



**CITY OF MADISON
ZONING BOARD OF APPEALS
VARIANCE APPLICATION**

\$300 Filing Fee

Ensure all information is typed or legibly printed using blue or black ink.

Address of Subject Property: 2921 LANDMARK PLACE

Name of Owner: BRADLEY HUTTER, MIO LLC

Address of Owner (if different than above): _____

Daytime Phone: 608.261.1111 Evening Phone: _____

Email Address: _____

Name of Applicant (Owner's Representative): POTTER LAWSON INC. / JAMES MORAVEC

Address of Applicant: _____

Daytime Phone: _____ Evening Phone: _____

Email Address: _____

Description of Requested Variance: REFERENCE SECTIONS 28.085(4)b AND 28.085(4)c. SINCE THE SITE HAS NO TRUE FRONTAGE ON A CITY STREET AND CONTAINS A GROVE OF 200+ YEAR OLD OAK TREES THAT THE OWNER WOULD LIKE TO PRESERVE, WE ARE SEEKING APPROVAL FOR AN ALTERNATE PLACEMENT OF THE BUILDING AND PARKING ON THE SITE.

(See reverse side for more instructions)

FOR OFFICE USE ONLY	
Amount Paid: <u>\$300</u>	Hearing Date: <u>5-26-16</u>
Receipt: <u>JK</u>	Published Date: <u>5-19-16</u>
Filing Date: <u>5/15/16</u>	Appeal Number: <u>INDVAR-2016-00004</u>
Received By: <u>JK</u>	CD: <u>OK</u>
Parcel Number: <u>0109-334-1103-8</u>	Code Section(s): <u>28.085(4)(b)</u>
Zoning District: <u>SE</u>	<u>28.085(4)(c)</u>
Alder District: <u>14 Short Center</u>	

Standards for Variance

The Zoning Board of Appeals shall not grant a variance unless it finds that the applicant has shown the following standards are met:

1. There are conditions unique to the property of the applicant that do not apply generally to other properties in the district.

1.) THE PROPERTY DOES NOT FRONT ON A STREET

2.) A GROVE OF 200+ YEAR OLD OAK TREES OCCUPY THE
CENTER OF THE PROPERTY

2. The variance is not contrary to the spirit, purpose, and intent of the regulations in the zoning district and is not contrary to the public interest.

WE FEEL THE PROPOSED SITE PLAN RESPONDS TO THE
SITE AND IS NOT CONTRARY TO THE PUBLIC INTEREST.

3. For an area (setbacks, etc) variance, compliance with the strict letter of the ordinance would unreasonably prevent use of the property for a permitted purpose or would render compliance with the ordinance unnecessarily burdensome.

4. The alleged difficulty or hardship is created by the terms of the ordinance rather than by a person who has a present interest in the property.

THE CURRENT ORDINANCE DOES NOT ALLOW A GOOD
RESPONSE TO THE UNIQUE CONDITIONS OF THIS SITE

5. The proposed variance shall not create substantial detriment to adjacent property.

1.) THE PROPOSED BUILDING IS LOCATED AWAY FROM
ADJACENT RESIDENTIAL AREAS

2.) GREEN SPACE AND PLANTING BUFFERS ARE PROVIDED
BETWEEN PARKING AND RESIDENTIAL AREAS

6. The proposed variance shall be compatible with the character of the immediate neighborhood.

PRESERVING THE EXISTING OAK TREES AND PLACEMENT
OF THE BUILDING RESPECTS THE ADJACENT NEIGHBORHOOD.

Application Requirements

Please provide the following Information (Please note any boxes left unchecked below could result in a processing delay or the Board's denial of your application):

<input checked="" type="checkbox"/>	Pre-application meeting with staff: Prior to submittal of this application, the applicant is strongly encouraged to discuss the proposed project and submittal material with Zoning staff. Incomplete applications could result in referral or denial by the Zoning Board of Appeals.
<input checked="" type="checkbox"/>	Site plan , drawn to scale. A registered survey is recommended, but not required. Show the following on the site plan (Maximum size for all drawings is 11" x 17"): <input type="checkbox"/> Lot lines <input type="checkbox"/> Existing and proposed structures, with dimensions and setback distances to all property lines <input type="checkbox"/> Approximate location of structures on neighboring properties adjacent to variance <input type="checkbox"/> Major landscape elements, fencing, retaining walls or other relevant site features <input type="checkbox"/> Scale (1" = 20' or 1" = 30' preferred) <input type="checkbox"/> North arrow
<input checked="" type="checkbox"/>	Elevations from all relevant directions showing existing and proposed views, with notation showing the existing structure and proposed addition(s). (Maximum size for all drawings is 11" x 17")
<input checked="" type="checkbox"/>	Interior floor plan of existing and proposed structure , when relevant to the variance request and required by Zoning Staff (Most additions and expansions will require floor plans). (Maximum size for all drawings is 11" x 17")
<input type="checkbox"/>	Front yard variance requests only. Show the building location (front setback) of adjacent properties on each side of the subject property to determine front setback average.
<input type="checkbox"/>	Lakefront setback variance requests only. Provide a survey prepared by a registered land surveyor showing existing setbacks of buildings on adjacent lots, per MGO 28.138.
<input checked="" type="checkbox"/>	Variance requests specifically involving slope, grade, or trees. Approximate location and amount of slope, direction of drainage, location, species and size of trees.
<input checked="" type="checkbox"/>	CHECK HERE. I acknowledge any statements implied as fact require supporting evidence.
<input checked="" type="checkbox"/>	CHECK HERE. I have been given a copy of and have reviewed the standards that the Zoning Board of Appeals will use when reviewing applications for variances.

Owner's Signature: _____

Date: 2-18-16

(Do not write below this line/For Office Use Only)

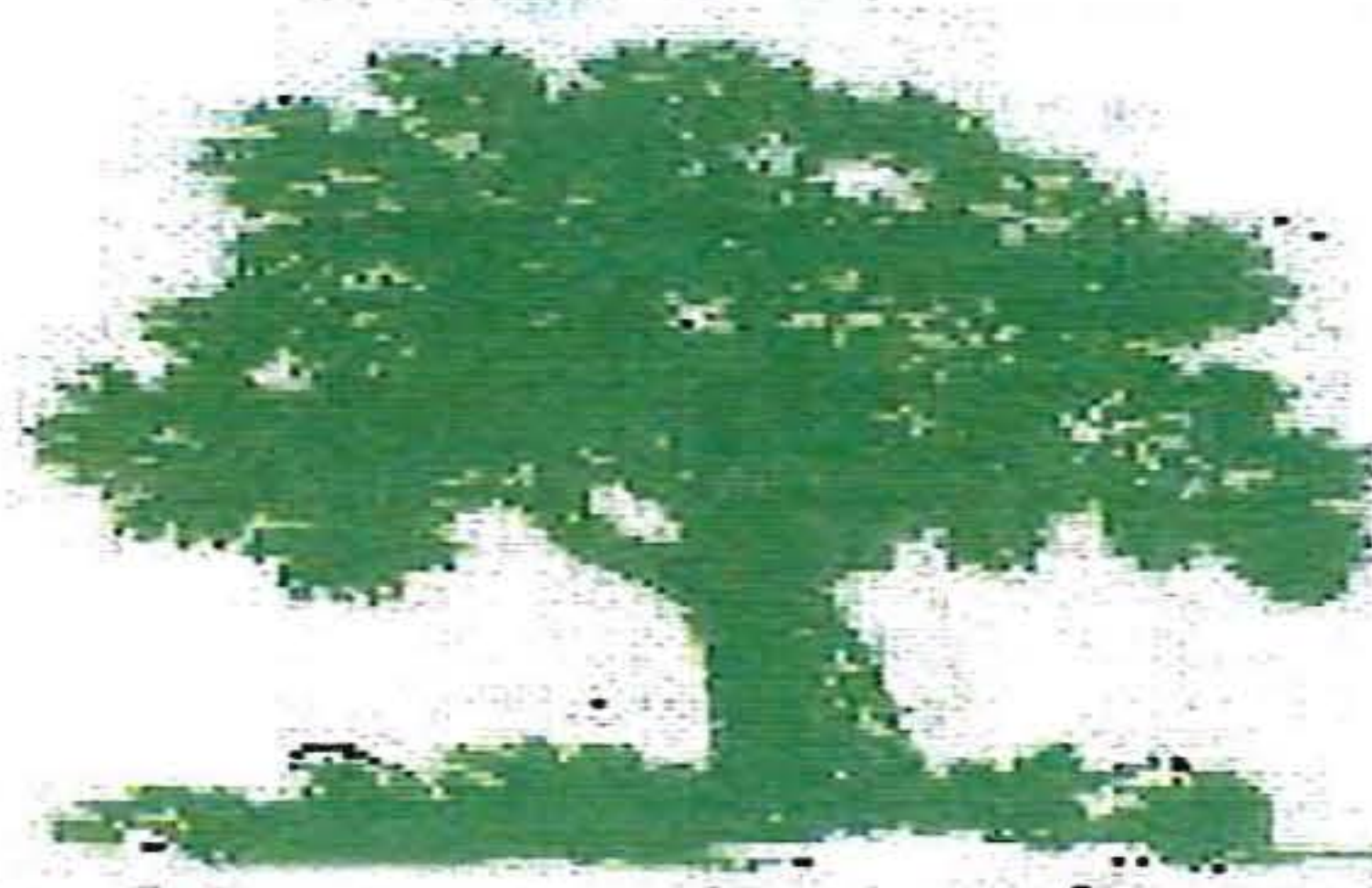
DECISION

The Board, in accordance with its findings of fact, hereby determines that the requested variance for _____ (is) (is not) in compliance with all of the standards for a variance. Further findings of fact are stated in the minutes of this public hearing.

The Zoning Board of Appeals: ☐ Approved ☐ Denied ☐ Conditionally Approved

Zoning Board of Appeals Chair: _____

Date: _____



Hamm's
ArborCare, Inc
The Professional Tree Service

PO Box 174 Pardeeville, WI 53954

Office: 608-429-2307 Toll Free: 866-596-5396 Fax: 608-429-1418

March 1, 2016

Daniel Lonsdorf
Executive Vice President – Administration
Chief of Staff ♦ MIG Commercial Real Estate, LLC
3001 West Beltline Hwy, Ste 202
Madison, WI 53713

Daniel,

The purpose of this correspondence is to give a summary of historic trees at the Landmark development site. In particular, there are three significant oak trees in a central area protected with steel fencing. This area was recently cleared of all understory trees and invasives. Besides the three main oak trees: a 45 inch diameter burr oak, a 41 inch diameter lightning struck white oak, and a 31 inch diameter burr oak, there is also a fourth burr oak measuring 22 inches in diameter, a 20 inch diameter hickory and a group of walnuts that were left standing within the protected area. The 22 inch diameter burr oak is likely an offspring of the 31 or 45 inch diameter burr oaks.

The two smaller burr oaks are in excellent health. The 45 inch diameter burr oak and the 41 inch diameter white oak have suffered significant die back over the years. Hamm's ArborCare has conducted the dead wood pruning of these trees on multiple occasions, the most recent of which was in conjunction with clearing the understory trees from this area last fall. Reductions were made to the nearest live tissue. As indicated above, the white oak appears to have suffered a direct lightning strike at some time in the past. Such an event may also have contributed to the stark decline in the largest burr oak. Treatments have been administered in the past for control of borers, burr oak blight and oak wilt. Additionally, last fall following the removal of the understory, a bio-char soil amendment was applied along with an application of mulch covering a large portion of the critical root radius of the trees. The two larger trees are likely in excess of 150 years old. Though they have suffered significant canopy loss over the past decade, with proper care and adequate protection it is possible, in my professional opinion, that these trees could persist and make a recovery.

The remaining hickory and walnuts, were not left for any historical purpose, they were simply left as significant members of the grove. They could remain or be removed at the discretion of the planners without impact to the four oaks. I would recommend preserving the smallest burr oak along with the three larger oaks with adequate space. The Critical Root Radius (CRR) is calculated as one foot for every inch of diameter in all directions of the trees. For example the CRR of the 45 inch diameter burr oak is 45 feet in all directions of the tree. The current barrier adequately protects this area. I would offer my opinion on any proposed reductions to the current protection zone, which would include another site visit and markings of the reduced area.

Thank you for the opportunity to be involved in this project. If you have any further questions, please feel free to contact me via email at sales@hammsarborcare.com.

Sincerely,

Kevin Hamm
ISA Board Certified Master Arborist WI-0317B

--① Building is oriented to Southwest, Street is Northwest. Zoning ordinance requires building front to be oriented to street

--② Majority of parking is to front of building. Zoning ordinance requires majority of parking to rear and side of building.



Building Area Summary

Fifth Floor	21,130
Fourth Floor	21,130
Third Floor	21,130
Second Floor	21,130
First Floor	20,480
	105,000 GSF of Office Space
Parking Level	20,910
	125,910 GSF Total Area

Parking

Surface Parking - Phase 1	313 Stalls
Surface Parking - Phase 2	27 Stalls
Below Building	43 Stalls
Total Site Parking	383 Stalls

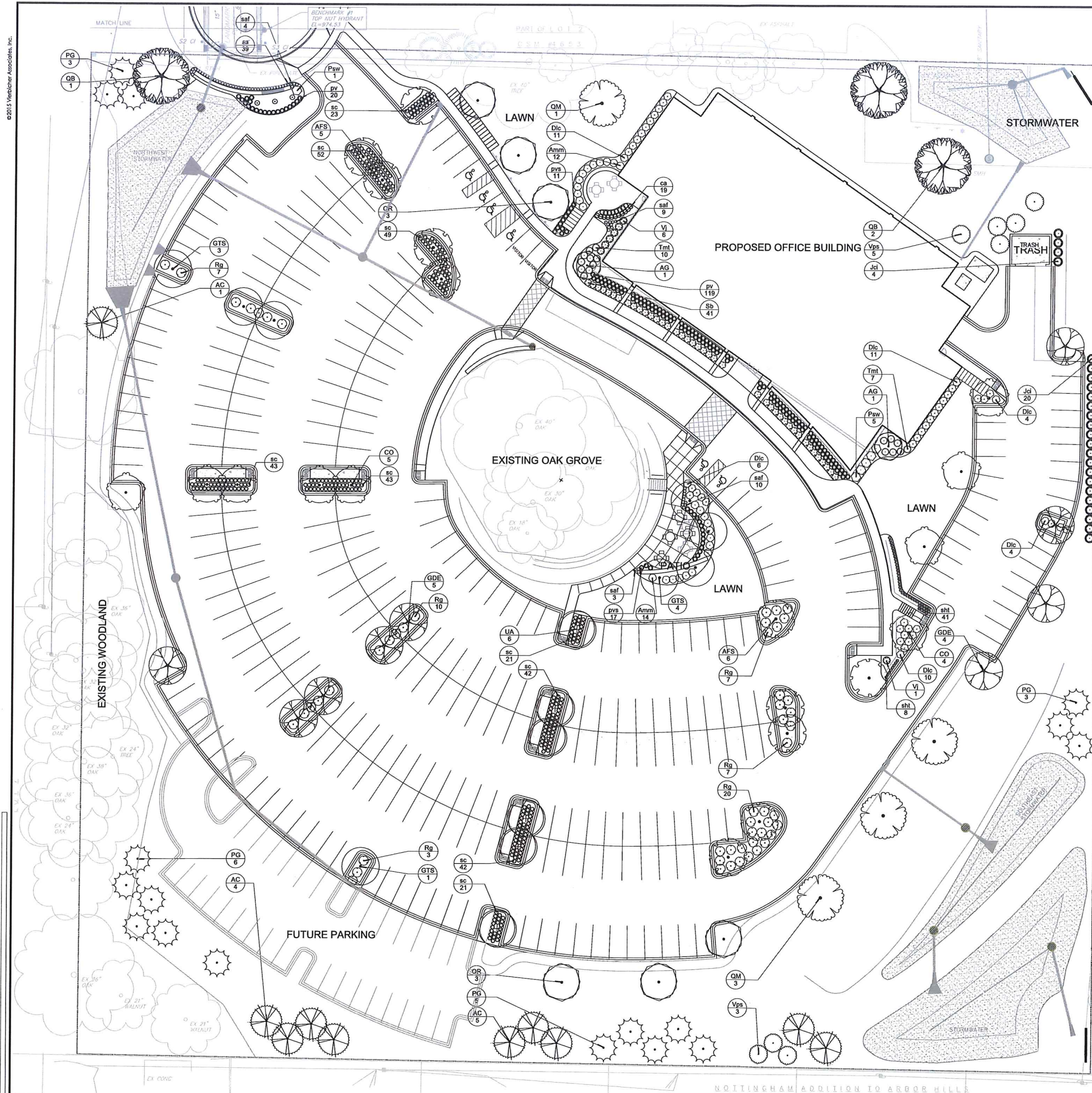
Bike Parking

Surface Stalls	34 Stalls
Below Building	18 Stalls
Total Site Parking	52 Stalls




Zoning Summary

Zoning District	Suburban Employment (SE)
Rear Yard Setback	30 Feet
Side Yard Setback	15 Feet

Zoning Variance: Building Placement



LEGEND

	LAWN
	MEADOW
	PRAIRIE



PLANT SCHEDULE

<u>DECIDUOUS TREES</u>		<u>BOTANICAL NAME / COMMON NAME</u>	<u>CONT.</u>	<u>CAL.</u>	<u>SIZE</u>	<u>QT.</u>
AFS		Acer x brenanii 'Sileas' / Sileas Glen Maple	B & B	2.5' Cal	11	8
CO		Celtis occidentalis / Common Hackberry	B & B	2.5' Cal	9	
GTS		Gleditsia inaequalis 'Skyline' / Skyline Honey Locust	B & B	2.5' Cal	6	
GDE		Gymnocladus dioica 'Espresso' / Kentucky Coffeetree	B & B	2.5' Cal	9	
GB		Quercus bicolor / Swamp White Oak	B & B	3' Cal	8' H (MIN.)	3
GM		Quercus macrocarpa / Bur Oak	B & B	2' Cal	4	
QR		Quercus rubra / Red Oak	B & B	2' Cal	6	
UA		Ulmus americana 'New Harmony' / New Harmony American Elm	B & B	2.5' Cal	4	
<hr/>						
<u>EVERGREEN TREES</u>		<u>BOTANICAL NAME / COMMON NAME</u>	<u>CONT.</u>	<u>CAL.</u>	<u>SIZE</u>	<u>QT.</u>
AC		Abies concolor / White Fir	B & B	5' HT. (MIN.)	10	
PG		Picea glauca 'Densata' / Black Hills Spruce	B & B	5' HT. (MIN.)	17	
<hr/>						
<u>FLOWERING TREES</u>		<u>BOTANICAL NAME / COMMON NAME</u>	<u>CONT.</u>	<u>CAL.</u>	<u>SIZE</u>	<u>QT.</u>
AG		Amelanchier x grandiflora 'Autumn Brilliance' / 'Autumn Brilliance' Serviceberry	B & B	6' Ht.	2	
Vps		Viburnum prunifolium 'Summer Magic' / Summer Magic Blackhaw Viburnum	B & B	6' HT. MIN.	8	
<hr/>						
<u>DECIDUOUS SHRUBS</u>		<u>BOTANICAL NAME / COMMON NAME</u>	<u>SIZE</u>	<u>FIELD2</u>	<u>FIELD3</u>	<u>QT.</u>
Arm		Aronia melanocarpa 'Morton' / Mt. Hogue Beauty Black Chokeberry	3 gal			26
Dic		Diervilla lonicera 'Cooper' / Cooper Low Bush Honeysuckle	3 gal			45
Psw		Physocarpus opulifolius 'Summer Wine' / Summer Wine Ninebark	5 gal	30' HT		6
Rg		Rhus aromatica 'Gro-Low' / Gro-Low Fragrant Sumac	3 gal			54
Sp		Spiraea betulifolia 'Tora' / Bitchleaf Spirea	3 gal			41
Vj		Viburnum x juddi / Judd Viburnum	3 gal			7
<hr/>						
<u>EVERGREEN SHRUBS</u>		<u>BOTANICAL NAME / COMMON NAME</u>	<u>SIZE</u>	<u>FIELD2</u>	<u>FIELD3</u>	<u>QT.</u>
Jcl		Juniperus chinensis 'Iowa' / Iowa Juniper	B & B	4' HT. (MIN.)		24
Tml		Taxus x media 'Texantoni' / Taunton Yew	5 gal	24' HT.		17
<hr/>						
<u>ORIENTAL GRASSES</u>		<u>BOTANICAL NAME / COMMON NAME</u>	<u>SIZE</u>	<u>FIELD2</u>	<u>FIELD3</u>	<u>QT.</u>
ca		Calamagrostis x acutiflora 'North Country' / Feather Reed Grass	1 gal			139
pv		Parianum virginicum 'North Wind' / Northwind Switch Grass	1 gal			139
pvs		Parianum virginicum 'Shenandoah' / Burgundy Switch Grass	1 gal			28
sc		Schizachyrium scoparium 'Blue Heaven' / Blue Heaven Little Bluestem	1 gal			336
sa		Sporobolus airoides / Autumn Moor Grass	1 gal			39
shl		Stipa capensis 'Tara' / Prairie Droopseed	1 gal			49
<hr/>						
<u>PERENNIALS</u>		<u>BOTANICAL NAME / COMMON NAME</u>	<u>SIZE</u>	<u>FIELD2</u>	<u>FIELD3</u>	<u>QT.</u>
sal		Sedum x autumn Fire / Autumn Fire Sedum	1 gal			29

[illegible]

Developed Lots	SF	Acres	Landscape Points Subtotal
Total Developed Area (Lot - Building Area)	265,295	6.09	
Landscape Points (5 pts/300 SF for first 5 acres, 1 pt/100 SF for additional)			4
Landscape Points Required			

Development Frontage (Landmark Place)		Overstory Trees Required		Shrubs Required	
Total LF of Street Frontage Between Parking/Building & Street	92	3		15	
Element	Point Value	Quantity Proposed	Quantity Existing	Points Achieved	
Overstory Deciduous Tree	35	1		35	
Tall Evergreen Tree	35	3		105	
Ornamental Tree	15			0	
Upright Evergreen Shrub	10			0	
Shrub, deciduous	3			0	
Shrub, evergreen	4			0	
Ornamental Grass/Perennial	2			0	
		Development Frontage Points Total			
		140			

Interior Parking Lots	SF	Overstory Trees Required*
Total Parking Lot Area	118446	59
Min. Parking Lot Islands (6%)	9,476	

Element	Point Value	Quantity Proposed	Quantity Existing	Points Achieved
Overstory Deciduous Tree	35	56	4	2100
Ornamental Tree	15		0	0
Upright Evergreen Shrub	10		0	0
Shrub, deciduous	3	68		204
Shrub, evergreen	3		0	0
Ornamental Grass/Perennial	2	336		672
Development Frontage Points Total				2676

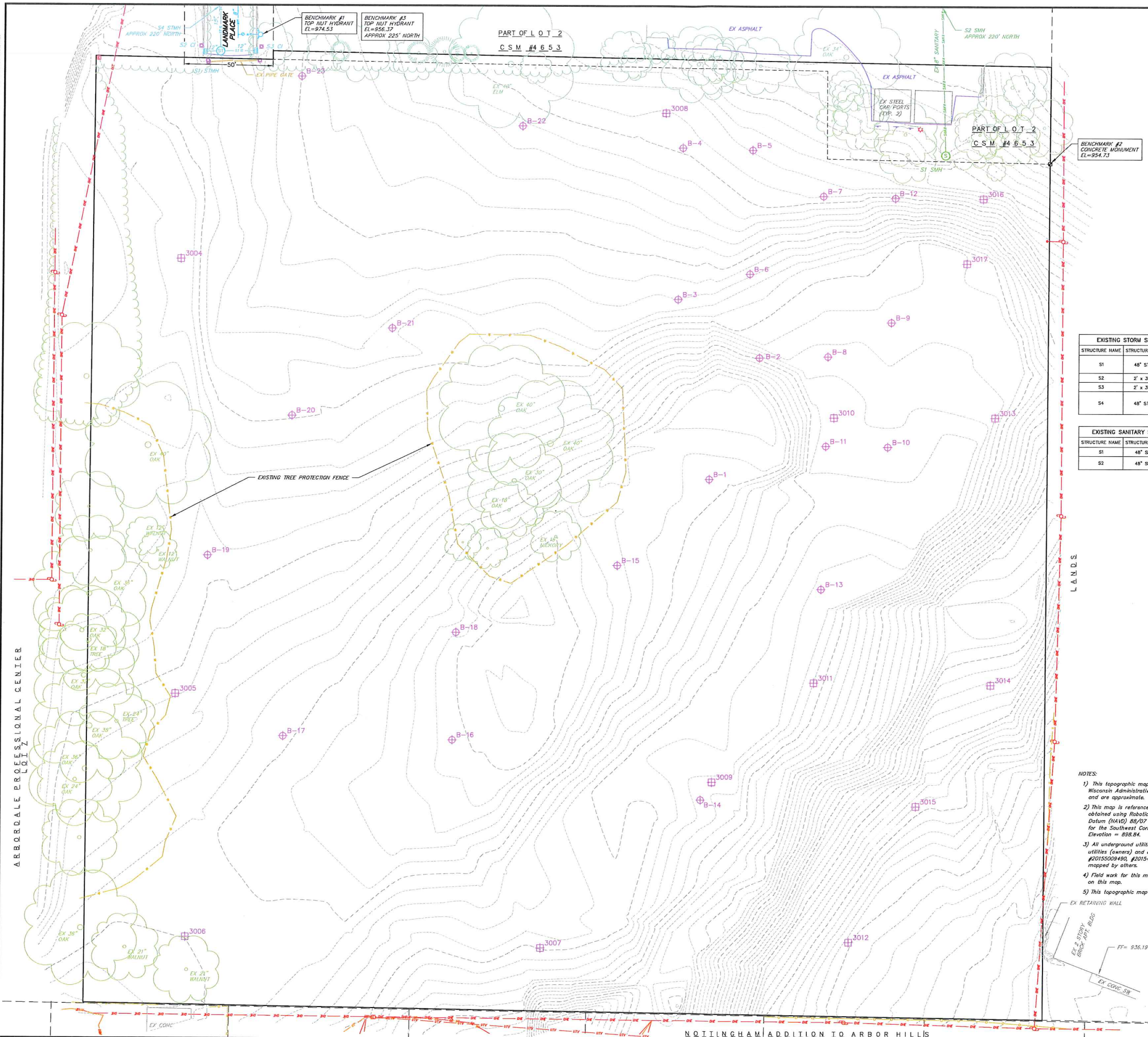
General Site, Foundation, Screening
6'-6" ht. screening shall be provided along side and rear property boundaries adjacent to residential districts
(In front yard setback screening shall not exceed 4' ht.)

Element	Point Value	Quantity Proposed	Quantity Existing	Points Achieved
Overstory Deciduous Tree	35	0		
Tall Evergreen Tree	35	27		945
Ornamental Tree	15			0
Upright Evergreen Shrub	10	24		240
Shrub, deciduous	3	80		240
Shrub, evergreen	4	17		68
Ornamental Grass/Perennial	2	274		548
Ornamental/Decorative Fence or Wall (4 pts/10 LF)				0
	4			704
Foundation Plantings Total				1653

* In cases where development frontage landscaping cannot be provided due to site constraints, the zoning administrator may waive the requirement or substitute alternative screening methods for the required landscaping.

TOTAL LANDSCAPE POINTS	5157
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STRUCTURE NAME	STRUCTURE TYPE	RIM/TC	INVERT
S1	48" STMH	971.60	966.30 E 966.20 N 966.30 W
S2	2' x 3' CI	971.84	966.88 E
S3	2' x 3' CI	971.70	967.00 W
S4	48" STMH	952.20	948.05 S 947.72 W 947.90 E 947.70 N

STRUCTURE NAME	STRUCTURE TYPE	R/W/TC	INVERT
S1	48" SMH	956.65	949.25 N
S2	48" SMH	944.68	934.13 S 934.03 N

- ### TOPOGRAPHIC SYMBOL LEGEND
- | | |
|---|---------------------------------------|
|  | EXISTING BOLLARD |
|  | EXISTING FLAG POLE |
|  | EXISTING MAILBOX |
|  | EXISTING MONITORING WELL |
|  | EXISTING POST |
|  | EXISTING SIGN (TYPE NOTED) |
|  | EXISTING CURB INLET |
|  | EXISTING ENDWALL |
|  | EXISTING FIELD INLET |
|  | EXISTING ROOF DRAIN CLEANOUT |
|  | EXISTING STORM MANHOLE |
|  | EXISTING SANITARY CLEANOUT |
|  | EXISTING SANITARY MANHOLE |
|  | EXISTING SEPTIC VENT |
|  | EXISTING FIRE HYDRANT |
|  | EXISTING STANDPIPE |
|  | EXISTING WATER MAIN VALVE |
|  | EXISTING CURB STOP |
|  | EXISTING WELL |
|  | EXISTING WATER MANHOLE |
|  | EXISTING GAS VALVE |
|  | EXISTING AIR CONDITIONING PEDESTAL |
|  | EXISTING DOWN GUY |
|  | EXISTING ELECTRIC MANHOLE |
|  | EXISTING RECTANGULAR ELECTRIC MANHOLE |
|  | EXISTING ELECTRIC PEDESTAL |
|  | EXISTING TRANSFORMER |
|  | EXISTING GUY POLE |
|  | EXISTING LIGHT POLE |
|  | EXISTING GENERIC LIGHT |
|  | EXISTING UTILITY POLE |
|  | EXISTING TV PEDESTAL |
|  | EXISTING TELEPHONE MANHOLE |
|  | EXISTING TELEPHONE PEDESTAL |
|  | EXISTING UNIDENTIFIED MANHOLE |
|  | EXISTING HANDICAP PARKING |
|  | EXISTING TRAFFIC SIGNAL |
|  | EXISTING SHRUB |
|  | EXISTING CONIFEROUS TREE |
|  | EXISTING DECIDUOUS TREE |
|  | EXISTING BURNING AND TEST PITS |

- ### TOPOGRAPHIC LINEWORK LEGEND
- | | |
|--|---|
| | EXISTING UNDERGROUND CABLE TV |
| | EXISTING OVERHEAD CABLE TV |
| | EXISTING FIBER OPTIC LINE |
| | EXISTING OVERHEAD TELEPHONE LINE |
| | EXISTING UNDERGROUND TELEPHONE |
| | EXISTING RETAINING WALL |
| | EXISTING CHAIN LINK FENCE |
| | EXISTING GENERAL FENCE |
| | EXISTING WIRE FENCE |
| | EXISTING WOOD FENCE |
| | EXISTING GAS LINE |
| | EXISTING UNDERGROUND ELECTRIC LINE |
| | EXISTING GUY LINE |
| | EXISTING OVERHEAD ELECTRIC LINE |
| | EXISTING OVERHEAD GENERAL UTILITIES |
| | EXISTING SANITARY FORCE MAIN (SIZE NOTED) |
| | EXISTING SANITARY SEWER LINE (SIZE NOTED) |
| | EXISTING STORM SEWER LINE (SIZE NOTED) |
| | EXISTING EDGE OF TREES |
| | EXISTING WATER MAIN (SIZE NOTED) |
| | EXISTING WETLAND DELINEATION |
| | EXISTING MAJOR CONTOUR |
| | EXISTING MINOR CONTOUR |

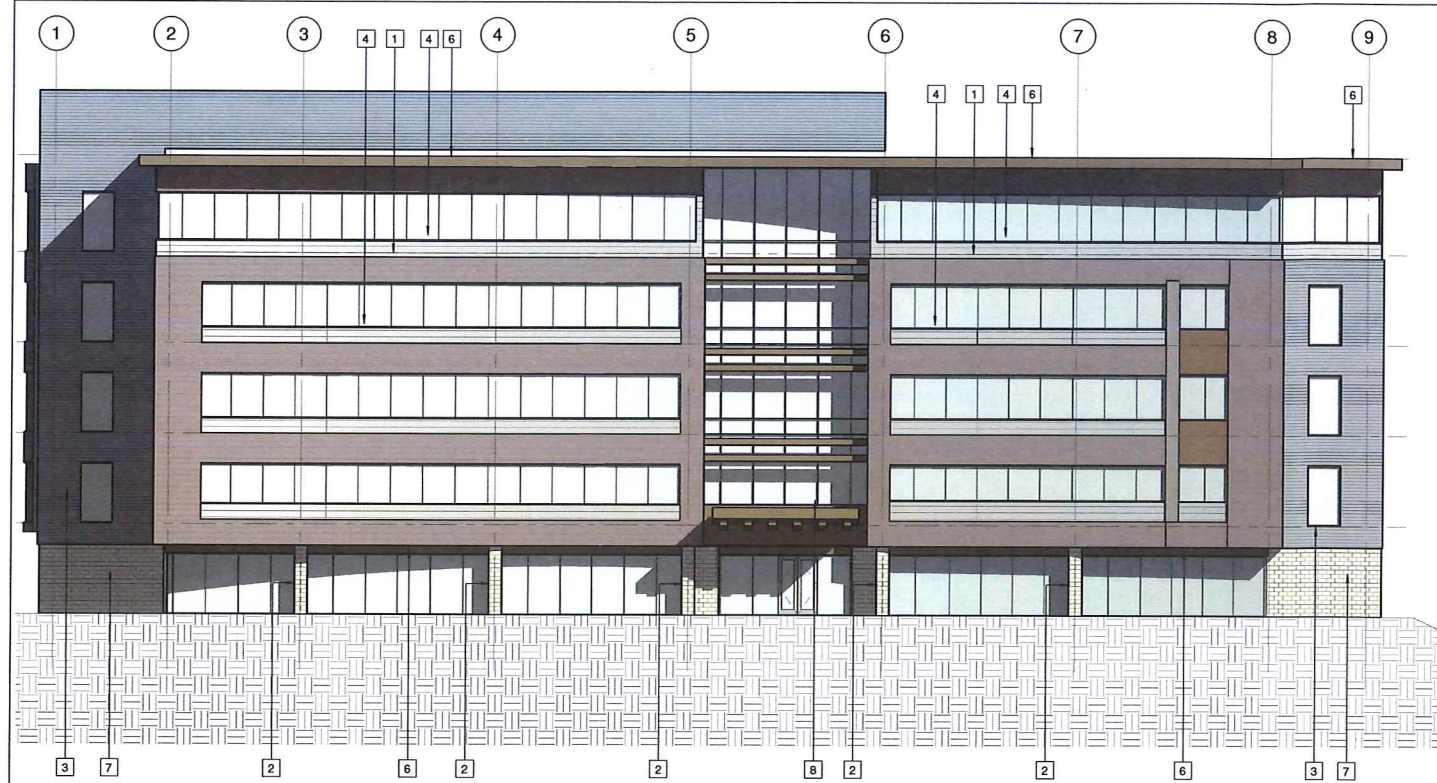
NOTES:

- 1) This topographic map is not intended to be a properly survey as defined by Chapter A-E 7 of the Wisconsin Administrative Code. Road right-of-ways and parcel lines are based on record information and are approximate.
- 2) This map is referenced to The Wisconsin County Coordinate System - Dane 83/97. Field data was obtained using Robotic Total Station and GPS. Elevations are referenced to the North American Vertical Datum (NAVD) 88/07 as per City of Madison base map monument #P70916.3MCE at the meander corner for the Southwest Corner of Section 34, T7N, R9E. Located on Todd Drive just south of Greenway Hill. Elevation = 895.84.
- 3) All underground utilities have been located per markings placed on the ground or maps provided by the utilities (owners) and/or their authorized representatives. Markings are as per Digger's Hotline tickets #20155009450, #2015488, and #2015500. Veribuilder does not warrant these locations marked or mapped by others.
- 4) Field work for this map was completed by 2016-1-06. Any changes after this date are not reflected on this map.
- 5) This topographic map was prepared at the request of Mortenson Investment Group, LLC.

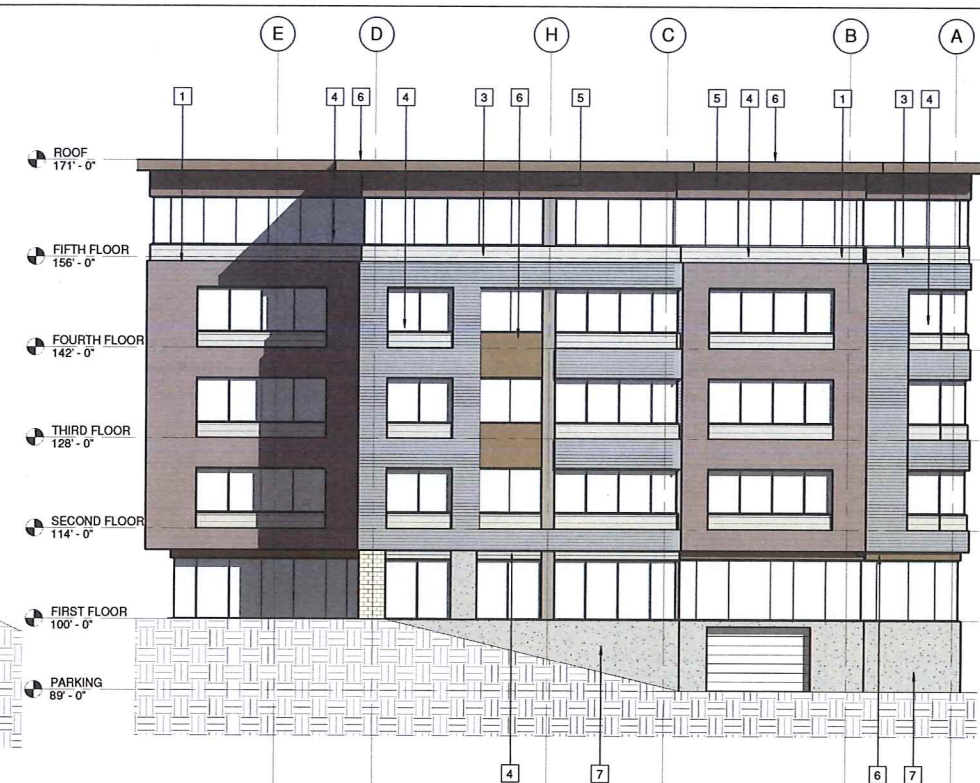
Existing Conditions Plan

SCALE AS SHOWN		NO.		DATE		REMARKS		REVISIONS	
DATE 4/27/16		DRAFTER DEHL		CHECKED MSCH/PKNU/MKR		PROJECT NO. 150279.00			

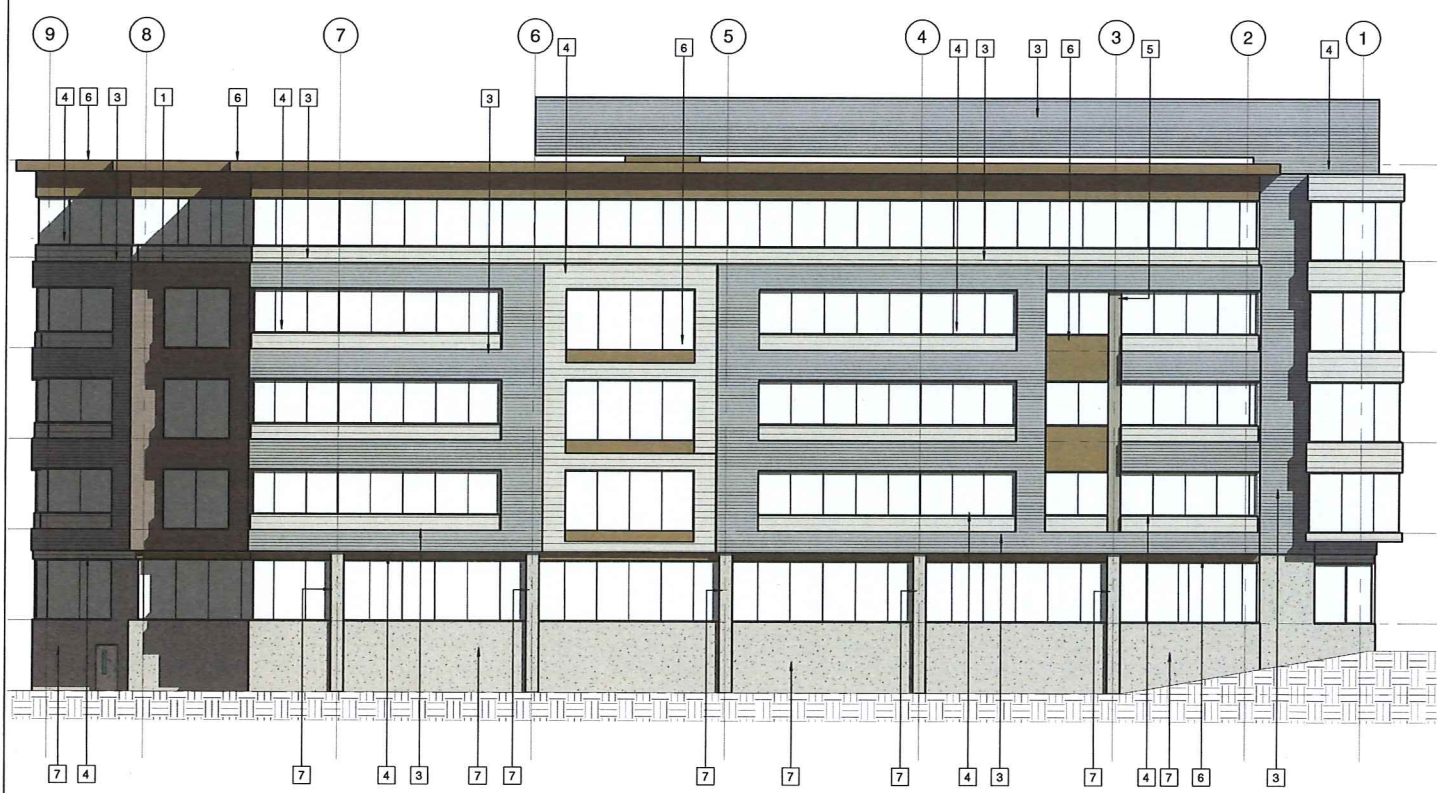
- KEYNOTES:
- 1 BRICK
 - 2 STONE
 - 3 METAL WALL PANEL TYPE 1
 - 4 METAL WALL PANEL TYPE 2
 - 5 METAL WALL PANEL TYPE 3
 - 6 FIBER CEMENT PANEL
 - 7 PRECAST CONCRETE
 - 8 ENTRY CANOPY



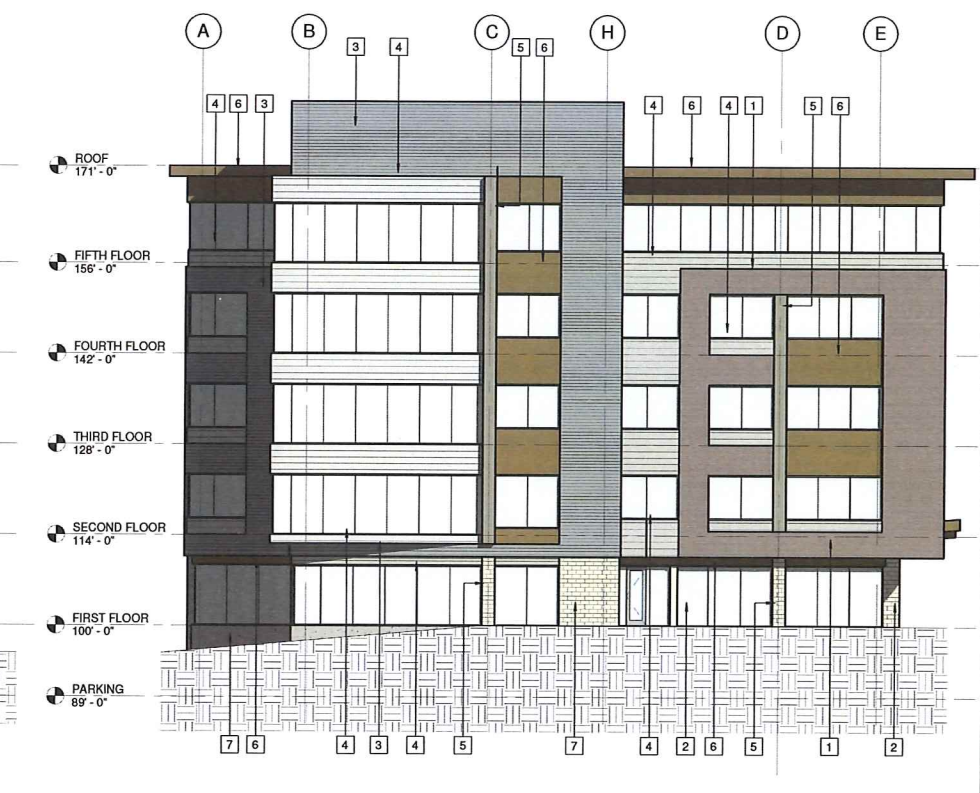
3 SOUTH ELEVATION
A201 3/32" = 1'-0"



1 EAST ELEVATION
A201 3/32" = 1'-0"



4 NORTH ELEVATION
A201 3/32" = 1'-0"



2 WEST ELEVATION
A201 3/32" = 1'-0"

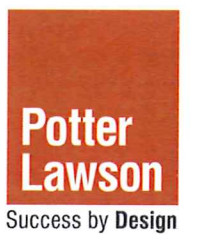
Landmark Oaks
MIG Commercial Real Estate
2921 Landmark Place

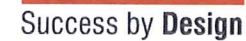
2011.27.02

Date	Revisions	Symbol
04/27/16	PLAN COMMENTS SUBMITTAL	



Landmark Oaks
 2011.27.02
 March 15, 2016



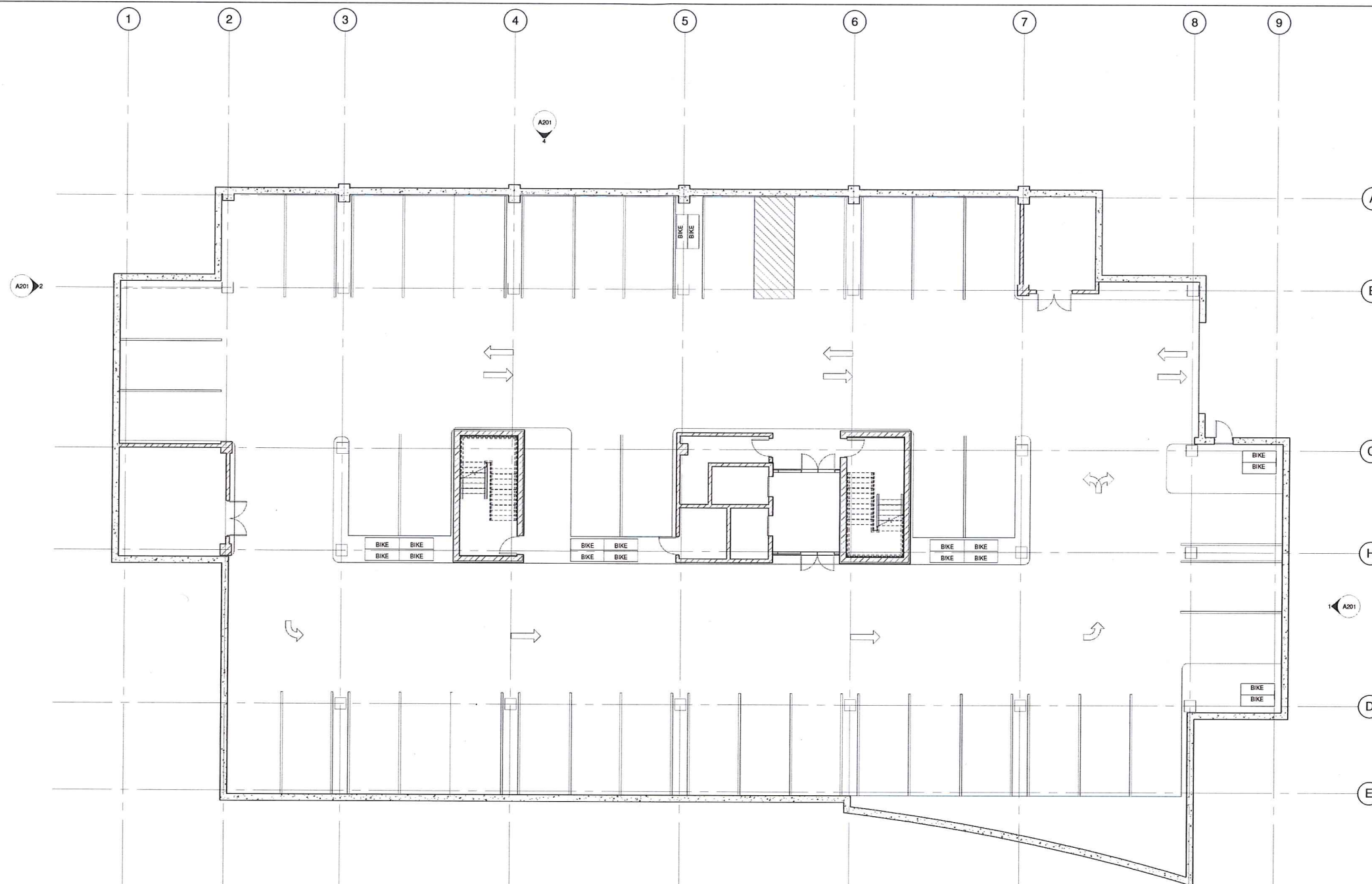


2011.27.02

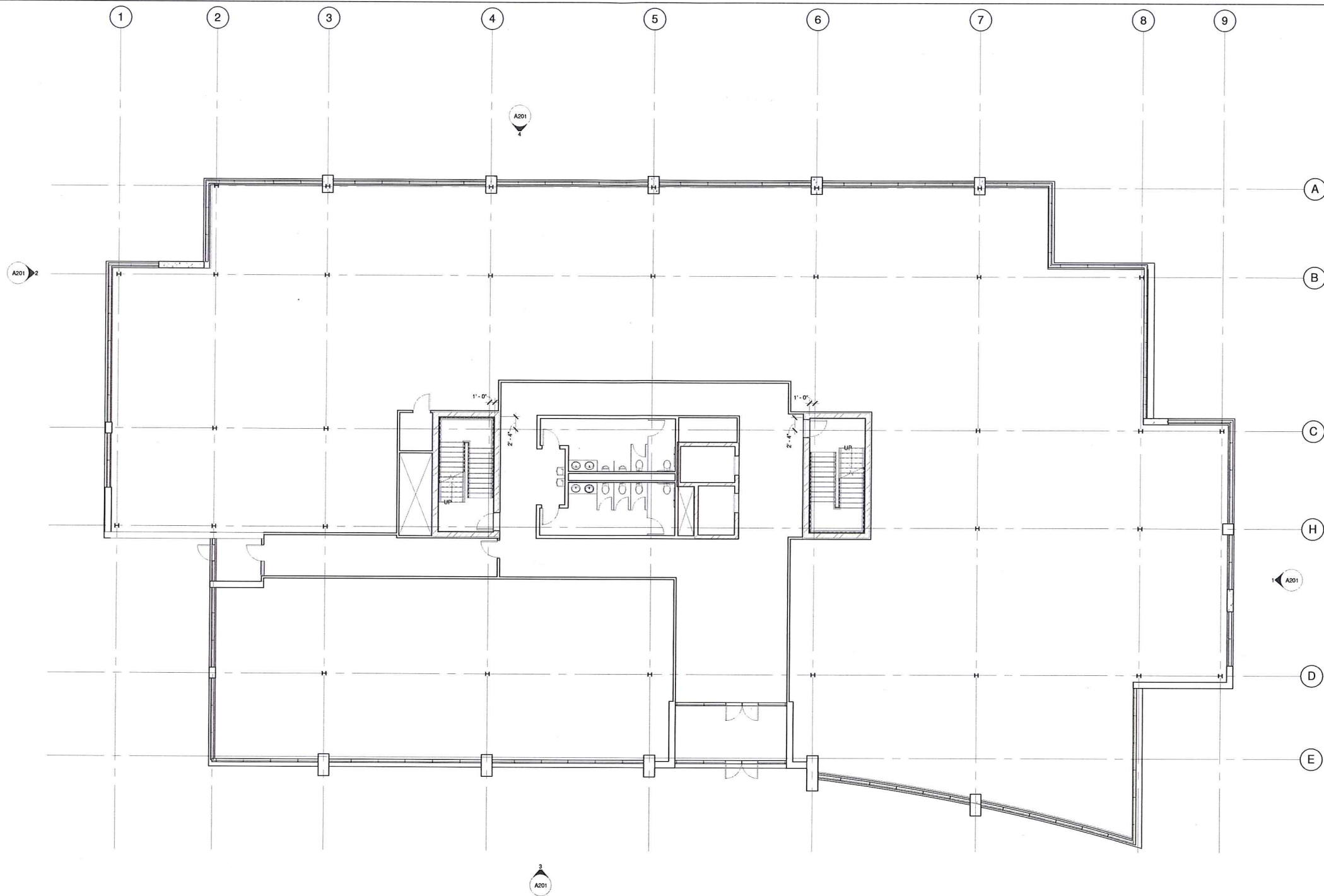
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PARKING FLOOR PLAN

A100



1 PARKING FLOOR PLAN
A100 1/8" = 1'-0"



1 FIRST FLOOR PLAN
A101 1/8" = 1'-0"

Landmark Oaks
MIG Commercial Real Estate
2921 Landmark Place

2011.27.02

Date	Revisions/Revisions	Symbol
04/27/16	PLAN COMMISSION SUBMITTAL	

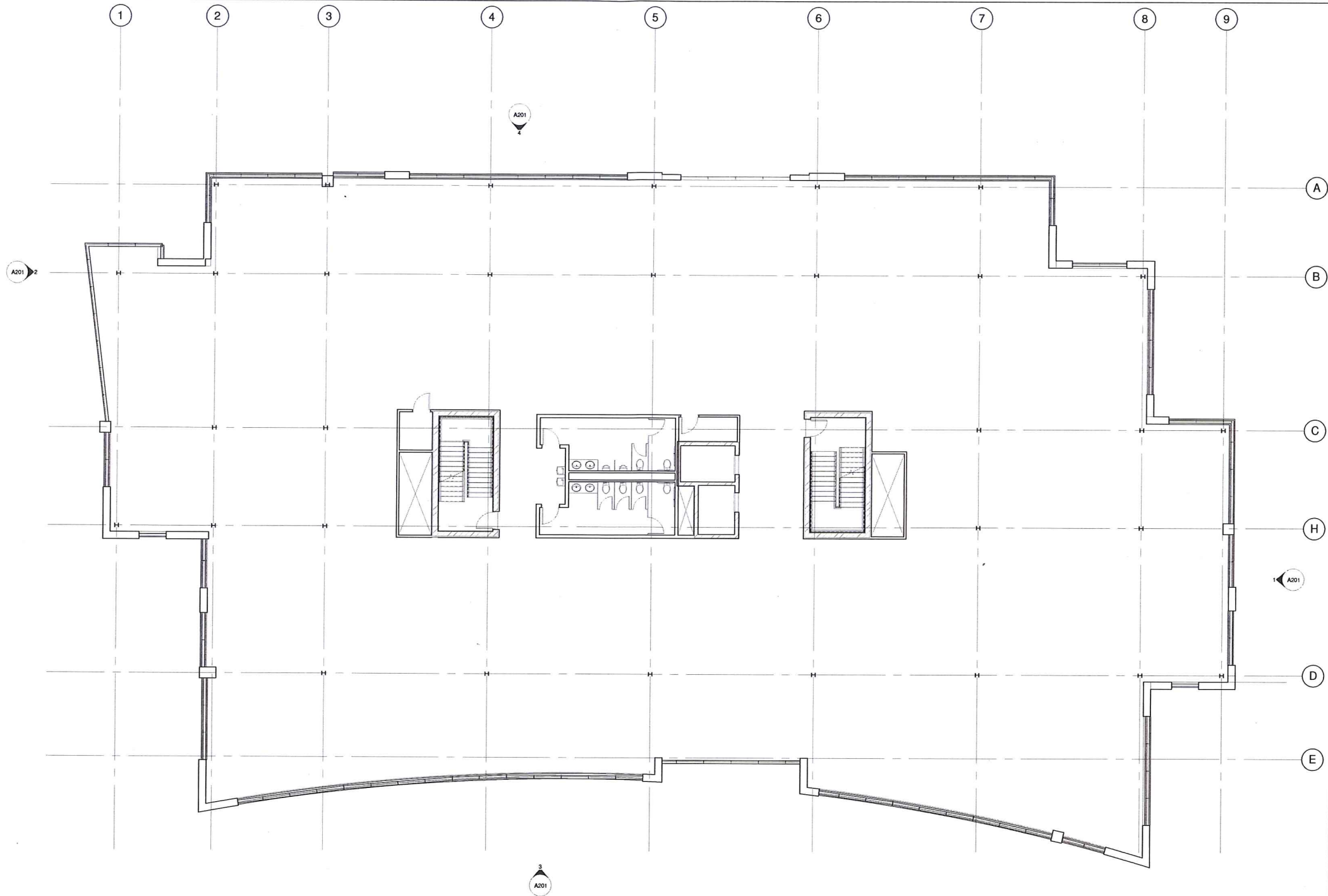
FIRST FLOOR PLAN

A101



SECOND FLOOR PLAN

4/26/2016 3:00:51 PM



1 THIRD FLOOR PLAN
A103 1/8" = 1'-0"

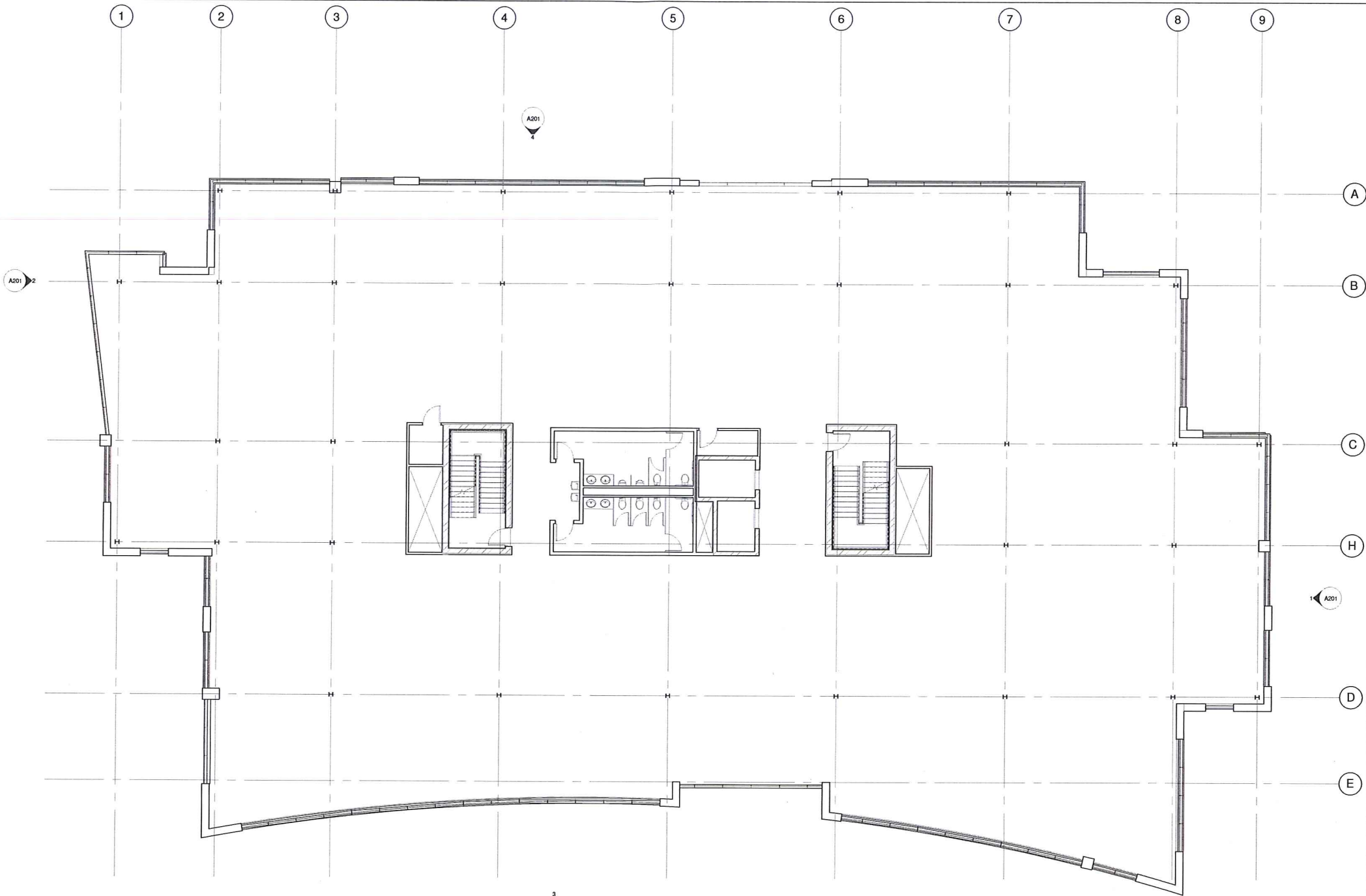
Landmark Oaks
MIG Commercial Real Estate
2921 Landmark Place

2011.27.02

[illegible]

THIRD FLOOR PLAN

A103



1 FOURTH FLOOR PLAN
A104 1/8" = 1'-0"

Landmark Oaks
MIG Commercial Real Estate
2921 Landmark Place

2011.27.02

[illegible]

FOURTH FLOOR PLAN

A104



2011.27.02

FIFTH FLOOR PLAN

4/26/2016 3:00:53 PM