



PREPARED FOR THE PLAN COMMISSION

Project Address: 5535 University Avenue (District 19 – Ald. Furman)
Application Type: Demolition Permit and Conditional Use
Legistar File ID #: [53124](#)
Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Property Owner: Martin O’Connor; Realm Real Estate Development, LLC.; 3120 Edmonton Drive, Suite 300; Sun Prairie, WI 53590
Contact: J. Randy Bruce; Knothe & Bruce Architects, LLC; 7601 University Avenue, Suite 201; Madison, WI 53562

** Note: This is a revised application of a development proposal (addressed as 5535 University Avenue, Legistar File ID [49138](#)), which was approved by the Plan Commission back on January 8, 2018.

Requested Action: The applicant is making seven requests with this proposal – 1) approval of the demolition of a grocery store; 2) approval of a conditional use for the construction of a building with over eight dwelling units; 3) approval of a conditional use for a building in the Neighborhood Mixed-Use (NMX) District exceeding ten thousand square feet floor area and containing two or more uses; 4) approval of a conditional use for a building in the NMX District exceeding three stories and 40 feet in height; 5) approval of a conditional use for a building in the NMX District exceeding the allowed rear yard height transition to a residential district; 6) approval of a conditional use for a building in the NMX District with non-residential uses occupying less than 75-percent of the ground-floor frontage facing the primary street, including all frontage at a street corner; and 7) approval of a conditional use for a building in the NMX District with non-residential uses constituting less than 75-percent of the building’s ground-floor area – in order to construct a four-story, mixed-use building with roughly 5,600 square feet of commercial space and 60 apartments at 5535 University Avenue; Urban Design Dist. 6; 19th Ald. Dist.

Proposal Summary: The applicant proposes to demolish a grocery store to construct a 4-story, mixed-use building with approximately 5,600 square feet of ground floor commercial space and 60 apartments above. Ninety parking stalls are located on the site - 38 are at-grade stalls at the rear of the building (10 of which are covered), while the remaining 52 are located under the building.

Applicable Regulations & Standards: This proposal is subject to the standards for Demolitions [MGO §28.185(7)] and Conditional Uses [MGO §28.183(6)].

Review Required By: Urban Design Commission (UDC) and Plan Commission (PC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards are met and **approve** the demolition permit and six conditional use requests to demolish a grocery store before constructing a four-story, mixed-use building with roughly 5,600 square feet of commercial space and 60 apartments at 5535 University Avenue. These recommendations are subject to input at the public hearing and the conditions recommended by reviewing agencies.

Background Information

Parcel Location: The 48,515-square-foot (1.11-acre) subject property located to the south of the intersection of University and Capital Avenues. The site is located within Aldermanic District 19 (Ald. Furman), Urban Design District 6, and the limits of the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site includes an existing one-story, 16,780-square-foot grocery store, with a partial basement. It was originally constructed in 1976 at the southern corner of the lot. A large surface parking lot with roughly 49 stalls and curb cuts onto University and Capital Avenues, covers almost the rest of the lot, save for a two small planting beds along Capital Avenue.

Surrounding Land Use and Zoning:

Northwest: Across Capitol Drive are single-family and 2-unit residences, all zoned SR-C3 (Suburban Residential – Consistent 3) District;

Northeast: Across University Ave is an auto repair station with detached and car wash, zoned NMX (Neighborhood Mixed-Use) District; behind which are single-family residences in the TR-C1 (Traditional Residential – Consistent 1) zoning district;

Southeast: The Dale Heights Presbyterian Church, zoned NMX; and

Southwest: A 24-unit apartment building, zoned SR-V2 (Suburban Residential – Varied 2) District.

Adopted Land Use Plan: The [Comprehensive Plan \(2018\)](#) and the [Spring Harbor Neighborhood Plan \(2006\)](#) both recommend Neighborhood Mixed-Use for this parcel.

Zoning Summary: The property is zoned NMX (Neighborhood Mixed-Use) District.

Requirements	Required	Proposed
Front Yard Setback	25' maximum	17'
Side Yard Setback	Two-story or higher: 6'	31.8' Northwest 26' Southeast
Rear Yard Setback	20' Section 28.064(3)(d)	22.6'
Usable Open Space	160 sq. ft. per lodging room or 1-bedroom unit; 320 sq. ft. for >1-bedroom units (11,520 sq. ft.)	11,968 sq. ft. <i>(See Comment #41)</i>
Maximum Lot Coverage	75%	73.3%
Maximum Building Height	3 stories/ 40'	4 stories

Section 28.064(3)(d): Rear or side yard height transition to residential districts.

Site Design	Required	Proposed
Number Parking Stalls	Multi-family dwelling: 1 per dwelling (60) General retail; service business; office: 1 per 400 sq. ft. floor area (14) (74 total)	38 surface 52 underground (90 total) <i>(See Comment #42)</i>
Accessible Stalls	Yes	Yes
Loading	Not required	None
Number Bike Parking Stalls	Multi-family dwelling: 1 per unit up to 2-bedrooms, ½ space per add'l bedroom (60) 1 guest space per 10 units (6) General retail; service business; office: 1 per 2,000 sq. ft. floor area (3) (69 total)	10 surface 60 underground (70 total) <i>(See Comments #42 & #43)</i>
Landscaping and Screening	Yes	Yes <i>(See Comments #44, #45 & #46)</i>
Lighting	Yes	Yes
Building Forms	Yes	Commercial Block Building <i>(See Comment #47)</i>

Other Critical Zoning Items	Urban Design (UDD #6); Barrier Free (ILHR 69); and Utility Easements
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Tables Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

Environmental Corridor Status: The subject site is not located in a mapped environmental corridor.

Public Utilities and Services: This property is served by a full range of urban services.

Previous Approvals

At its January 8, 2018 meeting, the Plan Commission approved a Demolition Permit to demolish a grocery store and four Conditional Uses – for the construction of a building with over eight dwelling units; for a building in the Neighborhood Mixed-Use (NMX) District exceeding ten thousand square feet floor area and containing two or more uses; for a building in the NMX District exceeding three stories and 40 feet in height; and for a building in the NMX District exceeding the allowed rear yard height transition to a residential district – in order to construct a four-story, mixed-use building with roughly 5,600 square feet of commercial space and 56 apartments at 5533 University Avenue; Urban Design District #6. (Legistar File ID [49138](#)).

Project Description

The applicant proposes to construct a four-story, mixed-use building with roughly 5,600 square feet of commercial space and 60 apartments following the demolition of a one-story, former grocery store. In order to construct said building, the applicant is making seven requests with this proposal: 1) approval of the demolition permit; 2) approval of a conditional use for the construction of a building with over eight dwelling units; 3) approval of a conditional use for a building in the Neighborhood Mixed-Use (NMX) District exceeding ten thousand square feet floor area and containing two or more uses; 4) approval of a conditional use for a building in the NMX District exceeding three stories and 40 feet in height; 5) approval of a conditional use for a building in the NMX District exceeding the allowed rear yard height transition to a residential district; 6) approval of a conditional use for a building in the NMX District with non-residential uses occupying less than 75-percent of the ground-floor frontage facing the primary street, including all frontage at a street corner; and 7) approval of a conditional use for a building in the NMX District with non-residential uses constituting less than 75-percent of the building's ground-floor area.

This current proposal is very similar to the development which was approved by the Plan Commission back on January 8, 2018, save for the following major differences:

- The drive aisle which formerly ran beneath the building from the rear surface lot to University Avenue has been removed (and relocated to the easterly end of the site), the gap filled in (with a residential lobby and two dwelling units), and the dwelling unit mix has been reformulated resulting in a net increase of four units for a total of 60.
- The current submission has triggered two additional conditional use requests (requests #6 and #7 in the above list) relating to the percentage and location of the ground-floor commercial space. Note: the previously approved proposal also triggered these two conditional uses but were not realized by Staff at the time.

The building proposed for demolition is a one-story, 16,780-square-foot grocery store, with a partial basement. It was originally constructed in 1976 at the southern corner of the lot. A large surface parking lot with roughly 49 stalls and curb cuts onto University and Capital Avenues, covers almost the rest of the lot, save for a two small planting beds along Capital Avenue. Photos of the interior and exterior of the building are included with the application materials, which appear to show a building in average condition.

In the proposed building, 5,600 square-feet of commercial space occupies the westerly half of the ground floor. Currently shown divided into three tenant commercial spaces (the size and number of which may change as tenant leases are secured), each space has an entrance towards University Avenue as well as the rear surface parking lot. There is also an additional entrance on the building's southerly façade, between the commercial tenant spaces, which provides access to a staircase which serves the residential portion of the building located on the floors above.

In the proposed plan, the roughly 5,620 square-feet of commercial space occupies 96 feet (or roughly 47-percent) of its 204-foot-long University Avenue façade. In terms of the share of the total ground-floor area, the commercial space represents approximately 44.7-percent. (For comparison, the previously approved proposal had 5,812 square-feet of commercial floor area which occupied roughly 55.7-percent of the University Avenue façade and represented roughly 51-percent of the building's ground-floor area). In both the proposals, the commercial uses (i.e. non-residential uses) occupy less than 75-percent of the ground-floor frontage facing the primary street, including all frontage at a street corner as well as less than 75-percent of the building's total ground floor area. As a result, both require conditional uses. That said, while Staff acknowledge that both ratios have dropped roughly 7-percent with the revised proposal, Staff point to the fact that the actual amount of commercial area has stayed relatively constant while the revised building's ground floor is roughly 2,200 square-feet larger due to the fact that there is no longer a drive aisle cutting right through it.

The easterly half of the ground floor contains all residential uses – namely the lobby (with direct access to both University Avenue as well as the rear parking lot); six apartments (three efficiencies, one 1-bedroom and two two-bedroom units); building amenities such as a mail area and exercise room; restroom; and an elevator and stairwell, which both provide access to the parking level below as well as the three floors of residential units above.

The building's three upper floors are all residential and contain the remaining 56 dwelling units. Together with those on the ground floor, the overall mix of proposed residential units includes 18 efficiency units, 29 one-bedroom, 1 one-bedroom w/ den; and 12 two-bedroom apartments (please see Table 1 below for the unit breakdown by floor as well as a unit comparison with the previously approved submittal). While the proposal increases the number of units by four, in terms of bedrooms, due to the adjustment of unit types within the building, the current proposal increases this number just three, to 72. In terms of density, 60 units works out to a density of 54 units per acre, given the 1.11-acre site. (This is a slight increase from 50 units per acre density of the previous submittal). Each of the dwelling units is provided with a private balcony roughly 60 square-feet in size while the three (3) fourth floor units

located along the University Avenue façade have a sizable, roughly 12-foot-deep balcony running the length of the unit. (These larger balconies also serve as a building step back at the fourth floor level). Also located on the fourth floor, in the northeastern corner, is a 590-square-foot common room with direct access to a roughly 400-square-foot outdoor rooftop terrace.

Table 1: Residential Unit Mix (Current Proposal vs. Previously Approved Proposal)

Current Proposal						Previous Approval					
Floor	Efficiency	1bed	1bed w/ den	2bed	Total	Floor	Efficiency	1bed	1bed w/ den	2bed	Total
1st	3	1	0	2	6	1st	2	1	0	1	4
2nd	7	10	0	3	20	2nd	6	8	1	4	19
3rd	7	10	0	3	20	3rd	6	8	1	4	19
4th	1	8	1	4	14	4th	1	8	1	4	14
Total	18	29	1	12	60	Total	15	25	3	13	56

There are 90 off-street automobile parking stalls provided on site, both in the form of surface stalls as well as under-building stalls (this is one more than was approved with the previous submittal). Twenty-eight of these stalls are at-grade and located in the surface lot at the rear (south) of the site. They are intended to serve the building’s commercial users as well as visitors of the residential units. Another ten stalls are located just to the east of the surface lot, beneath the building’s upper floors which spans the southern area of the lot. Eight of these stalls are allotted to residential tenants while the other five will likely be leased by employees of the commercial spaces. The final 52 stalls, all for use by the residential tenants, are located in the level beneath the building which is accessed by the ramp at the southeast corner of the site. When added to the eight at-grade stalls reserved for residential tenants, these 60 stalls result in a parking ratio of one reserved stall per dwelling unit.

The lower parking deck also contains 60 long-term bicycle parking stalls for the residential tenants – 45 as ground-mounted stalls and 15 as wall-mounted. At grade, there are four short-term bicycle stalls located along the University Avenue sidewalk for commercial patrons and six short-term bicycle stalls located off the rear parking lot, near the rear entry to the residential lobby for the guests of residential tenants.

The proposed building exterior materials are very similar to the previous approval and include cast stone for the base; a cream-colored, modular-sized brick for the first three floors, with a cedar-colored, horizontal composite siding cladding the bays which project at the second and third floor levels; and a slate-colored, horizontal composite siding cladding the fourth floor. The commercial storefronts are an anodized aluminum while the rest of the building’s windows are a vanilla-colored vinyl or fiberglass. Aluminum is used for the balcony railings and metal for the balconies.

The landscape plan includes a number of over-story trees dotting the perimeter of the building and site, such as Serviceberry trees along the easterly façade, Elm along the northerly façade, and Choke Cherry and Linden trees along the westerly façade/Capital Avenue frontage. Three Maple trees have also been added in the parking tree islands. Foundation plantings have been added around the building and Capital Avenue frontage such as Dogwood, Sumac, Sedum, Boxwood, Hydrangea, and Reed Grass. While an existing Arborvitae hedge exists along the western half of the southern property line (on the adjacent property), roughly two dozen Arborvitae and Common Lilac are added along the eastern half of the southern property line to provide screening.

Usable open space is provided on site both as surface green space as well as via the private balconies and rooftop terrace. Roughly 7,700 square feet of surface green space is provided in various sized areas located primarily along the site’s easterly, northerly and westerly property boundaries. Open space is also included via the private balconies which are provided with each unit, either as a roughly 60 or 68-square-foot version, depending on its located on the

floorplan. Because of the fourth floor setback along University Avenue, the three north-facing units have sizeable balconies, ranging from roughly 400 to 700 square feet in size. Finally, the rooftop terrace provides an additional 400 square feet of usable open space. In all about 12,000 square feet of open space is provided which exceeds the NMZ Zoning District's requirement of 160 square feet per 1-bedroom unit and 320 square feet per unit greater than 1-bedroom, which, for this project, works out to 11,520 square feet of usable open space.

Regarding nearby transit amenities, in order to accommodate a University Avenue bus stop, which will be relocated from its current location on the northern side of the Capital Avenue intersection to in front of the proposed building, the applicant is dedicating area along this frontage for the future construction of a pullout lane, to be constructed by the City. Details were included as part of the Certified Survey Map (CSM) which was submitted and approved by the Common Council on January 16, 2018.

Analysis and Conclusion

The proposed project is subject to the approval standards for Demolitions [MGO §28.185(7)] and Conditional Uses [MGO §28.183(6)]. This analysis begins with an analysis of adopted plan recommendations.

Conformance with Adopted Plans

The [Comprehensive Plan \(2018\)](#) and the [Spring Harbor Neighborhood Plan \(2006\)](#) both recommend Neighborhood Mixed-Use (NMU) for the subject parcel.

The [Comprehensive Plan \(2018\)](#) recommends Neighborhood Mixed-Use (NMU) development for the subject site. The Plan states that NMU districts “include existing and planned relatively small Activity Centers (i.e. typically mixed-use areas that are more intensely developed than their surroundings and serve as the visual and/or functional center of a neighborhood, multiple neighborhoods, or a district). Regarding land use recommendations, the Plan states that these NMU Activity Centers include residential uses, as well as retail, restaurant, service, institutional, and civic uses primarily serving nearby residents. At the site level, it recommends that individual buildings be located close to public sidewalks, oriented towards the street, and typically, not include more than 10,000 square feet of commercial space. It also recommends on-street parking is recommended where practical, with private off-street parking placed primarily behind buildings, underground, or shielded from public streets by liner buildings.” Regarding general development intensity, it states that new buildings are expected to be 2-4 stories in height but that single-story buildings may be supported in very limited circumstances. For density, it recommends a maximum of up to 70 dwelling units per acre.

The [Spring Harbor Neighborhood Plan \(2006\)](#) states as one of its Land Use Goals to enhance University Avenue as a vibrant mixed-use corridor for the neighborhood and surrounding communities, that includes retail, civic, office, cultural, residential, institutional, and recreational uses. To that end, it identifies the subject site as within its Spring Harbor Neighborhood Site #3, which it defines as the business and municipal services along University Avenue from Norman Way to Capital Avenue, and recommends Neighborhood Mixed-Use (NMU) development. In terms of design guidelines, for NMU Districts, the Plan states that 1) buildings should be close to the street; 2) new redevelopment should promote high quality building and site design; and 3) windows should be used at the street level to enhance the pedestrian experience.

In regards to plan consistency, given the building's proposed setbacks and stepbacks; its location close to the its primary street with ground-floor commercial along much of that frontage; the fact that it conforms to the Comprehensive Plan's recommended height range of 2-4 stories and density of up to 70 dwelling units per acre; and its location along one of the City's major transportation routes, the Planning Division believes the proposal could be found to be compatible with the adopted plans.

Conditional Use Standards

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.”

The Planning Division believes that the conditional use standards can be found met for this revised request. Staff note that the current proposal is very similar to the previously approved version which included five of the same conditional uses currently being requested. This opinion of Staff belief that the standards can be found met also assumes the conditions of approval included with this report, and provides additional discussion of the following standards.

Standard 3 states “The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner.” The proposed building’s height and mass are two areas with potential impact on the surrounding properties, and both require a conditional use. The first will allow the building to exceed the Neighborhood Mixed-Use (NMX) District’s maximum height allowance of three stories and 40 feet. The building requires a second conditional use because it does not meet the rear yard height transition to the residential district to the south, in this case the parcel located at 1667 Capital Avenue which is zoned Traditional Suburban – Varied 1 (SR-V1) District and contains a two-story, 24-unit apartment building. As MGO §28.064(3)(d) reads, *Where the NMX District abuts a residential district at the rear or side lot line, building height at the rear setback line (in this case, 20 feet) shall not exceed two (2) stories/twenty-five (25) feet. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line, (a 45° angle) up to the maximum allowed height. Transitions exceeding this height and/or ratio limitation require conditional use.*

Looking at Image 1 below, one can see the upper right corner of the building (i.e. the southeasterly corner of the building’s fourth floor) extending into the transition area (which is indicated by the angled dashed line). (Note: this infringement has not changed from the previously approved plans). While such a restriction on height transitions is most applicable, and valuable, in infill situations when, for example, a multi-story building is proposed on a block of small and/or narrow lots, for the 5535 University Avenue case, Planning Staff anticipate that that this specific encroachment will not result in significantly different impacts than what would be allowed without the requested conditional use. This is due to the fact that the structures are not only approximately 116 feet away but due to the amount of grade change between properties, the level of the ground floor of the neighboring two-story residential building is roughly 16 feet above that of the subject building.

Image 1: Section Looking Eastward

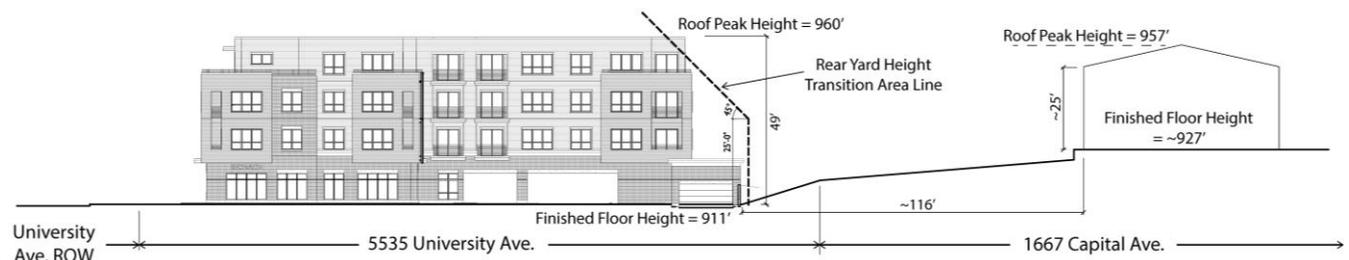


Image Prepared by the City of Madison Planning Division

Standard 4 states “The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in this district.” As noted above, Staff believe the proposal could be found to be compatible with the adopted plans.

Regarding the potential impacts of the revisions to the building, including the addition of four dwelling units, Staff do not believe the net result will be substantially different than with the previously approved submittal. Staff note that while there are an additional four dwelling units, due to the adjustment of unit types within the building, the current proposal increases the number of bedrooms just three, to 72. While Staff anticipate that the parking demand will be increased, Staff note that the applicant has provided one additional automobile stall on site (beneath the building). Staff also believe that shifting the University Avenue drive aisle to the southeastern corner of the site will improve both internal vehicular circulation on site as well as potential conflicts with the future bus stop, which will be located in front of the proposed building.

Standard 9 states “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.” As outlined previously, Staff believe the proposed building to be generally consistent with the adopted plans for the area.

Staff also believe the removal of the drive aisle, which formally cut a 35-foot-wide gash through the ground floor façade, results in a better designed, more coherent, and more pedestrian-friendly façade.

Furthermore, the Urban Design Commission (UDC), at their October 24, 2018 meeting, gave the project final approval. Considering the fact that Staff believes the project to be compatible with the general use, height, and massing recommendations of the Comprehensive Plan, all in addition to the final approval from the UDC, the Planning Division believes the Plan Commission may find this standard met.

Public Input

At the time of report writing, staff has not received any comments on the proposed request. Staff do note however that there were two speakers who spoke in opposition at the October 24, 2018 Urban Design Commission meeting.

Conclusion

In conclusion, the Planning Division believes the revised request, just like its predecessor, could be found compatible with the adopted plans and could be found to meet the approval standards for demolitions and conditional uses. Staff do not believe that the revisions made to the design, and the increase in the number of bedrooms by three, will add have a significant negative impact on the surrounding area. Staff do however believe the removal of the drive aisle, which formerly cut through the building’s ground floor, effectively dividing it into two, is a significant improvement, particularly from a pedestrian point of view. On the subject of building aesthetics, Staff point out that the Urban Design Commission were also supportive of the project as they granted it final approval at their October 24, 2018 meeting.

Recommendation

Planning Division Recommendation (Contact Chris Wells, (608) 261-9135)

The Planning Division recommends that the Plan Commission find that the standards are met and **approve** the demolition permit and six conditional use requests to demolish a grocery store before constructing a four-story, mixed-use building with 5,600 square feet of commercial space and 60 apartments at 5535 University Avenue. These recommendations are subject to input at the public hearing and the conditions recommended by reviewing agencies.

Major/Non-Standard Conditions are Shaded

Engineering Division (Main Office) (Contact Tim Troester, (608) 267-1995)

1. The City may have sewer capacity constraints downstream as a result of this redevelopment. Applicant shall submit the projected sewer flow calculations for the development. The City will monitor the flow level on Capital Ave. Offsite sewer improvements may be required with a developers agreement if the sewer on Capital Ave. cannot handle the additional wastewater flow.
2. Pipe P-9 appears to cut the corner of the adjacent property. Construction easements from the adjacent property may be required.
3. 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. The permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
4. All outstanding 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))
5. 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. (POLICY)
6. The proposed 8" diameter sanitary sewer lateral connection to the 8" diameter sewer main is not a legal connection unless it is made at a manhole.
7. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE. The project will be expected to meet a higher standard of erosion control than the minimum standards set by the WDNR in order to comply with TMDL limits.

8. The Applicant shall submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division with any private storm and sanitary sewer utilities. The digital CAD file shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the only 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 or parcel lines if unplatted
 - g) Lot numbers or the words unplatted
 - h) Lot/Plat dimensions
 - i) Street names
 - j) Private on-site sanitary sewer utilities (including all connections to public sanitary)
 - k) Private on-site storm sewer utilities (including all connections to public storm)

All other levels (contours, elevations, etc.) are not to be included with this file submittal.

NOTE: Email CAD file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement, private on-site sanitary sewer utilities, or private on-site storm sewer utilities during construction will require a new CAD file.

9. The applicant shall 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). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2))PDF submittals shall contain the following information:
 - 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 or parcel lines if unplatted
 - g) Lot numbers or the words unplatted
 - h) Lot/Plat dimensions
 - i) Street names
 - j) Stormwater Management Facilities
 - k) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
10. 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. Include copies of all stormwater, utility, and detail plan sheets that contain stormwater practices on 8.5" x 14" 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 Tim Troester (west) at ttroester@cityofmadison.com, or Daniel Olivares at DAOlivares@cityofmadison.com final document and fee should be submitted to City Engineering.

11. The applicant shall show storm water "overflow" paths that will safely route runoff when the storm sewer is at capacity. Parking lot appears to contain an enclosed depression area - provide private storm sewer and storm overflow to serve this area while protecting the proposed building and underground parking entrance. (POLICY)
12. 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 24-hr, 100-yr design storm. 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.
13. 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 5.0 tons per acre per year.
14. For Commercial sites < 1 acre in disturbance the City of Madison is an approved agent of the Department of Commerce and WDNR. As this project is on a site with disturbance area less than one (1) acres, and contains a commercial building, 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. (NOTIFICATION)
15. 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.
16. Prior to approval, this project shall comply with Chapter 37 of the 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.
17. 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. Obtaining a developer's agreement generally takes approximately 4-6 weeks, minimum. (MGO 16.23(9)c)
18. 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. (MGO 16.23(9)(d)(6))
19. 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. (POLICY)

20. The Applicant shall provide the City Engineer with the proposed earth retention system to accommodate the restoration. The earth retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system. (POLICY)
21. The Applicant shall Construct Sidewalk to a plan approved by the City
22. As agreed upon previously, the Developer shall construct a bus pullout on University Avenue per plans approved by the City Engineer. The City will reimburse the developer for the developer's actual cost to construct the bus pullout improvements up to the allowable statutory limit.

City Engineering – Mapping (Contact Jeffrey Quamme, (608) 266-4097)

23. There is a proposed substantial retaining wall and planned along the southerly side of this site that is very near the property line. Applicant shall provide a recorded private retaining wall construction and maintenance agreement with the property to the south necessary for the construction and maintenance of the wall.
24. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD) prior to issuance of any building permits for new construction. When the recorded CSM image is available from the ROD, the Assessor's Office can then create the new Address-Parcel-Owner (APO) data in GEO so that the Accela system can upload this data and permit issuance made available for this new land record
 25. The site and civil plans shall be revised to show the final boundary of the pending CSM and the required dedication along University Avenue.
 26. The 5' Utility Easement along the southeasterly side of the site per the plat of Stoeber Addition has been released by the City of Madison, but not by other utilities. There are now proposed driveway improvements within this easement area. Applicant is responsible to coordinate with the utility companies the construction of the improvements within the easement to avoid conflict with any possible utility facilities.
 27. The address of the apartments is 5535 University Ave. Addresses of the proposed commercial tenant spaces are 5541, 5545, 5549 University Ave. 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. 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 application submittal for the final Site Plan Approval with Zoning. The approved Addressing Plan shall be included in the final application. 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 changed and/or reapproved. The final revised Addressing Plan shall be submitted by the applicant to Zoning to be attached to the final filed approved site plans.

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

29. This site presents difficult constructability issues; access to neighboring sites must be maintained at all times, covered sidewalks will be constructed and maintained as soon as possible and little to no access to the Public Right-of-Way on University Avenue will be granted for construction purposes. Provide a detailed construction plan to Traffic Engineering for review by the Traffic Control Specialist (Mike Duhr) prior to final signoff.
30. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; 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.
31. 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.
32. 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.
33. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
34. All pedestrian walkways adjacent parking stalls shall be 7 feet wide to accommodate vehicle overhang, signage and impediments to walkway movements. Any request for variance shall be submitted to and reviewed by City Traffic Engineering.
35. All bicycle parking adjacent pedestrian walkways shall have a 2-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
36. Along any public right-of-way classified as an arterial or a collector street the applicant can expect to be required to maintain a public walkway past the job site (e.g. via use of pile/lagging or other vertical shoring method).
37. 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.
38. "Stop" signs shall be installed at a height of seven (7) feet 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.
39. 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.

40. Include a parking plan demonstrating how specific stalls, to be used by the commercial site, will be reserved. Include any signage to be used to achieve this goal in the submitted plans.

Zoning Administrator (Contact Jenny Kirchgatter, (608) 266-4429)

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| <p>41. Provide the minimum amount of useable open space for the proposed residential dwelling units. A minimum of 160 sq. ft. of useable open space is required per lodging room or one-bedroom unit plus a minimum of 320 sq. ft. for each dwelling unit with more than one bedroom. A minimum of 11,520 sq. ft. of useable open space is required. Identify the structured useable open space areas on roof decks, porches, and balconies and each qualifying at-grade usable open space area on the final plans. Roof decks, porches, and balconies may be used to meet up to seventy-five percent (75%) of the minimum useable open space requirement, provided that minimum dimensional requirements are satisfied.</p> |
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42. As each commercial 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.
 43. Provide the minimum required number of bicycle parking spaces distributed as both Short Term and Long Term bicycle parking for the residential and commercial uses, as required per Sections 28.141(4) and 28.141(11). A minimum of 60 resident bicycle parking spaces are required plus six (6) guest stalls. A minimum of three (3) short-term bicycle stalls shall be required for the commercial uses. Identify and dimension the bicycle stalls, including the access aisles, on the final plans. Provide details of ground mounted and wall mounted bicycle rack designs.
 44. Update the civil and landscape plans to show the surface bicycle parking locations consistently among the plan pages. Submit the updated 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.
 45. Screening is required adjacent the Zoning district boundary along the southwest property line. Screening shall be provided along side and rear property boundaries between commercial/ mixed-use districts and residential districts. Screening shall consist of a solid wall, solid fence, or hedge with year-round foliage, between six (6) and eight (8) feet in height. Height of screening shall be measured from natural or approved grade. Berms and retaining walls shall not be used to increase grade relative to screening height. The applicant proposes screening vegetation to satisfy the district boundary screening requirement. For conditional uses, the Plan Commission may modify the district boundary screening requirements.
 46. Submit the rooftop plan showing the location of any proposed rooftop mechanical equipment and screening. All rooftop equipment shall be screened from view from adjacent streets and public rights-of-way per Sections 28.060(2)(f) and 28.142(9)(d). Screens shall be of durable, permanent materials that are compatible with the primary building materials.

47. Provide details showing that the primary street façade meets the door and window opening requirements of Section 28.060(2)(d). For nonresidential uses at ground floor level, windows and doors or other openings shall comprise at least sixty percent (60%) of the length and at least forty percent (40%) of the area of the ground floor of the primary street facade. At least fifty percent (50%) of windows on the primary street facade shall have the lower sill within three (3) feet of grade. For residential uses at ground level, a minimum of fifteen percent (15%) of the ground level of residential facades or side and rear facades not fronting a public street shall consist of windows and door openings. On upper stories, window or balcony openings shall occupy a minimum of fifteen percent (15%) of the upper-story wall area.
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 and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development

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

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

Parks/Forestry Review (Contact Sarah Lerner, (608) 261-4281)

50. 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 West Park-Infrastructure Impact Fee district. Please reference ID# 17159 when contacting Parks about this project.
51. City Forestry will issue a removal permit for a 2" diameter Horsechestnut tree due to conflict with proposed driveway located at 3rd tree on University Ave from Capital Ave. Please contact Brad Hofmann – bhofmann@cityofmadison.com or 266-4816 to obtain the street tree removal permit.
52. 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 prior to the start of construction. Tree protection specifications can be found in section 107.13 of City of Madison Standard Specifications for Public Works Construction - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part1.pdf>. Any tree removals that are required for construction after the development plan is approved will require at least a 72 hour wait period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan.

Water Utility (Contact Adam Wiederhoeft, (608) 266-9121)

53. The Madison Water Utility shall be notified to remove the water meter at least two working days prior to demolition. Contact the Water Utility Meter Department at (608) 266-4765 to schedule the meter removal appointment.
54. 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/plumberscontractors>), 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 Timothy Sobota, (608) 261-4289)

55. As identified on the plans submitted for review, Metro Transit recommends the creation of a new combined bus stop zone, with a pullout lane, on the south side of University Avenue east of Capital Avenue - so that buses can safely exit the active vehicle travel lanes for the time needed to actively load or unload passengers at this intersection, specifically new riders anticipated at this intersection due to the creation of multi-family residential units on this previously commercial property. This combined bus stop zone would permit the elimination of the current bus stop zones along eastbound University Avenue (just west of the Capital Avenue intersection traffic signal), and on northbound Capital Avenue (just south of the existing driveway), that occupy the active travel lanes of these streets.
56. The applicant will need to grant appropriate rights to the City of Madison and Metro Transit that would permit access, maintenance and/or installation of certain infrastructure associated with the proposed bus stop zone shown on the plans submitted for review - including the area of the bus pad surface behind the sidewalk immediately east of the pullout lane, that would accommodate the existing passenger waiting shelter that is currently installed at the bus stop zone on University Avenue west of Capital Avenue.
57. The applicant shall include the location of these transit amenities on the final documents filed with their permit application so that Metro Transit may review and approve the design. The applicant shall also show the existing bus stop zone and concrete boarding pad surface on the east side of Capital Avenue, south of University Avenue and adjacent this site, that would remain in active service until such time that the combined bus stop zone shown on the plans submitted for review is complete.

58. Metro Transit operates daily transit service along University Avenue through the Capital Avenue intersection. Bus stop ID #2392 is opposite the proposed project site along the south side of University Avenue, west of Capital Avenue, while bus stop ID #2165 is adjacent the site on the east side of Capital Avenue south of University Avenue.

Bus Stop #2132 is currently served by 35 scheduled trips each weekday, with up to four buses an hour scheduled to stop here during the peak commute periods, as well as once an hour on Saturdays. Current estimated boardings at this stop on University Avenue are around 44 passengers per weekday.

Bus stop #2165 on Capital Avenue is primarily served on weekends, once an hour, with limited trips during public school days.

ATTACHMENT 1

28.064 NEIGHBORHOOD MIXED-USE DISTRICT.

1) Statement of Purpose.

The NMX District is established to encourage and sustain the viability of commercial nodes that serve the shopping needs of residents in adjacent neighborhoods. The district is also intended to:

- (a) Encourage pedestrian, bicycle and transit use as a means of accessing these commercial areas.
- (b) Encourage diversification of uses, including residential, commercial, and civic uses, in order to enhance the vitality and appeal of these areas.
- (c) Facilitate preservation, development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.