



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

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****BY E-MAIL ONLY****

February 14, 2023

Alex Weis

Livesey Company, LLC/Mad Grove, LLC
2248 Deming Way, Suite 200
Middleton, Wisconsin 53562

RE: Amending a Planned Development District–General Development Plan for 6853 McKee Road to allow future mixed-use, commercial, and multi-family residential development. (LNDUSE-2022-00117; ID 75171)

Dear Alex;

On February 7, 2023, the Common Council **conditionally approved** your request to amend the Planned Development–General Development Plan for 6853 McKee Road. The approval is subject to the conditions in the following sections, which shall be satisfied prior to final approval and recording of the amended Planned Development. Approval of a Specific Implementation Plan is required prior to the issuance of permits for the property.

Please contact Tim Troester of the City Engineering Division at (608) 267-1995 if you have any questions regarding the following seventeen (17) items:

1. The applicant shall submit utility plan for lot development. Current plans does not include plans for utility improvements.
2. Enter into a City / Developer agreement for the required infrastructure improvements. This agreement shall be executed prior to sign-off. Allow 4-6 weeks to obtain agreement. Contact City Engineering to schedule the development and approval of the plans and the agreement.
3. Construct sidewalk, terrace, curb and gutter, and pavement according to a plan approved by the City Engineer.
4. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder ((608) 261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering sign-off.
5. An Erosion Control Permit is required for this project.

6. A Storm Water Management Report and Storm Water Management Permit is required for this project.
7. A Storm Water Maintenance Agreement (SWMA) is required for this project.
8. This site appears to disturb over one (1) acre of land and requires a permit from the Wisconsin Department of Natural Resources (WDNR) for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR-216 and NR-151; however, a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. The applicant is notified that the City of Madison is an approved agent of the Wisconsin Department of Safety and Professional Services (DSPS) and no separate submittal to this agency or Capital Area Regional Planning Commission (CARPC) is required for this project to proceed.
9. 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.
10. 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.
11. 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.
12. This project will disturb 20,000 square-foot 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.
13. Demonstrate compliance with MGO Section 37.07 and 37.08 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.
14. Complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by MGO Chapter 37.
15. 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 Storm Water Management Plan and Report shall include compliance with the following:

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

Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data

files. If calculations are done by hand or are not available electronically, the hand copies or printed output shall be scanned to a PDF file and provided to City Engineering. (POLICY and MGO 37.09(2))

Detain the 100- and 200-year storm events, matching post development rates to predevelopment rates and using the design storms identified in Madison General Ordinances Chapter 37.

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

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

Treat the first 1/2 inch of runoff over the proposed parking facility and/or drive up window.

Provide substantial thermal control to reduce runoff temperature in cold water community or trout stream watersheds.

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.

16. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the City Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West).
17. The proposed parcels within this development (and/or adjacent to) are dependent on each other for overland and subsurface storm water drainage. A private Storm Sewer/Drainage Easement/Agreement for all parcels within (and/or adjacent to) this development shall be drafted, executed and recorded prior to building permit issuance.

Please contact Jeff Quamme of the City Engineering Division–Mapping Section at (608) 266-4097 if you have any questions regarding the following seven (7) items:

18. The development proposal proposes a partial discontinuance of public right of way at the northeastern corner of this development to accommodate a proposed building. Traffic Engineering has determined there is availability of some lands for discontinuance with the type of intersection anticipated at McKee Road and Maple Grove Drive. The applicant shall coordinate the area of vacation with City Engineering and Traffic Engineering staff. Upon that coordination provide a map exhibit of the discontinuance area showing all existing improvements and utilities to Jeff Quamme (jrquamme@cityofmadison.com) for circulation to all City agencies for review. Upon approval of the area of discontinuance, provide a final map exhibit and legal description of the discontinuance area prepared by a professional land surveyor to Jeff Quamme. A resolution shall then be initiated by the City under Section 66.1003(4) Wis. Stats. with conditions of the effective date of the discontinuance based upon the inevitable approval of the development, development agreement execution and Certified Survey Map ready for recording. The applicant shall be responsible to coordinate and pay for any required movement of utilities or easements required by the Utility Companies having facilities lying within the area of discontinuance prior to the recording of the discontinuance by the City Clerk.
19. For the future Specific Implementation Plan, an approved addressing plan will be necessary for the apartment buildings. Submit a site plan and a complete set of building floorplans (for each individual building) in PDF format to Lori Zenchenko (lzenchenko@cityofmadison.com) that includes a floor plan

of each floor level on a separate sheet/page for the development of an interior and building addressing plan for the proposed multi-building complex. Each building page should include a key locator and north arrow. Also, include a unit matrix for the apartment buildings. The Addressing Plan for the entire project shall be finalized and approved by Engineering (with consultation and consent from the Fire Marshal if needed) PRIOR to the Verification submittal stage of this LNDUSE with Zoning. The final approved stamped Addressing Plan shall be included in said Site Plan Verification application materials or a revised plan shall be 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.

20. Dedicate additional right of way along Maple Grove Drive or grant a public sidewalk and bike path easement(s) to the City on the face of the pending Certified Survey Map as required by Traffic Engineering or City Engineering.
21. Provide for review the necessary private sanitary sewer lateral easement over the proposed western lot to serve the proposed eastern lot. The document shall be executed and recorded immediately subsequent to the CSM recording and prior to building permit issuance.
22. The Declaration of Easements per Document No. 5219549 shall be amended to divide the responsibilities of the current lot into the two new lots proposed by this proposed development.
23. The existing Drainage Easement per Document No. 5219396 shall be amended to acknowledge the new lots and the drainage between them. The Storm water management agreement per Document No. 4919917 that regulates the main basin may require amendment dependent on the management of storm water plans in conjunction with this development.
24. With the split of the parcel into two lots, the pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD), the new parcel data created by the Assessor's Office and the parcel data available to Zoning and Building Inspection staff prior to issuance of building permits for new construction or early start permit.

Please contact Sean Malloy of the Traffic Engineering Division at (608) 266-5987 if you have any questions regarding the following seventeen (17) items:

25. The applicant shall dedicate right of way or grant a public sidewalk easement for and be responsible for the construction of a five (5)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1) foot for maintenance along Maple Grove Drive.
26. The applicant shall work with Metro Transit and Traffic Engineering on determining final geometrics for bus pullout area, work to be completed with City Engineering developer's agreement.
27. The applicant shall prepare a Traffic Demand Management Plan (TDMP) to be reviewed and approved by the City Traffic Engineer.

28. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawing shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
29. 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.
30. 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.
31. All parking facility design shall conform to the standards in MGO Section 10.08(6).
32. All bicycle parking adjacent pedestrian walkways shall have a two-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
33. All pedestrian walkways adjacent parking stalls shall be seven (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.
34. 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.
35. The applicant shall adhere to all vision triangle requirements as set in MGO Section 27.05 (No visual obstructions between the heights of 30 inches and 10 feet at a distance of 25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO Section 27.05(2)(bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.
36. The applicant shall provide a clearly defined five-foot 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.
37. Parking stalls that are located next to a sidewalk shall have a barrier between the stall and the sidewalk or a three-foot minimum buffer to serve as protection for any pedestrians.

38. "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.
39. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
40. The applicant shall enter into a signed developer's agreement through City of Madison Engineering prior to sign off.
41. Note: This site presents difficult constructability issues; access to neighboring sites must be maintained at all times, protected walkways will be constructed and maintained as soon as possible and little to no access to the public right of way on Maple Grove Drive and McKee Road will be granted for construction purposes. Provide a detailed construction plan to the Traffic Engineering Division for review by the Traffic Control Specialist (Mike Duhr) prior to final sign-off.

Please contact Jacob Moskowitz, Assistant Zoning Administrator, at (608) 266-4560 if you have any questions regarding the following three (3) items:

42. Work with Zoning and Planning staff to finalize the GDP Zoning text, including a description of the proposed land uses, their dimensions, bulk, height, scale and massing, and other relevant standards.
43. Present the development density, height, floor area, and dimensional requirement for the lots or building sites as a range.
44. Submit a schedule or phasing plan indicating the approximate dates when construction of the Planned Development can be expected to begin and be completed.

Please contact Bill Sullivan of the Madison Fire Department at (608) 261-9658 if you have any questions regarding the following two (2) items:

45. Provide fire access in accordance with MGO Chapter 34 and the IFC.
46. Coordinate addressing with City Engineering. Based on current layout, the Madison Fire Department expects the buildings will be addressed off of Mader Drive.

Please contact Ann Freiwald of the Parks Division at (608) 243-2848 if you have any questions regarding the following item:

47. 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 10127.2 when contacting Parks Division staff about this project.

Please contact Jeff Belshaw of the Madison Water Utility at (608) 261-9835 if you have any questions regarding the following item:

48. Plan set needs to include a utility plan.

Please contact Tim Sobota of the Metro Transit at (608) 261-4289 if you have any questions regarding the following three (3) items:

49. As identified on the plans submitted for review, Metro Transit recommends that in coordination with any public works improvements, the applicant construct a new bus stop pullout lane and concrete boarding pad surface on the west side of Maple Grove Drive south of McKee Road so that buses can safely exit the active vehicle travel lanes for the time needed to actively load or unload passengers at this signalized intersection, specifically new riders anticipated at this intersection due to the creation of multi-family residential units on this previously undeveloped land. This bus stop pullout lane and concrete boarding pad surface would replace the current curbside bus stop zone that occupies the active travel lanes on this street.

50. As identified on the plans submitted for review, the applicant shall install and maintain a new passenger waiting shelter with seating amenity, either as part of the private landscape plan or in the public right of way area. If located in the public right of way, the applicant shall submit a Privilege in Streets (Bus Shelter) application for review by the City. An approved Encroachment Agreement, for the bus shelter, shall be executed prior to sign off. Contact the City's Office of Real Estate Services to start the Privilege in Streets (Bus Shelter) application process. The applicant shall include the location of these transit amenities on the final documents filed with their permit application so that Metro Transit may review the design.

51. The existing curbside bus stop zone and accessible pedestrian sidewalk and terrace area on the west side of Maple Grove Drive, south of McKee Road, provide critical access to the City's transit operations, and any planned or permitted obstruction of the existing bus stop zone in excess of thirty (30) days may require additional right-of-way improvements and/or other mitigation measures in coordination with Traffic Engineering and Metro Transit staff - in order to create an alternate bus stop zone that would serve the Maple Grove Drive at McKee Road intersection area in a comparable operational and accessible manner.

Please contact Brandon Sly of the Forestry Section at (608) 266-4816 if you have any questions regarding the following eight (8) items:

52. 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.

53. 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.

54. The contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. The 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.
55. 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.
56. Section 107.13(g) of *City of Madison Standard Specifications for Public Works Construction* addresses soil compaction near street trees and shall be followed by 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.
57. 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.
58. 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.
59. Additional street trees are needed for this project. Tree planting specifications can be found in Section 209 of *City of Madison Standard Specifications for Public Works Construction*: All street tree planting locations and tree species within the right of way shall be determined by City Forestry. A landscape plan and street tree planting plan shall be submitted in PDF format to City Forestry for approval of planting locations within the right of way and tree species. All available street tree planting locations shall be planted within the project boundaries. Add following note on both the landscape and street tree plan sets: At least one week prior to street tree planting, Contractor shall contact City Forestry at (608) 266-4816 to schedule inspection and approval of nursery tree stock and review planting specifications with the landscaper.

Please contact Jessica Vaughn, Urban Design Commission Secretary, at (608) 267-8740 if you have questions about the following item:

60. Reduce the on-site parking to create more green space, especially adjacent to Building A2 on the northwest side of the building.

Please contact my office at (608) 261-9632 if you have questions about the following four (4) items as modified by the Plan Commission on January 23, 2023 (Condition #63):

61. At the time of Specific Implementation Plan approval, the applicant shall limit, reduce, or share parking for the proposed buildings to increase usable open space to the greatest extent possible, including at the northwestern corner of proposed Building A2.
62. That all future buildings be as oriented to the adjoining streets as they may be to any parking that will be developed to serve them, including active entrances directly accessible from the McKee Road and Maple Grove Drive. Ground floor entrances to residential buildings and dwelling units are strongly encouraged. This requirement shall be referenced in the final zoning text for the PD(GDP) and be met as part of the approval of the Specific Implementation Plan(s) preceding the issuance of building permits.
63. The western standalone commercial building shall be two-stories tall.
64. That the applicant work with Planning and Zoning staff to finalize the zoning text applicable to the subject site prior to recording of the Amended PD(GDP). The final text shall include:
- a. a description of the proposed land uses, their dimensions, bulk, height, scale and massing, and other relevant standards;
 - b. the development density, height, floor area, and dimensional requirement for the lots or building sites as a range; and
 - c. a schedule or phasing plan indicating the approximate dates when construction of the Planned Development can be expected to begin and be completed.

****Note: The project was approved subject to the original zoning text reviewed by the Plan Commission.**

Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency.

Please now follow the procedures listed below for finalizing this approval:

1. The applicant shall resubmit a PDF copy of the plan set and any other supporting materials that are necessary, as specified in this letter to sprapplications@cityofmadison.com. (Note: A 20MB email limit applies and multiple transmittals may be required.).
2. City Agencies who submitted conditions of approval will review your revised plans to verify that their conditions, along with any applicable requirements, have been satisfied. When the revised plans are

submitted, the applicant will be emailed a hyperlink to a website to follow, in real time, which agencies have reviewed the revised documents, and signed off or need additional information.

3. Upon receipt of the aforementioned plans, documents and fees, and upon determining that they are complete, the Zoning Administrator shall record them with the Dane County Register of Deeds Office. The recorded originals will be returned to the applicant, with the recording information noted, when the Register of Deeds has completed the recording process.
4. This Planned Development approval and any approvals related thereto shall expire five (5) years after the date of the Common Council approval of the Specific Implementation Plan. **No construction or alteration of the property included in this application shall be permitted until a Specific Implementation Plan (SIP) has been approved and recorded.**
5. No alteration of this proposal shall be permitted unless approved by the Plan Commission, provided, however, the Zoning Administrator may approve minor alterations that are approved by the Director of Planning and Community and Economic Development following consideration by the alderperson of the district, and which are compatible with the concept approved by the Common Council.

If you have any questions regarding obtaining your building permits, please contact the Zoning Administrator at (608) 266-4551. If you have any questions or if may be of any further assistance, please do not hesitate to contact my office at (608) 261-9632 or tparks@cityofmadison.com.

Sincerely,

Timothy M Parks

Timothy M. Parks
Planner

cc: Tim Troester, City Engineering Division
Jeff Quamme, City Engineering Division
Sean Malloy, Traffic Engineering Division
Jacob Moskowitz, Asst. Zoning Administrator
Ann Freiwald, Parks Division
Brandon Sly, Forestry Section
Bill Sullivan, Madison Fire Department
Jeff Belshaw, Madison Water Utility
Tim Sobota, Metro Transit
Jessica Vaughn, Urban Design Commission

LNDUSE-2022-00117			
For Official Use Only, Re: Final Plan Routing			
☒	Planning Div. (T. Parks)	☒	Engineering Mapping Sec.
☒	Zoning Administrator	☒	Parks Division
☒	City Engineering	☒	Urban Design Commission
☒	Traffic Engineering	☐	Recycling Coord. (R&R)
☒	Fire Department	☒	Other: Metro Transit
☒	Water Utility	☒	Other: Forestry Section