



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 215 Price Place (11<sup>th</sup> Aldermanic District, Ald. Martin)  
**Application Type:** Conditional Use  
**Legistar File ID #:** [60366](#)  
**Prepared By:** Colin Punt, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Heather Stouder, AICP, Planning Division Director

**Summary**

**Applicant:** Andrew Kessenich; DL Evans; 340 S Whitney Way; Madison, WI 53705

**Contact:** Steve Harms; Tri-North Builders, Inc.; 2625 Research Park Dr.; Fitchburg, WI

**Owner:** 4410 Regent Partnership, LLP; 4406 Regent St.; Madison, WI 53705

**Requested Action:** Approval of a Conditional Use for construction of a private parking facility in a Neighborhood Mixed Use zoning district at 215 Price Place per §28.064(2) M.G.O.

**Proposal Summary:** The applicant proposes to construct a two-story, 115-stall private parking facility.

**Applicable Regulations & Standards:** This proposal is subject to the standards for conditional uses, M.G.O. §28.183(6)), as §28.064(2) requires conditional use approval for a private parking facility in the NMX district.

**Review Required By:** Plan Commission

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** the requests to allow construction of a private parking at 215 Price Place. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

**Background Information**

**Parcel Location:** The 24,393-square-foot property is located on the southeast corner of the intersection of Price Place and Vernon Boulevard. It is located within Aldermanic District 11 (Ald. Martin) as well as the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The property is currently used as a paved surface parking lot and zoned Neighborhood Mixed Use (NMX) District.

**Surrounding Land Use and Zoning:**

North: Across Vernon Boulevard, a bank building, zoned Suburban Employment (SE) district;

East: Two- and three-story office buildings, zoned SE and NMX;

South: Clinic associated with the parking structure and two-story office building, zoned SE and NMX; and

West: Across Price Place, a surface parking lot and two-story bank building, zoned SE.

**Adopted Land Use Plan:** The [Comprehensive Plan](#) (2018) recommends Community Mixed Use for the site. The [University Hill Farms Neighborhood Plan](#) (2015) and the [Hoyt Park Area Joint Neighborhood Plan](#) (2014) both also recommend Community Mixed Use.

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

Requirements	Required	Proposed
Lot Area (sq. ft.)	No Minimum	52,707
Lot Width	No Minimum	109 ft
Front Yard Setback	No Minimum	Adequate
Side Yard Setback	6 ft	6 ft (Zoning comment 1)
Rear Yard Setback	20 ft	20 ft
Maximum Lot Coverage	75%	74%
Maximum Building Height	3 stories/40 ft	3 stories

Site Design	Required	Proposed
Number Parking Stalls	1 per 2 employees = 43	119
Accessible Stalls	5	4 (Zoning comment 2)
Loading	No	No
Number Bike Parking Stalls	1 per 5 employees = 17	22
Landscaping	Yes	Yes
Lighting	No	No (Zoning comment 3)
Building Forms	Yes	Parking Building

<b>Other Critical Zoning Items:</b>	Utility Easements
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*Table Prepared by Jacob Moskowitz, 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.

**Previous Action by Plan Commission:** The Plan Commission referred this proposal from its June 8, 2020 meeting to provide the applicant more time to submit additional architectural details regarding the proposal’s consistency with the Building Form Standards for Parking Buildings found in §28.173(3) MGO.

## Project Description

The applicant, representing Associated Physicians Clinic, is requesting approval of a conditional use to allow the construction of a private parking facility. The clinic currently has an agreement to use the parking at a nearby site that has been terminated as of November 1, 2020. As such, the applicant proposes to build a three-level parking structure with 41 stalls on lower level, 41 on first level, and 33 on second level. In addition to the 115 structured vehicle stalls, five bicycle stalls are proposed for the lower level and ten on first level of the structure. The parcel housing the clinic building at 4406 Regent Street, which is proposed to provide cross-access to the parking structure, includes four surface vehicle stalls and seven outdoor bike stalls.

The proposed 44,365 square foot parking structure has a footprint of approximately 15,600 square feet. Vehicle ingress and egress at the lower level would be from Vernon Boulevard. Vehicle ingress and egress at the first level would be through the 4406 Regent Street clinic site. Pedestrian access is shown from Price Place and the 4406 Regent Street clinic site. Stairway towers are located in these access locations at the northwest and southeast corners and a pedestrian walk is included between southeast corner (rear) of parking structure and clinic building. Proposed landscaping includes several trees along the north and west sides of the structure, with shrubs and lower-level plantings along the base. A stormwater detention basin is proposed on the north side of the structure along Vernon Boulevard.

The applicant has indicated they intend to begin construction in August 2020, with completion planned in February 2021.

The applicant had previously submitted a related, but separately reviewed application (Legislative ID [60498](#)) rezoning this property and those to the south (4410 Regent Street) and southeast (202 North Midvale Boulevard) from Suburban Employment (SE) District to Neighborhood Mixed Use (NMX) District for future development. However, no plans are currently forthcoming relative to the remainder of the redevelopment. That request was approved by the Common Council at its June 16, 2020, meeting.

## Analysis and Conclusion

This request is subject to the standards for conditional uses. This section begins with adopted plan recommendations before reviewing conditional use approval standards.

### Conformance with Adopted Plans

The [Comprehensive Plan](#) (2018) recommends Community Mixed Use for the site. Within the Comprehensive Plan, community mixed use areas support an intensive mix of residential, commercial, and civic uses serving both the residents of the surrounding area and the community as a whole. The [University Hill Farms Neighborhood Plan](#) (2015), which also designates the site as Community Mixed Use, further recommends continued professional office uses, or alternatively, for redevelopment with residential uses up to 50 dwelling units per acre. Heights of three to five stories are recommended south of Vernon Boulevard, and buildings facing Regent Street should be compatible with the residential neighborhood to the south. The [Hoyt Park Area Joint Neighborhood Plan](#) (2014) also recommends Community Mixed Use, up to six stories in height with first-floor commercial spaces and residential or office upper floors and parking toward the middle of the block. [The Hoyt Park Area Neighborhood Plan](#) also notes that efforts to enhance the pedestrian realm should be undertaken as sites redevelop and could include building orientation onto Vernon Boulevard with useable primary entrances, first floor commercial and/or retail uses, pedestrian and streetscape enhancements, and screening or redevelopment of parking areas along the frontage. Structured parking supporting the intensity of development envisioned for the Community Mixed Use designations in these plans can be found to be consistent with plan recommendations.

### Conditional Use Standards

This request is subject to the Conditional Use 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, including those related to parking and vehicle access, namely approval standards 5 and 6. Staff believes, per the updated designs submitted by the applicant, the

proposal does meet conditional use approval standard 9, especially in regarding its consistency with the Building Form Standards for Parking Buildings found in §28.173(3) MGO.

Conditional Use approval standard 9 states that "when applying the...standards to any new construction...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. The statement of purpose for the Neighborhood Mixed Use District states, in part that "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 encourage pedestrian, bicycle and transit use as a means of accessing these commercial areas; and encourage diversification of uses, including residential, commercial, and civic uses, in order to enhance the vitality and appeal of these areas." The Building Form Standards for Parking Buildings [§28.173(3) MGO], require, in part that "upper floors shall be designed so that sloped floors typical of parking structures do not dominate the appearance of the facade. Windows or openings shall be provided that echo those of surrounding buildings." It further requires that "facades facing a public street shall be vertically articulated at a minimum interval of forty (40) feet." While the Plan Commission found that the previously submitted plans were not consistent with the building form standards for parking buildings, updated plans from the applicant now include a cast concrete screen that hides the parking decks' sloping floors and regularly-spaced curved vertical architectural features. Staff believe the revised design is consistent with the building form standards for parking buildings.

### **Public Input**

At time of report writing, Staff is aware of a letter of support from the University Hill Farms Neighborhood Association and written comments from a neighboring tenant, both of which are included with the legislative file.

### **Conclusion**

Staff believes that due to consistency with the recommendations in the Comprehensive Plan and neighborhood plans and due to the revised design's consistency with the building form standards for parking buildings, the proposal meets the applicable conditional use approval standards, subject to input at the public hearing and the conditions recommended by reviewing agencies.

## **Recommendation**

### **Planning Division Recommendation** (Contact Colin Punt, (608) 243-0455)

The Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** the requests to allow construction of a private parking facility at 215 Price Place. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

### **Recommended Conditions of Approval**

Major/Non-Standard Conditions are Shaded

### **Zoning Administrator** (Contact Jacob Moskowitz, (608) 266-4560)

1. Page C300 shows side yard setback along Price Place at 5.7 feet, while page A1.0 shows this setback at 6 feet. Submit consistent revised plans that comply with the required 6 foot setback.

2. Parking requirements for persons with disabilities must comply with City of Madison General Ordinances Section 28.141(4)(e) which includes all applicable State accessible requirements, including but not limited to:
  - a. Provide a minimum of 5 accessible stalls striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8 feet wide with an 8 foot wide striped access area adjacent.
3. Verify whether new parking lot or site lighting will be installed. New parking lot lighting must comply with City of Madison General Ordinances Section 10.085 outdoor lighting standards. If exterior site lighting is provided, submit an exterior lighting plan and fixture cut sheets with the final plan submittal.

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

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| <ol style="list-style-type: none"><li>4. Applicant shall revise plan to add utility line opening(test hole) to confirm the location of the sewer lateral serving this lot.</li><li>5. Applicant is made aware that this parking lot is prone to flooding as a result of the limited capacity of the storm sewer system serving the intersection of Midvale and University. The changes proposed to the parking lot will not alleviate this risk.</li></ol> |
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6. Enter into a City / Developer agreement for the required infrastructure improvements. Agreement to be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact City Engineering to schedule the development and approval of the plans and the agreement. (MGO 16.23(9)c)
  7. Construct sidewalk to a plan and profile as approved by City Engineer
  8. 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))
  9. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
  10. 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.
  11. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
  12. This site appears to disturb less than one (1) acre of land. No submittal to the WDNR, CARPC or Department of Safety and Professional Services (DSPS) is required as the City of Madison Building Inspection Department is an approved agent for DSPS.
  13. 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)

14. The area adjacent to this proposed development has a known flooding risk. All entrances shall be 2-feet above the adjacent sidewalk elevation or 1-foot above the 100-year regional flood elevation (whichever is greater). This includes garage entrances. (POLICY).
  
15. 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>.  
This project will disturb 20,000 sf or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.  
Demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year. The WDNR provided workbook to compute USLE rates can be found online at <https://dnr.wi.gov/topic/stormwater/publications.html>  
This project will require a concrete management plan and a construction dewatering plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. 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. (POLICY)  
This project appears to require fire system testing that can result in significant amounts of water to be discharged to the project grade. The Contractor shall coordinate this testing with the erosion control measures and notify City Engineering 608-266-4751 prior to completing the test to document that appropriate measures have been taken to prevent erosion as a result of this testing.  
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. 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.

17. 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.
18. 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).

**City Engineering Division - Mapping** (Contact Jeff Quamme, (608) 267-1995)

19. The storm sewer tunneling longitudinally within the Public Utility Easement along the east side of this Lot shall be moved outside of the easement or permission obtained from the utility companies for the storm sewer to be within the easement.
20. Provide a signed and sealed copy of the survey of the parcel in pdf format to Jeff Quamme ([jrquamme@cityofmadison.com](mailto:jrquamme@cityofmadison.com))
21. The parking ramp removes access from Price Pl. Therefore, the address of the proposed ramp is 4411 Vernon Blvd. 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)

22. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be to engineering scale 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.
23. 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.
24. 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.
25. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
26. All parking ramps as the approach the public Right-of-Way shall not have a slope to exceed 5% for 20 feet; this is to ensure drivers have adequate vision of the Right-of-Way. If applicant believes public safety can

be maintained they shall apply for a waiver, approval or denial of the waiver shall be the determination of the City Traffic Engineer.

27. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign 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.
28. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
29. All parking stalls must be clear of any and all obstructions (including columns) to be considered a legal parking stall. For large car this means 9' by 18' clear, for one-size-fits-all this means 8.75' by 17' clear.

**Forestry Section** (Contact Wayne Buckley, (608) 266-4892)

30. Additional street trees are needed for this project. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction - All street tree planting locations and tree species within the right of way shall be determined by City Forestry. A landscape plan (in PDF format) shall be submitted to Wayne Buckley - wbuckley@cityofmadison.com, 608-266-4892 for approval of planting locations and tree species. All available street tree planting locations shall be planted within the project boundaries. Add following note to plan: At least one week prior to street tree planting, Contractor shall contact City Forestry at (608) 266-4816 to schedule inspection and approval of nursery tree stock and review planting specifications with the landscaper.

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

31. Metro Transit operates daily service along Regent Street with stops in the Price Place intersection. Prior to service reductions put in place during March of 2020, trips operated at least once an hour in each direction on a daily basis.

*The Planning Division, Fire Department, and Parks Division have reviewed this request and has recommended no conditions of approval.*