



Department of Planning & Community & Economic Development

Planning Division

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December 16, 2016

Jeff Vercauteren
Husch Blackwell, LLP
33 E. Main Street, Suite 300
Madison, Wisconsin 53703

RE: Consideration of a major alteration to a conditional use-planned multi-use site to convert the existing commercial building at 53 West Towne Mall into a multi-tenant commercial building, and to convert an auto repair shop at 522 S. Gammon Road into space for two restaurant tenants in a reconfigured parking lot at West Towne Mall (Seritage SRC Finance, LLC) [LNDUSE-2016-00110].

Dear Mr. Vercauteren;

At its December 12, 2016 meeting, the Plan Commission found the standards met and **approved** your conditional use alteration for 53 West Towne Mall. The conditions of approval in the following sections shall be satisfied prior to issuance of demolition or building permits for the project.

Please contact Tim Troester of the City Engineering Division at (608) 267-1995 if you have questions regarding the following sixteen (16) items:

1. Based on past site use (WDNR BRRTS #02-13-188156), the property may contain residual contaminated soil. If contaminated soil is encountered as part of this redevelopment, all WDNR and DSPS regulations must be followed for proper handling and disposal.
2. The applicant shall show location of grease traps on the plans for proposed retail spaces to be used for restaurant use. The proposed grease trap for Dave and Busters does not have any sewer pipes connected to it on current plan.
3. The developer shall show future West Towne Path plans to show compatibility with proposed plan. The current plans meet this requirement.
4. The developer shall include off-street pedestrian connection from future West Towne Path to proposed development. The current plans meet this requirement.
5. 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.

6. 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.
7. 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).
8. 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.
9. 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).
10. 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.
11. 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. The draft document can be emailed to Tim Troester (west) at ttroester@cityofmadison.com, or Jeff Benedict (east) at jbenedict@cityofmadison.com. The final document and fee should be submitted to City Engineering.

12. 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.
13. 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.
14. This development includes multiple building permits within a single lot. The City Engineer and/or the Director of the Inspection Unit may require individual control plans and measures for each building
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. The lots within this site plan are inter-dependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the site plan, and recorded at the Dane County Register of Deeds.

Please contact Jeff Quamme of the City Engineering–Mapping Section at 266-4097 if you have any questions regarding the following item:

17. Submit a PDF of all floor plans for each separate building to Lori Zenchenko (Lzenchenko@cityofmadison.com) so that a tenant addressing plan can be developed prior to plans being submitted for permit review. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal.

Please contact Eric Halvorson of the Traffic Engineering Division at 266-6527 if you have any questions regarding the following ten (10) items:

18. The applicant shall post a deposit of \$100,000 for the Gammon Road and Odana Road improvements, which include the extension of the Gammon Road northbound and southbound left turn lanes and the Odana Road westbound lane reconfigurations. The improvements are required to assist in management of the increased traffic volumes this development is likely to produce as stated by the Traffic Impact Analysis submitted by the applicant and reviewed by Traffic Engineering. Gammon Road is currently programmed for construction in 2020 and the improvements of the intersection, for which the deposit is to be posted, will be constructed in conjunction with the 2020 Gammon Road project. Consequently, if there is a delay to the roadway project there will be a delay to the intersection improvements and the deposit will be held until the improvements are completed.
19. The applicant shall provide a continuous pedestrian connection adjacent to the West Towne [ring road].
20. The applicant shall provide a direct pedestrian connection to the main entrances of the newly created retail spaces from the West Towne Waysidewalk.
21. The applicant shall submit one contiguous plan for approval. The plan drawing 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; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
22. 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.
23. 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.
24. All parking facility design shall conform to the standards in MGO Section 10.08(6).
25. The applicant shall provide a clearly defined 5-foot walkway clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.
26. The applicant shall ensure the proposed bicycle parking does not interfere with the requires 5 foot pedestrian walkway; this can be accomplished through proper placement of a wheel secured style rack or through angled parking adjacent walkways.

27. The applicant shall adhere to all vision triangle requirements as set in MGO 27.05 (No visual obstructions between the heights of 30 inches and 10 feet–25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO 27.05(2)(bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.

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

28. Service valves for proposed water laterals shall be located within the existing water main easement, otherwise the existing water main easement shall be amended to encompass the new service lateral valves.

29. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's Plumbers & Contractors website (www.cityofmadison.com/water/plumberscontractors), otherwise they may be obtained from the Water Utility Main Office at 119 E. Olin Avenue. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

30. The Madison Water Utility shall be notified to remove the water meter at least two days prior to beginning any demolition or remodeling of the existing structure.

Please contact Tim Sobota of Metro Transit at 261-4289 if you have any questions regarding the following item:

31. The applicant shall install and maintain the pedestrian connection between the public sidewalk and bus stop zone on the west side of S. Gammon Road, and the walkway network in the parking field, as shown on the plans submitted for development review. This accessible pedestrian connection must comply with standards set out by the Americans with Disabilities Act. The applicant shall include the location of these transit accessibility amenities on the final documents filed with their permit application so that Metro Transit may review and approve the design.

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

32. Bicycle parking shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of 1 bicycle stall per 2,000 sq. ft. of floor area for general retail uses and a minimum amount of bicycle parking equal to 5% of capacity of persons for restaurant and restaurant-tavern uses. Required short-term bicycle parking spaces shall be located in a convenient and visible area 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.

33. Bicycle parking requirements will be re-evaluated prior to obtaining Zoning approval for each future tenant space use. As each tenant space is leased, the development area must reflect compliance in the required amount and type of bicycle parking spaces, to be reviewed prior to obtaining zoning approval for each use.
34. Add bicycle parking information to the Site Data table on page C200.
35. 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.
36. Provide adequate interior parking lot landscaping per Section 28.142(6). A planting island shall be located at least every twelve (12) contiguous stalls with no break or alternatively, landscaped strips at least seven (7) feet wide between parking bays. Planting beds or landscape islands 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.
37. 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.
38. Submit a detail of the trash enclosure adjacent the proposed restaurant building. 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.
39. Outdoor seating areas are identified adjacent the proposed restaurants. An outdoor eating area associated with a food and beverage establishment is a permitted use in the CC–Commercial Center district. The outdoor patio shall meet the applicable supplement requirements of Section 28.151. Meet applicable building/fire codes. The outdoor capacity shall be established. Occupancy is established by the Building Inspection Division. Contact Building Inspection Plan Reviewer Mike VanErem at 266-4559 to help facilitate this process.
40. The future outlot pad sites will require separate City of Madison approvals.
41. 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.
42. 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:

43. The proposed alteration of the anchor store to the mall creates a number of Building Code issues that need to be addressed and compliance documented before proceeding. The proposed alteration negates the code allowances that permit the opening along the property line where the store connects to the rest of the mall and the allowance for segregated fire alarm and fire sprinkler systems. Further development of the building and life safety solutions are warranted.
44. The Madison Fire Department does not have any concerns with the auto center conversion into two restaurants provided all applicable ordinances and building and fire codes are met.

The applicant is also required to satisfy any conditions of Urban Design Commission approval prior to the final staff approval of the project and the issuance of permits. Please contact Al Martin, Urban Design Commission Secretary, at 267-8740 if you have any questions.

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

Note: The three pad sites along the easterly and southerly sides of the West Towne Mall ring road on the subject parcel are shown for illustrative purposes only. Final details of those future pad site projects, including final site and landscaping plans and floorplans and elevations for each building, shall require separate approval by the Urban Design Commission and Plan Commission prior to their construction.

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 **ten (10) 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, 126 S. Hamilton Street; First Floor. **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 may be of any further assistance, please do not hesitate to contact my office at 261-9632.

Sincerely,

Timothy M. Parks
 Planner

cc: Tim Troester, City Engineering Division
 Jeff Quamme, City Engineering Division
 Eric Halvorson, Traffic Engineering Division
 Jenny Kirchgatter, Asst. Zoning Administrator
 Adam Wiederhoeft, Madison Water Utility
 Tim Sobota, Metro Transit
 Bill Sullivan, Madison Fire Department

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)*

LNDUSE-2016-00110			
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: