



Project Address: 425 Charmany Drive (19th Aldermanic District – Ald. Furman)

Application Type: Conditional Use

Legistar File ID # [65849](#)

Prepared By: Colin Punt, Planning Division
Report includes comments from other City agencies, as noted.

Reviewed By: Heather Stouder, AICP, Planning Division Director

Summary

Applicant: Paul Muench; University Research Park, Inc.; 510 Charmany Dr; Madison, WI 53719

Requested Action: Consideration of conditional uses in the Traditional Employment (TE) District for a building exceeding five stories or 68 feet in height [§28.084(3)(c) MGO], a parking reduction of more than 20 spaces and 25% or more of the required parking [§28.141(5) MGO], and food and beverage uses and an associated outdoor eating area [both §28.082(1) MGO].

Proposal Summary: The applicant is seeking approval to construct a five-story laboratory building with restaurant space and outdoor eating area.

Applicable Regulations & Standards: Section 28.183 M.G.O. provides the process and standards for the approval of conditional uses.

Review Required By: Plan Commission

Summary Recommendations: The Planning Division recommends that the Plan Commission find the standards met and **approve** the conditional uses to construct a five-story, 157,000 sq. ft. laboratory facility with restaurant space and outdoor eating area at 425 Charmany Drive subject to input at the public hearing and the conditions from reviewing agencies in this report.

Background Information

Parcel Location: The subject site is 1.42 acres and located at the southwest quadrant of the intersection of Mineral Point Road and Whitney Way. It is within Aldermanic District 19 (Ald. Furman) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site, which is zoned TE (Traditional Employment District), is currently vacant.

Surrounding Land Uses and Zoning:

North: Across Mineral Point Road, Garner Park, zoned PR (Parks & Recreation District) and an apartment building and office building, zoned CC-T (Commercial Corridor-Transitional District);

West: Vacant land zoned TE (Traditional Employment District);

South: Lab and office buildings zoned SE (Suburban Employment District); and

East: Across Whitney Way, a four-story office buildings zoned SE.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) identifies the subject property as Community Mixed Use (CMU) use. The [Southwest Neighborhood Plan](#) (2008) does not provide land use recommendations for this area.

Zoning Summary: The subject property is zoned TE (Traditional Employment District):

Requirements	Required	Proposed
Lot Area (sq. ft.)	6,000 sq. ft.	61,976 sq. ft.
Lot Width	50'	>50'
Front Yard Setback	0' or 5'	14' 2"
Side Yard Setback: Street side yard	0' or 5'	Adequate (1)
Rear Yard Setback	Lesser of 20% lot depth or 20'	Adequate
Maximum Lot Coverage	85%	Less than 85%
Minimum Building Height	22' measured to building cornice	5 stories/ 96'
Maximum Building Height	5 stories/ 68'	5 stories/ 96'

Site Design	Required	Proposed
Number Parking Stalls	Food and beverage use; restaurant: 15% of capacity of persons (TBD) Office: 1 per 400 sq. ft. floor area (379) Laboratories- research, development and testing; limited production and processing: 1 per 2 employees (TBD) (379 total)	146 (2)(3)
Accessible Stalls	Yes	Yes
Loading	2 (10' x 50')	2 (10' x 50') loading bays
Number Bike Parking Stalls	Food and beverage use; restaurant: 5% of capacity of persons (TBD) Office: 1 per 2,000 sq. ft. floor area (76) Laboratories- research, development and testing; limited production and processing: 1 per 5 employees (TBD) (76 total)	120 (2)(4)
Landscaping and Screening	Yes	Yes (5)
Lighting	Yes	Yes
Building Forms	Yes	Flex building (7)

Other Critical Zoning Items	Barrier Free (ILHR 69), Utility Easements
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Table prepared by Jenny Kirchgatter, Assistant Zoning Administrator

Environmental Corridor Status: The property is not located within a mapped environmental corridor.

Public Utilities and Services: The site is served by a full range of urban services.

Project Description

The applicant, University Research Park (URP) is seeking conditional use approvals to construct a five-story lab building, known as the "Element Lab" building, which it will own and lease to support the life science businesses in Madison. According to the letter of intent, the structure is intended as a multi-tenant building with enhanced mechanical equipment, and service areas suitable for life science and laboratory users, as well as for office users.

The building includes five stories of above-ground useable and leasable space totaling 156,798 gross square feet, including approximately 6,000 sf on the ground floor for a restaurant tenant. The first level above the parking levels include the loading dock, parking entrance, bicycle parking, and back of house operations. Because of the slope of the site, the west elevation of this floor is underground and the east elevation is exposed. The first floor includes the main lobby, leasable restaurant space in the northwest corner, and leasable tenant space. The primary pedestrian entry is located at the southwest corner, with secondary entrances on the west facade. Levels two through five are leasable tenant lab spaces. The building is capped with a twenty-two foot tall mechanical penthouse on the roof. Due to the general slope of the site and tall floor-to-floor heights required for laboratory uses, the proposed building is between 99 and 117 feet tall. The building is designed with a concrete frame with glass curtain wall featuring bird-friendly glass.

URP also intends to find a restaurant lessee for the northwest ground floor corner of the building. An outdoor eating area immediately northwest of the restaurant space is accessible from the restaurant. The outdoor eating patio is approximately four feet above the adjacent sidewalk.

Separate underground parking and loading dock entries are located at the southeast corner of the building from future Catalyst Way. There are two and one-half levels of underground parking, with space for 146 vehicles for tenant employees and guests. An additional 160 shared stalls have been secured by a long-term parking lease with the mixed-use multifamily building proposed at 421 Charmany Drive via a long term parking lease for stalls during normal business hours. There are also 120 secure indoor bicycle parking stalls provided at ground level.

The site plan shows heavy plantings, including overstory trees within the greenspace on the north and east sides of the site. Small plantings in raised beds line the base of the south and west facades of the building. Trees within terrace planters are also placed along Catalyst Way and Element Way. The site is the low point of a significant portion of the University Research Park and the location of much of the stormwater outflow. Two stormwater management ponds will occupy the north and northeast sides of the site, and a bioretention basin will occupy the east side and southeast corner of the site.

If approved, the applicant intends to begin construction in late 2022, with occupancy in summer 2023.

Analysis & Conclusion

This request is subject to the standards for conditional uses. This section begins with adopted plan recommendations and then provides an analysis of conditional use standards.

Conformance with Adopted Plans

The [Comprehensive Plan](#) (2018) identifies the subject property as Community Mixed Use (CMU) use. Community Mixed-Use areas are a relatively high-intensity mix of residential, retail, office, institutional, and civic uses, generally located adjacent to major transportation corridors. Development in CMU areas generally ranges from two to six stories in height and up to 130 dwelling units per acre. The [Southwest Neighborhood Plan](#) (2008) does not provide land use recommendations for this area. Staff believes that the request can be found to be consistent with the recommendations of the adopted plans.

Conditional Use Standards

There are several conditional use requests before the Plan Commission. The Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of M.G.O. §28.183(6) are met. Staff advises the Plan Commission that in evaluating the conditional use standards, State law requires that conditional use findings must be based on "substantial evidence" that directly pertains to each standard and not based on personal preference or speculation. This request includes consideration of conditional uses for a building exceeding five stories or 68 feet in height [§28.084(3)(c) MGO], a parking reduction of more than 20 spaces and 25% or more of the required parking [§28.141(5) MGO], and food and beverage uses and an associated outdoor eating area [both §28.082(1) MGO].

Outdoor eating areas are often accompanied by light and noise, which are sometimes called out in reference to conditional use approval standard 1, related to the detriment or endangerment of public health, safety, and welfare, and standard 3, regarding impairment or diminishment of uses, values, and enjoyment of other property in the neighborhood. In this specific instance, the nearest existing dwelling unit in a multifamily building is located over 200 feet from the outdoor eating area and the nearest single family residence over 500 feet away, both across major arterial streets. The closest multifamily units proposed at 421 Charmany Drive are over 300 feet away. As such, staff believe some amplified outdoor music is appropriate and will not have significant negative impacts on the surrounding uses. With a restriction on the hours during which music can be provided for the outdoor eating area, staff believes that the conditional use standards of approval for this request can be met. Staff also believe the standards of approval for the restaurant can be met.

Regarding the request for height in excess of that permitted in the TE district, staff has requested a shadow study for the building, which have been included in the Plan Commission packet of materials. Because of the location near two significant roadways, each with 120-foot rights of way, and the location of the building on the site, shadows may affect a few residences to the northeast during the late afternoons near the winter solstice. However, staff believes the overall impact of the height, especially considering the topography of the site and surrounding uses, will be minimal, and believes that the conditional use standards of approval for this request can be met.

Regarding the conditional use request for reduced parking, the applicable conditional use standards of approval are five, which requires adequate utilities, access roads, drainage, parking supply, and internal circulation, and standard six, which concerns transportation demand management or other measures. Zoning staff has reviewed the shared parking table and have recommended no conditions of approval. Staff also notes that, related to standard of approval six, the Traffic Engineering Division has required a transportation demand management plan, which has already been submitted to and is under review by the Traffic Engineering Division. The site is also currently well-served by Metro Transit, and is located along the planned East-West Bus Rapid Transit Corridor, which will support increased transit service. Further, future Catalyst Way and Element Way, as well as Charmany Drive and almost all other streets within University Research Park permit on-street parking. As such, staff do not believe the parking reduction will create negative impacts on the immediate neighborhood, and the conditional use standards of approval for this request can be met.

Finally, staff has comments regarding standard of approval nine, which concerns creation of an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district. When then underlying plat and rezoning were discussed at and approved by Plan Commission, concerns were raised about the orientation of the proposed lab building to Mineral Point Road and Whitney Way. Staff have recommended a condition of approval requiring the addition of a clear and

convenient pedestrian linkage between the entrance and potential future transit station to avoid the building “turning its back” on Mineral Point Road and Whitney Way, despite the stormwater and topography limitations of the site.

Conclusion

When considering the adopted plan recommendations, the considerations discussed above, and the recommended conditions of approval, Staff believes that the Plan Commission can find all applicable conditional use approval standards can be met.

At time of report writing, staff is unaware of any public comment.

Recommendation

Planning Division Recommendations (Contact Colin Punt 243-0455)

The Planning Division recommends that the Plan Commission find the standards met and **approve** the conditional uses to construct a five-story, 157,000 sq. ft. laboratory facility with restaurant space and outdoor eating area at 425 Charmany Drive subject to input at the public hearing and the following conditions:

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

Planning Division (Contact Colin Punt, 243-0455)

1. Any amplified outdoor sound at the outdoor eating area shall cease by 8 p.m.
2. Hours of operation for the outdoor eating area shall not extend beyond 9:30 p.m.
3. The applicant shall include a clear and convenient pedestrian connection between the northeast corner of the building and either Mineral Point Road or Whitney Way, either directly west or directly south of the northeasterly stormwater pond.

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

4. Show the distance between the curb and property line to verify the west street side yard setback requirement adjacent the west property line. The street side yard setback is 0' if the distance between the curb and property line is equal to or greater than 15'. A no-build easement may be used to achieve the 15' distance. If the distance between the curb and property line is less than 15', the front yard setback is 5'.
5. As each tenant space is leased, the entire development must reflect compliance in the required amount, type and number of vehicle and bicycle parking spaces, to be reviewed prior to obtaining zoning approval for each use.
6. Provide electric vehicle stalls per Section 28.141(8)(e) *Electric Vehicle Charging Station Requirements*. A minimum of 10% of the parking stalls (15 stalls) must be electric vehicle ready, and a minimum of 1% of the stalls (1 stall) must be electric vehicle installed. Identify the locations of the electric vehicle ready and installed stalls on the plans.

7. Bicycle parking for the commercial tenant spaces shall comply with the requirements of MGO Sections 28.141(4)(g) and 28.141(11) and will be reviewed prior to obtaining zoning approval for each use. Bicycle parking for the restaurant and first floor commercial space shall be short-term exterior surface stalls located in a convenient and visible area on a paved or pervious surface. Bicycle parking shall be located within one hundred (100) feet of a principal entrance. Bicycle parking for the laboratory and office uses may be located in the enclosed bicycle room. Show the dimensions of the bicycle stalls and the access aisles on the plans. Note: A bicycle stall is a minimum two (2) feet by six (6) feet with a five (5) foot wide access area. Provide a detail of the proposed bike rack including any structured or wall mount bike racks.
8. On the landscape plan, label and number the proposed trees and plantings with the plant tag and quantity in addition to the identification symbol. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
9. Provide details for the proposed outdoor eating area including the capacity and layout of the tables and chairs. The capacity shall be established for the outdoor eating area. Occupancy is established by the Building Inspection Unit. Contact Building Inspection staff at (608) 266-4559 to help facilitate this process.
10. Provide details demonstrating compliance with bird-safe glass requirements Section 28.129. For building façades where the first sixty (60) feet from grade are comprised of greater than or equal to fifty percent (50%) glass, at least eighty-five percent (85%) of the glass must be treated. All glass within fifteen (15) feet of a building corner must be treated when see through or fly through conditions exist. All glass railings must be treated. Identify which glass areas will be treated, and provide a detail of the specific treatment that will be used.
11. 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.
12. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

City Engineering Division (Contact Tim Troester, 267-1995)

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. (MGO 16.23(9)c)
14. Construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat/csm. (MGO 16.23(9)(d))
15. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4))

16. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
 17. A Storm Water Management Report and Storm Water Management Permit is required for this project. See Storm comments for report and permit specific details and requirements.
 18. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
 19. This site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR216 and NR-151 however a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. Information on this permit application is available on line:
<http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm>.
- The applicant is notified that the City of Madison is an approved agent of the Department of Safety and Professional Services (DSPS) and no separate submittal to this agency or CARPC is required for this project to proceed.
20. All street, terraces, sidewalks & paths around site must be constructed per developer agreement for UW Research Park Element Collective Plat.
 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. (POLICY)
 22. Revise the site plans to show the location, depth, type, and size of existing and proposed private utilities (gas, electric, phone, steam, chilled water, etc.) in the project area or the adjacent right-of-way. (POLICY)
 23. Revise the plans to show a proposed private internal drainage system on the site. Include the depths and locations of structures and the type of pipe to be used. (POLICY AND MGO 10.29)
 24. The proposed development proposes to construct underground parking. The proposed entrance to the underground parking is adjacent to a street low point. The applicant shall provide at a minimum of one (1) foot of rise from the adjacent back of walk in the driveway before breaking grade to the down ramp to the underground parking to protect the underground parking from inundation. Meeting this standard does not guarantee flood protection and the applicant is encouraged to complete their own analysis of the flood risks associated with this underground entrance.
 25. Provide additional detail how the enclosed depression(s) created by the parking entrance(s) to the below building parking area(s) is/are served for drainage purposes. The building must be protected from receiving runoff up through the 100-yr design storm that is current in Madison General Ordinance Chapter 37. If the enclosed depression(s) is/are to be served by a gravity system provide calculations stamped by a Wisconsin P.E. that show inlet and pipe capacities meet this requirement. If the enclosed depression(s) is/are to be served by a pump system provide pump sizing calculations stamped by a Wisconsin P.E. or licensed Plumber that show this requirement has been met.
 26. This project will disturb 20,000 sf or more of land area and require an Erosion Control Plan. Please submit

an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval. Demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year. The WDNR provided workbook to compute USLE rates can be found online at <https://dnr.wi.gov/topic/stormwater/publications.html>

This project will require a concrete management plan and a construction dewatering plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. If contaminated soil or groundwater conditions exist on or adjacent to this project additional WDNR, Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit. (POLICY)

This project appears to require fire system testing that can result in significant amounts of water to be discharged to the project grade. The Contractor shall coordinate this testing with the erosion control measures and notify City Engineering 608-266-4751 prior to completing the test to document that appropriate measures have been taken to prevent erosion as a result of this testing.

Complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website - as required by Chapter 37 of the Madison General Ordinances.

27. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Stormwater Management Permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.
The Storm Water Management Plan & Report shall include compliance with the following:
Report: Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.
Electronic Data Files: Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. If calculations are done by hand or are not available electronically, the hand copies or printed output shall be scanned to a PDF file and provided to City Engineering. (POLICY and MGO 37.09(2))
Rate Control: Detain the 2, 10, 100 & 200 -year storm events, matching post development rates to predevelopment rates and using the design storms identified in Madison General Ordinances Chapter 37.
Infiltration: Provide infiltration of 90% of the pre-development infiltration volume.
TSS New Development: Reduce TSS by 80% (control the 5-micron particle) off of newly developed areas compared to no controls.
Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project.
28. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
29. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West).

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

30. The pending Element District plat application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD), the new parcel data created by the Assessor's Office and the parcel data available to zoning and building inspection staff prior to issuance of building permits for new construction or early start permit.
31. There are private improvements shown within the future Public Stormwater Management Easement within this lot. The Easement on the final plat shall be adjusted as necessary to not include any private improvements. The site plan shall correctly show the final easement area to be granted to the public.
32. The existing Sanitary Sewer Easement per Doc No 2718052 through this lot shall be released upon the rerouting of the sanitary sewer, see Real Estate Proj No 12230 that has been set up to accomplish this release.
33. The existing Storm Water Management Easement and Storm Sewer Easement per Doc No 3461981 shall be released prior to final sign off. Real Estate Proj No 12231 has been set up to accomplish this release.
34. The proposed parcels within this development (and/or adjacent to) are dependent on each other for overland and subsurface storm water drainage. A private Storm Sewer/Drainage Easement/Agreement for all parcels within (and/or adjacent to) this development shall be drafted, executed and recorded prior to building permit issuance.
35. Correctly show the final lot boundaries as per the final approved plat of Element District, particularly along S Whitney Way.
36. Provide a complete set of Civil Plans.
37. Element Way and Catalyst Way street names have been swapped. Update the streets accordingly. 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.
38. The primary address for the building is 5510 Element Way. Additional addresses are TBD. 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. Submit a Floor Plan in PDF format to Lori Zenchenko (lzenchenko@cityofmadison.com) that includes a floor plan for each floor on a separate sheet for the development of a complete interior addressing plan. The Addressing Plan for the entire project shall be finalized and approved by Engineering (with consultation and consent from the Fire Marshal if needed) prior to the submittal of this LNDUSE for the final Site Plan Approval review with Zoning. Said approved Addressing Plan shall be included in the final application. Some tenant addresses will be determined at a later date when demising walls and entry configurations are finalized.
- For any changes pertaining to the location, deletion or addition of a unit, or to the location of a unit entrance, (before, during, or after construction), a revised Address Plan shall be resubmitted to Lori Zenchenko to review addresses that may need to be added, changed and/or reapproved.

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

40. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be to engineering scale and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
41. 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.
42. 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.
43. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
44. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers
45. Per Section MGO 12.138 (14), this project is not eligible for residential parking permits. It is recommended that this prohibition be noted in the leases for the residential units.
46. The applicant shall adhere to all vision triangle requirements as set in MGO 27.05 (No visual obstructions between the heights of 30 inches and 10 feet at a distance of 25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO 27.05(2)(bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.
47. The applicant shall provide a clearly defined 5' walkway from the front door to the public Right of Way clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.
48. All parking ramps as they approach the public Right-of-Way shall not have a slope to exceed 5% for 20 feet; this is to ensure drivers have adequate vision of the Right-of-Way. If applicant believes public safety can be maintained they shall apply for a waiver, approval or denial of the waiver shall be the determination of the City Traffic Engineer.
49. 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) 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.

50. "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.
51. The applicant shall show the dimensions for the proposed class III driveway including the width of the drive entrance, width of the flares, and width of the curb cut.
52. 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 Mineral Point Road or Whitney Way 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.
53. Note: The applicant has submitted the requested Traffic Impact Analysis and Traffic Demand Management Plan; these studies has been reviewed and accepted by Traffic Engineering.
54. Applicant shall submit for review a waste removal plan. This shall include vehicular turning movements.
55. 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.
56. The driveway slope to the underground parking is not identified in the plan set, Traffic Engineering recommends driveway slope under 10%; if the slope is to exceed 10%, the applicant shall demonstrate inclement weather mitigation techniques to provide safe ingress/egress to be approved by the City Traffic Engineer.
57. Parking deck is insufficiently labeled/dimensioned for a proper review. If the parking does not meet MGO 10.08 the applicant can expect to be required to make major alteration which may or may not impact structural elements of this site.

Parks Division (Contact Ann Freiwald, 243-2848)

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

Forestry Section (Contact Wayne Buckley, 266-4892)

58. Contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. Contractor shall operate equipment in a manner as to not damage the branches of the street tree(s). This may require using smaller equipment and loading and unloading materials in a designated space away from trees on the construction site. Any damage or injury to existing street trees (either above or below ground) shall be reported immediately to City Forestry at 266-4816. Penalties and remediation shall be required. Add as a note on the plan set.
59. As defined by the Section 107.13 of City of Madison Standard Specifications for Public Works Construction:

No excavation is permitted within 5 feet of the trunk of the street tree or when cutting roots over 3 inches in diameter. If excavation is necessary, the Contractor shall contact Madison City Forestry (266-4816) prior to excavation. City of Madison Forestry personnel shall assess the impact to the tree and to its root system prior to work commencing. Tree protection specifications can be found on the following website: <https://www.cityofmadison.com/business/pw/specs.cfm> Add as a note on the plan set.

60. On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on the plan set.
61. Street tree pruning shall be coordinated with Madison Forestry at a minimum of two weeks prior to the start of construction for this project. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on the plan set.
62. Soil Section 107.13(g) of City of Madison Standard Specifications for Public Works Construction addresses soil compaction near street trees and shall be followed by Contractor. The storage of parked vehicles, construction equipment, building materials, refuse, excavated spoils or dumping of poisonous materials on or around trees and roots within five (5) feet of the tree or within the protection zone is prohibited. Add as a note on the plan set.
63. All proposed street tree removals within the right of way shall be reviewed by City Forestry before the Plan Commission meeting. Street tree removals require approval and a tree removal permit issued by City Forestry. Any street tree removals requested after the development plan is approved by the Plan Commission or the Board of Public Works and City Forestry will require a minimum of a 72-hour review period which shall include the notification of the Alderperson within who's district is affected by the street tree removal(s) prior to a tree removal permit being issued. Add as a note on the plan set.
64. An existing inventory of street trees located within the right of way shall be included on the landscape, site, demo, and utility plans. The inventory shall include the following: location, size (diameter at 4 1/2 feet), and species of existing street trees. The inventory should also note if a street tree is to be preserved or proposed to be removed and the reason for removal.
65. City Forestry will issue a street tree removal permit for (X) tree(s) (dbh) diameter (variety) tree due to (reason) at (location). Add as a note on the plan set.

Water Utility (Contact Jeff Belshaw, 261-9835)

66. The proposed building, specifically the generator vault and restaurant patio, appear to be in conflict with the existing 10 inch water main.

67. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumbers-contractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Ave. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. A Water Meter Application Form will subsequently be required to size

& obtain a water meter establish a Water Utility customer account and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

Metro Transit (Contact Tim Sobota, 261-4289)

68. In coordination with any public works improvements, the applicant shall maintain or replace the concrete boarding pad surface at the existing Metro bus stop on the west side of Whitney Way, south of Mineral Point Road (#2670).
 69. The applicant shall install and maintain a new concrete shelter pad surface - as part of the private landscape plan - opposite the existing Metro bus stop zone that is on the west side of Whitney Way, south of Mineral Point Road (#2670). The applicant shall install and maintain a new passenger waiting shelter with seating amenity in this area, as part of the private landscape plan.
 70. The Applicant shall identify the east side of the Element Way public right-of-way (between Catalyst Way and Mineral Point Road) as a potential future bus stop & layover parking zone.
 71. The Applicant shall confirm that the proposed building design and operations will be compatible with buses using this stop & layover parking zone area, including the proposed orientation of the air intake being located on the west side of the building (adjacent the east side of the Element Way public right-of-way).
 72. The Applicant shall waive notice and hearings for City designation of the east side of the Element Way public right-of-way (between Catalyst Way and Mineral Point Road) as a bus stop & layover parking zone, in the event such usage is deemed necessary by the City Department of Transportation and/or Transportation Commission - as a result of future transit route network design approvals. Said waiver shall include all improvements in the public right-of-way and associated incidentals including but not limited to signage, seating, shelters, trash receptacles, and other amenities associated with transit operations.
73. The applicant shall include the location of these facilities on the final documents filed with their application, so that Metro Transit may review and effectively plan for City transit access to this property.