

Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

Madison Municipal Building, Suite 017 215 Martin Luther King Jr. Boulevard Madison, Wisconsin 53703 Phone: (608) 266-4635 www.cityofmadison.com

BY E-MAIL ONLY

June 27, 2022

Kevin Burow Knothe & Bruce Architects 7601 University Avenue, Suite 201 Middleton, Wisconsin 53562

RE: Approval of a demolition permit to demolish four commercial buildings at 3900, 3916, and 3920 Monona Drive and 109 Cottage Grove Road; approval of a request to rezone 3900-3920 Monona Drive and 109 Cottage Grove Road from NMX (Neighborhood Mixed-Use District) to TSS (Traditional Shopping Street District); and approval of conditional uses to allow construction of a five-story mixed-use building with approximately 69 apartments, 6,500 square feet of commercial space, and two vehicular access sales and service windows; (LNDUSE-2022-00035; ID 70942, 70943 and 71223)

Dear Kevin;

On June 21, 2022, the Common Council approved your request to rezone 3900-3920 Monona Drive and 109 Cottage Grove Road from NMX to TSS. On June 13, 2022, the Plan Commission found the standards met and **approved** your demolition permit and conditional use requests. Prior to issuance of demolition or building permits for your project, the conditions of approval in the following sections shall be satisfied:

Please contact Brenda Stanley of the City Engineering Division at (608) 261-9127 if you have any questions regarding the following eighteen (18) items:

- 1. 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.
- 2. Construct sidewalk, terrace, curb and gutter, and pavement to a plan approved by the City Engineer.
- 3. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
- 4. Obtain a permanent sewer plug permit for each existing sanitary or storm 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.
- 5. An Erosion Control Permit is required for this project.

- 6. A Storm Water Management Report and Storm Water Management Permit is required for this project.
- 7. A Storm Water Maintenance Agreement (SWMA) is required for this project.
- 8. This site appears to disturb less than one (1) acre of land. No submittal to the Wisconsin Department of Natural Resources (WDNR), Capital Area Regional Planning Commission (CARPC), or Department of Safety and Professional Services (DSPS) is required, as the City of Madison Building Inspection Department is an approved agent for DSPS.
- 9. Revise the site plan to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service.
- 10. This site appears to have a land use that will result in their inclusion as a restaurant class sanitary sewer customer. This will charge commercial kitchen facilities a higher sanitary sewer fee per gallon than domestic users and is based on strengths of waste measured at representative similar customers throughout the City. If the applicant desires, a sampling structure may be installed, as part of the initial construction at their cost, to allow site-specific sampling of their waste to determine sanitary sewer charges specifically for this site. If no sampling structure is installed, this site will default to the restaurant class code in MGO Chapter 35. If you have questions on the restaurant class sewer charges please contact Megan Eberhardt at Meberhardt@cityofmadison.com or (608) 266-6432.
- 11. 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.
- 12. Provide additional detail how the enclosed depression(s) created by the parking entrance(s) to the below building parking area(s) is/are served for drainage purposes. The building must be protected from receiving runoff up through the 100-year design storm that is current in MGO Chapter 37. If the enclosed depression(s) is/are to be served by a gravity system provide calculations stamped by a Wisconsin P.E. that show inlet and pipe capacities meet this requirement. If the enclosed depression(s) is/are to be served by a pump system provide pump sizing calculations stamped by a Wisconsin P.E. or licensed Plumber that show this requirement has been met.
- 13. This project will disturb 20,000 square feet 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.
- 14. 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.
- 15. 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.

16. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Storm Water Management Plan & Report shall include compliance with the following:

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

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

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

Oil/Grease Control: Treat the first half-inch of runoff over the proposed parking facility and/or drive up window.

Rate Control: This is a redevelopment and is required to reduce peak discharge from the 10-year event by 15% compared to existing conditions.

Provide onsite volumetric control reducing the total volume discharged from the site by 5% compared to existing conditions during the 10-year event.

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

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

Please contact Jeff Quamme of the City Engineering–Mapping Section at (608) 266-4097 if you have any questions regarding the following six (6) items:

- 19. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds, the new parcel data created by the Assessor's Office and the parcel data available to Zoning and Building Inspection staff prior to issuance of building permits for new construction.
- 20. The exterior foundation wall for the ramp to the underground parking is very near the east property line. owner/applicant/consultant/contractor are collectively responsible for any easement or right of entry necessary for the construction, soil retention or future maintenance involved with this foundation wall.

- 21. The owner/applicant/consultant are collectively responsible for any required release or modification of the Easement per Document No. 4838967 prior to construction.
- 22. The site plan shall clearly show and note the limits of the underground parking structure limits adjacent to Cottage Grove Road and Monona Drive.
- 23. The address of the apartments is 3914 Monona Drive. The commercial spaces are 103 Cottage Grove Road for the north tenant and 3926 Monona Drive for the southerly tenant. 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.
- 24. Submit a complete building Floor Plan in PDF format to Lori Zenchenko (Izenchenko@cityofmadison.com) that includes a floor plan of each floor level on a separate sheet/page for the development of a complete interior addressing plan. The Addressing Plan for the entire project shall be finalized and approved by Engineering (with consultation and consent from the Fire Marshal if needed) prior to the final verification submittal stage of this LNDUSE with Zoning. The approved Addressing Plan shall be included in the final application. For any changes pertaining to the location, deletion or addition of a unit, or to the location of a unit entrance, (before, during, or after construction), a revised Address Plan shall be resubmitted to Lori Zenchenko to review addresses that may need to be changed and/or reapproved. The final revised Addressing Plan shall be submitted by the applicant to Zoning to be attached to the final filed approved site plans.

Please contact Sean Malloy of the Traffic Engineering Division at (608) 266-5987 if you have any questions regarding the following twenty-two (22) items:

- 25. "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.
- 26. The applicant shall dedicate right of way or grant a public sidewalk easement for and be responsible for the construction of a six (6)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1) foot for maintenance along Monona Drive.
- 27. The applicant shall dedicate right of way or grant a public sidewalk easement for and be responsible for the construction of a six (6)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1) foot for maintenance along Cottage Grove Road.
- 28. 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 Davidson Street.
- 29. The applicant shall prepare a TDMP (Traffic Demand Management Plan) to be reviewed and approved by the City Traffic Engineer.
- 30. 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; 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.

- 31. 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.
- 32. 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.
- 33. All parking facility design shall conform to MGO Section 10.08(6).
- 34. All bicycle parking adjacent pedestrian walkways shall have a 2-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
- 35. 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.
- 36. Per MGO Section 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.
- 37. 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 Austin Scheib, (266-4768) (ascheib@cityofmadison.com) Traffic Engineering Shop, 1120 Sayle Street. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign off.
- 38. The applicant shall show the dimensions for the proposed Class III driveway including the width of the drive entrance, width of the flares, and width of the curb cut.
- 39. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
- 40. Secure parking facility. This is usually done with continuous six (6) inch curb, timbers, preformed wheel stops, guardrail erected at a height of eighteen (18) inches or fencing of sufficient strength to act as a vehicle bumper.

- 41. The applicant shall submit for review a Trash Removal Plan. This plan will include times, vehicle size, use of loading zones and all related steps to remove trash from its location.
- 42. One-way operation of the site shall be secured by placing a "One Way" sign at the entrance and a "Do Not Enter" sign at the exit.
- 43. The applicant shall enter into a signed developer's agreement through City of Madison Engineering prior to sign off.
- 44. The applicant shall adhere to all vision triangle requirements as set in MGO Section 27.05 (No visual obstructions between the heights of 30 inches and 10 feet at a distance of 25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO Section 27.05(2)(bb) Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.
- 45. The driveway slope to the underground parking is not identified in the plan set. Traffic Engineering staff recommends driveway slopes 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.
- 46. 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 Monona Drive or Cottage Grove 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.

Please contact Jenny Kirchgatter, Assistant Zoning Administrator at (608) 266-4429 if you have questions about the following eleven (11) items:

- 47. A property with a vehicle access sales and service window is required to have a six (6)-foot buffer area with screen planting and an obscuring wall or fence along any property line adjoining an existing residence or residentially zoned property.
- 48. Section 28.185(7)(a)5 requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Bryan Johnson (266-4682). Section 28.185(10) requires that every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(7)(a)5 shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
- 49. Provide electric vehicle stalls per Section 28.141(8)(e) Electric Vehicle Charging Station Requirements. A minimum of 10% of the residential parking stalls (8 stalls) must be electric vehicle ready, and a minimum of 2% of the stalls (2 stalls) must be electric vehicle installed. Identify the locations of the

electric vehicle ready and installed stalls on the plans and add the count of electric vehicle stalls to the parking summary.

- 50. As each commercial tenant space is leased, the entire development must reflect compliance in the required amount, type and number of auto and bicycle parking spaces, to be reviewed prior to obtaining zoning approval for each use. Vehicle and bicycle parking requirements for the coffee shop will be based on the capacity of persons.
- 51. Bicycle parking shall comply with MGO Sections 28.141(4)(g) Table 28I-3 and 28.141(11) and shall be designated as short-term or long-term bicycle parking. A minimum of 69 resident bicycle stalls are required plus a minimum of 7 short-term guest stalls. Up to 25% of bicycle parking may be structured parking, vertical parking or wall mount parking, provided there is a five (5)-foot access aisle for wall mount parking. Show the dimensions of the bicycle stalls and access aisles on the basement level floor plans. Note: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5)-foot wide access area. Submit a detail showing the model of bike rack to be installed.
- 52. On the landscape plan, label and number the proposed trees and plantings with the planting code in addition to the identification symbol. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than 10,000 square feet in size must be prepared by a registered landscape architect.
- 53. Screening is required adjacent the Zoning district boundary along the east property line abutting the SR-V1 zoning district. Screening shall be provided along side and rear property boundaries between commercial/ mixed-use districts and residential districts. Screening shall consist of a solid wall, solid fence, or hedge with year-round foliage, between 6 and 8 feet in height. Submit a detail of the screening fence with the final plans.
- 54. Provide details showing that the Monona Drive primary street façade meets the door and window opening requirements of Section 28.060(2)(d). For non-residential uses at ground floor level, windows and doors or other openings shall comprise at least 60% of the length and at least forty percent (40%) of the area of the ground floor of the primary street facade. At least 50% of windows on the primary street facade shall have the lower sill within three feet of grade. For residential uses at ground level, a minimum of 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 15% of the upper-story wall area.
- 55. Provide details demonstrating compliance with bird-safe glass requirements in Section 28.129. For building façades where the first 60 feet from grade are comprised of less than 50% glass, at least 85% of the glass on glass areas 50 square feet or over must be treated. Of all glass areas over 50 square feet, any glass within 15 feet of a building corner must be treated. Identify which glass areas are 50 square feet or greater and which glass areas will be treated. Provide a detail of the specific treatment that will be used.

- 56. 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.
- 57. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31 Sign Codes. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

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

58. Provide the fire department access plan for the project.

Please contact Jeff Belshaw of the Madison Water Utility at (608) 261-9835 if you have any questions regarding the following four (4) items:

- 59. Private wells may have served the parcels associated with this project prior to municipal water service connections. The existing properties will require an internal and external survey for potential unabandoned private wells prior to proceeding with demolition. Any remaining unused/unpermitted private wells existing on this parcel must be properly abandoned according to Wisconsin Administrative Code NR-812 and MGO Section 13.21 prior to the demolition of the property. Please contact Water Utility staff at (608) 266-4654 to schedule an on-site private well survey prior to demolition, otherwise for additional information regarding well abandonment procedures and potential well abandonment reimbursement programs.
- 60. The Madison Water Utility shall be notified to remove the water meter at least two working days prior to demolition. Please contact the Water Utility Meter Department at (608) 266-4765 to schedule the meter removal appointment.
- 61. Update the utility plan to indicate how the southern proposed building will be service water.
- 62. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days' notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's Plumbers & Contractors website (http://www.cityofmadison.com/water/plumbers-contractors), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Avenue. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. A Water Meter Application Form will subsequently be required to size and obtain a water meter establish a Water Utility customer account and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

Please contact Kathleen Kane of the Parks Division at (608) 261-9671 if you have any questions regarding the following item:

63. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the East Park-Infrastructure Impact Fee district. Please reference ID# 22009 when contacting Parks Division staff about this project.

Please contact Tim Sobota of Metro Transit at (608) 261-4289 if you have any questions regarding the following two (2) items:

- 64. The applicant shall maintain or replace the accessible bus stop boarding pad at the Metro bus stop zone that is on the south side of Cottage Grove Road, east of Monona Drive.
- 65. The applicant shall install and maintain a new passenger waiting shelter with seating amenity, either as part of the private landscape plan or in the public right of way area. If located in the public right of way, the applicant shall submit a Privilege in Streets (Bus Shelter) application for review by the City. An approved Encroachment Agreement for the bus shelter shall be executed prior to sign off. Contact the City's Office of Real Estate Services to start the Privilege in Streets (Bus Shelter) application process. The applicant shall include the location of these transit facilities on the final documents filed with their permit application so that Metro Transit may review the design.

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

A letter containing the conditions of approval for the related one-lot Certified Survey Map for the project will be sent separately.

Please now follow the procedures listed below for obtaining permits for your project:

- The applicant shall resubmit a PDF copy of the plan set and any other supporting materials that are necessary, as specified in this letter to <u>sprapplications@cityofmadison.com</u>. (Note: A 20MB email limit applies and multiple transmittals may be required.). A check for the site plan review fee shall be mailed to the City of Madison Building Inspection Division; PO Box 2984; Madison, WI 53701-2984.
- City Agencies who submitted conditions of approval will review your revised plans to verify that their
 conditions, along with any applicable requirements, have been satisfied. When the revised plans are
 submitted, the applicant will be emailed a hyperlink to a website to follow, in real time, which agencies
 have reviewed the revised documents, and signed off or need additional information.
- 3. This letter shall be signed by the applicant and property owner (if not the applicant) to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting building permit approval. [Signature block on last page]
- 4. No alteration of this proposal shall be permitted unless approved by the Plan Commission, provided, however, the Zoning Administrator may issue permits for minor alterations. No alteration of a

conditional use shall be permitted unless approved by the Plan Commission provided, however, the Zoning Administrator following consideration by the alderperson of the district, may approve minor alterations or additions which are approved by the Director of Planning and Community and Economic Development and are compatible with the concept approved by the Plan Commission and the conditional use standards. This approval shall become null and void one (1) year after the date of the Plan Commission unless the use is commenced, construction is under way, or a valid building permit is issued and construction commenced within 6 months of the issuance of said building permit. Where the plans have not been altered from the Plan Commission's approval, and the conditional use has expired, the Director of Planning and Community and Economic Development may, after consultation with the Alderperson of the District, approve an extension for up to 24 months from the expiration date. The Plan Commission shall retain jurisdiction over this matter for the purpose of resolving complaints against the approved conditional use permit.

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

Sincerely,

Timothy M. Parks

TimothyMParks

Planner

cc: Brenda Stanley, City Engineering Division
Jeff Quamme, City Engineering Division
Sean Malloy, Traffic Engineering Division
Jenny Kirchgatter, Asst. Zoning Administrator
Bill Sullivan, Madison Fire Department
Kathleen Kane, Parks Division
Jeff Belshaw, Madison Water Utility
Tim Sobota, Metro Transit

I hereby acknowledge that I understand and will comply with the above conditions of approval for this project.
Signature of Applicant
Signature of Property Owner (If Not Applicant)

LNDUSE-2022-00035				
For Official Use Only, Re: Final Plan Routing				
	Planning Div. (T. Parks)	\boxtimes	Engineering Mapping Sec.	
	Zoning Administrator	\boxtimes	Parks Division	
	City Engineering		Urban Design Commission	
	Traffic Engineering		Recycling Coordinator	
	Fire Department		Other: Metro Transit	
	Water Utility		Other:	