

**PLANNING DIVISION REPORT**  
**DEPARTMENT OF PLANNING AND COMMUNITY**  
**AND ECONOMIC DEVELOPMENT**  
**Of May 16, 2007**

**RE: I.D. # 07469; Zoning Map Amendment I.D. 3296, rezoning 34 & 36 S. Fair Oaks Avenue from R4 to C1**

1. Requested Actions: Approval of a request to rezone a nonconforming commercial/residential building located at 34 & 36 S. Fair Oaks Avenue from R4 (General Residence District) to C1 (Limited Commercial District).
2. Applicable Regulations: Section 28.12 (9) provides the process for zoning map amendments.
3. Report Prepared By: Timothy M. Parks, Planner.

**GENERAL INFORMATION**

1. Applicant & Property Owner: Thongpone Vanparavong; 3312 Wells Avenue Madison.  
Agent: Daniel Knoethe; 1128 Water Street; Sauk City.
2. Development Schedule: The applicant wishes to begin construction once all regulatory approvals have been granted, with completion anticipated in March 2008.
3. Location: An approximately 4,221 square-foot parcel located at the southwesterly corner of S. Fair Oaks Avenue and Thorp Street; Aldermanic District 15; Madison Metropolitan School District.
4. Existing Conditions: The subject site is developed with a two-story building with a first floor commercial space and second floor apartment and a detached storage building in R4 (General Residence District) zoning.
5. Proposed Land Use: The applicant wishes to renovate the nonconforming building to accommodate a grocery store in the first floor space.
6. Surrounding Land Use and Zoning: The subject site is surrounded on the north, west and east by predominantly single-family residences in R4 (General Residence District) zoning and on the southwest by the Fair Oaks Diner, which is zoned C1 (Limited Commercial District). The 20-unit Thorp Terrace apartments are located at the northeasterly corner of the Thorp- S. Fair Oaks intersection in PUD-SIP zoning.
7. Adopted Land Use Plan: The Comprehensive Plan recommends that the subject site and parcels generally west of S. Fair Oaks Avenue be developed with low-density residential

uses, with neighborhood mixed-use development identified across Fair Oaks at the intersection of Fair Oaks and Milwaukee Street. The site is also located within the Schenk-Atwood-Starkweather-Worthington Park Neighborhood Plan, which identifies the residential area west of S. Fair Oaks Avenue including the subject site for a general downzoning from R4 zoning to R3 (Single & Two-Family Residence District).

8. Environmental Corridor Status: The property is not located within a mapped environmental corridor.
9. 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 zoning map amendments.

### **ANALYSIS, EVALUATION & CONCLUSION**

The applicant is requesting approval to rezone an approximately 4,221 square-foot parcel located at the southerly corner of S. Fair Oaks Avenue and Thorp Street from R4 to C1. The subject site is developed with a two-story commercial/ residential building constructed in 1916 according to City records, which contains a first floor commercial space and second floor apartment. The building sits in the northeasterly corner of the triangularly shaped parcel, with the length of the structure extending along the Thorp Street sidewalk. The front wall of the building parallels S. Fair Oaks Avenue, which runs at an approximately 45-degree angle to the grid at this location. The building is primarily constructed with aluminum siding with the exception of a brick course located along the first floor of the Fair Oaks elevation, and includes a second story porch that overhangs most of the rear yard. The remainder of the site includes a detached former single-car garage in the southern tip of the lot, which has been converted into a storage building, and a six-foot tall wood fence that encloses the rear yard along the northern and western property lines. Parking is limited on the site to a gravel area between the storage building and S. Fair Oaks Avenue sidewalk.

The applicant wishes to continue an ongoing renovation of the building, which began with restoration of the second floor apartment, with a rehabilitation of the exterior of the building and the renovation of the first floor commercial space to accommodate an "ethnic food grocery store." The existing storage building on the site will be retained and has recently been repainted. No additions to the structure are proposed. Minor landscaping improvements will be installed along the S. Fair Oaks Avenue frontage of the site.

The building is considered legally nonconforming under the Zoning Ordinance due to the R4

residential zoning the subject property shares with the one and two-family residences that border it to the north, west and east. Before building permits and a Certificate of Occupancy can be issued for the renovation of the first floor, the property needs to be rezoned to a conforming zoning district. C1 zoning was determined by staff to be the most appropriate zoning district for this lot due to the limited nature of C1 commercial uses and the surrounding low-density residential neighborhood. Both the existing apartment and proposed grocery store are generally permitted in C1 zoning. The one-story restaurant located southwest of the site at 44 S. Fair Oaks Avenue is also zoned C1.

The Planning Division does not object to the rezoning of this site to C1. The Comprehensive Plan generally recommends the subject site and parcels west of S. Fair Oaks Avenue for low-density residential uses. However, the Comprehensive Plan identifies small-scale neighborhood serving retail and service uses in mixed-use buildings such as the one on the subject site as allowable exceptions within a larger low-density residential area such as the one surrounding the subject site. The site is also located within the Schenk-Atwood-Starkweather-Worthington Park Neighborhood Plan, which identifies the residential area west of S. Fair Oaks Avenue including the subject site for a general downzoning from R4 zoning to R3 (Single & Two-Family Residence District). However, staff does not feel that the requested rezoning is necessarily contrary to this plan recommendation, as the primary goal of the recommendation was to preserve the residential character of the area generally bounded by Starkweather Creek, S. Fair Oaks Avenue and Milwaukee Street. The existing building was constructed at approximately the same time as many of the one- and two-family residential buildings surrounding it and has long been an established component of the neighborhood (for example, it was known as the Linden Hill Grocery from around 1928 until the 1980s). Therefore, staff does not consider the granting of commercial zoning for this lot to be contrary to the preservation of the residential character of the rest of the neighborhood.

### **RECOMMENDATION**

The Planning Division recommends that the Plan Commission forward Zoning Map Amendment 3296, rezoning 34 & 36 S. Fair Oaks Avenue from R4 (General Residence District) to C1 (Limited Commercial District), to the Common Council with a recommendation of **approval**, subject to input at the public hearing and the following conditions:

1. Comments from reviewing agencies.
2. That the applicant work with Planning Division and Zoning staff on the final site plan for the property to accurately depict any modifications proposed to the site required to bring it into compliance with Madison General Ordinances.



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. Dalley, 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 Manager**  
Kathleen M. Cryan

**Hydrogeologist**  
Joseph L. DeMorett, P.G.

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

**Financial Officer**  
Steven B. Danner-Rivers

DATE: October 1, 2007  
TO: Plan Commission  
FROM: Larry D. Nelson, P.E., City Engineer  
SUBJECT: 34 & 36 South Fair Oaks 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. Better locate and dimension proposed loading space area.
2. Submittal of a PDF format final site plan set is acceptable if electronic CAD file is not available. Submit either format to [izenchenko@cityofmadison.com](mailto:izenchenko@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: 34 & 36 South Fair Oaks 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 [izenchenko@cityofmadison.com](mailto:izenchenko@cityofmadison.com) or (608) 266-5952

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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](mailto: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 \_\_\_\_\_

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 \_\_\_\_\_.
- 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.
- 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 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](mailto: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 dedicate 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.

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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.

**CITY OF MADISON  
INTERDEPARTMENTAL  
CORRESPONDENCE**

**Date:** October 4<sup>th</sup> 2007

**To:** Plan Commission  
**From:** Matt Tucker, Zoning Administrator  
**Subject:** 34 – 36 S. Fair Oaks Avenue

**Present Zoning District:** R-4

**Proposed Use:** Mixed commercial / residential property, permitted uses in C-1

**Requested Zoning District:** C-1

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).

**GENERAL OR STANDARD REVIEW COMMENTS**

1. Obtain a certificate of occupancy prior to occupying the commercial tenant space.
2. Provide 2 bicycle parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. The bike racks shall be securely anchored to the ground or building to prevent the racks from moving. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area.
3. Meet with staff to resolve issues surrounding the existing detached garage and loading space before a permit or certificate of occupancy will be issued for the structure.

**ZONING CRITERIA**

<b>Bulk Requirements</b>	<b>Required</b>	<b>Proposed</b>
Lot Area	6,000 sq. ft.	4,221 sq. ft.
Lot width	50'	existing
Usable open space	160 sq. ft. per bedroom	Adequate
Front yard	existing	existing
Side yards	existing	existing
Rear yard	existing	existing
Building height	3 stories/40 feet	2 stories

<b>Site Design</b>	<b>Required</b>	<b>Proposed</b>
Number parking stalls	TBD Res. & Comm. space	0

Loading Area	0	1	(3)
Number bike parking stalls	2	0	(2)

<b>Other Critical Zoning Items</b>	
Urban Design	No
Historic District	No
Landmark building	No
Flood plain	No
Utility easements	No
Barrier free (ILHR 69)	No

With the above conditions, the proposed project **does** comply with all of the above requirements.



# 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: October 5, 2007  
TO: Plan Commission  
FROM: Edwin J. Ruckriegel, Fire Marshal  
SUBJECT: **34 & 36 S. Fair Oaks Avenue**

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:

None on rezoning.

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

cc: Bill Sullivan

## Parks, Timothy

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**From:** Tucker, Matthew  
**Sent:** Wednesday, October 10, 2007 7:30 PM  
**To:** Parks, Timothy; Firchow, Kevin  
**Subject:** FW: New commercial business at 36 Fair Oaks

-----Original Message-----

**From:** Palm, Larry  
**Sent:** Wednesday, October 10, 2007 7:23 PM  
**To:** Rachel Pieterick  
**Cc:** Murphy, Brad; Tucker, Matthew  
**Subject:** RE: New commercial business at 36 Fair Oaks

Hi Rachel-

Thanks (again) for contacting me. I too support this business and am copying City Planning Staff to let the Plan Commission be aware of your support.

Thanks!

Larry

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Alder Larry Palm, District 15  
City of Madison  
lpalm@cityofmadison.com  
608.692.8416  
[www.cityofmadison.com/council/district15](http://www.cityofmadison.com/council/district15)

-----Original Message-----

**From:** Rachel Pieterick [mailto:raeban17@yahoo.com]  
**Sent:** Wed 10/10/07 1:10 AM  
**To:** Palm, Larry  
**Subject:** New commercial business at 36 Fair Oaks

Hello,

My name is Rachel Robinson. I live at 3213 Thorp St. I don't know where the city is in the process of approving the necessary changes to make 36 Fair Oaks suitable for the owner to open the store. But, I would like to express my support for these approvals to occur and urge you to support them in whatever capacities you have available to you. I feel that a business of this type would be an asset to our neighborhood and district.

Thank you,

Rachel Robinson

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Pinpoint customers who are looking for what you sell.  
<http://searchmarketing.yahoo.com/>