



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

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Madison, Wisconsin 53703
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****BY E-MAIL ONLY****

July 15, 2020

Scott Shust
JTS Architects
450 E Higgins Road, Suite 202
Elk Grove Village, IL 60007

RE: Consideration of a Conditional Use in the Commercial Center (CC) District 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 to allow construction of a one-story, approximately 7,000 square-foot commercial building at 7213 Mineral Point Road. (LNDUSE-2020-00051; ID 60464)

Dear Mr. Shust;

At its June 8, 2020 meeting, the Plan Commission found the standards met and **conditionally approved** conditional use for 7213 Mineral Point Road. The conditions of approval in the following sections shall be satisfied prior to issuance of building permits for the project.

Please contact Tim Troester of the City Engineering Division at 267-1995 if you have questions regarding the following seven (7) items:

1. Obtain a permit to Excavate in the Right-of-Way for completing the improvements in the public Right-of-Way. The permit application is available on the City Engineering Division website at <http://www.cityofmadison.com/engineering/Permits.cfm>.
2. Create a traffic control plan and pavement restoration details for water lateral in Mineral Point Rd.
3. 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.
4. 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, or Daniel Olivares (east) at 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, or Daniel Olivares (east) at 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.

5. 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 MGO 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.

6. 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.
7. 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 ttroester@cityofmadison.com (West).

Please contact Jeff Quamme of the City Engineering–Mapping Section at 266-4097 if you have any questions regarding the following four (4) items:

8. Note: Reciprocal access, utility and drainage easements between this parcel and Penney's (and the mall) are addressed by Doc No. 1239177 Easement, Restriction and Operating Agreement and its subsequent supplements and amendments. Also Doc No 5554769 Reciprocal Easement Agreement with Covenants, Conditions and Restrictions covers drainage between this parcel and Penney's.
9. Per Doc No. 5554767 shared access between this parcel and the Firestone Parcel to the East prohibits delivery trucks from crossing between the parcels. Also, it appears there is not a general cross access easement between this parcel and the Firestone Parcel. Provide a recorded cross access easement for vehicular access between the parcels. If the delivery vehicle restriction is to remain, so state and place a note on the plan noting the restriction.
10. The address of the easterly tenant is 7213 Mineral Point Rd. The address of the westerly tenant is 7217 Mineral Point Rd. Remove references to tenant 100 and 200 on the floor plans. 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.
11. The West Towne Mall ring road is called West Towne Way. Update all sheets accordingly.

Please contact Sean Malloy of the Traffic Engineering Division at 266-5987 if you have any questions regarding the following eleven (11) items:

12. The applicant shall construct sidewalk, along the Western and Southern frontages of their property adjacent West Towne Way. The sidewalk construction is intended to provide pedestrian access from West Towne Mall to a future Bus Rapid Transit (BRT) station with the ultimate goal of installing sidewalk on both sides on the entirety of the internal ring road and allow pedestrian access to all sites at West Towne. Due to the various property ownerships in the Mall area and the unique way the land has been divided over the years to resemble more of a jigsaw puzzle than our more typical rectangular parcels, construction of sidewalk is intended to take place incrementally, as each site develops. This means in the short term it will look as though we have sidewalks to nowhere but if you look at West Towne as a whole one will see how each development fits with the other to ultimately enact the City's vision of a modern walkable, bikeable, multimodal site. The inclusion of this sidewalk and the opportunity to preserve future connections is necessary to meet Conditional Use Approval Standards (MGO 28.183(6)(a)(5)) which states "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" and Design Criteria for Permanent Parking Facilities (MGO 10.08 (6)(a)(16)) which states "Provision shall be made for expeditious and safe movements of pedestrians within the parking facility."

13. 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; vision triangles; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
14. 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.
15. 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.
16. All parking facility design shall conform to M.G.O. standards, as set in section 10.08(6).
17. All bicycle parking adjacent pedestrian walkways shall have a 2-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
18. 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.
19. 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 at a distance of 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.
20. 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.
21. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign 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.
22. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.

Please contact Jenny Kirchgatter, Assistant Zoning Administrator, at 266-4429 if you have any questions regarding the following seven (7) items:

23. Work with Urban Design and Zoning staff to minimize the amount of EIFS on the building facades. EIFS is an allowable building material for use as a trim or accent material or at the top of building.
24. Reduce the amount of spandrel on the North Mineral Point Road façade to a maximum of 20%. 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 maybe used for up to twenty percent (20%) of the required area of the openings.
25. This project is designed as 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.
26. Provide a calculation and plan detail for lot coverage with the final submittal. 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.
27. Bicycle parking for the commercial tenant spaces shall comply with the requirements of MGO Sections 28.141(4)(g) and 28.141(11) and will be reviewed prior to obtaining zoning approval for each use. Provide a minimum of three (3) short-term bicycle parking stalls located in a convenient and visible area on a paved or pervious surface. Bicycle parking shall be located 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. Submit a detail showing the model of bike rack to be installed.
28. 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.
29. 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.

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

30. Provide fire apparatus access as required by IFC 503 2018 edition and MGO 34.503. Remove auto-turn references and details as auto-turn is not reflective of actual fire apparatus access needs.

31. MFD recommends providing fire sprinklers in the building to facilitate greater flexibility of possible tenant uses. As designed, a fire separation is required between tenants as separated uses and the restaurant will be limited to less than 100 occupants.

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

32. 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).
33. 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 Wayne Buckley of the Streets Division–Forestry Section at (608) 266-4892 if you have any questions regarding the following four (4) items:

34. As defined by the Section 107.13 of City of Madison Standard Specifications for Public Works Construction: No excavation is permitted within 5 feet of the trunk of the street tree or when cutting roots over 3 inches in diameter. If excavation is necessary, the Contractor shall contact Madison City Forestry (266-4816) prior to excavation. City of Madison Forestry personnel shall assess the impact to the tree and to its root system prior to work commencing. Tree protection specifications can be found on the following website: <https://www.cityofmadison.com/business/pw/specs.cfm> Add as a note on the plan set.
35. Contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. Contractor shall operate equipment in a manner as to not damage the branches of the street tree(s). This may require using smaller equipment and loading and unloading materials in a designated space away from trees on the construction site. Any damage or injury to existing street trees (either above or below ground) shall be reported immediately to City Forestry at 266-4816. Penalties and remediation shall be required. Add as a note on the plan set.
36. Section 107.13(g) of City of Madison Standard Specifications for Public Works Construction addresses soil compaction near street trees and shall be followed by Contractor. The storage of parked vehicles, construction equipment, building materials, refuse, excavated spoils or dumping of poisonous materials on or around trees and roots within five (5) feet of the tree or within the protection zone is prohibited. Add as a note on the plan set.

37. On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on the plan set.

Please contact Tim Sobota of Metro Transit at 261-4289 if you have any questions regarding the following five (5) items:

38. To facilitate City transit planning efforts, the applicant shall identify the accessible pedestrian connection between the existing public sidewalk along Mineral Point Road and the adjoining properties that front along the planned development area's internal Ring Road.

39. In coordination with any public works improvements, the applicant shall maintain or replace the existing concrete boarding pad surface at the bus stop on the south side of Mineral Point Road, east of Westfield Road (#6755).

40. The applicant shall install and maintain a concrete bench pad surface - as part of the private landscape plan - opposite the bus stop zone that is on the south side of Mineral Point Road, east of Westfield Road (#6755). The applicant shall install and maintain a new passenger bench seating amenity in this area, as part of the private landscape plan.

41. The applicant shall include the location of this facilities on the final documents filed with their permit application, so that Metro Transit may review and effectively plan for City transit access to this property.

42. Metro Transit operates daily service along Mineral Point Road with stops in the Westfield Road intersection. Prior to service reductions put in place during March of 2020, trips operated at least once every 30 minutes on weekdays, but only passed once an hour each direction on weekends.

Please contact Janine Glaeser, Urban Design Commission Secretary, at (608) 267-8740 if you have any questions regarding the following item:

43. 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. As part of their motion, the applicant shall address the back-of-house/building orientation concerns related to Mineral Point Road and the associated heavy use of spandrel panels along that frontage.

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

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

1. The applicant shall resubmit a PDF copy of the plan set and any other supporting materials that are necessary, as specified in this letter to Zoning@cityofmadison.com. (Note: A 20MB email limit applies and multiple transmittals may be required.). A check for the site plan review fee shall be mailed to the City of Madison Building Inspection Division; PO Box 2984; Madison, WI 53701-2984.
2. City Agencies who submitted conditions of approval will review your revised plans to verify that their conditions, along with any applicable requirements, have been satisfied. When the revised plans are submitted, the applicant will be emailed a hyperlink to a website to follow, in real time, which agencies have reviewed the revised documents, and signed off or need additional information.
3. 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]
4. 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 permit, 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

<p>I hereby acknowledge that I understand and will comply with the above conditions of approval for this project.</p> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <p style="text-align: center;"><i>Signature of Applicant</i></p> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <p style="text-align: center;"><i>Signature of Property Owner (if not the applicant)</i></p>

- cc: Tim Troester, City Engineering Division
 Jeff Quamme, City Engineering Division-
 Mapping Section
 Sean Malloy, Traffic Engineering Division
 Jenny Kirchgatter, Zoning Administrator
 Bill Sullivan, Fire Department
 Janine Glaeser, UDC Secretary
 Jeff Belshaw, Water Utility
 Wayne Buckley, City Forestry
 Tim Sobota, Metro Transit

LNDUSE-2020-00051			
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 checked="" type="checkbox"/>	Other: Forestry