



Department of Planning & Community & Economic Development

## Planning Division

Heather Stouder, Director

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Madison Municipal Building, Suite 017  
215 Martin Luther King Jr. Boulevard  
Madison, Wisconsin 53703  
Phone: (608) 266-4635  
[www.cityofmadison.com](http://www.cityofmadison.com)

March 10, 2020

Jeff Yersin  
RaSmith, Inc.  
16745 W. Bluemound Road  
Brookfield, WI 53005

RE: Consideration of a demolition permit to allow demolition of a two-story commercial building and consideration of two conditional uses – 1) for a major alteration to a planned multi-use site containing more than 40,000 square-feet of floor area and where 25,000 square-feet of floor area is designed or intended for retail use; 2) for a multi-tenant building exceeding 40,000 square-feet of floor area in the Commercial Center (CC) District – all to allow construction of a one-story, 83,000-square-foot commercial building at 36 West Towne Mall and 7301 Mineral Point Road. (LNDUSE-2020-00010; ID 59075)

Dear Mr. Yersin;

At its March 9, 2020 meeting, the Plan Commission found the standards met and **conditionally approved** the demolition permit and conditional uses for 36 West Towne Mall and 7301 Mineral Point Road. 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 267-1995 if you have questions regarding the following fourteen (14) items:**

1. The City has televised a portion of the 78" public storm sewer that is located beneath the existing building. After the building is constructed the applicant shall televise the storm sewer main to determine if any damage or failures resulted from the building construction. If repairs are necessary the applicant shall be responsible for making all the necessary improvements.
2. 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. (M.G.O. 16.23(9)(d)(4))
3. Obtain a permanent sewer plug permit for each existing sanitary sewer lateral serving a property that is not to be reused and a temporary sewer plug permit for each sewer lateral that is to be reused by the development. The procedures and fee schedule is available online at <http://www.cityofmadison.com/engineering/permits.cfm>. (M.G.O. CH 35.02(14))

4. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
5. A Storm Water Management Report and Storm Water Management Permit is required for this project. See Storm comments for report and permit specific details and requirements.
6. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
7. This site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR216 and NR-151 however a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. Information on this permit application is available on line: <http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm>. The applicant is notified that the City of Madison is an approved agent of the Department of Safety and Professional Services (DSPS) and no separate submittal to this agency or CARPC is required for this project to proceed.
8. Revise plan to show the location of all rain gutter down spout discharge locations. (POLICY)
9. Provide additional detail how the enclosed depression(s) created by the loading dock will be served for drainage purposes. The building must be protected from receiving runoff up through the 100-yr design storm that is current in Madison General Ordinance Chapter 37. If the enclosed depression(s) is/are to be served by a gravity system provide calculations stamped by a Wisconsin P.E. that show inlet and pipe capacities meet this requirement. If the enclosed depression(s) is/are to be served by a pump system provide pump sizing calculations stamped by a Wisconsin P.E. or licensed Plumber that show this requirement has been met.
10. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE and therefore will be regulated to meet a higher standard.
11. This project will disturb 4,000 sf or more of land area and require an Erosion Control Permit. Submit the Erosion Control Permit Application (with USLE calculations and associated fee) to Megan Eberhardt (west) at [meberhardt@cityofmadison.com](mailto:meberhardt@cityofmadison.com), or Daniel Olivares (east) at [daolivares@cityofmadison.com](mailto:daolivares@cityofmadison.com), for approval. The permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.

This project will disturb 20,000 sf or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at [meberhardt@cityofmadison.com](mailto:meberhardt@cityofmadison.com), or Daniel Olivares (east) at [daolivares@cityofmadison.com](mailto:daolivares@cityofmadison.com), for approval.

Demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year. The WDNR provided workbook to compute USLE rates can be found online at <https://dnr.wi.gov/topic/stormwater/publications.html>

This project will require a concrete management plan and a construction dewatering plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. 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. (POLICY)

This project appears to require fire system testing that can result in significant amounts of water to be discharged to the project grade. The Contractor shall coordinate this testing with the erosion control measures and notify City Engineering 608-266-4751 prior to completing the test to document that appropriate measures have been taken to prevent erosion as a result of this testing.

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.

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 submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Stormwater Management Permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.

The Storm Water Management Plan & Report shall include compliance with the following:

Report: Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.

Electronic Data Files: Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. 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 to City Engineering. (POLICY and M.G.O. 37.09(2))

TSS Redevelopment with TMDL: Reduce TSS by 80% off of the proposed development when compared with the existing site.

Oil/Grease Control: Treat the first 1/2 inch of runoff over the proposed parking facility and/or drive up window.

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.

13. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
14. 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 [tstroester@cityofmadison.com](mailto:tstroester@cityofmadison.com) (West).

**Please contact Lori Zenchenko of the City Engineering–Mapping Section at 266-5952 if you have any questions regarding the following item:**

15. All sheets of the site plan shall show the limits of all of the Public Storm Sewer, Sanitary Sewer and Watermain Easements to allow correlation of location of all new proposed improvements with the easements, particularly the underground storm water management / detention facilities.

**Please contact Sean Malloy of the Traffic Engineering Division at 266-5987 if you have any questions regarding the following seven (7) items:**

16. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions 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.
17. 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.
18. 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.
19. All parking facility design shall conform to the standards in MGO Section 10.08(6).
20. All bicycle parking adjacent pedestrian walkways shall have a two (2)-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers
21. 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.
22. 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.

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

23. The Madison Fire Department does not object provided the project complies with all applicable building and fire codes and Madison General Ordinances. Particularly, IBC Section 402-Covered Malls.
24. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Division Chief Paul Ripp at [pripp@cityofmadison.com](mailto:pripp@cityofmadison.com) or (608) 712-6277.

**Please contact Jacob Moskowitz, Assistant Zoning Administrator, at 266-4560 if you have any questions regarding the following eight (8) items:**

25. Provide a detail of the proposed bike racks
26. 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
27. Submit a rooftop plan showing the location of any proposed rooftop mechanical equipment and screening. All rooftop and ground level mechanical equipment and utilities shall be fully screened from view from any street or residential district per Section 28.142(9)(d).
28. 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. Sec. 31.07(2)(b)1. states that in the case of a facade that includes a parapet wall, no more than four (4) vertical feet of the parapet wall may be included in the measurement of the signable area.
29. Section 28.185(7)(a)5. requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Bryan Johnson (608-266-4682).
30. Section 28.185(10) Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(7)(a)5. shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
31. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
32. Show the parcel at 7301 Mineral Point Road on your plans, including the added sidewalk.

**Please contact Jeff Belshaw of the Madison Water Utility at 261-9835 if you have any questions regarding the following two (2) items:**

33. Proposed valve and hydrant relocations shall be valve and hydrant replacements. Designate on the Utility Plan that the removed hydrants shall be salvaged and returned to Madison Water Utility. All water system improvements shall be done in accordance with the requirements of the City of Madison Standard Specifications for Public Works Construction (current edition).
34. A Water Meter Application Form and fees must be submitted before connecting to the existing water lateral. Provide at least two working days notice between the application submittal and the scheduled lateral connection/extension. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumbers-contractors>), 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. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

**Please contact Tim Sobota of Metro Transit at 261-4289 if you have any questions regarding the following four (4) items:**

35. As identified on the plans submitted for review, the applicant shall install and maintain an accessible pedestrian walkway along the north property line/parking lot area - connecting between the store frontage area and the existing sidewalk network and Metro Transit bus stop zone located on the east side of private mall ring road, south of the Chilis restaurant.
36. The applicant shall install and maintain an accessible pedestrian walkway along the north and east property line areas - connecting between the store frontage area and the existing sidewalk area outside the JC Penney entrance (generally east of the proposed bike racks, and then north across the remaining loading dock area, up to the existing sidewalk on the JC Penney parcel).
37. The applicant shall include the location of these pedestrian amenities on the final documents filed with their permit application so that Metro Transit may review the design.
38. Metro Transit currently operates transit service along the private mall ring road, from the extension of West Towne Way clockwise towards the Odana Road mall exit driveway. Bus stop ID #6787 is on the east side of the private mall ring road, south of the Chilis Restaurant. Additional service, including proposed Bus Rapid Transit operations, operate along Mineral Point Road - serving stops in the Westfield Road mall access/intersection area.

**Please contact my office at 261-9135 if you have questions regarding the following three (3) items, including Condition #41, which was added by the Plan Commission at their March 9, 2020 meeting:**

39. The applicant shall submit a final Transportation Demand Management (TDM) Plan as required in M.G.O. §33.24(4)(f)6b that shall be reviewed and approved by the City Traffic Engineer and the Planning Division Director before final sign off.

40. The applicant shall receive a recommendation of final approval from Urban Design Commission prior to final staff sign-off by addressing the issues identified by the UDC when initial approval was obtained. The action of the UDC shall be appealable to the Plan Commission.
- The applicant add two Central Features and Community Spaces on the subject site as required by M.G.O. §33.24(4)(f)8. – Consider options such as the area to the north of the proposed loading dock;
  - The applicant shall explore adding additional landscaping to screen the loading dock area;
  - The applicant shall explore different ways to arrange the landscaping around the site and parking lot (especially the trees) and do so in a more playful manner;
  - The applicant shall look into adding more windows to the building.
41. That the design of the loading dock aisle - sidewalk interface be altered to resemble a driveway rather than a public street. (The sidewalk would remain at the same height as it crosses the aisle, instead of dropping down with curb cuts and having a striped crossing across the aisle).

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

**No interior, exterior or structural demolition or wrecking activities or remodeling activities (including material reclamation activities by the applicant or a third party) shall commence nor any wrecking or building permits be issued until the applicant has met all of the conditions of approval stated in this letter.**

**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 **eleven (11) 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 017, 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. [Signature block on last page]

- 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 two (2) years 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 six (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 twelve (12) 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 demolition or building permits, please contact the Zoning Administrator at (608) 266-4551. If you have any questions or if may be of any further assistance, please do not hesitate to contact my office at (608) 261-9135.

Sincerely,



Chris Wells  
 Planner

I hereby acknowledge that I understand and will comply with the above conditions of approval for this project.	
_____	
<i>Signature of Applicant</i>	
_____	
<i>Signature of Property Owner (if not the applicant)</i>	

- cc: Tim Troester, City Engineering Division  
 Lori Zenchenko, City Engineering Division-  
 Mapping Section  
 Sean Malloy, Traffic Engineering Division  
 Jacob Moskowitz, Zoning Administrator  
 Bill Sullivan, Fire Department  
 Janine Glaeser, UDC Secretary  
 Jeff Belshaw, Water Utility  
 Bryan Johnson, Streets Division  
 Tim Sobota, Metro Transit

LNDUSE-2020-00010			
For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (Wells)	<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	<input checked="" type="checkbox"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input checked="" type="checkbox"/>	Water Utility
<input checked="" type="checkbox"/>	Metro Transit	<input type="checkbox"/>	Other: Forestry