PLANNING DIVISION STAFF REPORT

June 10, 2024

Project Addresses:	**515 N Whitney Way**
Application Type:	Demolition Permit, Zoning Map Amendment, Conditional Uses, and Certified Survey Map Referral
Legistar File ID #	82948, 83476, 82949, and 82978
Prepared By:	Timothy M. Parks, Planning Division Report includes comments from other City agencies, as noted
Reviewed By:	Kevin Firchow, Planning Division

Summary

Applicant: John Flad, Flad Development & Investment Corp.; 3330 University Avenue, Suite 206; Madison.

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

Property Owners: Garth K. and Karen L. Scott; 5453 Lake Mendota Drive; Madison.

Surveyor: Kevin Pape, Vierbicher & Associates; 999 Fourier Drive, Suite 201; Madison.

Requested Actions:

- ID 82948 – Consideration of a demolition permit for 515 N Whitney Way to demolish a one-story office building;
- ID 83476 – Consideration of a request to rezone 515 N Whitney Way from Neighborhood-Mixed-Use District) to TSS (Traditional Shopping Street District);
- ID 82949 – Consideration of a conditional use in the [Proposed] Traditional Shopping Street (TSS) District for a multi-family dwelling with greater than 36 units and consideration of a conditional use in the TSS District for a building taller than three stories and 40 feet, to allow construction of a five-story, 40-unit apartment building; and
- ID 82978 – Approval of a Certified Survey Map (CSM) to create one lot for the proposed residential development.

Proposal Summary: The applicant is seeking approvals to construct a five-story, 40-unit apartment building at the southeastern corner of N Whitney Way and Old Middleton Road following demolition of a one-story office building. The underlying lots comprising the subject site will be combined into one lot by CSM. The letter of intent indicates that construction will commence in spring 2025, with completion anticipated in spring 2026.

Applicable Regulations & Standards: Section 28.182 of the Zoning Code provides the process for zoning map amendments. Table D-2 in Section 28.061(1) identifies a multi-family dwelling with greater than 36 units as a conditional use in the proposed TSS (Traditional Shopping Street) zoning district. Buildings taller than four stories and 60 feet may be allowed in TSS zoning in the Transit-Oriented Development (TOD) zoning overlay with conditional use approval. Section 28.183 provides the process and standards for the approval of conditional use permits. Section 28.185 provides the process and standards for the approval of demolition and removal permits. The subdivision process is outlined in Section 16.23(4)(f) of the Subdivision Regulations.

Review Required By: Plan Commission and Common Council.

Summary Recommendation: The Planning Division recommends the following to the Plan Commission:

- That the Plan Commission that the standards for demolition permits are met to **approve** demolition of a one-story office building located at 515 N Whitney Way;
- That the Plan Commission forward Zoning Map Amendment ID 28.022–00673, rezoning 515 N Whitney Way from NMX to TSS, to the Common Council with a recommendation of **approval**;
- That the Plan Commission find the standards for conditional uses are met to **approve** a five-story, 40-unit apartment building, subject to input at the public hearing and the conditions from reviewing agencies beginning on **page 8**; and
- That the Plan Commission forward the Certified Survey Map to combine 515 N Whitney Way into one lot to the Common Council with a recommendation of **approval** subject to the conditions from reviewing agencies beginning on **page 14**.

Background Information

Parcel Location: A 23,097 square-foot (0.53-acres) parcel located at the southeastern corner of N Whitney Way and Old Middleton Road; Alder District 11 (Tishler); Madison Metropolitan School District.

Existing Conditions and Land Use: A one-story former auto service station converted into a multi-tenant office building with surface parking, zoned NMX (Neighborhood Mixed-Use District).

Surrounding Land Uses and Zoning:

North: Wisconsin and Southern Railroad right of way across Old Middleton Road;

South: Apartment buildings along Sheboygan Avenue, zoned NMX (Neighborhood Mixed-Use District) and SR-V2 (Suburban Residential–Varied 2 District);

West: Whitney Reserve mixed-use building across N Whitney Way, zoned NMX;

East: Chapel Hill Apartments along Sheboygan Avenue and twin 20-unit apartment buildings along Old Middleton Road, zoned SR-V2.

Adopted Land Use Plans: The 2016 University Hill Farms Neighborhood Plan includes the subject site as part of the "University Triangle and N Whitney Way/Sheboygan [Avenue]" sub-area. Generally, the plan anticipates redevelopment of most of the block bounded by N Whitney Way, Old Middleton Road, N Eau Claire Avenue, and Sheboygan Avenue, including the subject site, with potentially 200 units of housing and up to 10,000 square feet of commercial space in buildings that could be as tall as 8-10 stories before stepping down to 4-6 stories along N Whitney Way.

The 2023 Comprehensive Plan identifies the subject site and the adjacent parcel to the south for Neighborhood Mixed-Use (NMU); parcels located along the south side of Old Middleton Road extending west from N Whitney Way are also recommended for NMU. The multi-family properties to the east are recommended for High Residential (HR), while the multi-family parcels south of Sheboygan Avenue are recommended for Medium Residential (MR), while the single-family residences to the southwest of the site across N Whitney Way are recommended for Low Residential (LR). Additionally, the N Whitney Way-Old Middleton Road-University Avenue intersections are identified as a transitioning neighborhood activity center.

Zoning Summary: The subject site will be zoned TSS (Traditional Shopping Street District), which will be reviewed in the following sections.

Requirements	Required	Proposed
Lot Area	350 sq. ft. (14,000 sq. ft.)	23,097 sq. ft.
Lot Width	None	130’
Minimum Front Yard Setback	0-5’	8.5’ from Old Middleton Road
Maximum Front Yard Setback	20’ per TOD Overlay	
Side Yard Setback	0’ (West) | 10’ (East)	9.5’ (West) | 11.6’ (East)
Rear Yard	20’	20’
Maximum Lot Coverage	85%	65%
Usable Open Space	None per TOD Overlay	---
Minimum Building Height	2 stories per TOD Overlay	5 stories/ 59’
Maximum Building Height	4 stories/60’ per TOD Overlay	
Auto Parking	None per TOD Overlay	46
Electric Vehicle (EV) Stalls	EV Ready: 5 stalls	5 EV Ready, 1 EV Installed
Accessible Stalls	2	2
Bike Parking	1 per unit up to 2-bedrooms, half-space per add. bedroom (40); 1 guest space per 10 units (4) (44 total)	44
Loading	None	0
Building Forms	Large Multi-Family Building	Will comply (See Zoning Conditions)
Other Critical Zoning Items		
Yes:	Transit-Oriented Development Overlay, Wellhead Protection (WP-14), Barrier Free, Utility Easements	
No:	Urban Design, Waterfront Development, Wetlands, Floodplain, Adjacent to Park, Landmarks	
	Prepared by: Jacob Moskowitz, Assistant Zoning Administrator	

Environmental Corridor Status: The subject site is not located in a mapped environmental corridor.

Public Utilities and Services: The site is currently served by a full range of urban services, including Metro Transit, which operates seven-day service along Old Middleton Road (Route R). Additionally, the subject site is located half a block from future east-west Bus Rapid Transit (BRT) Route A, which will operate along Sheboygan Avenue and N Whitney Way south of Sheboygan; the nearest BRT stop will be located at N Eau Claire Avenue and Sheboygan. Metro Transit would initially estimate the following counts of potentially eligible trips towards US Green Building Council/LEED Quality Access to Transit points: 184 Weekday and 113 Weekend (average). Please contact Metro Transit if additional analysis would be of interest.

Project Description

The applicant is requesting approval of a demolition permit to demolish a one-story multi-tenant office building located on a 0.53-acre parcel at 515 N Whitney Way and to rezone the parcel from NMX to TSS to facilitate redevelopment of the property with a five-story, 40-unit apartment building. Additionally, a Certified Survey Map (CSM) is proposed to combine the underlying lots comprising the subject parcel into one lot.

The existing building to be demolished was originally constructed as an auto service station in 1961 according to City records. The building was converted to office use in 1967 and remodeled and an addition constructed in 1979. The building contains approximately 4,500 square feet of space and surface parking for roughly 25 automobiles between the building and abutting streets. Photos of the interior and exterior of the building are included in the materials submitted for the demolition permit. The subject site is characterized by approximately 30 feet of grade change from the southeastern corner of the property to the north and west, with a steep embankment adjacent to the southern and eastern walls of the building. The embankment and most of the eastern property line are wooded, as noted on the existing conditions survey included in the project plans. The trees located along the eastern property line have been heavily trimmed to accommodate overhead utilities that parallel that lot line.

The proposed apartment building will be constructed into the hill that forms the eastern and southern lot lines. An 8.5-foot setback is proposed from the northern property line, though the building will appear to be set back further from the Old Middleton Road sidewalk due to the existence of an overwide right of way for Old Middleton Road (extending 83 feet south from centerline) that extends east from N Whitney Way and continues along the south side of University Avenue to N Midvale Boulevard. The building will be set back 9.7 feet from the western property line adjacent to N Whitney Way, with a 20-foot rear yard setback proposed along the southern property line. The 40 units proposed will include six studio units, 20 one-bedroom units, and 14 two-bedroom units. Parking for 43 automobiles and 40 bicycles will be provided within the building, including in one level of parking to be located below the footprint of the building. Three additional automobile parking stalls will be located within the building envelope on the first floor between the overhead door leading to the indoor parking and northern façade. The lobby for the building will be located at the northwestern corner of the first floor, with an entry door facing Old Middleton Road. Two of the proposed units will be located on the west side of the first floor, with unit entries accessible from the N Whitney Way sidewalk.

The proposed building will stand approximately 59 feet in height as measured at the northwestern corner and be topped by a flat roof. The building will incorporate stepbacks above the third floor along the eastern property line to be consistent with a requirement in mixed-use and commercial zoning districts that new buildings incorporate a 45-degree stepback above the second floor adjacent to a residential zoning district in the side or rear yard. The fifth floor of the building will be stepped back above the fourth floor on the northern, western, and eastern facades to accommodate a rooftop terrace adjacent to a common room at the northwestern corner and unit balconies elsewhere. The exterior will be comprised of a combination of light-colored horizontal siding and contrasting shake siding above a masonry base. The developer indicates that the building is designed to complement the design of a new four-story mixed-use building located at the southwestern corner of Old Middleton and Whitney, which was developed by the same development team.

Analysis

The applicant is requesting approval of a zoning map amendment to rezone the 0.53-acre parcel from NMX to TSS and conditional use approvals to facilitate redevelopment of the site with a five-story, 40-unit apartment building following demolition of a one-story office building.

Consistency with Adopted Plans

The NMX zoning district and TSS zoning district have similar bulk requirements for multi-family dwellings, including allowing buildings up to four stories and 60 feet in height when located in the Transit-Oriented Development (TOD) zoning overlay (including the subject site) and the same amount of usable open space (40 square feet per unit outside of TOD and no usable open space within TOD). However, the maximum number of dwelling units

allowed in a multi-family dwelling in NMX zoning is 36, whereas the TSS district has no such limit on units in a multi-family dwelling, hence the applicant's request to rezone the property.

Likewise, the statements of purpose for the districts are similar. The statement of purpose for the NMX zoning district notes that it is established to encourage and sustain the viability of commercial nodes that serve the shopping needs of residents in adjacent neighborhood, while the TSS zoning district is intended to encourage and sustain the viability of Madison's mixed-use corridors, which sustain many of the City's traditional neighborhoods. Both zoning districts are intended to encourage pedestrian, bicycle and transit use as a means of accessing the districts and encourage diversification of uses, including residential, commercial, and civic uses, in order to enhance the vitality and appeal of the mixed-use and commercial areas, and to facilitate preservation, development, or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans. The statement of purpose for TSS notes that appropriate transitions between higher-intensity uses within TSS districts and adjacent lower-density residential districts are also encouraged in that district.

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 Section 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." The Comprehensive Plan notes that sub-area plans (neighborhood, area, etc.) are adopted as "a supplement to the Comprehensive Plan" to reflect their function and status in providing more detailed planning recommendations than are often needed to effectively implement the Comprehensive Plan. The Comprehensive Plan provides a long-term, broad, generalized policy framework for land use, growth, and large-scale investment priorities for the City, while sub-area plans provide more detailed recommendations for a specific geographic area.

The subject site is located within the boundaries of the University Hill Farms Neighborhood Plan, which was adopted in 2016 to provide redevelopment, transportation, housing, and public infrastructure/resource recommendations for the area of the City bounded by University Avenue and the Village of Shorewood Hills on the north, Midvale Boulevard on the east, Regent Street and Mineral Point Road on the south, and Whitney Way and S Rosa Road on the west.

The neighborhood plan includes the subject site as part of the "University Triangle and N Whitney Way/Sheboygan [Avenue]" sub-area. The sub-area is broken into two areas, A and B, with area "A" encompassing the area north of Old Middleton Road, while the "B" area generally encompasses the block bounded by Old Middleton, N Eau Claire Avenue, Sheboygan Avenue, and N Whitney Way lest the Chapel Hill Apartment complex. According to the plan, area "B" is approximately 4.75 acres and includes six properties, five of which are residential buildings – the lone non-residential building being the subject site's converted office building. The neighborhood plan notes that the existing housing in Area "B" is "dated" and relatively low density, and is suggested as "a likely redevelopment site." Development in the sub-area will have access to future Bus Rapid Transit (BRT}, a bike trail, Madison Yards at Hill Farms (the "WiDOT site" referenced in the plan), University Crossing, and Hilldale Shopping Center. The neighborhood plan recommends new medium- to high-density transit-oriented housing in "pedestrian-friendly" buildings for the Whitney Way/Sheboygan Avenue sub-area. Area "B" is noted in the plan as being well sloped approximately 30 feet from south to north, allowing parking to be underground, hidden, and nonobstructive to redevelopment. The plan suggests that the large area and ability to park underground offers the opportunity to redevelop the area with six- to eight-story buildings that step down to 4-6 stories at Whitney. As the area is redeveloped, the plan notes that consideration should be given to small retail (roughly 5,000 square feet) at the

corner of Sheboygan Avenue and N Whitney Way (adjacent to the subject site). The neighborhood plan suggests that area "B" could support up to 10,000 square feet of retail and 200 housing units.

The 2023 Comprehensive Plan principally follows the recommendations in the neighborhood plan and recommends the subject site and the adjacent parcel to the south for Neighborhood Mixed-Use (NMU). The NMU recommendation continues along the south side of Old Middleton Road extending west from N Whitney Way. The multi-family properties to the east on the rest of the block are recommended for High Residential (HR), while the multi-family parcels south of Sheboygan Avenue are recommended for Medium Residential (MR). The single-family residences to the southwest of the site across N Whitney Way are recommended for Low Residential (LR).

The NMU category includes relatively small existing and planned activity centers that include residential uses, as well as retail, restaurant, service, institutional, and civic uses primarily serving nearby residents, though larger establishments and those that cater to users from a larger area may be allowable in certain circumstances. Development and design within NMU areas should be compact and walkable, ideally adjacent to existing or planned transit, and buildings should be oriented towards streets and placed close to public sidewalks. On-street parking is recommended where practical, with private off-street parking placed primarily behind buildings, underground, or shielded from public streets by liner buildings. New buildings in NMU areas are generally expected to be two to four stories in height, though taller buildings may be allowed in limited cases, particularly when called for in neighborhood or sub-area plans.

In addition, the Comprehensive Plan generally identifies the N Whitney Way-Old Middleton Road-University Avenue intersections as a transitioning neighborhood activity center. Within the hierarchy of activity centers in the Growth Framework in the plan, neighborhood activity centers tend to draw primarily from surrounding neighborhoods, may have less transit access, and are sometimes located along less busy streets or sections of streets than more intense community and regional activity centers. Transitioning centers generally include established and sometimes underutilized commercial and employment parcels that are recommended to transition into more vibrant, mixed-use areas with a mix of uses, including a variety of residential development and the public infrastructure to support it.

The Planning Division believes that the request to rezone the site from NMX to TSS and the development of a five-story, 40-unit apartment building are consistent with the recommendations for the site in the University Hill Farms Neighborhood Plan and Comprehensive Plan. While the genesis of the rezoning request is to allow the proposed building to overcome the 36-unit limit for purely residential buildings in NMX zoning, staff feels that the request is appropriate and will facilitate the implementation of the plan recommendations for the site that generally encourage redevelopment of the site and nearby properties with taller and denser residential and mixed-use development.

Consideration of Demolition Permit Standards

In order to approve a demolition request, the Plan Commission shall consider the factors and information specified in Section 28.185(9)(c) and find 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 standards for demolition approval state that the Plan Commission shall consider 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. On March 18, 2024, the Landmarks Commission recommended to the Plan Commission that the existing building had no known historic value. The Planning Division has no information otherwise to suggest that the demolition would not meet the standards of approval in Section 28.185(9)(c) and recommends that the demolition be approved.

In approving a demolition permit, the Plan Commission may stipulate conditions and restrictions on the proposed building demolition as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards of approval. The proposed conditions for this demolition may be found in the 'Recommendation' section of the report, which follows.

Consideration of the Conditional Use Standards

Similarly, 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]."

The Planning Division believes that the Plan Commission may find that the conditional use standards are met for the proposed development. The uses, values and enjoyment of other property in the neighborhood for purposes already established should not be substantially impaired or diminished in any foreseeable manner by the project, nor should the establishment of the conditional uses impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. Comments submitted by agencies do not suggest that the proposed development will negatively impact the City's ability to provide services to the project subject to meeting the recommended conditions of approval in the final section of this report.

As noted on pages 1 and 3 of this report, by-right building heights of four stories and 60 feet are permitted in TSS zoning in the TOD zoning overlay, with additional height allowed with conditional use approval. The Planning Division believes that the Plan Commission can find that conditional use standard 11 is met to allow the proposed building to exceed the four-story height threshold that applies to the site in the TOD overlay. Per standard 11:

> *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.*

The proposed five-story building will stand approximately 59 feet at its tallest point, with less height and mass proposed where the building will be set into the hill that forms the southern and eastern property lines. The proposed height is consistent with the four- to six-story height generally recommended for the site by the University Hill Farms Neighborhood Plan, and staff feels that it would not be in the public interest to not approve the one additional story proposed.

Criteria for Certified Survey Map

Finally, the Plan Commission may find that the proposed one-lot Certified Survey Map to combine the underlying lots that comprise the subject parcel meets the standards and criteria for approval subject to the conditions in the Recommendations section of the report.

Conclusion

The applicant is requesting approval of a zoning map amendment to rezone the 0.53-acre parcel from NMX to TSS and conditional use approvals to facilitate redevelopment of the site with a five-story, 40-unit apartment building following demolition of a one-story office building. The rezoning of the property is required because the existing NMX zoning does not allow more than 36 units in a multi-family dwelling.

The Planning Division believes that the Plan Commission may find that the proposed development meets the various standards for approval. The proposed rezoning will implement many of the recommendations for the site in the Comprehensive Plan and University Hill Farms Neighborhood Plan, including the recommendations in the latter that encourage the construction of up to 200 housing units in four- to six-story buildings along the east side of N Whitney Way and south side of Old Middleton Road on the side of the block containing the subject site. The proposed development also meets the standards for conditional use approval, including standard 11 to allow the building to exceed the four-story permitted height limit in TSS zoning and the TOD zoning overlay.

Recommendation

Planning Division Recommendation (Contact Timothy M. Parks, (608) 261-9632)

The Planning Division recommends the following to the Plan Commission:

- That the Plan Commission that the standards for demolition permits are met to **approve** demolition of a one-story office building located at 515 N Whitney Way;
- That the Plan Commission forward Zoning Map Amendment ID 28.022–00673, rezoning 515 N Whitney Way from NMX to TSS, to the Common Council with a recommendation of **approval**;
- That the Plan Commission find the standards for conditional uses are met to **approve** a five-story, 40-unit apartment building, subject to input at the public hearing and the conditions from reviewing agencies that follow; and
- That the Plan Commission forward the Certified Survey Map to create one lot at 515 N Whitney Way for the proposed development to the Common Council with a recommendation of **approval** subject to the conditions from reviewing agencies beginning on **page 14**.

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

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

1. Obtain a permit to Excavate in the Right-of-Way for completing the improvements in the public right of way.

2. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder ((608) 261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.

3. 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.

4. An Erosion Control Permit is required for this project.

5. A Storm Water Management Report and Storm Water Management Permit is required for this project.

6. A Storm Water Maintenance Agreement (SWMA) is required for this project.

7. This site appears to disturb less than one (1) acre of land. No submittal to the Wisconsin Department of Natural Resources (WDNR), Capital Area Regional Planning Commission (CARPC), or Department of Safety and Professional Services (DSPS) is required as the City of Madison Building Inspection Division is an approved agent for DSPS.

8. 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.

9. 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.

10. This project will disturb 4,000 square feet or more of land area and requires an Erosion Control Permit. Submit the Erosion Control Permit Application (with USLE calculations and associated fee) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.

11. Demonstrate compliance with MGO Sections 37.07 and 37.08 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.

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

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

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

    This site is a mix of redevelopment and new development stormwater standards.

    Detain the 2-, 5-, 10-, 100-, and 200-year storm events, matching post development rates to predevelopment rates and using the design storms identified in MGO Chapter 37.

    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 half inch of rainfall over the total site impervious area. If additional stormwater

controls are necessary beyond the first half inch of rainfall, either green or non-green infrastructure may be used..

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 best management practices (BMP) used to meet stormwater management requirements on this project.

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

City Engineering Division – Mapping Section (Contact Jeffrey Quamme, (608) 266-4097)

14. There is a timber retaining wall along the south line of this site up to the property line. The owner shall provide an agreement/easement addressing the future maintenance and repair of this wall with the adjacent property owner.

15. Note: There is a gravel path crossing the southeast corner of this site. The owner is solely responsible to determine and coordinate with the adjacent properties for any rights that may exist for the use of the current path.

16. There is grading and new retaining wall construction proposed along the easterly line of this site. The owner/ contractor shall coordinate the grade change and construction of the retaining wall within the existing utility easement. The retaining wall proximity to the property line may also require an agreement with the adjacent property owner for the construction, maintenance, and future replacement of the retaining wall.

17. The address of the proposed apartment building is 5033 Old Middleton Road. 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.

18. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds, the new parcel data created by the Assessor's Office, and the parcel data available to Zoning and Building Inspection staff prior to issuance of building permits for new construction or an early start permit.

19. Submit a site plan and a complete building Floor Plan 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 a complete interior addressing plan. Also, include a unit matrix for apartment buildings indicating the number of apartments on each floor. 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 Addressing Plan shall be included in said Site Plan Verification application materials. Per Section 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)

20. The applicant shall submit for review a waste removal plan for approval by the City Traffic Engineer, which shall include vehicular turning movements.

21. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawing shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; 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.

22. 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.

23. 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.

24. All parking facility design shall conform to the standards in MGO Section 10.08(6).

25. All bicycle parking adjacent pedestrian walkways shall have a two (2)-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.

26. Per MGO Section 12.138 (14), this project is not eligible for residential parking permits. It is recommended that this prohibition be noted in the leases for the residential units.

27. The applicant shall adhere to all vision triangle requirements as set in MGO Section 27.05 (no visual obstructions between the heights of 30 inches and 10 feet at a distance of 25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO Section 27.05(2)(bb), Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.

28. 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, ((608) 267-1979, 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.

29. The driveway slope to the underground parking is not identified in the plan set, Traffic Engineering recommends driveway slope under 10%; if the slope is to exceed 10%, the applicant shall demonstrate inclement weather mitigation techniques to provide safe ingress/egress to be approved by the City Traffic Engineer.

30. The applicant shall provide a clearly defined five-foot walkway 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.

31. The applicant shall show the dimensions for the proposed Class III driveway including the width of the drive entrance, width of the flares, and width of the curb cut.

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

33. Note: This site presents difficult constructability issues. Access to neighboring sites must be maintained at all times, protected walkways shall be constructed and maintained as soon as possible and little to no access to the public right of way on Old Middleton Road and N Whitney Way will be granted for construction purposes. Provide a detailed construction plan to the Traffic Engineering Division for review prior to final sign-off.

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

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

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

35. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than 10,000 square feet in size must be prepared by a registered landscape architect.

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

37. Provide details demonstrating compliance with the bird-safe glass requirements in Section 28.129. For building façades where the first 60 feet from grade are comprised of greater than or equal to 50% glass, at least 85% of the glass must be treated. Of all glass areas over 50 square feet, any glass within 15 feet of a building corner must be treated. Identify which glass areas are 50 square feet or greater and which glass areas will be treated. Provide a detail of the specific treatment product that will be used.

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

38. Per IFC D105.3: Aerial access to be parallel to the building. The north aerial access shown does not meet this requirement. Provide revised fire access plan meeting IFC and MGO Chapter 34 requirements.

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

39. 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# 24024 when contacting Parks Division staff about this project.

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

40. This property is in a Wellhead Protection District–Zone (WP-14). The applicant shall provide the Madison Water Utility with confirmation that no hazardous and/or toxic materials will be stored on site, and that all proposed uses of this site comply with the City of Madison Wellhead Protection Ordinance. Any future change in use for this property will require review by the Madison Water Utility General Manager or his designated representative. Contact Sarah Scroggins at Sscroggins@madisonwater.org for additional information, including a summary of the submittal requirements.

41. The utility plan indicates connecting to an existing 8-inch water service that does not exist. Update the utility plan to show a new connection to the water main in the right of way.

42. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days' notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's Plumbers & Contractors website (http://www.cityofmadison.com/water/plumbers-contractors); otherwise, they may be obtained from the Water Utility Main Office at 119 E Olin Avenue. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. A Water Meter Application Form will subsequently be required to size & 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.

Forestry Section (Contact Bradley Hofmann, (608) 267-4908)

43. 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.

44. 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.

45. City Forestry will issue a street tree removal permit for one spruce tree due to construction conflicts along the Old Middleton Road frontage. There are two dead Ash trees City Forestry will be removing before the project. The contractor shall contact City Forestry at (608)266-4816 to obtain permit. Add as a note on both the demolition and street tree plan set.

46. Additional street trees are needed for this project. Tree planting specifications can be found in Section 209 of *City of Madison Standard Specifications for Public Works Construction*. All street tree planting locations and tree species within the right of way shall be determined by City Forestry. A landscape plan and street tree planting plan shall be submitted in PDF format to City Forestry for approval of planting locations within the right of way and tree species. All available street tree planting locations shall be planted within the project boundaries. Add following note on both the landscape and street tree plan sets: At least one week prior to street tree planting, Contractor shall contact City Forestry at (608) 266-4816 to schedule inspection and approval of nursery tree stock and review planting specifications with the landscaper.

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

This agency has reviewed the request and recommended no conditions of approval.

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

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

1. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.

2. A minimum of two (2) working days prior to requesting City Engineering signoff on the CSM, contact either Tim Troester (West) at (608) 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).

City Engineering Division – Mapping Section (Contact Jeffrey Quamme, (608) 266-4097)

3. Show, label and dimension the utility easement as per the University Hill Farms–North Hill Addition, Document No. 979616 along the easterly and southeasterly portions of this Certified Survey Map.

4. Add a note: "Lands within this CSM are subject to Covenants, Conditions, Restrictions and Easements per Document Nos. 980230, 984386 and Certification per Document No. 996748.

5. 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).

6. Prior to Engineering final sign-off by main office for Certified Survey Maps, the final CSM shall be submitted in PDF format 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.

7. Show "recorded as" distance along the southeasterly line, the recorded as bearing along the southwesterly line and the recorded as bearing for the chord of curve C2. Also, provide correct tangent bearings at each end of Curve C2.

8. Provide the coordinates of record for the two section corners. Provide the adjustment for the coordinate system used for this CSM in the basis of bearings.

9. The current ownership does not match the Owner's Certificate. Provide updated title or revise the Owner's Certificate.

10. This pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds, the new parcel data created by the Assessor's Office, and the parcel data available to Zoning and Building Inspection staff prior to issuance of building permits for new construction or an early start permit.

11. The applicant shall submit to Jeff Quamme, prior to final 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 shall be void of gaps and overlaps and match the final recorded CSM: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; easement lines (including wetland and floodplain boundaries).

    *This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat, electronic data and a written notification to Engineering Mapping for any changes to the plat which occur subsequent to any submittal.

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

This agency has reviewed the request and recommended no conditions of approval.

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

This agency has reviewed the request and recommended no conditions of approval.

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

This agency has reviewed the request and recommended no conditions of approval.

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

This agency has reviewed the request and recommended no conditions of approval.

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

12. The following information shall be noted on the CSM prior to final approval: “The properties are located within Wellhead Protection District—Zone (WP-14). Uses of the properties are required to comply with the City of Madison Wellhead Protection requirements as provided under MGO Sections 13.22 and 28.102.”

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

This agency has reviewed the request and recommended no conditions of approval.

Forestry Division (Contact Bradley Hofmann, (608) 267-4908)

This agency has reviewed the request and recommended no conditions of approval.

Office of Real Estate Services (Jenny Frese, (608) 267-8719)

13. A certificate of consent for all mortgagees shall be included following the Owner's Certificate(s) and executed prior to CSM approval sign-off. If the CSM is signed electronically, a PDF of the CSM containing electronic signatures shall be provided to ORES to obtain approval sign-off. Prior to approval sign-off by the Office of Real Estate Services, the Owner's Certificate 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).

14. Per 236.21(3) Wis. Stats. and MGO Section 16.23(5)(g)(1), the property owner shall pay all real estate taxes and special assessments that may become due prior to CSM recording. Receipts from the City of Madison Treasurer are to be provided before or at the time of sign-off.

15. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish an updated title report to Heidi Radlinger (hradlinger@cityofmadison.com), as well as the survey firm preparing the proposed CSM. The report shall search the period subsequent to the date of the initial title report submitted with the CSM application and include all associated documents that have been recorded since the initial title report. A title commitment may be provided, but will be considered only as supplementary information to the title report update. The surveyor shall update the CSM with the most recent information reported in the title update. ORES reserves the right to impose additional conditions of approval in the event the title update contains changes that warrant revisions to the CSM.

16. Please note that the City's Office of Real Estate Services is reviewing the report of title provided with this survey and may have additional comments. That office will send any comments separately. If you have any questions, please contact Heidi Radlinger at (608) 266-6558 for more information.