

PLANNING DIVISION STAFF REPORT

January 25, 2021



PREPARED FOR THE PLAN COMMISSION

Project Address: 5501 Mineral Point Road and 425-441 Charmany Dr (19th Aldermanic District, Alder Furman)

Application Type: Zoning Map Amendment; Preliminary Plat

Legistar File ID # [63441](#) and [63210](#)

Prepared By: Colin Punt, Planning Division
Report includes comments from other City agencies, as noted

Reviewed By: Kevin Firchow, Planning Division

Summary

Applicant: Elizabeth Adler; Mandel Group, Inc.; 330 E. Kilbourn Ave, Ste. 600 S; Milwaukee, WI 53202

Surveyor/Contact: Will Kotler; D'Onofrio Kottke; 7530 Westward Way; Madison, WI 53717

Property Owner: 5501 Mineral Point Rd and 425 Charmany Dr: University of Wisconsin Board of Regents
431 and 441 Charmany Dr: University Research Park, Inc.

Requested Actions: Approval of a request to [ID 63441] rezone 5501 Mineral Point Road and 425-441 Charmany Drive from SE (Suburban Employment district) to TSS (Traditional Shopping Street district) and TE (Traditional Employment district) and approval of [ID 63210] a preliminary plat and final plat creating six lots for multi-family, mixed-use, or commercial development, and one private outlot.

Proposal Summary: The proposal for the "Element District" development calls for the 18.3-acre subject site to be platted with six lots for a mixed-use building with 180 dwelling units, and food hall and fitness center, a lab and office, and a hotel with related retail and food and beverage uses. The hotel, lab and office building, and food hall and climbing gym buildings are proposed to be rezoned to TE. The multifamily building parcel is proposed to be rezoned to TSS. The southeast corner of the plat is proposed to remain SE. The plat also proposes one outlot for private outdoor space and two streets dedicated to the public.

Applicable Regulations & Standards: Section 28.182 of the Zoning Code provides the process for zoning map amendments. The subdivision process is outlined in Section 16.23(5)(b) of the Subdivision Regulations.

Review Required By: Plan Commission and Common Council

Review Schedule: The State's subdivision statute, Wis. Stats. 236, requires that a preliminary plat be approved, conditionally approved, or rejected (with stated reasons) within 90 days of submittal unless the time is extended by agreement with the applicant. If no action is taken within 90 days and no extension granted, the plat is deemed approved. The proposed preliminary plat application was submitted to the City on November 18, 2020. Therefore, the 90-day review period for this plat is scheduled to expire circa February 16, 2021.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward Zoning Map Amendments ID 28.022-00486 and 28.022-00487 rezoning 5501 Mineral Point Road and 425-441 Charmany Drive from SE (Suburban Employment district) to TE (Traditional Employment district) and TSS (Traditional Shopping Street district) respectively; and the preliminary and final plat of the *Element District* subdivision, to the Common Council with recommendations of **approval** subject to input at the public hearing and the conditions from reviewing agencies in this report.

Background Information

Parcel Location: The subject site is comprised of four parcels containing approximately 18.28 acres of land located at the southwest corner of the intersection of Mineral Point Road and Whitney Way, within University Research Park; The site is within Aldermanic District 19 (Ald. Furman) and the Madison Metropolitan School District.

Existing Conditions and Land Use: 5501 Mineral Point Road (also addressed 421 Charmany Drive) is 5.31 acres and currently undeveloped. 425 Charmany Drive is 2.11 acres and currently undeveloped. 431 Charmany Drive is 5.69 acres and developed with a two-story 34,200-square foot office building constructed in 2006. 441 Charmany Drive is 5.18 acres and developed with a two-story 37,000-square foot office building constructed in 2001. All four parcels are currently zoned SE (Suburban Employment district).

Surrounding Land Uses and Zoning:

North: Across Mineral Point Road, Garner Park, zoned PR (Parks and Recreation district), and a three-story apartment building and two-story office building, both zoned SE (Suburban Employment district);

South: Across Endeavor Lane, a large multi-story office and laboratory building zoned SE;

West: A multi-story office building and, across Charmany Drive, a one-story daycare, both zoned SE; and

East: Across Whitney Way, multi-story office buildings zoned SE.

Adopted Land Use Plans: The [Comprehensive Plan](#) (2018) recommends Community Mixed Use for the northern half of the subject site and Employment for the southern half of the site. The subject site is also located within the boundary of the [Southwest Neighborhood Plan](#) (2008), which does not have specific land use recommendations for this site, but has general recommendations for development in the area. The site is also within the [Odana Area Plan](#) and that planning process is currently underway. However, only adopted plans at the time of application submittal should be considered in evaluated this request.

Environmental Corridor Status: No mapped environmental corridors exist within the subject site.

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

Zoning Summary: The proposed lots are requested to be zoned TSS (Traditional Shopping Street district) and TE (Traditional Employment district). Consistency with the basic minimum lot width and area for the proposed lots is included in the "Analysis" section of this report. Review for compliance with the other bulk requirements, such as setbacks, usable open space, and lot area per unit for multi-family dwellings, will occur either at the time of permit issuance for permitted uses, or during any conditional use reviews required. Lot and bulk requirements for each proposed district are found in Appendix 1.

Project Description

The applicant, representing Mandel Group, Inc. and University Research Park, Inc., is requesting approval to replat and rezone approximately 18.3 acres of University Research Park located at the southwest corner of the intersection of Mineral Point Road and Whitney Way. The request would replat four existing lots into six new lots, one outlot, and two streets to be dedicated to the public.

Lot 1 is proposed to be zoned TSS (Traditional Shopping Street district). The future mixed-use development could entail approximately 180 dwelling units over three levels of structured parking and over 4000 square feet of retail or restaurant space. Lot 2 is proposed to be zoned TE (Traditional Employment district). The future development is envisioned as approximately 40,000 square feet that includes a food hall, climbing gym and fitness center, and rooftop amenity space. Lot 3 is proposed to be zoned TE and future development could include 125,000 square feet of laboratory and office space. Lot 4 is proposed to be zoned TE and future development could include a 120-room hotel with accessory restaurant and/or tavern. Lots 5 and 6 are proposed to remain SE (Suburban Employment district) and may include future expansion of the existing laboratory and office uses.

A new public street, tentatively named Catalyst Way, is proposed to extend east-west through the center of the site, intersecting with Charmany Drive to the west and Whitney Way to the east. A new public street, tentatively named Element Way, is proposed to extend north-south through the center of the site, intersecting with Mineral Point Road on the north and Endeavor Lane on the south. Sidewalks are included on both sides of all portions of both streets and many portions of the proposed streets, particularly Catalyst Way, are designed with pedestrian amenities for street-level retail and restaurants. Catalyst Way west of Element Way and Element Way south of Catalyst Way are proposed to include a multi-use side path.

Stormwater management for the plat will occur primarily on Lots 3 and 6 near Whitney Way and Mineral Point Road. An outlot adjacent to Lot 6 has been included in the plat to accommodate the alignment of Element Way and past mapping errors. As part of the plat, the City and the landowner will execute and land swap, to be approved separately by Common Council for lands included in Lot 1 that were previously used for grading of Mineral Point Road and lands adjacent to Lot 3 for a potential future BRT station on Whitney Way.

The applicant intends to begin earthwork and public infrastructure construction in summer 2021. According to the letter of intent, Lots 1-3 are to be developed between autumn 2021 and summer 2023. Lot 4 will be developed in a separate second phase, beginning in 2023. According to the application and letter of intent, earthwork and infrastructure construction is intended to begin in summer 2021 and building development is planned to begin in fall 2021, with buildout completed by fall 2024.

Analysis

The applicant is requesting zoning and preliminary and final plat approval to plat 18.3 acres of University Research Park as the Element District mixed-use subdivision. The subject property includes two of the larger and more significant undeveloped parcels in this area, and its development will have a significant influence in filling out this portion of University Research Park, as well as the Mineral Point Road corridor. As is the case with any subdivision reviewed by the Plan Commission, the consistency of the subdivision with the [Comprehensive Plan](#) and any adopted neighborhood or sub-area plan and the adequacy of public services to serve the development are the principal considerations when recommending approval of the zoning map amendment and preliminary plat to the Common Council.

Conformance with Adopted Plans

The [Comprehensive Plan](#) (2018) recommends Community Mixed-Use (CMU) for the northern half of the subject site and Employment (E) for the southern half of the site. The CMU category includes existing and planned areas supporting an intensive mix of residential, commercial, and civic uses serving residents and visitors from the surrounding area and the community as a whole. The E category includes predominantly corporate and business offices, research facilities, laboratories, hospitals, medical clinics, and other similar uses. They generally do not include retail and consumer service uses for the wider community, but may include limited retail and service

establishments that primarily serve employees and users of the area. E areas are not generally recommended for residential uses, though such uses may be considered as part of a conditional use under relevant zoning districts. The subject site is also located within the boundary of the [Southwest Neighborhood Plan](#) (2008), which does not have specific land use recommendations for this site, but has general recommendations for development in the area. Specifically, the neighborhood plan recommends that new development and redevelopment incorporate Traditional Neighborhood Development and Transit-Oriented Development principles. The [Odana Area Plan](#) planning process is currently underway and will include recommendations for this area, but the plan has not been completed nor adopted.

Subdivision Standards

Staff believes that the Plan Commission may find the standards for subdivision approval met with the proposed preliminary plat. All of the proposed lots will meet the minimum lot width and area requirements in their respective zoning districts, and staff believes that the proposal is consistent with the recommendations for the site in both the [Comprehensive Plan](#) and the [South Madison Neighborhood Plan](#).

Regarding the overall street network layout of the proposed plat within University Research Park, this site is included within the boundary of the [Odana Area Plan](#). Early planning documents have considered the extension of Charmany Drive through URP to the west from its terminus at Rosa Road and east approximately at the intersection with proposed Catalyst Way. While the general layout of Catalyst Way is consistent with these early plans, the plan envisions more of an east-west through street with an intersecting north-south street, rather than a curving Charmany Drive with intersecting secondary street (Catalyst Way). However, Staff notes that the [Odana Area Plan](#) process is still underway and the plan has not been adopted and therefore should not be referenced in regards to plan consistency for this request.

Zoning Map Amendment Standards

The Zoning Map Amendment standards, found in 28.182(6), M.G.O. state that such amendments are legislative decisions of the Common Council that shall be based on public health, safety, and welfare, shall be consistent with the [Comprehensive Plan](#), and shall comply with Wisconsin and federal law. Chapter 66.1001(3) of Wisconsin Statutes requires that zoning ordinances (of which the zoning map is part) enacted or amended after January 1, 2010 be consistent with the City's [Comprehensive Plan](#). 2010 Wisconsin Act 372 clarified "consistent with" as "furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan." As describe above, the request and its uses are generally consistent with the land use recommendations for this area in both the [Comprehensive Plan](#) and the [Southwest Neighborhood Plan](#).

As noted above, the northern portion of the site is recommended for Community Mixed Use in the Comprehensive Plan and the southern portion is recommended for Employment. Lot 1 is proposed for TSS zoning and Lots 2-4 for TE zoning. While TSS is a common zoning district for CMU areas; TE, as an employment district, provides the variety of uses and scale of development characterized by CMU areas and Staff believes these zoning districts would further the objectives and recommendations of the Comprehensive Plan's Generalized Future Land Use Map. Lots 5 and 6 will retain their existing SE zoning, a very common and conventional district for Employment areas.

Finally, Staff notes that the development shown on Lots 1 and 2 may not be able to be constructed due to building codes and fire codes. While several options are possible for the developer to construct the buildings as presented, including higher levels of fire protection and recording of no-build easements, Staff also notes that no building development is currently requested at this time. Future development would likely trigger conditional use review, and would require Staff-level site plan review at a minimum.

Conclusion

The applicant is requesting approval of a zoning map amendment and preliminary plat for the future development of the Element District subdivision. Planning Division staff has carefully reviewed the proposed subdivision and believes that it is generally consistent with the land use and street layout recommendations for the subject site in the adopted Comprehensive Plan and Southwest Neighborhood Plan. Planning Division staff also believe the Plan Commission can find the rezoning request to be consistent with the zoning map amendment standards of approval.

At the time of report writing, Planning staff are unaware of any public comment regarding this request.

Recommendation

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

The Planning Division recommends that the Plan Commission forward Zoning Map Amendments ID 28.022–00486 and 28.022–00487 rezoning 5501 Mineral Point Road and 425-441 Charmany Drive from SE (Suburban Employment district) to TE (Traditional Employment district) and TSS (Traditional Shopping Street district) respectively; and the preliminary and final plat of the *Element District* subdivision, to the Common Council with recommendations of **approval** subject to input at the public hearing, the following conditions, and the recommended conditions of the Office of Real Estate, to be published in a staff report addendum prior to the Plan Commission public hearing:

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

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

1. Submit proposed Lots 5 and 6 for site plan review for the reconfigured sites.

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

2. This site will require a master drainage and stormwater management plans for the entire site even though it will be built in phases. This shall be submitted with the initial submittal.
3. 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)
4. Construct Madison Standard street, multi-use path, and sidewalk improvements for all streets within the plat/csm. (MGO 16.23(9)(d)6)
5. Construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat/csm. (MGO 16.23(9)(d))
6. 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))

7. 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.
8. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
9. 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 (DPS) and no separate submittal to this agency or CARPC is required for this project to proceed.
10. A Phase 1 environmental site assessment (per ASTM E1527-13), is required for lands dedicated to the City. Provide one (1) digital copy and staff review will determine if a Phase 2 ESA is also required. Submit report(s) to Brynn Bemis (608-267-1986, bbemis@cityofmadison.com).
11. The approval of this zoning approval does not include the approval of the changes to roadways, sidewalks or utilities. Obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. (MGO 16.23(9)(d)(6))
12. Submit a soil boring report that has been prepared by a Professional Engineer two weeks prior to recording the final plat to the City Engineering Division indicating the ground water table and rock conditions in the area. If the report indicates a ground water table or rock condition less than 9' below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer. (MGO 16.23(9)(d)(2) and 16.23(7) (a)(13))
13. Provide the City Engineer with a survey indicating the grade of the existing sidewalk and street and hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. Building entrance grades must be approved by the City Engineer prior to signing off on this development. (POLICY)
14. Confirm that adequate sight distance exists where public streets intersect per AASHTO design standards for intersection sight distance. If adequate sight distance does not exist, change the location of the street intersection or agree to make improvements to the roadways such that the sight distance is achieved or make other mitigating improvements as required by the City. Caution - The improvements indicated may require right-of-way outside of the plat/csm.
15. 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)

16. Revise the site plans to show the location, depth, type, and size of existing and proposed private utilities (gas, electric, phone, steam, chilled water, etc.) in the project area or the adjacent right-of-way. (POLICY)
17. 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)
18. Include calculations in the stormwater management report that show how a 500-year storm event, as identified in Madison General Ordinance Chapter 37, would be handled by the proposed site design. These calculations are required to show that the proposed building does not flood during this design storm event using the site grades proposed.
19. 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.
20. 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.
21. 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))
Rate Control: Detain the 2, 10, 100 & 200 -year storm events, matching post development rates to predevelopment rates and using the design storms identified in Madison General Ordinances Chapter 37.
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.

22. 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.
23. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West).

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

24. Show the entire watermain easement per Doc 3461981 and 5529586 including within the public right of way. City of Madison Real Estate Proj No 12233 has been set up for the partial release of the Watermain Easement per Doc No 3461981 lying within future Lot 2.
25. The portions of the Public Sanitary Sewer Easement per Doc No 2718052 shall be released within proposed Lot 3 and within the proposed Element Way right of way. (the remnant within Lot 6 and Outlot 1 shall remain in place and shall be fully dimensioned on the plat and terms and conditions added as part of the partial release) A temporary easement for the maintenance and repair of the main shall be retained until the new sewer reroute has been constructed and accepted by the City of Madison. Real Estate Proj No 12230 has been set up for the administration and recording of the release.
26. The portions of the 20' Wide Gas Main Easement per Doc No 1409797 (Easement No 1) or any other easements or rights existing within the proposed public street right of ways shall be released by Madison Gas and Electric or other respective Utility. Alternatively another recorded instrument providing a Conveyance of Rights to the City of Madison for the public improvements and utilities to be constructed within the public right of way may be considered.
27. The Storm Water Management Easement and Storm Sewer Easement per Doc No 3461981 (CSM 10343) shall be released by the City of Madison. Real Estate Project No. 12231 has been set up to administer and record the document.
28. Portions of the Public Utility Easements granted by University Research Park University of Wisconsin Madison Second Addition lying within proposed Lot 1 or any proposed public right of way shall be released by the Utilities serving these lands. Real Estate Project 12232 has been set up for the City of Madison to administer and record its release. All other utilities shall partially release the easement areas prior to the City of Madison's release.
29. Any portion(s) of a the easement for underground data cabling per Document No 3534002 shall be released within any new public right of way dedicated on this plat.

30. The 20' wide public utility easement conveyed in deeds recorded in Document No's 1397131 and 1397131 shall be released as they are within the public right of way of proposed Element Dr.

31. In accordance with Chapter 236, Wisconsin Statutes, the Applicant must show the type, location and width of any and all easements on a Plat. Clearly identify the difference between existing easements (cite recording data) and easements which are being conveyed by the land division. Identify the owner and/or benefiting interest of all easements. Include any and all language required to properly and legally create any easement by this land division.
32. Grant a Public Sanitary Sewer Easement(s) to the City on the face of this Subdivision Plat for the proposed rerouted sanitary sewer over the easterly side of proposed Lot 3. Contact Jeff Quamme for the required easement text to be placed on the plat.
33. The Stormwater Management Easement labels on Lot 3 and Lot 6 shall be modified to be Public Stormwater Management Easements. Contact Jeff Quamme for the required language to be placed on the plat. Applicant shall note that there is an existing Public Utility Easement that lies within the proposed Public Storm Water Management Easement. Therefore the stormwater management facilities shall be designed to avoid or minimize any required storm water management facilities within the Public Utility Easement.
34. Show and label the 15' Wide Permanent Limited Easement for Sidewalk Purposes along Charmany Drive per Doc No 3008952.
35. Grant a Permanent Limited Easement for Vision Triangles at intersections of Catalyst/Whitney, Element/Mineral Point and Endeavor/Whitney as required by City Engineer. This may include grading of the area as required by City Engineer to allow for safe vision triangle.
36. The Sanitary Sewer Easement per 1977935 has been released by Doc No 2733650. This shall be added to the title report or reference totally removed.
37. This plat requires the partial discontinuance and vacation of a 20' wide area of Mineral Point Road. The area to be vacated shall also include the 20' area within Lot 37 of UW Research Park Second Addition to the west of this plat, at least 1' behind the public sidewalk. Provide a map exhibit along with legal description prepared, signed and sealed by a Professional Surveyor of the right of way to be discontinued and other required materials after first consulting with Engineering Mapping Staff. The materials will be circulated by Mapping staff to agencies within the City for comment and possible changes dependent on needs of the City. The vacation shall be in exchange for the required dedication along S Whitney Way for a future BRT station as determined by City Engineering and City Traffic Engineering. The discontinuance process being initiated shall be contingent upon comments and approvals by agencies.
Upon the above conditions being satisfied, Mapping staff will initiate the resolution process for the discontinuance under Chapter 66.1003(4) of the Wisconsin Statutes the vacation shall be conditioned upon the approval conditions of this Plat approval being met to a level of satisfaction as determined by the City Engineer before it can be made effective by recording at the Register of Deeds.
38. Coordinate and request from the utility companies serving this area the easements required to serve this development. Those easements shall be properly shown, dimensioned and labeled on the final plat.

39. There are existing Electrical Transformer Boxes in the Northeast Corner of the proposed Element Way right of way where it intersects with Mineral Point Road. Applicant shall address the need to move these facilities to accommodate the proposed public street improvements to be constructed as part of this development.
40. Insert standard language pre MGO 16.23(9)(d)2.a. verbatim. When done, all of the previous non-exclusive easements for drainage easements are released and new drainage easements defined by the current proposed Plat.
41. The 15' wide Electric and Telephone Easement per Doc No 2718052 (plat of UWRP Second Addn) has been released by Doc No's 5412866, 5412868 & 5412869. Therefore it shall be removed from the preliminary and final plats.
42. Confirm that the Easement to MG&E per Doc No 3248979 does not encumber this plat.
43. The Reciprocal Access Easement Agreements per Doc No 3534002 and 4222424 shall be amended or released as appropriate for the private rights that are necessary. The recorded document(s) shall be provided and they shall confirm that no portion of either easement shall remain in force within any platted public right of way within this plat.
44. Add a note to Lot 6 that it is subject to a Declaration of Conditions, Covenants and Restrictions for Maintenance of Stormwater Measures per Document No. 4218374
45. The portion of the Gas Main and Underground Electric right of way to MG&E per Doc 4246395 within the area to be dedicated to the public for Element way shall be released. Provide the recorded document.
46. Show, label and dimension the Permanent Limited Easement for Public Sidewalk per Doc No 5518608 along the north side of Endeavor Lane.
47. A private Storm Sewer Easement is necessary per the preliminary plans over the Northwesterly corner of proposed Lot 1 for storm sewer serving the adjacent Lot to the west. The Private Drainage Easement per Doc No 3225981 will need to be amended to acknowledge this storm sewer or released and a new document recorded. Additionally the private restrictions per notes 4 and 5 of CSM No. 10343 shall also be released by a recorded document.
48. The Private Drainage Easement per Doc No. 3225981 shall be amended or released
49. The No Vehicular Access to Mineral Point Road and S Whitney Way per CSM 10343 shall be shown on the preliminary and final plats. Provide to Jeff Quamme a map Exhibit and legal description of the two portions of the existing access restriction that will be released for the public right of ways of Element Dr and Catalyst Way. Once approved a Real Estate Project will be set up for the drafting, administration and recording of the release of the restriction at those locations.
50. A note shall be added under all of the street names labeled and to be dedicated on the plat, "Dedicated to the Public for street purposes" as required by 236.20(4)(b).
51. 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)

52. Prior to Engineering final sign-off by main office for Plats or Certified Survey Maps (CSM), the final Plat or CSM in pdf format must be submitted 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.
53. Conditions of approval noted herein are not intended to be construed as a review determining full compliance with City of Madison Ordinances and State of Wisconsin Statutes. The licensed professional preparing the land division is fully responsible for full compliance with all Ordinances and Statutes regulating this proposed land division.
54. The 12' wide Electric and Telephone Easement per Doc No 1409797 (Easement No. 2) has been released by Doc No's 5415053, 5412870 & 5412867. Therefore it shall be removed from the preliminary plat.
55. The final plat shall show the full width of all easements and shall be fully dimensioned to allow retracement within any lot or outlot on the final plat.
56. Show and label the portion of Lot 40 of the UWRP Second addition within this plat. Also show the existing lot lines dashed on the final plat.
57. Correct the Document No. for the 20' Wide Watermain Easement per 5418722 to 5529586.
58. The pending plat application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD), 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 or early start permit.
59. Submit to Jeff Quamme, prior to Engineering sign-off of the subject plat, 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 plat:
 - a) Right-of-Way lines (public and private)
 - b) Lot lines
 - c) Lot numbers
 - d) Lot/Plat dimensions
 - e) Street names
 - f) Easement lines (i.e. all shown on the plat including wetland & floodplain boundaries.)

NOTE: This Transmittal is a separate requirement from the required Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat, electronic data for any changes subsequent to any submittal.

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

60. The applicant shall execute and return the attached declaration of conditions and covenants for streetlights & traffic signals prior to sign off.

Fire Department (Contact Bill Sullivan, 261-9658)

61. The proposed property line between Parcel 1 & Parcel 2 would not permit connections between the proposed buildings and would limit the possible openings (doors and/or windows) along the property line.

Water Utility (Contact Jeff Belshaw, 261-9835)

62. All water mains and services within the lot shall be considered private.

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

Metro Transit (Contact Tim Sobota, 261-4289)

64. In coordination with any public works improvements, the applicant shall maintain or replace the concrete boarding pad surface at the existing Metro bus stop on the west side of Whitney Way, south of Mineral Point Road (#2670).

65. The applicant shall install and maintain a new concrete shelter pad surface - as part of the private landscape plan - opposite the existing Metro bus stop zone that is on the west side of Whitney Way, south of Mineral Point Road (#2670). The applicant shall install and maintain a new passenger waiting shelter with seating amenity in this area, as part of the private landscape plan.

66. The applicant shall include the location of these transit amenities on the final documents filed with their permit application so that Metro Transit may review the design.

67. Metro Transit operates daily all-day transit service along Whitney Way, adjacent this property. Bus stop ID #2670 is on the west side of Whitney Way, south of Mineral Point Road..

Parks Division (Contact Ann Freiwald, 243-2848)

68. 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# 20046 when contacting Parks about this project.

69. The Applicant shall execute a declaration of conditions and covenants along with an impact fee schedule for the Park Impact Fees for this development. This document will be recorded at the Register of Deeds. The Applicant shall be responsible for all recording fees.

70. The following note should be included on the plat: "LOTS WITHIN THIS SUBDIVISION ARE SUBJECT TO IMPACT FEES THAT ARE DUE AND PAYABLE AT THE TIME BUILDING PERMIT(S) ARE ISSUED."

71. The Parks Division shall be required to sign off on this plat.

Forestry Section (Contact Wayne Buckley, 266-4892)

72. Contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. Contractor shall operate equipment in a manner as to not damage the branches of the street tree(s). This may require using smaller equipment and loading and unloading materials in a designated space away from trees on the construction site. Any damage or injury to existing street trees (either above or below ground) shall be reported immediately to City Forestry at 266-4816. Penalties and remediation shall be required. Add as a note on the plan set.

73. As defined by the Section 107.13 of City of Madison Standard Specifications for Public Works Construction: No excavation is permitted within 5 feet of the trunk of the street tree or when cutting roots over 3 inches in diameter. If excavation is necessary, the Contractor shall contact Madison City Forestry (266-4816) prior to excavation. City of Madison Forestry personnel shall assess the impact to the tree and to its root system prior to work commencing. Tree protection specifications can be found on the following website: <https://www.cityofmadison.com/business/pw/specs.cfm> Add as a note on the plan set.

74. On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on the plan set.

75. An existing inventory of street trees located within the right of way shall be included on the landscape, site, demo, and utility plans. The inventory shall include the following: location, size (diameter at 4 1/2 feet), and species of existing street trees. The inventory should also note if a street tree is proposed to be removed and the reason for removal.

76. Section 107.13(g) of City of Madison Standard Specifications for Public Works Construction addresses soil compaction near street trees and shall be followed by Contractor. The storage of parked vehicles, construction equipment, building materials, refuse, excavated spoils or dumping of poisonous materials on or around trees and roots within five (5) feet of the tree or within the protection zone is prohibited. Add as a note on the plan set.

Appendix 1: Zoning Criteria

TSS ZONING CRITERIA (Lot 1)

Requirements	Required	Proposed
Front Yard Setback	25' maximum	TBD
Side Yard Setback: where proposed buildings or abutting buildings have window openings in side wall(s) within 6' of lot line	1-story: 5' 2-story or higher: 6'	TBD
Side Yard Setback: other cases	None unless needed for access	TBD
Rear Yard Setback	The lesser of 20% of lot depth or 20'	TBD
Usable Open Space	40 sq. ft./ d.u.	TBD
Maximum Lot Coverage	85%	TBD
Maximum Building Height	3 stories/ 40'	TBD
Side Yard Setback: other cases	None unless needed for access	TBD
Rear Yard Setback	The lesser of 20% of lot depth or 20'	TBD

TE ZONING CRITERIA (Lots 2-4)

Requirements	Required	Proposed
Lot Area (sq. ft.)	6,000 sq. ft.	Lot 2: 50,034 sq. ft. Lot 3: 61,976 sq. ft. Lot 4: 38,253 sq. ft.
Lot Width	50'	>50'
Front Yard Setback	None	TBD
Side Yard Setback: other cases	None unless needed for access	TBD
Rear Yard Setback	Lesser of 20% lot depth or 20'	TBD
Usable Open Space	20 sq. ft./ bedroom	TBD
Maximum Lot Coverage	85%	TBD
Minimum Building Height	22' measured to building cornice	TBD
Maximum Building Height	5 stories/ 68'	TBD

SE ZONING CRITERIA (Lots 5, 6, & Oulot 1)

Requirements	Required	Proposed Lot 5	Proposed Lot 6
Lot Area (sq. ft.)	20,000 sq. ft.	169,207 sq. ft.	238,272 sq. ft.
Lot Width	65'	>65'	>65'
Front Yard Setback	None	Adequate	19.54'
Side Yard Setback	15' or 20% of building height	44.36'	Adequate
Rear Yard Setback	30'	66.49'	Adequate
Maximum Lot Coverage	75%	TBD	TBD
Minimum Building Height	22' measured to building cornice	2 story existing building	2 story existing building
Maximum Building Height	5 stories/ 68'	2 story existing building	2 story existing building

Other Critical Zoning Items	Utility Easements
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