

# PLANNING DIVISION STAFF REPORT

November 7, 2022



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 6706-6714 Odana Road

**Application Type:** Demolition Permit, Conditional Use, & Certified Survey Map Referral

**Legistar File ID #** [74052](#), [74053](#) & [74061](#)

**Prepared By:** Chris Wells, Planning Division  
Report Includes Comments from other City Agencies, as noted

**Reviewed By:** Kevin Firchow, AICP, Principal Planner

## Summary

**Applicant:** Sean O'Brien; Northpointe Development II Corporation; 230 Ohio Street, Suite 200; Oshkosh, WI 54902

**Contact:** Kevin Burow; Knothe & Bruce Architects; 7601 University Avenue, Suite 201; Middleton, WI 53562

**Property Owner:** The Merchant Apartments – Madison, LLC; 230 Ohio Street, Suite 200; Oshkosh, WI 54902

### Requested Actions:

- ID [74052](#) – Consideration of a demolition permit to demolish two commercial buildings at 6706-6714 Odana Road
- ID [74053](#) – Consideration of a conditional use in the Commercial Center (CC) District for dwelling units in a mixed-use building in order to construct a four-story, mixed-use building with approximately 4,800 sq. ft. of commercial space and 124 apartments at 6706-6714 Odana Road; and
- ID [74061](#) – Consideration of a Certified Survey Map (CSM) to create one lot for the proposed mixed-use development.

**Proposal Summary:** The applicant proposes to demolish two commercial buildings - addressed as 6706 and 6714 Odana Road – in order to construct four-story, mixed-use building with approximately 4,800 sq. ft. of commercial space and 124 apartments at 6706-6714 Odana Road. Finally, the associated Certified Survey Map will combine the underlying four parcels to create one lot for the proposed mixed-use building. While not related to the Plan Commission's review, this development has been recommended for funding from the City's Affordable Housing Fund.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Demolitions [MGO §28.185(7)]. It is also subject to the standards for Conditional Uses [MGO §28.183(6)] as Table 28D-2 in Section 28.061 states that *Dwelling Units in Mixed-Use Buildings* are a conditional use in the Commercial Center (CC) District. Finally, a Certified Survey Map is required to remove the underlying lot lines. The subdivision process is outlined in Section 16.23(5)(b) of the Subdivision Regulations.

**Review Required By:** Plan Commission (all) and Common Council (CSM).

**Summary Recommendation:** The Planning Division recommends the following to the Plan Commission regarding the applications for 6706-6714 Odana Road. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

- That the Plan Commission find that the standards for demolition permits are met to **approve** demolition of two commercial buildings located at 6706 and 6714 Odana Road;

- That the Plan Commission find that the standards for conditional uses are met and **approve** a request for dwelling units in a mixed-use building in the Commercial Center (CC) District in order to construct a four-story, mixed-use building with approximately 4,800 sq. ft. of commercial space and 124 apartments at 6706-6714 Odana Road, beginning on **page 7**;
- That the Plan Commission forward the Certified Survey Map (CSM) to combine the subject properties to create one lot for the proposed mixed-use development to the Common Council with a recommendation of **approval**, subject to the conditions from reviewing agencies beginning on **page 14**.

## Background Information

**Parcel Location:** The 92,674-square-foot (0.8-acre) site proposed to be created via Certified Survey Map as part of this application, is located to the west of the intersection of Odana Road and Grand Canyon Drive. It is also located in Alder District 19 (Alder Furman) and the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject site is comprised of two parcels which are zoned CC (Commercial Center) District which each contain a building:

- The westerly 6717 Odana Road parcel is developed with a roughly 14,800-square-foot, one-story, multi-tenant commercial building. According to City Assessor's Office records was constructed in 1995;
- The easterly 6706 Odana Road parcel is also developed with a roughly 10,400-square-foot, one-story, multi-tenant commercial building. According to City Assessor's Office records was constructed in 1983.

Both sites are almost entirely paved and both have surface automobile parking at the front and rear of the site. Both also take access from Odana Road - the 6706 parcel has two curb cuts along the Odana Road frontage while the 6714 parcel has a single one which it shares with the adjacent parcel to the west.

Photos provided by the applicant of the existing structures are available [here](#) under Legislative file [74052](#).

### Surrounding Land Use and Zoning:

North: Schwoegler Park Town Lanes (a bowling alley), zoned CC (Commercial Center) District and a City-owned parcel for stormwater retention, zoned CN (Conservation) District;

South: Across Odana Road is a one-story commercial building, and two one-story, multi-tenant, commercial buildings, all zoned CC;

East: A one-story Great Midwest Bank building, zoned CC; and

West: A multi-tenant commercial building in the CC District.

**Adopted Land Use Plan:** The 2018 [Comprehensive Plan](#) recommends the subject site for Community Mixed-Use (CMU), which it describes 2-6 stories, up to 130 dwelling units, and supporting an intensive mix of residential, commercial, and civic uses serving residents and visitors from the surrounding area and the community as a whole. The [Odana Area Plan](#) (2021) recommends Regional Mixed-Use (RMU) development for the subject parcels. RMU is described as high-intensity centers (2-12+ stories) supporting a variety of multifamily housing options and commercial activity serving the needs of the region. Further detail is included in the body of this report.

**Zoning Summary:** The project will be developed in the CC (Commercial Center) District.

Requirements	Required	Proposed
Lot Area (sq. ft.)	None	92,674
Lot Width	None	200 ft
Front Yard Setback	None	31 ft
Max. Front Yard Setback	85 ft	31 ft
Side Yard Setback	6 ft	54 ft, 60 ft
Rear Yard Setback	20 ft	32 ft
Usable Open Space	27,200 sq ft	29,449 sq ft
Maximum Lot Coverage	85%	79%
Maximum Building Height	5 stories/78 ft	4 stories/ 54 ft

Requirements	Required	Proposed
Number Parking Stalls	No minimum	167 <i>(See Comment #48)</i>
Accessible Stalls	6	8
Loading	No	No
Number Bike Parking Stalls	149	153
Landscaping	Yes	No <i>(See Comment #49)</i>
Lighting	Yes	No <i>(See Comment #50)</i>
Building Forms	Yes	Flex

<b>Other Critical Zoning Items:</b>	Yes: Utility Easements
	No: Urban Design; Floodplain, Wellhead Protection, Landmarks, Waterfront Development, Adjacent to Park; Barrier Free (ILHR 69); Historic District

*Tables Prepared Jacob Moskowitz, Assistant Zoning Administrator*

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

**Public Utilities and Services:** The subject site is served by a full range of urban services, including Metro Transit, which operates daily, all-day transit service along Odana Road adjacent this property, with trips at least every hour.

## Project Description

The applicant is requesting approval of demolition permits and a conditional use in order to construct four-story, mixed-use building with approximately 4,800 sq. ft. of commercial space and 124 apartments at 6706-6714 Odana Road. The applicant is also requesting approval of a Certified Survey Map to combine the two parcels and create one lot for the proposed development.

The subject site is comprised of two parcels which are both developed and each contain a building:

- The westerly 6717 Odana Road parcel is developed with a roughly 14,800-square-foot, one-story, multi-tenant commercial building. According to City Assessor’s Office records was constructed in 1995;
- The easterly 6706 Odana Road parcel is also developed with a roughly 10,400-square-foot, one-story, multi-tenant commercial building. According to City Assessor’s Office records was constructed in 1983.

Photos provided by the applicant of the existing structures are available [here](#) under Legislative file [74052](#).

The new “U”-shaped building will be roughly 139,200 square-feet in size and four floors in height. It will have two commercial spaces located along the Odana Road sidewalk - a 3,655-square-foot space and a 1,136-square-foot space. A commons amenity room will separate the commercial spaces from the residential lobby and main entrance which are located at the southeast corner of the building. Save for a small exercise amenity room located near the lobby, the remainder of the ground floor as well as the upper three floors will be entirely residential and contain a total of 124 units (14 efficiencies, 64 one-bedroom units, 20 two-bedroom units, and 26 three-bedroom units). Submitted plans show that all of the units will have individual balconies.

Regarding parking, the building will have 44 at grade automobile parking stalls divided evenly between the east and west sides of the site with each group of stalls accessed via their own drive aisle. The 123 underground automobile parking stalls are accessed via the west drive aisle which continues along the northern property line to the garage door located along that elevation. In regards to bicycle parking for the development, 137 long-term stalls for the residents are provided (103 floor-mounted and 34 wall-mounted) in the lower parking level while a total of 16 short-term bike stalls are located near the southwest and southeast corners of the building. No loading zone is provided, nor is one required by Zoning.

In terms of the building’s palette of colors and materials, the building’s cladding is composed of dark grey brick, light grey composite lap siding, and wood-colored composite siding with inset navy blue metal paneling for accents. Large floor-to-ceiling stormfront window panels will run the length of the Odana Road ground-floor frontage.

## Analysis

This request is subject to the approval standards for Demolition Permits, Conditional Uses, and Land Divisions.

### Consistency with Adopted Plans

The 2018 [Comprehensive Plan](#) recommends the subject site for Community Mixed-Use (CMU), which it describes 2-6 stories, up to 130 dwelling units, and supporting an intensive mix of residential, commercial, and civic uses serving residents and visitors from the surrounding area and the community as a whole. The [Odana Area Plan](#) (2021) recommends Regional Mixed-Use (RMU) development for the subject parcels. RMU is described as high-intensity centers (2-12+ stories) supporting a variety of multifamily housing options and commercial activity serving the needs of the region.

The [Odana Area Plan](#) also recommends a Planned Off-Street Path be constructed along the subject site’s northern property boundary. It will become part of the path which is planned to start at the bend in Grand Canyon Drive adjacent the Beltline, run along Grand Canyon Drive, jog west along the northern edge of the subject parcel, turn north near the northwest corner of the subject parcel, and continue up to the intersection with Mineral Point Road. (The path is shown in the fuchsia-colored line running north-south in the image to the right. The subject parcel is highlighted yellow.) To this end, as easement widths are typically 20’ wide for paths, since the path will straddle the property line, agencies have recommended the

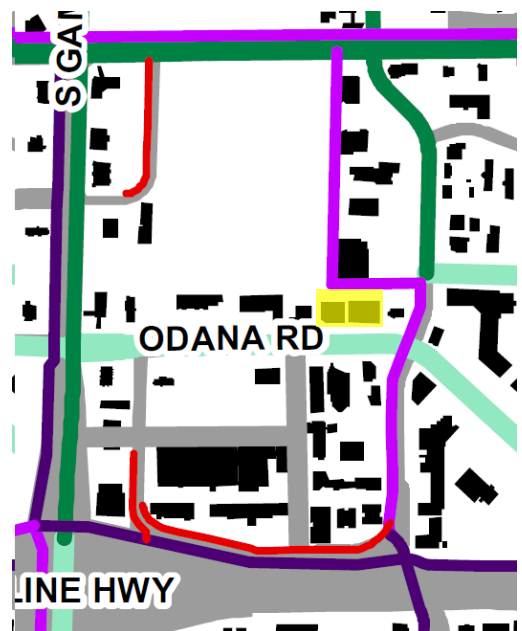


Image 1: A portion of the Odana Area Plan’s [Path, Pedestrian, and Bicycle Network Improvements Map](#). (The subject site is highlighted)

applicant grant a 10-foot-wide easement for the pedestrian and public path along their northern lot line. Note: staff met with the applicant shortly before completion of this staff report to discuss possible forthcoming site plan modifications to accommodate this easement. A condition of approval has been added to this report, noting a revised site plan will be required for full staff approval to accommodate this recommended easement.

That said, Staff believes the proposed mixed-use building; four stories in height; with its mass, commercial spaces, and residential lobby located along and oriented towards the adjacent public sidewalk; and accommodating the public multi-use path along its northern property line can be found consistent with adopted plan recommendations.

### **Demolition Permit Standards**

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

*“The purpose of this section is therefore to ensure the preservation of historic buildings, encourage applicants to strongly consider relocating rather than demolishing existing buildings, aid in the implementation of adopted City plans, maximize the reuse or recycling of materials resulting from a demolition, protect the public from potentially unsafe structures and public nuisances...”*

On balance, staff believes that standards can be found met and provides the following additional information.

In regards to Standard 1 related to the possible building relocation efforts, the Plan Commission is required to consider any information provided related to possible relocation activities. In the submitted materials, the applicant states that the relocation of the structures was considered but it was determined that they are too large to relocate.

In regards to Standard 6 related to the condition of the buildings proposed for demolition, Planning Division staff have not received any comments from City Building Inspection, Fire, or Police. However, in the submitted information, the applicant provides [photos](#) of the existing structures and notes that they are “outdated and in need of major repairs and updates.”

Related to the historic value of the structures, staff notes Standard 4 states:

*“The Plan Commission has received and considered the report of the City's historic preservation planner regarding the historic value of the property as well as any report that may be submitted by the Landmarks Commission.”*

At its September 19, 2022 meeting, the Landmarks Commission reviewed the proposed demolitions and a copy of the report of the Landmarks Commission can be found under Legislative Files [68860](#) and is linked [here](#). The Landmarks Commission voted to recommend to the Plan Commission that the buildings at 6706 and 6714 Odana Road have no known historic value.

Standard 7, which includes references the standards 1-6 states that *“The Plan Commission shall consider the factors and information specified in items 1-6 and find that the proposed demolition or removal is consistent with the statement of purpose of this section and with the health, prosperity, safety, and welfare of the City of Madison.”*

Given the findings of the Landmarks Commission and information provided by the applicant, Staff believe the demolition permit standards can be found met.

### **Conditional Use Standards**

The Plan Commission may not approve an application for a conditional use unless it can find that all of the standards found in Section 28.183(6)(a), Approval Standards for Conditional Uses, are met. That section states: *“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 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 [standards for approval in Section 28.183(6) are met].”*

Given the consistency with adopted plans and the conditions recommended by reviewing agencies, Staff believes the approval standards can be found met.

### **Land Division Standards**

The applicant has submitted a certified survey map to combine the 6706 and 6714 Odana Road parcels in order to create one parcel. M.G.O. Section 16.23(5)(g) provides the process for certified survey maps. Staff believe that all applicable standards for land divisions can be found met, subject to the comments recommended by reviewing agencies.

### **Public Input**

At the time of report writing, staff has not received any public comment regarding these requests.

## **Conclusion**

The applicant proposes to combine the two parcels, demolish two commercial buildings, and construct a four-story, mixed-use building with approximately 4,800 sq. ft. of commercial space and 124 apartments on the lot. The related requests are subject to the approval standards for demolition permits, conditional uses, and land divisions. As discussed in this report, with the comments recommended by reviewing agencies, staff believes these standards can be found met.

## **Recommendation**

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

The Planning Division recommends the following to the Plan Commission regarding the applications for 6706-6714 Odana Road. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

- That the Plan Commission find that the standards for demolition permits are met to **approve** demolition of two commercial buildings located at 6706 and 6714 Odana Road;
- That the Plan Commission find that the standards for conditional uses are met and **approve** a request for dwelling units in a mixed-use building in the Commercial Center (CC) District in order to construct a four-story, mixed-use building with approximately 4,800 sq. ft. of commercial space and 124 apartments at 6706-6714 Odana Road, beginning below;
- That the Plan Commission forward the Certified Survey Map (CSM) to combine the subject properties to create one lot for the proposed mixed-use development to the Common Council with a recommendation of **approval** subject to the conditions from reviewing agencies beginning on **page 14**.

**Land Use – Recommended Conditions of Approval** Major/Non-Standard Conditions are Shaded

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

1. The applicant shall submit revised plans accommodating the 10-foot property line along the northern property line. These shall be reviewed and approved by City Agencies prior to final signoff.

**City Engineering Division** (Contact Timothy Troester, (608) 261-1997)

2. The area adjacent to this proposed development has been determined by City Engineering to have a known flooding risk. Engineering has set the minimum protective lowest entrance elevation opening at an elevation of 1038.00. This standard is not intended to be protective in all cases. The Developer is strongly encouraged to complete their own engineering analysis to determine and meet a protective elevation which they are comfortable with. In no case shall the protective elevation be set below the minimum threshold determined by City Engineering.
3. The proposed development proposes to construct underground parking. The proposed entrance to the underground parking is adjacent to a street low point. The applicant shall provide a high point of 1038.00 before breaking grade to the down ramp to the underground parking to protect the underground parking from inundation. The stated elevation is intended to be protective but does not guarantee a flood proof structure. The Developer/Owner are strongly encouraged to complete their own calculations and determine an elevation that protects their property to a level of service that they are comfortable with.
4. The applicant shall connect to or extend public storm sewer connecting directly to a public storm structure that is either in the public sidewalk or terrace area, or inlet at the curb on the side of the street, adjacent to the development. Any storm lateral extension crossing any lanes of traffic or running longitudinally within a public street right of way for over 20ft, in order to connect to the public system, shall be considered a private storm sewer lateral and will require an approved and recorded privilege in streets agreement. (POLICY)
5. Obtain a permit to Excavate in the Right-of-Way for completing the improvements in the public Right-of-Way. The permit application is available on the City Engineering Division website at <http://www.cityofmadison.com/engineering/Permits.cfm>. As a condition of the permit a deposit to cover estimated City expenses will be required.
6. Construct 10' multi use path along north lot line, sidewalk, terrace, curb & gutter and pavement to a plan as approved by City Engineer

7. 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))
  8. 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))
  9. The proposed sewer connection to the MMSD sewer access structure shall conform to all MMSD connection specification criteria. Contractor is responsible for taking out the MMSD connection permit as well as the permit connection fee if applicable. Add the following note to the plans: Contractor shall notify Ray Schneider (608)347- 3628, [rays@madsewer.org](mailto:rays@madsewer.org), 5 days prior to making the connection to the MMSD manhole to arrange for inspection of the connection.
  10. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
  11. 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.
  12. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
  13. This site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR216 and NR-151 however a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. Information on this permit application is available on line: <http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm>.
- The applicant is notified that the City of Madison is an approved agent of the Department of Safety and Professional Services (DSPS) and no separate submittal to this agency or CARPC is required for this project to proceed.
14. 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)
  15. 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)
  16. 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-yr design storm that is current in Madison General Ordinance 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.

17. 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](mailto:meberhardt@cityofmadison.com), or Daniel Olivares (east) at [daolivares@cityofmadison.com](mailto:daolivares@cityofmadison.com), for approval.

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

This project will require a concrete management plan and a construction dewatering plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. If contaminated soil or groundwater conditions exist on or adjacent to this project additional WDNR, Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit. (POLICY)

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

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

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

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

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

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

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

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

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

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.

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

**City Engineering Division – Mapping Section** (Contact Julius Smith, (608) 264-9276)

20. Grant a Public Sidewalk and Bike Path Easement(s) to the City on the face of concurrent Certified Survey Map along the North line of the Parcel. The final location and size of the easement shall be approved by City Engineering and Traffic Engineering.

21. Release 6' Wide Right of Way grant Gas Main and/or service laterals to Madison Gas and Electric Document No. 2949322 and provide recorded document.

22. Coordinate and request from the utility companies serving this area the easements required to serve this development. Those easements shall be properly shown, dimensioned and labeled on concurrent Certified Survey Map

23. Show Sewer easement to MMSD Per document 1244442 that runs within 50' Public Storm and Sanitary Sewer Easement. Note this document contains language about being located over the centerline of the existing facilities.

24. On the Architectural site plan sheets there is an area well shown at the Northwest corner of the building. The area well is located within the limits of 12' wide utility easement set forth on the Eight Addition to Park Towne Doc No 1592831. additionally there was a prior 12' wide easement recorded benefiting Mid-planes Telephone over the same area. Either the Area Well shall be moved or to a different location or the easements need to be released where currently not being used. If the Easements are to be released coordinate with the utility companies currently occupying the easement at the northly end to determine where they can be terminated and partially release both easements to the agreed location. The public utility easement will require Real Estate Project to be set up to release the City's rights within that easement.

An exhibit, description and fee will also be required to produce the document. Contact Julius Smith ([Jsmith4@cityofmadison.com](mailto:Jsmith4@cityofmadison.com)) to set up the Real Estate project. The release of this easement will need to be recorded prior to any final site approvals, if the area well is to remain in the proposed location.

25. The Existing Driveway Easement Per Document 4688412 should be amended. The current document has no language to deal with the interruptions and damages this project may cause on the adjacent buildings current parking and access. Additionally the light pole which is specifically described in the easement is being relocated. While the site plan seems to work with keeping the easement area intact it. A formal agreement needs to be made to reflect the proposed intermediate and overall changes to the site.

Developer/owner/contractor is to provide either an amended easement agreement, and/or another formal agreement/permission that construction, offsite construction and temporary non-use is allowed.

26. There are no unique address numbers available for the proposed building. The apartments shall reuse the address of 6708 Odana Rd. The addresses for the commercial spaces will be determined when the space configurations have been finalized.

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.

27. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD), the new parcel data created by the Assessor's Office and the parcel data available to zoning and building inspection staff prior to issuance of building permits for new construction.

28. Submit a site plan and a complete building Floor Plan in PDF format to Lori Zenchenko ([lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com)) that includes a floor plan of each floor level on a separate sheet/page for the development of a complete interior addressing plan. Also, include a unit matrix for apartment buildings.

The Addressing Plan for the entire project shall be finalized and approved by Engineering (with consultation and consent from the Fire Marshal if needed) PRIOR to the verification submittal stage of this LNDUSE with Zoning.

The final approved stamped Addressing Plan shall be included in said Site Plan Verification application materials or a revised plan shall provided for additional review and approval by Engineering.

Per 34.505 MGO, a full copy of the approved addressing plan shall be kept at the building site at all times during construction until final inspection by the Madison Fire Department.

For any changes pertaining to the location, deletion or addition of a unit, or to the location of a unit entrance, (before, during, or after construction), a revised Address Plan shall be resubmitted to Lori Zenchenko to review addresses that may need to be changed and/or reapproved.

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

29. The applicant shall work with the Traffic Engineering and Engineering divisions on granting an easement for a Pedestrian and Bike Path on the north side of their lot. Easements widths are typically 20' wide for paths, the applicant shall grant a 10' easement on their northern lot line.

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 standards, as set in 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 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.
37. 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.
38. 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.
39. City of Madison radio systems are microwave directional line of sight to remote towers citywide. The building elevation will need to be reviewed by Traffic Engineering to accommodate the microwave sight and building. The applicant shall submit grade and elevations plans if the building exceeds three stories prior to sign-off to be reviewed and approved by Andrew Oliver, (267-1979, [aoliver@cityofmadison.com](mailto:aoliver@cityofmadison.com)) Traffic Engineering Shop, 4151 Nakoosa Trail. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign off.
40. 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.
41. "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.
42. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.

43. The proposed driveway may not encroach across the eastern property line, including the 5' driveway flares. The location of the driveway in relation to the existing property line shall be shown and noted on the plan.
44. Applicant shall submit for review a waste removal plan. This shall include vehicular turning movements.
45. 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))
46. 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.
47. 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 Odana 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.

**Zoning Administrator** (Contact Jacob Moskowitz, (608) 266-4560)

48. Label EV ready and EV installed spaces on the final site plan. Sec. 28.141(8)(e) requires at least 10% (17) EV ready spaces and 2% (3) EV installed spaces.
49. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
50. Exterior lighting provided shall be in accordance with City of Madison General Ordinances Section 10.085. Provide an exterior lighting plan and fixture cut sheets with the final plan submittal.
51. Provide revised elevations demonstrating compliance with Sec. 28.129 Bird-Safe Glass Requirements. Provide a detail of the glass treatment to be used.
52. 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 (608-266-4682).
53. Section 28.185(10) Every person who is required to submit a reuse and recycling plan pursuant to Sec. 28.185(7)(a)5. shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
54. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.

**Fire Department** (Contact Bill Sullivan, (608) 261-9658)

55. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Division Chief Jeff Larson at [jtlarson@cityofmadison.com](mailto:jtlarson@cityofmadison.com) or (608) 266-5946.

- 56. The fire sprinkler system shall comply with the 2022 editions of NFPA 13R & 13 as applicable.
- 57. MFD recommends locating a stair near the main entrance to promote the use of walking the stairs and a healthier life style.
- 58. The aerial access lane shall be located within 30-ft of the building measured to the near edge of the fire lane. Revise or provide additional details on a performance based approach.

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

- 59. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the West Park-Infrastructure Impact Fee district. Please reference ID 22042 when contacting Parks about this project

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

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

*The Forestry Section and Metro Transit have reviewed this request and have recommended no conditions of approval.*

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**Certified Survey Map – Recommended Conditions of Approval** Major/Non-Standard Conditions are Shaded

**City Engineering Division** (Contact Timothy Troester, (608) 261-1997)

- 1. Obtain a permit to Excavate in the Right-of-Way for completing the improvements in the public Right-of-Way. The permit application is available on the City Engineering Division website at <http://www.cityofmadison.com/engineering/Permits.cfm>. As a condition of the permit a deposit to cover estimated City expenses will be required.
- 2. Construct 10' multi use path along north lot line, sidewalk, terrace, curb & gutter and pavement to a plan as approved by City Engineer

3. 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))
4. A minimum of two (2) working days prior to requesting City Engineering signoff on the plat/csm contact either Tim Troester (West) at 261-1995 ([ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com)) or Brenda Stanley (East) at 608-261-9127 ([bstanley@cityofmadison.com](mailto:bstanley@cityofmadison.com)) to obtain the final stormwater utility charges that are due and payable prior to sub-division of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service and must be cleared prior to the land division (and subsequent obsolesces of the existing parcel). (POLICY)

**City Engineering Division – Mapping Section** (Contact Julius Smith, (608) 264-9276)

5. Grant a Public Sidewalk and Bike Path Easement(s) to the City on the face of this Certified Survey Map along the North line of the Parcel. The final location and size of the easement shall be approved by City Engineering and Traffic Engineering. Contact Jule Smith with Engineering Mapping ([Jsmith4@cityofmadison.com](mailto:Jsmith4@cityofmadison.com)) for the language to be included for granting the easement rights.
6. In accordance with Chapter 236, Wisconsin Statutes, the Applicant must show the type, location and width of any and all easements on a Plat or CSM. Clearly identify the difference between existing easements (cite recording data) and easements which are being conveyed by the land division. Identify the owner and/or benefiting interest of all easements. Include any and all language required to properly and legally create any easement by this land division.
7. Coordinate and request from the utility companies serving this area the easements required to serve this development. Those easements shall be properly shown, dimensioned and labeled on the final plat.
8. Show Sewer easement to MMSD Per document 1244442 that runs within 50' Public Storm and Sanitary Sewer Easement. Note this document contains language about being located over the centerline of the existing facilities.
9. The 10' wide utility easement that runs parallel with the 50' Public Storm and Sanitary Sewer Easement is noted as being per Document Nos. 1248468, 1592831 and 1303654. Document 1303654 is actually an MG&E Quit Claim Deed releasing its portion of its rights to this easement, remove this note from this easement, or note that Madison Gas and Electric has released its rights to the easement per the document.
10. Fully detail with bearing and distance the Driveway Easement in Document No. 4688412. Note: this easement may have to be amended for Site plan approvals.
11. Provide the missing title work for Lots 78 and 79
12. Release 6' Wide Right of Way grant Gas Main and/or service laterals to Madison Gas and Electric Document No. 2949322 and provide recorded document.
13. Cite the Existing 10' wide utility Easement Doc No. 1312690 as rather Existing 10' Right of Way Grant Underground Electric to Madison Gas and Electric Doc No. 1312690.

14. Cite the Existing 10' wide utility Easement Doc No. 2612280 as rather Existing 10' Right of Way Grant Underground Electric to Madison Gas and Electric Doc No. 2612280.
15. Cite the Existing 12' wide Utility Easement Doc No. 1356999 as rather Existing 12' Underground Telephone Easement to Mid-Plains Telephone Doc No. 1356999. This is also shown on Sheet 2 of 5 as a separate Utility Easement. These Easements may possibly need to be released dependent on the concurrent site plan. If so the general utility easement portion will require a City of Madison Real Estate Project to release the City's rights within that easement.
16. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The Developer's Surveyor and/or Applicant must submit copies of required tie sheets or monument condition reports (with current tie sheet attached) for all monuments, including center of sections of record, used in this survey, to Jule Smith, City Engineering ([jsmith4@cityofmadison.com](mailto:jsmith4@cityofmadison.com))
17. In accordance with Section s. 236.18(8), Wisconsin Statutes, the Applicant shall reference City of Madison WCCS Dane Zone, 1997 Coordinates on all PLS corners on the Plat or Certified Survey Map in areas where this control exists. The Surveyor shall identify any deviation from City Master Control with recorded and measured designations. Visit the Dane County Surveyor's Office (web address <https://www.countyofdane.com/PLANDEV/records/surveyor.aspx>) for current tie sheets and control data that has been provided by the City of Madison.
18. Prior to Engineering final sign-off by main office for Plats or Certified Survey Maps (CSM), the final Plat or CSM in pdf format must be submitted by email transmittal to Engineering Land Records Coordinator Jule Smith ([jsmith4@cityofmadison.com](mailto:jsmith4@cityofmadison.com)) for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off.
19. The coordinate geometry for the section corners shown does not match the overall monument to monument distance listed. cogo = 89°23'37" 2651.21' Additionally this does not work with the sub distances to the lead in line shown. Please review and revise these bearings and distances. This will also change the North bearing reference.
20. Show Existing site surface features paving, sidewalks and accesses.
21. List the Four Q/Q quadrants the Parcel lies in individually at least in the full legal description of the CSM, for the ROD and County Land Records to properly index the parcel
22. Submit to Julius Smith, prior to Engineering sign-off of the subject plat, one (1) digital CADD drawing in a format compatible with AutoCAD. The digital CADD file(s) shall be referenced to the Dane County Coordinate System and shall contain, at minimum, the list of items stated below, each on a separate layer/level name. The line work, preferably closed polylines for lot lines, shall be void of gaps and overlaps and match the final recorded plat:
  - a) Right-of-Way lines (public and private)
  - b) Lot lines
  - c) Lot numbers
  - d) Lot/Plat dimensions
  - e) Street names
  - f) Easement lines (i.e. all shown on the plat including wetland & floodplain boundaries.)

NOTE: This Transmittal is a separate requirement from the required Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat, electronic data for any changes subsequent to any submittal.



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

23. The applicant shall work with the Traffic Engineering and Engineering divisions on granting an easement for a Pedestrian and Bike Path purposes on the Northside of their lot. Easements widths are typically 20' wide for paths, the applicant shall grant a 10' easement on their northern lot line.

**Office of Real Estate Services** (Melissa Hermann, [mhermann@cityofmadison.com](mailto:mhermann@cityofmadison.com))

24. Prior to approval sign-off by the Office of Real Estate Services (“ORES”), the Owner’s Certificate(s) on the CSM shall be executed by all parties of interest having the legal authority to do so, pursuant to Wis. Stats. 236.21(2)(a). Said parties shall provide documentation of legal signing authority to the notary or authentication attorney at the time of execution. The title of each certificate shall be consistent with the ownership interest(s) reported in the most recent title report.

When possible, the executed original hard stock recordable CSM shall be presented at the time of ORES approval sign-off. If not, the City and the Register of Deeds are now accepting electronic signatures. A PDF of the CSM containing electronic signatures shall be provided to ORES to obtain approval sign-off.

25. Prior to CSM approval sign-off, an executed and notarized or authenticated certificate of consent for all mortgagees/vendors shall be included following the Owner’s Certificate(s).

26. If a mortgage or other financial instrument is reported in record title, but has been satisfied or no longer encumbers the lands or ownership within the CSM boundary, a copy of a recorded satisfaction or release document for said instrument shall be provided prior to CSM approval sign-off.

27. All ownership consents and certifications for the subject lands shall conform to Wis. Stats. 236.21(2) and 236.29 by including the language ...surveyed, divided, mapped and dedicated...

28. If any portion of the lands within the CSM boundary are subject to an Option to Purchase or other Option interest please include a Certificate of Consent for the option holder and have it executed prior to CSM sign-off, if said ownership interest meets the criteria set forth by Wis. Stat. Sec. 236.34 and Sec. 236.21(2)(a).

29. A Consent of Lessee certificate shall be included on the CSM for all tenant interests in excess of one year, recorded or unrecorded, and executed prior to CSM sign-off.

30. Madison Common Council Certificate: This certificate is required when dedication of land and the conveyance of rights in land are required. For parcels located within the City of Madison, a Madison Common Council Certificate shall appear as follows:

Resolved that this certified survey map located in the City of Madison was hereby approved by Enactment Number \_\_\_\_\_, File ID Number \_\_\_\_\_, adopted on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, and that said enactment further provided for the acceptance of those lands dedicated and rights conveyed by said Certified Survey Map to the City of Madison for public use.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_  
Maribeth L. Witzel-Behl, City Clerk  
City of Madison, Dane County Wisconsin

31. City of Madison Plan Commission Certificate: Pursuant to Madison City Ordinance Section 16.23(7)(d)3 and Wis. Stats. 236.21(2)(a), all CSM's that are subject to the review and approval of the City of Madison shall contain the following certificate of approval:

Approved for recording per the Secretary of the City of Madison Plan Commission.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Matthew Wachter, Secretary of the Plan Commission

32. Register of Deeds Certificate: Please include a space for the Register to hand write the recording info on the date of recording, to appear similar to the following:

Office of the Register of Deeds  
Dane County, Wisconsin  
Received for recording on \_\_\_\_\_, 20\_\_ at \_\_\_ o'clock \_\_ M, and  
recorded in Volume \_\_\_ of CSMs on page(s) \_\_\_\_\_, Document No. \_\_\_\_\_.

\_\_\_\_\_  
Kristi Chlebowski, Register of Deeds

33. As of October 28, 2022, the real estate taxes are paid for the subject property. Per 236.21(3) Wis. Stats. and 16.23(5)(g)(1) Madison General Ordinances, the property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to CSM recording. This includes property tax bills for the prior year that are distributed at the beginning of the year. Receipts from the City of Madison Treasurer are to be provided before or at the time of sign-off. Payment is made to:

City of Madison Treasurer  
210 Martin Luther King, Jr. Blvd.  
Madison, WI 53701

34. As of October 28, 2022, there are no special assessments reported. All known special assessments are due and payable prior to CSM approval sign-off. If special assessments are levied against the property during the review period and prior to CSM approval sign-off, they shall be paid in full pursuant to Madison General Ordinance Section 16.23(5)(g)1.

35. Pursuant to Madison City Ordinance Section 16.23(5)(g)(4), the owner shall furnish an updated title report to ORES via email to Melissa Hermann ([mhermann@cityofmadison.com](mailto:mhermann@cityofmadison.com)), as well as the survey firm preparing the proposed CSM. The report shall search the period subsequent to the date of the initial title report (xx-xx-xx) submitted with the CSM application and include all associated documents that have been recorded since the initial title report.

A title commitment may be provided, but will be considered only as supplementary information to the title report update. Surveyor shall update the CSM with the most recent information reported in the title update. ORES reserves the right to impose additional conditions of approval in the event the title update contains changes that warrant revisions to the CSM.

36. Depict, name, and identify by document number all existing easements cited in record title and the updated title report.
37. Include a complete and accurate legal description of the lands that are to be included in the proposed CSM. The legal description shall be reconciled with the legal description of said lands in record title.
38. Depict and dimension all existing improvements including, but not limited to: buildings, drives, parking lots, encroachments, wells, septic systems, etc. located within the CSM boundary.
39. Depict and dimension public easements for utilities and storm water drainage rights-of-way to be dedicated on the proposed CSM where necessary.
40. If all parties of interest agree that certain easements from prior plats or CSM's of record are no longer necessary, the release documents for said easements shall be recorded prior to CSM approval sign-off, with the recording information for the release included as a Note on the proposed CSM.
41. Liens or judgments levied against the lands within the CSM boundary shall be satisfied, with proof of satisfaction provided prior to CSM approval sign-off.
42. Create notes that define the purpose of and the ownership of (whether public or private) all outlots. The note for an outlot dedicated to the public shall say: "Dedicated to the public for \_\_\_\_\_ purposes."

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

43. "LOTS WITHIN THIS SUBDIVISION ARE SUBJECT TO IMPACT FEES THAT ARE DUE AND PAYABLE AT THE TIME BUILDING PERMIT(S) ARE ISSUED."

*The Planning Division, Fire Department, Zoning Division, Forestry Section, Water Utility, Metro Transit and Assessor's Office have reviewed this request and have recommended no conditions of approval.*