

PLANNING DIVISION REPORT
DEPARTMENT OF PLANNING AND COMMUNITY
AND ECONOMIC DEVELOPMENT
of October 1, 2007

RE: I.D. #07228 and # 07596: Zoning Map Amendment I.D. 3284, Rezoning 5402 Voges Road from Temp A- Agriculture to M1- Limited Manufacturing District and W- Wetland District; Demolition Permit; and Conditional Use for Off-Site Parking Lot

1. Requested Actions: Approval of a request to demolish an existing home and four outbuildings and rezone 5402 Voges Road from A-Agricultural District to MI-Limited Manufacturing District and W-Wetland District to allow development of a multi-tenant commercial and light industrial facility. The applicant also requests approval of a conditional use to construct an off-site parking lot at the northern portion of the property.
2. Applicable Regulations: Section 28.04 (22) provides the guidelines and regulations for the approval of demolition permits. Section 28.12 (9) of the Zoning Ordinance provides the process for zoning map amendments and Section 28.10(4)(d)10 identifies off-site parking facilities as a conditional use in an M1 zoning district. Section 28.12 (11) provides the guidelines and regulations for the approval of conditional uses.
3. Report Prepared By: Kevin Firchow, AICP, Planner

GENERAL INFORMATION

1. Owner: MMI, LLC; 5301 Voges Road; Madison, WI 53718.

Applicant and Contact: John Bieno; TJK Design Build; 634 West Main Street; Madison, WI 53703
2. Development Schedule: The project is scheduled to commence on October 31, 2007 and be complete by March 13, 2008.
3. Location: An area of approximately 15.15 acres on Voges Road, at its intersection with Marsh Road. Aldermanic District 16; Madison Metropolitan School District.
4. The property is currently zoned A-Agriculture.
5. Existing Conditions: The site includes an existing two story single-family residence with four out-buildings used as storage or garages. The current residence operates as a rental property. The remainder of the property is undeveloped with wetlands covering large portions of the site.

6. Proposed Land Use: The applicant proposes to construct a multi-tenant commercial and light industrial facility. Additionally, the applicant seeks approval of a conditional use to construct an off-site parking lot along the northern portion of the property.
7. Surrounding Land Use and Zoning:

North: Warehouse and office, zoned M1;

South: Warehouse and office, zoned M1;

East: Vacant industrial lands and City-owned stormwater facilities, zoned M1 and W.

West: Dane County Humane Society, zoned M1.
8. Adopted Land Use Plan: The City Comprehensive Plan and Marsh Road Neighborhood Development Plan recommend this site for "I"- Industrial uses and "P"- Park and Open Space Uses.
9. Environmental Corridor Status: A portion of the property is located within a mapped environmental corridor. Maps indicate portions of this property are wetlands.
10. Public Utilities & Services: The property is served by a full range of urban services.

STANDARDS FOR REVIEW

This application is subject to the standards for demolitions, zoning map amendments, and conditional uses.

PLAN REVIEW

The applicant proposes two development projects on the subject property. The first project is to construct a multi-tenant commercial and light industrial facility. The second proposal is to construct an off-site parking facility for an existing tenant. While on the same property, the proposed projects are independent of each other. The two developments are also located on different portions of the property, physically separated by over six acres of wetlands.

There are three approvals requested to complete the proposed projects. The applicant first seeks approval to demolish the existing residential home and accessory structures currently on site. The applicant also requests approval to rezone the property from A-Agriculture to a combination of M1-Limited Manufacturing and W-Wetland zoning. Finally, conditional use approval is required prior to the construction of the off-site parking facility proposed on the northern portion of the property.

Existing Conditions and Surrounding Context

The project site is a 15-acre parcel located at the intersection of Voges and Marsh Roads, south of the Beltline and west of Interstates 39/90. The surrounding area is developing with industrial and employment uses in accordance with City adopted plans. A single-family residence and four out-buildings are currently found on-site. Adjacent uses to the subject property include the Dane County Humane Society and several office and warehousing facilities. A City of Madison stormwater management facility is located east of the property on Marsh Road.

There are development constraints on the subject property as much of the site is traversed by wetlands. Parts of the subject property and surrounding area are designated as "environmental corridors" on the Dane County Water Quality Management Plan. The subject site, however, does include developable areas outside the wetland and wetland buffer boundaries. These non-constrained areas are the locations of the development requests.

Demolition Request

The applicant requests approval to demolish the existing two-story residential structure. This request is subject to the demolition standards of Section 28.04 (22). The residence is a rental property. City records indicate that the home was constructed in 1983 and has a total area of 1,700 square feet. The residence includes three bedrooms and 2.5 bathrooms. Based on the photo evidence supplied by the applicant, the exterior of the building appears to be in average to poor condition. Staff has not performed an inspection of the interior of the building or accessory structures. The applicant has submitted a recycling and reuse plan for the property. Approval of this plan by the Recycling Coordinator is required by ordinance prior to the issuance of the wrecking permit.

Zoning Map Amendment Request

A zoning map amendment is necessary to accommodate the two proposed development projects. Section 28.12 (9) of the Zoning Ordinance provides the process for such amendments. The subject property is currently zoned A-Agriculture and the applicant requests to rezone these properties to a combination of M1-Limited Manufacturing and W-Wetland zoning. The specific boundaries of the proposed districts are generally described below. More exact information on the district boundaries is included in the legal descriptions submitted by the applicant.

Two areas for M1 zoning are proposed. The City's zoning code established this district for the purpose of accommodating a variety of non-nuisance commercial and industrial uses including material fabrication, specialized manufacturing, and research-type institutions.

The first M1 area is a 4.7-acre area along the frontage of Voges Road and is the location of the proposed multi-tenant building. The proposed one-story building would have an area of 19,760 square feet. The facility is designed to be flexible and suit a variety of prospective commercial

and light industrial tenants with design features such as high interior space and minimal column locations. Space for up to ten tenants is provided. The applicant indicates that typical business hours would be from 5 am to 10 pm. However, no tenants have signed a lease and therefore, specific hours of operation are unknown at this time.

The building is over 270 feet in length and divided into five separate bays created through changes in materials and small recesses and projections. Each bay contains two units with separate outdoor entrances and windows. The base of the building is clad in split-face concrete block. Materials found above the front awning alternate between ribbed corrugated metal panels and EIFS.

Plans show the building is setback approximately 66 feet from the Voges Road right-of-way. One bay of two-sided parking is planned at the front of the site providing 71 stalls. A drive aisle circles the building and provides access to the loading bays located at the rear of the site. The site has two driveway entrances that align with the existing streets and driveways across from Voges Road. Pedestrian access to the building includes two sidewalks that connect Voges Road directly to the sidewalk fronting the building. The site also includes a small gazebo area along Voges Road to be used as an employee break area.

A landscape plan has also been provided. Seven deciduous trees are shown along the street frontage including four lindens and three maples. Three groupings of juniper shrubs are spaced along the front parking area. Foundation plantings along the front facade include six grouping of yews, located in the two recessed areas of the front facade. A cedar trash enclosure surrounds the dumpster area at the rear of the site. No landscaping is provided along the sides and rear of the building.

The second area proposed for M1 zoning is located along the northern property line, adjacent to an existing private drive. This three-acre area is the location of the proposed off-site parking facility. The site would be leased to a tenant, FE Petro, and include 74 stalls. While this proposal only includes the parking lot, the applicant indicates that future office and warehouses would be considered for this site at a future date. In reviewing the submitted plans, it appears the entire parking lot is outside of the wetland and 75 foot wetland buffer area. However, staff recommend that the final plan set include a scaleable drawing with dimensions to confirm there is no encroachment upon the wetland areas. More detail on the conditional use aspects of this project are included in the following section.

The remaining 6.7 acres of the subject property is proposed to be rezoned to the W-Wetland District. The wetland area generally bisects the property and the two developable areas described above. The Wetland Zoning District is established to control building and development in wetlands in order to prevent pollution and to otherwise maintain safe and healthful conditions. The zoning code restricts most forms of development within in this zoning district. The delineated wetland area and buffer area will require an alteration to the existing environmental corridor map.

Off-Site Parking – Conditional Use Request

In addition to rezoning, the applicant requests conditional use approval to construct the aforementioned 74 stall parking area at the northern portion of the property. Off-site parking lots are an allowable conditional use in the M1 zoning district. Section 28.12 (11) provides the guidelines and regulations for the approval of conditional uses.

The existing wetlands restrict street access to this portion of the site and therefore, this area can only be accessed through an existing drive on the adjacent office/warehouse property. The owners of the two properties are the same and the applicant indicates that cross access agreements have been secured.

The parking area includes several landscape islands resulting in 21% of the site being impervious. A landscape plan for the parking area was submitted and includes a mix of canopy trees and smaller shrubs to screen the parking area. There are ten canopy trees throughout the site including eight pear, five linden, four maples, and three serviceberry trees. An area of lower growing shrubs has also been provided.

ANALYSIS

Conformance with Adopted Plans

Planning Staff believe that all three of the applicant's requests can be made consistent with the City Comprehensive Plan and the Marsh Road Neighborhood Development Plan. The demolition request is consistent as both plans recommend the subject property convert from a residential to an industrial use. The plan further states "residential uses are not recommended in a (planned) industrial district due to the potential negative impacts from allowed industrial activities". The proposed demolition would eliminate such potential conflicts.

The zoning map amendment request is generally consistent with these plans as it allows for the recommended industrial development and protects areas designated as wetlands and open space. However, the Marsh Road Neighborhood Development Plan notes some inconsistencies with the commercial uses allowed in M1 zoning. For that reason, the plan recommends utilizing the more industrial-specific, SM-Specific Manufacturing zoning district in this area. As an alternative, the Planning Division has approved M1 zoning in this area, provided deed restrictions are adopted to restrict commercial uses that are in conflict with that plan. Planning staff recommends that similar deed restrictions be adopted for this property to ensure consistency with this plan.

Staff do not believe that the proposed off-site parking lot is inconsistent with the plans' recommendation for industrial uses, provided the Plan Commission find the conditional use standards are met. The Comprehensive Plan recommends similar uses such as "wholesale, storage, and distribution" and "transportation hubs and truck terminals" in planned industrial

areas. Further, as the applicant indicates that future warehousing and offices are planned for this site, staff believe that the off-site parking lot could ultimately serve an on-site industrial use. As with all conditional uses, the Plan Commission would retain continuing jurisdiction of any conditional use approval.

Design Considerations

Staff believe that the site, building, and parking lot plans generally meet or exceed the very general design guidelines for planned industrial areas. The City Comprehensive Plan states that "Buildings and site improvements (in recommended industrial areas) may be simple, practical, and more vehicle-oriented than in other land use categories, and may lack a unified design theme or character. Development standards should allow metal buildings, tilt-up buildings, and similar large-span construction, as well as aprons and paved areas for work and storage. Parking lots and outside storage areas should be screened from public streets and adjacent land uses." In addition to meeting these guidelines, staff believe that the proposed plans are consistent and complementary to similar developments in this general area.

CONCLUSION

The Planning Division believes that the applicant's proposal can meet the applicable demolition, rezoning and conditional use standards.

RECOMMENDATION

The Planning Division recommends that the Plan Commission find that the demolition standards are met and **approve** a demolition permit for the existing residential structure and accessory structures. The Division further recommends that the Plan Commission find that the zoning map amendment standards are met and forward Zoning Map Amendment 3284, rezoning 5402 Voges Road from A-Agricultural District to MI-Manufacturing District and W-Wetland District to the Common Council with a recommendation of **approval**. Finally, staff recommend that the Plan Commission find the conditional use standards are met and **approve** the applicant's request to construct an off-site parking lot. These approvals are subject to input at the public hearing and the following conditions:

1. Comments from reviewing agencies.
2. That the final submitted site plans be drawn to scale and include sufficient detail that clearly indicates the proposed parking lots and other improvements are not within the wetland or the required 75 foot setback area.
3. That a reuse and recycling plan be approved by the City Recycling Coordinator.

4. That the applicant submit the Wisconsin Department of Natural Resources and/ or Army Corps of Engineers approved wetland delineation, which will in turn serve as an alteration to the mapped environmental corridor to be approved by the Capital Area Regional Planning Commission.
5. That a deed restriction, approved by Planning Division staff, be recorded to limit the permitted and conditional uses to those consistent with the Marsh Road Neighborhood Development Plan.

The deed restriction should **prohibit** the following uses otherwise permitted in the M1 district:

- a. Amusement establishments, including archery ranges, bowling centers, dance halls, golf driving ranges, gymnasiums, pool halls, swimming pools, skating rinks and other similar indoor amusement facilities
- b. Automobile service stations for the retail sale and dispensing of fuel, lubricants, tires, batteries, accessories and supplies, including installation and minor services customarily incidental thereto, and facilities for chassis and gear lubrication and for washing of motor vehicles, only if enclosed in a building, and accessory towing and wrecker service
- c. Banks and financial institutions
- d. Garages for repair and servicing of motor vehicles, including body repair, painting or motor rebuilding, and accessory towing and wrecker service
- e. Meeting halls, convention halls, and exhibition halls
- f. Taverns
- g. Nursery Schools
- h. Mission Houses
- i. Restaurants and theaters
- j. Medical, dental, and optical clinics
- k. Drive-up service windows for banks and financial institutions
- l. Adult entertainment establishments
- m. Recording studios
- n. Handgun shop
- o. Brewpub

The following permitted uses should be limited to non-retail uses:

- a. Dry-cleaning and laundry establishments
- b. Express and parcel delivery establishments
- c. Furniture and floor covering storage and sales

The deed restriction should also prohibit the following **conditional** uses permitted in the M1 district:

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- a. Amusement establishments, including fairgrounds, permanent carnivals, kiddie parks and other similar outdoor amusement facilities
- b. Automobile laundries
- c. Junkyards and automobile storage yards
- d. Outdoor eating and recreation area of restaurants and taverns
- e. Second hand stores and rummage shops
- f. Automobile drive in theatres
- g. Automobile and motorcycle sales and rental establishments
- h. Adult entertainment taverns

**PLANNING DIVISION REPORT-ADENDUM
DEPARTMENT OF PLANNING AND COMMUNITY
AND ECONOMIC DEVELOPMENT
of October 1, 2007**

RE: I.D. #07228 and # 07596: 5402 Voges Road

The applicant has clarified that existing residential structure is planned for removal and not demolition. The structure would be moved to a location outside of the City of Madison. Removal requests are subject to the same review standards as demolition requests.

The Planning Division believes that the applicant's proposal, with this clarification, can continue to meet the applicable demolition/removal, rezoning, and conditional use standards.

RECOMMENDATION

The Planning Division recommends that the Plan Commission find that the demolition/removal standards are met and **approve** the removal of the residential structure and a demolition permit for the accessory structures. The Division further recommends that the Plan Commission find that the zoning map amendment standards are met and forward Zoning Map Amendment 3284, rezoning 5402 Voges Road from A-Agricultural District to MI-Manufacturing District and W-Wetland District to the Common Council with a recommendation of **approval**. Finally, staff recommend that the Plan Commission find the conditional use standards are met and **approve** the applicant's request to construct an off-site parking lot. These approvals are subject to input at the public hearing and the conditions listed in the original Planning Division Report of October 1, 2007.



Department of Public Works
City Engineering Division

608 266 4751

Larry D. Nelson, P.E.
City Engineer

City-County Building, Room 115
210 Martin Luther King, Jr. Boulevard
Madison, Wisconsin 53703
608 264 9275 FAX
1 866 704 2315 Textnet

Deputy City Engineer
Robert F. Phillips, P.E.

Principal Engineers
Michael R. Dailey, P.E.
Christina M. Bachmann, P.E.
John S. Fahrney, P.E.
Gregory T. Fries, P.E.

Facilities & Sustainability
Jeanne E. Hoffman, Manager
James C. Whitney, A.I.A.

Operations Supervisor
Kathleen M. Cryan

Hydrogeologist
Joseph L. DeMorett, P.G.

GIS Manager
David A. Davis, R.L.S.

DATE: September 18, 2007

TO: Plan Commission

FROM: *for* Larry D. Nelson, P.E., City Engineer 

SUBJECT: 5402 Voges Road Conditional Use/Demolition/Rezoning

The City Engineering Division has reviewed the subject development and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. Any pavement damage or patching shall require restoration in accordance with the City's Patching Criteria, including removal and replacement of curb at the existing driveways.
2. Revise plans to reference Madison Commercial Drive requirements, not Verona.
3. The City Engineer is recommending the installation of sidewalk on Voges Road, however the existing wetlands may make the installation difficult or impossible. The City Engineer shall delete the sidewalks or reduce the amount of sidewalk if the installation is not practical or not permitted by the WI DNR.
4. Stormwater discharge shall be directed easterly to Marsh Road with connection from the wetland to the storm sewer in Marsh Road. Revise plans to prevent the flow of water to the west or northwest.
5. A copy of the wetland delineation report and an electronic DGN file of the wetland boundary shall be provided to City Engineering.
6. Applicant shall provide evidence of proper permitting from the Dane County Department of Health for septic system removal or abandonment.
7. Prior to issuance of Occupancy Permits, an approved addressing plan must be obtained from the City Engineering Division. Coordinate with Program Specialist Lori Zenchenko at 266-5952 or lzenchenko@cityofmadison.com.



GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

Engineering Division Review of Planned Community Developments, Planned Unit Developments and Conditional Use Applications.

Name: 5402 Voges Road Conditional Use/Demolition/Rezoning

General

- 1.1 The construction of this building will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City / Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project.
- 1.2 The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
- 1.3 The site plan shall include all lot/ownership lines, existing building locations, proposed building additions, demolitions, parking stalls, driveways, sidewalks (public and/or private), existing and proposed signage, existing and proposed utility locations and landscaping.
- 1.4 The site plan shall identify the difference between existing and proposed impervious areas.
- 1.5 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.
- 1.6 Coordinate all necessary new interior addresses associated with this proposed development with City Engineering Program Specialist Lori Zenchenko lzenchenko@cityofmadison.com or (608) 266-5952
- 1.7 The site plan shall include a full and complete legal description of the site or property being subjected to this application.
- 1.8 The Developer is required to pay Impact Fees for the _____ Impact Fee District for Lot(s) _____ of the _____ Plat/CSM. The current rate is \$ _____ /1000SF for a total of \$ _____. The Developer shall select one of the following two options for payment of these fees:
 - 1) Impact Fees shall be paid in full prior to Engineering sign-off of the plat/csm.
 - 2) The Developer has elected to defer the payments until such time as the building permits are applied for, in which case the owner(s) shall have fourteen (14) days after receiving the invoices to pay the outstanding impact fees. The following shall be required prior to plat sign off;
 - a) The Developer shall supply an Excel spreadsheet with lot numbers, lot areas, and number of dwelling units per lot. The Developer shall supply a CADD file of the proposed FINAL plat, in a format compatible with Microstation J. This information shall be required to calculate the Impact Fees, which will then be recorded at the Register of Deeds against each lot in the subdivision..
 - b) All information shall transmitted to Janet Dailey by e-mail at Jdailey@cityofmadison.com, or on a CD to:

Janet Dailey
City of Madison Engineering Division
210 Martin Luther King Jr. Blvd
Room 115
Madison, WI 53703
 - c) A minimum of three (3) weeks shall be required for staff to calculate the Impact Fees and record the documents prior to plat sign-off.

The Developer shall put the following note on the face of the plat:

ALL THE LOTS WITHIN THIS SUBDIVISION ARE SUBJECT TO IMPACT FEES THAT ARE DUE AND PAYABLE WITHIN FOURTEEN DAYS OF THE ISSUANCE OF BUILDING PERMIT(S).

Right of Way / Easements

- 2.1 The Applicant shall Dedicate a _____ foot wide strip of Right of Way along _____,

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- 2.2 The Applicant shall Dedicate a _____ foot wide strip of Right of Way along _____.
- 2.3 The Applicant shall Dedicate a Permanent Limited Easement for grading and sloping _____ feet wide along _____
- 2.4 The City Engineer has reviewed the need for pedestrian and bicycle connections through the development and finds that no connections are required.
- 2.5 The Applicant shall Dedicate a Permanent Limited Easement for a pedestrian / bicycle easement _____ feet wide from _____ to _____.
- 2.6 The Developer shall provide a private easement for public pedestrian and bicycle use through the property running from _____ to _____.
- 2.7 The developer shall be responsible for the ongoing construction and maintenance of a path within the easement. The maintenance responsibilities shall include, but not be limited to, paving, repaving, repairing, marking and plowing. The developer shall work with the City of Madison Real Estate Staff to administer this easement. Applicable fees shall apply.
- 2.8 The Public Sanitary Sewer Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- a. The property owner reserves the right to use and occupy the Public Sanitary Sewer Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public sanitary sewer facilities.
 - b. No above-ground improvements shall be located in the Public Sanitary Sewer Easement Area(s) by the City or the property owner, with the exception that grates, sewer access structure (SAS) covers, and other access points to the public sanitary sewer facilities shall be permitted at grade level. (Optional: and with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
 - c. Plantings and landscaping within the Public Sanitary Sewer Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
 - d. The property owner shall not change the grade of the Public Sanitary Sewer Easement Area(s) without the prior written approval of the City's Engineering Division.
 - e. The Public Sanitary Sewer Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.
- 2.9 The Public Sidewalk Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- a. The property owner reserves the right to use and occupy the Public Sidewalk Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public sidewalk improvements.
 - b. No above-ground improvements will be allowed in the Public Sidewalk Easement Area(s) by the property owner. (Optional: with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
 - c. Plantings and landscaping within the Public Sidewalk Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
 - d. The property owner shall not change the grade of the Public Sidewalk Easement Area(s) without the prior written approval of the City's Engineering Division.
 - e. The Public Sidewalk Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.
- 2.10 The Public Storm Sewer Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- a. The property owner reserves the right to use and occupy the Public Storm Sewer Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public storm sewer facilities.
 - b. No above-ground improvements shall be located in the Public Storm Sewer Easement Area(s) by the City or the property owner, with the exception that grates, sewer access structure (SAS) covers, and other access points to the public storm sewer facilities shall be permitted at grade level. (Optional: and with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
 - c. Plantings and landscaping within the Public Storm Sewer Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
 - d. The property owner shall not change the grade of the Public Storm Sewer Easement Area(s) without the prior written approval of the City's Engineering Division. The Public Storm Sewer Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.
- 2.11 The Public Water Main Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- a. The property owner reserves the right to use and occupy the Public Water Main Easement Area(s) in a

manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public water main facilities.

- b. No above-ground improvements will be allowed in the Public Water Main Easement Area(s) by the property owner. (Optional: with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
- c. Plantings and landscaping within the Public Water Main Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
- d. The property owner shall not change the grade of the Public Water Main Easement Area(s) without the prior written approval of the City's Engineering Division.
- e. The Public Water Main Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.

Streets and Sidewalks

- 3.1 The Applicant shall execute a waiver of notice and hearing on the assessments for the improvement of [roadway] _____ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.
- 3.2 **Value of sidewalk installation over \$5000.** The Applicant shall Construct Sidewalk to a plan approved by the City Engineer along Voges Road.
- 3.3 **Value of sidewalk installation under \$5000.** The Applicant shall install public sidewalk along _____. The Applicant shall obtain a Street Excavation Permit for the sidewalk work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. All work must be completed within six months or the succeeding June 1, whichever is later. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 3.4 The Applicant shall execute a waiver of their right to notice and hearings on the assessments for the installation of sidewalk along [roadway] _____ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.
- 3.5 The Applicant shall grade the property line along ____ to a grade established by the City Engineer. The grading shall be suitable to allow the installation of sidewalk in the future without the need to grade beyond the property line. The Applicant shall obtain a Street Excavation permit prior to the City Engineer signing off on this development. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 3.6 The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
- 3.7 **Value of the restoration work less than \$5,000. When computing the value, do not include a cost for driveways. Do not include the restoration required to facilitate a utility lateral installation.** The Applicant's project requires the minor restoration of the street and sidewalk. The Applicant shall obtain a Street Excavation Permit for the street restoration work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 3.8 The Applicant shall make improvements to _____ in order to facilitate ingress and egress to the development. The improvement shall include a (Describe what the work involves or strike this part of the comment.) _____
- 3.9 The Applicant shall make improvements to _____. The improvements shall consist of _____
- 3.10 The approval of this Conditional Use does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester.
- 3.11 The Applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The Applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The Applicant shall provide the City Engineer the proposed grade of the building entrances. The City Engineer shall approve the grade of the entrances prior to signing off on this development.
- 3.12 The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction.
- 3.13 The Applicant shall obtain a privilege in streets agreement for any encroachments inside the public right of way. The approval of this development does not constitute or guarantee approval of the encroachments.

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- 3.14 The Applicant shall provide the City Engineer with the proposed soil retention system to accommodate the restoration. The soil retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system.
- 3.15 The Applicant shall complete work on exposed aggregate sidewalk in accordance with specifications provided by the city. The stone used for the exposed aggregate shall be approved by the City. The Construction Engineer shall be notified prior to beginning construction. Any work that does not match the adjacent work or which the City Construction Engineer finds is unacceptable shall be removed and replaced.
- 3.16 All work in the public right-of-way shall be performed by a City licensed contractor.
- 3.17 Installation of "Private" street signage in accordance with 10.34 MGO is required.

Storm Water Management

- 4.1 The site plans shall be revised to show the location of all rain gutter down spout discharges.
- 4.2 Storm sewer to serve this development has been designed and constructed. The site plans shall be revised to identify the location of this storm sewer and to show connection of an internal drainage system to the existing public storm sewer.
- 4.3 The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used.
- 4.4 The applicant shall show storm water "overflow" paths that will safely route runoff when the storm sewer is at capacity.
- 4.5 The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
- 4.6 The City of Madison is an approved agent of the Department of Commerce. This proposal contains a commercial building and as such, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required.
- 4.7 This development includes multiple building permits within a single lot. The City Engineer and/or the Director of the Inspection Unit may require individual control plans and measures for each building.
- 4.8 If the lots within this site plan are inter-dependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the site plan and recorded at the Dane Co Register of Deeds.
- 4.9 Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to:
 - Detain the 2 & 10-year storm events.
 - Detain the 2, 10, & 100-year storm events.
 - Control 40% TSS (20 micron particle) off of new paved surfaces
 - Control 80% TSS (5 micron particle) off of new paved surfaces
 - Provide infiltration in accordance with Chapter 37 of the Madison General Ordinances
 - Provide substantial thermal control.
 - Provide oil & grease control from the first 1/2" of runoff from parking areas.
 - Complete an erosion control plan and 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.

Stormwater management plans shall be submitted and approved by City Engineering prior to sign-off.

- 4.10 The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement.
- 4.11 A portion of this project comes under the jurisdiction of the US Army Corp of Engineers and WDNR for wetland or flood plain issues. A permit for those matters shall be required prior to construction on any of the lots currently within the jurisdictional flood plain.
- 4.12 The Applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain the following data, each on a separate layer name/level

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number:

- a) Building Footprints
- b) Internal Walkway Areas
- c) Internal Site Parking Areas
- d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
- e) Right-of-Way lines (public and private)
- f) Lot lines
- g) Lot numbers
- h) Lot/Plat dimensions
- i) Street names

NOTE: Email file transmissions preferred lzenchenko@cityofmadison.com . Include the site address in this transmittal.

- 4.13 NR-151 of the Wisconsin Administrative Code will be effective on October 1, 2004. Future phases of this project shall comply with NR 151 in effect when work commences. Specifically, any phases not covered by a Notice of Intent (NOI) received from the WDNR under NR-216 prior to October 1, 2004 shall be responsible for compliance with all requirements of NR-151 Subchapter III. As most of the requirements of NR-151 are currently implemented in Chapter 37 of the Madison General Ordinances, the most significant additional requirement shall be that of infiltration.

NR-151 requires infiltration in accord with the following criteria. For the type of development, the site shall comply with one of the three (3) options provided below:

Residential developments shall infiltrate 90% of the predevelopment infiltration amount, 25% of the runoff from the 2-year post development storm or dedicated a maximum of 1% of the site area to active infiltration practices.

Commercial development shall infiltrate 60% of the predevelopment infiltration amount, 10% of the runoff from the 2-year post development storm or dedicate a maximum of 2% of the site area to active infiltration practices.

- 4.14 The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set.

PDF submittals shall contain the following information:

- a) Building footprints.
- b) Internal walkway areas.
- c) Internal site parking areas.
- d) Lot lines and right-of-way lines.
- e) Street names.
- f) Stormwater Management Facilities.
- g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).

- 4.15 The Applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including:

- a) SLAMM DAT files.
- b) RECARGA files.
- c) TR-55/HYDROCAD/Etc...
- d) Sediment loading calculations

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.

- 4.16 The area adjacent to this proposed development has a known flooding risk. All entrances shall be 2-feet above the adjacent sidewalk elevation or 1-foot above the 100-year regional flood elevation (whichever is greater). This includes garage entrances.

Utilities General

- 5.1 The Applicant shall obtain a Street Excavation permit for the installation of utilities required to serve this project. The Applicant shall pay the permit fee, inspection fee and street degradation fee as applicable and shall comply with all the conditions of the permit. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 5.2 The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 5.3 All proposed and existing utilities including gas, electric, phone, steam, chilled water, etc shall be shown on the plan.
- 5.4 The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

- 5.5 The site plans shall be revised to show the location of existing utilities, including depth, type, and size in the adjacent right-of-way.
- 5.6 The developer shall provide information on how the Department of Commerce's requirements regarding treatment of storm water runoff, from parking structures, shall be satisfied prior to discharge to the public sewer system. Additionally, information shall be provided on which system (storm or sanitary) the pipe shall be connected to.

Sanitary Sewer

- 6.1 Prior to approval of the conditional use application, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1). \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2). \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 6.2 All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (608-261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
- 6.3 Each unit of a duplex building shall be served by a separate and independent sanitary sewer lateral.
- 6.4 The site plan shall be revised 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.



Traffic Engineering and Parking Divisions

David C. Dryer, P.E., City Traffic Engineer and Parking Manager

Suite 100
215 Martin Luther King, Jr. Boulevard
P.O. Box 2986
Madison, Wisconsin 53701-2986
PH 608 266 4761
TTY 866-704-2315
FAX 608 267 1158

August 9, 2007

Rev: September 20, 2007

TO: Plan Commission

FROM: David C. Dryer, P.E., City Traffic Engineer and Parking Manager

SUBJECT: **5402 Voges Road – Rezoning / Conditional Use – Temp A to M1 – Multi-Tenant / Off-Site Parking Lot**

The City Traffic Engineering Division has reviewed the subject development and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. The applicant shall provide scaled drawing of 5402 Voges Road & 3760 Marsh Road at 1" = 40' or larger on one contiguous plan sheet showing all the facility's access, existing and proposed buildings, layouts of parking lots, loading areas, trees, signs, semitrailer and vehicle movements, ingress/egress easements and approaches. Contact City Traffic Engineering if you have questions.

PEDESTRIAN AND BICYCLE TRANSPORTATION REVIEW COMMENTS

2. The applicant shall install public sidewalk the length of the property and ramps at the at the intersection.

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

3. When the applicant submits final plans for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), driveway approaches across the street, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.
4. When site plans are submitted for approval, the developer shall provide a recorded copy of the joint driveway ingress/egress, parking and crossing easements available to all lots in the project.

5. A "Stop" sign shall be installed at a height of seven (7) feet at all driveway approaches. All signs at the approaches shall be installed behind the property line. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
6. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Please contact John Leach, City Traffic Engineering at 267-8755 if you have questions regarding the above items:

Contact Person: John Bieno
Fax: 608-257-1092
Email: jjbienot@tjkdesignbuilding.com

DCD: DJM: dm



Madison Metro Transit System

1101 East Washington Avenue
Madison, Wisconsin, 53703
Administrative Office: 608 266 4904
Fax: 608 267 8778



September 13, 2007

TO: Plan Commission
FROM: Timothy Sobota, Transit Planner, Metro Transit
SUBJECT: **5402 Voges Road – Conditional Use/Rezoning – “Lombardo Commercial Project”**

Metro Transit has reviewed the subject development and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. The applicant shall coordinate with City Engineering to complete installation of sidewalk, as necessary, along the parcel frontage parallel to both Voges Road and to Marsh Road.

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

2. Metro Transit currently operates supplemental school day service along Voges Road and Marsh Road adjacent this parcel. Future expansion of fixed route bus service may occur as additional development is added to the overall Marsh Road neighborhood.
3. Metro Transit requests to sign and review final documents submitted for this project.

Please contact Tim Sobota, Metro Transit at 261-4289
or by email at <tsobota@cityodmadison.com>
if you have questions regarding the above items.

CC: Project contact person, John Bieno: <jjbieno@tjkdesignbuild.com>



CITY OF MADISON FIRE DEPARTMENT

Fire Prevention Division

325 W. Johnson St., Madison, WI 53703-2295
Phone: 608-266-4484 ♦ FAX: 608-267-1153

DATE: September 27, 2007
TO: Plan Commission
FROM: Edwin J. Ruckriegel, Fire Marshal
SUBJECT: **5402 Voges Road**

The City of Madison Fire Department (MFD) has reviewed the subject development and has the following comments:

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

none

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

1. Provide fire apparatus access as required by Comm 62.0509 and MGO 34.19, as follows: **(commercial structures only)**
 - a. The site plans shall clearly identify the location of all fire lanes.
 - b. Provide a completed MFD "Fire Apparatus Access and Fire Hydrant Worksheet" with the site plan submittal.

2. All portions of the exterior walls of newly constructed public buildings and places of employment and open storage of combustible materials shall be within 500-feet of at least TWO fire hydrants. Distances are measured along the path **traveled by the fire truck as the hose lays off the truck**. See MGO 34.20 for additional information.

Please contact Scott Strassburg, New Construction Inspector at 608-261-9843 if you have questions regarding the above items.

cc: Bill Sullivan

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