



Project Address: 2048, 2100 and 2114 Winnebago Street

Application Type: Discontinuance/Vacation, Zoning Map Amendment, Demolition Permit, Conditional Use and Certified Survey Map Referral

Legistar File ID # [48610](#), [48227](#), [48156](#), [48157](#), and [48145](#)

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

Summary

Applicant: Jim Glueck, Glueck Architects; 116 N. Few Street; Madison.

Property Owner: John Young and Adam Chern, Accipiter Real Estate, LLC; 1882 E. Main Street; Madison.

Surveyor: Michelle L. Burse, Burse Surveying & Engineering, Inc.; 2801 International Lane, Suite 101; Madison.

Requested Actions: The applicant and property owner are requesting the following approvals:

- ID [48610](#) – Discontinuing and vacating the remaining portion of the public street right-of-way of Linden Court from Winnebago Street to the northwest; and
- ID [48227](#) – Approval of a request to rezone property generally addressed as 2114 Winnebago Street from TSS (Traditional Shopping Street District) to TE (Traditional Employment District); and
- ID [48156](#) – Consideration of a demolition permit and conditional use to demolish a commercial building and construct a mixed-use building containing 3,850 square feet of commercial space and 45 cohousing units on land generally addressed as 2048 Winnebago Street; and
- ID [48157](#) – Consideration of a demolition permit and conditional use to demolish a commercial building and construct a 10,300 square-foot trade arts/ technical/ trade school on land generally addressed as 2100 Winnebago Street; and
- ID [48145](#) – Approving a Certified Survey Map of property owned by Accipiter Real Estate, LLC located at 2048, 2100 and 2114 Winnebago Street, creating a three-lot planned multi-use site.

Proposal Summary: The property owners are requesting approval of a CSM to divide their 2.09-acre property into a three-lot planned multi-use site following the vacation of the remaining 88 feet of Linden Court, a 50-foot wide right of way that extends northwesterly from Winnebago Street to provide access to a portion of the site.

Beginning at Sutherland Court on the southerly edge of the subject site, the applicant proposes to construct a three-story, L-shaped mixed-use building on Lot 1, which will contain 3,850 square feet of first floor commercial space and 45 residential units to be developed as a cohousing community. Lot 2 of the CSM will be an L-shaped parcel that will be developed with a two-story tall, 10,300 square-foot circus arts training facility, while Lot 3 will contain the existing one-story commercial building housing Ford’s Gym. All three lots will share surface parking accessed from Winnebago Street by a driveway to be constructed in vacated Linden Court. The existing two-story building at 2048 Winnebago Street and one-story, multi-tenant commercial/industrial building addressed as 2100 Winnebago Street will be demolished in phases to facilitate construction of the two new buildings and implementation of the planned multi-use site.

The applicant indicates that the mixed-use building will begin construction in spring/summer 2018, with completion anticipated in June 2019. The training facility on Lot 2 will commence construction in fall 2018, with completion anticipated in April 2019.

Applicable Regulations & Standards Table 28F-1 in Section 28.082(1) of the Zoning Code identifies health and sports clubs as a permitted use in TE (Traditional Employment) zoning. Arts/ technical/ trade schools, dwelling units in a mixed-use building, and cohousing communities are all identified individually as conditional uses in the TE district subject to Supplemental Regulations in Section 28.151. 28.182 of the Zoning Code provides the process for zoning map amendments. Section 28.183 provides the process and standards for the approval of conditional use permits. Section 28.185 provides the process and standards for the approval of demolition and removal permits. The subdivision process is outlined in Section 16.23(5)(b) of the Subdivision Regulations.

Review Required By: Plan Commission and Common Council.

Review Schedule: The State's subdivision statute, Wis. Stats. 236, requires that a CSM be approved, conditionally approved, or rejected (with stated reasons) within 90 days of submittal unless the time is extended by agreement with the applicant. If no action is taken within 90 days and no extension granted, the CSM is deemed approved. The proposed CSM application was submitted to the City on August 2, 2017, with a corresponding 90-day review period scheduled to expire circa November 2, 2017.

Summary Recommendations: The Planning Division recommends that the Plan Commission recommend **approval** of Resolution ID 48610, vacating the remaining 88 feet of Linden Court, to the Board of Public Works and Common Council; forward Zoning Map Amendment ID 28.022-00295, rezoning 2114 Winnebago Street from TSS to TE with a recommendation of **approval**; find the standards met and **approve** a demolition permit and conditional use to demolish a commercial building and construct a mixed-use building containing 3,850 square feet of commercial space and 45 cohousing units on land generally addressed as 2048 Winnebago Street; find the standards met and **approve** a demolition permit and conditional use to demolish a commercial building and construct a 10,300 square-foot trade arts/ technical/ trade school on land generally addressed as 2100 Winnebago Street; and forward the three-lot Certified Survey Map to the Common Council with a recommendation of **approval**, all subject to input at the public hearing and the conditions on page 8 of this staff report.

Background Information

Parcel Location: Approximately 2.09 acres of land generally located on the west side of Winnebago Street and northerly side of Sutherland Court; Aldermanic District 6 (Rummel); Madison Metropolitan School District.

Existing Conditions and Land Use: The southernmost portion of the property is developed with the two-story, 15,377 square-foot "Winnebago Studios" artist spaces at 2048 Winnebago Street, zoned TE (Traditional Employment District). To the north of 2048 and Linden Court, 2100 Winnebago Street is developed with a 19,323 square-foot multi-tenant commercial/industrial building, zoned TE, which parallels the adjacent railroad corridor. The parcel addressed as 2114 Winnebago Street contains 7,200 square feet of land and is developed with a one-story, 10,100 square-foot commercial building housing Ford's Gym; the site is zoned TSS (Traditional Shopping Street District).

Surrounding Land Uses and Zoning:

North: Single-family residences, zoned TR-V1 (Traditional Residential-Variied 1 District);

South: Big Oak Child Care Center and two-story mixed-use building, zoned TSS (Traditional Shopping Street District); Diebel Laboratories, zoned TE (Traditional Employment District);

West: Wisconsin & Southern Railroad; single- and two-family residences along E. Main Street across tracks, zoned TR-V1

East: On the east side of Winnebago Street, mixed-use building and one-story office building, zoned TSS; single-, two- and multi-family residences, zoned TR-V1; on west side of Winnebago Street, single-family residences, zoned TSS.

Adopted Land Use Plans: The Comprehensive Plan recommends the subject site and properties to the south towards Schenk's Corners for Community Mixed-Use development, with a Transit-Oriented Development node in the general area of Schenk's Corners and Atwood Avenue. Properties to the north and east of the site are recommended for Low-Density Residential use, with Medium-Density Residential uses recommended to the west across the railroad corridor.

The subject site is also located within the boundaries of the 1994 [Marquette-Schenk-Atwood Neighborhood Plan](#). The site is generally located in the "Schenk-Atwood Business District" land use sub-area of the plan, which recognizes a historic "eclectic" mix of businesses that serve both the neighborhood and wider community, and many establishments devoted to the arts. The plan encourages the construction of quality, residential dwelling units on any floor above the ground floor or in the rear of commercial buildings to increase the overall number of residential units in the neighborhood and to increase the housing opportunities in the area. The architectural design of new construction is recommended to blend into the historic character and add to the charm of the area. New construction should reflect the historic-style streetscape, such as encouraging new buildings to be built-up to the sidewalk edge, to use compatible materials, colors, and similar sized window openings, and to reflect similar scale to other surrounding buildings. The plan emphasizes that providing adequate parking for new residential and business developments in the area is important to the vitality of the Atwood Avenue-Winnebago Street commercial corridor.

The subject site is also generally located within the boundaries of the 2000 [Schenk-Atwood-Starkweather-Worthington Park Neighborhood Plan](#), which recognizes Schenk's Corners as a major business hub in the neighborhood, which plan participants want to maintain it as an attractive, bustling, easily accessible neighborhood business and entertainment district. The plan recommends the adaptive reuse and historic preservation of buildings or the development of historic-looking building facades (brick and/or stucco) in the business district.

Zoning Summary: *Please see the attached Appendix A from Jenny Kirchgatter, Assistant Zoning Administrator, which outlines the bulk requirements for the proposed development.* Zoning conditions for the project are included in the 'Recommendations' section of this report.

Environmental Corridor Status: The property is not located in 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 on Winnebago Street and nearby on E. Washington Avenue.

Project Description

The property owner, Accipiter Real Estate, is proposing to redevelop two properties and part of a third generally located on the westerly side of Winnebago Street at Sutherland Court. The proposal calls for two existing commercial buildings located at 2048 and 2100 Winnebago Street to be demolished, for the remainder of Linden Court to be vacated, for the 2.09-acre property to be divided into three lots, and for a new mixed-use building

and training school building to be constructed. An existing building housing Ford's Gym will remain in its current form, although a new parking area will be constructed at the rear of the building.

Existing Conditions

The 2.09-acre site is comprised of three parcels. The southernmost parcel, 2048 Winnebago Street, is a 0.59-acre parcel developed with the two-story "Winnebago Studios" commercial building, which includes two one-story sections that extend to the north and west from the corner along Winnebago Street and Sutherland Court, respectively. City records indicate that the 15,377 square-foot building was built in phases between 1937 and 1967. The letter of intent indicates that the building is currently used as studio space for 17 different artists. A small parking area for approximately 20 autos is located at the rear of the building, which is accessed from Sutherland Court.

Moving north, the second parcel is an L-shaped, 1.21-acre parcel addressed as 2100 Winnebago Street. The parcel has 120 feet of frontage along Winnebago Street and 88 feet of frontage along Linden Court, a 50-foot wide right of way that extends west from Winnebago Street to provide vehicular access to the rear of the subject parcel. Originally, Linden Court extended west to the Wisconsin & Southern Railroad right of way that borders the site on the west; however, an approximately 105-foot long section of that right of way was vacated by the City in 1980, leaving the 88-foot section that the property owner is now requesting to vacate. The 2100 Winnebago parcel is developed with a rambling one-story, 19,323 square-foot building that is home to a variety of commercial and light industrial uses. City records indicate that the building was built in sections ranging in size from 711 square feet to 7,100 square feet between 1914 and 1999. The building generally parallels the adjacent rail corridor and is characterized by a series of overhead doors that face towards Winnebago Street. The building extends north into the site perpendicular to Linden Court and behind the rear yards of a series of single-family residences that front onto Winnebago Street. The area between the building and either the street or rear residential property lines is used as surface parking.

Both parcels are zoned TE (Traditional Employment District). Photos of the buildings at 2048 and 2100 Winnebago Street have been provided with the application materials.

The final parcel comprising the subject site is a 60-foot wide and 120-foot deep parcel (0.17 acres) zoned TSS (Traditional Shopping Street District), which is developed with the one-story, 10,100 square-foot Ford's Gym (the square-footage includes space on a mezzanine). The building effectively occupies 100 percent of the parcel, with no parking located on-site. The gym building is situated between single-family residences to the north and south along the west side of Winnebago Street.

Proposed Development

Following demolition of the two buildings and vacation of the remaining 88 feet of Linden Court closest to Winnebago Street, the applicant is requesting approval of a CSM to divide the 2.09-acre property into three lots.

Lot 1 of the CSM will be a roughly rectangular 1.23-acre parcel with 240 feet of frontage along Winnebago Street and 220.5 feet of frontage along Sutherland Court. The proposed lot will be developed with a three-story, L-shaped mixed-use building, which will contain 3,850 square feet of first floor commercial space and 45 residential units to be developed as a cohousing community. The first floor commercial space will be located along the southerly façade of the building facing Sutherland Court, and will be comprised of ten tenant spaces of varying sizes that will be used as artist studios. The remainder of the first floor will be developed as part of the cohousing community, with eleven dwelling units and residential common spaces proposed. Seventeen dwelling units and a guest room will be located on each of the second and third floors of the building. In all, the 45 units

will consist of 12 one-bedroom units, 19 two-bedroom units, and 14 three-bedroom units. Parking for 53 autos and 48 bicycles will be provided below the building, with access from Sutherland Court at the southwesterly corner of the lot. Additional parking for the mixed-use building will be provided in five stalls located along the driveway leading to the underground parking, and in a separate 17-stall surface parking lot to be located in the northwesterly corner of the proposed lot, which will be accessed from proposed Lot 2. A landscaped courtyard is proposed between these parking lots to provide open space for the cohousing community. Additionally, each dwelling unit will be provided with a patio or balcony, with some of the first floor units to have direct entrances from Winnebago Street or the rear courtyard.

Lot 2 of the CSM will be an L-shaped, 0.53-acre parcel, which will include 50 feet of frontage along Winnebago Street consisting of the vacated Linden Court right of way. The proposed lot will be developed with a two-story tall, 10,300 square-foot circus arts training facility located at the rear of the property. The facility is considered an arts/ technical/ trade school under the Zoning Code, and requires conditional use approval in the TE zoning district. A three-foot setback is proposed between the building and the rail right of way that forms the westerly property line. The area between the proposed building and easterly property lines will be primarily occupied by 26 surface parking stalls. Plans for the training facility include a two-story tall instruction space on the ground floor and a second floor classroom. The exterior of the building will primarily be clad in two-toned steel siding and is designed to evoke the design of other industrial buildings located elsewhere in the East Rail Corridor.

Lot 3 will also be an L-shaped parcel and will consist of the remaining 0.34 acres of the overall site. The proposed lot will have 60 feet of frontage along Winnebago Street before opening at the rear of the parcel adjacent to the railroad. The existing Ford's Gym building will occupy the front portion of the proposed lot, with the remaining land to include 17 parking stalls located between the gym and westerly property line. No changes to the gym building are proposed as part of this application. As noted in the previous section, the existing parcel fronting Winnebago Street is zoned TSS, while the rear of proposed Lot 3 is currently zoned TE. The applicant is requesting that the existing 60- by 120-foot parcel be rezoned from TSS to TE to provide consistent zoning for the proposed lot. Heath and sports clubs are permitted uses in both zoning districts.

Access to the 17 stalls proposed on Lot 3, 25 stalls on Lot 2, and 17 stalls located at the northwestern corner of Lot 1, will all be provided by a single driveway from Winnebago Street to be located on Lot 2 where Linden Court will be vacated. The shared access and parking across the three lots is considered a planned multi-use site, which the Zoning Code defines as "a specified area of land comprised of one or more contiguous ownership parcels or building sites that share access and circulation or off-street parking." A reciprocal land use agreement approved by the Traffic Engineer, City Engineer, and Director of Planning and Community and Economic Development and recorded in the office of the Dane County Register of Deeds will be required as a condition of approval to codify the shared access and parking proposed to serve most of the subject development.

Supplemental Regulations

The following Supplemental Regulations apply in TE zoning to Arts, Technical or Trade Schools, which are defined as "business, professional, trade, or other specialty schools, including but not limited to schools offering instruction in music, art, dance, martial arts, GED preparation, computer use or programming, or cosmetology":

- a.) A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.

- b.) Where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.
- c.) With the exception of facilities located in industrial districts, all activities shall occur within enclosed buildings.
- d.) For uses established in employment districts, the applicant shall submit a Traffic Demand Management plan to be approved by the Traffic Engineer and to be kept on file with the Zoning Administrator.

The following Supplemental Regulations apply to any Cohousing Community, which is defined as “a living arrangement that combines private living quarters with common dining and activity areas in a community whose residents share in tasks such as childcare. Living quarters may range from detached units to townhouses or multifamily units, but do not include lodging rooms”:

- a.) Any housing type that is a conditional use within the zoning district may be located in a cohousing community with conditional use approval.
- b.) Any use allowed within the zoning district may be located in a cohousing community.
- c.) Lot area requirements may be combined and shared among cohousing units with conditional use approval provided that the overall density remains consistent with minimum lot area standards.
- d.) Usable open space may be combined and shared among cohousing units.

The following Supplemental Regulations apply to any Multi-Family Dwelling in TE zoning:

- (a) In the TE district, new residential uses, whether in new or existing buildings, shall not be located where potential nuisances exist, including but not limited to: excessive vibration, dust, noise, light, glare, smoke, odor, or truck traffic.
- (b) In the TE district, new residential uses shall be adequately separated or buffered from adverse impacts from existing industrial uses.

Analysis and Conclusion

The five requests reviewed herein require specific consideration by the Plan Commission in order for the overall project to proceed.

Regarding the vacation of the remaining 88 feet of Linden Court, the Planning Division believes that the Plan Commission may recommend approval of Resolution ID 48610 to the Board of Public Works and Common Council. At this time, Linden Court only provides access to the existing building at 2100 Winnebago Street, which the property owners wish to demolish as part of the planned redevelopment. The developers also own the adjacent single-family residence at 2102 Winnebago Street and propose to quitclaim the reversionary interest in the northerly half of the vacated right of way so that the full 50 feet may be incorporated into proposed Lot 2 as discussed earlier in this report.

Likewise, the Planning Division believes that the Plan Commission may find the standards met and recommend approval of Ordinance ID 48227, rezoning 2114 Winnebago Street from TSS to TE, to the Common Council. The statement of purpose for the TE zoning district indicates that the district was established “to encourage a broad range of employment activities, taking advantage of the varied transportation options and proximity to urban activities and cultural amenities found in many Traditional Employment locations.” The district is also intended

to encourage businesses with the potential to provide significant numbers of living-wage jobs that contribute to a sustainable economy and a strong tax base; support the continued use or adaptive re-use of traditional industrial buildings for a variety of purposes, and; facilitate preservation, development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and adopted neighborhood, corridor or special area plans. The statement also indicates that "...residential uses are of secondary importance."

The TE zoning district has emerged as one of the most flexible and dynamic districts created under the 2013 Zoning Code. The district combines the bulk and building form requirements consistent with the historic, finer-grained development pattern most commonly associated with the East Rail Corridor along and south of E. Washington Avenue from Blair Street to the Yahara River with a use list that is more permissive than the mixed-use and commercial districts with regard to limited production and processing activities, while recognizing the close proximity of residential and lower-intensity neighborhood-serving uses both within and adjacent to the district. The range of uses allowed in the TE district varies widely, and is flexible enough to accommodate the array of uses proposed for the subject site, including the existing gym, proposed residential units, artist spaces, and circus arts training facility. Staff believes that it the request to rezone the property to TE is appropriate to provide the entire mixed-use development with consistent zoning, and further that the larger development and component rezoning are consistent with the Community Mixed-Use land use recommendation for the entire site in the Comprehensive Plan.

The Planning Division also believes that the standards for demolition permit and conditional use approval, and the applicable supplemental regulations can be met to allow the demolition of the two existing buildings at 2048 and 2100 Winnebago Street and construction of the mixed-use building proposed for the corner of Winnebago Street and Sutherland Court and the circus arts training facility proposed to its north. Both existing buildings appear to be in average condition but may have reached the end of their useful lives. Staff has no information that would suggest that the demolition standards cannot be met with the request to raze the buildings. The Landmarks Commission informally reviewed the demolition of the buildings at its July 10, 2017 meeting and noted that neither building had any known historic value, though it noted that it "regrets the loss of the vernacular commercial scale buildings."

The proposed uses of the site following demolition are also generally consistent with the recommendations for the subject site in the 1994 Marquette-Schenk-Atwood Neighborhood Plan. The subject site and properties generally to the south are generally located in the "Schenk-Atwood Business District" land use sub-area of the plan, which recognizes a historic "eclectic" mix of businesses in the Atwood Avenue-Winnebago Street commercial corridor that serve both the neighborhood and wider community, and many establishments devoted to the arts. Staff believes that the proposed three-story mixed-use building reflects the construction of quality, residential dwelling units above the ground floor or in the rear of commercial buildings as recommended by the plan to increase the overall number of residential units in the neighborhood and housing opportunities in the area. The mixed-use building is also consistent with the recommendations that the architectural design of new construction blend with the historic character and add to the charm of the area, and reflect the historic streetscape, with new buildings built to the sidewalk edge. The brick and metal-paneled mixed-use building and the metal-sided circus arts training facility will also be compatible with the scale, materials, and patterning of other buildings nearby. The shared parking arrangement to serve the three proposed lots is also consistent with a recommendation in the plan that "adequate" parking be provided for new residential and business developments in the area.

The subject site is also generally located within the boundaries of the 2000 Schenk-Atwood-Starkweather-Worthington Park Neighborhood Plan, which recognizes the Schenk's Corners area as an attractive, bustling,

easily accessible neighborhood business and entertainment district business hub for the neighborhood. Specific plan recommendations for this portion of the planning area are limited. However, the plan recommends the adaptive reuse and historic preservation of buildings or the development of historic-looking building facades (brick and/or stucco) in the business district, which Planning staff feels the proposed development is consistent with, particularly the proposed three-story mixed-use building.

In closing, the Planning Division recommends approval of the vacation, rezoning, demolition permit, conditional use, and land division requests subject to the conditions in the following section.

Recommendation

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

The Planning Division recommends that the Plan Commission take the following actions related to the development of 2048, 2100, and 2114 Winnebago Street:

- Recommend **approval** of Resolution ID 48610, vacating the remaining 88 feet of Linden Court, to the Board of Public Works and Common Council;
- Forward Zoning Map Amendment ID 28.022–00295, rezoning 2114 Winnebago Street from TSS to TE with a recommendation of **approval**;
- Find the standards met and **approve** a demolition permit and conditional use to demolish a commercial building and construct a mixed-use building containing 3,850 square feet of commercial space and 45 cohousing units on land generally addressed as 2048 Winnebago Street subject to input at the public hearing and the following conditions;
- Find the standards met and **approve** a demolition permit and conditional use to demolish a commercial building and construct a 10,300 square-foot trade arts/ technical/ trade school on land generally addressed as 2100 Winnebago Street subject to input at the public hearing and the following conditions; and
- Forward the three-lot Certified Survey Map to the Common Council with a recommendation of **approval** subject to input at the public hearing and the following conditions.

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

Planning Division

1. Solid fencing not less than six (6) feet and not more than eight (8) feet in height shall be installed along the northern rear and eastern side property lines of Lots 2 and 3 adjacent to the residential properties fronting onto Winnebago Street. The final plans approved by the Planning Division shall clearly identify where this fencing will be installed.
2. Submit a Traffic Demand Management plan for the proposed Madison Circus Space for approval by Traffic Engineering staff. Per the supplemental regulations Section 28.151, for schools (arts, technical or trade) established in employment districts, the applicant shall submit a Traffic Demand Management plan to be approved by the Traffic Engineer and to be kept on file with the Zoning Administrator.

3. Any proposed HVAC or utility penetrations on the building shall not face Winnebago Street or Sutherland Court. Any such penetrations elsewhere on the exterior of the building shall be designed to be perpendicular to the facades to limit their visibility to the greatest extent possible. No utility or HVAC pedestals or penetrations, including HVAC wall packs for units, and gas meters or electric meters for buildings/ units shall be permitted without specific approval by the Plan Commission.

4. Per Section 28.137(2)(a), a planned multi-use site shall have a plan and reciprocal land use agreement approved by the Traffic Engineer, City Engineer and Director of Planning and Community and Economic Development recorded in the office of the Dane County Register of Deeds immediately following recording of the three-lot Certified Survey Map.

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

5. The applicant shall make improvements to Winnebago Street. The improvements shall consist of sidewalk, terrace, and curb and gutter installation to former Linden Court opening. The applicant shall be aware that the City is planning to reconstruct Winnebago Street in 2018. If the project occurs, the applicant shall reduce scope of work to sidewalk only, and the street project will replace the terrace, curb and gutter. Standard special assessments will be applied.

6. The applicant shall be aware that the north end of Sutherland Court is prone to flooding. The plans submitted are unacceptable from a drainage perspective. The bio-retention basin is connected directly to this storm sewer system. During times of back up the plan seems to indicate that the bio-retention will surcharge and then run down the driveway into the underground parking area flooding it out. The applicant shall revise the plans to protect the underground parking area from flooding.

7. 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.

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

9. 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.

10. The site plans shall be revised to show the location of existing utilities (private storm sewer), including depth, type, and size in the adjacent right-of-way.

11. The lots within this Certified Survey Map are interdependent upon one another for stormwater 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 County Register of Deeds.

12. A Storm Water Management Report is required for this development. Report needs to show compliance with required TSS control and oil/grease control. The applicant shall submit to jbenedict@cityofmadison.com

prior to plan sign-off, electronic copies of any Storm Water Management files including: a) SLAMM .DAT files; b) RECARGA files; c) TR-55/HYDROCAD/Etc., and; 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. Storm Water Management Report shall be stamped by a Licensed P.E.

13. 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.
14. 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.
15. All work in the public right of way shall be performed by a City-licensed contractor.
16. All damage to the pavement on Winnebago Street and Sutherland Court adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.
17. The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement.
18. A Phase 1 Environmental Site Assessment (Phase 1 ESA), compliant with ASTM E1527-13, is required for the project area. The applicant shall provide one (1) digital copy and a paper copy only if specifically requested. Staff review of this Phase 1 ESA will determine if a Phase 2 ESA is also required. Please submit report(s) to Brynn Bemis (608-267-1986, bbemis@cityofmadison.com) for review.
19. Based on historical documents (1942 Sanborn maps), the property was formerly the Reliable Fuel & Material coal yard. It also contained auto facilities and may contain residual contaminated soil. If contaminated soil is encountered as part of this redevelopment, all WDNR and DSPS regulations must be followed for proper handling and disposal.
20. If required by the City Engineer, 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 developer's agreement generally takes approximately a minimum of 4-6 weeks.
21. A minimum of two working days prior to requesting City Engineering signoff on the CSM, the applicant shall contact either Tim Troester at 261-1995 (ttroester@cityofmadison.com) or Brenda Stanley at 261-9127 (bstanley@cityofmadison.com) to obtain the final stormwater utility charges that are due and payable prior to subdivision 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).

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

22. The address of the proposed apartment building is 107 Sutherland Court. The address of the proposed Circus Space building is 2082 Winnebago Street. The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.
 23. The applicant shall provide for review a reciprocal easement agreement including, but not limited to, common access, parking, surface drainage, common areas and storm management that are necessary to accomplish the development as proposed. The document(s) shall then be executed and recorded after the pending CSM (to allow references to the new lots) and recorded copies provided prior to building permit issuance. Also the existing Parking Lot and Driveway Easement Declaration per Document No. 4258902 shall be amended as part of this document or simply released and superseded by the new agreement.
 24. The proposed vacation and discontinuance of Linden Court shall be accomplished prior to the recording of the pending CSM.
 25. Upon the street vacation being approved and recorded, title of the northeasterly half will attach to the property owned by LINDBAGO ACCIPITER, LLC at 2102 Winnebago Street as provided for by Statute. A conveyance will be required to Vogel Investments LLC, the adjacent owner within this CSM, prior to final sign off.
 26. The applicant shall determine and coordinate with City of Madison Zoning the need to release the Declaration of Conditions over the southerly portion of this CSM per Document No. 1732095. If released, the reference under note 3 on sheet 5 shall be removed.
 27. The public water main rights retained in the previous vacation of Linden Court per Document No. 1655804 shall be released by the City of Madison. The easement area for water main shall be noted on the CSM with a caption "water main easement to be released by separate instrument." Text on sheet 5 notes shall be added acknowledging this as well. The applicant shall provide the \$500 administrative fee for City Real Estate to draft and administer the release. The release shall be recorded upon the abandonment of the existing public water main within the easement area.
28. Submit a PDF of all floor plans to lzenchenko@cityofmadison.com so that a preliminary interior addressing plan can be developed prior to plans being submitted for permit review. 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.
 29. Add a note to the 13-foot wide strip of land adjacent to the westerly side of the CSM: City of Madison Document No 3749765.
 30. The Sheet headers and the header for the legal description shall include references to the previous street vacation and shall leave a blank for the document to be recorded for the future street vacation.
 31. Add the required "recorded as" information on the exterior boundary from all of the current deeds.

32. Fully dimension the width and show clearly the limits of the restriction per Document No. 2245627 in the southwesterly corner of the CSM.
33. Add the word temporary to the 15-foot wide water main easement on sheet 2.
34. Provide different line types or other items to clearly differentiate between the three easements along the railroad corridor on sheet 2. It is currently very confusing. Also provide dimensions for those portions of the easements that encumber this CSM.
35. Differentiate with different line types the building outlines on sheet 1. They currently blend with the land title lines.
36. Place a note within the building shown on sheet 4 that it is to be razed.
37. The applicant shall submit to Jeff Quamme, prior to Engineering sign-off of the subject plat, one (1) digital CADD drawing and one (1) signed copy of the final plat/CSM to the Mapping/GIS Section of the Engineering Division either as hard copy or Adobe pdf format. The digital CADD file shall be submitted in the WisDOT County Coordinate System, Dane County Zone datum in either Auto CAD Version compatible with MicroStation Version V8i, MicroStation Version V8i or older or Universal DXF Formats. The digital CADD file(s) shall contain the minimum of the items stated below, each on a separate layer name/level number. All line work shall be void of gaps and overlaps that would cause any parcel, street or easement to not properly close. All line work orientation and geometrics shall match the dimensioning as labeled on the final recorded plat: a.) Right-of-Way lines (public and private); b) Lot lines; c) Lot numbers; d) Lot/Plat dimensions; e) Street names; and f) Easement lines (i.e. street, sanitary, storm (including wetland and floodplain boundaries) water, pedestrian/ bike/ walkway, or any public and/or private interest easement except local service for Cable TV, gas, electric and fiber optics).

*This transmittal is a separate requirement from the required Engineering Streets Section for design purposes. The developer/surveyor shall submit new updated final plat, electronic data and a written notification to Engineering Mapping for any changes to the plat which occur subsequent to any original submittal of data and prior to final sign off.
38. This pending Certified Survey Map 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.
39. The railroad right of way is owned by the Wisconsin Department of Transportation and leased to Wisconsin & Southern Railroad. Update owner name on all appropriate sheets.

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

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| 40. The applicant shall include a pedestrian walkway from the public right-of-way to the entrances on both proposed buildings. |
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41. Per MGO Section 10.08, all parking stalls shall be free and clear of all obstructions including columns and in stalls 25 and 22.
42. 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.
43. 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.
44. 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.
45. All parking facility design shall conform to the standards in MGO Section 10.08(6).

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

46. Submit a Traffic Demand Management plan for the proposed Madison Circus Space for approval by Traffic Engineering staff. Per the supplemental regulations Section 28.151, for schools (arts, technical or trade) established in employment districts, the applicant shall submit a Traffic Demand Management plan to be approved by the Traffic Engineer and to be kept on file with the Zoning Administrator.
47. There are inconsistencies within the plan set, including the locations of bicycle parking stalls, location of trash enclosure, and veranda. Ensure that the architectural site plan, landscape plan, and civil plans are internally consistent.
48. 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). Section 28.185(10) requires that 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. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
49. Note: The Zoning Board of Appeals, at its meeting of August 24, 2017, approved the request for a rear yard setback variance for the proposed building at 2100 Winnebago Street.
50. This project is designed as a planned multi-use site. Per Section 28.137(2)(a), a planned multi-use site shall have a plan and reciprocal land use agreement approved by the Traffic Engineer, City Engineer and Director of Planning and Community and Economic Development recorded in the office of the Dane County Register of Deeds.

51. Bicycle parking for this project shall be provided per Section 28.141(4) and Table 28I-3 as uses are established for the various spaces in the development. Per Section 28.141(11), required bicycle parking shall comply with short and long-term bicycle parking requirements for both residential and non-residential uses, to be shown on the final plan sets. Provide information to confirm the bicycle parking requirements for the proposed uses. Show the dimensions of the bicycle stalls and the access aisles. Note: A bicycle stall is a minimum two (2) feet by six (6) feet with a five (5)-foot wide access area. Provide a detail of the proposed bike rack including any structured or wall mount bike racks.
52. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than 10,000 square feet in size must be prepared by a registered landscape architect. Include details of the proposed open space area.
53. Screening is required adjacent the zoning district boundary separating the residential zoned properties located at 2120 and 2134 Winnebago Street. Screening shall be provided along the 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.
54. Submit rooftop plans for the mixed-use building and Madison Circus Space building 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).
55. Exterior lighting provided shall be in accordance with MGO Section 10.085. Provide an exterior lighting plan and fixture cut sheets with the final plan submittal.
56. 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.
57. 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)

58. Failure to raze the buildings as indicated would create a building code violation if the lot division is finalized.

Water Utility (Contact Adam Wiederhoeft, 266-9121)

59. The Madison Water Utility shall be notified to remove the water meters at least two working days prior to demolition. Contact the Water Utility Meter Department at (608) 266-4765 to schedule the meter removal appointments.
60. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least 48-hour notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's Plumbers & Contractors

website; otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Avenue. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

61. All operating private wells shall be identified and permitted by the Water Utility and all unused private wells shall be abandoned in accordance in accordance with MGO Section 13.21.
62. See City Engineering Division–Mapping comments regarding the public water main easement and subsequent release of this easement upon abandonment of the existing public water main located in the vacated Linden Court.

Metro Transit (Contact Tim Sobota, 261-4289)

63. In coordination with public works improvements, the applicant shall install and maintain a concrete passenger boarding pad adjacent the western curb ramp on the north side of Winnebago Street, opposite Linden Avenue. The concrete pad shall occupy the full distance of the terrace, measure a minimum of 1feet in width parallel to the street, and lie flush between the sidewalk, top of curb, and western edge of the existing curb ramp. [See attachment "2048ws_METRO.pdf"] 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. Metro Transit operates daily transit service along Winnebago Street through the Linden Avenue intersection. Bus stop ID #1264 is currently located, as noted, on the north side of Winnebago Street east of Sutherland Court. The new concrete boarding pad would allow this bus stop zone to be reoriented east into the Linden Avenue intersection, to both facilitate the redevelopment immediately east of Sutherland Court, but also reducing impacts to on-street parking (parking already prohibited opposite Linden Avenue intersection).

Parks Division (Contact Janet Schmidt, 261-9688)

64. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(6) will be required for all new residential development associated with this project. This development is within the East Park-Infrastructure Impact Fee district. Please reference ID# 17142 when contacting Parks Division staff about this project.

65. There is an existing Japanese Tree Lilac (second street tree on Sutherland Court) that is not on the Landscape Plan. Revise plans to include the existing tree and note if to be protected or removed.

66. The first tree on Sutherland Court is a dead Linden. Forestry will remove this tree, but a replacement tree is required.

67. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Please submit an existing inventory of trees (location, species, & DBH) and a tree removal plan (in PDF format) to Brad Hofmann – bhofmann@cityofmadison.com or 266-4816. Approval and permitting of street tree removals shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan.

68. Additional trees are needed along Winnebago Street, but this will be depended of terrace width and/or a tree grate being installed. Coordinate with Forestry on all terrace tree plantings.
69. City Forestry will issue a removal permit for two trees both are 14-inch diameter Norway Maples due to decline. The locations are the 2nd tree northeast of Sutherland Court on Winnebago Street & second tree northeast of Linden Court on Winnebago Street. Please contact Brad Hofmann– bhofmann@cityofmadison.com or 266-4816 to obtain the street tree removal permit at time of construction.
70. 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 or 266-4816. Tree planting specifications can be found in Section 209 of City of Madison Standard Specifications for Public Works Construction.
71. 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. Tree protection specifications can be found in Section 107.13 of City of Madison Standard Specifications for Public Works Construction. Any tree removals that are required for construction after the development plan is approved will require at least a 72-hour waiting period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan.
72. The following note should be included on the subdivision: “Lots within this subdivision are subject to impact fees that are due and payable at the time building permit(s) are issued.” The Parks Division will be required to sign off on the CSM.