

# PLANNING DIVISION STAFF REPORT

April 8, 2019



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 330 S. Whitney Way & 5402 Mineral Point Road (District 11 – Ald. Martin)

**Application Type:** Rezoning, Demolition Permit, and Conditional Use

**Legistar File ID #:** [55029](#) and [54674](#)

**Prepared By:** Chris Wells, Planning Division  
Report includes comments from other City agencies, as noted.

**Reviewed By:** Kevin Firchow, AICP, Principal Planner

## Summary

**Applicant & Contact:** Steve Harms; Tri-North Builders; 2625 Research Park Drive; Fitchburg, WI 53711

**Property Owner:** Whitney Point Properties, LLC; 5402 Mineral Point Road; Madison, WI 53705

**Requested Action:** Approval of a rezoning of the property from the Suburban Employment (SE) District to Commercial Corridor - Transitional (CC-T) District; a demolition permit; and the following conditional uses: 1) for a multi-family dwelling with eight (8) or more units in the CC-T District, 2) for a multi-tenant building exceeding 40,000 square feet of floor area in the CC-T District, and 3) for development adjacent to a park (Garner Park). Note, the two-lot Certified Survey Map associated with this submittal was requested to be withdrawn by the applicant.

**Proposal Summary:** The applicant first proposes to rezone the entire site from the SE to the CC-T District. Next, the applicant proposes to demolish the two 2-story office buildings located along the western property line in order to construct a three-story, 48-unit apartment building with 48 under-building automobile parking stalls in the same general location on the site.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Zoning Map Amendments [MGO §28.182(6)], Demolition Permits [MGO §28.185], and Conditional Uses [MGO §28.183(6)].

**Review Required By:** Plan Commission (PC) and Common Council (CC)

**Summary Recommendations:** While the Planning Division believes that the demolition and rezoning standards could be found met with this proposal, the Planning Division cannot definitively conclude that Conditional Use Standard #9 is met, as proposed. As such, the Planning Division recommends that prior to the Plan Commission taking a final action on this request, the conditional use requests should be referred to the Urban Design Commission for advisory comment and recommendation, as allowed in MGO Section 28.183(6)(a)(9). To allow for the Plan Commission to act on all aspects of the requests concurrently, Staff recommends that the other items be referred to future meetings. Specifically the Planning Division recommends that the demolition requests be referred to a future meeting of the Plan Commission and that the Plan Commission recommend to the Common Council that Zoning Map Amendment 28.022 -- 00370 be referred back to a future meeting of the Plan Commission.

In the alternative, should the Plan Commission find that the standards are met, it should forward the zoning map amendment to the Common Council with a recommendation of approval and approve the conditional use and demolition requests, subject to input at the public hearing and the comments and conditions recommended by reviewing agencies. Finally, if the Plan Commission is unable to find the standards are met, this item could be referred for more significant alterations or placed on file, subject to stating findings of fact including listing the standards that have not been met and the reasons such standards were not met.

**Background Information**

**Parcel Location:** The 76,777-square-foot (1.76-acre) subject site is located to the northwest of the intersection of Mineral Point Road and S. Whitney Way. It is also located in Aldermanic District 11 (Ald. Martin) and the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject site is currently zoned Suburban Employment (SE) and has three existing buildings:

1. A two-story, roughly 7,300-square-foot, condominium office building near the southwest corner of the site that is proposed for demolition (5402 Mineral Point Road).
2. A two-story, roughly 19,700-square-foot, condominium office building near the northwest corner of the site that is proposed for demolition (330 S. Whitney Way).
3. A two-story, roughly 11,000-square-foot, condominium office building in the center of the site that that will remain (340 S. Whitney Way).

**Surrounding Land Uses and Zoning:**

- North:** A vacant site which serves as a future City of Madison well site, zoned Conservation (CN);
- South:** Across Mineral Point Road is an undeveloped parcel, beyond which is an office building in the University Research Park district, both zoned Suburban Employment (SE);
- East:** Across S. Whitney Way are is a roughly 70-foot-wide strip along the entire eastern right-of-way of this block, zoned SR-C1; beyond which are single-family residences, zoned SR-C1 and SR-C3; and
- West:** Madison’s Harrison Garner Park, zoned Parks & Recreation (PR).

**Adopted Land Use Plan:** The [Comprehensive Plan \(2018\)](#) recommends Community Mixed-Use (CMU) development, which is defined as two to six floors tall and up to 130 dwelling units per acre (du/ac). The Plan notes that this land use includes existing and planned areas supporting an intensive mix of residential, commercial, and civic uses serving residents and visitors from the surrounding area and the community as a whole. The [University Hill Farms Neighborhood Plan \(2015\)](#) recommends Employment land uses for the subject site.

**Zoning Summary:** The subject property currently zoned Suburban Employment (SE), but as proposed the site will be rezoned to the Commercial Corridor-Transitional (CC-T) District.

Requirements	Required	Proposed
Lot Area: For Exclusive Residential Use (sq. ft.)	750 sq. ft./ unit (36,000 sq. ft.)	51,213 sq. ft.
Front Yard Setback	25’ maximum	10’
Side Yard Setback: For Exclusive Residential Use	10’	10’
Rear Yard Setback: For Corner Lots, Where All Abutting Property is in a Nonresidential Zoning District	The required rear yard setback shall be the same as the required side yard setback (10’)	10’
Usable Open Space	160 sq. ft. per lodging room or 1-bedroom unit; 320 sq. ft. for >1-bedroom units (10,880 sq. ft.)	13,661 sq. ft. <i>(See Comment #60)</i>
Maximum Lot Coverage	85%	71.5%
Maximum Building Height	5 stories/ 68’	3 stories

Site Design	Required	Proposed
Number Parking Stalls	No minimum required Multi-family dwelling: Maximum 2.5 per dwelling (120) Existing office: Maximum 1 per 250 sq. ft. floor area (44) (164 total)	74 surface 47 underground (121 total) <i>(See Comment #61)</i>
Accessible Stalls	Yes	Yes <i>(See Comments #61 &amp; #62)</i>
Loading	None	None
Number Bike Parking Stalls	Multi-family dwelling: 1 per unit up to 2-bedrooms, ½ space per add'l bedroom (48) 1 guest space per 10 units (5) (53 total)	11 surface 38 underground (49 total) <i>(See Comments #61 &amp; #63)</i>
Landscaping and Screening	Yes	Yes <i>(See Comments #59 &amp; #64)</i>
Lighting	Yes	No <i>(See Comment #66)</i>
Building Forms	Yes	Large multi-family building <i>(See Comments #55 &amp; #65)</i>
<b>Other Critical Zoning Items</b>	Adjacent to a Park; Utility Easements, Barrier Free (ILHR 69)	

*Tables Prepared by Jenny Kirchgatter, Assistant Zoning Administrator*

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

**Public Utilities and Services:** The site is served by a full range of urban services, including daily Metro Transit service along Whitney Way and Mineral Point Road at this intersection. Trips operate at least once every 30 minutes along Whitney Way, at alternate stops in the Mineral Point Road intersection, on a daily basis.

## Project Description

The applicant first proposes to rezone the site from the Suburban Employment (SE) District to Commercial Corridor - Transitional (CC-T) District. The applicant then proposes to demolish the two office buildings located along the western property line in order to construct a three-story, 48-unit apartment building in the same general area on the site. The new structure will require three conditional use approvals – 1) to allow construction of a multi-family dwelling with eight (8) or more units in the CC-T District; 2) to allow construction of a multi-tenant building exceeding 40,000 square feet of floor area in the CC-T District; and 3) for development adjacent to a park (Garner Park).

The two buildings proposed for demolition are both two-story office buildings. The northern building, addressed as 330 S. Whitney Way, is roughly 19,700 square feet in size while the southern building, addressed as 5402 Mineral Point Road, is roughly 7,300 square feet in size. City Assessor’s records indicate that these buildings were constructed in 1979 and 1976, respectively. Photos of the existing structures have been included in this application and are available at: <https://madison.legistar.com/View.ashx?M=F&ID=7033151&GUID=A2BA55C6-02DA-438E-A453-FC9D19109F4E>.

Upon demolition, the applicant proposes to construct a three-story, 48-unit building. The proposed dwelling unit mix consists of three efficiency units, 25 one-bedroom, and 20 two-bedroom units. This equates to 68 bedrooms and a residential density of 27.3 dwelling units per acre or 38.6 bedrooms per acre. Plans show that all of the units will have private balconies, ranging from roughly 31 to 55 square feet in size. The main pedestrian entrance is

located along the eastern façade, near the southeast corner of the building. Inside is a vestibule, which provides access to tenant mailboxes, a multi-purpose room (with coffee, TV, lounge furniture, and a desk/table for leasing purposes), and a restroom. Beyond that is a hallway which accesses the floor's apartments as well as the building's two staircases and elevator which provide access to the two upper floors (which are entirely residential) and the level of underbuilding parking.

The building's underground parking deck will be accessed via a drive aisle that leads from the right in/right out curb cut at the northern most portion of the site's S. Whitney Way frontage. It provides access to the 48 parking stalls, 37 bicycle stalls (23 ground-mounted and 14 wall-mounted), and a pet washing area.

The site will also include 74 surface automobile parking stalls. Thirty-four of these will be allocated to the center office building while the remaining 40 existing stalls – 29 along the Mineral Point Road frontage and 11 along the northern property line – will be allocated to the proposed building. This will bring the total number of automobile stalls for use by the proposed building to 88.

Bicycle parking is also located on the exterior with five short-term (visitor) stalls located near the main entrance and 11 long-term stalls located near the garage door to the parking deck. Note: the applicant notes in the letter of intent that these 11 stalls are to be covered. However, in order to meet 28.141(11)(c) of the Zoning Code, the applicant will need to enclose these stalls in order to adequately protect them from the elements.

Regarding usable open space, the majority of the space is located at grade both in the area between the proposed and existing building as well as around the periphery of the proposed building. The private balconies provide roughly 3,000 square feet of additional open space.

The proposed building exterior includes a variety of materials and material colors. Stone will clad the base of the southern portion of the building, the lower parking level, and the vertical columns of the main corner element. Horizontal cement board lap siding will clad the rest of the building – siding colored "chestnut brown" for floors one and two and "rich espresso" for the third. The building will have a horizontal band of "rich espresso"-colored trim at the level of the second floor and another band, colored "mountain sage," at the third floor level. The fascia of the flat roof will be clad with a metal paneling, colored "aged copper." The building's windows will be vinyl while the ground-floor corner space will have aluminum floor-to-ceiling storefront windows.

Note, the two-lot Certified Survey Map associated with this submittal was requested to be withdrawn by the applicant.

## **Project Analysis**

The proposed project is subject to the standards for Zoning Map Amendments [MGO §28.182(6)], Demolition Permits [MGO §28.185], and Conditional Uses [MGO §28.183(6)].

### **Conformance with Adopted Plans**

The [Comprehensive Plan \(2018\)](#) recommends Community Mixed-Use (CMU) land uses for the subject site while the [University Hill Farms Neighborhood Plan \(2015\)](#) recommends Employment land uses.

The [Comprehensive Plan \(2018\)](#) defines Community Mixed-Use (CMU) development as two to six floors tall and up to 130 dwelling units per acre (du/ac). It notes that this land use includes existing and planned areas supporting an intensive mix of residential, commercial, and civic uses serving residents and visitors from the surrounding area and the community as a whole. It should be transit-oriented, well-connected with surrounding neighborhoods, and have buildings placed close to the sidewalk. Buildings should screen any surface parking from the street.

In considering the [Comprehensive Plan's](#) recommendations for land use and building forms, a stand-alone three-story residential building is within the broad development types recommended for CMU areas. However, Staff believe that the infill of one residential building along the back side of an existing, auto-oriented, commercial property is arguably less intensive or street-oriented than what is intended by the Plan. The description of CMU areas notes that such areas are recommended for the redevelopment of auto-oriented strip commercial centers to significantly increase integrated housing and commercial development.

During pre-application discussions, Planning Division staff advised that a complete redevelopment of the site, including the demolition of the central building currently proposed to remain, was believed to offer a better opportunity to provide a more comprehensive and street-oriented redevelopment. Staff believe that this would better implement the CMU recommendations compared to only a partial-site redevelopment. In response, the applicant has indicated that they are not pursuing such an option based on active leases. Further, the applicant provided a conceptual study depicting a sizable building occupying the eastern portion of the site. (Note: This conceptual study is discussed further in the Conditional Use section, below.) Staff believe that if ever implemented, such a full-site redevelopment would better implement the Plan recommendations.

The [University Hill Farms Neighborhood Plan \(2015\)](#) recommends Employment land uses for the subject site. The neighborhood plan, adopted in January of 2016, referenced the land use definitions of the 2006 version of the Comprehensive Plan, which was in place at that time.

### **Standards for Zoning Map Amendments**

This proposal is subject to the standards for Zoning Map Amendments, as the subject property is proposed to be rezoned from the Suburban Employment (SE) District to Commercial Corridor-Transitional (CC-T). MGO §28.182(6) states that, *"Map amendments are legislative decisions of the Common Council that shall be based on public health, safety and welfare, shall be consistent with the Comprehensive Plan, and shall comply with Wisconsin and federal law."* *"Consistent with"* has been defined in State Statutes as *"furthers or does not contradict the objectives, goals and policies contained in the comprehensive plan."* As noted above, staff's opinion is that that a full-site redevelopment site could better implement the Plan recommendations, though the proposed building, itself at three stories and roughly 27.3 dwelling units per acre, is well within recommendations by the Comprehensive Plan for Community Mixed-Use development. The rezoning to CC-T would generally be consistent with the broad land use recommendation. Therefore, Staff believe that the standards for Zoning Map Amendments could be found met.

### **Conditional Use Standards**

In regards to the Conditional Use Approval Standards, the Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of MGO §28.183(6) are met. Please note, recent changes to state law requires that conditional use findings must be based on "substantial evidence" that directly

pertains to each standard and not based on personal preference or speculation. The Planning Division has particular questions related to Approval Standard #9 that 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. In order to find that this standard is met, the Plan Commission may require the applicant to submit plans to the Urban Design Commission (UDC) for comment and recommendation.”*

Staff’s first question relates to the fact that only a partial site redevelopment is proposed. During the early pre-application discussions with the applicant, Planning Division staff noted their belief that a full site redevelopment would implement the Comprehensive Plan’s recommendation for Community Mixed-Use development, which calls for a relatively intense development pattern featuring strong street orientation and minimal street setbacks.

In response to Staff’s comments, the applicant noted the existence of existing leases that precluded a full site development at this time. After discussions with Staff, the applicant prepared a study depicting that the proposed partial redevelopment of this property would not preclude future redevelopment of the balance of the site. The study depicts a six-story development along the corner, which would contain roughly 8,000 square feet of commercial space, 84 dwelling units, and 160 structured parking stalls. The lower level of the structured parking would share the same Whitney Way access as the proposed building, while the upper level of structured parking would be taken from Mineral Point Road. This conceptual study was reviewed by the Madison Fire Department, City Traffic Engineering, and Zoning.

The concept appears to be feasible based on this initial staff review, though the Planning Division cautions that this should not be interpreted as an exhaustive review or formal approval of the concept that could occur only after a more complete plan submittal was reviewed against all applicable ordinances or requirements. Planning staff have some concerns regarding the quality and accessibility of the resulting useable open space in this study. Nevertheless, Staff believe that the study shows that there would be feasible redevelopment options that could occur on the balance of the subject site.

Staff’s second question under this standard relates to design of the proposed building. Staff believe that the building’s design and layout are especially important given the visibility it will have from each of the two high-volume streets that front the site. While the applicant has already worked with City Staff to make several improvements to the building’s design as well as site plan, including aligning some of the building’s elements, adding windows to the façades, and providing greater uniformity across the design. While appreciating the applicant’s efforts to date, Staff believe other modifications should occur before this standard is found met. Below is a list of Staff’s design considerations:

- **Façade Composition.** Explore improvements to the highly visible Mineral Point and Whitney Way facades in terms of composition, proportions, materials, material treatment of adjacent planes, and modulation (horizontal as well as vertical). Facades should relate to one another and have a more consistent rhythm and patterning across the building.
- **Improve Street Orientation.** In regards to the Mineral Point façade, Staff continue to have concerns that it does not read as a street-oriented façade and modifications should be explored to better orient this façade to and engage with the adjacent sidewalk and street.

Staff suggest the applicant consider modifications such as relocating the main pedestrian entrance to the corner of the building (effectively swapping the location of the office/lounge and entry vestibule). In addition to giving it more prominence in the composition, a recessed entrance at this corner would serve both the Mineral Point Road sidewalk as well as the surface parking lot located to the east of the building.

An awning, like the one currently proposed above the main entrance, could wrap around the corner helping call out the entrance’s location. The applicant should reexamine the proportion (width) of the stone columns at the building’s primary corner and consider reducing it.

- **Improve Exposed Parking Level.** Staff believe that there is insufficient articulation along the exposed lower parking level (basement) of the Whitney Way façade. This modulation should continue down through the parking level – especially if the parking level is fully exposed (as is currently shown in the submitted materials). The applicant should add additional articulation (including exploring the addition of windows).

While the Plan Commission could condition the development on revised plans being provided for Staff approval, Staff recommend that this item be referred to the Urban Design Commission for an advisory recommendation prior to the Plan Commission taking final action on this item.

### Demolition Approval Standards

Per M.G.O. §28.185(7), in order to approve a demolition request, the Plan Commission must find that both the requested demolition and the proposed future use are compatible with the purpose of the demolition section and the intent and purpose expressed in the Commercial Corridor-Transitional (CC-T) Zoning District (The Statement of Purpose for the CC-T District has been included below). The demolition standards state that the Plan Commission shall consider and may give decisive weight to any relevant facts including impacts on the normal and orderly development of surrounding properties, and the reasonableness of efforts to relocate the building. Furthermore, the proposal should be compatible with adopted plans. Finally, the demolition standards state that the Plan Commission shall consider the report of the City’s Historic Preservation Planner regarding the historic value of the property as well as any report submitted by the Landmarks Commission.

#### The Commercial Corridor – Transitional (CC-T) District’s Statement of Purpose

The CC-T District is established to recognize the many commercial corridors within the City that remain largely auto-oriented, and to encourage their transformation into mixed-use corridors that are equally conducive to pedestrian, bicycle, transit and motor vehicle activity. The district is also intended to:

- (a) Improve the quality of landscaping, site design and urban design along these corridors.
- (b) Maintain the viability of existing residential uses located along predominantly commercial corridors.
- (c) Encourage appropriate transitions between higher-intensity uses along commercial corridors and adjacent lower-density residential districts.
- (d) 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.
- (e) Structured parking is encouraged.

There were no concerns about the demolition of the existing buildings raised by the Landmarks Commission who found, at their meeting on February 11, that the buildings had no known historic value. Relocation of the building is not considered a practical option. On balance, Staff believe the Demolition standards can be found to be met.

### Public Input

At the time of report writing, Staff is unaware of any comments from the public.

## Conclusion

The applicant first proposes to rezone the site from the Suburban Employment (SE) District to Commercial Corridor - Transitional (CC-T) District. The applicant then proposes to demolish two of the three two-story office buildings on site – specifically the two along the western property line – while leaving the office building in the center of the site. In their place, the applicant proposes to construct a three-story, 48-unit apartment building. The new structure will require three conditional use approvals – to allow construction of a multi-family dwelling with eight (8) or more units in the CC-T District; 2) to allow construction of a multi-tenant building exceeding 40,000 square feet of floor area in the CC-T District; and 3) for development adjacent to a park (Garner Park).

The Planning Division’s primary questions with this proposal relate to its long-term aesthetic desirability both of the proposed building and the fact that only a partial site redevelopment is currently proposed. This relates primarily to Conditional Use Standard #9. Staff believe that a stand-alone, three-story, residential building is within the broad development types recommended for Community Mixed-Use (CMU) areas. As discussed in this report, Staff believe that a full site redevelopment could better implement the CMU recommendations. To address the concern, the applicant has provided studies showing that the addition of the proposed building would not preclude future development on the balance of the property.

Should the Plan Commission believe that a partial site redevelopment is consistent with the approval standards, staff recommend that the conditional use be referred to the Urban Design Commission for an advisory review and comment on plans, prior to taking final action on this request.

## Recommendation

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

While the Planning Division believes that the demolition and rezoning standards could be found met with this proposal, the Planning Division cannot definitively conclude that Conditional Use Standard #9 is met, as proposed. As such, the Planning Division recommends that prior to the Plan Commission taking a final action on this request, the conditional use requests should be referred to the Urban Design Commission for advisory comment and recommendation, as allowed in MGO Section 28.183(6)(a)(9). To allow for the Plan Commission to act on all aspects of the requests concurrently, Staff recommends that the other items be referred to future meetings. Specifically the Planning Division recommends that the demolition requests be referred to a future meeting of the Plan Commission and that the Plan Commission recommend to the Common Council that Zoning Map Amendment 28.022 -- 00370 be referred back to a future meeting of the Plan Commission.

In the alternative, should the Plan Commission find that the standards are met, it should forward the zoning map amendment to the Common Council with a recommendation of approval and approve the conditional use and demolition requests, subject to input at the public hearing and the comments and conditions recommended by reviewing agencies. Finally, if the Plan Commission is unable to find the standards are met, this item could be referred for more significant alterations or placed on file, subject to stating findings of fact including listing the standards that have not been met and the reasons such standards were not met.

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

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

1. No HVAC "wall-pack" penetrations/louvers are shown on the street-facing facades. Unless specifically approved by the Plan Commission, the addition of wall packs on street-facing walls is not included in this approval and will require approval of an alteration to this conditional use should they be proposed at a later time.

**City Engineering Division** (Contact Timothy Troester, (608) 267-1995)

2. 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))
3. 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))
4. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service. (POLICY)
5. 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.
6. 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 either: [bstanley@cityofmadison.com](mailto:bstanley@cityofmadison.com) (East) or [ttroester@cityofmadison.com](mailto: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.

7. 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](mailto:bstanley@cityofmadison.com) (East) or [ttroester@cityofmadison.com](mailto: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).
8. 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 Section 37.09(2), MGO).
9. 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 8.5x14 size paper in the draft document. These drawings do not need to be to scale as they are for informational purposes only. Once City Engineering staff have reviewed the draft document and approved it with any required revisions submit a signed and notarized original copy to City Engineering. Include a check for \$30.00 made out to Dane County Register of Deeds for the recording fee. City Engineering will forward the document and fee for recording at the time of issuance of the stormwater management permit. Draft document can be emailed to Tim Troester (west) at [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com), or Daniel Olivares at [DAOlivares@cityofmadison.com](mailto:DAOlivares@cityofmadison.com) final document and fee should be submitted to City

10. 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.
11. 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.
12. 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)
13. The lots within this site plan are inter-dependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the site plan and recorded at the Dane Co Register of Deeds. (POLICY)
14. 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.
15. The Applicant's project requires the minor restoration of the street and sidewalk. The Applicant shall obtain a Street Excavation Permit for the street restoration work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. (MGO 16.23(9)(d)(6) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

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

16. The public water main is shown to have portions outside of the easement of record. Consultant shall contact David Renaud of the Madison Water Utility to coordinate confirmation of the location of the watermain and to coordinate any easement amendments required to Doc No. 1397139 to assure all public water improvements are within the recorded easement and to provide consent of the proposed private improvements within the final amended easement.
17. Provide for review, a comprehensive reciprocal easements and agreements including, but not limited to, common access, parking, utilities (private storm sewer, sanitary sewer and water services, common areas, storm water drainage / management that are necessary to accomplish the land division and site development as proposed prior to final sign off. The document(s) shall be executed and recorded immediately subsequent to the pending CSM recording and prior to building permit issuance.

18. 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
19. The current Whitney Point Condominium shall be terminated & removal documents recorded prior to CSM and prior to issuance of any building permits for new construction.
20. The address of the new apartment building is 5414 Mineral Point Rd. 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.
21. Update all sheets to show the full official street name (S Whitney Way).
22. Submit a Floor Plan in PDF format to Lori Zenchenko ([lzenchenko@cityofmadison.com](mailto: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)

23. 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; vision triangles; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
24. 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.
25. 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.
26. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

27. The applicant(s) shall maintain a 5 foot wide, Americans with Disabilities Act (ADA) compliant, pedestrian walkway for the duration of the project on all street frontages classified as a collector or higher. The applicant shall also maintain a 5 foot wide bicycle lane for the duration of the project on all street frontages with existing bicycle facilities. Exceptions to this requirement may be granted by Traffic Engineering on a limited term basis if and when the applicant can show a public safety concern and they also provide a clear date when the pedestrian/bicycle facilities are to be restored. All closures shall be designed by the applicant, in accordance with the Manual on Uniform Traffic Control Devices (MUTCD), to be submitted and approved by Traffic Engineering.
28. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
29. 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.
30. 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.
31. The applicant shall provide a clearly defined 5' walkway clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.
32. The driveway slope to the underground parking is not identified in the plan set, Traffic Engineering recommends driveway slope under 10%; if the slope is to exceed 10%, the applicant shall demonstrate inclement weather mitigation techniques to provide safe ingress/egress to be approved by the City Traffic Engineer.
33. Parking stalls that are located next to a sidewalk shall have a barrier between the stall and the sidewalk or a 3' minimum buffer to serve as protection for any pedestrians.
34. "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.
35. The applicant shall provide an executed copy of a cross-access agreement between lots 1 and 2.
36. All future development projects on lots 1 and 2 shall maintain circulation through the site between the existing driveways.

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

37. Work with Zoning and Planning staff to enhance the building entrance orientation. Per Section 28.060(2)(a), all new buildings shall have a functional entrance oriented to an abutting public street. Additional entrances may be oriented to a private street or parking area. Entries shall be clearly visible and identifiable from the street, and delineated with elements such as roof overhangs, recessed entries, landscaping, or similar design features. Barrier-free entrances are encouraged.
38. Section 28.185(7)(a)5. requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Bryan Johnson (608-266-4682).
39. Section 28.185(10) Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(7)(a)5. shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
40. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
41. The civil plans and landscape plan shall consistently show all site features, including paved areas, sidewalks, patios, bike parking areas, and unpaved lawn and landscaped areas.
42. Clearly show the useable open space areas on the final plans. In addition to showing structured useable open space at roof decks, porches, and balconies, identify 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 open space requirement, provided that minimum dimensional requirements are satisfied. Qualifying usable open space at ground level shall be in a compact area of not less than two hundred (200) square feet, with no dimension less than eight (8) feet and no slope grade greater than ten percent (10%).
43. Provide a vehicle and bicycle parking summary on the title page or site plan including the numbers of surface and underground vehicle and bicycle stalls.
44. Parking requirements for persons with disabilities must comply with Section 28.141(4)(e). Final plans shall show the existing accessible stalls at 340 S Whitney Way as well as the proposed accessible stalls with the dimensions. An accessible stall is a minimum of 8 feet wide with a 5 foot wide access aisle. A van accessible stall is a minimum of 8 feet wide with an 8 foot wide striped access aisle. The access aisles may not be obstructed by building columns or bike racks. Show the dimensions of the accessible stalls and access aisles and the required signage at the head of the stalls.
45. Bicycle parking shall comply with City of Madison General Ordinances Sections 28.141(4)(g) Table 28I-3 and 28.141(11) and shall be designated as short-term or long-term bicycle parking. A minimum of 48 resident bicycle stalls are required plus a minimum of 5 short-term guest stalls. A minimum of 90% of the resident stalls (43 stalls) shall be designed as long-term parking. Up to twenty-five percent (25%) of bicycle parking may be structured parking, vertical parking or wall mount parking, provided there is a five (5) foot access aisle for wall mount parking. NOTE: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Submit a detail showing the model of bike rack to be installed.

46. Submit a detail of the trash enclosure. The trash enclosure shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet.
47. Provide details showing that the primary street façade meets the door and window opening requirements of Section 28.060(2)(d). 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. Exterior lighting provided shall be in accordance with City of Madison General Ordinances Section 10.085. Provide an exterior lighting plan and fixture cut sheets with the final plan submittal.
49. 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.
50. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

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

51. Per the architectural plans, the building will be protected with an NFPA 13 sprinkler system, smoke detection will be provided in the common corridors, and roof access will be provided from both exit stair enclosures. These features plus the aerial access proposed along the north drive of the site will be an acceptable equivalency to the required aerial access to 25% of the building perimeter.
52. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Division Chief Tracy Burrus at [tburrus@cityofmadison.com](mailto:tburrus@cityofmadison.com) or (608) 266- 5959.

**Parks Review** (Contact Kathleen Kane, (608) 261-9671)

53. 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(2) will be required for all new residential development associated with this project. This development is within the North Park -Infrastructure Impact Fee district. Please reference ID# 19018 when contacting Parks about this project.
54. The following note should be included on the CSM: "LOTS WITHIN THIS SUBDIVISION ARE SUBJECT TO IMPACT FEES THAT ARE DUE AND PAYABLE AT THE TIME BUILDING PERMIT(S) ARE ISSUED."
55. Parks Division will be required to sign off on this CSM.

**Forestry Review** (Contact Brad Hofmann, (608) 266-4816)

56. 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 - <https://www.cityofmadison.com/business/pw/documents/StdSpecs/2018/CompleteSpecBook.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.
57. City Forestry will issue a removal permit for a 20" Honeylocust tree (5th tree on Mineral Point Road) due to driveway installation. Please contact Brad Hofmann – [bhofmann@cityofmadison.com](mailto:bhofmann@cityofmadison.com) or 266-4816 to obtain the street tree removal permit.
58. Contractor shall contact City Forestry Brad Hofmann [bhofmann@cityofmadison.com](mailto:bhofmann@cityofmadison.com) or 266-4816 at least one week prior to planting to schedule inspecting the nursery stock and review planting specifications with the landscaper.
59. An existing inventory of trees (location, species, & DBH) and any tree removal plans (in PDF format) shall be submitted to the plans and Brad Hofmann – [bhofmann@cityofmadison.com](mailto:bhofmann@cityofmadison.com) or 266-4816. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Approval and permitting of street tree removals shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan.
60. Additional street trees are needed for this project. All street tree planting locations and trees species within the right of way shall be determined by City Forestry. Please submit a site plan (in PDF format) to Brad Hofmann – [bhofmann@cityofmadison.com](mailto:bhofmann@cityofmadison.com) or 266-4816. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction

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

61. 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.
62. 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)

63. In coordination with any public works improvements, the applicant shall maintain or replace the concrete terrace at the existing Metro bus stop on the north side of Mineral Point Road, west of Whitney Way (#2160).

64. 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 the design.

65. Metro Transit operates daily service along Whitney Way and Mineral Point Road at this intersection. Bus stop ID #2160 is adjacent the proposed project site along the north side of Mineral Point Road, with the bus stop zone encompassing the area from the existing bus stop sign pole east through to the Whitney Way intersection. Trips operate at least once every 30 minutes along Whitney Way, at alternate stops in the Mineral Point Road intersection, on a daily basis.