



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

Madison Municipal Building, Suite 017
215 Martin Luther King Jr. Boulevard
Madison, Wisconsin 53703
Phone: (608) 266-4635
www.cityofmadison.com

October 31, 2019

Ray White
Dimension IV-Madison Design Group
6515 Grand Teton Plaza, Suite 120
Madison, Wisconsin 53719

RE: Consideration of a demolition permit and conditional uses to allow a grocery store at 4602 Cottage Grove Road to be demolished and a four-story mixed-use building with 10,000 square feet of commercial space and 65 apartment units and a detached, five-unit townhouse building to be constructed (Movin' Out, Inc.). (LNDUSE-2019-00100; ID 53612)

Dear Mr. White;

At its October 28, 2019 meeting, the Plan Commission found the standards met and **conditionally approved** the demolition permit and conditional use for 4602 Cottage Grove Road. The conditions of approval in the following sections shall be satisfied prior to issuance of demolition or building permits for the project.

Please contact Brenda Stanley of the City Engineering Division at 261-9127 if you have questions regarding the following twenty-four (24) items:

1. The applicant is made aware that the City of Madison is proposing changes to the stormwater management standards for redevelopment. Those standards are expected to be adopted early in 2020. As currently drafted the requirements would require that: 1) the site propose 80% or less of the amount of impervious area that currently exists on the site, or 2) the development reduce by 5% the volume being discharged off site and reduce by 15% the peak rate of discharge during the 10-year design storm.
2. The applicant proposes a stormwater management facility to be constructed in the middle of the development. It would appear that the overflow elevation for this facility is at approximately 884.05, while adjacent building elevations are at 884.50. The applicant shall provide calculations to document that the building shall be free of flood inundation during a 500-year storm event.
3. Obtain a permit to Excavate in the Right-of-Way for completing the improvements in the public right of way.
4. Madison Metropolitan Sewerage District (MMSD) are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Mark

Moder (261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.

5. If any earth retention crosses into the City right of way, provide the City Engineer with the proposed earth retention system to accommodate the restoration. The earth retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retentionsystem.
6. Obtain a permit to Excavate in the Right-of-Way for the connection and/or installation of utilities required to serve this project and shall comply with all the conditions of the permit.
7. Obtain a permanent sewer plug permit for each existing sanitary sewer lateral serving a property that is not to be reused and a temporary sewer plug permit for each sewer lateral that is to be reused by the development.
8. Obtain a permit to plug each existing storm sewer.
9. An Erosion Control Permit is required for this project.
10. A Storm Water Management Report and Storm Water Management Permit is required for this project.
11. A Storm Water Maintenance Agreement (SWMA) is required for this project.
12. This site appears to disturb over one (1) acre of land and requires a permit from the Wisconsin Department of Natural Resources (WDNR) for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR-216 and NR-151; however, a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. The applicant is notified that the City of Madison is an approved agent of the Department of Safety and Professional Services (DSPS) and no separate submittal to this agency or CARPC is required for this project to proceed.
13. 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.
14. The proposed development proposes to construct underground parking. The proposed entrance to the underground parking is adjacent to a street low point. The applicant shall provide at a minimum of one (1) foot of rise from the adjacent back of walk in the driveway before breaking grade to the down ramp to the underground parking to protect the underground parking from inundation.
15. 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 100-year design storm that is current in MGO Chapter 37. 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.

16. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE and therefore will be regulated to meet a higher standard.
17. This project will disturb 20,000 square feet or more of land area and requires an Erosion Control Plan. Please submit an 11" x 17-inch copy of an erosion control plan (PDF electronic copy preferred) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.
18. Demonstrate compliance with MGO Section 37.07 and 37.08 regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year.
19. This project will require a concrete management plan and a construction dewatering plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. If contaminated soil or groundwater conditions exist on or adjacent to this project additional WDNR, Madison-Dane County Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit.
20. This project appears to require fire system testing that can result in significant amounts of water to be discharged to the project grade. The Contractor shall coordinate this testing with the erosion control measures and notify City Engineering 266-4751 prior to completing the test to document that appropriate measures have been taken to prevent erosion as a result of this testing.
21. Complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by Chapter 37 of the Madison General Ordinances.
22. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Storm Water Management Plan and Report shall include compliance with the following:

Report: Submit prior to plan sign-off, a stormwater management report stamped by a PE registered in the State of Wisconsin.

Electronic Data Files: Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. 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 to City Engineering.

TSS Redevelopment with TMDL: Reduce TSS by 80% off of the proposed development when compared with the existing site.

Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any best management practices (BMP) used to meet stormwater management requirements on this project.

23. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the City Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
24. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the City Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West).

Please contact Jeff Quamme of the City Engineering–Mapping Section at 266-4097 if you have any questions regarding the following four (4) items:

25. Access rights are provided by Document No. 1484750 from this parcel easterly to Flora Lane over adjacent lands. An amendment or new agreement to clarify the planned common reciprocal access routes between all of the properties from Acewood Boulevard to Flora Lane shall be provided for review and recorded prior to final site plan sign off.
26. The parking stalls and access as part of the Easement Agreement per Document No. 1385736 are being reconfigured and removed from this site. Provide a recorded release of this agreement prior to final site plan sign off.
27. Portions of bio-retention areas #2 and #3 straddle the east property line of this site and lie partially on the adjacent property. Provide the easement agreement permitting the areas to reside partially on the adjacent property for review. A recorded copy of the easement agreement shall be provided prior to final site plan sign off.
28. The proposed commercial tenant is assigned an address of 4610 Cottage Grove Road. The base address of the apartments is 951 Acewood Blvd. The standalone townhouses and perhaps some of the townhouses within the main building will have addresses created with the creation and approval of the addressing plan. 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.

Please contact Sean Malloy of the Traffic Engineering Division at 266-5987 if you have any questions regarding the following sixteen (16) items:

29. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawing shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including

two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.

30. 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.
31. 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.
32. All parking facility design shall conform to the standards in MGO Section 10.08(6).
33. The applicant shall work with Traffic Engineering staff to determine the final specifications and placement of the proposed speed hump in the drive aisle.
34. The applicant(s) shall maintain a five-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 five-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 the Traffic Engineering Division.
35. All bicycle parking adjacent pedestrian walkways shall have a two-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers
36. All pedestrian walkways adjacent parking stalls shall be seven (7) feet wide to accommodate vehicle overhang, signage and impediments to walkway movements. Any request for variance shall be submitted to and reviewed by the Traffic Engineering Division.
37. Per MGO Section 12.138 (14), this project is not eligible for residential parking permits. It is recommended that this prohibition be noted in the leases for the residential units.
38. The applicant shall adhere to all vision triangle requirements as set in MGO Section 27.05 (No visual obstructions between the heights of 30 inches and 10 feet at a distance of 25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO Section 27.05(2)(bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.

39. The applicant shall provide a clearly defined five-foot 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.
40. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign 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.
41. The applicant shall show the dimensions for the proposed Class III driveway including the width of the drive entrance, width of the flares, and width of the curb cut.
42. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
43. The developer shall provide a recorded copy of any joint driveway ingress/egress and cross-access easements and shall be noted on face of plan.
44. Items in the right of way are not approvable through the site plan approval process. Make a note on all pages showing improvements in the right of way that states: "The Right-of-Way is the sole jurisdiction of the City of Madison and is subject to change at any time per the recommendation/plan of Traffic Engineering and City Engineering Divisions."

Please contact Bill Sullivan of the Madison Fire Department at 261-9658 if you have any questions regarding the following two (2) items:

45. MGO 34.503/IFC 503 Appendix D105, Provide an aerial apparatus access fire lane that is at least 26 feet wide, if any part of the building is over 30 feet in height. The near edge of the aerial fire lane shall be within 30 feet and not closer than 15 feet from the structure, and parallel to one entire side. The aerial fire lane shall cover not less than 25% of the building perimeter. Provide dimensions of the fire lane widths and the distance to the face of the building for the aerial access lanes. Ensure all fire lanes are located outside of any on-street parking.
46. Please consider allowing the Madison Fire Department to conduct training sequences prior to demolition. Contact Division Chief Tracy Burrus of the MFD Training Division to discuss this possibility at tburrus@cityofmadison.com or 266- 5959.

Please contact Adam Wiederhoeft of the Madison Water Utility at 266-9121 if you have any questions regarding the following three (3) items:

47. The Madison Water Utility shall be notified to remove the water meters at least two working days prior to demolition. Contact the Water Utility Meter Department at 266-4765 to schedule the meter removal appointment.

48. A Water Meter Application Form and fees must be submitted before connecting to the existing water lateral. Provide at least two working days' notice between the application submittal and the scheduled lateral connection/extension. 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 Avenue. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. If you have questions regarding water service applications, please contact Madison Water Utility at 266-4646.
49. All operating private wells shall be identified and permitted by the Water Utility and all unused private wells shall be abandoned in accordance with MGO Section 13.21.

Please contact Jacob Moskowitz, Assistant Zoning Administrator, at 266-4560 if you have any questions regarding the following four (4) items:

50. 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 (266-4682). Section 28.185(10) requires that every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(7)(a)5 shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
51. 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 75% of the minimum open space requirement, provided that minimum dimensional requirements are satisfied.
52. 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.
53. 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.

Please contact Kathleen Kane of the Parks Division at 261-9671 if you have any questions regarding the following three (3) items:

54. Pursuant to the authority established under Wis. Stat. § 66.0617(7), and in the interests of promoting the development of low-cost housing in the City, low-cost housing is exempt from the park impact fees beginning January 1, 2017. This exemption only applies to those dwelling units or bedrooms within a development that are determined to be low-cost housing. This exemption does not extend to the land dedication requirements set forth under MGO Sec. 16.23(8)(f), nor any other impact fees that may apply to a development.

55. The park impact fee will be exempt for developments that meet the “low-cost housing” requirements, as defined as rental or owner-occupied housing units that are affordable, as that term is defined in MGO Sec. 4.22(2) and which meet the deed restriction requirements of Sec. 4.22(7). The determination whether a proposed development will create low-cost housing, and how much low-cost housing it will create, shall be made by the Community Development Division.
56. 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 that is not exempted. This development is within the North Park-Infrastructure Impact Fee district. Please reference ID# 18164 when contacting Parks Division staff about this project.

Please contact Brad Hofmann of the Parks Division–Forestry Section at 267-4908 if you have any questions regarding the following three (3) items:

57. 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 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 prior to the approval of the site plan.
58. Existing street trees shall be protected. Please include the following note on the site plan: Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266-4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry. Tree protection specifications can be found in Section 107.13 of *City of Madison Standard Specifications for Public Works Construction*. Any tree removals that are required for construction after the development plan is approved will require at least a 72-hour waiting period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan.
59. Additional street trees are needed for this project. All street tree planting locations and tree species within the right of way shall be determined by City Forestry. Please submit a site plan (in PDF format) to Brad Hofmann – bhofmann@cityofmadison.com or 266-4816. Tree planting specifications can be found in Section 209 of *City of Madison Standard Specifications for Public Works Construction*.

Please contact Tim Sobota of Metro Transit at 261-4289 if you have any questions regarding the following item:

60. In coordination with any public works improvements, the applicant shall maintain or replace the concrete boarding pad and shelter pad at the existing Metro bus stop on the east side of Acewood Boulevard, north of Cottage Grove Road (#7925). 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.

Please contact Janine Glaeser of the Urban Design Commission at 267-8740 if you have any questions regarding the following five (5) items:

61. Widen all four-foot wide sidewalks to five feet and increase driveway length on townhouse side to limit vehicle overhangs on sidewalk.
62. Put in conduit for site to be Electric Vehicle (EV)-ready.
63. Provide more detail on proposed window frame materials, including a sample for staff review.
64. The landscape plan shall have planting bed edges and delineations between what are plants and what is lawn.
65. Revise the landscaping plan to replace the following landscaping species with other species to be approved by staff: Stella de Oro daylilies with another species; the few shrubs listed should be replaced with higher quality species; replace the pear tree with Katsura or red buckeye; and replace the sedum for something like Matrona for more color.

Please contact my office at 261-9632 if you have any questions regarding the following three (3) items:

66. Any proposed HVAC or utility penetrations on the building shall not face Cottage Grove Road and Acewood Boulevard. Any such penetrations elsewhere on the exterior of the building shall be designed to be perpendicular to the facades to limit their visibility to the greatest extent possible. No utility or HVAC pedestals or penetrations, including HVAC wall packs for units, and gas meters or electric meters for buildings/ units shall be permitted without specific approval by the Plan Commission.
67. Widen all four-foot wide sidewalks to five feet and increase driveway length on townhouse side to limit vehicle overhangs on sidewalk.
68. Note: As each commercial tenant space is leased, the entire development must reflect compliance in the required amount, type and number of auto and bicycle parking spaces, to be reviewed prior to obtaining zoning approval for each use.

No interior, exterior or structural demolition or wrecking activities or remodeling activities (including material reclamation activities by the applicant or a third party) shall commence nor any wrecking or building permits be issued until the applicant has met all of the conditions of approval stated in this letter.

Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency.

Please now follow the procedures listed below for obtaining permits for your project:

1. After the plans have been revised per the above conditions, please file **eleven (11) sets** of complete, fully dimensioned, and to-scale plans, the appropriate site plan review application and fee pursuant

to Section 28.206 of the Zoning Code, and any other documentation requested herein with the Zoning Administrator, Room 017, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard. **This submittal shall all also include one (1) complete digital plan set in PDF format.** The sets of final revised plans or documents will be circulated by Zoning staff to the City department staff listed above for their final approval.

2. This letter shall be signed by the applicant and property owner (if not the applicant) to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting building permit approval. [Signature block on last page]
3. No alteration of this proposal shall be permitted unless approved by the Plan Commission, provided, however, the Zoning Administrator may issue permits for minor alterations. No alteration of a conditional use shall be permitted unless approved by the Plan Commission provided, however, the Zoning Administrator following consideration by the alderperson of the district, may approve minor alterations or additions which are approved by the Director of Planning and Community and Economic Development and are compatible with the concept approved by the Plan Commission and the conditional use standards. This approval shall become null and void two (2) years after the date of the Plan Commission unless the use is commenced, construction is under way, or a valid building permit is issued and construction commenced within six (6) months of the issuance of said building permit. Where the plans have not been altered from the Plan Commission's approval, and the conditional use has expired, the Director of Planning and Community and Economic Development may, after consultation with the Alderperson of the District, approve an extension for up to twelve (12) months from the expiration date. The Plan Commission shall retain jurisdiction over this matter for the purpose of resolving complaints against the approved conditional use permit.

If you have any questions regarding obtaining your building permits, please contact the Zoning Administrator at 266-4551. If you have any questions or if may be of any further assistance, please do not hesitate to contact my office at 261-9632.

Sincerely,

Timothy M. Parks
Planner

cc: Brenda Stanley, City Engineering Division
Jeff Quamme, City Engineering Division
Sean Malloy, Traffic Engineering Division
Jacob Moskowitz, Asst. Zoning Administrator
Adam Wiederhoeft, Madison Water Utility
Kathleen Kane, Parks Division
Brad Hofmann, Parks Division
Bill Sullivan, Madison Fire Department
Tim Sobota, Metro Transit
Janine Glaeser, Urban Design Commission

I hereby acknowledge that I understand and will comply with the above conditions of approval for this project.

Signature of Applicant

*Signature of Property Owner
(If Not Applicant)*

LNDUSE-2019-000100			
For Official Use Only, Re: Final Plan Routing			
☒	Planning Div. (T. Parks)	☒	Engineering Mapping Sec.
☒	Zoning Administrator	☒	Parks Division
☒	City Engineering	☒	Urban Design Commission
☒	Traffic Engineering (EP)	☒	Recycling Coord. (R&R)
☒	Fire Department	☒	Other: Forestry Section
☒	Water Utility (EP)	☒	Other: Metro Transit