



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 210 S. Westfield Road (District 9 – Ald. Skidmore)  
**Application Type:** Conditional Use – Major Alteration  
**Legistar File ID #** [54840](#)  
**Prepared By:** Sydney Prusak, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Kevin Firchow, AICP, Planning Division

**Summary**

**Applicant:** Jim Stein; Jewish Burial Association of Madison; 2702 Arbor Drive; Madison, WI 53711  
**Contact:** Brian Beaulieu; Edge Consulting Engineers; 624 Water Street; Prairie du Sac, WI 53578  
**Property Owner:** StoneMor – Ted Dirkman; 1500 Highway 310; Maintowoc, WI 54220

**Requested Action:** The applicant requests approval of a conditional use alteration to construct a driveway in an existing cemetery on a property zoned CC (Commercial Corridor District) at 210 S. Westfield Road.

**Proposal Summary:** The applicant proposes to construct a new driveway from Westfield Road for direct access into the Jewish area of the Sunset Memory Gardens Cemetery. The project will also include drainage improvements to manage stormwater.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Conditional Uses [MGO §28.183] as MGO §28.061 lists a cemetery as a conditional use in the Commercial Corridor (CC) Zoning District.

**Review Required By:** Plan Commission

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the approval standards for conditional uses are met and **approve** the major alteration request to construct a driveway in an existing cemetery on a property zoned CC (Commercial Corridor District) at 210 S. Westfield Road. These requests are subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

**Background Information**

**Parcel Location:** The 449,998-square-foot (approximately 10-acre) project site is located within the Sunset Memorial Gardens Cemetery, which has a combined total area of 963,747-square-feet (approximately 22-acres). The site lies between Westfield Road to the east, Mineral Point Road to the south, Randolph Drive to the west, and Tamarack Trails Condominiums to the north. The site is within Aldermanic District 9 (Ald. Skidmore) and the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject parcel contains an existing cemetery.

**Surrounding Land Use and Zoning:**

North: Tamarack Trails residential condominiums, zoned PD (Planned Development);  
East: Commercial and office properties, zoned SE (Suburban Employment);

**South:** Sunset Memorial Gardens, zoned CN (Conservancy District) with West Towne Mall, across Mineral Point Road, zoned CC beyond; and

**West:** A residential building complex, zoned SR-V2 (Suburban Residential – Varied 2).

**Adopted Land Use Plan:** The [Comprehensive Plan \(2018\)](#) recommends Park and Open Space for the subject site.

**Zoning Summary:** The project site is currently zoned Commercial Corridor (CC).

	Required	Proposed
Front Yard Setback	None	Adequate
Side Yard Setback	N/A	N/A
Rear Yard Setback	N/A	N/A
Maximum Lot Coverage	85%	Less than 85%
Maximum Building Height	N/A	N/A
Number of Parking Stalls	No minimum	None
Accessible Stalls	None	None
Loading	None	None
Number Bike Parking Stalls	Not required	None
Landscaping and Screening	Not required	Yes
Lighting	Not required	None
Building forms	Not required	None
<b>Other Critical Zoning Items</b>	Utility easements	

*Table Prepared by Jenny Kirchgatter, Assistant Zoning Administrator*

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

**Public Utilities and Services:** This property is served by a full range of urban services, with weekday Madison Metro Transit Routes 14, 15, and 67 serving the site.

## Project Description

The applicant, Jewish Burial Association of Madison (JBAM), proposes to construct a new paved driveway from Westfield Road to serve the Jewish Section of Sunset Memorial Gardens Cemetery. According to the applicant, this driveway is necessary to provide more direct access to these grave sites. Along with construction of the driveway, the applicant proposes new stormwater management controls to address drainage concerns within the cemetery and on adjacent Tamarack Trails properties.

The subject site is located within Sunset Memorial Gardens, which has a total area of 963,747-sqaure-feet. JBAM occupies the western and northern portions of the cemetery. According to the materials provided, the paved driveway will be 760-feet long and will connect the existing gravel loop drive within the cemetery to Westfield Road. As part of this development, five trees will need to be removed. The applicant proposes to plant new evergreen landscaping along the northern property line to provide screening to the adjacent residential properties. In terms of stormwater management, the applicant proposes to install concrete curb and gutter along the driveway, a detention basin, and small culvert pipes.

## Project Analysis and Conclusion

The subject site has an active conditional use for a cemetery in the Commercial Center (CC) Zoning District. Therefore, this proposal is considered a *Major Alteration to a Conditional Use*, whereas the Conditional Use Approval Standards shall apply.

### Conditional Use Standards

In regards to the approval standards, the Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, and finding that all of the conditional use standards of MGO §28.183(6) are met. Please note, recent changes to state law requires that conditional use findings must be based on "substantial evidence" that directly pertains to each standard and not based on personal preference or speculation. The Planning Division believes that this proposal conforms to the adopted plan recommendations for the subject site. Staff believes that this expansion is compatible with the [Comprehensive Plan \(2018\)](#), which recommends Parks and Open Space (P) for the subject site. While this alteration includes a paved driveway, the site will remain a cemetery, which is considered an open space per the Plan. Furthermore, staff believes that the standards can be found met and provides further discussion on Standard 5.

Conditional Use Standard #5 states, "Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit and other necessary site improvements have been or are being provided." Staff is aware of the drainage and flooding concerns from the properties to the north in Tamarack Trails. In order to find this standard met, Engineering will require the applicant to enter a maintenance agreement with the City that will ensure that drainage from the entire site is reduced and discharged at the most westerly discharge portion on the site. Furthermore, as a condition of approval, the applicant shall provide City staff with the agreement permitting the placement of grading, storm sewer pipe, and discharge point within the adjacent Tamarack Trails Community Services Association Inc. lands. Given these accommodations, staff believes that this standard can be found met.

### Public Comment

At the time of report writing, the Planning Division received several comments in opposition to the proposed driveway from immediate neighbors in Tamarack Trails. Most of the concerns are related to flooding and drainage issues. The Planning Division also received a draft letter of support from the Tamarack Trails Community Service Association (TTCSA) outlining Tamarack's involvement in the process. Those comments are attached.

### Conclusion

Staff believes that the proposed conditional use alteration can be found to meet the Conditional Use Approval Standards and recommends that it be approved by the Plan Commission, subject to input at the public hearing and comments from reviewing agencies.

## Recommendation

### Planning Division Recommendation (Contact Sydney Prusak, (608) 243-0554)

The Planning Division recommends that the Plan Commission find that the approval standards for Conditional Uses are met and **approve** the request to construct a driveway in an existing cemetery on a property zoned CC (Commercial Corridor District) at 210 S Westfield Road. These requests are subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

**Recommended Conditions of Approval**

Major/Non-Standard Conditions are Shaded

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

1. The properties downstream (north) of this site experiences significant drainage problems as a result of drainage off of the subject site. As a result, this project shall reduce drainage from the entire active site to the amount discharged currently to just the most westerly discharge point on the site. A maintenance agreement shall be required and recorded and calculations and plans shall be submitted reviewed and approved by City Engineering.
2. 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 Footprintsb) Internal Walkway Areasc) Internal Site Parking Areasd) 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 unplattedg) Lot numbers or the words unplattedh) Lot/Plat dimensionsi) Street namesj) 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 (East) or 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.
3. 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 (East) or 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 Footprintsb) Internal Walkway Areasc) Internal Site Parking Areasd) 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 unplattedg) Lot numbers or the words unplattedh) Lot/Plat dimensionsi) Street namesj) Stormwater Management Facilitiesk) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
4. 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, or Daniel Olivares at DAOLivares@cityofmadison.com final document and fee should be submitted to City.
5. 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.

6. For Commercial sites < 1 acre in disturbance the City of Madison is an approved agent of the Department of Commerce and WDNR. As this project is on a site with disturbance area less than one (1) acres, and contains a commercial building, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required. (NOTIFICATION)
7. 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.
8. 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.

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

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| <ol style="list-style-type: none"><li>9. Provide a copy of the agreement permitting the placement of grading, storm sewer pipe and discharge point within the adjacent Tamarack Trails Community Services Association Inc. lands.</li></ol> |
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10. Update all references to show the full official street name of S Westfield Rd. 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.

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

11. 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.
12. "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.
13. 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; vision triangles; 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.
14. 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.
15. The applicant shall provide a turning movement template prior to sign-off.

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

16. 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.

**Forestry Division** (Contact Brad Hofmann, (608-267-4908)

17. 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/2018/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.
18. City Forestry will issue a removal permit for the 18” diameter Honeylocust tree (ID# 23871) due to driveway installation. Please contact Brad Hofmann – [bhofmann@cityofmadison.com](mailto:bhofmann@cityofmadison.com) or 266-4816 to obtain the street tree removal permit.
19. 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.

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

20. 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.