



PREPARED FOR THE PLAN COMMISSION

Project Address: 3722 Speedway Road (District 5 – Ald. Vidaver)
Application Type: Conditional Use
Legistar File ID #: [82116](#)
Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Property Owner: Brandon Cook; John Fontain Realty; P.O. Box 694; Madison, WI 53701
Contact: Kevin Burow; Knothe & Bruce Architects, LLC; 8401 University Avenue, Suite 900; Madison, WI 53562

Requested Action: This proposal involves two conditional use requests – 1) Consideration of a conditional use to construct a mixed-use building with over 24 dwelling units in the Neighborhood Mixed-Use (NMX) District; and 2) Consideration of a conditional use for a building in the NMX District exceeding three stories or 40 feet in height – in order to construct a four-story, mixed-use building with approximately 760 square-feet of commercial space and 31 apartments at 3722 Speedway Road.

Proposal Summary: The applicant proposes to construct a four-story, mixed-use building with approximately 760 square-feet of commercial space and 31 apartments.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183(6)].

Review Required By: Plan Commission (PC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find the standards for conditional uses met and **approve** the request to construct a mixed-use building with over 24 dwelling units and for a building in the NMX District exceeding three stories or 40 feet in height to allow for the approval of a four-story mixed-use building with approximately 760 square feet of commercial space and 31 dwelling units. This recommendation is subject to input at the public hearing and the conditions recommended by reviewing agencies beginning on **page 9** of this report.

Background Information

Parcel Location: The 20,940-square-foot (0.48-acre) subject property is located on the north side of Speedway Road, between Glenway Street and Waverly Place. The site is located within Aldermanic District 5 (Ald. Vidaver) and the limits of the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject property currently includes a mixed-use building that is under construction.

Surrounding Land Use and Zoning:

- North:** Single-family residences in the Traditional Residential – Consistent 2 (TR-C2) District;
- Southeast:** Across Speedway Road are the Glenway Municipal Golf Course (zoned Parks and Recreation (PR) District) and the City’s Forest Hill Cemetery (zoned Conservancy (CN) District);
- Southwest:** One- and two-story, commercial buildings in the Neighborhood Mixed-Use (NMX) zoning district; and
- West:** Single-family residences in the Traditional Residential – Consistent 1 (TR-C1) District.

Adopted Land Use Plan: The [Comprehensive Plan \(2018\)](#) and the [Hoyt Park Area Joint Neighborhood Plan \(2014\)](#) both recommend Neighborhood Mixed-Use (NMU) for this parcel.

Zoning Summary: The property is zoned NMX (Neighborhood Mixed-Use) District.

Requirements	Required	Proposed
Front Yard Setback	0’ or 5’	12.9’
Max. Front Yard Setback	25’	12.9’
Side Yard Setback: Where buildings abut residential-zoned lots at side lot line	Minimum side yard required in the adjacent residential district (TR-C2): 6’	6’ north side yard
Side Yard Setback: Where proposed buildings or abutting buildings have window openings in side walls within 6’ of lot line	Two-story or higher: 6’	6’ south side yard
Rear Yard Setback	20’	20’
Usable Open Space	40 sq. ft./ d.u. (1,240 sq. ft.)	6,083 sq. ft.
Maximum Lot Coverage	75%	70%
Maximum Building Height	3 stories/ 40’	4 stories/ 46’9”

Site Design	Required	Proposed
Number Parking Stalls	Multi-family dwelling: 1 per dwelling (31) General retail; service business; office: 1 per 400 sq. ft. floor area (2) (33 total)	22 garage 2 surface (24 total) <i>(See Comments #38 & #39)</i>
Accessible Stalls	Yes	Yes
Electric Vehicle Stalls	EV: 2% (0) EVR: 10% (2)	1 EV 2 EVR
Loading	Not required	None
Number Bike Parking Stalls	Multi-family dwelling: 1 per unit up to 2-bedrooms, ½ space per add'l bedroom (31) 1 guest space per 10 units (3) General retail; service business; office: 1 per 2,000 sq. ft. floor area (2 minimum) (36 total)	31 garage 5 surface (36 total) <i>(See Comment #40)</i>
Landscaping and Screening	Yes	Yes
Lighting	Yes	Yes
Building Forms	Yes	Commercial Block Building <i>(See Comment #41)</i>

Other Critical Zoning Items	Barrier Free (ILHR 69); and Utility Easements
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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. Metro Transit operates daily all-day transit service along Speedway Road adjacent this property - with trips at least every 60 minutes (every 30 minutes or less during the day on weekdays).

Related Approvals & Project History

At its April 24, 2022 meeting, the Plan Commission approved a demolition permit to demolish a one-story commercial building (Legistar File [69785](#)). On March 21, 2022, the Plan Commission approved a conditional use to construct a mixed-use building with over 24 dwelling units in the Neighborhood Mixed-Use (NMX) District and a conditional use for a building in the NMX District exceeding three stories or 40 feet in height (Legistar File [69786](#)) to construct a four-story, mixed-use building with approximately 816 square-feet of commercial space and 31 apartments at the subject property (Formerly addressed as 3734 Speedway Road). The Plan Commission's action was appealed to the Common Council (see Legistar File [70998](#)). At the Common Council meeting on May 10, 2022, the motion to grant the appeal failed.

Following the Council's action, an appeal was filed at the Circuit Court level. (Case Number 22-CV-1548). This resulted in a vacating of the Conditional Use approval. While four parts of the approval were challenged, only the part related to compliance with parking requirements was cited as the need for vacating the conditional use. The decision stated, in part:

*MGO § 28.064(4)(c). While the Commissioners determined the building is properly classified as a commercial block building, they failed to consider how this classification could affect zoning ordinances on parking location. The ordinance plainly does not provide for parking to be located below the building. See MGO § 28.064(4)(c). Even the adoption of conditions requiring Fontain to conform to zoning standards for a commercial block building do not contemplate parking. When it approved the CUP, the Commission found that the Development did or would comply with the conditional use standards described in MGO § 28.183(6). In turn, standard seven of this subsection requires the conditional use to conform "to all applicable regulations of the district in which it is located." MGO § 28.183(6)(a)7. Substantial evidence supports a finding that the parking location for the Development does not and will not conform to MGO § 28.064(4)(c). None of the conditions listed in the staff report and adopted by the Commission describe any concerns or required changes to the location of the main parking area on the Property. See *dk.* 27 at 94-101. The Commission's determination that the parking location complies with MGO § 28.064(4)(c) is not supported by substantial evidence.*

In its conclusion, the Decision states, "The court finds that the Commission and Common Council failed to act according to law when they approved a CUP without requiring the Development to conform to the correct parking location pursuant to MGO § 28.064(4)(c). There is no substantial evidence supporting the Commission's conclusion that the Development does or would comply with this ordinance. Therefore, the court REVERSES the Common Council and REMANDS with instructions to vacate the CUP."

The City Attorney, while noting a disagreement with this interpretation, noted that this serves as a good reminder that the Zoning Code should be understandable and that judicial review provides transparency and feedback to our processes. This decision did not overturn a City ordinance or invalidate the conditional use process. Other than the aforementioned issues related to parking locations, the other aspects of the Plan Commissions approval and Common Council's denial of the appeal were not cited as grounds for the judge's decision. It was noted that the developer could re-apply for a conditional use at this site and the Plan Commission would have the opportunity to make a better, more complete record prior to a future vote.

Project Description

The applicant proposes to construct a four-story mixed-use building with approximately 760 square feet of commercial space and 31 apartments. This request requires consideration of two conditional uses: 1) Consideration of a conditional use to construct a mixed-use building with over 24 dwelling units in the Neighborhood Mixed-Use (NMU) District; and 2) Consideration of a conditional use for a building in the NMU District exceeding three stories or 40 feet in height.

The ground floor of the proposed building consists of an approximately 760-square-foot commercial space located at the eastern corner. The future tenant of the space had not been identified. Continuing west along the building's Speedway Road façade is the residential lobby. Further west is the garage door which leads to the tenant parking - 22 automobile stalls and 31 long-term bicycle stalls - which occupy the vast majority of the ground-floor level. The second and third floors each have twelve residential units while the fourth floor, which is set back along the west, north, northwest, and southeast elevations, has seven units and a common room. The overall unit mix includes ten studios, 17 one-bedroom units, and four 2-bedroom units. This works out to a density of 65 dwelling units per acre, given the 0.48-acre site. All of the units have either a private patio or, for all but two of the units on the fourth floor, access to a 10-12 foot deep rooftop terrace running the length of the unit. The common room, located at the eastern corner, also has access to the rooftop terrace.

Parking for the commercial space consists of two automobile and five bicycle stalls all located to the east of the building.

The proposed building exterior materials include a red brick and grey colored composite lap siding. Silver metal paneling is used as an accent material.

Analysis and Conclusion

The proposed project is subject to the approval standards for Conditional Uses [MGO §28.183(6)]. This analysis begins with an analysis of adopted plan recommendations.

Conformance with Adopted Plans

The [2018 Comprehensive Plan](#) recommends Neighborhood Mixed-Use (NMU) development for the subject site. The Plan states that NMU districts “include existing and planned relatively small Activity Centers (i.e. typically mixed-use areas that are more intensely developed than their surroundings and serve as the visual and/or functional center of a neighborhood, multiple neighborhoods, or a district). Regarding land use recommendations, the Plan states that these NMU Activity Centers include residential uses, as well as retail, restaurant, service, institutional, and civic uses primarily serving nearby residents. At the site level, it recommends that individual buildings be located close to public sidewalks, oriented towards the street, and typically not include more than 10,000 square feet of commercial space. It also recommends on-street parking where practical, with private off-street parking placed primarily behind buildings, underground, or shielded from public streets by liner buildings. Regarding general development intensity, it states that new buildings are expected to be 2-4 stories in height but that single-story buildings may be supported in very limited circumstances. For density, it recommends a maximum density up to 70 dwelling units per acre.

At three- to four-stories in height, with a density of 64.6 dwelling units per acre, a mix of commercial and residential uses, and located close to and oriented towards Speedway Road, the Planning Division believes the proposal can be found consistent with the [Comprehensive Plan](#).

The [Hoyt Park Area Joint Neighborhood Plan](#) (2014) identifies the subject site as located within its *Mineral Point/Speedway Focus Area*, which it defines as the existing neighborhood commercial node at the intersection of Glenway Street and Mineral Point Road/Speedway Road. The Plan notes that this focus area is a “key neighborhood destination and activity center. Long-term redevelopment and reinvestment within this area should focus on maintaining the walkable commercial character with buildings close to the street and parking screened from the surrounding properties. The properties in this area have a high level of interaction with the surrounding residential neighborhoods. Redevelopment proposals should be sensitive to local neighborhood form and character.”

In terms of land uses, it recommends neighborhood commercial, retail, professional services, offices, and first floor or upper floor residential uses. It recommends buildings of one to three stories in height and, specific to the three parcels to the northeast of the intersection (3742, 3739 and 3734 Speedway Road, which are indicated as area “M.3” in the Plan (see Image 1, below)), recommends specific guidelines such as: “Explore opportunities to use grade change to integrate height while transitioning to adjoining residential uses.” and “Limit heights along north property line to two stories. However, the overall height could be three stories, with a setback at the second story, along southern edge of building to take advantage of the grade change.”

While Staff believe that the proposal is consistent with the Hoyt Plan’s recommended land uses, the proposed building exceeds the Plan’s three-story maximum height recommendation. Regarding the bulk transition, the Plan labels this as a “Key Buffer Zone” (see Image 1) and recommends to “maintain single-family residential scale along adjoining streets and property edges.” From a Zoning code standpoint, staff notes that: 1) the proposal meets the Zoning Code’s requirements for *Side Yard Height Transition to Residential Districts* (MGO 28.064(3)(d)) along the entire northern property line (see further discussion below); and 2) the six-foot building setback along this property line satisfies the Zoning Code. Considering the approximate 10-foot drop in grade, staff notes that the difference in height between the proposed and existing structures is greater on the eastern, Speedway Road side of the site where the building is four story in height, compared to on the western Glenway Street side, where the height is three stories.

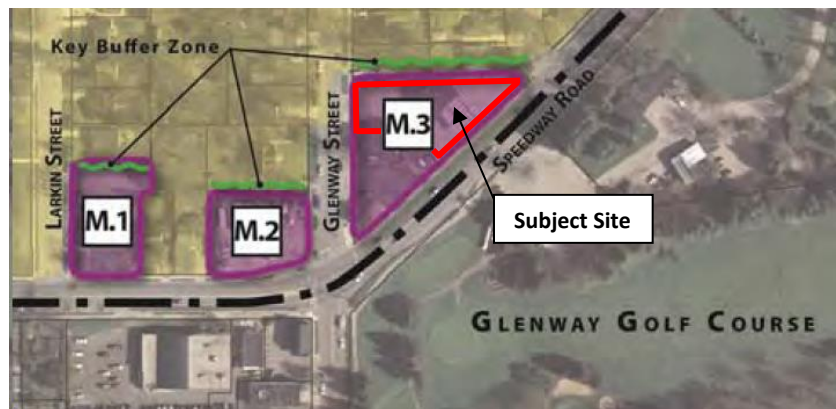


Image 1 – An excerpt of the map of the Mineral Point/Speedway Neighborhood Commercial Node from the Hoyt Park Area Neighborhood Plan

Conditional Use Standards

The Plan Commission shall not approve a conditional use without due consideration of the City’s adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of MGO §28.183(6) are met. Please note, recent changes to state law requires that conditional use findings must be based on “substantial evidence” that directly pertains to each standard and not based on personal preference or speculation.

The Planning Division believes that the conditional use standards can be found met and provides the following additional discussion on Standards 5, 7, and 12.

Standard 5 states *“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.”*

The applicant is providing 24 automobile parking stalls on site for the 31 units. Staff note that a seven-stall parking reduction does not require Plan Commission consideration as a conditional use (but would again be reviewed administratively by the City’s Zoning Administrator). There is on-street parking along both Glenway Street and Waverly Place, and residents who do not have a car would presumably rely on alternate means of transportation such as bicycling or transit. Regarding bicycle facilities, Staff note that the subject site is served by the Glenway multi-use path, which runs along the south side of Speedway Road (across from the subject site) before following Glenway Street south for 0.4 miles and merging with the Southwest Path toward downtown. As for current Metro service nearby, there is daily all-day transit service along Speedway Road adjacent this property - with trips at least every 60 minutes (every 30 minutes or less during the day on weekdays).

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

Staff have highlighted this standard as it relates to the recent court ruling on the previously approved conditional use. That finding, in part, said that the City *“failed to act according to law when they approved a CUP without requiring the Development to conform to the correct parking location pursuant to MGO § 28.064(4)(c). There is no substantial evidence supporting the Commission’s conclusion that the Development does or would comply with this ordinance.”* The referenced standard (MGO § 28.064(4)(c)) was under the “Site Standards” subsection which stated, in part, *“Parking shall not be placed between the front facade of a building and the abutting street. Parking shall be located to rear or side of principal building; parking abutting the primary street frontage is limited to seventy (70) feet in width or fifty percent (50%) of lot frontage, whichever is less.”* At issue was the location of the underground parking, which was beneath the building and not to the rear or side.

Based on the court’s findings, the Common Council approved clarifications to the various parking standards in the Zoning Code (Legistar File [81963](#)). As noted in that “Drafter’s Analysis” these clarifications were provided to make the code more user friendly and clarified instances where a provision was intended to apply specifically to surface parking. The parking standard siting in the court decision was under the “Site Standards” and has historically been applied only to surface parking lots. Among the parking clarifications, this and other sections have been revised to explicitly state this. Related to mixed-use developments in NMZ Zoning, such as this, Section 28.064(4)(c) has been revised and renumbered as 28.064(b) and now states:

Surface parking shall not be located between the primary street and the plane of the principal building’s primary street-facing facade. Surface Parking abutting the primary street frontage is limited to seventy (70) feet in width or fifty percent (50%) of lot frontage, whichever is less.

That ordinance was approved by the Common Council on March 5, 2024. A conditional use proposal, such as this, is subject to the rules and regulations that are in place at the time an application is filed unless an applicant voluntarily agrees to be reviewed under the newer standards. The applicant has [confirmed in writing](#) that they wish to be considered under this revised ordinance.

The Zoning staff report identifies a new, “major non-standard comment” relative to parking placement for surface parking at the east side of the project. This comment can be satisfied through a minor site modification or the removal of the surface parking area. Staff do note that the applicant submitted a [revised site plan](#) showing the accessible automobile parking stall shifted northwest so to entirely be behind the plane of the Speedway Road façade. While the City’s Zoning Administrator has confirmed that the location of the surface parking shown on this site plan is compliant with 28.064(b), Staff note that it has not been reviewed by other city agencies, but

would be as part of any subsequent site plan review process. Other than this matter, the Zoning staff have reviewed the project and have determined the locations and other provisions of off-street parking for this project complies with Zoning Code requirements for off-street parking.

Standard 12 states, “When applying the above standards to an application for height in excess of that allowed in the district, the Plan Commission shall consider recommendations in adopted plans; the impact on surrounding properties, including height, mass, orientation, shadows and view; architectural quality and amenities; the relationship of the proposed building(s) with adjoining streets, alleys, and public rights of ways; and the public interest in exceeding the district height limits.”

During the previous review, the applicant prepared and provided a [shadow study](#) to provide estimated shadow impacts. That study provided estimated shadow impacts for the entire building, but it did not compare the differences that would be created between a permitted three-story building versus any additional impact of the proposed “stepbacked” fourth floor. That study appeared to show during the winter season, shadows cast will extend beyond the adjacent two single-family properties onto the homes to the north as well. For the majority of the year however, the study shows shadows do not extend further than roughly a third of the way across the two adjacent properties.

Based on the review by City Zoning, the current proposal would satisfy the side yard height transition to the residential district to the north, in this case the parcels located at 321 Glenway Street and 320 Waverly Place which are both zoned Traditional Residential – Consistent 2 (TR-C2) District and contain one- to one-and-a-half-story single-family residences. As MGO §28.064(3)(d) reads, “Where the NMX District abuts a residential district at the rear or side lot line, building height at the rear setback line (in this case, 6 feet) shall not exceed two (2) stories/twenty-five (25) feet. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line, (a 45° angle) up to the maximum allowed height. Transitions exceeding this height and/or ratio limitation require conditional use.” Examining the submitted elevations, both the west elevation as well as the northeast elevation show the building’s compliance along the northern property line (see the transition requirement indicated by the red lines in the images below).

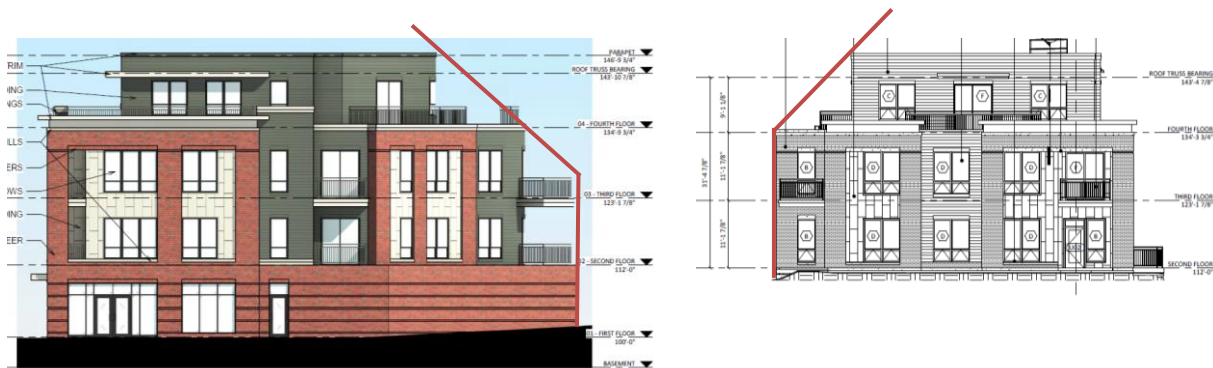


Image 2 – The Bulk Transition of the Proposed Building as seen on the Northeast Elevation (left) and West Elevation (right)

Public Input

At the time of report writing, staff have received two comments regarding the proposed requests. Both are in support. All comments received have been added to the project’s [Legistar file](#) for the conditional use requests.

Conclusion

The applicant requests approval of two conditional uses related for a four-story, mixed-use building with approximately 760 square feet of commercial space and 31 apartments. The two conditional uses before the Plan Commission are: 1) A mixed-use building with over 24 dwelling units in the Neighborhood Mixed-Use (NMX) District; and 2) A building in the NMX District exceeding three stories or 40 feet in height.

These are the same conditional uses approved on March 21, 2022. That approval was vacated after Dane County Circuit Court determined that the City *“failed to act according to law when they approved a CUP without requiring the Development to conform to the correct parking location pursuant to MGO § 28.064(4)(c). There is no substantial evidence supporting the Commission’s conclusion that the Development does or would comply with this ordinance.”*

As a Conditional Use request, the Plan Commission must give due consideration to the recommendations in adopted plans and make specific findings related to the Conditional Use Standards. The Planning Division believes that the conditional use standards can again be found met based on a variety of factors.

As discussed in this report, staff again believes the request is consistent with the 2018 Comprehensive Plan’s land use, density, and height recommendations. In regards to the older 2014 neighborhood plan, staff similarly believes that the request is consistent with that Plan’s recommendation for a mixed-use building with residential and commercial land uses oriented towards the street. That plan recommends maintaining a single-family residential scale along adjoining streets and property edges and specifically recommends a one-to-three-story building at this site. As noted in staff’s previous review, inconsistency with this height recommendation does not necessarily mean a proposal cannot be found to meet the standards, including Standard 12, which specifically relates to additional height.

Related to compliance with applicable parking standards and Conditional Use Standard 7, City Zoning staff have reviewed the project and have determined the locations and other provisions of off-street parking for this project complies with zoning code requirements for off-street parking, subject to the recommended conditions as noted in the report. Further, Since the Circuit Court decision, the City Council has amended the Zoning Code to explicitly clarify that the “Site Standard” cited in the Court’s order only applies to surface and NOT in-building or structured parking, consistent with how that standard had previously been interpreted since the code took effect in 2013.

Staff believes the submitted plans reflect those conditionally approved by the Plan Commission in 2021, with small design modifications approved in subsequent minor alteration, sign-off, and permitting processes. At the time of report writing, the Planning Division is not aware of any new substantial evidence that would suggest that key factors such as the building’s bulk, height, size, or number of dwelling units would no longer meet the applicable standards that were previously found met. During the previous approval, Commissioners cited various factors in support of this request including consistency with the Comprehensive Plan, site-specific topographical considerations, and the adequacy of the building’s transition and setbacks along the northern property line. Commissioners also emphasized that Standards 5 and 12 were met.

As part of this review, staff emphasize that clear findings should be made as part of the Plan Commission’s decision. This should include findings related to all conditional use standards, including specific findings related to Standards 5, 7, and 12. Related to the Court’s vacation of the previous conditional use approval, specific findings related to parking and Conditional Use Standard should be included.

Recommendation

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

The Planning Division recommends that the Plan Commission find the standards for conditional uses met and **approve** the request to construct a mixed-use building with over 24 dwelling units and for a building in the NMX District exceeding three stories or 40 feet in height to allow for the approval of a four-story mixed-use building with approximately 760 square feet of commercial space and 31 dwelling units. This recommendation is subject to input at the public hearing and the conditions recommended by reviewing agencies

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

Engineering Division (Main Office) (Contact Tim Troester, (608) 267-1995)

1. Per the WDNR closure letter, this property was closed with residual soil and/or groundwater contamination (BRRTS 03-13-556180 STOP N GO STORE). Written approval from the WDNR is required prior to disturbing the existing barrier cap. Submit copy of WDNR approval to Brynn Bemis (608.267.1986, bbemis@cityofmadison.com).
 2. Applicant shall provided projected wastewater flows for the development. Developer may be required to install offsite sanitary sewer improvements as a condition for development.
 3. Drainage from adjacent upstream properties to the N currently drains onto and through the site. Additional detail shall be provided on how this drainage pattern shall be accommodated post construction.
4. Enter into a City / Developer agreement for the required infrastructure improvements. Agreement to 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. (MGO 16.23(9)c)
 5. Construct sidewalk, terrace, curb & gutter and pavement to a plan as approved by City Engineer.
 6. 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))
 7. Obtain a permanent sewer plug permit for each existing sanitary sewer lateral serving a property that is not to be reused and a temporary sewer plug permit for each sewer lateral that is to be reused by the development. The procedures and fee schedule is available online at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
 8. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
 9. A Storm Water Management Report and Storm Water Management Permit is required for this project. See Storm comments for report and permit specific details and requirements.

10. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
11. This site appears to disturb less than one (1) acre of land. No submittal to the WDNR, CARPC or Department of Safety and Professional Services (DSPA) is required as the City of Madison Building Inspection Department is an approved agent for DSPA.
12. Revise the site plan to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service. (POLICY)
13. Revise the plans to identify the location of the public storm sewer (proposed or existing) that will serve the development show the connection of the private internal drainage system to the public storm sewer. (POLICY AND MGO OVER 10,000 SF OF IMPERVIOUS AREA 10.29 and 37.05(7)(b))
14. This project will disturb 20,000 sf or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.

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

This project appears to require fire system testing that can result in significant amounts of water to be discharged to the project grade. The Contractor shall coordinate this testing with the erosion control measures and notify City Engineering 608-266-4751 prior to completing the test to document that appropriate measures have been taken to prevent erosion as a result of this testing.

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

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 Stormwater Management Permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.

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

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

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

Rate Control: Reduce the peak discharge from the site by 15% compared to existing conditions during the 10-year storm events.

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

Volume Control: Reduce total volumetric discharge from the site by 5% compared to existing conditions during a 10-year storm event.

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, a digital CAD file (single file) to the Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
17. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West).

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

18. Show the correct configuration of the public sidewalk easement that was granted on CSM 16209 on all site plan sheets.

Traffic Engineering (Contact Sean Malloy, (608) 266-5987)

19. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be to engineering scale and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
20. 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.
21. 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.
22. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

23. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
24. All pedestrian walkways adjacent parking stalls shall be 7 feet wide to accommodate vehicle overhang, signage and impediments to walkway movements. Any request for variance shall be submitted to and reviewed by City Traffic Engineering.
25. 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.
26. The applicant shall adhere to all vision triangle requirements as set in MGO 27.05 (No visual obstructions between the heights of 30 inches and 10 feet at a distance of 25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO 27.05(2)(bb) – Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.

The applicant shall provide a clearly defined 5' walkway from the front door to the public Right of Way 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.

27. All parking ramps as they approach the public Right-of-Way shall not have a slope to exceed 5% for 20 feet; this is to ensure drivers have adequate vision of the Right-of-Way. If applicant believes public safety can be maintained they shall apply for a waiver, approval or denial of the waiver shall be the determination of the City Traffic Engineer.
28. City of Madison radio systems are microwave directional line of sight to remote towers citywide. The building elevation will need to be reviewed by Traffic Engineering to accommodate the microwave sight and building. The applicant shall submit grade and elevations plans if the building exceeds three stories prior to sign-off to be reviewed and approved by DeAndre Newson, (266-4768, dnewson2@cityofmadison.com) Traffic Engineering Shop, 4151 Nakoosa Trail. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign off.
29. The driveway slope to the underground parking is not identified in the plan set, Traffic Engineering recommends driveway slope under 10%; if the slope is to exceed 10%, the applicant shall demonstrate inclement weather mitigation techniques to provide safe ingress/egress to be approved by the City Traffic Engineer.
30. "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.
31. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
32. The applicant shall prepare a TDMP (Traffic Demand Management Plan) to be reviewed and approved by the City Traffic Engineer. MGO (28.183(6)(a)(6)

33. Applicant shall submit for review a Commercial Delivery Plan. This plan will include times, vehicle size, use of loading zones and all related turning movements.
34. Applicant shall submit for review a waste removal plan. This shall include vehicular turning movements.
35. 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 Speedway Road 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.
36. 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 Speedway Road.

Parking Review (Contact Trent W Schultz)

37. The agency reviewed this project and determined a Transportation Demand Management (TDM) Plan is not required.

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

38. The applicant requests that the project is reviewed under recent Zoning Code changes related to surface parking. Surface parking shall not be located between the primary street and the plane of the principal building's primary street-facing facade. Relocate the surface parking stalls behind the plane of the mixed-use building's primary street-facing façade.
39. A vehicle parking reduction will be required per Section 28.141(5). A minimum of 33 vehicle parking stalls are required. 24 stalls are provided. Submit a request for a parking reduction with the final plan submittal including information to support the argument for reducing the required number of spaces. When the commercial tenant space is leased, the entire development must reflect compliance in the required number of vehicle parking spaces, to be reviewed prior to obtaining zoning approval for the future tenant space use. Future parking reductions may be required prior to obtaining zoning approval for future tenant uses.
 40. Bicycle parking for the commercial tenant space shall comply with the requirements of MGO Sections 28.141(4)(g) and 28.141(11) and will be reviewed prior to obtaining zoning approval for the use.
 41. Provide details showing that the primary street façade meets the door and window opening requirements of Section 28.060(2)(d). Provide the length of the ground floor nonresidential uses. For nonresidential uses at ground floor level including the parking garage and trash room, windows and doors or other openings shall comprise at least sixty percent (60%) of the length and at least forty percent (40%) of the area of the ground floor of the primary street facade. At least fifty percent (50%) of windows on the primary street facade shall have the lower sill within three (3) feet of grade. For residential uses at ground level, a minimum of fifteen percent (15%) of the ground level of residential facades or side and rear facades not fronting a public street shall consist of windows and door openings. On upper stories, window or balcony openings shall occupy a minimum of fifteen percent (15%) of the upper-story wall area.

42. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.
43. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Madison Fire Department (Contact Matt Hamilton, (608) 266-4457)

The agency reviewed this request and has recommended no conditions of approval.

Parks Division (Contact Ann Freiwald, (608) 243-2848)

The agency reviewed this request and has recommended no conditions of approval.

Forestry Division (Contact Bradley Hofmann, (608) 267-4908)

44. Additional street trees are needed for this project. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction (website: <https://www.cityofmadison.com/business/pw/specs.cfm>) - All street tree planting locations and tree species within the right of way shall be determined by City Forestry. A landscape plan and street tree planting plan shall be submitted in PDF format to City Forestry for approval of planting locations within the right of way and tree species. All available street tree planting locations shall be planted within the project boundaries. Add following note on both the landscape and street tree plan sets: At least one week prior to street tree planting, Contractor shall contact City Forestry at (608) 266-4816 to schedule inspection and approval of nursery tree stock and review planting specifications with the landscaper.

Water Utility (Contact Jeff Belshaw, (608) 261-9835)

The agency reviewed this request and has recommended no conditions of approval.

Metro Transit (Contact Timothy Sobota, (608) 261-4289)

45. Metro Transit operates daily all-day transit service along Speedway Road adjacent this property - with trips at least every 60 minutes (every 30 minutes or less during the day on weekdays).
46. Metro Transit would initially estimate the following counts of potentially eligible trips towards US Green Building Council/LEED Quality Access to Transit points: 32 Weekday & 18 Weekend (average). Please contact Metro Transit if additional analysis would be of interest.