



Department of Planning & Community & Economic Development

Planning Division

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February 27, 2015

J. Randy Bruce
Knothe & Bruce Architects
7601 University Ave., Ste. 201
Middleton, WI 53562

RE: Approval of the a conditional use for a four-story mixed use building with first floor commercial space to be used for food and related goods sales and a public library and 89 residential units in the Traditional Employment (TE) District.

Dear Mr. Bruce:

At its February 23, 2015 meeting, the Plan Commission found the standards met and **approved** your request for a demolition and conditional use at 516-530 Cottage Grove Road, subject to the conditions below. In order to receive final approval of the demolition and conditional use, and for any necessary permits to be issued for your project, the following conditions shall be met:

Please contact my office at 266-5974 if you have questions regarding the following 11 items:

1. Final plan sets provided for staff review and approval shall be revised to include common access to the proposed roof deck areas on the back of the building above the first floor commercial space. Landscaping and architectural details shall be provided to include design elements to create small private patio spaces for dwelling units immediately adjacent to these areas. Passive and active green roof elements are strongly encouraged in the common area beyond the private patios.
2. Final plan sets provided for staff review and approval shall include revisions to the bicycle parking proposed for the site as follows:

- a) Opportunities for bicycles with trailers shall be provided near the entrance(s) to the grocery store space.

(NOTE: THIS HAS BEEN ADDRESSED IN THE 2/5/15 REVISIONS).

- b) The bicycle stalls located in the middle of the surface parking lot shall be relocated further to the south, in the area where accessible surface parking stalls are proposed. Details shall be provided regarding ramps to access this area.

(NOTE: THIS HAS BEEN ADDRESSED IN THE 2/5/15 REVISIONS).

- c) Additional bicycle parking shall be provided along the south side of the building to accommodate cyclists coming from Cottage Grove Road or areas south of the site. The applicant shall coordinate with Traffic Engineering to create convenient bicycle access to this area from Cottage Grove Road.

(NOTE: THIS HAS BEEN ADDRESSED IN THE 2/5/15 REVISIONS. COORDINATION WITH TRAFFIC ENGINEERING STILL NECESSARY FOR BICYCLE ACCESS TO THESE AREAS).

3. The applicant shall provide a trash management plan for both residential and non-residential spaces. Trash and recycling chutes serving the residential floors are strongly encouraged, and may entail relocation of the residential trash room to a more centralized area.
4. Final plans provided for staff review and approval shall include further detail of the "terrace" space above the entrance to the underground parking area, including paths of access to this space from within or outside of the building.
5. Final plans provided for staff review and approval shall include a conceptual site plan showing future developable space along Pinney Street and Dempsey Road and associated underground or structured parking, to replace a portion of the surface parking currently proposed.

(NOTE: THIS HAS BEEN ADDRESSED IN THE 2/5/15 REVISIONS).

6. Final plans provided for staff review and approval shall indicate a convenient route for bicyclists to enter the underground parking area from all three surrounding streets. Elevators designed to accommodate bicycles and automated doors at intended entrances shall be included.
7. The applicant is encouraged to include an entrance to the building facing Dempsey Road or the corner of Cottage Grove Road and Dempsey Road.

(NOTE: THIS HAS BEEN ADDRESSED IN THE 2/5/15 REVISIONS).

8. Submitted plans show 17 surface parking stalls located on Lot 5 and Lot 3 in an area where 7 parallel parking stalls had been approved for development of an 80-unit apartment building on Lot 5. In final plans submitted for staff review, these parking stalls will need to be reconfigured consistent with the approval for Lot 5, absent an approved alteration to the conditional use approval for Lot 5.
9. Final elevations provided for staff review and approval shall include a detailed materials schedule with colors and specifications (brick size, manufacturer, etc.) for all materials. All changes in materials on the building facades shall be accompanied by a change in plane.
10. With this approval, the use of the commercial space on the eastern half of the ground floor of the building is limited to food and related goods sales or uses permitted in the Traditional Employment District. Use of this space for any other retail uses would require additional conditional use review and approval by the Plan Commission.
11. If the door on the western portion of the south façade leading to the outdoor terrace is also to be used as a pedestrian entrance or exit, a private sidewalk shall be incorporated to connect it with the public sidewalk along Cottage Grove Road.

Please contact Janet Schmidt of the City Engineering Division at 261-9688 if you have questions regarding the following 25 items:

12. Lots 2 and 3 of Royster Corners, included in this site plan, provide and utilize common access and fire lanes serving Lots 1, 4 and 5 of Royster Corners. A Common Access – Fire Lane Easement/Agreement between this site and Lots 1, 4 and 5 of Royster Corners shall be drafted, executed and recorded prior to plan sign off.
13. Lots 2 and 3 of Royster Corners included in this site plan, along with Lots 1, 4, and 5 of Royster Corners, are dependent upon on each other for overland and subsurface stormwater drainage. A private Storm Sewer/Drainage Easement/Agreement for all lots with shared drainage shall be drafted, executed and recorded prior to plan sign off.
14. The proposed new building will cross an underlying platted lot line. Current fire code and City enforcement requires the underlying platted lot line be dissolved by Certified Survey Map (CSM)

prior to issuance of a building permit. A CSM combining Lots 2 and 3 along with required supporting information shall be prepared and submitted to the City of Madison Planning Department. The CSM shall be approved by the City and recorded with the Dane County Register of Deeds prior to issuance of a building permit.

15. This site and Lot 4 of Royster Corners to the west have a shared access along the common lot line for access to each lot's underground parking facilities. A private common access Easement/Agreement between this site and Lot 4 shall be drafted, executed and recorded prior to plan sign off.
16. Any private water mains or hydrants that are required for fire protection of more than one lot within this development shall have a common water main Easement/Agreement drafted, executed and recorded prior to plan sign off.
17. The thru private drive from Royster Oaks Drive to Dempsey Road is named Grand Oak Trail. Label this named access drive on all sheets.
18. Applicant shall verify that elevations of proposed infrastructure matches the City proposed utilities (see City Project #53W1537 – Royster Corners Assessment District).
19. Provide a description and guidance on how the contaminated soils will be handled during the construction process. It is expected that the PAH contaminated soils will need to receive an approved cover, as dictated by WisDNR or to be disposed of at an approved landfill. A deed restriction may be necessary identifying the contamination on site. Provide documentation from DNR on approval of the handling of the materials.
20. The City will be completing the interior roadway construction for the Royster Corners Plat in the Spring of 2015. The Applicant will have to coordinate the work and access to their site to accommodate the City's completion date. The new sidewalk on Dempsey Road and Cottage Grove Road will be completed at that time. In 2016, the City will be reconstructing Cottage Grove Road and Dempsey Road. There will be a bike path within the terrace on Dempsey Road adjacent to this project. The proposed access drive on Dempsey will need to accommodate the bike path, as necessary. The Applicant shall coordinate the design and location of the proposed driveway with City Engineering and City Traffic Engineering.
21. The City plans to construct the sidewalk adjacent to this development in spring of 2015 as part of the City's Public Works project. If the Applicant desires, the sidewalk can be constructed under a developer's agreement. Contact Janet Schmidt at jschmidt@cityofmadison.com to discuss the options.
22. Submit a PDF of all floor plans to izenchenko@cityofmadison.com so that a preliminary interior addressing plan can be developed. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during, or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal.
23. 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 (POLICY).
24. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which 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 (POLICY).

25. The Applicant shall provide the City Engineer with the proposed earth retention system to accommodate the restoration. The earth retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system (POLICY).
26. All work in the public right-of-way shall be performed by a City licensed contractor (MGO 16.23(9)(c)5) and MGO 23.01).
27. All damage to the pavement on Cottage Grove Rd, Dempsey Road, Pinney Street and Royster Oaks Drive, adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link: <http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY).
28. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in the ROCK RIVER TMDL ZONE and by Resolution 14-00043 passed by the City of Madison Common Council on 1/21/2014. You will be expected to meet a higher standard of erosion control than the minimum standards set by the WDNR.
29. 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 (POLICY and MGO 10.29).
30. The applicant shall demonstrate compliance with MGO Section 37.07 and 37.08 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.
31. Effective January 1, 2010, The Department of Commerce's authority to permit commercial sites, with over one (1) acre of disturbance, for stormwater management and erosion control has been transferred to the 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 NR216 and NR-151 but a separate permit submittal is now required to the WDNR for this work as well. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process.

As this site is greater than one (1) 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. Information on this permit application is available on line <http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm> (NOTIFICATION).

32. This project will require a concrete management plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office (POLICY).
33. The lots within this site plan 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 site plan and recorded at the Dane Co Register of Deeds (POLICY).

34. Prior to approval, this project shall comply with MGO Chapter 37 regarding stormwater management. Specifically, this development is required to:

- a) Provide oil & grease control from the first 1/2" of runoff from parking areas
- b) 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 MGO Chapter 37.

Stormwater management plans shall be submitted and approved by City Engineering prior to signoff.

35. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set (POLICY and MGO 37.09(2)).

PDF submittals shall contain the following information:

- a) Building footprints
- b) Internal walkway areas
- c) Internal site parking areas
- d) Lot lines and right-of-way lines
- e) Street names
- f) Stormwater Management Facilities
- g) Detail drawings associated with Stormwater Mgmt Facilities (including if applicable planting plans).

36. 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 (POLICY).

Please contact Eric Halvorson of Traffic Engineering at 266-6527 if you have any questions regarding the following 11 items:

37. The underground parking appears to be a mixture of Medium and Large Vehicle standards and One-Size-Fits-All standards which is not permissible. One can use Medium and Large Vehicle standards and Small Vehicle standards as long as the Small Vehicle parking is signed at the front of each stall. To be approved all Medium and Large Vehicle stalls shall have a minimum backup of 24 feet free and clear of all obstructions and Small Vehicle parking stalls shall have a minimum backup of 22 feet free and clear of all obstructions.

(NOTE: THIS HAS BEEN ADDRESSED IN THE 2/5/15 REVISIONS).

38. Modify entrance on Dempsey Rd so the entrance flair does not start until it is clear of the cycle track.

39. Applicant shall provide a higher order signing at the driveway exit to Dempsey road to improve safety of the two-way cycle track along Dempsey Road. Necessary signage will be determined by the City Traffic Engineer.

40. The radius of the curb from the loading dock does not appear to allow an ADA compliant connection to the City sidewalk along Dempsey. This will need to be corrected prior to final sign off.

41. Applicant shall provide a continuous pedestrian walkway between the entry courtyard and Pinney Street.

(NOTE: THIS HAS BEEN ADDRESSED IN THE 2/5/15 REVISIONS).

42. While Lot 1 is not part of this submittal, it is not likely another driveway would be permitted onto Dempsey road given the safety implications to the two-way cycle track. Applicant may want to consider design of Lot 2 to incorporate possible vehicle access window for Lot 1 if that is the intent of the driveway from Lot 1.

43. One hundred four auto parking spaces are provided for the development, which has 89 residential units and 41,200 square feet of commercial uses. It is not clear from the letter of intent whether these auto parking spaces are reserved at all times for the residents. If fewer than 89 off-street spaces are not reserved at all times for the residents, this is fewer than a 1:1 ratio of parking spaces to residential units. A condition of approval shall be that no residential parking permits shall be issued for 516-530 Cottage Grove Road unless a minimum of 89 off-street spaces are reserved for residents only at all times. This is consistent with other projects in the area. The applicant shall inform all tenants of this facility requirement in their apartment leases. In addition, the applicant shall submit for 516-530 Cottage Grove Road a copy of the lease noting the above condition.
44. 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; 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.
45. 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.
46. 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.
47. All parking facility design shall conform to MGO standards, as set in Section 10.08(6).

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

48. Provide a single fire alarm and single fire sprinkler system to protect the building.
49. Coordinate landscaping with aerial access lanes. Proposed trees block the proposed aerial access.

Please contact Kay Rutledge of the Parks Division at 266-4714 if you have any questions regarding the following 2 items:

50. Park impact fees (comprised of the Park Development Impact Fee per MGO Sec. 20.08(2) and the Parkland Impact Fee in lieu of land dedication per MGO Sec. 16.23(8)(f) and 20.08(6)) will be required for all new residential development. The developer must select a method for payment of park fees before signoff on the conditional use. This development is within the Olbrich park impact fee district (S125). Please reference ID# 13123.1 when contacting Parks about this project.
51. Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right-of-way. Permission for such activities must be obtained from the City Forester, 266-4816.

Please contact Dennis Cawley of the Water Utility at 266-4651 if you have any questions about the following item:

52. This property is not in a wellhead protection district. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

Please contact Pat Anderson of the Zoning Office at 266-5978 if you have any questions regarding the following 8 items:

53. For the residential component of the project, provide a minimum of 98 bicycle parking spaces distributed as both *Short Term* and *Long Term* bicycle parking. These spaces shall be located in a safe and convenient location on an impervious surface, as required per sec. 28.141(4) and 28.141(11). Provide a detail of the bicycle rack design including wall mounts. Guest stalls shall be short term. Call out and dimension required stalls on the final plan.

For the commercial/retail/library component, provide the required number of bicycle parking stalls. Bike parking shall comply with the requirements in sec. 28.141(4)(g) and 28.141(11) and bike parking requirements for future tenants shall be required at the time building permits for occupancy are requested.

54. Pursuant to Sec. 28.142(3) Landscape Plan and Design Standards: Landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
55. Provide details of loading areas screened from street view pursuant to section 28.142(9)(d).
56. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.
57. Note: Outdoor seating areas associated with food and beverage establishments are a Conditional Use.
58. Provide building elevations including a detailed cross section of floor to ceiling heights. Include building heights on elevation pages of final plans.
59. Provide details of lot coverage and useable open space areas on final plans.

Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency. No demolition or building permits shall be issued until the applicant has met all of the conditions of approval stated in this letter.

Please now follow the procedures listed below for obtaining your building permits:

1. Please revise the plans per the above conditions and file **ten (10)** sets of complete, fully dimensioned, and to-scale plans, along with the appropriate site plan review application and fee pursuant to Section 28.206 of the Zoning Code. Also provide any other documentation requested herein with the Zoning Administrator, Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard.
2. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting building permit approval.
3. No alteration of this proposal shall be permitted unless approved by the Plan Commission, provided, however, the Zoning Administrator may issue permits for minor alterations. This approval shall become null and void one year after the date of the Plan Commission unless the use is commenced, construction is under way, or a valid building permit is issued and construction commenced within six months of the issuance of said building permit.

If you have any questions regarding obtaining the conditional use approval, please contact the Zoning Administrator at 266-4551. If you have any questions or if I may be of any further assistance, please do not hesitate to contact my office at 266-5974.

Sincerely,

Heather Stouder, AICP

Planner

cc: Janet Schmidt, City Engineering Division
Jeff Quamme, City Engineering Division
Pat Anderson, Asst. Zoning Administrator
Bill Sullivan, Fire Department
Eric Halvorson, Traffic Engineering
Kay Rutledge, Parks Division
Al Martin, Urban Design Commission

I hereby acknowledge that I understand and will comply with the above conditions of approval for this demolition permit and conditional use.

Signature of Applicant

Signature of Property Owner (if not applicant)

For Official Use Only, Re: Final Plan Routing			
☒	Planning Div. (H. Stouder)	☒	Engineering Mapping Sec.
☒	Zoning Administrator	☒	Parks Division
☒	City Engineering	☒	Urban Design Commission
☒	Traffic Engineering	☐	Recycling Coord. (R&R)
☒	Fire Department	☐	Metro Transit