



PREPARED FOR THE PLAN COMMISSION

Project Address: 5201 Old Middleton Road
Application Type: Demolition Permit and Conditional Use
Legistar File ID # [62085](#)
Prepared By: Timothy M. Parks, Planning Division
Report Includes Comments from other City Agencies, as noted

Summary

Applicant: John Flad, Flad Development & Investment Corp.; 3330 University Avenue, Suite 206; Madison.

Property Owner: K & W Partnership II LLP; 1001 Arboretum Drive, Suite 3; Waunakee.

Contact Person: Duane Johnson, Knothe & Bruce Architects; 7601 University Avenue, Suite 201; Middleton.

Requested Action: Approval of a demolition permit to demolish an office building and conditional use approvals to allow construction of a four-story, mixed-use building containing approximately 1,450 square-feet of commercial space and 49 apartments.

Proposal Summary: The applicant proposes to demolish a one-story office building with finished basement to construct a four-story, mixed-use building containing approximately 1,450 square-feet of ground floor commercial space and 49 apartments. Parking for 70 automobiles and 55 bicycles is proposed. The applicant proposes to commence construction in April 2021, with completion anticipated in May 2022.

Applicable Regulations & Standards: Table D-2 in Section 28.061(1) identifies multi-family dwellings with greater than eight (8) units as a conditional use in the NMX (Neighborhood Mixed-Use) district. Section 28.064(3) requires conditional use approval for a building in NMX zoning taller than three stories and 40 feet. Section 28.64(4)(a) requires conditional use approval for a building containing two or more uses that exceeds 10,000 square feet of floor area in NMX zoning. Conditional use approval is also required in the NMX District for a building with less than 75% non-residential ground floor area facing the primary abutting street. Section 28.183 provides the process and standards for the approval of conditional use permits. Section 28.185 provides the process and standards for the approval of demolition and removal permits.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards for demolition permits and conditional uses are met to **approve** the demolition of an office building to construct a four-story, mixed-use building at 5201 Old Middleton Road subject to input at the public hearing and the conditions from reviewing agencies beginning on page 7 of this report.

Background Information

Parcel Location: A 34,294 square-foot (0.79-acre) parcel located at the southwestern corner of Old Middleton Road and N Whitney Way; Aldermanic District 11 (Martin); Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site is developed with a one-story, approximately 7,330-square-foot office building with finished basement and surface parking lot, zoned NMX (Neighborhood Mixed-Use District).

Surrounding Land Use and Zoning:

North: Across Old Middleton Road, Wisconsin & Southern Railroad; five-story Erdman Office Building, zoned SE (Suburban Employment District);

South: Single-family residences along Wynnwood Way, zoned SR-C2 (Suburban Residential–Consistent 2 District);

East: One-story office building and three-story apartment building, zoned NMX (Neighborhood Mixed-Use District); and

West: Single- and two-family residences, zoned PD and NMX.

Adopted Land Use Plans: The 2018 [Comprehensive Plan](#) recommends the subject site and nearby properties to the west along the south side of Old Middleton Road for Neighborhood Mixed-Use (NMU) development. The [Comprehensive Plan](#) states that NMU development should be compact and walkable and include residential uses, as well as retail, restaurant, service, institutional, and civic uses primarily serving nearby residents. Buildings in NMU areas are generally recommended to be two to four stories in height, oriented towards streets, and located close to public sidewalks. For density, the Plan recommends 70 or less dwelling units per acre.

There are no adopted neighborhood or sub-area plans that include the subject site.

Zoning Summary: The project will be developed in the NMX (Neighborhood Mixed-Use District).

Requirements	Required	Proposed
Lot Area (sq. ft.)	Not required for mixed-use buildings	34,294 sq. ft.
Minimum Front Yard Setback	0'	5.0' from N Whitney Way
Maximum Front Yard	25'	
Side Yard Setbacks	6' (South, per adjacent SR-C2 zoning)	13.0' (North) 20.0' (South)
Rear Yard	20'	21.0'
Maximum Lot Coverage	75%	67%
Useable Open Space	160 sq. ft./ one-bdrm unit; 320 sq. ft. for two-bdrm or larger (10,080 sq. ft.)	10,334 sq. ft.
Minimum Building Height	3 stories/ 40 feet	4 stories/ 47.75 feet
Auto Parking	Multi-family dwelling: 1 per unit (49); General retail; service; office: 1 per 400 sq. ft. floor area (4) (53 total)	70 total: 66 indoor, 4 outdoor
Accessible Stalls	Yes	3
Bike Parking	Multi-family dwelling: 1 per unit up to 2-bdrms, half space per add. bdrm. (49); 1 guest space per 10 units (5) General retail; service; office: 1 per 2,000 sq. ft. floor area (2 min.) (56)	55 total: 49 underground; 6 surface (See conditions)
Loading	None	0
Building Forms	Commercial Block Building	(See conditions)

Other Critical Zoning Items	
Yes:	Barrier Free, Utility Easements, Wellhead Protection (WP-14)
No:	Urban Design, Floodplain, Landmarks, Waterfront Development, Adjacent to Park
<i>Prepared by: Jenny Kirchgatter, Assistant Zoning Administrator</i>	

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

Public Utilities and Services: This property is served by a full range of urban services. Metro Transit currently operates all-day weekday service along Old Middleton Road, serving stops on the west side of N Whitney Way intersection. Additional all-day service operates on weekends across Old Middleton Road.

Project Description

The applicant is requesting approval of demolition permit and conditional uses to construct a four-story, mixed-use building containing approximately 1,450 square-feet of first floor commercial space and 49 apartments at the southwestern corner of Old Middleton Road and N Whitney Way following demolition of an existing one-story office building with a finished basement.

The approximately 0.79-acre site is characterized by approximately ten feet of grade change from the southern property line to the north and east, including a wooded six-foot tall hill adjacent to the southern property line. The building to be demolished sits on the western half of the parcel, with the remainder of the parcel occupied by a 24-stall surface parking lot located between the bottom of the hill and streets. Per City records, the existing building was constructed in 1959 as a place of worship and converted into offices and remodeled between 1987 and 1993. The building contains approximately 3,700 square feet of floor area on the first floor with a like-sized finished basement. Photos of the existing structure are included in the Plan Commission materials.

Following demolition of the building, the applicant proposes to construct a four-story building near the center of the parcel that will parallel Old Middleton Road. The building will be set back between 5 and 9 feet from N Whitney Way, and 20 to 28 feet from the southern property line abutting single-family residences at the northern end of Wynnwood Way, a north-south residential street that extends off N Whitney Way and ends in a cul-de-sac. A 21- to 25-foot setback is proposed from the western property line abutting a two-family residence located along Old Middleton Road.

The 1,450 square-foot commercial space will be located at the northeastern corner of the first floor adjacent to the Old Middleton Road-N Whitney Way intersection. A residential lobby, tenant exercise room, and two dwelling units are proposed in the eastern wing of the first floor, with the remainder of the ground floor to be used as parking for the project. A separate parking level is proposed below the footprint of the proposed building. Access to both parking garages will be located along the northern façade, with access to both garages and a four-stall surface lot to be provided from a single driveway from Old Middleton Road. Entrances to the commercial space will face Old Middleton Road, while the two first floor dwelling units will have direct access from the N Whitney Way sidewalk. Floors 2-4 of the mixed-use building will consist of the remaining 47 dwelling units proposed. In total, the 49 apartments will consist of 12 studio units, 26 one-bedroom units and 11 two-bedroom units. Parking for the proposed development will consist of 66 structured automobile parking stalls in addition to the four surface stalls. Bike parking for the project will include 49 spaces in the underground garage and six surface stalls.

The first floor of the building will be built into the hill along the southern property line, giving the appearance of a three-story structure adjacent to the single-family residences at the northern end of Wynnwood Way. In addition, a stepback is proposed along the southern façade of the fourth floor to aid in transitioning the mass of the building. A stepback is also proposed at the northeastern corner of the building overlooking the Old Middleton-N Whitney intersection, where a tenant community room and terrace are proposed. The building will be clad with a combination of stone veneer, horizontal composite siding, and cedar shake siding, and will include pergolas above the fourth floor balconies and community terrace.

Analysis

The applicant is requesting approval of a demolition permit to demolish the office building and conditional use approvals for a building containing two or more uses that exceeds 10,000 square feet of floor area in NMX zoning, a mixed-use building containing eight (8) or more dwelling units, a conditional use in the NMX District for a building exceeding three stories and 40 feet in height, and a conditional use in the NMX district for a building with less than 75% non-residential ground floor area.

Consistency with Adopted Plans

The subject site and properties to the south and west are not located within the boundaries of an adopted neighborhood or sub-area plan.

The 2018 Comprehensive Plan includes the subject site and nearby properties to the west along Old Middleton Road in the Neighborhood Mixed-Use (NMU) district. The NMU land use category calls for relatively small existing and planned activity centers that include residential uses, as well as retail, restaurant, service, institutional, and civic uses primarily serving nearby residents. Development and design in NMU areas should be compact and walkable, and such mixed-use areas should be well connected and integrated into neighborhoods. Development in the NMU district should be transit-oriented, even in areas where transit service does not yet exist, and buildings should be oriented towards streets and located close to public sidewalks. On-street parking is recommended where practical, with private off-street parking placed primarily behind buildings, underground, or shielded from public streets by liner buildings. Non-residential uses in NMU areas should focus on serving nearby residents, though some buildings may also include specialty businesses, services, or civic uses that attract customers from a wider area. An individual building should not include more than 10,000 square feet of commercial space, except for buildings containing grocery stores and/ or community facilities (such as libraries). Finally, buildings in NMU are recommended to be two to four stories tall and may include housing developed at a density up to 70 units per acre.

In addition, the 2018 Comprehensive Plan generally identifies the N Whitney Way-Old Middleton Road-University Avenue intersections as a transitioning community activity center. Within the hierarchy of activity centers in the Growth Framework in the 2018 plan, community activity centers tend to have access to transit and major streets, but are expected to develop at a lower intensity than regional centers and serve a smaller area, but may be more intensively developed than neighborhood activity centers.

The Comprehensive Plan emphasizes the need to transition underutilized automobile-dominated commercial areas already well served by transit into vibrant, mixed-use activity centers with a mix of uses, including a variety of residential development and the public infrastructure to support it. The plan encourages context-sensitive redevelopment within activity centers and mixed-use corridors, though redevelopment of some of the centers

may need to be prefaced by detailed planning to set the stage for some current commercial and employment areas to transition to vibrant mixed-use activity centers.

Further, Whitney Way and Old Middleton/ Old Sauk Road are identified in the 2018 Comprehensive Plan as a community growth corridor. According to the plan, community growth corridors are recommended along certain major streets in the city that have some transit, but lack a diversity of existing or planned future land uses. Many such corridors are or are expected to transition from an auto-oriented development pattern to more transit-, walk-, and bike-friendly styles of development.

The Planning Division believes that the development of a four-story mixed-use building on the subject site is consistent with the Neighborhood Mixed-Use recommendations for the site in the 2018 Comprehensive Plan. The proposed building represents a significant greater use of the subject site compared to the existing condition. However, staff believes that the proposed redevelopment reflects many of the attributes recommended for NMU development by the Comprehensive Plan, including the general massing and placement of the building and residential density of 62 units per acre. Staff also believes that the site is an appropriate location for the scale and intensity of development proposed given its location along two community growth corridors and on the edge of the community activity center that also includes the nearby University Crossing planned development to the north.

Conformance with Standards for Approval

For the demolition of the existing buildings, the Plan Commission shall find that both the requested demolitions and the proposed use are compatible with the purpose of Section 28.185 of the Zoning Code and the intent and purpose for the zoning district in which the property is located. In part, the purpose of Section 28.185 include aiding in the implementation of adopted City plans, protecting neighborhood character, preserving historic buildings, encouraging the reuse and/or relocation of existing buildings, and discouraging buildings falling into a state of severe disrepair. The proposed use of the property following the demolitions should also be consistent with the Comprehensive Plan and any adopted neighborhood plans. When making its decision, the Commission may consider and give decisive weight to any relevant facts including but not limited to the effects the demolition and proposed use of the subject property following demolition would have on the normal and orderly development and improvement of surrounding properties, the reasonableness of efforts to relocate the building, including the costs of relocation and the structural soundness of the building, impacts on street trees, and the limits that the location of the building would place on relocation efforts.

Similarly, the Plan Commission may not approve an application for a conditional use unless it can find that all of the standards found in Section 28.183(6)(a), Approval Standards for Conditional Uses, are met. That section states: "The City Plan Commission shall not approve a conditional use without due consideration of the recommendations in the City of Madison Comprehensive Plan and any applicable, neighborhood, neighborhood development, or special area plan, including design guidelines adopted as supplements to these plans. No application for a conditional use shall be granted by the Plan Commission unless it finds that all of the [standards for approval in Section 28.183(6) are met]."

Staff believes the Plan Commission can find the demolition standards are met with this proposal. The Landmarks Commission informally reviewed demolition of the building at its September 14, 2020 meeting and recommended to the Plan Commission that it had no known historic value.

Planning staff also believes that the project can meet the standards for conditional use approval. The proposed mixed-use building should not have an adverse impact on the uses, values, and enjoyment nor normal and orderly

of surrounding properties. While the scale, mass and footprint of the proposed building is significantly larger than the existing building, staff feels that the project has been designed to place most of the mass away from the lower density and scale single-family residences south and west of the site.

The Planning Division also believes that the Plan Commission can find that conditional use standard 12 is met to allow the proposed building to exceed the three-story and 40-foot height threshold in the NMX district. Per standard 12:

When applying the above standards to an application for height in excess of that allowed in the district, the Plan Commission shall consider recommendations in adopted plans; the impact on surrounding properties, including height, mass, orientation, shadows and view; architectural quality and amenities; the relationship of the proposed building(s) with adjoining streets, alleys, and public rights of ways; and the public interest in exceeding the district height limits.

The proposed building will stand approximately 47.75 feet above at its tallest point, with less height and mass proposed where the building will be set into the hill that extends along the southern property line, which will result in a three-story, approximately 35.75-foot tall mass along the southern facade. Staff feels that the combination of a stepback above the third floor along the southern façade and the 20-foot or larger setbacks proposed along the southern and western property lines will create an appropriate transition to the adjacent lower-scale, low-density residential uses. The modest stepback proposed at the northeastern corner should also reduce the mass of the building above the Old Middleton-N Whitney intersection. Overall, staff feels that the proposed four-story building is well designed and that it would not be in the public interest to not approve it.

However, in order to approve the project, the applicant will be required to work with the Traffic Engineering Division to provide safe access into the proposed driveway from Old Middleton Road consistent with conditional use standards 5 and 6:

5. *Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit and other necessary site improvements have been or are being provided.*
6. *Measures, which may include transportation demand management (TDM) and participation in a transportation management association have been or will be taken to provide adequate ingress and egress, including all off-site improvements, so designed as to minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets.*

Traffic Engineering staff is concerned that the driveway has the potential to cause queueing of westbound traffic entering the site into the Old Middleton Road-N Whitney Way intersection. In order to find that the above standards are met, the applicant will be required to reconstruct Old Middleton Road adjacent to the site to accommodate a protected left-turn lane at the driveway into the development, which may require the applicant to dedicate additional right of way or easements on the south side of the street. Because the northern edge of the Old Middleton right of way abuts railroad right of way, any land or easements required for the reconfiguration of the automobile and bike lanes will need to be dedicated from the project site. The cost of any reconstruction of Old Middleton Road and N Whitney Way adjacent to the site to provide adequate ingress and egress for the project, including modifications to the intersection, will be borne by the applicant and implemented through a developer's agreement to be executed prior to final approval and issuance of permits for the proposed development.

Conclusion

The applicant is requesting approval of a demolition permit and conditional uses to demolish an existing office building to construct a four-story mixed-use building containing approximately 1,450 square feet of first floor commercial space and 49 apartments. The Planning Division believes that the project is consistent with the Neighborhood Mixed-Use and community growth recommendations for the site in the 2018 Comprehensive Plan, and that the site is an appropriate location for the scale and intensity of development proposed. Staff believes that the building is well designed and that the various requests can meet the standards for approval, including the request to exceed the three-story, 40-foot height threshold in the NMX zoning district.

However, as a condition of approval for the project, the applicant will be required to reconstruct Old Middleton Road adjacent to the site as required by the Traffic Engineering Division to safely accommodate the proposed driveway, including the dedication of right of way or easements needed for the driveway-related reconstruction.

Recommendation

Planning Division Recommendation (Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission find that the standards for demolition permits and conditional uses are met to **approve** the demolition of an office building to construct a four-story, mixed-use building at 5201 Old Middleton Road subject to input at the public hearing, and the following conditions:

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

Planning Division

1. The applicant shall use close-spray foam insulation (or equivalent insulation type) and high-grade, highly sound-proof windows to provide additional sound-proofing in the place of traditional insulation, at least along the western, northern, and eastern elevations opposite the railroad.
2. The developer shall acknowledge the presence of existing and future high levels of noise and vibration resulting from trains operating on the nearby railroad right of way. The developer is strongly encouraged to include an acknowledgement regarding the presence of the railroad in the leases for all proposed units.
3. Dimension the stepback on fourth floor from the parapet above the third floor and label the spaces on the fourth floor on Sheet A-1.4.
4. Provide detailed floorplans for the proposed building, including labels for any balconies located on the fourth floor stepbacks.
5. Any proposed HVAC or utility penetrations for the building shall not face a public right of way or adjacent residential property. 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.

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

6. 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.
7. Construct sidewalk, terrace, curb, and pavement on Old Middleton Road and N Whitney Way as required by the City Engineer.
8. Madison Metropolitan Sewerage District (MMSD) charges 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.
9. Provide the City Engineer with the proposed earth retention system to accommodate the restoration. The earth retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system.
10. Obtain a Permit to Excavate in the Right-of-Way for the connection and/or installation of utilities required to serve this project; the developer shall comply with all the conditions of the permit.
11. 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.
12. An Erosion Control Permit is required for this project.
13. A Storm Water Management Report and Storm Water Management Permit is required for this project.
14. A Storm Water Maintenance Agreement (SWMA) is required for this project.
15. This site appears to disturb less than one (1) acre of land. No submittal to the Wisconsin Department of Natural Resources (WDNR), Capital Area Regional Planning Commission (CARPC) or the Wisconsin Department of Safety and Professional Services (DSPS) is required, as the City of Madison Building Inspection Department is an approved agent for DSPS.
16. 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.
17. 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.
18. 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 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.

19. This project will disturb 4,000 square feet or more of land area and require an Erosion Control Permit. Submit the Erosion Control Permit Application (with USLE calculations and associated fee) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.
20. This project will disturb 20,000 square feet 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.
21. 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.
22. 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, Public Health Madison-Dane County, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit.
23. 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.
24. 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 Madison General Ordinances.
25. 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 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: Reduce the peak discharge in the 10-year event by 15 % compared to existing conditions.
 - Volume Control: Reduce by 5% the peak volume discharged during the 10-year event compared to existing conditions.

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.

26. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
27. 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)

28. Due to the adjacent duplex using the addresses of 5203 and 5205, the new proposed building will need to reuse the base address of 5201 Old Middleton Road for both the commercial and the residential address. 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.

29. The easements reserved at the time of the partial vacation of Wynnewood Way, Document No. 1381079, reserved easements for public and private utilities, typically the reserved easements per statute are for those that exist at the time of the vacation. This site and the lot to the east currently have identical ownership. It is advised that the current owner declare an easement for the benefit of this site (Lot 2 CSM 9534) over that part of Lot 1, CSM 9534 as needed for the proposed water service to be installed as part of or prior to any future conveyance to assure clear rights are established for this new water service.

30. Submit 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. 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 final verification submittal stage of this LNDUSE 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 Division (Contact Sean Malloy, 266-5987)

31. The Traffic Engineering Division has concerns regarding the proposed driveway location for this development. The driveway in its current proposed location has the potential to cause westbound traffic entering the site to queue into the Old Middleton Road-N Whitney Way intersection. The applicant shall widen Old Middleton Road to allow left-turning vehicles into the site to be out the traveled way. Widening of Old Middleton Road may be required on both sides of the street to accommodate the driveway, which may require dedication of easement or right of way.

32. 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.
33. 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.
34. 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.
35. All parking facility design shall conform to MGO Section 10.08(6).
36. 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.
37. Per Section MGO 12.138 (14), this project is not eligible for residential parking permits. It is recommended that this prohibition be noted in the leases for the residential units.
38. 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.
39. All parking ramps as they approach the public right of way shall not have a slope to exceed 5% for 20 feet to ensure that drivers have adequate vision of the right of way. If the applicant believes public safety can be maintained, they may apply for a waiver; approval or denial of the waiver shall be the determination of the City Traffic Engineer.
40. 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 Austin Scheib, (266-4768) (ascheib@cityofmadison.com) Traffic Engineering Shop, 1120 Sayle Street. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign off.

41. 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.
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. Note: This site presents difficult constructability issues; access to neighboring sites must be maintained at all times, protected walkways will be constructed and maintained as soon as possible and little to no access to the public right-of-way on Old Middleton Road and N Whitney Way will be granted for construction purposes. Provide a detailed construction plan to Traffic Engineering for review by the Traffic Control Specialist (Mike Duhr) prior to final signoff.

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

44. 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.
45. Provide a profile detail showing the side yard height transition to the residential district abutting the south side property line.
46. Bicycle parking for the commercial tenant spaces shall comply with the requirements of MGO Sections 28.141(4)(g) and 28.141(11). The bicycle parking requirements for the commercial tenant spaces 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 100 feet of a principal entrance.
47. Bicycle parking for the multi-family dwellings shall comply with MGO 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 49 resident bicycle stalls are required plus a minimum of 5 short-term guest stalls. Up to 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.
48. Screening is required adjacent the zoning district boundary along the south side property line. Screening shall be provided along side and rear property boundaries between commercial/ mixed-use districts and residential districts. Screening shall consist of a solid wall, solid fence, or hedge with year-round foliage, between six (6) and eight (8) feet in height. Submit a detail of the screening fence with the final plans.
49. Provide details showing that the primary street façade abutting N Whitney Way 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 60% of the length and at least 40% of the area of the ground floor of the primary street facade. At least 50% of windows on the primary street facade shall have the lower sill within three (3) feet of grade. For residential uses at ground level, a minimum of 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 15% of the upper-story wall area.

50. 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.
51. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31 Sign Codes. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Fire Department (Contact Bill Sullivan, 261-9658)

52. Fire lanes shall be constructed of concrete or asphalt only, and designed to support a minimum load of 75 psi.
53. Provide direct access to the roof from an exit enclosure via a ships ladder or stairs.
54. Please consider allowing Madison Fire Department (MFD) to conduct training sequences prior to demolition. Contact Division Chief Paul Ripp of the MFD Training Division at pripp@cityofmadison.com or (608)712-6277 to discuss this possibility.

Parks Division (Contact Sarah Lerner, 261-4281)

55. 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 West Park-Infrastructure Impact Fee district. Please reference ID# 20038 when contacting Parks Division staff about this project.

Forestry Division (Contact Wayne Buckley, 266-4892)

56. The 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 266-4816. Penalties and remediation shall be required. Add as a note on the plan set.
57. 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 (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. Add as a note on the plan set.
58. 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*. All street tree planting locations and tree species within the right of way shall be determined by City Forestry. A landscape plan (in PDF format) shall be submitted to City Forestry for approval of planting locations and tree species. All available street tree planting locations shall be planted within the project boundaries. Add the following note to plan: At least one

week prior to street tree planting, the contractor shall contact City Forestry (Jeff Heinecke) at (608) 266-4890 to schedule inspection and approval of nursery tree stock and review planting specifications with the landscaper.

59. 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 the plan set.
60. Street tree pruning shall be coordinated with Madison Forestry at a minimum of two weeks prior to the start of construction for this project. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on the plan set.
61. Section 107.13(g) of City of Madison *Standard Specifications for Public Works Construction* 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 the plan set.
62. An existing inventory of street trees located within the right of way shall be included on the landscape, site, demo, and utility plans. 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 to be removed and the reason for removal.

Water Utility (Contact Jeff Belshaw, 261-9835)

63. This property is in a Wellhead Protection District–Zone (WP-14). The applicant shall provide the Madison Water Utility with confirmation that no hazardous and/or toxic materials will be stored on site, and that all proposed uses of this site comply with the City of Madison Wellhead Protection Ordinance. Any future change in use for this property will require review by the Madison Water Utility General Manager or his designated representative. Contact Adam Wiederhoeft at awiederhoeft@madisonwater.org for additional information, including a summary of the submittal requirements.

64. Madison Water Utility will be required to sign off as part of the approval review associated with this Land Use Application/Site Plan Review prior to the issuance of building permits for the proposed development.
65. 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.
66. 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 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. 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 266-4646.

Metro Transit (Contact Tim Sobota, 261-4289)

67. In coordination with public works improvements, the applicant shall replace the existing concrete boarding pad for the existing bus stop on the south side of Old Middleton Road, west of N Whitney Way (#2787). The new concrete boarding pad shall be at least five (5) feet west of the existing terrace tree that is west of the new driveway, and measure 10 feet in width.

68. The applicant shall install and maintain a concrete bench pad surface as part of the private landscape plan opposite this new bus stop zone. The applicant shall install and maintain a new passenger bench seating amenity in this area, as part of the private landscape plan. 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.