



PREPARED FOR THE PLAN COMMISSION AND URBAN DESIGN COMMISSION

**Project Address:** 820 South Park Street, 905-911 Delaplaine Court, 910-930 Haywood Drive, and 825-831 South Brooks Street (13<sup>th</sup> Aldermanic District, Alder Eskrich)

**Application Type:** Preliminary Plat, Rezoning, Demolition and Conditional Use

**Legistar File ID #:** [40410](#), [40663](#), [40408](#),

**Prepared By:** Heather Stouder, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted

## Summary

**Applicant/Property Owner:** Jacob T. Klein; J.T. Klein Company, Inc.; 906 Bear Claw Way, Madison, WI 53717

**Land Use Application Contact:** J. Randy Bruce; Knothe and Bruce Architects; 7601 University Ave., #201, Middleton, WI 53562

**Subdivision Application Contact:** Michelle Burse; Burse Surveying and Engineering, Inc.; 2801 International Lane, Ste. 101, Madison, WI 53704

**Requested Action:** Approval for the demolition of five single-family homes and relocation of three single-family homes, rezoning of property from Traditional Residential – Varied 1 (TR-V1) to Traditional Residential – Consistent 3 (TR-C3) along Brooks Street and to Traditional Shopping Street (TSS) for the remainder of the property currently zoned TR-V1, a preliminary plat, and a conditional use for construction of a five-story mixed-use building over 25,000 square feet with over 24 residential units and less than 75% ground floor non-residential uses in the TSS District.

**Proposal Summary:** The applicant proposes to demolish three single family homes along S Brooks St and two on Haywood Dr, and to relocate three single-family homes from Delaplaine Ct and Haywood Dr to the three newly vacant lots on S Brooks St. Five lots facing S Brooks St are proposed for rezoning from TR-V1 to TR-C3, and would be modified from 132 feet deep to 90-100 feet deep via a proposed plat.

On the remaining one-acre property, the applicant proposes a rezoning from the portion zoned TR-V1 to TSS, and a conditional use to construct a mixed use building with a five-story element along S Park St and Delaplaine Ct, and a four-story element along the back of the property and Haywood Dr. The building would include 2000 square feet of ground floor commercial space along S Park St and a total of 103 residential dwelling units.

**Applicable Regulations & Standards:** This proposal is subject to the standards for preliminary plats (MGO Section 16.23(3)), zoning map amendments (MGO Section 28.182(6)), demolition (MGO Section 28.185) and conditional uses (MGO Section 28.183(6)).

**Review Required By:** Urban Design Commission (UDC), Plan Commission (PC), and Common Council (CC)

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the approval standards for preliminary plats, zoning map amendments and demolition can be met, and determine whether or not the standards for approval for conditional uses, particularly standards 9 and 12, can be met.

Should the Plan Commission determine that all relevant standards can be met, they should make a clear finding and **approve** the demolition and conditional use requests, and forward the preliminary plat and rezoning requests to the Common Council with a recommendation to **approve**. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Should the Plan Commission find that these standards are not met, they should make a clear finding and **place on file** the demolition and conditional use requests, and forward the requested preliminary plat and zoning map amendment to the Common Council with a recommendation to **place on file**, given that the conditional use related to these requests cannot be approved.

## Background Information

**Parcel Location:** The subject property is nearly the entire block bounded by S Park St, Haywood Dr, S Brooks St, and Delaplaine Ct, excluding the parcel at the corner of Haywood Dr and S Park St.

**Existing Conditions and Land Use:** The 1.5-acre subject property includes a total of 10 single-family homes along S Brooks St, Delaplaine Ct, and Haywood Dr on 1.1 acres (75% of the total site). The remainder of the site on the corner of S Park St and Delaplaine Ct is a 0.4-acre site with a vacant one-story commercial building and associated surface parking.

### **Surrounding Land Use and Zoning:**

**Northwest:** Saint Mary's Hospital in the Planned Development (PD) District.

**Northeast:** Across S Park St to the northeast, a two-story mixed-use building in the PD District, a small commercial building, and two single-family homes in the TSS District.

**Southeast:** On this block, and automobile repair facility in the TSS District. Across Haywood Dr to the southeast, 8-unit and 4-unit residential buildings in the TR-V2 District, and a 2-unit residential building and restaurant with associated surface parking in the TSS District.

**Southwest:** Across S Brooks St to the southwest, single and two-family homes in the TR-V1 District.

**Adopted Land Use Plan:** The Comprehensive Plan (2006) and Greenbush Neighborhood Plan (2008) both recommend Community Mixed-Use for the S Park St frontage on the portion of this site currently zoned TSS, and Low Density Residential uses for the remainder of the site currently zoned TR-V1. A Revitalization Strategy, which was adopted in 2010 as a supplement to the Greenbush and Vilas Neighborhood Plans, recommends encouraging and supporting owner-occupied housing opportunities in this area by facilitating single-family / duplex reversions and conversions; and to reinforce the character of the area with a Neighborhood Conservation District.

**Zoning Summary:** As proposed, the property would be in the Traditional Shopping Street (TSS) District and the Traditional Residential – Consistent 3 (TR-C3) District. A detailed zoning summary table will be included in an addendum to this report.

**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, including Metro Transit Routes running along S Park St.

## 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 2016 seeking WHEDA tax credits for the project, which would provide support for the affordability of 56 to 86 of the dwelling units for households with incomes at or below 60%, 50%, or 30% of the area median income, for a period of thirty years.

**Affordable Housing Funds** - In conjunction with WHEDA tax credits, the applicant has requested a total of \$1.62 million dollars in City of Madison support for the affordable housing units in two phases – Phase 1 would include the five-story element of the building along S Park St and Delaplaine Ct with a 56 affordable units, 11 market rate units, and the entire underground parking area. Phase 2 would include the four-story element along the western and southern part of the site with 30 affordable units and 6 market rate units. Staff from the Department of Planning and Community and Economic Development have recommended \$1.25 million in 2016 City funding support for Phase 1 of the proposal, should all land use entitlements be granted. The Community Development Block Grant Committee and Board of Estimates will review staff recommendations and provide recommendations to the Common Council for consideration, likely on December 1, 2015. Please see Legislative Item No. [40651](#) for more details on this request.

## Project Description

The applicant is requesting a series of subdivision and land use approvals to reshape and redevelop most of a small city block bounded by S Park St, Delaplaine Ct, S Brooks St, and Haywood Dr. As will be described further, the proposal involves the demolition or relocation of nine buildings in order to provide adequate space to develop the eastern two-thirds of the site with a four to five-story mixed-use building. The western third of the site would retain the existing rhythm and scale along S Brooks St with a total of five single-family homes, two of which exist in place today, and three of which would be relocated from elsewhere on the block.

**Preliminary Plat-** The applicant proposes to replat the 1.5-acre site, which is currently twelve lots, into six lots, with dedication of a three-foot strip along S Park St to the public for expansion of the sidewalk, and dedication of a six-foot strip along Delaplaine Ct for a new five-foot wide sidewalk. Along S Brooks St, the five existing lots (825-831 S Brooks St and 930 Haywood Dr) are all 132 feet deep and range in width from 39 to 45 feet wide. As part of the proposal, portions of the rear yards of all five lots would be eliminated, resulting in four 100-foot deep lots (Lots 1-4) and one 90-foot deep lot (Lot 5). The remaining property would be combined into an approximately one-acre lot (Lot 6), with frontage on S Park St, Delaplaine Ct, and Haywood Dr.

**Demolition and Relocation Details** – As proposed, the commercial building on the corner of S Park St and Delaplaine Ct, constructed in 1940, would be deconstructed and removed from the site. The proposal also involves the demolition and removal of one two-family home at 829 S Brooks St and four single family homes at 825 and 827 S Brooks St and 914 and 922 Haywood Dr. Three homes in good condition at 909 and 911 Delaplaine and 910 Haywood Dr would be removed from their current locations and placed on new foundations on the newly vacant Lots 3, 4, and 5, resulting in five single-family homes along S Brooks St. The relocation path for these three homes would be on the subject property itself, so no street tree removal or replacement along S Brooks St would be necessitated by the moves. Map 1 and Table 1 below provide visual and substantive summary of the proposal for all existing buildings on the subject site.

**Figure 1: Proposals for existing buildings on the subject property**



**Table 1: Proposals for existing buildings on the subject property**

Address	Yr Built	Current Use	Proposal
820 S Park St	1940	Vacant Com.	Demolish & remove
825 S Brooks	1913	SF Home	Demolish & remove home & garage
827 S Brooks	1930	SF Home	Demolish & remove home & garage
829 S Brooks	1924	2F Home	Demolish & remove home & garage
831 S Brooks	1920	SF Home	Maintain on site with new landscaping, railing, driveway, & electrical system (Option 2 – relocate 914 Haywood to this site)
930 Haywood	1929	SF Home	Maintain on site with new landscaping, driveway, siding, gutters, downspouts, railings, & removal of chain link fence
909 Delaplaine	1930	SF Home	Relocate to 825 S Brooks, new landscaping & driveway
911 Delaplaine	1913	SF Home	Relocate to 827 S Brooks, new landscaping, driveway, & sidewalk
910 Haywood	1927	SF Home	Relocate to 829 S Brooks, new landscaping (demolish garage)
914 Haywood	1919	SF Home	Demolish & remove home & garage (Option 2 – relocate to 831 S Brooks)
922 Haywood	1928	SF Home	Demolish & remove home & garage

**Proposed Land Use** – Following the demolition and removal or relocation of buildings specified above, the applicant proposes to construct a five-story mixed use building on the approximately one-acre Lot 6. The building would have 2,000 square feet of ground floor commercial space facing S Park St and 103 residential apartments, including 5 efficiencies, 56 one-bedroom, 25 two-bedroom, and 17 three-bedroom units, including 8 two-story townhomes with separate ground floor entries. As proposed, 86 of the dwelling units would be affordable to households with incomes at or below 60%, 50%, or 30% of the area median income, although this is contingent on City funding support and WHEDA Section 42 Tax Credits. The proposed density on Lot 6 is approximately 106 dwelling units per acre, and the automobile parking ratio for the building is approximately 0.8 stalls per residential unit, with underground stalls to be rented to tenants at extra cost on a first come, first served basis. 11 surface stalls in back of the building would be available for visitors, service providers, and employees using the commercial space.

**Building Placement, Bulk and Massing** – The mixed-use building is nearly a complete square, but is missing the corner of S Park St and Haywood Dr, which is not owned by the applicant. The building includes four- and five-story elements atop a single underground parking level, with usable open spaces in a middle courtyard and in the northwestern portion of the site. The building is 99 feet long along S Park St, with a setback of three feet from the new property line and a four-story facade stepping back to five stories. The building would be placed six feet further back than the existing one-story commercial building on the site, with an 8-foot sidewalk. Along Delaplaine Ct, the building is 219 feet long and five-stories, set back five to six feet from the new property line. This allows space for landscaping, bicycle parking, and stairs leading up to separate entrances for townhouse units, and also new five-foot sidewalk in the widened public right-of-way. Along Haywood Dr, a four-story, 101 foot long facade is the building is set back approximately seven feet from the property line. On the west side of the property, the rear yard setback ranges from 29 to 47 feet (60-108 feet from the single-family homes). The building is four stories along this entire facade, stepping back to five stories in the portion of the building closest to Delaplaine Ct.

**Access, Circulation, and Parking** – Vehicle access to the site is provided from two locations along Haywood Dr. The western driveway leads to a small surface parking lot for 11 automobiles and an area that would be utilized for loading and unloading. The second driveway leads to the underground parking area with 84 automobile stalls, 101 bike parking stalls, and a trash storage area. Exterior bicycle parking is located off of Delaplaine Ct near S Park St, and off of Haywood Dr near a main entrance to the residential portion of the building.

Pedestrian infrastructure in the area would be improved as shown in the preliminary plat, with a widening of the sidewalk to eight feet along S Park St, and the dedication of a new five-foot sidewalk along Delaplaine Ct. Two commercial entrances are provided along S Park St. Main entrances to two residential lobbies are located off of Delaplaine Ct to the five-story portion of the building and off of both the surface parking lot and Haywood Dr to the four-story element. There are three secondary entries/exits to common stairways easily accessed from each street. In addition, at least ten of the ground floor residential units have separate entries facing streets or the surface parking area.

**Exterior Materials and Site Details** – The building exterior includes stone, brick, fiber cement, and metal panels of various brown tones. At the corner of S Park St and Delaplaine Ct, stone reaches from the base to the fourth floor with metal panels on the fifth floor. The other facades have a shallow stone base, brick as a primary material on all but the uppermost floor, and fiber cement siding on the upper floor. Metal panels are used as an accent material on window bays throughout the building.

The landscape plan shows two deciduous trees flanking the surface parking area, which would be screened from residential properties to the west with a six-foot solid vinyl fence. Shrubs and perennials are proposed in areas between the building and Delaplaine Ct and Haywood Dr, and a small landscaped bio-retention area is shown in the far western portion of the site. A usable open space area atop the parking structure is proposed in a central

courtyard with a grill, seating areas and landscaped planters, and a second similar area is located just north of the surface parking area, with a tot lot surrounded by a four-foot aluminum fence and gate.

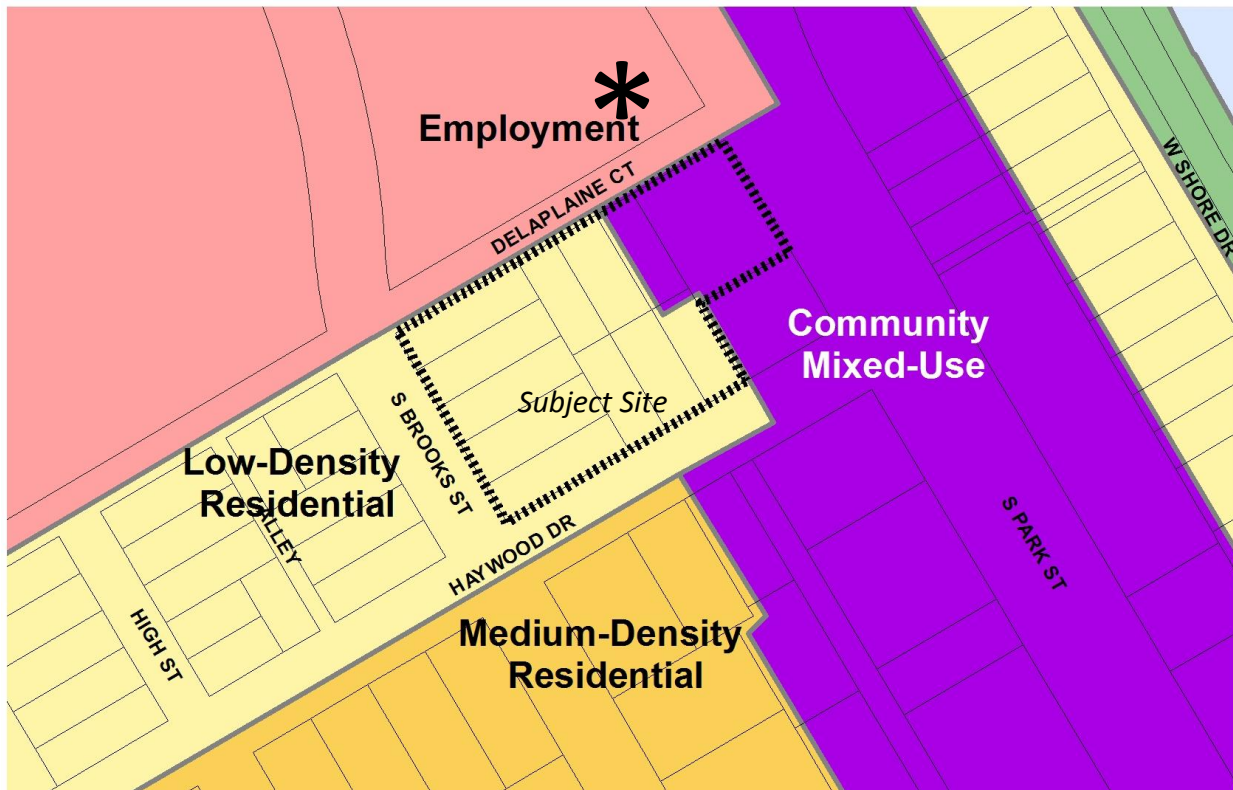
**Single-Family Homes-** On the 0.5-acre western third of the property, five single-family homes would have a residential density of approximately 11 dwelling units per acre, similar to the density of existing development across S Brooks St to the west. The 90 and 100-foot deep lots are similar to most in the area, and have a greater depth than several lots on blocks to the west. While no detailed analysis has been shown, staff believes that each of the lots could support small detached garages behind the existing or relocated homes. As detailed in materials provided by the applicant, the three relocated homes and two existing homes along S Brooks St would all be improved with new concrete driveways and landscaping, as well as other needed improvements such as new railings, siding, porches, and interior electrical work as needed.

## Project Analysis

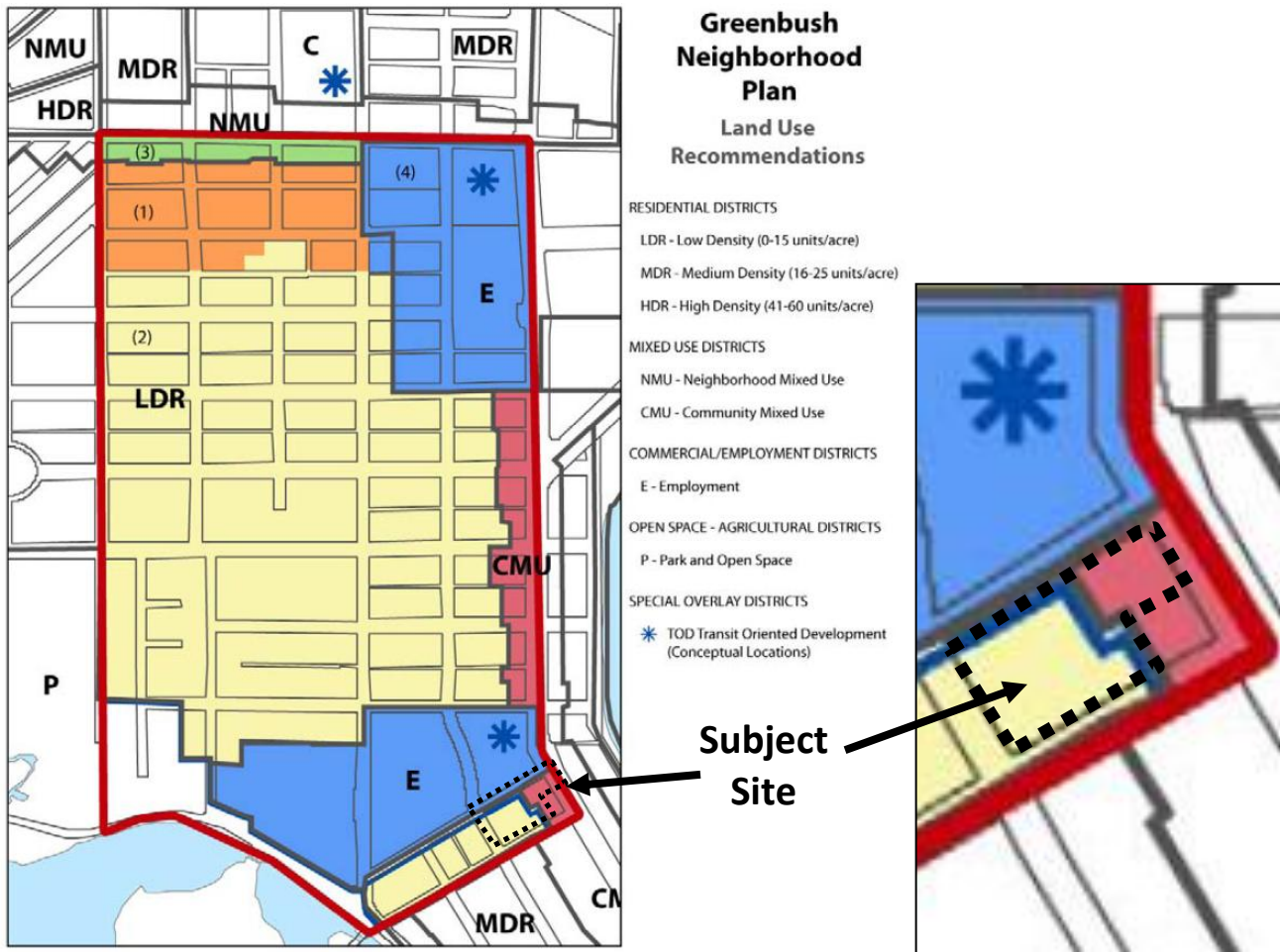
### Land Use and Plan Consistency

As with many plan recommendations for redeveloping mixed-use corridors near low-density residential neighborhoods (Atwood Avenue, Monroe Street, University Avenue, S Park St, etc.) the Comprehensive Plan (2006) and Greenbush Neighborhood Plan (2008) both recommend “Community Mixed-Use” (CMU) along the S Park St frontage, and continued “Low-Density Residential” (LDR) uses on the portion of this site where single- and two-family homes exist today (see plan excerpts below). The asterisk on the adjacent St. Mary’s Hospital site indicates that this area is recommended for transit-oriented development as well. For CMU areas, the Comprehensive Plan recommends mixed-use buildings with residential densities generally not to exceed 60 dwelling units per acre, and densities up to 15 dwelling units per acre in LDR areas.

### **Comprehensive Plan – Generalized Future Land Use Recommendations**



**Excerpt from pp. 32-33 of Greenbush Neighborhood Plan – Proposed Land Use Recommendations**



The Greenbush Neighborhood Plan includes several other goals and recommendations (pp. 34-56) relevant to the subject site and proposal, which are included below for consideration by the Plan Commission.

**Land Use and Design**

- **Goal 1- Preserve existing housing stock in selected areas of the neighborhood**  
 While the removal of homes along Delaplaine Ct and Haywood Dr was not envisioned in Plan recommendations, staff believes that this goal is partially addressed with the remaining and improved single-family homes on S Brooks St.
- **Goal 2 - Encourage new development in targeted areas of the neighborhood**  
 Staff believes that this goal is partially addressed, with the redevelopment of a portion of the Park Street frontage. Other portions of the subject property were not targeted for redevelopment.
- **Rec 6 - Improve the overall appearance of S Park St with streetscape amenities such as decorative lighting or other attractive features**  
 Staff believes that this recommendation can be met with the proposal, but that further detail on building lighting and streetscape amenities is needed.

- *Rec 8 - Advocate for more neighborhood-oriented retail and services on S Park St*

While the office use the applicant suggests would occupy the commercial area in the building may not meet this recommendation, the space itself is sized and located such that it could be utilized by a variety of relatively small retail and service uses that could benefit the neighborhood.

#### *Housing*

- *Goal 1 - Promote owner-occupied housing and long-term rental housing opportunities*

The proposed mixed-use building with affordable apartments and the single-family homes along S Brooks St may help to meet this goal, although tenure (ownership versus rental housing) is a characteristic that cannot be guaranteed in a land use approval.

- *Goal 2 - Increase affordable housing*

The proposal would help to meet this goal, assuming the affordable housing component is funded and implemented.

- *Goal 3 - Provide a variety of housing choices including affordable housing and community housing such as co-housing and cooperative housing*

The proposal would help to meet this goal, assuming the affordable housing component is funded and implemented.

- *Goal 4 - Provide housing opportunities for a diverse population including students, families, and the elderly. Increase the number of housing units for families and the elderly*

The proposal would help to meet this goal with the diverse mix of unit types, including a significant proportion of three-bedroom units that can support larger households than many recently approved developments in this area and citywide. Student households are not anticipated to be a significant proportion of the tenants in the mixed-use building, and the rezoning from TR-V1 to TR-C3 of the single-family homes would preclude use as rental homes to more than two unrelated individuals per home.

- *Goal 5 - Protect the character of residential areas, particularly historic properties.*

As has been mentioned, the proposal retains and improves the five homes along S Brooks St, but would remove homes along Delaplaine Ct and Haywood Dr. There are no known historic properties impacted by the proposal.

- *Goal 6 - Provide high-quality housing choices including rehabilitation of existing housing stock and new construction in general scale and historic character with the neighborhood.*

The relocation of homes in good condition and the rehabilitation of others along S Brooks St would help to partially meet this goal. The new construction proposed is similar in scale and height to St. Mary's Hospital to the north, but is much larger and taller than the single-family homes and small multifamily residential buildings to the west and south. However, the building would meet zoning requirements related to the height transition to adjacent residential properties from mixed-use districts.

#### *Transportation*

- *Rec 10 - Establish neighborhood-wide, two-hour parking zones to minimize commuter parking on all streets in the neighborhood.*

This area lies within a Residential Parking Permit Area, where neither commuters nor future employees and residents in the proposed mixed-use building would be able to park for more than two hours during the day.

- *Rec 13 - Make parking less obtrusive and redevelopments more pedestrian-friendly by keeping parking for new construction behind the buildings, though in some sites this might not work because of proximity to homes.*

The proposal is consistent with this recommendation, as nearly all of the parking is provided below the building, with only a small surface parking lot behind it. Staff does not believe that the small surface lot



will have negative impacts on the single-family homes immediately to the west, as a six-foot solid fence is required and proposed along the shared property line.

#### *Quality of Life*

- *Rec 8 - Eliminate billboards on the legs of South Park and Regent Streets in the neighborhood*

Details have not yet been provided on this issue, but staff assumes that the billboard partially located on the site would be eliminated from this location if the proposal moves forward.

Finally, the [Greenbush-Vilas Housing Revitalization Strategy](#) (2010), which was adopted as a supplement to the Greenbush and Vilas Neighborhood Plans, recommends encouraging and supporting opportunities for owner-occupied housing in this area (see Revitalization Strategy Summary page, included for reference).

**Transition between S Park St and Low-Density Residential Uses** - The rezoning request moves the line of delineation between a “low-density residential” neighborhood and a “community mixed-use” corridor approximately 120-1600 feet (two thirds of an acre) westward compared to the line shown in adopted plans, which was drawn along existing parcel and land use boundaries. The applicant proposes this shift in order to provide sufficient depth from S Park St to accommodate the proposed mixed-use building and underground parking floor plate, and still provide sufficient lot depth for single-family homes along S Brooks St to mirror those across the street.

The Plan Commission and Council should carefully consider the unique characteristics of this area and plan recommendations for surrounding property. Unlike blocks north of St Mary’s Hospital near S Park St, this particular low-density residential area is a relatively isolated one-block by three-block group of lots between the hospital and medium-density multi-family residential development south of Haywood Dr.

The hospital building to the north, which is very unlikely to change in the foreseeable future, has roughly a five-story height, which provides support for the proposed height along Delaplaine Ct. On the block just across Haywood Dr to the south, the Comprehensive Plan “delineation line” between “Community Mixed-Use” and “Medium-Density Residential” is further west than it is on the subject site, and the boundary between the mixed-use and residential zoning districts follow this line. Redevelopment just south of the subject site (currently a surface parking lot, one-story restaurant, and two-unit residential building, could be supported at a similar scale and depth as what is being proposed on the subject site. Given the relationships between the subject property and properties to the north and south, staff believes that the movement of the higher-intensity “Park St Corridor” redevelopment slightly westward on the block is acceptable.

Arguably, the critical interface with regard to the potential for preservation and enhancement of the residential area over time is the S Brooks St (west) side of the subject property, and staff believes the proposal would positively impact this side of the property, in line with plan recommendations. The proposed rezoning from TR-V1 to TR-C3 would ensure that the properties support only single-family homes with a narrower family definition, restricting occupancy to a family with one unrelated roomer, rather than five unrelated individuals. Further, staff believes that the proposed 90-100-foot deep single-family lots, the relocation of at least three homes in good condition to replace existing homes to be demolished, and planned improvements to all five properties would result in a much improved S Brooks St frontage. The homes will be attractive for home-ownership opportunities, should the applicant decide to sell them in the future.

The juxtaposition of a four- to five-story building facade behind or beside single-family homes is becoming more common along redeveloping mixed-use corridors. While the movement of this delineation will change the middle of the block, the “buffer” distance between the homes and the proposed building in this case seems to be adequate, when compared with other recently approved buildings (see Table 2).

**Table 2: Distance of 4-story elements of mixed-use buildings from homes on adjacent properties**

Address	Description	Distance of 4 <sup>th</sup> floor from nearest SF Home
1033 High St	4-story residential building	30' from side of home
3414 Monroe St	4-story mixed-use building	52' from side of home
444 S Park St (Lane's)	5+-story mixed-use building	54' from side of home
820 S Park St (Proposed)	5-story mixed-use building	Range of 60'-108' from rear of five homes
1911 Monroe St	4-story mixed-use building	90' from rear of homes (narrow alley between)
2158 Atwood Ave	4-story mixed-use building	98' from rear of home
901 Drake St (Ideal)	4-story mixed-use building	137' from side of home

Considering the level of specificity intended by the line of delineation between two general future land use recommendations, the Plan Commission should also consider the following language in the Comprehensive Plan:

*“Recommended land uses are generalized in that the exact boundaries between one land use category and another are often only approximate, the range of different land uses and development densities encompassed within the use district definitions is relatively large, and all of the districts may include a variety of land uses in addition to the primary use... refined recommendations applicable to individual properties will be provided through preparation and adoption of detailed neighborhood and special area plans.”*

With this flexibility in mind, staff does not believe that approval of the requested rezoning from TR-V1 to TSS would be a decision inconsistent with the Comprehensive Plan. While the Greenbush Neighborhood Plan recommended a shallower targeted redevelopment opportunity along S Park St, based on existing parcel boundaries and uses, the essence of the recommendations for this area focused on ensuring a careful transition from the redeveloping S Park St corridor, and the long term preservation and enhancement of low-density residential properties. Many of the goals and recommendations in this plan, particularly those relating to affordable housing and diversification of housing types, could be furthered by this proposal.

**Residential Density** – When compared to recently approved buildings in this corridor, the proposed building is larger than most and higher in residential density as shown in Table 3 below. In a location within proximity to so many employment opportunities and neighborhood amenities, so well-served by transit, and identified for transit-oriented development, the proposed density of 106 dwelling units per acre could be appropriate.

**Table 3: Comparable Residential Densities in Recently Approved Buildings along S Park St**

Address	Description	# Units	Units/Acre
901 Drake St (Ideal)	4-story mixed-use building	57	75
1033 High St	4-story residential building	67	88
444 S Park St (Lane's)	5+-story mixed-use building	40	97
1004 S Park St (Wingra Point)	5-story mixed-use building	164	100
820 S Park St (Proposed)	5-story mixed-use building	103	106

### **Analysis of Standards for Approval**

**Preliminary Plat** - The preliminary plat and associated zoning district appear to meet all subdivision standards for approval, assuming the applicant complies with all recommended conditions of approval for the final plat, which will be included in a subsequent addendum to this staff report.

**Standards for Zoning Map Amendments-** MGO Section 28.182(6) - *Text amendments or map amendments are legislative decisions of the Common Council that shall be based on public health, safety, and welfare, shall be consistent with the Comprehensive Plan, and shall comply with Wisconsin and federal law.*

**Demolition Standards** - As noted in MGO Section 28.185(7), the Plan Commission must find that the requested demolition and proposed use are compatible with the purpose of the demolition section and the intent and purpose of the zoning districts. Furthermore, the proposal should be compatible with adopted plans. The Plan Commission shall consider and give decisive weight to any relevant facts, including but not limited to impacts on normal and orderly development, efforts to relocate the existing building(s), and the limits that the location of the building(s) would place on efforts to relocate it/them. While these are not landmark buildings, nor do they lie within a local historic district, the Plan Commission shall consider any reports from the Landmarks Commission and Historic Preservation Planner when determining whether the demolition standards are met.

In their informal review of the proposed demolitions, the Landmarks Commission noted no issues with the loss of the corner commercial building, but noted that they regret the loss of the concentration of vernacular residential structures. They specifically recommended that the home at 911 Delaplaine Ct be relocated, rather than demolished. As has been noted, the applicant has proposed to do this along with two other homes in good condition, in an effort to retain and improve the five best homes on the site along S Brooks St.

Staff believes that if the proposal moves forward, it would not have detrimental impacts on the normal and orderly development of surrounding properties. As has been discussed, the removal of single-family homes along Delaplaine Ct and Haywood Dr for a 4-5 story mixed use building is inconsistent with the Greenbush Neighborhood Plan land use recommendation for the central portion of this block, but furthers many goals and recommendations of the plan while maintaining and strengthening the S Brooks St frontage, which is the most important interface with the other low-density residential uses to the west.

**Conditional Use Standards** – The applicant is seeking a conditional use in the TSS District for a mixed-use building with over 24 residential units, a building over 25,000 square feet in size, and a building over three stories tall. An evaluation of the proposal's ability to meet the standards for conditional use approval is summarized below.

As stated in MGO Section 28.183(6)(a), *"The City Plan Commission shall not approve a conditional use without due consideration of the recommendations in the City of Madison Comprehensive Plan and any applicable neighborhood, neighborhood development, or special area plan, including design guidelines as adopted as supplements to these plans. No application for a conditional use shall be granted by the Plan Commission unless it finds that all of the following conditions are present:*

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

Staff believes that this standard is met.

- The City is able to provide municipal services to the property where the conditional use is proposed, given due consideration of the cost of providing these services.*

Staff believes that this standard is met.

- 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.*

Since it essentially relocates a delineation line on the block between a low-density residential area and the mixed-use S Park St corridor, the proposal would involve dramatic changes to three sides of the block. However, it would also preserve the existing rhythm and scale along S Brooks St and improve the quality of the single-family homes facing the low-density residential blocks to the west. While the proposal would involve a significant increase in residential density to the area, staff does not believe that the uses, values, and enjoyment of nearby properties would be substantially impaired or diminished.

- 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.*

This proposal would be different, and could be more consistent with adopted plans if the 8,400 square foot property on the corner of S Park St and Haywood Dr, 834 S Park St, was owned by the applicant and included at this time. While the proposal itself does not impede future development of this corner property, it may limit future development on the small site to uses without much on-site parking. Future redevelopment of properties on nearby blocks is not impacted by the proposed mixed-use building.

- Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit, and other necessary site improvements have been or are being provided.*

Staff believes that this standard can be met, so long as all conditions of approval are adequately addressed. Staff notes that an administrative parking reduction must be granted for the proposal to move forward, but that it does not meet the threshold for a 20-car reduction so as to necessitate consideration by the Plan Commission for a parking-related conditional use. This site, identified as a transit-oriented development area in the Comprehensive Plan, is among the best served by transit in the City, and it would certainly be feasible for many residents without cars to live in the proposed building and maintain access to employment opportunities, shopping, schools, and other amenities.

While S Park St itself presents a barrier for some bicyclists and pedestrians, the site is well-served with infrastructure for non-motorized transportation as well. Adequate bicycle parking is proposed to meet zoning requirements, and staff understands that the applicant is working to incorporate additional bicycle parking over and above these requirements. The shared car proposed for the site will provide an option for many residents to have occasional use of an automobile if needed for specific trips. Finally, with regard to the concerns of neighbors about spill-over parking on streets in an area already heavily impacted by commuter parking and parking by existing area residents, staff is recommending that no residents of the proposed mixed-use building have access to residential on-street parking permits, and that this be made clear in the tenant leases.

- Measures, which may include transportation demand management (TDM) and participation in a transportation management association have been or will be taken to provide adequate ingress and egress, including all off-site improvements, so designed as to minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets.*

Given the Traffic Engineering staff review of the Traffic Impact Analysis provided by the applicant, staff believes that this standard is met. There is not a need for a TDM for this primarily residential building located in an area very well-served by transit.

7. *The conditional use conforms to all applicable regulations of the district in which it is located.*

Staff believes that this standard can be met, so long as all Zoning conditions of approval are sufficiently addressed.

9. *When applying the above standards to any new construction of a building or an addition to an existing building, the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district. In order to find that this standard is met, the Plan Commission may require the applicant to submit plans to the Urban Design Commission for comment and recommendations.*

*Statement of Purpose for Traditional Shopping Street (TSS) District*

*The TSS District is established to encourage and sustain the viability of Madison's mixed-use corridors, which sustain many of the City's traditional neighborhoods. The district is also intended to:*

- a) Encourage pedestrian, bicycle and transit use as a means of accessing and moving through these corridors.*
- b) Encourage diversification of uses, including residential, commercial, and civic uses, in order to enhance the vitality and appeal of these areas.*
- c) Maintain the viability of existing residential buildings located within or adjacent to these corridors.*
- d) Encourage appropriate transitions between higher-intensity uses within TSS districts and adjacent lower-density residential districts.*
- e) Facilitate preservation, development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and of adopted neighborhood, corridor, or special area plans.*

The Plan Commission should consider whether or not this standard is met with regard to compatibility with the existing and intended character of the area. In this case, the issue of building massing is the focus, rather than exterior materials and design details. With this proposal, approximately two-thirds of an acre of low-density residential property would be replaced with a portion of a mixed-use building and a 29-47 foot buffer with green space and parking. An analysis of the relationship of the proposed building with its surroundings is more nuanced, as discussed on pp. 9-10.

Along S Park St and much of Delaplaine Ct, the five-story element of the proposed building is generally consistent with plan recommendations and fits in well with St. Mary's Hospital with regard to height and architecture. For the western one-third of its length along Delaplaine Ct, the building would replace an area currently developed with single-family homes, but would still be similar in height to the hospital.

Along the Haywood Dr frontage, the proposed building is two stories taller than the existing multi-family buildings just across the street to the south. However, the stretch of property immediately across Haywood Dr from the proposed four-story building is recommended for "Community Mixed-Use" and zoned Traditional Shopping Street (TSS), signaling that redevelopment to the south could be supported at a scale compatible with this proposal.

Finally, the western portion of the building lies within an area recommended in plans for low-density residential uses. The four-story facade height is at least two stories taller than the homes to the west, but the building sits between 29 and 47 feet from the shared property line, and between 60 and 108 feet from the back of the homes. The height transition to residential properties as required in the TSS District (absent a specific conditional use approval) is met.

Should the rezoning from TR-V1 to TSS be approved, the proposed building meets many, but not all aspects of the TSS Statement of Purpose. With regard to a) and b) above, the building is well-located to encourage non-motorized transportation along S Park St, and would diversify the uses in this area. With regard to c), the proposal involves the removal of several single-family homes for a new mixed-use building. However, staff believes that the submitted plat and supplemental plans for the lots along S Brooks St with single-family homes would maintain their viability, as the resulting lots are very similar to (and in many cases larger than) other low-density residential properties further to the west. For d), the height transition from four and five-story building elements to single-family homes and two-story apartment buildings to the west and south is a significant change from the existing condition, but such transitions have occurred elsewhere in the City along similar corridors (see Table 2 on p. 10). Finally, with regard to e), the Plan Commission should determine whether the combination of the increased depth from S Park St of the higher-intensity redevelopment, the integration of a buffer between the proposed building and single-family homes, and the preservation and enhancement of the properties along S Brooks St is consistent with the spirit and intent of recommendations in adopted plans.

12. *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 Plan Commission should carefully consider whether this standard is met in the context of plan recommendations and the relationship of the proposed building with surrounding properties. Staff is comfortable with the height of the building as it relates to St. Mary's Hospital, and the height should not impact the properties to the south with additional shadows, nor impact views. Along the rear of the property, the "buffer" or distance between the four- and five-story building facade and the rear of the single family homes is roughly at the midpoint of similar recently approved projects (see Table 2 on p. 10).

[Conditional Use Standards 8, 10, 11, and 13-15 do not apply to this request]

**Design Requirements and Guidelines in Urban Design District 7** – The portion of the property currently zoned TSS closest to S Park St lies within Urban Design District 7, which includes a requirements that must be met and guidelines that must be considered by the Urban Design Commission for all new development and building additions along the Park Street corridor from Regent Street to the Beltline Highway. In this case, the proposed mixed-use building must be reviewed by the Urban Design Commission, since a portion of the proposed lot it sits on lies within UDD 7. The staff analysis below includes excerpts and summaries of the ordinance (Madison General Ordinances Section 33.24(14), and it attached in its entirety for reference.

*UDD 7 Statement of Purpose – Urban Design District 7 is hereby established to improve the appearance and function of Park Street. Park Street is a major gateway corridor to Madison's Downtown and the University of Wisconsin-Madison, and is a critical street for the vitality of adjoining neighborhoods. The purpose of these design requirements and guidelines is to provide clear direction for how property owners can make improvements to their properties to collectively improve the visual character and safety of Park Street. When applied, they will ensure against fragmented or incompatible development and will help prevent the negative visual and functional impacts of uncoordinated design decisions. These requirements and guidelines are intended to preserve and enhance the property values in the District, and avoid substantial depreciation of the property values and help to ensure long-term economic vitality. The goal is not to create a uniform "style" or character for the street, but rather to allow Park Street to evolve as a distinctive place that builds on the strengths of its culturally diverse businesses and neighborhoods.*

Building Setbacks and Orientation – The building placement at three feet from the proposed property line along S Park St meets the required setback range of 1 to 10 feet, as well as the guidelines for this section. Notably, the three feet of private property being dedicated to the public will help provide additional space for pedestrian circulation in this area and meet the guideline recommending at least an eight foot sidewalk zone.

Building Massing and Articulation – Staff believes that the requirements in this section are met with the proposed exterior. The building faces on Haywood, Delaplaine, and the rear of the building are very similar, with brick as the primary material, fiber cement siding on upper levels, and metal panels as accents. The Park Street facade and the building corner on Delaplaine have similar high-quality materials, brick, stone, and fiber cement, although in a darker color palette. The building is well fenestrated, with individual entrances leading to residential units off of Delaplaine, Haywood, and the small parking lot behind the building. A roof plan will need to be provided to ensure that all mechanical equipment is screened from view, as is also required in the zoning code. The revised elevation drawings appear to meet the guidelines in this section as they relate to variation on building facades, flat roofs, and a strong, distinctive corner presence. The UDC should carefully review the latest elevation drawings against these guidelines.

Building Height – The building meets the required two-story minimum height. However, Guideline i. needs further review by the Urban Design Commission, and Guideline ii. is not met. Guideline i. states that buildings should be a maximum of 4 stories, with up to two additional stories depending on the quality of the design, the affect of the development on the adjoining neighborhood, the contribution of the project to the use mix and activity in the vicinity, and the character of the street. Additional height above four stories is an incentive for creative building design, and should not be viewed as the permitted height.

Guideline ii recommends that buildings in excess of three stories incorporate a front facade stepback of at least 15 feet from the building face at the third floor. This guideline is not met, as the proposed building includes a partial front facade stepback, approximately 12 feet deep above the fourth floor. Further, the proposal does not lie within any of the areas where greater flexibility for height and stepbacks should be considered. Staff does not believe that Guideline iii applies to this proposal, as the existing blockface is not well-defined.

Windows and Entrances – Staff believes that the requirements and guidelines in this section are met, although the applicant will need to clearly show on final elevation drawings that at least 60% of the Park Street facade is devoted to vision glass.

Materials and Colors – Staff believes that the requirement for this section is met with the stone, brick, fiber cement, and metal on the building. The revised color choices seem to better complement the character of the area, but staff recommends that the UDC work with the applicant to simplify the overall material palette.

Signage – Details for signage have not yet been provided, and will be required as part of a future review, if the proposal is approved.

Parking and Service Areas – Staff believes that the requirements and guidelines in this section are met. Parking is located underground or behind the building, and trash will be stored in the building, as is recommended.

Landscaping and Open Space – The required screening fence is being provided at the newly proposed property edge abutting the single-family homes along Brooks Street. A six-foot solid fence is proposed, as required for properties in the TSS zoning district abutting residential properties.

The guidelines in this section regarding quality landscaped outdoor spaces pertain largely to the commercial frontage on S Park St. However, since the entire site is subject to review by the UDC, the usable open spaces for residents should be carefully reviewed. More detail is needed as it relates to the ground cover and amenities in the courtyard patio area, rooftop decks, and the open space in the northwest portion of the site, including the tot lot, prior to final approval by the UDC.

Site Lighting and Furnishings – Staff believes that the lighting plan and fixtures meet the requirement in this section, as plans show three full cut-off light fixtures proposed for the parking lot and entrance to the underground parking area. However, prior to final approval by the UDC, staff recommends that the applicant provide significantly more detail on the lighting plan along Delaplaine Ct, shared open space areas, and any lighting proposed on the building itself.

As mentioned in “landscaping and open space” above, further detail on the proposed ground cover and amenities within the open space areas is needed in order for the UDC to determine whether the guidelines in this section are fully addressed.

Finally, bike parking is located near the corner of the building, close to the commercial entrances on S Park St. If there is an opportunity to add a couple of bike parking stalls closer to these entrances in front of the building, without interrupting an eight-foot wide sidewalk, staff would support this change.

## **Conclusion**

Staff acknowledges that when compared to land use recommendations in the Greenbush Neighborhood Plan, this proposal would involve a shift in the line of delineation between low-density residential uses and the higher intensity S Park St mixed-use corridor. However, the proposal as a whole furthers many of the recommendations in adopted plans. In this unique area surrounded by a hospital to the north, redevelopment opportunities and medium-density residential uses to the south, and a narrow block-wide swath of low-density residential uses to the west, the most important interface to consider for the long term preservation and enhancement of the low-density residential neighborhood is the S Brooks St side of the subject property. The proposal improves these five properties by relocating homes in good condition to at least three of the lots, making them more attractive for owner-occupants or long-term renters, and establishes a well-defined boundary for the future due to a commitment to significant reinvestment in S Brooks St.

The proposed mixed-use building would support a variety of small commercial uses and household types over time, due to the flexible S Park St commercial space and the wide spectrum of dwelling units included. Should the applicant obtain and utilize funds and WHEDA tax credits he is seeking for the project, up to 86 of the 103 residential units would be affordable for households making 30%-60% of the area median income. Affordable housing is much needed in this area, which is so well-served by transit and close to employment opportunities, schools, parks, shopping, and other amenities. That said, the level of affordability cannot be guaranteed through this process, and thus, the Plan Commission should not base land use entitlement decisions on the provision of affordable housing in this location.

Essentially, this complex set of decisions comes down to whether the Plan Commission can find that the combination of increased depth of redevelopment from the S Park St corridor and the preservation of the single family context along S Brooks St is consistent with the spirit and intent of the recommendations in the Comprehensive Plan and Greenbush Neighborhood Plan for this area. Staff believes that the standards for rezoning and demolition can be met, and advises the Plan Commission to make specific findings related to conditional use standards 9 and 12 in making their decision and recommendations to the Common Council.



## Recommendation

### Planning Division Recommendation (Contact Heather Stouder, 266-5974)

The Planning Division recommends that the Plan Commission find that the approval standards for preliminary plats, zoning map amendments and demolition can be met, and determine whether or not the standards for approval for conditional uses, particularly standards 9 and 12, can be met.

Should the Plan Commission determine that all relevant standards can be met, they should make a clear finding and **approve** the demolition and conditional use requests, and forward the preliminary plat and rezoning requests to the Common Council with a recommendation to **approve**. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Should the Plan Commission find that these standards are not met, they should make a clear finding and **place on file** the demolition and conditional use requests, and forward the requested preliminary plat and zoning map amendment to the Common Council with a recommendation to **place on file**, given that the conditional use related to these requests cannot be approved.

### **Recommended Conditions of Approval**

Major/Non-Standard Conditions are Shaded

### Planning Division (Contact Heather Stouder, 266-5974)

1. Prior to final review and approval by staff, a management plan shall be provided by the applicant including the following elements:
  - a) Details for management of the underground and surface parking stalls, and an example lease reflecting parking limitations on the site
  - b) Details for management of at least one shared car on-site
  - c) Trash management
  - d) Snow removal
  - e) Management of common open spaces
  - f) Plans for move-in and move-out
2. Prior to final review and approval by staff, the applicant shall provide staff and the Urban Design Commission further detail on the groundcover, landscaping, and amenities in the usable open spaces, and a pedestrian-scale lighting plan in the areas parallel to Haywood Dr, S Park St, and Delaplaine Ct.
3. Prior to final review and approval by staff, the Urban Design Commission must grant final approval for the design, and the applicant shall meet any conditions of approval recommended by the Urban Design Commission.
4. Prior to final review and approval by staff the applicant shall provide a detailed phasing and construction staging plan for the demolition, relocation, and rehabilitation of single-family homes on the subject property, and the construction of the proposed mixed-use building. These plans shall include the following details:
  - a) Relocation of homes currently located at 909 and 911 Delaplaine Ct and 910 Haywood Dr to Lots 3, 4, and 5 (825-829 S Brooks St), with new landscaping on these sites. Plans may include an optional relocation of the existing home at 914 Haywood Dr to Lot 2 (831 S Brooks St).

- b) New landscaping and concrete driveways on Lots 1-5, and details related to additional improvements as noted in materials submitted by the applicant.
  - c) Details on an interim site condition, should the main building be constructed in two phases due to financing or other constraints.
5. Building Inspection staff will inspect the five single-family homes following completion of the relocations and issue Official Notices to cover the repairs required to make the buildings habitable. The due dates shall coincide with the completion of the main mixed-use building on Lot 6. Any items contained in the Official Notices not completed by the completion of the main mix-use building will be referred to the City Attorney Office for prosecution from the date of issuance of the Official Notices until finally completed.

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

6. The pending Subdivision plat for this property shall be completed and recorded with the Dane County Register of Deeds (ROD) prior to issuance of any building permits for new construction. When the recorded CSM image is available from the ROD, the Assessor's Office can then create the new Address-Parcel-Owner (APO) data in GEO so that the Accela system can upload this data and permit issuance made available for this new land record.
  7. The base address of the proposed apartments is 903 Delaplaine Ct. The address of the proposed commercial is 818 S Park St.
  8. Applicant shall revise plan to show proposed sanitary sewer lateral connection to the City's 12" diameter sanitary sewer main on South Park St or the MMSD Sewer on the south side of Haywood Dr. The current plan calls for a 6" lateral connection to a 6" sanitary sewer main which is not acceptable. Any connection to MMSD will need to be permitted and approved by MMSD. MMSD will not allow a lateral connection here without connecting to a MMSD manhole.
  9. Applicant shall dedicate 6' ROW to public for sidewalk purposes along Delaplaine Ct. and dedicate 3' ROW to public for sidewalk purposes along Park St.
10. 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.
  11. Submit a PDF of all floor plans to [lzenchenko@cityofmadison.com](mailto: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.
  12. 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. NOTE: As of January 1, 2013 new plugging procedures and permit fees go into effect. The new procedures and revised fee schedule is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14)).
  13. 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).
  14. 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).

15. The Applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Division (storm/sanitary section). 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) Plat name and lot lines (metes & bounds parcel lines if unplatted)
  - g) Platted lot numbers (noted "unplatted lands" if not platted)
  - h) Lot/Plat property dimensions
  - i) Street names.
  - j) Private storm sewer & connections to the public storm sewer system
  - k) Private sanitary sewer & connections to the public sanitary sewer system
16. All other levels (contours, elevations, etc) are not to be included with this file submittal. THE CAD FILE WILL ONLY BE REQUIRED PRIOR TO FINAL PLAN REVIEW SO THAT MULTIPLE FILES DO NOT NEED TO BE SUPPLIED OR REVIEWED. the project site address in the email subject line. Any changes or additions to the location of the building, private utilities, sidewalks, parking/pavement during construction will require a new CAD file transmittal.
17. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in the ROCK RIVER TMDL ZONE and by Resolution 14-00043 passed by the City of Madison Common Council on 1/21/2014. You will be expected to meet a higher standard of erosion control than the minimum standards set by the WDNR.
18. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (submit to Tim Troester via email at [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com)). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2))PDF submittals shall contain the following information:
  - a) Building Footprints
  - b) Internal Walkway Areas
  - c) Internal Site Parking Areas
  - d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
  - e) Right-of-Way lines (public and private)
  - f) Plat name and lot lines (metes & bounds parcel lines if unplatted)
  - g) Platted lot numbers (noted "unplatted lands" if not platted)
  - h) Lot/Plat property dimensions
  - i) Street names
  - j) Stormwater Management Facilities
  - k) Detail drawings associated with Stormwater Mgmt Facilities (including if applicable planting plans)
19. The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. 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)

20. 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))
21. This project appears that it will require construction dewatering. A construction dewatering plan and sediment treatment plan for pumped stormwater during construction shall be included as part of the erosion control plan. If dewatering by well systems is required that would trigger WDNR permitting the WDNR well permits will need to be obtained by the contractor prior to well dewatering taking place.
22. Storm sewer to serve this development has been designed and constructed. The site plans shall be revised to identify the location of this storm sewer and to show connection of an internal drainage system to the existing public storm sewer. (POLICY AND MGO OVER 10,000 SF OF IMPERVIOUS AREA 10.29 and 37.05(7)(b)).
23. 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](mailto:ttroester@cityofmadison.com), or Jeff Benedict at [jbenedict@cityofmadison.com](mailto:jbenedict@cityofmadison.com) final document and fee should be submitted to City Engineering.
24. 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.
25. 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).
26. This project will require a concrete management plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. (POLICY)
27. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to Reduce TSS by 80% off of the proposed development when compared with the existing site.

28. 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.
29. The construction of this project will require 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)
30. 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).
31. 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)
32. 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)
33. The Applicant shall provide the City Engineer with the proposed earth retention system to accommodate the restoration. The earth retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system. (POLICY)
34. 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)
35. All damage to the pavement on Delaplaine Ct, Brooks St, Haywood Dr & Park St, 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)
36. The Applicant shall Construct Sidewalk to a plan approved by the City along Delaplaine Ct.

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

37. Provide fire apparatus access as required by IFC 503 2012 edition, MGO 34.503, as follows:
  - a) Aerial fire lanes shall be free from overhead obstructions. Obstructions shall not be located between the building and an aerial fire lane. Alternative measures to allow obstructions may include specific tree selection and placement; increased fire protection systems; and/or increased building fire resistance. Alternatives must be approved by MFD prior to site plan approval.
  - b) Please note that it is not the City of Madison's obligation to provide or accommodate aerial access via the public street or by removal of public street trees.
  - c) Aerial access may need to be provided on site.

38. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Lt Scott Bavery (608) 576-0600.

**Parks Division** (Contact Janet Schmidt, 261-9658)

39. 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 of the rezoning request. This development is within the Olin Turville Impact fee district (SI28). Please reference ID# 15159 when contacting Parks about this project.

40. The Parks Division will be required to sign off on the final plat prior to the issuance of building permits for the development.

41. 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>.

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

42. The building as currently designed is placed in the intersection vision clearance triangle as set forth in M.G.O. 27.05(2)(w)(bb). Applicant shall apply for a waiver of the vision clearance from the City Traffic Engineer as provided for in the ordinance. This may result in modifications to the building to provide adequate sight distance for motorists, bicyclists and pedestrians.

43. Applicant shall provide a 10' vision clearance along the property line at all access points to the site in conformance with M.G.O. 27.05(2)(w)(bb)

44. Development is likely to increase pedestrian traffic along Park Street. Applicant shall dedicate right of way or provide an easement of 3' along Park Street to construct an 8' public sidewalk.

45. Development is likely to increase pedestrian traffic along Delaplaine Ct. Applicant shall dedicate right of way or provide an easement of 6' along Delaplaine Ct to provide a 5' public sidewalk.

46. This site presents difficult constructability issues; access to neighboring sites must be maintained at all times, covered sidewalks will be constructed and maintained as soon as possible and little to no access to the Public Right-of-Way on Park St will be granted for construction purposes. Provide a detailed construction plan to Traffic Engineering for review by the Traffic Control Specialist (Mike Duhr) prior to final signoff.

47. Applicant shall provide a move in/out plan prior to final sign off for the proposed residential units.

48. 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.

49. 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.
50. 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.
51. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
52. Traffic Engineering will no longer be accepting paper plans; to ensure a timely review all submittals will include an electronic copy (.pdf preferred).
53. Along any public right-of-way classified as an arterial or a collector street the applicant can expect to be required to maintain a public walkway past the job site (e.g. via use of pile/lagging or other vertical shoring method).
54. The applicant shall submit for a review a commercial deliver plan. Included in this plan shall be vehicular turning movements demonstrating the use of on-site loading zones.

**Metro Transit** (Contact Tim Sobota, 261-4289)

55. Metro Transit provides daily bus service, at least once every 30 minutes all day, in the S Park St and Erin Street intersection - a short distance north of the project site.
56. Stop #0288, the bus stop and shelter for all southbound route directions, has 675 weekly scheduled trips (116 each weekday, plus 49 on Saturdays and 46 on Sundays).
57. Stops #0251 and #0904 (shelter), both serving northbound route directions, have 686 weekly scheduled trips (118 each weekday, plus 49 on Saturdays, and 47 on Sundays). [See attached file "820sps\_METRO.pdf].

**Water Utility** (Contact Dennis Cawley, 266-4651)

58. 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.

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

Zoning comments will be provided to the Plan Commission when they are received.