

Department of Planning & Community & Economic Development **Planning Division**

Heather Stouder, Director

Madison Municipal Building, Suite 017 215 Martin Luther King, Jr. Blvd P.O. Box 2985 Madison, Wisconsin 53701-2985 Phone: (608) 266-4635 www.cityofmadison.com

September 3, 2020

Andrew Chitwood JLA Architects 800 West Broadway #200 Monona, WI 53713

RE: Legistar #60347 & 61592; Accela 'LNDUSE-2020-00049' -- Approval of a zoning map amendment and conditional uses to construct a five-building mixed-use development with accessory pool and amenities building at 5622 Eastpark Boulevard.

Dear Mr. Chitwood:

At its August 24, 2020 meeting, the Plan Commission, meeting in regular session, found the standards met and approved your conditional use for a mixed-use development containing 4,300 sq. ft. of commercial space and 306 dwelling units in five buildings with accessory pool and amenities building at 5622 Eastpark Boulevard. At its September 1, 2020 meeting, the Madison Common Council found the standards met and approved your request to rezone 5622 Eastpark Boulevard from CC (Commercial Center) District to CC-T (Commercial Corridor-Transitional) District. In order to receive final approval of the conditional use and for any permits that may need to be issued for your project, the following conditions shall be met:

Please contact Colin Punt of the Planning Division, at 243-0455, if you have any questions regarding the following three (3) items:

- 1. State Historic Preservation Office records indicate that an uncatalogued burial site, site DA-1303 (Old Burke Lutheran Cemetery), is located at or near that location. A document at the Register of Deeds (Volume M210, Page 1) may contain the original cemetery deed and/or a legal description for DA-1303. Any ground disturbance on the property will require prior authorization from the Wisconsin Historical Society. An explanation of how to request authorization is at this link: https://www.wisconsinhistory.org/Records/Article/CS3129. Depending on the condition of the ground within the uncatalogued area, an archaeologist may be required to be on site when the ground is first disturbed to search for grave shafts and/or human remains. A list of qualified archaeologists may be found at this link: https://www.wisconsinhistory.org/Pdfs/hp/HPR-Burial-Excavation-Consultants-Apr-2019.pdf. If human bone is unearthed during any phase of a project, all work must cease, and the Wisconsin Historical Society must be contacted at 1-800-342-7834 to be in compliance with Wis. Stat. 157.70 which provides for the protection of all human burial sites. Work cannot resume until the Wisconsin Historical Society gives permission.
- 2. HVAC "wall-pack" penetrations/louvers shall be approved as shown on the approved plans. The addition of wall packs on outward-facing walls or modifications will require approval of an alteration

to this conditional use should they be proposed at a later time.

- 3. Working with Traffic Engineering regarding design, establish crosswalks at Amcenter Drive and Buttonwood Drive to connect to the sidewalks on either side of Buttonwood Drive on the west side of Amcenter Drive.
- 4. Extend the private sidewalk on the north side of building B3 east to the public sidewalk on American Family Drive.

Please contact Jenny Kirchgatter, Assistant Zoning Administrator, at 266-4429 if you have any questions regarding the following three (3) items:

- 5. Submit calculations and a plan exhibit demonstrating compliance with the minimum useable open space requirement. Identify each qualifying at-grade usable open space area and structured useable open space at roof decks, porches, and balconies. 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.
- 6. Bicycle parking shall comply with City of Madison General Ordinances 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 306 resident bicycle stalls are required plus a minimum of 31 short-term guest stalls. A minimum of 90% of the resident stalls shall be located in long-term enclosed and secured or supervised areas. 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, including wall mount racks.
- 7. Submit a dwelling unit summary with the numbers and types of dwelling units for each building. Submit a parking summary with the numbers of surface vehicle and bicycle stalls and numbers of enclosed garage vehicle and bicycle stalls for each building.
- 8. Identify and provide counts for the surface bicycle stall locations. Show the dimensions of the stalls and access aisles. A bicycle stall is a minimum two (2) feet by six (6) feet with a five (5) foot wide access area. Provide a detail of the bicycle rack design.
- 9. Bicycle parking for the commercial tenant spaces shall comply with the requirements of MGO Sections 28.141(4)(g) and 28.141(11). The bicycle parking requirements for the commercial tenant spaces 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.
- 10. 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.
- 11. Provide details showing that the facades of each building meet the door and window opening

requirements of Section 28.060(2)(d). For nonresidential uses at ground floor level, windows and doors or other openings shall comprise at least sixty percent (60%) of the length and at least forty percent (40%) of the area of the ground floor of the primary street facade. At least fifty percent (50%) of windows on the primary street facade shall have the lower sill within three (3) feet of grade. For residential uses at ground level, a minimum of fifteen percent (15%) of the ground level of residential facades or side and rear facades not fronting a public street shall consist of windows and door openings. On upper stories, window or balcony openings shall occupy a minimum of fifteen percent (15%) of the upper-story wall area.

- 12. Exterior lighting provided shall be in accordance with City of Madison General Ordinances Section 10.085. Provide an exterior lighting plan and fixture cut sheets with the final plan submittal.
- 13. 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.
- 14. 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. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Please contact Brenda Stanley of the Engineering Division, at 261-9127 if you have any questions regarding the following fourteen (14) items:

- 15. The City of Madison wishes to preserve its opportunity to construct a new interchange with US151 along the easterly side of this site. The City requests coordination with the Owner / Applicant on building locations and site grades along Eastpark Blvd that will allow for future land acquisition(s) necessary by the City of Madison to construct a future interchange.
- 16. 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)
- 17. Construct sidewalk to a plan and profile as approved by City Engineer
- 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)
- 19. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
- 20. 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.
- 21. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments

for agreement specific details and requirements.

- 22. 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.
- 23. 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)
- 24. 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)
- 25. 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.
- 26. 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.
- 27. The applicant shall show storm water "overflow" paths that will safely route runoff during the 100year 24-hour design storm when the storm sewer is at capacity. (POLICY)
- 28. 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.

29. 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))

Infiltration: Provide infiltration of 90% of the pre-development infiltration volume.

TSS New Development: Reduce TSS by 80% (control the 5-micron particle) off of newly developed areas compared to no controls.

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.

- 30. 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.
- 31. 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).

Please contact Jeff Quamme of the Engineering Division – Mapping Section, at 266-4097 if you have any questions regarding the following five (5) items:

- 32. Grant a Permanent Limited Easement for grading and sloping 15 feet wide along Eastpark Blvd. Contact Jeff Quamme of Engineering Mapping (jrquamme@cityofmadison.com, 608-266-4097) to coordinate the necessary Real Estate project for Madison Real Estate to prepare, administer and record the required document.
- 33. The utility easement per Doc No 5017910 does not permit landscaping that will interfere with easement rights. Additionally there is a required PLE for sloping and grading required for the benefit of the City of Madison. The deciduous overstory trees shall be moved outside of the required sloping and grading easement limits.

Consideration will be made to moving the landscaping as far away from Eastpark as possible where placement is constrained by improvements. Additionally, applicant shall provide proof of approval of any landscaping within the utility easement from the utility.

- 34. The west entrance to the complex lines up with Buttonwood Dr. Per Emergency Services, the circle drive thru the complex shall be named Buttonwood Circle. All of the buildings will use a Buttonwood Cir 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.
- 35. Submit a Floor Plan for each separate building 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 building and interior addressing plan. The Addressing Plan for the entire project shall be finalized and approved by Engineering (with consultation and consent from the Fire Marshal if needed) prior to the verification submittal of the final Site Plan Approval application with Zoning. The approved Addressing Plan shall be included in the final application.
- 36. For any changes pertaining to the location, deletion or addition of a unit, or to the location of a unit entrance, (before, during, or after construction), a revised Address Plan shall be resubmitted to Lori Zenchenko to review addresses that may need to be changed and/or reapproved. The final revised Addressing Plan shall be submitted by the applicant to Zoning to be attached to the final filed approved site plans.

Please contact Sean Malloy of the Traffic Engineering Division, at 266-5987 if you have any questions regarding the following fifteen (15) items:

- 37. The applicant shall construct a five (5) foot wide sidewalk and eight (8) foot terrace along AmCenter Drive adjacent their property according to city standards.
- 38. The City of Madison wishes to preserve its opportunity to construct a new interchange with US151 along the easterly side of this site. The City requests coordination with the Owner / Applicant on building locations and site grades along Eastpark Blvd that will allow for future land acquisition(s) necessary by the City of Madison to construct a future interchange.
- 39. 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.

- 40. 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.
- 41. 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.
- 42. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
- 43. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
- 44. 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.
- 45. 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.
- 46. 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.
- 47. 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.
- 48. "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.
- 49. The applicant shall show the dimensions for the proposed class III driveway including the width of the drive entrance, width of the flares, and width of the curb cut.
- 50. 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.

51. The applicant shall work with Traffic Engineering to provide a direct sidewalk connection between the Central Leasing Building and the proposed AmCenter Drive sidewalk.

Please contact Bill Sullivan of the Fire Department, at 261-9658 if you have any questions regarding the following two (2) items:

52. MGO 34.503/IFC 503 Appendix D105, Provide an aerial apparatus access fire lane that is at least 26feet wide, if any part of the building is over 30 feet in height. The near edge of the aerial fire lane shall be within 30-feet and not closer than 15 feet from the structure, and parallel to one entire side. The aerial fire lane shall cover not less than 25% of the building perimeter.

Please contact Ann Freiwald of the Parks Division, at 243-2848 if you have any questions regarding the following three (3) items:

53. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the North Park-Infrastructure Impact Fee district. Please reference ID 20020 when contacting Parks about this project.

Please contact Jeff Belshaw of the Madison Water Utility, at 261-9835 if you have any questions regarding the following three (3) items:

54. A Water Meter Application Form and fees must be submitted before connecting to the existing water lateral. Provide at least two working days notice between the application submittal and the scheduled lateral connection/extension. 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. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

Please contact Jeffrey Heinecke of the Forestry Section, at 266-4890 if you have any questions regarding the following three (3) items:

55. Trees planted and maintained within the right of way are the responsibility of American Family Insurance per the development agreement.

Please contact Tim Sobota of Metro Transit, at 261-4289 if you have any questions regarding the following three (3) items:

- 56. To facilitate City transit planning efforts, the applicant shall identify the accessible pedestrian connection between the building entrances and the existing sidewalk along Buttonwood Drive (connecting to American Parkway).
- 57. The applicant shall include the location of these facilities on the final documents filed with their

permit application, so that Metro Transit may review and effectively plan for City transit access to this property.

58. Metro Transit currently receives private funding to operate daily all-day transit service along American Parkway in the Buttonwood Drive intersection, approximately 600 feet west of this property. If this funding is discontinued, the City of Madison only directly funds one round trip each day, on weekday service days only.

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

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

- 1. After the plans have been revised per the above conditions, please one (1) complete digital plan set in PDF format of complete, fully dimensioned, and to-scale plans; the appropriate site plan review application and fee pursuant to Section 28.206 of the Zoning Code; and any other documentation requested herein to the Zoning Administrator at <u>zoning@cityofmadison.com</u>. (Note that that an individual email cannot exceed 20MB and it is the responsibility of the applicant to present files in a manner that can be accepted. Please email <u>zoning@cityofmadison.com</u> regarding questions or if you need alternative filing options) The sets of final revised plans or documents will be circulated by Zoning staff to the City department staff listed above for their final approval.
- 2. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting conditional use approval.
- 3. The conditional use approval is valid for one (1) year from the date of the Plan Commission approval. During this time, the applicant must either lawfully commence the use or obtain a building permit and begin erecting the building. If the applicant obtains a valid building permit, construction must commence within six (6) months of the date of issuance. The building permit shall not be renewed unless construction has commenced as is being diligently prosecuted.
- 4. Any alteration in plans for a proposed alternative use shall require Plan Commission approval, except for minor alterations. The Zoning Administrator may issue permits for minor alterations or additions which are approved by the Director of Planning and Community and Economic Development and are compatible with the concept approved by the City Plan Commission and the conditional use approval standards.
- 5. The Plan Commission retains continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses.

If you have any questions regarding obtaining your conditional use or building permits, please contact the Zoning Administrator at 266-4551. If you have any questions or if I may be of any further assistance, please do not hesitate to contact my office at 243-0455.

Sincerely,

Colin Punt Planner I hereby acknowledge that I understand and will comply with the above conditions of approval.

Signature of Applicant

Signature of Property Owner (if not the applicant)

cc: Jenny Kirchgatter, Asst. Zoning Administrator Sean Malloy, Traffic Engineering Brenda Stanley, Engineering Division Jeffrey Quamme, Engineering Division – Mapping Bill Sullivan, Fire Department Ann Freiwald, Parks Division Jeff Belshaw, Water Utility Jeff Heinecke, Forestry Section Tim Sobota, Metro Transit

LNDUSE-2020-0049			
For Official Use Only, Re: Final Plan Routing			
\boxtimes	Planning Div. (Punt)	\boxtimes	Engineering Mapping Sec.
\boxtimes	Zoning Administrator	\boxtimes	Parks Division
\boxtimes	City Engineering		Urban Design Commission
\boxtimes	Traffic Engineering		Recycling Coor. (R&R)
\boxtimes	Fire Department	\boxtimes	Water Utility
\boxtimes	Metro Transit	\boxtimes	Other: Forestry