

# PLANNING DIVISION STAFF REPORT

August 10, 2020



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 133 E Lakeside Street (District 13 – Ald. Evers)  
**Application Type:** Zoning Map Amendment, Demolition Permit, & Conditional Use  
**Legistar File ID #:** [60480](#) & [60907](#)  
**Prepared By:** Sydney Prusak, AICP and Kevin Firchow, AICP  
Report includes comments from other City agencies, as noted.

## Summary

**Applicant | Owner:** Avante Properties; 120 E Lakeside Street; Madison, WI 53715  
**Contact:** Kevin Burow; Knothe & Bruce Architects; 7601 University Avenue; Middleton, WI 53562

**Requested Action:** Approval of a demolition permit and a conditional uses for dwelling units in a mixed-use building. Note, this application was also submitted with a Zoning Map Amendment to rezone the subject property from Suburban Employment (SE) to Traditional Employment (TE), however, based on the revised plans, this rezoning is not necessary to facilitate the proposed development. Staff is recommending that component of the request be placed on file.

**Proposal Summary:** The applicant proposes to demolish a one-story commercial building (formerly VFW Post 1318) and construct a four-story, 90,128 gross square-foot mixed use building with 1,240 square-feet of commercial space and 66 residential units with 70 underground vehicle parking stalls and 19 surface parking stalls. Project construction is anticipated to begin in fall 2021, with project completion in spring 2023.

**Applicable Regulations & Standards:** This proposal is subject to the standards Demolition Permits [MGO §28.185] and Conditional Uses [MGO §28.183(6)]. The plans have been revised and staff understands the smaller building no longer requires a zoning map amendment.

**Review Required By:** Urban Design Commission (UDC), Plan Commission (PC), and Common Council (CC)

**Summary Recommendations:** The Planning Division recommends that the Plan Commission find that the approval standards for demolition and conditional uses are met, and **approve** the demolition and conditional use requests. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies. Based on the revised plans, the request to rezone the property is not necessary to facilitate the proposed development. As such, the Planning Division recommends that the Plan Commission forward rezoning request 28.022 -- 00442 to the Common Council with a recommendation to place on file without prejudice.

## Background Information

**Parcel Location:** The 58,750 square-foot (1.35-acre) subject site is located at the southwest corner of the E Lakeside Street and Sayle Street intersection directly west of John Nolen Drive and the Wisconsin and Southern Railroad line. It is located in Aldermanic District 13 (Ald. Evers), Urban Design District #1 (UDD #1), and the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject site is zoned Suburban Employment (SE) District and is developed with a 6,492 square-foot one-story commercial building constructed in 1966 and a surface parking lot.

**Surrounding Land Uses and Zoning:**

- North:** A three-story office building, zoned Planned Development (PD);
- East:** John Nolen Drive, with Olin Turville Park beyond, zoned Parks and Recreation (PR);
- South:** A one-story commercial building (City of Madison Traffic Engineering Shop), zoned Suburban Employment (SE); and
- West:** A two-story mixed-use building, zoned Limited Mixed Use (LMX) and a two-unit, a three-unit, and four-unit residential building, zoned Traditional Residential – Varied 1 (TR-V1), with single-family residences zoned Traditional Residential – Consistent (TR-C3) and Traditional Residential – Consistent 4 (TR-C4) beyond.

**Adopted Land Use Plan:** The [Comprehensive Plan \(2018\)](#) recommends Employment (E) uses for the subject site. According to the Plan, “E areas are not generally recommended for residential uses, though such uses may be considered as part of a conditional use under relevant zoning districts. The [Bay Creek Area Plan](#), adopted in 1991, recommends “Medium Density Mixed Housing” for the subject site. The [South Madison Neighborhood Plan](#), adopted in 2005, includes more site-specific recommendations for this site which recommends “Well designed, high quality professional office or mixed-use buildings” for the subject property. This plan specifically acknowledges the future redevelopment of this property and further recommends “quality design and materials that are compatible with the neighborhood” and that the “height of the building should take advantage of lake views, but should not exceed four stories unless other site amenities are agreed upon by the neighborhood.”

**Zoning Summary:** The subject property currently zoned Suburban Employment (SE) District.

Requirements	Required	Proposed
Lot Area (sq. ft.)	20,0000 sq. ft.	58,750 sq. ft.
Lot Width	65'	150'
Front Yard Setback	None 28.085(3)(a)*	9.6'
Side Yard Setback	15' or 20% of building height	15.6' North 15.0' South
Rear Yard Setback	30'	41.3'
Usable Open Space	400 sq. ft./ d.u. (26,400 sq. ft.)	Adequate
Maximum Lot Coverage	75%	69%
Minimum Building Height	22' measured to building cornice	4 stories
Maximum Building Height	5 stories/ 68'	4 stories/ Less than 68'
Number Parking Stalls	No minimum required	70 underground 19 surface (89 total)
Accessible Stalls	Yes	Yes
Loading	None	None
Number Bike Parking Stalls	Multi-family dwelling: 1 per unit up to 2-bedrooms, ½ space per add'l bedroom (66) 1 guest space per 10 units (7) Food and beverage establishment: 5% of capacity of persons (TBD) General retail; service business; office: 1 per 2,000 sq. ft. floor area (2 minimum)	66 underground 10 surface (76 total)

	(75 total)	
Landscaping and Screening	Yes	Yes
Lighting	Yes	Yes
Building Forms	Yes	Flex building
Other Critical Zoning Items	Urban Design, Barrier Free (ILHR 69), Utility Easements	

\* Section 28.085(3)(a): Front Yard Setback . For buildings at corner locations, within thirty (30) feet of the corner, at least seventy percent (70%) of the building facade shall be located within twenty-five (25)feet of the front lot line. Parking shall not be placed between the building and the street in this area.

*Table Prepared by Jenny Kirchgatter, 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, with Madison Metro routes 11 and 12 serving the subject site.

**Project Description**

The applicant proposes to demolish an existing 6,492 square-foot one-story commercial building in order to construct a new 90,128 gross-square-foot, four-story mixed-use building with 1,240 square-feet of commercial space and 66 residential units with 70 underground vehicle parking stalls and 19 surface parking stalls. Please note, this is a revised application. The applicant had originally requested approvals to construct a five-story mixed-use building with 104 residential units and approximately 3,100 square feet of commercial space. The plans have been revised in response to concerns raised by neighbors.

According to the City Assessor’s Office, the building proposed for demolition was constructed in 1966. Photos of the existing structure are available [here](#).

The proposed dwelling units range in size from 544 square-feet to 1,147 square-feet and include eight (8) studio units, fifty (50) one-bedroom units, and eight (8) two-bedroom units. Plans show that all of the units will have individual balconies, and the eight ground floor units fronting Sayle Street will have individual walkup entrances and front porches. As part of the usable open space, the applicant proposes a ground floor outdoor plaza on the west side of the building, with an additional third floor rooftop deck on the north side of the building along E Lakeside Street.

In regards to the building materials, the applicant proposes a mix of aluminum composite siding (ACM) and brick veneer with long board and glass panel accents. The building will have neutral colors, including two slate gray and bone white, with dark cherry accent paneling. The building will be setback 15.5 feet from E Lakeside Street and 9.5 feet from Sayle Street. The commercial space will be located on the north side of the building fronting E Lakeside Street.

Lastly, in regards to bicycle parking for the development, 66 covered residential stalls are provided, as well as ten (10) surface stalls for visitors. No loading zone is provided, nor is one required by Zoning.

## Project Analysis

This proposal is subject to the standards Demolition Permits [MGO §28.185] and Conditional Uses [MGO §28.183(6)]. The plans have been revised and staff understands that the smaller, four-story proposal no longer requires a zoning map amendment.

### Conformance with Adopted Plans

The [Comprehensive Plan \(2018\)](#) recommends Employment (E) uses for the subject site. According to the Plan, “E areas are not generally recommended for residential uses, though such uses may be considered as part of a conditional use under relevant zoning districts. While there are no fixed limits on size of an establishment or development intensity within E areas, all uses should be compatible with the density and scale of surrounding development. The intensity of development may vary significantly depending on the location and surrounding context. The [Bay Creek Area Plan](#), adopted in 1991, references the 1983 land use plan that recommends “Medium Density Mixed Housing” for the subject site. The [South Madison Neighborhood Plan](#), adopted in 2005, includes more site-specific recommendations for this site which recommends “Well designed, high quality professional office or mixed-use buildings” for the subject property. This plan specifically acknowledges the future redevelopment of this property and further recommends “quality design and materials that are compatible with the neighborhood” and that the “height of the building should take advantage of lake views, but should not exceed four stories unless other site amenities are agreed upon by the neighborhood.” Finally, the plan acknowledges this an important gateway site and recommends the consideration of public art. Staff believes that the request can be found compatible and consistent with the adopted plan recommendations.

### Zoning Map Amendments

This application was originally filed with a request to rezone the property to the Traditional Employment (TE) District. Since the original filing, the applicant has reduced the scale of the project and a rezoning is no longer necessary to accommodate the development. However, consideration of the zoning amendment ordinance had been formally noticed and referred to the Plan Commission. As such, staff is recommending that this component of the request be placed on file without prejudice. Based on discussions with the applicant team, staff understands that they concur with this approach.

### Demolition Approval Standards

In order to approve a demolition request, the Plan Commission must find that both the requested demolition and the proposed future use are compatible with the purpose of the demolition section of the Zoning Code and the intent and purpose expressed in the Suburban Employment (SE) Zoning District. In summary, that zoning district is intended to strengthen and diversify the local economy, expand the local tax base, cultivate an entrepreneurial culture, and stimulate job creation. The district is also intended to encourage the design of well-connected employment centers; encourage provision of support facilities and services; encourage sustainable building and site design; provide adequate buffering and screening for less intensive land uses adjoining industrial or other employment uses; and to provide adequate screening of outdoor activities and storage from primary streets. Staff notes that other demolitions have been in approved in employment districts to facilitate the development of residential and mixed-use projects.

The purpose of the demolition section is to aid in the implementation of adopted City plans, protect neighborhood character, preserve historic buildings, encourage the reuse and/or relocation of existing buildings, discourage buildings falling into a state of severe disrepair from lack of maintenance by the owner, encourage compliance with building and minimum housing codes, and allow the property owner to have a decision on approval or disapproval of the proposed use of the property before he or she takes the irrevocable step of demolishing or moving the buildings.

The demolition standards state that the Plan Commission shall consider and may give decisive weight to any relevant facts including impacts on the normal and orderly development of surrounding properties and the reasonableness of efforts to relocate the building. The demolition standards also state that the proposed uses should be compatible with adopted plans, which is discussed above.

Finally, the demolition standards state that the Plan Commission shall consider the report of the City's Historic Preservation Planner regarding the historic value of the property as well as any report submitted by the Landmarks Commission. At their May 4, 2020 meeting, the Landmarks Commission found that the building located at 133 E Lakeside Street had no known historic value.

The Planning Division believes that the Demolition Approval Standards can be found met.

### **Conditional Use Standards**

This request includes a conditional use for dwelling units in a mixed-use building. In regards to the Conditional Use Approval 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 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.

Staff notes that the original letter of intent also requests approval of a conditional use for a restaurant and an outdoor eating area. Due to a noticing issue, that part of the request is not before the Plan Commission. While reflected in the revised letter of intent, based on discussions with the development team, staff understands that restaurants and outdoor eating are not considered likely tenants for the smaller commercial space that is depicted in the revised project plans. If a conditional use is required for a future tenant of that space, a new conditional use application will be required.

Staff notes that an earlier version of this request suggested that the geometry of Sayle Street adjacent to the property be revised to accommodate back-in angled parking. Based on earlier discussions with the development team, staff understands modifications were being considered to address parking needs of future users of a restaurant, which was an anticipated future commercial tenant. As noted by Traffic Engineering, any request to modify the street geometry does not fall under the jurisdiction of the Plan Commission and would require Transportation Commission and Board of Public Works approval.

Staff believes that the proposal is consistent with adopted plans and that the conditional use standards can be found met, with the recommended approval conditions.

## Urban Design Commission

As this project is in Urban Design District 1, the Urban Design Commission is also an approving body on this request. At their July 29, 2020 meeting, the UDC unanimously granted final approval of this request.

## Public Input

At the time of report writing, staff have received one written comment which has been uploaded to the Legislative File for this item.

## Conclusion

Staff believes that the standards for demolitions and conditional uses can be found met. The related request to rezone the property to the TE (Traditional Employment) zoning district has been determined not necessary to implement the revised development plans, and staff are recommending that component of the request be placed on file, without prejudice.

## Recommendation

### Planning Division Recommendation (Contact Kevin Firchow)

The Planning Division recommends that the Plan Commission find that the approval standards for demolition and conditional uses are met, and **approve** the demolition and conditional use requests. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies. Based on the revised plans, the request to rezone the property is not necessary to facilitate the proposed development. As such, the Planning Division recommends that the Plan Commission forward rezoning request 28.022 -- 00442 to the Common Council with a recommendation to place on file without prejudice.

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

### City Engineering Division (Contact Brenda Stanley, (608) 261-9127)

1. Proposed sanitary sewer lateral connection requires a manhole (8" lateral proposed). Applicant shall revise plans to connect lateral to either existing sanitary manhole or a proposed manholes if there is no existing manholes in close proximity to the location of the lateral connection.
2. Applicant shall provide projected wastewater flow calculations for the proposed development. Offsite sewer improvements may be necessary to serve the proposed development.
3. This site drains to an enclosed depression that drains to Wingra Creek - the applicant shall either protect the building to a flood elevation of 852 including entrances to underground parking or shall submit a flood analysis to City Engineering for review and approval that documents protection of the building to the 100 year storm event.
4. 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.

5. 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)
6. Construct sidewalk on Lakeside St and Sayle St to a plan and profile as approved by City Engineer.
7. 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))
8. Obtain a permanent sewer plug permit for each existing sanitary sewer lateral serving a property that is not to be reused and a temporary sewer plug permit for each sewer lateral that is to be reused by the development. The procedures and fee schedule is available online at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
9. This project appears to require permanent dewatering. A permit to connect to the public stormwater system shall be required from City Engineering. Additionally, a permit for non-storm discharge to the storm sewer system from the City/County Health Department shall also be required. 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 issuance of the connection and non-storm discharge permits.

10. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
  11. 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>.
- The applicant is notified that the City of Madison is an approved agent of the Department of Safety and Professional Services (DSPS) and no separate submittal to this agency or CARPC is required for this project to proceed.
12. 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)
  13. Revise the plans to show a proposed private internal drainage system on the site. Include the depths and locations of structures and the type of pipe to be used. (POLICY AND MGO 10.29)
  14. The area adjacent to this development is subject to backwater flooding from Lake Monona. Minimum entrance elevations for ramps to underground parking and to entrances shall be set at elevation 852.00. Structure exposed below this elevation shall be constructed of water resistant materials such as concrete or brick.
  15. The proposed development proposes to construct underground parking. The proposed entrance to the underground parking is adjacent to a street low point. The applicant shall provide at a minimum of one (1) foot of rise from the adjacent back of walk in the driveway before breaking grade to the down ramp to the underground parking to protect the underground parking from inundation.
  16. Provide additional detail how the enclosed depression(s) created by the parking entrance(s) to the below building parking area(s) is/are served for drainage purposes. The building must be protected from receiving runoff up through the 100-yr design storm that is current in Madison General Ordinance Chapter 37. If the enclosed depression(s) is/are to be served by a gravity system provide calculations stamped by a Wisconsin P.E. that show inlet and pipe capacities meet this requirement. If the enclosed depression(s) is/are to be served by a pump system provide pump sizing calculations stamped by a Wisconsin P.E. or licensed Plumber that show this requirement has been met.
  17. 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.

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](mailto:meberhardt@cityofmadison.com), or Daniel Olivares (east) at [daolivares@cityofmadison.com](mailto: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.

18. 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.
19. 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, (608) 266-4097)

20. Applicant shall provide proof that the communications utility is satisfied that their ability to access the communication facilities granted to Wisconsin Bell per Document No. 2414694 is adequate.
21. Applicant shall be solely responsible for any agreement with the lands to the south of this site necessary for the construction and maintenance of the proposed retaining wall proposed near the south property line for the underground parking entrance.
22. Provide a Plat of Survey completed by a Professional Land Surveyor of the property as there are site improvements proposed to be constructed abutting the right of way of E Lakeside St and Sayle Street.
23. The address of 133 E Lakeside St will be retired with the demolition of the VFW building. The address of the commercial tenant is 121 E Lakeside St. The base address of the apartments is 1010 Sayle St. If the sidewalk

level apartments do not have access to the internal hallway, those units will each have an individual address. 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.

24. Submit a complete building Floor Plan in PDF format to Lori Zenchenko (lzenchenko@cityofmadison.com) that includes a floor plan of each floor level on a separate sheet/page 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 final verification submittal stage of this LNDUSE 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, (608) 266-5987)

25. Traffic Engineering has concerns about the proposed on-street parking configuration. The applicant is required to receive Transportation Commission and Board of Public Works approval for the proposed back-in angle on-street parking.

26. A traffic study (TIA) has been requested, applicant shall have the study approved prior to sign-off.

27. 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.

28. 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.

29. 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.

30. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

31. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.

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. City of Madison radio systems are microwave directional line of sight to remote towers citywide. The building elevation will need to be reviewed by Traffic Engineering to accommodate the microwave sight and building. The applicant shall submit grade and elevations plans if the building exceeds three stories prior to sign-off to be reviewed and approved by Austin Scheib, (266-4768) (ascheib@cityofmadison.com) Traffic Engineering Shop, 1120 Sayle Street. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign off.
36. The driveway slope to the underground parking is not identified in the plan set, Traffic Engineering recommends driveway slope under 10%; if the slope is to exceed 10%, the applicant shall demonstrate inclement weather mitigation techniques to provide safe ingress/egress to be approved by the City Traffic Engineer.

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

37. Clearly show the useable open space areas on the final plans. The areas of the roof plaza that are not accessible by residents, such as the roof ballast area, will not count toward the useable open space requirement. In addition to showing structured useable open space at roof decks, porches, and balconies, identify each qualifying at-grade usable open space area on the final plans. Roof decks, porches, and balconies may be used to meet up to seventy-five percent (75%) of the minimum open space requirement, provided that minimum dimensional requirements are satisfied.
38. Prior to the use of any outdoor eating area serving a food and beverage establishment, the applicant shall submit for approval a detailed plan for the outdoor eating area that includes the capacity, a seating plan (tables, chairs, capacity, etc.), proposed hours of operation, details for any amplified sound, details for lighting, and the enclosures that will be used to separate the dining area from pedestrians.
39. Section 28.185(7)(a)5. requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Bryan Johnson at streets@cityofmadison.com. Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(7)(a)5. shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
40. Show compliance with the building height transition to the rear (west) property line. Where the SE District abuts a residential district, building height at the rear yard setback line shall not exceed two (2) stories/twenty-five (25) feet. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line, (a 45° angle) up to the maximum allowed height.
41. The entire development must reflect compliance in the required number of bicycle parking spaces, to be reviewed prior to obtaining zoning approval for each use. Bicycle parking requirements for food and beverage establishments will be

based on the capacity or number of occupants as established by the Building Inspection Unit. Provide the capacity of the proposed restaurant-tavern to determine the minimum bicycle parking requirements.

42. Bicycle parking for the commercial tenant space shall comply with the requirements of MGO Sections 28.141(4)(g) and 28.141(11) and will be reviewed prior to obtaining zoning approval for each use. Provide a minimum of two (2) short-term bicycle parking stalls located in a convenient and visible area on a paved or pervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance.
43. Bicycle parking for the residential dwelling units shall comply with the requirements of MGO Sections 28.141(4)(g) Table 28I-3 and 28.141(11) and shall be designated as short-term or long-term bicycle parking. A minimum of 66 resident bicycle stalls are required plus a minimum of 7 short-term guest stalls. 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. NOTE: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Submit a detail showing the model of bike rack to be installed.
44. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
45. Screening is required adjacent the Zoning district boundary along the west property line. Screening shall be provided along side and rear property boundaries between employment districts and residential districts. Screening shall consist of a solid wall, solid fence, or hedge with year-round foliage, between six (6) and eight (8) feet in height. Submit a detail of the screening fence with the final plans.
46. 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.
47. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

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

48. Provide an egress path out to the public way from Stair B.

49. Obtain permission to modify the public street from the other City Agencies. If the public interests doesn't align, then the development is responsible to provide other means to comply with the minimum safety standards.
50. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Division Chief Paul Ripp at pripp@cityofmadison.com or (608)712-6277.

**Parks Review** (Contact Sarah Lerner, (608) 261-4281)

51. 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 Central Park-Infrastructure Impact Fee district. Please reference ID# 20016 when contacting Parks about this project.

**Forestry Review** (Contact Brad Hofmann, (608) 266-4816)

52. An existing inventory of street trees located within the right of way shall be included on the landscape, site, demo, and utility plans. The inventory shall include the following: location, size (diameter at 4 1/2 feet), and species of existing street trees. The inventory should also note if a street tree is proposed to be removed and the reason for removal.
53. All proposed street tree removals within the right of way shall be reviewed by City Forestry before the Plan Commission meeting. Street tree removals require approval and a tree removal permit issued by City Forestry. Any street tree removals requested after the development plan is approved by the Plan Commission or the Board of Public Works and City Forestry will require a minimum of a 72-hour review period which shall include the notification of the Alderperson within who's district is affected by the street tree removal(s) prior to a tree removal permit being issued. Add as a note on the plan set.
54. As defined by the Section 107.13 of City of Madison Standard Specifications for Public Works Construction: No excavation is permitted within 5 feet of the trunk of the street tree or when cutting roots over 3 inches in diameter. If excavation is necessary, the Contractor shall contact Madison City Forestry (266-4816) prior to excavation. City of Madison Forestry personnel shall assess the impact to the tree and to its root system prior to work commencing. Tree protection specifications can be found on the following website: <https://www.cityofmadison.com/business/pw/specs.cfm> Add as a note on the plan set.
55. Contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. Contractor shall operate equipment in a manner as to not damage the branches of the street tree(s). This may require using smaller equipment and loading and unloading materials in a designated space away from trees on the construction site. Any damage or injury to existing street trees (either above or below ground) shall be reported immediately to City Forestry at 266-4816. Penalties and remediation shall be required. Add as a note on the plan set.
56. Section 107.13(g) of City of Madison Standard Specifications for Public Works Construction addresses soil compaction near street trees and shall be followed by Contractor. The storage of parked vehicles, construction equipment, building materials, refuse, excavated spoils or dumping of poisonous materials on or around trees and roots within five (5) feet of the tree or within the protection zone is prohibited. Add as a note on the plan set.
57. On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on the plan set.
58. Street tree pruning shall be coordinated with Madison Forestry at a minimum of two weeks prior to the start of construction for this project. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on the plan set.

59. 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 City Forestry 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.

**Water Utility** (Contact Jeff Belshaw, (608) 261-9835)

50. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumberscontractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Ave. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. A Water Meter Application Form will subsequently be required to size & obtain a water meter establish a Water Utility customer account and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

51. The Madison Water Utility shall be notified to remove the water meter at least two working days prior to demolition. Contact the Water Utility Meter Department at (608) 266-4765 to schedule the meter removal appointment.

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

52. Metro Transit operates daily all-day service along Olin Avenue with stops in the Colby Street intersection, approximately 1/4 mile southwest of this property. Prior to service reductions put in place during March of 2020, trips operated up to every 30 minutes - but only passed once an hour each direction middays and evenings during the week, and all day on weekends.