



PREPARED FOR THE PLAN COMMISSION

Project Address: 126 Langdon Street (District 2 – Ald. Heck)
Application Type: Demolition – Final Plan Approval & Conditional Use
Legistar File ID #: [63476](#)
Prepared By: Sydney Prusak, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner & Heather Stouder, AICP, Planning Director

Summary

Applicant: Rodney King; Core Campus Manager, LLC; 1643 N Milwaukee Street; Chicago, IL 60647
Property Owner: 126 Langdon Street, LLC; 120 W Gorham Street; Madison, WI 53703
Contact: Brian Munson; Vandewalle & Associates; 120 E Lakeside Street; Madison, WI 53715

Requested Action: The applicant requests approval of a demolition permit – final plan approval and the following conditional uses: 1) A multi-family dwelling with more than eight (8) dwelling units; 2) Outdoor Recreation (rooftop hot tub and amenity space); and 3) Two additional stories in Area F of the “Additional Heights Area Map” in MGO §28.071(b), all to allow construction of a seven-story, 106-unit apartment building in the Downtown Residential – 2 (DR-2) Zoning District.

Proposal Summary: In 2018, the Plan Commission approved a demolition permit for this property with no proposed future use. At the time of approval, a restrictive covenant was recorded requiring Plan Commission approval of the proposed alternative use of the property prior to issuance of building permits for any new construction. Now, the applicant proposes to construct a seven-story, 147,034-gross-square-foot, 106-unit residential building with 351 beds and 16 underground parking stalls. Standing at five stories along the Langdon Street frontage, the remaining two stories will be step backed approximately 90-feet from the front of the building. There will be a rooftop deck with a hot tub and other outdoor amenities above the fifth floor, with green roof features surrounding that space.

Applicable Regulations & Standards: This proposal is subject to the standards for Demolition Permits [MGO §28.185] and Conditional Uses [MGO §28.183] as MGO §28.072 lists *multi-family dwellings with more than eight (8) units and outdoor recreation* as conditional uses in the Downtown Residential – 2 (DR-2) Zoning District. Furthermore, the applicant requests approval for “bonus stories” within an “Additional Height Area”, which is a conditional use per MGO §28.071(2).

Review Required By: Plan Commission (PC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards for demolition and conditional uses are met and **approve** the demolition and conditional use request to construct a seven-story, 106-unit residential building with outdoor recreation amenities at 126 Langdon Street. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Background Information

Parcel Location: The 30,786-square-foot (0.71-acre) subject site is located on the northwest side of Langdon Street between N Carroll Street and N Henry Street. It is within Aldermanic District 2 (Ald. Heck) and the Madison Municipal School District.

Existing Conditions and Land Use: The subject site is currently vacant. In 2018, the Plan Commission approved a demolition request to raze a seven-story, 61,600-square-foot, 192 bedroom former dormitory with accessory off street parking ([Legistar #49918](#)). The parcel is zoned Downtown Residential – 2 (DR-2).

Surrounding Land Use and Zoning:

- North:** Fraternity/Sorority houses, zoned Downtown Residential – 2 (DR-2);
- East:** Fraternity/Sorority houses and small apartment buildings immediately to the east and across Langdon Street, zoned DR-2.
- South:** Several small apartment buildings across Langdon Street, zoned DR-2; and
- West:** Fraternity/Sorority houses and small apartment buildings, zoned DR-2.

Adopted Land Use Plan: The [Comprehensive Plan \(2018\)](#) recommends Medium Density Residential for the subject site, which is defined as two to five stories and 20-90 dwelling units per acre (du/ac). The [Downtown Plan \(2012\)](#) places this site within the Langdon Neighborhood District, which recommends that the Langdon Neighborhood build on its history as a traditional student neighborhood, and continue to accommodate a limited amount of higher-density residential development on selected sites while maintaining the area’s historic and architectural integrity. Furthermore, the [Downtown Plan \(2012\)](#) includes a portion of the parcel in the “Additional Height Area F”, which allows up to seven stories if select criteria are met.

Zoning Summary: The property is zoned Downtown Residential - 2 (DR-2).

Requirements	Required	Proposed
Lot Area (sq. ft.)	3,000 sq. ft.	30,786 sq. ft.
Lot Width	40 ft.	132 ft.
Front Yard Setback	25 ft.	25 ft.
Side Yard Setback	5 ft.	5 ft.
Rear Yard Setback	20 ft.	20 ft.
Usable Open Space	20 sq. ft. per bedroom = 7,340 sq. ft.	8,312 sq. ft.
Maximum Lot Coverage	80%	75.4%
Minimum Building Height	2 stories	7 stories
Maximum Building Height	7 stories	7 stories

Site Design	Required	Proposed
Number Parking Stalls	No minimum, 220 maximum	16
Accessible Stalls	1	1
Loading	Not required	None
Number Bike Parking Stalls	190	190
Landscaping and Screening	Yes	Yes
Lighting	Yes	Yes

Building Forms	Downtown Design Standards	Yes
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Other Critical Zoning Items	Utility Easements
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Tables Prepared by Jacob Moskowitz, Assistant Zoning Administrator

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

Public Utilities and Services: This property is served by a full range of urban services.

Project History

On April 2, 2018, the Plan Commission approved a demolition request to raze a seven-story dormitory building and accessory parking lot located at this site. At the time of Plan Commission approval, the applicant did not specify a proposed future use.

On May 18, 2020, the Plan Commission reviewed a demolition–final plan approval and conditional use requests to construct a seven-story, 148,514 gross-square-foot, 107-unit apartment building with 376 beds and underground parking with an outdoor rooftop amenity space at 126 Langdon. Project materials and staff comments from that previous application and applicable meetings are available [here](#). At that meeting, the Plan Commission made the following motion and referral to the Urban Design Commission (UDC):

On a motion by Cantrell, seconded by Lemmer, the Plan Commission recommended referral of the conditional uses, to no specific date, pending review by the Urban Design Commission. In making their motion, the Plan Commission stated that Standard #14 can be found met and specifically requested that the Urban Design Commission review the front building facade to provide a massing and rhythm that is more compatible with the front facades of buildings within the area. The Plan Commission also requested that the Urban Design Commission review the site circulation to accommodate all the ways people will use the proposed building, specifically in regards to the loading zone, moped parking, and how delivery and ride share vehicles will use and access the site.

At their July 1, 2020 meeting, on a unanimous vote, the UDC recommended that the Plan Commission not approve the revised façade iteration, but noted that the front façade iteration presented at the February 12, 2020 meeting was approvable. There was consensus that the previous design had acceptable rhythm and massing. See Figure 1.



FIGURE 1 – 2/12/20 Facade Design that was Supported by UDC on 7/1/2020

Furthermore, the UDC recommended that the Plan Commission not approve the site circulation as proposed and requested that the applicant provide better guest and resident bicycle, moped, and vehicle parking, as well as a better design to accommodate their pick-up and drop-off (delivery vehicles). In their discussion on the motion, the UDC noted that the applicant did not have enough information to justify why the proposed site layout works to accommodate all types of users.

Following the July 1, 2020 UDC meeting, the Planning Division did not believe that the applicant substantially altered the proposed building and site circulation in preparation for the July 27, 2020 Plan Commission meeting. However, on balance, staff believed that it still might have been possible for the proposal to meet the applicable approval standards. If the Commission could find the standards met, staff recommended approval of the requests subject to the recommended conditions included in the May 18, 2020 report.

At their July 27, 2020, meeting, the Plan Commission found that the Conditional Use Standards were not met and voted to place the land use request on file without prejudice. In making their motion, the Plan Commission found that the conditional use request did not meet the following standards in MGO §28.183(6)(a):

#1: "The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare;"

#3: "The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner;"

#4: "The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;" and

#9: "When applying the above standards to any new construction of a building or addition to an existing building the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district. In order to find that this standard is met, the Plan Commission may require the applicant to submit plans to the Urban Design Commission for comment and recommendation."

A new application is now before the Plan Commission.

Project Description

On April 2, 2018, the Plan Commission approved a demolition request to raze a seven-story dormitory building and accessory parking lot located at this site. At the time of Plan Commission approval, the applicant did not specify a proposed future use.

The dormitory has since been demolished, and now a new applicant requests approval of a conditional use to construct a seven-story, 147,034-gross-square-foot, 106-unit residential building with 351 beds and 16 underground parking stalls. Standing at five stories along the Langdon Street frontage, the remaining two stories will be step backed approximately 90 feet from the front of the building. Proposed dwelling units range in size from 343 square-feet to 1,631 square-feet, and include 22 studio/micro, 13 two-bedroom, 20 three-bedroom, 38 four-bedroom, and 13 five-bedroom student oriented units. Plans show that two upper-story units on the northwest side of the building will have individual unit balconies, and that one of the ground level units

located on the northwest side of the building will have a sunken terrace, with the rest of the usable open space located on the rooftop amenity space and at ground level. The proposed building contains 3,745 square-feet of indoor amenity space on the first floor, with an additional 705 square-feet dedicated to a lobby area.

Compared to the previous application, which was placed on file, the current proposal includes the following key modifications:

- Incorporated an eight-foot setback above the third floor for a portion of the façade;
- An additional 14-foot setback along the eastern access drive;
- An additional on-site loading area to accommodate two additional ride-share and other curb side delivery vehicles;
- A reduction in dwelling units (107 to 106) and beds (376 to 351); and
- A reduction in underground parking stalls from 20 to 16 due to the 25-foot front yard setback requirement on Langdon Street.

As proposed, there is a 3,515 square-foot rooftop terrace at the sixth-floor, which contains a hot tub (which is considered “outdoor recreation” from a Zoning standpoint). The applicant is proposing a green roof to surround the rooftop terrace to help buffer the space and aid in stormwater management. In terms of how this space will function, the proposed hours of operation for the rooftop patio are 9:00 a.m. to 10:00 p.m. on weekdays and 9:00 a.m. to 11:00 p.m. on weekends. Access to the area will be locked after these hours, and the applicant is proposing video cameras for constant monitoring. According to the submitted management plan, on-call staff will be available to visit the pool deck during closing hours to escort tenants off the rooftop. Furthermore, the proposed tenant lease agreement states that “Glass containers of any type or any other container containing alcohol are not permitted in the Common Areas of the property.” Lastly, the drafted management plan states that each tenant is only allowed one guest at a time on the deck, which will be monitored through wristband and other tenant identifying measures. More detail about the proposed management plan, and recommended changes, are included in the analysis section of this report.

In regards to building placement, the proposed structure will occupy an “L” shaped lot with the widest portion of the building along Langdon Street (approximately 131 feet). As proposed, approximately 97 feet of the building width will be setback 25 feet from the property line, in keeping with the newly adopted Langdon Street front yard setbacks ([Legistar #58009](#)). As proposed, there is an additional eight-foot setback above the third floor for the western portion of the front façade.

The southeast corner of the building will be setback 39 feet from the property line to accommodate an on-site vehicle loading area for ride-share, food delivery, and other service vehicles. There will be a pergola type structure above this area for shielding and screening purposes. In comparison, the previous proposal that was placed on file had a consistent 25-foot setback for the entire width of the Langdon Street façade, with an additional nine-foot setback at the front entryway.

The seven-story portion of the building begins 115 feet from the property line, where the lot extends into the arm of “L.” While building height is measured from the primary street (Langdon), given that the existing grade slopes down towards Lake Mendota, the building will have nine exposed stories from the lakeside perspective. However, from a Zoning standpoint, the building is considered a seven story structure and would comply with Zoning should the conditional use be granted. Vehicular access to the site is provided off the shared alley to the east. That existing alley will also serve as the building’s fire lane.

The applicant is providing two on-site loading areas, which are available to rideshare pickup/drop-off, food delivery, and other curbside services. In addition to the southeast loading area, the driveway area on the west side of the building will also accommodate short-term loading. This loading area will be used for trash and recycling pick-up, but the applicant anticipates that service will only occur for once a day.

As for the building colors and materials, the building will be primarily clad in red and white brick, with metal accents and trim.

Project Analysis and Conclusion

This proposal is subject to the standards for Demolition Permits [MGO §28.185] and Conditional Uses [MGO §28.183] as MGO §28.072 lists *multi-family dwellings with more than eight (8) units and outdoor recreation* as conditional uses in the Downtown Residential – 2 (DR-2) Zoning District. Furthermore, the applicant requests approval for “bonus stories” within an “Additional Height Area,” which is a conditional use per MGO §28.071(2).

Conformance with Adopted Plans

The [Comprehensive Plan \(2018\)](#) recommends Medium Residential (MR) uses for the subject site, which is classified as two to five stories and between 20 to 90 dwelling units per acre (du/ac). According to the adopted plan, “MR areas may include a variety of relatively intense housing types, including rowhouses, small multi-family buildings, and large multi-family buildings. MR areas should be interconnected with surrounding development as part of a complete neighborhood and should be transit oriented. MR can provide both rental and owner occupied housing, and ideally provides options for people of all ages who wish to live within a neighborhood. Special attention must be paid to the design within MR areas where the uses adjoin less intense residential development – architectural features such as stepbacks may be needed to transition MR development to less intense surrounding development.” Staff notes that all of the surrounding properties are also recommended for MR.

More detailed recommendations are included in the [Downtown Plan \(2012\)](#). The subject site is within the Langdon Neighborhood, which according to the Plan is “well situated to continue as a predominately student neighborhood. It is one of the most densely developed areas of the city, but can accommodate a limited amount of higher-density residential development on selected sites while preserving the historic and architectural heritage of the area. New development must enhance the essential character of the neighborhood and not diminish views of the lake.” Objective 4.9 and supporting recommendations 94-97 pertain specifically to the subject area. An excerpt from that Plan is included in the Plan Commission materials.

Additionally, staff identifies three related recommendations related to the redevelopment of this site. The first is a recommendation for potential redevelopment/infill on a portion of the subject parcel, which is called out as an “underutilized site and/or obsolete building” on page 25 of the Plan. The subject parcel is also located within a bonus story mapped area. According to the [Downtown Plan \(2012\)](#) a portion of the site is in Area F, which allows for buildings up to seven stories (five + two bonus stories) if specific criteria is met. Third, the plan also identifies the site as an “Existing Out-of-Context Building,” with the plan acknowledging that “Several of these buildings are taller than what is proposed for their area in this plan. In order to encourage redevelopment of these sites with new buildings that would enhance the area, it is proposed that new replacement building be allowed to be built to a similar height, density or volume of the existing building provided that superior architectural design is required. Although the new building could be taller or larger than other buildings allowed in the area, replacing these less attractive, out of context structures with better designs

would benefit the neighborhood in which they are located and the Downtown overall.” Consideration of these standards is discussed with the Conditional Use Standards below.

While not an official adopted plan or policy, staff notes that in 2018 the City hired Preserve, LLC to conduct a [Langdon Neighborhood Character Study](#). Recommendations related to future development include: 1) Develop design guideline as part of a local district to guide and inform new development sensitive to neighborhood character; and 2) Outline the process to create the Langdon Street Local Historic District (p. 33). Neither of these recommendations have been implemented since the report was issued.

The Planning Division believes that this proposal generally conforms to the adopted Plan recommendations. In terms of unit density, this proposal will have approximately 149 du/ac (down from 151 du/ac in the previous application that was placed on file). As a comparison, the dormitory-style apartment building that formerly occupied the site included 192 bedrooms. While this density exceeds the general range recommended for Medium Density Residential areas, staff believes there is policy guidance supporting additional density here based on the more specific guidance in the Downtown Plan, which includes support for a “limited amount of higher-density residential development on selected sites while maintaining the area’s historic and architectural integrity.”

Demolition Standards

This demolition permit request is a follow-up to a previously approved demolition permit at 126 Langdon Street to demolish a 61,000-square-foot, seven-story former dormitory ([Legistar #49918](#)). That approval was granted by the Plan Commission at their April 2, 2018 meeting. At that time, the property owner (a different party from the current applicant) did not include a proposed future use with the submittal materials. As a result, the Planning Division added the following condition of approval:

1. As a future use was not presented at the time of application, the Plan Commission requires that the alternative future use be approved by the Plan Commission prior to the issuance of permits as allowed under Section 28.175(8)(a) MGO. The property owner shall execute a restrictive covenant prior to issuance of the demolition permit, which requires Plan Commission approval of the proposed alternative use of the property prior to issuance of building permits for any new construction. The standards for approval of the proposed alternative use shall be those in contained in Section 28.185 of the Zoning Ordinance. The form of the restrictive covenant shall be approved by the Planning Division and City Attorney’s Office.

In order to approve a demolition request, MGO §28.185(7) states that the Plan Commission must find that the requested demolition and proposed use are compatible with the purpose of the demolition section and the intent and purpose of the DR-2 Zoning District. A copy of the DR-2 Statement of Purpose is included in the Plan Commission materials. The demolition standards state that the Plan Commission shall consider and may give decisive weight to any relevant facts including impacts on the normal and orderly development of surrounding properties and the reasonableness of efforts to relocate the building. Furthermore, the proposal should be compatible with adopted plans. Finally, the demolition standards state that the Plan Commission shall consider the report of the City’s Historic Preservation Planner regarding the historic value of the property as well as any report submitted by the Landmarks Commission.

As the former building was razed and the site is currently vacant, the Plan Commission can only apply these standards to the proposed use. Staff believes that this proposal can be found consistent with the [Comprehensive Plan \(2018\)](#) and [Downtown Plan \(2012\)](#), as discussed above.

Conditional Use Standards

The Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, and finding that all of the conditional use standards of MGO §28.183(6) are met. Please note, recent changes to state law requires that conditional use findings must be based on "substantial evidence" that directly pertains to each standard and not based on personal preference or speculation.

As previously stated, the applicant is seeking approval of three conditional uses: 1) *multi-family dwellings with more than eight (8) units*; 2) *outdoor recreation* (rooftop hot tub and amenity space); and 3) two bonus stories within Additional Height Area F per MGO §28.071(2). In regards to the Conditional Use Approval Standards, staff believes that it is possible for the Plan Commission to find them met. Given that the two bonus stories are key aspects of this proposal, this analysis begins with Conditional Use Standard #14 relating to excess height. While Standard #15 also relates to excess height in the downtown, it does not apply in this situation because the subject parcel is located within a mapped and codified Additional Height Area.

Conditional Use Standard #14 states that the Plan Commission shall consider the recommendations in adopted plans, and no application for excess height shall be granted by the Plan Commission unless it finds that all of the following conditions are present (Standard 14 c and d are not applicable to this proposal):

- a. The excess height is compatible with the existing or planned (if the Downtown Plan call for changes) character of the surrounding area, including but not limited to the scale, mass, rhythm, and setbacks of buildings and relationships to street frontages and public spaces.
- b. The excess height allows for a demonstrated higher quality building than could be achieved without the additional stories.

Additional Height Area F allows for a building of up to five stories, with an additional two stories if the above conditions are found met. As the Downtown Height Map reads, the bonus height area begins roughly halfway into the subject parcel off of Langdon Street. Staff notes that per MGO §28.134(1)(d), building height is measured from the adjacent street (Langdon). Therefore, while the building will read as nine stories from the lakeside perspective, it is still considered a five plus two-story building by Zoning. The applicant submitted written justification for the additional two stories, which is included in the Plan Commission meeting materials.

In regards to Standard 14(b), the standards require that the Plan Commission consider whether that the excess height allows for a demonstrated higher quality building than could be achieved without the additional stories. The applicant justified one of the reasons for additional height as a way to cover the cost of an all masonry building.

This project went before the Urban Design Commission (UDC) for two information presentations on October 30, 2019, and December 11, 2019. On the request of the District Alder (Ald. Heck), this proposal went before the Urban Design Commission on February 12, 2020 for a final advisory recommendation to the Plan Commission for the additional two bonus stories ([Legistar #57757](#)). At that meeting, the UDC unanimously voted to recommend to the Plan Commission that this project did not meet the standards for bonus stories as designed, and that the Plan Commission not approve this request. The official action motion stated: "It is the recommendation that the UDC does not recommend this as designed. While the design team worked hard, the excess height does not demonstrate a higher quality building with bonus stories. It does not meet criteria item (b). The other condition, based on the Downtown Height Map, seem reasonable to design a building with more

than eight units.” Notes from that meeting are available [under the City's Legislative File Center](#). Staff notes that this recommendation is advisory, and that the Plan Commission will ultimately have to make the finding if this proposal meets the bonus story criteria.

As discussed in the project history section of this report, at the May 18, 2020 meeting, the Plan Commission voted to refer this item to the UDC for additional review and comment. In making their motion, the Plan Commission specifically stated that Standard #14 could be found met, despite UDC’s previous advisory recommendation.

The Planning Division notes that Approval Standard #9 must also be considered for this request. Standard #9 states, “When applying the above standards to any new construction of a building or addition to an existing building the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district. In order to find that this standard is met, the Plan Commission may require the applicant to submit plans to the Urban Design Commission for comment and recommendation.”

In regards to Standard #9, this proposal conforms to the newly adopted Langdon Street Setbacks at predominately 25 feet, which is in keeping with surrounding properties ([Legistar #58009](#)). Staff also notes that the building site is bordered by alleyways on both sides off of Langdon, which helps provide a buffer and some relief to adjacent buildings. In regards to rhythm, staff acknowledges that this will be the widest building on the Langdon Street block face. Staff utilized the City’s GIS to estimate the average building width for the 100 block of Langdon (north side). Building widths range from 40 to 89 feet, with a median of 50 feet. The proposed building will be the widest, but when accounting for the area of the building that will have the two additional bonus stories, the width is approximately 65 feet. Staff also notes that the building will also be the deepest on the block, but is only five feet deeper than the former building on site (225 feet compared to 220 feet).

Below are images of the proposal placed on file (Figure 2) and the current proposal before the Plan Commission (Figure 3).



FIGURE 2 – PROPOSAL PLACED ON FILE WITHOUT COMMISSION (2/22/20)



FIGURE 3 – CURRENT PROPOSAL BEFORE THE PLAN PREJUDICE BY THE PLAN COMMISSION (7/27/20)

Notable changes between the proposals include:

1. Incorporated an eight-foot setback above the third floor for a portion of the façade;
2. An additional 14-foot setback along the eastern access drive;
3. An additional on-site loading area to accommodate two additional ride-share and other curb side delivery vehicles;
4. A reduction in dwelling units (107 to 106) and beds (376 to 351); and
5. A reduction in underground parking stalls from 20 to 16 due to the 25-foot front yard setback requirement on Langdon Street.

Approval Standard #4 states that, “The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.” Staff notes that the size of this building is proportional to the size of the lot, meeting all the Zoning setback requirements for the DR-2 District. While a slight lot line adjustment was made off of the northwest corner lot line to conform to the rear yard setbacks, the integrity of the lot is almost identical to the lot that held the former dormitory and accessory parking lot. Unlike many projects that the Plan Commission reviews, the applicant did not have to combine lots to make this project feasible. While there is a historic underlying lot line on the lot, which will be dissolved via Certified Survey Map (CSM), currently the property functions as one parcel and one address. While it is undeniably the largest building on that block of Langdon, it also will be built on the largest parcel on the block. This lot is larger than the lot created for the Waterfront development at N Henry Street and Iota Court (25,255-square-feet), and is larger than the deep flag lot for the Kappa Sigma Fraternity House (27,664-square-feet). Given this balance of lot size to lot coverage, the Planning Division believes that the proposed building is part of and will not preclude further normal and orderly development in this area.

In regards to the conditional use request for outdoor recreation, the Planning Division believes that on-site management of the rooftop terrace is critical. Standard #3 states that, “The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner.” Staff acknowledges the concerns regarding the rooftop terrace with a large hot tub and the potential impacts on surrounding properties. In order for this standard to be found met, staff recommends that the management plan for the proposed building be approved by Planning, Zoning, and Police as part of final sign-off. The final management plan shall address the hours of the rooftop terrace, noise and light controls, sub-leasing terms, on-site security, and disciplinary actions for bad tenant behavior and general misconduct. More specifically, the Planning Division needs more information on what “on-call” means and how that service functions. This management plan will be enforced by Zoning and if the applicant fails to follow the terms of the management plan or complaints arise, the applicant may have to return to the Plan Commission for additional conditions or possible revocation of the conditional use for outdoor recreation.

Given the proposed rules and recommended conditions for the final management plan to be approved by Planning, Zoning, and Police staff, the Planning Division believes that it is possible for the Plan Commission to find Standard #3 met. Staff anticipates that the proposed step back for the amenity space will prevent tenants from throwing items off the balcony and conversing with pedestrians at ground level. Further, while a stipulation of the lease and not the proposed management plan, the Planning Division believes that the no alcohol in common areas clause should discourage alcohol consumption on the deck. Staff notes that the submitted management plan and

lease agreement does not address outdoor music or amplified sound on the rooftop terrace. As a condition of approval, the Planning Division recommends that no outdoor amplified sound (from music, televisions, etc.) or live musical performance shall be allowed on the rooftop terrace. This condition shall apply to sound from the building/management and sound from tenants and guests.

Furthermore, Approval Standard #5 states, "Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit and other necessary site improvements have been or are being provided." The neighborhood steering committee, specifically adjacent neighbors, raised issues related to loading on Langdon Street due to the growth of ride sharing, food delivery, and next day shipping. As this proposal will add up to 351 people to the area, there is concern about the increase of idling vehicles near the site, whether it be an Uber/Lyft or a pizza delivery. The applicant is now providing four off-site loading spots for these types of vehicles to help address these concerns (compared to two spots in the previous proposal). Staff notes that no loading zone is required for this type of development and that Traffic Engineering is not recommending any additional loading on site. No study regarding ride share/delivery and its prevalence in student-oriented neighborhoods has been initiated or currently planned. The Planning Division does not believe that the concern over vehicle loading in the neighborhood should be tied to this individual project.

Page A35 of the submitted plan set includes a "Ground Site Circulation Plan", which demonstrates how the site will be accessed by pedestrians, cars, bikes, and mopeds. Staff notes the addition of a pedestrian sidewalk around the western portion of the building, which will be available for public use. If approved, staff recommends a condition of approval requiring a written loading and delivery plan be submitted for approval as part of sign-off. This plan shall address how the dedicated loading driveway will function and the enforcement of loading policies.

Lastly, staff notes that the applicant is providing 16 underground vehicle parking spots for the 106-unit, 351 bed development. The previous proposal had 20 underground vehicle parking spots for 107 units and 376 beds. The reduction in stalls was necessitated by the 25-foot front yard setback along Langdon Street. Even though the stalls are located underground, per the Zoning Code, vehicle parking is not allowed to project into the front yard setback. With the four-stall reduction, when comparing the number of beds to the number of vehicle stalls in the proposed development, the revised proposal has slightly higher percentage of beds per stalls (21.9 compared 18.8). Staff notes that there is no minimum parking requirement in the DR-2 Zoning District and while the Planning Division acknowledges that this ratio is lower than other residential developments downtown, it is in keeping with other student-oriented housing.

Supplemental Regulations

MGO §28.151(a) contains further regulations for outdoor recreation. Staff believes that all of the supplemental regulations for the requested use can be found met. The most applicable regulation for this proposal is (c) which states, "The site shall be designed in such a way as to minimize the effects of lighting and noise on surrounding properties. Hours of operation may be restricted and noise and lighting limits imposed as part of the conditional use approval." The Planning Division supports the proposed hours of operation for the rooftop terrace as 9:00 a.m. to 10:00 p.m. on weekdays and 9:00 a.m. to 11:00 p.m. on weekends. If approved, the Plan Commission retains continuing jurisdiction, meaning that if complaints arise the Commission could require more limited hours. In terms of sound, the Planning Division recommends a condition limiting outdoor music to help mitigate effects on surrounding properties. While tenants may still bring their own sound amplification systems on the terrace, adding this condition of approval gives Zoning the authority to enforce this requirement.

Public Input

At the time of report writing, the Planning Division did not receive new public comments for this revised land use request. During the pre-application phase and submittal period, a new steering committee formed to discuss the project and provide input to the applicant, City staff, and ultimately the Plan Commission. Staff did not receive an official steering committee report for the revised proposal at the time of report writing, but once it is received it will be uploaded to the Legislative File. All comments will be available on the City's Legislative Center website and [linked here](#).

Conclusion

Similar to the previous land use request for this site, the proposed development represents a prominent infill development, replacing a large student-oriented housing development demolished in 2018. Staff believes that careful consideration should be given to the approval standards, especially Conditional Use Standards #3, #4, #5, #9, and #14. As previously mentioned, this project is located in both a potential redevelopment/infill site and an "Additional Height Area." In considering the standards related to the two requested "bonus stories," staff notes that at their July 27, 2020 meeting, the Plan Commission found that Approval Standard #14 could be met.

On balance, staff believes that the applicable approval standards can be found met with this proposal. As described in this report, the proposed height and bonus stories were contemplated in the Downtown Plan and subsequent drafting of the Zoning Code for this site. Additionally, the current proposal incorporates additional building setbacks, stepbacks, and loading areas compared to the previous request. Therefore, staff believes that Standards #1, #3, #4, and #9, which were cited in placing the previous proposal on file, can be found met with this revised request. Relating primarily to the outdoor recreation component, if approved, the Plan Commission retains continuing jurisdiction, meaning that should complaints arise the Commission could take further action, requiring additional conditions or possible revocation of the conditional use should it find the approval standards cannot be met.

Should the Commission find the applicable standards met, staff's recommendation is to approve the requests subject to the below recommended conditions. In the event that the Commission is not able to find the standards are met, the Plan Commission shall specify its findings of fact and list the standard(s) that have not been met and the reasons such standard(s) were not met. Please note, recent changes to state law requires that conditional use findings must be based on "substantial evidence" that directly pertains to each standard and not based on personal preference or speculation.

Recommendation

Planning Division Recommendation (Contact Sydney Prusak, sprusak@cityofmadison.com)

The Planning Division recommends that the Plan Commission find that the standards for demolition and conditional uses are met and **approve** the demolition and conditional use request to construct a seven-story, 106-unit residential building with outdoor recreation amenities at 126 Langdon Street. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

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

Planning Division (Contact Sydney Prusak, sprusak@cityofmadison.com)

1. The applicant shall submit a written commercial delivery and rideshare management plan to be approved by Planning, Zoning, and Traffic Engineering staff. This will include all delivery vehicles for food, merchandise, rideshare vehicles, etc.
2. No HVAC "wall-pack" penetrations/louvers shall be as depicted on submitted plans. Unless specifically approved by the Plan Commission, the addition of wall packs (or similar louvres) on outward-facing walls is not included in this approval and will require approval of an alteration to this Planned Development should they be proposed at a later time.
3. The hours of operation for rooftop pool terrace shall be 9:00 a.m. to 10:00 p.m. Sunday through Thursday and 9:00 a.m. to 11:00 p.m. on Friday and Saturday.
4. No outdoor amplified sound (from music, televisions, etc.) or live musical performance shall be allowed on the rooftop terrace. This condition shall apply to sound from the building/management and sound from tenants and guests.
5. The applicant shall submit a detailed management plan for the property to be approved by Planning, Zoning, and Police Staff in consultation with the District Alder. The final management plan shall address the hours of the rooftop terrace, noise and light controls, sub-leasing terms, on-site security, camera and video policies, and disciplinary actions for bad tenant behavior and general misconduct. More specifically, the Planning Division needs more information on what "on-call" means and how that service functions. The days and hours of operation when building management will be on site shall be included.
6. The applicant shall submit a move-in/move-out plan to be approved by Planning, Zoning, and Traffic Engineering staff in consultation with the District Alder.

Engineering Division (Contact Tim Troester, (608) 267-1995)

7. The City has limited sanitary sewer capacity in downtown area. Applicant shall install measures to limit pool discharge rates to 100 gpm.
8. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Stormwater Management Permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.

The Storm Water Management Plan & Report shall include compliance with the following:

Report: Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.

Electronic Data Files: Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic

modeling or data files. If calculations are done by hand or are not available electronically, the hand copies or printed output shall be scanned to a PDF file and provided to City Engineering. (POLICY and MGO 37.09(2))

TSS Redevelopment with TMDL: Reduce TSS by 80% off of the proposed development when compared with the existing site.

Peak Flow and Volume Control: Provide onsite volumetric control reducing the post construction volumetric discharge by 5% compared to existing conditions during a 10 year event and reduce the peak discharge from the site by 15% compared to existing conditions during a 10 year storm event.

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.

9. This site drains across private property to the lake. The applicant shall show that they have obtained the right to discharge across private property or shall be discharged to the Langdon Street ROW.
10. 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)
11. Construct sidewalk, terrace, curb & gutter and asphalt to a plan as approved by City Engineer.
12. 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))
13. 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. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO 10.05(6)), MGO 35.02(4)(c)(2)), and MGO 37.05(7))
14. Obtain a permanent sewer plug permit for each existing sanitary sewer lateral serving a property that is not to be reused and a temporary sewer plug permit for each sewer lateral that is to be reused by the development. The procedures and fee schedule is available online at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
15. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
16. 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.
17. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.

18. This site appears to disturb less than one (1) acre of land. No submittal to the WDNR, CARPC or Department of Safety and Professional Services (DSPS) is required as the City of Madison Building Inspection Department is an approved agent for DSPS.
19. 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)
20. 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)
21. Revise plan to show the location of all rain gutter down spout discharge locations. (POLICY)
22. Revise plan set to show more information on proposed drainage for the site. Use either spot elevations and drainage arrows or proposed contours to show the required drainage information. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement. (POLICY)
23. 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. This standard is not intended to be protective in all cases. The Developer is strongly encouraged to complete their own engineering analysis to determine and meet a protective elevation which they are comfortable with. In no case shall the protective elevation be set below the minimum threshold determined by City Engineering.
24. Provide additional detail how the enclosed depression(s) created by the parking entrance(s) to the below building parking area(s) is/are served for drainage purposes. The building must be protected from receiving runoff up through the 100-yr design storm that is current in Madison General Ordinance Chapter 37. If the enclosed depression(s) is/are to be served by a gravity system provide calculations stamped by a Wisconsin P.E. that show inlet and pipe capacities meet this requirement. If the enclosed depression(s) is/are to be served by a pump system provide pump sizing calculations stamped by a Wisconsin P.E. or licensed Plumber that show this requirement has been met.
25. 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.
26. 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.

27. 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.
28. 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 tstroester@cityofmadison.com (West).

Engineering Division - Mapping (Contact Jeffrey Quamme, (608) 266-4097)

29. This site is subject to a private roadway and private utility easement through the center of this site for the benefit of 130 Langdon St per Doc Nos 492580 and amended by 1083622. This easement shall be released and a new recorded easement(s) provided that provides access and gas and water services currently within the existing easement. A draft(s) shall be provided for review and subsequently recorded prior to final site plan signoff.
30. This development site is dependent on lands at 124 and 130 Langdon St for overland and subsurface storm water drainage. A private Storm Sewer/Drainage Easement/Agreement adequate to address all drainage discharged onto adjacent lands shall be drafted, executed and recorded after the required CSM has been recorded and prior to building permit issuance.
31. The proposed new building crosses an underlying platted lot line and the new plan proposes a lot line adjustment between this parcel and the parcel at 142 Langdon. As discussed at the Developer Assistance Meeting, prepare a Certified Survey Map (CSM) and submit to the Planning Unit to dissolve underlying lot lines to comply with fire codes, City Ordinances and City Policies. The CSM shall be approved by the City, recorded with the Dane County Register of Deeds and new Tax Parcel information available prior to issuance of a building permit or early start permit.
32. Grant a Public Water Main Easement(s) to the City on the face of the required Certified Survey Map Plat along the southwesterly side of this property where public water main crosses or is in close proximity to the property line. The easement shall have an adequate width as required by the Madison Water Utility. The easement will contain, at a minimum, the following additional conditions.
 - a) No above-ground 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. (Optional: pavement and/or

concrete for driveway 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. Contact Jeff Quamme of Engineering Mapping (jrquamme@cityofmadison.com, 608-266-4097) for the final required easement language.

33. The Driveway and Parking Easement Agreement per Doc No 4297212 shall be amended / replaced to address the proposed new conditions of access and parking proposed per this site plan. The amended / new agreement

(s) shall also address the access required for the 130 Langdon property that the new building will displace.

34. Provide the recorded copy of the amended / new private gas service easement over this property serving 130 Langdon St. The easement shall be recorded after the required Certified Survey Map to allow reference to the new lot.

35. As also required by the Madison Water Utility, provide the recorded copy of the amended / new private water service easement over this property serving 130 Langdon St. The easement shall be recorded after the required Certified Survey Map to allow reference to the new lot.

36. Provide a copy of the MG&E utility easement release per Doc No 451458.

37. There is a private storm sewer easement per Doc No 1083622 that benefits this site over the 130 Langdon Street Property toward Lake Mendota. A storm sewer from this property using this easement has not been shown on the site plan.

Applicant shall confirm whether a pipe exists and show and note it accordingly.

38. The address of 126 Langdon St was retired with the demolition of the prior building. The new proposed building address is 128 Langdon St. The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.

39. The apartment numbers on the planset are not valid. They do not conform with current addressing standards. Submit a site plan and 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.

40. 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 Molloy, (608) 266-5987)

41. Parking deck is insufficiently labeled/dimensioned for a proper review. If the parking does not meet MGO 10.08 the applicant can expect to be required to make major alteration which may or may not impact structural elements of this site.
42. 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.
43. 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.
44. 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.
45. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
46. Note: Concerns have been brought to Traffic Engineering regarding the high usage of food delivery and rideshare in the area. This site has the potential to contribute to the food delivery and rideshare congestion in the area due to limited on-site loading, for which Traffic Engineering has few solutions. The applicant has provided four on-site parking stalls for this use, in Traffic Engineering's opinion, these stalls will be sufficient for the needs of this site.
47. The applicant(s) shall maintain a 5 foot wide, Americans with Disabilities Act (ADA) compliant, pedestrian walkway for the duration of the project on all street frontages classified as a collector or higher. The applicant shall also maintain a 5 foot wide bicycle lane for the duration of the project on all street frontages with existing bicycle facilities. Exceptions to this requirement may be granted by Traffic Engineering on a limited term basis if and when the applicant can show a public safety concern and they also provide a clear date when the pedestrian/bicycle facilities are to be restored. All closures shall be designed by the applicant, in accordance with the Manual on Uniform Traffic Control Devices (MUTCD), to be submitted and approved by Traffic Engineering.
48. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
49. Per Section MGO 12.138 (14), this project is not eligible for residential parking permits. It is recommended that this prohibition be noted in the leases for the residential units.
50. The applicant shall provide a clearly defined 5' walkway clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired. Obstructions include but are

not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.

51. The applicant shall remove all reference to private interest amenities in the public Right-of-Way as they are not approvable through the Site Plan Review process. The applicant shall be allowed to add an additional page clearly marked 'for informational purposes only, not for construction, if approved the final configuration may be altered from what is shown.' If the applicant would like to pursue installation of amenities in the public Right-of- Way they shall apply for an encroachment agreement through City Real Estate which shall be routed for approval to all required agencies.
52. 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.
53. Items in the Right-of-Way are not approvable though site plan approval, work with City Real Estate to start the 'Privilege in Streets' process to obtain an Encroachment Agreement for items in the Right-of-Way (bicycle racks, planters, etc.)
54. The driveway slope to the underground parking is not identified in the plan set, Traffic Engineering recommends driveway slope under 10%; if the slope is to exceed 10%, the applicant shall demonstrate inclement weather mitigation techniques to provide safe ingress/egress to be approved by the City Traffic Engineer.
55. "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.
56. Dimensions of the driveways shall be noted on the plan including the width of driveway and width of driveway flares or curb cut.
57. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
58. Applicant shall submit for review a waste removal plan. This shall include vehicular turning movements.
59. Applicant shall submit for review a residential moving plan. This plan will include all parking regulations near the site as well as how a new resident may apply to receive city issued No Parking signs and Meter Hoods.
60. 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 Langdon Street 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.
61. The applicant shall adhere to all vision triangle requirements as set in MGO 27.05 (No visual obstructions

between the heights of 30 inches and 10 feet at a distance of 25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO 27.05(2)(bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.

Zoning Administrator (Contact Jacob Moskowitz, (608) 266-4650)

62. Outdoor recreation must comply with all supplemental regulations in Sec. 28.151, including: The site shall be designed in such a way as to minimize the effects of lighting and noise on surrounding properties. Hours of operation may be restricted and noise and lighting limits imposed as part of the conditional use approval.
63. Per Sec. 28.129, bird-safe glass will be required. Provide detailed elevations for final sign-off showing treatment of windows in compliance with Sec. 28.129.

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

64. Fire Access in accordance with MGO 34 shall be provided. The private street on the westside of this parcel is not a compliant fire lane and needs to be widened in order to be considered for new construction. The fire lane shown on the eastside of this site meets the 20-ft fire lane minimum width but is short for aerial access consideration; however, MFD will consider the 24-ft width as it significantly improves access to the existing neighboring structures provided other means to offset the need for aerial access is incorporated into the building design.
65. MFD still has questions regarding the exit stair discharges. Floor plans show on the various documents are not consistent which add to the confusion on the intent of the proposed exiting plan.

Parks Division (Contact Sarah Lerner, (608) 261-4281)

66. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the Central Park-Infrastructure Impact Fee district. Please reference ID# 17145 when contacting Parks about this project.

Forestry (Contact Brad Hofmann, (608) 267-4908)

67. 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.
68. 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.

69. Additional street trees are needed for this project. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction - All street tree planting locations and tree species within the right of way shall be determined by City Forestry. A landscape plan (in PDF format) shall be submitted City Forestry for approval of planting locations and tree species. All available street tree planting locations shall be planted within the project boundaries. Add following note to plan: At least one week prior to street tree planting, Contractor shall contact City Forestry at (608) 266-4816 to schedule inspection and approval of nursery tree stock and review planting specifications with the landscaper.
70. 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 atleast 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.
71. Street tree pruning shall be coordinated with Madison Forestry at a minimum of two weeks prior to the start of construction for this project. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on the plan set.
72. 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.
73. All proposed street tree removals within the right of way shall be reviewed by City Forestry before the Plan Commission meeting. Street tree removals require approval and a tree removal permit issued by City Forestry. Any street tree removals requested after the development plan is approved by the Plan Commission or the Board of Public Works and City Forestry will require a minimum of a 72-hour review period which shall includethe notification of the Alderperson within who's district is affected by the street tree removal(s) prior to a treeremoval permit being issued. Add as a note on the plan set.
74. 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), andspecies of existing street trees. The inventory should also note if a street tree is proposed to be removed andthe reason for removal.
75. City Forestry will issue a street tree removal permit for 14" Ash tree due to driveway installation. Add as a noteon the plan set.

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

76. A single water service cannot serve two separate parcels. Two separate services will have to be run from

the public main to serve 126 Langdon and 130 Langdon. An ownership agreement between 126 & 130 Langdon will have to be in place prior to installation.

77. Provide to Madison Water Utility how 130 Langdon intends to have continuous water service during construction of the proposed building at 126 Langdon.
78. 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.
79. 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.