



PREPARED FOR THE PLAN COMMISSION

Project Address: 5535 University Avenue (District 19 – Ald. Furman)
Application Type: Demolition Permit and Conditional Use
Legistar File ID #: [66120](#)
Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Heather Stouder, AICP, Planning Division Director

Summary

Applicant & Property Owner: Martin O'Connor; Realm Real Estate Development, LLC.; 3120 Edmonton Drive, Suite 300; Sun Prairie, WI 53590
Contact: Kevin Burow; Knothe & Bruce Architects, LLC; 7601 University Avenue, Suite 201; Madison, WI 53562

Requested Action: This proposal involves five requests – 1) Consideration of a demolition permit to demolish a grocery store; 2) consideration of a conditional use to construct a mixed-use building with over 24 dwelling units in the Neighborhood Mixed-Use (NMX) District; 3) consideration of a conditional use for a building in the NMX District exceeding three stories and 40 feet in height; 4) consideration of a conditional use for a building in the NMX District exceeding the allowed rear yard height transition to a residential district; and 5) consideration of a conditional use for a building in the NMX District with non-residential uses occupying less than 50 percent of the ground-floor frontage facing the primary street, including all frontage at a street corner – in order to construct a four-story, mixed-use building with 2,735 square feet of commercial space and 66 apartments in Urban Design District 6 at 5535 University Avenue.

Proposal Summary: The applicant proposes to demolish a grocery store to construct a 4-story, mixed-use building with 2,735 square feet of ground floor commercial space and 66 apartments above. Compared to the similar design which was approved in 2018, this proposal represents a roughly 50-percent reduction in commercial space and a six unit increase.

Applicable Regulations & Standards: This proposal is subject to the standards for Demolitions [MGO §28.185(7)] and Conditional Uses [MGO §28.183(6)].

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

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards are met and **approve** the demolition permit and four conditional use requests to demolish a grocery store before constructing a four-story, mixed-use building with 2,735 square feet of commercial space and 66 apartments at 5535 University Avenue. These recommendations are subject to input at the public hearing and the conditions recommended by reviewing agencies.

Background Information

Parcel Location: The 48,515-square-foot (1.11-acre) subject property located to the south of the intersection of University and Capital Avenues. The site is located within Aldermanic District 19 (Ald. Furman), Urban Design District 6, and the limits of the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site includes an existing one-story, 16,780-square-foot grocery store, with a partial basement. It was originally constructed in 1976 at the southern corner of the lot. A large surface parking lot with roughly 49 stalls and curb cuts onto University and Capital Avenues, covers almost the rest of the lot, save for a two small planting beds along Capital Avenue.

Surrounding Land Use and Zoning:

Northwest: Across Capitol Drive are single-family and 2-unit residences, all zoned SR-C3 (Suburban Residential – Consistent 3) District;

Northeast: Across University Ave is an auto repair station with detached and car wash, zoned NMX (Neighborhood Mixed-Use) District; behind which are single-family residences in the TR-C1 (Traditional Residential – Consistent 1) zoning district;

Southeast: The Dale Heights Presbyterian Church, zoned NMX; and

Southwest: A 24-unit apartment building, zoned SR-V2 (Suburban Residential – Varied 2) District.

Adopted Land Use Plan: The [Comprehensive Plan \(2018\)](#) and the [Spring Harbor Neighborhood Plan \(2006\)](#) both recommend Neighborhood Mixed-Use for this parcel.

Zoning Summary: The property is zoned NMX (Neighborhood Mixed-Use) District.

Requirements	Required	Proposed
Front Yard Setback Minimum	0' or 5'	17'
Front Yard Setback Maximum	25'	17'
Side Yard Setback: Where proposed buildings or abutting buildings have window openings in side walls within 6' of lot line.	Two-story or higher: 6'	16' Southeast
Side Yard Setback: Street Side Yard	0' or 5'	41.9'
Rear Yard Setback	20'	22.5'
Usable Open Space	40 sq. ft./ d.u. (2,640 sq. ft.)	14,197 sq. ft.

Section 28.064(3)(d): Rear or side yard height transition to residential districts.

Site Design	Required	Proposed
Number Parking Stalls	Multi-family dwelling: 1 per dwelling (66) General retail; service business; office: 1 per 400 sq. ft. floor area (7) (73 total)	30 surface 57 underground/covered (87 total) <i>(See Comments #40 & #41)</i>
Accessible Stalls	Yes	Yes
Loading	Not required	None
Number Bike Parking Stalls	Multi-family dwelling: 1 per unit up to 2-bedrooms, ½ space per add'l bedroom (66) 1 guest space per 10 units (7) General retail; service business; office: 1 per 2,000 sq. ft. floor area (2 minimum) (75 total)	9 surface 66 underground (75 total) <i>(See Comments #41, #42 & #43)</i>
Landscaping and Screening	Yes	Yes <i>(See Comments #44 & #45)</i>
Lighting	Yes	Yes
Building Forms	Yes	Commercial Block Building <i>(See Comments #47 & #48)</i>

Other Critical Zoning Items	Urban Design (UDD #6); Barrier Free (ILHR 69); and Utility Easements
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Tables Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

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.

Previous Approvals

This is the third iteration of a proposal for a mixed-use redevelopment on this site. Previous iterations are summarized here.

On January 8, 2018, the Plan Commission approved a Demolition Permit to demolish a grocery store and four conditional uses in the NMX District:

- a mixed-use building with over eight dwelling units;
- a mixed-use building exceeding ten thousand square feet floor area;
- a building exceeding three stories and 40 feet in height; and,
- a building modifying the required rear yard height transition to a residential district
- Note: the two conditional use approvals noted below for the November 19, 2018 proposal related to ground floor commercial space also applied to this proposal but were missed by staff during the review.

At that time, the proposal was to construct a four-story, mixed-use building with roughly 5,600 square feet of commercial space and 56 apartments (Legistar File ID [49138](#)).

On November 19, 2018, the Plan Commission approved a Demolition Permit to demolish a grocery store and six conditional uses in the NMX District:

- a mixed-use building with over eight dwelling units;
- a mixed-use building exceeding ten thousand square feet floor area;
- a building exceeding three stories and 40 feet in height;
- a building modifying the required rear yard height transition to a residential district;
- a building with non-residential uses occupying less than 75-percent of the ground-floor frontage facing the primary street, including all frontage at a street corner; and,
- a building with non-residential uses constituting less than 75-percent of the building's ground-floor area.

At that time, the proposal was to construct a four-story, mixed-use building with roughly 5,600 square feet of commercial space and 60 apartments at 5535 University Avenue; Urban Design District #6. (Legistar File ID [53124](#)).

Project Description

The applicant proposes to construct a four-story, mixed-use building with 2,735 square feet of commercial space and 66 apartments following the demolition of a one-story, former grocery store. In order to construct said building, the applicant is making five requests with this proposal: 1) Consideration of a demolition permit to demolish a grocery store; 2) consideration of a conditional use to construct a mixed-use building with over 24 dwelling units in the Neighborhood Mixed-Use (NMX) District; 3) consideration of a conditional use for a building in the NMX District exceeding three stories and 40 feet in height; 4) consideration of a conditional use for a building in the NMX District modifying the required rear yard height transition to a residential district; and 5) consideration of a conditional use for a building in the NMX District with non-residential uses occupying less than 50 percent of the ground-floor frontage facing the primary street, including all frontage at a street corner.

This current proposal is very similar to the development which was approved by the Plan Commission back on November 19, 2018, save for the following major differences:

- The amount of ground floor commercial space has been reduced from roughly 5,600 to 2,735 square-feet and the ten automobile surface parking stalls which were located beneath the building’s upper floors, which spanned the southern area of the lot, have been removed (along with the one-way out drive aisle which formerly ran along the building’s southeast façade).
- As a result of the changes noted above, and those areas subsequently reallocated to residential development, the unit count has increased from 60 to 66 units. The unit mix has also changed slightly (see tables below).
- Due to the ordinance changes to the conditional use thresholds and allowable densities which were approved by Council on June 1, 2021, the current submission has triggered two less conditional use requests relating to building square footage and the total percentage of ground-floor commercial space.

The building proposed for demolition is a one-story, 16,780-square-foot grocery store, with a partial basement. It was originally constructed in 1976 at the southern corner of the lot. A large surface parking lot with roughly 49 stalls and curb cuts onto University and Capital Avenues, covers almost the rest of the lot, save for a two small planting beds along Capital Avenue. Photos of the interior and exterior of the building are included with the application materials, which appear to show a building in average condition.

In the proposed building, 2,735 square-feet of commercial space occupies the northern end of the ground floor. While all 2,735 square-feet could be occupied by one tenant, in the submitted plans the applicant is also showing a possible future scenario where roughly 500 square-feet of this space is carved off to become either a separate tenant space or a co-working space. While this potential separate commercial space would only have an entrance from the University Avenue side, the main commercial space would have two entrances facing University Avenue and a third facing the rear surface parking lot.

With the reduction in commercial square-footage, the percentage of the 204-foot-long University Avenue façade occupied by commercial uses has dropped from 92 feet (or roughly 45 percent), which was approved in 2018, to roughly 67 feet (or roughly 32 percent), which is proposed now. Even with the recent zoning ordinance changes regulating this percentage being lowered from 75 percent to 50 percent, conditional use approval is still required.

As mentioned previously, the ten automobile surface parking stalls (in the 2018 version) which were located beneath the building’s upper floors at the southern area of the lot, have been removed and the space reincorporated into the building. The elements like the exercise room, trash room, and bicycle storage rooms have been rearranged and with the newfound square-footage, six units have been added. Comparing the breakdown of units shown in Table 1, three of the new units are one-bedroom units and three are two-bedroom units. The additional six units increases the density from roughly 54 units per acre to 60. As with the 2018 version, each dwelling unit will continue to each have a private balcony or front stoop, and there is a comparably sized exercise room located on the ground floor and common room with access to the rooftop terrace.

Table 1: Residential Unit Mix - Previously Approved (2018) Proposal vs. Current Proposal

Previous (November 2018) Approval						Current Proposal					
Floor	Efficiency	1bed	1bed w/ den	2bed	Total	Floor	Efficiency	1bed	1bed w/ den	2bed	Total
1st	3	1	0	2	6	1st	3	5	0	4	12
2nd	7	10	0	3	20	2nd	7	10	0	3	20
3rd	7	10	0	3	20	3rd	7	10	0	3	20
4th	1	8	1	4	14	4th	1	8	0	5	14
Total	18	29	1	12	60	Total	18	33	0	15	66

The number of total parking stalls provided on site, both in the form of surface stalls as well as under-building stalls, has dropped from 90 (with the 2018 approval) to 87. Thirty surface stalls are located at the rear of the site and 57 are located beneath the building. While the thirty surface stalls will be primarily for the commercial users, nine of the stalls will be allocated to the residential tenants (resulting in a parking-to-dwelling unit ratio of 1:1).

The lower parking deck also contains 66 long-term bicycle parking stalls for the residential tenants – 49 as ground-mounted stalls and 17 as wall-mounted. At grade, there are nine short-term bicycle stalls for commercial patrons and the guests of residents.

The proposed building exterior materials are very similar to the previous approval and include cast stone for the base; a cream-colored, modular-sized brick for the first three floors, with a cedar-colored, horizontal composite siding cladding the bays which project at the second and third floor levels; and a slate-colored, horizontal composite siding cladding the fourth floor. The commercial storefronts are an anodized aluminum while the rest of the building's windows are a vanilla-colored vinyl or fiberglass. Aluminum is used for the balcony railings and metal for the balconies.

Usable open space is provided on site both as surface green space as well as via the private balconies and rooftop terrace. Roughly 10,000 square-feet of surface green space is provided in various sized areas located primarily along the site's easterly, northerly and westerly property boundaries. Open space is also included via the private balconies which are provided with each unit, either as a roughly 60 or 68-square-foot version, depending on its located on the floorplan. Because of the fourth floor setback along University Avenue, the three north-facing units have sizeable balconies, ranging from roughly 400 to 700 square feet in size. Finally, the rooftop terrace provides an additional 400 square feet of usable open space. In all, over 14,000 square-feet of open space is provided which greatly exceeds the 2,640 square-feet required for this project.

Regarding nearby transit amenities, in order to accommodate a University Avenue bus stop, which will be relocated from its current location on the northern side of the Capital Avenue intersection to in front of the proposed building, the applicant is dedicating area along this frontage for the future construction of a pullout lane, to be constructed by the City. Details were included as part of the Certified Survey Map (CSM) which was submitted and approved by the Common Council on January 16, 2018.

Analysis and Conclusion

The proposed project is subject to the approval standards for Demolitions [MGO §28.185(7)] and Conditional Uses [MGO §28.183(6)]. This analysis begins with an analysis of adopted plan recommendations.

Conformance with Adopted Plans

The [Comprehensive Plan \(2018\)](#) and the [Spring Harbor Neighborhood Plan \(2006\)](#) both recommend Neighborhood Mixed-Use (NMU) for the subject parcel.

The [Comprehensive Plan \(2018\)](#) recommends Neighborhood Mixed-Use (NMU) development for the subject site. The Plan states that NMU districts "*include existing and planned relatively small Activity Centers* (i.e. typically mixed-use areas that are more intensely developed than their surroundings and serve as the visual and/or functional center of a neighborhood, multiple neighborhoods, or a district). Regarding land use recommendations, the Plan states that these NMU Activity Centers include residential uses, as well as retail, restaurant, service, institutional, and civic uses primarily serving nearby residents. At the site level, it recommends that individual buildings be located close to public sidewalks, oriented towards the street, and typically, not include more than 10,000 square feet of commercial space. It also recommends on-street parking is recommended where practical,

with private off-street parking placed primarily behind buildings, underground, or shielded from public streets by liner buildings.” Regarding general development intensity, it states that new buildings are expected to be 2-4 stories in height but that single-story buildings may be supported in very limited circumstances. For density, it recommends a maximum of up to 70 dwelling units per acre. On the Comprehensive Plan’s *Activity Centers and Corridors Map*, the site lies within the University Avenue Corridor, where a transition from under-utilized, auto-oriented commercial sites to more intensive mixed-use is recommended.

The [Spring Harbor Neighborhood Plan \(2006\)](#) states as one of its Land Use Goals to enhance University Avenue as a vibrant mixed-use corridor for the neighborhood and surrounding communities, that includes retail, civic, office, cultural, residential, institutional, and recreational uses. To that end, it identifies the subject site as within its Spring Harbor Neighborhood Site #3, which it defines as the business and municipal services along University Avenue from Norman Way to Capital Avenue, and recommends Neighborhood Mixed-Use (NMU) development. In terms of design guidelines, for NMU Districts, the Plan states that 1) buildings should be close to the street; 2) new redevelopment should promote high quality building and site design; and 3) windows should be used at the street level to enhance the pedestrian experience.

In regards to plan consistency, given the building’s proposed setbacks and stepbacks; its location close to the its primary street with ground-floor commercial along much of that frontage; the fact that it conforms to the Comprehensive Plan’s recommended height range of 2-4 stories and density of up to 70 dwelling units per acre; and its location along one of the City’s major transportation routes, the Planning Division believes the proposal is generally compatible with the adopted plans.

Importantly, the applicant is seeking a conditional use to support a ground floor commercial space comprising less than 50% of the University Avenue façade. The 2,735 square foot commercial space proposed is roughly half the size of the previous iteration of this proposal, and of course significantly less than the existing one-story, vacant grocery store space. The site location offers a good opportunity for easily walkable commercial space for nearby residents, as well as a high volume of multi-modal traffic along University Avenue to support commercial space. Staff notes that even a slight increase in the ground floor commercial space (involving the loss of at least one first-floor residential unit) could likely provide a more flexible space for one or multiple commercial tenants in the long term. While the size of the space proposed is typical for many similarly located mixed-use buildings and could in and of itself support a variety of small commercial users over time, the Plan Commission should carefully consider whether the provision of the space proposed (2,735 square feet, comprising 32% of the University Avenue frontage) is adequate to support plan recommendations and related standards.

Conditional Use Standards

The conditional use approval standards state that 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 MGO §28.183(6) are met. Please note, recent changes to state law requires that conditional use findings must be based on “substantial evidence” that directly pertains to each standard and not based on personal preference or speculation.

The Planning Division believes that the conditional use standards can be found met for the four conditional use requests associated with this revision. Staff note that the current proposal is very similar to the previously approved version which included many of the same conditional uses currently being requested. This opinion of Staff, that the standards can be found met, also assumes the conditions of approval included with this report, and provides additional discussion of the following standards.

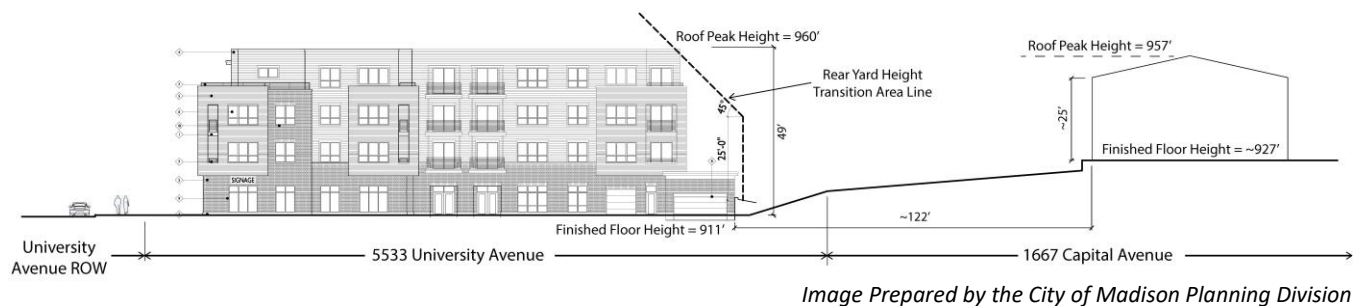
Standard 3 states *“The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner.”* The proposed building’s height and mass are two areas with potential impact on the surrounding properties, and both require a conditional use.

The first will allow the building to exceed the Neighborhood Mixed-Use (NMX) District’s maximum height allowance of three stories or 40 feet. This site is on a major arterial street, and is recommended in the Comprehensive Plan for mixed-use buildings 2-4 stories in height. Given this, staff believes the height can easily be supported.

The building requires a second conditional use because it does not meet the rear yard height transition to the residential district to the southwest, in this case the parcel located at 1667 Capital Avenue which is zoned Traditional Suburban – Varied 1 (SR-V1) District and contains a two-story, 24-unit apartment building. As MGO §28.064(3)(d) reads, *“Where the NMX District abuts a residential district at the rear or side lot line, building height at the rear setback line (in this case, 20 feet) shall not exceed two (2) stories/twenty-five (25) feet. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line, (a 45° angle) up to the maximum allowed height. Transitions exceeding this height and/or ratio limitation require conditional use.”*

Looking at Image 1 below, one can see the upper right corner of the building (i.e. the southeasterly corner of the building’s fourth floor) barely extending into the transition area (which is indicated by the angled dashed line). (Note: this infringement has not changed from the previously approved plans). While such a restriction on height transitions is most applicable, and valuable, in infill situations when, for example, a multi-story building is proposed on a block of small and/or narrow lots, for the 5535 University Avenue case, Planning Staff anticipate that that this specific encroachment will not result in noticeably different impacts than what would be allowed without the requested conditional use. This is due to the fact that the adjacent two-story residential building is 122 feet away, and also due to the significant grade change between properties. The level of the ground floor of the neighboring building is roughly 16 feet above that of the subject building.

Image 1: Section Looking Eastward



Standard 4 states *“The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in this district.”* As noted above, Staff believe the proposal is compatible with the adopted plans, and foresee no negative impacts on the potential for normal and orderly development in the area.

Regarding the potential impacts of the revisions to the building, including the addition of six dwelling units, Staff do not believe the net result will be substantially different than with the previously approved submittal. Staff do note that the additional six dwelling units will result in an additional nine bedrooms while the number of automobile parking stalls on site will drop by three with this proposal. Staff also acknowledge that additional vehicular trips will be added to Capital Avenue (and the University Avenue intersection) due to the elimination of

the one-way (egress) drive aisle which formerly ran from the rear parking lot along the building's southeast façade to University Avenue. That said, even with these changes, Traffic Engineering staff have reviewed this proposal and believe that, based on their observation and data provided by the applicant's consultant, the Capital Avenue/University Avenue intersection will be able to accommodate the increase in traffic which will be generated by this development. In conversations with Staff, Traffic Engineering staff have noted that the queues from the Northbound Capital Avenue approach extend through the site's existing driveway roughly five out of 58 cycles during a two hour morning peak period according to 2017 data provided by the applicant's consultant. That said, while they believe the intersection can continue to accommodate all of the traffic from this proposed development – largely given the fact that residential traffic is more dispersed over the course of the day than commercial traffic – it would be their preference that the one-way egress onto University Avenue remain.

Standard 9 states *“When applying the above standards to any new construction of a building or an addition to an existing building the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district.”* As outlined previously, Staff believe the proposed building to be generally consistent with the adopted plans for the area, and has no concerns about the design of the building. Furthermore, the Urban Design Commission (UDC), at their August 11, 2021 meeting, gave the project final approval. Considering the fact that Staff believes the project to be compatible with the general use, height, and massing recommendations of the Comprehensive Plan, all in addition to the final approval from the UDC, the Planning Division believes the Plan Commission can find this standard met.

Public Input

At the time of report writing, staff have received several comments regarding the proposed request. Several expressed concern regarding the proposed elimination of the second egress onto University Avenue and the impact that directing all traffic onto Capital Avenue will have on the intersection. Others are concerned about the supply of automobile parking stalls on site and believe that parking demand will spill into the surrounding neighborhood. Another noted concern of the reduction of commercial space and felt the proposal was no longer consistent with the stated purpose of Neighborhood Mixed-Use zoning - *“to encourage and sustain the viability of commercial nodes that serve the shopping needs of residents in adjacent neighborhoods.”* Lastly, Staff are aware that the alder is quite concerned about the significant drop in commercial space given the location of this building at a high visibility intersection. All comments received have been added to the project's [Legistar file](#).

Conclusion

In conclusion, the Planning Division believes the revised request on balance, is compatible with the adopted plans and could be found to meet the approval standards for demolitions and conditional uses. Based on the input from Traffic Engineering, Staff do not believe that the revisions, such as the increase in the number of bedrooms by six, the decrease in the number of automobile parking stalls on site by three, and the elimination of the direct egress onto University Avenue will have a significant negative impact on the Capital Avenue/University Avenue intersection and the surrounding area. The Plan Commission should carefully consider whether the provision of commercial space is adequate in this location for the long term, based on recommendations in adopted plans for Neighborhood Mixed-Use. While staff has not recommended a specific condition of approval related to this issue, the Plan Commission may consider requesting that the applicant incorporate a slight increase in ground floor commercial space. On the subject of building aesthetics, Staff point out that the Urban Design Commission were also supportive of the project as they granted it final approval at their August 11, 2021 meeting.

Recommendation

Planning Division Recommendation (Contact Chris Wells, (608) 261-9135)

The Planning Division recommends that the Plan Commission find that the standards can be met and **approve** the demolition permit and four conditional use requests to demolish a grocery store before constructing a four-story, mixed-use building with 2,735 square feet of commercial space and 66 apartments at 5535 University Avenue. These recommendations are subject to input at the public hearing and the conditions recommended by reviewing agencies.

Major/Non-Standard Conditions are Shaded

Engineering Division (Main Office) (Contact Tim Troester, (608) 267-1995)

1. Sewer lateral in the current layout is not acceptable because the sewer drains to the northeast and the lateral is proposed to be installed towards the west. Applicant shall revise plan to install the proposed sewer lateral perpendicular the existing sewer or directed downstream.
2. 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)
3. Construct sidewalk, terrace, curb and gutter and asphalt as required to a plan as approved by City Engineer
4. 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. (MGO 16.23(9)(d)(4))
5. 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))
6. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
7. 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.
8. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
9. 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.

10. 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)
11. 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)
12. The proposed development proposes to construct underground parking. The proposed entrance to the underground parking is adjacent to a street low point. The applicant shall provide calculations showing that they are protected to the 100 year flood event, in absence of providing those calculations, a minimum of one (1) foot of rise from the adjacent back of walk in the driveway before breaking grade to the down ramp to the underground parking to protect the underground parking from inundation. This is not intended to be protective in all cases and the developer is encouraged to complete their own analysis.
13. Provide additional detail how the enclosed depression(s) created by the parking entrance(s) to the below building parking area(s) is/are 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.
14. 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)

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. 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 by 15% the peak discharge from the site in the 10-year event 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: Reduce by 5% the peak volume being discharged from the site during a 10-year event 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.

16. 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.
17. 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).

City Engineering – Mapping (Contact Jeffrey Quamme, (608) 266-4097)

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| <ol style="list-style-type: none">18. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD), the new parcel data created by the Assessor's Office and the parcel data available to zoning and building inspection staff prior to issuance of building permits for new construction or early start. |
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19. There is a proposed substantial retaining wall planned along the southwesterly side of this site that is very near the property line. Plans indicate a Temporary construction easement for the construction of the wall over adjacent lands. Applicant shall provide a copy of the private retaining wall construction and maintenance easement / agreement with the property to the south as necessary for the construction and maintenance of the wall.
20. The plans contain apartment number errors (ie 200's on the first floor) for the added apartments. Submit a Floor Plan in PDF format to Lori Zenchenko (lzenchenko@cityofmadison.com) that includes a floor plan for each floor on a separate sheet for the development of a complete interior addressing plan. The Addressing Plan for the entire project shall be finalized and approved by Engineering (with consultation and consent from the Fire Marshal if needed) prior to the submittal of this LNDUSE for the verification stage of the review. Said approved Addressing Plan shall be included in the LNDUSE submittal.

For any changes pertaining to the location, deletion or addition of a unit, or to the location of a unit entrance, (before, during, or after construction), a revised Address Plan shall be resubmitted to Lori Zenchenko to review addresses that may need to be changed and/or reapproved. The final revised Addressing Plan shall be submitted by the applicant to Zoning to be attached to the final filed approved site plans.

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

21. 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.
22. The Developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.
23. The City Traffic Engineer may require public signing and marking related to the development; the Developer shall be financially responsible for such signing and marking.
24. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
25. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
26. 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.
27. Per Section MGO 12.138 (14), this project is not eligible for residential parking permits. It is recommended that this prohibition be noted in the leases for the residential units.

28. The applicant shall provide a clearly defined 5' walkway from the front door to the public Right of Way 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. City of Madison radio systems are microwave directional line of sight to remote towers citywide. The building elevation will need to be reviewed by Traffic Engineering to accommodate the microwave sight and building. The applicant shall submit grade and elevations plans if the building exceeds three stories prior to sign-off to be reviewed and approved by Phillip Nehmer, (266-4769) (pnehmer@cityofmadison.com) Traffic Engineering Shop, 1120 Sayle Street. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign off.
30. The driveway slope to the underground parking is not identified in the plan set, Traffic Engineering recommends driveway slope under 10%; if the slope is to exceed 10%, the applicant shall demonstrate inclement weather mitigation techniques to provide safe ingress/egress to be approved by the City Traffic Engineer.
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. Applicant shall submit for review a waste removal plan. This shall include vehicular turning movements.
33. The applicant shall prepare a TDMP (Traffic Demand Management Plan) to be reviewed and approved by the City Traffic Engineer. MGO (28.183(6)(a)(6)
34. Applicant shall submit for review a Commercial Delivery Plan. This plan will include times, vehicle size, use of loading zones and all related turning movements.
35. Include a parking plan demonstrating how specific stalls, to be used by the commercial site, will be reserved. Include any signage to be used to achieve this goal in the submitted plans.
36. The applicant shall enter into a signed developer's agreement through City of Madison Engineering prior to sign off to complete University Avenue improvements
37. 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 University 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.
38. Per Section MGO 12.138(14), this project is not eligible for residential parking permits. It is recommended that this prohibition be noted in the leases for the residential units.

Zoning Administrator (Contact Jenny Kirchgatter, (608) 266-4429)

39. 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. 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.
40. Provide electric vehicle stalls per Section 28.141(8)(e) Electric Vehicle Charging Station Requirements. A minimum of 10% of the residential parking stalls must be electric vehicle ready, and a minimum of 2% of the residential parking stalls must be electric vehicle installed.
41. As each commercial tenant space is leased, the entire development must reflect compliance in the required amount, type and number of vehicle and bicycle parking spaces, to be reviewed prior to obtaining Zoning approval for each use.
42. Bicycle parking for the commercial tenant space shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of two (2) short-term bicycle parking stalls located in a convenient and visible area on a paved or pervious surface. Relocate two (2) bicycle parking stalls to a more convenient and visible location closer to the commercial tenant space. 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.
43. Bicycle parking for the residential dwelling units shall comply with the requirements of MGO Sections 28.141(4)(g) and 28.141(11) and shall be designated as short-term or long-term bicycle parking. A minimum of 66 resident bicycle stalls are required plus a minimum of 7 short-term guest stalls. Up to twenty-five percent (25%) of bicycle parking may be structured parking, vertical parking or wall mount parking, provided there is a five (5) foot access aisle for wall mount parking. 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.
44. Submit the updated 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. Screening is required adjacent the Zoning district boundary along the southwest property line. Screening shall be provided along side and rear property boundaries between commercial/ mixed-use districts and residential districts. Screening shall consist of a solid wall, solid fence, or hedge with year-round foliage, between six (6) and eight (8) feet in height. Height of screening shall be measured from natural or approved grade. Berms and retaining walls shall not be used to increase grade relative to screening height. The applicant proposes screening vegetation to satisfy the district boundary screening requirement. For conditional uses, the Plan Commission may modify the district boundary screening requirements.
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. For residential uses at ground level, a minimum of fifteen percent (15%) of the ground level of residential facades or side and rear facades not fronting a public street shall consist of windows and door openings. On upper stories, window or balcony openings shall occupy a minimum of fifteen percent (15%) of the upper-story wall area.

47. Provide details demonstrating compliance with bird-safe glass requirements Section 28.129. For building façades where the first sixty (60) feet from grade are comprised of less than fifty percent (50%) glass, at least eighty-five percent (85%) of the glass on glass areas fifty (50) square feet or over must be treated. Of all glass areas over fifty (50) square feet, any glass within fifteen (15) feet of a building corner must be treated. Identify which glass areas will be treated, and provide a detail of the specific treatment that will be used.
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.

Madison Fire Department (Contact Bill Sullivan, (608) 261-9658)

50. Provide hose distances to all exterior portions of the building in accordance with MGO 34 & the IFC 2021 edition.

Parks Division (Contact Ann Freiwald, (608) 243-2848)

51. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the West Park-Infrastructure Impact Fee district. Please reference ID# 17159 when contacting Parks about this project.

Forestry Division (Contact Jeffrey Heinecke, (608) 266-4890)

52. 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.
53. 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.

54. 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.
55. Street tree pruning shall be coordinated with Madison Forestry at a minimum of two weeks prior to the start of construction for this project. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on the plan set.
56. Soil 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.
57. All proposed street tree removals within the right of way shall be reviewed by City Forestry before the Plan Commission meeting. Street tree removals require approval and a tree removal permit issued by City Forestry. Any street tree removals requested after the development plan is approved by the Plan Commission or the Board of Public Works and City Forestry will require a minimum of a 72-hour review period which shall include the notification of the Alderperson within who's district is affected by the street tree removal(s) prior to a tree removal permit being issued. Add as a note on the plan set.
58. An existing inventory of street trees located within the right of way shall be included on the landscape, site, demo, and utility plans. The inventory shall include the following: location, size (diameter at 4 1/2 feet), and species of existing street trees. The inventory should also note if a street tree is to be preserved or proposed to be removed and the reason for removal.
59. City Forestry will issue a street tree removal permit for (X) tree(s) (dbh) diameter (variety) tree due to (reason) at (location). Add as a note on the plan set.

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

60. 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.
61. 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/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. 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)

62. As identified on the plans submitted for review, Metro Transit recommends the creation of a new combined bus stop zone, with a pullout lane, on the south side of University Avenue east of Capital Avenue - so that buses can safely exit the active vehicle travel lanes for the time needed to actively load or unload passengers at this intersection, specifically new riders anticipated at this intersection due to the creation of multi-family residential units on this previously commercial property. This combined bus stop zone would permit the elimination of the current bus stop zones along eastbound University Avenue (just west of the Capital Avenue intersection traffic signal), and on northbound Capital Avenue (just south of the existing driveway), that occupy the active travel lanes of these streets.
63. The applicant will need to grant appropriate rights to the City of Madison and Metro Transit that would permit access, maintenance and/or installation of certain infrastructure associated with the proposed bus stop zone shown on the plans submitted for review - including the area of the bus pad surface behind the sidewalk immediately east of the pullout lane, that would accommodate the existing passenger waiting shelter that is currently installed at the bus stop zone on University Avenue west of Capital Avenue.
64. The applicant shall include the location of these transit amenities on the final documents filed with their permit application so that Metro Transit may review the design.
65. Comments above parallel the recommendations also outlined for the land use application LNDCSM-2017-00050 (5533 University Avenue).
66. Metro Transit operates daily all-day transit service along University Avenue and Capital Avenue, adjacent this property. Existing bus stops are on the south side of University Avenue, west of Capital Avenue (across from site) - and the east side of Capital Avenue, south of University Avenue (adjacent site). The planned bus stop will consolidate all bus trips to this shared location adjacent the site on the south side of University Avenue, east of Capital Avenue.