

# PLANNING DIVISION STAFF REPORT

May 8, 2023



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 426 South Yellowstone Drive (District 19 – Alder Slack)  
**Application Type:** Demolition Permit, Conditional Use, Certified Survey Map  
**Legistar File ID #** [77008](#), [77010](#)  
**Prepared By:** Colin Punt, Planning Division  
Report includes comments from other City agencies, as noted.  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

## Summary

**Applicant:** Mark Hammond; MSP Real Estate, Inc.; 1295 Northland Dr #270; Mendota Heights, MN 55120

**Owner:** Mindy Rowland; Evident Change; 426 S Yellowstone Dr; Madison, WI 53719

**Requested Action:** The applicant is seeking approval of a demolition permit to raze an existing office building and conditional uses for dwelling units in a mixed-use building per §28.082(1) MGO and height in excess of five stories/68 feet in the SE district per §28.085(3)(d) MGO.

**Proposal Summary:** The applicant is seeking approvals to demolish an office building to construct a six-story mixed use building with 147 dwelling units, 750 square feet of commercial space, and underground parking.

**Applicable Regulations & Standards:** Standards for conditional use approval are found in §28.183(6) M.G.O. Standards of approval for demolition permits are found in §28.185(6) M.G.O.

**Review Required By:** Plan Commission

**Summary Recommendations:** The Planning Division recommends the following to the Plan Commission regarding the applications for 426 South Yellowstone Drive. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

- That the Plan Commission find that the standards for demolition permits are met to approve demolition of the building at 426 South Yellowstone Drive; subject to the conditions from reviewing agencies beginning on page 5;
- That the Plan Commission find that the standards for conditional uses are met for dwelling units in a mixed-use building and height in excess of 5 stories/68 feet in an SE district, subject to the conditions from reviewing agencies beginning on page 5;

## Background Information

**Parcel Location:** The subject site is 1.57 acres located at the southwest quadrant of the intersection of South Yellowstone Drive and Grand Teton Plaza. The site is within Alder District 19 (Alder Slack) and the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The site, zoned SE (Suburban Employment), is currently occupied with a 19,520-square foot, two-story office building with surface parking. The building was originally constructed in 1979.

**Surrounding Land Uses and Zoning:**

**North:** Across Grand Teton Plaza, two- and three-story office buildings zoned RMX (Regional Mixed Use district);

**West:** A three-story office building zoned SE;

**South:** A two-story office building zoned SE; and

**East:** Across South Yellowstone Drive, a two-story office building and a three-story 104-unit CBRF, both zoned SE.

**Adopted Land Use Plan:** The [Comprehensive Plan](#) (2018) recommends Employment (E) land uses for the site. The [Odana Area Plan](#) (2021) recommends Community Mixed Use (CMU).

**Zoning Summary:** The subject property is proposed to be zoned SE (Suburban Employment District):

Requirements	Required	Proposed
Lot Area (sq. ft.)	20,000 sq. ft.	68,294 sq. ft.
Lot Width	65'	230.06
Front Yard Setback	0' or 5'	17.0'
Max. Primary Street Setback: TOD	20' S Yellowstone Dr	17.0'
Side Yard Setback	15' or 20% of building height	18.3' north side yard 17.9' south side yard
Max. Secondary Street Setback: TOD	20' Grand Teton Plaza	18.3'
Rear Yard Setback	30'	26.9' (2)
Usable Open Space: TOD	Not required	As shown on plans
Maximum Lot Coverage	75%	72%
Minimum Building Height: TOD	2 stories	6 stories
Maximum Building Height	5 stories/ 68'	6 stories

Site Design	Required	Proposed
Number Parking Stalls	Not required: TOD	9 surface 73 garage (82 total) (3)
Electric Vehicle Stalls	2% EV: 2 10% EV ready: 8	2 EV 8 EV ready (8)
Accessible Stalls	Yes	Yes (7)
Loading	Not required	None
Number Bike Parking Stalls	Multi-family dwelling: 1 per unit up to 2-bedrooms, ½ space per add'l bedroom (152) 1 guest space per 10 units (15) General retail; service business; office: 1 per 2,000 sq. ft. floor area (2 minimum) (169 total)	16 surface 151 garage (167 total) (9, 10)
Landscaping and Screening	Yes	Yes (11, 12)
Lighting	Yes	Yes
Building Form and Design	Yes	Flex building (13)

<b>Other Critical Zoning Items</b>	Barrier Free (ILHR 69), Utility Easements, TOD Overlay
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*Table Prepared by Jenny Kirchgatter, Assistant Zoning Administrator*

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

**Public Utilities and Services:** The site is served by a full range of urban services.

## Project Description

The applicant is seeking approvals to demolish an existing two-story office building. The [demolition photos](#) submitted by the applicant show a building with design typical of the 1970s. There are no major structural issues known to staff, and staff has not inspected the building.

Following demolition, the applicant intends to construct a six-story mixed use building with 147 dwelling units, 750 square feet of commercial space, and underground parking. The residential unit mix includes 10 efficiencies, 65 one-bedroom units, 62 two-bedroom units, and 10 three-bedroom units. Eight of the ground-level three-bedroom townhouse-style units have individual private entrances and sidewalks connecting to the public sidewalks on South Yellowstone Drive or Grand Teton Plaza. All units have private balconies or ground-floor porches. A single 750 square-foot commercial tenant space is located on the ground floor at the corner of South Yellowstone Drive and Grand Teton Plaza. At time of report writing, a commercial tenant has not been selected.

Due to changes in grade on the site, the building corner nearest the intersection is six stories and 84 feet tall, while southwest corner is approximately 61 feet tall, with only five exposed stories. Exterior cladding materials shown on the submitted plans include a light-gray fiber cement lap siding, medium-gray fiber cement panel, and darker gray-brown masonry. A central courtyard over the underground parking deck is enclosed by the building with an opening to the southeast. The courtyard is accessible via stairs connecting to a sidewalk to South Yellowstone Drive. Ten units have private entrances from the courtyard.

Submitted plans show 73 structured underground vehicle parking stalls and nine surface vehicle parking stalls. The surface parking lot is located at southeast corner of the site, accessed from South Yellowstone Drive, and the underground structured parking is accessed from the surface parking lot. There are also 151 indoor bicycle parking stalls and 16 short-term outdoor bicycle parking stalls. The submitted landscape plan shows a number of ornamental trees and a few shade trees on the site along the street frontages; ornamental trees, evergreen trees, and shrubs along the interior lot lines, and low plantings along the base of all sides of the building.

According to the letter of intent, the applicant intends to start demolition in January 2024 with project completion by June 2025.

## Analysis & Conclusion

This request is subject to the standards for demolition permits and conditional uses. This section begins with a summary of adopted plan recommendations, followed by demolition permit standards, conditional use standards, and a conclusion.

### Conformance with Adopted Plans

The [Comprehensive Plan](#) (2018) recommends Employment (E) land uses for the site. Employment areas include predominantly corporate and business offices, research facilities, laboratories, hospitals, medical clinics, and other similar uses. Residential uses are generally not recommended, but may be considered as conditional uses. The [Odana Area Plan](#) (2021) recommends Community Mixed Use (CMU), which generally includes an intensive mix of residential, commercial, and civic uses serving residents and visitors from the surrounding area and the community as a whole, with general residential densities up to 130 units per acre and building heights of two to six stories. The [Odana Area Plan](#) specifies that the principal uses within the use mix should be employment or

residential and recommends a maximum building height of five stories.

### **Demolition Permit Standards**

At its October 5, 2021 meeting, the Common Council adopted Ordinance 21-00065 (ID [67074](#)) to revise the standards and process for demolition and removal permits in Section 28.185 of the Zoning Code to remove consideration of proposed future use as a factor in approving demolition requests. In order to approve a demolition request under the revised standards, the Plan Commission shall consider the seven approval standards in §28.185(9)(c) M.G.O. when making a determination regarding demolition requests. The factors include a finding that the proposed demolition or removal is consistent with the statement of purpose of the demolition permits section and with the health, prosperity, safety, and welfare of the City of Madison.

The Planning Division believes that the standards for Demolition Permits can be met, but provides the following comments regarding standard 4, *“That the Plan Commission has received and considered the report of the City’s Historic Preservation Planner regarding the historic value of the property as well as any report that may be submitted by the Landmarks Commission.”* At its May 1, 2023 meeting, the Landmarks Commission found that the existing building at 426 South Yellowstone Drive has no known historic value. Staff believes that all other applicable demolition permit standards of approval can be found met.

### **Conditional Use Standards**

The applicant is requesting approval of a conditional use within the SE district for dwelling units in a mixed-use building and height in excess of five stories/68 feet. In regards to conditional use approval standards, the Plan Commission shall not approve a conditional use without due consideration of the City’s adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of §28.183(6) M.G.O. are met. Staff advises the Plan Commission that in evaluating the conditional use standards, State law requires that conditional use findings must be based on “substantial evidence” that directly pertains to each standard and not based on personal preference or speculation.

Staff’s primary question related to this application relates to approval standard 12, which states:

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

The Employment (E) land use recommendation in the Comprehensive Plan does not include any height recommendations and the general Community Mixed Use (CMU) land use recommendation allows development up to six stories. However, as noted above the proposed height would be one story taller than the five story maximum height recommended in the [Odana Area Plan](#).

While this plan inconsistency does not preclude this standard from being found met, careful consideration should be given to the surrounding context and resulting impacts. In regards to surrounding height limitations, staff notes that the recent adoption of the Transit Oriented Development (TOD) overlay and Regional Mixed Use (RMX) zoning north of the subject site have increased the allowable heights on surrounding properties. Eight (8)-story/116-foot buildings are permitted on the opposite side of Grand Teton Place, immediately north of the subject property. Six (6)-story/90-foot buildings are also allowed by-right within the CC (Commercial Center) zoned properties, which

is the predominant zoning designation south of Normandy Lane. A six-story mixed-use building roughly 900 feet south of the subject site on Yellowstone Drive received conditional use approvals in January 2023.

Regarding the proposed building, staff notes that the exposed building height changes from five stories on the west end to six stories at the east end as the topography falls away. This would place the tallest portions of the building across the street from where taller eight-story buildings could be developed. On-balance, staff believes that the partial six-story building would not be significantly out-of-character with what ultimately could be developed in surrounding properties.

With regards to impacts, the applicant has not provided additional shadow impacts for staff to determine whether the proposed additional story would provide significantly different shadow impacts from what is permitted. At the time of report writing, such information has been requested from the applicant.

Related to the height standard and Conditional Use Standard 9 that relates to the aesthetic qualities of the building, staff note that the sixth story varies in height, with the tallest point at the corner measuring 84 feet, or 16 feet above the permitted base height. These tallest points appear to be accent features that cover outdoor patio areas. Staff believe the slanted overhanging roofs, as presented, present unnecessary height and introduce design elements that are arguably inconsistent with the balance of the composition. In order to minimize the additional height and simply those facades, staff have recommended a condition that the height of those overhangs be reduced or eliminated and those elements of the buildings be redesigned for approval by staff.

Finally, approval standard seven states that “the conditional use conforms to all applicable regulations of the district in which it is located.” Recommended condition of approval #3 requires the rear setback be increased to 30 feet to meet the requirements of the SE district. Somewhat related is the note on the Plat of the 6th Addition to Park Town noted in recommended condition #33 that refers to the protection of trees, specifically on the western portion of the lot in the rear yard. Planning staff have recommended a condition that plans show the trees within the enlarged rear yard to be preserved, with details to be reviewed and approved by staff.

## **Conclusion**

Staff believes that the standards of approval for demolition permits can be found to be met. When considering the land use recommendations, layout of proposed redevelopment, and the recommended conditions of approval staff believe that Plan Commission could approve the conditional uses if the Commission can find standard of approval 12 met.

At time of writing, Staff is unaware of written comment from the public.

## **Recommendation**

### **Planning Division Recommendations** (Contact Colin Punt 243-0455)

The Planning Division recommends the following to the Plan Commission regarding the applications for 426 South Yellowstone Drive. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

- That the Plan Commission find that the standards for demolition permits are met to approve demolition of the building at 426 South Yellowstone Drive; subject to the conditions from reviewing agencies below;

- That the Plan Commission find that the standards for conditional uses are met for dwelling units in a mixed-use building and height in excess of 5 stories/68 feet in an SE district, subject to the conditions from reviewing agencies below;

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

**Planning Division** (Contact Colin Punt, 243-0455)

1. In order to reduce the height and visual impact of the proposed building, the applicant shall remove or reduce the height and bulk of the accent feature located at the roof over the structured outdoor deck area at the northeast corner of the building, with details to be reviewed and approved by the Planning Division Director or designee.
2. Per the note on the 6th Addition to Park Town Subdivision Plat regarding consideration given to grading and the preserving of the larger trees and the zoning requirement to increase the rear yard (west yard) setback, show on the updated site plan and landscape plan which existing trees can and will be preserved within the increased rear yard setback. Details will be reviewed and approved by the Planning Division Director or designee.
3. No HVAC “wall-pack” penetrations/louvers are shown on the street-facing facades. Unless specifically approved by the Plan Commission, the addition of wall packs on outward-facing walls is not included in this approval and will require approval of an alteration to this conditional use should they be proposed at a later time.

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

4. Increase the rear yard (west yard) setback to a minimum of 30 feet.
5. Relocate the surface parking stalls behind the primary street façade setback. The surface parking lot shall be setback from the primary street equal to or greater than the front building façade setback.
6. Section 28.185(9)(b) requires that every applicant for a demolition or removal approval that requires approval by the Plan Commission is required to get a Reuse and Recycling Plan approved by the City Recycling Coordinator, Bryan Johnson at streets@cityofmadison.com prior to receiving a raze permit. Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(9)(b) shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition. A demolition or removal permit is valid for two (2) years from the date of the Plan Commission approval.
7. Parking requirements for persons with disabilities must comply with City of Madison General Ordinances Section 28.141(4)(e) which includes all applicable State accessible requirements. Provide accessible parking within the ground floor parking garage.
8. Provide electric vehicle stalls per Section 28.141(8)(e) *Electric Vehicle Charging Station Requirements*. A minimum of 10% of the residential parking stalls (8 stalls) must be electric vehicle ready, and a minimum of 2% of the stalls (2 stalls) must be electric vehicle installed. Identify the locations of the electric vehicle ready and installed stalls on the plans.
9. Bicycle parking for the residential dwelling units shall comply with the requirements of MGO Sections

28.141(4)(g) and 28.141(11) and shall be designated as short-term or long-term bicycle parking. A minimum of 152 resident bicycle stalls are required plus a minimum of 15 short-term guest stalls. Up to twenty-five percent (25%) of bicycle parking may be structured parking, vertical parking or wall mount parking, provided there is a five (5) foot access aisle for wall mount parking. NOTE: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Submit a detail showing the model of bike rack to be installed.

10. Bicycle parking for the commercial tenant space shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of two (2) short-term bicycle parking stalls located in a convenient and visible area on a paved or pervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance. Note: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Provide a detail of the proposed bike rack.
11. On the landscape plan, label and number the proposed trees and plantings with the planting code in addition to the identification symbol. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
12. Submit detailed floor plans and a detailed rooftop plan showing the location of any proposed rooftop mechanical equipment and screening. 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).
13. Provide details demonstrating compliance with bird-safe glass requirements Section 28.129. For building façades where the first sixty (60) feet from grade are comprised of less than fifty percent (50%) glass, at least eighty-five percent (85%) of the glass on glass areas fifty (50) square feet or over must be treated. Of all glass areas over fifty (50) square feet, any glass within fifteen (15) feet of a building corner must be treated. All glass railings must be treated. Identify which glass areas are 50 sq. ft. or greater and which glass areas will be treated. Provide a detail of the specific treatment product that will be used.
14. 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.
15. 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.

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

16. Applicant shall submit projected wastewater flow calculations for the proposed development. Offsite sewer improvements by the developer may be required as a condition for development. Applicant shall submit projected wastewater calculations to Mark Moder, [mmoder@cityofmadison.com](mailto:mmoder@cityofmadison.com).

17. The area adjacent to this proposed development has been determined by City Engineering to have a known flooding risk. Engineering has set the minimum protective lowest entrance elevation opening at an elevation of 1037. This standard is not intended to be protective in all cases. The Developer is strongly encouraged to

complete their own engineering analysis to determine and meet a protective elevation which they are comfortable with. In no case shall the protective elevation be set below the minimum threshold determined by City Engineering.

18. 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))
19. Obtain a permanent sewer plug permit for each existing sanitary sewer lateral serving a property that is not to be reused and a temporary sewer plug permit for each sewer lateral that is to be reused by the development. The procedures and fee schedule is available online at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
20. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
21. A Storm Water Management Report and Storm Water Management Permit is required for this project. See Storm comments for report and permit specific details and requirements.
22. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
23. This site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR216 and NR-151 however a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. Information on this permit application is available on line: <http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm>. The applicant is notified that the City of Madison is an approved agent of the Department of Safety and Professional Services (DSPS) and no separate submittal to this agency or CARPC is required for this project to proceed.
24. Revise the site plan to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service. (POLICY)
25. Revise the plans to show a proposed private internal drainage system on the site. Include the depths and locations of structures and the type of pipe to be used. (POLICY AND MGO 10.29)
26. Revise plan set to show more information on proposed drainage for the site. Use either spot elevations and drainage arrows or proposed contours to show the required drainage information. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement. (POLICY)
27. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE and therefore will be regulated to meet a higher standard. This project will disturb 20,000 sf or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at



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

This project will require a concrete management plan and a construction dewatering plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. If contaminated soil or groundwater conditions exist on or adjacent to this project additional WDNR, Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit. (POLICY) This project appears to require fire system testing that can result in significant amounts of water to be discharged to the project grade. The Contractor shall coordinate this testing with the erosion control measures and notify City Engineering 608-266-4751 prior to completing the test to document that appropriate measures have been taken to prevent erosion as a result of this testing.

Complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website - as required by Chapter 37 of the Madison General Ordinances.

28. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Stormwater Management Permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.

The Storm Water Management Plan & Report shall include compliance with the following:

Report: Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.

Electronic Data Files: Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. If calculations are done by hand or are not available electronically, the hand copies or printed output shall be scanned to a PDF file and provided to City Engineering. (POLICY and MGO 37.09(2))

Rate Control Redevelopment: By design detain the 10-year post construction design storm such that the peak discharge during this event is reduced 15% compared to the peak discharge from the 10-year design storm in the existing condition of the site. Further, the volumetric discharge leaving the post development site in the 10-year storm event shall be reduced by 5% compared to the volumetric discharge from the site in an existing condition during the 10-year storm event. These required rate and volume reductions shall be completed, using green infrastructure that captures at least the first 1/2 inch of rainfall over the total site impervious area. If additional stormwater controls are necessary beyond the first 1/2 inch of rainfall, either green or non-green infrastructure may be used.

TSS Redevelopment with TMDL: Reduce TSS by 80% off of the proposed development when compared with the existing site.

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

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

30. Provide for review, comprehensive reciprocal easements and agreements that are necessary to accomplish the land division or site development as proposed prior to final sign off. The document(s) shall be executed and/or recorded immediately subsequent to the CSM recording and prior to building permit issuance. Declaration of Covenants, Conditions, and Restrictions for Park Towne Document no. 1258523 and 1373566. Have restrictions such as Permitted uses and setbacks that conflict with the Land Use. Changes to these documents or permissions will need to be granted and recorded to allow for the proposed use of the parcels.
31. The proposed new building crosses an underlying platted lot line. Prepare a Certified Survey Map (CSM) and submit to the Planning Unit to dissolve underlying lot lines to comply with fire codes, City Ordinances and City Policies. The CSM shall be approved by the City, recorded with the Dane County Register of Deeds and new Tax Parcel information available prior to issuance of a building permit or early start permit.
32. Coordinate and request from the utility companies serving this area the easements required to serve this development. Those easements shall be properly shown, dimensioned and labeled on the forthcoming Certified Survey Map. Additionally there Communication installs shown on site in the survey for which no easement was shown. Consider formalizing the apparent rights acquired by the utility.
33. Declaration of Covenants, Conditions, and Restrictions for Park Towne Document no. 1258523 and 1373566 states. The Front 10 feet of each lot shall be unobstructed by buildings and/or signs and shall be maintained as a landscaped area except driveways for ingress and egress... and also states, no-off street parking shall be permitted in the following areas: A. Ten feet from the Front property line. B. Ten Feet From the street side lot line on corner lots. There is a sign and both Vehicle (car) parking, and Vehicle (bike) parking has been shown in the 10' setback areas, coordinate with Park Town Development Corp. on whether such parking is allowed
34. There is a note on Subdivision Plat of the 6th Addition to Park Town Stating: The Owner/Developer of each Lot shall consult with the Parks Conservation Specialist at the time of Preparing the Site Plan for any Lot in this Plat so that consideration can be given grading and the preserving of the larger trees
35. The address of 426 S Yellowstone Dr will be retired and archived with the Demolition and CSM on the property. The proposed building address will be determined when floor plans are received. 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.
36. The address of the building, the individual apartment numbers and the commercial tenant address will be determined when detailed floor plans are received. Submit a site plan and a complete building Floor Plan in PDF format to Lori Zenchenko (lzenchenko@cityofmadison.com) that includes a floor plan of each floor level on a separate sheet/page for the development of a complete interior addressing plan. Also, include a unit matrix for apartment buildings. The Addressing Plan for the entire project shall be finalized and approved by Engineering (with consultation and consent from the Fire Marshal if needed) PRIOR to the verification submittal stage of this LNDUSE with Zoning. The final approved stamped Addressing Plan shall be included in said Site Plan Verification application materials or a revised plan shall provided for additional review and approval by Engineering. Per 34.505 MGO, a full copy of the approved addressing plan shall be kept at the building site at all times during construction until final inspection by the Madison Fire Department. For any changes pertaining to the location, deletion or addition of a unit, or to the location of a unit entrance, (before, during, or after construction), a revised Address Plan shall be resubmitted to Lori Zenchenko to review addresses that may need to be changed and/or reapproved.

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

37. Parking deck is insufficiently labeled/dimensioned for a proper review. If the parking does not meet MGO 10.08 the applicant can expect to be required to make major alteration which may or may not impact structural elements of this site.
38. Items in the Right-of-Way are not approvable though site plan approval. Traffic Engineering does not support the proposed curb cut for drop off, the applicant shall remove reference to proposed curb cut for drop off from their plans.
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 to engineering scale and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
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 MGO standards, as set in section 10.08(6).
43. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
44. 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.
45. 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.
46. The applicant shall adhere to all vision triangle requirements as set in MGO 27.05 (No visual obstructions between the heights of 30 inches and 10 feet at a distance of 25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO 27.05(2)(bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.

47. 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.
48. City of Madison radio systems are microwave directional line of sight to remote towers citywide. The building elevation will need to be reviewed by Traffic Engineering to accommodate the microwave sight and building. The applicant shall submit grade and elevations plans if the building exceeds three stories prior to sign-off to be reviewed and approved by Andrew Oliver, (267-1979, aoliver@cityofmadison.com) Traffic Engineering Shop, 4151 Nakoosa Trail. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign off.
49. The driveway slope to the underground parking is not identified in the plan set, Traffic Engineering recommends driveway slope under 10%; if the slope is to exceed 10%, the applicant shall demonstrate inclement weather mitigation techniques to provide safe ingress/egress to be approved by the City Traffic Engineer.
50. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign at all class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
51. The applicant shall show the dimensions for the proposed class III driveway including the width of the drive entrance, width of the flares, and width of the curb cut.
52. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
53. The applicant shall prepare a TDMP (Traffic Demand Management Plan) to be reviewed and approved by the City Traffic Engineer. MGO (28.183(6)(a)(6)
54. 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.

**Fire Department** (Contact Bill Sullivan, 886-4691)

55. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Division Chief Jeff Larson at jtlarson@cityofmadison.com or (608) 2665946.
56. Provide a plan for fire access including aerial access in accordance with MGO 34 & the 2021 edition of the IFC.

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

57. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the West Park-Infrastructure Impact Fee district.

Please reference ID# 23017 when contacting Parks about this project.

58. 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.
59. 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.

**Forestry Section** (Contact Brandon Sly, 266-4892)

60. An existing inventory of street trees located within the right of way shall be included on the site, demo, utility, landscape, grading, fire aerial apparatus and street tree plan sets. The inventory shall include the following: location, size (diameter at 4 1/2 feet), and species of existing street trees. The inventory should also note if a street tree is proposed to be removed and the reason for removal.
61. All proposed street tree removals within the right of way shall be reviewed by City Forestry before the Plan Commission meeting. Street tree removals require approval and a tree removal permit issued by City Forestry. Any street tree removals requested after the development plan is approved by the Plan Commission or the Board of Public Works and City Forestry will require a minimum of a 72-hour review period which shall include the notification of the Alderperson within who's district is affected by the street tree removal(s) prior to a tree removal permit being issued. Add as a note on the street tree plan set.
62. Contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. Contractor shall operate equipment in a manner as to not damage the branches of the street tree(s). This may require using smaller equipment and loading and unloading materials in a designated space away from trees on the construction site. Any damage or injury to existing street trees (either above or below ground) shall be reported immediately to City Forestry at (608) 266-4816. Penalties and remediation shall be required. Add as a note on the site, grading, utility, demolition, and street tree plan set.
63. As defined by the Section 107.13 of City of Madison Standard Specifications for Public Works Construction: No excavation is permitted within 5 feet of the trunk of the street tree or when cutting roots over 3 inches in diameter. If excavation is necessary, the Contractor shall contact Madison City Forestry at (608) 266-4816 prior to excavation. City of Madison Forestry personnel shall assess the impact to the tree and to its root system prior to work commencing. Tree protection specifications can be found on the following website: <https://www.cityofmadison.com/business/pw/specs.cfm> Add as a note on the site, grading, utility, demolition and street tree plan sets.
64. Section 107.13(g) of City of Madison Standard Specifications for Public Works Construction (website: <https://www.cityofmadison.com/business/pw/specs.cfm>) addresses soil compaction near street trees and shall be followed by Contractor. The storage of parked vehicles, construction equipment, building materials, refuse, excavated spoils or dumping of poisonous materials on or around trees and roots within five (5) feet of the tree or within the protection zone is prohibited. Add as a note on both the site and street tree plan

sets.

65. On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on both the site and street tree plan sets.
66. Street tree pruning shall be coordinated with City Forestry at a minimum of two weeks prior to the start of construction for this project. Contact City Forestry at (608)266-4816. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on both the site and street plan sets.
67. The Developer shall submit a Street Tree Report performed by International Society of Arboriculture Certified Arborist prior to the Plan Commission meeting for City Forestry's review of project. This report shall identify all street trees on proposed project site, species type, canopy spread, tree condition, proposed tree removals, the impacts of proposed construction, and any requested pruning.
68. The Developer shall post a security deposit prior to the start of the development to be collected by City Engineering as part of the Developers Agreement. In the event that street trees are damaged during the construction process, City Forestry will draw from this deposit for damages incurred.
69. Additional street trees are needed for this project. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction (website: <https://www.cityofmadison.com/business/pw/specs.cfm>) - All street tree planting locations and tree species within the right of way shall be determined by City Forestry. A landscape plan and street tree planting plan shall be submitted in PDF format to City Forestry for approval of planting locations within the right of way and tree species. All available street tree planting locations shall be planted within the project boundaries. Add following note on both the landscape and street tree plan sets: At least one week prior to street tree planting, Contractor shall contact City Forestry at (608) 266-4816 to schedule inspection and approval of nursery tree stock and review planting specifications with the landscaper.

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

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| <p>70. Update the Utility plan to indicate the type of material that will be used for the water service and the type of connection to the existing water main.</p> |
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71. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumbers-contractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Ave. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. A Water Meter Application Form will subsequently be required to size & obtain a water meter establish a Water Utility customer account and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

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

*Metro Transit has reviewed this request and has recommended no conditions of approval.*