenedict@cityofmadison.com final document and fee should be submitted to City Engineering.
9. The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used (POLICY and Section 10.29, MGO).
10. The Applicant shall demonstrate compliance with Sections 37.07 and 37.08, MGO regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year.
11. This site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR216 and NR-151 however a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. Information on this permit application is available on line <http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm> (NOTIFICATION).
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 Reduce TSS by 80% off of the proposed development when compared with the existing site. Oil and grease control is also required.

13. Complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website - as required by Chapter 37, MGO.
14. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction(POLICY).
15. All work in the public right-of-way shall be performed by a City licensed contractor (Sections 16.23(9)(c)5 and 23.01, MGO).
16. All damage to the pavement on Zeier Rd & East Towne Blvd, adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link: <http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY).

Traffic Engineering Division (Contact Eric Halvorson, (608) 266-6527)

1. The Applicant shall provide a queuing model showing the capacity for 6 vehicles from the order board and 3 additional vehicles from the service window. If the 6 vehicle requirement is not able to be met a second queuing lane may be required.
2. The Applicant shall provide an ADA accessible route to each unit.
3. The Applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semi-trailer movement and vehicle routes; dimensions of radii; and percent of slope.
4. 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.
5. 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.
6. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
7. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
8. All pedestrian walkways adjacent parking stalls shall be 7 feet wide to accommodate vehicle overhang, signage and impediments to walkway movements. Any request for variance shall be submitted to and reviewed by City Traffic Engineering.

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

1. This project is designed as a planned multi-use site. Per Section 28.137(2)(a), a planned multi-use site shall have a plan and reciprocal land use agreement approved by the Traffic Engineer, City Engineer and Director of Planning and Community and Economic Development recorded in the office of the Dane County Register of Deeds.
2. The proposed vehicle access sales and service window shall comply with the Supplemental Regulations pursuant to Section 28.151, MGO for Vehicle Access Sales and Service Windows. Submit details of any structures related to the proposed drive-through lane, such as a canopy, speaker box or menu board. 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.
3. Provide a calculation and plan detail for lot coverage with the final submittal. The lot coverage maximum is 85%. Lot coverage is defined as the total area of all buildings, measured at grade, all accessory structures including pools, patios, etc., and all paved areas as a percentage of the total area of the lot, with the following exceptions: sidewalks or paved paths no wider than five (5) feet, pervious pavement, green roofs and decks.
4. The number of bicycle parking stalls proposed (8 stalls) is adequate for general retail and service business uses. The number of required bicycle parking stalls will be re-evaluated prior to obtaining Zoning approval for each use. Provide a detail of the model of bike rack to be installed.
5. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3), "Landscape Plan and Design Standards", MGO, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
6. Install a landscape island within the row of parking immediately adjacent the building. A planting island shall be located at least every twelve (12) contiguous stalls where there is no break. Provide details for the two landscape islands located southeast of the building. Per Sections 28.142(3)(c) and 28.142(4)(e), MGO planting beds or planted areas must contain at least 75% vegetative cover mulched. Mulch shall consist of shredded bark, chipped wood or other organic material installed at a minimum depth of two (2) inches.
7. 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.
8. Submit a floor plan showing the potential tenant spaces and a rooftop plan showing the location of any proposed rooftop mechanical equipment and screening. All rooftop equipment shall be screened from view from adjacent streets and public rights-of-way per Sections 28.060(2)(f) and 28.142(9)(d), MGO. Screens shall be of durable, permanent materials that are compatible with the primary building materials.
9. Provide details showing that the primary street façade meets the door and window opening requirements of Section 28.060(2)(d), MGO. For nonresidential uses at ground floor level, windows and doors or other openings shall comprise at least sixty percent (60%) of the length and at least forty percent (40%) of the area of the ground floor of the primary street facade. At least fifty percent (50%) of windows on the primary street facade shall have the lower sill within three (3) feet of grade.
10. Outdoor patio areas are identified on the site plan on the north side of the building. An outdoor eating area

associated with a food and beverage establishment is a permitted use in the Commercial Center district. Outdoor patios shall meet the applicable supplemental requirements of Section 28.151, MGO. Meet applicable building and fire codes. The outdoor capacity shall be established by the Building Inspection Unit. Contact a Building Inspection Plan Reviewer to help facilitate this process.

11. Per Section 28.186(4)(b), MGO 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.
12. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31, "Sign Codes" and Chapter 33, "Urban Design District ordinances", MGO. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Fire Department (Contact Bill Sullivan, (608) 261-9658)

1. Ensure building exits along East Towne Blvd have a clear path, including removal of snow, out to the public way per the International Building Code

Parks Division (Contact Janet Schmidt, (608) 266-4714)

1. Existing street trees shall be protected. Please include the following note on the site plan: Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266-4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry. Tree protection specifications can be found in section 107.13 of City of Madison Standard Specifications for Public Works Construction -

<http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part1.pdf>.

Any tree removals that are required for construction after the development plan is approved will require at least a 72 hour wait period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan.

Water Utility (Contact Adam Wiederhoeft, (608) 266-9121)

1. All operating private wells shall be identified and permitted by the Water Utility in accordance with Section 13.21, MGO. All unused private wells shall be abandoned in accordance with Section 13.21, MGO.
2. As currently depicted on the Utility Plan, the proposed 6-inch water service extends into the adjacent lot to connect to the existing 8-inch City of Madison water main, which will require a private easement between these lots. This could be potentially addressed as part of the concurrent CSM/Lot Division submittal (LNDCSM-2016- 00025). Alternatively if an easement is not preferred, water service could directly enter the property from existing mains located in East Towne Boulevard or Zeier Road.

Metro Transit (Contact Timothy Sobota, (608) 261-4289)

The agency reviewed this request and has no recommended no conditions of approval.

City Engineering Review Mapping (Contact Jeff Quamme, (608) 266-4097)

1. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD) prior to issuance of any building permits for new construction. When the recorded CSM image is available from the ROD, the Assessor's Office can then create the new Address-Parcel- Owner (APO) data in GEO so that the Accela system can upload this data and permit issuance made available for this new land record.
 2. The proposed two sites within this development are dependent on each other for overland and subsurface stormwater drainage. A private Storm Sewer/Drainage Easement/Agreement for all lots within this development shall be drafted, executed and recorded prior to building permit issuance.
 3. The Applicant shall be aware that reciprocal easements and agreements including, but not limited to, access, parking, utilities, common areas, storm management and other items are required to be recorded prior to final site plan sign-off to accomplish the development as proposed.
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4. The proposed addresses for the new building are 2245 Zeier Rd, 2249 Zeier Rd, 2253 Zeier Rd, 2257 Zeier Rd. 2245 is the northerly tenant space with the drive thru window. Revise the site plan to reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.