



Project Address: 5802 Raymond Road (20th Aldermanic District – Ald. Albouras)
Application Type: Conditional Use
Legistar File ID # [58485](#)
Prepared By: Colin Punt, Planning Division
Report includes comments from other City agencies, as noted.
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Justice Castaneda; Common Wealth Development; 1501 Williamson St.; Madison, WI 53703

Contact: Kevin Burow; Knothe & Bruce Architects, LLC; 7601 University Ave #201; Middleton, WI 53562

Requested Action: Approval of conditional uses for office space for a counseling/community services organization, more than 8 dwelling units in a mixed-use building, a building with less than 75% non-residential ground floor area [both M.G.O. §28.064(2)], a building exceeding 40 feet in height [M.G.O. §28.064(3)], and a mixed-use building exceeding 10,000 square feet of floor area [M.G.O. §28.064(4)] in the Neighborhood Mixed-Use (NMX) district at 5802 Raymond Road.

Proposal Summary: The applicant is seeking approval to build a three-story mixed-use building with 2,400 square feet of commercial space on the ground floor and 11 apartments.

Applicable Regulations & Standards: Section 28.183 M.G.O. provides the process and standards for the approval of conditional uses.

Review Required By: Plan Commission

Summary Recommendations: The Planning Division recommends that the Plan Commission find the standards met and **approve** the conditional uses to construct a three-story mixed-use building with 2,400 square feet of commercial space on the ground floor and 11 apartments at 5802 Raymond Road subject to input at the public hearing and the conditions from reviewing agencies in this report.

Background Information

Parcel Location: The 17,980-square foot (0.41-acre) subject site is located on the north side of Raymond Road, immediately northwest of its intersection with Leland Drive, and approximately 300 yards west of South Whitney Way. It is within Aldermanic District 20 (Ald. Albouras) and the Madison Metropolitan School District.

Existing Conditions and Land Use: 5802 Raymond Road is currently vacant, though it was formerly the site of a service station. The parcel is zoned NMX (Neighborhood Mixed Use District).

Surrounding Land Uses and Zoning:

North: A nine-building, 90-unit apartment complex zoned PD (Planned Development district);

East: A nine-building, 90-unit apartment complex zoned PD;

South: Across Raymond Road, two-story four-unit apartments zoned SR-V1 (Suburban Residential-Variable 1); and

West: A multitenant shopping center zoned NMX (Neighborhood Mixed Use district).

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) identifies the subject as Neighborhood Mixed Use (NMU) use. The [Southwest Neighborhood Plan](#) (2008) makes several recommendations for improvements of the Balsam-Russett focus area, but makes no specific land use recommendations.

Zoning Summary: The subject property is zoned NMX (Neighborhood Mixed Use District):

Requirements	Required	Proposed
Max. Front Yard Setback	25 ft	10.1 ft
Side Yard Setback	None	10.5 ft
Rear Yard Setback	20 ft	28.8 ft
Usable Open Space	3,200 sq ft	3,394 sq ft
Maximum Lot Coverage	75%	69%
Maximum Building Height	Conditional use	3 stories/44 ft

Site Design	Required	Proposed
Number Parking Stalls	17	18
Accessible Stalls	1	1
Loading	No	No
Number Bike Parking Stalls	17	15 (zoning comment 1)
Landscaping	Yes	Yes
Lighting	Yes	Yes
Building Forms		

Other Critical Zoning Items	Utility Easements
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Table prepared by Jacob Moskowitz, Assistant Zoning Administrator

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

Public Utilities and Services: The site is served by a full range of urban services.

Project Description

The applicant is seeking approval of the necessary conditional uses to build a three-story mixed-use building with 2,400 square feet of commercial space on the ground floor and 11 apartments in a Neighborhood Mixed-Use (NMU) district at 5802 Raymond Road.

The proposed building includes four (4) three-bedroom units, three (3) two-bedroom units, three (3) one-bedroom units, and one (1) efficiency with an interior bedroom. The three bedroom units on the first and second floors will all have individual exterior entrances. The other units are accessed via a common hall served by stair towers on either side of the building. A 2,400-square-foot commercial space is located on the Raymond Road-facing (south) façade. It is clad predominantly in brick, with large aluminum and glass storefront window units. The letter of intent indicates that the space will be shared by Common Wealth Development and Dane County services, which requires conditional use approval for a counseling, community services organization.

Exterior materials include light-colored brick veneer along the most of the first floor (only along the base of the rear of the building) and a gray composite lap siding on upper stories. The shallow-pitched roof appears to be similar to the roofs of the surrounding small apartment buildings to the north and west. Trim and accent materials include composite trim, cast stone sills and bands, vinyl windows for the residential units, aluminum storefront units, and metal flashing.

An 18-stall parking lot accessed off Raymond Road is adjacent to and immediately west of the proposed building. There is no vehicular access between this site and the shopping center to the east or to the apartment complex to the north and west. Covered bicycle parking is available at the rear of the parking lot. Landscaping includes low plantings around the edge of the building, trees located on the north, south, and west edges of the lot, a bioretention basin at the southwest corner, and grass lawn and rain garden north of the proposed building.

The applicant intends to begin construction in Spring 2020, with completion by Spring 2021.

Analysis & Conclusion

This request is subject to the standards for conditional uses. This section begins with adopted plan recommendations before providing an analysis the conditional use standards.

Conformance with Adopted Plans

The [Comprehensive Plan](#) (2018) identifies the subject as Neighborhood Mixed Use (NMU). Neighborhood Mixed-Use areas include relatively small activity centers that include residential uses, as well as retail, restaurant, service, institutional, and civic uses primarily serving nearby residents. Buildings are generally recommended to be two to four stories, with a maximum residential density of 70 units per acre. The plan also identifies this general area as a transitioning neighborhood activity center. The [Southwest Neighborhood Plan](#) (2008) makes several recommendations for improvements of the Balsam-Russett focus area, but makes no specific land use recommendations. The neighborhood plan recommends several neighborhood-based programs and encourages safety through the design and use of public and private places.

Conditional Use Standards

The Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of M.G.O. §28.183(6) are met. This proposal requires conditional use approval for more than 8 dwelling units in a mixed-use building, a mixed-use building exceeding 10,000 square feet of floor area, a building exceeding 40 feet in height, and a building with less than 75% non-residential ground floor area in the Neighborhood Mixed-Use (NMU) district at 5802 Raymond Road per M.G.O. §28.064(2-4).

Because of the use and scale of the proposal are both similar to the surrounding patterns of development and consistent with plan recommendations, Staff believes all applicable conditional use approval standards can be found met.

Conclusion

Staff believes the proposal's scale and use is appropriate for its neighboring properties and is consistent with adopted plans. Staff believes that the applicable conditional use approval standards can be found to be met.

Recommendation

Planning Division Recommendations (Contact Colin Punt 243-0455)

The Planning Division recommends that the Plan Commission find the standards met and **approve** the conditional uses to construct a three-story mixed-use building with 2,400 square feet of commercial space on the ground floor and 11 apartments at 5802 Raymond Road subject to input at the public hearing and the following conditions:

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

Zoning Administrator (Contact Jacob Moskowitz, 266-4560)

1. 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 14 resident bicycle parking spaces are required plus 1 guest stall. A minimum of 90% of the resident stalls shall be designed as long-term parking, and the guest stalls shall be short-term parking. Up to twenty-five percent (25%) of bicycle parking may be structured parking, vertical parking or wall mount parking, provided there is a five (5) foot access aisle for wall mount parking. A minimum of 2 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. Provide a detail of the bicycle rack design.
2. 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.
3. Pursuant to Sec. 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 and stamped by a registered landscape architect.

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

4. Based on WDNR BRRS record #03-131-72898, the property contains residual contamination. Proof of coordination with the Wisconsin DNR is required to address residual contamination. Coordinate with Brynn Bemis (608.267.1986, bbemis@cityofmadison.com).
5. Show storm sewer easement lines on all plan sheets.
6. The applicant is required to televise the storm sewer is required prior to any improvements within the easement and prior to approval of a consent to occupy the easement. Upon completion of the improvements the applicant shall be required to televise the storm sewer again and remedy any damages at their cost, if incurred, as part of the consent to occupy agreement.
7. No trees will be allowed within the storm sewer easement.
8. The channel/grading behind the retaining wall to the east and north is not well defined. If necessary the applicant shall obtain approval to grade on the adjacent properties.

9. This site was a previous service station and likely contains residual contamination. Liners will be required for the stormwater management (bio retention and raingardens).
10. Obtain a permit to Excavate in the Right-of-Way for completing the improvements in the public Right-of-Way. The permit application is available on the City Engineering Division website at <http://www.cityofmadison.com/engineering/Permits.cfm>. As a condition of the permit, surety to guarantee the construction of the improvements and a deposit to cover estimated City expenses will be required.
11. 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))
12. Obtain a permit to Excavate in the Right-of-Way for the connection and/or installation of utilities required to serve this project and shall comply with all the conditions of the permit. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO 10.05(6)), MGO 35.02(4)(c)(2)), and MGO 37.05(7)
13. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
14. A Storm Water Management Report and Storm Water Management Permit is required for this project. See Storm comments for report and permit specific details and requirements.
15. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
16. Revise the site plan 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)
17. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE and therefore will be regulated to meet a higher standard.
18. This project will disturb 4,000 sf or more of land area and require an Erosion Control Permit. Submit the Erosion Control Permit Application (with USLE calculations and associated fee) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval. The permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.
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 submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Stormwater Management Permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.

The Storm Water Management Plan & Report shall include compliance with the following:

Report: Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.

Electronic Data Files: Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. 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 to City Engineering. (POLICY and MGO 37.09(2))

TSS Redevelopment with TMDL: Reduce TSS by 80% off of the proposed development when compared with the existing site.

Oil/Grease Control: Treat the first 1/2 inch of runoff over the proposed parking facility and/or drive up window.

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.

20. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
21. 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).

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

22. Upon approval of the proposed Bio-retention basin, bike racks, ramp and trees proposed within the City of Madison Easement for storm sewer per Doc No. 1093115, 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 with Jeff Quamme at jrquamme@cityofmadison.com

23. Provide the recorded Private Water Service Easement for the connection to the northwest over the adjacent private lands connecting to the public watermain. The recorded copy shall be provided prior to final sign off of the site plan.

24. Submit a Floor Plan in PDF format to Lori Zenchenko (lzenchenko@cityofmadison.com) that includes a floor plan for each floor on a separate sheet for 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 application submittal for the final Site Plan Approval 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.

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

25. 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.
26. 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.
27. 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.
28. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
29. The applicant(s) shall maintain a 5 foot wide, Americans with Disabilities Act (ADA) compliant, pedestrian walkway for the duration of the project on all street frontages classified as a collector or higher. The applicant shall also maintain a 5 foot wide bicycle lane for the duration of the project on all street frontages with existing bicycle facilities. Exceptions to this requirement may be granted by Traffic Engineering on a limited term basis if and when the applicant can show a public safety concern and they also provide a clear date when the pedestrian/bicycle facilities are to be restored. All closures shall be designed by the applicant, in accordance with the Manual on Uniform Traffic Control Devices (MUTCD), to be submitted and approved by Traffic Engineering.
30. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
31. 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.
32. 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.
33. The applicant shall adhere to all vision triangle requirements as set in MGO 27.05 (No visual obstructions between the heights of 30 inches and 10 feet at a distance of 25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and

modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO 27.05(2)(bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.

34. The applicant shall provide a clearly defined 5' walkway clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.
35. Dimensions of the driveways shall be noted on the plan including the width of driveway and width of driveway flares or curb cut.
36. Secure parking facility. This is usually done with continuous six (6) inch curb, timbers, preformed wheel stops, guardrail erected at a height of eighteen (18) inches or fencing of sufficient strength to act as a vehicle bumper.
37. Note: This site presents difficult constructability issues; access to neighboring sites must be maintained at all times, protected walkways will be constructed and maintained as soon as possible and little to no access to the Public Right-of-Way on Raymond Road will be granted for construction purposes. Provide a detailed construction plan to Traffic Engineering for review by the Traffic Control Specialist (Mike Duhr) prior to final signoff.

Parks Division (Contact Kathleen Kane, 261-9671)

38. 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(2) 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# 19053 when contacting Parks about this project.
39. Pursuant to the authority established under Wis. Stat. § 66.0617(7), and in the interests of promoting the development of low-cost housing in the City, low-cost housing is exempt from park impact fees beginning January 1, 2017. This exemption only applies to those dwelling units or bedrooms within a development that are determined to be low-cost housing. This exemption does not extend to the land dedication requirements set forth under Sec. 16.23(8)(f), MGO, nor any other impact fees that may apply to a development.
40. Park impact fees will be exempt for developments that meet the "low-cost housing" requirements, as defined as rental or owner-occupied housing units that are affordable as that term is defined in Sec. 4.22(2), MGO, and which meet the deed restriction requirements of Sec. 4.22(7). The determination whether a proposed development will create low-cost housing, and how much low-cost housing it will create, shall be made by the Community Development Division. Please contact Community Development Division if you have questions on the Low Cost Housing Exemption.

Forestry Division (Contact Brad Hoffman, 267-4908)

41. 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 or (608) 266-4816. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction –

Water Utility (Contact Jeff Belshaw, 261-9835)

42. 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/plumbers-contractors>), 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.

Metro Transit (Contact Tim Sobota, 261-4289)

43. In coordination with any public works improvements, the applicant shall maintain or replace the concrete boarding pad surface at the existing Metro bus stop on the north side of Raymond Road, west of Leland Drive (#8712).

44. The applicant shall install and maintain a bench or other seating amenity in the adjacent property landscape plan, ideally taking advantage of any building overhang or canopy to provide the seating amenity some shelter from the elements. The applicant may alternatively elect to install and maintain a passenger waiting shelter, with bench seating, if the applicant believes this upgraded amenity feature would be more compatible with the building entrances that are shown directly adjacent the existing bus stop loading zone area.

45. 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 the design.

46. Metro Transit currently operates daily transit service along Raymond Road through the Leland Drive intersection. Bus stop ID #8712 is adjacent the proposed project site along the north side of Raymond Road, with the bus stop zone encompassing the area from the existing bus stop sign pole east through to the Leland Drive intersection.