

In Support of the Appeal {Legistar 84123}  
of the Plan Commission Actions of 10 June 2024  
Regarding the Conditional Uses {Legistar 82972}  
of the Proposed Development at 6610-6706 Old Sauk Rd

Submitted: 2 July 2024  
By: Michael A. Green

#### BACKGROUND

- The (virtual) Plan Commission meeting of 10 June 2024 acted upon these Agenda Items
  - Item 23, Legistar 82950, Demolition Permit
  - Item 24, Legistar 83477, Rezoning – *Excessive and proactive; not covered in this Appeal*
  - Item 25, Legistar 82972, Conditional Use (CU) – Covered in this Appeal
  - Item 26, Legistar 82979, CSM
- The foundation of this meeting was a 24 page Planning Division Staff Report [Ref 1, Appendix 4] released to the public on 7 June giving residents a long weekend to review its contents.

#### PURPOSE

- In support of this Appeal **we oppose the Plan Commission (PC) approvals of Conditional Use** as described in the following.

#### NATURE OF THE APPEAL

- PC Review Submission – **Immediately following the PC meeting, on 13 June, a Review of that meeting was submitted that was sharply negative both as to its Process and a general disregard of its own judgement criteria and their interpretation.** Unfortunately, without reference to a Legistar number, those comments cannot be found on the Internet or referenced to that meeting. This appears as Reference 2, Appendix 1.

This reference concludes that close partnership existed between the City and the developer over a long period of time; and the **outcome was basically predetermined.** The public was allowed to speak on a metered basis, unless there were followup questions ... of which there were none. By contrast, questions were asked, in favor of the developer, which deferentially extended their speaking time. **This pattern is directly mirrored, and evidenced by unanimous (the default!!!) passage of all Agenda Items.**

It should be noted that **for District 19, across all agenda items, there were 420 opposing votes and 30 supporting votes.**

- Specifics of the Appeal – The Staff Report, and its careless, no-resistance acceptance by the PC, fed forward to comments [Ref 3, Appendix 2] presented to the Common Council (CC) meeting of 18 June [Ref 4]. Legistar 82972 (Conditional Use), critical to development approval, and the most fraught with problems, was not on the Agenda, and it therefore contributed considerably to that presentation.

The Staff Report had three **Judgement Criteria**:

1. “Additionally, 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.
2. CU Standard #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 ...**”
3. “The City Plan Commission shall not approve a conditional use without due consideration of the recommendations in the City of Madison Comprehensive Plan ...” which reads “... **newly developing LMR areas should be seamlessly integrated with surrounding development**”.

These are the Conditional Uses, from the Staff Report, with comments:

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

Specific to this appeal is that there is definite, quantifiable, demonstrably tangible risk of flooding to neighbors immediately to the north of the proposed development. This has been the subject of considerable documentation (cf. Ref 5) and needs no repetition here. While acknowledging these concerns the Report then somewhat glibly says “... staff does not believe that the information provided in these comments suggest that this standard cannot be met.” This is not the same as saying, categorically, that they can be met. Thus, and using the Staff’s word “believe” it can, **at best, be said CU #1 is incomplete and unresolved.**

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

The Report says “... nothing out of the ordinary in providing municipal services to this property because of the proposed development”. Given the exposure that the City has incurred from CU #1 [Ref 6], it is **not at all obvious if, in the present case (stormwater), this statement is true or not; it defaults, too, to incomplete and unresolved.**

3. *The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner.*

As the Report says: “This is often the most difficult standard ... to address”. It involves input (which has been near-unanimously negative) from neighborhood residents or property owners; it also acknowledges that **“The proposed building has elicited a significant amount of correspondence from nearby residents ...”** There is no known, first-hand knowledge of (monetary) value ever coming up in local discussions. However, “enjoyment” is subjective (for either residents or the City). **To residents: noise, lighting, added traffic, on-street parking, and the profound loss of green space will all impair and diminish enjoyment ... no question.** So, did the PC approve this based on “substantially”, or not? How does one satisfy the “substantial evidence” Criterion given the criterion for “substantial evidence”? **The “substantial evidence” favors residents in this case.**

4. *The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*

The Report does say: “... the proposed building represents a significantly different building form compared to what currently exists on the subject site and on surrounding properties ...”

Although this thought carries forward, there is no other particular comment.

5. *Adequate utilities, access roads, drainage, internal circulation improvements for pedestrians, bicyclists, public transit and vehicles, parking supply (in cases with minimum parking requirements) and other necessary site improvements have been or are being provided.*

Regarding drainage (see CU #1 comments, above), this issue is still incomplete and unresolved. As to parking, it is very hard to believe that this development will not result in on street parking. This could easily be by residents not wanting to pay monthly underground parking fees or wanting to beat rush hour egress or ingress (on a single, internal driveway).

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

No comment.

7. Does not apply.

8. *When applying the above standards to any new construction of a building or an addition to an existing building the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district. In order to find that this standard is met, the Plan Commission may require the applicant to submit plans to the Urban Design Commission for comment and recommendation.*

This is far harder than CU #3 to be justified in compliance by the PC; notably, they made no mention of this in their Minutes. Here, Judgement Criteria #2 & #3 pertain, which use phrasings “creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area ...”, and “seamlessly integrated with surrounding development”.

First, note the Reports’ comment on “significantly different building form” under CU #4, above. Then, referring to the Table at the end of Ref. 2, there is a comparison with what should be the developer’s best case comparable, viz. the adjacent Settlers Woods apartments. That Table summarizes the comparison of properly-scaled vertical height (top panel) and horizontal length (bottom panel); also included is curb setback from Old Sauk Road based on data from the developer and Google Earth. This is the comparison:

- Settlers Woods is somewhat shorter in height – 2 floors with a standard, pitched roof falling away from the viewer.
- Curb setback
  - Settlers Wood – 84 feet
  - New Development – 35 feet

- Apparent (angular, above horizon) Height – Owing to shorter height and greater setback, Settlers Woods is 2-3 times shorter than the proposed development
- Length
  - Settlers Woods – 100 feet
  - New Development – 400 feet
- Dwelling Units per Acre
  - Settlers Woods – 14.4 (derived from City records)
  - New Development – 36.6 (from developer)

Bearing in mind that the surrounding neighborhood is R1, the comparisons (see figures in Ref 7) weigh even more unfavorably against the new development. Again, does the PC approve this based on “aesthetic desirability” and “seamlessly integrated with surrounding development”, or not? How does one satisfy the “substantial evidence” Criterion? Put this to a neighborhood poll (as opposed to the top-down model of governance): Would any reasonable, unbiased poll sustain the City’s viewpoint or that of the neighboring community? **Objectively, numerical comparisons are quite against this development; and, subjectively, a neighborhood poll would come to the same conclusion.**

9. - 16. Do not apply.

- **Conclusion – Conditional Uses #1, #2, and #5 are incomplete and unresolved with a default of not satisfied. CU #3 is not satisfied. CUs #4 & #6 have no comment. CUs #7 and #9-16 do not apply. Conditional Use #8 is demonstrably non-compliant with any reasonable interpretation of the Judgement Criteria.**

These insufficiencies are the basis for our Appeal. It should be emphasized that fundamental problems in the Staff Report were summarily, and unanimously rubber-stamped by the Plan Commission, oblivious to residential input, thus approving Conditional Uses which do not then come before the Common Council per se; that is, everything downstream from the Staff Report is similarly flawed. Adding grievous insult-to-injury the Common Council then proactively, and excessively upzoned the properties, a practice which the City should know is not well received by neighborhoods as it leverages its position into the future.

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References:

- 1) Planning Division Staff Report; see Appendix 4
- 2) Personal critique of the 10 June 2024 PC meeting; see Appendix 1
- 3) Personal CC presentation – outline form; see Appendix 2
- 4) Agenda Items 13 (Legistar 83477, Rezoning) and 49 (Legistar 82979, CSM)
- 5) Under [Legistar 82972](#) – See discussions in “[Public Comments June 2024.pdf](#)”, pgs 36-37, 144-147, and 200-203
- 6) See, for example, greyed, Major/Non-Standard Conditions on pgs 15 & 16 of the Planning Division Staff Report; Appendix 4
- 7) Opposition - Stone House Dev 6610-6706 Old Sauk Rd (Mike & Lynn Green).pdf ; Appendix 3

# Appendix 1

the-greens31@charter.net

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**Subject:** Comments on 10 June Plan Comm Mtg OR Madison's Future

Good afternoon

Attached is a review of the process at the Plan Commission meeting at 5:30 pm on Monday 10 June that considered the proposed development at 6610-6706 Old Sauk Rd.

This is a synthesis of how our family members perceived that meeting. Nevertheless, it likely approximates what others in our opposition would say as well. It is meant to give feedback that will hopefully improve the process.

I wish the circumstances were otherwise and this review were very different; at the heart of this matter is politics and top-down governance versus bottom-up policy that begins with neighborhood communities.

In the future, I look forward to seeing this reversal, possibly with different leadership. It's one thing to chronicle talking to residents, to show "citizen involvement", but it is entirely different if that box is checked and the input ignored.

There also needs to be a truly long-term discussion about what makes Madison what it is, what it takes to preserve that "charm", and set realistic limitations on what we can and want to achieve without eventually diminishing what we love; this needs to be written into the Area Plans and the Comprehensive Plan. Then, the current, short-term impetus to densify needs be consistent with some notion of boundaries written into those Plans.

There is a larger picture here.

Thank you,

Michael A. Green

6709 Old Sauk Rd.

Madison

Re: Virtual Public Hearing, Plan Commission Meeting, 5:30 pm on 10 June 2024  
Agenda Items #23, 24, 25, 26  
Concerning the Proposed Development at 6610-6706 Old Sauk Rd

### A Citizen's Experience

Disclaimer: Our position was in opposition to the proposed development. On all points, we lost.

Purpose, to Describe: First, how the process was conducted, or "how the game was played".  
Second, there are arbitrary, imprecise, qualitative judgement "features" in the process that can, depending on how they are selected, or spun, toggle the outcome to the one desired.

Impression: It was a thoroughly miserable experience in local civics and citizen involvement in the discussion of this proposal and of Madison's housing crisis. In a top-down policy environment the neighborhood is marginalized, rather than coming first.

To Begin:

#### 1. Accessibility

- a. There were Zoom login problems because of incorrect instructions to viewers or IT setup. I had to intervene, when another speaker was called, to bring this up as the problem became known from neighbors; this got a nod of recognition, but no redress or apology from the Plan Commission (PC). Had the public's input been valued, this could have been remedied *before* continuation; that was not the case.
- b. The answer to any of the following complaints is/was/or will be that this is not how PC meetings are run; this is not helpful if this is your first, virtual PC meeting.
  - i. Never have I seen a Zoom setup like this ... and I've been to too many virtual meetings:
    - (1) No chat function (useful to ask moderator a question offline)
    - (2) No video function (my presentation relied on being able to hold up an exhibit and I was unable to do so); a possible counter argument was that my graphic could have been sent to the PC ahead of meeting. I didn't do this since I was unfamiliar with their procedures and setup and I wanted to be able to rehearse and time optimize my presentation
    - (3) No participants icon that would/could have indicated login problems
    - (4) Screen so sparse of detail one couldn't even tell if logged in (to speak) or not
  - ii. With no "time expires in xxx seconds" messaging to speakers, speakers were just cutoff even in mid-sentence.

#### 2. Communication

- a. There was an unmistakable, deferential camaraderie between the PC and the developer. The public are definitely on the "outside looking in" of that relationship.
- b. Public input was metered, but not uniformly. Presentation cutoff times varied from 3-3.5 minutes.
- c. By contrast, the developer could be, and was, granted more, unlimited time by virtue of

- simply being asked a leading, soft-ball question by a PC member. There were no instances of the public or its experts being asked any questions or in any way being engaged in dialog. The tone of the meeting was clearly in favor of the developer.
- d. The PC only had discussion about approval, justification, and praise for developer.
  - e. The PC's appreciation to public attendees that "your voice was heard" and "we know how difficult this process can be", etc. came across as hollow and disingenuous on the verge of becoming insulting.
  - f. Finally, all four Items were summarily passed in oblivious disregard for the public's input.
3. PC Decision Making
    - a. The outcome was clearly pre-ordained and never in doubt; the default on every motion was always "unanimous consent assumed unless a hand is raised" (by a PC member) ... there was never any discussion, or raised hands: every motion was systematically unanimous. The cruxes of public feedback summarily vanished.
    - b. In this case, at least, the developer worked with the PC for months to reach a mutually desirable outcome; a Staff Report from the Plan Division had gone to the PC a few days before the Meeting where it is given a "public hearing". Since the public's voice is not listened to, absorbed, thought about, questioned, and/or assimilated, "public hearing" essentially means the public gets to hear, but not interfere with, the agreed-to plan.
  4. The Staff Report – [shown in blue are examples of critical measures spun for a desired result](#)
    - a. Pg 12 is a mess – Under Recommendations the 1<sup>st</sup> & 3<sup>rd</sup> bullets are from another development. Was ignoring these obvious, major written gaffes called for, or was there important text that should have been there and made available to the public?
    - b. There are qualitative, subjective, and tentative wordings such as "could find", "believes", "feels" in critical instances in the absence of more quantitative, objective, and certain measures. This was invariably replaced by either language that discounted negative assertions or resulted in recommended "fact".
    - c. [The development's frontal view is nowhere close to the Comprehensive Plan's wording "... newly developing LMR areas should be seamlessly integrated with surrounding development"](#). This has previously been included in written, public comments including graphics; this would have been shown except that the PC does not allow video. But no matter: the developer justified (to itself and the PC) the proposed building's height and massing by comparison to another, higher complex over a mile away that happens to be in a more appropriate zoning setting and has BRT. The best comparable is the apartments immediately to the east of the proposed development; had they been used for comparison it is immediately apparent that it is vastly exceeded by the proposed building. See attachment.
    - d. Rebuttal of storm water issues was incomplete at best; possibly incorrect at worst. New concepts became apparent in the Staff Report that suggest a storm water easement, and which the City will acquire if the developer can't. This is a new chapter in the discussion.
    - e. [Select conditions](#) – These were spun to justify additional upzoning (in this case du/ac) but also setting future precedent for much greater scale and density (a process the City terms proactive rezoning) elsewhere. Staff and PC stated that arterial status and bus availability were " ... most significant factors as to why the proposed development may be approved." despite the complex not meeting at least 3 other, more significant factors. This is arbitrary cherry-picking favorable to a desired outcome.

Here is a table of those factors, with various points of view; [red is negative](#), [green is positive](#), and [brown is in between](#).

Factor	Opposition's Position	PC	
		Position	Resolve
Relationships between proposed buildings and their surroundings	Totally Negative Simply not consistent with Comprehensive Plan wording	Negative: Staff acknowledges that the scale and mass of the proposed building will be unlike any other residential building in the surrounding area. But then side with the developer's efforts	Pass
Amenities	Negative: only has meaning if within walking distance	Other than onsite – Unsubstantiated	Pass
Urban Service	None (other than bus which is double counting)	Other than bus (already included) – unsubstantiated	Pass
Arterial Street	Negative: 2-lane, at capacity; don't use to leverage more usage; overflow parking problem especially in winter; OSR is a minor arterial road	Say fulfilled	Pass
Transit	Bus line; leveraged by "arterial" street designation; little usage at present	Overplay	Pass
Natural features	Arguable since not defined. There are trees, wildlife, and good soil. There is a historic barn, likely the last in Madison and one of the few in Dane County ...	Say fulfilled	Pass
Park	Say fulfilled	Say fulfilled	Pass

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In conclusion: This process cannot be distinguished from being political with enough arbitrariness to produce a desired outcome. Is there any monitoring, oversight, check or balance of the Plan Commission procedures? How is meaningful, bottom-up neighborhood feedback and dialog restored to this process?





Side-by-Side Comparison: Top – illustrates height; Bottom – best illustrates frontal length and overall comparison.

BEST, IMMEDIATELY NEIGHBORING, COMPARABLE COMPARISON

Parameter	Proposed Building	Settlers Woods
Frontal Length	400 ft	100 ft
Setback from Curb	35	84
Height	More	Less
Ratio, Apparent (Angular) Height from Curb	2-3	1
Dwelling Units / Acre	36.6	14.4

## Appendix 2

### Public Hearing, CC 18 June

These remarks oppose the proposed development of the Pierstorff century farm.

Last week the Plan Commission acted on a Staff Report, and proposed demolition, conditional use, rezoning, and CSM. The last two appear as items #13 & #49 on tonight's Agenda.

Last Friday I submitted a critique of that meeting's process, parts of which are addressed here.

- We oppose 3 aspects, in particular
  - 1<sup>st</sup> – Stormwater concerns from vastly increased impervious land coverage and likely climate change ... this is addressed separately;
  - 2<sup>nd</sup> – Overbearing massing
  - 3<sup>rd</sup> – Proliferation of rental-only apartments that rule out owner-occupied missing middle housing.
  
- Some Specifics of this Process
  - Presentation of storm water issues was incomplete at best; possibly incorrect at worst.
  - As to Massing
    - Judgement Criteria
      - “... findings must be based on substantial evidence (Staff Report)
      - Applicable Conditional Use Standard #8 reads “... Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area ...”

- “... conditional use shall ... consider ... the recommendations in the ... Comprehensive Plan ... which reads “... newly developing LMR areas should be seamlessly integrated with surrounding development”.
  - The Plan Commission sustained development
    - Citing “significant setbacks” (from the Plan Commission Minutes)
    - “Despite the proposed building being notably larger than those in the surrounding area, staff *feels* that the building ... etc. can create an environment of sustained aesthetic desirability.” (from the Staff Report)
    - **Notably, no mention made of Standard #8**
  - Developer’s comparable was over a mile away instead of the adjacent Settlers Woods apartments.
  - Picture + other comparisons
  - **The development’s street view is nowhere close to words like aesthetics, seamless, or integrated.**
- [As to zoning & land use there are the Select Conditions](#) – Despite all conditions not being met, including 3 of greater significance, the findings were
  - 1<sup>st</sup> ... arterial status and bus availability “ are the most significant factors as to why the proposed development may be approved.”
  - 2<sup>nd</sup> Spun to justify and leverage additional upzoning and setting precedent for much greater scale and density elsewhere in the future.

In conclusion: This process cannot be distinguished from being political with enough arbitrariness to produce a desired outcome. Please consider how meaningful, bottom-up neighborhood feedback and dialog can be restored to this process.

- There are qualitative, subjective, and tentative wordings such as “could find”, “believes”, “feels” in critical instances in the absence of more quantitative, objective, and certain measures. Such passages invariably ended in discounting opposing assertions or resulted in recommended “fact”.
- Staff Report, Pg 12 “a mess” if it had mattered, it would never have been released as written
- My professional career involved definitive measures, numerical and graphic analysis, and weighted factors in multi-factor requirements. Not nearly so in the case of the Staff Report and its judgement which involved subjective findings and cherry-picked selection criteria. This was a pre-ordained, political exercise.
- There was an unmistakable, deferential camaraderie between the PC and the developer. The public are definitely on the “outside looking in” of that relationship.
- In this case, at least, the developer worked with the PC for months to reach a mutually desirable outcome; a Staff Report from the Plan Division had gone to the PC a few days before the Meeting where it is given a “public hearing”. Since the public’s voice is not listened to, absorbed, thought about, questioned, and/or assimilated, “public hearing” essentially means the public gets to hear, but not interfere with, the agreed-to plan.
- With 12 members on that Commission, what’s striking is that without meaningful discussion all votes are presumed unanimous (by default) ... unless someone raises a hand. Incomplete idea of members present. Unanimity strongly suggests prior discussion and approval; i.e. the outcome is pre-approved outside of and before the “Public Hearing”.
- The outcome was clearly pre-ordained and never in doubt; the default on every motion was always “unanimous consent assumed unless a hand is raised” (by a PC member) ... there was never any discussion, or raised hands: every motion was systematically unanimous. The cruxes of public feedback summarily vanished.
- All four Items were summarily passed in oblivious disregard for the public’s input.
- This political process features strictly top-down determination with window-dressing community input on consequential issues.
- Public input metered to 3 minutes. By contrast, the developer could be, and was, granted more, unlimited time by virtue of simply being asked a leading, soft-ball question by a PC member. There were no instances of the public or its experts being asked any questions or in any way being engaged in dialog. The tone of the meeting was clearly in favor of the developer. The PC only had discussion about approval, justification, and praise for developer.
- Zoom
  - Login accessibility: links caused problems.
  - No participants icon that would have indicated problems
  - No chat; no video (couldn’t show graphic)
  - Screen so sparse with information couldn’t readily tell if logged in
- Last minute release of the Staff Report

# Appendix 3

Position Against  
Proposed Stone House Development of the  
Pierstorff Farm, 6610-6706 Old Sauk Road  
Mike and Lynn Green  
44 Year Residents at 6709 Old Sauk Rd, Opposite the Proposed Development  
5 June 2024

We are firmly against this Proposal as it stands. We are not against change, development, some increase in density, residents of any ethnicity/race or economic status, or proper use. This Proposal has major deficiencies that are technical, that include overbearing size, and that are inappropriate in use as described below.

Originally, Stone House Development (SHD) showed an interest in community/neighborhood feedback. That feedback has consistently been negative. As planning and development progressed, mutual interaction with SHD faded and that with City Planning was most disheartening both for this project and, so far, for the evolving West Side Plan. The developer is out to make money while following the City's lead. As to the latter, there is a stark difference between present City policies and those of past administrations regarding the evolution of Madison. Previously, Madison housing had bottom-up, neighborhood/community driven policies; now that is reversed with top-down policy that marginalizes local involvement. Rationale for current policy is overly weighted, to dominated, by a projected massive influx of new residents over the next few decades; that will come at the expense of current residents with differing values, vision, and preferred use. But, this is a topic in its own right that is being developed elsewhere [Ref 1]. The fundamental point is that there should be a mutual discussion of these values, and not a monolog on our part that is unheard by the City, before a massive, and yet another, rental-only apartment complex is built.

Specifics of Opposition – There are many issues of which these are the most significant.

- **STORMWATER MITIGATION** – Homes immediately to the north, and downhill from the proposed development suffered damage from the “1000 year” rainfall in August 2018; and that was from farmland that could absorb water. This situation will likely/possibly get worse either from climate change or that the real Recurrence Interval for similar storms is actually much less than 1000 years. The problem gets even worse when the site becomes 60% impervious because of construction. These north-border residents have vivid recollections of flooding damage, the heightened likelihood of worsened conditions, and thus major concern for the proposed development.
- **MASSING** – LMR land use permits 3 stories and 30 dwelling units per acre (du/ac). This development is 3 stories and 36 du/ac which would require escalation for “special conditions”. First, the escalation increases capacity/density by roughly 20%, which is to say, areal coverage by the same amount. But, not allowing that escalation reduces the building footprint which has two beneficial effects. The first effect is to reduce the storm water problem (above) and the second enables further increasing setback(s) for an already offensive structure.
  - The developer shows what are taken to be “comparables” in the area [Ref 2] but does not

show them juxtaposed with the proposed development. Some of these (not cherry-picked) comparables are shown side-by-side in [Ref 3] with comparison to neighborhood housing and a nearby apartment complex.

- Starting with the comparison most favorable to the developer, the nearby Settlers Woods apartments, one observes a much shorter extent along Old Sauk Road (roughly 100 ft vs 400 ft) and shorter height. But, the most noticeable difference is the setback from the curb: roughly 87 ft vs 37 ft which is to say the “apparent” height of the new development is more than twice that of its nearest “comparable” besides being 4 times longer.
  - Comparison (height and frontal length) of the new development to its surrounding [houses in Ref 3] highlights how incongruous this structure actually is; and in the length comparison bear in mind that the apartment is an unbroken, continuous “wall”.
  - The Comprehensive Plan states “... newly developing LMR areas should be seamlessly integrated with surrounding development” with which the Plan Commission is supposed to be consistent. A reasonable comparison of this development to its surroundings shows it is neither seamless or integrated, either in height or frontal extent. This development is literally and figuratively “in your face”. On this single, basis alone this proposal should be rejected. Subjectively, it is appalling.
- USE – Whereas much is made of the “housing crisis”, there is an acknowledged crisis-within-a-crisis in terms of housing alternative to rental, apartment-only construction. This alternative, “Missing Middle” housing offers occupant ownership with several benefits. Renting means landlord control. Rental rate increases are the highest in the country [Ref 4]. Skyrocketing rental rates increase owner profits ... indefinitely. Rentals are already 60% of Madison housing; substantially increasing to more and more apartments from influx exacerbates all of these negatives. It does not appear to be providing, nor is it likely to provide “affordable housing”. Non-rental, Missing Middle housing is the needed alternative which must be enabled. Further, and more importantly for the community, ownership provides investment not just financially but also in the neighborhood. Owners are likely to be longer-term residents with families who participate in local, civic activities, send their kids to local schools, and become active and vibrant neighbors that thrive and grow in this housing type. Present understanding is that the Stone House apartment proposal is neither family-oriented nor affordable (especially to families).

*City Leveraging* – There is another problem at play as well, and that is the City leveraging its position on Old Sauk Road (OSR). This is a two lane road with few crosswalks (three now, it used to be only one at Crestwood School) in the 1.2 mile stretch between Old Middleton Road and Gammon Road. It is a very busy road, with often speeding traffic (passing over the center line or in the parking lane) and scant speed enforcement that, to a resident on OSR, is already at capacity. The SHD proposal will double to triple the number of dwelling units in that stretch of road. Further, the City with its Proactive Zoning philosophy has aspirations to build more higher density units just east of here. All of this is just “piling-on” (leveraging), by the City, to a saturated corridor.

*Timing* – These comments come ahead of the Plan Commission’s Public Review of the SHD Proposal on 10 June. That Review will cover Re-zoning and Conditional Uses but the Staff

Report covering the “specific standards” against which the Proposal will be judged are not available until noon on Friday, 7 June. As a result, comments, above are necessarily incomplete as not only the “specific standards” but the parameters to be judged are not yet spelled out or available. Further, and worst of all, is that there are only a few days over the weekend for citizens to read over the objective details of the Proposal before the Public Review. This simply is grossly unfair to the public reviewers.

Finally, review, and possible passage of the SHD come at a time when other, relevant and possibly consequential meetings are occurring. One such is the series of the Housing Strategy Subcommittee which, in part, is looking into timely solutions for Missing Middle housing; it is believed that results from that study should be released this summer. Additionally, there is the ongoing and maturing West Area Plan meetings and drafts. The property addressed in the Proposal is in the West Area and would, or should, be subject to its recommendations. Both of these series concern getting-it-right where new development is concerned. The City’s development polices should reflect, and give substantial weight to, these ongoing studies in lieu of maximizing apartment construction (present form of densification).

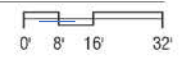
#### References

- [1a] March 8, 2024 [Fanlund, Cap Times] [“City hall is taking aim at Madison homeowners' neighborhoods”](#)
- [1b] March 16, 2024 [Soglin, Cap Times] [“Madison zoning plan stinks, and so does its implementation”](#)
- [1c] March 25, 2024 [Fanlund, Cap Times] [“Does zoning furor suggest Madison is becoming two cities?”](#)
- [1d] March 29, 2024 [Soglin, Cap Times] [“Zoning proposals would erode Madison's sense of place”](#)
- [1e] April 1, 2024 [Fanlund, Cap Times] [“Historian Mollenhoff laments power shift to Madison planners”](#)
- [1f] May 24, 2024 [Fanlund, Cap Times] [“The common narrative around Madison rezoning is misleading”](#)
- [2] Pg 18, [Project Plans, #3, Legistar 82972 Version 1](#)
- [3] See side-by-side comparisons (attached)
- [4] March 28, 2023 [Channel 3] [“Madison year-over-year rent increases are the highest in the country, study finds”](#)



- HIGH ROOF 136'-2"
- ROOF 133'-0"
- THIRD FLOOR 122'-4"
- SECOND FLOOR 111'-2"
- FIRST FLOOR 100'-0"
- PARKING LEVEL 88'-0"

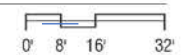
2 SOUTH ELEVATION  
A201 1/16" = 1'-0"







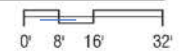
2 SOUTH ELEVATION  
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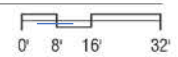
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- ROOF 133'-8"
- THIRD FLOOR 122'-4"
- SECOND FLOOR 111'-2"
- FIRST FLOOR 100'-0"
- PARKING LEVEL 89'-0"

2 SOUTH ELEVATION  
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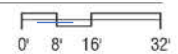


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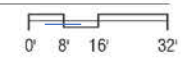
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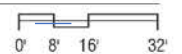
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- ROOF 133' - 6"
- THIRD FLOOR 122' - 4"
- SECOND FLOOR 111' - 2"
- FIRST FLOOR 100' - 0"
- PARKING LEVEL 89' - 0"

2 SOUTH ELEVATION  
1/16" = 1'-0"





2 SOUTH ELEVATION  
1/16" = 1'-0"



# Wyndemere Condominiums

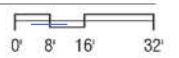


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- HIGH ROOF 136' - 2"
- ROOF 133' - 6"
- THIRD FLOOR 122' - 4"
- SECOND FLOOR 111' - 2"
- FIRST FLOOR 100' - 0"
- PARKING LEVEL 89' - 0"

2 SOUTH ELEVATION  
1/16" = 1'-0"



# Wyndemere Condominiums



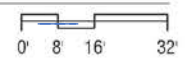
2 SOUTH ELEVATION  
1/16" = 1'-0"







2 SOUTH ELEVATION  
 A201 1/16" = 1'-0"





**Project Addresses:** 6610-6706 Old Sauk Road

**Application Type:** Demolition Permit, Zoning Map Amendment, Conditional Uses, and Certified Survey Map Referral

**Legistar File ID #** [82950](#), [83477](#), [82972](#), and [82979](#)

**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted

**Reviewed By:** Kevin Firchow, Planning Division  
Bill Fruhling, Interim Planning Division Director

### Summary

**Applicant:** Helen H. Bradbury, Stone House Development; 1010 E Washington Avenue, Suite 101; Madison.

**Property Owner:** Robert Pierstorff; 6610 Old Sauk Road; Madison.

**Surveyor:** Zach Reynolds, Wyser Engineering, LLC; 300 E Front Street; Mount Horeb.

#### Requested Actions:

- ID [82950](#) – Consideration of a demolition permit for 6610-6706 Old Sauk Road to demolish two single-family residences and a two-family residence;
- ID [83477](#) – Consideration of a request to rezone 6610-6706 Old Sauk Road from SR-C1 (Suburban Residential–Consistent 1 District) and SR-C3 (Suburban Residential–Consistent 3 District) to TR-U2 (Traditional Residential–Urban 2 District);
- ID [82972](#) – Consideration of a conditional use in the [Proposed] TR-U2 (Traditional Residential–Urban 2 District) for a multi-family dwelling with greater than 60 units and consideration of a conditional use in the TR-U2 District for outdoor recreation, all to allow construction of a three-story, 138-unit apartment building with an accessory outdoor pool; and
- ID [82979](#) – Approval of a Certified Survey Map (CSM) to create one lot for the proposed residential development.

**Proposal Summary:** The applicant is seeking approvals to redevelop two parcels located at 6610 and 6706 Old Sauk Road with a three-story, 138-unit apartment building with an outdoor pool following the demolition of a single-family residence at 6610 Old Sauk Road, a two-family residence at 6612-6614 Old Sauk, and a single-family residence at 6706 Old Sauk. The proposed apartment building will include parking for 143 automobiles underground and in 25 outdoor stalls, and a total of 154 bike parking stalls. The two parcels will be combined into one lot by CSM. The letter of intent indicates that construction will commence as soon as all regulatory approvals, with completion anticipated in September 2025.

**Applicable Regulations & Standards:** Section 28.182 of the Zoning Code provides the process for zoning map amendments. Table C-1 in Section 28.032(1) identifies a multi-family dwelling with greater than 60 units and outdoor recreation as conditional uses in the proposed TR-U2 (Traditional Residential–Urban 2) zoning district. 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. The subdivision process is outlined in Section 16.23(4)(f) of the Subdivision Regulations.

**Review Required By:** Plan Commission and Common Council.

**Summary Recommendation:** if the Plan Commission can find the applicable standards are met, the Planning Division recommends the following actions to the Plan Commission:

- That the Plan Commission find that the standards for demolition permits are met to **approve** demolition of the three residences located at 6610-6706 Old Sauk Road;
- That the Plan Commission forward Zoning Map Amendment ID 28.022–00672, rezoning 6610-6706 Old Sauk Road from SR-C1 and SR-C3 to TR-U2, to the Common Council with a recommendation of **approval**;
- That the Plan Commission find the standards for conditional uses are met to **approve** a three-story, 138-unit apartment building and pool, subject to input at the public hearing and the conditions from reviewing agencies beginning on **page 12**; and
- That the Plan Commission forward the Certified Survey Map to combine 6610-6706 Old Sauk Road into one lot to the Common Council with a recommendation of **approval** subject to the conditions from reviewing agencies beginning on **page 20**.

## Background Information

**Parcel Location:** Two parcels totaling 3.77 acres located on the north side of Old Sauk Road opposite San Juan Trail; Alder District 19 (Guequierre); Madison Metropolitan School District.

### Existing Conditions and Land Use:

- 6610 Old Sauk Road is developed with a single-family residence (6610) and two-family residence (6612-6614), zoned SR-C3 (Suburban Residential–Consistent 3 District);
- 6706 Old Sauk Road is developed with a single-family residence and accessory barn, zoned SR-C1 (Suburban Residential–Consistent 1 District).

**Surrounding Land Uses and Zoning:** The subject site is bordered on the north, south, and west by single-family residences in SR-C1 (Suburban Residential–Consistent 1 District) zoning. On the east, the site adjoins Saukborough Square, a four-building complex of eight-unit multi-family buildings, and Settlers Woods Condominiums, a complex of single-family residences and a two-family residence; both complexes are zoned PD (Planned Development District).

**Adopted Land Use Plan:** The 2023 Comprehensive Plan identifies the subject site and parcels to the east for Low-Medium Residential (LMR). The single-family residences otherwise surrounding the site are recommended for Low Residential (LR).

**Zoning Summary:** The subject site will be zoned TR-U2 (Traditional Residential–Urban 2 District), which will be reviewed in the following sections.

Requirements	Required	Proposed
Lot Area	350 sq. ft. (48,300 sq. ft.)	161,024 sq. ft.
Lot Width	50'	553'
Minimum Front Yard Setback	15'	15' (Open porches: 11')
Maximum Front Yard Setback	30'	

Requirements	Required	Proposed
Side Yard Setback	10'	66' (East)   54' (West)
Rear Yard	20'	62'
Maximum Lot Coverage	80%	56%
Usable Open Space	40 sq. ft./unit (5,520 sq. ft.)	11,000 sq. ft
Maximum Building Height	6 stories/ 78'	3 stories/ 36.2'
Auto Parking	1 per dwelling unit (138 total)	143 enclosed/ garage; 25 surface (168 total)
Electric Vehicle (EV) Stalls	EV Ready: 10%; 14 stalls	19 EV Ready
Accessible Stalls	7	7
Bike Parking	1 per unit up to 2-bedrooms, half-space per add. bedroom (140); 1 guest space per 10 units (14) (154 total)	154
Loading	None	0
Building Forms	Large Multi-Family Building	Will comply (See Zoning Conditions)
<b>Other Critical Zoning Items</b>		
Yes:	Utility Easements	
No:	Barrier Free, Urban Design, Transit-Oriented Development Overlay, Wellhead Protection, Waterfront Development, Wetlands, Floodplain, Adjacent to Park, Landmarks	
<i>Prepared by: Jacob Moskowitz, Assistant Zoning Administrator</i>		

**Environmental Corridor Status:** The subject site is not located in a mapped environmental corridor.

**Public Utilities and Services:** The site is currently served by a full range of urban services, including Metro Transit, which operates seven-day service with trips at least every 30 minutes along Old Sauk Road (Route R). Metro Transit would initially estimate the following counts of potentially eligible trips towards US Green Building Council/ LEED Quality Access to Transit points: 37 weekday and 33 weekend. Please contact Metro Transit if additional analysis would be of interest.

## Project Description

The applicant is requesting approval of a demolition permit to demolish three residences located on two parcels at 6610 and 6706 Old Sauk Road and to rezone the parcels from SR-C3 and SR-C1, respectively, to TR-U2 to facilitate redevelopment of the property with a three-story, 138-unit apartment building with outdoor pool. Additionally, a Certified Survey Map (CSM) is proposed to combine the underlying parcels into one lot.

From east to west, the buildings to be demolished are:

- A one-story single-family residence addressed as 6610 Old Sauk Road on the eastern half of the 37,948.2 square-foot (0.87-acre) (per City records) parcel of the same address. The ranch-style single-family residence was constructed in 1956 per City records and contains three bedrooms, one bathroom, and a two-stall attached garage, with a carport adjacent to the eastern wall. The residence is set back approximately 115 feet from the southern property line at Old Sauk Road.

- A split level two-family residence addressed as 6612-6614 Old Sauk, which occupies the western half of the 6610 Old Sauk parcel. The ranch duplex was constructed in 1970 and contains four bedrooms, two bathrooms, and dual one-car basement garages, and is set back 55 feet from the southern property line.
- A one-story single-family residence located in the northwestern corner of the 2.9-acre parcel at 6706 Old Sauk Road. According to City records, the ranch-style residence was built in 1970 and contains three bedrooms, two bathrooms, and a two-car attached garage. The demolition plan also notes a 220 square-foot detached garage located next to the house along the northern property line, and a two-story stone and masonry barn and two silos located southeast of the residence. The residence is located approximately 275 feet from the southern property line and 15 feet at its closest point from the northern property line, while the barn is set back 215 feet and 50.7 feet from those respective property lines.

Photos of the interior and exteriors of the three principal buildings and the accessory barn are included in the materials submitted for the demolition permit. Additionally, a demolition plan is included in the application materials, which highlights the salient features of the 3.77-acre site. Generally, the two single-family residences are located on the high points of the site, with the grade of the property falling towards the property lines and a low-laying area in the center of the site. Additionally, the subject site features considerable tree cover across most of the property, as noted on the demolition plans, including a line of canopy trees located adjacent to curb along the north side of Old Sauk Road. The project team has submitted a report prepared by an ecological consultant and arborist on the condition of the trees located on the perimeter of the site, including in the right of way of Old Sauk Road. The tree report is attached to the conditional use file for the project, ID [82972](#).

The proposed apartment building will feature three north-south wings of varying depth organized along a single east-west central spine, which will create two north-facing courtyards and two south-facing courtyards. The main entrance to the building will be located along the northern wall of the central wing and be accessed from a surface parking lot that will extend along the northern and eastern walls of the building. A lobby, community room, and tenant amenities will be located on the first floor adjacent to the northern entrance, while a coworking space for tenants will be located along the southern wall of the central wing adjacent to a secondary entrance that will provide direct pedestrian access to Old Sauk Road. The center wing of the building will be roughly centered on San Juan Trail, a local street that intersects Old Sauk Road opposite the subject site. A pool, hot tub, and sauna are proposed in the northeast courtyard of the building, while a fire pit and bocce court are proposed in the northwest courtyard. The south-facing courtyards will be open grass and landscaping. The 138 dwelling units proposed will include 25 studio units, 66 one-bedroom units, 43 two-bedroom units, and four (4) three-bedroom units. Parking for 143 automobiles and 140 bicycles will be provided in an under-building garage, with 25 parking spaces for autos and 14 bike stalls located around the perimeter of the building.

The proposed building will stand approximately 36 feet in height and be topped by a flat roof. The building will be clad with a combination of light brown-colored brick and gray fiber cement siding. Patios and balconies are proposed for all of the units, including patios that will open onto the courtyards for the abutting first floor units and patios connected to the Old Sauk Road sidewalk for the five first floor units to be located along the southern ends of the three wings.

In addition to combining the underlying parcels into one lot for the proposed multi-family development, the proposed CSM will dedicate a total of 40 feet of right of way as measured from the centerline of Old Sauk Road.

## Supplemental Regulations

The following supplemental regulations in Section 28.151 of the Zoning Code apply to Outdoor Recreation:

- (a) A minimum 25-foot setback area maintained as open space shall be provided along the perimeter of the site wherever it abuts a residential district.
- (b) If the use will be available to the general public, an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate shall serve the site. Ease of access to the site by automobiles, transit, bicycles, and pedestrians shall be considered as a factor in the review of any application.
- (c) The site shall be designed in such a way as to minimize the effects of lighting and noise on surrounding properties. Hours of operation may be restricted and noise and lighting limits imposed as part of the conditional use approval.
- (d) An appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

## Analysis

The applicant is requesting approval of a zoning map amendment to rezone two parcels totaling 3.77 acres from SR-C1 and SR-C3 to TR-U2 to facilitate redevelopment of the site with a three-story, 138-unit apartment building following demolition of three existing residences and a variety of accessory buildings. Additionally, the applicant is seeking approval of a one-lot CSM to combine the parcels for the proposed multi-family redevelopment.

### Consistency with Adopted Plans

The subject site is not currently located within the boundaries of an adopted neighborhood, sub-area, or area plan. The 2023 Comprehensive Plan generalized future land use plan recommends the subject site and parcels to the east for Low-Medium Residential (LMR), while the single-family residences otherwise surrounding the site are recommended for Low Residential (LR).

According to the Comprehensive Plan, LMR areas are made up of any or all of the following types of housing: small-lot single-family development, two-unit buildings, three-unit buildings, rowhouses, and small multi-family buildings. LMR areas are largely characterized by what is sometimes referred to as the “Missing Middle” of housing development: the range of multi-unit or clustered housing types that fall between the extremes of detached single-family homes and large apartment buildings. Building forms present in LMR are generally compatible in scale with single-family homes, and may therefore be intermixed with small-lot single-family development or used as a transition from more intense development to lower intensity areas comprised primarily of single-family development. LMR areas should be characterized by a walkable, connected street network to meet the growing demand for walkable urban living. Existing, isolated LMR areas should be better connected with their surroundings when opportunities arise, and newly developing LMR areas should be seamlessly integrated with surrounding development. Development in the LMR category should range in density from 7-30 units per acre and buildings should be up to three stories tall.

However, the ‘Residential Future Land Use Categories’ table on page 20 of the Growth Framework in the Plan includes a provision that allows large and courtyard multi-family buildings to be considered appropriate on properties recommended for LMR in “select conditions” at up to 70 dwelling units an acre and four stories of

height. The factors to be considered include relationships between proposed buildings and their surroundings, natural features, lot and block characteristics, and access to urban services, transit, arterial streets, parks, and amenities. These factors were expanded with the updates to the Comprehensive Plan adopted by the Common Council on December 5, 2023; previously, the only consideration was whether the LMR site was located along an arterial roadway. The effect of the wording change with the 2023 amendment allows more factors to be considered when determining whether the building forms more commonly associated with the more intensive Medium Residential (MR) land use category are appropriate in LMR and to make those forms possible at more locations compared to the prior language, which effectively limited them to sites on arterial roadways.

#### Consideration of Zoning Map Amendment Standards

The standards for zoning map amendments found in Section 28.182(6) of the Zoning Code 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. Wis. Stats. Section 66.1001(3) requires that zoning map amendments approved 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."

The statement of purpose for the TR-U zoning districts (TR-U1 and TR-U2) are established to "stabilize and protect and encourage the essential characteristics of high-density residential areas and to accommodate a full range of life-cycle housing." Other stated purposes of the TR-U districts include insuring that new buildings and additions to existing buildings are designed with sensitivity to their context in terms of building placement, facade width, height and proportions, garage and driveway placement, landscaping, and similar design features; maintaining and improving the viability of existing housing of all types, while providing for updating of older housing in a context-sensitive manner; maintaining or increasing compatibility between residential and other allowed uses, and between different housing types, where permitted, by maintaining consistent building orientation and parking placement and screening; and facilitating the preservation, development or redevelopment goals of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.

The TR-U2 zoning district requested allows for multi-family dwellings to be developed at a density of 124 units an acre (350 square feet of lot area per unit) and 40 square feet of usable open space per unit, with an allowed height of six stories and 78 feet. [Note: The TR-U1 zoning district allows less than half the density of TR-U2 (58 units per acre) and has similar setback requirements. However, TR-U1 requires four times the usable open space (160 square feet per multi-family unit) as TR-U2 (40 square feet), hence the district request.]

The proposed three-story apartment building meets the criteria for both a 'large multi-family building' and a 'courtyard multi-family building' in the Residential Building Form Standards in Section 28.172 of the Zoning Code. The development proposes a net density of 36.6 units per acre based on 138 units on the 3.77-acre site (lest Old Sauk Road right of way.)

In order to find the proposed rezoning consistent with the Comprehensive Plan, the above mentioned select conditions should be considered in turn:

- **Relationships between proposed buildings and their surroundings and lot and block characteristics:** The proposed apartment building will occupy approximately 56% of the 3.77-acre site, which has 553 feet of frontage along Old Sauk Road. Properties on three sides of the subject site are single-family residences on lots generally created between 1979 and 1988 north of Old Sauk Road and 1965-1978 south of Old Sauk. The subject site is identified as 'Lands' on the plats of Woodland Hills and First Addition to Woodland Hills, which

form the western and northern edges of the site, respectively, and the plat of Saukborough, which forms the eastern line of the site. The Woodland Hills plats feature lots on cul-de-sacs, which back up to the site and afford no opportunity for connectivity. Development in Saukborough includes a variety of single- and two-family residences located on private courts off of Sauk Ridge Trail, and Saukborough Square, a four-building complex of eight-unit multi-family buildings. Like to the north and west, there is no opportunity for development of the subject site to connect to the development to the east. The development pattern surrounding the site effectively limits its development to one that would be exclusively accessed from and primarily oriented to Old Sauk Road.

Staff acknowledges that the scale and mass of the proposed building will be unlike any other residential building in the surrounding area. However, despite the scale of the project, staff feels that efforts have been made to limit the differences in scale between the building and lower-scale and density surrounding uses, most particularly the use of significant building setbacks where the building abuts those uses. The proposed building will be set back over 50 feet at its nearest points from the side and rear property lines, which is well in excess of the minimum setbacks required by zoning. The actual distance between the proposed building and the surrounding buildings will be greater once the setbacks of the existing buildings are considered. The 15-foot front setback along Old Sauk Road will be less than the setbacks of some, but not all of the buildings on the north side of the street, but again, the use of the north-south wings of the building and the courtyards in between should result in scale and massing along Old Sauk Road that is more in keeping with the pattern of buildings along the road.

Staff also believes that the combination of the mass being centered in the site, the relatively short lengths of wall sections, the use of six-foot privacy fencing along the side and rear lot lines, and the use of a lower-profile design for the three-story building that features a flat roof rather than a pitched roof and modest floor-to-floor heights should all help to reduce the appearance of the scale of the building.

- **Natural features:** Staff does not believe that there are any natural features on the site or on the surrounding properties that would suggest that the building should not be built as proposed. While not defined in the Comprehensive Plan, staff believes that it would be reasonable for the Plan Commission and Common Council to consider “natural features” as those topographic features commonly identified in plans and environmental corridor mapping where urban development may not be appropriate, including wetlands, floodplains, waterways, and areas of steep slopes. None of those features are present on the site or on surrounding parcels.
- **Access to urban services, transit, arterial streets, parks, and amenities:** Old Sauk Road is classified as a minor arterial roadway according to the Madison Metropolitan Planning Organization and includes marked on-street bike lanes. Metro Transit provides daily service at least every 30 minutes on route R along Old Sauk, with stops west and east of the subject site. The sidewalk network along the north side of Old Sauk Road, however, is incomplete, which will require pedestrians to cross to the south side of the street to where the sidewalk network is fully developed between Old Middleton Road and N Gammon Road. To aid that crossing, the Traffic Engineering Division is requiring a rapid flashing beacon (RRFB), refuge island, and continental crosswalk to be installed by the developer as a condition of approval for the development.

The site is less than a quarter-mile from Everglade Park on Everglade Drive south of Old Sauk Road, while the larger Woodland Hills Park located northwest of the site is closer to a half mile walking distance. Crestwood Elementary School is located three-quarters of a mile east of the site. The site and surrounding neighborhoods are located in an area of the City that does not currently have neighborhood-serving commercial businesses within a reasonable walking distance, thereby requiring that autos, bikes or transit be used to access retail and service businesses located elsewhere. However, two of the four quadrants of the Old Sauk Road-N Gammon Road intersection are recommended for Neighborhood Mixed-Use (NMU) in the Comprehensive



Plan. Those NMU parcels may transition over time into higher density mixed-use developments that may include some amount of neighborhood serving commercial uses. The subject site is just over a quarter-mile east of the Old Sauk-Gammon intersection and accessible by sidewalks on both sides of Old Sauk.

On balance, the Planning Division believes it is possible that the Plan Commission and Common Council could find that the development of a three-story, 138-unit multi-family dwelling on the subject site is consistent with the factors listed in the Comprehensive Plan for large multi-family buildings and courtyard multi-family buildings in the LMR land use category. Staff does not believe that all of the select conditions enumerated in the plan have to be present in order for the larger and denser building form to be allowed. While the proposed building is both a larger building form and denser than what is located in the surrounding area, the height and density (three stories and 36.6 dwelling units per acre) is within the range discussed in the plan should it be found the project meets the select conditions described above. The site's location along a minor arterial and the availability of daily and relatively frequent bus service are the most significant factors as to why the proposed development may be approved. The proposed development is also consistent with other goals and objectives in the Comprehensive Plan that encourage development of a wider mix of housing types, sizes, and costs throughout the City, and to increase the amount of housing available by allowing more housing in more places. Staff will note that the TR-U2 district is the least intensive conventional residential district that could implement this proposal when the amount of lot area and the amount of usable open space required are considered. However, the TR-U2 district does allow for greater intensities than those currently proposed and those supported in the LMR category for large and courtyard multi-family buildings. As a reference, any development exceeding 36 units would require a conditional use consideration from the Plan Commission, though heights up to six stories are permitted.

#### Consideration of Demolition Permit Standards

In order to approve a demolition request, the Plan Commission shall consider the factors and information specified in Section 28.185(9)(c) and find 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 standards for demolition approval state that the Plan Commission shall consider the report of the City's historic preservation planner regarding the historic value of the property as well as any report that may be submitted by the Landmarks Commission. On April 15, 2024, the Landmarks Commission recommended to the Plan Commission that the residences at 6610, 6612(-6614), and 6706 Old Sauk Road had no known historic value. A member of the Landmarks Commission expressed regret about the demolition of the barn on 6706 Old Sauk Road; however, as an accessory building, it is not subject to the Landmarks Commission's or Plan Commission's purview.

In approving a demolition permit, the Plan Commission may stipulate conditions and restrictions on the proposed building demolition as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards of approval. The proposed conditions for this demolition may be found in the 'Recommendation' section of the report, which follows.

#### Consideration of the Conditional Use Standards

A conditional use is defined in the Zoning Code as "a use which, because of its unique or varying characteristics, cannot be properly classified as a permitted use in a particular district." The Plan Commission shall 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].” Before granting a conditional use, the Plan Commission may stipulate conditions and restrictions on the establishment, location, construction, maintenance and operation of the conditional use. Additionally, 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.

A review of the standards that apply to the proposed multi-family dwelling and outdoor recreation conditional uses follows.

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

Unlike some other conditional uses allowed in various zoning districts throughout the Zoning Code, the construction of new residential on lands recommended in adopted plans for residential development, whether in newly developing areas or as infill in established areas, would typically be assumed to meet this standard for approval. This request has been reviewed by various City reviewing agencies who have provided comments and recommended conditions. Planning staff does not believe that the information provided in these comments suggest that this standard cannot be met.

Several public comments have been received for the project expressing various concerns, including comments related to the proposed development worsening existing drainage issues in the neighborhoods surrounding the subject site, to which staff feels this standard is most relevant. Among the comments received are two reports prepared by an independent civil engineer (Nahn) and comments submitted by a soils scientist (Norman) responding to the preliminary stormwater management plans that have been submitted by the development team (dated April 8 and May 24, 2024). It is rare in staff’s experience for a stormwater management plan to be submitted prior to the Plan Commission’s consideration of a project like the one proposed, let alone for the applicant’s civil engineer to provide an amended plan in response to comments received. Additionally, the Plan Commission should note the four-page memo submitted by Assistant City Engineer Greg Fries dated May 31, 2024, which provides an initial staff review of the plans submitted by the development team for conformance with MGO Chapter 37, The Public Stormwater System Including Erosion Control.

It is the opinion of City staff that a residential development like the one proposed, which complies with the requirements in MGO Chapter 37, can meet conditional use standard 1 as it pertains to impacts from storm drainage and erosion. As noted in the Fries memo and in the conditions recommended in the City Engineering Division section of the ‘Recommendations’ section of this report, the applicants will be required to submit a final stormwater management plan and erosion control plan for approval by the City Engineer before the conditional use plans could be signed-off and permits issued for the project.

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

The comments and recommended conditions of approval received from reviewing departments and included in the last section of this report, including conditions from the City Engineering Division, Traffic Engineering Division, and Madison Fire Department, suggest nothing out of the ordinary in providing municipal services to this property because of the proposed development.

3. *The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner.*

This standard is often the most difficult standard for the Plan Commission to address in the process of reviewing conditional use applications. Information provided by residents or property owners in the neighborhood at the Plan Commission hearing usually provides additional information for the Commission to use to determine whether this standard has been met or not. The proposed building has elicited a significant amount of correspondence from nearby residents, which has been provided for consideration as part of the approval of the project. The Plan Commission will need to weigh the application materials, the comments and conditions submitted by reviewing agencies, the recommendations of the Comprehensive Plan, and the public input it receives in order to determine whether this standard is met.

Planning staff believes that the supplemental regulations for outdoor recreation can be met for the tenant amenities located in the northern courtyards of the proposed building. The pool, hot tub, and other amenities will exceed the 25-foot setback for outdoor recreation, and the amenities should be adequately screened from nearby properties. However, in order to limit impacts on adjacent properties from the outdoor recreation, staff believes that it would be appropriate for the Plan Commission to require the applicant to submit proposed hours for the outdoor recreation uses for approval by the Planning Division in consultation with the district alder prior to final sign-off of the conditional uses for the project.

4. *The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*

Staff does not believe that construction of the new building will impede the normal and orderly development or improvement of surrounding properties or preclude the development of other nearby properties in a manner consistent with the LR recommendations in the Comprehensive Plan and zoning of those properties. While the proposed building represents a significantly different building form compared to what currently exists on the subject site and on surrounding properties, staff does not foresee how construction of the apartment building will cause the surrounding residential neighborhoods to not continue in much the same fashion as the area has functioned historically.

5. *Adequate utilities, access roads, drainage, internal circulation improvements for pedestrians, bicyclists, public transit and vehicles, parking supply (in cases with minimum parking requirements) and other necessary site improvements have been or are being provided.*

Staff believes that the Plan Commission can find that this standard is met overall. As noted above in the discussion of standard 1, City staff feels that the drainage component of standard 5 can be met subject to its compliance with MGO Chapter 37 as administered by the City Engineer.

Regarding the adequacy of the utilities to serve the project, the developer will be required to provide wastewater flow calculations for the development that demonstrate that adequate sanitary sewer capacity exists to serve the project, as is typical for projects that propose a significant increase in dwelling units compared to the existing conditions. If additional capacity is needed, it may be the development team's responsibility to construct off-site sanitary sewer improvements to provide the needed capacity. No comments have been received from the Madison Water Utility that would suggest that there is not adequate water capacity to serve the development.

Finally, staff is aware of concerns by some residents of the surrounding area about the potential for the proposed development to create a significant amount of additional traffic along Old Sauk Road. However, the Traffic Engineering Division has not expressed significant concerns with the proposal and has accepted the traffic impact analysis submitted by the applicants, which is attached to the conditional use legislative file, ID [82972](#) for reference. As noted elsewhere in the Analysis section of this report, the project will be required to construct improvements to Old Sauk Road to improve pedestrian safety related to the project,

including constructing public sidewalk along the frontage and a pedestrian refuge island, and installing a rapid flashing beacon.

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

The Zoning Administrator has reviewed the project and determined that it will comply with the requirements of the proposed TR-U2 district.

8. *When applying the above standards to any new construction of a building or an addition to an existing building the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district. In order to find that this standard is met, the Plan Commission may require the applicant to submit plans to the Urban Design Commission for comment and recommendation.*

Staff believes that the Plan Commission can find this standard is met. Despite the proposed building being notably larger than those in the surrounding area, staff feels that the building can create an environment of sustained aesthetic desirability. The impacts on surrounding properties will be moderated by the proposed mass being centered on the site and through the use of narrow north-south wings to form courtyards in an effort to limit the presence of the building when viewed from the north and along Old Sauk Road. Staff believes that the project is well designed and that review by the Urban Design Commission is unnecessary. However, following the public hearing, the Plan Commission has the option to refer the project to the Urban Design Commission should it feel its input is needed in order to find standard 8 met.

[Note: Standards 7 and 9-16 do not apply to the conditional use requests for 6610-6706 Old Sauk Road.]

As with any conditional use, the Plan Commission retains continuing jurisdiction in the event that complaints are received about the multi-family dwelling and accessory outdoor recreation, which could result in more restrictive conditions being applied if deemed necessary following an investigation and public hearing.

Criteria for Certified Survey Map

Finally, if the Plan Commission finds that the related land use approvals meet the standards for approval, it may also find that the proposed one-lot Certified Survey Map meets the standards and criteria for approval subject to the conditions in the Recommendations section of the report.

## Conclusion

The applicant proposes to demolish the former two single-family residences and a two-family residence to allow redevelopment of the 3.77-acre site with a three-story, 138-unit apartment building in TR-U2 zoning. The requests are subject to the standards for approval for demolition permits, zoning map amendments, conditional uses, and land divisions.

The subject site is recommended for Low-Medium Residential (LMR) by the Comprehensive Plan, which is a land use category intended to primarily encourage development of small-lot single-family, two-unit buildings, three-unit buildings, rowhouses, and small multi-family buildings at densities between 7-30 units an acre. However, the applicants are requesting approval using a provision in the Comprehensive Plan that allows large multi-family buildings and courtyard multi-family buildings up to four stories in height and at densities up to 70 units an acre

to be considered appropriate in LMR under select conditions. On balance, the Planning Division believes that the Plan Commission and Common Council could find that proposed development is consistent with the select conditions to allow large multi-family and courtyard multi-family building forms in LMR. Specifically, the site's location along a minor arterial roadway that has relatively frequent daily bus service as the most significant factors as to why the proposed development may be approved. Additionally, staff believes that the conditional uses required for the development can meet the applicable standards for approval subject to the conditions in the following section.

In reviewing the project, the Plan Commission should carefully consider the dozens of public comments received since the development was first made public last fall. Those comments are attached to the legislative files associated with the project.

## Recommendation

### Planning Division Recommendation (Contact Timothy M. Parks, (608) 261-9632)

If the Plan Commission can find the applicable standards are met, the Planning Division recommends the following to the Plan Commission:

- That the Plan Commission that the standards for demolition permits are met to **approve** demolition of the two-story office building located at 1617 Sherman Avenue;
- That the Plan Commission forward Zoning Map Amendment ID 28.022–00621, rezoning 6610-6706 Old Sauk Road from SE to TR-U2, to the Common Council with a recommendation of **approval**;
- That the Plan Commission find the standards for conditional uses are met to **approve** a residential building complex containing approximately 310 apartments in two five-story buildings and a residential building complex containing 20 townhouse units in three two-story building, subject to input at the public hearing, final approval by the Urban Design Commission, and the conditions from reviewing agencies that follow; and
- That the Plan Commission forward the Certified Survey Map to divide 6610-6706 Old Sauk Road into three lots and one outlot for stormwater management to the Common Council with a recommendation of **approval** subject to the conditions from reviewing agencies beginning on **page 23**.

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

#### Planning Division

1. Provide hours of operation for the proposed outdoor recreation for approval by the district alder and Planning Division director prior to issuance of building permits for the apartment building. Any revision to the approved hours of operation shall require approval of an alteration to the conditional use to be approved by the district alder and Director of the Planning Division or the Plan Commission.
2. Revise Sheet C100 to show the side and rear yard setback dimensions.

**City Engineering Division** (Contact Tim Troester, (608) 2671-995)

3. The applicant shall provide projected wastewater flow calculations to Mark Moder (mmoder@cityofmadison.com). The proposed development may result in off-site sanitary sewer improvements being required of the developer as a condition of development.
4. The area adjacent to this proposed development has been determined by the City Engineering Division to have a known flooding risk. City Engineering has set the minimum protective lowest entrance elevation opening at an elevation of 821.30. This standard is not intended to be protective in all cases. The developer is strongly encouraged to complete their own engineering analysis to determine and meet a protective elevation which they are comfortable with. In no case shall the protective elevation be set below the minimum threshold determined by the City Engineering Division.
5. Enter into a City / Developer agreement for the required infrastructure improvements. The agreement shall be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact the City Engineering Division to schedule the development and approval of the plans and the agreement.
6. Construct sidewalk, terrace, curb and gutter, and pavement along the Old Sauk Road frontage to a plan approved by the City Engineer. Note: In order to save trees, a public limited easement may be required.
7. 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 ((608) 261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
8. 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.
9. An Erosion Control Permit is required for this project.
10. A Storm Water Management Report and Storm Water Management Permit is required for this project.
11. A Storm Water Maintenance Agreement (SWMA) is required for this project.
12. This site appears to disturb over one (1) acre of land and requires a permit from the Wisconsin Department of Natural Resources (WDNR) for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR-216 and NR-151; however, a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue its permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at (608) 273-5612 of the WDNR to discuss this requirement. The applicant is notified that the City of Madison is an approved agent of the Department of Safety and Professional Services (DSPS) and no separate submittal to this agency or the Capital Area Regional Planning Commission (CARPC) is required for this project to proceed.
13. Revise the plans to show a proposed private internal drainage system on the site. Include the depths and locations of structures and the type of pipe to be used.

14. The proposed development proposes to construct underground parking. The proposed entrance to the underground parking is adjacent to a street low point. The applicant shall provide at a minimum of one (1) foot of rise from the adjacent back of walk in the driveway before breaking grade to the down ramp to the underground parking to protect the underground parking from inundation. 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.
15. Provide additional detail how the enclosed depression(s) created by the parking entrance(s) to the below building parking area(s) is/are served for drainage purposes. The building must be protected from receiving runoff up through the 100-year design storm that is current in MGO Chapter 37. If the enclosed depression(s) is/are to be served by a gravity system provide calculations stamped by a Wisconsin P.E. that show inlet and pipe capacities meet this requirement. If the enclosed depression(s) is/are to be served by a pump system provide pump sizing calculations stamped by a Wisconsin P.E. or licensed Plumber that show this requirement has been met.
16. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE and therefore will be regulated to meet a higher standard.
17. This project will disturb 20,000 square feet or more of land area and 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.
18. Demonstrate compliance with MGO Sections 37.07 and 37.08 regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year.
19. Complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by MGO Chapter 37.
20. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Storm Water Management Plan & Report shall include compliance with the following:
  - Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.
  - 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.
  - Detain the 2-, 5-, 10-, 100-, and 200-year storm events, matching post development rates to predevelopment rates and using the design storms identified in MGO Chapter 37.
  - If the development has an enclosed area that provides existing storage, the existing storage will need to be accounted for in addition to meeting the requirements for detention.

Provide infiltration of 90% of the pre-development infiltration volume.

Reduce TSS by 80% (control the 5-micron particle) off of newly developed areas compared to no controls.

Treat the first half-inch of runoff over the proposed parking facility.

Provide onsite volumetric control limiting the post construction volumetric discharge to the predevelopment discharge volume as calculated using the 10-year storm event.

The applicant shall demonstrate that water can leave the site and reach the public right of way without impacting structures during a 100-year event storm. This analysis shall include reviewing overflow elevations and unintended storage occurring on site when the storm system has reached capacity.

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

21. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: [bstanley@cityofmadison.com](mailto:bstanley@cityofmadison.com) (East) or [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com) (West).

**City Engineering Division – Mapping Section** (Contact Julius Smith, (608) 264-9276)

22. Pending the final design for the public sidewalk improvements, a public sidewalk easement may be required for this project to protect existing trees. If so required this may be done with so on the face of the concurrent CSM. Contact Jule Smith ([jsmith4@cityofmadison.com](mailto:jsmith4@cityofmadison.com)) for the required language to be included on the face of the CSM.

23. It is anticipated that the public improvements required to serve this proposed development will require additional right of way and/or easements located beyond the project boundary. The developer shall acquire the right of way and/or easements as required by the City at the developer's expense. In the event that the developer is unable to acquire the right of way and/or easements required, the City shall proceed to acquire the easements. The developer shall reimburse the City for all costs associated with the acquisition, including attorney's fees and any and all costs associated with court ordered awards. The developer shall provide a deposit at the time of contract execution to cover the estimated City staff expenses and easement cost for the acquisition. The developer shall note that separate, additional surety in an amount estimated to cover any potential court ordered awards shall be retained by the City until such time as appeal rights have expired. The additional surety shall be provided prior to the City making an offer for the easement.

The purpose of Outlot 1 of Woodland Hills, recorded as Document No. 1623944, was never stated on the plat. This outlot appears to function a public utility routing for sanitary sewer and drainage way for the overflow route from Old Sauk Road to East Spyglass Court at the time it was platted. It is not fully known why this outlot was not dedicated, or an easement was given for these purposes when it was platted, as it seems to be the intention of the outlot. Currently the outlot is privately owned by the owner of Lot 13 subject to the public facilities conditions without recorded rights.

The subject site accepts the drainage overflow of Old Sauk Road and transfers it to the outlot. Therefore, a public easement for stormwater drainage should be established over the path of the drainage on Outlot 1. The proposed development may add to the discharge to the outlot.

Additionally, while this easement is being acquired for stormwater drainage for the project, additional easement rights for the sanitary sewer shall be acquired across the outlot.



24. Any portion(s) of a public easement that is intended to be released shall be released by separate document prepared by City Office of Real Estate Services. Contact Jule Smith of Engineering Mapping (jsmith4@cityofmadison.com, ((608) 264-9276) to coordinate the Real Estate project, and associated information and fees required. If any release is required prior to recording of the plat, acknowledgement of the release and document number shall be noted on the face of the plat. Provide Fee Legal description and Exhibit for the Portions Sanitary Sewer Easements Document Nos. 1275466 and 1275467 that are being requested to be released with the development. The final area to be released are to be approved by the City Engineering Division.

25. Coordinate and request from the utility companies serving this area the easements required to serve this development. Those easements shall be properly shown, dimensioned and labeled on the CSM.

26. The address of the proposed apartment building is 6624 Old Sauk Road. 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.

27. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds, the new parcel data created by the Assessor's Office, and the parcel data available to Zoning and Building Inspection staff prior to issuance of building permits and an early start permits for new construction.

28. 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 that shows the number of apartments on each floor. 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. 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, (608) 266-5987)

29. The applicant shall be responsible for the construction of a traffic island, marked continental crosswalk, pedestrian ramps, and a Rectangular Rapid Flashing Beacons (RRFB) to facilitate pedestrian crossings of Old Sauk Road.

30. Items in the right of way are not approvable through the site plan approval process. The right of way is the sole jurisdiction of the City of Madison and is subject to change at any time per the recommendation/plan of Traffic Engineering and City Engineering Divisions.

31. The applicant shall dedicate right of way or grant a public sidewalk easement for and be responsible for the construction of a minimum five (5)-foot wide sidewalk along their site's frontage of Old Sauk Road.

32. Note: The applicant has submitted the Traffic Impact Analysis study requested by the Traffic Engineering Division; the study has been reviewed and accepted by Traffic Engineering.
33. The applicant shall submit a waste removal plan for review by the City Traffic Engineer, which shall include vehicular turning movements.
34. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawing shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
35. 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.
36. 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.
37. All parking facility design shall conform to the standards in MGO Section 10.08(6).
38. All bicycle parking adjacent pedestrian walkways shall have a two (2)-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
39. Per MGO Section 12.138 (14), this project is not eligible for residential parking permits. It is recommended that this prohibition be noted in the leases for the residential units.
40. The applicant shall adhere to all vision triangle requirements as set in MGO Section 27.05 (no visual obstructions between the heights of 30 inches and 10 feet at a distance of 25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO Section 27.05(2)(bb), Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.
41. The applicant shall provide a clearly defined five-foot walkway from the front door to the public right of way clear of all obstructions to assist citizens with disabilities, especially those who use a wheelchair 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.
42. 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.

43. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.

**Parking Division** (Contact Trent W. Schultz, (608) 246-5806)

44. The applicant shall submit a revised Transportation Demand Management (TDM) Plan to [tdm@cityofmadison.com](mailto:tdm@cityofmadison.com). The revised TDM Plan shall include: a) Site TDM Coordinator contact information; b) Selected TDM measures, totaling the required TDM point value (15). Applicable fees will be assessed after the revised TDM Plan is reviewed by staff.

**Zoning Administrator** (Contact Jacob Moskowitz, (608) 266-4560)

45. Section 28.185(9) 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](mailto: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) shall submit documents showing compliance with the plan within 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.
46. Provide adequate development frontage landscaping per Section 28.142(5) Development Frontage Landscaping. Landscaping and/or ornamental fencing shall be provided between buildings or parking areas and the adjacent street(s), except where buildings are placed at the sidewalk. One overstory deciduous tree and five shrubs shall be planted for each 30 lineal feet of lot frontage. Two ornamental trees or two evergreen trees may be used in place of one overstory deciduous tree. In cases where development frontage landscaping cannot be provided due to site constraints, the zoning administrator may waive the requirement or substitute alternative screening methods for the required landscaping. Note that landscaping must be installed on the private property.
47. Provide details demonstrating compliance with bird-safe glass requirements Section 28.129. For building façades where the first 60 feet from grade are comprised of less than 50% glass, at least 85% of the glass on glass areas 50 square feet or over must be treated. Of all glass areas over 50 square feet, any glass within 15 feet of a building corner must be treated. Identify which glass areas are 50 square feet or greater and which glass areas will be treated. Provide a detail of the specific treatment product that will be used.

**Fire Department** (Contact Matt Hamilton, (608) 266-4457)

48. Provide fire apparatus access as required by IFC 503 2021 edition, MGO Section 34.503. Provide plan documenting fire access. A Fire Apparatus Access and Fire Hydrant Worksheet is available on the MFD website to assist in development.
49. Per MGO Section 34.503/IFC 503 Appendix D105, Provide an aerial apparatus access fire lane that is at least 26 feet wide, if any part of the building is over 30 feet in height. The near edge of the aerial fire lane shall be within 30 feet and not closer than 15 feet from the structure, and parallel to one entire side. The aerial fire lane shall cover not less than 25% of the building perimeter.
50. A dead-end fire lane that is longer than 150 feet shall terminate in a turnaround. Provide an approved turnaround (cul-de-sac, 45-degree wye, 90-degree tee) at the end of a fire lane that is more than 150 feet in length.

51. Fire access lanes shall be designed to support 85,000 lbs.

**Parks Division** (Contact Ann Freiwald, (608) 243-2848)

52. 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# 24025 when contacting Parks Division staff about this project.

**Water Utility** (Contact Jeff Belshaw, (608) 261-9835)

53. 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 (608) 266-4646.

**Forestry Section** (Contact Brandon Sly, (608) 266-4816)

54. 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.

55. 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.

56. 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.

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 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. Add as a note on the site, grading, utility, demolition and street tree plan sets.

- 58. 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 the 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.
- 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 10 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.
- 60. 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.
- 61. 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.
- 62. The developer shall post a security deposit prior to the start of the development to be collected by City Engineering as part of the developer's agreement. In the event that street trees are damaged during the construction process, City Forestry will draw from this deposit for damages incurred.
- 63. 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 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.

**Metro Transit** (Contact Tim Sobota, (608) 261-4289)

This agency has reviewed the request and recommended no conditions of approval.

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**Certified Survey Map – Recommended Conditions of Approval**

Major/Non-Standard Conditions are Shaded

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

- 1. A Phase 1 environmental site assessment (per ASTM E1527-21), is required for lands dedicated to the City. Provide one (1) digital copy and staff review will determine if a Phase 2 ESA is also required. Submit report(s) to Brynn Bemis (608-267-1986, bbemis@cityofmadison.com).

2. Enter into a City / Developer agreement for required infrastructure improvements. The agreement shall be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact the City Engineering Division to schedule the development and approval of the plans and the agreement.
3. Construct sidewalk, terrace, curb and gutter, and pavement along the Old Sauk Road frontage to a plan approved by the City Engineer. Note: In order to save trees, a public limited easement may be required.
4. 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.
5. A minimum of two (2) working days prior to requesting City Engineering signoff on the CSM, contact either Tim Troester (West) at (608) 261-1995 (ttroester@cityofmadison.com) or Brenda Stanley (East) at (608) 261-9127 (bstanley@cityofmadison.com) to obtain the final stormwater utility charges that are due and payable prior to sub-division of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service and must be cleared prior to the land division (and subsequent obsolesces of the existing parcel).

**City Engineering Division – Mapping Section** (Contact Julius Smith, (608) 264-9276)

6. Pending the final design for the public sidewalk improvements, a public sidewalk easement may be required for this project to protect existing trees. If required, this may be done with so on the face of the CSM. Contact Jule Smith (jsmith4@cityofmadison.com) for the required language to be included on the face of the CSM.
  7. Any portion(s) of a public easement that is intended to be released shall be released by separate document prepared by City Office of Real Estate Services. Contact Jule Smith of Engineering-Mapping (jsmith4@cityofmadison.com, ((608) 264-9276) to coordinate the Real Estate project, and associated information and fees required. If any release is required prior to recording of the plat, acknowledgement of the release and document number shall be noted on the face of the plat. Provide fee legal description and exhibit for the portions sanitary sewer easements Document Nos. 1275466 and 1275467 that are being requested to be released with the development and shown on the CSM. The final area to be released are to be approved by the City Engineering Division.
  8. The applicant shall dedicate the existing 33 feet of right of way and an additional 7 feet for Old Sauk Road as shown on the CSM.
9. Coordinate and request from the utility companies serving this area the easements required to serve this development. Those easements shall be properly shown, dimensioned and labeled on the final CSM.
  10. Update the Madison Common Council certificate to include the current standard language as required by the Office of Real Estate Services. This will include the required acceptance language for the dedications included in the CSM.
  11. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The Developer's Surveyor and/or Applicant must submit copies of required

tie sheets or monument condition reports (with current tie sheet attached) for all monuments, including center of sections of record, used in this survey, to Julius Smith, City Engineering ([jsmith4@cityofmadison.com](mailto:jsmith4@cityofmadison.com)).

12. In accordance with Section s. 236.18(8), Wisconsin Statutes, the applicant shall reference City of Madison WCCS Dane Zone, 1997 Coordinates on all PLS corners on the Certified Survey Map in areas where this control exists. The surveyor shall identify any deviation from City Master Control with recorded and measured designations.
13. Prior to Engineering final sign-off by main office for Certified Survey Maps, the final CSM shall be submitted in PDF format by email transmittal to Engineering Land Records Coordinator Jule Smith ([jsmith4@cityofmadison.com](mailto:jsmith4@cityofmadison.com)) for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off.
14. Old Sauk Road does not vary. Remove 'Varies' from the description of the existing right of way.
15. Make the building labels and dimensions legible on sheet 3 of 5.
16. Correct the area for Lot 1. The overall lands appear to be listed for Lot 1 with the dedications included. Lot 1 should be about 161,000 square feet, +/- 3.70 acres.
17. Confirm the proper wording and page numbers on Note 6 on Sheet 1, Note 3 on Sheet 3, and Note 2 on Sheet 3.
18. Revise Sheet 3 to be Sheet 3 of 6.
19. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds, the new parcel data created by the Assessor's Office, and the parcel data available to Zoning and Building Inspection staff prior to issuance of building permits for new construction or an early start permits for new construction.
20. The applicant shall submit to Jeff Quamme, prior to final Engineering sign-off of the subject CSM, one (1) digital CADD drawing in a format compatible with AutoCAD. The digital CADD file(s) shall be referenced to the Dane County Coordinate System and shall contain, at minimum, the list of items stated below, each on a separate layer/level name. The line work shall be void of gaps and overlaps and match the final recorded CSM: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; easement lines (including wetland and floodplain boundaries).

\*This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat, electronic data and a written notification to Engineering Mapping for any changes to the plat which occur subsequent to any submittal.

**Traffic Engineering Division** (Contact Sean Malloy, (608) 266-5987)

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| 21. The applicant shall dedicate seven (7) feet of right of way along their frontage of Old Sauk Road for a total of 40 feet from the centerline. |
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**Zoning Administrator** (Contact Jenny Kirchgatter, (608) 266-4429)

This agency has reviewed the request and recommended no conditions of approval.

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

This agency has reviewed the request and recommended no conditions of approval.

**Water Utility** (Contact Jeff Belshaw, (608) 261-9835)

This agency has reviewed the request and recommended no conditions of approval.

**Metro Transit** (Contact Tim Sobota, (608) 261-4289)

This agency has reviewed the request and recommended no conditions of approval.

**Parks Division** (Contact Ann Freiwald, (608) 243-2848)

This agency has reviewed the request and recommended no conditions of approval.

**Office of Real Estate Services** (Andy Miller, (608) 261-9983)

22. Prior to approval sign-off by the Office of Real Estate Services (“ORES”), the Owner’s Certificate(s) on the CSM shall be executed by all parties of interest having the legal authority to do so, pursuant to Wis. Stats. 236.21(2)(a). Said parties shall provide documentation of legal signing authority to the notary or authentication attorney at the time of execution. The title of each certificate shall be consistent with the ownership interest(s) reported in the most recent title report. When possible, the executed original hard stock recordable CSM shall be presented at the time of ORES approval sign-off. If not, the City and the Register of Deeds are now accepting electronic signatures. A PDF of the CSM containing electronic signatures shall be provided to ORES to obtain approval sign-off.
23. Prior to CSM approval sign-off, an executed and notarized or authenticated certificate of consent for all mortgagees/vendors shall be included following the Owner’s Certificate(s). If a mortgage or other financial instrument is reported in record title, but has been satisfied or no longer encumbers the lands or ownership within the CSM boundary, a copy of a recorded satisfaction or release document for said instrument shall be provided prior to CSM approval sign-off.
24. As of May 31, 2024, real estate taxes are paid for the subject property. Per 236.21(3) Wis. Stats. and MGO Section 16.23(4)(f), the property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to CSM recording. Receipts from the City of Madison Treasurer are to be provided before or at the time of sign-off.
25. As of May 31, 2024, there are no special assessments reported. All known special assessments are due and payable prior to CSM approval sign-off. If special assessments are levied against the property during the review period and prior to CSM approval sign-off, they shall be paid in full pursuant to MGO Section 16.23(4)(f).
26. A standard 60-year report of title was not received by Office of Real Estate Services with the CSM application materials. Pursuant to MGO Section 16.23(4)(f), the owner shall furnish a 60-year title report via email to Andy Miller in the ORES ([acmiller@cityofmadison.com](mailto:acmiller@cityofmadison.com)), as well as the survey firm preparing the proposed CSM. The



report shall include copies of all associated documents of record. A title commitment may be provided, but will be considered only as supplementary information to the title report update. The surveyor shall update the CSM with the most recent information reported in the title update. ORES reserves the right to impose additional conditions of approval in the event the title report contains changes that warrant revisions to the CSM.

27. Depict, dimension, name, note and/or identify by document number all relevant easements, declarations, plans, conditions, agreements, and other documents cited in record title and the updated title report, and include relevant notes from plats or CSMs of record. If documents included in the December 23, 2019 title report do not apply to the area within the proposed CSM, have them removed from the updated title report.
28. Depict and dimension public easements for utilities and storm water drainage rights of way to be dedicated on the proposed CSM where necessary.