PLANNING DIVISION STAFF REPORT

January 23, 2023

PREPARED FOR THE PLAN COMMISSION

Project Address: **4522 East Washington Avenue** (District 17 – Alder Madison)

Application Type: Demolition Permit, Conditional Use, Certified Survey Map

Legistar File ID # 74907, 74908, 74058

Prepared By: Colin Punt, Planning Division
Report includes comments from other City agencies, as noted.

Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Steve Doran; Galway Companies; 800 W Broadway, Ste 400; Monona, WI 53718

Requested Action: The applicant is seeking approval of a two-lot certified survey map; approval of a demolition permit for the existing multi-tenant commercial building; and a conditional use for a vehicle access sales and service window in the CC-T district per §28.061(1) MGO.

Proposal Summary: The applicant is seeking approvals to demolish a multi-tenant commercial building to construct a two single story commercial buildings, one of which includes a drive-through, on two separate lots to be created by CSM.

Applicable Regulations & Standards: Standards for conditional use approval are found in §28.183(6) M.G.O. Standards of approval for demolition permits are found in §28.185(6) M.G.O. Standards for certified survey maps are found in §16.23(5) M.G.O.

Review Required By: Urban Design Commission, Plan Commission, Common Council

Summary Recommendations: The Planning Division recommends the following to the Plan Commission regarding the applications for 4522 East Washington Avenue. 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 the building at 4522 East Washington Avenue; subject to the conditions from reviewing agencies beginning on page 6;
- That the Plan Commission find that the standards for conditional uses are met for a vehicle access sales and service window, subject to the conditions from reviewing agencies beginning on page 6;
- That the Plan Commission forward the certified survey map to Common Council with a recommendation to approve, subject to the conditions from reviewing agencies beginning on page 13;

Background Information

Parcel Location: The subject site is 1.59 acres located at the northwest side of the East Washington Avenue Frontage Road immediately southwest of Columbus Lane. The site is within Alder District 17 (Alder Madison) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The site, zoned CC-T (Commercial Corridor - Transitional), is currently occupied with a 13,300-square foot, one-story multi-tenant commercial building with surface parking. The building was originally constructed in 1979.

Surrounding Land Uses and Zoning:

Northwest: A single-story multi-tenant commercial building zoned CC-T;

Southwest: A fast-food restaurant with drive-through zoned CC-T;

Southeast: Across East Washington Avenue, single-story multi-tenant commercial buildings zoned CC-T, with East Towne Mall beyond; and

Northeast: Across Columbus Lane, single-story multi-tenant commercial buildings zoned CC-T.

Adopted Land Use Plan: The Comprehensive Plan (2018) recommends General Commercial (GC) land uses for the site. The Greater East Towne Area Plan (2022) also recommends GC.

Zoning Summary: The subject property is proposed to be zoned CC-T (Commercial Corridor - Transitional District):

Requirements	Required	Proposed
Front Yard Setback	0' or 5'	4522 E Washington Ave: 44'10" 4510 E Washington Ave: 36'5"
Max. Front Yard Setback	65' maximum	4522 E Washington Ave: 44'10" 4510 E Washington Ave: 36'5"
Side Yard Setback: Street side yard	0' or 5'	4522 E Washington Ave: 8'3"
Side Yard Setback: Where proposed buildings or abutting buildings have window openings in side wall(s) within 6' of lot line	One-story: 5'	4510 E Washington Ave: 64'
Rear Yard Setback: For corner lots, where all abutting property is in a nonresidential zoning district	The required rear yard setback shall be the same as the required side yard setback	Adequate
Maximum Lot Coverage	85%	81.7%
Maximum Building Height	5 stories/78'	1 story

Site Design	Required	Proposed
Number Parking Stalls	Restaurant minimum: 15% of capacity of persons (12) Restaurant maximum: 40% of capacity of persons (32) Service business maximum: 1 per 200 sq. ft. floor area (18) Existing building 2225 Independence Ln maximum: 1 per 200 sq. ft. floor area (104) (154 maximum)	83 proposed 66 existing stalls at 2225 Independence Ln (149 total)
Accessible Stalls	Yes	4
Loading	Not required	None
Number Bike Parking Stalls	Restaurant: 5% of capacity of persons (4) Service business: 1 per 2,000 sq. ft. floor area (2) (6 total)	6 (5)
Landscaping and Screening	Yes	Yes (6)(7)(8)(9)

Lighting	Yes	Yes
Building Forms	Yes	Free-standing commercial building (1)(2)(9)(10)

Other Critical Zoning Items	Urban Design (UDD 5), Barrier Free (ILHR 69), Utility Easements

Table Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

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

Public Utilities and Services: The site is served by a full range of urban services.

Project Description

The applicant is seeking approvals to demolish a multi-tenant commercial building to construct a two single story commercial buildings, one of which includes a drive-through. A certified survey map creating two lots, one for each building, accompanies the land use application.

The demolition photos submitted by the applicant show a building that has a number of cosmetic and minor structural issues, but there are no major structural issues known to staff.

Following demolition, the applicant intends to construct two stand-alone commercial buildings. Both buildings are placed toward the front of the lot, near East Washington Avenue. The vehicle parking lot is positioned to the back of the site, with driveways accessing Columbus Lane and internal drive lanes to the southwest and northwest.

The southern building will be 3,136 square feet and house a Cafe Zupas restaurant with a drive-through. The restaurant building tenant anticipates operation to occur Monday through Saturday from 11 a.m. to 8 p.m., sometimes slightly later on Friday and Saturday evenings. An outdoor eating area is located on the northwest side of the building. The vehicle access sales and service window is on the southeast side of the building with the pickup window on the northeast, both perpendicular to East Washington Avenue. Facade materials include white and black brick, gray and black painted stucco, and composite wood.

The second building will be 3,510 square feet and is proposed to house a business that performs non-surgical cosmetic procedures. Typical hours of operation are 9 a.m. to 5 p.m. Monday through Friday, with weekends open by appointment. Facade materials include woodtone and white fiber cement lap siding, light gray brick, and blue glazed subway tile, with blue aluminum canopies over all window openings.

A stormwater management bioretention basin is located at the easternmost corner of the site. Most landscaping is located along the East Washington Avenue frontage, which is terraced down from the higher elevation where the buildings and parking lot are located. Trees and low-lying plantings are also located in parking lot islands.

According to the letter of intent, the applicant intends to start demolition in May 2023 with project completion by May 2024.

Analysis & Conclusion

This request is subject to the standards for demolition permits, conditional uses, and certified survey maps. This section begins with a summary of adopted plan recommendations, followed by demolition permit standards, conditional use standards, a review of UDC action, land division standards, and finally a conclusion.

Conformance with Adopted Plans

The Comprehensive Plan (2018) recommends General Commercial (GC) land uses for the site. General Commercial areas provide the city with a wide range of retail goods and services, including certain business and professional offices. The Greater East Towne Area Plan (2022) also recommends GC, as well as a maximum building height of five stories.

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. In order to approve a demolition request under the revised standards, the Plan Commission shall consider the seven approval standards in §28.185(9)(c) M.G.O. when making a determination regarding demolition requests. 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 Planning Division believes that the standards for Demolition Permits can be met, but provides the following comments regarding standard 4, "*That 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 November 14, 2022 meeting, the Landmarks Commission found that the existing building at 4522 East Washington Avenue has no known historic value. Staff believes that all other applicable demolition permit standards of approval can be found met.

Conditional Use Standards

The applicant is requesting approval of a conditional use within the CC-T district for the vehicle access sales and service window. In regards to conditional use approval 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 §28.183(6) M.G.O. are met. Staff advises the Plan Commission that in evaluating the conditional use standards, 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.

Regarding conditional use standard of approval five, it 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.* M.G.O. §28.151 enumerates supplemental regulations for vehicle access sales and service windows. Among the supplemental requirements for vehicle access sales and service windows, plans for onsite circulation and driveway locations are to be reviewed where conditional use approval is required. Site design must accommodate a logical and safe vehicle and pedestrian circulation pattern. Adequate queuing lane space shall be provided without interfering with onsite parking/circulation. Of additional consideration is the grade change from the site to the East Washington Avenue frontage, which requires pedestrian stairs between the buildings and ADA access from the public sidewalk along Columbus Lane. Planning and Traffic Engineering staff believe the vehicle and pedestrian circulation plans as shown are adequate and Planning staff now believe the Commission could find standard of approval 5 to be met.

Also related to plan consistency, conditional use standard nine references the "existing or intended character" in regards to new buildings and aesthetic desirability. Specifically, the standard states, "*When applying the above standards to any new construction of a building or an addition to an existing building the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district….*" This site is located with Urban Design District 5, so UDC is an approving body for this proposal. At its January 11, 2023 meeting, the UDC granted final approval to the proposal, as detailed below. As such, staff believe this standard can be found to be met.

Staff also notes that site is located within the recently adopted Transit Oriented Development zoning overlay district, which requires vehicle access sales and service windows be integrated within or under a building. However, this application is subject to the regulations in place at the time of application, prior to adoption of the TOD ordinance, and therefore the requirements of the TOD overlay district are not applicable.

Urban Design Commission Recommendation

Related to standard 9, this request has received a recommendation of "final approval" from the Urban Design Commission at its January 11, 2023 meeting, with the following conditions:

- Add plantings in the parking lot islands.
- Replace stone mulch with bark mulch with the exception of the island strip adjacent to the angled parking.
- The applicant shall provide retaining wall details and materials which shall match the adjacent wall details (Aspen Dental).
- Update the plant list to:
    - Replace four Callery pears on the east side of the Chapter Building with some other small tree such as Astria, Carpinus, small Crabapple, Redbuds, etc.
    - Replace the Black Eyed Susans species with a true perennial version.

Land Division

The applicant has submitted a certified survey map to create two lots, one for each building. Staff believe that all applicable standards for land divisions can be found met.

Conclusion

Staff believes that the standards of approval for demolition permits and the standards for land divisions can be found to be met. When considering the land use recommendations, layout of proposed redevelopment, design of the vehicle access sales and service window, and the recommendations and findings from the UDC, staff believes the standards of approval for conditional uses can be found met.

At time of writing, Staff is unaware of written comment from the public.

Recommendation

Planning Division Recommendations (Contact Colin Punt 243-0455)

The Planning Division recommends the following to the Plan Commission regarding the applications for 4522 East Washington Avenue. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

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

Land Use Request –Demolition Permit & Conditional Use

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

1. Reduce the amount of stucco or EIFS used on 4510 E Washington Ave. Per Sec. 28.060(2)(g), Table 28D-1, the use of stucco or EIFS is limited to use at the top of the building and as a trim or accent material. It shall not be used within three feet of the ground or used in heavily trafficked pedestrian areas or where high pedestrian traffic is anticipated.

2. Improve the entrance orientation and entrance visibility of 4510 E Washington Ave. All new buildings shall have a functional entrance oriented to an abutting public street. Additional entrances may be oriented to a private street or parking area. Entries shall be clearly visible and identifiable from the street and delineated with elements such as roof overhangs, recessed entries, landscaping, or similar design features.

3. Section 28.185(9) requires that every applicant for a demolition or removal approval that requires approval by the Plan Commission is required to get a Reuse and Recycling Plan approved by the City Recycling Coordinator, Bryan Johnson at streets@cityofmadison.com prior to receiving a raze permit. Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(9) 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.

4. Submit an overall site plan for the planned multi-use site including 2225 Independence Ln.

5. Bicycle parking for the project shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Distribute bicycle parking at each building. For a multi-building development, bicycle parking shall be provided for each building. Provide a minimum of two (2) short-term bicycle parking stalls at 4522 E Washington Ave located in a convenient and visible area on a paved or pervious surface. A minimum amount of bicycle parking equal to 5% of capacity of persons is required for the restaurant at 4510 E Washington Ave. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance. Note: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Provide a detail of the proposed bike rack.

6. 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.

7. Per Sections 28.142(3)(c) and 28.142(4)(e), planting beds or planted areas must contain at least 75% vegetative cover mulched. Mulch shall consist of shredded bark, chipped wood or stone installed at a

minimum depth of two (2) inches. If stone is used, it shall be spread over weed barrier fabric.

8. Submit a detail of the trash enclosure. The trash enclosure shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet.

9. Submit the building floor plans and roof plans for both buildings. The rooftop plans shall show the locations of any proposed rooftop mechanical equipment and screening. All rooftop and ground level mechanical equipment and utilities shall be fully screened from view from any street or residential district per Sections 28.060(2)(f) and 28.142(9)(d). Screens shall be of durable, permanent materials that are compatible with the primary building materials.

10. Identify the spandrel glazed areas on both buildings. Glass on windows and doors shall be clear or slightly tinted, allowing views into and out of the interior. Spandrel glass that mimics the appearance of windows may be used for up to twenty percent (20%) of the required area of the openings. For nonresidential uses at ground floor level, 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.

11. 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.

12. 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 and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

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

13. Based on Yellow Pages records for 4512 E. Washington Ave., this property operated as a dry cleaner from at least 1987 to 2010 and may contain residual contamination. If contamination is encountered during construction, follow all WDNR and DSPS regulations for proper handling and disposal.

14. 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)

15. 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.

16. 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)

17. 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))

18. Obtain a permit to plug each existing storm sewer. This permit application is available on line at http://www.cityofmadison.com/engineering/permits.cfm. (MGO CH 37.05(7))

19. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.

20. 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.

21. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.

22. 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.

23. 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)

24. 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.

25. 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 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.

26. 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 10year 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.

27. 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 Division – Mapping Section (Contact Julius Smith, 264-9276)

28. Provide for review, comprehensive reciprocal easements and agreements including, but not limited to, access, parking, common areas, that are necessary to accomplish the site development as proposed prior to final sign off. The document(s) shall be executed and recorded prior to building permit issuance. The site as currently designed seems to intend to retain an access drive that was expressly recently released in recent CSM to allow more developable area. if the intent of this design is to continue to allow this cross access on to East Washington Ave Service Road, An agreement will need to be recorded.

29. On Sheets C100 and C101, correctly note that the easement running from East Washington Ave Service Road across the parcel to the adjacent Lot 2 of CSM 15382 is not a Private Access/Emergency Access Easement but rather a Non-Exclusive Private Stormwater Drainage Easement per Document 5577142

30. Remove the second call out for No. 17 (Existing Driveway Easement) shown pointing to the southwesterly easement on sheet C200. This is incorrect. This is a Non-Exclusive Private Stormwater Drainage Easement per Document No. 5577142

31. The address of 4522 E Washington Ave will be retired and archived with the demolition of the current building. The addresses of the 2 new proposed buildings are 4510 E Washington Ave and 4518 E Washington Ave. 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.

32. 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.

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

33. 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.

34. 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.

35. 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.

36. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

37. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.

38. 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.

39. 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.

40. 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.

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. 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. 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.

44. Developer shall provide a recorded copy of any joint driveway ingress/egress and crossing easements and shall be noted on face of plan.

45. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.

Fire Department (Contact Bill Sullivan, 886-4691)

46. Provide documentation on fire access requirements.

47. Establish addresses through City Engineering in accordance with Madison General Ordinances.

Forestry Section (Contact Jeff Heinecke, 266-4890)

48. An existing inventory of street trees located within the right of way shall be included on the site, demo, utility, landscape, grading, fire aerial apperatus and street tree plan sets. The inventory shall include the following: location, size (diamater at 4 1/2 feet), and species of existing street trees. The inventory should also note if a street tree is proposed to be removed and the reason for removal.

49. All proposed street tree removals within the right of way shall be reviewed by City Forestry before the Plan Commission meeting. Street tree removals require approval and a tree removal permit issued by City Forestry. Any street tree removals requested after the development plan is approved by the Plan Commission or the Board of Public Works and City Forestry will require a minimum of a 72-hour review period which shall include the notification of the Alderperson within who's district is affected by the street tree removal(s) prior to a tree removal permit being issued. Add as a note on the street tree plan set.

50. Contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. Contractor shall operate equipment in a manner as to not damage the branches of the street tree(s).

This may require using smaller equipment and loading and unloading materials in a designated space away from trees on the construction site. Any damage or injury to existing street trees (either above or below ground) shall be reported immediately to City Forestry at (608) 266-4816. Penalties and remediation shall be required. Add as a note on the site, grading, utility, demolition, and street tree plan set.

51. As defined by the Section 107.13 of City of Madison Standard Specifications for Public Works Construction: No excavation is permitted within 5 feet of the trunk of the street tree or when cutting roots over 3 inches in diameter. If excavation is necessary, the Contractor shall contact Madison City Forestry at (608) 266-4816 prior to excavation. City of Madison Forestry personnel shall assess the impact to the tree and to its root system prior to work commencing. Tree protection specifications can be found on the following website: https://www.cityofmadison.com/business/pw/specs.cfm Add as a note on the site, grading, utility, demolition and street tree plan sets.

52. Section 107.13(g) of City of Madison Standard Specifications for Public Works Construction (website: https://www.cityofmadison.com/business/pw/specs.cfm) addresses soil compaction near street trees and shall be followed by Contractor. The storage of parked vehicles, construction equipment, building materials, refuse, excavated spoils or dumping of poisonous materials on or around trees and roots within five (5) feet of the tree or within the protection zone is prohibited. Add as a note on both the site and street tree plan sets.

53. On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on both the site and street tree plan sets.

54. Street tree pruning shall be coordinated with City Forestry at a minimum of two weeks prior to the start of construction for this project. Contact City Forestry at (608)266-4816. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on both the site and street plan sets.

55. Applicant shall work with City Forestry and Engineering during the right of way design process to address street tree and utility conflicts. Any street tree removals due to utility improvements within the right of way shall be reviewed and approved by the Board of Public Works. Any approval of Privilege in Streets Agreements shall be reviewed by City Forestry for street tree impacts.

Water Utility (Contact Jeff Belshaw, 261-9835)

56. 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.

57. A Water Meter Application Form and fees must be submitted before connecting to the existing water lateral. Provide at least two working days notice between the application submittal and the scheduled lateral connection/extension. 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. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

58. The Madison Water Utility shall be notified to remove the water meter at least two working days prior to demolition. Contact the Water Utility Meter Department at (608) 266-4765 to schedule the meter removal appointment.

Parks Division, Metro Transit has reviewed this request and has recommended no conditions of approval.

Certified Survey Map

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

1. 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)

2. 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) or Brenda Stanley (East) at 608-261-9127 (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)

3. The proposed parcels within this development (and/or adjacent to) are dependent on each other for overland and subsurface storm water drainage. A private Storm Sewer/Drainage Easement/Agreement for all parcels within (and/or adjacent to) this development shall be drafted, executed and recorded prior to building permit issuance.

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

4. Provide for review, comprehensive reciprocal easements and agreements including, but not limited to, access, parking, utilities, common areas, storm management and cross drainage that are necessary to accomplish the land division or site development as proposed prior to final sign off. The document(s) shall be executed and recorded immediately subsequent to the CSM recording and prior to building permit issuance. Provided agreement for the shared lot and storm facilities.

5. Provide for review, comprehensive reciprocal easements and agreements including, but not limited to, access, parking and cross drainage that are necessary to accomplish the land division or site development as proposed prior to final sign off. The document(s) shall be executed and recorded immediately

subsequent to the CSM recording and prior to building permit issuance. Provide agreement for existing drive to the Northwest parcel if is to be maintained and provided thru access to adjacent parcel to East Washington Access Road.

6. Remove the Text " and C.S.M. No. 15382" from both easements called out on sheet 3 as CSM specifically notes that the easements were to be granted by separate instrument.

7. Show Note 3 on sheet 1 about access to the service road on sheet 3 graphicly as it was done on CSM 15382 and also note that is per CSM 5098 document 1976526 as well.

8. 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)

9. 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) for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off.

10. Measured coordinate pairs on this CSM match identically to prior CSM but lead in line location then deviates and section line total does not equal the sub distances. review and revise.

11. Submit to Jule 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.

Office of Real Estate Services (Contact Lance Vest, 245-5794)

12. 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.

13. 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).

14. As of January 13, 2023, the 2022 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

15. As of January 13, 2023, 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.

16. Pursuant to Madison City Ordinance Section 16.23(5)(g)(4), the owner shall furnish an updated title report to ORES via email to Lance Vest (lvest@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 (November 23, 2022) 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.

17. Depict, name, and identify by document number all existing easements cited in record title and the updated title report. In particular, please include a reference to the easement recorded as Doc. No. 1668665.

Fire Department (Contact Bill Sullivan, 886-4691)

18. The existing building shall be vacated and demolished or a fire wall in compliance with the IBC shall be completed prior to recording of the CSM.

Water Utility (Contact Jeff Belshaw, 261-9835)

19. Upon development, a separate water service lateral and water meter will be required to serve each parcel. The water laterals shall be directly connected to the public water main with the shut-off valve located in the public right-of-way (per PSC 185.52 (2)). A water lateral is not required if the parcel remains undeveloped.

The Planning Division, Office of the Zoning Administrator, Traffic Engineering Division, Parks Division, Forestry Section, City Assessor, and Metro Transit have reviewed this request and have recommended no conditions of approval.