



Project Address: 131 S. Fair Oaks Avenue
Application Type: Demolition Permit and Conditional Use
Legistar File ID # [48497](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted
Reviewed By: Heather Stouder and Kevin Firchow, Planning Division

Summary

Applicant: Michael Thorson, Inventure Capital, LLC; 2820 Walton Commons West, Suite 125; Madison.

Property Owner: Oak Park Properties, LLC; 131 S. Fair Oaks Avenue; Madison.

Requested Actions: Consideration of a demolition permit and conditional use to demolish a warehouse/ retail building and construct a mixed-use building with 11,000 square feet of commercial space and 161 apartment units at 131 S. Fair Oaks Avenue.

Proposal Summary: The applicant is requesting approval to demolish the one-story, 42,200 square-foot Kessenich’s Limited restaurant supply store and warehouse to allow construction of a five-story mixed-use building containing 11,000 square feet of first floor commercial space along the S. Fair Oaks Avenue frontage, 161 dwelling units on floors 2-5 surrounding a second floor residential courtyard, and 122 indoor parking stalls to be located on the first floor behind the commercial frontage. The project is scheduled to commence construction in February 2018, with completion anticipated in May 2019.

Applicable Regulations & Standards Table 28F-1 in Section 28.082(1) of the Zoning Code identifies dwelling units in a mixed-use building, general retail, and food and beverage establishments as conditional uses in the TE district. Multi-family dwellings in TE zoning are subject to Supplemental Regulations in Section 28.151. Section 28.183 provides the process and standards for the approval of conditional use permits. Section 28.185 provides the process and standards for the approval of demolition and removal permits.

Review Required By: Plan Commission. An advisory recommendation was provided by the Urban Design Commission at its October 4, 2017 meeting (see the Analysis section of this report and the attached UDC report).

Summary Recommendation: If the Plan Commission can find the standards met, it should **approve** a demolition permit and conditional use to allow a warehouse/ retail building to be demolished and a mixed-use building to be constructed at 131 S. Fair Oaks Avenue subject to input at the public hearing and the conditions on page 8 of this staff report.

Background Information

Parcel Location: Approximately 3.37 acres of land generally located on the east side of S. Fair Oaks Avenue at the Capital City Trail; Aldermanic District 6 (Rummel); Madison Metropolitan School District.

Existing Conditions and Land Use: The site is primarily developed with the one-story, 42,200 square-foot Kessenich’s Limited restaurant supply store and warehouse. A separate one-story utility building at 125 S. Fair Oaks will remain at the northern edge of the site following the proposed redevelopment. The site is zoned TE (Traditional Employment District).

Surrounding Land Uses and Zoning:

North: Starkweather Creek, Olbrich Park North Plat, zoned TE (Traditional Employment District) and PD;

South: Capital City Trail; Wisconsin & Southern Railroad; single- and two-family residences, zoned TR-V1 (Traditional Residential–Varied 1 District);

West: Madison Kipp Corporation, Fair Oaks Nursery & Garden Center, zoned TE;

East: Garver Feed Mill redevelopment, zoned PD.

Adopted Land Use Plan: The Comprehensive Plan recommends the subject site for Employment uses. Olbrich Park and Garver Feed Mill to the north and east are recommended for Park and Open Space. The Madison Kipp Corporation property across S. Fair Oaks Avenue is recommended for Industrial uses. Properties south of the trail and railroad corridor are recommended for Low-Density Residential uses. At the time the proposed redevelopment was submitted for consideration on August 16, 2017, there was no adopted neighborhood plan that included the subject site. [The subject site is within the boundaries of the Darbo-Worthington-Starkweather Neighborhood Plan adopted by the Common Council on September 19, 2017.]

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

Requirements	Required	Proposed
Lot Area (sq. ft.)	6,000 sq. ft.	146,742 sq. ft.
Lot Width	50'	508.95'
Front Yard	0'	10.2'
Side Yards (Per UDD 8)	None unless needed for access	29' southwest; adequate northeast
Rear Yard	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
Maximum Building Height	5 stories / 68'	5 stories (See Zoning conditions)
Auto Parking	Multi-family dwelling: 1 per unit (161); General retail, service business, office: 1 per 400 sq. ft. floor area (27); Food and beverage establishment: 15% of capacity of persons (TBD) (188 Total)	187 total, including 122 indoor, 65 outdoor (See Zoning conditions)
Bike Parking	Multi-family dwelling: 1 per unit up to 2-bedrooms, 0.5 space per add'l bedroom (165); 1 guest space per 10 units (16); General retail, service business, office: 1 per 2,000 sq. ft. floor area (5); Food and beverage establishment: 5% of capacity of persons (TBD) (186 total)	83 (See Zoning conditions)
Loading	N/A	0
Building Forms	Flex Building	Complies with requirements

Other Critical Zoning Items	
Yes:	Barrier Free, Utility Easements
No:	Urban Design, Floodplain, Landmarks, Waterfront Development, Adjacent to Park, Wellhead Protection
<i>Prepared by: Jenny Kirchgatter, Assistant Zoning Administrator</i>	

Environmental Corridor Status: The property is not located in a mapped environmental corridor. The applicant indicates that there are small areas of field-located wetland along the northerly property lines, as shown on the plans.

Public Utilities and Services: The site is served by a full range of urban services. Weekday Metro Transit service operates north of the site along Milwaukee Street and to the south along Atwood Avenue; weekend/holiday service operates on S. Fair Oaks Avenue, with stops adjacent to the site at the Capital City Trail.

Project Description

The applicant is requesting approval to demolish the one-story, 42,200 square-foot Kessenich’s Limited restaurant supply store and warehouse to allow construction of a five-story mixed-use building on a 3.38-acre site located on the east side of S. Fair Oaks Avenue and north side of the Capital City Trail. The proposed mixed-use building will contain 11,000 square feet of commercial space and 161 dwelling units.

The 42,200 square-foot building to be demolished was constructed in numerous phases dating as far back as 1900, with the largest portion of the building constructed in 1951 according to City records, and the most recent addition constructed in 1973. The exterior consists of a combination of concrete block and brick, with most of the wall facing S. Fair Oaks Avenue covered with vines. Photos of the interior and exterior of the building are included with the application materials, which appear to show a building in average condition. The structure is surrounded by surface parking on the south and east, with loading docks for the supply company along the eastern wall. A small one-story brick utility building located in a fenced enclosure at the northwesterly corner of the site adjacent to the street will remain following demolition of the retail/warehouse building and the proposed redevelopment.

Plans for the proposed five-story mixed-use building call for the 11,000 square feet of first floor commercial space to extend along the S. Fair Oaks Avenue frontage of the building in a variety of differently sized tenant spaces to be located to the north and south of the residential lobby and a residential tenant fitness room located near the center of the western façade (see sheets A-100 and A-100a). Potential uses of the first floor include a salon, restaurant, coffee shop, fitness studio, and office. The remainder of the first floor will be used as enclosed parking for 122 autos, 10 mopeds, and 83 bikes, which will be accessed through overhead doors on the northern and southern walls. Parking for an additional 65 autos is proposed to ring the building, with driveways from S. Fair Oaks on the northern and southern ends of the building. A 10.2-foot setback is proposed from S. Fair Oaks Avenue, with a 22-foot setback proposed from the southerly lot line abutting the Capital City Trail.

The 161 apartments proposed will be located on floors 2-5 in a U-shaped structure that will surround a residential courtyard that will open toward the southwest. The proposed units will consist of 28 studio/efficiency units, 106 one-bedroom units, 19 two-bedroom units, and eight three-bedroom units. The landscaped courtyard will include a pool and deck, and garden area for residents. In addition, many of the units will be provided patios or balconies.

The applicant indicates that the building has been designed with a “mode[rn] warehouse” aesthetic, which features an exterior primarily comprised of brown brick, contrasting gray cast stone masonry, and two-toned metal panels on the facades visible from the perimeter of the site. Fiber cement panel will be used for some of the walls overlooking the courtyard.

Supplemental Regulations

The following Supplemental Regulations apply to any Multi-Family Dwelling in TE zoning:

- (a) In the TE district, new residential uses, whether in new or existing buildings, shall not be located where potential nuisances exist, including but not limited to: excessive vibration, dust, noise, light, glare, smoke, odor, or truck traffic.
- (b) In the TE district, new residential uses shall be adequately separated or buffered from adverse impacts from existing industrial uses.

Analysis

As noted on page 1 of this report, the applicant is requesting a series of approvals from the Plan Commission, including approval of a demolition permit to raze the existing retail/warehouse building, a conditional use for dwelling units in a mixed-use building, and future general retail and food and beverage establishments in the first floor commercial space, which are conditional uses in the TE zoning district.

The Plan Commission may not approve an application for a conditional use unless it can find that all of the standards found in Section 28.183(6)(a) are met. That section also states: "The City Plan Commission shall not approve a conditional use without due consideration of the recommendations in the City of Madison Comprehensive Plan and any applicable, neighborhood, neighborhood development, or special area plan, including design guidelines adopted as supplements to these plans." Likewise, in order for the demolition of the existing building to be approved, the Plan Commission must also find that both the requested demolition and the proposed use are compatible with the purpose of Section 28.185 of the Zoning Code and the intent and purpose for the zoning district in which the property is located, and to consider the effects the demolition and proposed use would have on the normal and orderly development and improvement of surrounding properties. The proposed use of the property following the demolition should also be consistent with the Comprehensive Plan and any adopted neighborhood plans.

The Planning Division feels that the Plan Commission should give particular consideration to standards #1, #4 and #9 in deciding whether the proposed conditional use requests should be approved:

1. *The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.*
4. *The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*
9. *When applying the above standards to any new construction of a building or an addition to an existing building the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district.*

The Planning Division believes that specific consideration of standard #1 is warranted in the case of the proposed mixed-use building due to its proximity to an aluminum die casting facility operated by the Madison Kipp Corporation located directly west of the site across S. Fair Oaks Avenue on the south side of Gateway Place. Gateway Place is also home to two landscaping businesses and a garage and storage yard for AT&T telephone land

line field repair crews. In addition to the application conditional use standard #1, supplemental regulations in Section 28.151 require that new residential uses in the TE district not be located where potential nuisances exist, including excessive vibration, dust, noise, light, glare, smoke, odor, or truck traffic, and that any such residential uses be adequately separated or buffered from adverse impacts from existing industrial uses.

The Kipp die casting facility operates 24 hours per day, five to six days per week, and 52 weeks per year. The presence of this long-established industrial use was a consideration when the Plan Commission reviewed a mixed-use building proposed at 134 S. Fair Oaks Avenue, which is northwest of the proposed building and across Gateway Place from the Kipp manufacturing facility. That proposal, which was approved on a 4-2 vote of the Commission on December 12, 2016, called for 80 dwelling units in a four-story residential addition to an existing one-story, 3,460 square-foot brick commercial building located on that site, including a wing of the L-shaped residential addition set back 13.2 feet from and parallel to Gateway Place (for information on the 134 S. Fair Oaks project, please see ID [44993](#)).

While the applicant for 131 S. Fair Oaks indicates that there is ground contamination present on the subject site from historic uses of that property, it does not appear to be from the adjacent Kipp facility. However, as was the case with the 134 S. Fair Oaks proposal, air quality should be considered when approving additional dwelling units in close proximity to an established manufacturing use. Three ventilation stacks serving the Kipp facility rise roughly 75 feet above grade, with the nearest stack located 195 feet across Fair Oaks from the proposed development (see Sheet A300 of the plans). Based on information provided by Madison-Dane County Public Health last year during consideration of the 134 S. Fair Oaks project, there should not be an air quality concern generated by the Kipp facility for the proposed development (see the attached December 8, 2016 memo from John Hausbeck). However, in order to find both standard #1 and the supplemental regulations for dwelling units in TE zoning met, and to limit any impacts from noise and odors from commercial vehicle traffic, the adjacent railroad corridor, and from the existing manufacturing facility, Planning staff recommends that similar conditions on window quality and wall insulation applied to 134 S. Fair Oaks be applied to the 131 project should it be approved. Those specific conditions are included in the "Recommendations" section at the end of this report.

Conditional use standard #4 addresses the impact that a proposed conditional use could have on the development pattern planned for a particular area as well as the impact the proposed use could have on existing uses to continue in much the same fashion as the area has functioned historically, and would be informed not only by the specific aspects of the proposal but also the recommendations contained in an adopted neighborhood development or special area plan, which the Plan Commission shall consider when approving any conditional use. Accordingly, this standard allows for both the consideration of how the proposed mixed-use building will affect existing surrounding uses, which include not only the Kipp manufacturing facility and other Gateway Place businesses, but also the one- and two-story single-family homes located south of the Capital City Trail, and the adjacent Olbrich Park "North Plat" and Garver Feed Mill redevelopment.

The Comprehensive Plan recommends the subject site and properties across Fair Oaks north of Gateway Place for Employment uses, while Kipp is recommended for Industrial uses. Included among the many uses envisioned in Employment districts are complementary uses primarily serving the employees and users of such districts, such as business services, conference centers, child care, restaurants, convenience retail, and hotels and motels. Residential uses are not included in the list of recommended land uses, although the plan encourages employment districts, which may be as small as a single property, to be located in close proximity to residential areas. [At the time the proposed redevelopment was submitted for consideration on August 16, 2017, there was no adopted neighborhood plan that included the subject site.]

As noted, the subject site is zoned TE—Traditional Employment. Prior to the effective date of the new Zoning Code in 2013, the subject site and businesses located along Gateway Place across S. Fair Oaks Avenue were zoned M1—Limited Manufacturing, which did not allow residential uses except for watchmen’s quarters. The statement of purpose for the TE district states that the district is “established to encourage a broad range of employment activities, taking advantage of the varied transportation options and proximity to urban activities and cultural amenities found in many Traditional Employment locations. Residential uses are of secondary importance.” The district is also intended to encourage businesses with the potential to provide significant numbers of living-wage jobs that contribute to a sustainable economy and a strong tax base, and facilitate preservation, development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and adopted neighborhood, corridor or special area plans.

The TE district has emerged as one of the most flexible zoning districts under the new Zoning Code, combining bulk and building form requirements consistent with the historic, finer-grained development pattern most commonly associated with the East Rail Corridor along and south of E. Washington Avenue from Blair Street to the Yahara River with a use list that is more permissive than the mixed-use and commercial zoning districts (such as TSS or CC-T) with regard to allowing limited production and processing activities while recognizing the close proximity of residential and lower-intensity neighborhood-serving uses both within and adjacent to the district. The range of uses allowed in the TE district varies widely, and is flexible enough to accommodate the array of uses commonly found in many mixed-use buildings across the city. Multi-family dwellings are allowed as conditional uses in TE zoning in both standalone buildings and as part of mixed-use buildings subject to the supplemental regulations summarized in the preceding section of this report.

TE zoning was applied to many properties located primarily in the East Rail Corridor along and south of E. Washington Avenue that were either recommended for employment uses in adopted plans and/or were historically associated with established employment uses. In some cases, properties zoned TE were recommended for future mixed-use development, as was the case with The Galaxie development in the 800-block of E. Washington Avenue. While new employment uses have been developed in TE zoning since its inception in 2013, a number of non-employment uses have also been approved in a handful of projects, including nearly 800 dwelling units, a hotel, and a large entertainment venue. Most of those projects were located along E. Washington Avenue between Blair and First streets.

Physical form is also a consideration in determining the affects that a new conditional use may have on normal and orderly development, as well as being key to finding that the project creates the environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district, as required by conditional use standard #9.

The mixed-use building proposed for 131 S. Fair Oaks Avenue will stand five stories and 58 feet in height. New buildings in TE zoning are allowed by right to be up to five stories and 68 feet in height, with additional height possible through conditional use approval. However, despite the proposed building being within the permitted height allowed by the Zoning Code, Planning staff would suggest that not every site zoned TE may be appropriate for a five-story building. The Plan Commission should consider whether the scale and mass of the proposed building reflects the normal and orderly development of surrounding properties and whether it will create an environment of sustained aesthetic desirability given the scale and mass of existing buildings in the surrounding context.

The surrounding area is predominantly developed with one- and two-story buildings, that, in addition to be of a lower relative profile, are also of a relatively compact scale. This contrasts with the proposed building, which in addition to its five-story height, will extend 291 feet in length parallel to the street at a setback of approximately

10 feet. While there is some precedent for a building of the scale and mass proposed on the larger east side (five-story mixed-use buildings at Grandview Commons and at Union Corners at the corner of Milwaukee Street and E. Washington Avenue), most mixed-use and multi-family buildings approved in recent years on the greater east side have been four or fewer stories in height, including the building approved in 2016 across S. Fair Oaks Avenue from the site.

Planning staff raised concerns about the scale and mass of the proposed building early on in the formal review process and encouraged the applicant to pursue an advisory recommendation from the Urban Design Commission as allowed under conditional use standard #9 and the demolition permit approval process. The applicant presented their plans to the UDC on October 4, 2017; the report of that presentation and discussion and a staff memo prepared to guide the UDC discussion are attached to this report. While the UDC felt that the proposed building was sufficiently articulated and that the concerns in the staff memo about the “harshness” of the walls enclosing the indoor parking were adequately addressed, members suggested that they shared staff’s concern about the height and suggested that a setback be incorporated at the fourth floor along S. Fair Oaks Avenue. Members of the UDC also addressed the material palette for the building, suggesting that fewer materials and a simpler palette would be appropriate, with an emphasis on masonry. Comments were also provided regarding the planting plan for the project.

Conclusion

The Planning Division does not object to the demolition of the existing restaurant supply store and warehouse. The Landmarks Commission informally reviewed the proposed demolition at its July 31, 2017 meeting and found that the building has no known historic value.

However, in order to approve the proposed five-story mixed-use building, the Plan Commission shall find that the proposed use following demolition meets the demolition and conditional use standards, most notably whether the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area as informed by the statement of purpose for the TE zoning district. In determining whether the proposed building meets this standard, the Plan Commission should consider the scale and mass of the proposed building compared with the scale and mass of most of the other buildings in the area immediately surrounding the site.

Should the Plan Commission find that the request meets the standards for approval, it should consider adding as conditions to its approval any recommendations from the Urban Design Commission review that it feels are appropriate, including modifications to the building’s height and material palette. In addition, conditions of approval from reviewing agencies are also included in the following section. Among the conditions proposed, staff recommends that the building be constructed with higher-quality windows and special insulation to limit the effects from noise in the proposed dwelling units from nearby rail and manufacturing uses.

Recommendation

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

If the Plan Commission can find the standards met, it should **approve** a demolition permit and conditional use to allow a warehouse/ retail building to be demolished and a mixed-use building to be constructed at 131 S. Fair Oaks Avenue subject to input at the public hearing, the following Planning Division condition(s), and the conditions from reviewing agencies:

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

Planning Division

1. Any proposed HVAC or utility penetrations on the building shall not face S. Fair Oaks Avenue or the Capital City Trail (on the southernmost elevation). Any such penetrations elsewhere on the exterior of the building shall be designed to be perpendicular to the facades to limit their visibility to the greatest extent possible. No utility or HVAC pedestals or penetrations, including HVAC wall packs for units, and gas meters or electric meters for buildings/ units shall be permitted without specific approval by the Plan Commission.
2. The applicant shall use close-spray foam (or equivalent insulation type) to provide additional sound-proofing in the place of traditional insulation at least along the entire westerly front and southerly side elevations.
3. The applicant shall use high-grade (highly sound-proof) windows at least along the entire westerly front and southerly side elevations.
4. The developer shall acknowledge the presence of existing and future high levels of odor, noise, and vibration resulting from trains operating on the nearby railroad right of way and from existing established industrial and employment uses located in close proximity to this development, including those allowed on properties in the same TE zoning as the subject property. The developer is very strongly encouraged to include this acknowledgement in the leases for all proposed units.

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

5. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing sanitary sewer lateral that serves a building which is proposed for demolition. For each lateral to be plugged, the owner shall complete a sewer lateral plugging application and pay the applicable permit fees.
6. All outstanding Madison Metropolitan Sewerage District (MMSD) are due and payable prior to City Engineering sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Mark Moder (261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
7. 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.
8. Add the following note to the plans: "Contractor shall notify Ray Schneider (608) 347-3628, rays@madsewer.org, five (5) days prior to making the connection to the MMSD manhole to arrange for inspection of the connection. Sewer connection shall conform to all MMSD connection specification criteria. Contractor is responsible for taking out the MMSD connection permit as well as the permit connection fee (\$950.00, 2015 rate) if applicable."
9. Per the Wisconsin Department of Natural Resources (WDNR) closure letter, this property was closed with residual soil and/or groundwater contamination (BRRS #0313-002675). Proof of coordination with the WDNR shall be submitted to Brynn Bemis ((608) 267-1986, bbemis@cityofmadison.com).

10. Based on WDNR records the property may contain residual contaminated soil. If contaminated soil is encountered as part of this redevelopment, all WDNR and DSPS regulations must be followed for proper handling and disposal.
11. A This is a redevelopment requiring TSS (TMDL) removal and oil/grease control. 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., and; 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.
12. This project appears to require construction dewatering. A dewatering plan shall be submitted to City Engineering as part of the Erosion Control Permit application and plan. If contaminated soil or groundwater conditions exist on or adjacent to this project, additional WDNR, Public Health Madison-Dane County, and/or City Engineering Division approvals may be required prior to the issuance of the required Erosion Control Permit.
13. The applicant shall demonstrate compliance with Sections 37.07 and 37.08 of 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 5.0 tons per acre per year. The erosion control plan shall include a concrete washout location and detail drawing.
14. 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 (TSS-TMDL removal and oil/grease control) on this project. Include copies of all stormwater, utility, and detail plan sheets that contain stormwater practices on 8.5x14 size paper in the draft document. These drawings do not need to be to scale as they are for informational purposes only. Once City Engineering staff have reviewed the draft document and approved it with any required revisions submit a signed and notarized original copy to City Engineering. Include a check for \$30.00 made out to Dane County Register of Deeds for the recording fee. City Engineering will forward the document and fee for recording at the time of issuance of the stormwater management permit. Draft document can be emailed to Jeff Benedict at jbenedict@cityofmadison.com, final document and fee should be submitted to City Engineering.
15. This site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR-216 and NR-151; however, a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement.
16. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to Reduce TSS by 80% off of the proposed development when compared with the existing site. Oil/Grease control is required for the proposed parking lot.
17. 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 Madison General Ordinances.

18. Provide documentation that the WDNR has approved the wetland setbacks shown on the plans. This can be accomplished through direct approval by WDNR staff review or the "Assured Wetland Delineator" program.
19. The construction of this project will require that the applicant shall enter into a City / Developer agreement for the required infrastructure improvements. The applicant shall contact City Engineering 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. Note: Obtaining a developer's agreement generally takes approximately a minimum of 4-6 weeks.
20. The approval of this zoning approval 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.
21. 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.
22. The applicant shall replace all sidewalk and curb and gutter that abuts the property that 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.
23. All work in the public right of way shall be performed by a City-licensed contractor.
24. All damage to the pavement on S. Fair Oaks Avenue adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.
25. The plans appear to show all of the sidewalk along S. Fair Oaks Avenue being removed/replaced. If this is the case, the applicant shall reconstruct the sidewalk to a plan approved by the City Engineer to set the new sidewalk at the correct elevation.

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

26. The plans show the removal of improvements lying in the current lease area within the adjacent Wisconsin Department of Transportation (WisDOT) railroad right of way leased to Wisconsin & Southern Railroad. Update owner name on all appropriate sheets. The applicant is responsible to notify and obtain the necessary permits from the WisDOT and Wisconsin & Southern Railroad for any work within the railroad right of way.
27. The address of 131 S. Fair Oaks Avenue will be retired with the demolition of the building. The base address of the proposed site will be determined when the floor plans are received showing the entry doors to the commercial areas and the residential area. 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.
28. It appears the lease of the portion of the adjacent railroad right of way will be terminated. If so, the applicant shall provide written confirmation of the termination of the lease for City of Madison ownership and mapping records.

29. The site plan shall include a full and complete legal description of the site or property being subjected to this application.
30. Submit a PDF of all floor plans to lzenchenko@cityofmadison.com so that a preliminary interior addressing plan can be developed prior to plans being submitted for permit review. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during, or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal.

Traffic Engineering Division (Contact Eric Halvorson, 266-6527)

31. The southernmost entrance on S. Fair Oaks Avenue shall be one-way in and signed accordingly. This shall be done to protect the path to the south allowing drivers and path users to identify potential conflicts and take appropriate action. (The applicant has submitted a revised plan showing the one-way access on page 19 of the submittal; the applicant shall update all pages in the plan to show one-way operation prior to final sign off. Work with Traffic Engineering on the final geometrics for the one-way drive aisle.)
32. A deposit of \$20,000.00 payable to City Treasurer will be required for the installation of Rapid Rectangular Flashing Beacon (RRFB) at the crossing of South Fair Oaks Avenue and the Capital City Trail. Make check payable to the City of Madison Treasurer to be delivered or mailed to Attention: Eric Poffenberger, Traffic Engineering Division, 30 W. Mifflin Street; Suite 900, P.O. Box 2986, Madison, Wisconsin 53701-2986
33. 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 four stories prior to sign-off to be reviewed and approved by Austin Scheib, Traffic Engineering Shop, 1120 Sayle Street (266-4766). The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering Division office with final plans for sign off.
34. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawing shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; 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.
35. 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.
36. 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.
37. All parking facility design shall conform to the standards in MGO Section 10.08(6).

38. Items in the right-of-way are not approvable through site plan approval. The applicant shall work with the City's Office of Real Estate Services to start the 'Privilege in Streets' process to obtain an Encroachment Agreement for items in the right-of-way (bicycle racks, planters, etc.).

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

39. Section 28.185(7)(a)5 requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Bryan Johnson (608-266-4682). Section 28.185(10) requires that every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(7)(a)5 shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
40. Show the height of the proposed building on the elevations. The maximum height is 68 feet. Height is the average of the height of all building facades. For each facade, height is measured from the midpoint of the existing grade to the highest point on the roof of the building or structure. No individual facade shall be more than fifteen percent (15%) higher than the maximum height of the zoning district.
41. As each tenant space is leased, the entire development must reflect compliance in the required amount, type and number of auto and bicycle parking spaces, to be reviewed prior to obtaining zoning approval for each use.
42. Bicycle parking shall comply with City of Madison General Ordinances Sections 28.141(4)(g) Table 28I-3 and 28.141(11) and shall be designated as short-term or long-term bicycle parking. A minimum of 165 resident bicycle stalls are required plus a minimum of 16 short-term guest stalls. Up to twenty-five percent (25%) of bicycle parking may be structured parking, vertical parking or wall mount parking, provided there is a five (5) foot access aisle for wall mount parking. Provide a minimum of five (5) short-term commercial bicycle parking stalls located in a convenient and visible area on a paved or impervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within 100 feet of a principal entrance.
43. Identify and dimension the bicycle stalls, including the access aisles, on the final plans. A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Submit a detail showing the model of bike rack to be installed, including any vertical or wall mount racks.
44. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than 10,000 square feet in size must be prepared by a registered landscape architect. Include details of the proposed open space area.
45. Show details of the second floor courtyard area, including landscaping, resident garden area, pool, pool deck, and seating.
46. Show the location of any proposed rooftop mechanical equipment and screening on the rooftop plan. All rooftop and ground level mechanical equipment and utilities shall be fully screened from view from any street or residential district per Section 28.142(9)(d).
47. Exterior lighting provided shall be in accordance with MGO Section 10.085. Provide an exterior lighting plan and fixture cut sheets with the final plan submittal.

48. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.
49. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Fire Department (Contact Bill Sullivan, 261-9658)

50. Verify the fire access lanes comply with the requirements of MGO Chapter 34 and the IFC. Provide plans at the site verification stage that document details such as width, distance to fire hydrants, and inside turn radii.

Water Utility (Contact Adam Wiederhoeft, 266-9121)

51. The Madison Water Utility shall be notified to remove the water meters at least two working days prior to demolition. Contact the Water Utility Meter Department at (608) 266-4765 to schedule the meter removal appointments.
52. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least 48-hour notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's Plumbers & Contractors website; otherwise they may be obtained from the Water Utility Main Office at 119 E. Olin Avenue. 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. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.
53. All operating private wells shall be identified and permitted by the Water Utility and all unused private wells shall be abandoned in accordance with MGO Section 13.21.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not provide conditions of approval for this request.

Parks Division (Contact Janet Schmidt, 261-9688)

54. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(6) will be required for all new residential development associated with this project. This development is within the East Park-Infrastructure Impact Fee district. Please reference ID# 17149 when contacting Parks Division staff about this project.
55. Due to the immediate adjacency to Olbrich Park and Garver Feed Mill, the Parks Division will require lands to be dedicated to meet the Park – Land dedication requirement. Per ordinance, this development would be required to provide for over 2.7 acres of dedication with the proposed unit counts, however the Parks Division will not be seeking full dedication. The applicant shall be responsible for paying the Park-Land Impact Fee for the balance of the lands that are not dedicated as part of the redevelopment. The applicant shall work with City Parks, Planning and Zoning to determine the location and area of dedication that can be supported by this development. In order to dedicate the required parkland to the City, the applicant may need to complete a Certified Survey Map.

56. The applicant shall provide the Parks Division a copy of their Phase I and Phase II environmental assessments to determine the location of the existing contaminated soils. The applicant shall provide the Parks Division with a copy of the wetland delineation report. These documents will be necessary in determining the parkland dedication requirements for the redevelopment.

57. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Please submit an existing inventory of trees (location, species, & DBH) and a tree removal plan (in PDF format) to Brad Hofmann – bhofmann@cityofmadison.com or 266-4816. Approval and permitting of street tree removals shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan. Forestry will be removing the dead street trees along S Fair Oaks Avenue.

58. Additional street trees are needed for this project. All street tree planting locations and tree species within the right of way shall be determined by City Forestry. Please submit a site plan (in PDF format) to Brad Hofmann – bhofmann@cityofmadison.com or 266-4816. Tree planting specifications can be found in Section 209 of City of Madison Standard Specifications for Public Works Construction. The additional trees include locations of dead trees Forestry will be removing along with any vacant planting spaces on S Fair Oak Avenue.

59. Existing street trees shall be protected. Please include the following note on the site plan: Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266-4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry. Tree protection specifications can be found in Section 107.13 of City of Madison Standard Specifications for Public Works Construction. Any tree removals that are required for construction after the development plan is approved will require at least a 72-hour waiting period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan.