



PREPARED FOR THE PLAN COMMISSION

Project Address: 134 S. Fair Oaks Avenue (6th Aldermanic District – Ald. Rummel)
Application Type: Conditional Use
Legistar File ID #: [44993](#)
Prepared By: Chris Wells and Tim Parks, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Heather Stouder, Planning Division Director

Summary

Applicant & Owner: Rich Arnesen; Stone House Development, Inc.; 625 N. Segoe Road. Suite #107; Madison, WI 53705

Contact: J. Randy Bruce; Knothe & Bruce Architects, LLC; 7601 University Avenue, Suite 201; Madison, WI 53562

Requested Action: Approval of a conditional use for dwelling units in a four-story mixed-use building in TE (Traditional Employment District) zoning to allow construction of a residential addition to an existing commercial building at 134 S. Fair Oaks Avenue; 6th Ald. Dist. to contain 80 apartments and 2,500 square feet of commercial space.

Proposal Summary: The applicant proposes to add a four-story residential addition containing 80 apartments to an existing commercial building which would provide 2,500 square feet of commercial space. The project will be seeking Section 42 Tax Credits for affordable housing. The project will commence if awarded tax credits, with construction scheduled to begin in the summer of 2017.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses (MGO §28.183(6)), as §28.082(1) of the Zoning Code lists *Dwelling Units in Mixed-use Buildings* as a conditional use in the Traditional Employment (TE) District. The Supplemental Regulations [MGO §28.151] contain further regulations for *Dwelling Units in Mixed-use Buildings*.

Review Required By: Plan Commission

Summary Recommendation: The Plan Commission shall determine whether or not the standards for approval for conditional uses to allow construction of a residential addition to an existing commercial building at 134 S. Fair Oaks Avenue; 6th Ald. Dist. to contain 80 apartments and 2,500 square feet of commercial space, particularly standards 1, 3, and 4, can be met.

If the Plan Commission can determine that the conditional use standards are met, it should **approve** the conditional use request subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

If the Plan Commission cannot find that the conditional use standards are met, the Commission shall list the standard(s) that have not been met and the reasons such standard(s) are not met and **place on file** the conditional use request without prejudice.

Background Information

Parcel Location: The 58,509–square-foot (1.34-acre) subject property is located at the northeast corner of S. Fair Oaks Avenue and Gateway Place. The site is within Aldermanic District 6 (Alder Rummel); within Tax Increment Finance District #37; and within the limits of the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site is currently home to Fair Oaks Nursery and Garden Center and is zoned TE (Traditional Employment) District. It is developed with two buildings including an existing 3,460-square-foot brick warehouse building and a 1,150-square-foot metal industrial accessory building which, according to City Assessor records, were constructed in 1925 and 1964, respectively. The site also contains two accessory greenhouse structures.

Surrounding Land Use and Zoning:

Northeast: A vacant parcel owned by Madison Gas & Electric, zoned TE (Traditional Employment) District, beyond which is Starkweather Creek;

Northwest: The office and material storage yard of Blair Lawn & Landscape, beyond which is an AT&T facility and equipment yard, both zoned TE District;

Southwest: A Madison-Kipp Corporation aluminum die-casting facility, zoned TE District;

Southeast: Across S. Fair Oaks Avenue is Kessenich’s Limited, a warehouse facility for a restaurant supplier, zoned TE District, beyond which is the Garver Food Mill parcel, zoned Planned Development (PD) District, beyond which is Starkweather Creek.

Adopted Land Use Plan: The [Comprehensive Plan \(2006\)](#) recommends Employment uses while the [Schenk-Atwood-Starkweather-Worthington Park Neighborhood Plan \(2000\)](#) does not provide specific recommendations for the subject property.

Zoning Summary: The property is in the Traditional Employment (TE) District.

Requirements	Required	Proposed
Lot Area (sq. ft.)	6,000 sq. ft.	61,105 sq. ft.
Lot Width	50'	207.70'
Front Yard Setback	None	13.2'
Side Yard Setback	None unless needed for access	7.2' Southeast; 13.5' Northwest
Rear Yard Setback	Lesser of 20% lot depth or 20'	21.7'
Usable Open Space	20 sq. ft. per bedroom (2,540 sq. ft.)	21,733 sq. ft.
Maximum Lot Coverage	85%	66%
Minimum Building Height	22' measured to building cornice	4 stories
Maximum Building Height	5 stories/ 68'	4 stories
Number Parking Stalls	Multi-family dwelling: 1 per dwelling unit (80) General retail, service business, office: 1 per 400 sq. ft. floor area (6) (86 total)	72 underground 8 surface (80 total) <i>(See Comment #44)</i>
Accessible Stalls	Yes	Yes
Loading	None	None
Number Bike Parking Stalls	Multi-family dwelling: 1 per unit up to 2-bedrooms, ½ space per additional bedroom (85); 1 guest space per 10 units (8) General retail, service business, office: 1 per 2,000 sq. ft. floor area (2 minimum) (95 total)	77 underground 21 surface (98 total) <i>(See Comment #45)</i>

Landscaping and Screening	Yes	Yes	(See Comment #46)
Lighting	Yes	Yes	
Building Forms	Yes	Flex Building	(See Comment #47)
Other Critical Zoning Items	Barrier Free (ILHR 69); Utility Easements		

Table Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

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

Public Utilities and Services: This property is served by a full range of urban services. While weekday Metro Transit service does not exist along S. Fair Oaks Avenue, the nearest stop with all-day service is located 0.3 miles away to the southwest at the intersection of Atwood Avenue and S. Marquette Street. Weekend and holiday service, however, is located along S. Fair Oaks Avenue with the nearest stops located just to the southwest of the site near the intersection with the Capital City Bike Trail.

Related Reviews and Approvals

WHEDA Section 42 Tax Credits – If land use entitlements are granted, the applicant intends to submit application materials in late January 2017 seeking Wisconsin Housing and Economic Development Authority (WHEDA) tax credits for the project, which would provide support for the affordability of 68 of the 80 dwelling units for households with incomes at or below 60%, 50%, or 30% of the area median income, for a period of thirty years. Tax-credits will be awarded in April or May of 2017. If the application is successful, construction will commence in the summer of 2017.

Affordable Housing Funds - In conjunction with WHEDA tax credits, the applicant requested a total of \$1.35 million dollars in City of Madison support for the affordable housing units. At their November 22, 2016 meeting, having received recommendations from the Community Development Block Grant Committee, Board of Estimates, and staff from the Department of Planning and Community and Economic Development, the Common Council approved the request for \$1.35 million dollars in 2017 City funding support, assuming all land use entitlements are eventually granted. Please see Legislative Item No. [44932](#) for more details on this request.

Project Description

Following the removal of three accessory buildings on site, the applicant proposes to construct a four-story residential addition to the remaining commercial structure on the 1.34-acre lot. The resulting mixed-use building would incorporate the site’s principal building (a one-story, 3,460-square-foot, commercial storage building), and contain roughly 1,800 square feet of ground floor commercial space along S. Fair Oaks Avenue and 80 apartments.

The site’s existing brick structure sits centrally in the southeastern half of the parallelogram-shaped parcel, approximately 50-70 feet back from S. Fair Oaks Avenue. Immediately adjacent to the west and oriented parallel to Gateway Place, the applicant proposes to add a four-story “L”-shaped addition, atop a single underground parking level. This arrangement creates a private interior plaza space enclosed on three sides and oriented northeast towards Starkweather Creek. In addition to the plaza, usable open space is located along the northern wing of the addition. At roughly 245 feet long, the resulting mixed-use building spans almost the entire length of the road frontage along Gateway Place, where its four-story façade - with primarily three-bedroom walk-up townhouses located along the ground floor - has a setback ranging from 13 to 24 feet from the new property line. Along S. Fair Oaks Drive, the four-story residential portion near the intersection with Gateway Place is approximately 75 feet wide and setback 10-35 feet from the southeastern property line. Moving northeast, the

building then steps down to one-story for the roughly 75-foot wide existing brick building which sits approximately 15 feet further back from the property line. A patio in front of the commercial space and an eight-stall parking lot, oriented primarily towards the commercial space's patrons, have been located in this residual wedge-shaped space along S. Fair Oaks Avenue. From the northeast property line, the proposed four-story addition sits back roughly 20 feet while the existing structure sits back 33 feet (the latter making room for a total lot). Lastly, moving back from Gateway Place along the northwest property line, the façade of the proposed four-story residential addition starts out approximately 35 feet from the property line to accommodate the under-building ramp before stepping back roughly 50 feet with pedestrian access to another four walk-up townhouses.

The main entrance to a common vestibule serving the residential space (via an internal staircase and elevator) will be located centrally along the S. Fair Oaks Avenue elevation, just southwest (i.e. left) of the junction of the old and new structures. An additional entrance will be located towards the west end of the southwestern elevation, providing access from the exterior sidewalk along the building to an internal hallway, staircase, and elevator. Of the 80 proposed residential units, there are 12 efficiencies, 32 one-bedrooms, 25 two-bedrooms, and 11 three-bedroom apartments. Fourteen of the fifteen external-facing units on the ground floor would also have separate walkup entries and ten of these units would be two-story, three-bedroom townhouses. As proposed, 68 of the dwelling units would be affordable to households with incomes at or below 60%, 50%, or 30% of the area median income (AMI), although this is contingent on City funding support and WHEDA Section 42 Tax Credits. Specifically, the proposed mix consists of 16 units at 30 percent AMI, 32 units at 50% AMI, 20 units at 60% AMI, and 12 market rate units. Of particular note, of the 16 units at 30% AMI, eight will be targeted to homeless families, while the other eight will be targeted to veterans. The proposed density on the lot is roughly 60 dwelling units per acre.

Automobile access to the under-building parking is proposed from Gateway Place at the northwestern corner of the site opposite the primary loading dock of the Madison-Kipp industrial facility. The 72 underground automobile parking spaces are all proposed for the residential units and rented to tenants at extra cost on a first come, first served basis (i.e. not included in the rent). The automobile parking ratio is approximately 0.9 stalls per residential unit. The plan also shows 77 underground bicycle parking stalls with another 21 located on the surface – 15 located adjacent the commercial space, and six located along the Gateway Place elevation. The eight surface stalls accessed from S. Fair Oaks Avenue would be primarily for the commercial space and available to visitors, service providers, and employees.

The proposed building's 1,790 square feet of commercial space will be located in the southeastern half of the site's existing brick structure with a 700-square-foot patio located out front providing a buffer from the parking lot. While the applicant has stated that they will not start marketing the commercial space until tax credits have been awarded (sometime in May 2017), they have stated a desire to lease the space to such businesses as, for example, a yoga studio or coffee shop. A 1,150-square-foot community room for the building tenants will fill the rest of the existing structure and be oriented towards (as well as provide the primary ground floor access) to the plaza deck. This deck will be tiled and have planters with landscaping. In addition to the community room, the deck will be accessible from the private ground-floor apartment balconies that open onto the space also as well as via an ADA ramp located along the northeast of the site.

The architecture of the building addition - particularly the deployment of brick with curved brick window lintels and brick cornice details - gives a nod to the site's existing building as well as the nearby historic structures such as the Goodman Community Center and Garver Food Mill. The majority of the prominent façades are clad in brick up to the third story with the rest of the building clad in horizontal fiber-cement siding. Cast stone veneer clads the base of the building while metal is used for the walk-up townhouse shed roofs. Strong vertical elements of aluminum-framed glazing call out the building's primary entrances and circulation elements.

The landscape plan includes preserving the existing street trees along the two street frontages (aside from the tree in the east corner of the site which needs to be removed to allow access to the parking lot). It also includes adding foundation plantings around the building and hardscaped plaza deck with peppering of evergreens for visual texture and depth, and a mixture of ornamental and understory trees dotting the northwest, northeast and southeast perimeters of the site.

Analysis

This proposal is subject to the standards for Conditional Uses (MGO §28.183(6)), as §28.082(1) of the Zoning Code lists *Dwelling Units in Mixed-use Buildings* as a conditional use in the Traditional Employment (TE) District. The Supplemental Regulations [MGO §28.151] contain further regulations for *Dwelling Units in Mixed-use Buildings*.

The proposed development will provide 80 residential units - 68 of which are affordable - while simultaneously re-purposing the site's existing building. Of particular note, 16 of the units will be available at 30 percent area median income – eight of which will be targeted to homeless families, while the other eight will be targeted to veterans. The proposal's architecture takes strong cues from its nearby historic predecessors like the Goodman Community Center and Garver Food Mill. The result is a contemporary composition which combines historical brick detailing with modern accents of metal and glass.

In addition to providing such on-site amenities as a tot lot, fitness center, community room, and resident business center (with access to internet) for the tenants, the development itself is located close to such services and amenities as a full service grocery store, Lowell Elementary and East High School, Goodman Community Center, Hawthorne Public Library, open space at Olbrich Park or along Starkweather Creek, childcare providers, restaurants, and retail, many of which are very walkable. Additionally, the site also has excellent access to transportation as there are two Metro stops 0.3-miles away which function all week as well as 400 feet from the Capital City Bicycle Trail. There are some concerns associated with the location of the site and the nearby industrial uses which will be discussed further below.

Conformance with Adopted Plans

The Planning Division believes the proposed use to be compatible with the [Comprehensive Plan \(2006\)](#), which recommends Employment uses for this parcel. The [Comprehensive Plan](#) states that compared to the Mixed-Use districts, Commercial and Employment districts are not generally expected to include a residential component, although limited residential uses may be present in some districts. While Employment uses are also recommended for the Kessenich's parcel located to the southwest of the subject parcel across S. Fair Oaks Avenue (at 131 S. Fair Oaks Avenue), Industrial uses are recommended for the rest of the parcels on Gateway Place. That said, Planning Staff point out that as part of the City's adoption of the new Zoning Code in 2013, the subject property was zoned Traditional Employment (TE) District. To that point, Staff note that several multi-family types of residential development are all allowed in the Traditional Employment (TE) District: *dwelling units in mixed-use buildings*, *multi-family dwellings*, *residential building complexes*, *live/work units*, and *single-family attached dwellings* (with greater than eight dwelling units), all of which require conditional use approval. Additionally, the proposed development, by adaptively re-using the existing industrial building into a mixed-use building, is furthering the intent of the district (see below).

Statement of Purpose for the Traditional Employment (TE) District

The TE District is established to encourage a broad range of employment activities, taking advantage of the varied transportation options and proximity to urban activities and cultural amenities found in many Traditional Employment locations. Residential uses are of secondary importance. The district is also intended to:

- (a) Encourage businesses with the potential to provide significant numbers of living-wage jobs that contribute to a sustainable economy and a strong tax base.*
- (b) Support the continued use or adaptive re-use of traditional industrial buildings for a variety of purposes.*
- (c) Facilitate preservation, development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and adopted neighborhood, corridor or special area plans.*

Conditional Use Standards

The Plan Commission shall not approve a conditional use without due consideration of adopted plan recommendations and finding that all of the approval standards are met. In consideration of these standards, the Planning Division believes that Conditional Use Standards 1, 3 and 4 merit particular attention by the Plan Commission. Those standards are:

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

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

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

Regarding Standard 1, the primary and immediate concern are potential impacts related to the site’s presence directly across Gateway Place (roughly 75 feet away from the proposed building, at its closest point) from the Madison-Kipp Corporation (MKC) facility located at 166 S. Fair Oaks Avenue. The facility operates seven aluminum die casters 24 hours per day, five to six days per week, and 52 weeks per year.

The MKC property, which is owned by the City of Madison, previously housed a bus storage facility. It is known that the facility has historic residual petroleum contamination from underground tanks. As a result, the applicant has indicated that they decided to complete both a Phase 1 and Phase 2 Environmental Site Assessment (ESA) on the subject site within the past few months in order to rule out any underground migration of this contamination from the facility across Gateway Place. The summary of the results of these assessments have been viewed by City Engineering Division staff who noted that the contaminants found on the subject site are typical of those frequently found within soils on the Isthmus and within the central city. The applicant has stated that some Polycyclic Aromatic Hydrocarbons (PAHs) and metals were found, but that the site was negative for lead and Volatile Organic Chemicals (VOCs). The applicant will dispose of the soils with PAHs and metals as part of preparing the site for construction.

When siting new residential uses in close proximity to existing industrial uses, air quality should also be considered. To help mitigate against impacts on the immediate area, MKC installed tall stacks on the building many years ago. The furnace stack near the southeastern corner of the building rises roughly 75 feet above the ground (and sits approximately 80 feet from the subject property line; roughly 105 feet from proposed development), while the three plant ventilation stacks, located near the roof peak, directly across from the subject property, rise approximately 80 feet above ground level (and sit 150 feet from the subject property line; roughly 175 feet from proposed development).

The Planning Division have been in communication with Madison-Dane County Public Health regarding the aforementioned concerns related to air quality and ground contamination as well as the suitability of locating the proposed residential development on a known contaminated site nearby an active industrial facility. While initial discussions have suggested no serious concerns, a more detailed memorandum is forthcoming from Madison-Dane County Public Health and the Plan Commission shall give due consideration to its findings when determining if the conditional use standards can be met.

One additional consideration is the effect surrounding noise - both from the existing adjacent uses as well as the nearby railroad crossing – may have on residential development. The nearby at-grade railroad crossing across S. Fair Oaks Avenue, approximately 330 feet to the south of the subject property, is un-gated and lies outside of a quiet zone. Currently train horns are allowed to range from 96 to 110 decibels. The railroad noise, while not ideal, has not rendered the area unpopular for long-term and new residents living in many of the single-family homes and small multi-family properties closer to the railroad. That said, in order to address and mitigate these noise issues, the applicant has stated that special close-spray foam will be used in the place of traditional insulation within the development.

The Planning Division is also concerned about the proposed development related to Conditional Use Standards 3 and 4, which pertain to the uses, values and enjoyment of other property in the neighborhood being negatively affected, and the impact of the proposal on the normal and orderly development in the neighborhood. As included in italics below, such concerns have also been expressed by MKC regarding the introduction of residential uses in close proximity to an active industrial use, which will take access from a street that also serves a public utility garage, landscaping company, and electric substation, as well as impacts from the proposed project on uses, values and enjoyment and normal and orderly development per standards 3 and 4. (A full copy of the letter from T. Koblinski, President & CEO, Madison-Kipp Corporation has been included in your packet of materials).

First and foremost, the proposed homes, if built, will undoubtedly impair MKC's ability to continue operating its facility as it has for the past 30 years. New residents, bothered by truck traffic, noise or light from the neighboring factory, will ask MKC to scale back its operations. If the residents are not satisfied with MKC's response, they will ask their alder or city staff to intervene. The outcome is predictable: the use that MKC is permitted to make of its property will diminish in order to accommodate the neighbors' concerns.

[...] Additionally, I would like some assurance that either the City or the residential developer/property manager will bear the cost of any expenditure necessary to resolve the situation when the inevitable conflicts do arise. MKC has no plans to move our operations from this site and we would expect that we will be allowed to continue operating our facility as we see fit, in compliance with all applicable laws, as we have for the past 30 years.

-- T. Koblinski, President & CEO, Madison-Kipp Corporation

In light of the above comments, the Plan Commission needs to clearly decide if the submitted proposal is indeed compatible with the existing uses in the neighborhood, and should assume these surrounding uses will not change anytime soon. The MKC facility across Gateway Place should not be expected to change its operations to accommodate the proposed residential development.

Conclusion

The proposed development has a long list of positive qualities about it including an excellent location with close proximity to a variety of shops and restaurants, transportation including Metro and the Capital City Bicycle Trail, Lowell Elementary School, Goodman Community Center, several parks including Olbrich Park, and Starkweather Creek. It adaptively re-uses the site's existing historic industrial structure into a mixed-use building, which in the end will provide 80 residential units, 68 of which will be at truly affordable levels. Furthermore, the most affordable units will be specifically targeted towards homeless families and veterans. The architecture gives a nod to the neighboring historic structures while adding more modern complimentary touches.

With all of the positive aspects however, come the aforementioned concerns due to the location next to an active industrial use. The Plan Commission should give careful consideration to the conditional use standards, submitted information, and testimony provided at the public hearing. To help buffer the existing industrial use from the proposed development, the Plan Commission might consider requiring the applicant to fund and coordinate the installation of screening across the street along the street frontage of the City-owned MKC site at 166 S. Fair Oaks Avenue property.

Recommendation

Planning Division Recommendation (Contact Chris Wells, (608) 261-9135)

The Plan Commission shall determine whether or not the standards for approval for conditional uses to allow construction of a residential addition to an existing commercial building at 134 S. Fair Oaks Avenue; 6th Ald. Dist. to contain 80 apartments and 2,500 square feet of commercial space, particularly standards 1, 3, and 4, can be met.

If the Plan Commission can determine that the conditional use standards are met, it should **approve** the conditional use request subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

If the Plan Commission cannot find that the conditional use standards are met, the Commission shall list the standard(s) that have not been met and the reasons such standard(s) are not met and **place on file** the conditional use request without prejudice.

Planning Division (Contact Chris Wells, (608) 261-9135)

1. The applicant shall use close-spray foam (or equivalent insulation type) to provide additional sound-proofing in the place of traditional insulation at least along the entire southwest elevation.
2. The applicant shall use high-grade (extra sound-proof) windows at least along the entire southwest elevation.

City Engineering Division (Contact Brenda Stanley, (608) 261-9127)

3. Applicant shall provide projected sanitary sewer flow calculations to Mark Moder mmoder@cityofmadison.com as a condition of plan approval.
 4. The private sanitary sewer located on the west side of S. Fair Oaks Ave. extending northeast along the lot line shall be abandoned if it is not going to be used with the proposed development as a condition of plan approval.
 5. The construction of this project will require that the applicant shall enter into a City / Developer agreement for the required infrastructure improvements. 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. Obtaining a developer's agreement generally takes approximately 4-6 weeks, minimum. (MGO 16.23(9)c)
 6. The storm sewer serving the underground parking pumps to a splash pad that will drain onto the sidewalk. This is not acceptable. The pumped discharge must be conveyed to and connected directly into the public storm sewer.
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7. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing sanitary sewer lateral that serves a building which 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. The permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
 8. All outstanding 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))
 9. 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. (POLICY)
 10. The City has sanitary sewer capacity limitations on Gateway Place. Developer will be required to build public sanitary sewer on Gateway Place across S. Fair Oaks Ave. connecting to the MMSD sewer on the East Side of Fair Oaks Ave.
 11. 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.

12. The Applicant shall submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division with any private storm and sanitary sewer utilities. The digital CAD file shall be to scale and represent final construction. 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:
- 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) Private on-site sanitary sewer utilities (including all connections to public sanitary)
 - k) 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.

NOTE: Email CAD file transmissions are preferred to: bstanley@cityofmadison.com (East) or tstroester@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.

13. 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. (POLICY and MGO 37.09(2))
14. This project appears to require construction dewatering. A dewatering plan shall be submitted to City Engineering as part of the Erosion Control Permit application and plan. 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.
15. This project appears to require permanent dewatering. A permit to connect to the public stormwater system shall be required from City Engineering. Additionally, a permit for non-storm discharge to the storm sewer system from the City/County Health Department shall also be required. 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 issuance of the connection and non-storm discharge permits.

16. 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 size 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.
17. 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-hr, 100-yr 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.
18. The applicant shall show storm water "overflow" paths that will safely route runoff when the storm sewer is at capacity. (POLICY)
19. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to Reduce TSS by 80% off of the proposed development when compared with the existing site.
20. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the 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. 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 the Madison General Ordinances.
22. 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> (NOTIFICATION)
23. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. MGO 37.05(7) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

24. 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. (MGO 16.23(9)(d)(6))
25. 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. (POLICY)
26. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which 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. (POLICY)
27. All work in the public right-of-way shall be performed by a City licensed contractor. (MGO 16.23(9)(c)5) and MGO 23.01)
28. All damage to the pavement on Fair Oaks Ave & Gateway Pl, adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link: <http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY)
29. The applicant shall Dedicate a Permanent Limited Easement for public sidewalk purposes 7 feet wide along Gateway Place. The current plans reflect this comment.
30. This site appears to require construction or permanent dewatering that may be impacted by on-site or adjacent groundwater contamination. Confirm with James Brodzeller of the WDNR regarding whether a WPDES permit for contaminated water is required (608.275.3281). Send proof of WDNR's determination to Brynn Bemis (608-267-1986, bbemis@cityofmadison.com) or Sally Swenson (608-266-4862, sswenson@cityofmadison.com).
31. Based on a current Phase II investigation at the site, the property contains contaminated soil. All WDNR and DSPS regulations must be followed for proper handling and disposal. The developer shall coordinate contamination management with DNR and provide proof of this coordination and all applicable recommendations to Brynn Bemis at 608.267.1986, bbemis@cityofmadison.com and Sally Swenson at 608.266.4862, sswenson@cityofmadison.com.

City Engineering – Mapping (Contact Jeffrey Quamme, (608) 266-4097)

32. The site plan contemplates a new Public Sidewalk Easement along Gateway Place. Upon approval of the location of the sidewalk by City Engineering, applicant shall prepare a metes and bounds legal description and scale map exhibit for the easement area and provide to Jeff Quamme (jrquamme@cityofmadison.com) for review. The description and map shall be based upon a survey of the property. Upon approval of the exhibits and payment of the required \$500 administrative fee (check payable to City of Madison Treasurer) to cover staff time and recording costs, the necessary Office of Real Estate Services (ORES) Project will be created. Real Estate staff will then administer the easement document(s) and record with the Dane County Register of Deeds.

33. The site plan shall include a full and complete legal description of the site or property being subjected to this application.

34. Provide the dimensions of the exterior boundaries of the parcel.

35. The floor plans do not show entry doors (for either the building itself or into the individual apartments). The base apartment address for the apartments is undeterminable at this time. The garden center shop used 134 S. Fair Oaks Ave and their warehouse was 130 S Fair Oaks Ave. 134 S Fair Oaks Ave will be retired with the demolition of the building.

Submit a PDF of all floor plans to lzenchenko@cityofmadison.com so that a preliminary interior addressing plan can be developed prior to plans being submitted for permit review. 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) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal.

Traffic Engineering (Contact Eric Halvorson, (608) 266-6527)

36. The uncovered ramp with 17% slope is highly irregular and will result in unsafe driveway especially during inclement weather. The applicant shall modify the driveway to be less than 10% for the entirety or demonstrate accommodations for the safe operation at all times.

37. All parking ramps as they approach the public Right-of-Way shall not have a slope to exceed 5% for 20 feet; this is to ensure drivers have adequate vision of the Right-of-Way. If applicant believes public safety can be maintained they shall apply for a waiver, approval or denial of the waiver shall be the determination of the City Traffic Engineer.

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 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.

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 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.
43. The applicant shall provide a clearly defined 5' walkway clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.

Zoning Administrator (Contact Jenny Kirchgatter, (608) 266-4429)

44. A vehicle parking reduction will be required per Section 28.141(5). Submit a request for a parking reduction with the final plan submittal including information to support the argument for reducing the required number of spaces. A minimum of 80 parking stalls are required for the multi-family dwellings. As the commercial tenant spaces are leased, the entire development must reflect compliance in the required number of vehicle parking spaces, to be reviewed prior to obtaining zoning approval for each future tenant space use. Future parking reductions may be required prior to obtaining zoning approval for future tenant uses.
45. As the commercial tenant spaces are leased, the entire development must reflect compliance in the required type and number of bicycle parking spaces, to be reviewed prior to obtaining zoning approval for each future tenant space use. Submit a bike rack detail showing the model of bike rack to be installed.
46. Submit a rooftop plan showing the location of any proposed rooftop mechanical equipment and screening details. All rooftop and ground level mechanical equipment and utilities shall be fully screened from view from any street or residential district per Section 28.142(9)(d).
47. Show the existing building to remain on the proposed elevations, including building materials and colors. Identify what repairs or improvements will be made to the existing building.
48. 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.
49. 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.

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

50. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

Parks Division (Contact Janet Schmidt, (608) 261-9688)

51. Park impact fees (comprised of the Park Development Impact Fee per MGO Sec. 20.08(2) and the Parkland Impact Fee in lieu of land dedication per MGO Sec. 16.23(8)(f) and 20.08(6)) will be required for all new residential development. The developer must select a method for payment of park fees before signoff on the conditional use. This development is within the Olbrich impact fee district (SI25). Please reference ID#16161 when contacting Parks about this project.

52. Pursuant to the authority established under Wis. Stat. § 66.0617(7), and in the interests of promoting the development of low-cost housing in the City, low-cost housing is exempt from the park impact fees beginning January 1, 2017. This exemption only applies to those dwelling units or bedrooms within a development that are determined to be low-cost housing. This exemption does not extend to the land dedication requirements set forth under Sec. 16.23(8)(f), MGO, nor any other impact fees that may apply to a development.

The park impact fee will be exempt for developments that meet the “low-cost housing” requirements, as defined as rental or owner-occupied housing units that are affordable, as that term is defined in Sec. 4.22(2), MGO, and which meet the deed restriction requirements of Sec. 4.22(7). The determination whether a proposed development will create low-cost housing, and how much low-cost housing it will create, shall be made by the Community Development Division.

53. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Please submit an existing inventory of trees (location, species, & DBH) and a tree removal plan (in PDF format) to Brian Meiller – bmeiller@cityofmadison.com or 266-4816. 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.

54. Existing street trees shall be protected. Please include the following note on the site plan: 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. Tree protection specifications can be found in section 107.13 of City of Madison Standard Specifications for Public Works Construction - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part1.pdf> . 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 Timothy Sobota, (608) 261-4289)

55. Metro Transit does not provide weekday transit service along South Fair Oaks Avenue, between Milwaukee Street and Atwood Avenue. The closest bus stops with weekday service are at least a 1/4 mile walking distance from the proposed development.
56. Metro Transit operates daily transit service along Atwood Avenue through bus stops in the S Marquette Street intersection, just over 1/4 mile south and west of the project site.
57. Metro Transit operates daily transit service along Milwaukee Street through bus stops in the Fair Oaks intersection, just over 1/4 mile north of the project site.
58. Metro Transit operates limited route service on weekends and holidays that does provide service along South Fair Oaks through bus stops near the Capital City Trail intersection. This route service does not operate on weekdays (when trips instead operate via Walter Street to serve Olbrich Gardens) - and the limited route service on that currently operates on weekends and holidays may be eliminated, if future funding becomes available to extend these trips via Walter Street as well, to provide Olbrich Gardens service on a daily basis.

Water Utility (Contact Adam Wiederhoeft, (608) 266-9121)

59. The proposed water service requires a shut-off valve near the connection to the existing water main. Identify proposed diameter and pipe material intended for the proposed water service. Revise the Utility plan to reflect these changes.
60. The existing 8-inch diameter water main on Gateway Pl is PVC water main. The existing main must be depressurized and taken out of service to perform the proposed water service connection. Service interruption notices shall be provided to all affected services in accordance with the Standard Specifications for Public Works Construction.
61. Full payment of the 2016 outstanding City of Madison Municipal Services Bill must be completed prior to processing new water service applications.
62. The Madison Water Utility shall be notified to remove any existing water meters at least two working days prior to demolition activities. Contact the Water Utility Meter Department at (608) 266-4765 to schedule the meter removal appointment.
63. 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 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. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

64. All operating private wells shall be identified and permitted by the Water Utility in accordance with MGO 13.21. All unused private wells shall be abandoned in accordance with MGO 13.21.
65. Madison Water Utility will be required to sign off on the Land Use Application prior to the issuance of building permits for the development.