



Department of Planning & Community & Economic Development

## Planning Division

Heather Stouder, Director

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January 14, 2019

Kevin Burow

Knothe & Bruce Architects, LLC

7601 University Avenue, Suite 201

Middleton, Wisconsin 53562

RE: Approval of a request to rezone 2002 Tennyson Lane from SR-C1 (Suburban Residential – Consistent 1 District) to CC-T (Commercial Corridor-Transitional District) and to construct a development consisting of a four-story, 67-unit, mixed-use building with 2,000 square feet of rentable commercial space and a vehicle sales and service window and a four-story, 62-unit apartment building. As part of this request, the applicant is also requesting a total of seven conditional use requests – five for the Mixed-Use Building: 1) for a mixed-use building in the CC-T District with more than twenty-four (24) dwelling units; 2) for a mixed-use building in the CC-T District with non-residential uses constituting less than 75-percent of the building's ground-floor area; 3) for a mixed-use building in the CC-T District with non-residential uses occupying less than 75-percent of the ground-floor frontage facing the primary street, including all frontage at a street corner; 4) for a multi-tenant building in the CC-T District exceeding forty thousand (40,000) square feet of floor area; and 5) for a vehicle sales and service window associated with a food and beverage use; and two for the Multi-Family Building: 1) for a building (with an individual establishment) in the CC-T District exceeding twenty-five thousand (25,000) square feet of floor area; and 2) for a multi-family building with more than eight (8) dwelling units in the CC-T District. (LNDUSE-2018-00115; ID 53812 and 53619)

Dear Mr. Burow;

At its December 17, 2018 meeting, the Plan Commission found the standards met and **conditionally approved** your client's conditional uses requests for 2002 Tennyson Lane. At its January 8, 2019 meeting, the Common Council **approved** your client's request to rezone the 2002 Tennyson Lane parcel from SR-C1 (Suburban Residential – Consistent 1 District) to CC-T (Commercial Corridor-Transitional District). Prior to issuance of building permits for the project, the conditions of approval in the following sections shall be satisfied:

**Please contact Brenda Stanley of the City Engineering Division at (608) 261-9127 if you have questions regarding the following twenty-six (26) items:**

1. Regarding the overflow of the storm sewer system or pond, as designed, it is at capacity and Staff are concerned it will overflow into the underground parking. This shall be revised.

2. The construction of this project will require that the applicant shall enter into a City / Developer agreement for the required infrastructure improvements including sidewalk along Packers Avenue and public sewer to serve the development. 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)
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) The elevation of the sewer being connected to at the corner of Tennyson and Kipling appears to be incorrect.
5. The property is an open contaminant site with the WDNR (BRRTS #0313553975). Submit a digital copy of the site investigation report to Brynn Bemis (608.267.1986, [bbemis@cityofmadison.com](mailto:bbemis@cityofmadison.com)). Applicant shall submit proof of coordination with the WDNR to remediate the site and address residual contaminant concerns associated with the proposed site plan (e.g. vapor mitigation, dewatering).
6. 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.
7. 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 [ttroester@cityofmadison.com](mailto:ttroester@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.

8. 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).

9. 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))

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 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), or Daniel Olivares at [DAOlivares@cityofmadison.com](mailto:DAOlivares@cityofmadison.com) final document and fee should be submitted to City

11. 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.
12. The applicant shall show storm water "overflow" paths that will safely route runoff when the storm sewer is at capacity. (POLICY)
13. 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.
14. 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)
15. This development includes multiple building permits within a single lot. The City Engineer and/or the Director of the Inspection Unit may require individual control plans and measures for each building. (POLICY)
16. 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)
17. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to detain the 2, 10, & 100 -year storm events, matching post development rates to predevelopment rates.
18. 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% (control the 5 micron particle) off of newly developed areas compared to no controls.
19. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to provide infiltration in accordance with Chapter 37 of the Madison General Ordinances.
20. 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.

21. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. MGO 37.05(7) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
22. The developer shall provide information on how the Department of Commerce's requirements regarding treatment of storm water runoff, from parking structures, shall satisfied prior to discharge to the public sewer system. Additionally, information shall be provided on which system (storm or sanitary) the pipe shall be connected to. (POLICY)
23. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. MGO 37.05(7) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
24. 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))
25. 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)
26. The Applicant shall Construct Sidewalk to a plan approved by the City along Packers Ave.

**Please contact Jeff Quamme of the City Engineering–Mapping Section at (608) 266-4097 if you have any questions regarding the following four (4) items:**

27. Upon approval of the proposed concrete stairs, stormwater management facilities and possible retaining wall lying within the 15' wide City of Madison Easement for Public Storm Sewer per Doc No. 5069034 (CSM No. 13716) a Consent to Occupy Easement document shall be drafted and recorded by City of Madison Office of Real Estate Services defining responsibilities and requirements in conjunction with the proposed improvements. Coordinate items needed and fees with Jeff Quamme at [jrquamme@cityofmadison.com](mailto:jrquamme@cityofmadison.com) or 1600 Emil Street, Madison, WI 53703 (Ph. 608-266-4097). Applicant shall make every effort to move any private improvements outside of the easement area. Approval of encroaching improvements shall be received from City Storm Water Engineering prior to preparation of the final document.
28. The 15' wide Public Sanitary Sewer Easement within this site per CSM No. 13716 shall be shown on all of the site plan sheets.
29. The base address of Building B is 2002 Tennyson Ln. The base address of Building A is 2024. Tentative address for Building A Commercial is 2036 Tennyson Ln. 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.

30. Submit a Floor Plan for each separate building in PDF format to Lori Zenchenko ([lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com)) that includes a floor plan for each floor on a separate sheet for the development of a complete building and 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 final Site Plan Approval application with Zoning. The approved Addressing Plan shall be included in the final application. For any changes pertaining to the location, deletion or addition of a unit, or to the location of a unit entrance, (before, during, or after construction), a revised Address Plan shall be resubmitted to Lori Zenchenko to review addresses that may need to be changed and/or reapproved. The final revised Addressing Plan shall be submitted by the applicant to Zoning to be attached to the final filed approved site plans.

**Please contact Sean Malloy of the Traffic Engineering Division at (608) 266-5987 if you have any questions regarding the following seventeen (17) items:**

31. The applicant shall be required to extend the existing median on Packers Avenue to provide Right in/Right Out access only from the proposed Packers Avenue driveway.
32. The Applicant shall Construct Sidewalk to a plan approved by the City along Packers Ave
33. 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.
34. 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.
35. 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.
36. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
37. All bicycle parking adjacent pedestrian walkways shall have a 2-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
38. 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.

39. 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.
40. The applicant shall work with Traffic Engineering to alter drive-through geometry and/or onsite signing and marking to ensure orderly on-site operation and protect the public Rights of Way from negative impacts.
41. One way operation of the site shall be secured by placing a "One Way" sign at the entrance and a "Do Not Enter" sign at the Exit.
42. 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.
43. Parking stalls that are located next to a sidewalk shall have a barrier between the stall and the sidewalk to serve as protection for any pedestrians.
44. Provide pedestrian access to all building entrances from the public Right-of-Way.
45. Applicant shall submit for review a vehicular turning movement template demonstrating the use of the order board and pick-up window.
46. All vehicle service window access aisles shall have a minimum outside turning radius of thirty (30) feet.
47. Covered parking is not dimensioned and as such not reviewable at this time. The applicant should be aware this may lead to major site changes once the dimensions are provided.

**Please contact Bill Sullivan of the Madison Fire Department at 261-9658 if you have any questions regarding the following item:**

48. MFD has concerns about the aerial access lanes meeting the intent of the fire code. Part of the aerial lane is shown in the grass and on the sidewalk as well as only a limited area of the 4 story portion of the building has access. Adjustments and better details/notes will be necessary.

**Please contact Jacob Moskowitz, Assistant Zoning Administrator, at (608) 266-4560 if you have any questions regarding the following four (4) items:**

49. As each tenant space is leased, the entire development must reflect compliance in the required amount, type and number of auto and bicycle parking spaces, to be reviewed prior to obtaining zoning approval for each use.
50. Submit a detail of the trash enclosure. The trash enclosure shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet.

51. Submit a rooftop plan showing the location of any proposed rooftop mechanical equipment and screening. All rooftop and ground level mechanical equipment and utilities shall be fully screened from view from any street or residential district per Section 28.142(9)(d).
52. Submit a revised landscape plan calling out individual plant species.

**Please contact Kate Kane of the Parks Division at (608) 261-9671 if you have any questions regarding the following three (3) items:**

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 North Park -Infrastructure Impact Fee district. Please reference ID# 13120.4 when contacting Parks about this project.
54. Contractor shall contact City Forestry Brad Hofmann [bhofmann@cityofmadison.com](mailto:bhofmann@cityofmadison.com) or 266-4816 at least one week prior to planting to schedule inspecting the nursery stock and review planting specifications with the landscaper.
55. Additional street trees are needed for this project. All street tree planting locations and trees species within the right of way shall be determined by City Forestry. Please submit a site plan (in PDF format) to Brad Hofmann – [bhofmann@cityofmadison.com](mailto:bhofmann@cityofmadison.com) or 266-4816. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction.

**Please contact Tim Sobota, Metro Transit, at (608) 261-4289 if you have any questions regarding the following item:**

56. Metro Transit operates daily transit service along Tennyson Avenue through the Packers Avenue intersection, at least once an hour. Bus stop ID #5427 is opposite the proposed project site along the south side of Tennyson Avenue, west of Packers Avenue.

**Please contact my office at (608) 261-9135 if you have any questions regarding the following six (6) items:**

57. The applicant shall revise their plans to include additional pedestrian entrances to the ground-floor residential units located along Packers Avenue and Tennyson Lane with details to be approved by Planning Division Staff.
58. The applicant shall revise the landscaping plan as necessary so that the majority of foundation plantings around the eastern half of both buildings are at least two (2) to four (3) feet in height (at the time of initial planting), for approval by Planning and Zoning Staff.
59. No HVAC “wall-pack” penetrations/louvers are shown on the street-facing facades. Unless specifically approved by the Plan Commission, the addition of wall packs on outward-facing walls is not included in this approval and will require approval of an alteration to this conditional use should they be proposed at a later time.



60. The applicant shall revise the drawings to show all proposed entrances and walkways.

61. The applicant shall add material color callouts to the elevations.

62. The applicant shall correct the scale bars on Sheets C1.3 - C1.5.

**Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency.**

**Please now follow the procedures listed below for obtaining your conditional use:**

1. After the plans have been revised per the above conditions, please file **nine (9) sets** of complete, fully dimensioned, and to-scale plans, the appropriate site plan review application and fee pursuant to Section 28.206 of the Zoning Code, and any other documentation requested herein with the Zoning Administrator, Madison Municipal Building, Suite 017, 215 Martin Luther King, Jr. Boulevard. **This submittal shall all also include one (1) complete digital plan set in PDF format.** The sets of final revised plans or documents will be circulated by Zoning staff to the City department staff listed above for their final approval.
2. This property is not in a wellhead protection district. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.
3. This letter shall be signed by the applicant and property owner (if not the applicant) to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting building permit approval. [Signature block on last page]
4. The approval is valid for one (1) year from the date of the Plan Commission approval. During this time, the applicant must either lawfully commence the use or obtain a building permit and begin erecting the building. If the applicant obtains a valid building permit, construction must commence within six (6) months of the date of issuance. The building permit shall not be renewed unless construction has commenced as is being diligently prosecuted.
5. Any alteration in plans for a proposed alternative use shall require Plan Commission approval, except for minor alterations. The Zoning Administrator may issue permits for minor alterations or additions which are approved by the Director of Planning and Community and Economic Development and are compatible with the concept approved by the City Plan Commission and the conditional use approval standards.
6. The Plan Commission retains continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses.

If you have any questions regarding obtaining your conditional use or building permits, please contact the Zoning Administrator at (608) 266-4551. If you have any questions or if I may be of any further assistance, please do not hesitate to contact my office at (608) 261-9135.

Sincerely,



Chris Wells  
Planner

I hereby acknowledge that I understand and will comply with the above conditions of approval for these demolition and conditional use permits.

\_\_\_\_\_  
*Signature of Applicant*

\_\_\_\_\_  
*Signature of Property Owner (if not the applicant)*

cc: Brenda Stanley, City Engineering Division  
Jeff Quamme, City Engineering Division  
Sean Malloy, Traffic Engineering Division  
Jacob Moskowitz, Asst. Zoning Administrator  
Bill Sullivan, Fire Department  
Kate Kane, Parks Division

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (Wells)	<input checked="" type="checkbox"/>	Engineering Mapping Sec.
<input checked="" type="checkbox"/>	Zoning Administrator	<input checked="" type="checkbox"/>	Parks Division
<input checked="" type="checkbox"/>	City Engineering	<input type="checkbox"/>	Urban Design Commission
<input checked="" type="checkbox"/>	Traffic Engineering	<input type="checkbox"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input type="checkbox"/>	Metro Transit
<input type="checkbox"/>	Water Utility		