



**Project Address:** 2649 East Springs Drive (17<sup>th</sup> Aldermanic District – Ald. Halverson)  
**Application Type:** Demolition Permit and Conditional Use  
**Legistar File ID #** [60000](#)  
**Prepared By:** Chris Wells, Planning Division  
Report includes comments from other City agencies, as noted.  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

**Summary**

**Applicant:** Theresa Padua; Panera, LLC; 3630 S. Geyer Road; St. Louis, MO 63127  
**Contact:** Chris Wilson; Cole & Associates; 401 S. 18<sup>th</sup> Street; St. Louis, MO 63103  
**Property Owner:** Group Seventy Six, LLC; Dennis Zeier; 434 S. Yellowstone Drive; Madison, WI 53719

**Requested Action:** Approval of a demolition permit to raze an existing restaurant and conditional uses to construct a new restaurant in the CC-T (Commercial Corridor-Transitional District) zoning district. The proposal includes three conditional use requests:

- For a vehicle sales and service window
- For an outdoor eating area associated with a food and beverage establishment
- To exceed the 65-foot maximum front setback for lots with no on-street parking

**Proposal Summary:** The applicant is seeking the approvals to demolish a former Pizza Hut building at 2649 East Springs Drive and a new building for a Panera Café which will have a double-width vehicle sales and service window and an outdoor eating patio. This request also requires conditional use consideration to exceed the 65-foot maximum front building setback from the northern (E Washington Avenue) property line by 20 feet in order to locate the outdoor seating area on that side of the building.

**Applicable Regulations & Standards:** Section 28.185 M.G.O. provides the process for demolition and removal permits. Section 28.183 M.G.O. provides the process and standards for the approval of conditional uses as Table 28D-2 in §28.061(1) notes that both *Vehicle Access Sales and Service Windows* and *Outdoor Eating Areas* are conditional uses in the CC-T District. Furthermore, §28.067(3)(a)3.a. M.G.O. states that a conditional use is required for buildings exceeding the 65-foot maximum front setback on lots in the CC-T District with no on-street parking in front of the lot (i.e. in this case, along E. Washington Avenue). Finally, the Supplemental Regulations section (§28.151 M.G.O.) contains further regulations for *Vehicle Access Sales and Service Windows* and *Outdoor Eating Areas*.

**Review Required By:** Plan Commission

**Summary Recommendations:** The Planning Division recommends that the Plan Commission find the standards met and **approve** a demolition permit and conditional uses to construct a commercial building with a vehicle sales and service window, outdoor eating area, and greater front setback at 2649 East Springs Drive subject to input at the public hearing and the conditions from reviewing agencies in this report.

**Background Information**

**Parcel Location:** The subject site is 57,300 square-feet (1.31 acres) in area, located to the east of the intersection of E Washington Avenue and East Springs Drive. It is within Aldermanic District 17 (Ald. Halverson) and the Sun Prairie School District.

**Existing Conditions and Land Use:** The subject site is developed with a roughly 4,900-square-foot Pizza Hut restaurant, which City Assessor’s records note was constructed in 1988. The building is located in the center of the site and surrounded by surface parking. While the site has frontage along both E Washington Avenue to the northwest and East Springs Drive to the southwest, the subject site doesn’t have direct access from either. Instead, it takes access from the private road located to the southeast, which also provides access to the existing Panera Bread restaurant located to the southeast (across the private road), as well as the other restaurants to the east. The subject site and its neighbors are all zoned CC-T (Commercial Corridor-Transitional District).

**Surrounding Land Uses and Zoning:**

- Northeast: Restaurants and a two-story bank building zoned CC-T (Commercial Corridor-Transitional) District;
- Northwest: Across E Washington Avenue is a mattress store and two hotels, all of which are zoned CC-T;
- Southwest: A two-story BMO Harris bank with restaurants beyond, all falling in the CC-T District; and
- Southeast: Across the private road is Panera Bread’s existing location, also zoned CC-T;

**Adopted Land Use Plan:** The [Comprehensive Plan](#) (2018) identifies the subject site and surrounding properties for General Commercial (GC) uses. The [East Towne-Burke Heights Neighborhood Development Plan](#) (2005) recommends commercial uses for this site.

**Zoning Summary:** The subject property is zoned CC-T (Commercial Corridor-Transitional District):

Requirements	Required	Proposed
Front Yard Setback	85’ maximum	85.2’ <i>(See Comment #32)</i>
Side Yard Setback: Other cases	None unless needed for access	Adequate
Rear Yard Setback: For corner lots, where all abutting property is in a nonresidential zoning district	The required rear yard setback shall be the same as the required side yard setback	Adequate
Maximum Lot Coverage	85%	Less than 85%
Maximum Building Height	5 stories/ 68’	1 story

Site Design	Required	Proposed
Number Parking Stalls	Restaurant: Minimum 15% of capacity of persons (16) Maximum: 40% of capacity of persons (44)	63 <i>(See Comments #33 &amp; #35)</i>
Accessible Stalls	Yes	3
Loading	None	None
Number Bike Parking Stalls	Restaurant: 5% of capacity of persons (5)	6 <i>(See Comment #36)</i>
Landscaping and Screening	Yes	Yes <i>(See Comments #37 &amp; #38)</i>
Lighting	Yes	Yes
Building Forms	Yes	Free standing commercial building <i>(See Comment #39)</i>

<b>Other Critical Zoning Items</b>	Utility Easements, Barrier Free (ILHR 69)
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**Environmental Corridor Status:** The property is not located within a mapped environmental corridor.

**Public Utilities and Services:** The site is served by a full range of urban services. Metro Transit operates daily, all-day transit service along E Washington Avenue, adjacent this property.

## Project Description

The applicant proposes to demolish an existing restaurant in order to build a one-story restaurant with a vehicle access sales and service window and an outdoor eating area.

The building proposed for demolition is a one-story, roughly 4,900-square-foot, Pizza Hut restaurant which City Assessor's records note was constructed in 1988. While the applicant did not raise specific deficiencies regarding the condition of the three structures, they did submit interior and exterior [photos](#) of the building for review.

Upon removal of the existing building, the applicant proposes to build a one-story Panera Café restaurant with interior seating for 106 persons and outdoor seating, located on the northwestern side of the building, for 28 persons. The restaurant, like its predecessor, will be located in the center of the site and encircled by a drive-aisle and surface parking. The proposal also includes two drive-through lanes which will both start at the westerly corner of the building, wrap counter-clockwise around the building and each feed an order board located at the southeasterly corner of the building. East of the order boards, the two lanes will merge and the remaining lane will wrap around the building's eastern corner and access the single vehicle sales and service window (drive-through window) located along the building's northeastern side before ending at the northern corner of the building.

With the restaurant at the center of the site, and the drive-through lanes forming the first layer, the next layer would be the vehicle access lane, which encircles the drive-through lane and is accessed via two entrances located along the private road to the south of the site. While the vehicle access lane is two-way along the northeastern and northwestern sides of the building, it becomes one-way along the two other sides. This is due to the design of the next layer, the automobile parking, which runs along the entire periphery of the site. While the stalls are perpendicular along the two-way portions, they are diagonal along the one-way portions. In total, 63 auto parking stalls are proposed around the perimeter of the site.

It should be noted that the 63 automobile stalls proposed by the applicant are 19 more than the maximum allowed for this use by the Zoning Code (equal to 40-percent of the restaurant's capacity, or 44 stalls). That said, §28.141(6)(c) M.G.O. states that the Zoning Administrator may approve an increase of up to twenty (20) spaces above the maximum requirement. The applicant will need to submit an application for a Parking Adjustment with supporting documentation for review and approval prior to final sign off.

Regarding exterior materials, brick masonry, fiber cement paneling, and perforated metal are the primary materials. The main entry is located at the western corner of the building, facing E Washington Avenue, near where the accessible parking is also located. Pedestrian paths from the parking stalls to the main entrance have been striped across the drive-through lanes at several locations. While the applicant has shown the addition of a public sidewalk along the East Springs Drive frontage, as part of the conditions of approval, they will also be required to add a sidewalk along the entire frontage of the private drive. They will also be required to add a direct pedestrian connection from the public sidewalk – either E Washington Avenue or East Springs Drive – onto their site.

## Analysis & Conclusion

This request is subject to the standards for demolition permits and conditional uses. This section begins with adopted plan recommendations, and includes analysis of the demolition and conditional use approval standards.

### Adopted Plan Recommendations

The [Comprehensive Plan](#) (2018) identifies the subject site and the area to the east, as General Commercial. General Commercial areas provide a wide range of retail goods and services, including business and professional offices. The [East Towne-Burke Heights Neighborhood Development Plan](#) (2005) recommends commercial uses for this site. More specifically, the plan recommends general retail and service uses, which include restaurants, retail, and banks. Unlike areas recommended for mixed-use, there is not a specific recommendation for multi-story buildings in General Commercial areas. Staff believes the proposal is generally consistent with both plan recommendations.

### Demolition Permit Standards

In order to approve a demolition request, M.G.O §28.185(7) requires that the Plan Commission must find that the requested demolition and proposed use are compatible with the purpose of the demolition section of the zoning code and the intent and purpose of the CC-T (Commercial Corridor-Transitional) Zoning District. Per MGO §28.067(1), the CC-T district was established *“to recognize the many commercial corridors within the City that remain largely auto-oriented, and to encourage their transformation into mixed use corridors that are equally conducive to pedestrian, bicycle, transit and motor vehicle activity”* as well as improving *“the quality of landscaping, site design, and urban design along these corridors.”*

The demolition standards state that the Plan Commission shall consider and may give decisive weight to any relevant facts including impacts on the normal and orderly development of surrounding properties and the reasonableness of efforts to relocate the building. Furthermore, the proposed use following demolition or removal should be compatible with adopted neighborhood plans and the [Comprehensive Plan](#). The demolition standards also state that the Plan Commission shall consider the report of the City’s Historic Preservation Planner regarding the historic value of the property as well as any report submitted by the Landmarks Commission. At its February 17, 2020 meeting, the Landmarks Commission found that the building at 2649 East Springs Drive has no known historical value. (Materials related to that review from the February 17, 2020 Landmarks Commission meeting can be found [here](#).)

The Planning Division believes that the Plan Commission can find the standards for demolition met with the request to raze the existing restaurant to construct a new restaurant in its place.

### Conditional Use Standards

This proposal requires conditional use consideration as, in the CC-T District, it includes three conditional use requests: for a vehicle sales and service window, for an outdoor eating area associated with a food and beverage establishment, and for a front setback of greater than 65 feet from E Washington Avenue (85 feet as proposed). The Plan Commission shall not approve a conditional use without due consideration of the City’s adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of M.G.O. §28.183(6) are met.

Staff provides the following comments concerning two of the conditional use standards of approval. Regarding standard five, with respect to pedestrian and automobile improvements, Staff note that Traffic Engineering Division has recommended a condition to add a sidewalk along both the entire western and southern frontages. The recommended conditions also include the addition of a pedestrian connection from the public sidewalk onto the site. With these additions, Staff believe this standard can be found met. Regarding standard nine, because Staff believe the building's orientation to E Washington Avenue, façade materials, and design are consistent with the character of the area and statement of purpose for the CC-T District, Staff believe that this standard could be found met.

In considering the conditional uses for an outdoor eating area and a vehicle sales and service window, Staff note that both of these uses are over 700 feet from the nearest residential use, which is located across E Washington Avenue, behind the commercial development. Additionally, in considering the increased front yard setback request, staff notes that the front yard setbacks for the six closest buildings along E Washington Avenue vary from 45 to 136 feet, averaging approximately 81 feet. Therefore, at 85 feet, Staff believe the proposed setback is consistent with the area. In all, Planning Staff do not anticipate the proposal will result in negative impacts to the surrounding area.

#### **Supplemental Regulations for *Vehicle Access Sales and Service Windows and Outdoor Eating Areas Associated With Food and Beverage Establishments***

Vehicle Access Sales and Service Windows are also subject to the Supplemental Regulations of M.G.O. §28.151. The supplemental regulations for this use are the following:

- 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.*
- 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.*

The supplemental regulations for Outdoor Eating Areas Associated with Food and Beverage Establishments are the following:

- a) Primary access to the area shall be from within the establishment.*

- b) *Hours of operation may be restricted and noise and lighting limits imposed as part of the conditional use approval.*
- c) *Where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.*

With the conditions of approval recommended by City Agencies, the Planning Division believes the supplemental regulations listed above are satisfied by the proposal.

## Conclusion

Staff believes that given the conditions recommended by reviewing agencies, the applicable approval standards for demolition and conditional uses can be found to be met. Staff believes the proposal's similar scale and use within the existing surrounding built environment are appropriate. A time of report writing, staff has received no written comments.

## Recommendation

### Planning Division Recommendations (Contact Chris Wells, 261-9135)

The Planning Division recommends that the Plan Commission find the standards met and **approve** a demolition permit and conditional uses to construct a commercial building with a vehicle sales and service window, outdoor eating area, and greater front setback at 2649 East Springs Drive subject to input at the public hearing and the following conditions:

**Recommended Conditions of Approval:** Major/Non-Standard Conditions are Shaded

### City Engineering Division (Contact Brenda Stanley, 261-9127)

1. Enter into a City / Developer agreement for the required infrastructure improvements. Agreement to be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact City Engineering to schedule the development and approval of the plans and the agreement. (MGO 16.23(9)c)
2. Construct sidewalk (5" thick, 5' wide) along East Springs Drive to a plan as approved by City Engineer
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>. (MGO 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. 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/constformsinfo.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.
7. Revise the site plan 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. (POLICY)
8. This site appears to have a land use that will result in their inclusion as a restaurant class sanitary sewer customer. This will charge commercial kitchen facilities a higher sanitary sewer fee per gallon than domestic users and is based on strengths of waste measured at representative similar customers throughout the City. If the applicant desires, a sampling structure may be installed, as part of the initial construction at their cost, to allow site-specific sampling of their waste to determine sanitary sewer charges specifically for this site. If no sampling structure is installed, this site will default to the restaurant class code in MGO Chapter 35. If you have questions on the restaurant class sewer charges please contact Megan Eberhardt at [Meberhardt@cityofmadison.com](mailto:Meberhardt@cityofmadison.com) or 608-266-6432.
9. Revise the plans to show a proposed private internal drainage system on the site. Include the depths and locations of structures and the type of pipe to be used. (POLICY AND MGO 10.29)
10. 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>

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.

11. 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))

**Rate Control:** Reduce peak discharge in the 10 year event by 15% compared to existing conditions.

**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.

**Volume Control:** during the 10yr event reduce discharge volume leaving the site by 5% compared to existing conditions.

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.

12. 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.
13. 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).

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

14. Add to the label of the Ingress / Egress Easement Document that it is per 2077318 and its total width is 40 feet on the site plan.
15. The site plans shall show and denote the 42' Building Setback Line per the plat of Regional East.
16. The address of 2649 East Springs Dr. will be retired and archived with the demolition of the existing building. The new address for Panera is 2651 East Springs Dr. 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.

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

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| <ol style="list-style-type: none"><li>17. The applicant shall construct sidewalk along East Springs Drive adjacent their site according to plan approved by City Engineer. The applicant shall enter into a signed developer's agreement through City of Madison Engineering prior to sign off.</li></ol> |
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18. The applicant shall work with Traffic Engineering to provide a direct connection from the public sidewalk to their site.

19. The applicant shall construct sidewalk along their frontage of the access road.

20. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be to engineering scale 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.

21. 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.

22. 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.

23. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

24. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.

25. 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.

26. 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.

27. 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.

28. "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.

29. Dimensions of the driveways shall be noted on the plan including the width of driveway and width of driveway flares or curb cut.
30. One way operation of the angled parking area shall be secured using signage and pavement markings. "One Way Signs" and "Do Not Enter" signs shall be noted on the supplemental plan.
31. Note: This site presents difficult constructability issues; access to neighboring sites must be maintained at all times, protected walkways will be constructed and maintained as soon as possible and little to no access to the Public Right-of-Way on East Washington Avenue will be granted for construction purposes. Provide a detailed construction plan to Traffic Engineering for review by the Traffic Control Specialist (Mike Duhr) prior to final signoff.

**Zoning Administrator** (Contact Jenny Kirchgatter, 266-4429)

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| <ol style="list-style-type: none"><li>32. Reduce the front yard setback from the East Washington Avenue property line to a maximum of 85 feet. If there is no on-street parking in front of the lot, the following greater setback can be allowed if approved as a conditional use: A building may be setback of up to eighty-five (85) feet provided that at least seventy percent (70%) of the street-facing building wall is setback no more than eighty-five (85) feet.</li><li>33. Reduce the amount of the parking abutting the primary street frontage of East Washington Avenue. Per Section 28.067(4)(f), parking abutting the primary street frontage shall be limited to fifty percent (50%) of the total lot frontage.</li></ol> |
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34. 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 at [streets@cityofmadison.com](mailto:streets@cityofmadison.com). 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. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
  35. Parking is proposed in excess of the maximum number of spaces. Per Table 28I-3 Off-Street Parking Requirements, the automobile parking maximum is 40% of capacity of persons (44 parking stalls). The Zoning Administrator may approve an increase of up to twenty (20) spaces above the maximum requirement. Submit an application for a Parking Adjustment with supporting documentation per section 28.141(6)(c) for the final site plan verification submittal.
  36. Bicycle parking for the restaurant shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of five (5) 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. Provide a detail of the proposed bike rack.
  37. 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. On the landscape plan, label and number the proposed trees and plantings with the planting code in addition to the identification symbol.

38. Provide adequate development frontage landscaping adjacent East Washington Avenue and East Springs Drive per Section 28.142(5) Development Frontage Landscaping. Landscaping and/or ornamental fencing shall be provided between buildings or parking areas and the adjacent street(s), except where buildings are placed at the sidewalk. Note that landscaping must be installed on the private property.
39. Provide details showing that the East Washington Avenue 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.
40. The capacity shall be established for the outdoor eating area. Occupancy is established by the Building Inspection Unit. Contact Building Inspection staff at (608) 266-4559 to help facilitate this process.
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. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

**Fire Department** (Contact Bill Sullivan, 261-9658)

43. Verify that the water service is of sufficient size to supply the fire sprinkler system.
44. The fire access lanes are required to maintain an inside turn radii of 28-ft. Plans show encroachments into the fire access lanes. Revise the fire access lane locations or remove encroachments to facilitate the required inside turn radii.
45. 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.

**Parks Division** (Contact Kathleen Kane, 261-9671)

The agency reviewed this request and has recommended no conditions of approval.

**City Forestry Section** (Contact Jeffrey Heinecke, 266-4890)

46. 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.

**Water Utility** (Contact Jeff Belshaw, (608) 261-9835)

47. The Madison Water Utility shall be notified to remove the water meter at least two working days prior to demolition. Contact the Water Utility Meter Department at (608) 266-4765 to schedule the meter removal appointment.
48. 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.

**Metro Transit** (Contact Tim Sobota, 261-4289)

49. To facilitate City transit planning efforts, the applicant shall identify the accessible pedestrian connection between the building entrance(s) and the existing public sidewalk along East Washington Avenue or at the southern corner of the property along East Springs Drive as well as the accessible pedestrian connection to the adjoining properties to the east (along East Washington Avenue, and the private drive).
  50. In coordination with any public works improvements, the applicant shall maintain or replace the concrete boarding pad surface at the existing Metro bus stop on the south side of East Washington Avenue, east of East Springs Drive (#9475).
  51. As identified on the plans submitted for review, the applicant shall install new sidewalk on the east side of East Springs Drive, south of East Washington Avenue. The applicant shall further install new sidewalk on the north side of the private drive aisle, east of East Springs Drive, connecting to the adjoining parcels - as needed to provide an accessible connection to the public sidewalk on the southern corner of the property. The applicant shall finally install an accessible connection between the sidewalk and building entrance, across the parking lot area.
52. The applicant shall include the location of these 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 and adjoining properties.