



Department of Planning & Community & Economic Development

Planning Division

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October 21, 2016

Justin Lee Frahm
JSD Professional Services, Inc.
161 Horizon Drive, Suite 101
Verona, Wisconsin 53593

RE: Consideration of a conditional use to convert and expand a former furniture store into a movie theater, brewpub and restaurant at 89 East Towne Mall (CBL & Associates Properties, Inc./ Madison Joint Venture) [LNDUSE-2016-00089].

Dear Mr. Frahm;

At its October 17, 2016 meeting, the Plan Commission found the standards met and **approved** your conditional use for 89 East Towne Mall. The conditions of approval in the following sections shall be satisfied prior to issuance of demolition or building permits for the project. A letter regarding the three-lot Certified Survey Map of this property will be sent separately.

Please contact Brenda Stanley of the City Engineering Division at 261-9127 if you have questions regarding the following sixteen (16) items:

1. The developer will be required to build public sanitary sewer around the proposed building unless sewer is to be privately owned. If it is to be private, an ownership/ maintenance agreement would be required.
2. Prior to final approval of the demolition permit, the owner shall obtain a permit to plug each existing sanitary sewer and/ or storm sewer lateral that serves a building that is proposed for demolition. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing lateral that serves a building which is proposed for demolition. For each lateral to be plugged, the owner shall complete a sewer lateral plugging application and pay the applicable permit fees.
3. All outstanding Madison Metropolitan Sewerage District (MMSD) are due and payable prior to City Engineering sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Mark Moder (261-9250) to obtain the final MMSD billing a minimum of 2 working days prior to requesting City Engineering signoff.
4. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service.

5. This project appears to have proposed uses which could require sanitary sewer demand charges or monitoring of the discharge of sanitary sewerage. The applicant shall install a monitoring manhole on the exterior of the building in compliance with City of Madison Engineering criteria. Contact the City Engineer to determine appropriate location and specifications for said monitoring manhole.
6. The applicant shall dedicate a 15-foot wide sanitary sewer easement for proposed sewer around building as a condition of plan approval.
7. The construction of this project will require that the applicant shall enter into a City / Developer agreement for the required infrastructure improvements. The applicant shall contact City Engineering to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. Note: Obtaining a developer's agreement generally takes approximately 4-6 weeks, minimum.
8. This project falls in the Rock River TMDL Zone and is subject to increased erosion control enforcement as authorized by Resolution 14-00043 passed by the Common Council on January 21, 2014. The project will be expected to meet a higher standard of erosion control than the minimum standards set by the Wisconsin Department Natural Resources (WDNR).
9. The applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the City Engineering Division (Storm/Sanitary Section). 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. The digital copies shall be drawn to scale and represent final construction including: building footprints; internal walkway areas; internal site parking areas; other miscellaneous impervious areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.); right-of-way lines (public and private); plat name and lot lines (metes & bounds parcel lines if unplatted); platted lot numbers (noted "unplatted lands" if not platted); lot/plat property dimensions; street names; private on-site sanitary sewer utilities (including all connections to public sanitary); private on-site storm sewer utilities (including all connections to public storm). The CAD file will only be required prior to final plan review so that multiple files do not need to be supplied or reviewed. The party responsible for the CAD file e-mail transmission shall include the project site address in the email subject line. Any changes or additions to the location of the building, private utilities, sidewalks, parking/pavement during construction will require a new CAD file transmittal.
10. 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 (East) or tstroester@cityofmadison.com (West). The digital copies shall be to scale, and shall have a scale bar on the plan set. pdf submittals shall contain the following information: a) building footprints; b) internal walkway areas; c) internal site parking areas; d) 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, and; k) detail drawings associated with stormwater management facilities (including if applicable planting plans).

11. 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.
12. 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.
13. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 5.0-tons per acre per year.
14. This site appears to disturb over 1 acre of land and requires a permit from the Wisconsin Department of Natural Resources (WDNR) for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR-216 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 of the WDNR at 273-5612 to discuss this requirement.
15. 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.
16. Complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by Chapter 37 of Madison General Ordinances.

Please contact Jeff Quamme of the City Engineering–Mapping Section at 266-4097 if you have any questions regarding the following three (3) items:

17. The Public Water Main Easement, Branch 1, per Document No. 1432746 shall be amended to encompass the location of the re-routed public water main due to this project. Map Exhibit and legal description along with a \$500 fee for administrative costs shall be provided to Jeff Quamme of Engineering Mapping. A City of Madison Real Estate Project shall be set up to administer and record the easement.

18. The Public Sanitary Sewer Easement No. 5, per Document No. 1313067 shall be amended to encompass the location of the re-routed public sanitary sewer due to this project. Map Exhibit and legal description along with a \$500 fee for administrative costs shall be provided to Jeff Quamme of Engineering Mapping. A City of Madison Real Estate Project shall be set up to administer and record the easement.
19. FLIX shall continue to use the tenant space address of 85 East Towne Mall. 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.

Please contact Eric Halvorson of the Traffic Engineering Division at 266-6527 if you have any questions regarding the following three (3) items:

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 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 2 feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
21. 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.
22. All parking facility design shall conform to the standards in MGO Section 10.08(6).

Please contact Adam Wiederhoeft of the Madison Water Utility at 266-9121 if you have any questions regarding the following three (3) items:

23. The proposed hydrant relocations shall also include relocation of the existing hydrant lead valves (not currently shown on plans). Contact Madison Water Utility prior to relocation of hydrant located north of proposed development to have a replacement hydrant furnished. Public water main easements shall be updated to reflect the proposed hydrant relocations.
24. The proposed water main re-route around the proposed building shall be 12-inch diameter main and include replacement service valves to the existing 8-inch service (to the west) and the existing 10-inch service (to the north). The proposed new 3-inch service shall be reduced from 4-inch beyond the new 4-inch service valve. The public water mains shall be laid at least 8-feet horizontally clear of any storm or sanitary sewer lines. Public water main easements shall be updated to reflect the proposed 12-inch water main re-route and all service valves shall be contained within the public water main easement.
25. The Madison Water Utility shall be notified to remove the water meter prior to beginning any demolition of the existing structure.

Please contact Tim Sobota of Metro Transit at 261-4289 if you have any questions regarding the following two (2) items:

26. The applicant shall identify or confirm the accessible pedestrian connection that would be available between the proposed development site and the existing East Towne Mall bus stop zone (outside the Food Court entrance) specifically during the hours between after the Mall itself has closed (6:00 PM or 9:00 PM) and the extended hours of the proposed use (2:00 AM). [See attached notes on context map sheet]
27. The applicant shall include these bus stop pedestrian access improvements on the final documents filed with their permit application so that Metro Transit may review and approve the design (i.e. accommodations that would maintain direct access through the interior of Mall towards the Food Court entrance after closing; parcel improvements linking the proposed use across the adjacent retail site frontages around to the bus stop zone; or parcel improvements to/from existing public street frontages that would give indirect access around to the bus stop zone).

Please contact Jenny Kirchgatter, Assistant Zoning Administrator, at 266-4429 if you have any questions regarding the following eleven (11) items:

28. Submit a complete site information block with the final plan submittal including the numbers of existing and proposed parking stalls, number of accessible stalls, number of bicycle parking stalls, and amount of existing and proposed impervious areas.
29. Provide a calculation of the existing and proposed lot coverage for the development parcel. 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. If the development parcel currently exceeds the lot coverage maximum, the proposed site changes cannot further increase the amount of impervious surfaces on the site.
30. Bicycle parking shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum number of bicycle stalls equal to 5% of the capacity of persons for the brewpub and theater uses (55 stalls). The short-term bicycle parking stalls shall be located in a convenient and visible area on a paved or impervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within 100 feet of a principal entrance. Note: A bicycle stall is a minimum two (2) feet by six (6) feet with a five (5)-foot wide access area. Provide a detail of the proposed bike rack.
31. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than 10,000 square feet in size must be prepared by a registered landscape architect. The landscape points requirement shall be calculated as follows: five (5) landscape points shall be provided for each 300 square feet of developed area.
32. Provide details showing that the landscape islands contain a minimum of 75% vegetative cover. Per Sections 28.142(3)(c) and 28.142(4)(e), 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.

33. Submit 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). The equipment shall be within an enclosure. Screens shall be of durable, permanent materials that are compatible with the primary building materials and constructed to a height of at least one (1) foot above the height of the equipment.
34. On the site plan, show the existing or altered service court and loading dock areas adjacent to the development site.
35. Provide a detail of the outdoor eating area with a layout of the tables and chairs.
36. The capacity shall be established for the outdoor eating area. Occupancy is established by the Building Inspection Division. Contact the Building Inspection Division at (608)266-4559 to help facilitate this process.
37. 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.
38. 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 and Chapter 33 Urban Design ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

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

39. Coordinate an updated addressing plan for this portion of the site with City of Madison Engineering.
40. All new and remodeled areas shall comply with the requirements of a covered mall as required by the current State Building Code (IBC 2009).

Please contact my office at 261-9632 if you have questions about the following four (4) items:

41. The final site and landscaping plan sheets shall be revised to clearly show all existing and proposed parking stalls, landscaped islands, walkways and access roads in the area of the proposed redevelopment (Sheets C200, C201 and C202, and L100 and L101). It is recommended that the existing and proposed utilities be highlighted on Sheets C300 and C301 to allow for greater clarity on the site plan sheets. The revised sheets shall include dimensions of the aforementioned features. Final approval of the revised civil plan sheets by the Planning Division will be required prior to issuance of permits for the project.

42. The final plans shall be revised to label the elevations and renderings (Sheet A2.1, SCH 1.1–1.3) by direction prior to final plan approval and issuance of permits for the project. The elevations shall also note the height of the proposed building.
43. The floorplans of the FLIX movie theater, brewpub and restaurant shall be labeled to identify the areas devoted to each of those uses, any kitchen or storage areas within the building, and the approximate capacity of each auditorium.
44. All sidewalks adjacent to the FLIX building shall be a minimum of eight (8) feet wide per Section 33.24(4)(f)7.

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

Note: The conditions of approval for the related three-lot Certified Survey Map will be provided separately.

Please now follow the procedures listed below for obtaining permits for your project:

1. After the plans have been revised per the above conditions, please file **nine (9) sets** of complete, fully dimensioned, and to-scale plans, the appropriate site plan review application and fee pursuant to Section 28.206 of the Zoning Code, and any other documentation requested herein with the Zoning Administrator, Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard. **This submittal shall all also include one (1) complete digital plan set in PDF format.** The sets of final revised plans or documents will be circulated by Zoning staff to the City department staff listed above for their final approval.
2. This letter shall be signed by the applicant and property owner (if not the applicant) to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting building permit approval.
3. No alteration of this proposal shall be permitted unless approved by the Plan Commission, provided, however, the Zoning Administrator may issue permits for minor alterations. No alteration of a conditional use shall be permitted unless approved by the Plan Commission provided, however, the Zoning Administrator following consideration by the alderperson of the district, may approve minor alterations or additions which are approved by the Director of Planning and Community and Economic Development and are compatible with the concept approved by the Plan Commission and the conditional use standards. This approval shall become null and void one (1) year after the date of the Plan Commission unless the use is commenced, construction is under way, or a valid building permit is issued and construction commenced within 6 months of the issuance of said building permit. Where the plans have not been altered from the Plan Commission's approval, and the conditional use has expired, the Director of Planning and Community and Economic Development may, after consultation with the Alderperson of the District, approve an extension for up to 24 months from the expiration date. The Plan Commission shall retain jurisdiction over this matter for the purpose of resolving complaints against the approved conditional use permit.

If you have any questions regarding obtaining your building permits, please contact the Zoning Administrator at 266-4551. If you have any questions or if you may be of any further assistance, please do not hesitate to contact my office at 261-9632.

Sincerely,

Timothy M. Parks
Planner

- cc: Brenda Stanley, City Engineering Division
Jeff Quamme, City Engineering Division—Mapping Section
Eric Halvorson, Traffic Engineering Division
Jenny Kirchgatter, Assistant Zoning Administrator
Adam Wiederhoeft, Madison Water Utility
Tim Sobota, Metro Transit
Bill Sullivan, Madison Fire Department

LNDUSE-2016-00089			
For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (T. Parks)	<input checked="" type="checkbox"/>	Engineering Mapping Sec.
<input checked="" type="checkbox"/>	Zoning Administrator	<input type="checkbox"/>	Parks Division
<input checked="" type="checkbox"/>	City Engineering	<input checked="" type="checkbox"/>	Urban Design Commission
<input checked="" type="checkbox"/>	Traffic Engineering (EP)	<input type="checkbox"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input checked="" type="checkbox"/>	Other: Metro TRansit
<input checked="" type="checkbox"/>	Water Utility (EP)	<input type="checkbox"/>	Other:

I hereby acknowledge that I understand and will comply with the above conditions of approval for this project.

Signature of Applicant

*Signature of Property Owner
(If Not Applicant)*