



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 3758 East Washington Ave. & 1518 Mendota St. (District 17-Ald. Baldeh)  
**Application Type:** Demolition Permit, Conditional Use, Zoning Map Amendment and Certified Survey Map  
**Legistar File ID #** [46120](#), [46121](#), and [46315](#)  
**Prepared By:** Kevin Firchow, AICP, Planning Division  
Report includes comments from other City agencies, as noted

## Summary

**Applicant:** Susan Klein, SUB Properties LLC & JOT Properties LLC; 709 Augusta Drive; Waunakee, WI 53597  
**Contacts:** Tim Anderson, Tim Anderson Consulting, LLC; 2126 Yahara Place; Madison, WI 53704  
Jerry McAdow, Boardman and Clark, 1 South Pinckney Street, Suite 410; Madison, WI 53701  
Michelle Burse, Burse Surveying and Engineering, 2801 International Ln; Madison, WI 57703 (CSM)  
**Owner:** Same as Applicant

**Requested Action:** The applicant requests approval of a Demolition Permit, Conditional Use, and Zoning Map Amendment in Urban Design District 5. The applicant also requests approval of a two lot Certified Survey Map.

**Proposal Summary:** The applicant proposes to demolish an existing greenhouse facility for the purpose of constructing a new greenhouse facility. Conditional Use approval is sought for a building exceeding 25,000 square feet in area and for outdoor storage. As part of this proposal, the greenhouse site would be expanded to the east. To accomplish this, the applicant proposes to rezone an irregular rear yard projection of the abutting residential property at 1518 Mendota Street to the CC-T District. A Certified Survey Map is also proposed to formally adjust the property boundaries between subject properties, which are both owned by the applicant.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Zoning Map Amendments [MGO §28.182(6)] and Planned Developments [MGO §28.098(2)]; Conditional Uses [MGO §28.183(6)]; Demolition Permits [MGO § 28.185(7)]; and Land Divisions [MGO §16.23].

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

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the standards for Zoning Map Amendments are met and forward Substitute Zoning Map Amendment 28.022-00272 to the Common Council with a recommendation of **approval**. Further, the Planning Division recommends that the Plan Commission find that the standards for demolition permits and conditional uses are met and **approve** the demolition of the existing structure and the proposed outdoor storage. Finally, the Planning Division recommends that the Plan Commission find that the approval standards are met and **approve** the two-lot CSM. Each of these recommendations is subject to input at the public hearing and the comments and conditions recommended by reviewing agencies.

## Background Information

**Parcel Location:** The subject properties are located on East Washington Avenue, between North Stoughton Road and Mendota Street. The site is within Aldermanic District 17 (Ald. Baldeh), Urban Design District 5, and within the limits of the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The site includes three buildings. The principal building, a former residence, was originally constructed in 1905 with additions made in 1910 according to information from the City Assessor’s Office. Data shows that the building is approximately 26,000 square feet in area. The current facility is sited on 3758 East Washington Avenue. Adjacent to that site is 1518 Mendota Street, which includes a single-family residence.

**Surrounding Land Use and Zoning:**

North: Commercial development, zoned CC-T (Commercial Corridor-Transition District);

South: Commercial development, zoned CC-T;

East: Financial Institution, zoned CC-T; and single-family residences zoned SR-C2 (Suburban Residential-Consistent-2 District) and

West: Commercial development, zoned CC-T.

**Adopted Land Use Plan:** The Comprehensive Plan (2006) recommends general commercial uses for the subject site.

**Zoning Summary:** 3758 East Washington Avenue is currently zoned CC-T and the portion of 1518 Mendota Street that is proposed to be added to that site is proposed to be zoned CC-T.

Requirements	Required	Proposed
Front Yard Setback	65’ maximum	Less than 65’
Side Yard Setback: Where buildings abut residential-zoned lots at side lot line	Minimum side yard required in the adjacent residential district (SR-2): 6’	20’ northeast side
Side Yard Setback	One-story: 5’ Two-story: 6’	Adequate southwest side
Rear Yard Setback	The lesser of 20% of lot depth or 20’	Adequate
Maximum Lot Coverage	85%	Less than 85%
Maximum Building Height	5 stories/ 68’	1 story
Number Parking Stalls	Garden center, outdoor greenhouse, nursery: Maximum 1 per 500 sq. ft. floor area (61) plus 1 per 500 sq. ft. of outdoor sales, display (19) (80 maximum)	70
Accessible Stalls	Yes	3
Loading	2 (10’ x 50’)	Loading area
Number Bike Parking Stalls	General retail and office: 1 per 2,000 sq. ft. floor area (4) Garden center, outdoor greenhouse: 1 per 5,000 sq. ft. outdoor sales, display (2) (6 total)	9
Landscaping and Screening	Yes	Yes
Lighting	Yes	No
Building Forms	Yes	Free-Standing Commercial Building
<b>Other Critical Zoning Items</b>	UDD #5, Barrier Free (ILHR 69), Utility Easements	

*Table Prepared by Jenny Kirchgatter, Assistant Zoning Administrator*

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

**Public Utilities and Services:** This property is served by a full range of urban services.

## Project Description

The applicant proposes to demolish an existing garden center to build an expanded garden center. While the use itself is permitted, there are multiple components requiring Plan Commission consideration including a demolition permit, two conditional uses, a zoning map amendment, and a two-lot Certified Survey Map (CSM).

The applicant first requests approval to demolish the existing garden center. City Assessor's records show that the principal building on this site was built between 1905 and 1910. The structure is approximately 26,000 square feet in area and includes retail, greenhouse, and residential components. The applicant's letter of intent states that the existing building is old and inefficient and is in significant need of repair or demolition in order to keep the business viable. It is further noted that the existing structure is currently subject to repair and maintenance orders, which are currently on hold pending the outcome of this request. Photos of the structure are included in the Plan Commission packet.

The proposed future use includes two conditional use requests. One conditional use is for a single-tenant building exceeding 25,000 square feet. The proposed facility is approximately 30,000 square feet in area, consisting of nearly 21,000 square feet of greenhouse space, 5,700 square feet of retail space, 1,900 square feet of administrative space, and 2,100 square feet of storage space. The proposed building is a one-story structure with an upper mezzanine level, providing a two-story appearance from East Washington Avenue. The building will be primarily clad in horizontal cement siding and greenhouse glass.

The proposed site plan shows the building is setback approximately 50 feet from the East Washington Avenue right-of-way. This allows for a two-way drive aisle and perpendicular parking. As noted in the letter of intent, the applicant had originally proposed to have the building sited closer to the street with a landscape area between the building and sidewalk. Their plan has been revised to address access concerns raised by the adjacent property owner to the west and the pharmacy tenant in regards to maintaining current cross-access as defined in the private agreement between the two property owners.

The primary entrance to the building is proposed along its western elevation. An outdoor retail courtyard and display area is proposed adjacent to this entrance and a sidewalk connection is proposed out to East Washington Avenue. The Zoning Administrator has determined that a prominent entry/entry feature oriented towards East Washington Avenue is required for the outdoor courtyard sales area or the building to comply with the Zoning Code's entrance orientation requirements. A condition noting this is included in the comments of the Zoning Administrator.

The second conditional use request is for outdoor storage. The application materials note that an outdoor storage area is proposed near the center of the property. It will be used to store materials such as bagged soils and mulches.

The applicant next requests to rezone an irregular projection of the existing rear yard of the abutting residential property at 1518 Mendota Street. This appendage would be zoned from the SR-C2 (Suburban Residential-Consistent 2 District) to the CC-T District. This would provide common zoning for the expanded garden center site. Both sites are currently owned by the applicant.

Finally, the applicant proposes a two lot CSM to formally adjust this rear lot line. The proposed lot one is 3.14 acre site that will house the garden center. Lot 2 is the reconfigured residential lot that will have an area of 10,893 square feet. From a normal and orderly development standpoint, the adjusted lot line would create a consistent rear-lot line for the Mendota Street-facing residential properties. Both resulting lots would comply with the area requirements for their respective districts.

## Analysis and Conclusion

This proposal is subject to the standards for Zoning Map Amendments [MGO §28.182(6)]; Demolition Permits [MGO § 28.185(7)]; Conditional Uses [MGO §28.183(6)]; and Land Divisions [MGO §16.23]. The analysis below begins with a summary of the adopted plan recommendations.

### Conformance with Adopted Plans

The Planning Division believes that the project can be found consistent with adopted plan recommendations. The [Comprehensive Plan](#) (2006) recommends general commercial uses for the subject site, including the portion of the residential property to be rezoned. A garden center is consistent with the Plan's land use recommendations.

### Zoning Map Amendment Standards

The Planning Division believes the Zoning Map Amendment Standards can be found met. These standards are relatively broad and state that such amendments are legislative decisions of the Common Council that shall be based on public health, safety and welfare, shall be consistent with the [Comprehensive Plan](#), and shall comply with Wisconsin and federal law.

Chapter 66.1001(3) of Wisconsin Statutes also requires that zoning ordinances (of which the zoning map is part) enacted or amended after January 1, 2010 be consistent with the City's [Comprehensive Plan](#). 2010 Wisconsin Act 372 clarified "consistent with" as "furthers or does not contradict the objectives, goals and policies contained in the comprehensive plan." Staff believes that a finding of consistency could be made in regards to this request.

### Demolition Standards

In order to approve this demolition request, the Plan Commission must find that both the requested demolition and the proposed future use are compatible with the purpose of the demolition section and the intent and purpose expressed in the CC-T Zoning District. The purpose of the Demolition section is to aid in the implementation of adopted City plans, protect neighborhood character, preserve historic buildings, encourage the reuse and/or relocation of existing buildings, discourage buildings falling into a state of severe disrepair from lack of maintenance by the owner, encourage compliance with building and minimum housing codes, and allow the property owner to have a decision on approval or disapproval of the proposed use of the property before he or she takes the irrevocable step of demolishing or moving the buildings.

The standards state that the Plan Commission shall consider and may give decisive weight to any relevant facts including impacts on the normal and orderly development of surrounding properties. The demolition standards also state that the proposed use should be compatible with adopted plans, which is discussed above.

Finally, the demolition standards 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 submitted by the Landmarks Commission. Staff notes that no objections to the demolition were raised by the City's Preservation Planner or by the Landmarks Commission, who found there was no known historic value with the existing structure.

### **Conditional Use Standards**

The Plan Commission shall not approve a conditional use without due consideration of the City's adopted plans and finding that all of the conditional use standards of §28.183(6) MGO are met. Conformance with adopted plans is discussed above. Based on the provided information, the Planning Division believes that conditional use standards can be found met with the conditions recommended from reviewing agencies. The Planning Division does not anticipate that the expanded garden center will result in substantially different impacts than what exists with the current facility. As part of sign-off, the Planning Division requests the following clarifications: 1) Provide information on the frontage screening fence to ensure compliance with UDC approval and ordinance standards and 2) Clearly label the outdoor storage area and related roofing and fencing details on all relevant sheets.

### **Land Division (Certified Survey Map) Standards**

The Planning Division believes that the Land Division standards of Section 16.23 can be met with the conditions recommended by Reviewing Agencies.

### **Urban Design Commission**

Staff notes that the project received final approval from the Urban Design Commission at their May 10, 2017 meeting. Those notes are attached.

### **Public Input**

The Planning Division had been contacted by the adjoining property owner that owns the "Walgreens" property to the west in regards to the access concerns discussed above. Those discussions occurred under the previously submitted plans and the Planning Division has not received any comments on the revised plans at the time of report writing.

### **Conclusion**

The Planning Division believes that the applicable standards for Zoning Map Amendments, Demolition Permits, Conditional Uses, and Land Divisions can be found met with these applications.

## **Recommendation**

### **Planning Division Recommendation** (Contact Kevin Firchow, 267-1150)

The Planning Division recommends that the Plan Commission find the standards for Zoning Map Amendments are met and forward Substitute Zoning Map Amendment 28.022-00272 to the Common Council with a recommendation of **approval**. Further, the Planning Division recommends that the Plan Commission find that the standards for demolition permits and conditional uses are met and **approve** the demolition of the existing structure and the proposed outdoor storage. Finally, the Planning Division recommends that the Plan Commission find that the approval standards are met and **approve** the two-lot CSM. Each of these recommendations is subject to input at the public hearing and the comments and conditions recommended by reviewing agencies.

**Recommended Conditions of Approval**

Major/Non-Standard Conditions are Shaded

**Planning Division** (Contact Kevin Firchow, 267-1150)

**Demolition, Conditional Use, and Rezoning Comments:**

1. That as part of sign-off, the applicant provides details on the frontage screening fence to ensure compliance with UDC approval and ordinance standards for staff approval.
2. That as part of sign-off, the applicant shall label the outdoor storage area and related roofing and fencing details on all relevant sheets for staff approval.

**City Engineering Division** (Contact Brenda Stanley, (608) 261-9127)

**Demolition, Conditional Use, and Rezoning Comments:**

1. The proposed development shares drainage systems with the adjacent property (walgreens) and are inter-dependent upon one another for storm water runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the certified survey map and recorded at the Dane Co Register of Deeds. (POLICY)
2. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing sanitary sewer lateral that serves a building which is proposed for demolition. For each lateral to be plugged the owner shall complete a sewer lateral plugging application and pay the applicable permit fees. The permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
3. All outstanding 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))
4. The site plan shall be revised 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)
5. The Applicant shall submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division with any private storm and sanitary sewer utilities. The digital CAD file shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the only the following data, each on a separate layer name/level number:
  - a) Building Footprints
  - b) Internal Walkway Areas
  - c) Internal Site Parking Areas
  - d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
  - e) Right-of-Way lines (public and private)
  - f) Lot lines or parcel lines if unplatted

- g) Lot numbers or the words unplatted
- h) Lot/Plat dimensions
- i) Street names
- j) Private on-site sanitary sewer utilities (including all connections to public sanitary)
- k) Private on-site storm sewer utilities (including all connections to public storm)

All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email CAD file transmissions are preferred to: [bstanley@cityofmadison.com](mailto:bstanley@cityofmadison.com) (East) or [tstroester@cityofmadison.com](mailto:tstroester@cityofmadison.com) (West). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement, private on-site sanitary sewer utilities, or private on-site storm sewer utilities during construction will require a new CAD file.

6. The applicant shall submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: [bstanley@cityofmadison.com](mailto:bstanley@cityofmadison.com) (East) or [tstroester@cityofmadison.com](mailto:tstroester@cityofmadison.com) (West). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2))  
PDF submittals shall contain the following information:
  - a) Building Footprints
  - b) Internal Walkway Areas
  - c) Internal Site Parking Areas
  - d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
  - e) Right-of-Way lines (public and private)
  - f) Lot lines or parcel lines if unplatted
  - g) Lot numbers or the words unplatted
  - h) Lot/Plat dimensions
  - i) Street names
  - j) Stormwater Management Facilities
  - k) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
7. The Applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including:
  - a) SLAMM DAT files
  - b) RECARGA files
  - c) TR-55/HYDROCAD/Etc
  - d) Sediment loading calculations. 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. (POLICY and MGO 37.09(2))
8. 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. Include copies of all stormwater, utility, and detail plan sheets that contain stormwater practices on 8.5x14 size paper in the draft document. These drawings do not need to be to scale as they are for informational purposes only. Once City Engineering staff have reviewed the draft document and approved it with any required revisions submit a signed and notarized original copy to City Engineering. Include a check for \$30.00 made out to Dane County Register of Deeds for the recording fee. City Engineering will forward the document and fee for recording at the time of issuance of the stormwater management permit. Draft document can be emailed to Tim Troester (west) at [tstroester@cityofmadison.com](mailto:tstroester@cityofmadison.com), or Jeff Benedict at [jbenedict@cityofmadison.com](mailto:jbenedict@cityofmadison.com) final document and fee should be submitted to City Engineering.

9. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to Reduce TSS by 80% off of the proposed development when compared with the existing site.
10. Complete an erosion control plan and 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.
11. 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> (NOTIFICATION)
12. The Applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The Applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The Applicant shall provide the City Engineer the proposed grade of the building entrances. The City Engineer shall approve the grade of the entrances prior to signing off on this development. (POLICY)
13. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction. (POLICY)
14. All work in the public right-of-way shall be performed by a City licensed contractor. (MGO 16.23(9)(c)5) and MGO 23.01)
15. All damage to the pavement on E Washington Ave. adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link: <http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY)
16. The Applicant shall Dedicate Right of Way along E Washington Ave. as required by City Engineer to allow for a 14' terrace (1' behind sidewalk, 5' sidewalk, 8' to face of curb), (MGO 16.23(3)(a)(2)(c) (plats) & 16.23(5)(g)1 (CSM))
17. The Applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The Applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The Applicant shall provide the City Engineer the proposed grade of the building entrances. The City Engineer shall approve the grade of the entrances prior to signing off on this development. (POLICY)
18. The Applicant shall install public sidewalk along E. Washington Ave. The Applicant shall obtain a Street Excavation Permit for the sidewalk work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. All work must be completed within six months or the succeeding June 1, whichever is later. (MGO 16.23(9)(d)(6))This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.



**CSM Comments:**

19. All outstanding 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))
20. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing sanitary sewer lateral that serves a building which is proposed for demolition. For each lateral to be plugged the owner shall complete a sewer lateral plugging application and pay the applicable permit fees. The permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
21. A minimum of two (2) working days prior to requesting City Engineering signoff on the plat/csm the applicant shall contact either Tim Troester at 261-1995 ([ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com)) or Brenda Stanley at 608-261-9127 ([bstanley@cityofmadison.com](mailto: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. All charges shall be cleared prior to the land division (and subsequent obsolesces of the existing parcel). (POLICY)
22. The following note shall be added to the certified survey map. "Lot 1 created by this certified survey map are individually responsible for compliance with Chapter 37 of the Madison General Ordinances in regard to storm water management at the time they develop."
23. The Applicant shall Dedicate Right of Way along E. Washington Ave. as required by City Engineer to allow for a 14' terrace (1' behind sidewalk, 5' sidewalk, 8' to face of curb), (MGO 16.23(3)(a)(2)(c) (plats) & 16.23(5)(g)1 (CSM))
24. The Applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The Applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The Applicant shall provide the City Engineer the proposed grade of the building entrances.
25. The City Engineer shall approve the grade of the entrances prior to signing off on this development. (POLICY)
26. The Applicant shall install public sidewalk along E Washington Ave. The Applicant shall obtain a Street Excavation Permit for the sidewalk work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. All work must be completed within six months or the succeeding June 1, whichever is later. (MGO 16.23(9)(d)(6)) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

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

**Demolition, Conditional Use, and Rezoning Comments:**

27. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD) prior to issuance of any building permits for new construction. When the recorded CSM image is available from the ROD, the Assessor's Office can then create the new Address-Parcel- Owner (APO) data in GEO so that the Accela system can upload this data and permit issuance made available for this new land record.
28. The Restrictive Covenant, Grant of Reciprocal Easements per Doc No. 3106110 shall be amended and recorded to acknowledge the changes of configuration of the common access routes within the parcels. Also the parcel numbers and legal descriptions shall be updated in the agreement to be current and include all lands subjected to the easement agreement. The amendment shall be recorded post CSM to acknowledge the required pending Certified Survey Map.
29. The Declaration of Drainage Easement per Document No. 3169024 and Easement For Irrigation and Lighting per Document No. 3549201 shall both be amended to include all of the lands included in this proposed CSM as part of the agreement.

**CSM Comments:**

30. The Access Controlled Highway designation per Doc. No. 913143 and 914742 along the USH 151 frontage of this CSM shown on CSM No. 9499 shall be shown on the map and the access restriction note per CSM No. 9499 shall be added to this Certified Survey Map.
31. The Restrictive Covenant, Grant of Reciprocal Easements per Doc No. 3106110 shall be amended and recorded as required by the document as access "D" per the agreement will not be shared with the redevelopment of this site. Also the parcel numbers and legal descriptions shall be updated in the agreement to be current and include all lands subjected to the easement agreement.
32. The Declaration of Drainage Easement per Document No. 3169024 and Easement For Irrigation and Lighting per Document No. 3549201 shall both be amended to include all of the lands included in this proposed CSM as part of the agreement.
33. Insert the standard language pre MGO 16.23(9)(d)2.a. verbatim. If this is done, all of the previous nonexclusive easements for drainage easements are released and new drainage easements defined by the current proposed Certified Survey Map.
34. The encroaching pavements in the westerly corner of this CSM shall be shown and noted.
35. Correct the recorded as distance for L3 to 78 feet. Also add a recorded as distances for L8 and L8. Also add the recorded as bearing per CSM No. 9499 to the northwesterly line of this CSM. (N48°20'23"E)
36. 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 for all monuments, including center of sections of record, used in this survey, to Jeff Quamme, City Engineering (jrquamme@cityofmadison.com). If a new tie sheet is not required under A-E 7.08, Engineering requests a copy of the latest tie sheet on record with Dane

County Surveyor's office and shall be attached to a signed and sealed monument condition report. The Applicant shall identify monument types on all PLS corners included on the Plat or CSM. Note: Land tie to two PLS corners required.

**Traffic Engineering** (Contact Eric Halvorson, (608) 266-6527)

**Demolition, Conditional Use, and Rezoning Comments:**

37. Prior to final sign off Traffic Engineering will work with State DOT to ensure the proposed plan does not conflict with the plans to improve State Highway 51 (Stoughton Road) which may also impact the State Highway 151 (East Washington Avenue) Right-of-Way.

38. The applicant shall realign the southern most drive aisle accessing the western parking field to align with the exist geometry of the adjacent property to the west,. The resulting realignment will creating a more standard four way stop feel to the intersecting drive aisles.

39. The applicant shall note with the coming alterations to State Highways 51 and 151 they may no longer have access to either Right-of-Way and only take access of a newly created cul-de-sac adjacent the State Highway 51 Right-of-Way

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

41. 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.

42. 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.

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

**CSM Comments:**

44. Prior to final sign off Traffic Engineering will work with State DOT to ensure the proposed CSM does not conflict with the plans to improve State Highway 51 (Stoughton Road) which may also impact the State Highway 151 (East Washington Avenue) Right-of-Way..

45. The applicant shall work with Traffic Engineering and City Engineering to dedicate Right-of-Way along the East Washington Avenue corridor to allow for a combined 14 foot sidewalk and terrace.

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

**Demolition, Conditional Use, and Rezoning Comments:**

46. Work with Planning and Zoning staff to more prominently orient the building entrance to the street. All new buildings shall have a functional entrance oriented to an abutting public street. Entries shall be clearly visible and identifiable from the street, and delineated with elements such as roof overhangs, recessed entries, landscaping or similar design features.
47. Section 28.185(7)(a)5. requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Bryan Johnson (608-266-4682).
48. Section 28.185(10) Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185 (7)(a)5. shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
49. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
50. Provide a calculation and plan detail for lot coverage with the final submittal. The lot coverage maximum is 85%. Lot coverage is defined as the total area of all buildings, measured at grade, all accessory structures including pools, patios, etc., and all paved areas as a percentage of the total area of the lot, with the following exceptions: sidewalks or paved paths no wider than five (5) feet, pervious pavement, green roofs and decks.
51. Provide a parking lot site information block on the site plan page including building square footage, vehicle parking, and bicycle parking information.
52. Provide a calculation and detail showing that the parking abutting the East Washington Ave street frontage does not exceed 50% of the total lot frontage.
53. Parking requirements for persons with disabilities must comply with Section 28.141(4)(e). Final plans shall show the three (3) required accessible stalls and the striped access aisles. Show the required signage at the head of the stalls.
54. Required loading facilities shall comply with MGO Section 28.141(13). Provide two (10' x 50') loading areas with 14' vertical clearance to be shown on the plan. The loading areas shall be exclusive of drive aisle and maneuvering space. The required number of loading spaces may be reduced through conditional use approval.
55. Relocate the short-term bicycle parking within 100 feet of primary entrance. Bicycle parking shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of six (6) short-term bicycle parking stalls located in a convenient and visible area on a paved or impervious 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.

56. 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.
57. Submit a rooftop plan with details of the proposed rooftop planters. Provide details of the proposed outdoor sales and display courtyard including the ornamental metal fence and pergolas.
58. Screening is required adjacent the Zoning district boundary along the northeast property line abutting the SR-C2 zoned residential properties. Screening shall be provided along side and rear property boundaries between commercial/ mixed-use districts and residential districts. Screening shall consist of a solid wall, solid fence, or hedge with year-round foliage, between six (6) and eight (8) feet in height. Submit a detail of the screening fence with the final plans.
59. Provide details showing that the primary street façade meets the door and window opening requirements of Section 28.060(2)(d). For nonresidential uses at ground floor level, windows and doors or other openings shall comprise at least sixty percent (60%) of the length and at least forty percent (40%) of the area of the ground floor of the primary street facade. At least fifty percent (50%) of windows on the primary street facade shall have the lower sill within three (3) feet of grade.
60. Submit a rooftop plan showing the location of any proposed rooftop mechanical equipment and screening. All rooftop equipment shall be screened from view from adjacent streets and public rights-of-way per Sections 28.060(2)(f) and 28.142(9)(d). Screens shall be of durable, permanent materials that are compatible with the primary building materials.
61. Show the refuse disposal area on the site plan. All developments, except single family and two family developments, shall provide a refuse disposal area. If the refuse disposal area is located outside the building, it shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet. Submit a detail of the trash enclosure if provided outside the building.
62. Exterior lighting provided shall be in accordance with City of Madison General Ordinances Section 10.085. Provide an exterior lighting plan and fixture cut sheets with the final plan submittal.
63. Future development phases require separate review and approvals.
64. 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.
65. 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 Bill Sullivan, (608) 261-9658)

**Demolition, Conditional Use, and Rezoning Comments:**

66. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Captain Jerry Buechner at [jbuechner@cityofmadison.com](mailto:jbuechner@cityofmadison.com) or (608)516- 9195.
67. Provide fire apparatus access as required by IFC 503 2015 edition, MGO 34.503. Provide site plans shall clearly identify the location of all fire lanes at the site verification step.
68. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

**CSM Comments:**

**Parks Division** (Contact Janet Schmidt, (608) 261-9688)

**Demolition, Conditional Use, and Rezoning Comments:**

69. Existing street trees shall be protected. Please include the following note on the site plan: Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266- 4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry prior to the start of construction. Tree protection specifications can be found in section
70. 107.13 of City of Madison Standard Specifications for Public Works Construction - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part1.pdf>. Any tree removals that are required for construction after the development plan is approved will require at least a 72 hour wait period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan.
71. Additional street trees are needed for this project. All street tree planting locations and tree species within the right of way shall be determined by City Forestry. Please submit a site plan (in PDF format) to Brad Hofmann – [bhofmann@cityofmadison.com](mailto:bhofmann@cityofmadison.com) or 266-4816. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction

**Water Utility** (Contact Adam Wiederhoeft, (608) 266-9121)

**Demolition, Conditional Use, and Rezoning Comments:**

72. 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.
73. 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/plumberscontractors>), 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.

74. The applicant's utility contractor shall obtain an excavation permit prior to commencing the water main or service construction in the public right-of-way. This permit application is available on the City Engineering Division website (<http://www.cityofmadison.com/engineering/permits.cfm>).

**Office of Real Estate Services** (Contact Heidi Radlinger, (608) 266-6558)

**CSM Comments:**

75. Include a Common Council Certificate and Plan Commission Certificate.
76. The 2016 real estate taxes are paid for the subject property. A special assessment is reported at 1518 Mendota Street. All special assessments shall be paid in full prior to CSM recording pursuant to MGO Section 16.23(5)(g)1.
77. Pursuant to Madison City Ordinance Section 16.23(5)(g)(4), the owner shall furnish an updated title report to Heidi Radlinger in the City's Office of Real Estate Services ([hradlinger@cityofmadison.com](mailto: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 (7/13/2016) submitted with the CSM application and include all associated documents that have been recorded since the initial title report. Surveyor shall update the CSM with the most recent information reported in the title update.
78. Depict, name, and identify by document number all existing easements cited in record title and the updated title report.

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

The agency reviewed this request and has recommended no conditions or approval.