

# PLANNING DIVISION STAFF REPORT

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JUNE 28, 2017 URBAN DESIGN COMMISSION

JULY 10, 2017 PLAN COMMISSION



**Project Address:** 1004-1032 S. Park Street

**Application Type:** Amended Planned Development (PD) District—General Development Plan and Specific Implementation Plan

**Legistar File ID #** [45036](#)

**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted.

**Reviewed By:** Heather Stouder, Planning Division

## Summary

**Applicant & Property Owner:** Terrence R. Wall, Peloton Residences, LLC; PO Box 620037; Middleton; Jon Hepner, representative.

**Requested Actions:** Approval of a major amendment to Planned Development zoning to approve an Amended General Development Plan and Specific Implementation Plan to allow construction of a mixed-use building with 12,287 square feet of commercial space, five live-work spaces and 157 apartments with underground parking at 1004-1032 S. Park Street.

**Proposal Summary:** The applicant is requesting approval of amended plans to construct a mixed-use building that will include 12,287 square feet of commercial space, five live-work spaces, and 157 apartments (162 total dwelling units) with one level of underground parking for 156 auto spaces on the same site approved in 2015 for a mixed-use building containing 6,000 square feet of first floor commercial space, 5,000 square feet of first floor live-work space, and 164 apartments in a predominantly five-story building with two levels of structured parking containing 174 auto spaces. Construction of the proposed development will commence in October 2017, with completion anticipated in April 2019.

**Applicable Regulations & Standards:** Section 28.182 of the Zoning Code provides the process for zoning map amendments. The approval process and standards for the Planned Development district is outlined in Section 28.098 of the Zoning Code.

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

**Summary Recommendation:** The Planning Division recommends that the Plan Commission forward Zoning Map Amendment IDs 28.022–00260 and 28.022–00261, approving an Amended Planned Development District General Development Plan and Specific Implementation Plan for 1004-1032 S. Park Street, to the Common Council with a recommendation of **approval** following approval by the Urban Design Commission and subject to input at the public hearing and the conditions from reviewing agencies beginning on page 6 of this report.

## Background Information

**Parcel Location:** The subject site is a 1.64-acre parcel bounded by S. Park Street on the east, a private drive located opposite High Street on the south, and Fish Hatchery Road on the west; Urban Design District 7; Aldermanic District 13 (Eskrich); Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject site is undeveloped and zoned PD.

**Surrounding Land Uses and Zoning:**

South: Wingra Clinic, zoned PD;

West: Sweeney Construction, MexMuffler auto repair, and Toby’s Auto, zoned TSS (Traditional Shopping Street District); Wingra Point Residences, zoned PD; single-, two- and multi-family residences, zoned TR-V1 (Traditional Residence–Varied 1 District);

East: Various commercial businesses across S. Park Street (Barriques, Atomic Interiors, Taqueria Guadalajara, etc.), zoned TSS.

**Adopted Land Use Plans:** The Comprehensive Plan recommends the entire site for Community Mixed- Use development. The Generalized Future Land Use Map that includes this area includes a map note that emphasizes increasing employment uses and creating a Transit-Oriented Development pattern in the area bounded by S. Park Street, Fish Hatchery Road and Wingra Creek. Future development within this area is recommended to strengthen internal pedestrian connections and provide improved connections to the existing residential areas located west of Fish Hatchery Road and east of S. Park Street.

The subject site is also located within the boundaries of the South Madison Neighborhood Plan, which generally recommends that redevelopment activities in the same triangle formed by S. Park Street, Fish Hatchery Road and Wingra Creek emphasize business retention and expansion, increased connectivity, street-oriented development with an emphasis on urban building forms, and the placement of parking to the side and rear of buildings.

The Wingra Market Study and Conceptual Redevelopment Plan Summary Report studied the market potential for redevelopment of the triangle and provided a series of broad planning and urban design recommendations to guide future redevelopment activities. With regard to the proposed Wingra Clinic and Clark Street Development properties, the plan recommends redevelopment of the former Bancroft Dairy along S. Park Street with high-density residential or lodging uses with first floor commercial uses, with less specific commercial uses recommended further south along S. Park between the dairy and Copp’s grocery store further to the south.

**Zoning Summary:** The site will be zoned Amended PD with this request. The project will be reviewed in the following sections.

Other Critical Zoning Items	
Yes:	Urban Design (PD zoning, Urban Design Dist. 7), Utility Easements, Barrier Free
No:	Floodplain, Wellhead Protection, Waterfront Development, Landmark, Adjacent to Park
<i>Prepared by: Jenny Kirchgatter, Asst. Zoning Administrator</i>	

**Environmental Corridor Status:** The property is not located within a mapped environmental corridor.

**Public Utilities and Services:** The site is served by a full range of urban services, including seven-day Metro Transit service along S. Park Street and Fish Hatchery Road. Bus stop ID #0174 is adjacent the proposed project site along the west side of S. Park Street, with the bus stop zone encompassing the area from the existing bus stop sign pole and concrete boarding pad surface north back towards the intersection.

## Previous Approvals and Related Requests

On October 4, 2011, the Common Council approved a request to rezone 1002-1102 S. Park Street, 906-918 Midland Street and 1101-1109 Fish Hatchery Road from R4 (General Residence District) and C3 (Highway Commercial District) to Planned Unit Development-General Development Plan (PUD-GDP) [1966 Zoning Code] to guide redevelopment of the site as a mixed-use/ employment development, and Planned Unit Development-General Development Plan-Specific Implementation Plan (PUD-GDP-SIP) to allow construction of a four-story, 76,800 square-foot medical office/ clinic building and parking ramp on a 2.64-acre parcel in the first phase following the demolition permit of a former dairy, eight residential structures and an electrical substation. On September 19, 2011, the Plan Commission approved the demolition of the existing buildings on the site and recommended to the Common Council approval of the PUD zoning, related Certified Survey Map to divide the site into three lots, and the vacation of the section of High Street from Midland Street to Fish Hatchery Road.

On June 16, 2015, the Common Council approved a request to rezone 1004-1032 S. Park Street from PD(GDP) (Planned Development District-General Development Plan) to PD(SIP) (Planned Development District-Specific Implementation Plan) and approval of a Specific Implementation Plan to allow construction of a mixed-use building with 6,000 square feet of commercial space, 5,000 square feet of live-work space and 164 apartments.

On June 15, 2015, the Secretary of the Plan Commission approved a one-lot Certified Survey Map of property located at 1004-1032 South Park Street subject to conditions, including one that required six feet of right of way to be dedicated to the City for Fish Hatchery Road.

On November 9, 2016, the Urban Design Commission referred an earlier request by the applicant to amend the General Development Plan and Specific Implementation Plan for 1004-1032 S. Park Street to allow construction of a mixed-use building with 1,965 square feet of commercial space, 156 apartments and five live-work units. ID 45306 was correspondingly referred by the Plan Commission and Common Council pending the submittal of revised plans that addressed the Urban Design Commission's comments.

## Project Description

The applicant is requesting approval of a major alteration to the Planned Development district created to guide the redevelopment of the former Bancroft/ Morningstar Dairy located at the intersection of S. Park Street and Fish Hatchery Road. The undeveloped 1.64-acre parcel was previously approved in 2015 for the construction of a mixed-use building with 6,000 square feet of first floor commercial space, 5,000 square feet of live-work space, and 164 apartments and two levels of structured parking for 174 autos. The proposed alteration calls a mixed-use building containing 12,287 square feet of commercial space, five live-work spaces, and 157 apartments with one level of underground parking for 156 autos.

The building placement shown on the amended plans is similar to the earlier version of the project and includes three distinct building components to give the impression of multiple structures on the triangularly shaped site. However, a second floor landscaped courtyard for building residents approved on the 2015 plan moves to the first floor in the proposed version, and the driveway and corresponding median break serving the project from S. Park Street have been eliminated.

Beginning at the S. Park Street-Fish Hatchery Road intersection, the applicant proposes a predominantly four-story northern building wing that will parallel both streets. The northern wing will be massed to give the appearance of a five-story building nearest to the intersection of S. Park Street and Fish Hatchery Road through

the incorporation of sleeping lofts in the fourth floor units located on the exterior of the northern wing to provide additional height for the building when viewed from S. Park Street and Fish Hatchery Road. Two first floor commercial spaces totaling 5,423 square feet are shown on either side of the central residential lobby with entries from both streets. An additional 2,645 square feet of leasable commercial space will be nested on the sixth floor of a prominent glass “prow” that will rise above the flatiron intersection. A resident rooftop patio overlooking S. Park Street is also proposed at the sixth floor level. However, the northern wing will be four stories when viewed from the first floor courtyard.

Moving south along S. Park Street, the amended plans call for a separate three-story live-work wing. The five units will include between 720 and 800 square feet of dedicated commercial space on the first floor, with entries into the units shown from the public sidewalk as well as from the central courtyard. Above the first floor, two stories of residential space for each unit are shown, with two bedrooms per unit.

The third wing of the building is proposed as a four-story residential building that will parallel the south property line of the site, which is formed by an east-west private drive that extends between S. Park Street and Fish Hatchery Road and provides access to the subject site and adjacent Wingra Clinic. The northern, triangularly shaped wing of the building and the four-story southern building wing will be connected on the second, third and fourth floors by an enclosed walkway located in the southwestern quadrant of the complex, which will be set back approximately 35 feet from Fish Hatchery Road to reinforce the appearance of separate structures along that street.

The amended plans call for sole access to the one level of underground parking to be provided from the east-west private drive via a ramp that will parallel the southerly, rear wall of the building. The ramp serving the underground parking will form the fourth leg of the intersection of the east-west and north-south private internal drives that serve the larger planned development. The north-south drive extends between the western wall of the adjacent clinic and its parking structure to a driveway at Midland Street, with full-access intersections of Midland at both S. Park Street and Fish Hatchery Road. A marked bike lane is shown on one side of the ramp leading to the underground parking, with a separate man door to the ramp for bicyclists.

In addition to the five live-work units, the 162 dwelling units proposed in the amended development will consist of 38 studio units, 83 one-bedroom apartments, and 36 two-bedroom apartments. Parking for the project will be provided in 156 auto parking stalls located below grade and 155 bike parking stalls. A trash room is proposed at the southwestern corner of the building west of the parking garage entrance.

The exterior of the building will feature a combination of brick veneer and composite panel. Along S. Park Street, renderings submitted suggest that two brick tones will be used, with a contrasting darker-colored composite panel along the top-most floors and in prominent vertical sections. Along Fish Hatchery Road, the darker of the two brick colors and the contrasting composite panel are proposed. The northern wing of the building will feature more brick compared to the four-story southern wing, where the composite panel is featured, including facing Fish Hatchery Road. The residential units will be provided with a combination of recessed and projecting balconies to provide open space in addition to the first floor courtyard.

## Analysis

Redevelopment of the former Bancroft/ Morningstar Dairy site was first discussed in the 2002 Park Street Revitalization: Possibilities to Reality Report, with general recommendations included in the 2005 South Madison Neighborhood Plan. While acknowledging that major land use and urban design principles for the 65-

acre “triangle” formed by S. Park Street, Wingra Drive and Fish Hatchery Road would be addressed in the then forthcoming Wingra Market Study and Conceptual Redevelopment Plan Summary Report, the South Madison Neighborhood Plan generally recommended that redevelopment activities in the triangle emphasize business retention and expansion, increased connectivity, street-oriented development with an emphasis on urban building forms, and the placement of parking to the side and rear of buildings.

The subsequent 2006 Wingra Market Study and Conceptual Redevelopment Plan Summary Report (“BUILD Plan”) studied the market potential for redevelopment of the triangle and provided a series of broad planning and urban design recommendations to guide future redevelopment activities. With regard to the proposed Planned Development properties, the BUILD Plan recommended redevelopment of the former dairy along S. Park Street with high-density residential or lodging uses with first floor commercial uses, with less specific commercial uses recommended further south along S. Park between the dairy and Copps grocery store. In order to accomplish these recommendations, the BUILD plan specifically recommended that the former dairy site be redeveloped as a single master-planned development, noting that the site is “the keystone property in the Wingra BUILD project area and should be developed as a single development with a landmark, flatiron structure that takes full advantage of the prime location, access and visibility.” A rendering on page 17 of the Plan illustrates the type of structure envisioned for the S. Park-Fish Hatchery intersection. Broader recommendations in the BUILD Plan encourage the use of structured parking, and for new development to maintain compatibility with the residential neighborhoods located west of Fish Hatchery Road and east of S. Park Street.

These recommendations are generally reflected in the 2006 Comprehensive Plan, which recommends the entire triangle for Community Mixed-Use development, with a map note that provides more specific guidance:

*“Note 27: Located between Park Street and Fish Hatchery Road, two primary gateways into the City of Madison, these lands are currently developed with a variety of retail, service, employment, institutional and residential uses. Recent City plans for the area recommend increasing residential density, providing workforce housing for the Dean Clinic and other area employers, increasing employment of area businesses and creating a Transit-Oriented Development pattern. Future development within this area should seek to strengthen internal pedestrian connections and also provide improved connections to the existing low-density residential areas located west of Fish Hatchery Road and east of Park Street.”*  
[Comp. Plan Vol. 2, Page 2-163]

The General Development Plan approved in 2011 called for the redevelopment of the subject site and the adjacent Wingra Clinic property in a comprehensive and cohesive fashion consistent with the various land use and urban design recommendations in these adopted plans. The approved General Development Plan called for the subject site to be developed as a mixed-use project of one or more buildings at a maximum height of seven stories and floor area ratio (FAR) of 5.0, and included vehicular access provisions and a list of permitted uses, which was an amalgam of the permitted use sections of the former C1 Limited Commercial, C2 General Commercial and C3 Highway Commercial zoning districts of the 1966 Zoning Code. The allowed FAR of 5.0 in the GDP would allow approximately 357,192 square feet of gross floor area to be developed on the 1.64-acre subject site. During its consideration of the GDP in 2011, the Urban Design Commission emphasized the need to maximize the future development of the subject 1.64-acre property, including the construction of a flatiron building on the northern tip of the site adjacent to the S. Park Street-Fish Hatchery Road intersection, with future building(s) to include a strong presence along S. Park Street with active entrances from the public sidewalk. The applicant was also encouraged to explore opportunities to share parking with the Wingra Clinic project to the south.

Because there was relatively limited information provided at the time the General Development Plan was approved in 2011 regarding how the density of development broadly proposed for the northern 1.64 acres of the Planned Development zoning district would be accommodated, language was incorporated into the approval that cautioned that the ultimate density of development could not be determined until an Specific Implementation Plan could be reviewed against the standards for approval for planned developments. The qualifying language encouraged that development of the 1.64-acre site not have a substantial negative impact on the uses, values and enjoyment of other properties within the neighborhood for uses already permitted, which is similar to language in the Zoning Code for the approval of conditional uses.

In 2015, Planning staff recommended and the Plan Commission found that the PD district standards were met and that the earlier project would not have a substantial negative impact on other properties despite concerns expressed by some in the community regarding the height of the building and traffic and parking impacts attributed to the project. The mixed-use building approved for the site in 2015 contained 212,400 square feet of floor area, for a 2.97 floor area ratio (FAR), which included the space on the first floor devoted to parking but did not include the parking below grade. The 2015 Specific Implementation Plan was found to implement the many land use and urban design planning recommendations applicable to the site as enshrined in the approved General Development Plan.

The Planning Division believes that the proposed mixed-use building called for in the amended Specific Implementation Plan is also consistent with the approved General Development Plan. The building now proposed will have an FAR of 2.61 based on 187,581 gross square feet above grade, with no parking or support space below grade included in staff's calculation for consistency with how earlier versions of the plan have been calculated. The reduced FAR can be attributed to a different plan for the first floor between the two versions, as well as the reduction from a full five stories to mostly four in the northern and southern wings of the building.

Despite the reduced floor area and FAR, the applicant is requesting approval of a building that staff believes maintains the scale, intensity of development, and physical presence intended for this site, which extends back to illustrations in the 2006 Wingra BUILD Plan, through the desire for a "gateway" flatiron building expressed during review of the General Development Plan in 2011, to the five-story flatiron building approved as part of the 2015 Specific Implementation Plan. The Planning Division believes that the scale and mass of the revised building is consistent with the intensity of development envisioned for the S. Park Street-Fish Hatchery Road intersection in adopted plans.

In addition to being a Planned Development, the subject site and adjacent clinic are located in Urban Design District 7. UDD 7 was established to improve the appearance and function of the Park Street corridor between Regent Street and the Beltline Highway and to acknowledge its importance as a major gateway corridor to downtown and the University of Wisconsin-Madison, and to allow it to evolve as a distinctive place that builds on the strengths of its culturally diverse businesses and adjacent neighborhoods. UDD 7 specifically notes that the "Wingra Creek Area" has been identified in aforementioned plans as possessing numerous large parcels that represent potential redevelopment opportunities that would improve the use mix, character, density, and activity within the District. Design requirements in the District generally apply, although recommendations included in subsequent adopted plans for this area take precedence over the area requirements and applicable provisions of District. Staff has determined that the 2011 General Development Plan represents a "subsequent adopted plan" for the purposes of the implementing the District requirements and guidelines.

The Planning Division feels that the current iteration of the mixed-use building is generally well designed and that it complies with many of the design requirements in the Urban Design District 7 as applicable in the Wingra Creek Area. The proposed building materials create a cohesive exterior while allowing the distinct sections of the

building to appear as individual structures along S. Park Street, which staff feels will help to break down the mass of the building. The proposed six-story tall glass treatment of the flatiron corner of S. Park Street and Fish Hatchery Road is the most successful design to date to address the prominent intersection and create the landmark, flatiron structure envisioned by the Wingra BUILD Plan.

However, staff recommends that the metal fins above the first floor proposed to emanate from the glass prow at the flatiron corner be significantly reduced. As rendered, these fins appear to extend beyond the zoning lot into the rights of way of both S. Park Street and Fish Hatchery Road. While this architectural treatment may have some merit, staff believes that the fins should not extend into the right of way.

The placement of the building adjacent to Fish Hatchery Road should also be revised. Whereas the plans approved in 2015 included a modest setback along that property line to allow for some perimeter landscaping between the building and sidewalk, the proposed building will be placed at the property line, with little or no room for landscaping and no effective buffer between the first floor residential units and sidewalk. The current plans also do not reflect the six-foot right of way dedication for Fish Hatchery Road that was required by the City Engineer concurrent with the 2015 Planned Development and one-lot Certified Survey Map to create the development site. Staff recommends that a three-foot setback be provided along the western edge of the site to create a buffer between the sidewalk and proposed dwelling units, and a more appropriate transition between the four- and five-story building masses and pedestrians. The Traffic Engineering Division is also requesting that the previous six-foot right of way dedication for Fish Hatchery Road be dedicated as a condition of this approval.

As noted in the preceding section, access to the building and the design of the parking serving the project have also changed between the current iteration and the building approved in 2015. Whereas previously, the structured parking serving the project was to be served by two driveways, including one from S. Park Street, the amended plans call for all of the parking to be located under the building with access from the east-west private drive that forms the southern edge of the site. While the applicant has addressed earlier concerns by the Planning Division and Traffic Engineering Division about the location of the sole driveway proposed to serve the underground parking by moving it opposite the intersection of the east-west and north-south internal drives, staff still has reservations about the function of the new driveway with regard to the steepness of the ramp and the sight distance as vehicles reach the top of the ramp to exit. In particular, staff is concerned that the side bike path shown on the plans is too steep, and has limited vision and tight corners, which the Traffic Engineer recommends be altered or eliminated.

In lieu of the proposed bike ramp, the applicant should consider creating a bike-focused lobby for the building that might better accommodate bicyclists, which could include an exterior door with an automatic opener and oversized elevator that could be equally conducive to bicyclists who will use the lower level bike parking facilities or choose to store their bikes in their dwelling unit (if allowed by the developer).

The zoning text approved with the 2015 Specific Implementation Plan included a provision added by the Plan Commission that required any restaurant, nightclub, brewpub, restaurant-tavern, or restaurant-nightclub proposed to occupy the commercial areas of the building to be reviewed as a conditional use in order to operate after 6:00 p.m. Given the elimination of the at-grade parking to serve the project, staff believes that it may be appropriate to eliminate the time-based threshold and instead require conditional use approval for any of those uses to allow parking and other impacts to first be considered. Unlike the earlier plans, where some of the ground level parking may have been available to patrons of the first floor commercial spaces, no such spaces will exist, increasing the likelihood that patrons arriving by auto will park on the street. With the exception of some employees of the commercial spaces, who may be allowed to park below the building, staff believes that most

of the 156 underground stalls will be used by residents of the dwellings and that visitors to the building will park externally.

In addition to the conditional use requirement for food and beverage uses, the Plan Commission added conditions to the 2015 approval that required the applicant to provide a ride-share vehicle; encouraged construction laborers to not park on streets when working on the site and to explore the possibility of providing a shuttle service or shared parking with the adjacent clinic during construction, and; limited exterior facade illumination on street-facing facades to balcony or patio illumination. The Plan Commission also provided a specific condition regarding the design of the driveway access from S. Park Street, which is obviated by the applicant's proposal to do away with that access, and required a green roof on the townhouse portion of the development, which is shown on the proposed plans. The Plan Commission should consider whether it wishes to still apply the other conditions enumerated above.

## Conclusion

The Planning Division believes that the amended Planned Development zoning to allow construction of a four- to six-story mixed-use building containing 12,287 square feet of commercial space, five live-work spaces and 157 apartments with underground parking is consistent with the General Development Plan approved in 2011 to guide redevelopment of the subject site and the adjacent clinic property following demolition of the former Bancroft/ Morningstar Dairy. The revised project is well designed and should implement many of the myriad land use and urban design recommendations adopted to guide redevelopment of the Park Street Corridor and Wingra Creek Area, including the Wingra Market Study and Conceptual Redevelopment Plan Summary Report. The proposed building also satisfies the applicable requirements for building and site design in Urban Design District 7 and meets the standards for approval for Planned Developments in the Zoning Code. Staff believes that concerns about potential impacts created by the more traffic-intensive food and beverage uses of the proposed commercial spaces can be addressed during the review of any such future uses as conditional uses.

However, staff believes that a setback should be provided for the building and its first floor dwelling units along Fish Hatchery Road, and that additional review is required for the access to the underground parking facility.

[The UDC gave initial approval to the project with conditions at its June 28, 2017 meeting.]

## Recommendation

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

The Planning Division recommends that the Plan Commission forward Zoning Map Amendment IDs 28.022–00260 and 28.022–00261, approving an Amended Planned Development District General Development Plan and Specific Implementation Plan for 1004-1032 S. Park Street, to the Common Council with a recommendation of **approval** following a recommendation by the Urban Design Commission and subject to input at the public hearing, the following Planning Division condition(s) and the conditions from reviewing agencies:

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

1. The final plans shall provide more information on how access will be provided into the first floor commercial spaces along S. Park Street south of the prow. The current plans show steps leading from the sidewalk up to



the street-facing doors into the commercial spaces. The accessible path into the first floor commercial spaces shall be shown on the final plans approved by staff and the Urban Design Commission.

2. That a minimum three-foot setback be provided along the entire Fish Hatchery Road frontage of the building to create a buffer between the western wall, its first floor dwelling units, and the sidewalk.
3. The metal fins shown projecting south from the glass prow at the corner of S. Park Street and Fish Hatchery Road shall not extend beyond the property line into the rights of way of those streets.
4. That the site plan and first floor plan sheets be revised to show the setbacks of the proposed building from the property lines adjacent to S. Park Street and Fish Hatchery Road at a minimum of three places along each frontage. The dimensioned setbacks shall reflect the proposed final condition following any required setbacks, and dedication of right of way or permanent limited easement required for implementation of the project.
5. The applicant shall work with the Traffic Engineering Division and Planning Division on the final design of the ramp leading to the underground parking prior to final sign-off of the plans and issuance of building permits, including the design of the bike lane.
6. Prior to final sign-off and issuance of building permits, proof of financing shall be provided for review and approval by the Director of Planning and Community and Economic Development that indicates that the building, once started, can be completed consistent with the approved plans.
7. Any restaurant, nightclub, brewpub, restaurant-tavern, or restaurant-nightclub proposed to occupy the commercial areas of the building shall be reviewed by the Plan Commission as a conditional use.
8. That the applicant submit a revised zoning text for the Specific Implementation Plan to the Planning Division and Zoning Administrator for approval prior to recording and the issuance of building permits as follows:
  - 8a. that the permitted non-residential/ commercial uses for this PD-SIP be limited to those included in the approved PD-GDP zoning text unless specifically enumerated in a list submitted for approval by the Planning Division prior to final approval and recording;
  - 8b. the Signage section shall be revised to limit signage for the site to the maximum permitted in the TSS zoning district, and as approved by the Urban Design Commission or its secretary, and the Zoning Administrator.

**The following conditions have been submitted by reviewing agencies:**

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

9. The City recommends there to be more flow to S. Park Street (two laterals to S. Park Street rather than two laterals onto Fish Hatchery Road) because there is significantly more sewer capacity on S. Park Street.
10. The applicant shall enter into a maintenance agreement for terrace improvements inside the public right of way. The approval of this development does not constitute or guarantee approval of the encroachments.

11. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE. The project will be expected to meet a higher standard of erosion control than the minimum standards set by the Wisconsin Department Natural Resources (WDNR) in order to comply with TMDL limits.
12. This project appears to require construction dewatering. A dewatering plan shall be submitted to City Engineering as part of the Erosion Control Permit application and plan. If contaminated soil or groundwater conditions exist on or adjacent to this project, additional WDNR, Madison-Dane County Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit.
13. This project appears to require permanent dewatering. A permit to connect to the public stormwater system shall be required from City Engineering. Additionally, a permit for non-storm discharge to the storm sewer system from the Madison-Dane County Public Health shall also be required. If contaminated soil or groundwater conditions exist on or adjacent to this project additional WDNR, Public Health, and/or City Engineering approvals may be required prior to issuance of the connection and non-storm discharge permits.
14. Storm sewer to serve this development has been designed and constructed. The site plans shall be revised to identify the location of this storm sewer and to show connection of an internal drainage system to the existing public storm sewer.
15. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 5.0-tons per acre per year.
16. 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 NR-216 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.
17. This project will require a concrete management plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office.
18. 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 Madison General Ordinances.
19. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.
20. Per the WDNR closure letter, this property was closed with residual soil contamination (BRRTS #02-13-551750). Written approval from the WDNR is required prior to disturbing the existing barrier cap. Proof of coordination with the WDNR shall be submitted to Brynn Bemis (267.1986, bbemis@cityofmadison.com).
21. Based on historical documents (WDNR BRRTS #02-13-551750), the property contains residual contaminated soil. If contaminated soil is encountered as part of this redevelopment, all WDNR and DSPS regulations shall be followed for proper handling and disposal.

22. The construction of this project will require that the applicant shall enter into a City/ Developer agreement for the required infrastructure improvements. The applicant shall contact City Engineering to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. Note: Obtaining a developers agreement generally takes approximately 4-6 weeks, minimum.
23. The approval of this planned development does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer.
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. The City Engineer shall approve the grade of the entrances prior to signing off on this development.
25. The applicant shall replace all sidewalk and curb and gutter that abuts the property that 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.
26. The applicant shall provide the City Engineer with the proposed earth retention system to accommodate the restoration. The earth retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system.
27. All work in the public right of way shall be performed by a City-licensed contractor.
28. All damage to the pavement on S. Park Street and Fish Hatchery Road adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.

**City Engineering Division–Mapping Section** (Contact Jeff Quamme, 266-4097)

29. The pending CSM application 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 the parcel database so that the permitting system can upload this data and permit issuance made available for this new land record.
30. The perspectives show fixed canopies that may extend beyond the property into adjacent right of ways. The site plan shall show and denote all planned canopies. If any private improvements should encroach into the adjacent public right of way, the applicant shall make an application with City of Madison for a privilege in streets administered by the City of Madison Office of Real Estate Services. An approval of the development does not constitute or guarantee approval of any encroachments within a public right of way.

31. Submit a PDF of all floor plans to [lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com) so that a preliminary interior addressing plan can be developed. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during, or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal. Note: Suite number(s) for the office floor will be determined when tenant build out plans are submitted.

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

32. Per City Contract No. 2290 for the Wingra Clinic-Bancroft Dairy Redevelopment, the previous property owner acknowledged the future need for right of way dedication on Fish Hatchery Road and a Permanent Limited Easement dedication on S. Park Street. The developer chose to defer those requirements until such time as Lots 2 and 3 of CSM 13286 (subject site) were developed. The applicant shall be required to dedicate six (6) feet of right of way on Fish Hatchery Road to allow for an 86-foot right of way from Park Street south. The applicant shall be required to reconstruct the existing sidewalk on both S. Park Street and Fish Hatchery Road to allow for placement of the sidewalk within the standard locations with respect to the new right of way dedication and the proposed sidewalk permanent limited easement.

33. Work with Traffic Engineering staff to alter the geometry of the side bicycle path for the garage ramp. Due to the steepness of the path, the narrow width, and the poor vision triangle at the bottom, Traffic Engineering has concerns over the operations and safe use of this amenity.

34. The public right of way is the sole jurisdiction of the City of Madison and is subject to change at any time. No items show on this site plan in the right of way are permanent and may need to be removed at the applicant's expense upon notification by the City.

35. 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 – 25 feet behind the property line at streets and 10 feet at driveways.). Alterations necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO 27.05(2)(bb), Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.

36. 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.

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

38. 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 staff to accommodate the microwave sight

and building. The applicant shall submit grade and elevations plans if the building exceeds four stories prior to sign-off to be reviewed and approved by Austin Scheib, (266-4766) Traffic Engineering Shop, 1120 Sayle Street. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign off.

39. This site presents difficult constructability issues; access to neighboring sites must be maintained at all times, covered sidewalks will be constructed and maintained as soon as possible and little to no access to the public right-of-way on S. Park Street and Fish Hatchery Road will be granted for construction purposes. Provide a detailed construction plan to Traffic Engineering for review by the Traffic Control Specialist (Mike Duhr) prior to final signoff.
40. 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.
41. 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.

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

42. Work with Zoning and Planning staff to finalize the zoning text.
43. Bicycle parking for the commercial tenant uses shall comply with the requirements of MGO 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 100 feet of a principal entrance. Bicycle parking for the commercial uses will be reviewed for compliance with the amount, design, and location requirements prior to obtaining zoning approval for each use. 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.
44. Provide a minimum of 162 resident bicycle stalls plus a minimum of 16 short-term guest stalls. A minimum of 90% of the resident stalls shall be designed as long-term parking. Up to 25% of bicycle parking may be structured parking, vertical parking or wall mount parking, provided there is a five-foot access aisle for wall mount parking.
45. Submit a rooftop plan showing the location of any proposed rooftop mechanical equipment and screening. All rooftop and ground level mechanical equipment and utilities shall be fully screened from view from any street or residential district per Section 28.142(9)(d).
46. 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.
47. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

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

48. The design incorporates the second means of egress from the fifth and sixth floors via the roof. The Madison Fire Department has concerns regarding maintaining this exit in the winter months. does not support this project based on the lack of Stair B exiting directly to the exterior, the proposed location of the fire command center, and the lack of a fire service elevator serving all floors.

49. Due to complexities created by the multiple building components, additional discussions and coordination will be required before MFD provides final approval of the Fire and Life Safety design approaches to this structure.

50. Provide fire apparatus access as required by IFC 503 2015 edition, MGO Section 34.503, as follows:

- a.) MGO 34.503/IFC 503 Appendix D105: Provide an aerial apparatus access fire lane that is at least 26 feet wide, if any part of the building is over 30 feet in height. The near edge of the aerial fire lane shall be within 30 feet and not closer than 15 feet from the structure, and parallel to one entire side. The aerial fire lane shall cover not less than 25% of the building perimeter.
- b.) Aerial fire lanes shall be free from overhead obstructions. Obstructions shall not be located between the building and an aerial fire lane. Alternative measures to allow obstructions may include specific tree selection and placement; increased fire protection systems; and/or increased building fire resistance. Alternatives must be approved by MFD prior to site plan approval.

51. Provide documentation on the design approach and how the building will be evaluated for allowable height and area.

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

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

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

52. Impact Fees for 161 multi-family units were previously paid. No fees are due at this time.

53. City of Madison Forestry will permit the removal of one street tree within the right of way (2" diameter Crabapple located at 1033 High Street, first tree on Fish Hatchery Road north of High Street). The contractor shall contact City Forestry's Dean Kahl- dkahl@cityofmadison.com or 266-4816 -one week prior to removal to obtain a tree removal permit.

54. The contractor shall contact Dean Kahl, City of Madison Forestry at least one week prior to forming concrete and constructing tree grates to determine tree locations.

55. The contractor shall contact Dean Kahl, City of Madison Forestry at least one week prior to planting to schedule inspection of the nursery stock and review of planting specifications with the landscaper.

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

56. In coordination with public works improvements, the applicant shall maintain or replace the concrete passenger boarding pad at the existing Metro bus stop on the west side of S. Park Street, south of Fish

Hatchery Road (#0174). The concrete pad shall occupy the full distance of the terrace, measure a minimum of 10 feet in width parallel to the street, and lie flush between the sidewalk and the top of curb. A continuous concrete terrace, or other accessible surface materials, would also be suitable.

57. The applicant shall install and maintain a bench or other seating amenity in the adjacent property landscape plan, ideally taking advantage of any building overhang or canopy to provide the seating amenity some shelter from the elements. [See attached] The applicant shall include the location of these transit amenities on the final documents filed with their permit application so that Metro Transit may review and approve the design.
58. The applicant shall maintain and protect access to the existing bus stop zone for both pedestrians and transit vehicles at all times during project construction.