



# PLANNING DIVISION STAFF REPORT

January 23, 2023

PREPARED FOR THE PLAN COMMISSION

**Project Address:** 6604 Odana Road (District 19 – Alder Furman)  
**Application Type:** Zoning Map Amendment, Demolition Permit, and Conditional Use  
**Legistar File ID #** [74624](#), [74259](#) and [74260](#)  
**Prepared By:** Chris Wells, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

## Summary

**Applicant:** Randy Christianson; Walter Wayne Development, LLC; 702 N High Point Road, Suite 200; Madison, WI 53717  
**Contact:** Marc Ott; JLA Architects; 800 W Broadway, Suite 200; Madison, WI 53713  
**Property Owner:** Market Square Associate, LLC; 1741 Commercial Avenue; Madison, WI 53704

### Requested Actions:

- ID [74624](#) – Creating Section 28.022-00600 of the Madison General Ordinances to change the zoning of property located at 6604 Odana Road, 19th Alder District, from CC (Commercial Center) District to CC-T (Commercial Center-Transitional) District.
- ID [74259](#) – Consideration of a demolition permit to demolish a theater at 6604 Odana Road.
- ID [74260](#) – Consideration of a conditional use in the [Proposed] Commercial Corridor-Transitional (CC-T) District for a mixed-use building containing greater than 60 dwelling units, consideration of a conditional use in the CC-T District for a building exceeding five stories and 78 feet in height, and consideration of a conditional use for a major amendment to a planned multi-use site with 40,000 square feet or more of floor area of which 25,000 square feet or more is designed as retail, a hotel or motel;

All to allow the construction of a six-story mixed-use building containing approximately 2,200 square feet of commercial space and 87 apartments at 6604 Odana Road.

**Proposal Summary:** The applicant proposes to rezone the 6604 Odana Road parcel from the from CC (Commercial Center) District to CC-T (Commercial Center-Transitional) District and then demolish the existing theater building in order to construct six-story, mixed-use building with approximately 2,200 square-feet of commercial space and 87 apartments at 6604 Odana Road.

**Applicable Regulations & Standards:** This proposal is subject to the standards for zoning map amendments [MGO §28.182(6)] and 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 under *Dwelling Units in Mixed-Use Buildings*, more than 60 dwelling units in the CC-T District requires conditional use approval. Section 28.067(3)(d) states building heights exceeding the maximum (i.e. 5 stories / 78 feet) may be allowed with conditional use approval. Lastly, Section 28.137(2)(e) states that a planned multi-use site containing more than forty thousand (40,000) square feet of floor area and where twenty-five thousand (25,000) square feet of floor area is designed or intended for retail use or for hotel or motel use, shall require conditional use approval following a recommendation on the design of any specific proposal by the Urban Design Commission.

**Review Required By:** Urban Design Commission; Plan Commission (all); and Common Council (Zoning Map Amendment).

**Summary Recommendation:** The Planning Division recommends the following:

- That the Plan Commission find that the standards for demolition permits are met to **approve** demolition of the commercial building located at 6604 Odana Road.
- That the Plan Commission forward Zoning Map Amendment ID 28.022-00600, rezoning 6604 Odana Road from CC (Commercial Center) District to CC-T (Commercial Center-Transitional) District, to the Common Council with a recommendation of **approval**.
- That if the Plan Commission can find that standards for conditional uses are met, the Planning Division recommends it **approve** three requests – 1) for a mixed-use building containing greater than 60 dwelling units; 2) for a building in the CC-T District exceeding five stories and 78 feet in height; and 3) for a major amendment to a planned multi-use site with 40,000 square feet or more of floor area of which 25,000 square feet or more is designed as retail, a hotel or motel – in order to allow the construction of a six-story mixed-use building containing approximately 2,200 square feet of commercial space and 87 apartments at 6604 Odana Road.

All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

## Background Information

**Parcel Location:** The 54,913-square-foot (1.26-acre) site proposed is located on the west side of S Yellowstone Drive, in between Odana Road and Normandy Lane. It is located within the Market Square Shopping Center. 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 developed with a roughly 20,400-square-foot former movie theater building. According to City Assessor’s Office records, it was constructed in 1989. Photos provided by the applicant of the existing structures are available [here](#) under Legislative file [74259](#). The building is located in the center of the site and is entirely surrounded by drive aisles as the site shares cross access with the sites to its west and northeast. Save for some small patches of grass around the building and a tapering strip of lawn located along the S Yellowstone sidewalk, the site is entirely paved. The site is zoned CC (Commercial Center) District.

### Surrounding Land Use and Zoning:

- North: A three-story, mixed-use building with 57 affordable senior apartments and approximately 2,300 square feet of commercial space. The site is zoned CC (Commercial Center) District;
- West and South: The Market Square Shopping Center – roughly 95,500 square-feet of multi-tenant retail space in two buildings. It is zoned CC; and
- East: Across S Yellowstone Drive are two commercial buildings – one with a hair salon and another with a Firestone Tire. Both are zoned CC.

**Adopted Land Use Plan:** The 2018 [Comprehensive Plan](#) recommends the subject site and the rest of the block as well as the block to the east across S Yellowstone Drive for Community Mixed-Use (CMU). The Plan describes CMU as 2-6 stories (subject to adopted detailed plans for the area), 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. While the [Odana Area Plan](#) (2021) also recommends the subject site for Community Mixed-Use (CMU) uses, regarding building height, it recommends a maximum of five floors. Further detail is included in the body of this report.

**Zoning Summary:** The project will be developed in the CC-T (Commercial Corridor - Transitional) District.

Requirements	Required	Proposed
Front Yard Setback	0' or 5'	Adequate
Max. Front Yard Setback	None 28.067(3)(a)	Adequate
Side Yard Setback: Where proposed buildings or abutting buildings have window openings in side walls within 6' of lot line	One-story: 5' Two-story or higher: 6'	Adequate
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
Usable Open Space	40 sq. ft./d.u. (3,480 sq. ft.)	16,560 sq. ft.
Maximum Lot Coverage	85%	TBD <i>(See Comment #42)</i>
Maximum Building Height	5 stories/ 78'	6 stories
Front Yard Setback	0' or 5'	Adequate
Max. Front Yard Setback	None 28.067(3)(a)	Adequate

28.067(3)(a) Front Yard Setback. When more than one principal building is developed on a zoning lot, additional buildings shall be exempt from the front yard setback requirement if approved and constructed concurrently with or after a building or buildings that comply with the front yard setback requirements below and occupy 30% of each street frontage on the zoning lot.

Requirements	Required	Proposed
Number Parking Stalls	No minimum required 10% EVR (9) 2% EV (2)	88 garage 9 EVR 2 EV
Accessible Stalls	Yes	Yes
Loading	Not required	None
Number Bike Parking Stalls	Multi-family dwelling: 1 per unit up to 2-bedrooms, ½ space per add'l bedroom (87) 1 guest space per 10 units (9) General retail; service business; office: 1 per 2,000 sq. ft. floor area (2 minimum) (98 total)	96 garage 8 surface (104 total) <i>(See Comments #43 &amp; #44)</i>
Landscaping and Screening	Yes	Yes <i>(See Comments #45 &amp; #46)</i>
Lighting	Yes	Yes
Building Forms	Yes	Flex building <i>(See Comments #47, #48 &amp; #49)</i>
<b>Other Critical Zoning Items:</b>	Yes: Urban Design (Planned Multi-Use Site); Barrier Free (ILHR 69); Utility Easements	
	No: Historic District; Floodplain; Adjacent to Park; Wellhead Protection; Landmarks, Waterfront Development	

*Tables Prepared Jenny Kirchgatter, 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 a zoning map amendment, demolition permit, and conditional uses in order to construct a six-story, mixed-use building with approximately 2,200 square-feet of commercial space and 87 apartments at 6604 Odana Road.

The building proposed for demolition is a roughly 20,400-square-foot, former movie theater. According to City Assessor's Office records, it was constructed in 1989. Photos provided by the applicant of the existing structures are available [here](#) under Legislative file [74259](#). The building is located in the center of the site and is entirely surrounded by drive aisles as the site shares cross access with the sites to its west and northeast. Save for some small patches of grass around the building and a tapering strip of lawn located along the S Yellowstone sidewalk, the site is entirely paved.

Once demolished, the applicant proposes to construct a six-story, roughly 93,500-square-foot building. Structured parking will occupy the entire lower level and the majority of the ground floor, save for 2,200 square-feet of commercial space located at the east end of the building and residential lobby along the north. The two floors of structured parking will be accessed via separate entrances – the ground-floor tray, which includes 31 parking stalls will be accessed via the garage door located at the north corner of the building while the lower level's 57 auto stalls will be accessed via the garage door located along the building's southwest façade.

Residential units will occupy the entirety of the upper five floors. A total of 87 units are proposed, consisting of 40 efficiency, 36 one-bedroom, and 11 two-bedroom units. On the second floor are two amenity rooms – a game room and a fitness room – which will overlook a large communal roof terrace located along the building's northern side. Submitted plans show that all of the units will have individual balconies or rooftop terraces.

In addition to the two levels of structured automobile parking mentioned earlier, there are 21 surface stalls - nine near the building's northwest façade and 12 to the northwest, across the drive aisle from the proposed building. As for bicycle parking, 97 long-term bicycle parking stalls are located on the building's two lower levels and eight short-term stalls are located near the building's western corner.

In terms of the building's palette of colors and materials, the building's cladding is composed of a beige masonry brick and three shades of composite paneling – a medium grey, light grey and a light beige.

## Analysis

This request is subject to the approval standards for Zoning Map Amendments, Demolition Permits, and Conditional Uses.

### Consistency with Adopted Plans

The 2018 [Comprehensive Plan](#) recommends the subject site and the rest of the block as well as the block to the east across S Yellowstone Drive for Community Mixed-Use (CMU). The Plan describes CMU as 2-6 stories (subject to adopted detailed plans for the area), 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. Regarding building placement, the Plan states, "Buildings should screen any surface parking from the street. CMU areas should be well connected with surrounding neighborhoods and have buildings placed close to the sidewalk."

While the [Odana Area Plan](#) (2021) also recommends the subject site for Community Mixed-Use (CMU) uses, regarding building height, it recommends a maximum of five floors. That said, for buildings over five floors, it recommends the sixth floor step back a minimum of 15 feet along rights-of-way that are under 110' wide. (Staff note that the S Yellowstone Drive right-of-way is roughly 66 feet). Regarding site layout and building orientation, it recommends that new buildings should be "oriented on sites to maximize pedestrian, transit, and bicyclist use while shielding parking from the public realm" and whenever possible, parking "should be placed under buildings (below grade), in parking structures, or behind buildings. Parking should be shielded from streets, and should not be placed between a building and the street."

### **Zoning Map Amendment Standards**

In order to approve the zoning map amendment, the Common Council shall find that the zoning map amendment is *consistent with* the City's [Comprehensive Plan](#) as required by Chapter 66.1001(3) of Wisconsin Statutes. "Consistent with" is defined as "furthers or does not contradict the objectives, goals and policies contained in the comprehensive plan." On balance, staff believe the establishment of the CC-T (Commercial Corridor-Transition District) zoning is generally consistent with the intent of areas planned for Community Mixed-Use development. As noted below, considerations related to specific development consideration are more directly related to the conditional use aspects of this request, which are discussed below.

### **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 structure was considered but it was determined to be impractical due to the size and location of the structure.

In regards to Standard 6 related to the condition of the building 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 structure and notes that the renovation costs of the structure are prohibitive due to the sloped floors and lack of internal windows. The applicant states that they did try to lease the building to another theater provider but those efforts were unsuccessful.

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 November 14, 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 building at 6604 has 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].”*

While staff believe most conditional use standards can be found met, staff recommends that careful consideration be given to Conditional Use Standards 4, 9, and 12 as they relate to the aforementioned inconsistencies with the Comprehensive Plan and Odana Area Plan regarding building placement and building height.

Conditional Use Standard 4 states:

*“The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.”*

This standard addresses the impact that a proposed conditional use could have on the development pattern planned for a particular area as well as the impact the proposed use could have on existing uses to continue in much the same fashion as the area has functioned historically, and would be informed not only by the specific aspects of the proposal but also the recommendations contained in an adopted neighborhood development or special area plan.

Standard 9 states, in part:

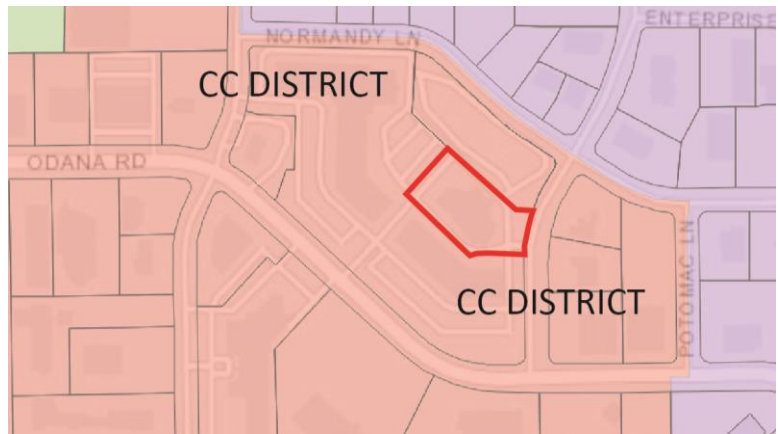
*“When applying the above standards to any new construction of a building or an addition to an existing building the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district.”*

In considering this standard, Staff notes that both referenced Plans recommend buildings be placed close to the sidewalk, the applicant notes that there are a number of existing cross-access easements that run along and across the site which must be maintained (these are shown on the Existing Conditions Plan, Sheet C1.0 in the submitted materials.) Indeed one such cross-access agreement, 30 feet in width, runs in between the existing building and the S Yellowstone Drive public sidewalk. The applicant notes that while they attempted to renegotiate and modify these easements with the current stakeholders, they were ultimately unsuccessful and the plans reflect the underlying easements. Staff note that the project received a favorable recommendation from the Urban Design Commission, as noted below. As a result, the proposed building has been located roughly 70 feet back from the S Yellowstone Drive right-of-way. That said, Staff note that 1) the applicant has located the building as close to this frontage as possible given the cross-access agreement noted above while still allowing adequate space for the sidewalk which wraps around the proposed building. Further staff note that since the initial submittal, the applicant has made a number of changes to the site plan including removing roughly 10 surface parking stalls which were originally proposed on the east side of the drive aisle which separates the proposed building from S Yellowstone Drive. The UDC found that that Standard 9 had been met and that the proposal “is compatible with the intended use of the neighborhood and its context.”

Conditional Use Standard 12 states:

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

Regarding building height, while the proposal is consistent with the Comprehensive Plan’s recommendation of Community Mixed-Use development which includes buildings 2-6 stories tall, it exceeds the Odana Area Plan’s height recommendation of five stories. Staff do note that, with the recently approved Transit-Oriented Development (“TOD”) Overlay District, one of the ordinance adjustments made for properties in the CC District located within the Overlay area is the increase in permitted building height from five stories/78 feet to six stories/90 feet. While CC-T-zoned parcels are still recommended in the TOD overlay for 5 stories/78 feet, since CC-zoned properties completely surround the subject parcel (see Image 1 above), staff notes that six story buildings could be allowed, by-right on the surrounding CC-zoned properties.



**Image 1: The Zoning Map showing the CC-zoned parcels surrounding the subject site (which is highlighted in red)**

Regarding the 15-foot setback recommended by the Odana Area Plan for the sixth floor, Staff note that this recommendation pertains to the front street setback. With the building pulled roughly 70 feet back, as noted above, staff notes that the upper level of the building is further away from the street frontage than recommended in that plan.

Additionally, staff note that the applicant did provide shadow studies (please see Sheets A300 and A301 in the submitted materials.). These show that the only time significant shadows are cast on the neighboring buildings is in the late afternoons during the winter when shadows will cover roughly half of the south-facing façade of the Normandy Square residential building to the north. Finally, Staff again note the UDC’s favorable recommendation and the fact that they specifically found this standard met.

### Urban Design Commission Review

As the proposed building is located within a Planned Multi-Use Site, the UDC is an **advisory** body on this request. Section 28.137(2)(e) states that: “A planned multi-use site containing more than forty thousand (40,000) square feet of floor area and where twenty-five thousand (25,000) square feet of floor area is designed or intended for retail use or for hotel or motel use, shall require conditional use approval following a recommendation on the design of any specific proposal by the Urban Design Commission.”

At their meeting on January 11, 2023, the Urban Design Commission made an **ADVISORY RECOMMENDATION to the Plan Commission to approve**. (A copy of the report of the UDC has been included at the end of this staff report). The motion, which passed on a vote of (4-1), stated that, “The UDC finds that conditional use standards 9 and 12 are met, the proposal is compatible with the intended use of the neighborhood and its context, and does not find that it has a negative impact on the surrounding properties.”

The motion passed with the following conditions:

- Revisit the grey metal panel that comes down into the brick on the south elevation; needs revision.
- Update the planting plan to show plantings in a more random pattern versus in large drifts of singular plants.
- Provide a pedestrian connection from the building to Yellowstone Drive with a crosswalk through the drive aisle.
- On the northwest and southwest frontages, incorporate a streetscape design including columnar trees.

### Public Input

At the time of report writing, staff have received numerous comments from residents of the Normandy Square senior apartment building located to the north of the subject site. Concerns such as the proposed six-story building height and compatibility with the surroundings, the proximity to the proposed building to theirs, and impacts during construction (noise, dust, infringement into the adjacent drive aisles, etc.) have been raised. All comments received have been added to the project’s [Legistar File](#) for the conditional use requests. Lastly, a virtual neighborhood meeting regarding this proposal was held by Alder Furman on July 26, 2022.

## Conclusion

The applicant proposes to demolish the existing former theater building to construct a six-story, mixed-use building with approximately 2,200 square-feet of commercial space and 87 apartments. The related requests are subject to the approval standards for zoning map amendments, demolition permits, and conditional uses. As discussed in this report, staff believes careful consideration should be given in regards to plan consistency and Conditional Use Standards 4, 9 and 12. Staff note that as an advisory body, the City’s Urban Design Commission recommended final approval, subject to the noted comments.



## Recommendation

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

The Planning Division recommends the following:

- That the Plan Commission find that the standards for demolition permits are met to **approve** demolition of the commercial building located at 6604 Odana Road.
- That the Plan Commission forward Zoning Map Amendment ID 28.022–00600, rezoning 6604 Odana Road from CC (Commercial Center) District to CC-T (Commercial Center-Transitional) District, to the Common Council with a recommendation of **approval**.
- That if the Plan Commission can find that standards for conditional uses are met, the Planning Division recommends it **approve** three requests – 1) for a mixed-use building containing greater than 60 dwelling units; 2) for a building in the CC-T District exceeding five stories and 78 feet in height; and 3) for a major amendment to a planned multi-use site with 40,000 square feet or more of floor area of which 25,000 square feet or more is designed as retail, a hotel or motel – in order to allow the construction of a six-story mixed-use building containing approximately 2,200 square feet of commercial space and 87 apartments at 6604 Odana Road.

All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

### **Recommended Conditions of Approval** Major/Non-Standard Conditions are Shaded

#### Urban Design Commission (Contact Jessica Vaughn, (608) 267-8740)

The Urban Design Commission granted **final approval** of the project on January 11, 2022 subject to the following condition(s):

1. Revisit the grey metal panel that comes down into the brick on the south elevation; needs revision.
2. Update the planting plan to show plantings in a more random pattern versus in large drifts of singular plants.
3. Provide a pedestrian connection from the building to Yellowstone Drive with a crosswalk through the drive aisle.
4. On the northwest and southwest frontages, incorporate a streetscape design including columnar trees.

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

5. Applicant shall provide projected wastewater flow calculations for the proposed development. Offsite sanitary sewer improvements may be required to be done by the developer as a condition for development. Applicant shall submit projected wastewater calculations to Mark Moder, (608)261-9250, [mmoder@cityofmadison.com](mailto:mmoder@cityofmadison.com)

6. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4))
7. Obtain a permanent sewer plug permit for each existing sanitary sewer lateral serving a property that is not to be reused and a temporary sewer plug permit for each sewer lateral that is to be reused by the development. The procedures and fee schedule is available online at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
8. 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))
9. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
10. 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.
11. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
12. This site appears to disturb less than one (1) acre of land. No submittal to the WDNR, CARPC or Department of Safety and Professional Services (DSPS) is required as the City of Madison Building Inspection Department is an approved agent for DSPS.
13. 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)
14. Revise the plans to identify the location of the public storm sewer (proposed or existing) that will serve the development show the connection of the private internal drainage system to the public storm sewer. (POLICY AND MGO OVER 10,000 SF OF IMPERVIOUS AREA 10.29 and 37.05(7)(b))
15. 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 at a minimum of one (1) foot of rise from the adjacent back of walk in the driveway 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.
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.

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).
20. 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 Jeffrey Quamme, (608) 266-4097)

21. The common accesses between this and adjoining sites are in conformance with the access rights set forth in Document No. 4364994. The applicant / owner may wish to amend the agreement to clarify that this site (Lot 3 of Certified Survey Map No 12279 is responsible for the bio-retention system to be constructed as part of this development.
22. There is a 10' wide Private Water Lateral Easement on the east side of this site that appears to be within or near the building to be constructed and under the proposed bio retention basin. Applicant shall confirm the existence and location of any water lateral and amend or release the easement as necessary.
23. The base address of the apartments is 512 S Yellowstone Dr. The address of the proposed retail is 516 S Yellowstone Dr. The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.
24. Submit a 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)

25. 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.
26. 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.
27. 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.
28. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
29. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
30. 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.
31. 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.
32. 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.
33. 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.
34. 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.

35. "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.
36. 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)
37. Developer shall provide a recorded copy of any joint driveway ingress/egress and crossing easements and shall be noted on face of plan.

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

38. 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](mailto: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's approval.
39. Submit an overall site plan showing the entire planned multi-use site including 6650 Odana Road and 6509 Normandy Lane.
40. This project is part of a planned multi-use site. Per Section 28.137(2)(a), a planned multi-use site shall have a plan and reciprocal land use agreement approved by the Traffic Engineer, City Engineer and Director of Planning and Community and Economic Development recorded in the office of the Dane County Register of Deeds.
41. On the site plan, show the building setback distances measured to the property lines.
42. Provide a calculation and plan detail for lot coverage with the final submittal. The lot coverage maximum is 85%. Lot coverage is defined as the total area of all buildings, measured at grade, all accessory structures including patios, etc., and all paved areas as a percentage of the total area of the lot, with the following exceptions: sidewalks or paved paths no wider than five (5) feet, pervious pavement, green roofs and decks. If the existing site currently exceeds 85% maximum lot coverage, proposed site improvements may not further increase lot coverage above the maximum.
43. Bicycle parking for the commercial tenant space shall comply with the requirements of MGO Sections 28.141(4)(g) and 28.141(11) and will be reviewed prior to obtaining zoning approval for the use. Provide a minimum of two (2) short-term bicycle parking stalls located in a convenient and visible area on a paved or pervious surface. 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.
44. Bicycle parking for the residential dwelling units shall comply with the requirements of MGO Sections 28.141(4)(g) and 28.141(11) and shall be designated as short-term or long-term bicycle parking. A minimum of 87 resident bicycle stalls are required plus a minimum of 9 short-term guest stalls. Up to twenty-five percent (25%) of bicycle parking may be structured parking, vertical parking or wall mount parking, provided there is a five (5) foot access aisle for wall mount parking. NOTE: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Submit a detail showing the model of bike rack to be installed.

45. 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.
46. Provide adequate development frontage landscaping per Section 28.142(5) Development Frontage Landscaping. One (1) overstory deciduous tree and five (5) shrubs shall be planted for each thirty (30) lineal feet of lot frontage. Two (2) ornamental trees or two (2) evergreen trees may be used in place of one (1) overstory deciduous tree. Existing trees and plantings located between the parking lot and public sidewalk may count toward the required amount of frontage landscaping.
47. Show the entrance/s for the commercial tenant space on the first floor plan and elevations. 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. Barrier-free entrances are encouraged.
48. Provide details showing that the primary street façade meets the door and window opening requirements of Section 28.060(2)(d). 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. For residential uses at ground level, a minimum of fifteen percent (15%) of the ground level of residential facades or side and rear facades not fronting a public street shall consist of windows and door openings. On upper stories, window or balcony openings shall occupy a minimum of fifteen percent (15%) of the upper-story wall area.
49. Provide a detail of the specific bird-safe glass treatment product that will be used.
50. 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.
51. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

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

52. Provide fire access lanes in accordance with MGO 34 and the IFC 2021 edition.
53. MFD recommends improving access to the stairs from the lobby in order to facilitate healthier living and quicker emergency response by emergency services.
54. Consider exiting from the proposed roof terraces and security. Required means of egress are not permitted to be locked.

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

55. 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# 22047 when contacting Parks about this project.

**Forestry** (Contact Brandon Sly, (608) 266-4816)

56. An existing inventory of street trees located within the right of way shall be included on the site, demo, utility, landscape, grading, fire aerial apparatus and street tree plan sets. The inventory shall include the following: location, size (diameter 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.
57. 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.
58. 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.
59. 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.
60. 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.
61. 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.



- 62. 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.
- 63. 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, (608) 261-9835)

- 64. 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.

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

- 65. To facilitate City transit planning efforts, the applicant shall identify the accessible pedestrian connection between the building entrance(s) and the existing public sidewalk along the nearest point of the Odana Road and Yellowstone Drive public rights-of-way.
- 66. The applicant shall include the location of these facilities on the final documents filed with their permit application, so that Metro Transit may review and effectively plan for City transit access to this property.



**Agenda Item #:** 5

**Project Title:** 6604 Odana Road - Planned Multi-Use Site. 19th Ald. Dist.

**Legistar File ID #:** 74229

**Members Present:** Cliff Goodhart, Chair; Shane Bernau, Russell Knudson, Jessica Klehr, Rafeeq Asad\*, Christian Harper and Juliana Bennett.

**Prepared By:** Jessica Vaughn, AICP, UDC Secretary

\*Asad recused himself on this item

## Summary

At its meeting of January 11, 2023, the Urban Design Commission made an **ADVISORY RECOMMENDATION to the Plan Commission to approve** a Planned Multi-Use Site located at 6604 Odana Road. Registered and speaking in support were Randy Christianson, Bruce Bosben, Rosheen Styczinski, John Kastner, and Marc Ott. Registered and speaking in opposition were Clare Boulanger and Colleen Robinson. Troy Jacobi spoke as a non-registered member of the development team.

Updates to the project include bumping out of the front entrance by ten-feet and adding greenspace to the entrance. Cross access easements have defined the developable area of this property. The parking on Yellowstone Drive has been removed and the drive aisle between the two buildings has been narrowed. The materials, windows and architecture have been simplified, the base at the ground floor has been activated and now indicates the retail use with larger windows and a canopy. The balconies are now tucked around the corners so the street façade reads more cleanly and illustrates the uses inside. Outdoor patio amenity space is located directly above the entry space, as well on the building rooftop. Pedestrian access, landscape and window openings related to human scale help treat non-street facades as street facades. Building corners are accentuated with balconies and roof overhangs. The new design meets the Odana Area Plan as recommended for up to six-stories, and this architecture meets the intended character and heights. Shadow studies were updated to show more times of day, showing how the shadows move through the site.

Colleen Robinson spoke in opposition. There is not a compelling case to warrant the extra floor, it is not a meaningful addition to the design and in fact shows a larger contrast from the neighboring structures. This is a tremendous opportunity to be the first developer here, and doesn't need to equate to pushing the limits of what can happen on this very small site. She is still concerned by the shadow studies, there will be more impact than what is depicted. Winter is the most significant time to have that loss of light and warmth. The social outdoor spaces are on the north facing side of the building, right up against the Normandy and will bring noise; consider switching those so the outdoor space has sun and a view and is more neighborly with regard to noise. There is also limited space for snow in this parking lot as it is.

Clare Boulanger spoke in opposition, noting issues of adjacency to the Normandy Square apartments. She had hoped for a scaled down building. How will people access their garage? Normandy parking can only exit onto Normandy Lane; do you imagine there will be a lot of people using that Normandy Lane access to the Market Square parking lot?

The Commission discussed the following:

- The staff report asks us to look specifically at Conditional Use Standards 9 and 12.
- I appreciate the simplification and streamlining done to the design, and suggest revisiting the gray panel where it cuts into the brick as it stands out as somewhat odd.

- The garage door heights seem very low.
  - Its seven-feet, going downhill to get into the parking, and on the other side of the building it's the opposite condition, going uphill.
- The front elevation, you had an entrance that came right off the parking lot. Now there's a ramp going up to the door and to the front entrance. That's a pretty big change as far as the welcoming nature of an entrance, to have that ramp crossing such a large percentage of that façade. What changed here?
  - It was not proper coordination between the 3D rendering and the civil plans.
  - We could do some sloping in there, it's under 5% slope.
  - That would be gone, it's here in error.
- I commend you on the changes you made to some of the plantings around the building in terms of plant variety and appropriateness, vis a vis sunlight exposure. This will look much better in the long run. Nice addition to have the rain garden area, make sure when it is planted that the specified plants are planted in a somewhat naturalistic way rather than large blocks of individual species.
- Regarding connectivity concerns with Yellowstone, if you were to somehow connect between the perimeter sidewalk out to Yellowstone where do you see that running, through the greenspace or between the trees? I'm trying to envision the best solution for that connection.
  - It would probably come off the northeast corner of the building coming across.
- Seems like there should be something there rather than making people walk down the driveways.
- My greatest disagreement with the design was the vehicular space that wrapped around it. Within the constraints you have, you've made some clear improvements. It has moved in the right direction. I would very much agree that it's necessary to have some sort of pedestrian connection out to the street, with a crosswalk through the drive aisle. It would seem appropriate on the northwest and southwest frontages of the internal driveways to have a streetscape with street trees in that terrace. If you could get a handful of columnar narrow trees along that, it would help establish more of a streetscape and less of a building plunked into a parking lot, as well as bring down the scale of the building.
- The Yellowstone Drive side parking stall that bumps out, what is that?
  - That's off our property, we don't control those stalls.
- Appreciate seeing a lot of the changes. There are a number of existing trees in the back of the theater slated for removal for this project. Do you know the health of those existing trees, any exploration to maintain those?
  - We did not do a tree survey. There is a possibility for the northern-most and southeastern trees to be saved. The others are in locations that would necessitate removal.

## Action

On a motion by Bernau, seconded by Klehr, the Urban Design Commission made an **ADVISORY RECOMMENDATION to the Plan Commission to approve**. The motion was passed on a vote of (4-1) with Bernau, Klehr, Harper and Bennett voting yes; Knudson voting no; Asad recused and Goodhart non-voting. The UDC finds that conditional use standards 9 and 12 are met, the proposal is compatible with the intended use of the neighborhood and its context, and does not find that it has a negative impact on the surrounding properties.

The motion passed with the following conditions:

- Revisit the grey metal panel that comes down into the brick on the south elevation; needs revision.
- Update the planting plan to show plantings in a more random pattern versus in large drifts of singular plants.
- Provide a pedestrian connection from the building to Yellowstone Drive with a crosswalk through the drive aisle.
- On the northwest and southwest frontages, incorporate a streetscape design including columnar trees.