



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 219 N Fair Oaks Avenue  
**Application Type:** Zoning Map Amendment, Demolition Permit, and Conditional Use  
**Legistar File ID #** [73818](#), [74080](#), and [73819](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report Includes Comments from other City Agencies, as noted

## Summary

**Applicant:** William Butcher & Eric Welch, 219 North Fair Oaks, LLC; 1341 Spaight Street #1; Madison.

**Contact Person:** Anastasia Benko, Potter Lawson, Inc.; 749 University Row, Suite 300; Madison.

**Property Owner:** SWAYNK, LLC; 219 N Fair Oaks Avenue; Madison.

### Requested Actions:

- ID [73818](#) – Approval of a demolition permit to demolish a commercial building;
- ID [74080](#) – Approval of a request to rezone 219 N Fair Oaks Avenue from Temporary A (Agricultural District) to TR-U1 (Traditional Residential–Urban 1 District); and
- ID [73819](#)– Approval of conditional use(s) for a multi-family dwelling with greater than 60 units in TR-U1 zoning to allow construction of a four-story, 112-unit apartment building.

**Proposal Summary:** The applicant proposes to construct a four-story, 112-unit apartment building on an approximately 4.33-acre parcel recently attached to the City from the Town of Blooming Grove. The site is developed with a one-story, approximately 6,200 square-foot commercial building and shed, which will be razed. The proposed building will be served by 66 underground automobile parking stalls and 46 surface stalls, with 127 bicycle parking stalls throughout the site (per Sheet A090). Construction of the project will commence in spring 2023, with completion anticipated by fall 2024.

**Applicable Regulations & Standards:** Section 28.182 of the Zoning Code provides the process for zoning map amendments. Table C-1 in Section 28.032(1) identifies a multi-family dwelling with greater than 60 units as a conditional use in the proposed TR-U1 (Traditional Residential–Urban 1) zoning district. Section 28.183 provides the process and standards for the approval of conditional use permits. Section 28.185 provides the process and standards for the approval of demolition and removal permits.

**Review Required By:** Plan Commission and Common Council.

**Summary Recommendation:** The Planning Division recommends the following to the Plan Commission:

- That the Plan Commission find the standards for demolition permits are met to **approve** demolition of the one-story commercial building;
- That the Plan Commission forward Zoning Map Amendment ID 28.022–00592, rezoning 219 N Fair Oaks Avenue from Temp. A to TR-U1, to the Common Council with a recommendation of **approval**; and
- That the Plan Commission find the standards for conditional uses are met to **approve** a multi-family dwelling with greater than 60 units in TR-U1 zoning to allow construction of a four-story, 112-unit

apartment building subject to input at the public hearing and the conditions from reviewing agencies beginning on **page 7**.

## Background Information

**Parcel Location:** A 4.33-acre site located on the east side of N Fair Oaks Avenue approximately opposite Chicago Avenue and 900 feet north of Milwaukee Street; Alder District 15 (Foster); Madison Metropolitan School District.

**Existing Conditions and Land Use:** One-story commercial building housing an auto repair business and boating equipment business and detached shed, zoned Temp. A (Agricultural District).

**Surrounding Land Use and Zoning:**

North: TC Carpet Cleaning, Stock-N-Lock storage facility in the Town of Blooming Grove;

East: Starkweather Creek and undeveloped land in the City of Madison, zoned Temp. A (Agricultural District); and

West: Single- and two-family residences in the City, zoned TR-V1 (Traditional Residential–Varied 1 District).

**Adopted Land Use Plans:** The 2018 [Comprehensive Plan](#) recommends most of the subject site for Medium Residential (MR) with the exception of the easterly edge of the property adjacent to Starkweather Creek, which is recommended for Park and Open Space (P).

The [Milwaukee Street Special Area Plan](#), adopted in 2018, recommends that the subject site and adjacent parcel to the north be developed in the Residential Housing Mix 2 (HM2) district, which includes townhomes and three-to four-story apartment buildings (rental, senior and condominium). The Plan recommends that ground level units facing public streets have primary entries on the street, with direct access to a public sidewalk. Setbacks should generally be 10-20 feet and all parking should be located underneath, behind or beside buildings. The HM2 district would most closely align with the Medium Residential category in the 2018 [Comprehensive Plan](#). The easterly edge of the subject site adjacent to Starkweather Creek is recommended for Open Space and Stormwater, with the special area plan recommending that a parkway similar to the Yahara Parkway be developed along the creek. Lastly, the plan recommends that Chicago Avenue be extended east from its current terminus at Fair Oaks across Starkweather Creek to connect planned development east of Starkweather Creek on the Voit property to Fair Oaks.

**Zoning Summary:** The project will be developed in the TR-U1 (Traditional Residential–Urban 1) district.

Requirements	Required	Proposed
Lot Area (sq. ft. per unit)	750 sq. ft. per unit (84,000 sq. ft.)	188,637 sq. ft.
Lot Width	50'	Greater than 50'
Minimum Front Yard Setback	15'	15.0'
Maximum Front Yard Setback	30' or up to 20% greater than block average	
Side Yard Setback	10'	Adequate east   12.3' west
Rear Yard	Lesser of 25% lot depth or 25'	Adequate
Shoreland Zoning Setback	50' from ordinary high water mark	Greater than 50' (See Zoning conds.)
Maximum Lot Coverage	75%	Less than 75%

Requirements	Required	Proposed
Usable Open Space	160 sq. ft./unit (17,920 sq. ft.)	Adequate
Maximum Building Height	5 stories/ 65'	4 stories/ 54'
Auto Parking	1 per dwelling unit (112)	66 underground garage; 46 surface (112 total)
Accessible Stalls	Yes	4
Bike Parking	1 per unit up to 2-bedrooms, half-space per add. bedroom (113); 1 guest space per 10 units (11) (124 total)	115 structured; 12 surface (127 total) (See Conditions)
Loading	None	0
Building Forms	Large Multi-Family Building	(See Zoning Conditions)
<b>Other Critical Zoning Items</b>		
Yes:	Barrier Free, Utility Easements, Floodplain, Wetlands	
No:	Urban Design, Wellhead Protection, Landmarks, Waterfront Development, Adjacent to Park	
<i>Prepared by: Jenny Kirchgatter, Assistant Zoning Administrator</i>		

**Environmental Corridor Status:** The easterly edge of the property is located in a mapped environmental corridor due to the presence of floodplain adjacent to the Starkweather Creek floodway and associated wetlands.

**Public Utilities and Services:** The subject site is served by a full range of urban services, including Metro Transit, which operates daily service along N Fair Oaks Avenue between the North and East Transfer Points (Route 17).

## Project Description

The applicants are requesting approval to rezone a 4.33-acre parcel located on the east side of N Fair Oaks Avenue approximately opposite Chicago Avenue to the TR-U1 district and are seeking demolition permit and conditional use approvals from the Plan Commission to allow construction of a four-story, 112-unit apartment building following demolition of a one-story, approximately 6,000 square-foot commercial building. The subject property was attached to the City of Madison from the Town of Blooming Grove effective August 15, 2022 following approval by the Common Council on August 2, 2022.

The existing building is located near the center of the uniquely configured site, which is characterized by less than 160 feet of public street frontage despite having nearly a quarter-mile of frontage along Starkweather Creek, which forms its easterly edge, and over 500 feet along the western property line adjacent to a series of residential parcels that front onto N Fair Oaks Avenue. In addition to the 6,000 square-foot metal commercial building, the site is developed with a Quonset-style shed located along the northerly property line. The site is served by two driveways from N Fair Oaks. Photos of the interior and exterior of the 6,000 square-foot principal building are attached to the legislative file for the proposed demolition permit.

The site is characterized by a modest slope from west to east towards the creek. The northern half of the site is mostly paved or otherwise impervious, while the southerly portion is characterized by brush and scattered tree cover. The easterly property line is the approximate centerline of Starkweather Creek; as noted on the plans submitted for the proposed redevelopment, the observed edge of Starkweather Creek and mapped floodway variably impact the easterly edge of the site. Additionally, portions of the site are located in the mapped 100-year or 500-year floodplains. Also, areas of wetland are identified in the northeasterly corner of the property. An

approximately 200-foot wide “proposed parkway” roughly centered on the creek is officially mapped over the easterly portion of the property; the width of the reservation varies across the site as measured from the centerline of the creek. Finally, a 66-foot wide reservation for the future extension of Chicago Avenue is officially mapped east-west through the southerly half of the site.

Following demolition of the existing site improvements, the proposed four-story building will be a roughly C-shaped structure as viewed from north to south, which will parallel the western property line and N Fair Oaks Avenue, with the northerly wing of the building to parallel the northerly property line. The southerly wall of the building will parallel the mapped reservation for Chicago Avenue, with approximately 15 feet between the façade and northerly edge of the reservation (staff is requesting that this be dimensioned on final plans). The proposed building will be set back between 12.3 feet and approximately 20 feet from the westerly property line and N Fair Oaks Avenue and the western property line. The easterly side of the building will be set back greater than or equal to the 75-foot setback required from the ordinary high water mark of Starkweather Creek, with no portion of the building located in the mapped floodplains, 75-foot wetland setback, or City of Madison parkway/greenway adjacent to the creek.

The 112 apartments proposed will be comprised of 40 studio units, 30 one-bedroom units, 39 two-bedroom units, and three (3) three-bedroom units. The proposed building will surround a courtyard oriented towards Starkweather Creek that will include a first floor patio; a common room and fitness room for tenants will overlook the patio and creek. The primary pedestrian entrance to the building will be located at the northwestern corner of the building a half-story below the first floor. Access to the proposed development will be provided by a single driveway from N Fair Oaks Avenue, with surface parking for 46 automobiles along the northerly property line. Parking for an additional 66 autos will be provided below the footprint of the building and first floor patio, with access to the underbuilding parking provided along the northernmost façade. As with the building, the surface parking and garage access will be located outside of the mapped floodplains and regulatory setbacks.

Additional tenant amenities are proposed between the building and creek and to the south of the building, as shown on Sheet L100, including on the portions of the site reserved for the future extension of Chicago Avenue.

## **Analysis**

The applicant is requesting approval of a zoning map amendment to rezone the 4.33-acre parcel from Temp. A to TR-U1 to facilitate redevelopment of the site with a four-story, 112-unit apartment building. A multi-family dwelling with greater than 60 units is a conditional use in the proposed TR-U1 zoning district. The applicant is also requesting approval of a demolition permit to demolish the existing commercial building.

### Consideration of Demolition Permit Standards

In order to approve a demolition request, the Plan Commission shall consider the factors and information specified in Section 28.185(9)(c) and find that the proposed demolition or removal is consistent with the statement of purpose of the demolition permits section and with the health, prosperity, safety, and welfare of the City of Madison. The standards for demolition approval 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 that may be submitted by the Landmarks Commission. At its August 29, 2022 meeting, the Landmarks Commission voted to recommend to the Plan Commission that the existing one-story, 6,000 square-foot commercial building has no known historic value.

The Planning Division has no information otherwise to suggest that the demolition of the existing building on the site would not meet the standards of approval in Section 28.185(9)(c) and recommends that the demolition be approved. At time of writing this report, staff is unaware of any written comments from the public regarding the proposed demolition.

### Consistency with Adopted Plans

In order to approve the zoning map amendment, the Common Council shall find that the zoning map amendment is *consistent with* the City's Comprehensive Plan as required by Section 66.1001(3) of Wisconsin Statutes. "Consistent with" is defined as "furthers or does not contradict the objectives, goals and policies contained in the comprehensive plan."

The 2018 Comprehensive Plan recommends the subject site for Medium Residential (MR). Development in the MR district may include a variety of relatively intense housing types developed at up to 90 dwelling units per acre, including townhouses/rowhouses and multi-family buildings of varying scale and density. MR areas are generally located close to major streets, mixed-use areas, or commercial/employment areas to provide convenient, walkable access to transit, shopping, restaurants, and other amenities. MR areas should be interconnected with surrounding development as part of a complete neighborhood, and should be transit-oriented, even if transit has not yet been extended to a developing MR area.

The Milwaukee Street Special Area Plan recommends that the subject site and adjacent parcel to the north be developed in the Residential Housing Mix 2 (HM2) district, which includes townhomes and three- to four-story apartment buildings (rental, senior and condominium). The special area plan recommends that ground level units facing public streets have primary entries on the street, with direct access to a public sidewalk. Setbacks should generally be 10-20 feet and all parking should be located underneath, behind or beside buildings. The HM2 district in the special area plan most closely aligns with the Medium Residential category in the 2018 Comprehensive Plan. The easterly edge of the subject site adjacent to Starkweather Creek is recommended for Open Space and Stormwater, with the special area plan recommending that a parkway similar to the Yahara Parkway be developed along the creek.

Lastly, the plan recommends that Chicago Avenue be extended east from its current terminus at N Fair Oaks Avenue across Starkweather Creek to connect planned development east of Starkweather Creek on the Voit property to Fair Oaks. The extension of Chicago Avenue across Starkweather Creek to serve planned development on the Voit property was added to the Official Map in March 2021 by Resolution 21-00122 (ID [61589](#)).

The Planning Division believes that the rezoning of the site to TR-U1 to facilitate the development of 112 apartments is consistent with the above plan recommendations. The four-story building is consistent with the heights recommended in the special area plan, and the proposed building placement avoids the 66-foot wide reservation for the extension of Chicago Avenue. However, staff from the Planning Division and City Engineering Division are recommending conditions that the area reserved for the future extension Chicago Avenue be kept free of improvements, including all proposed structures, raised garden beds, landscaping, and trees. Staff is also requesting that an acknowledgement be included on the final plans and in the future residential leases noting that the extension of Chicago Avenue may be constructed adjacent in the future so that residents may be aware of the City's plans.

### Consideration of the Conditional Use Standards

Similarly, the Plan Commission may not approve an application for a conditional use unless it can find that all of the standards found in Section 28.183(6)(a), Approval Standards for Conditional Uses, are met. That section states: “The City Plan Commission shall not approve a conditional use without due consideration of the recommendations in the City of Madison Comprehensive Plan and any applicable, neighborhood, neighborhood development, or special area plan, including design guidelines adopted as supplements to these plans. No application for a conditional use shall be granted by the Plan Commission unless it finds that all of the [standards for approval in Section 28.183(6) are met].”

The Planning Division believes that the proposed four-story apartment building can meet the applicable standards for conditional use approval subject to conditions. The uses, values and enjoyment of other property in the neighborhood for purposes already established should not be substantially impaired or diminished in any foreseeable manner by the project. Comments submitted by agencies do not suggest that the proposed mixed-use development will negatively impact the City’s ability to provide services to the project subject to meeting the recommended conditions of approval in the final section of this report. Among the conditions recommended include conditions by the Traffic Engineering Division that waste removal plan and commercial delivery plans be submitted for staff approval prior to final approval and issuance of building permits so that limits on traffic on N Fair Oaks Avenue are limited. A Traffic Demand Management Plan (TDMP) approved by the City Traffic Engineer will also be required for final approval.

Planning staff believes that the proposed apartment building reflects the character of development generally recommended for the site by the Milwaukee Street Special Area Plan and Comprehensive Plan. The four-story building is consistent with the maximum height recommended in the HM2 category, and staff feels that the plans for the building respond well to the unique characteristics of the site, which include limited street frontage, topographical constraints related to Starkweather Creek, and the officially mapped future extension of Chicago Avenue and parkway parallel to the creek, all of which limit the developable area of the site.

## **Conclusion**

The Planning Division believes that the demolition of the existing commercial building can meet the standards for approval. The proposed zoning of the subject site to the TR-U1 zoning district and conditional use request to construct a four-story, 112-unit apartment development are generally consistent with the adopted plan recommendations for the site and surroundings in the 2018 Comprehensive Plan and Milwaukee Street Special Area Plan and can meet the various standards for approval. Staff believes that the project should not have an adverse impact on the uses, values and enjoyment or normal and orderly development of surrounding properties and that the various requests can meet the standards for approval.

However, staff from the Planning Division and City Engineering Division are recommending that the officially mapped area for the extension of Chicago Avenue south of the proposed building be kept free of improvements and that future residents be informed of the extension to limit the project’s impact on the City’s ability to construct the planned street in the future.

## Recommendation

### Planning Division Recommendation (Timothy M. Parks, (608) 261-9632)

The Planning Division recommends the following to the Plan Commission regarding the applications for 219 N Fair Oaks Avenue:

- That the Plan Commission find the standards for demolition permits are met to **approve** demolition of the one-story commercial building;
- That the Plan Commission forward Zoning Map Amendment ID 28.022–00592, rezoning 219 N Fair Oaks Avenue from Temp. A to TR-U1, to the Common Council with a recommendation of **approval**; and
- That the Plan Commission find the standards for conditional uses are met to **approve** a multi-family dwelling with greater than 60 units in TR-U1 zoning to allow construction of a four-story, 112-unit apartment building subject to input at the public hearing and the following conditions:

### Planning Division

1. The future right of way for the future extension Chicago Avenue shall be kept free of improvements. Revise the plans to remove all proposed structures, raised garden beds, landscaping, and trees from the area reserved for the future street.
2. The final plans shall be revised to include a note approved by the Planning Division acknowledging the future construction of Chicago Avenue as a full public street adjacent to the southerly wall of the proposed building. It is recommended that this acknowledgement be included in future leases for the 112-unit building to inform residents of this future condition.
3. The final plans shall be revised to dimension the setback of the building from the northerly edge of the 66-foot area reserved for Chicago Avenue on the City’s Official Map and to include a dimension for the western façade of the building from N Fair Oaks Avenue at the northwestern corner.

### City Engineering Division (Contact Brenda Stanley, (608) 261-9127)

4. The area adjacent to this proposed development has been determined by FEMA to be within the 100-year floodplain. The applicant shall delineate this boundary on the application plan set.
5. A wetland delineation shall be completed and the boundary shown on the plan set.
6. The area adjacent to this development is subject to backwater flooding from Lake Monona and Starkweather Creek. Minimum entrance elevations for ramps to underground parking and to entrances to buildings shall be set at elevation 852.50. The stated elevation is intended to be protective but does not guarantee a flood-proof structure. The developer/owner are strongly encouraged to complete their own calculations and determine an elevation that protects their property to a level of service that they are comfortable with.
7. The City Engineering Division is aware that lands adjacent to this development are known to have a flooding risk. Engineering has set the minimum protective lowest entrance elevation opening at an elevation of 852.5. This standard is not intended to be protective in all cases. The developer is strongly encouraged to complete their own engineering analysis to determine and meet a protective elevation which they are comfortable with.

In no case shall the protective elevation be set below the minimum threshold determined by the City Engineering Division. All points on the property shall be elevated beyond that elevation. In the case of entrance to underground parking, the highpoint before breaking grade to the entrance shall be 852.5.

8. Per the Wisconsin Department of Natural Resources (WDNR) closure letter, this property is an open site (BRRTS #03-13-590059 219 N. FAIR OAKS AVE.). Provide proof of coordination to close the site as part of the redevelopment to Brynn Bemis ((608) 267-1986, bbemis@cityofmadison.com). Email correspondence with the WDNR will satisfy this comment.
9. The applicant shall provide estimated wastewater calculations for the development. The development may require off-site sewer improvements by the developer as a result of the proposed land development improvements.
10. The applicant shall grant an easement to the City for Public for Stormwater conveyance and management from the centerline of the creek to a point 30 feet beyond the ordinary high water mark (OHWM).
11. Revise site plan to remove all trees and garden beds from the reservation area for future Chicago Avenue right of way.

12. Prior to approval, this project shall comply with Chapter 37 of 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 Storm Water Management Plan & Report shall include compliance with the following:

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

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.

This site is a mix of new development and redevelopment and will have to meet a blended mix of the below requirements.

Detain the 2-, 5-, 10-, 100-, and 200-year storm events, matching post development rates to predevelopment rates and using the design storms identified in MGO Chapter 37.

By design, detain the 10-year post construction design storm such that the peak discharge during this event is reduced 15% compared to the peak discharge from the 10-year design storm in the existing condition of the site. Further, the volumetric discharge leaving the post development site in the 10-year storm event shall be reduced by 5% compared to the volumetric discharge from the site in an existing condition during the 10-year storm event. These required rate and volume reductions shall be completed, using green infrastructure that captures at least the first half-inch of rainfall over the total site impervious area. If additional stormwater controls are necessary beyond the first half-inch of rainfall, either green or non-green infrastructure may be used.

Provide infiltration of 90% of the pre-development infiltration volume.

Reduce TSS by 80% (control the 5-micron particle) off of newly developed areas compared to no controls.



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

Treat the first half-inch of runoff over the proposed parking facility and/or drive up window.

13. 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.
14. Construct sidewalk, terrace, curb and gutter, and pavement to a plan approved by the City Engineer, including a five-foot sidewalk (4-foot minimum) extension from south lot line to bus pad at N Fair Oaks Avenue-Chicago Avenue intersection.
15. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to City Engineering Division 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.
16. 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.
17. An Erosion Control Permit is required for this project.
18. A Storm Water Management Report and Storm Water Management Permit is required for this project.
19. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
20. 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 NR-216 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. 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 Capital Area Regional Planning Commission (CARPC) is required for this project to proceed.
21. 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.
22. 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.
23. 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-year design storm that is current in MGO 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 PE or licensed plumber that show this requirement has been met.

24. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE and therefore will be regulated to meet a higher standard
25. This project will disturb 20,000 square feet 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.
26. 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.
27. 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, MDCPH, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit.
28. This project appears to require fire system testing that can result in significant amounts of water to be discharged to the project grade. The Contractor shall coordinate this testing with the erosion control measures and notify City Engineering (608) 266-4751 prior to completing the test to document that appropriate measures have been taken to prevent erosion as a result of this testing.
29. Complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by MGO Chapter 37.
30. 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 [troester@cityofmadison.com](mailto:troester@cityofmadison.com) (West).

**City Engineering Division – Mapping Section** (Contact Julius Smith, (608) 264-9276)

31. Grant a Public Sidewalk Easement(s) to the City in areas where sidewalk and terrace are less than 14 feet (8-foot terrace, 5-foot sidewalk, plus 1 foot behind sidewalk). Provide a legal description and exhibit for the easement. Contact Jule Smith of Engineering-Mapping ([jsmith4@cityofmadison.com](mailto:jsmith4@cityofmadison.com), (608) 264-9276) to set up a Real Estate Project and provide the associated information and fees required and record the necessary documents prior to final project approval.
32. Grant a 10-foot wide Permanent Limited Easement for grading and sloping along both sides of future Chicago Avenue right of way. Provide a legal description and exhibit for the easements. Contact Jule Smith of Engineering-Mapping ([jsmith4@cityofmadison.com](mailto:jsmith4@cityofmadison.com), (608) 264-9276) to set up a Real Estate Project and provide the associated information and fees required and record the necessary documents prior to final project approval.

33. Current proposed sidewalk along the southwest portion of N Fair Oaks Avenue is locate within the limits of Lot 1 of the Sauthoff Plat. Either move this sidewalk within the limits of the current right-of-way or provide agreement with the adjacent owner allowing the construction of the sidewalk where proposed and the adjacent owner shall grant public sidewalk easement to the City. Provide a legal description and exhibit for the easement. Contact Jule Smith of Engineering-Mapping (jsmith4@cityofmadison.com, (608) 264-9276) to set up a Real Estate Project and provide the associated information and fees required and record the necessary documents prior to final project approval.

34. Remove all proposed structures, raised garden beds, and trees from the area reserved for future Chicago Avenue on the Official Map.

35. Show limits of City of Madison Official Mapped Greenway.

36. Provide a full and complete legal description of the site or property being subjected to this application on the site plan.

37. The construction limits line shown on the site plan includes portions of Lot 1 of the Sauthoff Plat. Provide agreement with the adjacent owner allowing the construction to occur within the limits of this Lot. additionally the limits are shown up to the new sidewalk improvements shown within the lot but do not encompass the improvements. Also, the existing concrete shown within the triangle being affected on C 001 on the demolition plan is not being shown as being removed, but is being shown as seeded over on Sheet L100 of the landscape plan.

38. The address of 219 N Fair Oaks Avenue will be retired and archived with the demolition of the existing building. The new address of the proposed 112-unit apartment is 215 N Fair Oaks Avenue. 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.

39. An addressing plan was created and approved September 27, 2022. Those plans are to be attached to any subsequent submittal. Submit a site plan and a complete building Floor Plan in PDF format to Lori Zenchenko (lzenchenko@cityofmadison.com) that includes a floor plan of each floor level on a separate sheet/page for the development of a complete interior addressing plan. Also, include a unit matrix for apartment buildings. 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 verification submittal stage of this LNDUSE with Zoning. The final approved stamped addressing plan shall be included in said Site Plan Verification application materials or a revised plan shall provided for additional review and approval by Engineering. Per MGO Section 34.505, a full copy of the approved addressing plan shall be kept at the building site at all times during construction until final inspection by the Madison Fire Department. 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 addressing plan shall be resubmitted to Lori Zenchenko to review addresses that may need to be changed and/or reapproved.

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

40. The applicant shall construct sidewalk and bus pad improvements along their frontage of N Fair Oaks Avenue according to a plan approved by the City Engineer.

41. The applicant shall dedicate right of way or grant a public sidewalk easement for and be responsible for the construction of a five (5)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1) foot for maintenance along N Fair Oaks Avenue.

42. The applicant shall submit for review a waste removal plan that includes vehicular turning movements.

43. The applicant shall prepare a Traffic Demand Management Plan (TDMP) to be reviewed and approved by the City Traffic Engineer per MGO Section 28.183(6)(a)(6).

44. The 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.

45. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.

46. 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.

47. 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.

48. All parking facility design shall conform to MGO Section 10.08(6).

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

50. 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.

51. Per MGO Section 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.

52. The applicant shall adhere to all vision triangle requirements as set in MGO Section 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 Section 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.

53. The applicant shall provide a clearly defined 5-foot 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.
54. 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 DeAndre Newson, (266-4768, [dnewson2@cityofmadison.com](mailto:dnewson2@cityofmadison.com)) of the Traffic Engineering Shop, 4151 Nakoosa Trail. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign off.
55. The driveway slope to the underground parking is not identified in the plan set. The Traffic Engineering Division 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.
56. "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.
57. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
58. 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 N Fair Oaks 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, (608) 266-4429)

59. The applicant proposes a development that does not comply with the bicycle parking requirements of Sections 28.141(4)(g) and 28.141(11). Specifically, the applicant proposes bicycle stalls without a 5-foot access area and that more than 25% of bicycle parking will be structured parking. Submit a request for a bicycle parking adjustment with the final plan submittal including information to support the request.

60. Section 28.185(9) requires that every applicant for a demolition or removal approval that requires approval by the Plan Commission is required to get a Reuse and Recycling Plan approved by the City Recycling Coordinator, Bryan Johnson at [streets@cityofmadison.com](mailto:streets@cityofmadison.com) prior to receiving a raze permit. Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(9) 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.

61. 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 113 resident bicycle stalls are required plus a minimum of 11 short-term guest stalls. Up to 25% of bicycle parking may be structured parking, vertical parking or wall mount parking, provided there is a five-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 details showing the models of bike racks to be installed, including ground mount and wall mount or vertical racks.
62. 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 10,000 square feet in size must be prepared by a registered landscape architect.
63. Per MGO Section 28.005(1)(b)3., a person who owns shoreland property that contains vegetation is required to maintain that vegetation in a vegetative buffer zone along the entire shoreline of the property and extending 35 feet inland from the ordinary high-water mark of the navigable water, except as provided in sub. 3.a. If the vegetation in a vegetative buffer zone contains invasive species or dead or diseased vegetation, the owner of the shoreland property may remove the vegetation, except that if the owner removes all of the vegetation in the vegetative buffer zone, the owner shall establish a vegetative buffer zone with new vegetation.
64. Submit a detail of the outside trash enclosure. The trash enclosure shall be screened on four sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet.
65. Provide details demonstrating compliance with bird-safe glass requirements in Section 28.129. For building façades where the first 60 feet from grade are comprised of less than 50% glass, at least 85% of the glass on glass areas 50 square feet or over must be treated. Of all glass areas over 50 square feet, any glass within 15 feet of a building corner must be treated. Identify which glass areas are 50 square feet or greater and which glass areas will be treated. Provide a detail of the specific treatment that will be used.
66. 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.
67. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31 Sign Codes. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

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

68. The plan does not comply with the IFC regarding fire access to the exterior portions of the building. Provide additional measures agreeable with the Madison Fire Department to offset your proposed additional risk.

**Parks Division** (Contact Kathleen Kane, (608) 261-9671)

69. 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 East Park-Infrastructure Impact Fee district. Please reference ID# 22038 when contacting Parks Division staff about this project.

**Forestry Division** (Contact Bradley Hofmann, (608) 267-4908)

70. Additional street trees are needed for this project. Tree planting specifications can be found in Section 209 of City of Madison Standard Specifications for Public Works Construction. All street tree planting locations and tree species within the right of way shall be determined by City Forestry. A landscape plan and street tree planting plan shall be submitted in PDF format to City Forestry for approval of planting locations within the right of way and tree species. All available street tree planting locations shall be planted within the project boundaries. Add following note on both the landscape and street tree plan sets: "At least one week prior to street tree planting, the contractor shall contact City Forestry at (608) 266-4816 to schedule inspection and approval of nursery tree stock and review planting specifications with the landscaper."

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

71. Update submittal to include a utility plan.

72. A private well may have served this parcel prior to the municipal water service connection. Any remaining unused/ unpermitted private wells existing on this parcel must be properly abandoned according to Wisconsin Administrative Code NR-812 and MGO Section 13.21 prior to the demolition of the property. Please contact Water Utility staff at (608) 266-4654 to schedule an on-site private well survey prior to demolition, otherwise for additional information regarding well abandonment procedures and potential well abandonment reimbursement programs. 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.

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

73. In coordination with public works improvements, the applicant shall install and maintain an accessible boarding surface at the planned curbside bus stop zone on the east side of North Fair Oaks Avenue, north of the Chicago Avenue intersection. 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.