



Report to the Plan Commission

September 19, 2011

Legistar I.D. #23749, 23763 & 23765

5063-5119 University Avenue

& 702 N. Whitney Way

PUD Rezoning | Demolition Permit | Subdivision

Report Prepared By:

Timothy M. Parks, Planner

Planning Division

Requested Actions:

- Approval of a request to rezone 5063-5119 University Avenue and 702 N. Whitney Way from C3 (Highway Commercial District) to Planned Unit Development-General Development Plan (PUD-GDP) to guide redevelopment of the site as a mixed-use/ employment development, and Planned Unit Development-General Development Plan-Specific Implementation Plan (PUD-GDP-SIP) to allow construction of a 60,000 square-foot medical office building on a 3.75-acre parcel in the first phase;
- Approval of a demolition permit to allow 11 existing commercial buildings to be demolished as part of the proposed redevelopment, and;
- Approval of the preliminary plat and final plat of University Crossing, creating 7 lots for the future development and 1 outlots for public stormwater management.

Applicable Regulations & Standards: Section 28.12(9) provides the process for zoning map amendments; Section 28.07(6) of the Zoning Ordinance provides the requirements and framework for Planned Unit Developments; Section 28.12(12) provides the guidelines and regulations for the approval of demolition permits. The subdivision process is outlined in Section 16.23(5)(b) of the Subdivision Regulations.

Summary Recommendation: The Planning Division recommends that the Plan Commission recommend **approval** of Zoning Map Amendment ID 3556 and 3557, rezoning 5063-5117 University Avenue and 702 N. Whitney Way from C3 to PUD-GDP and PUD-GDP-SIP, and the University Crossing subdivision to the Common Council, and; **approve** the demolition of the 11 existing buildings on the subject site, all subject to input at the public hearing and the conditions from reviewing agencies beginning on page 14 of this report.

Background Information

Applicant: Paul Lenhart, The Lenhart Company; 2020 Eastwood Drive; Madison.

Property Owner: Erdman Real Estate Holdings, LLC, Erdman Future, LLC and University Avenue Properties, LLC; 6720 Frank Lloyd Wright Avenue; Middleton.

Agent: Doug Hursh, Potter Lawson, Inc.; 15 Ellis Potter Court; Madison.

Surveyor: Wayne Barsness, D'Onofrio Kottke & Associates; 7530 Westward Way; Madison.

Proposal: The applicant is requesting approval of a rezoning of the site to Planned Unit Development-General Development Plan (PUD-GDP) zoning to allow the future construction of approximately 488,200 gross square feet of employment, retail, and hospitality uses, up to 65 residential units, and 1,360 to 1,460 parking spaces following the demolition of 11 existing commercial buildings located throughout the subject site. In addition, the applicant is requesting Planned Unit Development-Specific

Implementation Plan (PUD-SIP) zoning to allow the construction of a three-story, 60,000 square-foot medical office building on an approximately 3.75-acre parcel located on the western half of the project's University Avenue frontage.

The existing five-story, 90,000 square-foot Wisconsin Public Service Commission (PSC) Building located adjacent to the southeastern corner of the subject site will remain and is not part of the proposed planned unit development or subdivision.

Demolition of the existing buildings, grading of the site, installation of subdivision improvements and construction of the first phase medical office building will begin this fall, with completion of the first building scheduled for January 2013. Implementation of the remainder of the planned unit development is intended to occur over the next 5 years following approval of specific implementation plans for individual projects.

Parcel Location: Approximately 14.3 acres located at the southwestern corner of University Avenue and N. Whitney Way; Urban Design District 6; Aldermanic District 19 (Clear); Madison Metropolitan School District.

Existing Conditions: The subject site is developed with approximately 11 commercial buildings, including the former Merrill Springs Inn, former Marshall Erdman & Associates office buildings, a vacant restaurant, a vacant convenience store for a previously demolished gas station, and a series of warehousing and storage buildings. Much of the site is otherwise predominated by surface parking to serve these buildings. The entire site is zoned C3 (Highway Commercial District).

Surrounding Land Use and Zoning:

North: Single-family residences in the Spring Harbor neighborhood and Water Utility Well 14, zoned R1 (Single-Family Residence District);

South: Wisconsin Public Service Commission Building, zoned C3 (Highway Commercial District); Wisconsin Southern Railroad right of way and Old Middleton Road; Knupp & Watson & Wallman Advertising, zoned C2 (General Commercial District); single-family residences, zoned R2 (Single-Family Residence District); two-family residences, zoned R3 (Single- and Two-Family Residence District) and PUD-SIP;

West: Trillium Homes, zoned R4 (General Residence District);

East: Multi-tenant commercial development, zoned C3.

Adopted Land Use Plan: The Comprehensive Plan identifies most of the site for future Employment development with the exception of the N. Whitney Way frontage, which is recommended for Community Mixed-Use development. In addition, the Comprehensive Plan identifies the Old Middleton Road and N. Whitney Way intersection for future transit-oriented development.

The subject site is also located within the boundaries of the Spring Harbor Neighborhood Plan, which includes land use recommendations that largely follow the Comprehensive Plan recommendations for the property but also include a recommendation that the neighborhood mixed-use development recommendation along N. Whitney Way be amplified to the community mixed-use development designation, which typically connotes a more intensive development form and mix of uses. The Spring

Harbor Neighborhood Plan also includes myriad design recommendations for new development and the University Avenue corridor.

Environmental Corridor Status: This property is not located within a mapped environmental corridor. The corridor map notes that a portion of the southwestern corner of the subject has areas of steep slope in excess of 12% grade.

Public Utilities and Services: This property is served by a full range of urban services. Additionally, Metro Transit operates daily transit service along University Avenue west of the N. Whitney Way intersection. Metro Transit operates additional weekend only service along N. Whitney Way between University Avenue and Old Middleton Road.

Zoning Summary: The overall site is proposed to be rezoned PUD-GDP, which will be reviewed in the following sections, while the site of the medical office building to be constructed in the first phase will be zoned PUD-GDP-SIP. Subsequent rezonings from PUD-GDP to PUD-SIP will be required prior to the construction of subsequent phases of the planned unit development.

The rezoning of the site to the Planned Unit Development zoning district will not impact the Wellhead Protection zoning overlay (Well 14 – 5130 University Avenue at Flambeau Road) that includes the subject site. Wellhead Protection zoning restricts or prohibits certain land uses within a certain proximity of a Water Utility well regardless of the conventional zoning of the property.

Other Critical Zoning Items	
Yes:	Wellhead Protection (Zone A, WP-14), Urban Design (UDD 6), Utility Easements, Barrier Free
No:	Floodplain, Landmarks, Waterfront Development
<i>Prepared by: Pat Anderson, Asst. Zoning Administrator</i>	

Previous Approval

On August 18, 2003, the Plan Commission approved a demolition permit for 5101-5119 University Avenue and 650 N. Whitney Way to allow seven buildings to be razed to allow construction of a four-story, 80,000 square-foot office building. The buildings included in the demolition request included the Open Pantry, Merrill Springs Inn, and two warehouses located on the western half of the site. A more detailed description of the buildings on the subject site is included in the following section.

Project Review

The applicant, Paul Lenhart, is requesting approval to rezone approximately 14.3 acres located in the southwestern quadrant of University Avenue and N. Whitney Way from C3 (Highway Commercial District) to PUD-GDP to allow the future development of approximately 488,200 gross square feet of employment, retail, and hospitality uses, up to 65 residential units, and 1,360 to 1,460 parking spaces following the demolition of 11 existing commercial buildings located across the subject site. In addition, the applicant is requesting Planned Unit Development-Specific Implementation Plan (PUD-SIP) zoning to allow the construction of a three-story, 60,000 square-foot medical office building on a 3.75-acre parcel located on the western half of the project's University Avenue frontage.

The applicant is also requesting approval of preliminary and final plats to subdivide the 14.3-acre site into 7 lots for the proposed redevelopment project and 1 outlot for public stormwater management.

The existing five-story, 90,000 square-foot Wisconsin Public Service Commission (PSC) Building located adjacent to the southeastern corner of the subject site will remain and is not part of the proposed planned unit development or subdivision.

Background & Existing Conditions

The 14.3-acre subject site is part of an overall 17.5-acre site currently owned by three subsidiaries of Erdman Holdings. The Erdman ownership is comprised of 8 parcels, which are developed with 13 buildings. The site was the subject of a similar request submitted in 2010 by Erdman to rezone the 17.5 acre site to PUD zoning, demolish 12 of the 13 buildings and subdivide the property into 12 lots. After a lengthy discussion about the project with City staff, surrounding neighborhoods, and the Urban Design Commission, Erdman decided to withdraw their proposal in January 2011.

Subsequently, Erdman submitted a Certified Survey Map (CSM) to subdivide the 17.5-acre site into two lots, including the 14.3-acre parcel that is subject to the current rezoning, demolition and subdivision applications by Paul Lenhart. The second lot created by the CSM includes the PSC Building and adjacent parking structure, and would continue to be owned by Erdman. The CSM, which was administratively approved, will be recorded if Mr. Lenhart's proposed University Crossing development proposal is approved and prior to the sale of the 14.3 acres to Mr. Lenhart by Erdman Holdings.

The proposed development parcel includes approximately 680 feet of frontage along University Avenue and 375 feet of frontage along N. Whitney Way and will surround the future lot containing the PSC Building on the north and west. The southern boundary of the site is formed by the Wisconsin Southern Railroad right of way and the future alignment of the "Good Neighbor" bike path envisioned to extend to the City of Middleton along the rail corridor. Old Middleton Road is located further south of the site, with a mix of residential and commercial uses located along its south side.

Most of the western property line of the subject site is shared with the Trillium Homes residential development, with the remainder of the western edge of the site bordering a series of 6 commercial properties located along and adjacent to University Avenue that include a Perkins Restaurant, Good'n Loud Music, Spring Harbor Veterinary Hospital and Midas Muffler. The land east of the site across N. Whitney Way is developed with a series of 4 commercial buildings housing a variety of retail, service and small office uses, while the land north of the site and University Avenue is developed with single-family residences in the Spring Harbor neighborhood and Water Utility Well 14. The subject site is located in Wellhead Protection Zone A for Well 14.

The proposed University Crossing development calls for the demolition of 11 buildings located across the 14.3-acre subject site. Beginning along the N. Whitney Way frontage north of the lot containing the PSC Building, the one-story, 5,000 square-foot Irish Waters restaurant, surface parking and slab of a previously demolished Kentucky Fried Chicken will be removed. Moving west along the University Avenue frontage, the four-building, 36-room Merrill Springs Inn at 5063-5101 University Avenue and a tall, one-story brick office building at 5105 University Avenue containing approximately 35,000 square feet of space will be demolished. Further to the west, the one- and two-story concrete block and wood-sided office building complex that previously housed the offices and shop of Marshall Erdman &

Associates at 5117 University Avenue is also proposed for demolition. The related petition to designate that building site as a local landmark will be discussed later in this report.

In the interior of the site, a one-story, approximately 12,800 square-foot metal storage building addressed as 5119 University Avenue, which extends along the western property line of the site, two roughly identical 100-foot wide and 205-foot long metal warehousing buildings addressed as 5107 and 5111 University Avenue, and an approximately 150-foot wide and 250-foot long metal warehousing building located west of the PSC Building and ramp at 5115 University Avenue will all be demolished. Though not located on the proposed development site, a one-story, 2,000 square-foot former Open Pantry convenience store located next to the PSC Building will also be demolished by Erdman Holdings.

Erdman Holdings previously indicated verbally to Planning staff and in their 2010 demolition permit application that all of the buildings to be demolished were "either obsolete due to age and condition or d[id] not meet the program needs of the adaptive reuse of the site." Staff visits to the site found the exteriors of the metal warehouse buildings to be in poor to below-average condition with rust and exterior wall damage evident on most of those buildings. The exteriors of the former restaurant and office buildings appeared to be in average or better condition. Staff did not tour the insides of the other office building, restaurant or the former motel, but was part of a tour of the Marshall Erdman & Associates office building at 5117 University Avenue, which was hosted by the property owner on July 12, 2011 and also attended by the district alder and neighborhood representatives.

The grade of the development site generally slopes from the southern and eastern edges of the property towards the northwestern corner of the site, with the most prominent slope present near the PSC parking structure along the southern property line. Vegetative cover on the site includes a mix of mature trees at various points along the western and southern edges of the property and a variety of parking lot and site landscaping materials. It is anticipated that most of the existing vegetation on the property will be removed as part of the redevelopment.

University Crossing General Development Plan & Subdivision Plat

The approximately 488,200 gross square feet of proposed space will be located in 7 new buildings across the site, with the 1,360 to 1,460 parking spaces to be located in a variety of surface stalls and in 3 parking structures.

Access to the development will be provided by two new public streets. "A" Street is proposed to extend north-south into the site from an intersection with University Avenue located midway along the site's northerly frontage, and will generally parallel the western edge of the site. "B" Street is proposed to extend east-west into the site from N. Whitney Way. B Street will generally extend along the common lot line to be created by the CSM that will subdivide the subject site from the lot that will contain the PSC Building. As part of the administrative approval of that land division, right of way for the southerly half of B Street was reserved in anticipation of the redevelopment of the 14.3-acre subject site. A Street and B Street will intersect at the center of the development at a roundabout that the developer proposes to use as a focal point for the project.

West of A Street, the general development plan calls for three medical office/ clinic buildings to be built in phases between University Avenue and B Street. The letter of intent indicates that the three medical office/ clinic buildings will be developed for the University of Wisconsin Hospital and Clinics. Beginning at University Avenue, the first building proposed will be a three-story, 60,000 square-foot structure that

will parallel the University frontage. A four-story, 70,000 square-foot building is proposed to parallel the west side of A Street south of the first building, with a three-story, 80,000 square-foot building to be located further to the south. The third building will be located in the northwesterly quadrant of the proposed Street A-Street B intersection. This cluster of buildings will initially be served by surface parking, with a three-story parking structure with approximately 460 spaces proposed to eventually serve this portion of the development.

In the southwestern corner of the subject site, the plan calls for the construction of a three-story, 40,000 square-foot medical-related hospitality use similar to a Ronald McDonald House. The proposed building will be located on the south side of the Street A-Street B intersection and adjacent to the parking structure for the PSC Building, which will create a terminal view at the southern end of Street A. West of the proposed medical hospitality use, a three-story, approximately 340-stall parking structure is proposed, which will be accessed by a private drive that will extend west from the Street A-Street B roundabout. Surface parking for approximately 60 cars will occupy the remainder of the southwestern corner of the subject site.

Three buildings will be located on the block formed by University Avenue, N. Whitney Way and the two public streets to be created by the development. A three-story, 63,000 square-foot retail/office building is proposed adjacent to the University-N. Whitney intersection. The length of the building is proposed to parallel University Avenue, with a 25-foot setback proposed for this building and the medical office building to be built to the west across Street A. South of the corner retail/office building, the general development plan calls for a six-story, 130-room hotel to be building along the N. Whitney Way frontage of the site north of B Street. The general development plan includes a common space/ plaza to be located between the retail/office building and hotel. Lastly, a four-story, approximately 390-stall parking structure is proposed west of the hotel and at the northeastern corner of the Street A-Street B intersection. The parking structure is proposed to be wrapped on three sides by a 65-unit multi-family residential building. A private drive is shown extending through this block to provide the primary access to the retail/office building and hotel, and secondary access to the third parking structure. Surface parking will also be provided along this private drive.

In addition to the 25-foot setback proposed for the two buildings paralleling University Avenue, the PUD proposes a 25-foot setback along N. Whitney Way. Within the interior of the development, a 7-foot setback is proposed for the buildings along streets A and B. A minimum 7-foot setback is also proposed along the southern property line, though the buildings in the southwestern corner of the site will likely be set back further from that property line and the future Good Neighbors Path noted earlier. Along the westerly edge of the subject site, a 15-foot setback is proposed along the first 500 feet south of University Avenue closest to the commercial businesses adjacent to that portion of the property before transitioning into a 30-foot setback along the rest of the western edge, which is adjacent to the home in the Trillium development. The developer is proposing to locate a bike path within this setback, which will extend from University Avenue to the future Good Neighbors Path.

The letter of intent for the planned unit development indicates that the proposed building locations were chosen to "create defined public street spaces with pedestrian friendly connections while maintaining access to day light and views." A and B streets will be designed to encourage pedestrian use and will include parallel parking (though the final design of these the streets will be subject to plans prepared by City staff and approved by the Board of Public Works and Common Council). The final design of the buildings located throughout the project will emphasize energy efficiency and contemporary design with a strong orientation to the pedestrian scale along the streets. External mechanical equipment, trash and service areas will be screened. The developer will be required to receive approval of a specific

implementation plan prior to the issuance of building permits for the 7 proposed buildings and 3 parking structures, which will be reviewed by the Urban Design Commission, Plan Commission and Common Council.

The seven lots proposed on the University Crossing plat include two lots, Lots 1 and 2, which will be occupied by the three medical office/ clinic buildings and the two parking structures proposed along and west of Street A. Lot 3 will be developed with the medical hospitality use, Lot 4 with the retail/office building in the northeastern corner of the site, and Lot 5 with the hotel. Lot 6 will comprise the 65 residential units that will wrap three sides of the last parking structure, which will occupy Lot 7. Various shared parking and access arrangements will be required to facilitate the proposed development. The subdivision plat will also create a 0.37-acre outlot for public stormwater management to be located in the northwesterly portion of the subject site along the western property line.

The planned unit development includes a Transportation Demand Management (TDM) Plan for the three medical office buildings to be developed for the University of Wisconsin Hospital and Clinics (page 5 of the July 27 PUD). The TDM specifically notes that bike amenities and complimentary transit passes will be provided to the employees of the 3 medical office buildings. The project materials do not note whether the provisions in the TDM will be extended to the non-University Hospital-related uses in the University Crossing development. The TDM also acknowledges that the intersection of Old Middleton Road and N. Whitney Way has been identified as a potential station location for the Transport 2020-envisioned commuter rail service that would operate on the adjacent Wisconsin Southern Railroad corridor. The letter of intent for the planned unit development notes that commuter rail service adjacent to the site would provide "excellent connectivity" for the project, though there is no mention of the potential for the University Crossing development to accommodate a station. Should the commuter rail project proceed in the future, the best location for a station near N. Whitney Way will be evaluated at that time.

Specific Implementation Plan for First-Phase Clinic Building

The developer is also requesting approval of a specific implementation plan to allow construction of the first of the three medical office/ clinic buildings included in the general development plan. The 60,000 square-foot building will include offices for the UW Health Digestive Health Center on three floors above an under-building parking level for approximately 80 automobiles. Access to the parking garage will be located at the lowest point of the site along the westerly façade of the proposed building at the southwestern corner adjacent to a loading dock and service area that will include a pad for an emergency generator.

Two entrances will be provided at the southeastern corner of the building. One entrance will face towards A Street while the other will face to the south and a 226-stall surface parking lot that will be constructed to serve the first building in the interim until the approximately 460-stall parking structure shown on the general development plan is built. A drop-off lane covered by a wood- and metal-clad canopy will be provided adjacent to the south-facing entrance along the northern of two driveways that will serve the first phase site.

Architecturally, the building will reflect a contemporary design. The building will be constructed with a distinct base of light-colored stone along the first floor and the exposed walls of the under-building garage and service area. A contrasting brick is proposed for the middle of the building, while metal panels will be used along the third floor. Metal will also be used for prominent roof overhangs and as screening for mechanical equipment, which will be located in a large enclosed area near the center of

the roof. The architecture of the new building will be complimented by an extensive landscaping plan that primarily calls for the planting of perennials and grasses around the perimeter of the building, including in the 25-foot setback along University Avenue. The portion of the bike path that will abut the first phase of the development will be planted with oak, honeylocust and spruce trees. The final details of the building design and site planting plan will be further refined as part of the Urban Design Commission's final review of the project prior to construction.

Evaluation & Analysis

Conformance with Adopted City Plans

As noted in the General Information section of this report, the Comprehensive Plan identifies all but the N. Whitney Way frontage of the site for future Employment development, which the Plan describes as predominantly office, research and specialized employment areas. Retail and service establishments primarily serving employees and users of the district are encouraged, while retail uses targeted to the larger community are discouraged. Residential uses are generally not identified in Employment districts but instead are thought to be appropriate near them as part of mixed-use or medium-and/or high-density residential districts. The Comprehensive Plan recommends that Employment districts be located along or near major arterial or collector roadways and encourages future employment centers to be compact urban activity centers as opposed to low-density, suburban centers. Multi-modal travel and good circulation patterns within the development are also recommended.

The Comprehensive Plan recommends both sides of N. Whitney Way between Old Middleton Road and University Avenue for Community Mixed-Use (CMU) development, including the subject site. Areas recommended for mixed-use development in the Comprehensive Plan are generally envisioned as activity centers that include both residential and non-residential uses, with mixed-use buildings encouraged but not required. More specifically, CMU districts are recommended locations for a high-density mix of residential, retail, office and civic uses in a compact urban setting that may encompass many blocks of land. CMU developments are recommended to either be located adjacent to medium- or high-density residential areas or be large enough to accommodate high-density residential uses when adjacent to lower-density areas, and may also be located near employment centers. CMU areas are recommended to have a focal point developed at high densities and focused on a commercial core, a plaza or square, a civic use or dense residential development. Buildings should be well designed and be at least 2 stories in height, and should be sited close to the sidewalk, with a strong pedestrian orientation and pedestrian-level amenities. Parking for buildings in the CMU district should be located at the rear of the buildings or underground. Residential density in CMU districts should generally not exceed 60 units an acre, although more intensive development may be recommended in a neighborhood or special area plan.

The Comprehensive Plan land use recommendations for the N. Whitney Way frontage of the site and the triangle-shaped property to the east were amended in May 2011 to call for Community Mixed-Use development instead of Neighborhood Mixed-Use development. The change in recommended land use follows a recommendation in the Spring Harbor Neighborhood Plan, which also provides land use guidance for the subject site. In general, the land use recommendations in the neighborhood plan follow the land use recommendations for the property in the Comprehensive Plan.

In addition, the Comprehensive Plan identifies a transit-oriented development (TOD) node centered on the intersection of Old Middleton Road and N. Whitney Way intersection. General standards for TODs

in the Comprehensive Plan call for a compact, mixed-use development pattern that focuses the highest density and intensity of development on high-capacity transit stops and recommends the creation of both horizontal and vertical mixed-use. TODs are recommended to include a variety of land uses within walking distance of transit facilities, including a mix of housing, retail, service and employment. Buildings should be placed in a fashion that creates a sense of spatial enclosure and a high-quality public realm, and include uses that generate pedestrian activity. TOD sites should include a highly interconnected system of streets, sidewalks and paths that serve the area. Parking in TODs should be managed to balance automobile accessibility with the need to provide an attractive and convenient environment for pedestrians, bikes and transit users, with the sharing of parking between uses and the use of structured and underground recommended. The intensity of development of a particular TOD node will vary by location and form of transit service present.

The Spring Harbor Neighborhood Plan also includes a number of design recommendations for new development and the University Avenue corridor, including recommendations specific to the subject site that call for the preparation of comprehensive redevelopment plans prior to any redevelopment of the properties owned by Erdman Holdings. The plan recommends that a comprehensive plan for these properties include building locations, site access, circulation and parking, and design standards addressing building scale and height. Redevelopment of the subject site should create a pedestrian friendly commercial node that includes a pedestrian friendly streetscape along University Avenue and N. Whitney Way.

The Spring Harbor Neighborhood Plan encourages high quality, attractive buildings and site designs that build on the neighborhood's role as a gateway to the City. Buildings should incorporate details and proportions scaled to the pedestrian, with entrances at the front of the building, where people can enter from the street and sidewalk. It also emphasizes landscaping and buildings closer to University Avenue and N. Whitney Way, with parking for new buildings to be located at the rear and on the sides of buildings. Shared parking areas are encouraged. Driveways along University Avenue should be minimized to improve traffic flow and reduce pedestrian conflicts. A landscape buffer is recommended between the development site and existing residential areas to the west, with the existing, mature, vegetation along the western edge of the site to be preserved to the extent possible. Redevelopment should incorporate open spaces and green spaces in and around the sites that complement the character of the neighborhood, and sidewalks and multi-use trails should both be provided within the site and connecting to adjoining residential areas.

The Planning Division believes that the proposed University Crossing Planned Unit Development is consistent with the land use recommendations of both the Comprehensive Plan and Spring Harbor Neighborhood Plan. The proposed mix of land uses largely reflects the land uses anticipated in Employment and Community Mixed-Use districts in the Comprehensive Plan, including for the potential development of approximately 270,000 square feet of employment-oriented space to be located in the three medical office buildings proposed west of Street A and in the retail/ office building proposed at the corner of University Avenue and N. Whitney Way, which is anticipated to include ground floor retail uses intended to serve the development and nearby area. Staff also feels that the addition of a hotel on the site will compliment the employment uses present within the development. The developer has also indicated that the hotel will provide needed lodging opportunities in the University Avenue corridor between University Hospital and the western edge of the University of Wisconsin campus. The inclusion of retail, hospitality and residential uses will create activity in the University Crossing development and along this section of University Avenue outside of the primary business hours of a typical employment center.

Staff also believes that the scale and general design of development contemplated in the general development plan is appropriate for both the Employment and Community Mixed-Use districts in the Comprehensive Plan. The general development plan adheres to the design recommendations pertinent to the site, including buildings placed adjacent to both internal and perimeter streets and an emphasis on shared parking and the use of parking structures to ensure an appropriate density for urban redevelopment. The use of the multi-family building to wrap the most publicly visible parking structure in the project represents a unique urban design solution, which staff supports, though careful review of the specific implementation plan for that aspect of the development will be needed to ensure that the resulting residential units are well designed and have sufficient amenities for future residents.

Demolition of Existing Buildings

The property owner previously indicated that all of the existing buildings located on the subject site are "either obsolete due to age and condition or do not meet the program needs of the adaptive reuse of the site" and staff has no information to the contrary. Staff toured the site on two occasions and found the exteriors of the metal warehouse buildings to be in poor to below-average condition with rust and exterior wall damage evident on most of those buildings. The exteriors of the restaurant along N. Whitney Way and office buildings along University Avenue appear to be in average or better condition.

As noted earlier in this report, Planning staff participated in a tour of the Marshall Erdman & Associates office complex at 5117 University Avenue hosted by the property owner on July 12, 2011, which was also attended by the district alder and neighborhood representatives. During the tour, staff found the building in question to be in average condition for a building of its age, with a number of additions made to the original structure over the years since it was first established as the Erdman office complex.

On July 13, 2011, a nomination was filed by Amy Kinast of 5018 Tomahawk Trail to designate the Marshall Erdman & Associates Office and Shop located at 5117 University Avenue a local historic landmark. Staff is aware that the property owner, Erdman Holdings, LLC, does not support this nomination. On August 8, the Landmarks Commission found that the nomination was complete and reasonably accurate and scheduled a public hearing for the nomination following a 30-day comment period as specified in Section 33.19(6)(a) of the Landmarks Commission Ordinance. The public hearing on the nomination has been scheduled for the same night as the consideration of the demolition permit, PUD rezoning and subdivision plat affecting the subject site. Should the Landmarks Commission find that the criteria in Section 33.19(4) met and recommend designation of the Marshall Erdman & Associates Office and Shop as a local landmark, the Common Council would need to adopt a resolution making the designation. The next Common Council meeting after September 19 is October 4, which is the same night the PUD rezoning and subdivision plat are scheduled for consideration by the Council.

The landmark nomination was on the August 29, 2011 Plan Commission for comment. The comments by Plan Commission members were few and are included in minutes from that meeting.

The section of University Avenue from Allen Boulevard to N. Segoe Road is scheduled for reconstruction in 2012 as a Wisconsin Department of Transportation (WisDOT)-led project. As part of the due diligence leading up to this reconstruction project, WisDOT commissioned a study of cultural resources located along the road segment to be rebuilt. The July 6, 2010 study identified the Merrill Springs Inn at 5101 University Avenue and the Marshall Erdman & Associates office building at 5117 University as being potentially eligible for listing on the National Register. This information was shared with the Landmarks Commission on August 4, 2010, which recommended that an inventory of locally

designated landmark parcels be prepared and provided to WisDOT and its historical resources consultant.

A staff report prepared for the August 8, 2011 Landmarks Commission by Amy Scanlon, the City's preservation planner, is attached. It contains more information on the July 13, 2011 nomination and the landmark designation process and is attached for the Plan Commission's information. The Plan Commission's public hearing agenda for September 19 was developed in an effort to allow the Landmarks Commission's hearing on the nomination to conclude before the Plan Commission's public hearing on the University Crossing development begins. A verbal report of the Landmark's Commission action will be provided to the Plan Commission during the meeting.

Despite the landmark nomination for 5117 University Avenue, the Planning Division believes that the standards for demolition permits can be met with the applicant's request if the proposed rezoning of the site to PUD and subdivision are approved. The proposed alternative use of the property will be more economically productive, of greater public value, and staff believes that the redevelopment of the property as envisioned in the general development plan has more potential to implement adopted plan recommendations for the property than the existing buildings, especially with regard to the scale, density and general design of the project.

With regard to the proposed landmarks nomination, Planning staff feels that the request should not be approved. As stated in the August 8 Landmarks Commission staff report, it is believed that there are more significant examples of Marshall Erdman's architectural and building legacy located elsewhere throughout Madison. The Planning Division believes that the proposed University Crossing development has the potential to create significant benefits to the community and feels that the demolition permit should be approved.

If the demolition permit is approved as submitted, staff recommends that all asphalt and gravel surfaces adjacent to any demolished building be removed and the affected areas graded and seeded with grass, and that drive openings removed and the terrace restored as determined by the Traffic Engineering Division. No parking shall be permitted on the demolished sites at any time.

Neighborhood Concerns and Conformance with Planned Unit Development Criteria

As a basis for determining the acceptability of a planned unit development, the Zoning Ordinance requires that specific criteria be applied with specific consideration as to whether or not the proposed PUD "is consistent with the spirit and intent of this ordinance and has the potential for producing significant community benefits in terms of environmental and aesthetic design."

The Planning Division generally believes that the Plan Commission can find the criteria for approval of planned unit developments met. While the intensity of development and the bulk and mass of the project will be greater than what currently exists on the subject site, staff believes that the development has generally been designed to be compatible with surrounding land uses, and that the substantial public benefit to be derived from the full implementation of the proposed University Crossing project.

Staff is aware that some residents in the area surrounding the proposed development have expressed concerns about the density of the proposed redevelopment project, traffic impacts, impacts on Well 14, and stormwater quality. A list of concerns dated August 9, 2011 from the Spring Harbor Neighborhood Association was presented to the Urban Design Commission at its August 17 meeting (attached).

Among the concerns expressed in the Spring Harbor memo are the design of traffic flow and access onto University Ave from the development. The neighborhood is concerned that traffic from two closely spaced intersections along University at N. Whitney Way and the development could “create new problems for the neighborhood and existing businesses.” The August 9 memo also expresses concerns about access to the businesses west of the site, the impact on bus stops, and the safety of pedestrian and bicycle crossings. The memo goes on to request heightened stormwater management practices for the development to limit impacts on Spring Harbor to improve the water quality of runoff and slow its velocity leaving the site and entering the harbor, including the enlargement of the proposed bioretention facility to 10,000 square feet from the 7,000 square feet currently proposed, and increasing the amount of greenspace present in the development. The memo also includes specific conditions related to the protection of Well 14 as described in the memo.

From a design perspective, Spring Harbor requests that the green buffer strip between University Ave and Building 1 be preserved. The neighborhood memo requests a maximum height of 4 stories for all buildings in the project, including the hotel along N. Whitney Way, a berm to buffer University Avenue side of the first phase clinic; increased greenspace to equal roughly 25 percent of the subject site; parking ramp exteriors finished on all sides compatible with adjoining buildings; mechanical noise buffered, and street-side building surfaces designed for low sound reflection; dark-sky lighting standards applied on all outdoor fixtures, with no open lamps facing the neighborhood, and; no impact from new buildings on the east-west view corridor that generally extends along Old Sauk Road to the State Capitol.

Many of the neighborhood issues identified in the August 9, 2011 memo can likely be addressed as part of the review of specific implementation plans prior to the issuance of building permits for subsequent phases of the project. Those specific implementation plans will include the final details of each of the buildings to be constructed in the planned unit development, including the final site, grading and utility plans, architecture, parking and use of each building to be built after the initial clinic. Specific implementation plans are approved by the Common Council following recommendations by the Urban Design Commission and Plan Commission.

One of the ongoing concerns about development of the site has been potential traffic impacts created by the project, primarily on University Avenue. The criteria for approval of planned unit developments includes a provision (1d) that requires a planned unit development to “not create a traffic or parking demand incompatible with the existing or proposed facilities to serve it unless jointly resolved.” The developer has worked very closely with staff from the Traffic Engineering Division to develop strategies to successfully integrate the development into the existing transportation system, including a full-access intersection to serve the project from University Avenue. The conditions of approval recommended by Traffic Engineering staff are included as an attachment to this report. Those conditions and the conditions recommended by the City Engineering Division also address the need for coordination of University Crossing-related improvements with the University Avenue reconstruction project slated for 2012.

Lastly, as noted in the General Information section of this report, the rezoning of the site to the Planned Unit Development zoning district will not impact the Wellhead Protection zoning overlay for Well 14 that includes the subject site. Wellhead Protection zoning restricts or prohibits certain land uses within a certain proximity of a Water Utility well regardless of the conventional/ base zoning of the property. Per Section 28.107 of the Zoning Ordinance, the Water Utility General Manager or his designated representative shall approve all proposed land uses on any property included in a Wellhead Protection zoning overlay. Further, the Water Utility has recommended a series of conditions of approval for the

development that they believe will limit potential impacts on the well caused during and following implementation of the project.

Conclusion

The proposed University Crossing redevelopment offers a dynamic and compelling vision for a prominent, underutilized property located along a key gateway corridor into the City and University of Wisconsin campus that includes a significant job creation and retention component for the City. It is noteworthy to point out that most of the developers' vision for the site could be accomplished in the existing C3 Highway Commercial zoning. However, staff feels that the proposed rezoning of the site to Planned Unit Development zoning offers the best framework to ensure that the developers' vision for the site and the recommendations of the Comprehensive Plan and Spring Harbor Neighborhood Plan are implemented to the fullest extent possible. Planning staff believes that the proposed rezoning to PUD-GDP generally conforms to the Employment, Community Mixed-Use and Transit-Oriented Development land use recommendations pertinent to the site in the Comprehensive Plan and Spring Harbor Neighborhood Plan. Staff also believes that the plan largely adheres to the recommendations in those plans related to urban design.

The Planning Division believes that the University Crossing redevelopment project can meet the standards and criteria for approval for demolition permits, zoning map amendments, planned unit developments and subdivisions subject to a number of conditions being addressed. In reviewing the standards for planned unit developments, staff believes the criteria can be met with this redevelopment project, which should result in substantial benefits to the built environment that embody the intent of planned unit developments. In particular, the Planning Division believes that the proposed planned unit development can be found to be "compatible with the physical nature of the site or area" and "would produce an attractive environment of sustained aesthetic desirability, economic stability and functional practicality compatible with the [master] plan."

However, it will be important that subsequent specific implementation plans are carefully reviewed for conformance with the general development plan and adopted City plans to ensure the vision for a moderately dense urban mixed-use/employment center is realized as development proceeds. It will be incumbent upon the Urban Design Commission, Plan Commission and Common Council to closely consider the vision of the general development plan as they review future specific implementation plans. Approval of each specific implementation plan will be based on the conclusions by the Common Council that the criteria for approval are met and that each specific implementation plan is achieving this vision.

Staff Recommendations, Conditions of Approval & General Ordinance Requirements

Major/Non-Standard Conditions are shaded

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

The Planning Division recommends that the Plan Commission take the following actions regarding the University Crossing redevelopment, all subject to input at the public hearing and the conditions that follow from the Planning Division and other reviewing agencies:

- The Plan Commission should forward Zoning Map Amendments 3556 and 3557, rezoning 5063-5117 University Avenue and 702 N. Whitney Way from C3 to PUD-GDP and PUD-GDP-SIP, to the Common Council with a recommendation of **approval**;
- The Planning Division should forward the preliminary and final plats of University Crossing to the Common Council with a recommendation of **approval**, and;
- The Plan Commission should find the demolition standards met and **approve** the demolition of the existing principal structures on the subject site subject to the Common Council's approval of the PUD zoning map amendment and University Crossing subdivision.

1. That the Planned Unit Development be revised per Planning Division approval prior to recording as follows:
 - 1a. revise the Comprehensive Plan reference on page 2 to indicate "Community Mixed-Use" and not "Neighborhood Mixed-Use" as submitted;
 - 1b. remove the "Traffic Study" and "Public Assistance" sections on page 5;
 - 1c. section 2.1 shall be titled "Zoning Text";
 - 1d. the family definition on page 10 should also reference the SR-V1 zoning district from the new Zoning Code (scheduled to be effective in 2012) as successor to the existing R4 district;
 - 1e. the "Yard Requirements" section on page 10 should also make reference to the Lot and Yard Diagram on page 16;
 - 1f. exhibit 4.3 should include references in the left margin to the height and number of stalls in each of the 3 proposed parking structures.
2. The final list of the permitted uses contained in the zoning text shall be approved by the general manager of the Water Utility, the Zoning Administrator and the Director of the Planning Division prior to recording of the general development plan.
3. The general development plan as presented provides a conceptual layout and phasing plan for the subject site. The final square footage, uses, placement, setbacks and architectural design of each building shall be approved as part of specific implementation plans prior to the issuance of building permits. Future specific implementation plans for individual buildings shall be reviewed by the Urban Design Commission, Plan Commission and Common Council against the criteria for approval of Planned Unit Developments and due consideration of the approved general development plan.
4. That the developer submit an updated Transportation Demand Management Plan for review with each specific implementation plan submittal for future phases of the University Crossing.
5. That as a condition of approval of the demolition permit, all asphalt and gravel surfaces adjacent to any demolished building shall be removed, the affected areas graded and seeded with grass, and all drive openings removed and the terrace restored as required by the City Traffic Engineer. No parking is permitted on the demolished sites at any time. The developers shall submit a post-demolition site reclamation plan for approval by Planning, Zoning and City Engineering staff prior to issuance of demolition permits that provides details on the above.
6. That the developer receive final approval from the Urban Design Commission of the overall general development plan and first phase specific implementation plan prior to recording of the Planned Unit Development.
7. Prior to the final approval of the planned unit development and final plat for recording, the developer shall submit reciprocal cross-access and shared parking easements and agreements to govern the

development for the review and approval of the City Engineer, City Traffic Engineer and Planning Division Director.

The following conditions have been submitted by reviewing agencies:

City Engineering Division (Contact Janet Dailey, 261-9688)

→ *Comments and Conditions on Planned Unit Development zoning and Demolition Permit:*

8. The applicant shall meet with the City Engineering and Traffic Engineering divisions to determine the street configuration and right of way dedications required for this development. The right of way shall provide for approximately 8 feet of tree terrace, which is typical for new developments. The applicant shall dedicate additional right of way if required by City Engineering.
9. The applicant shall install an 8-foot wide sidewalk along University Avenue and N. Whitney Way in accordance with plans approved by the City Engineer and the City Traffic Engineer. The applicant shall dedicate additional right of way or a permanent limited easement to facilitate the new sidewalks.
10. The City is currently pursuing a temporary limited easement (TLE) along University Avenue in conjunction with the University Avenue reconstruction project. This easement shall be secured by Transportation Project Plat (Parcel 39) separate from creation and conveyance by the proposed University Crossing Plat. This TLE has been set up as Real Estate Project No. 9642 for administration and recording by the City's Office of Real Estate Services staff (Jerry Lund).
11. It may be possible for the median improvements, conduit and signal installation, and utility adjustments on University Avenue that are the obligation of the developer to be included as part of that larger street reconstruction project. Those items would be a direct cost to the developer if the improvements are approved as a change order and included in the University Avenue reconstruction. If any items are added to the WisDOT contract to accommodate the development, the developer shall reimburse the City for 100% of any additional cost incurred. Said reimbursement shall be taken as a deposit prior to the authorization of WisDOT to add the work to the University Avenue Contract.
12. The applicant shall dedicate additional right of way on Street B outside of the University Crossing plat (approximately the south 33 feet). This dedication shall occur upon completion and satisfaction of all University Crossing final plat conditions of approval and the signoff all City agencies on the same. The Office of Real Estate Services Project No. 9738 has been established for the administration and recording of this dedication by Real Estate staff (Jerry Lund). D'Onofrio Kottke & Associates shall submit a scale map exhibit, legal description and \$30 check payable to City of Madison Treasurer that covers Register of Deeds recording fees (Planning and Real Estate reduced the standard \$500 administrative fee to \$30 to cover recording costs only). Submit the above to Eric Pederson in the Engineering Mapping Section for review. When approved, Engineering Mapping will pass along to appropriate Real Estate staff for insertion into dedication document for recording with the Register of Deeds.
13. The applicant shall grade the proposed 20-foot wide pedestrian-bicycle easement along the southern property line of Lots 2 and 3 to a grade set by the City Engineer to allow for a future bike path construction.

14. No buildings or parking lots shall encroach within the pedestrian-bicycle easements created by the final plat. Obtain the standard pedestrian-bicycle easement language from Eric Pederson in Engineering Mapping for inclusion on the final plat prior to recording.
15. The applicant shall coordinate the bike path and sidewalk construction along the westerly lines of Lots 1 and 2 of the proposed University Crossing plat with the City Engineer and the City Traffic Engineer. The path shall be a 10-foot wide asphalt surface and would be classified as a Type IV path, which shall be publicly owned and accepted within a public easement. The abutting property owners shall be responsible to clear snow and ice per MGO 10.28. The City shall provide routine inspection and repairs to the path. The cost of the repairs shall be shared 50/50 with the abutting property owners. The City may allow for the southerly portion of the path to be graded and have the 6-inches of crushed stone installed until such time as the Good Neighbor bike path is constructed as a connection point. The City would complete the construction of the southerly leg of the bike path in conjunction with the larger Good Neighbor bike path project.
16. The applicant shall provide a connection from the westerly pedestrian bicycle path to the adjacent Trillium development at a location approved by the City Engineer and City Traffic Engineer. The connection would be considered a Type IV path. This connection shall be located within the existing public storm sewer and bicycle path easement. Additionally, the applicant shall provide a Type V sidewalk along one of the private roads that would connect the proposed path to A Street at a location approved by the City Engineer and City Traffic Engineer. The sidewalk would be considered private but shall not inhibit public usage. The repairs and maintenance of the sidewalk would be the abutting property owner's responsibility.
17. The applicant shall provide a tree planting plan as part of the approval of this project. The tree planting plan shall be coordinated with Dean Kahl of the Forestry Section and with Bill Sullivan of the Madison Fire Department in order to accommodate the fire aerial access requirements for the development.
18. The proposed roundabout shall be able to accommodate bus turning movements and large truck movements. The City does not wish to provide additional maintenance for this roundabout and may require the applicant enter into a maintenance agreement for the roundabout and islands.
19. Proposed sewer work on University Avenue shall be coordinated with the University Avenue reconstruction project if the sanitary sewer and storm sewer work for this development is not completed in advance of the 2012 project. Coordinate sewer requirements with Corey Stelljes of the City Engineering Division.
20. Final plans shall show all proposed inverts of existing and proposed storm sewer and shall be coordinated with the final plans for University Avenue reconstruction, which are being prepared by KL Engineering.
21. The applicant shall construct an access road for Outlot 1 within the proposed public storm sewer and bike path easement. The applicant shall be required to provide an access easement for City to drive over the private street or parking lot to access Outlot 1 for maintenance.
22. The developer shall provide all Phase I and Phase 2 ESA reports for the properties within this development to the City. Additionally, the developer shall copy the Spring Harbor, Glen Oak Hills

and University Hill Farms neighborhood associations on any DNR correspondence regarding any spill notifications during the demolition and related construction of this development.

23. The construction of this building will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City/ Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project.
24. The applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
25. The applicant shall make improvements to University Avenue and N. Whitney Way in order to facilitate ingress and egress to the development.
26. The approval of this planned unit development does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall 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. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester.
27. The applicant shall replace all sidewalk and curb and gutter abutting the property, which is damaged by the construction, or any sidewalk and curb and gutter that the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction.
28. The applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The applicant shall provide the City Engineer the proposed grade of the building entrances. The City Engineer shall approve the grade of the entrances prior to signing off on this development.
29. The applicant shall obtain a privilege in streets agreement for any encroachments inside the public right of way. The approval of this planned unit development does not constitute or guarantee approval of the encroachments.
30. The applicant shall provide the City Engineer with the proposed soil retention system to accommodate the restoration. The soil retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system.
31. All work in the public right of way shall be performed by a City-licensed contractor.

32. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan in PDF format to Dean Kahl, of the City Parks Department - dkahl@cityofmadison.com or 266-4816.
33. All damage to the pavement on University Avenue and N. Whitney Way adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.
34. The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used.
35. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
36. Effective January 1, 2010, the Department of Commerce's authority to permit commercial sites, with over one acre of disturbance for stormwater management and erosion control has been transferred to the Wisconsin Department of Natural Resources (WDNR). The WDNR does not have an authorized local program transferring this authority to the City of Madison. The City of Madison has been required by the WDNR to continue to review projects for compliance with NR-216 and NR-151, but a separate permit submittal is now required from the WDNR for this work as well.

As this site is greater than one acre, the applicant is required by State Statute to obtain a Water Resources Application for Project Permits (WRAPP) from the DNR, prior to beginning construction. This permit was previously known as a Notice of Intent Permit (NOI). Please contact Eric Rortvedt of the WDNR at 273-5612 to discuss this requirement.
37. Prior to final approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to: control 40% TSS (20 micron particle) off of new paved surfaces; provide oil & grease control from the first 1/2" of runoff from parking areas, and; complete an erosion control plan and 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.
38. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the Engineering Division. (Lori Zenchenko) lzenchenko@cityofmadison.com. The digital copies shall be drawn to scale and represent final construction including: building footprints, internal walkway areas, internal site parking areas, lot lines/ numbers/ dimensions, street names, and other miscellaneous impervious areas. All other levels (contours, elevations, etc) are not to be included with this file submittal. E-mail file transmissions are preferred. The digital CAD file shall be to scale and represent final construction. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format. Please include the site address in this transmittal.
39. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and

right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).

40. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management File including: SLAMM DAT files; RECARGA files; TR-55/HYDROCAD/etc., and; sediment loading calculations. 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.
41. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. (Per MGO 37.05(7))
42. Prior to approval of the project, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1) \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2) \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner.
43. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's Contract. Contact Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of two working days prior to requesting City Engineering Division signoff.
44. The site plan shall be revised 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.
45. City of Madison Environmental Projects Staff have reviewed the subject site and determined that a Phase I ESA will be required of the applicant. The applicant shall provide 1 digital and 2 hard copies of an ASTM Phase I ESA prepared by an environmental professional. Staff review of this Phase I ESA will determine if a further investigative Phase II ESA is also required. Please submit any relevant Phase I and Phase II ESAs to Brynn Bemis (267-1986, bbemis@cityofmadison.com) for further review.

→ *Comments and Conditions for the University Crossing plat (where not required in above conditions):*

46. The developer shall enter into a City/ Developer agreement for the installation of public improvements required to serve this plat. The developer shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The developer shall meet with the City Engineer to schedule preparation of the plans and the agreement. The City Engineer will not sign off on this plat without the agreement executed by the developer. (Per MGO 16.23(9)c)
47. Two weeks prior to recording the final plat, a soil boring report prepared by a Professional Engineer, shall be submitted to the City Engineering Division indicating a ground water table and rock conditions in the area. If the report indicates a ground water table or rock condition less than 9 feet below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer.

48. The developer shall construct Madison standard street improvements for all streets within the plat.
(Per MGO 16.23(9)(d)6)
49. An erosion control plan and land disturbing activity permit shall be submitted to the City Engineering Division for review and approval prior to grading or any other construction activities. The Preconstruction Meeting for Public Improvements shall not be scheduled prior to issuance of this permit. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
50. If the lots within this subdivision are inter-dependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site, an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the final plat and recorded at the Dane County Register of Deeds.
51. Effective January 1, 2010, the Department of Commerce's authority to permit commercial sites for stormwater and erosion control has been transferred to the Department of Natural Resources. As this site is greater than one acre, the applicant is required by State Statute to obtain a Water Resources Application for Project Permits (WRAPP) from the Wisconsin Department of Natural Resources, prior to beginning construction. This permit was previously known as a Notice of Intent Permit (NOI). Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. The City of Madison cannot issue an erosion control and stormwater management permit until concurrence is obtained from the WDNR.
52. A minimum of 2 working days prior to requesting City Engineering Division signoff on the plat, the applicant shall contact Janet Dailey (261-9688) to obtain the final stormwater utility charges that are due and payable prior to sub-division of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service. All charges shall be cleared prior to the land division (and subsequent obsolesces of the existing parcel).
53. 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 condition reports for all monuments, including center of sections of record, used in this survey, to Eric Pederson, City Engineering. If a new tie sheet is not required under A-E 7.08, Engineering requests a copy of the latest tie sheet on record with Dane County Surveyor's office. The Applicant shall identify monument types on all PLS corners included on the Plat or CSM. Note: Land tie to two PLS corners required.
54. The applicant shall submit to Eric Pederson, prior to City Engineering sign-off of the subject plat, 2 digital and 1 hard copy of the final plat to the Mapping Section of the City Engineering Division. The digital copies shall be submitted in both NAD27 & WIDOT County Coordinate System, Dane County Zone datums in either Auto CAD Version 2001 or older, MicroStation Version J or older or Universal DXF Formats and contain the minimum of the following, each on a separate layer name/level number: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; easement lines (i.e. street, sanitary, storm (including wetland & floodplain boundaries) water, pedestrian/bike/walkway, or any public and/or private interest easement except local service for Cable TV, gas, electric and fiber optics).

*This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes.

*New electronic final plat transmittals and notification of changes which occur to the final plat during the time the Engineering Division signs off and receives the digital copies of said plat and the recording thereof, are the responsibility of the Developer/Surveyor.

Traffic Engineering Division (Contact Bryan Walker, 267-8754)

→ Comments and Conditions from this agency will be provided as an attachment to this report.

Zoning Administrator (Contact Pat Anderson, 266-5978)

55. Provide a reuse/recycling plan, to be reviewed and approved by the City Recycling Coordinator prior to a demolition permit being issued. Sec 28.12(12)(e) of the Zoning Ordinance requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan. Please note, the owner must submit documentation of recycling and reuse within 60 days of completion of demolition.
56. Future development shall meet all applicable building and zoning ordinances following applicable processes.
57. The zoning text for GDP must include provisions for continuing existing uses. The applicant shall work with Zoning and Planning staff to clarify the zoning text in this regard.
58. Signage approvals are not granted by the Plan Commission. Signage must be approved by the Urban Design Commission or staff for compliance with MGO Section 31, Sign Code, and MGO Section 33, the Urban Design ordinance. Sign permits must be issued by the Zoning Section of the Department of Planning and Community and Economic Development prior to sign installations.

Parks Division (Contact Kay Rutledge, 266-4714)

59. Final park dedication and development fees for any future residential units will be determined when specific implementation plans are submitted that include residential units. Park impact fees for any future residential units will be due prior to signoff of those SIPs and/or the issuance of building permits and will be based on the fees due and payable in the year the SIP is approved and/ or building permits are issued.

Fire Department (Contact Bill Sullivan, 261-9658)

60. Provide fire apparatus access as required by IFC 503 2009 edition, MGO Sections 34.503.
61. Note: Please consider allowing the Madison Fire Department to conduct training sequences prior to demolition. Contact the MFD Training Division at 246-4587 to discuss this possibility.

City Assessor's Office (Contact Maureen Richards, 266-4845)

This agency did not submit comments for this request.

Water Utility (Contact Dennis Cawley, 261-9243)

62. This property is in a Wellhead Protection District. The Water Utility General Manager or his designated representative shall approve all future land uses on this property.

63. The applicant shall determine if any hazardous chemicals, as defined by the Environmental Protection Agency, are stored or used on this site. If such chemicals are identified the applicant shall provide a report on the magnitude and/or frequency of these chemicals, as well as a plan for the storage or containment of these chemicals.

64. The only stormwater that may infiltrate on site is rooftop drainage.

65. The applicant shall report any potential contamination discovered during demolition, grading, and earthwork to the Wisconsin Department of Natural Resources and the Madison Water Utility, as well as report on the measures taken for disposal/cleanup of such contamination. The Madison Water Utility suggests that the applicant keep a daily log to document and report encounters with potential sources of contamination.

66. The applicant shall notify the Madison Water Utility of any private wells located on this property. All private wells shall be abandoned in accordance with MGO Sec. 13.21.

67. The applicant shall cooperate with the Madison Water Utility on the installation of temporary groundwater monitoring wells on this property.

68. All public water mains and water service laterals shall be installed by a standard City subdivision contract.

69. The Water Utility shall be notified to remove the water meter prior to demolition.

Metro Transit (Contact Tim Sobota, 261-4289)

70. The information submitted by the applicant does not contain sufficient detail for Metro Transit staff to make any recommendation regarding bus stop placement adjacent the site, or necessary improvements or amenities that should be included. The ultimate design of any pedestrian facilities crossing University Avenue and N. Whitney Way will guide such decisions.

71. The applicant should otherwise anticipate a requirement to accommodate a bus stop pullout at some location along the south side of University Avenue adjacent to the site, with bus stop amenities including a passenger waiting shelter with bench and a trash receptacle – both of these to be installed and maintained by the applicant.

72. Such passenger amenity requests are typically fulfilled with the applicant installing the items on private property behind the sidewalk. Placement of privately installed and maintained property on public right of way will require the review and approval of additional City agencies, including the Office of Real Estate Services and City Engineering Division, prior to Metro Transit giving final approval to the plans.
73. The applicant should further anticipate installation of a concrete boarding surface on the west side of N. Whitney Way at some location adjacent to the site for use as an accessible bus stop location.
74. The developer will need to include the design and locations of the proposed transit elements on the final documents filed with their permit application so that Metro Transit may approve the plans. Metro Transit requests to sign and review final documents submitted for this project.

Office of Real Estate Services (Contact Jerry Lund, 267-8718)

75. The Owner's Certificate on the proposed plat shall be executed by all parties having an ownership interest in the property. For parties other than sole proprietorships, the signatories shall provide to the City, prior to approval, documentation, which proves that, said signatories have legal authority to sign the Owner's Certificate. The title report shows the following parties have an ownership interest of record in the property and said parties shall be signatories on the Owner's Certificate:

→ Erdman Future LLC, University Avenue Properties LLC, Erdman Real Estate Holdings LLC
76. All real estate taxes, stormwater management charges, and special assessments due against the properties involved in this final plat shall be paid in full (with copies of receipts for recent payments not reflected in City records) prior to final signoff of the plat for recording. As of September 8, 2011, special assessments are due for 5 of the parcels involved in this final plat.