



PREPARED FOR THE PLAN COMMISSION

Project Address: 3535-3553 University Avenue (District 5 – Alder Vidaver)
Application Type: Demolition Permit, Conditional Use, Zoning Map Amendment
Legistar File ID # [83756](#), [83759](#), [83948](#)
Prepared By: Colin Punt, Planning Division
Report includes comments from other City agencies, as noted.
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Randy Christianson; Walter Wayne Development; 702 N High Point Rd; Madison, WI 53717

Contact: Patrick Terry; JLA Architect-Planners; 800 W Broadway Ste 200; Monona, WI 53713

Owner: University 3000 LLC; 1741 Commercial Ave; Madison, WI 53713

Requested Action: The applicant is seeking approval of:

- A zoning map amendment changing the zoning from PD (Planned Development district) to CC-T (Commercial Corridor-Transitional district);
- Demolition permits for two existing commercial buildings; and
- A conditional use for a height transition exceeding the height and/or ratio limitation located in §28.067(3)(c) MGO.

Proposal Summary: The applicant is seeking approvals to change the zoning of a site from PD to CC-T, to demolish two two-story multitenant commercial buildings, and to construct a five-story mixed use building with 71 units and 1,435 square feet of commercial space.

Applicable Regulations & Standards: Standards for conditional use approval are found in §28.183(6) MGO. Standards of approval for demolition permits are found in §28.185(6) MGO. Standards for zoning map amendments are found in §28.182 (6) MGO.

Review Required By: Urban Design Commission, Plan Commission, Common Council (rezoning only)

Summary Recommendations: The Planning Division recommends the following to the Plan Commission regarding the applications for 3535-3553 University Avenue. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies beginning on page 8.

- That the Plan Commission find the standards for zoning map amendments are met and forward the zoning map amendment from PD to CC-T to Common Council with a recommendation to **approve**; and
- That the Plan Commission find that the standards for demolition permits are met and **approve** demolition permits for the buildings at 3535 and 3553 University Avenue; and
- That if the Plan Commission can find that all applicable standards of approval for conditional uses are met, it should approve the requested conditional use for the proposed building at 3535-3553 University Avenue.

Background Information

Parcel Location: The subject site, composed of two existing lots, is 30,250 square feet (0.69 acres) and located on the south side of University Avenue immediately north of Bruce Court in Madison and south of Highbury Road in Shorewood Hills. The site is within Alder District 5 (Alder Vidaver) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The two existing parcels are zoned PD (Planned Development district). 3535 University Avenue and 3553 University Avenue are each currently occupied with 5000-square foot two-story multitenant commercial buildings built in 1984.

Surrounding Land Uses and Zoning:

North: Across University Avenue, offices and commercial buildings in the Village of Shorewood Hills;

West: Single-family residences zoned TR-C1;

South: Single-family residences zoned TR-C1; and

East: Two-story retail and office building zoned CC-T.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) and the [Hoyt Park Area Joint Neighborhood Plan](#) (2014) both recommend community mixed use (CMU) with additional recommendations in the neighborhood plan discussed below.

Zoning Summary: The subject property is proposed to be zoned CC-T (Commercial Corridor-Transitional district):

Requirements	Required	Proposed
Front Yard Setback	0' or 5'	5.0'
Max. Front Yard Setback: TOD	20'	5.0'
Side Yard Setback: Where buildings abut residentially-zoned lots at side lot line	Minimum side yard required in the adjacent residential district (TR-C1): One-story: 6' Two-story: 7'	50'6" west side yard
Side Yard Setback: Where proposed buildings or abutting buildings have window openings in side wall(s) within 6 feet of lot line	One-story: 5' Two-story or higher: 6'	13.3' east side yard
Rear Yard Setback	The lesser of 20% of lot depth or 20'	20.7'
Usable Open Space: TOD	Not required	6,603 sq. ft.
Maximum Lot Coverage	85%	77%
Minimum Building Height: TOD	2 stories	5 stories
Maximum Building Height	5 stories/78'	5 stories/<78'

Site Design	Required	Proposed
Number Parking Stalls	Not required: TOD	77 garage stalls
Electric Vehicle Stalls	10% EV ready: (8)	2 EV 8 EV ready (2)
Accessible Stalls	Yes	Yes
Loading	Not required	None
Number Bike Parking Stalls	Multi-family dwelling: 1 per unit up to 2-bedrooms, ½ space per add'l bedroom (71)	71 garage 1 -1 st floor commercial 8 surface

	1 guest space per 10 units (7) General retail; service business; office: 1 per 2,000 sq. ft. floor area (2 minimum) (80 total)	(80 total)	(3)(4)
Landscaping and Screening	Yes	Yes	(5)(6)(7)
Lighting	Yes	Yes	
Building Form and Design	Yes	Flex building	(8)(9)(10)

Other Critical Zoning Items	Urban Desing (UDD 6), Barrier Free (ILHR 69), Utility Easements, TOD Overlay
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Table 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.

Project Description

The applicant is seeking rezoning, demolition, and conditional use approvals to change the zoning of a site from PD to CC-T, to demolish two two-story multitenant commercial buildings, and to construct a five-story mixed use building.

The [demolition photos](#) submitted by the applicant show two slightly older buildings that appear to have had some updates over the years. There appears to be standard wear, but no significant structural issues. Planning Division staff have not inspected the structures.

Following demolition, the applicant intends to construct a five-story mixed use building with 71 dwelling units and 1,435 square feet of rentable commercial tenant space. The unit breakdown includes 39 studios, 23 one-bedroom units, and nine two-bedroom units, for a total of 80 bedrooms. All units have private balconies. The first floor includes eight structure vehicle parking stalls, a loading space in the parking structure, two commercial tenant spaces, and resident lobby and fitness center, as well as back-of-house and utility spaces. The fifth-floor features a community room with terrace above the fourth floor.

The proposal includes 77 vehicle parking stalls on the first floor and in two underground levels. Additionally, there are 71 interior long-term bicycle parking stalls and nine short-term bicycle parking spaces exterior to the building. Access to the structured parking will be through the existing curb cut located in the center of the site on University Avenue, or through a new curb cut at the west end of the property. Trash, recycling, deliveries, and move-in/move-out will be accommodated in the loading area located on the west end of the building and accessed via the new proposed curb cut at that location. Primary façade materials include stone veneer on the first floor and a cream masonry veneer and gray fiber cement horizontal lap siding on upper floors. Accent and trim materials include gray metal panels, faux-wood fiber cement panels, storefront systems, aluminum balconies, vinyl windows, and a wooden pergola.

Proposed landscaping includes shrubs along the front façade between the building and sidewalk and a grass turf dog run in the rear yard. A 4,900-square foot green roof is also proposed above the fifth floor. A small patio or future dining area is located at the northwest corner of the building adjacent to one of the two commercial spaces. Two of the four existing street trees are proposed for removal as part of the construction project upon coordination with the City Forestry Section. An existing storm sewer through the site from Bruce Court to University Avenue is proposed to be rerouted around the west end of the building.

According to the letter of intent, the applicant intends to commence demolition in December 2024 with construction of the new building completed by March 2026.

Analysis

This request is subject to the standards for zoning map amendments, demolition permits, conditional uses. This section begins with a summary of adopted plan recommendations, and includes sections for zoning map amendment standards, demolition permit standards, conditional use standards, and finishes with a description of Urban Design Commission findings.

Consistency with Adopted Plans

The [Comprehensive Plan](#) (2018) recommends community mixed use (CMU) for the site. The CMU category can include an intensive mix of residential, commercial, and civic uses serving residents and visitors from the surrounding area and the community as a whole, generally at heights of up to six stories and residential densities up to 130 dwelling units per acre. The [Hoyt Park Area Joint Neighborhood Plan](#) (2014) also recommends CMU. The neighborhood plan identifies this property as part of Focus Area E: University Avenue Liner Commercial. It recommends maintaining a commercial focus along the University Avenue frontage and accommodating neighborhood commercial, retail, professional services, and offices. Recommended heights are up to four stories and CC-T is identified as a potential zoning district. The Plan includes additional recommendations to encourage pedestrian access from Bruce Court to the site, but to prohibit vehicular connections, and to enhance and expand the landscape buffers between the mixed use development and the existing single-family residential development.

Zoning Map Amendment Standards

The Zoning Map Amendment standards, found in 28.182(6), MGO state that such 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. Chapter 66.1001(3) of Wisconsin Statutes requires that zoning ordinances (of which the zoning map is part) enacted or amended after January 1, 2010 be consistent with the City's [Comprehensive Plan](#). 2010 Wisconsin Act 372 clarified "consistent with" as "furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan."

As discussed above, Staff believe that based on the CMU land use recommendation in the [Comprehensive Plan](#) and the explicit recommendation of CC-T zoning for this site in the neighborhood plan, that the zoning map amendment request is consistent with adopted plans and all applicable standards can be found met.

Demolition Permit Standards

At its October 5, 2021 meeting, the Common Council adopted Ordinance 21-00065 (ID [67074](#)) to revise the standards and process for demolition and removal permits in Section 28.185 of the Zoning Code to remove approval of the proposed future use as a factor in approving demolition requests. In order to approve a demolition request under the revised standards, the Plan Commission shall consider the seven approval standards in §28.185(9)(c) MGO when making a determination regarding demolition requests. The factors include a finding that the proposed demolition or removal is consistent with the statement of purpose of the demolition permits section and with the health, prosperity, safety, and welfare of the City of Madison.

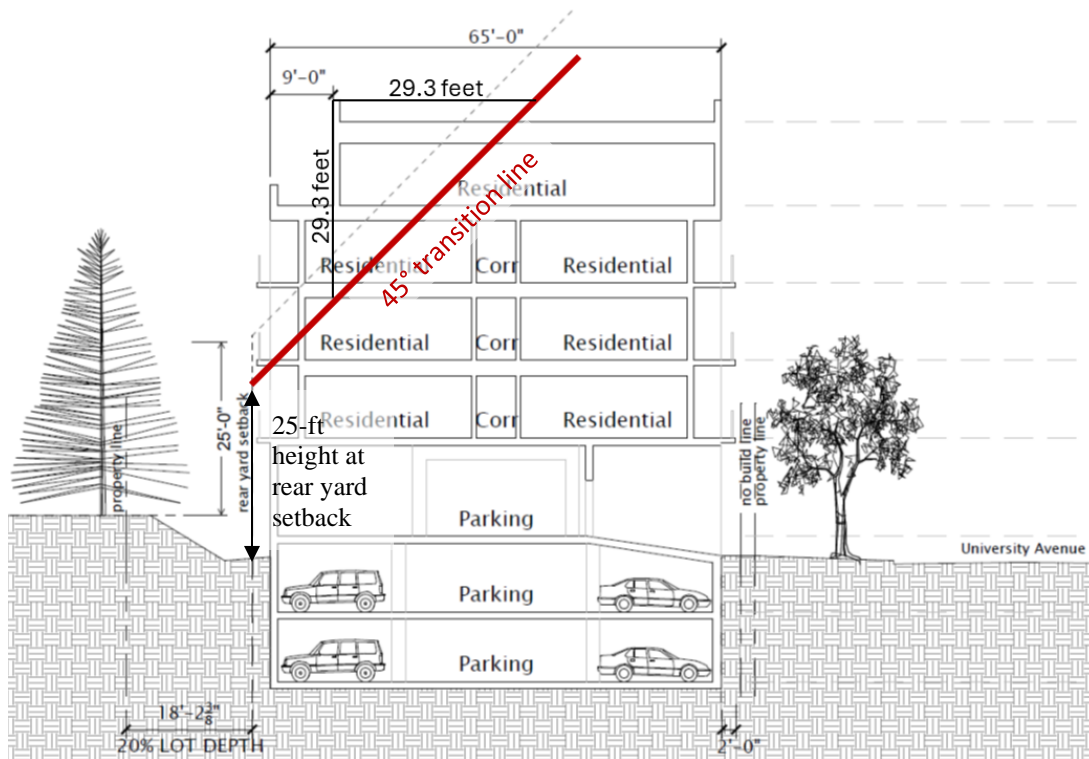
The Planning Division believes that the standards for Demolition Permits can be met, but provides the following comments regarding standard 4, "That the Plan Commission has received and considered the report of the City's

Historic Preservation Planner regarding the historic value of the property as well as any report that may be submitted by the Landmarks Commission.” At its May 6, 2024 meeting, the Landmarks Commission found that the existing buildings at 3535 and 3553 University Avenue have no known historic value. Staff believes that the Plan Commission can find the applicable standards met and approve the requested demolition permits.

Conditional Use Standards

Regarding 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 §28.183(6) MGO are met. Staff advises the Plan Commission that in evaluating the conditional use standards, 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 applicant is requesting approval of a conditional use for a height transition exceeding the height and/or ratio limitation located in §28.067(3)(c) MGO. Where the CC-T district abuts a residential district at the rear or side lot line, building height at the rear or side yard setback line shall not exceed two (2) stories/twenty-five (25) feet. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line, (a 45° angle) up to the maximum allowed height. Transitions exceeding this height and/or ratio limitation require conditional use approval. Staff notes that while both the south and west lot lines are subject to this height transition requirement, the building is designed to meet the transition requirements on the west, and the conditional use is only requested for the south side. This is the only conditional use requested, no other conditional use approvals are necessary for the building as proposed.



Staff raises a question regarding this application as it relates to conditional use approval standard 3, which states “The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner,” in regard to the proposed building’s height exceeding that described in §28.067(3)(c) MGO. The building section above indicates where the rear portions of the upper floors of the building exceed the height transition line. Staff also raises this issue in the context of conditional use standard of approval 8, which requires, in part, that “the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with existing or intended character of the area.” The height transition in question was created specifically for the purpose of transitioning larger buildings to smaller-scaled residential buildings, and a situation in which the transition stepback is significantly exceeded has significant aesthetic impacts on those smaller-scaled residential buildings.

A small number of conditional uses for height transitions have been approved by the Plan Commission in recent years: 5535 University Avenue in 2021 (ID [66120](#), previously approved as ID [53124](#) in 2018), 1402 South Park Street in 2021 (ID [62944](#)), and 1313 Regent Street in 2020 (ID [61669](#)). Staff has provided the information below for context regarding the scale of the intrusion of the proposed building beyond the 45° height transition line and how it compares to similar previously approved requests.

Proposal	Maximum Vertical / Horizontal Distance from 45° Transition Line	Length of Building Portion Exceeding Transition Height
3535-3553 University Avenue	29.3 ft	261.3 ft (191.1 ft*)
5535 University Avenue	1.3 ft	66 ft
1402 South Park Street	1.9 ft	110.8 ft
1313 Regent St (east)**	19 ft	76 ft
1313 Regent St (west)**	20.9 ft	76 ft

*191.1 ft if the central portion of the building which directly faces public right of way is not included in the measurement

**1313 Regent Street exceed the height transition on two sides of the building

Previously, the largest intrusion above the required height transition was for 1313 Regent Street, which requested conditional use exception to the requirement along two side yards. Staff notes that the building design request before the Commission extends more than eight feet higher above and more the eight feet further horizontally from the 45° transition line than the proposal at 1313 Regent Street. Further, the total length of the portions of the proposed building at 1313 Regent Street that exceeded the height transition was 152 feet, which is approximately 40 feet less than the length of the building exceeding the height transition at 3535-3553 University Avenue, even when excluding the approximately 70 feet near the middle of the building that faces directly toward Bruce Court right-of-way and not the adjacent residentially-zoned properties.

While staff have concerns that standards 3 and 8 cannot be found to be met due to the mass and scale of the intrusion into the height transition area, staff do believe all other applicable conditional use standards of approval can be found met, with additional comments regarding standard 8 as detailed below.

Urban Design Commission

Staff provide the following comments regarding Condition Use approval standard eight (8): “...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.” During initial discussions with the applicant team, Staff

raised concerns about building composition, colors and materials, visible blank walls, and door and window size and location. The applicant team did make design and architectural changes to address these concerns. As the site is within Urban Design District 6, this proposal was reviewed by the UDC. At its July 17, 2024 meeting, the Urban Design Commission granted final approval to the proposal with the following conditions:

- The landscape plan shall be updated to accurately show the proposed plantings, reflect the use of hardwood bark mulch, as well as additional plantings that are more substantial and vertical and that provide multi-seasonal interest, to be reviewed and approved by staff during final sign-off.
- Consideration could be given to shifting the fence to the north to provide plantings on the neighborhood side of the fence, with details to be reviewed and approved by staff during final sign-off.
- The rough-cut stone shall be changed to a less rustic stone base, to be reviewed and approved by staff during final sign-off.

Please see Legislative [ID 83067](#) for more information about the UDC review and action.

Public Comment

A neighborhood meeting regarding this proposal was held on May 20, 2024. District 5 Alder Regina Vidaver has written to staff regarding her support of the proposal. At time of writing, Staff is unaware of any written comment regarding this land use request received from the public.

Conclusion

Staff believes that the standards of approval for demolition permits and zoning map amendments can be found to be met.

Due to the mass and scale of the intrusion into the height transition area as required in §28.067(3)(c) MGO, Staff has concerns regarding whether conditional use standards of approval 3 and 8 cannot be found to be met. However, when considering the adopted plan recommendations, the scale of the proposed building and the proposed uses, surrounding land uses, recommended conditions of approval, and recommendation of the UDC, staff believe all other applicable conditional use standards of approval can be found met. Staff notes that the Plan Commission must find *all* applicable standards of approval met to approve the requested conditional use. If the Plan Commission cannot find that both standards of approval 3 and 8 are met by the proposal as it is, the Plan Commission should place the request on file without prejudice or refer it to a future meeting with specific recommendations outlining changes to the proposal that would enable the Commission to find that all applicable standards of commission are met.

Recommendation

Planning Division Recommendations (Contact Colin Punt 243-0455)

The Planning Division recommends the following to the Plan Commission regarding the applications for 3535-3553 University Avenue. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies beginning below.

- That the Plan Commission find the standards for zoning map amendments are met and forward the zoning map amendment from PD to CC-T to Common Council with a recommendation to **approve**; and
- That the Plan Commission find that the standards for demolition permits are met and **approve** demolition permits for the buildings at 3535 and 3553 University Avenue; and

- That if the Plan Commission can find that all applicable standards of approval for conditional uses are met, it should approve the requested conditional use for the proposed building at 3535-3553 University Avenue.

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

Planning Division (Contact Colin Punt, 243-0455)

1. That the applicant minimize any portions of the proposed building exceeding the height and/or projecting beyond the 45° transition line at the rear of the lot. Any additional or greater projection beyond the transition shall require a major alteration to the conditional use. A reduction of the projection could be considered as a minor alteration to this conditional use.
2. 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 outward-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.
3. Per the UDC's advisory recommendation, the applicant shall make the following modifications for review and approval by Planning Division Staff and the Secretary of the Urban Design Commission:
 - The landscape plan shall be updated to accurately show the proposed plantings, reflect the use of hardwood bark mulch, as well as additional plantings that are more substantial and vertical and that provide multi-seasonal interest, to be reviewed and approved by staff during final sign-off.
 - Consideration could be given to shifting the fence to the north to provide plantings on the neighborhood side of the fence, with details to be reviewed and approved by staff during final sign-off.
 - The rough-cut stone shall be changed to a less rustic stone base, to be reviewed and approved by staff during final sign-off.

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

4. Show the distance between the curb and property line to verify the front yard setback requirement. The front yard setback is 0 if the distance between the curb and property line is equal to or greater than 15 feet. A no build easement may be used to achieve the 15 foot distance. Canopies, balconies, and other above and below grade structures may not encroach into the no-build easement. If the distance between the curb and property line is less than 15 feet, the front yard setback is 5 feet.
5. Section 28.185(9)(b) requires that every applicant for a demolition or removal approval that requires approval by the Plan Commission is required to get a Reuse and Recycling Plan approved by the City Recycling Coordinator, Bryan Johnson at streets@cityofmadison.com prior to receiving a raze permit. Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(9)(b) shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition. A demolition or removal permit is valid for two (2) years from the date of the Plan Commission approval.
6. Provide electric vehicle ready stalls per Section 28.141(8)(e) Electric Vehicle Charging Station Requirements. A minimum of 10% of the parking stalls (8 stalls) must be electric vehicle ready. Identify the locations of the electric vehicle ready stalls on the plans.
7. Bicycle parking for the residential dwelling units shall comply with the requirements of MGO Sections

28.141(4)(g) and 28.141(11) and shall be designated as short-term or long-term bicycle parking. A minimum of 71 resident bicycle stalls are required plus a minimum of 7 short-term guest stalls. Up to twenty-five percent (25%) of bicycle parking may be structured parking, vertical parking or wall mount parking, provided there is a five (5) foot access aisle for wall mount parking. 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.

8. Bicycle parking for the commercial tenant spaces shall comply with the requirements of MGO Sections 28.141(4)(g) and 28.141(11) and will be reviewed prior to obtaining zoning approval for each use. Provide a minimum of two (2) short-term bicycle parking stalls located in a convenient and visible area on a paved or pervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance.
9. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
10. Screening is required adjacent the Zoning district boundary along the south and west property lines. Screening shall be provided along side and rear property boundaries between commercial/ mixed-use districts and residential districts. Screening shall consist of a solid wall, solid fence, or hedge with year-round foliage, between six (6) and eight (8) feet in height. Clearly show the location of the district boundary screening on the site and landscape plans, and submit a detail of the screening fence with the final plans.
11. Submit details for the proposed vegetated green roof areas.
12. Provide a building materials list with the final building elevations.
13. Provide details showing that the primary street façade meets the door and window opening requirements of Section 28.060(2)(d). For nonresidential uses at ground floor level, windows and doors or other openings shall comprise at least sixty percent (60%) of the length and at least forty percent (40%) of the area of the ground floor of the primary street facade. At least fifty percent (50%) of windows on the primary street facade shall have the lower sill within three (3) feet of grade. On upper stories, window or balcony openings shall occupy a minimum of fifteen percent (15%) of the upper-story wall area.
14. Provide details demonstrating compliance with bird-safe glass requirements Section 28.129. Clearly identify on the building elevations which glass areas are 50 sq. ft. or greater and which glass areas will be treated. Provide a detail of the specific treatment product that will be used.
15. 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.
16. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

City Engineering Division (Contact Tim Troester, 267-1995)

17. Both storm and sanitary public improvements are needed and a developers agreement will be required. The storm sewer shown on the plan set that is public is too small (15") the pipe required shall be a 24 x 38 HERCP.
18. Enter into a City / Developer agreement for the required infrastructure improvements. Agreement to be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact City Engineering to schedule the development and approval of the plans and the agreement. (MGO 16.23(9)c)
19. Construct sidewalk/path, terrace, curb and gutter and pavement to a plan as approved by City Engineer
20. 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))
21. 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. The procedures and fee schedule is available online at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
22. Obtain a permit to plug each existing storm sewer. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 37.05(7))
23. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
24. A Storm Water Management Report and Storm Water Management Permit is required for this project. See Storm comments for report and permit specific details and requirements.
25. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
26. Revise the site plan 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)
27. This area is within a watershed study for flood mitigation and has a known flooding risk. The minimum opening elevations for structures proposed by this application shall have a low entrance elevation that is a minimum elevation of 888.1 This elevation is intended to be protective but does not guarantee a flood proof structure. The Developer/Owner are strongly encouraged to complete their own calculations and determine an elevation that protects their property to a level of service that they are comfortable with.
28. 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. The stated elevation is intended to be protective but does not guarantee a flood proof structure. The Developer/Owner are strongly encouraged to complete their own calculations and determine an elevation that protects their property to a

level of service that they are comfortable with.

29. 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-yr design storm that is current in Madison General Ordinance 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.
30. This project will disturb 20,000 sf or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" 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. Demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances 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. The WDNR provided workbook to compute USLE rates can be found online at <https://dnr.wi.gov/topic/stormwater/publications.html>
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.
31. Prior to approval, this project shall comply with Chapter 37 of the 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 Stormwater Management Permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.
The Storm Water Management Plan & Report shall include compliance with the following:
Report: Submit prior to plan sign-off, a stormwater management report stamped by a P.E. 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. (POLICY and MGO 37.09(2))
Rate Control Redevelopment: By design detain the 10-year post construction design storm such that the peak discharge during this event is reduced 15% compared to the peak discharge from the 10-year design storm in the existing condition of the site. Further, the volumetric discharge leaving the post development site in the 10-year storm event shall be reduced by 5% compared to the volumetric discharge from the site in an existing condition during the 10-year storm event. These required rate and volume reductions shall be completed, using green infrastructure that captures at least the first 1/2 inch of rainfall over the total site impervious area. If additional stormwater controls are necessary beyond the first 1/2 inch of rainfall, either green or non-green infrastructure may be used.
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 BMP used to meet stormwater management requirements on this project.
32. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering

Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West).

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

33. The public sanitary sewer and storm sewer within Doc No 1833898 were not removed subsequent to the vacation of the walkway. The public sanitary sewer and storm sewer rights that were retained by statute within the vacation area shall be released by separate document prepared by City Office of Real Estate Services. Contact Jeff Quamme of Engineering Mapping (jrquamme@cityofmadison.com, 608-266-4097) to coordinate the Real Estate project, and associated information and fees required.
34. Release MGE Easement per Doc Not 1856676 that conflicts with the proposed Sanitary Sewer / Storm Sewer and Associated new Easement(s) to be granted on the required CSM.
35. The building elevations appear to show fixed canopies encroaching into the University Avenue right of way. The Applicant shall confirm and note on the plans any proposed encroachments, including fixed canopies. Any encroachment is subject to approval by City of Madison agencies reviewing this proposal. For any encroachments that are approved on the site plan, make an application with City of Madison Real Estate for a privilege in streets agreement. Link as follows - <http://www.cityofmadison.com/developmentcenter/landdevelopment/streetencroachment.cfm>. An approval of the development does not constitute or guarantee approval of any encroachments within a public right of way as there is additional review of encroachments by other staff as part of the application process.
36. The proposed new building crosses an underlying platted lot line. Prepare a Certified Survey Map (CSM) and submit to the Planning Unit to dissolve underlying lot lines to comply with fire codes, City Ordinances and City Policies. The CSM shall be approved by the City, recorded with the Dane County Register of Deeds and new Tax Parcel information available prior to issuance of a building permit or early start permit.
37. Grant a Public Sanitary Sewer Easement and Storm Sewer to the City on the face of the required Certified Survey Map. The easement text and conditions shall include Consent to Occupy Easement language for the private access, pedestrian and retaining wall improvements that will lie within the Easement area. Contact Jeff Quamme of Engineering Mapping (jrquamme@cityofmadison.com, 608-266-4097) for the final required language.
38. Grant a Public Sidewalk Easement(s) to the City along University Avenue on the face of the required Certified Survey Map as required by Engineering and Traffic Engineering. Contact Jeff Quamme (jrquamme@cityofmadison.com) for the required language.
39. Provide a copy of the no build easement required by City Zoning prior to final site plan sign off.
40. Submit a site plan and a complete building Floor Plan in PDF format to Lori Zenchenko (lzenchenko@cityofmadison.com) that includes a floor plan of each floor level on a separate sheet/page for the development of a complete interior addressing plan. Also, include a unit matrix for apartment buildings. 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 verification submittal stage of this LNDUSE with Zoning. The final approved Addressing Plan shall be included in said Site Plan Verification application materials or a revised plan shall be provided for additional review and approval by Engineering. Per 34.505 MGO, a full copy of the approved addressing plan shall be kept at the building site at all times during construction until

final inspection by the Madison Fire Department. 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.

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

41. The applicant shall dedicate Right of Way or grant a Public Sidewalk Easement for and be responsible for the construction of a minimum seven (7)-foot wide sidewalk and additional one (1) foot for maintenance, where applicable, along their site's frontage of University Avenue. The applicant shall maintain existing terrace width.
 42. Traffic Engineering has concerns related to this site's proposed configuration of their main access point due to the presence of a garage door which could potentially lead to vehicles queueing into University Avenue. To mitigate this concern, the applicant shall either:
 - Remove the garage door from their main access point and alter the University Avenue median to allow for a Westbound Left turn lane according to plan approved by Traffic Engineering.
 - Reconfigure the University Avenue median to alter their site access to Right In/Right Out only according to plan approved by Traffic Engineering.
 43. Parking deck is insufficiently labeled/dimensioned for a proper review. If the parking does not meet MGO 10.08 the applicant can expect to be required to make major alteration which may or may not impact structural elements of this site.
 44. The parking facility shall be modified to provide for adequate internal circulation for vehicles. This can be accommodated by eliminating a parking stall at the dead ends. The eliminated stall shall be modified to provide a turnaround area ten (10) to twelve (12) feet in width and signed with a "No Parking Anytime."
45. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be to engineering scale 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.
 46. 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.
 47. 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.
 48. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
 49. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.

50. 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.
51. The applicant shall adhere to all vision triangle requirements as set in MGO 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 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.
52. City of Madison radio systems are microwave directional line of sight to remote towers citywide. The building elevation will need to be reviewed by Traffic Engineering to accommodate the microwave sight and building. The applicant shall submit grade and elevations plans if the building exceeds three stories prior to sign-off to be reviewed and approved by Andrew Oliver, (267-1979, aoliver@cityofmadison.com) Traffic Engineering Shop, 4151 Nakoosa Trail. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign off.
53. 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.
54. 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.
55. "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.
56. 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.
57. Applicant shall submit for review a waste removal plan. This shall include vehicular turning movements.
58. Applicant shall submit for review a Commercial Delivery Plan. This plan will include times, vehicle size, use of loading zones and all related turning movements.
59. Include a parking plan demonstrating how specific stalls, to be used by the commercial site, will be reserved. Include any signage to be used to achieve this goal in the submitted plans.
60. Along any public right-of-way classified as an arterial or a collector street the applicant can expect to be required to maintain a public walkway past the job site (e.g. via use of pile/lagging or other vertical shoring method).

Parks Division (Contact Ann Freiwald, 243-2848)

61. 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 Central Park-Infrastructure Impact Fee district. Please reference ID# 24034 when contacting Parks about this project.

Forestry Section (Contact Brad Hoffman, 267-4908)

62. An existing inventory of street trees located within the right of way shall be included on the site, demo, utility, landscape, grading, fire aerial apparatus and street tree plan sets. The inventory shall include the following: location, size (diameter at 4 1/2 feet), and species of existing street trees. The inventory should also note if a street tree is proposed to be removed and the reason for removal.

63. All proposed street tree removals within the right of way shall be reviewed by City Forestry before the Plan Commission meeting. Street tree removals require approval and a tree removal permit issued by City Forestry. Any street tree removals requested after the development plan is approved by the Plan Commission or the Board of Public Works and City Forestry will require a minimum of a 72-hour review period which shall include the notification of the Alderperson within who's district is affected by the street tree removal(s) prior to a tree removal permit being issued. Add as a note on the street tree plan set.

64. Contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. Contractor shall operate equipment in a manner as to not damage the branches of the street tree(s). This may require using smaller equipment and loading and unloading materials in a designated space away from trees on the construction site. Any damage or injury to existing street trees (either above or below ground) shall be reported immediately to City Forestry at (608) 266-4816. Penalties and remediation shall be required. Add as a note on the site, grading, utility, demolition, and street tree plan set.

65. As defined by the Section 107.13 of City of Madison Standard Specifications for Public Works Construction: No excavation is permitted within 5 feet of the trunk of the street tree or when cutting roots over 3 inches in diameter. If excavation is necessary, the Contractor shall contact Madison City Forestry at (608) 266-4816 prior to excavation. City of Madison Forestry personnel shall assess the impact to the tree and to its root system prior to work commencing. Tree protection specifications can be found on the following website: <https://www.cityofmadison.com/business/pw/specs.cfm> Add as a note on the site, grading, utility, demolition and street tree plan sets.

66. Section 107.13(g) of City of Madison Standard Specifications for Public Works Construction (website: <https://www.cityofmadison.com/business/pw/specs.cfm>) addresses soil compaction near street trees and shall be followed by Contractor. The storage of parked vehicles, construction equipment, building materials, refuse, excavated spoils or dumping of poisonous materials on or around trees and roots within five (5) feet of the tree or within the protection zone is prohibited. Add as a note on both the site and street tree plan sets.

67. On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on both the site and street tree plan sets.

68. Street tree pruning shall be coordinated with City Forestry at a minimum of two weeks prior to the start of construction for this project. Contact City Forestry at (608)266-4816. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on both the site and street plan sets.
69. The Developer shall submit a Street Tree Report performed by International Society of Arboriculture Certified Arborist prior to the Plan Commission meeting for City Forestry's review of project. This report shall identify all street trees on proposed project site, species type, canopy spread, tree condition, proposed tree removals, the impacts of proposed construction, and any requested pruning.
70. The Developer shall post a security deposit prior to the start of the development to be collected by City Engineering as part of the Developers Agreement. In the event that street trees are damaged during the construction process, City Forestry will draw from this deposit for damages incurred.
71. Additional street trees are needed for this project. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction (website: <https://www.cityofmadison.com/business/pw/specs.cfm>) - All street tree planting locations and tree species within the right of way shall be determined by City Forestry. A landscape plan and street tree planting plan shall be submitted in PDF format to City Forestry for approval of planting locations within the right of way and tree species. All available street tree planting locations shall be planted within the project boundaries. Add following note on both the landscape and street tree plan sets: At least one week prior to street tree planting, Contractor shall contact City Forestry at (608) 266-4816 to schedule inspection and approval of nursery tree stock and review planting specifications with the landscaper.

Water Utility (Contact Jeff Belshaw, 261-9835)

72. The proposed water lateral off Bruce Ct. will need to be connected to the existing main on the South side of the hydrant tee. The Hydrant tee shall be capped on the North side of tee. Update utility plan to reflect this change.
73. 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/plumbers-contractors>), 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.
 74. 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.

Metro Transit (Contact Tim Sobota, 261-4289)

75. Metro Transit operates daily all-day transit service along University Avenue, at stops near this property - with trips at least every 30 minutes (every 15 minutes or less during the day on weekdays and Saturdays).
76. Metro Transit would initially estimate the following counts of potentially eligible trips towards US Green Building Council/LEED Quality Access to Transit points: 93 Weekday & 47 Weekend. Please contact Metro Transit if additional analysis would be of interest.

Parking Utility (Contact Trent Schultz, 246-5806)

77. The applicant shall submit a Transportation Demand Management (TDM) Plan to tdm@cityofmadison.com. The TDM Plan is required per MGO 16.03. Applicable fees will be assessed after the TDM Plan is reviewed by staff.

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