



PREPARED FOR THE PLAN COMMISSION

Project Address: 208 Cottage Grove Road
Application Type: Demolition Permit and Conditional Use
Legistar File ID # [49922](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted.

Summary

Applicant: Mark Hammond, MSP Real Estate, Inc.; 1295 Northland Drive, Suite 270; Mendota Heights, Minnesota.

Property Owner: Sundial Capital, LL and C & P Capital, LLC; PO Box 45; McFarland.

Requested Actions: Approval of a demolition permit and conditional uses to demolish a commercial building and construct a four-story mixed-use building with 5,125 square feet of commercial space and 35 apartments, and a separate four-story, 77-unit apartment building at 208 Cottage Grove Road.

Proposal Summary: The applicant is requesting approval to demolish a one-story, 24,000 square-foot commercial building that currently houses the City’s Pinney Branch Library to allow construction of a four-story, 77-unit apartment building on the northern two-thirds of the L-shaped 2.2-acre parcel. A four-story mixed-use building with 5,125 square feet of first floor commercial space and 35 apartments will be constructed along the Cottage Grove Road frontage of the property.

The applicant has been awarded a loan of up to \$3 million from the City’s Affordable Housing Fund and is seeking affordable housing tax credits for the project from the Wisconsin Housing & Economic Development Authority. If awarded those tax credits, the project is scheduled to commence construction in March 2019, with completion anticipated in May 2020.

Applicable Regulations & Standards: Section 28.067(4)(a) states that any mixed-use or multi-tenant building over 40,000 square feet of gross floor area in the CC-T (Commercial Corridor–Transitional) district requires approval of a conditional use. Section 28.151 states that any mixed-use building with more than 24 dwelling units in the CC-T district requires conditional use approval. Table D-2 in Section 28.061 identifies multi-family dwellings with greater than eight units and a mixed-use building with less than 75% non-residential ground floor area as conditional uses in the CC-T district. Section 28.067(3)(c) requires a side or rear yard transition when a CC-T-zoned property abuts a residential district, which may be varied by conditional use approval. Section 28.183 provides the process and standards for the approval of conditional use permits. Section 28.185 provides the process and standards for the approval of demolition and removal permits.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission **approve** a demolition permit and conditional uses to allow the demolition of a one-story commercial building and construction of a four-story mixed-use building with 5,125 square feet of commercial space and 35 apartments, and a separate four-story, 77-unit apartment building at 208 Cottage Grove Road subject to the input at the public hearing and the conditions from reviewing agencies beginning on page 8 of this report.

Background Information

Parcel Location: The subject site is an approximately 2,2-acre parcel generally located in the northwestern quadrant of Cottage Grove Road and Johns Street; Aldermanic District 15 (Ahrens); Madison Metropolitan School District.

Existing Conditions and Zoning: One-story, 24,000 square-foot multi-tenant commercial building, zoned CC-T (Commercial Corridor–Transitional District). The Pinney Branch of the Madison Public Library currently occupies the western half of the building; the eastern half is currently vacant, but previously housed Habitat ReStore. The subject building shares a parking lot with an Old National Bank branch located on a separate parcel at 216 Cottage Grove Road.

Surrounding Land Uses and Zoning:

North: Single-family residences along Busse and Johns Streets, zoned TR-C1 (Traditional Residential–Consistent 1 District);

South: Multi-tenant commercial building (Ace Lakeside Hardware, Bethesda Thrift Shop, etc.), zoned CC-T (Commercial Corridor–Transitional District); Jade Monkey tavern, zoned NMX (Neighborhood Mixed-Use District);

West: Walgreens, Harley’s Liquor & Bait, zoned NMX;

East: Oasen Plumbing, Wayne’s Automotive, zoned CC-T.

Adopted Land Use Plans: The [Comprehensive Plan](#) recommends the site and surrounding commercial properties on both sides of Cottage Grove Road for Neighborhood Mixed-Use development, while the residential properties to the north are recommended for Low-Density Residential uses.

The [Cottage Grove Road Activity Centers Plan](#) includes the subject site as part of the “Atwood Activity Center.” Recommendations for the subject property include siting of new two- to five-story mixed-use and multi-family buildings on the north side of Cottage Grove Road between Atwood Avenue/Monona Drive and Johns Street, with illustrations in the plan showing a four-story mixed-use building along the Cottage Grove Road frontage west of the Old National Bank, a three-story multi-family building to its north, and a three-story townhouse building along the Johns Street frontage. The plan recommends that a multi-use path extend between Busse Street and Johns Street to improve bike/pedestrian connectivity, and that gardens and open space be provided between the subject site and one-story single-family residences to the north.

Zoning Summary: The project is zoned CC-T (Commercial Corridor–Transitional District):

Requirements	Required	Proposed
Front Yard	25’ maximum zoning	8.3’ from Cottage Grove Road
Side Yards Where proposed buildings or abutting buildings have openings in side wall(s) within 6 feet of lot line	Two-story or taller: 6’	19.7’ from west
Side Yard Setback: For exclusive residential use	10’	11.9’ from Johns Street
Rear Yard	Lesser of 20% of lot depth or 20’	22.5’ from northern property line

Requirements	Required	Proposed
Usable Open Space	160 sq. ft. per lodging room or one-bdrm. unit; 320 sq. ft. for units with more than one bdrm. (27,200 sq. ft.)	27,788 sq. ft.
Maximum Lot Coverage	85%	70%
Maximum Building Height	5 stories / 68' per zoning	4 stories, 53.5 feet at tallest
Auto Parking	No minimum required	169, plus 35 for ex. bank = 204 total
Bike Parking	Multi-family dwellings: 1 per unit up to two bedrms., half a space per add. bedroom (120); 1 guest space per 10 units (11); General retail; service business; office: 1 per 2,000 sq. ft. floor area (3) = Minimum 134 spaces	28 surface stalls, 122 underground stalls (150 total) (See conditions)
Loading	Not required	1 (Not dimensioned)
Building Forms	Flex Building – South Building; Large Multi-Family Building – North Building	(See conditions)
Other Critical Zoning Items		
Yes:	Barrier Free, Utility Easements	
No:	Wellhead Protection, Urban Design, Floodplain, Landmarks, Waterfront Development, Adjacent to Park	
<i>Prepared by: Jenny Kirchgatter, Assistant Zoning Administrator</i>		

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

Public Utilities and Services: The subject site is served by a full range of urban services, including Metro Transit, which operates daily transit service one block west of the site along Atwood Avenue; partial weekday service passes the site along Cottage Grove Road.

Project Description

The applicant is requesting Plan Commission approval of a demolition permit and conditional uses to demolish the one-story commercial building at 208 Cottage Grove Road to construct an L-shaped, four-story mixed-use building with 5,125 square feet of commercial space and 35 apartments along the Cottage Grove Road frontage, and a separate L-shaped, four-story, 77-unit apartment building on the northern portion of the property adjacent to Johns Street.

The subject parcel is an L-shaped 2.2-acre parcel with approximately 160 feet of frontage along Cottage Grove Road and 225 feet of frontage along Johns Street. The subject property shares a parking lot with an Old National Bank branch located on a separate 0.75-acre parcel at 216 Cottage Grove Road at the northwestern corner of Johns Street. The western property line extends approximately 460 feet north from Cottage Grove Road to a point on the east side of the cul-de-sac that forms the southern end of Busse Street, with a Walgreens pharmacy, Harley's Liquor & Bait, and one-story warehouse building used by Habitat for Humanity ReStore located on the parcels abutting on the west.

The building to be razed is a one-story, 24,000 square-foot building located on the northerly third of the property, with surface parking between the building and Cottage Grove Road. The building was constructed in 1976 per City records, and includes the Madison Public Library's Pinney Branch in the western half; the eastern portion of the building is currently vacant. Photos of the interior and exterior of the building are included in the Plan Commission

materials for the project, and appear to show a building in average condition. The Landmarks Commission informally reviewed the demolition at its January 29, 2018 meeting and recommended to the Plan Commission that the building has no known historic value.

The southern of the two proposed buildings will extend 129 feet along the Cottage Grove Road frontage and be located between the property line shared with the bank to the east, and a shared private drive that serves the site and adjacent Walgreens. The first floor will contain approximately 5,125 square feet of commercial space that will extend the length of the southern wall, with storefront returns shown at both the southeastern and southwestern corners. The floorplans and elevations do not show how the first floor commercial space will be demised or the number of entrances. A residential lobby and management office are proposed behind the commercial space, with an entrance located at the inside corner of the L-shaped building. The 35 apartments in the southern building will include five residential units on the first floor, eleven apartments on both the second and third floors, and seven apartments on the fourth floor. A 1,660 square-foot resident common room and balcony are also proposed on the western end of the fourth floor.

The northern L-shaped building will extend approximately 257.5 feet east to west across the site along the north side of a private drive that will extend from the north-south private drive serving Walgreens to Johns Street between the two proposed buildings before turning to parallel Johns Street for a distance of about 164.5 feet. The portion of the building parallel to the east-west drive will stand four stories in height before stepping down to three stories parallel to Johns. A lobby is proposed near the southeastern corner of the 77-unit residential building, with entrances on both the southern façade facing the private drive, and the northern façade facing a surface parking lot and residential courtyard and “tot lot” proposed between the building and adjacent single-family residences on Johns and Busse Streets. Sheet L100 shows substantial landscaping is proposed between the northern building and the homes to the north on both streets, including the preservation of five mature deciduous trees located along the northern property line. Extensive landscaping is also proposed between the building and Johns Street.

The 112 apartments proposed in the two buildings will consist of 54 one-bedroom units, 42 two-bedroom units, and 16 three-bedroom units. Parking for proposed development will include a single level of underground parking that will extend below both buildings and the east-west drive, which will be accessed from an entrance located at the northwestern corner of the northern building (see Sheet a1.3). Ninety-two (92) automobile parking stalls and 122 bike parking stalls are proposed under the buildings. Additional parking is proposed on the surface in 74 auto stalls and 28 bike stalls, as shown on Sheet C1.0. The site currently does not have vehicular access from Busse Street, and no vehicular access is proposed to serve the new development.

The proposed buildings will be clad in two colors of brick primarily located along the base and in prominent vertical sections, particularly on the southern building. Upper floors of both buildings will otherwise be clad in three colors and styles of fiber cement siding and panel. Balconies will be provided for upper floor units, while patios with entry doors will be provided for ground floor units. Information on how units in the proposed buildings will be heated and cooled, including the location of any louvers for HVAC equipment for individual units, has not been provided.

Analysis

Any mixed-use or multi-tenant building over 40,000 square feet of gross floor area in the CC-T (Commercial Corridor–Transitional) zoning district requires approval of a conditional use. Section 28.151 states that any mixed-use building with more than 24 dwelling units in the CC-T district requires conditional use approval, while multi-family dwellings with greater than eight units and mixed-use buildings with less than 75% non-residential ground

floor area as conditional uses in the CC-T zoning district. Additionally, Section 28.067(3)(c) of the Zoning Code requires that the building height at the rear or side yard setback line not exceed two stories and 25 feet. From this point, the height of the building may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line (a 45-degree angle) up to the maximum allowed height. Transitions not providing this bulk condition require conditional use approval. Approximately seven (7) feet of the third floor of the northern wing of the northern building will encroach into the required stepback adjacent to the rear yard, thereby requiring that a conditional use be granted for this aspect of the project.

In order for the demolition of the existing buildings to be approved, the Plan Commission is required to find that both the requested demolitions and the proposed use are compatible with the purpose of Section 28.185 of the Zoning Code and the intent and purpose for the zoning district in which the property is located. The proposed use of the property following the demolitions should also be consistent with the Comprehensive Plan and any adopted neighborhood plans. When making its decision, the Commission may consider and give decisive weight to any relevant facts including but not limited to the effects the demolition and proposed use of the subject property following demolition would have on the normal and orderly development and improvement of surrounding properties, the reasonableness of efforts to relocate the building, including the costs of relocation and the structural soundness of the building, and the limits that the location of the building would place on relocation efforts.

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

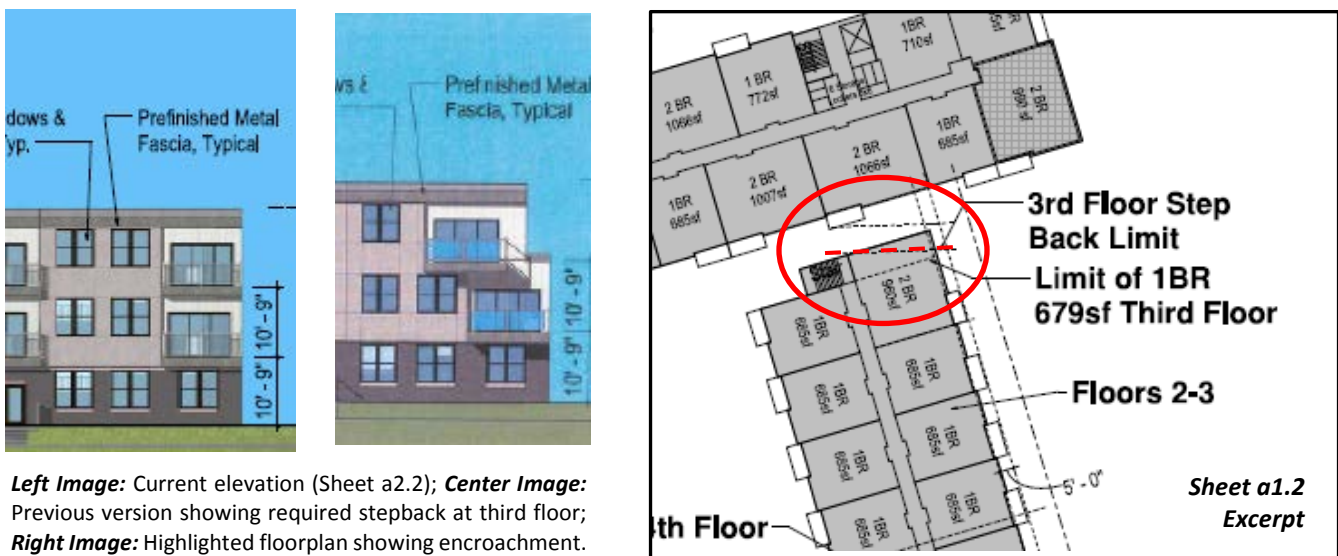
The Planning Division believes that the demolition permit can meet the standards for approval. While the information provided by the applicant suggests that the existing 24,000 square-foot building is in average condition, the Planning Division believes that its demolition may be supported because the redevelopment proposed to follow will be more economically productive than the existing building and in a manner that is consistent with the statement of purpose for the CC-T zoning district, which was established to recognize the many commercial corridors in the City that are largely auto-oriented, and encourage their transformation into mixed-use corridors that are equally conducive to pedestrian, bicycle, transit and motor vehicle activity.

Likewise, staff believes that the conditional use requests can meet the standards for approval. 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 by the establishment of the mixed-use building and apartment building proposed for the site, although staff is aware of opinions to the contrary by some residents and property owners in the neighborhood surrounding the proposed development. Staff also does not believe that construction of the development will impede the normal and orderly development or improvement of surrounding properties in this long-established east side neighborhood, which has been fully developed since the 1950s. While the proposed buildings represent a significantly different building form compared to what currently exists on the subject site and in most of the surrounding area, staff does not foresee how construction of the project will cause the surrounding neighborhood of commercial uses along Cottage Grove Road and single-family residences to the north to not continue in much the same fashion as the area has functioned historically. Additionally, staff feels that the 169 surface and underground parking stalls for the project are adequate, and the Traffic Engineering

Division has reviewed the project and has no concerns or major/non-standard conditions regarding traffic or parking impacts from the project.

During the review process, the applicant has worked with staff to address initial concerns regarding the proposed buildings, including improving the articulation of façades, addressing blank walls, and simplifying the overall composition of the buildings. As a result, staff believes that the Plan Commission may find that the proposed development creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the CC-T zoning district consistent with conditional use standard #9.

Further, staff believes that the transition from the northeasternmost corner of the building to the north can meet the standards for conditional use approval (standard #12).



Left Image: Current elevation (Sheet a2.2); **Center Image:** Previous version showing required stepback at third floor; **Right Image:** Highlighted floorplan showing encroachment.

The Zoning Administrator has determined that the yard adjacent to Cottage Grove Road is the front yard for the overall project. The rear yard by code is the one most parallel and opposite to the front yard, which is the yard along the northern property line in this case, despite that yard appearing to function like a side yard perpendicular to Johns Street. The building will be set back 22.5 feet from the northern property line. The third floor of the northern building will encroach approximately seven (7) feet into the 45-degree stepback required above two stories at the 20-foot required rear setback. Given the overall setback of the northern building from the residences to the north, staff feels that an appropriate transition is proposed (if the northern property line was considered the side yard, the third floor would meet the transition requirement). The architectural quality of the northern building is also improved with the consistent northern wall plane in staff's opinion compared to an earlier version of the northern building, which appeared to meet the transition requirement but resulted in an awkward transition architecturally along the façade facing Johns Street. The images above illustrate the northeastern corner of the building not providing the transition (left), the same portion of the building with the stepback/transition (center), and the area on the floorplans where the encroachment into the required stepback/transition is depicted for reference (right).

The proposed redevelopment also reflects many of the recommendations for new development for this section of Cottage Grove Road in adopted plans.

The Comprehensive Plan recommends that the subject site and nearby commercial properties on both sides of Cottage Grove Road for Neighborhood Mixed-Use development. Neighborhood Mixed-Use (NMU) districts are recommended locations for clusters of relatively small convenience shopping and service uses that serve as pedestrian-oriented activity centers and gathering places for the surrounding neighborhoods or districts located along relatively important streets within or adjacent to residential districts. Buildings in NMU areas are recommended to be two to four stories tall and placed close to the sidewalk and street, with parking located primarily behind the buildings or underground. Neighborhood-serving commercial buildings and uses, and housing with no fixed maximum number of dwelling units per building developed at a density up to 40 units per acre are recommended elements for new developments in areas with the NMU designation. Staff believes that the building placement, use mix, and site plan are consistent with NMU district recommendations. However, the project is denser than the 40-unit per acre threshold generally recommended for NMU development, with 112 dwelling units proposed for the 2.2-acre subject site, which corresponds to a density of 50.9 units per acre.

The subject site is also subject to the recommendations in the Cottage Grove Road Activity Centers Plan, which was adopted by the Common Council in October 2017 to provide transportation, economic development, land use, design, and placemaking recommendations for the Cottage Grove Road corridor from Atwood Avenue and Monona Drive on the west and Interstate 39-90 on the east, with particular focus on the intersections of Cottage Grove Road at Atwood and at Acewood Boulevard. The Plan generally encourages new development that serves the adjacent neighborhoods and provides stability to the activity centers, and encourages “significant” multi-story residential and mixed-use development on vacant lots and corner sites that will anchor, stabilize and revitalize both activity centers. New development is intended to support existing businesses by adding new residents in a variety of housing choices for people in different life stages and with various income levels. Commercial uses in the activity centers are recommended to focus on neighborhood-serving retail, personal services, and restaurants that serve the daily needs of residents as well as attract newcomers to the adjacent neighborhoods. The Plan includes a market study to analyze the type and amount of uses that the activity centers could support.

In the case of the “Atwood Activity Center,” the Cottage Grove Road Activity Centers Plan includes detailed recommendations for both sides of Cottage Grove Road from the Atwood Avenue/ Monona Drive intersection to just east of Johns Street, including the subject site, adjacent Walgreens, and multi-tenant commercial complex located to the south. The Atwood Activity Center is recommended to include a mix of service-oriented commercial uses and smaller multi-family residential buildings that incorporate affordable, quality housing into new development that is close to employment centers and respectful of relationship with adjacent residential uses. New mixed-use and multi-family buildings are recommended to be two to five stories in height and to front on the street with parking placed to the side and rear. Illustrations for the Atwood Activity Center on page 21 of the Plan show a four-story mixed-use building along Cottage Grove Road west of the Old National Bank, a three-story apartment building to the north on the interior of the subject site adjacent to the Busse Street cul-de-sac, and three-story townhomes and along Johns Street, with a larger-scale building on the Walgreens site. The drawings also show a new pedestrian connection at the end of Busse Street that runs along the northern border of the subject site through gardens and open space that will buffer the existing neighborhood from the future buildings.

Staff believes that the plans for the subject site are consistent with many of the land use, economic development, and design recommendations in the Cottage Grove Road Activity Centers Plan. The proposed buildings will be located on the site in a similar fashion as recommended in the Plan, although the northern building is one story taller than suggested in the illustrations, and is connected to the building recommended to parallel Johns Street, which had been depicted as a separate three-story structure. However, the transition from four stories across the center of the site to three stories facing Johns Street is consistent with the plan, and staff believes that the transition between the four-story portion of the northern building and single-family residences to the north is

reasonable. Parking for the project follows recommendations in the plan to be located at the side, rear or below the new buildings.

The applicant proposes to deviate from the recommendation that an east-west path be extended between Busse and Johns Streets along the northern property line due to concerns about pedestrian traffic cutting through the rear yard of the project, and proposes instead for this through-block pedestrian movement to occur along a six-foot wide sidewalk to be located along the southern façade of the northern building in a less private portion of the development. The Planning Division believes that this change to the planned pedestrian circulation is generally acceptable. However, the area between the east-west private drive and northern building should be redesigned to enhance the pedestrian connection through the site by converting the back-in diagonal stalls to parallel stalls. Staff feels this will reduce vehicular encroachment adjacent to the sidewalk, allow the pedestrian area to feel less constrained by the building and vehicles, and create more space along the south wall of the building for residents.

Conclusion

The Planning Division believes that the proposed demolition of the existing 24,000 square-foot commercial building and mixed-use and residential redevelopment can meet the standards for approval for demolition permits, and conditional uses. The proposed development is consistent with the statement of purpose for the CC-T zoning district, which was established to recognize the many commercial corridors in the City that are largely auto-oriented, and encourage their transformation into mixed-use corridors that are equally conducive to pedestrian, bicycle, transit and motor vehicle activity. The project is also generally consistent with the adopted plan recommendations for the site and surroundings in the [Comprehensive Plan](#) and [Cottage Grove Road Activity Centers Plan](#), including the specific land use, economic development, and design recommendations contained in the corridor plan for the Atwood Activity Center. Staff believes that the project should not have an adverse impact on the uses, values and enjoyment or normal and orderly development of surrounding properties.

Recommendation

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

The Planning Division recommends that the Plan Commission **approve** a demolition permit and conditional uses to allow the demolition of a one-story commercial building and construction of a four-story mixed-use building with 5,125 square feet of commercial space and 35 apartments, and a separate four-story, 77-unit apartment building at 208 Cottage Grove Road subject to input at the public hearing, the following Planning Division condition(s), and the conditions from reviewing agencies:

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

Planning Division

1. Revise the site and landscaping plans, floorplans, and renderings where necessary to provide a consistent vision for the space between the southern building and Cottage Grove Road; the Planning Division recommends that the space between first floor commercial space and public sidewalk be developed as a hardscaped plaza for outdoor seating and programming for the commercial spaces.
2. Revise the plans at the northwestern corner of the northern building to remove the three automobile stalls located between the underground garage entrance and north-south drive to reduce potential vehicle conflicts

in that area of the site, and extend the pedestrian walkway parallel to the northern wall across the top of the ramp if possible.

3. The southern façade of the southern building shall be revised to show a storefront design with at least one functional entrance facing Cottage Grove Road consistent with the requirements in Section 28.060(2)(a) of the Zoning Code.
4. Include tree protection measures for the mature trees along the northern property line on Sheet C2.0 of the final plans for approval by Planning staff.
5. Revise the plans to provide a section or detailed elevation confirming the transition of the three-story portion of the northern building to the north, per final Planning Division approval.
6. Revise the plans to provide parallel parking or no parking along the north side of the east-west drive instead of the diagonal parking now shown to reduce the paved area and provide more buffer space for the six-foot east-west sidewalk and the first floor units in the northern building.
7. The applicant and property owner(s) shall grant easements to the public to allow pedestrian and bikes to use the north-south drive along the western edge of the property and the east-west drive between proposed buildings in a manner consistent with the circulation recommendations in the Cottage Grove Road Activity Centers Plan. The final form of the easements shall be approved by the Planning Division and recorded prior to final plan approval and issuance of building permits.
8. Any proposed HVAC or utility penetrations on the buildings shall not face Cottage Grove, Johns Street, or the north-south private drive along the west side of the site. Any such penetrations elsewhere on the exterior of the building shall be designed to be perpendicular to the facades to limit their visibility to the greatest extent possible. All detail regarding HVAC and utility penetrations shall be provided to the Director of the Planning Division or Plan Commission for approval prior to issuance of permits for the project.

The following conditions have been submitted by reviewing agencies:

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

9. The proposed southern building has a sanitary sewer connection to the City sewer in the existing public easement (former Busse Street). The sewer has downstream sewer capacity constraints on this sewer main. If the development needs to connect to this sewer main, the applicant will be required to enter into a developer's agreement to extend sewer main on Olbrich Avenue from the intersection Johns Street and Olbrich Avenue to the intersection of Olbrich Avenue and Busse Street. Alternatively, the applicant can extend a sewer lateral for the southern building into Johns Street. The City has sewer capacity on Johns Street.
10. Prior to final approval, the owner or owner's representative shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged, the owner shall complete a sewer lateral plugging application and pay the applicable permit fees.
11. All outstanding 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.

12. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service.
13. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE. The project will be expected to meet a higher standard of erosion control than the minimum standards set by the WDNR in order to comply with TMDL limits.
14. The applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the City Engineering Division. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the only the following data, each on a separate layer name/level number. The digital copies shall be drawn to scale and represent final construction including: building footprints; internal walkway areas; internal site parking areas; other miscellaneous impervious areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.); right-of-way lines (public and private); plat name and lot lines (metes & bounds parcel lines if unplatted); platted lot numbers (noted "unplatted lands" if not platted); lot/plat property dimensions; street names; private on-site sanitary sewer utilities (including all connections to public sanitary); private on-site storm sewer utilities (including all connections to public storm). All other levels (contours, elevations, etc.) are not to be included with this file submittal. E-mail CAD file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement, private on-site sanitary sewer utilities, or private on-site storm sewer utilities during construction will require a new CAD file.
15. The applicant shall 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). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2)) PDF submittals shall contain the following information: a) Building Footprints; b) Internal Walkway Areas; c) Internal Site Parking Areas; d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.); e) Right-of-Way lines (public and private); f) Lot lines or parcel lines if unplatted; g) Lot numbers or the words unplatted; h) Lot/Plat dimensions; i) Street names; j) Stormwater Management Facilities; k) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
16. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including: a) SLAMM DAT files; b) RECARGA files; c) TR-55/HYDROCAD/Etc; d) Sediment loading calculations. 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.
17. This project appears to require construction dewatering. A dewatering plan shall be submitted to the City Engineering Division as part of the Erosion Control Permit application and plan. If contaminated soil or groundwater conditions exist on or adjacent to this project additional Wisconsin Department of Natural Resources (WDNR), Public Health Madison-Dane County, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit.
18. 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. Include copies of all stormwater, utility, and detail plan sheets that contain

stormwater practices on 8.5x14-inch paper in the draft document. These drawings do not need to be to scale as they are for informational purposes only. Once City Engineering staff have reviewed the draft document and approved it with any required revisions submit a signed and notarized original copy to City Engineering. Include a check for \$30.00 made out to Dane County Register of Deeds for the recording fee. City Engineering will forward the document and fee for recording at the time of issuance of the stormwater management permit. Draft document can be emailed to Tim Troester (west) at ttroester@cityofmadison.com, or Jeff Benedict at jbenedict@cityofmadison.com final document and fee should be submitted to City Engineering.

19. 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 24-hour, 100-year design storm. 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.
20. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 5.0-tons per acre per year.
21. This site appears to disturb over one (1) acre of land and requires a permit from the Wisconsin Department of Natural Resources (WDNR) for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR-216 and NR-151, however a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement.
22. This project will require a concrete management plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office.
23. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to reduce TSS by 80% off the proposed development when compared with the existing site.
24. Complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by Chapter 37 of Madison General Ordinances.
25. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to treat the first half-inch of runoff from the exposed parking area for oil/grease control.
26. The applicant shall enter into a City/ Developer agreement for the improvements required for this development. The applicant shall contact City Engineering to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. Note: Obtaining a developer's agreement generally takes approximately 6-8 weeks, minimum.

27. The approval of this zoning approval does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer.
28. The applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The Applicant shall provide the City Engineer the proposed grade of the building entrances. The City Engineer shall approve the grade of the entrances prior to signing off on this development.
29. The applicant shall replace all sidewalk and curb and gutter that abuts the property that is damaged by the construction, or any sidewalk and curb and gutter, which the City Engineer determines needs to be replaced because it is not at a desirable grade, regardless of whether the condition existed prior to beginning construction.
30. All work in the public right of way shall be performed by a City-licensed contractor.
31. All damage to the pavement on Cottage Grove Road and Johns Street adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.

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

32. A recorded shared access and parking easement between this site and the site at 216 Cottage Grove Road shall be provided addressing the proposed access and parking facilities.
33. The applicant shall review and determine if an amendment to the Shared Entry Drive Agreement (Document No. 2635222) with Walgreens is necessary due to the parking proposed along its northeasterly side.
34. The Storm Sewer easement per Document No. 871453 shall be released shall be released by separate document prepared by City Office of Real Estate Services. The applicant must prepare metes and bounds legal descriptions and scale map exhibits and \$500 for the portions to be released and provide to Engineering Land Records Coordinator Jeff Quamme for review (608-266-4097) (jrquamme@cityofmadison.com).
35. The proposed new building will cross an underlying platted lot line. Current fire code and City enforcement requires the underlying platted lot line be dissolved by Certified Survey Map (CSM) prior to issuance of a building permit The CSM for this property shall be completed and recorded with the Dane County Register of Deeds (ROD) prior to issuance of any building permits for new construction. When the recorded CSM image is available from the ROD, the Assessor's Office can then create the new Address-Parcel- Owner (APO) data in the parcel database so that the permitting system can upload this data and permit issuance made available for this new land record.
36. The proposed north apartment building shall have a base address of 202 Cottage Grove Road. The proposed south mixed used building will have an apartment base address of 206 Cottage Grove Road. The commercial tenant spaces are TBD when build out plans known. 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.

37. The existing 51.5 foot wide easement for public purposes retained upon the vacation of Busse Street shall be shown and labeled on all site plan sheets. Any portion of any building within the easement shall be moved outside of the easement limits.
38. Submit a floor plan for each separate building in PDF format to lzenchenko@cityofmadison.com. All Addressing Plans shall provide a floor plan for each floor on a separate sheet to facilitate the development of a complete building address and interior addressing plan. The Addressing Plan for the entire project shall be finalized and approved by Engineering (with consultation and consent from the Fire Marshal if needed) prior to the submittal of the application for the final plan approval with Zoning. The approved Addressing Plan shall subsequently be included with those final application materials. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during, or after construction), a revised Address Plan shall be resubmitted to Lori Zenchenko of Engineering-Mapping for confirmation of any addresses that may be required to be changed and/or reapproved. Once all required revisions have been approved, the final Addressing Plan shall be submitted by the applicant to Zoning to be included with the final filed approved site plans.

Traffic Engineering Division (Contact Eric Halvorson, 266-6527)

39. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; 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.
40. 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.
41. 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.
42. All parking facility design shall conform to the standards in MGO Section 10.08(6).
43. 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.
44. The applicant(s) shall maintain a five-foot wide, Americans with Disabilities Act (ADA) compliant, pedestrian walkway for the duration of the project on all street frontages classified as a collector or higher. The applicant shall also maintain a five-foot wide bicycle lane for the duration of the project on all street frontages with existing bicycle facilities. Exceptions to this requirement may be granted by Traffic Engineering on a limited term basis if and when the applicant can show a public safety concern and they also provide a clear date when the pedestrian/bicycle facilities are to be restored. All closures shall be designed by the applicant, in accordance with the Manual on Uniform Traffic Control Devices (MUTCD), to be submitted and approved by Traffic Engineering.

45. "Stop" signs shall be installed at a height of seven (7) feet 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.

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

46. 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). Section 28.185(10) requires that every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(7)(a)5 shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
47. This project is designed as a planned multi-use site. Per Section 28.137(2)(a), a planned multi-use site shall have a plan and reciprocal land use agreement approved by the Traffic Engineer, City Engineer and Director of Planning and Community and Economic Development recorded in the office of the Dane County Register of Deeds.
48. Submit an overall site plan showing the entire planned multi-use site including the properties located at 104 Cottage Grove Road, 3838 Atwood Avenue, 3830 Atwood Avenue, and 3833 Busse Street.
49. Clearly show the useable open space areas on the final plans. Identify each qualifying at-grade usable open space area and structured useable open space at balconies, porches, or rooftop areas on the final plans. Roof decks, porches, and balconies may be used to meet up to 75% of the minimum open space requirement, provided that minimum dimensional requirements of Section 28.140 are satisfied.
50. Bicycle parking shall comply with City of Madison General Ordinances Sections 28.141(4)(g), Table 28I-3 and 28.141(11) and shall be designated as short-term or long-term bicycle parking. Provide the minimum required number of bicycle parking spaces distributed as both *Short Term* and *Long Term* bicycle parking for the residential and commercial uses, as required per Sections 28.141(4) and 28.141(11). A minimum of 120 resident bicycle parking spaces are required plus 11 guest stalls. A minimum of 90% of the resident stalls shall be designed as long-term parking, and the guest stalls shall be short-term parking. Up to 25% of bicycle parking may be structured parking, vertical parking or wall mount parking, provided there is a five (5)-foot access aisle for wall mount parking. A minimum of three (3) short-term bicycle stalls shall be required for the commercial uses. Identify and dimension the bicycle stalls, including the access aisles, on the final plans. A bicycle stall is a minimum two (2) feet by six (6) feet with a five (5) foot wide access area. Provide details of the proposed bike racks, including any structured or wall mount bike racks.
51. As each commercial tenant space is leased, the entire development must reflect compliance in the required amount and type of bicycle parking spaces, to be reviewed prior to obtaining zoning approval for each use.
52. Provide adequate interior parking lot landscaping per Section 28.142(6) within the bank parking lot at 216 Cottage Grove Road. Show the width of the landscape strip adjacent the west row of parking stalls. A planting island shall be located at least every twelve (12) contiguous stalls with no break or alternatively, landscaped strips at least seven (7) feet wide between parking bays.
53. Screening is required adjacent the Zoning district boundary along the north property line. Screening shall be provided along side and rear property boundaries between commercial/ mixed-use districts and residential

districts. Screening shall consist of a solid wall, solid fence, or hedge with year-round foliage, between six (6) and eight (8) feet in height. Submit a detail of the screening fence with the final plans.

54. Provide details showing that the primary street façade meets the door and window opening requirements of Section 28.060(2)(d). For nonresidential uses at ground floor level, windows and doors or other openings shall comprise at least 60% of the length and at least 40% of the area of the ground floor of the primary street facade. At least 50% of windows on the primary street facade shall have the lower sill within three (3) feet of grade. For residential uses at ground level, a minimum of 15% of the ground level of residential facades or side and rear facades not fronting a public street shall consist of windows and door openings. On upper stories, window or balcony openings shall occupy a minimum of fifteen percent 15% of the upper-story wall area.
55. Submit detailed floor plans and roof plans with the final plan sets. Provide details of the fifth floor common rooftop patio area, including any proposed planters, seating or resident amenities. All rooftop equipment shall be screened from view from adjacent streets and public rights-of-way per Sections 28.060(2)(f) and 28.142(9)(d). Screens shall be of durable, permanent materials that are compatible with the primary building materials.
56. Provide details of the proposed tot lot.
57. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.
58. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development. Note that "The Grove" above roof sign does not meet Chapter 31 Sign Code requirements and cannot be approved as shown.

Fire Department (Contact Bill Sullivan, 261-9658)

59. A single fire alarm and a single fire sprinkler system shall be provided to serve the entire structure. Additional fire protection features will be required such as multiple fire alarm annunciator panels, FDCs, and Knox boxes to aid in efficient emergency response to the building.

60. Ensure that the fire separation distances and allowable openings are addressed with respect to the proposed building and existing property lines.

61. Provide fire apparatus access lanes in accordance with MGO Chapter 34 and the IFC.

62. Please consider allowing the Madison Fire Department to conduct training sequences prior to demolition. Contact Division Chief Tracy Burrus of the MFD Training Division to discuss possibilities at (608) 266- 5959 or tburrus@cityofmadison.com.

Water Utility (Contact Adam Wiederhoeft, 266-9121)

63. The Madison Water Utility shall be notified to remove the water meter at least two (2) working days prior to demolition. Contact the Water Utility Meter Department at (608) 266-4765 to schedule the meter removal appointment. The Madison Water Utility will be required to sign off as part of the approval review associated

with this Land Use Application/Site Plan Review prior to the issuance of building permits for the proposed development.

64. 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/plumberscontractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Avenue. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. A Water Meter Application Form will subsequently be required to size and obtain a water meter establish a Water Utility customer account and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact Madison Water Utility at 266-4646.
65. All operating private wells shall be identified and permitted and all unused private wells shall be abandoned by the Water Utility in accordance with MGO Section 13.21.

Parks Division (Contact Kathleen Kane, 261-9671)

66. 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(6) 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#18105 when contacting Parks Division staff about this project.

67. An existing inventory of trees (location, species, & DBH) and any tree removal plans (in PDF format) shall be submitted to the plans and Brad Hofmann – bhofmann@cityofmadison.com or 266-4816. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Approval and permitting of street tree removals shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan.
68. Existing street trees shall be protected. Please include the following note on the site plan: "The contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266- 4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry prior to the start of construction. Tree protection specifications can be found in Section 107.13 of *City of Madison Standard Specifications for Public Works Construction*. Any tree removals that are required for construction after the development plan is approved will require at least a 72-hour wait period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan."

Metro Transit (Contact Tim Sobota, 261-4289)

This agency reviewed this request and has recommended no conditions or approval.