



## PLANNING DIVISION STAFF REPORT

January 8, 2018

PREPARED FOR THE PLAN COMMISSION

**Project Address:** 135 East Towne Mall (District 17 - Ald. Baldeh)  
**Application Type:** Conditional Use  
**Legistar File ID #** [49536](#)  
**Prepared By:** Sydney Prusak, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

### Summary

**Applicant & Contact:** Skip Alexander; CBL Properties; 2030 Hamilton Place Blvd; Chattanooga, TN 37421-6000  
**Property Owner:** JC Penney Co. Inc. #891-2 Property Tax Office; PO Box 10001; Dallas, TX 75301-1217

**Requested Action:** The applicant requests conditional use approval to amend an existing Planned Multi-Use Site to establish a restaurant with a vehicle access sales and service window (drive-thru) in the Commercial Center (CC) zoning district.

**Proposal Summary:** The applicant proposes to construct a one-story, 9,075 square-foot restaurant with a drive-thru sales and service window at an existing Planned Multi-Use Site. The proposed building includes a 1950s style architectural design and is primarily clad with brick and metal accents. As part of the development proposal, the applicant is proposing to improve the site's landscaping and lighting, and provide bike parking.

**Applicable Regulations & Standards:** This proposal is an amendment to an existing Planned Multi-Use Site and is therefore considered a conditional use subject to the regulations for Zoning Lots and Planned Multi-Use Sites [MGO §28.137(2)(e)]. This proposal is also subject to the standards for Conditional Uses [MGO §28.183] because Table 28D-2 in §28.061 of the Zoning Code lists *vehicle access sales and services windows* as a conditional use in CC zoning. The Supplemental Regulations [MGO §28.151] contain further regulations for this use.

**Review Required By:** Urban Design Commission (UDC) and Plan Commission (PC)

**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 establish a vehicle access sales and service window use for a new restaurant in an existing Planned Multi-Use Site at 135 East Towne Mall. This recommendation is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

### Background Information

**Parcel Location:** The 53,100 square-foot (1.22 acre) project site is located on the east side of E. Washington Avenue along East Towne Boulevard and Independence Lane within the East Towne Mall parking area. The site is in Aldermanic District 17 (Ald. Baldeh) and the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The project site is currently a surface parking lot, owned by JC Penny, within the East Towne Mall planned multi-use site. The applicant has submitted an application for a Certified Survey Map to construct an outlot for the proposed restaurant. This CSM is currently under the administrative review process and is not part of this land use application request.

**Surrounding Land Use and Zoning:**

**North:** East Washington Avenue, zoned Commercial Corridor – Transitional (CC-T), with a variety of restaurants and general commercial properties, with low and medium density residential beyond;

**South:** East Towne Mall, a regional mixed-use development, zoned Commercial Center (CC);

**East:** General commercial uses, zoned CC, with Interstate 90 beyond; and

**West:** General commercial uses, zoned CC.

**Zoning Summary:**

Commercial Center (CC) Zoning Summary		
Requirements	Required	Proposed
Front Yard Setback	85' maximum	Less than 85'
Side Yard Setback	One-story: 5' Two-story or higher: 6'	Adequate
Rear Yard Setback	The lesser of 20% lot depth or 20'	Adequate
Maximum Lot Coverage	85%	82%
Maximum Building Height	5 stories/68'	1 story
Number Parking Stalls	No minimum	41
Accessible Stalls	Yes	3
Loading	None	None
Number Bike Parking Stalls	Restaurant: 5% of capacity of persons (12)	7 (43)
Landscaping and Screening	Yes	Yes (44, 45, 47)
Lighting	Yes	Yes
Building Forms	Yes	Free-standing Commercial building (46)

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*

**Adopted Land Use Plan:** The [Comprehensive Plan](#) recommends Regional Mixed-Use (RMU) for the subject property. Generally, the [Comprehensive Plan](#) identifies RMU as large, high-intensity regional centers that may include region-serving retail, office, service and entertainment uses, large hotels and motels; highly density residential uses; and civic and institutional uses. As with the other mixed-use districts, RMU areas are specifically intended to include a substantial residential component. RMU districts should include at least one activity center focal point (East Towne Mall). RMU districts should be consistent with the design standards for Mixed-Use districts recommended in City plans, and should provide a pedestrian-oriented “urban” environment.

The project site is also located within the [East Towne - Burke Heights Neighborhood Development Plan \(1987\)](#) planning area. The Plan recommends “Shopper’s Retail” for the subject site. According to the Plan, “Shopper’s Retail describes the recommended location for store or shopping center activities emphasizing sale of convenience and shopper’s goods directly to ultimate consumers in an environment that promotes market linkages of products and cumulative attraction of shoppers. 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.”

**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, with six different Metro Transit lines serving East Towne Mall.

## Project Description

The applicant is seeking approval of a Conditional Use to construct a new one-story, 9,075 square-foot restaurant with a drive-thru vehicle access sales and service window at East Towne Mall. This portion of the property is now used as a surface parking lot serving the mall, and the proposed building would sit along East Towne Mall, the mall's inner ring road. The east side of the building includes the front door entrance and accessible parking. An outdoor dining area is also planned for this side of the building, which is a permitted use within Commercial Center (CC) zoning.

The site plan includes several improvements. New sidewalks and crosswalks are proposed to connect restaurant customers to the additional "off-site" parking areas within the mall area. The reconfigured parking lot includes 41 parking stalls and seven bike parking stalls. The project scope includes demolition of the existing parking lot with the construction of new parking facilities, crosswalks, additional grassed and terraced medians for stormwater management, and other landscaping features. These improvements will increase the total pervious surface area of the site, with the overall pavement surface reduced by 12,905 square-feet.

The proposed building has a 1950s art-deco diner architectural style and is primarily clad in brick with metal and limestone accents. As indicated in the Applicant's Letter of Intent, the restaurant will have 209 interior seats and 26 additional seats on the covered, outdoor patio. The hours of operation will typically be from 10:30 am to 11:00 pm. All deliveries to the site will occur prior to 10:30 am. The applicant has noted that due to the specific layout of the proposed site, the delivery trucks will be smaller than those used at other restaurant locations.

## Analysis and Conclusion

This proposal is subject to the standards for Conditional Uses [MGO §28.183], and two conditional uses are sought. The first is an amendment to the East Towne Mall development, which was approved as a Planned Multi-Use Site. Major alterations to such developments require a recommendation from the Urban Design Commission and conditional use approval from the Plan Commission [MGO §28.137(2)(e)]. The second conditional use is to establish a vehicle access sales and service window (drive-thru) in Commercial Center (CC) zoning [MGO §28.061].

### Conditional Use Approval Standards

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) of the Zoning Code have been met.

The Planning Division believes that the standards of approval for the requested conditional use for an alteration to a Planned Multi-Use Site can be found met. Staff acknowledges that the new building and site amenities represent a significant improvement over its current use as a surface parking lot. The surrounding area is characterized by its mix of predominantly auto-oriented commercial uses, and this use conforms to the existing character of the site.

Conditional Use Standard #9 states that when applying the above standards to any new construction of a building or an addition to an existing building, the Plan Commission shall be in mind the statement of purpose for the

zoning district and also notes that the item may be referred to the UDC for advisory comment and recommendation. Pursuant to Section 28.068 of the Zoning Code, the Commercial Corridor (CC) district is established to recognize the existing large-format retail and office sites within the City that remain largely auto-oriented, and to encourage their transformation into mixed-use centers that are equally conducive to pedestrian, bicycle, transit and motor vehicle activity. Additionally, the district is also intended to facilitate 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.

In this case, because the applicant is proposing to amend an existing multi-use site, the UDC is required to provide an advisory opinion on the project [MGO §28.137(2)(e)]. At the UDC meeting on December 20, 2017 the Commission unanimously gave final approval for the project. The UDC discussed the building colors and materials, as well as the traffic flow in the drive-thru. The UDC approved the project unanimously with the following conditions: the applicant shall provide a digital copy of the updated elevations with charcoal grey louvers that replaced the earlier red louver design; the applicant shall consider a different bike rack style than what is proposed; and the applicant shall confirm that they are using modular brick, not utility brick.

The Planning Division believes that the requested conditional use for a vehicle access sales and service window can also meet the approval standards. The Zoning Code states that the Plan Commission shall not approve a conditional use with due consideration of the City's adopted plans. According to the City's [Comprehensive Plan](#) Regional Mixed-Use (RMU) land use recommendation, RMU districts should be consistent with the design standards for Mixed-Use districts recommended in City plans, and should provide a pedestrian-oriented "urban" environment. While this request does not necessarily further this land use recommendation, the area is already served by a full range of City services, and this use will further support the area center focal point (East Towne Mall). The area is currently characterized by its mix of predominantly auto-oriented commercial uses, including restaurant and retail. Given that this drive-thru will be constructed in what is currently a surface parking lot, this development would not hinder future redevelopment of the mall area.

The [Comprehensive Plan](#) also notes that refined recommendations may be provided through the adoption and preparation of detailed neighborhood and special area plans. The [East Towne - Burke Heights Neighborhood Development Plan \(1987\)](#) recommends "Shopper's Retail" for the subject site. The proposed use generally conforms to this recommendation by attracting a new group of customers to the site and by providing a supplementary use to East Towne Mall.

According to Standard #5, "Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit and other necessary site improvements have been or are being provided." The proposed building and site improvements will bring the project site into compliance with Zoning Code requirements, including those related to landscaping, screening, and lighting. The City's Traffic Engineering Division has requested additional sidewalk and crosswalk enhancements as conditions of approval to ensure the safety of pedestrians and cyclists throughout the site and surrounding area.

### **Supplemental Regulations for Vehicle Access Sales and Service Window**

Vehicle access sales and service windows are subject to the Supplemental Regulations pursuant to Section 28.151 of the Zoning Code (A copy of the Supplemental Regulations has been included as Attachment 1). As it relates to this application, the Supplemental Regulations state that plans for onsite circulation and driveway locations shall be reviewed where conditional use approval is required. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern. Adequate queuing lane space shall be provided without interfering with onsite parking/circulation.

According to the applicant, the drive-thru will have the capacity to stack **43** vehicles in the two queuing lanes. The double lane system is meant to reduce the line length and prevent spillover of stacked cars in the customer parking lot. In keeping with the drive-thru services at other Portillo's locations, this site will have employees circulating the drive-thru to take customer's orders, process payments, and deliver food. The employees will wear reflective clothing to ensure that they are visible to the cars using the drive-thru.

In terms of the full queuing process, cars that do not receive their food directly from an employee while in the que will merge into the lane closest to the restaurant to receive their food from the pick-up window. For cars that receive their food in the double queuing line, employees will move cones on the ground to allow them to pass the cars still waiting to receive their food from the window. The applicant has provided a video modeling the ordering and queuing process, which is available at:

<https://jsdinc.sharefile.com/app/#/share/view/s822c0babc6e475d8>.

The Traffic Engineering Division has requested that the applicant submit a vehicular turning movement template demonstrating the use of the order board and pick-up window for review as a condition of approval. The Planning Division believes that by providing a double queuing line, the site design will provide adequate queuing lane space that does not interfere with onsite parking/circulation. Staff is also in support of requiring the drive-thru employees to wear reflective clothing to be more visible to customer traffic and recommends this requirement as a condition of approval. Upon meeting the recommended conditions, including those from the City Traffic Engineer, the Planning Division believes that these Supplemental Regulations can be found met.

### Public Comment

At the time of report writing, staff is aware that a neighborhood meeting has been held, and no public comment had been received.

### Conclusion

The Planning Division believes the applicable conditional use standards can be found met. Staff is supportive of this project which will develop an underutilized parking lot and support East Towne Mall as the area center focal point.

## Recommendation

### Planning Division Recommendation (Contact Sydney Prusak, (608) 243-0554)

The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the request to establish a vehicle access sales and service window use for a new restaurant in an existing Planned Multi-Use Site at 135 East Towne Mall. 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 Sydney Prusak, (608) 243-0554)

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|---|
| 1. Outdoor drive-thru employees shall wear reflective clothing while working the vehicle que. |
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### City Engineering Division (Contact Brenda Stanley, (608) 261-9127)

2. The sanitary sewer sampling manhole needs to be relocated to downstream from the grease trap and upstream from the regular sewerlateral.

3. 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 signoff. (MGO16.23(9)(d)(4))
4. 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.
5. 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](mailto:bstanley@cityofmadison.com) (East) or [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com) (West). 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.

6. 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](mailto:bstanley@cityofmadison.com) (East) or [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com) (West). 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:

  - l. Building Footprints
  - m. Internal Walkway Areas
  - n. Internal Site Parking Areas
  - o. Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
  - p. Right-of-Way lines (public and private)

- q. Lot lines or parcel lines if unplatted
  - r. Lot numbers or the words unplatted
  - s. Lot/Plat dimensions
  - t. Street names
  - u. Stormwater Management Facilities
  - v. Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
7. The Applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including:
- w. SLAMM DAT files
  - x. RECARGA files
  - y. TR-55/HYDROCAD/Etc
  - z. 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 MGO 37.09(2))
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](mailto:ttroester@cityofmadison.com), or Jeff Benedict at [jbenedict@cityofmadison.com](mailto:jbenedict@cityofmadison.com) final document and fee should be submitted to City Engineering.
9. 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.
10. This project will require a concrete management plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. (POLICY)
11. 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 Co Register of Deeds. (POLICY)
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.
13. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to provide oil/grease control for the new asphalt area.

14. 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 the Madison General Ordinances.
15. 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 at <http://dnr.wi.gov/topic/Stormwater/> (NOTIFICATION)
16. This project appears to require construction dewatering. A dewatering plan shall be submitted to City Engineering as part of the Erosion Control Permit application and plan. If contaminated soil or groundwater conditions exist on or adjacent to this project additional WDNR, Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit.
17. 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)
18. All work in the public right-of-way shall be performed by a City licensed contractor. (MGO 16.23(9)(c)5 and MGO 23.01)
19. All damage to the pavement on 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)

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

20. The address of the proposed building is 4505 East Towne Blvd. 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.
21. Applicant is responsible for the relocation of the gas and electric facilities that cross this site to permit the development of the site as proposed.
22. A stormwater drainage easement agreement between this proposed parcel and the remaining JC Penney parcel will be required prior to final sign off to address the drainage from this site onto the JC Penney parcel.
23. 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

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



24. 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; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
25. 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.
26. 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.
27. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
28. The applicant shall provide a clearly defined 5' walkway clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.
29. "Stop" signs shall be installed at a height of seven (7) feet at all class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan. The current specs show an irregular stop sign for the site, the applicant shall use MUTCD standard stop signs for their site.
30. One way operation of the site shall be secured by placing a "One Way" sign at the entrance and a "Do Not Enter" sign at the Exit.
31. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
32. Secure parking facility. This is usually done with continuous six (6) inch curb, timbers, preformed wheel stops, guardrail erected at a height of eighteen (18) inches or fencing of sufficient strength to act as a vehicle bumper.
33. All paint dividing traffic at the entrance shall be a double yellow line and noted on the plan.
34. All sidewalks adjacent parking stalls shall be 7' to accommodate vehicle overhang.
35. Applicant shall submit for review a vehicular turning movement template demonstrating the use of the order board and pick-up window.
36. The applicant shall enter into a signed developer's agreement through City of Madison Engineering prior to sign off.
37. The applicant shall construct a 5' sidewalk with a 6' terrace along the western edge of the site.

38. The applicant shall construct a 7' sidewalk along the south edge of the site, adjacent to East Towne Blvd.
39. The applicant shall construct a crosswalk across the entrance/exit of their site and include the appropriate curb ramps.
40. The applicant shall construct a 7' sidewalk along the eastern edge of the site. To minimize impact of the parking lot plan, TE recommends the parking stalls on the eastern edge of the site be shortened to 16' in length to allow for 2' of vehicle overhang. This 2' of vehicle overhang space can be included in the sidewalk width.
41. The proposed North-South crosswalk on the eastern side of the site is not typical. The applicant can do one of two things to remedy this issue: 1. Continuation of proposed sidewalk on the south side of internal roadway to allow for a proper crossing 2: Remove crosswalk

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

42. The proposed restaurant will be part of an existing 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.
43. Bicycle parking shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum amount of short-term bicycle parking stalls equal to 5% of capacity of persons for the proposed restaurant. The capacity shall be established for the restaurant and outdoor eating area by the Building Inspection Unit. A minimum of 12 bicycle stalls are required based on the proposed capacity. Bicycle parking shall be located in a convenient and visible area on a paved or impervious surface at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance. Note: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area.
44. 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 ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
45. 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.
46. Provide details showing that the primary street façade meets the door and window opening requirements of Section 28.060(2)(d). 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. Glass on windows and doors shall be clear or slightly tinted, allowing views into and out of the interior. Spandrel glass that mimics the appearance of windows may be used for up to twenty percent (20%) of the required area of the openings. Identify the spandrel glass areas on the elevations, and provide the percentage of spandrel glass.
47. Provide a cross section or detail showing the height of the rooftop mechanical equipment in relation to the height of the parapet. 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).

48. 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.
49. 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 District ordinances. 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)

50. All fire lanes shall be located within 500-ft of at least (2) fire hydrants. The distance shall be measured along an approved route as a fire engine would travel.
51. Establish the appropriate building address with City of Madison Engineering. Update plans accordingly.

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

52. An existing inventory of trees (location, species, & DBH) and any tree removal plans (in PDF format) shall be submitted to the plans and Brad Hofmann – bhofmann@cityofmadison.com or 266-4816. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Approval and permitting of street tree removals shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan. Please add Right of Way tree information to the Landscape Plan. The location & DBH are on the site plan, but not species. Contact Brad Hofmann for species of tree at each location.
53. 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 prior to the start of construction. 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)

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

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

55. Metro Transit operates frequent daily bus service to/from a private bus stop zone on the East Towne Mall ring road property - immediately west of the proposed development site. Metro vehicles travel along the existing access driveway that is opposite Independence Lane, between the ring road surrounding the mall and East Towne Boulevard (on the west frontage of the proposed development site).

## ATTACHMENT 1

### Vehicle Access Sales and Service Windows.

- (a) In CC-T, TE, DC, and UMX Districts, vehicle access sales and service windows shall be located to the side of, rear of, or under buildings, and shall not be located between the principal structure and a public street. In the TSS District, vehicle access sales and service windows shall be located under the building in which it is located, and the building shall have commercial or residential uses along the primary street frontage. In all districts, vehicle access sales and services windows shall be at least sixty (60) feet from the closest point of any residentially zoned property or property with a residential building. (Am. by ORD-15-00001, 1-14-15; ORD-17-00025, 2-20-17)
- (b) Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of two streets and at least sixty (60) feet from abutting residentially zoned property.
- (c) Plans for onsite circulation and driveway locations shall be reviewed where conditional use approval is required. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern. Adequate queuing lane space shall be provided without interfering with onsite parking/circulation.
- (d) Speaker box sounds from the drive-through lane shall not be plainly audible so as to unreasonably disturb the peace and quiet of abutting residential property.
- (e) 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.
- (f) A six- (6) foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property.
- (g) Bicyclist use of sales and service windows shall not be prohibited.