

PLANNING DIVISION STAFF REPORT

September 14, 2020



PREPARED FOR THE PLAN COMMISSION

Project Address: 109-209 Cottage Grove Road and 3900 Monona Drive

Application Type: Zoning Map Amendment, Demolition Permit, Conditional Use, and Certified Survey Map Referral

Legistar File ID # [61594](#), [61384](#) and [61387](#)

Prepared By: Timothy M. Parks, Planning Division
Report Includes Comments from other City Agencies, as noted

Reviewed By: Kevin Firchow, Planning Division

Summary

Applicant & Property Owner: Joe Krupp, Prime Urban Properties, LLC; 1952 Atwood Avenue; Madison.

Contact Person: Kevin Burow; Knothe & Bruce Architects; 7601 University Avenue, Suite 201; Middleton.

Requested Action: Approval of a request to rezone 209 Cottage Grove Road from CC-T (Commercial Corridor–Transitional District) to NMX (Neighborhood Mixed-Use District); approval of a demolition permit to demolish three commercial buildings at 109 and 209 Cottage Grove Road and 3900 Monona Drive; conditional use approvals to allow construction of a four-story mixed-use building with 2,500 square feet of commercial space and 78 apartments and a four-story apartment building with 110 units; and approval of a Certified Survey Map (CSM) to create one lot for the proposed development.

Proposal Summary: The applicant proposes to demolish three one-story commercial buildings to construct a four-story, mixed-use building on the western half of the subject site and a four-story apartment building on the eastern half of the site. Four of the first floor units in the western building will be live/work units with direct access from Cottage Grove Road. The 178 overall dwelling units and proposed commercial space will be served by 193 underground automobile parking stalls and 38 surface stalls, and 212 bicycle parking stalls throughout the site. The project will be constructed in phases based on market demand for the proposed dwelling units. Phase I will include the mixed-use building, which is scheduled to commence construction in spring 2021, with completion anticipated in spring 2022. The second building/phase would commence construction once the first building/phase is completed, with completion anticipated approximately one year later.

Applicable Regulations & Standards: Section 28.182 of the Zoning Code provides the process for zoning map amendments. Table D-2 in Section 28.061(1) identifies multi-family dwellings with greater than eight (8) units as a conditional use in the NMX district. Section 28.064(3) requires conditional use approval for a building in NMX zoning taller than three stories and 40 feet. Section 28.211 defines a “live/work unit” as “a dwelling unit in combination with a shop, office, studio, or other work space within a mixed-use building, where the resident occupant both lives and works.” Live/work units are subject to supplemental regulations in Section 28.151 of the Zoning Code. Section 28.64(4)(a) requires conditional use approval for a building containing two or more uses that exceeds 10,000 square feet of floor area in NMX zoning. Conditional use approval is also required in the NMX District for a mixed-use building with less than 75% non-residential ground floor area, including non-residential ground floor frontage facing the primary street. Section 28.183 provides the process and standards for the approval of conditional use permits. Section 28.185 provides the process and standards for the approval of demolition and removal permits. The subdivision process is outlined in Section 16.23(5)(b) of the Subdivision Regulations.

Review Required By: Plan Commission, and Common Council

Summary Recommendation: The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022–00464 rezoning 209 Cottage Grove Road from CC-T to NMX and the one-lot Certified Survey Map to the Common Council with a recommendation of **approval**, and find that the standards for demolition permits and conditional uses are met to **approve** the demolition of three commercial buildings and construction of a four-story mixed-use building with 2,500 square feet of commercial space and 78 apartments and a four-story apartment building with 110 units at 109-209 Cottage Grove Road and 3900 Monona Drive, all subject to input at the public hearing, and the conditions from reviewing agencies beginning on **page 10** of this report for the land use requests, and on **page 21** for the CSM.

Background Information

Parcel Location: A 2.42-acre site that extends along the south side of Cottage Grove Road (CTH BB) from Monona Drive to approximately Johns Street; Aldermanic District 15 (Foster); Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site is comprised of four parcels, from west to east:

- 3900 Monona Drive is an approximately 12,734 square-foot parcel zoned NMX (Neighborhood Mixed-Use District). The parcel is developed with a one-story, approximately 1,950-square-foot auto repair station (“Exhaust Pros”);
- 109 Cottage Grove Road is a 10,240 square-foot parcel developed with a one-story 1,720 square-foot former tavern (“Jade Monkey”) with basement in NMX zoning; and
- 209 Cottage Grove Road is a 1.9-acre parcel zoned CC-T(Commercial Corridor–Transitional District), which is developed with a one-story, approximately 28,000-square-foot multi-tenant commercial building (with basement) (formerly Dorn Hardware and temporary Pinney Branch Library) with surface parking located between the building and street.

Surrounding Land Use and Zoning:

North: Across Cottage Grove Road, Walgreens, zoned NMX (Neighborhood Mixed-Use District); “The Grove” mixed-use development, Oasen Plumbing, and Wayne’s Automotive, zoned CC-T (Commercial Corridor–Transitional District);

South: A one-story commercial building at 3918 Monona Drive (“Java Cat”) and one-story commercial building at 3920 Monona Drive (“Starkweather Tattoo Collective”), both zoned NMX; four- and eight-unit apartment buildings on the north side of Davidson Street, zoned SR-V1 (Suburban Residential–Varied 1 District);

East: Jade Monkey Tavern and VFW Day Post 7591, zoned CC-T;

West: Across Monona Drive, multi-family residences in the City of Monona.

Adopted Land Use Plan: The 2018 [Comprehensive Plan](#) recommends the subject site and the properties to the east and across Cottage Grove Road for Neighborhood Mixed-Use (NMU). The [Comprehensive Plan](#) states that NMU development should be compact and walkable and include residential uses, as well as retail, restaurant, service, institutional, and civic uses primarily serving nearby residents. Buildings in NMU areas are generally recommended to be two to four stories in height, oriented towards streets, and located close to public sidewalks.

For density, the Plan recommends 70 or less dwelling units per acre. The residential properties to the south along Davidson Street are recommended for Low-Medium Residential uses.

The [Cottage Grove Road Activity Centers Plan](#) includes the subject site as part of the “Atwood Activity Center,” with general recommendations that new two- to five-story mixed-use and multi-family buildings be developed along Cottage Grove Road between Atwood Avenue/Monona Drive and Johns Street. [Illustrations in the plan show redevelopment concepts for the north side of Cottage Grove Road opposite the subject site.]

Zoning Summary: The project will be developed in the NMX (the Neighborhood Mixed-Use) District.

Requirements	Required	Proposed
Minimum Front Yard Setback	0'	6.7' from Monona Drive
Maximum Front Yard	25'	
Side Yard Setback: Where buildings abut residentially-zoned lots at side lot line	Minimum side yard required is the adjacent residential district (SR-V1): 5'	16.74' south side
Side Yard Setback: Where proposed or abutting building have side wall window openings within 6' of lot line	Two-story or higher: 6'	12.0' north side from Cottage Grove Road
Rear Yard	20'	78.35'
Maximum Lot Coverage	75%	72.4% (See Zoning conditions)
Useable Open Space	160 sq. ft./ one-bdrm unit; 320 sq. ft. for two-bdrm or larger (38,560 sq. ft.)	38,751 sq. ft.
Minimum Building Height	3 stories/ 40 feet	4 stories/ greater than 40 feet
Auto Parking	Multi-family dwelling: 1 per unit (184); Live-work unit: 1/unit + 1 per 2 employees (4); General retail; service business; office: 1 per 400 sq. ft. floor area (6) (194 total)	193 underground garage; 38 surface (231 total) 2 (See Zoning Conditions)
Accessible Stalls	Yes	2 (See Zoning Conditions)
Bike Parking	Multi-family dwelling: 1 per unit up to 2-bedrooms, half-space per add. bedroom (184); 1 guest space per 10 units (18) Live-work unit: 1 per dwelling (4); General retail; service business; office: 1 per 2,000 sq. ft. floor area (2 minimum) (208 total)	188 underground garage; 24 surface (212 total) (See Zoning Conditions)
Loading	None	0
Building Forms	Commercial Block Building	(See Zoning Conditions)
Other Critical Zoning Items		
Yes:	Barrier Free, Utility Easements	
No:	Urban Design, Floodplain, Wellhead Protection, Landmarks, Waterfront Development, Adjacent to Park	
<i>Prepared by: Jenny Kirchgatter, Assistant Zoning Administrator</i>		

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

Public Utilities and Services: The subject site is served by a full range of urban services, including Metro Transit, which operates weekday service along Cottage Grove Road through the Monona Drive intersection.

Project Description

The applicant is requesting approval of demolition permit and conditional uses to construct a four-story mixed-use building with 2,500 square feet of commercial space and 78 apartments and a four-story apartment building with 110 units on the 2.42-acre subject site, which extends along the south side of Cottage Grove Road from Monona Drive to approximately Johns Street. The applicant is also requesting approval of a zoning map amendment to rezone 209 Cottage Grove Road from CC-T (Commercial Corridor–Transitional District) to NMX (Neighborhood Mixed-Use District) to allow the development to occur in one zoning district. Finally, the applicant is requesting approval of a Certified Survey Map to create one lot for the development.

The 2.4-acre site extends approximately 700 feet along the south side of Cottage Grove Road from Monona Drive to roughly Johns Street and is currently developed with three structures proposed for demolition. From west to east, the site includes an approximately 12,734 square-foot parcel developed with a one-story, approximately 1,950-square-foot auto repair business at 3900 Monona Drive. The building was constructed in 1969 as a gas station according to City records. The 10,240 square-foot parcel at 109 Cottage Grove Road is a developed with a one-story, 1,720 square-foot former tavern built in phases between 1935 and 1958. The building also has a 1,000 square-foot basement according to assessment records. Finally, 209 Cottage Grove Road is a 1.9-acre parcel developed with a one-story, approximately 28,000-square-foot multi-tenant commercial building (with basement). The plaza was built in phases between 1959 and 1967. A portion of the multi-tenant building was most recently used as the temporary location of the Pinney Branch Library. Beyond the existing buildings, the subject site is otherwise improved with surface parking lots. Photos of the interior and exterior of the three buildings are included in the Plan Commission materials for this application.

Following demolition of the existing buildings, the applicant proposes to construct two four-story buildings on the site, which will be connected by a first floor breezeway.

The western building, Building 1, will mostly parallel Cottage Grove Road but include a small wing that will extend south to create a J-shaped structure above grade. The approximately 2,500 square-foot first floor commercial space will primarily front onto Monona Drive before wrapping around onto Cottage Grove Road. Moving east, the first floor will include four live/work units facing Cottage Grove Road. A residential lobby will be located along the southern façade, which will be accessible from a 14-stall surface parking lot proposed between the building and southern property line shared with two one-story commercial buildings at 3918 and 3920 Monona Drive. A secondary entrance to the lobby of Building 1 will be accessible from the Cottage Grove Road sidewalk adjacent to a resident fitness room that will face to the north. The remainder of the first floor will include 11 apartments. The remaining 63 units will be located on floors 2-4 of Building 1. A community room for tenants will be located at the western end of the fourth floor, which will open onto a common terrace overlooking Monona Drive and nearby Lake Monona. Parking for 80 autos and 96 bikes will be provided below Building 1.

Building 2 is proposed as an inverted U-shaped structure with 178 apartments on floors 1-4. The primary entrance to the building will be located midway across the northern façade within a small courtyard that will be slightly elevated above the Cottage Grove Road sidewalk. A resident lobby with a common room and exercise room will be located at the center of the first floor. A rooftop terrace for residents of Building 2 will be located along the

southern façade, which will be accessed from the common room; the 11 units on the south side of the first floor will also have direct access to the rooftop terrace. Parking for Building 2 will consist of 113 auto parking stalls and 92 bike stalls located below the footprint of the building. A 24-stall parking lot is also proposed between the eastern wall of the building and eastern property line, with 12 outdoor bike stalls proposed around Building 2. Access to the parking garages for both Buildings 1 and 2 will be provided by a single driveway from Cottage Grove Road.

The two buildings will be considered as one for zoning purposes. Monona Drive will serve as the front yard, where a 6.7-foot setback is proposed. The building will be set back 12 feet from Cottage Grove Road as measured to the north-facing wall of the two buildings. However, the space between the building walls and sidewalk will largely be occupied by a two-tiered planter system to transition the two to seven feet of grade separation between the first floors of the buildings and sidewalk, including the “front” entrances to the four live/work units in Building 1, which will be accessed from individual patios elevated six to seven feet above the sidewalk according to the plans dated July 8, 2020. On the south side of the buildings, a roughly 17-foot setback is proposed adjacent to the rear yards of three two-story apartment buildings located on the north side of Davidson Street. A fourth floor stepback of 13 feet, 8 inches is proposed along the southern walls of both buildings to address the required side yard transition required between mixed-use and commercial zoning districts and adjacent residential zoning districts.

Architecturally, the two buildings have been designed to appear as three extending along Cottage Grove Road, with the recessed entrance to Building 2 being used as a visual break to change the appearance of the 178-unit apartment building. The three masses proposed all include a prevalence of brick on the lower three stories before transitioning to composite panel and siding. The northwestern corner of Building 1 will include a rounded composite-clad element overlooking the corner of Monona Drive and Cottage Grove Road. The resident terrace proposed along the western wall of the fourth floor of Building 1 will result in a three-story mass along Monona Drive.

Supplemental Regulations

The following supplemental regulations apply to Live/Work units (as applicable in the NMX district):

- a.) The work space component shall be located on the first floor or basement of the building, with an entrance facing the primary abutting public street.
- b.) The dwelling unit component shall be located above or behind the work space, and maintain a separate entrance located on the front or side facade and accessible from the primary abutting public street.
- c.) The office or business component of the unit shall not exceed fifty percent (50%) of the total floor area of the unit.
- d.) The business component of the building may include offices, small service establishments, homecrafts which are typically considered accessory to a dwelling unit, or limited retailing associated with fine arts, crafts, or personal services. The business component shall be limited to those uses otherwise permitted in the district which do not require a separation from residentially zoned or occupied property, or other protected use. It shall not include a wholesale business, a manufacturing business, a commercial food service requiring a license, a limousine business or auto service or repair for any vehicles other than those registered to residents of the property.

Analysis

The applicant is requesting the following approvals in order to construct a four-story mixed-use building with 2,500 square feet of commercial space and 78 apartments and a four-story apartment building with 110 units: a zoning map amendment to change the zoning of 209 Cottage Grove Road from CC-T (Commercial Corridor–Transitional District) to NMX (Neighborhood Mixed-Use District) to provide consistent NMX zoning for the entire development site; a demolition permit to demolish three commercial buildings; and conditional use approvals for a building containing two or more uses that exceeds 10,000 square feet of floor area in NMX zoning, a mixed-use building containing eight (8) or more dwelling units, a conditional use in the NMX District for a building exceeding three stories and 40 feet in height, and conditional uses in the NMX district for a building with less than 75% non-residential ground floor area, including facing the primary abutting street, which is Cottage Grove Road in this case. The applicant is also requesting approval of a one-lot Certified Survey Map to combine the underlying parcels for the proposed development.

In order to approve the zoning map amendment, the Common Council shall find that the zoning map amendment is *consistent with* the City's Comprehensive Plan as required by Section 66.1001(3) of Wisconsin Statutes. "Consistent with" is defined as "furthers or does not contradict the objectives, goals and policies contained in the comprehensive plan."

For the demolition of the existing buildings, the Plan Commission shall find that both the requested demolitions and the proposed use are compatible with the purpose of Section 28.185 of the Zoning Code and the intent and purpose for the zoning district in which the property is located. In part, the purpose of Section 28.185 include aiding in the implementation of adopted City plans, protecting neighborhood character, preserving historic buildings, encouraging the reuse and/or relocation of existing buildings, and discouraging buildings falling into a state of severe disrepair. The proposed use of the property following the demolitions should also be consistent with the Comprehensive Plan and any adopted neighborhood plans. When making its decision, the Commission may consider and give decisive weight to any relevant facts including but not limited to the effects the demolition and proposed use of the subject property following demolition would have on the normal and orderly development and improvement of surrounding properties, the reasonableness of efforts to relocate the building, including the costs of relocation and the structural soundness of the building, impacts on street trees, and the limits that the location of the building would place on relocation efforts.

Similarly, the Plan Commission may not approve an application for a conditional use unless it can find that all of the standards found in Section 28.183(6)(a), Approval Standards for Conditional Uses, are met. That section states: "The City Plan Commission shall not approve a conditional use without due consideration of the recommendations in the City of Madison Comprehensive Plan and any applicable, neighborhood, neighborhood development, or special area plan, including design guidelines adopted as supplements to these plans. No application for a conditional use shall be granted by the Plan Commission unless it finds that all of the [standards for approval in Section 28.183(6) are met]."

The 2018 Comprehensive Plan generally recommends both sides of Cottage Grove Road from Monona Drive to Dempsey Road for Neighborhood Mixed-Use (NMU), including the subject site. The NMU land use category calls for relatively small existing and planned activity centers that include residential uses, as well as retail, restaurant, service, institutional, and civic uses primarily serving nearby residents. Development and design in NMU areas should be compact and walkable, and such mixed-use areas should be well connected and integrated into neighborhoods. Development in the NMU district should be transit-oriented, even in areas where transit service

does not yet exist, and buildings should be oriented towards streets and located close to public sidewalks. On-street parking is recommended where practical, with private off-street parking placed primarily behind buildings, underground, or shielded from public streets by liner buildings. Non-residential uses in NMU areas should focus on serving nearby residents, though some buildings may also include specialty businesses, services, or civic uses that attract customers from a wider area. An individual building should not include more than 10,000 square feet of commercial space, except for buildings containing grocery stores and/or community facilities (such as libraries). Finally, buildings in NMU are recommended to be two to four stories tall and may include housing developed at a density up to 70 units per acre.

Additionally, Cottage Grove Road is identified in the Comprehensive Plan as a community growth corridor, with the Monona Drive/Atwood Avenue intersection also identified as a “transitioning neighborhood center.” According to the Plan, community growth corridors are recommended along certain major streets in the city that have some transit, but lack a diversity of existing or planned future land uses. Many such corridors are or are expected to transition from an auto-oriented development pattern to more transit-, walk-, and bike-friendly styles of development. Within the hierarchy of activity centers in the Growth Framework in the 2018 plan, neighborhood centers are envisioned as the least intensively centers developed compared to the regional and community activity centers recommended across the City and its peripheral growth areas. Neighborhood activity centers tend to draw primarily from surrounding neighborhoods, generally have less transit access, and are sometimes located along less busy streets or sections of streets. Transitioning activity centers are considered “underutilized” areas with commercial and employment uses that are well served by transit with the potential to transition into “vibrant” mixed-use areas over time.

The subject site is also subject to the recommendations in the Cottage Grove Road Activity Centers Plan, which was adopted by the Common Council in October 2017 to provide transportation, economic development, land use, design, and placemaking recommendations for the Cottage Grove Road corridor from Atwood Avenue and Monona Drive on the west and Interstate 39-90 on the east, with particular focus on the intersections of Cottage Grove Road at Atwood and at Acewood Boulevard. The Plan generally encourages new development that serves the adjacent neighborhoods and provides stability to the activity centers, and encourages “significant” multi-story residential and mixed-use development on vacant lots and corner sites that will anchor, stabilize and revitalize both activity centers. New development is intended to support existing businesses by adding new residents in a variety of housing choices for people in different life stages and with various income levels. Commercial uses in the activity centers are recommended to focus on neighborhood-serving retail, personal services, and restaurants that serve the daily needs of residents as well as attract newcomers to the adjacent neighborhoods.

The Cottage Grove Road Activity Centers Plan included a third-party market study to analyze the type and amount of uses that the activity centers could support. The market study showed a decline in businesses serving the planning area over the past several years, which has resulted in an increase in vacant commercial spaces. The analysis looked at trends, challenges, and opportunities in retail, dining, and services for this area, which suggested that retail tends to be overbuilt, while demand for it has declined due to fewer neighborhood residents, changing household sizes, falling aggregate income, and changing spending patterns, combined with the emerging online retail and experience economy. The market analysis identified several types of businesses that could fill a void and be successful in the Cottage Grove Road corridor, such as auto parts stores, caterers, and medical offices. However, it was felt that many of these business and retail types do not necessarily contribute to the walkable mixed-use environment that there was general community support for creating during the Cottage Grove Road Activity Centers Plan process.

The market analysis also found there could be some opportunities for smaller independent businesses to take advantage of lower rents in existing vacancies along the corridor. Lower lease rates offer accessibility to businesses whose sales volume does not support the higher rent of newer developments. It notes businesses that can be successful on Cottage Grove Road are also ones that are sensitive to space cost, noting that current leasing rates in the planning area were a third to half as expensive per square-foot as new commercial space at Grandview Commons. Despite a challenging retail environment, the market analysis findings indicate that the corridor shows a great potential for new housing units at both Activity Centers, with some potential for “very limited” neighborhood-serving retail to accompany some of the housing development.

The Cottage Grove Road Activity Centers Plan includes detailed recommendations for both sides of Cottage Grove Road from the Monona Drive/Atwood Avenue intersection to just east of Johns Street, which is identified as the “Atwood Activity Center.” The Atwood Activity Center is recommended to include a mix of service-oriented commercial uses and smaller multi-family residential buildings that incorporate affordable, quality housing into new development that is close to employment centers and respectful of relationship with adjacent residential uses. New mixed-use and multi-family buildings are recommended to be between two and five stories in height and to front on the street with parking placed to the side and rear. Illustrations for the Atwood Activity Center focus on the north side of Cottage Grove Road opposite the subject site, but depict the general character of new development encouraged for this activity center by the Plan.

Staff believes that the plans for the subject site are consistent with many – but not all – of the land use, economic development, and design recommendations in the Cottage Grove Road Activity Centers Plan, as well as the recommendations for the NMU district in the Comprehensive Plan. The building placement, net density (74 units per acre), and site plan are largely consistent with the applicable plan recommendations, with four-story buildings placed located close to the sidewalk along both Cottage Grove Road and Monona Drive and parking located at the side, rear, and below the new buildings. The massing of the buildings as three mostly distinct structures should also result in a compact feel for the project despite it being considered one or two buildings for various code-related purposes. Staff also feels that the proposal to rezone 209 Cottage Grove Road to NMX zoning to provide consistent zoning across the site is consistent with the NMU plan designation that applies across the subject site.

However, staff feels that more should be done to better orient the development to Cottage Grove Road to create an environment of sustained aesthetic desirability compatible with the intended character of the area and the statement of purpose for the NMX zoning district consistent with conditional use standard 9. The NMX district is established to encourage and sustain the viability of commercial nodes that serve the shopping needs of residents in adjacent neighborhoods, encourage multi-modal transportation in these areas, and the diversification of uses to enhance the vitality and appeal of these [mixed-use] areas.

Of particular concern is the grade separation between the sidewalk and first floor of both buildings, which staff does not feel will lead to the degree of interaction between the private buildings and the public realm generally encouraged in adopted plans. As noted above, the first floor of both buildings will be between two and seven feet above the grade of the Cottage Grove Road sidewalk, with six to seven feet between the sidewalk and entrances to the four live/work units proposed along the northern wall of Building 1. While the grade separation is less of a concern for the purely residential Building 2, staff is concerned that the grade difference between Building 1 and the sidewalk will limit accessibility to the first floor live/work units, effectively limiting their ability to support non-residential uses that could be more activity to the Cottage Grove Road side of the development. Staff has discussed the need to reduce if not eliminate the grade separation along the northern wall and/or provide a step-free alternative to access the street-facing entrances to the four live/work units with the project architect, and

recommend that a condition of approval be applied to further study this prior to final approval and issuance of building permits. Of lesser concern, staff also believes that the applicant should consider a taller mass at the corner of Monona Drive and Cottage Grove Road than the three stories proposed at the corner and along the Monona Drive façade. Although we acknowledge the value to the project of the resident terrace above the third floor on the west side of Building 1, staff feels that more height can be supported at that corner to more fully frame the intersection and create a stronger gateway to the Cottage Grove Road corridor.

Overall, Planning staff believes that the project can meet the standards for conditional use approval. The project should not have an adverse impact on the uses, values, and enjoyment nor normal and orderly of surrounding properties. The project also provides adequate ingress and egress, and should not create traffic congestion or negatively impact traffic flow on the public streets consistent with conditional use standard 6 beyond the need to provide the City Traffic Engineer with a trash removal plan for approval prior to issuance of permits for the project and submit a deposit for pedestrian crossing improvements along Cottage Grove Road.

The Planning Division also believes that the Plan Commission can find that conditional use standard 12 is met to allow the proposed building to exceed the three-story and 40-foot height threshold in the NMX district. Per standard 12:

When applying the above standards to an application for height in excess of that allowed in the district, the Plan Commission shall consider recommendations in adopted plans; the impact on surrounding properties, including height, mass, orientation, shadows and view; architectural quality and amenities; the relationship of the proposed building(s) with adjoining streets, alleys, and public rights of ways; and the public interest in exceeding the district height limits.

According to the plans dated July 8, 2020, the proposed building will stand approximately 45 feet in height. As noted in the previous section, stepbacks are proposed above the third floor for the portions of the four-story buildings closest to the southern property, with a modest stepback also proposed along most of the northern façades overlooking Cottage Grove Road. The four-story height is consistent with the applicable plan recommendations for up to five-story buildings, and staff feels that the stepbacks proposed should create an appropriate transition to the lower-scale, low-density residential uses to the south. Staff feels that the proposed building is generally well designed and that it would not be in the public interest to not approve the proposed height above 40 feet.

The Landmarks Commission informally reviewed the demolition of the three buildings at their July 13, 2020 meeting and recommended to the Plan Commission that the three buildings proposed for demolition have no known historic value. While staff believes that the Plan Commission can find the demolition standards are met, staff has met with Ald. Foster, who has raised concerns to staff and the developer regarding the loss of existing affordable commercial space should the demolitions proceed.

At the time of writing this report, staff has received one public comment noting concerns on this request, which is attached to the legislative file for this item.

Conclusion

The applicant is requesting approval of a zoning map amendment, demolition permit and conditional uses to demolish three commercial buildings and construct a four-story mixed-use building and connected four-story

apartment building. The project proposes 178 dwelling units, including four live/work units, and 2,500 square feet of ground floor commercial space.

Staff believes that the project is generally consistent with the adopted plan recommendations for the site and surroundings in the 2018 Comprehensive Plan and Cottage Grove Road Activity Centers Plan, including the land use, economic development, and design recommendations contained in the corridor plan for the Atwood Activity Center. Staff believes that the project should not have an adverse impact on the uses, values and enjoyment or normal and orderly development of surrounding properties and that the various requests can meet the standards for approval, including the request to exceed the three-story, 40-foot height threshold in the NMX zoning district.

However, staff recommends that the applicant work with staff to better orient the development to Cottage Grove Road by addressing the grade separation between the sidewalk and first floor of both buildings, which staff does not feel will lead to the degree of interaction between the private buildings and the public realm generally encouraged in adopted plans. Staff is concerned that the grade difference between Building 1 and the sidewalk will limit accessibility to the first floor live/work units, effectively limiting their ability to support non-residential uses that could be more activity to the Cottage Grove Road side of the development. To address this concern, staff recommends that the grade separation along the north side of Building 1 be eliminated or reduced and/or a step-free alternative to access the street-facing entrances to the four live/work units be provided. Staff also believes that the applicant should consider a taller mass at the corner of Monona Drive and Cottage Grove Road than the three stories proposed at the corner and along the Monona Drive façade to more fully frame the Monona-Cottage Grove intersection and create a stronger gateway to the Cottage Grove Road corridor.

Finally, staff also recommends that the proposed CSM can meet the standards for approval.

Recommendation

Planning Division Recommendation (Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022-00464 rezoning 209 Cottage Grove Road from CC-T to NMX and the one-lot Certified Survey Map to the Common Council with a recommendation of **approval**, and find that the standards for demolition permits and conditional uses are met to **approve** the demolition of three commercial buildings and construction of a four-story mixed-use building with 2,500 square feet of commercial space and 78 apartments and a four-story apartment building with 110 units at 109-209 Cottage Grove Road and 3900 Monona Drive, all subject to input at the public hearing, and the following conditions [CSM conditions begin on page 21, below]:

Land Use – Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

Planning Division

1. That the applicant work with the Planning Division prior to final sign-off and issuance of building permits to reduce or effectively eliminate the grade separation between the first floor of at least Building 1 and the Cottage Grove Road sidewalk.
2. The applicant shall revise the plans to provide a step-free access to the street-facing entrances of the four live/work units in Building 1.

3. Provide height measurements for both buildings that comply with the requirements in Section 28.134(1) of the Zoning Code.
4. Provide the gross floor area of each building on the final plans.
5. Provide detailed floorplans for the proposed buildings, including labels for any balconies located on third or fourth floor setbacks.
6. Any proposed HVAC or utility penetrations for the building shall not face a public right of way or adjacent residential property. Any such penetrations elsewhere on the exterior of the building shall be designed to be perpendicular to the facades to limit their visibility to the greatest extent possible. No utility or HVAC pedestals or penetrations, including HVAC wall packs for units, and gas meters or electric meters for buildings/ units shall be permitted without specific approval by the Plan Commission. An alteration to this conditional use may be required should they be proposed later.

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

7. The applicant shall abandon/ remove City sewer that is proposed eastern building. The sewer shall be removed/ abandoned from Cottage Grove Road to Davidson Street. 209 Cottage Grove Road is the only customer on this City sewer.
8. City sewer that is located below eastern building is a 10-inch diameter sewer. Sewer from Cottage Grove Road/ Johns Street intersection to proposed building can be used as a lateral for eastern building or it can be abandoned.
9. Revise the plans to identify the location of the public storm sewer (proposed or existing) that will serve the development show the connection of the private internal drainage system to the public storm sewer.
10. 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.
11. This area is within a watershed study for flood mitigation and has a known flooding risk. The minimum opening elevations for structures shall be a minimum of two (2) feet above the adjacent sidewalk elevation at the low point on Cottage Grove Road. The stated elevation is intended to be protective but does not guarantee a flood proof structure. The Developer/Owner are strongly encouraged to complete their own calculations and determine an elevation that protects their property to a level of service that they are comfortable.
12. For the proposed redevelopment site, the proposed impervious cover exceeds 80% of the existing site impervious cover, therefore the site shall meet the following criteria:
 - a.) Reduce peak run-off by 15% compared to existing conditions during a 10-year design storm.
 - b.) Reduce run-off volume by 5% compared to existing conditions during a 10-year design storm.
 - c.) This site will be required to meet rate and volume reductions using green infrastructure for at least the

first half-inch of rainfall.

13. The existing street low point is located at the easterly inlet on the center drive. This may be problematic for localized flooding and icing issues in the winter/spring. The proposed driveway will require the replacement of the existing inlet casting with either a driveway casting. It is suggested that the inlet be relocated outside the drive apron.
14. 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.
15. Construct sidewalk/terrace improvements/pavement patching as approved by City Engineer.
16. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
17. Provide the City Engineer with the proposed earth retention system to accommodate the restoration. The earth retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system.
18. Obtain a permit to Excavate in the Right-of-Way for the connection and/or installation of utilities required to serve this project and shall comply with all the conditions of the permit.
19. 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.
20. Obtain a permit to plug each existing storm sewer.
21. Obtain a permit to plug each existing storm sewer.
22. This project appears to require permanent dewatering. A permit to connect to the public stormwater system shall be required from the City Engineering Division. Additionally, a permit for non-storm discharge to the storm sewer system from the Public Health Madison-Dane County shall also be required. If contaminated soil or groundwater conditions exist on or adjacent to this project additional Wisconsin Department of Natural Resources (WDNR), Public Health, and/or City Engineering approvals may be required prior to issuance of the connection and non-storm discharge permits.
23. An Erosion Control Permit is required for this project.
24. A Storm Water Management Report and Storm Water Management Permit is required for this project.
25. A Storm Water Maintenance Agreement (SWMA) is required for this project.

26. 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 NR-216 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. 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 Capital Area Regional Planning Commission (CARPC) is required for this project to proceed.
27. Based on WDNR records for BRRTS #03-13-000237, Mike's Lake Edge Mobil, the property contains residual petroleum contamination. If contamination is encountered, follow all WDNR and DSPS regulations for proper handling and disposal.
28. The property is adjacent to an open WDNR chlorinated solvent contaminant site (#02-13-368525 Classic Cleaners). Provide proof of coordination with the WDNR project manager (Steve Martin, stevenl.martin@wisconsin.gov) to address potential vapor intrusion concerns associated with this development.
29. 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.
30. 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-year design storm that is current in MGO 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.
31. 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.
32. This project will disturb 20,000 square feet 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.
33. 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.
34. 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 Madison-Dane County, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit.

35. 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 266-4751 prior to completing the test to document that appropriate measures have been taken to prevent erosion as a result of this testing.
36. 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.
37. Prior to approval, this project shall comply with Chapter 37 of 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 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.
- Rate Control: This is a redevelopment and is required to reduce peak discharge from the 10-year event by 15% compared to existing conditions.
- Volume control - Reduce the volume of discharge during the 10-year event by 5% compared to existing conditions.
- 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.
38. 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.
39. 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 ttrvester@cityofmadison.com (West).

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

40. Grant a Public Water Main Easement(s) to the City on the face of the pending Certified Survey Map with a width and configuration approved by the Madison Water Utility for the water main to be constructed in conjunction with this project. The easement shall include, but not be limited to, the following conditions:

- a.) No aboveground improvements other than water main related improvements shall be allowed in the Public Water Main Easement Area(s) by the City or the property owner except for pavements and/or concrete for driveway and sidewalk purposes shall be permitted.
- b.) Plantings and landscaping within the Public Water Main Easement Area(s) shall be permitted with conditions.
- c.) The property owner shall not change the grade of the Public Water Main Easement Area(s) without the prior written approval of the City's Engineering Division or Water Utility.
- d.) The City shall have right of access over the parking lot to access the easement areas.

Contact Jeff Quamme of Engineering Mapping (jrquamme@cityofmadison.com, 266-4097) for the final required easement language.

- 41. The remaining portion of the Public Water Main and Sanitary Sewer per Document No 810731 lying within the eastern portion of this site shall be released by separate document prepared by City Office of Real Estate Services. Contact Jeff Quamme of Engineering Mapping (jrquamme@cityofmadison.com, 266-4097) to coordinate the Real Estate project, and associated information, description, exhibits and fees required. Acknowledgement of the release and document number shall be noted on the face of the Certified Survey Map.
- 42. The applicant shall dedicate a strip of right of Way or public sidewalk easement along Cottage Grove Road and Monona Drive on the CSM as needed to allow for 8 feet from face of curb to front of walk, a 5-foot sidewalk, and one (1)-foot behind the sidewalk.
- 43. The applicant shall coordinate with the utilities the necessary easement(s) needed to accommodate the proposed and existing utilities along the southerly side of this site. The easement can be granted on the face of the CSM or by other instrument recorded prior to final site plan sign off.
- 44. The western portion of the Public Water Main and Sanitary Sewer Easement per Document No. 810731 has already been released by Document No. 1084862 and shall be noted as such on the site plan.
- 45. The applicant/consultant/owner are responsible to obtain the necessary approval / permission to install the private storm sewer within the AT&T Easement per Document No. 4838967 in the southwesterly corner of this site.
- 46. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds, the new parcel data created by the Assessor's Office, and the parcel data available to Zoning and Building Inspection staff prior to issuance of building permits for new construction.
- 47. 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, 266-5987)

48. The applicant shall dedicate right of way or grant a public sidewalk easement for and be responsible for the construction of a five (5)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1) foot for maintenance along Monona Drive and Cottage Grove Road.
49. The applicant shall submit a deposit of \$30,000 for pedestrian crossing improvements of Cottage Grove Road.
50. The applicant shall work with the Traffic Engineering Division and Metro Transit on determining the final configuration of the bus stop zone on Cottage Grove Road adjacent this site. Relocation of curb for a pullout lane may be needed to accomplish this, work to be completed with an Engineering Developer's Agreement.
51. The applicant shall submit for review a Trash Removal Plan. This plan will include times, vehicle size, use of loading zones and all related steps to remove trash from its location.
52. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
53. 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.
54. 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.
55. All parking facility design shall conform to MGO Section 10.08(6).
56. All bicycle parking adjacent pedestrian walkways shall have a 2-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
57. 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.
58. Per MGO Section 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.

59. The applicant shall adhere to all vision triangle requirements as set in MGO Section 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 Section 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.
60. All parking ramps as they 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.
61. 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.
62. "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.
63. 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.
64. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
65. 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.
66. The applicant shall enter into a signed developer's agreement through City of Madison Engineering prior to sign-off.
67. Note: This site presents difficult constructability issues; access to neighboring sites must be maintained at all times, protected walkways will be constructed and maintained as soon as possible and little to no access to the public right of way on Monona Drive or Cottage Grove Road will be granted for construction purposes. Provide a detailed construction plan to Traffic Engineering for review by the Traffic Control Specialist (Mike Duhr) prior to final signoff.

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

68. Provide details of the first floor roof terrace green roof and landscape areas. Lot coverage, page C0.3 indicates a green roof area to offset the maximum lot coverage requirement of 75%. Areas of the roof terrace that are not designed as green roof or landscape beds may not count as green roof areas to offset the maximum lot coverage requirement.
69. Submit a section demonstrating compliance with the side yard height transition to the residentially zoned properties abutting the southern property line per Section 28.064(3)(d).
70. 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 (266-4682). Section 28.185(10) requires that 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.
71. As each commercial and live-work tenant space is leased, the entire development must reflect compliance in the required amount, type and number of auto and bicycle parking spaces, to be reviewed prior to obtaining zoning approval for each use.
72. Bicycle parking shall comply with 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 184 resident bicycle stalls are required plus a minimum of 18 short-term guest stalls. Up to 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. Show the dimensions of the bicycle stalls and access aisles on the basement level floor plans. 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.
73. 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.
74. Screening is required adjacent the Zoning district boundary along the south property line. Screening shall be provided along side and rear property boundaries between commercial/ mixed-use districts and residential districts. Screening shall consist of a solid wall, solid fence, or hedge with year-round foliage, between 6 and 8 feet in height. Submit a detail of the screening fence with the final plans.
75. Submit detailed floorplans for the live/work units demonstrating compliance with Supplemental Regulations in Section 28.151 for a *Live/Work Unit*.
76. Provide details showing that the Cottage Grove Road primary street façade meets 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 60% of the length and at least forty percent (40%) of the area of the ground floor of the primary street facade. At least 50% of windows on the primary street facade shall have the lower sill within three feet of grade. For residential uses at ground level, a minimum of 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 15% of the upper-story wall area.

77. Submit a rooftop plan showing the location of any proposed rooftop mechanical equipment and screening. Provide a detail or profile demonstrating that rooftop mechanical equipment will not be visible to view above the height of the parapets. All rooftop equipment shall be screened from view from adjacent streets and public rights-of-way per Sections 28.060(2)(f) and 28.142(9)(d). Screens shall be of durable, permanent materials that are compatible with the primary building materials.
78. Exterior lighting provided shall be in accordance with MGO Section 10.085. Provide an exterior lighting plan and fixture cut sheets with the final plan submittal.
79. 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.
80. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31 Sign Codes. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Fire Department (Contact Bill Sullivan, 261-9658)

81. Please consider allowing Madison Fire Department (MFD) to conduct training sequences prior to demolition. Contact Division Chief Paul Ripp of the MFD Training Division at pripp@cityofmadison.com or (608)712-6277 to discuss this possibility.
82. Provide clarification on the function of the connection, building fire separations and/or considerations of compliance as a single building or two independent buildings in accordance with the International Building Code.

Parks Division (Contact Ann Freiwald, 243-2848)

83. 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# 20033 when contacting Parks Division staff about this project.

Forestry Division (Contact Wayne Buckley, 266-4892)

The agency reviewed this request and has recommended no conditions of approval.

Water Utility (Contact Jeff Belshaw, 261-9835)

84. Private wells may have served the parcels associated with this project prior to municipal water service connections. The existing properties will require an internal and external survey for potential un-abandoned private wells prior to proceeding with demolition. Any remaining unused/unpermitted private wells existing on this parcel must be properly abandoned according to Wisconsin Administrative Code NR-812 and MGO Section 13.21 prior to the demolition of the property. Please contact Water Utility staff at (608) 266-4654 to

schedule an on-site private well survey prior to demolition, otherwise for additional information regarding well abandonment procedures and potential well abandonment reimbursement programs.

85. A WDNR Water main Extension permit will be required for the relocation of the water main on the east side of the property. A plan and profile with **all** proposed utilities in this area will be required for submission to the WDNR. Once the final plan and profile is complete, contact Adam Wiederhoeft for assistance with submitting the WDNR extension. Construction of the water main in this location **may not** take place until the WDNR approves the extension.
86. Madison Water Utility will be required to sign off as part of the approval review associated with this Land Use Application/Site Plan Review prior to the issuance of building permits for the proposed development.
87. The proposed new water main easement shall be 20 feet wide as opposed to 10 feet as shown.

88. All public water mains and water service laterals shall be installed by a standard City-Developer agreement. The applicant shall contact City Engineering Division to schedule the development of plans and the agreement. See Engineering Division comments for additional information.

89. 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.

90. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days' notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumbers-contractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Avenue. 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 and 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 266-4646.

91. A new water main valve will be required at both the north and south connections to the existing water main for testing purposes.

Metro Transit (Contact Tim Sobota, 261-4289)

92. Metro Transit recommends the expansion of the existing bus stop zone, with a new pullout lane, on the south side of Cottage Grove Road east of Monona Drive so that buses can safely exit the active vehicle travel lanes for the time needed to actively load or unload passengers at this intersection, specifically new riders anticipated at this intersection due to the creation of multi-family residential units on this previously commercial property. The applicant shall include the location of these transit facilities on the final documents filed with their permit application so that Metro Transit may review the design.

93. Note: Metro Transit operated weekday transit service along Cottage Grove Road through the Monona Drive intersection. Bus stop ID #7675 is adjacent the proposed project site along the south side of Cottage Grove

Road, east of Monona Drive. This stop has historically been used as a time stop (buses park and wait if early, regardless of passenger loading) and would remain an appropriate site for a time-point when scheduling future transit service along the Cottage Grove Road corridor (between Monona Drive and areas east of the Interstate).

Certified Survey Map – Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

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

1. Enter into a City / Developer agreement for required infrastructure improvements. The agreement shall be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact the City Engineering Division to schedule the development and approval of the plans and the agreement.
2. Construct sidewalk, curb and gutter, and terrace improvements, and patch pavement along Cottage Grove Road and Monona Drive as approved by City Engineer..
3. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
4. A minimum of two (2) working days prior to requesting City Engineering signoff on the CSM, contact either Tim Troester (West) at 261-1995 (ttroester@cityofmadison.com) or Brenda Stanley (East) at 261-9127 (bstanley@cityofmadison.com) to obtain the final stormwater utility charges that are due and payable prior to sub-division of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service and must be cleared prior to the land division (and subsequent obsolesces of the existing parcel).
5. Based on WDNR records for BRRS #03-13-000237, Mike's Lake Edge Mobil, the property contains residual petroleum contamination. If contamination is encountered, follow all WDNR and DSPS regulations for proper handling and disposal.
6. The property is adjacent to an open WDNR chlorinated solvent contaminant site (#02-13-368525 Classic Cleaners). Provide proof of coordination with the WDNR project manager (Steve Martin, stevenl.martin@wisconsin.gov) to address potential vapor intrusion concerns associated with this development.

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

7. The remaining portion of the Public Water Main and Sanitary Sewer per Document No 810731 lying within the eastern portion of this site shall be released by separate document prepared by City Office of Real Estate Services. Contact Jeff Quamme of Engineering Mapping (jrquamme@cityofmadison.com, 266-4097) to coordinate the Real Estate project, and associated information, description, exhibits and fees required. Acknowledgement of the release and document number shall be noted on the face of the Certified Survey Map.

8. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds, the new parcel data created by the Assessor's Office, and the parcel data available to Zoning and Building Inspection staff prior to issuance of building permits for new construction.

9. Grant a Public Water Main Easement(s) to the City on the face of the pending Certified Survey Map with a width and configuration approved by the Madison Water Utility for the water main to be constructed in conjunction with this project. The easement shall include, but not be limited to, the following conditions:
- a.) No aboveground improvements other than water main related improvements shall be allowed in the Public Water Main Easement Area(s) by the City or the property owner except for pavements and/or concrete for driveway and sidewalk purposes shall be permitted.
 - b.) Plantings and landscaping within the Public Water Main Easement Area(s) shall be permitted with conditions.
 - c.) The property owner shall not change the grade of the Public Water Main Easement Area(s) without the prior written approval of the City's Engineering Division or Water Utility.
 - d.) The City shall have right of access over the parking lot to access the easement areas.

Contact Jeff Quamme of Engineering Mapping (jrquamme@cityofmadison.com, 266-4097) for the final required easement language.

10. The applicant shall dedicate a strip of right of Way or public sidewalk easement along Cottage Grove Road and Monona Drive on the CSM as needed to allow for 8 feet from face of curb to front of walk, a 5-foot sidewalk, and one (1)-foot behind the sidewalk.
11. The applicant shall coordinate with the utilities the necessary easement(s) needed to accommodate the proposed and existing utilities along the southerly side of this site. The easement can be granted on the face of the CSM or by other instrument recorded prior to final site plan sign off.
12. The western portion of the Public Water Main and Sanitary Sewer Easement per Document No. 810731 has already been released by Document No. 1084862. This document shall be added to the title report and that portion of the easement removed from the map and the release referenced in the notes of the CSM.
13. The applicant/consultant/owner are responsible to obtain the necessary approval / permission to install the private storm sewer within the AT&T Easement per Document No. 4838967 in the southwesterly corner of this site.
14. Per a tie sheet filed by Noa Prieve on May 8, 2014 and found as recently as 2019, there is a three-quarter-inch rebar at a retaining wall at the West Quarter Corner of Section 9. The surveyor shall confirm if the corner exists and locate any existing iron rebar. If the corner is missing, a corner shall be set at the location of the corner and a new tie sheet provided.
15. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The Developer's Surveyor and/or Applicant must submit copies of required tie sheets or monument condition reports (with current tie sheet attached) for all monuments, including center of sections of record, used in this survey, to Jeff Quamme, City Engineering (jrquamme@cityofmadison.com).

16. In accordance with Section s. 236.18(8), Wisconsin Statutes, the applicant shall reference City of Madison WCCS Dane Zone, 1997 Coordinates on all PLS corners on the Certified Survey Map in areas where this control exists. The surveyor shall identify any deviation from City Master Control with recorded and measured designations.
17. Prior to Engineering final sign-off by main office for Certified Survey Maps, the final CSM shall be submitted in PDF format by email transmittal to Engineering Land Records Coordinator Jeff Quamme (jrquamme@cityofmadison.com) for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off.
18. Provide "recorded as" data on the exterior boundary of the Certified Survey Map. This includes deeds of record and adjacent conveyances to the City for public right of way.
19. Label the 60-foot wide width of Davidson Street. Also, it is not correctly shown as a portion adjacent to the most westerly parcel has not been widened on the north side by 10 feet and it is 50 feet wide along that parcel.
20. Correct the Secretary of the Plan Commission to Matthew Wachter.
21. The applicant shall submit to Jeff Quamme, prior to final Engineering sign-off of the subject CSM, one (1) digital CADD drawing in a format compatible with AutoCAD. The digital CADD file(s) shall be referenced to the Dane County Coordinate System and shall contain, at minimum, the list of items stated below, each on a separate layer/level name. The line work shall be void of gaps and overlaps and match the final recorded CSM: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; easement lines (including wetland and floodplain boundaries).

*This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat, electronic data and a written notification to Engineering Mapping for any changes to the plat which occur subsequent to any submittal.

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

- | |
|--|
| 22. The applicant shall dedicate right of way or grant a public sidewalk easement for and be responsible for the construction of a five (5)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1) foot for maintenance along Monona Drive and Cottage Grove Road. |
|--|

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

This agency reviewed the request and has recommended no conditions of approval.

Fire Department (Contact Bill Sullivan, 261-9658)

This agency reviewed the request and has recommended no conditions of approval.

Water Utility (Contact Adam Wiederhoeft, 266-9121)

This agency reviewed the request and has recommended no conditions of approval.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency reviewed the request and has recommended no conditions of approval specific to the CSM.

Parks Division (Contact Ann Freiwald, 243-2848)

23. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the West Park-Infrastructure Impact Fee district. Please reference ID# 20003 when contacting Parks Division staff about this project.
24. The following note should be included on the CSM: "Lots within this subdivision are subject to impact fees that are due and payable at the time building permit(s) are issued."
25. Prior to sign off on the CSM the applicant shall execute a declaration of conditions and covenants for impact fees. The Parks Division shall be required to sign off on this CSM.

City Forestry Section (Brad Hofmann, 267-4908)

This agency reviewed the request and has recommended no conditions of approval.

Office of Real Estate Services (Heidi Radlinger, 266-6558)

26. Signature block certifications shall be executed by all parties of interest having the legal authority to do so, pursuant to Wis. Stats. 236.21(2)(a). The title of each certificate shall be consistent with the ownership interest reported in the most recent title report. When possible, the executed original hard stock recordable CSM shall be presented at the time of Office of Real Estate Services (ORES) approval sign-off. If not, the City and the Register of Deeds are now accepting electronic signatures. A PDF of the CSM containing electronic signatures shall be provided to ORES to obtain approval sign-off.
27. A certificate of consent for all mortgagees shall be included following the Owner's Certificate(s) and executed prior to CSM approval sign-off. If the CSM is signed electronically, a PDF of the CSM containing electronic signatures shall be provided to ORES to obtain approval sign-off.
28. If any portion of the lands within the CSM boundary are subject to an Option to Purchase or other Option interest please include a Certificate of Consent for the option holder.
29. If applicable, a Consent of Lessee certificate shall be included on the CSM for all tenant interests in excess of one year, recorded or unrecorded, and executed prior to CSM sign-off.
30. The Secretary of the City of Madison Plan Commission is Matthew Wachter.
31. The 2019 real estate taxes are not paid for parcel 251-0710-093-0312-5. Per 236.21(3) Wis. Stats. and 16.23(5)(g)(1) Madison General Ordinances, the property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to CSM recording. This includes property tax bills for the prior year that are distributed at the beginning of the year. Receipts from the City of Madison Treasurer are to be provided before or at the time of sign-off. Payment is made to: City of Madison Treasurer; 210 Martin Luther King, Jr. Blvd.; Madison, WI 53701.

32. Special assessments are reported for parcels 251-0710-093-0301-8 and 251-0710-093-0313-3. All special assessments are due and payable prior to CSM approval sign-off. If special assessments are levied against the property during the review period and prior to CSM approval sign-off, they shall be paid in full pursuant to Madison General Ordinance Section 16.23(5)(g)1.
33. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish an updated title report to Heidi Radlinger in City's Office of Real Estate Services (hradlinger@cityofmadison.com), as well as the survey firm preparing the proposed CSM. The report shall search the period subsequent to the date of the initial title report (July 13, 2020) submitted with the CSM application and include all associated documents that have been recorded since the initial title report. A title commitment may be provided, but will be considered only as supplementary information to the title report update. The surveyor shall update the CSM with the most recent information reported in the title update.
34. The owner shall email the document number of the recorded CSM to Heidi Radlinger as soon as the recording information is available.
35. The following revisions shall be made to the CSM prior to final approval and recording:
 - a.) Label buildings that are to be razed.
 - b.) Depict and dimension all existing improvements including, but not limited to: buildings, drives, parking lots, encroachments, wells, septic systems, etc. located within the CSM boundary.