



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 5533 University Avenue (District 19 – Ald. Clear)  
**Application Type:** Demolition and Conditional Use  
**Legistar File ID #:** [49138](#)  
**Prepared By:** Chris Wells, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

**Summary**

**Applicant & Property Owner:** Martin O’Connor; Realm Real Estate Development, LLC.; 3120 Edmonton Drive, Suite 300; Sun Prairie, WI 53590  
**Contact:** J. Randy Bruce; Knothe & Bruce Architects, LLC; 7601 University Avenue, Suite 201; Madison, WI 53562

**Requested Action:** The applicant is making five requests with this proposal – 1) approval of the demolition of a grocery store; 2) approval of a conditional use for the construction of a building with over eight (8) dwelling units; 3) approval of a conditional use for a building exceeding ten thousand (10,000) square feet floor area and containing two or more uses; 4) approval of a conditional use for a building exceeding three stories in height; and 5) approval of a conditional use for a building exceeding the allowed rear yard height transition to a residential district – in order to construct a four-story, mixed-use building with 5,600 square feet of commercial space and 56 apartments at 5533 University Avenue; Urban Design Dist. 6; 19th Ald. Dist.

**Proposal Summary:** The applicant proposes to demolish a grocery store to construct a 4-story, mixed-use building with approximately 5,600 square feet of ground floor commercial space and 56 apartments above. Eighty-nine parking stalls are located on the site - 38 at grade stalls at the rear of the building (10 of which are enclosed), and another 51 under the building.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Demolitions [MGO §28.185(7)] and Conditional Uses [MGO §28.183(6)]. Section 28.061(1) of the Zoning Code lists a multi-family dwelling containing more than eight dwelling units as requiring Conditional Use approval in the NMX (Neighborhood Mixed-Use) district while Section 28.064(4)(a) of the Zoning Code lists buildings in the NMX district greater than 10,000 square feet in floor area and containing two or more uses as requiring Conditional Use approval. Furthermore, Section 28.064(3) states the maximum height in the NMX zoning district is 3 stories or 40 feet with Section 28.064(3)(b) stating that building height exceeding this maximum may be allowed with conditional use approval. Finally, Section 28.064(3)(d) of the Zoning Code, pertaining to rear or side yard height transitions from NMX-zoned lots to abutting residential districts, states “*where the NMX District abuts a residential district at the rear or side lot line, building height at the rear or side yard setback line shall not exceed two (2) stories/twenty-five (25) feet. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line, (a 45° angle) up to the maximum allowed height. Transitions exceeding this height and/or ratio limitation require conditional use approval.*”

**Review Required By:** Urban Design Commission (UDC) and Plan Commission (PC)

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the standards are met and **approve** the demolition permit and conditional use to demolish a grocery store before constructing a four-story, mixed-use building with 5,600 square feet of commercial space and 56 apartments at 5533 University Avenue. These recommendations are subject to input at the public hearing and the conditions recommended by reviewing agencies.

## Background Information

**Parcel Location:** The 48,515-square-foot (1.11-acre) subject property located to the south of the intersection of University and Capital Avenues. The site is located within Aldermanic District 19 (Ald. Clear), Urban Design District #6, and the limits of the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject site includes an existing one-story, 16,780-square-foot grocery store, with a partial basement. It was originally constructed in 1976 at the southern corner of the lot. A large surface parking lot with roughly 49 stalls and curb cuts onto University and Capital Avenues, covers almost the rest of the lot, save for a two small planting beds along Capital Avenue.

### Surrounding Land Use and Zoning:

**Northwest:** Across Capitol Drive are single-family and 2-unit residences, all zoned SR-C3 (Suburban Residential – Consistent 3) District;

**Northeast:** Across University Ave is an auto repair station with detached and car wash, zoned NMX (Neighborhood Mixed-Use) District; behind which are single-family residences in the TR-C1 (Traditional Residential – Consistent 1) zoning district;

**Southeast:** The Dale Heights Presbyterian Church, zoned NMX; and

**Southwest:** A 24-unit apartment building, zoned SR-V2 (Suburban Residential – Varied 2) District.

**Adopted Land Use Plan:** The [Comprehensive Plan \(2006\)](#) and the [Spring Harbor Neighborhood Plan \(2006\)](#) both recommend Neighborhood Mixed-Use for this parcel.

**Zoning Summary:** A copy of the zoning report was not received in time to be included in this report and will be included as a separate document.

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

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

## Project Description

The applicant proposes to construct a four-story, mixed-use building with 5,600 square feet of commercial space and 56 apartments following the demolition of a one-story, former grocery store. In order to construct said building, the applicant is making five requests with this proposal – 1) approval of the demolition of a grocery store; 2) approval of a conditional use for the construction of a building with over eight (8) dwelling units; 3) approval of a conditional use for a building exceeding ten thousand (10,000) square feet floor area and containing two or more uses; 4) approval of a conditional use for a building exceeding three stories in height; and 5) approval of a conditional use for a building exceeding the allowed rear yard height transition to a residential district

The building proposed for demolition is a one-story, 16,780-square-foot grocery store, with a partial basement. It was originally constructed in 1976 at the southern corner of the lot. A large surface parking lot with roughly 49 stalls and curb cuts onto University and Capital Avenues, covers almost the rest of the lot, save for a two small planting beds along Capital Avenue. Photos of the interior and exterior of the building are included with the application materials, which appear to show a building in average condition.

The ground floor of the building is separated into two parts by a drive aisle which provides access to and from University Avenue. The first is a roughly 5,600-square-foot commercial space located at the northwest corner of the site and fronting onto University Avenue. Currently shown divided into three tenant commercial spaces (the size and number of which may change as tenant leases are secured), each space has an entrance towards University Avenue as well as the rear surface parking lot. A patio, potentially for an outdoor eating area, is proposed to the west of the commercial space. Note: a request for a conditional use to allow for an outdoor eating area in this location is not part of this submittal. Located between the tenant spaces, there is an additional entrance on the commercial component's southerly façade which provides access to a staircase which serves the residential portion of the building located on the floors above.

The second component of the building's ground floor is the roughly 5,300-square-foot pad located at the northeast corner of the site, also fronting onto University Avenue. This portion of the building contains a residential lobby with direct access to both University Avenue as well as the rear parking lot; four apartments (two efficiencies, one 1-bedroom and one two-bedroom unit); building amenities such as a mail area and exercise room; restroom; and an elevator and stairwell which both provide access to the parking level below as well as the three floors of residential units above.

The building's three upper floors, which are all residential, not only span the gap created on the ground floor to allow for a drive aisle off of University Avenue, but also extend along the easterly property line to the southeast corner of the lot. Together with those on the ground floor, the overall mix of proposed residential units includes 15 efficiency units, 25 one-bedroom, 3 one-bedroom w/ den; and 13 two-bedroom apartments (please see Table 1 below for the unit breakdown by floor). This works out to a density of 50.4 dwelling units per acre, given the 1.11-acre site. Each of the dwelling units is provided with a private balcony roughly 60-square-foot in size while the 3 fourth floor units located along the University Avenue façade have a sizable, roughly 12-foot deep balcony running the length of the unit. (These larger balconies also serve as a building step back at the fourth floor level). Also located on the fourth floor, in the northeastern corner, is a 575-square-foot common room with direct access to a roughly 600-square-foot outdoor rooftop terrace.

**Table 1: Residential Unit Mix**

| Floor        | Efficiency | 1bed      | 1bed w/ den | 2bed      | Total     |
|--------------|------------|-----------|-------------|-----------|-----------|
| 1st          | 2          | 1         | 0           | 1         | 4         |
| 2nd          | 6          | 8         | 1           | 4         | 19        |
| 3rd          | 6          | 8         | 1           | 4         | 19        |
| 4th          | 1          | 8         | 1           | 4         | 14        |
| <b>Total</b> | <b>15</b>  | <b>25</b> | <b>3</b>    | <b>13</b> | <b>56</b> |

There are 89 off-street parking stalls provided on site, both in the form of surface stalls as well as under-building stalls. Twenty-eight of these stalls are at-grade and located in the surface lot at the rear (south) of the site. They are intended to serve the building's commercial users as well as visitors of the residential units. Another ten stalls are located just to the east of the surface lot, within an enclosed garage. Five of these stalls are allotted to residential tenants while the other five will likely be leased by employees of the commercial spaces. The final 51 stalls, all for use by the residential tenants, are located in the level beneath the building which is accessed by the ramp at the southeast corner of the site. When added to the five stalls in the ground floor garage, these 56 stalls result in a parking ratio of one reserved stall per dwelling unit.

The lower parking deck also contains 54 bicycle parking stalls – 38 as ground-mounted stalls and 16 as wall-mounted. While all of these stalls are for the residential tenants, only four of the ten surface stalls, which are intended for short-term use, are for said tenants. These four stalls are located along the University Avenue sidewalk, in front of the main entrance to the building's residential portion, while the other six stalls, meant for commercial customers, are located at the southeasterly corner of the building's commercial component, and are accessed via the rear parking lot.

The proposed building exterior materials include cast stone for the base; a cream-colored, modular-sized brick for the first three floors, with a cedar-colored, horizontal composite siding cladding the bays which project at the second and third floor levels; and a slate-colored, horizontal composite siding cladding the fourth floor. The commercial storefronts are an anodized aluminum while the rest of the building's windows are a vanilla-colored vinyl or fiberglass. Aluminum is used for the balcony railings and metal for the balconies.

The landscape plan includes a number of over-story trees dotting the perimeter of the building and site, such as Serviceberry trees along the easterly façade, Elm along the northerly façade, and Choke Cherry and Linden trees along the westerly façade/Capital Avenue frontage. Three Maple trees have also been added in the parking tree islands. Foundation plantings have been added around the building and Capital Avenue frontage such as Dogwood, Sumac, Sedum, Boxwood, Hydrangea, and Reed Grass. While an existing Arborvitae hedge exists along the western half of the southern property line (on the adjacent property), roughly two dozen Arborvitae and Common Lilac are added along the eastern half of the southern property line to provide screening.

Usable open space is provided on site both as surface green space as well as via the private balconies and rooftop terrace. Roughly 7,300 square feet of surface green space is provided in various sized areas located primarily along the site's easterly, northerly and westerly property boundaries. Open space is also included via the private balconies which are provided with each unit, either as a roughly 60 or 68-square-foot version, depending on its location on the floorplan. Because of the fourth floor setback along University Avenue, the three north-facing units have sizeable balconies, ranging from roughly 400 to 700 square feet in size. Finally, the rooftop terrace provides an additional 410 square feet of usable open space. In all about 12,000 square feet of open space is provided which exceeds the NMZ Zoning District's requirement of 160 square feet per 1-bedroom unit and 320 square feet per unit greater than 1-bedroom, which, for this project, works out to 11,040 square feet of usable open space.

Regarding nearby transit amenities, the applicant has been in discussion with City Staff about accommodating a relocated bus zone to be constructed by the City, with land granted to the City by the applicant. Details will be finalized as part of site plan sign off and included as part of the submitted Certified Survey Map (CSM) that is currently under administrative review.

## **Analysis and Conclusion**

The proposed project is subject to the approval standards for Demolitions [MGO §28.185(7)] and Conditional Uses [MGO §28.183(6)]. This analysis begins with an analysis of adopted plan recommendations.

### **Conformance with Adopted Plans**

The [Comprehensive Plan \(2006\)](#) and the [Spring Harbor Neighborhood Plan \(2006\)](#) both recommend Neighborhood Mixed-Use (NMU) for the subject parcel.

The [Comprehensive Plan \(2006\)](#) recommends Neighborhood Mixed-Use (NMU) development for the subject site. The Plan states that NMU districts *“are the recommended locations for clusters of relatively small convenience shopping and service uses that serve as activity centers and gathering places for the surrounding neighborhoods or districts.”* Land use recommendations consist of neighborhood-serving commercial buildings and uses, housing types as well as non-commercial residential support uses similar to Low-Density Residential districts, and mixed-use buildings. Regarding general development intensity, while the Comprehensive Plan recommends a height of 2-4 stories and a net residential density of up to 40 dwelling units per acre, it defers to neighborhood or special area plans for specific recommendations. Lastly, regarding design guidelines, the Plan recommends that development in the NMU district provide a pedestrian-oriented “urban” environment generally characterized by: 1) well-designed buildings placed close to the sidewalk and street; 2) off-street parking located primarily behind the buildings or underground; and 3) pedestrian-friendly design amenities, such as decorative paving and lighting along sidewalks and paths, plazas, benches, and landscaping.

The [Spring Harbor Neighborhood Plan \(2006\)](#) states as one of its Land Use Goals to enhance University Avenue as a vibrant mixed-use corridor for the neighborhood and surrounding communities, that includes retail, civic, office, cultural, residential, institutional, and recreational uses. To that end, it identifies the subject site as within its Spring Harbor Neighborhood Site #3, which it defines as the business and municipal services along University Avenue from Norman Way to Capital Avenue, and recommends Neighborhood Mixed-Use (NMU) development. In terms of design guidelines, for NMU Districts, the Plan states that 1) buildings should be close to the street; 2) new redevelopment should promote high quality building and site design; and 3) windows should be used at the street level to enhance the pedestrian experience.

In regards to plan consistency, the Planning Division believes the project to be compatible with the general use, height, and massing recommendations of the [Comprehensive Plan](#), while acknowledging that the proposal however slightly exceeds the maximum recommended density. While the [Comprehensive Plan](#) defers to the neighborhood plans for specific recommendations regarding density, or to recommend small areas within the district for a higher maximum density if the development is compatible with the scale and character of the neighborhood, the [Spring Harbor Neighborhood Plan \(2006\)](#) does not have more specific density recommendations for the subject site. On balance, given the building’s proposed setbacks and stepbacks; the fact that it conforms to the Comprehensive Plan’s recommended height range of 2-4 stories; and is located along one of the City’s major transportation routes, Staff believes the proposal could be found to be compatible with the adopted plans.

### **Demolition Permit Standards**

As proposed, the former grocery store building would be demolished. As noted in MGO §28.185(7), the Plan Commission must find that the requested demolition and proposed use are compatible with the purpose of the demolition section and the intent and purpose of the zoning districts. (A copy of the statement of purpose is provided as Attachment 1). Furthermore, the proposal should be compatible with adopted plans. The Plan Commission shall consider and give decisive weight to any relevant facts, including but not limited to impacts on normal and orderly development, efforts to relocate the existing building(s), and the limits that the location of the building(s) would place on efforts to relocate it/them. While the subject building is not a landmark building, nor does it lie within a local historic district, the Plan Commission shall consider any reports from the Landmark Commission and Historic Preservation Planner when determining whether the demolition standards are met.

Staff believes that the demolition standards can be found met with this proposal. The removal of the 41-year-old, former grocery store structure is not anticipated to have a negative impact on either the normal and orderly development or the improvement of surrounding properties. As outlined above, Staff believe the proposed building to be generally consistent with the adopted plans for the area. Finally, at their August 14, 2017 meeting, the Landmarks Commission found that the building slated for demolition had no known historic value.

### Conditional Use Standards

The Plan Commission may not approve an application for a conditional use unless it can find that all of the standards found in Section 28.183(6)(a) are met. That section also states: “The City Plan Commission shall not approve a conditional use without due consideration of the recommendations in the City of Madison Comprehensive Plan and any applicable, neighborhood, neighborhood development, or special area plan, including design guidelines adopted as supplements to these plans.”

The Planning Division believes the conditional use standards can be found met, given the conditions of approval included with this report, and provides additional discussion on the following standards.

Standard 3 states “The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner.” The proposed building’s height and mass are two areas with potential impact on the surrounding properties, and both require a conditional use. The first will permit the building to exceed the Neighborhood Mixed-Use (NMX) District’s maximum height allowance of three stories of 40 feet. The building requires a second conditional use because it does not meet the rear yard height transition to the residential district to the south, in this case the parcel located at 1667 Capital Avenue which is zoned Traditional Suburban – Varied 1 (SR-V1) District and contains a two-story, 24-unit apartment building. As MGO §28.064(3)(d) reads, *Where the NMX District abuts a residential district at the rear or side lot line, building height at the rear setback line (in this case, 20 feet) shall not exceed two (2) stories/twenty-five (25) feet. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line, (a 45° angle) up to the maximum allowed height. Transitions exceeding this height and/or ratio limitation require conditional use.*

Looking at Image 1 below, one can see the upper right corner of the building (i.e. the southeasterly corner of the building’s fourth floor) extending into the transition area (which is indicated by the angled dashed line). While such a restriction on height transitions is most applicable, and valuable, in infill situations when, for example, a multi-story building is proposed on a block of small and/or narrow lots, for the 5533 University Avenue case, Planning Staff anticipate that that this specific encroachment will not result in significantly different impacts than what would be allowed without the requested conditional use. This is due to the fact that the structures are not only approximately 116 feet away but due to the amount of grade change between properties, the level of the ground floor of the neighboring two-story residential building is roughly 16 feet above that of the subject building.

**Image 1: Section Looking Eastward**

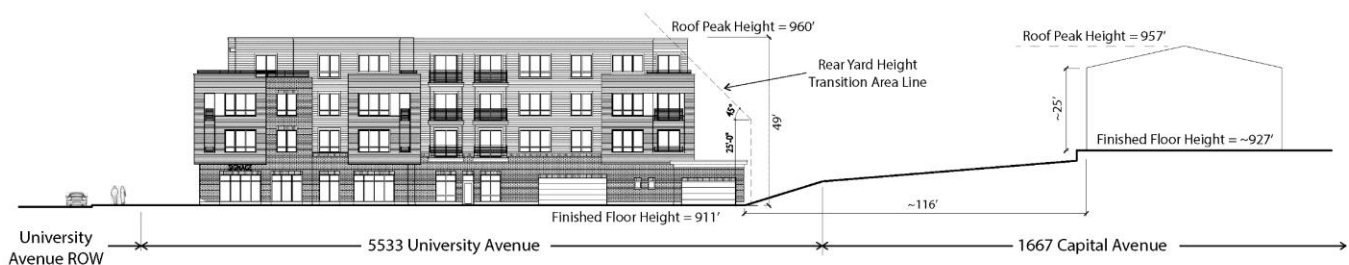


Image Prepared by the City of Madison Planning Division

Standard 4 states “The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in this district.” One of the measures of “normal and orderly” development that have been used by the Plan Commission is plan consistency. As noted above, the project’s density of 51 units per acre exceeds the recommended density of the Comprehensive Plan (2006), (i.e. up to 40 units per acre), which is the only adopted plan to provide normative guidance regarding density. Due to

fact that its land use is supported by the [Spring Harbor Neighborhood Plan \(2006\)](#), and because Staff believes the unit composition, parking ratio, and building placement for this building, being located along one of the City's major transportation corridors and one with excellent bus service, the Planning Division believes the proposal could be found to be compatible with the adopted plans.

Standard 9 states "When applying the above standards to any new construction of a building or an addition to an existing building the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district." As outlined previously, Staff believe the proposed building to be generally consistent with the adopted plans for the area.

Furthermore, the Urban Design Commission (UDC) first reviewed this request at their December 6, 2017 meeting. At that time, they granted the project initial approval and asked the applicant to consider several changes before returning for final approval. At their December 20, 2017 meeting, they gave the project final approval with three conditions: 1) change the color of third level to a lighter-colored accent panel (adjacent to balconies) to match surrounding darker siding; 2) regarding the retail area storefront windows facing the rear parking lot, if there are future changes to the window composition due to final tenant selection, maintain locations and proportions of current proposed layout (recommendations include metal panel or spandrel, and maintain top window light); and 3) use wood mulch for the landscaping instead of stone, and use steel edging instead of black vinyl. Considering the fact that Staff believes the project to be compatible with the general use, height, and massing recommendations of the [Comprehensive Plan](#), the final approval from the UDC (with conditions which will need to be satisfied by the UDC Secretary prior to final signoff), the Planning Division believes the Plan Commission may find this standard met.

### **Public Input**

At the time of report writing, staff has not received any comments on the proposed request.

## **Conclusion**

In conclusion, Staff believes the proposal could be found compatible with the adopted plans and can be found to meet the approval standards for demolitions and conditional uses. The project has also been granted final approval by the Urban Design Commission.

## **Recommendation**

### **Planning Division Recommendation** (Contact Chris Wells, (608) 261-9135)

The Planning Division recommends that the Plan Commission find that the standards are met and **approve** the demolition permit and conditional use to demolish a grocery store before constructing a four-story, mixed-use building with 5,600 square feet of commercial space and 56 apartments at 5533 University Avenue. These recommendations are subject to input at the public hearing and the conditions recommended by reviewing agencies.

Major/Non-Standard Conditions are Shaded

**Engineering Division (Main Office)** (Contact Tim Troester, (608) 267-1995)

1. The current plan does not show any sanitary sewer laterals. Plan will need to be revised to include this information.
2. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing sanitary sewer lateral that serves a building which is proposed for demolition. For each lateral to be plugged the owner shall complete a sewer lateral plugging application and pay the applicable permit fees. The permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
3. All outstanding Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4))
4. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service. (POLICY)
5. 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 WDNR in order to comply with TMDL limits.
6. The Applicant shall submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division with any private storm and sanitary sewer utilities. The digital CAD file shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the only the following data, each on a separate layer name/level number:
  - a) Building Footprints
  - b) Internal Walkway Areas
  - c) Internal Site Parking Areas
  - d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
  - e) Right-of-Way lines (public and private)
  - f) Lot lines or parcel lines if unplatted
  - g) Lot numbers or the words unplatted
  - h) Lot/Plat dimensions
  - i) Street names
  - j) Private on-site sanitary sewer utilities (including all connections to public sanitary)
  - k) Private on-site storm sewer utilities (including all connections to public storm)

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

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



7. The applicant shall submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: [bstanley@cityofmadison.com](mailto:bstanley@cityofmadison.com) (East) or [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com) (West). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2))  
PDF submittals shall contain the following information:
  - a) Building Footprints
  - b) Internal Walkway Areas
  - c) Internal Site Parking Areas
  - d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
  - e) Right-of-Way lines (public and private)
  - f) Lot lines or parcel lines if unplatted
  - g) Lot numbers or the words unplatted
  - h) Lot/Plat dimensions
  - i) Street names
  - j) Stormwater Management Facilities
  - k) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
8. The Applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including:
  - a) SLAMM DAT files
  - b) RECARGA files
  - c) TR-55/HYDROCAD/Etc
  - d) Sediment loading calculations. If calculations are done by hand or are not available electronically, the hand copies or printed output shall be scanned to a PDF file and provided. (POLICY and MGO 37.09(2))
9. 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, Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit.
10. Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements (TSS TMDL Control) on this project. Include copies of all stormwater, utility, and detail plan sheets that contain stormwater practices on 8.5x14 size paper in the draft document. These drawings do not need to be to scale as they are for informational purposes only. Once City Engineering staff have reviewed the draft document and approved it with any required revisions submit a signed and notarized original copy to City Engineering. Include a check for \$30.00 made out to Dane County Register of Deeds for the recording fee. City Engineering will forward the document and fee for recording at the time of issuance of the stormwater management permit. Draft document can be emailed to Tim Troester (west) at [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com), final document and fee should be submitted to City Engineering.
11. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the 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.

12. This site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR216 and NR-151 however a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. Information on this permit application is available on line <http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm> (NOTIFICATION)
13. 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. (POLICY)
14. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to Reduce TSS by 80% off of the proposed development when compared with the existing site.
15. Complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website - as required by Chapter 37 of the Madison General Ordinances.
16. Provide additional detail how the enclosed depression(s) created by the parking entrance(s) to the below building parking area(s) is/are served for drainage purposes. The building must be protected from receiving runoff up through the 24-hr, 100-yr design storm. If the enclosed depression(s) is/are to be served by a gravity system provide calculations stamped by a Wisconsin P.E. that show inlet and pipe capacities meet this requirement. If the enclosed depression(s) is/are to be served by a pump system provide pump sizing calculations stamped by a Wisconsin P.E. or licensed Plumber that show this requirement has been met.
17. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction. (POLICY)
18. All work in the public right-of-way shall be performed by a City licensed contractor. (MGO 16.23(9)(c)5) and MGO 23.01)
19. All damage to the pavement on University Avenue & Capitol Drive, adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link: <http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY)
20. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass. (POLICY)
21. 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. Obtaining a developer's agreement generally takes approximately 4-6 weeks, minimum. (MGO 16.23(9)c)

22. The approval of this zoning approval 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. (MGO 16.23(9)(d)(6))
23. The Applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The Applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The Applicant shall provide the City Engineer the proposed grade of the building entrances. The City Engineer shall approve the grade of the entrances prior to signing off on this development. (POLICY)

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

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| <ol style="list-style-type: none"><li>24. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD) prior to issuance of any building permits for new construction. When the recorded CSM image is available from the ROD, the Assessor's Office can then create the new Address-Parcel-Owner (APO) data in GEO so that the Accela system can upload this data and permit issuance made available for this new land record</li><li>25. The portions of the public utility easements per Stoeber Addition that are to be released as part of this project shall be released by separate document prepared by City Office of Real Estate Services. Applicant must prepare metes and bounds legal descriptions and scale map exhibits for the portions to be released and provide to Engineering Land Records Coordinator Jeff Quamme for review (608-266-4097) (<a href="mailto:jrquamme@cityofmadison.com">jrquamme@cityofmadison.com</a>) with payment of a \$500 administration fee (check payable to City of Madison Treasurer) to cover staff time and recording costs. Engineering will create the necessary Office of Real Estate Services (ORES) Project. ORES staff will then administer the release document(s) and record with the Dane County Register of Deeds. Applicant shall be responsible to provide the releases of the same easement areas by the other Utility Companies also serving the area prior to the City executing and recording its release.</li><li>26. The revised submittal of the CSM denotes an agreed upon dedication for the Bus Pullout area along University Avenue to accommodate the movement of public street improvements. Confirm the final configuration of the dedication with Engineering staff prior to final sign off.</li></ol> |
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27. Submit a Floor Plan in PDF format to Lori Zenchenko ([lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com)); All Addressing Plans shall provide a floor plan for each floor on a separate sheet to facilitate the development of a complete interior addressing plan. The Addressing Plan for the entire project shall be finalized and approved by Engineering (with consultation and consent from the Fire Marshal if needed) prior to the submittal of the application for the final Parking Lot / Site Plan Approval with Zoning. The approved Addressing Plan shall subsequently be included with those final application materials.

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), a revised Address Plan shall be resubmitted to Lori Zenchenko of Engineering Mapping for confirmation of any addresses that may be required to be changed and/or reapproved. Once all required revisions have been approved, the final Addressing Plan shall be submitted by the applicant to Zoning to be included with the final filed approved site plans.

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

28. 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 University Avenue 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.
29. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
30. 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.
31. 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.
32. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
33. All pedestrian walkways adjacent parking stalls shall be 7 feet wide to accommodate vehicle overhang, signage and impediments to walkway movements. Any request for variance shall be submitted to and reviewed by City Traffic Engineering.
34. All bicycle parking adjacent pedestrian walkways shall have a 2-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
35. Along any public right-of-way classified as an arterial or a collector street the applicant can expect to be required to maintain a public walkway past the job site (e.g. via use of pile/lagging or other vertical shoring method).
36. Per Section MGO 12.138 (14), this project is not eligible for residential parking permits. It is recommended that this prohibition be noted in the leases for the residential units.
37. "Stop" signs shall be installed at a height of seven (7) feet at all class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
38. The applicant shall show the dimensions for the proposed class III driveway including the width of the drive entrance, width of the flares, and width of the curb cut.

39. The applicant shall show dimensions for the proposed and existing parking stalls items S = 9 ft, L = 18 ft, E = 24 ft, F = 20 ft, and degree of angle parking width and backing up, according to Figures II "Medium and Large Vehicles" parking design standards in Section 10.08(6)(b) 2. Signs and planting areas are to be excluded from the rectangular stall areas including the two (2) feet of vehicle overhang. The two (2) feet of vehicle overhang shall be shown on the plan and dimensioned.
40. Include a parking plan demonstrating how specific stalls, to be used by the commercial site, will be reserved. Include any signage to be used to achieve this goal in the submitted plans.

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

41. 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).
42. Section 28.185(10) Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(7)(a)5. shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
43. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
44. As each commercial tenant space is leased, the entire development must reflect compliance in the required amount, type and number of vehicle and bicycle parking spaces, to be reviewed prior to obtaining Zoning approval for each use.
45. Provide the minimum required number of bicycle parking spaces distributed as both Short Term and Long Term bicycle parking for the residential and commercial uses, as required per Sections 28.141(4) and 28.141(11). A minimum of 56 resident bicycle parking spaces are required plus five (5) guest stalls. A minimum of four (4) short-term bicycle stalls shall be required for the commercial uses. Identify and dimension the bicycle stalls, including the access aisles, on the final plans. Show the bicycle parking areas consistently between the civil plans and the first floor plan. Provide details of ground mounted and wall mounted bicycle rack designs.
46. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
47. Screening is required adjacent the Zoning district boundary along the southwest property line. Screening shall be provided alongside 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. Height of screening shall be measured from natural or approved grade. Berms and retaining walls shall not be used to increase grade relative to screening height. Submit a detail of the screening fence with the final plans.
48. Submit the rooftop plan showing the location of any proposed rooftop mechanical equipment and screening. All rooftop equipment shall be screened from view from adjacent streets and public rights-of-way per Sections 28.060(2)(f) and 28.142(9)(d). Screens shall be of durable, permanent materials that are compatible with the primary building materials.

49. Provide details showing that the primary street façade meets the door and window opening requirements of Section 28.060(2)(d). For nonresidential uses at ground floor level, windows and doors or other openings shall comprise at least sixty percent (60%) of the length and at least forty percent (40%) of the area of the ground floor of the primary street facade. At least fifty percent (50%) of windows on the primary street facade shall have the lower sill within three (3) feet of grade.
50. 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.
51. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

**Madison Fire Department** (Contact Bill Sullivan, (608) 261-9658)

52. MFD does not object on the condition that the proposed building will comply with all applicable building and fire codes adopted by the City of Madison.

**Parks/Forestry Review** (Contact Janet Schmidt, (608) 261-9688)

53. 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 West Park-Infrastructure Impact Fee district. Please reference ID# 17159 when contacting Parks about this project.

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

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

56. The Utility/Site Plan(s) shall be revised to show all existing/proposed public water mains, valves, hydrants and service laterals in the project area as well as identify the diameters of the existing/proposed water mains and laterals.
57. The Madison Water Utility shall be notified to remove the water meter at least two working days prior to demolition. Contact the Water Utility Meter Department at (608) 266-4765 to schedule the meter removal appointment.
58. All operating private wells shall be identified and permitted by the Water Utility in accordance with MGO 13.21. All unused private wells shall be abandoned in accordance with MGO 13.21.
59. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days' notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumberscontractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Ave. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. A Water Meter Application Form will subsequently be required to size & obtain a water meter establish a Water Utility customer account and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.
60. Madison Water Utility will be required to sign off as part of the approval review associated with this Land Use Application/Site Plan Review prior to the issuance of building permits for the proposed development.

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

61. As identified on the plans submitted for review, Metro Transit recommends the creation of a new combined bus stop zone, with a pullout lane, on the south side of University Avenue east of Capital Avenue - so that buses can safely exit the active vehicle travel lanes for the time needed to actively load or unload passengers at this intersection, specifically new riders anticipated at this intersection due to the creation of multi-family residential units on this previously commercial property. This combined bus stop zone would permit the elimination of the current bus stop zones along eastbound University Avenue (just west of the Capital Avenue intersection traffic signal), and on northbound Capital Avenue (just south of the existing driveway), that occupy the active travel lanes of these streets.
62. The applicant will need to grant appropriate rights to the City of Madison and Metro Transit that would permit access, maintenance and/or installation of certain infrastructure associated with the proposed bus stop zone shown on the plans submitted for review - including the area of the bus pad surface behind the sidewalk immediately east of the pullout lane, that would accommodate the existing passenger waiting shelter that is currently installed at the bus stop zone on University Avenue west of Capital Avenue.
63. 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. The applicant shall also show the existing bus stop zone and concrete boarding pad surface on the east side of Capital Avenue, south of University Avenue and adjacent this site, that would remain in active service until such time that the combined bus stop zone shown on the plans submitted for review is complete.

64. Metro Transit operates daily transit service along University Avenue through the Capital Avenue intersection. Bus stop ID #2392 is opposite the proposed project site along the south side of University Avenue, west of Capital Avenue, while bus stop ID #2165 is adjacent the site on the east side of Capital Avenue south of University Avenue.

Bus Stop #2132 is currently served by 35 scheduled trips each weekday, with up to four buses an hour scheduled to stop here during the peak commute periods, as well as once an hour on Saturdays. Current estimated boardings at this stop on University Avenue are around 44 passengers per weekday.

Bus stop #2165 on Capital Avenue is primarily served on weekends, once an hour, with limited trips during public school days.



## **ATTACHMENT 1**

### 28.064 NEIGHBORHOOD MIXED-USE DISTRICT.

#### 1) Statement of Purpose.

The NMX District is established to encourage and sustain the viability of commercial nodes that serve the shopping needs of residents in adjacent neighborhoods. The district is also intended to:

- (a) Encourage pedestrian, bicycle and transit use as a means of accessing these commercial areas.
- (b) Encourage diversification of uses, including residential, commercial, and civic uses, in order to enhance the vitality and appeal of these areas.
- (c) Facilitate preservation, development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.