

PLANNING DIVISION STAFF REPORT

July 11, 2022

PREPARED FOR THE PLAN COMMISSION



Project Address: 3401 East Washington Avenue (District 12 – Alder Abbas)

Application Type: Zoning Map Amendment, Demolition Permit, Conditional Use, Certified Survey Map

Legistar File ID # [71655](#), [71657](#), [71884](#), [72188](#)

Prepared By: Colin Punt, Planning Division
Report includes comments from other City agencies, as noted.

Reviewed By: Heather Stouder, AICP, Planner Division Director

Summary

Applicant: Mike Slavish; Wisconsin Housing Preservation Corp.; 150 E Gilman St. #1500; Madison, WI 53703

Contact: Kevin Burow; Knothe & Bruce Architects; 7601 University Ave. #201; Middleton WI 53562

Requested Action: The applicant is seeking approval of a zoning map amendment to change the zoning at 3401 East Washington Avenue from IL (Industrial-Limited) District to CC-T (Commercial Corridor - Transitional) District; approval of a one-lot certified survey map; approval of demolition permits for the existing bakery and retail buildings; and the following conditional uses per §28.067(1), M.G.O.:

- A multi-family building of more than 36 dwelling units
- More than 60 dwelling units in a mixed-use building

Proposal Summary: The applicant is seeking approvals to demolish an industrial bakery building to construct a five-story mixed use building with 77 dwelling units and 4,350 square feet of commercial space, a five-story 110-unit building, a three-story 46-unit building, and two-story 12-unit building on a single lot to be created by CSM.

Applicable Regulations & Standards: Standards for conditional use approval are found in §28.183(6) M.G.O. Standards of approval for demolition permits are found in §28.185(6) M.G.O. Standards for zoning map amendments are found in §28.182(6) M.G.O. Standards for certified survey maps are found in §16.23(5) M.G.O.

Review Required By: Urban Design Commission, Plan Commission, Common Council

Summary Recommendations: The Planning Division recommends that the Plan Commission **approve** the demolition permit and conditional uses to demolish an industrial bakery building and construct four buildings with a total of 245 dwelling units and 4,350 square feet of commercial space at 3401 East Washington Avenue and that it forward Zoning Map Amendment Section 28.022 - 00567 to change the zoning of properties located at 3401 East Washington Avenue from IL (Industrial-Limited) District to CC-T (Commercial Corridor - Transitional) District and the associated CSM creating one lot to the Common Council with a recommendation of **approval**. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Background Information

Parcel Location: The subject site includes two existing parcels totaling 6.38 acres located at the southeast quadrant of the intersection of East Washington Avenue and North Fair Oaks Avenue. The site is within Alder District 12 (Alder Abbas), Urban Design District 5, and the Madison Metropolitan School District.

Existing Conditions and Land Use: The site, zoned IL (Industrial-Limited), is currently occupied by the former Gardner Bakery building and retail outlet. The 122,281-square foot bakery was originally built in 1951 with several additions over time, the last occurring in 1988. The adjacent one-story retail building is 2,120 square feet and built in 1971 and has been vacant since approximately 2017.

Surrounding Land Uses and Zoning:

North: Across East Washington Avenue, One- and two-story office buildings zoned CC-T- (Commercial Corridor-Transitional District);

West: Across Fair Oaks Avenue and Wright Street, One- and two-story office buildings zoned CC-T (Commercial Corridor-Transitional District);

South: Hawthorne Elementary School and single-family residences zoned TR-C1; and

East: Hawthorne Elementary School zoned TR-C1, a two-building 50-unit apartment complex zoned SR-V2, and a one-story commercial building zoned CC-T.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) recommends General Commercial (GC) for the site. The [Carpenter-Hawthorne-Ridgeway-Sycamore-Truax Neighborhood Plan](#) (2001) does not provide land use recommendations for this site.

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

Requirements	Required	Proposed
Lot Area (sq. ft.)	None	277,859
Lot Width	None	500 ft
Front Yard Setback	5 ft	21 ft
Max. Front Yard Setback	65 ft	21 ft
Side Yard Setback	5 ft	33 ft, 46 ft
Rear Yard Setback	20 ft	250 ft
Usable Open Space	40 sq ft/unit = 9,800 sq ft	147,458 sq ft
Maximum Lot Coverage	85%	50%
Maximum Building Height	5 stories/78 ft	5 stories/61 ft

Site Design	Required	Proposed
Number Parking Stalls	No minimum	282
Accessible Stalls	7	5 (see Zoning condition 2)
Loading	No	No
Number Bike Parking Stalls	293	301
Landscaping	Yes	Yes (see Zoning condition 3)
Lighting	Yes	Yes
Building Forms	Yes	Flex

Other Critical Zoning Items	Urban Design (UDD 5), Utility Easements
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Table Prepared by Jacob Moskowitz, Assistant Zoning Administrator

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

Public Utilities and Services: The site is served by a full range of urban services. The planned East-West BRT corridor includes a stop on East Washington Avenue at Fair Oaks and Wright.

Project Description

The applicant is seeking approval of a zoning map amendment changing the zoning from IL (Industrial-Limited) to CC-T (Commercial Corridor - Transitional District), a demolition permit to raze a bakery, and conditional uses to construct 245 dwelling units and 4,350 square feet of commercial space in four buildings. A certified survey map creating one lot accompanies the land use application.

Building 1 is a five-story mixed use building with 77 dwelling units and 4,350 square feet of commercial space located at the corner of East Washington Avenue and North Fair Oaks Avenue. Building 2 is a two-story building with 12 townhouse units located immediately south of building 1, also fronting on North Fair Oaks Avenue. Building 3 is an 'L'-shaped five-story 110-unit building with outdoor terrace amenity in the crook of the building facing north located along the north edge of the site. Building 4 is a three-story 46-unit building located near the southern end of the site, set back from buildings 1 and 2 and separated by a double-loaded row of surface parking.

All together, the site includes 100 one-bedroom units, 102 two-bedroom units, and 43 three-bedroom units. All buildings have some units with ground floor entrances and all ground floor units in buildings 1 and 2 have private entrances. The commercial space in building 1 has a direct connection to the public sidewalk along East Washington Avenue. In addition to the first-floor commercial space, building 1 includes a lobby, office, exercise room, and community room on the first floor. Buildings 3 and 4 also include first floor lobbies and community rooms and building 3 has a community room and roof deck on the fifth floor.

The primary facade materials vary from building to building, but generally include brown, dark gray, and light gray composite lap siding, silver-colored metallic panels, brown and gray composite panels, and cream and gray brick veneer. Accent and trim materials include cream and white cast stone bands and headers, composite trim in similar colors to the siding and panels, as well as a blue composite, composite windows, aluminum storefront units, and black railings and handrails. The letter of intent indicates a variety of soundproofing materials and techniques will be incorporated into the construction.

Vehicular site access is via a right-in/right-out driveway on East Washington Avenue and a full access driveway on North Fair Oaks Avenue. All buildings have underground vehicular parking and the underground parking for buildings 1 and 2 are connected as a larger shared parking area. The proposal includes 213 total underground parking stalls and 69 surface parking stalls, for a total of 282 vehicle parking stalls. Additionally, the proposal provides 267 covered or secured bicycle parking stalls and 34 short-term surface bicycle parking stalls, for a total of 301 bicycle parking stalls.

A large green space with playground and picnic pavilion is proposed for the rear of the site. The eastern portion of the green space, near building 4, is a bioretention basin. The site plan includes pedestrian connections through the site to the green space and to the adjacent Hawthorne Elementary School, as well as a small number of evergreen and understory trees spread across the site, within the surface parking areas, and along the northern edge of the property. Larger deciduous canopy trees are proposed around the periphery of the site, along the street frontage, and within the greenspace at the rear of the site. A variety of evergreen and deciduous shrubs and perennials are proposed around the bases of the buildings, especially along the street frontages and between the buildings and surface parking areas.

According to the letter of intent, the applicant intends to start construction in spring 2023. The buildings will be constructed in phases with the initial phase being completed by summer 2024.

Analysis & Conclusion

This request is subject to the standards for zoning map amendments, demolition permits, conditional uses, and certified survey maps. This section begins with a summary of adopted plan recommendations, followed by zoning map amendment standards, demolition permit standards, conditional use standards, land division standards, and finally a conclusion.

Conformance with Adopted Plans

The [Comprehensive Plan](#) (2018) recommends GC (General Commercial) for the site. GC areas provide the city's population with a wide range of retail goods and services, including certain business and professional offices. GC districts are not generally recommended for residential uses, though such uses may be considered as part of a conditional use under relevant zoning districts.

The [Carpenter-Hawthorne-Ridgeway-Sycamore-Truax Neighborhood Plan](#) (2001) does not provide land use recommendations for this site. It is believed that at the time of writing, the bakery was assumed to remain for the long term. Adopted plans that are in place at the time of application should be considered as part of their review. As a reference, the [Hawthorne-Truax Neighborhood Plan](#) planning process is currently underway and will include recommendations for this area, but the plan has not been completed nor adopted. Staff anticipates the plan will be adopted in early 2023.

While the Comprehensive Plan does note that while residential uses may be considered as part of a conditional use under relevant zoning districts, staff believe that with the mix of uses proposed on site with the addition of a commercial component, the Plan Commission could find the proposal to be consistent with adopted plans.

Zoning Map Amendment Standards

The Zoning Map Amendment standards, found in 28.182(6), M.G.O. state that such amendments are legislative decisions of the Common Council that shall be based on public health, safety, and welfare, shall be consistent with the [Comprehensive Plan](#), and shall comply with Wisconsin and federal law. Chapter 66.1001(3) of Wisconsin Statutes requires that zoning ordinances (of which the zoning map is part) enacted or amended after January 1, 2010 be consistent with the City's [Comprehensive Plan](#). 2010 Wisconsin Act 372 clarified "consistent with" as "furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan." As described above, the request and its uses can be found to be generally consistent with the land use recommendations for this area in the [Comprehensive Plan](#). Importantly, staff believes that a rezoning to CC-T is generally consistent with the GC recommendation in the Comprehensive Plan.

Demolition Permit Standards

The Plan Commission shall consider standards of approval in §28.185(9)(c) M.G.O. when making a determination regarding demolition requests. The most relevant in this case is Standard 4:

That the Plan Commission has received and considered the report of the City's Historic Preservation Planner regarding the historic value of the property as well as any report that may be submitted by the Landmarks Commission.

The Landmarks Commission reviewed the proposed demolition at its May 9, 2022 meeting and found that the existing buildings addressed 3401, 3413, and 3433 East Washington Avenue have no known historic value. Staff believes that all other applicable demolition permit standards of approval can be found met.

Conditional Use Standards

The applicant is requesting approval of two conditional uses within the CC-T district to construct the proposed development. In regards to conditional use approval standards, the Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of §28.183(6) M.G.O. are met. With regards to the City's adopted plan recommendations, as mentioned above, the Planning Division believes that the proposal can be found consistent with the recommendations of the Comprehensive Plan. Staff believes that, subject to the conditions included below, the Plan Commission may be able to find that the conditional use approval standards are met.

In regards to conditional use approval standards, the Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of §28.183(6) M.G.O. are met. Staff advises the Plan Commission that in evaluating the conditional use standards, State law requires that conditional use findings must be based on "substantial evidence" that directly pertains to each standard and not based on personal preference or speculation.

Staff provide the following comments regarding Condition Use approval standard nine (9):...*the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district. In order to find that this standard is met, the Plan Commission may require the applicant to submit plans to the Urban Design Commission (UDC) for comment and recommendation.*

As the site is within Urban Design District 5, this proposal has already been reviewed by the UDC. At its June 29, 2022, meeting, the UDC granted final approval with the following comments and recommendations:

- Update the planting plan to add more diversity to the plant list, including incorporating more perennials and foundation plantings.
- Look at using a different Oak species that are shown close to the building, including Regal Prince or English Oak.
- Look at potentially pulling the Fair Oaks building over toward the access drive in order to make the walkway wider for more privacy for the apartments.
- Provide a more solid screen element than the proposed wood trellis in the pedestrian plaza space for the residential units.
- Incorporate the same screen element provided on the pedestrian plaza between Buildings 1 and 2 along the E. Washington Avenue side to buffer the commercial seating area.
- Submit a lighting plan for the pedestrian areas to be reviewed and approved administratively by the Urban Design Commission Secretary.
- Add more landscaping to the roof terrace spaces. Rooftop planting plans should match the renderings in the presentation.

Related to the addition of residential uses at the site is the resolution adopted by the Common Council in September 2019 responding to the Draft Environmental Impact Statement (EIS) for the Air National Guard F-35A Operational Beddown National Guard Environmental Impact Statement (EIS) pertaining to the 115th Fighter Wing

at Truax Field (Legislative File ID [57364](#)), just to the east of this site. According to the [F-35 EIS Staff Analysis](#), much of the western portion of the site fall within the “65 decibel” Day and Night Average Sound Level (DNL) area. The FAA has determined the 65 decibel DNL area is the noise exposure level where land use compatibility issues may begin to arise surrounding airports. In conversations with the Alder and staff, the applicant has agreed to explore methods to attenuate noise coming from the airport area. A condition has been recommended strongly encouraging noise attenuation to be included in the proposal. Such techniques would likely be required as part of an agreement for financial support from the City of Madison, and such strategies would be reviewed prior to issuance of building permits and inspected at appropriate stages of construction by Building Inspection staff.

Land Division

The applicant has submitted a certified survey map to create one lot. Staff believe that all applicable standards for land divisions can be found met.

Conclusion

Staff believes that the proposed zoning map amendment from the Industrial Limited (IL) District to the Commercial Corridor-Transitional (CC-T) District is consistent with the underlying “General Commercial” future land use recommendation in the Comprehensive Plan. Further, staff believes that the standards of approval for demolition permits and the standards for land divisions can be found to be met. When considering the inclusion of commercial space in the proposed redevelopment and the recommendations and findings from the UDC, staff believes the standards of approval for conditional uses can be found met.

At time of writing, Staff has received a small amount of written comment from the public, which has been added to the legislative file for this request.

Recommendation

Planning Division Recommendations (Contact Colin Punt 243-0455)

The Planning Division recommends that the Plan Commission **approve** the demolition permit and conditional uses to demolish a bakery and construct four buildings with 245 dwelling units and 4,350 square feet of commercial space at 3401 East Washington Avenue and that it forward Zoning Map Amendment Section 28.022 - 00567 to change the zoning of properties located at 3401 East Washington Avenue from IL (Industrial-Limited) District to CC-T (Commercial Corridor - Transitional) District and the associated CSM creating one lot to the Common Council with a recommendation of **approval**. This recommendation is subject to input at the public hearing and the following conditions.

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

Land Use Request – Zoning Map Amendment, Demolition Permit, Conditional Uses

Planning Division (Contact Colin Punt, 243-0455)

1. The developer is strongly encouraged to incorporate noise mitigation strategies during construction of the buildings. Note: This would likely be required as part of an agreement for financial support from the City of Madison, and such strategies would be reviewed prior to issuance of building permits and inspected at appropriate stages of construction by Building Inspection staff.

Zoning Administrator (Contact Jacob Moskowitz, 266-4560)

2. Parking requirements for persons with disabilities must comply with Section 28.141(4)(e). Final plans shall show the required accessible stalls including van accessible stalls. A van accessible stall is a minimum of 8 feet wide with an 8 foot wide striped access aisle. Show the required signage at the head of the stalls.
3. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
4. Provide revised elevations detailing compliance with Sec. 28.129 Bird-Safe Glass Requirements. Provide specification of bird-safe glass treatment to be used.
5. Screening is required adjacent the Zoning district boundary along the side and rear property lines. Screening shall be provided along side and rear property boundaries between commercial/ mixed-use districts and residential districts. Screening shall consist of a solid wall, solid fence, or hedge with year-round foliage, between six (6) and eight (8) feet in height. Submit a detail of the screening fence with the final plans.
6. Section 28.185(7)(a)5. requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Bryan Johnson (608-266-4682).
7. Section 28.185(10) Every person who is required to submit a reuse and recycling plan pursuant to Sec. 28.185(7)(a)5. shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
8. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.

City Engineering Division (Contact Brenda Stanley, 261-9127)

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| <ol style="list-style-type: none">9. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.10. Applicant shall provide projected wastewater calculations for the development. Offsite sanitary sewer improvements by the developer maybe required as a condition for development.11. All storm discharges shall be directed to the public ROW. No discharge allowed to adjacent private property. |
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12. Enter into a City / Developer agreement for the required infrastructure improvements. Agreement to be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact City Engineering to schedule the development and approval of the plans and the agreement. (MGO 16.23(9)c)
 13. Construct sidewalk, terrace, curb & gutter and pavement to a plan as approved by City Engineer
 14. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.

(MGO 16.23(9)(d)(4))

15. Obtain a permanent sewer plug permit for each existing sanitary sewer lateral serving a property that is not to be reused and a temporary sewer plug permit for each sewer lateral that is to be reused by the development. The procedures and fee schedule is available online at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
16. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
17. A Storm Water Management Report and Storm Water Management Permit is required for this project. See Storm comments for report and permit specific details and requirements.
18. This site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR216 and NR-151 however a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. Information on this permit application is available on line: <http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm>. The applicant is notified that the City of Madison is an approved agent of the Department of Safety and Professional Services (DSPS) and no separate submittal to this agency or CARPC is required for this project to proceed.
19. Revise the site plan to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service. (POLICY)
20. 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. (POLICY AND MGO 10.29)
21. Revise plan to show the location of all rain gutter down spout discharge locations. (POLICY)
22. 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.
23. Provide additional detail how the enclosed depression(s) created by the parking entrance(s) to the below building parking area(s) is/are served for drainage purposes. The building must be protected from receiving runoff up through the 100-yr design storm that is current in Madison General Ordinance Chapter 37. If the enclosed depression(s) is/are to be served by a gravity system provide calculations stamped by a Wisconsin P.E. that show inlet and pipe capacities meet this requirement. If the enclosed depression(s) is/are to be served by a pump system provide pump sizing calculations stamped by a Wisconsin P.E. or licensed Plumber that show this requirement has been met.
24. 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.
25. This project will disturb 20,000 sf or more of land area and require an Erosion Control Plan. Please submit an

11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval. Demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year. The WDNR provided workbook to compute USLE rates can be found online at <https://dnr.wi.gov/topic/stormwater/publications.html>

26. This project will require a concrete management plan and a construction dewatering plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. If contaminated soil or groundwater conditions exist on or adjacent to this project additional WDNR, Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit. (POLICY) This project appears to require fire system testing that can result in significant amounts of water to be discharged to the project grade. The Contractor shall coordinate this testing with the erosion control measures and notify City Engineering 608-266-4751 prior to completing the test to document that appropriate measures have been taken to prevent erosion as a result of this testing. Complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website - as required by Chapter 37 of the Madison General Ordinances.
27. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Stormwater Management Permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>. The Storm Water Management Plan & Report shall include compliance with the following:
- Report: Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.
 - Electronic Data Files: Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. If calculations are done by hand or are not available electronically, the hand copies or printed output shall be scanned to a PDF file and provided to City Engineering. (POLICY and MGO 37.09(2))
 - Rate Control: Reduce peak discharge in the 10 year storm event by 15% compared to existing conditions.
 - TSS Redevelopment with TMDL: Reduce TSS by 80% off of the proposed development when compared with the existing site.
 - Oil/Grease Control: Treat the first 1/2 inch of runoff over the proposed parking facility and/or drive up window.
 - Volume Control: Provide onsite volumetric control reducing the post construction volumetric discharge to 95% of the predevelopment discharge volume as calculated using the 10-year storm event.
- Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project.
28. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West).

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

29. The Applicant shall dedicate or provide easement to facilitate expanded terraces in forth coming CSM along both N Fair Oaks Avenue and E Washington Avenue as necessary as specified by City Engineering and Traffic Engineering.
 30. Owner/ developer/contractor shall coordinate any agreements necessary for any disturbance to the School property for the offsite storm sewer connection, and that the structure that is being utilized for public connection is located within a public easement.
 31. The proposed new building crosses an underlying platted lot line. Prepare a Certified Survey Map (CSM) and submit to the Planning Unit to dissolve underlying lot lines to comply with fire codes, City Ordinances and City Policies. The CSM shall be approved by the City, recorded with the Dane County Register of Deeds and new Tax Parcel information available prior to issuance of a building or early start permit.
 32. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD), 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 or early start permits for new construction.
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33. Proposed project and structures are located within the limits of various dry utility easements. Work with the various utility companies to obtain releases as necessary to facilitate the project.
 34. There are existing overhead lines located along the South and Easterly parcel limits running through to service other parcels. Owner/developer should consider formalizing and agreement with the dry utility providers for the placement of these facilities.
 35. Submit a site plan and a complete set of building Floor Plans (for each individual building) 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 an interior and building addressing plan for the proposed multi-building complex. Each building page should include a key locator and north arrow. Also, include a unit matrix for the apartment buildings. The Addressing Plan for the entire project shall be finalized and approved by Engineering (with consultation and consent from the Fire Marshal if needed) PRIOR to the Verification submittal stage of this LNDUSE with Zoning. The final approved stamped Addressing Plan shall be included in said application. Per 34.505 MGO, a full copy of the approved addressing plan shall be kept at the building site at all times during construction until final inspection by the Madison Fire Department. For any changes pertaining to the location, deletion or addition of a unit, or to the location of a unit entrance, (before, during, or after construction), a revised Address Plan shall be resubmitted to Lori Zenchenko to review addresses that may need to be changed and/or reapproved.

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

36. The applicant shall dedicate Right of Way or grant a Public Sidewalk Easement for and be responsible for the construction of a six (6)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1) foot for maintenance along E. Washington Avenue.
37. The applicant shall dedicate Right of Way or grant a Public Sidewalk Easement for and be responsible for the construction of a five (5)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1) foot for

maintenance along N. Fair Oaks Avenue.

38. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be to engineering scale and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
39. 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.
40. 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.
41. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
42. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
43. All pedestrian walkways adjacent parking stalls shall be 7 feet wide to accommodate vehicle overhang, signage and impediments to walkway movements. Any request for variance shall be submitted to and reviewed by City Traffic Engineering.
44. Per Section MGO 12.138 (14), this project is not eligible for residential parking permits. It is recommended that this prohibition be noted in the leases for the residential units.
45. The applicant shall provide a clearly defined 5' 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 wheel chair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.
46. City of Madison radio systems are microwave directional line of sight to remote towers citywide. The building elevation will need to be reviewed by Traffic Engineering to accommodate the microwave sight and building. The applicant shall submit grade and elevations plans if the building exceeds three stories prior to sign-off to be reviewed and approved by DeAndre Newson, (266-4768, dnewson2@cityofmadison.com) Traffic Engineering Shop, 4151 Nakoosa Trail. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign off.
47. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign at all class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
48. 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.

49. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
50. Secure parking facility. This is usually done with continuous six (6) inch curb, timbers, preformed wheel stops, guardrail erected at a height of eighteen (18) inches or fencing of sufficient strength to act as a vehicle bumper.
51. The applicant shall prepare a TDMP (Traffic Demand Management Plan) to be reviewed and approved by the City Traffic Engineer. MGO (28.183(6)(a)(6)
52. Applicant shall submit for review a Commercial Delivery Plan. This plan will include times, vehicle size, use of loading zones and all related turning movements.
53. Note: This site presents difficult constructability issues; access to neighboring sites must be maintained at all times, protected walkways will be constructed and maintained as soon as possible and little to no access to the Public Right-of-Way on East Washington Avenue and North Fair Oaks Avenue will be granted for construction purposes. Provide a detailed construction plan to Traffic Engineering for review by the Traffic Control Specialist (Mike Duhr) prior to final signoff.

Fire Department (Contact Bill Sullivan, 886-4691)

54. Buildings 1 & 3 shall be protected with fire sprinklers in accordance with NFPA 13.
55. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Division Chief Jeff Larson at jtlarson@cityofmadison.com or (608) 2665946.
56. MFD recommends that the elevators be located within sight of a stair in order to encourage walking the stairs and promote a healthier lifestyle.

Parks Division (Contact Kate Kane, 261-9671)

57. 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 East Park-Infrastructure Impact Fee district. Please reference ID# 22014 when contacting Parks about this project.

Water Utility (Contact Jeff Belshaw, 261-9835)

58. Privately owned water mains to be connected to the publicly owned distribution system at more than one point are required to install a check valve at each point of connection to the distribution system to prevent water from flowing back into the distribution system. Each check valve shall be located in a manhole or vault and shall be immediately preceded and followed by a buried or exposed shut-off valve on the main. The water supplier shall have access to the manholes and valves for inspection purposes. (per NR 811.68(3)).
59. All water mains and appurtenances within the property will be considered private.

60. The Utility plan indicates a new 8 inch connection on E. Washington. MWU would prefer the reuse of the existing 8 inch service just NE of the existing hydrant. Revise the Utility plan to show using the existing service to this lot.

61. The Madison Water Utility shall be notified to remove the water meter at least two working days prior to demolition. Contact the Water Utility Meter Department at (608) 266-4765 to schedule the meter removal appointment.

62. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumbers-contractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Ave. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. A Water Meter Application Form will subsequently be required to size & obtain a water meter establish a Water Utility customer account and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

Metro Transit (Contact Tim Sobota, 261-4289)

63. The applicant shall maintain or replace the accessible bus stop boarding pad at the curbside bus stop zone that is on the south side of E Washington Avenue, east of Fair Oaks Avenue.

64. In coordination with public works improvements, the applicant shall install and maintain a concrete boarding pad at the curbside bus stop zone that is on the east side of Fair Oaks Avenue, south of E Washington Avenue.

65. The existing curbside bus stop zones and accessible pedestrian terrace and sidewalk areas provide critical access to the City's transit operations, and any planned or permitted obstruction of the existing bus stop zones in excess of thirty (30) days may require additional right-of-way improvements and/or other mitigation measures in coordination with Traffic Engineering and Metro Transit staff - in order to create an alternate bus stop zone(s) that would serve the E Washington Avenue at Fair Oaks Avenue intersection area in a comparable operational and accessible manner.

66. The applicant shall include the location of these transit amenities on the final documents filed with their permit application so that Metro Transit may review the design.

67. Metro Transit operates daily all-day transit service along E Washington Avenue adjacent this property - with trips at least every 60 minutes. Additional weekday service operates along Fair Oaks Avenue adjacent this property.

The Forestry Section has reviewed this request and has recommended no conditions of approval.

Certified Survey Map

City Engineering Division (Contact Brenda Stanley, 261-9127)

1. Per the WDNR closure letter, this property was closed with residual soil and/or groundwater contamination (BRRTS #3-13-178356 GARDNER BAKING CO). Written approval from the WDNR is required prior to disturbing the existing barrier cap. Submit copy of WDNR approval letter to Brynn Bemis (608.267.1986, bbemis@cityofmadison.com).
2. Enter into a City / Developer agreement for the required infrastructure improvements. Agreement to be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact City Engineering to schedule the development and approval of the plans and the agreement. (MGO 16.23(9)c)
3. Construct sidewalk, terrace, curb & gutter and pavement to a plan as approved by City Engineer
4. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4))
5. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4))
6. A minimum of two (2) working days prior to requesting City Engineering signoff on the plat/csm contact either Tim Troester (West) at 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). (POLICY).

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

7. Grant a Public Sidewalk Easement to the City on the face of this Certified Survey Map, size and location to be specified by City Engineering and Traffic Engineering to accommodate expanded terraces. Contact Julius Smith with Engineering Mapping for terms and conditions to be placed on the face of the map. (jsmith4@cityofmadison.com)
8. Provide Draft agreement of proposed offsite connection to Public Storm Sewer over school lands to the South, which appears to be outside of Public Storm Sewer Easement, for proposed development.
9. Various Existing Easements for Communication and Electrical lines shown on the CSM will need to be released for the proposed development to be constructed. Please note these easements as to be released by separate document on the CSM or if they are released prior to recording please remove them from the CSM.

10. All easements shall be fully retraceable on the CSM. It appears the Easement listed in Doc 1605525 is likely to remain and a portion of the Easement in Doc 1962286 typical to the property line will remain. While these easements are typical to the parcel line their length shall be shown on the CSM.
11. Detail Easement in Doc 855020 as it only affects Lot 3 and underlying lot lines will be going away
12. Show the South line of Vacated Garfield Avenue/ North line of Lot 9, Do not need to label Lot 9.
13. 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)
14. Prior to Engineering final sign-off by main office for Plats or Certified Survey Maps (CSM), the final Plat or CSM in pdf format must be submitted by email transmittal to Engineering Land Records Coordinator Julius Smith (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.
15. Easement linetypes are not consistent and some are not distinguishable from property/platted lines, consider revising for clarity.
16. show recorded as bearings around parcel. Show Recorded Bearing for Lot 2 CSM 138. Show recorded as bearing for 66' section of North Fair Oaks Per Jacobsons Plat and first addition. Show Recorded as bearing and Distance from Quit Claim Deed Doc 4091211, (42 51' 53" 20.96'). Show Recorded as Bearings along N Fair Oaks per Award of Damages Doc 1284986, (1 30") also show the Recorded as Chord length for the Curve (124.36) per Award of Damages
17. Show Curve Tangent Bearing.
18. Per State Stat 236.20(2)(h) Show Centerline/reference line of all streets on Sheet 1.
19. On Sheet 5 of 7 label the East line of the parcel.
20. The owner listed in the Owners Certificate appears to be a corporation use formal Corporate Owners Certificate and matching Notary Statement which recognizes signors position.
21. On sheet 7 of 7 in the 10th line of the Legal Description revise the distance after S41 06' 63" E to " 225.03 feet" as shown as on Sheet 5 of 7 from the POB to East line
22. Submit to Julius Smith, prior to Engineering sign-off of the subject plat, 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, preferably closed polylines for lot lines, shall be void of gaps and overlaps and match the final recorded plat:
 - a) Right-of-Way lines (public and private)
 - b) Lot lines
 - c) Lot numbers

- d) Lot/Plat dimensions
- e) Street names
- f) Easement lines (i.e. all shown on the plat including wetland & floodplain boundaries.)

NOTE: This Transmittal is a separate requirement from the required Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat, electronic data for any changes subsequent to any submittal.

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

23. The applicant shall dedicate Right of Way or grant a Public Sidewalk Easement for and be responsible for the construction of a five (5)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1) foot for maintenance along N. Fair Oaks Avenue.
24. The applicant shall dedicate Right of Way or grant a Public Sidewalk Easement for and be responsible for the construction of a six (6)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1) foot for maintenance along E. Washington Avenue.

Parks Division (Contact Kate Kane, 261-9671)

25. 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 East Park-Infrastructure Impact Fee district. Please reference ID# 22014 when contacting Parks
26. The following note should be included on the CSM: "LOTS WITHIN THIS SUBDIVISION ARE SUBJECT TO IMPACT FEES THAT ARE DUE AND PAYABLE AT THE TIME BUILDING PERMIT(S) ARE ISSUED."
27. The Parks Division shall be required to sign off on this CSM.

Office of Real Estate Services (Contact Heidi Radlinger, 266-6558)

A staff report addendum with recommended conditions of approval from the Office of Real Estate Services will be available prior to the Plan Commission public hearing

The Planning Division, Fire Department, City Assessor, Water Utility, and Metro Transit have reviewed this request and have recommended no conditions of approval.