



PREPARED FOR THE PLAN COMMISSION AND URBAN DESIGN COMMISSION

Project Address: 4103-4119 Portage Road (17th Aldermanic District, Alder Clausius)
Application Type: Rezoning, Demolition, and Conditional Use
Legistar File ID #: [37648](#), [37370](#)
Prepared By: Heather Stouder, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted

Summary

Applicant: 5422 Portage Road, LLC; 7609 Elmwood Ave., Ste. 201, Middleton, WI, 53562

Project Contact: Jon Schmied; JLA Architects; 2418 Crossroads Dr., Ste. 2300, Madison, WI, 53718

Property Owner: Duaine Boehm; 5422 Portage Road, Madison, WI, 53704

Requested Action: Approval of a rezoning from Temporary Agriculture to the Suburban Residential – Varied 2 (SR-V2) district, demolition of a single-family home, and a conditional use for a 284-unit multi-family residential complex.

Proposal Summary: The applicant proposes to construct 284 residential units in three four-story buildings.

Applicable Regulations & Standards: This proposal is subject to the standards for zoning map amendments, demolition (MGO Section 28.185), and conditional uses (MGO Section 28.183).

Review Required By: Urban Design Commission (UDC), Plan Commission (PC), Common Council (CC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the zoning map amendment, demolition, and conditional use standards can be met and **approve** the request at 4103-4119 Portage Road. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Background Information

Parcel Location: The property is on the east side of Portage Road opposite DiLoreto Avenue; Aldermanic District 17(Clausius); Madison Metropolitan School District, Sun Prairie Area School District, and DeForest Area School District. *(Note: School Districts have been notified, and are working to transfer this entire property into a single school district.)*

Existing Conditions and Land Use: The 14.5 acre property has a single-family home and a detached garage/barn structure, both on the western portion of the site. The site is otherwise undeveloped, with trees and a creek running through the southern portion, and just under two acres in the northeast portion in agricultural production.

Surrounding Land Use and Zoning:

North: Agricultural land outside of city limits in the Town of Burke, Exclusive Agriculture Zoning in Dane County

East: Across Interstate 39 to the east, office uses (American Center) in the Suburban Employment Center (SEC) District.

South: Just south of the undevelopable greenspace on the southern half of the subject property, a series of four-unit buildings in the Suburban Residential – Varied 2 (SR-V2) District. Further south, across Hayes Road, multi-family residential complexes on over 30 acres with nearly 500 residential units in the SR-V2 District.

West: Across Portage Road to the west, single-family homes in the Suburban Residential – Consistent 2 (SR-C2) District.

Adopted Land Use Plan: The Comprehensive Plan (2006) and Hanson Road Neighborhood Development Plan (2000) recommend Low-Density and Medium-Density Residential uses for this property. The definitions of these density ranges differ between these two plans, as is discussed in the Project Analysis section.

Zoning Summary: The property is currently in the Temporary Agriculture District, but if rezoning is approved as requested, would be in the Suburban Residential – Varied 2(SR-V2) District. Additional details will be provided when available.

Environmental Corridor Status: The subject site has an environmental corridor running through it from east to west, along both sides of the creek running through the property. The applicant has been asked to verify with the Capital Area Regional Plan Commission (CARPC) that the proposed buildings and paved areas are entirely outside of the environmental corridor.

Public Utilities and Services: This property is not yet served by a full range of urban services, but would be once conditions of approval are met. Metro Transit Route 6 runs along Hayes Road and Portage Road, just south and southwest of the site.

Related Approvals

Associated with this proposal is a Certified Survey Map, dividing the property into three approximately 4.5-acre lots, consistent with the placement of the three buildings. The City is requesting easements for future bicycle and pedestrian paths, public stormwater management, and sanitary sewer.

Project Description

The applicant proposes to demolish an existing single-family home and accessory building as part of site preparation for a 284-unit multifamily residential complex with three four-story buildings in the northern half of the 14.5-acre site. The project is proposed to take place in three phases from 2015-2018, moving from from west to east.

Land Use – The proposed multi-family residential complex includes 284 units on the 14.5-acre site, for an overall density of approximately 20 units per acre. The unit mix includes 110 efficiencies, 130 one-bedroom units, and 44 two-bedroom units, with a relatively even mix between buildings. The proposed overall parking ratio is 1.02 stalls per unit, and small individual storage spaces and trash refuse rooms are located in the basement of each building for residents to walk their trash and recycling to. Units range in size from 525 square foot efficiencies to 1,150 square foot two-bedrooms, each with its own laundry facility.

Usable open space for the residents is provided in a central greenspace between the two L-shaped buildings, within large triangles behind each of these buildings, and in the area shown around the clubhouse and pool. The southern half of the site provides significant open spaces, which will be partially developed with future bicycle and pedestrian paths to be constructed by the City, but may also include a less formal trail network designed by the applicant.

Building Placement and Massing – The southern portion of the site is largely undevelopable due to an existing stream and associated setback requirements. As such, the development is proposed on the northernmost portion of the site, oriented to the new DiLoreto Avenue to the north.

All buildings are four stories, and set back approximately 15 feet from the new extension of DiLoreto Avenue. The westernmost building is approximately 285 feet long and 80 feet deep, and the other two are L-shaped buildings at approximately 250 feet long and 128 feet deep. Building massing is articulated with inset balconies (and ground level porches) for each unit, and a fourth floor stepback of approximately five feet. A central greenspace is located between the two L-shaped buildings, leading to a pool and clubhouse behind the buildings. All surface parking is located behind the two L-shaped buildings.

Access, Parking, and Circulation – As part of the proposal, a 46-foot wide strip of land along the northern edge of the property would be dedicated as public right-of-way and constructed as an eastward extension of DiLoreto Avenue. This “half-street” will be constructed with a 26-foot two way section of pavement, a 9-foot wide terrace, and a 5-foot sidewalk on the side with the buildings. Immediately north of the pavement is a six-foot strip for stormwater management and grading purposes. The street will not accommodate on-street parking initially, but will be designed with on-street parking once its full width can be constructed in the future. This will be possible if and when lands immediately to the north are attached to the City, in conjunction with future development.

As proposed, vehicle access to the buildings would be via two driveways off of DiLoreto Avenue. These lead to a surface parking area with 131 stalls behind the buildings and entrances to underground parking areas beneath each building, where there are a total of 160 underground stalls. The overall parking ratio is 1.02 stalls per unit, as proposed. The proposal also includes 321 bicycle-parking stalls, 291 of which are within the underground parking areas, and 30 stalls distributed in three locations in front of the buildings.

As the project is being constructed in phases, the applicant will need to ensure adequate circulation for fire safety and City services, which will involve temporary turn-arounds off of DiLoreto Avenue, one of which would be located in a space identified for long-term open space for the residents.

The applicant has agreed to dedicate rights-of-way for bicycle and pedestrian connections on the southern half of the property that will dramatically improve connectivity for residents at this site and for existing development to the south. The City will construct an east to west path along the creek in the southern half of the site, and a southern offshoot from this path through City-owned stormwater management parcel leading to Hayes Road in the location of a Metro bus stop. The easement will include a strip on the eastern side of the property which will provide a connection to an eventual bicycle and pedestrian tunnel under Interstate 39 linking the subject property to the American Center to the east. In addition, Engineering will require the completion of a sidewalk along the eastern side of Portage Road

Building Exterior – The three buildings have the same proposed exterior, with a small amount of utility brick on the base, thin set grey masonry panels, three different tan/brown colors of “smart side” lap siding, and three colors of fiber cement paneling, including bright red areas at regular intervals on the buildings. Exterior lighting is shown in the patio and balcony areas. Each unit has its own HVAC system with exterior louvers facing perpendicular to the street within the balcony areas, except on the fourth floors, where the louvers are shown facing the street. In these areas, there is a parapet partially obscuring the view of the HVAC louvers, and they are colored to match the surrounding building material.

Landscape Plan – The landscape plan includes a mix of crabapple, serviceberry, maple, elm, oak, and other trees in front of, between, and behind buildings in the parking lot and open space areas. Shrubs and low perennials are scattered throughout the site as foundation plantings around the buildings. The plans show bioretention and infiltration ponds behind the parking lot on either side of the clubhouse/pool area, and narrow bioretention ponds in the public terrace in front of the buildings. Based on coordination with City Engineering, these areas in the public terrace would be used to manage stormwater from the street itself.

Project Analysis and Conclusion

Land Use and Plan Consistency – The Comprehensive Plan (2006) recommends Low-Density Residential (defined as <16 dwelling units per acre) for the northern portion of the property and Medium-Density Residential (defined as 16-40 dwelling units per acre) on the southern portion of the property (this area has essentially become undevelopable due to an environmental corridor designation, which cuts it off from Portage Road such that it would have no frontage on a public street).

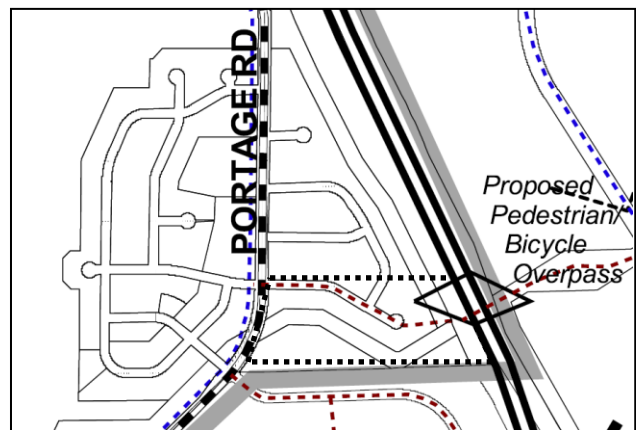
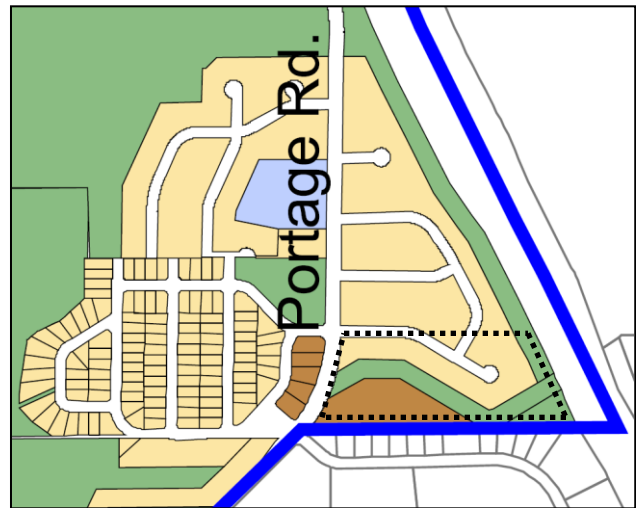
At a total of 20 dwelling units per acre, albeit all proposed on the northern portion of the site, the proposed development is within a density range consistent with the land use recommendation in the Comprehensive Plan, and the request to rezone the property from Agriculture to Suburban Residential – Varied 2 (SR-V2) is consistent with the Comprehensive Plan.

The Hanson Road Neighborhood Development Plan (last adopted in 2000) recommends Low-Density Residential (defined differently in this Plan as <8 dwelling units per acre) uses for portions of this property north of the creek, and medium density residential uses (defined in the Plan as 12-16 dwelling units per acre) for a small portion of the subject property south of the creek. On average, the subject site is recommended for approximately 10-12 dwelling units per acre. (See the subject property within the dashed line on the map excerpt at right.)

The Hanson Road NDP also recommends a bicycle/pedestrian overpass to link this property to the American Center, over I-39 (see map excerpt at right). Recently, staff has been made aware that this connection would more than likely be a tunnel under the interstate done in conjunction with a major WisDOT project. While not programmed at this time, staff anticipates that it could occur within the next 15 years. The applicant has agreed to provide an easement for this planned connection as part of the CSM associated with this request.

The proposed development is roughly twice the density as what is recommended in the Hanson Road Plan, but consistent with the Comprehensive Plan, which was adopted several years later. During the review process, staff stressed that the proposed density could only be supported if the site layout provided a strong orientation to the street, and supported future street connections to the north, where lower-density residential uses in a variety of housing types (small multi-family buildings, townhouses, and single-family homes) can be supported. In early discussions, the applicant presented conceptual street layouts north of this property that could be facilitated at some point in the future, and staff is assured that the proposed development supports, rather than precludes, the lower-density residential development recommended to the north.

Nearby employment opportunities in the American Center and the new UW Hospital make this location attractive for multi-family residential development. The site is served by a key Metro Transit Route, and



following short-term investment by both the developer and the City in bicycle and pedestrian infrastructure, the site will provide improved connections for on-site and nearby residents. Site design and easements obtained through this approval will also support a critical bicycle and pedestrian connection under the interstate to make this an even more attractive location for American Center employees.

Access, Parking, and Circulation – While it can seem isolated at first glance, staff believes that the proposed development accommodate all modes of transportation well, with adequate space for circulation of cars, important bicycle and pedestrian connections to Metro Transit Route 6, and longer term potential connections to a bicycle and pedestrian tunnel under Interstate 39. Parking provisions on the site as a whole (1.02 stalls per unit) are likely inadequate for residents and guests, as only six spaces would be left for visitors or two-car households after each household parks one automobile. The parking pressures would certainly be alleviated with the addition of on-street parking on DiLoreto Avenue, but this cannot be accommodated within the width being provided, and the widening of DiLoreto into a full public street is dependent on future development of lands immediately to the north. As part of the approval, the applicant will be required to provide additional pavement, curb, and gutter along the east side of Portage Road, which should provide sufficient space for approximately 20 on-street parking spaces. While these spaces might be beneficial for residents in the westernmost building, they are not very convenient for visitors or residents in the other two buildings. Finally, it is not clear that the western building in and of itself would include sufficient parking, since half of the parking intended for it would be on a surface lot behind the second building, on a separately created lot.

Staff recommends the following additional conditions to help alleviate concerns about inadequate parking. First, the applicant should include a clear phasing plan to ensure that a portion of the surface parking lot will be constructed in the first phase of the project to support the westernmost building, and cross-access and parking agreements between the three newly proposed lots. Prior to submitting final plans, staff recommends that the applicant locate a shared car on the site for occasional use by tenants, in an effort to reduce the number of cars associated with residents (especially those who can rely on alternative modes of transportation for employment trips). Finally, the applicant should include a clear statement in the lease describing the scarcity of on-site parking beyond one stall per unit, and note that on-street parking is not available on DiLoreto Avenue adjacent to the buildings (this note could be modified if and when on-street parking is available on DiLoreto Avenue).

Staff has communicated these concerns with the applicant. Depending on the response and any strategies the applicant has, staff may provide further analysis and additional recommendations on this issue in an addendum to this report to the Plan Commission.

Building Design - The design of these buildings will set the context for this area and future development to the north. Staff believes that the site plan is optimal, but that the exterior material palette could be improved with an overall reduction in the number of materials, and an increase in the use of masonry. Staff appreciates the use of bold color (the red fiber cement) as an accent material. However, as mentioned in the project description, there are essentially eight materials used in similar proportions on the buildings, and each building is the same. An increased use of masonry as a primary material (concrete, manufactured stone veneer, or brick) could improve the building exterior. To help simplify the palette, the smart side lap siding could be removed replaced with fiber cement paneling in colors used elsewhere on the building.

Finally, as the buildings have a total frontage of almost 800 feet along DiLoreto Avenue, it may be helpful to see greater variety between buildings rather than variety on each building in and of itself. The applicant may consider differentiating among the buildings – particularly the western building, since it has a different shape than the others - through use of different colors of fiber cement.

Staff understands that the applicant is currently working to address design comments raised by staff and the Urban Design Commission following their March 25 informational presentation to the UDC, and a potential

alternative may be presented to the UDC on April 8. Staff looks forward to the Urban Design Commission discussion on the building exterior, and will forward to the Plan Commission the recommendations of the UDC.

Landscaping - On March 25, during an informational presentation on the proposal, the Urban Design Commission recommended adding more shade trees and other substantial plantings, and also adding pathways through open spaces immediately behind the buildings. Staff understands that the applicant is working to address these comments, and will provide any additional UDC recommendations to the Plan Commission on April 20.

Standards for Zoning Map Amendments – Staff believes that the proposed rezoning to the Suburban Residential – Varied 2 District for the proposed buildings supports public health, safety, and welfare, and is consistent with the recommendations in the Comprehensive Plan for Low-Density and Medium-Density Residential uses on this site, so long as all of the conditions of approval are sufficiently addressed.

Demolition Standards – Staff knows of no concerns regarding the demolition of the single-family home on the property, and believes that all demolition standards can be met. On April 13, The Landmarks Commission will informally review the proposed demolition of the existing single-family home on the property, and staff will provide an outcome of this discussion to the Plan Commission on April 20.

Conditional Use Standards – The Planning Division staff evaluation of the proposed project’s ability to meet the standards for conditional use approval is summarized below.

As stated in MGO Section 28.183(6)(a), *“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 as adopted as supplements to these plans. No application for a conditional use shall be granted by the Plan Commission unless it finds that all of the following conditions are present:*

1. *The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.*

Staff believes that this standard is met.

2. *The City is able to provide municipal services to the property where the conditional use is proposed, given due consideration of the cost of providing these services.*

Staff believes that this standard is met, noting that the site is served by transit, and that many public easements are being requested as part of the approval of the project.

3. *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.*

Staff believes that this standard is met.

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.*

Staff believes that this standard is met, and that the proposal can support a street network for future lower-density residential development on lands to the north.

5. *Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit, and other necessary site improvements have been or are being provided.*

The site is indeed served by transit, and the bicycle and pedestrian connections required as conditions of approval for the project will help to meet this standard. The stormwater management issues on this

environmentally sensitive site are well addressed by City Engineering conditions of approval. However, it is unclear whether this standard can be met, primarily due to the low parking ratio of 1.02 stalls per dwelling unit, and the lack of on-street parking on the portion of DiLoreto Avenue to be constructed north of the buildings.

6. *Measures, which may include transportation demand management (TDM) and participation in a transportation management association have been or will be taken to provide adequate ingress and egress, including all off-site improvements, so designed as to minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets.*

Staff believes that this standard can be met, and does not believe that there is a need for a TDM in this case.

7. *The conditional use conforms to all applicable regulations of the district in which it is located.*

Staff believes that this standard is met.

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. In order to find that this standard is met, the Plan Commission may require the applicant to submit plans to the Urban Design Commission for comment and recommendations.*

Statement of Purpose for Suburban Residential Varied Districts

The SR-V Districts are established to stabilize and protect the essential characteristics of residential areas of varying densities and housing types, typically located in the outlying parts of the City, and to promote and encourage a suitable environment for family life while accommodating a full range of life-cycle housing. The districts area also intended to:

- a) Ensure that new buildings and additions to existing buildings are designed with sensitivity to their context in terms of building placement, facade width, height and proportions, garage and driveway placement, landscaping, and similar design features.*
- b) Maintain and improve the viability of existing housing of all types, while encouraging the updating of older housing in a context-sensitive manner.*
- c) Maintain or increase compatibility between residential and other allowed uses, and between different housing types, where permitted, by maintaining consistent building orientation and parking placement and screening.*
- d) Facilitate the preservation, development, or redevelopment goals of the comprehensive plan and of adopted neighborhood, corridor, or special area plans.*

Staff believes that this standard can be met. The proposed buildings orient well to the new street on the northern edge of the property, and are spaced well to support additional street network for lower-density residential development to the north. The site is generally designed with high quality usable open spaces and provisions for bicycle and pedestrian connections consistent with Plan recommendations. The buildings, while setting their own context for this small area between Portage Road and Interstate 39, are generally well-designed with a mix of durable materials, articulation with inset balconies, and separate entrances to the street. The individual HVAC units will have louvers for each unit strategically placed so that they do not face the street, except on the uppermost floor of each building, where they will be colored to match surrounding materials. Staff believes that the design of the buildings could be improved with a simplification of the palette of materials, additional masonry, and added variety between

buildings. The Urban Design Commission will review the proposal as a residential building complex, and staff will provide a summary of their comments to the Plan Commission for consideration.

[Standards 8 and 10-15 do not apply to this request]

Conclusion- Staff believes that the proposed rezoning, demolition, and conditional use requests for a 284-unit residential building complex are generally consistent with land use recommendations in the Comprehensive Plan (2006). While greater residential density is proposed for the site than recommended in the Hanson Road Neighborhood Development Plan (2000), staff believes that the proximity to employment opportunities, transit service, and the provision for bicycle and pedestrian connections on the property can support the density proposed.

The site plan creates possibilities for an urban residential setting oriented to DiLoreto Avenue in this relatively isolated triangular area between Portage Road and Interstate 39. In the long term, the bicycle and pedestrian connections secured with this development proposal will hopefully provide direct connections to employment and other amenities east of Interstate 39 not only for new residents on the site, but also for existing residents coming from the west and south. On balance, staff believes that most of the standards for zoning map amendments, demolition, and conditional uses can be met with the proposal.

At this time, the provision of automobile parking at a ratio of only 1.02 stalls per unit on this suburban site is still a concern, primarily due to the lack of on-street parking adjacent to the site. Depending on modifications presented by the applicant, staff may provide additional analysis and recommended conditions of approval for the Plan Commission to consider on April 20.

Recommendation

Planning Division Recommendation (Contact Heather Stouder, 266-5974)

The Planning Division recommends that the Plan Commission find that the zoning map amendment, demolition, and conditional use standards can be met and **approve** the request at 4103-4119 Portage Road. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

Planning Division (Contact Heather Stouder, 266-5974)

1. Final plans submitted for staff review and approval shall include details for the clubhouse and pool area. Construction of the pool and clubhouse shall begin prior to the issuance for building permits for the easternmost building.
2. Final plans submitted for staff review and approval shall include a clear phasing plan to ensure that a portion of the surface parking lot will be constructed in the first phase of the project to support the westernmost building at a parking ratio no less than the parking ratio ultimately approved for the site as a whole.
3. A long term private easement between the three newly proposed lots outlining cross-access and parking agreements to ensure that the westernmost building has long-term surface parking rights shall also be submitted.

4. The applicant shall provide a copy of the lease to be provided to tenants which clearly states the parking available on the site, and notes that on-street parking for guests and additional cars is not available adjacent to the site.
5. Absent a significant increase in the parking ratio, the applicant shall locate a shared car on the site for use by residents.
6. The louvers for HVAC systems for individual units may not face the street, except as shown on fourth floors of each building. In final plans, these louvers shall be colored to match the surrounding building material, and a detail on the louvers shall be provided for staff review.
7. Plans submitted for final approval by staff shall include a management plan for the building including plans for trash management, snow removal, management of parking, management of the shared car on the site, and management of indoor and outdoor common areas.

Note: Further conditions related to building design details may be added following the April 8 UDC meeting.

City Engineering Division (Contact Janet Schmidt, 261-9688)

8. 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.
9. The current three parcels are located in three different school districts. A CSM does not dissolve or change the school districts. The current and/or future CSM parcels should be petitioned to be in one school district. Otherwise, building B1 will be in the Madison School District and buildings A1 and A2 will be in the Sun Prairie School District (and future lots 1, 2 & 3 will be administratively split into 6 parcels to keep land areas in the correct school district boundaries.
10. There are private storm sewer facilities and bioretention improvements shown within the public right of ways. If these improvements are meant to meet requirements for the development of the site, the facilities must be located on the zoning lot.
11. All buildings and outdoor recreational areas shall comply with MGO Chapter 16.23(3)(d) – Highway Noise Land Use Provisions policies and ordinance.
12. Applicant shall install sidewalk and 4-feet of pavement, curb and gutter and sidewalk on Portage Road from Hayes Road to DiLoreto Avenue
13. City shall construct a bike path through the southern half of the site near the existing sanitary sewer alignment from Portage/Hayes intersection to the NE corner of the property.
14. Applicant shall install new public street and sidewalk at DiLoreto Avenue and temporary turn around per City Engineering. The proposed public street configuration may be terminated further to the west and portions of the street serving the proposed building would be considered a private street and access.
15. Applicant shall show the limits of the existing environmental corridor and be aware that an alteration request may be required prior to the project proceeding.
16. Applicant shall use different line styles or line weights on the plans to show the environmental corridor, wetland, wetland setback, floodway and flood plain.
17. Applicant shall provide the City with an approved (WDNR) setback approval or delineation by an approved delineator.

18. Applicant shall extend the storm culvert crossing Portage Road to allow construction of road improvements. This will include obtaining all WDNR Army Corp Permits
 19. Applicant shall dedicate a storm easement over the full environmental corridor to the City of Madison for storm sewer purposes, and to the existing public storm in adjacent Lot 90.
 20. New public storm sewer easements from the new public street fronting the apartments back to the greenway shall be required. All easements should be coordinated with City Engineering concurrently with the CSM review and approval. Show all proposed easements on the site plans.
 21. Applicant shall provide proof of septic system abandonment – permit from Public Health Madison & Dane County.
 22. Applicant shall show the CARPC approved environmental corridor limit on plan set and CSM.
 23. The does have a public sanitary sewer running through the property being developed that can be connected to provide permitting is obtained from the WDNR – Chapter 30 etc. for laterals.
 24. The Applicant shall obtain a temporary limited easement, 20ft in width, from the property to the north to allow for grading and sloping for the proposed roadway.
25. The construction of this building will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City / Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project (MGO 16.23(9)c)).
 26. Submit a PDF of all floor plans to izenchenko@cityofmadison.com so that a preliminary interior addressing plan can be developed. 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.
 27. This property has deferred assessments for the Portage Avenue Interceptor assessment district that will be due prior to subdivision of the property or prior to any zoning approvals.
 28. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass (POLICY).
 29. The approval of this Conditional Use does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester (MGO 16.23(9)(d)(6)).
 30. 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).

31. All work in the public right-of-way shall be performed by a City licensed contractor (MGO 16.23(9)(c)5 and MGO 23.01).
32. All damage to the pavement on Portage Road, adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link: <http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY).
33. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in the ROCK RIVER TMDL ZONE and by Resolution 14-00043 passed by the City of Madison Common Council on 1/21/2014. You will be expected to meet a higher standard of erosion control than the minimum standards set by the WDNR.
34. The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used (POLICY and MGO 10.29).
35. The applicant shall demonstrate compliance with MGO Section 37.07 and 37.08 regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
36. This site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR216 and NR-151 however a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process.

Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. Information on this permit application is available on line <http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm> (NOTIFICATION).

37. Lots within this site plan are inter-dependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the site plan and recorded at the Dane Co Register of Deeds (POLICY).
38. Prior to approval, this project shall comply with MGO Chapter 37 regarding stormwater management. Specifically, this development is required to:
 - a) Detain the 2 & 10-year storm events, matching post development rates to predevelopment rates
 - b) Reduce TSS by 80% (control the 5 micron particle) off of newly developed areas compared to no controls
 - c) Provide infiltration in accordance with MGO Chapter 37
 - d) Provide oil & grease control from the first 1/2" of runoff from parking areas
 - e) 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 MGO Chapter 37

Stormwater management plans shall be submitted and approved by City Engineering prior to signoff.

39. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set (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) Lot lines and right-of-way lines
 - e) Street names
 - f) Stormwater Management Facilities
 - g) Detail drawings associated with Stormwater Mgmt Facilities (including if applicable planting plans)
40. The Applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files, including:
- a) SLAMM DAT files
 - b) RECARGA files
 - c) TR-55/HYDROCAD/Etc
 - d) Sediment loading calculations If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided (POLICY and MGO 37.09(2)).
41. This project appears to require construction dewatering. A dewatering plan shall be submitted to City Engineering as part of the Erosion Control Permit.
42. This project appears to require permanent dewatering. A permit to connect to the public stormwater system shall be required from City Engineering. Additionally, a permit for non-storm discharge to the storm sewer system from the City/County Health Department shall be required.
43. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction (MGO 37.05(7)). This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
44. All outstanding Madison Metropolitan Sewerage District (MMSD) are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Schmidt (608-261-9688) 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)).
45. City of Madison Environmental Projects Staff have reviewed the subject site and determined that a Phase I ESA **will** be required of the applicant. The applicant shall provide one (1) digital and one (1) hard copy of an ASTM Phase I ESA prepared by an environmental professional. Staff review of this Phase I ESA will determine if a further investigative Phase II ESA is also required. Please submit any relevant Phase I and Phase II ESAs to Brynn Bemis (608-267-1986, bbemis@cityofmadison.com) for further review (MGO 16.23(5)(g)(2)).

Traffic Engineering (Contact Eric Halvorson, 266-6527)

46. To allow for proper pedestrian movement and prevent encroachment from irregularly parked bicycles or bicycle with trailers, all bicycle racks shall have a 5' backup space.
47. 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.

48. 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.
49. 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.
50. All sidewalks adjacent parking stalls shall be 7' to accommodate vehicle overhang.
51. All parking facility design shall conform to MGO standards, as set in Section 10.08(6).

Fire Department (Contact Bill Sullivan, 261-9658)

52. Compliant fire access lanes/turn arounds shall be installed for each phase as necessary.

53. Provide fire apparatus access as required by IFC 503 2012 edition, MGO 34.503, as follows:

- a) The site plans shall clearly identify the location of all fire lanes

Parks Division (Contact Kay Rutledge, 266-4714)

54. Park impact fees (comprised of the Park Development Impact Fee per MGO Sec. 20.08(2) and the Parkland Impact Fee in lieu of land dedication per MGO Sec. 16.23(8)(f) and 20.08(6)) will be required for all new residential development. The developer must select a method for payment of park fees before signoff on the rezoning and conditional use. This development is within the Reindahl fee district (SI22). Please reference ID#15120 when contacting Parks.
55. Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right-of-way. Permission for such activities must be obtained from the City Forester, 266-4816.

Metro Transit (Contact Tim Sobota, 261-4289)

56. The developer shall provide an accessible pedestrian connection to the existing sidewalk and curb ramps at the intersection of Hayes Road and Portage Road, and the transit stops in that location.

57. Metro Transit operates daily transit service along Hayes Road to the Portage Road intersection (and points north), near the project site. Transit service does not extend north along Portage Road (from Hayes Road towards DiLoreto Avenue and Hanson Road).
58. The right-of-way along Portage Road adjacent the development site does not have improved pedestrian access, and project plans are not clear if new sidewalk would extend all the way south along this frontage to the existing sidewalk and curb ramp at Hayes Road.
59. Metro Transit would encourage the property owner to review if a more direct pedestrian connection might be possible – in coordination with City Engineering, Traffic Engineering and the City Storm Water Utility – that could allow quicker access to the existing transit stops on Hayes Road at and opposite a City Storm Water Utility parcel at 4662 Hayes Road (located roughly 800 feet east of the Portage Road intersection transit stops).

Water Utility (Contact Dennis Cawley, 266-4651)

60. The proposed public water main and water service laterals shall be installed by a standard City of Madison Contract for Subdivision Improvements.
61. This property is not located in a wellhead protection district. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

Zoning Administrator (Contact Matt Tucker, 266-4569)

Zoning comments will be provided to the Plan Commission when received.