



PREPARED FOR THE PLAN COMMISSION

Project Address: 557 North Street (District 12 - Ald. Abbas)

Application Type: Conditional Use

Legistar File ID # [69566](#)

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: Travis Dettinger; Grace Built, LLC; 3245 Token Road; Sun Prairie, WI 53590

Property Owner: City and Farm, LLC; 1014 Spruce Street; Madison, WI 53715

Requested Action: Consideration of four conditional uses in the Neighborhood Mixed-Use (NMX) District – 1) for a brewpub; 2) for an outdoor eating area; 3) for free-standing vending located within 200 feet from the property line of a lot with a residential use; and 4) for a parking reduction of more than 20 automobile spaces and 25 percent or more of the required parking – all to allow an existing commercial building to be converted into a multiple food and beverage establishments, related goods sales, outdoor eating area, and a food cart at 557 North Street.

Proposal Summary: The applicant proposes to renovate an existing commercial building and convert it into multi-tenant commercial building with a brewpub, coffee bar, and bakery. The interior of the building will be completely renovated and several new windows and doors will be added. A large outdoor eating area is proposed in the building's northern courtyard as well as in eastern third of the site. Free-standing vending (i.e. a food cart) is also proposed in this area. While 10 bicycle stalls are provided on site, no automobile parking stalls are proposed. The applicant anticipates that the majority of people will arrive by transit, bicycle, and on foot while the rest will park on one of the nearby streets.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183] as Table 28D-2 in MGO §28.061(1) and §28.151 lists *Brewpubs*, *Outdoor eating areas associated with food and beverage establishments*, and *Free-Standing Vending* (if it is located in a non-residential district and located 200 feet or less from the property line of a lot with a residential use) all as conditional uses in the Neighborhood Mixed-Use (NMX) District. Furthermore, MGO §28.141(5) states that a reduction of more than 20 parking spaces and 25 percent or more of the required parking requires conditional use approval. The Supplemental Regulations [MGO §28.151] contain further regulations for *Outdoor eating areas* and *Free-Standing Vending*.

Review Required By: Plan Commission.

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the approval standards for Conditional Uses are met and **approve** the requests for a brewpub, free-standing vending within 200 feet of a residential use, an outdoor eating area; and a parking reduction of more than 20 automobile spaces and 25 percent or more of the required parking on a property zoned Neighborhood Mixed-Use (NMX) District at 557 North Street. This request is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 9,200-square-foot (0.21-acre) subject site is located to the southeast of the intersection of Commercial Avenue and North Street. The site is within Alder District 12 (Ald. Abbas) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site is developed with a one-story, roughly 3,200-square-foot commercial building consisting of roughly 600 square-feet of office space and 2,600 square-feet of shop space. City Assessor’s records note it was originally constructed in 1941 and remodeled in 2003. There is a small detached garage located at the southeast corner of the site. The site is entirely impervious.

Surrounding Land Use and Zoning:

North: Across Commercial Avenue in the Tip Top Tavern and a single-family residence, both zoned NMX (Neighborhood Mixed-Use District), beyond which are single-family residences in the TR-C4 (Traditional Residential – Consistent 4) District;

East: A single-family residence and a two-unit apartment building, both in the TR-C4 District;

South: Single-family residences and two- and three-unit apartment buildings, all zoned TR-C4; and

West: Across North Street are a restaurant (Ogden’s North Street Diner) and a two-unit apartment in the NMX District and two- and three-unit apartment buildings in the TR-C4 District.

Adopted Land Use Plan: The [Comprehensive Plan \(2018\)](#) recommends Neighborhood Mixed-Use (NMU) for this property. The [Emerson East-Eken Park-Yahara Neighborhood Plan \(2015\)](#) identifies the Commercial Avenue/North Street Commercial Node as number eight of its nine total focus areas. Regarding this intersection, the Plan notes, *“This neighborhood entrance could benefit from some beautification and branding enhancements that would help define the neighborhoods and improve the corner’s business appeal. Over time, as property owners redevelop, some of the commercial uses along the south side of Commercial Avenue could become residential uses, such as new single family, townhomes or condominiums.”*

Zoning Summary: The project site is currently zoned Neighborhood Mixed-Use (NMX).

Requirements	Required	Proposed
Lot Area (sq. ft.)	None	9,200
Lot Width	None	80 ft
Front Yard Setback	5 ft	Existing, no change
Side Yard Setback	5 ft	Existing, no change
Rear Yard Setback	20 ft	Existing, no change
Maximum Lot Coverage	Existing (100%)	Existing, no change
Maximum Building Height	3 stories/40 ft	Existing, no change

Site Design	Required	Proposed
Number Parking Stalls	None (with conditional use)	None
Accessible Stalls	None	None
Loading	No	No
Number Bike Parking Stalls	5% capacity = 10	10 <i>(See Comment #23)</i>
Landscaping	Existing	Existing, no change
Lighting	Yes	Yes
Building Forms	Existing	Existing, no change

Other Critical Zoning Items	Utility Easements
------------------------------------	-------------------

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

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

Project Description

The applicant is applying for four conditional uses in the Neighborhood Mixed-Use (NMX) District – 1) for a brewpub; 2) for an outdoor eating area; 3) for free-standing vending located within 200 feet from the property line of a lot with a residential use; and 4) for a parking reduction of more than 20 automobile spaces and 25 percent or more of the required parking.

The applicant proposes to renovate the existing one-story, roughly 3,200-square-foot, “V”-shaped commercial building which City Assessor’s records note was originally constructed in 1941 and remodeled in 2003. There is a small detached garage located at the southeast corner of the site which will be removed. The site is entirely impervious.

The main entrance to the building is located on the northern side of the building, at the southern end of the “V”-shaped courtyard created by the building. The western wing of the building will be converted into space for a brewpub (with bar) and a coffee bar, while the eastern wing will be converted into a space for a bakery sales counter. There will be a full-service kitchen in the southeast corner of the building, which, along with the building’s storage space, will be shared by all three tenants. The applicant also notes that the kitchen will also have *“catering/warming capabilities to support the needs of outside catering and food carts as necessary for their operation.”* The bathrooms which will be added at the southern end of the building, will also be shared amongst the three tenants and their patrons. Altogether, the development is considered, by the City’s Zoning Administrator, to be a *Restaurant-Tavern*, which the Zoning Code defines as *“Any establishment in which meals are provided and fermented malt beverages or intoxicating liquors are sold for consumption upon the premises.”*

Regarding the free-standing vending request, the applicant intends to host a local food cart on the subject site throughout the year. The cart will be positioned to the northeast of the building. (The applicant has indicated this location on the submitted site plan for review.) While it is anticipated that there will only be one food cart on site at a time, the specific vendor may vary from day to day or week to week. As proposed, none of the potential vendors will have any affiliation with the tavern, in terms of food production and sales. Each will be required to obtain appropriate City vending licenses and follow all applicable vending rules. Vendors are also expected to be self-sufficient and provide their own generating power.

The outdoor eating area will consist of tables and chairs in the “V”-shaped courtyard as well as the assorted tables and chairs located on entire eastern third of the site. In total, the applicant notes that, as shown on the submitted site plan, they are planning to accommodate 120 people in the courtyard (seated and standing). (Note: capacity will need to be reviewed and approved by the Building Inspection Division prior to final sign off). The applicant notes that there may be amplified sound associated with the outdoor eating area but if there is, it will be at a modest level.

Regarding the hours of operation, the applicant is proposing the following:

For the Brewpub: Monday to Thursday: 3:00 pm - 10:00 pm; Friday: 3:00 pm – 12:00 am; Saturday: 11:00 am - 12:00 am; and Sunday: 11:00 am – 7:00 pm.

For the Coffee Shop: Monday to Saturday: 7:30 am – 2:00 pm; Sunday: 8:00 am – 2:00 pm.

For the Bakery: Tuesday to Saturday: 8:00 am - 3:00 pm; Sunday: 9:00 am - 1:00 pm.

For the Free-Standing Vending (i.e. Food Cart) (note: includes set up and take down): Monday-Saturday: 7:30 am – 10:00 pm; Sunday: 8:00 am – 7:00 pm.

For the Outdoor Seating Area: Monday-Thursday: 7:30 am – 10:00 pm; Friday-Saturday: 7:30 am – 12:00 am;
Sunday: 8:00 am – 7:00 pm.

Regarding exterior changes to the building, they will consist primarily of adding windows and doors to let in light and connect the interior spaces with its surroundings. For the western wing, the applicant is proposing to add three floor-to-ceiling windows and a door on the west side and replace the garage door with a large window and operable wall system (i.e. door) on the east. On the building's eastern wing, the two garage door openings on the west side will be filled in with large operable wall systems, a set of double doors will be added on the northern side, and two small windows will be added on the eastern side. Note: while the plans show a walkup service window on the building's southern façade, adjacent the North Street sidewalk, the applicant has decided to remove this feature from the proposal and is not seeking the associated conditional use approval.

As for site changes, the applicant is proposing to remove the chain link fencing which currently surrounds the site. They will replace the fencing along the southern and eastern property lines with a six-foot tall wooden fencing as required by the Zoning Code for district-boundary screening. Lastly, while there are 10 bicycle parking provided at the southwest corner of the site, there is no automobile parking provided. The lack of automobile parking on site is discussed further in the following section of this report.

Project Analysis and Conclusion

This proposal is subject to the standards for Conditional Uses [MGO §28.183] as Table 28D-2 in MGO §28.061(1) and §28.151 lists *Brewpubs*, *Outdoor eating areas associated with food and beverage establishments*, and *Free-Standing Vending* (if it is located in a non-residential district and located 200 feet or less from the property line of a lot with a residential use) all as conditional uses in the Neighborhood Mixed-Use (NMU) District. Furthermore, MGO §28.141(5) states that a reduction of more than 20 parking spaces and 25 percent or more of the required parking requires conditional use approval. The Supplemental Regulations [MGO §28.151] contain further regulations for *Outdoor eating areas* and *Free-Standing Vending*.

Conformance with Adopted Plans

The [Comprehensive Plan](#) (2018) recommends Neighborhood Mixed Use (NMU) for this property. The NMU category includes relatively small activity centers that include residential, retail, restaurant, service, institutional, and civic uses. The [Emerson East-Eken Park-Yahara Neighborhood Plan](#) (2015) identifies the Commercial Avenue/North Street Commercial Node as number eight of its nine total focus areas. Regarding this intersection, the Plan notes, *"This neighborhood entrance could benefit from some beautification and branding enhancements that would help define the neighborhoods and improve the corner's business appeal. Over time, as property owners redevelop, some of the commercial uses along the south side of Commercial Avenue could become residential uses, such as new single family, townhomes or condominiums."* The Planning Division believes that the addition of brewpub, free-standing vending, and outdoor eating area on the subject site are all compatible with the adopted plan recommendations.

Conditional Use Standards

In regards to the approval standards, the Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, and finding that all of the conditional use standards of M.G.O. §28.183(6) are met. Please note, recent changes to state law requires that conditional use findings must be based on "substantial evidence" that directly pertains to each standard and not based on personal preference or speculation.

The Planning Division believes that this proposal can be found to meet the Conditional Standards of Approval. While Staff notes that the nearest single-family residences are located roughly 40 feet to the east of the planned location of the food cart and outdoor eating area, Staff anticipates possible negative impacts related to noise can be limited by 1) the six-foot-tall fence which the applicant will install along the southern and eastern property lines; 2) the recommended restrictions on the applicable hours of operations for food cart and outdoor patio usage, which are recommended will be capped at 10:00 pm; 3) the lack of amplified sound, including, but not limited to television, ambient music or musical performances, in (or associated with) the outdoor eating area; and 4) the recommended requirement that only the windows and doors facing the interior of the building's "V"-shaped outdoor eating area may be propped open (but only during the hours when the outdoor eating area is open.) While the applicant has requested maintaining later hours of the outdoor eating area, until midnight on Fridays and Saturdays, staff have recommended conditions intended to match those established for the Tip Top Tavern, across the street. While the applicant has sited their adherence to a management plan to ensure guests are not disruptive, including signage and the serving of lower alcohol-content beer and not distilled spirits, staff believes that due to the relative proximity to residential uses, the more restrictive conditions are currently recommended. Please see the recommendation section for additional information.

Regarding the conditional use for the parking reduction, the applicant, in their submitted materials, notes three factors they believe will help mitigate the negative impacts. The first is the daily Metro Transit service at the North Street/Commercial Avenue intersection. Metro Transit provides a weekday service of 54 buses per day at each of the two nearby bus stops, plus 17 trips on both Saturday and Sunday. The second mitigating factor cited by the

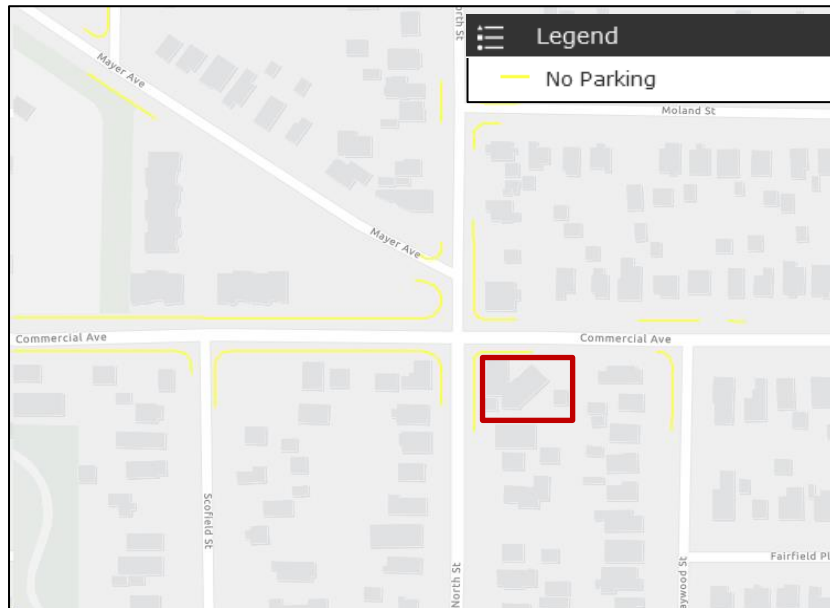


Figure 1: On Street Parking Near the Subject Site

applicant is the fact that the subject site is served by the City's bicycle infrastructure network (via the bicycle lane on Commercial Avenue, which connects to the Starkweather Creek Path less than a half mile to the east). The third mitigating factor cited is the existence of nearby on-street parking. The applicant cites Mayer Avenue, which is located to the northwest of the subject parcel, as typically having available on-street parking. Please refer to the map to the right (Figure 1) which shows the existing on-street restrictions near the subject site. The graphic shows that indeed, there is on-street parking along Mayer Avenue as well as to the north, east and south of the subject site.

Staff also believe that the impact from the lack of off-street parking will be further mitigated by the varied demand due to the varied hours of operation of the three businesses. Examining the proposed hours of operation, while the coffee bar and bakery are open in the morning and close by 2:00 pm, the brewpub is only open in the afternoons and evenings.

Staff also note that while a 30-stall parking reduction is requested, the conditional use review is only triggered because the request is 10 more than the number which can be reduced by the Zoning Administrator (i.e. 20 stalls). As staff believe the aforementioned alternative transportation options and additional automobile parking available nearby will help mitigate the parking concerns, Staff believe it possible for the Plan Commission to find the conditional use standards met and approval the request for the reduction of the additional 10 stalls.

Staff notes that the Plan Commission retains continuing jurisdiction over all four conditional uses, meaning that should complaints be filed, the Plan Commission could take further action on any of these conditional uses as allowed in MGO §28.183(9)(d).

Supplemental Regulations

M.G.O. 28.151 contains further regulations for both uses. For free standing vending, specifically the requirement that in non-residential districts, free-standing vending is a conditional use if located 200 feet or less from a property line of a lot with residential use, such as those immediately south and east of the subject parcel. The supplemental regulations also include regulations regarding hours of operation, site plan approval, and the necessary vending and food and/or beverage licensing. As noted above, none of the potential vendors have any affiliation with the tavern, in terms of food production and sales. Each will be required to obtain appropriate City vending licenses and follow all applicable vending rules. Vendors are also expected to be self-sufficient and provide their own generating power.

For the outdoor eating area, the supplemental regulations note that 1) the primary access to the area shall be from within the establishment; 2) the hours of operation may be restricted and noise and lighting limits imposed as part of the conditional use approval; and 3) where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

The Planning Division believes the supplemental regulations listed above are satisfied by the proposal and the conditions of approval.

Public Input

At the time of report writing, staff have a single public comment noting general support for the proposal. That comment has been attached to the public record.

Conclusion

Staff believe this proposal is compatible with adopted plan recommendations and can be found to meet the conditional use approval standards and supplemental regulations. While staff acknowledge the close proximity to the residential units to the east of the subject site, with the additional fencing (screening) which will be added along the eastern and southern property lines, the proposed hours of operation of the food cart and outdoor eating area, the prohibition of amplified sound associated with the outdoor area, and restriction that only the windows and doors facing the interior of the building's "V"-shaped outdoor eating area may be propped open (but only during the hours when the outdoor eating area is open), staff anticipates that many possible impacts that can be caused by such uses will be limited. Regarding the proposed hours of operation of the outdoor eating area, Staff note that the Alder has indicated support for the recommended restriction to 10:00 pm on Friday and Saturday evenings (since it is consistent with the hours approved for the Tip Top Tavern's outdoor eating area located directly across Commercial Avenue, to the north). The alder has also indicated support for allowing the windows and doors facing the "V"-shaped courtyard to be propped open only during the hours when the outdoor eating area is open. Finally, the Plan Commission retains continuing jurisdiction over this conditional use, meaning that should complaints be filed, the Plan Commission could take further action on this conditional use as allowed in MGO §28.183(9)(d).

Recommendation

Planning Division Recommendation (Contact Chris Wells, cwells@cityofmadison.com)

The Planning Division recommends that the Plan Commission find that the approval standards for Conditional Uses are met and **approve** the requests for a brewpub; free-standing vending within 200 feet of a residential use; an outdoor eating area; and a parking reduction of more than 20 automobile spaces and 25 percent or more of the required parking on a property zoned Neighborhood Mixed-Use (NMX) District at 557 North Street. This request is subject to the input at the public hearing and the following conditions:

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

Planning Division (Contact Chris Wells, cwells@cityofmadison.com)

1. That the number of food carts allowed on the site at a time be limited to one (1). In the future, the Director of the Planning Division may consider a minor alteration to the conditional use to further modify the number of food carts allowed on the site at time following a positive recommendation by the district alder, as described in the Zoning Code.
2. That the hours of operation for the food cart(s) on site shall be Monday-Saturday: 7:30 am – 10:00 pm; Sunday: 8:00 am – 7:00 pm, including set up and take down. No part of the operator's free-standing vending equipment or operation may remain on the property outside the hours of operation. In the future, the Director of the Planning Division may consider a minor alteration to the conditional use to further modify the hours of operation for the food cart(s) following a positive recommendation by the district alder, as described in the Zoning Code.
3. That the hours of operation for the outdoor eating area be Monday-Saturday: 7:30 am – 10:00 pm; Sunday: 8:00 am – 7:00 pm. No patrons may utilize the outdoor patio area after hours for smoking or otherwise. The Director of the Planning Division may consider a minor alteration to the conditional use in the future to further modify the hours of operation for the outdoor eating area following a positive recommendation by the district alder, as described in the Zoning Code.
4. There shall be no amplified sound, including, but not limited to television, ambient music or musical performances, in (or associated with) the outdoor eating area.
5. That the doors to the outdoor eating area shall remain closed [not propped open]. This shall not preclude the installation and opening of operable doors and windows within the interior of the "V"-shaped area. These windows and doors can only be propped open during the hours when the outdoor eating area is open and shall operate in accordance with the approved conditional uses.

City Engineering Division - Main Office Review (Contact Brenda Stanley, (608) 261-9127)

6. This property was historically a gas station and has no record with the WDNR. Any site work involving excavation of soil may encounter contaminated soils associated with the abandoned undergrounds storage tanks. If contaminated soil is encountered, all WDNR and standards must be followed for proper handling and disposal.

7. 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)
8. This project appears to have proposed uses which could require sanitary sewer demand charges or monitoring of the discharge of sanitary sewerage. Install a monitoring sewer access structure on the exterior of the building in compliance with City of Madison Engineering criteria. Please contact Megan Eberhardt with any questions at Meberhardt@cityofmadison.com or 608-266-6432.
9. This site appears to have a land use that will result in their inclusion as a restaurant class sanitary sewer customer. This will charge commercial kitchen facilities a higher sanitary sewer fee per gallon than domestic users and is based on strengths of waste measured at representative similar customers throughout the City. If the applicant desires, a sampling structure may be installed, as part of the initial construction at their cost, to allow site-specific sampling of their waste to determine sanitary sewer charges specifically for this site. If no sampling structure is installed, this site will default to the restaurant class code in MGO Chapter 35. If you have questions on the restaurant class sewer charges please contact Megan Eberhardt at Meberhardt@cityofmadison.com or 608-266-6432.

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

10. Identify on the plans the lot and block numbers of recorded Certified Survey Map or Plat. Also there are two lots comprising this parcel, total exterior dimensions are 115 x 80' feet shall be correctly drawn and dimensioned.
11. Provide a full and complete legal description of the site or property being subjected to this application on the site plan.

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

12. 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.
13. 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.
14. 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.
15. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
16. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.

17. 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.
18. The applicant shall provide a clearly defined 5' walkway from the front door to the public Right of Way 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.
19. The applicant shall remove their existing Commercial Avenue Driveway and replace it with curb and gutter.

Zoning Administrator (Contact Jacob Moskowitz, (608) 266-4560)

20. Maximum capacity to be established by the Director of Building Inspection Division, not to exceed the number of available seats, plus staff, plus a reasonable number of people waiting for seats. Provide a seating plan with final plans.
21. Brewpubs shall not hold an entertainment license under Sec. 38.06(11).
22. Hours of operation for the free-standing vending shall be between the hours of 7:30 a.m. and 11:30 p.m., including set up and take down. No part of the operator's free-standing vending equipment or operation may remain on the property outside the hours of operation.
23. Provide further detail of the bicycle parking facility demonstrating 10 code compliant bike parking stalls. Bicycle parking not meeting dimensional or access aisle requirements may be installed but shall not count towards a minimum bicycle parking requirement.
24. 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.
25. Meet applicable building/fire codes. The capacity shall be established for the outdoor eating area. Occupancy is established by the Building Inspection Unit. Contact Mike VanErem at 266-4559 to help facilitate this process.

Fire Review (Contact William Sullivan, (608) 886-4691)

26. Obtain an Outdoor Assembly Permit prior to use of the outdoor seating area in excess of 50 persons. The permit can be applied for online at: <https://elam.cityofmadison.com/CitizenAccess/Default.aspx>
27. Establish and post maximum capacity for the proposed interior spaces.

Forestry Review (Contact Bradley Hofmann, (608) 267-4908)

28. An existing inventory of street trees located within the right of way shall be included on the site, demo, utility, landscape, grading, fire aerial apparatus and street tree plan sets. The inventory shall include the following: location, size (diameter at 4 1/2 feet), and species of existing street trees. The inventory should also note if a street tree is proposed to be removed and the reason for removal.

29. All proposed street tree removals within the right of way shall be reviewed by City Forestry before the Plan Commission meeting. Street tree removals require approval and a tree removal permit issued by City Forestry. Any street tree removals requested after the development plan is approved by the Plan Commission or the Board of Public Works and City Forestry will require a minimum of a 72-hour review period which shall include the notification of the Alderperson within who's district is affected by the street tree removal(s) prior to a tree removal permit being issued. Add as a note on the street tree plan set.
30. Contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. Contractor shall operate equipment in a manner as to not damage the branches of the street tree(s). This may require using smaller equipment and loading and unloading materials in a designated space away from trees on the construction site. Any damage or injury to existing street trees (either above or below ground) shall be reported immediately to City Forestry at (608) 266-4816. Penalties and remediation shall be required. Add as a note on the site, grading, utility, demolition, and street tree plan set.
31. As defined by the Section 107.13 of City of Madison Standard Specifications for Public Works Construction: No excavation is permitted within 5 feet of the trunk of the street tree or when cutting roots over 3 inches in diameter. If excavation is necessary, the Contractor shall contact Madison City Forestry at (608) 266-4816 prior to excavation. City of Madison Forestry personnel shall assess the impact to the tree and to its root system prior to work commencing. Tree protection specifications can be found on the following website: <https://www.cityofmadison.com/business/pw/specs.cfm> Add as a note on the site, grading, utility, demolition and street tree plan sets.
32. Section 107.13(g) of City of Madison Standard Specifications for Public Works Construction (website: <https://www.cityofmadison.com/business/pw/specs.cfm>) addresses soil compaction near street trees and shall be followed by Contractor. The storage of parked vehicles, construction equipment, building materials, refuse, excavated spoils or dumping of poisonous materials on or around trees and roots within five (5) feet of the tree or within the protection zone is prohibited. Add as a note on both the site and street tree plan sets.
33. On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on both the site and street tree plan sets.
34. Street tree pruning shall be coordinated with City Forestry at a minimum of two weeks prior to the start of construction for this project. Contact City Forestry at (608) 266-4816. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on both the site and street plan sets.
35. Additional street trees are needed for this project. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction (website: <https://www.cityofmadison.com/business/pw/specs.cfm>) - All street tree planting locations and tree species within the right of way shall be determined by City Forestry. A landscape plan and street tree planting plan shall be submitted in PDF format to City Forestry for approval of planting locations within the right of way and tree species. All available street tree planting locations shall be planted within the project boundaries. Add following note on both the landscape and street tree plan sets: At least one week prior to street tree planting, Contractor shall contact City Forestry at (608) 266-4816 to schedule inspection and approval of nursery tree stock and review planting specifications with the landscaper.

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

36. Metro Transit confirms current weekday trip counts of 54 buses per day, at each of the two nearby bus stops. Total buses per week would be 270 trips, at each stop (5 times 54 weekday trips, plus 17 trips on both Saturday and Sunday).

The Parks Division and Water Utility have reviewed this request and have recommended no conditions of approval.