PLANNING DIVISION STAFF REPORT

January 22, 2024

PREPARED FOR THE PLAN COMMISSION

Project Address: **1-15 Ellis Potter Court & 6110 Schroeder Road** (District 19 – Currently Vacant)

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

Legistar File ID # 81077, 81078, and 81085

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

Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Scott Kwiecinski; Horizon Development Group, Inc.; 5201 East Terrace Drive, Suite 300; Madison, WI 53718

Contact: Kevin Burow; Knothe & Bruce Architects; 8401 Greenway Boulevard, Suite 900; Middleton, WI 53562

Property Owner: Bin Ran, BR 15 Real Estate, LLC; 15 Ellis Potter Court, Madison, WI 53711

Requested Actions: There are four requests before the Plan Commission:

- ID 81077 – Consideration of a demolition permit to demolish a commercial building at 15 Ellis Potter Court;
- ID 81078 – Consideration of a conditional use in the Suburban Employment (SE) District for a multi-family dwelling; and consideration of a conditional use in the SE District for dwelling units in a mixed-use building, all to allow construction of a three-story, 54-unit apartment building; two-story, 11-unit townhouse building; and accessory garage; and
- ID 81085 – Consideration of a Certified Survey Map of property owned by BR15 Real Estate, LLC located at 6110 Schroeder Road and 1-15 Ellis Potter Court.

Proposal Summary: The applicant is requesting approvals to allow the demolition of a commercial building followed by the construction of a three-story, 54-unit apartment building; two-story, 11-unit townhouse building; and accessory garage. The applicant proposes to commence demolition of the existing structure and begin construction of the development in the fall of 2024, with completion anticipated roughly a year later. Note, the applicant will be applying for tax credits from the Wisconsin Housing and Economic Development Authority (WHEDA) to provide and affordable units and the project has been conditionally awarded City Affordable Housing funds by the Common Council, subject to receiving necessary land use approvals.

Applicable Regulations & Standards: This proposal is subject to the standards for Demolitions [MGO Section 28.185(7)]. It is also subject to the standards for Conditional Uses [MGO §28.183(6)] as Table 28F-1 in MGO Section 28.082(1) notes that both *Multi-Family Dwellings* and *Dwelling Units in a Mixed-Use Building* are conditional uses in the Suburban Employment (SE) District. The Supplemental Regulations [MGO §28.151] contain further regulations for both uses. The property is located in Urban Design District #2. MGO Section 33.24 MGO provides the Urban Design review process and standards for UDD #2. Lastly, MGO Section 16.23(5)(g) provides the process and standards of approval for certified survey maps.

Review Required By: Urban Design Commission, Plan Commission, and Common Council (CSM only).

Summary Recommendation:

- That the Planning Division recommends that the Plan Commission find the demolition standards of approval met and **approve** the demolition of the commercial building 15 Ellis Potter Court;
- The Planning Division recommends that the Plan Commission find the conditional use standards of approval met and **approve** the request in the Suburban Employment (SE) District for a multi-family dwelling as well as for dwelling units in a mixed-use building - all to allow construction of a three-story, 54-unit apartment building; two-story, 11-unit townhouse building; and accessory garage; and
- Finally, should the other aspects of the proposal be approved, the Planning Division believes the technical standards for land divisions can be found met and recommends the Plan Commission should forward the Certified Survey Map combining 6110 Schroeder Road (1 Ellis Potter Court) and 15 Ellis Potter Court to the Common Council with a recommendation of **approval**.

Approval of the project should be subject to input at the public hearing, and the recommended conditions beginning on **page 10** of this report for the land use requests, and on **page 18** for the CSM.

Background Information

Parcel Location: The development site is 85,437 square-feet (1.96 acres) in area and is located to the northeast of the intersection of Schroeder Road and Ellis Potter Court with frontage along both streets. It is located within Alder District 19 (currently vacant), Urban Design District #2, and the Madison Metropolitan School District.

Existing Conditions and Land Use:

- Located at the corner, 6110 Schroeder Road (1 Ellis Potter Court) is roughly 36,730 square-feet in size and undeveloped.
- Located further back along Ellis Potter Court, 15 Ellis Potter Court is roughly 48,625 square-feet in size and developed with a two-story, roughly 15,820-square-foot commercial building containing office space and a church. According to City Assessor's Office records it was constructed in 1980.

Both parcels are zoned Suburban Employment (SE).

Surrounding Land Uses and Zoning:

North: A self-storage business, zoned Suburban Employment (SE) District);

South: Across Schroeder Road are two-unit residences, zoned Suburban Residential - Consistent 3 (SR-C3) District);

East: A United States Geological Services (USGS) Wildlife Health Center, zoned SE, and a single-family residence zoned Agriculture Transition – 5 Acres (AT-5) (Town of Middleton); and

West: Across Ellis Potter Court is a Kwik Trip service station with convenience store and a two-story office building, both zoned SE.

Adopted Land Use Plan: The 2018 Comprehensive Plan recommends Employment (E) uses for the subject property while the Southwest Neighborhood Plan (2008) does not include specific land use recommendations for said property.

Zoning Summary: The site is in the Suburban Employment (SE) District

Requirements	Required	Proposed
Lot Area (sq. ft.)	20,000 sq. ft.	85,437 sq. ft.
Lot Area: For exclusive residential use	2,000 sq. ft. /unit (22,000 sq. ft.)	85,437 sq. ft.
Lot Width	65’	161.52’
Front Yard Setback	0’ or 5’	10.58’
Max. Front Yard Setback	25’ 28.085(3)(a)	10.58’
Side Yard Setback	15’ or 20% of building height (10’ Building 1)	17.95’ east side Building 1 10.81’ west side Building 1
Side Yard Setback: For exclusive residential use	15 or 20% of building height (6’6” Building 2)	24.46’ east side Building 2 Adequate west side Building 2
Rear Yard Setback	30’	Adequate
Rear Yard Setback: Accessory building	3’	14.73’
Usable Open Space	400 sq. ft./d.u. (26,000 sq. ft.)	26,578 sq. ft.
Maximum Lot Coverage	75%	63%
Minimum Building Height	22’ measured to building cornice	Building 1: 3 stories/50’0” Building 2: 2 stories/32’6”
Maximum Building Height	5 stories/68’ Residential uses: 4 stories/ 55’	Building 1: 3 stories/50’0” Building 2: 2 stories/32’6”

28.085(3)(a) Front Yard Setback. For buildings at corner locations, within thirty (30) feet of the corner, at least seventy percent (70%) of the building facade shall be located within twenty-five (25) feet of the front lot line. Parking shall not be placed between the building and the street in this area.

Site Design	Required	Proposed
Number Parking Stalls	No minimum required	54 underground garage 10 detached garage 38 surface stalls (102 total)
Electric Vehicle Stalls	EV: 2 EVR: 10	1 EV 6 EVR (*See Comments #40)*
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 (70) 1 guest space per 10 units (6) Office: 1 per 2,000 sq. ft. floor area (2 minimum) (78 total)	54 underground garage 10 detached garage 10 surface (74 total) (*See Comments #41, #42 & #43*)
Landscaping and Screening	Yes	Yes (*See Comments #44 & #45*)
Lighting	Yes	Yes
Building Form and Design	Yes	Flex building Multi-family building (*See Comments #46 & #47*)

Other Critical Zoning Items	
Yes:	Urban Design (UDD #2), Utility Easements; Barrier Free (ILHR 69)
No:	Historic District; Floodplain, Wetlands, Wellhead Protection, Adjacent to Park, TOD Overlay

Tables 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, including Metro Transit service which operates daily all-day transit service along Schroeder Road adjacent this property - with trips at least every 60 minutes (every 30 minutes or less on weekdays).

Project Description

The applicant is requesting approval of a demolition permit to raze the existing commercial building, two conditional uses (for the multi-family dwellings and for dwelling units in a mixed-use building) – all to allow construction of a three-story, 54-unit apartment building; two-story, 11-unit townhouse building; and accessory garage. The applicant is also requesting approval of a one-lot certified survey map to combine the two lots into one development site.

The 85,437-square-foot (1.96-acre) subject site is located to the northeast of the intersection of Schroeder Road and Ellis Potter Court with frontage along both streets.

The building proposed for demolition is a two-story, roughly 15,820-square-foot, commercial building containing office space and a church. According to City Assessor's Office records, it was constructed in 1980. Demolition photos submitted have by the applicant. Planning Division staff is not aware of structural issues with the building.

With the lone building removed, the applicant proposes to construct three structures on the site. Closest to Schroeder Road will be a three-story, 54-unit, roughly "C"-shaped, mixed-use building. The units will be for seniors (ages 55 plus) and consist of 26 one-bedroom units and 28 two-bedroom units. Located at the southeast corner of the building will be roughly 1,000 square-feet of office space which will be used by a community outreach organization. It is very likely that End Time Ministries International, the church organization that is currently a tenant in the existing building, will occupy this space and continue to provide outreach services, such as youth programming, educational programs, and a food pantry, at this location. (The church's group worship services, however, will move off site). Nearby on the first floor will be common amenities such as a clubroom and exercise room as well as an office for supportive services (likely occupied by Community Action Coalition who will assist with lease up and supportive services for the supportive housing units).

The building will have two primary entrances one at the southeast corner, along the Schroeder Road sidewalk, and the other located nearby, on the south side of the inner courtyard. Note, one of the Urban Design Commission's conditions of approval was to move the Schroeder Road entrance further west and closer to Ellis Potter Court.

Regarding exterior materials, the building will be primarily clad with a cream-colored brick and grey composite lap siding. Grey-colored board and batten siding will also be used as an accent material on portions of the third story. It will have white composite trim and windows and architectural shingles.

Further to the north, and oriented east-west on the site, will be a two-story, 11-unit townhouse building. All units will have three bedrooms and have walk-up entries. Five will be located on the building's south side and six on the north. While it will be clad with the same palette as the 54-unit building, the board and batten will instead be deployed roughly as much as the lap siding.

Finally, at the far north end of the site and serving the townhomes will be an accessory garage containing ten individual parking stalls, each with separate entrances. The same exterior material palette will be used – a crème-colored brick along the base of the building and a dark grey composite lap siding above. The garage doors will be a medium grey.

In addition to the aforementioned garage stalls, on-site parking will consist of surface and structured stalls. Twenty-four stalls of surface parking will be located to the north and east of the senior building and another ten stalls will be located between the townhouse and garage buildings. A single level of structured parking – providing 54 automobile stalls and 54 bicycle stalls – will be located beneath the senior building. Submitted plans show that one of the structured automobile stalls will have a charger for electric-vehicle installed while another six will be EV-ready (i.e. already wired to easily accommodate the addition of a charger). Staff note that in order to meet the requirements of the Zoning Code, the applicant will need to increase these to two (2) EV-installed stalls and 10 EV-ready stalls before final sign off.

As for site amenities, a play area will be located at the northeast corner of the site.

Analysis and Conclusion

This proposal is subject to the standards for Demolitions [MGO Section 28.185(7)]. It is also subject to the standards for Conditional Uses [MGO §28.183(6)] as Table 28F-1 in MGO Section 28.082(1) notes that both *Multi-Family Dwellings* and *Dwelling Units in a Mixed-Use Building* are conditional uses in the Suburban Employment (SE) District. The Supplemental Regulations [MGO §28.151] contain further regulations for both uses. The property is located in Urban Design District #2. MGO Section 33.24 MGO provides the Urban Design review process and standards for UDD #2. Lastly, MGO Section 16.23(5)(g) provides the process and standards of approval for certified survey maps. This analysis begins with a summary of the adopted plan recommendations.

Conformance with Adopted Plans

The 2018 Comprehensive Plan recommends Employment (E) uses for the subject site which it describes as including "*predominantly corporate and business offices, research facilities, laboratories, hospitals, medical clinics, and other similar uses*." It further notes that Employment areas "*are not generally recommended for residential uses, though such uses may be considered as part of a conditional use under relevant zoning districts."* (Related to this, Staff note that the two conditional uses sought by the applicant directly pertain to residential units – both the units that make up the townhouse building as well as the units in the mixed-use building.) Lastly, the Plan notes that Employment areas "*generally do not include retail and consumer service uses for the wider community, but may include limited retail and service establishments that primarily serve employees and users of the area."* Staff note that the building's community outreach component – which will involve such elements as youth programming, educational programs, and a food pantry – is aimed at serving the immediate area.

The Southwest Neighborhood Plan (2008) does not include specific land use recommendations for the subject property.

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. The applicant noted in submitted materials that relocation was considered but was deemed not possible.

In regards to Standard 6 related to the condition of the buildings proposed for demolition, Planning Division staff have not received any comments from City Building Inspection, Fire, or Police. In the submitted information, the applicant provides photos of the existing structure and notes that the building is "well-worn." However, from the submitted information, staff is not aware of significant structural issues. While the code notes condition must be considered, it does not specify that a certain structural condition or level of disrepair is necessary in order to approve a demolition.

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.*"

The Landmarks Commission reviewed the demolition of the building at its December 4, 2023 meeting, and at that meeting found that the building at 15 Ellis Potter Court "*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."* In addition to the note above regarding relocation considerations, the applicant also noted that converting the existing building to residential was also considered but was deemed to not be cost effective due to its small size and condition.

Staff believe the Demolition Permit standards can be found met subject to input at the public hearing and comments from reviewing agencies.

Conditional Use Standards

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

Standard 5 states, "*Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit and other necessary site improvements have been or are being provided*."

A neighborhood meeting was held on October 2, 2023. At that meeting, residents expressed concerns related to the high automobile speeds along Schroeder Road and associated safety concerns regarding pedestrian movement across said road. As a result, Traffic Engineering added a condition requiring the applicant to construct a traffic island, marked continental crosswalk, pedestrian ramps, and a Rectangular Rapid Flashing Beacon (RRFB) to facilitate pedestrian crossings of Schroeder Road. Regarding the addition of a traffic light at this subject intersection, it was deemed by Traffic Engineering to not be recommended at this time.

Standard 9 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. In order to find that this standard is met, the Plan Commission may require the applicant to submit plans to the Urban Design Commission for comment and recommendation."*

Based on feedback from the October 2, 2023 neighborhood meeting and concerns expressed of having the townhouse building located right along Schroeder Road (given the high traffic speeds previously noted), the applicant addressed these concerns by subsequently swapping the location of the two principal buildings.

Further, staff notes that the site is located within Urban Design District #2 (UDD #2). As new buildings in UDD #2 require approval by the Urban Design Commission (UDC), the UDC is therefore an approving body for this request. At their meeting on January 10, 2024, the Urban Design Commission **granted the proposal FINAL APPROVAL** (Legistar File 80582). (A copy of the report of the UDC has been included at the end of this staff report and the Staff Report to the Urban Design Commission is linked here as a reference). The motion, which passed with a unanimous vote, included the following conditions:

- On Building 2, the front porches shall be extended to wrap around to the street.
- Adjust the floor plan of the Building 1 to shift the shared amenity space and common building entry closer to the corner of Ellis Potter Court and Schroeder Road.
- The landscape plan shall be modified to shift the landscape outside of the play area to create a more usable open space.
- The landscape plan shall be revised to include additional plantings along the foundation of Building 1, as well as clean-up the curvilinear planting beds.

- The lighting plan shall be revised to include light levels throughout the site, including architectural lighting. Subsequent review of lighting can be completed administratively.

On balance, staff believes that the Conditional Use Standards can be found met subject to input at the public hearing and comments from reviewing agencies.

Supplemental Regulations

According to Table 28D-2 [MGO §28.061], *multi-family dwellings* must adhere to the following Supplemental Regulations found in MGO §28.151:

a) In the TE District, new residential uses, whether in new or existing buildings, shall not be located where potential nuisances exist, including but not limited to: excessive vibration, dust, noise, light, glare, smoke, odor, or truck traffic.

b) In the TE District, new residential uses shall be adequately separated or buffered from adverse impacts from existing industrial uses.

c) Reserved.

d) Residential use shall be limited on the ground floor of buildings on King Street; South Pinckney Street; State Street; the 10 through 500 blocks of East Wilson Street; the 100 blocks of West and East Mifflin Streets; the 100 blocks of West and East Main Streets; and on the Capitol Square, which is formed by the 10 blocks of East and West Mifflin, the 10 blocks of North and South Pinckney, the 10 blocks of East and West Main, and the 10 blocks of North and South Carroll Streets. Residential use is prohibited within the following areas:

    1. The area of the lot abutting street frontages in Sub. (d) above, the lesser of a depth of 40’ or 40% of the depth of the lot as measured along these frontages.

Staff believe that these Supplemental Regulations are met.

According to Table 28D-2 [MGO §28.061], *Dwelling Units in Mixed-Use Buildings* must adhere to the following Supplemental Regulations found in MGO §28.151:

a) In the LMX, NMX, TSS and CC-T Districts, at least fifty percent (50%) of the ground-floor frontage facing the primary street, including all frontage at a street corner, shall be non-residential. Less non-residential frontage requires conditional use approval.

b) Residential use shall be limited on the ground floor of buildings on King Street; South Pinckney Street; State Street; the 10 through 500 blocks of East Wilson Street; the 100 blocks of West and East Mifflin Streets; the 100 blocks of West and East Main Streets; and on the Capitol Square, which is formed by the 10 blocks of East and West Mifflin, the 10 blocks of North and South Pinckney, the 10 blocks of East and West Main, and the 10 blocks of North and South Carroll Streets. Residential use is prohibited within the following areas:

    1. The area of the lot abutting street frontages in Sub. (f) above, the lesser of a depth of forty feet (40’) or forty percent (40%) of the depth of the lot as measured along these frontages.

c) In residential districts, allowed uses are those specifically included and identified as permitted and conditional uses in the district use tables. The bulk requirements for the multi-family use in the district apply. (Cr. By ORD-22-00106 , 10-21-22)

Staff also believe that these Supplemental Regulations are met.

Land Division

The applicant has submitted a certified survey map to combine the 6110 Schroeder Road (1 Ellis Potter Court) and 15 Ellis Potter Court parcels in order to create one parcel. M.G.O. Section 16.23(5)(g) provides the process for certified survey maps. Staff believe that all applicable standards for land divisions can be found met, subject to the comments recommended by reviewing agencies.

Public Input

At time of writing, no public comments have been received regarding this proposal.

Conclusion

The applicant is requesting approval of a demolition permit to raze the existing commercial building, two conditional uses (for the multi-family dwellings and for dwelling units in a mixed-use building) – all to allow construction of a three-story, 54-unit apartment building; two-story, 11-unit townhouse building; and accessory garage. The applicant is also requesting approval of a one-lot certified survey map to combine the two lots into one development site.

Staff believe that the standards for demolition permits and conditional uses can be found met, and recommends that they be approved by the Plan Commission. Staff also believes the technical standards for land divisions can be found met and recommends the Plan Commission should forward the Certified Survey Map to the Common Council with a recommendation of approval. These recommendations are subject to input at the public hearing and comments from reviewing agencies.

Recommendation

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

- That the Planning Division recommends that the Plan Commission find the demolition standards of approval met and **approve** the demolition of the commercial building 15 Ellis Potter Court;
- The Planning Division recommends that the Plan Commission find the conditional use standards of approval met and **approve** the request in the Suburban Employment (SE) District for a multi-family dwelling as well as for dwelling units in a mixed-use building - all to allow construction of a three-story, 54-unit apartment building; two-story, 11-unit townhouse building; and accessory garage; and
- Finally, should the other aspects of the proposal be approved, the Planning Division believes the technical standards for land divisions can be found met and recommends the Plan Commission should forward the Certified Survey Map - combining 6110 Schroeder Road (1 Ellis Potter Court) and 15 Ellis Potter Court - to the Common Council with a recommendation of **approval**.

Approval of the project should be subject to input at the public hearing, and the recommended conditions **on the following page** for the land use requests, and on **page 18** for the CSM.

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

The following conditions have been submitted by reviewing agencies:

Land Use Request – Demolition Permit and Conditional Use

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

1. Proposed development may require offsite sanitary sewer improvements being built by the developer through a developer's agreement as a condition for plan approval. Applicant shall submit project flow calculations to Mark Moder mmoder@cityofmadison.com.

2. Enter into a City / Developer agreement for the required infrastructure improvements. Agreement to be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact City Engineering to schedule the development and approval of the plans and the agreement. (MGO 16.23(9)c)

3. Construct sidewalk, terrace, curb and gutter and pavement to a plan as approved by City Engineer

4. This development is subject to impact fees for the Upper Badger Mill Creek stormwater Impact Fee District. All impact fees are due and payable at the time building permits are issued (MGO Ch 20). Add the following note on the face of the plans: LOTS / BUILDINGS WITHIN THIS DEVELOPMENT ARE SUBJECT TO IMPACT FEES THAT ARE DUE AND PAYABLE AT THE TIME BUILDING PERMIT(S) ARE ISSUED.

5. 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)

6. 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))

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

8. 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.

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

10. 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.

11. 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)

12. Revise the plans to show a proposed private internal drainage system on the site. Include the depths and locations of structures and the type of pipe to be used. (POLICY AND MGO 10.29)

13. This area is within a watershed study for flood mitigation and has a known flooding risk. The minimum opening elevations for structures proposed by this application shall have a low entrance elevation that is 1042 or higher. 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.

14. 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.

15. 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.

16. 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))

This site is a mix of new and redevelopment and the SWMP will address both conditions.

Rate Control New Development: Detain the 2, 5, 10, 100, & 200 - year storm events, matching post development rates to predevelopment rates and using the design storms identified in Madison General Ordinances Chapter 37.

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.

Infiltration: Provide infiltration of 90% of the pre-development infiltration volume.

TSS New Development: Reduce TSS by 80% (control the 5-micron particle) off of newly developed areas compared to no controls.

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.
Thermal Control: Provide substantial thermal control to reduce runoff temperature in cold water community or trout stream watersheds.

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.

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

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

18. Any portion(s) of the public utility easement per CSM 3534 that is intended to be released shall be released by separate document prepared by City Office of Real Estate Services. Contact Jeff Quamme of Engineering Mapping (jrquamme@cityofmadison.com, 608-266-4097) to coordinate the Real Estate project, and associated information and fees required. Developer / Owner / Consultant are collectively responsible to provide recorded releases from the other utilities serving the area prior to the City of Madison releasing its rights.

19. This proposal is from Horizon Development. The CSM owners signature is BR Real Estate LLC who is the current owner of the lands.

20. The addresses of 1 Ellis Potter Ct and 15 Ellis Potter Ct will be retired and archived with the demolition of the office building and the recording of the proposed CSM. The future building addresses will be determined with the creation of the addressing plan. 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.

21. It shall be confirmed if the proposed retaining walls along the east side of this site require access over any adjacent lands for the construction, maintenance or support. If any are required over the adjacent lands, provide the appropriate recorded agreement / easement prior to final site plan sign off.

22. Consultant / Owner / Developer are collectively responsible to coordinate the movement and / or easement necessary in conjunction with the communications line along the east line of this site not subject to an easement of record.

23. 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 or early start permit.

24. Submit a site plan and a complete set of building Floor Plans (for each individual building) in PDF format to Lori Zenchenko (lzenchenko@cityofmadison.com) that includes a floor plan of each floor level on a separate sheet/page for the development of an interior and building addressing plan for the proposed multi-building complex. Each building page should include a key locator and north arrow. Also, include a unit matrix for the 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 (Contact Sean Malloy, (608) 266-5987)

25. The applicant shall dedicate Right of Way or grant a Public Sidewalk Easement for and be responsible for the construction of a five (5)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1) foot for maintenance along Ellis Potter Court.

26. The applicant shall be responsible for the construction of a traffic island, marked continental crosswalk, pedestrian ramps, and an RRFB to facilitate pedestrian crossings of Schroeder Road.

27. 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.

28. 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.

29. 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.

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

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

32. 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.

33. 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.

34. 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.

35. The applicant shall provide a clearly defined 5' walkway clear of all obstructions to assist citizens with disabilities, especially those who use a wheelchair 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.

36. "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.

37. Applicant shall submit for review a waste removal plan. This shall include vehicular turning movements.

Parking Review (Contact Trent W Schultz, (608) 246-5806)

38. The applicant shall submit a Transportation Demand Management (TDM) Plan to tdm@cityofmadison.com. The TDM Plan is required per MGO 16.03. Applicable fees will be assessed after the TDM Plan is reviewed by staff.

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

39. Section 28.185(9)(b) 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)(b) shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition. A demolition or removal permit is valid for two (2) years from the date of the Plan Commission approval.

40. Provide electric vehicle stalls per Section 28.141(8)(e) Electric Vehicle Charging Station Requirements. A minimum of 10% of the residential parking stalls (10 stalls) must be electric vehicle ready, and a minimum of 2% of the stalls (2 stalls) must be electric vehicle installed. Identify the locations of the electric vehicle ready and installed stalls on the plans.

41. 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 70 resident bicycle stalls are required plus a minimum of 6 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.

42. Bicycle parking for the commercial tenant shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). 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. 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.

43. Distribute some of the short-term resident guest bicycle stalls adjacent to Ellis Potter Ct and the residential lobby entrance on Schroeder Rd.

44. 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.

45. Verify the location of the refuse disposal area for the townhouse building. All developments, except single family and two family developments, shall provide a refuse disposal area.

46. Submit detailed floor plans and roof plans for the mixed-use building and the townhouse building. Submit the second floor plan for the townhouse building.

47. Verify whether bird-safe glass will be required in compliance with bird-safe glass requirements Section 28.129. For building façades where the first sixty (60) feet from grade are comprised of less than fifty percent (50%) glass, at least eighty-five percent (85%) of the glass on glass areas fifty (50) square feet or over must be treated. Of all glass areas over fifty (50) square feet, any glass within fifteen (15) feet of a building corner must be treated.

48. 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.

49. 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.

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

50. A fire alarm system and/or automatic fire suppression systems are/may be required. Ensure contractors submit applications for work permits along with construction documents for all fire protection and/or life safety systems as specified in MGO 34.02, to the Madison Fire Department for approval prior to installation.

51. Fire lanes shall be unobstructed; there are obstructions shown on the fire lane, remove all obstructions. Examples of obstructions: including but not limited to; parking stalls, loading zones, changes in elevation, power poles, trees, bushes, fences or posts.

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

52. 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 24001 when contacting Parks about this project.

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

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. 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.

56. 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.

57. 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.

58. 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.

59. 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.

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

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

61. 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.

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

62. Metro Transit operates daily all-day transit service along Schroeder Road adjacent this property - with trips at least every 60 minutes (every 30 minutes or less on weekdays).

63. Metro Transit would initially estimate the following counts of potentially eligible trips towards US Green Building Council/LEED Quality Access to Transit points: 33 Weekday & 17 Weekend (average). Please contact Metro Transit if additional analysis would be of interest.

Certified Survey Map

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

64. Enter into a City / Developer agreement for the required infrastructure improvements. Agreement to be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact City Engineering to schedule the development and approval of the plans and the agreement. (MGO 16.23(9)c)

65. Construct sidewalk, terrace, curb and gutter and pavement to a plan as approved by City Engineer.

66. 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)

67. 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)

68. Add a note to the CSM: Each lot shall be individually responsible for compliance with Madison Ordinance Chapter 37 requirements.

    Add a note to the CSM: No change in grades shall be allowed without the approval of the City Engineer.

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

69. Any portion(s) of the public utility easement per CSM 3534 that is intended to be released as noted on the development plans within this CSM shall be released by separate document prepared by City Office of Real Estate Services. Contact Jeff Quamme of Engineering Mapping (jrquamme@cityofmadison.com, 608-266-4097) to coordinate the Real Estate project, and associated information and fees required. Developer / Owner / Consultant are collectively responsible to provide recorded releases from the other utilities serving the area prior to the City of Madison releasing its rights.

70. 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 or early start permit.

71. Confirm the future status of the Communications line shown on the Certified Survey Map. Provide any necessary easements for the facility as necessary for the redevelopment of the future lot.

72. Add a note: Per CSM 3534, "The Owner of Lot 3 (of CSM 3534 lying within this proposed CSM) has full maintenance responsibility for Outlot 1 (of CSM 3534). Place a label on OL 1 to refer to this note.

73. 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 Jeff Quamme, City Engineering (jrquamme@cityofmadison.com)
74. 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 Jeff Quamme (jrquamme@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.

75. Show the outline and label the area of the right of way conveyance per Document No. 1688374 on the map. Add a recorded as distance of 161.37 on the south line of Lot 1.

76. Submit to Jeff Quamme, prior to Engineering sign-off of the subject CSM, one (1) digital CADD drawing in a format compatible with AutoCAD. The digital CADD file(s) shall be referenced to the Dane County Coordinate System and shall contain, at minimum, the list of items stated below, each on a separate layer/level name. The line work, preferably closed polylines for lot lines, shall be void of gaps and overlaps and match the final recorded plat:

    a) Right-of-Way lines (public and private)

    b) Lot lines

    c) Lot numbers

    d) Lot/Plat dimensions

    e) Street names

    f) Easement lines (i.e. all shown on the plat including wetland & floodplain boundaries.)

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

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

77. The applicant shall dedicate Right of Way or grant a Public Sidewalk Easement for and be responsible for the construction of a five (5)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1) foot for maintenance along Ellis Potter Court.

Parking Review (Contact Trent W Schultz, (608) 246-5806)

The agency reviewed this request and has recommended no conditions of approval. A Transportation Demand Management (TDM) Plan may be required as part of future development, outside of the Certified Survey Map review.

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

78. The following note should be included on the CSM: “LOTS WITHIN THIS SUBDIVISION ARE SUBJECT TO IMPACT FEES THAT ARE DUE AND PAYABLE AT THE TIME BUILDING PERMIT(S) ARE ISSUED.”

79. Prior to sign off on the CSM the applicant shall execute a declaration of conditions and covenants for impact fees.

80. The Parks Division shall be required to sign off on this CSM.

Office of Real Estate Services (Contact Lance Vest, (608) 245-5794)

81. 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.

82. 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).

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

83. Madison Common Council Certificate: Revise the Madison Common Council Certificate as follows:

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

    Dated this ____ day of _____, 20__

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

84. As of January 4, 2024, the 2023 real estate taxes are due 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

85. As of January 4, 2024, 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.

86. Pursuant to Madison City Ordinance Section 16.23(5)(g)(4), the owner shall furnish a 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 include all associated documents that have been recorded.

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

87. Note 1 of CSM 3534 states that the owner of Lot 3 of CSM 3534 has full maintenance responsibility for O.L. 1. Include a similar note on this CSM that the proposed Lot 1 will have full maintenance responsibility for O.L. 1.

    Remove or revise the Curve Table at the bottom of Sheet 2.

    The following language on Sheet 1 appears incomplete and should be revised: “See Sheet 2 of 4 for further details on existing.”

    Depict, name, and identify by document number all existing easements cited in record title and the title report.

The following agencies have reviewed this CSM request and has recommended no conditions of approval:

Planning, Zoning, Assessor’s Office, Fire, Forestry, Water Utility, and Metro

URBAN DESIGN COMMISSION MEETING REPORT

January 10, 2024

Agenda Item #: **5**

Project Title: 1 & 15 Ellis Potter Court - Mixed-Use Development Located in Urban Design District (UDD) 2. (District 19)

Legistar File ID #: 80582

Members Present: Cliff Goodhart, Chair; Wendy von Below, Marsha Rummel, Shane Bernau, Rafeeq Asad, Jessica Klehr, and Christian Harper

Prepared By: Jessica Vaughn, AICP, UDC Secretary

Summary

At its meeting of January 10, 2024, the Urban Design Commission granted **FINAL APPROVAL** of a mixed-use development located at 1 & 15 Ellis Potter Court in Urban Design District (UDD) 2. Registered and speaking in support was Kevin Burow. Registered in support and available to answer questions were Scott Kwiecinski, and Julian Walters.

Building #2 orientation now locates the garages along the northern section to screen the storage units and provide greenspace. The townhomes have been rotated for view corridors through the site and to the greenspace. Building #1 has remained in its original design. This preserves some of the existing trees near the terrace. Parking has been rotated for parallel parking with no headlights into any of the units. The senior building does not have the same sidewalk connections due to security and safety considerations.

The Commission had the following questions for staff and the development team:

- The staff report mentioned our last discussion and having an entry on Building #1 closer to the street corner. It looked like you could take one of those corner two-bedroom units and put it toward the end, and bring the amenity spaces and some other support uses there. I remember the Commissioners commenting on it, having that corner connection with the convenience store across the street would certainly strengthen the project.
    - We looked at it, our concern was connectivity with the parking, which is why we moved that entry further to the east, closer to the parking.
- I was thinking you could still keep your public connection at the parking lot where it is, you'd have to go down a corridor to get to the clubroom, but still keep your entry lobby exactly where it is on the parking side.
    - We could take a harder look at locating the clubroom in that corner to provide an access point and more pedestrian connection.
    - There is an entry point facing Schroeder Road right next to the clubroom.
- Strengthening the corner with those kind of public functions and activities was what we were suggesting in terms of the ground floor of the building.
- You mentioned looking at Building #2 with some revisions to that end unit; if you were to wrap that porch around and die it into that bump out that building could be enhanced by having more of a street facing porch. It could help the orientation a little bit.
    - I agree with you on that.
- Those townhome units facing the interior, they have no access out the back to the garages? You would have to walk all the way around to access the garages?
    - We have introduced sidewalk on the eastern side. When you exit the unit you would walk around the building to your garage stall.

- That seems like a long trek to get to your vehicle. Was there a particular reason, a space issue, there's 11 townhouses but just 10 garage spaces?
    - Yes, it was a space concern and we wanted to get some greenspace for a potential outdoor play area.
- There was a staff comment about that northeast corner and potential playground, those three spruce trees being potentially in the middle of that space. Is that something you could rethink and create a more usable space there?
    - We also saw that, that was an oversight. Those were intended to be more in the corner to frame the area and provide a sense of privacy while still providing view to the east.
- The existing trees on the site, the landscape plan notes three existing trees you are potentially saving. Two of those are pretty close to the building and noted as potentially Maples, I would question whether those two closest to the building could really make it, especially if you do the wrap around porch idea. Could you explain the existing trees and if you took a closer look?
    - Yes, we had our landscape architect walk it as well. We are trying to preserve as many as possible. While we can't guarantee preservation of any trees it will be top of our mind as we work through the plans and construction. Since we cannot guarantee, I did not want to show it for sure.
- Do you know the species of those?
    - Unfortunately, I don't off the top of my head.
- If they're Norway Maples, they aren't that worth saving. A large sugar or red maple, that's a different story.
- They look like Honey Locusts to me but I'm not a landscape architect.
- There is a good size Oak tree on the plan and in the photo. Is that the same strategy, you don't want to promise saving it but you'll try to?
    - Yes, that is the case.
- It's a really nice looking tree that seems about 30-feet from the building.
- I agree with you, now I see it on the site map. That would be the one to save if it's in good health.
- It's a nice looking oak. They're probably more finicky than Honey Locust in terms of digging around them.

The Commission discussed the following:

- I think the orientation of Building #2 is good, even with less street presence. It's good to disguise and block the view of those self-storage units, it's not an urban area and the buildings across the street aren't great architecture. I would like to see more of a corner public entrance expression than tucked away by the east side of the site up along Schroeder Road.
- I would agree, certainly the move of the garages to the north end is a stronger site plan than previously. I still feel like the site plan isn't capturing the amenity of that natural area long the east property line; sounds or sights or ambience of that much natural area next to you. Overall, the site plan is better. The pocket in Building #1, other than seeing some landscape and two trees in that space, might be good to think about how that greenspace functions and what amenities are in it. There's not a lot of large, contiguous green space and this might be a good landing spot for the people who live here or are visiting here. The landscape plan, the foundation planting beds have really irregular, curved, funky bedlines, that should be cleaned up a lot. On a building like this it is much stronger to establish a nice, clean edge, this seems a little too unreasoned back and forth. Tied to that, there are areas of the foundation that are far too sparse; you have a single shrub and nothing within 10-feet of it. There needs to be more substantial massing of the plant material to make an impact, otherwise there is a whole lot of mulch.
- Agree with wrapping the porch to strengthen the corner, moving public functions to the corner. Appreciate having the open space for a potential play area on the northeast. Staff asked us to look at lighting, the lighting plan levels seem to be focused at the parking area without information from an architectural perspective. When we get to a motion, it would be great if we could include that as a condition to have it reviewed at the staff level.

Action

On a motion by von Below, seconded by Klehr, the Urban Design Commission granted **FINAL APPROVAL**, with the following conditions:

- On Building 2, the front porches shall be extended to wrap around to the street.
- Adjust the floor plan of the Building 1 to shift the shared amenity space and common building entry closer to the corner of Ellis Potter Court and Schroeder Road.
- The landscape plan shall be modified to shift the landscape outside of the play area to create a more usable open space.
- The landscape plan shall be revised to include additional plantings along the foundation of Building 1, as well as clean-up the curvilinear planting beds.
- The lighting plan shall be revised to include light levels throughout the site, including architectural lighting. Subsequent review of lighting can be completed administratively.

The motion was passed on a unanimous vote of (7-0).