



## Report to the Plan Commission

November 22, 2010

**Legistar I.D. #20138**

**501 East Badger Road**

**Demolition, Rezoning, and Conditional Use**

Report Prepared By:  
Heather Stouder, AICP  
Planning Division Staff

**Requested Action:** Approval of the demolition of a former school building at 501 East Badger Road, a rezoning of property from R3 (Single and Two-family Residence) District to C2 (General Commercial) District to construct a building with a school, neighborhood center, offices, retail space, and urban agricultural food production. The proposal involves conditional use review for an outdoor eating area, aquaculture and food production, and adjacency to a public park.

**Applicable Regulations & Standards:** Section 28.12(12) provides the requirements for demolition requests. Section 28.12(9) provides the process for zoning map amendments. Section 28.12(11)g provides the requirements for conditional uses.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the standards for demolitions, zoning map amendments, and conditional uses can be met and forward the request to the November 30 meeting of the Common Council with a recommendation for **approval** to demolish the existing building and rezone 501 East Badger Road from R3 to C2, subject to input at the public hearing and conditions from reviewing agencies.

### Background Information

**Applicant/Property Owner:** Thomas Dunbar; Center for Resilient Cities; 200 N. Blount St.; Madison

**Project Contact:** Mark Boehlke, Hoffman, LLC; 122 E. College Ave.; Appleton, WI

**Proposal:** The applicant proposes the demolition of the existing building on the site formerly utilized as the Badger School, and replacement with a 52,000 sq. ft., two-story mixed-use building and urban agricultural uses. The proposed building includes a charter middle school, neighborhood center, office space, and a retail component nearest the corner of Rimrock Road and East Badger Road.

**Parcel Location:** On the south side of East Badger Road, just east of Rimrock Road, the existing parcel is 4 acres; Aldermanic District 14 (Bruer); Madison Metropolitan School District.

**Existing Conditions:** The 4-acre site currently has a vacant two-story building in the middle of the property which was formerly owned by Dane County and utilized as Badger School. The main access driveway on the western portion of the property leads from East Badger Road to a surface parking lot just west of the building. Mature trees line the sides and rear of the property, and there are scattered trees in front of the existing building.

### Surrounding Land Use and Zoning:

**North:** Across East Badger Road, the “Badger Bowl” building lies within the Town of Madison in Dane County’s C-2 (Heavy Commercial) District, and its surface parking lot on the western portion of the property is in city limits, within the C3L (Limited Highway Commercial) District.

**East:** Single-family homes in the R1 (Single-family Residence) District

**South:** Single and Two-family homes on Burdette Court, and the City of Madison-owned “Badger Park”, in the R3 (Single and two-family Residence) District

**West:** Property in the R1 District owned by City Engineering for stormwater management. Across Rimrock Road to the west, the Novation employment campus in the Town of Madison, in Dane County’s C-2 (Heavy Commercial) District.

**Adopted Land Use Plan:** The Comprehensive Plan (2006) recommends General Commercial uses for this property. There is no adopted neighborhood plan which includes this property.

**Environmental Corridor Status:** This property is not located within a mapped environmental corridor.

**Public Utilities and Services:** The area is served by a range of urban services, including Metro Transit Routes 11 and 16.

**Zoning Summary:**

Bulk Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	3.85 acres
Lot width	50'	Adequate
Front yard	0'	15' ± (Phase 2)
Side yards	7'	81' ± L; 166' ± R
Rear yard	30'	77' ±
Floor area ratio	3.0	Less than 1.0

Site Design	Required	Proposed
Number parking stalls	School: 1 stall per 2 employees (TBD) N'hood Center 10% of capacity (TBD) Office: 1 per 400 sq. ft. Retail: 1 per 300 sq. ft.	60
Accessible stalls	3	4 (See Page 10, Condition No. 18)
Loading	1 10' x 35' loading space	1 (See Page 9, Condition No. 15)
Number Bike Parking stalls	TBD	55 (plus indoor room) (See Page 9, Condition No. 17)
Landscaping	Yes	Yes (See Page 9, Condition No. 14)
Lighting	Yes	Yes (See Page 10, Condition No. 19)

Other Critical Zoning Items	
Urban Design	No
Historic District	No
Landmark Building	No
Floodplain	No
Utility Easements	Yes
Wetlands	No
Adjacent to park	Yes
Barrier Free (ILHR 69)	Yes

*Compiled by Matt Tucker, Zoning Administrator*

## Project Description

### Existing Conditions

The 4-acre site currently has a vacant two-story building in the middle of the property, approximately 30,000 square feet in size. Two small one-story accessory structures are located just northwest of the main building. The property was formerly owned by Dane County and utilized as Badger School, and the vast majority of the interior was gutted prior to the purchase of the site by the applicant. While structurally sound, the shell of the building has been deemed unusable for rehabilitation by the applicant for the proposed redevelopment of the property.

The main access driveway on the western portion of the property leads from East Badger Road to a surface parking lot with approximately 25 stalls, and a small driveway on the eastern edge of the property provides access through a private easement to a shed owned by Ameritech.

Mature trees are congregated within the eastern half of the property and along the rear property line, and smaller trees are scattered in front of the existing building and along the western side of the property.

The site is immediately surrounded by low-density residential properties in the R1 and R3 Districts to the east and southeast, the City's 1.8-acre Badger Park on the southwest, a City stormwater management property to the west, and "Badger Bowl", partially located in the Town of Madison to the north

### **Demolition Plan**

The principal building and both accessory buildings will be completely deconstructed and removed, along with all asphalt, concrete sidewalks, and overhead power lines on the site. As proposed, most of the existing trees (and some stumps) will be removed from the site, although two mature deciduous trees along the rear property line will be preserved. The applicant intends to ensure that a minimum of 75% of the waste from the site will be reused or recycled.

### **Proposed Land Uses**

The proposal is for a new two-story mixed-use building containing a variety of land uses: a charter middle school for up to 120 students, a neighborhood center, a 5,000 square foot retail or restaurant space, and office space for organizations including the Center for Resilient Cities, Growing Power, and other entities.

Intensive urban food production (a conditional use in the C2 District) encompasses a majority of the site outside of the main building. A 0.4-acre community garden space is included in the southeastern portion of the site nearest most of the adjacent residential lots. Market gardens, fruit trees, and other edible perennials proposed throughout the site will be used by Growing Power, as well as for educational and food production purposes by the school. Three temporary hoop house structures are proposed in the northeastern part of the site to extend the growing season during the months of October to May each year, and permanent accessory greenhouses totaling nearly 3,500 square feet proposed just east of the building will house the integrated aquaculture (fish and vegetable production) facility. Composted food and garden waste produced on-site will help to naturally fertilize the gardens and greenhouses. A small outdoor eating area (also a conditional use) with five tables located just behind the building is to be utilized by students of the school, and also in conjunction with a neighborhood center café.

Rounding out the conditional use review is the adjacency to "Badger Park" immediately to the south. While details are not part of this formal review, it is important to note that the applicant is working with Parks Division staff to plan for a bike and pedestrian linkage to strengthen the relationship between the two properties in the near future.

### **Site and Building Design**

*NOTE: Unless otherwise stated, the descriptions below pertain to the complete building, rather than the Phase 1 portion.*

**Building Bulk and Placement-** The proposed two-story building is placed in the west central portion of the site. With a total of approximately 52,000 gross square feet, the building is significantly larger than the existing building on the site, and extends northward to create a stronger presence on East Badger Road. The second floor is stepped back in several places to allow for usable terraces and balconies accessible from the inside of the building. A three-story "stair tower" on the north side of the building provides access to the roof over the second story.

**Parking and Access-** Two access driveways lead from East Badger Road to two surface parking lots (60 total automobile stalls), which should adequately serve the mix of uses on the property. 49 stalls are proposed in the main parking area on the far west side of the site for use by visitors, employees of the school, neighborhood center, and commercial portions of the building. The eastern parking lot includes 11

additional stalls and leads to the loading and receiving area on the southeastern portion of the building. All parking areas (with the exception of the concrete access driveways) are proposed as “grasscrete”, a permeable paving surface for increased on-site stormwater infiltration. 55 outdoor bicycle stalls are distributed throughout the site near all building entrances, and an additional 500 square foot interior room is dedicated to bicycle storage.

**Entries and Openings-** Of the fourteen ground-floor entrances, the two most prominent are on the west side of the building, one oriented toward the corner of East Badger Road and Rimrock Road leads to the commercial space, and the other on the southwest part of the building leads to the school, neighborhood center, and office portions of the building. Entrances on the north side of the building lead to the school’s multipurpose room and the northern stairwell, and entrances on the east side of the building lead to mechanical and receiving areas, a “mud room” associated with the agricultural uses, the commons area in the rear portion of the building, and the southern stairwell. Three additional entrances on the west side of the building lead to the gymnasium, the bike storage space, and the western stairwell. The second floor incorporates a large outdoor terrace and greenhouse on the southwest portion of the building, and three other balconies associated with the school on the eastern half of the building. The north and south elevations include consistent window openings on both levels, while the east and west elevations include several blank building sections without windows. Many of these “blank” areas are intended to be covered with “living walls”.

**Exterior Materials-** At this time, details on the exterior materials are still being contemplated, as the applicant is working to research the viability of “living walls” to incorporate on several spans of the building. The primary wall finish will likely be a cream-colored brick veneer, with sky blue corrugated metal, tubular steel columns, gray stone windowsills, and photovoltaic panel awnings as accents. The applicant has indicated that if living walls can be implemented in this climate, portions of the building intended to be brick may need to be changed to an alternative, non-porous material that can serve as a better backing for the living wall. In addition, there is a strong likelihood that some portions of the building will have a green roof, and that other rooftop areas will be covered with photovoltaic panels.

**Accessory Buildings-**Three temporary hoop houses, two permanent greenhouses, and small accessory structures in the community gardens are proposed on the eastern portion of the site. As is noted in Fire Department comments, which are unable to be modified by the Plan Commission, the hoop houses and greenhouses will need to meet the International Building Code. While the greenhouses will be constructed as such, staff and the applicant are unaware of a construction method for hoop houses (floorless structures with metal or wooden frames covered with heavy plastic to extend the growing season) that will meet the building code for permanent structures. Thus, the applicant plans for the hoop houses to be temporary structures, which can only be up for 180 days out of the year, constructed each October and deconstructed each May.

**Gardens, Landscaping and Site Details-** Two established deciduous trees near the rear property line remain, but the vast majority of proposed landscaping on the site is edible, including trees, small perennials, and gardens with annual fruit and vegetable plantings. 34 fruit and nut trees line the west side of the main parking area and the southwest perimeter of the. Edible shrubs line the north side of the property along East Badger Road, the eastern parking lot, and the community gardens in the southeast portion of the site. A new 6’ tall wooden fence is proposed near the property line between the site and all adjacent residential properties, although the applicant is working with individual property owners to ensure that direct access to the site is an alternative option they can choose, in lieu of a fence.

Since research on intensive urban agriculture, as well as efficient use of energy and water is a major focus of the proposed facility, it is anticipated that small changes in the technologies used for these purposes will impact the landscaping and site details over time.

**Stormwater Management-** The applicant intends to capture stormwater for on-site water usage by installing innovative rainwater collection systems both on the rooftop of the building and embedded within the higher areas of the site at ground level, which will store water for gravity-fed distribution throughout

the gardens on the site. Approximately 2.3 acres of the 3.9-acre site will be pervious, and can be utilized for stormwater infiltration when precipitation exceeds that which is collected for reuse. Two small rain gardens proposed in the northwestern and southwestern portions of the site will capture runoff from the rooftop and parking lot, reducing the impact on the City stormwater parcel to the west. An additional rain garden in the east central portion of the site would capture runoff from the auxiliary parking area.

**Operations and Management of the Building-** Operations related to the building are as follows:

- The multiuse building will be open with programming from 7am to 10pm, although only the neighborhood center portion will remain open after 6pm on a regular basis.
- The outdoor eating area in the rear of the building will be used by both students of the school and as a small commercial café run through the neighborhood center.
- While a large proportion of the students will likely walk or bicycle to school from nearby neighborhoods, the parent and bus drop-off and pick-up is located on the north side of the building on East Badger Road, where students will enter the school through the multi-purpose room through a covered walkway.
- The school (eastern portion of the building) is being constructed such that it can be entirely “locked down” from the rest of the building on the interior, as is required for school buildings.

**Operations and Management of the Agricultural Uses-** The applicant has included several commitments in the letter of intent regarding the management of the agricultural portions of the site:

- Community gardens will include water spigots and low-level motion lights as a deterrent to vandalism.
- Drives (concrete) and walks (decomposed granite and/or mulch paths) will be maintained on a daily basis to ensure that they are free of garden waste and compost.
- Fruit from trees will be harvested regularly, and any fruit on the ground will be utilized for compost.
- Loading and receiving related to the food production uses will be limited to 2-axle panel trucks and garbage trucks (no semis will be used) on the eastern access drive.

**Building Phasing-** The applicant has noted that the eastern portion of the building containing the charter middle school is the most time-sensitive component, as it is intended to accommodate the first class of 40 sixth-grade students by Fall 2011. The intent is to complete the first story of the school for Fall 2011 occupancy, continue interior finishing of the second story while school is in session, and proceed with the remainder of the building following the completion of the school. The Phase 1 portion of the building has just over 20,000 square feet of interior space.

Importantly, the applicant has noted that while the completion of the western half of the building is intended to take place immediately following the completion of the school portion, it is subject to obtaining the funding to construct it. At the request of staff, the applicant has provided “Phase 1” drawings to demonstrate how the school and urban agriculture uses alone would look and function, absent the western portion of the building with the commercial space, additional offices, and neighborhood center.

One of the main issues is the finish of the Phase 1 western elevation facing Rimrock Road, which would have otherwise been the interior separation between the school and the rest of the building. If there is a pause between phases, this side would be finished with a series of window openings in what would otherwise be the opening between the multipurpose room and the gymnasium, a two-story brick exterior in the middle portion of the building, and the main entrance on the southern portion of the building.

For Phase 1, the western parking lot would have only 17 parking stalls, and the space where the Phase 2 portion of the building is planned would be temporarily utilized as additional garden space.

## Evaluation

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### Land Use

**Demolition-** While the applicant had explored the potential to reuse and integrate the existing building with the new uses proposed for the site, its demolition seems like the best option given its current condition. The applicant has indicated a strong commitment to reusing and recycling at least 75% of the material from the site.

The removal of trees associated with the redevelopment is one of the few negative changes with regard to demolition and site preparation, but is necessary to provide adequate solar access for the intended agricultural uses on the eastern and southern portions of the site.

**Consistency with Adopted Plans-** While the existing R3 Zoning District would allow for the school, neighborhood center, and community garden, the office, retail, and commercial food production uses proposed require commercial zoning.

The proposed location of 5,000 square feet of commercial space in the northwest corner of the site is likely the best place on the property to attract a future neighborhood-serving retail or restaurant tenant; although the applicant has indicated that there are no prospective tenants at this time. In addition, the building includes nearly 3,000 square feet of office space intended for use by the Center for Resilient Cities, Growing Power, and other local non-profit organizations or businesses. The intensity of the agricultural production intended for the site also requires commercial zoning, although it is less consistent with the "General Commercial" land use recommendation. Its concentration on the eastern portion of the property is appropriate, as it will likely be more compatible with the nearby residential properties than would a more intensive commercial use.

Overall, the mix of uses proposed is unique for a "commercial" development, and actually precludes many commercial uses for the site. However, the proposed use and the C2 (General Commercial) District requested is much more consistent with the Comprehensive Plan (2006) recommendation for General Commercial use than is the list of uses that could be initiated in the existing R3 (Single and Two-Family Residence) District.

### Site and Building Design

The two-story building is well-placed on the site, with a much stronger presence on both East Badger Road and Rimrock Road than that of the existing building. The bulk of the building is varied and well-articulated with setbacks, second story balconies and terraces, and a mix of materials.

**Parking and Access-** Parking areas are well designed to minimize impervious surface coverage while providing adequate access for fire safety, loading, and receiving purposes. Staff notes that the eastern driveway entrance will need to be relocated approximately 20 feet to the west in order to maintain a sufficient offset from Nob Hill Road (see Traffic Engineering Condition Nos. 38 and 39). While this shift will impact the layout of accessory structures and gardens shown just west of the driveway, it should not significantly impact the proposal as a whole.

**Entries and Openings-** While a majority of the building has a high proportion of transparency, there are very few openings in the second floor of the west façade. Staff recommends that the applicant explore additional window openings on the second story of the west elevation to provide natural light into the gymnasium.

**Exterior Materials-** The variety of exterior materials contemplated by the applicant is adequate, so long as the majority of the exterior remains durable and high-quality. Staff recommends that the final elevations submitted for staff review include labels for all materials and an indication of where the living walls will be placed, if they are indeed deemed to be feasible in this climate.

**Accessory Buildings-** Prior to construction of the accessory structures approved as part of this proposal, each will need to be submitted to Building Inspection staff for review for consistency with all applicable building codes.

**Gardens, Landscaping, and Site Details** - Nearly all of the landscaping proposed for the site serves the multiple functions of screening, food production, and educational opportunities for students at the school. Staff does not need to see further detail on the types of edible trees or shrubs proposed. However, if conversations with adjacent residential property owners neighbors result in changes to plans for the proposed wooden fence, these changes should be discussed with staff and reflected in the final plan set for staff review and approval.

**Stormwater Management-** Staff has no specific comments with regard to the function of stormwater management on the site, beyond that which will be handled by City Engineering in their final review.

**Operations and Management of the Building-** Staff recommends that the hours of operation for the small outdoor eating area proposed in the rear of the building be limited to 7:00 AM to 9:00 PM, with no amplified sound.

**Operations and Management of the Agricultural Uses** - Staff recommends that the applicant prepare an operations and management plan for the food production uses on the site, taking into account the proximity to residential properties and middle school students. The plan should be submitted for review and approval by staff, and should include but not be limited to the following:

- List of mechanized equipment to be used on the site, with limitation on hours of day
- Limitation on hours for loading and unloading on the east side of the building
- Limitations on use of chemical pesticides and fertilizers for the site (staff assumes none will be used)
- Commitment to daily maintenance of driveways, parking areas, and paths to ensure that they are free from garden and food wastes

**Building Phasing-** Staff believe that the entire 50,000 square foot building, rather than the school alone, is the most efficient use of this property, and notes that the commercial and office uses proposed on the western portion of the building are most consistent with the "General Commercial" land use recommendation for the site. Staff understands that it is the intention of the applicant to accomplish the seamless construction of the entire facility, and strongly supports this intention.

However, staff are concerned about the uncertainty of the Phase 2 construction and what elements Phase 2 will encompass. To address this concern, staff recommend a condition of approval that clearly differentiates Phase 1 from Phase 2 activities and indicates that the building permit application for Phase 2 construction shall include the entire western portion of the building as shown on submitted plans. Further, staff recommends that the commercial space in the northwest corner of the building not be less than the 4,549 square feet shown on submitted plans.

### **Related Approvals**

The applicant presented this proposal at the November 10 Urban Design Commission meeting, seeking a recommendation to the Plan Commission regarding the conditional uses proposed. The UDC members discussed the orientation of uses within the building, as well as the proposed accessory structures associated with on-site food production, and voted unanimously to recommend that the Plan Commission approve the proposal.

### **Public Input**

Staff is unaware of any opposition to the project, and has received several e-mail communications noting support from a variety of individuals, some involved in the planning for the project, as well as at least one area resident (all communication received is included in the Plan Commission packet).

## **Conclusion**

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The proposed development is consistent with the Comprehensive Plan (2006) recommendations for General Commercial uses.

On balance, staff believes that the standards for demolition approval are met, and with the recommended conditions of approval, the proposal can meet the standards for rezoning and the proposed conditional uses.

The Planning Division recommends that the Plan Commission find that standards for demolition approval, rezoning, and conditional uses can be met, and forward this request to the November 30 meeting of the Common Council with a recommendation for **approval**.

## **Recommendations and Proposed Conditions of Approval**

Major/Non-Standard Conditions are shaded

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### **Planning Division Recommendation**

The Planning Division recommends that the Plan Commission find that standards for demolition approval, rezoning, and conditional uses can be met, and forward this request to the November 30 meeting of the Common Council with a recommendation for **approval**.

### **Planning Division** (Contact Heather Stouder, 266-5974)

1. In final plans submitted for review and approval by staff, the applicant is encouraged to include additional clerestory window openings on the second story of the west elevation to provide natural light into the gymnasium. If this is the location of a "living wall", these openings could be placed above or beside the areas intended for the living wall.
2. Any changes to the proposed screening between this property and adjacent residential properties shall be reflected in the final plan set for staff review and approval. Written support from adjacent property owners may be necessary if fencing is removed.
3. Hours of operation for the outdoor eating area proposed in the rear of the building shall be limited to 7:00 AM to 9:00 PM, and there shall be no outdoor amplified sound.
4. The applicant shall prepare a management plan to be approved by Planning staff for the agricultural uses on the site, including the following:
  - List of mechanized equipment to be used on the site, with limitation on hours of day.
  - Limitation on hours for loading and unloading on the east side of the building.
  - Limitations on use of chemical pesticides and fertilizers for the site (staff assumes none will be used).
  - Commitment to daily maintenance of driveways, parking areas, and paths to ensure that they are free from garden and food wastes.
5. The applicant shall submit plans for the greenhouses, temporary hoop houses, and garden structures (pavilion, sheds, and arbors) to Planning staff for review and approval, prior to seeking building permits for these structures. Plans for accessory structures shall then be submitted to Building Inspection staff for review for consistency with all applicable building codes.
6. Building permit application materials for Phase 2 of the building (that portion of the building west of the school including the neighborhood center, offices, and commercial space) shall include Phase 2 in its entirety, as shown on submitted plans.



7. The commercial space in the northwest corner of the site shall not be less than the 4,549 sq ft area shown on submitted plans.
8. Final elevations shall be submitted for review and approval by staff and shall include labels for all materials and an indication of where the living walls will be placed.

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

9. This project includes hoop houses, identified as temporary structures. Building code requirement consider these hoop houses as temporary buildings, which are required to meet certain building codes and may be placed on site for no more than 180 days. The proposal to allow these year-round, following quarterly inspections, conflicts with building code requirements and cannot be approved as part of this request.  
*Note: The applicant has indicated that unless hoop houses can meet all applicable building codes, they will be placed on-site from October through May each year, meeting the definition of temporary structures.*
10. A desire to use the property for non-accessory composting activities was originally proposed for the site. The applicant had indicated a desire to have materials delivered to the site from area restaurants and organics producers, which would then have been openly composted in designated areas on site. This activity is considered a separate principal use, and is not a listed or conditional use in the C2 General Commercial zoning district. On-site composting of organics generated by the facility would be permissible, as an accessory use.  
*Note: The applicant has indicated that only the composting of on-site materials would occur on the site.*
11. At this time, the gymnasium is being considered as an accessory component of the school use, rather than as a separate principal use/assembly space. Separate parking spaces to accommodate the use of the gymnasium as a general assembly space is not being considered at this time. The question of required parking for the gymnasium space will be addressed should a future owner wish to change the use of this space.
12. Provide a reuse/recycling plan, to be reviewed and approved by the City's Recycling Coordinator, Mr. George Dreckmann, prior to a demolition permit being issued.
13. MGO Section 28.12(12)(e) requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan. Please note, the owner must submit said information within 60 days of completion of demolition.
14. Provide a detailed landscape plan. Show species and sizes of landscape elements. Within 10' from a driveway crossing of a street lot line, any landscaping /screening shall not exceed 2' in height for vision clearance. Landscaping to be used as screening must be identified on the final plans.
15. Parking and loading facilities shall comply with MGO Section 28.11(4). Provide one 10' x 35' loading area with 14' vertical clearance to be shown on the final plan. The loading area shall be exclusive of drive aisle and required maneuvering space.
16. The site shares a zoning district boundary with a residential development to the east and south. Per MGO Section 28.04(12)(c), this development must provide effective 6' – 8' high screening along the district boundary lines of this commercial zoning district adjoining a residential zoning district. The Plan Commission may modify this screening requirement as part of the conditional use review.
17. Bike parking shall comply with MGO Section 28.11. Provide required number of bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. NOTE: A bike-

parking stall is two feet by six feet with a five-foot access area. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices.

18. Meet all applicable State accessibility requirements, including but not limited to:
  - a) Provide a minimum of three accessible stalls striped per State requirements. These stalls shall be van accessible stalls 8' wide with an 8' striped out area adjacent to them and on the passenger side.
  - b) Show signage at the head of the stalls.
19. Lighting is required, and shall be in accordance with MGO Section 10.085. Provide a plan showing at least 0.5 footcandle on any surface on any lot and an average of 0.75 fc. The maximum light trespass shall be 0.5 fc at 10 ft from the adjacent lot line (See City of Madison lighting ordinance for details).

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

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| <ol style="list-style-type: none"><li>20. Stormwater Management serving each phase must be constructed with the build out of each respective phase of improvements.</li><li>21. Interior suite and/or tenant addresses will be assigned when final space configurations are known. Please coordinate this future addressing plan with Engineering Mapping Lori Zenchenko (<a href="mailto:addressing@cityofmadison.com">addressing@cityofmadison.com</a> or 266-5952). The interior address plan is subject to the review and approval of the Fire Marshal.</li></ol> |
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22. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass (POLICY).
  23. 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).
  24. 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).
  25. Storm sewer to serve this development has been designed and constructed. The site plans shall be revised to identify the location of this storm sewer and to show connection of an internal drainage system to the existing public storm sewer (POLICY and MGO 10.29 and 37.05(7)(b) for over 10,000 SF of impervious area).
  26. 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).
  27. 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.
  28. 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)

29. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to:

- a) Detain the 2 and 10-year storm events
- b) Control 40% TWW (20 micron particle) off of new paved surfaces
- c) Provide oil and grease control form the first ½" of runoff from parking areas.
- d) 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.

30. The Applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number:

- a) Building Footprints
- b) Internal Walkway Areas
- c) Internal Site Parking Areas
- d) Other Misc. Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
- e) Right-of-Way lines (public and private)
- f) All Underlying Lot lines or parcel lines if unplatted
- g) Lot numbers or the words "unplatted"
- h) Lot/Plat dimensions
- i) Street names

All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred [addressing@cityofmadison.com](mailto:addressing@cityofmadison.com) . Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file (POLICY and MGO 37.09(2) & 37.05(4))

31. 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 Management Facilities (including if applicable planting plans)

32. The Applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including:

- a) SLAMM DAT files
- b) RECARGA files
- c) TR-55/HYDROCAD/etc
- d) 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 (POLICY and MGO 37.09(2)).

33. The Applicant shall obtain a Street Excavation permit for the installation of utilities required to serve this project. The Applicant shall pay the permit fee, inspection fee and street degradation fee as applicable and shall comply with all the conditions of the permit (MGO 10.05(6)).

34. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction MGO 37.05(7).

35. Prior to approval of the conditional use application, 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 (POLICY).

36. 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/Subdivision Contract. Contact Janet Dailey (608-261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff (MGO 16.23(9)(d)(4)).

Permit applications for Nos. 33 through 35 above are available on line at:  
<http://www.cityofmadison.com/engineering/permits.cfm>.

**Traffic Engineering Division** (Contact John Leach, 267-8755)

37. When the applicant submits final plans of one contiguous plan for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, showing all easements, all pavement markings, building placement, and stalls, adjacent driveway approaches to lots on either side, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.

38. The applicant shall relocate the East Badger Road driveway approach where as the public crosswalk for Nob Hill Road shall not be terminate in the proposed driveway approach East Badger Road in accordance to MGO Section 10.08(4)(d).

39. The applicant shall modify the two (2) driveway approaches according to MGO 10.08(3)(c). Any two entrances shall be a least ten (10) ft. apart and in case less then sum of the approach flare or radii. The applicant will need to relocate the approach 20 ft westerly from proposed location to accommodate MGO 10.08 (3)(c) and 10.08 (4) (d).
40. The applicant shall modify the driveway approaches according to the design criteria for a "Class 3" driveway in accordance to MGO Section 10.08 (4). The proposed westerly approach shall be 26 ft in width for the approach with 5 ft flares. The Easterly approach shall be relocated being 20 ft in width for the approach with 5 ft flares. In addition, the public sidewalk shall go through the both approaches.
41. A "Stop" sign shall be installed at a height of seven (7) feet at all driveway approaches. All signs at the approaches shall be installed behind the property line. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
42. The applicant shall design the surface areas for stalls and backing up according to Figures II of the ordinance using the 9' or wider stall for the commercial/retail area. Aisles, ramps, columns, offices or work areas are to be excluded from these rectangular areas, when designing underground parking areas. The applicant will need to modify the easterly parking area for back up item E = 24 ft. The applicant will need to modify the backing area from 20 ft to 24 ft according to MGO.
43. The applicant shall modify the driveway approaches according to the design criteria for a "Class 3" driveway in accordance with MGO Section 10.08 (4). The proposed 15 ft radius shall be modified to with two – 5 ft flares. In addition, the public sidewalk shall go through the approach.
44. All existing driveway approaches which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
45. The attached Traffic Signal/Street Light declaration of conditions and covenants shall be executed and returned with site plans. The development shall acknowledge on their proportionate share of traffic signal assessments. The development shall further agree in writing to not oppose their proportionate share of the traffic signal assessments as part of the City's Special Assessment districts for traffic signals.
46. The Developer shall post a deposit and reimburse the City for all costs associated with any modifications to Traffic Signals, Street Lighting, Signing and Pavement Marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.
47. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

**Water Utility** (Contact Dennis Cawley, 261-9243)

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

**Fire Department** (Contact Scott Strassburg, 261-9843)

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| <ol style="list-style-type: none"><li>49. Due to the educational component of this project, all greenhouse and hoop house buildings will be required to comply with the International Building Code, International Fire Code, and all applicable Madison General Ordinances.</li></ol> |
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- 50. Contact Dane County Emergency Management regarding the relocation or removal of the Emergency Outdoor Warning Sirens.
- 51. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

**Parks Divison** (Contact Kay Rutledge, 266-4714)

- 52. This project is located adjacent to Badger Park. A possible future connection to the park is shown on the plans; in addition, a biofiltration basin is located in close proximity to the property line between the two properties. Approval of this rezoning does not necessarily grant approval for any items related to Badger Park; these items will require further discussion and subsequent approval by the Parks Superintendent and other regulatory approvals as required.

**Metro Transit** (Contact Tim Sobota, 261-4289)

- 53. Metro Transit operates daily transit service along East Badger Road west of the Rimrock intersection. Additional weekday peak hour service operates along East Badger Road east of Rimrock, with stops immediately east of this intersection – just west of the project site.
- 54. Metro Transit does not anticipate changes to present bus service in this neighborhood. Any specific bus transportation for public school students would need to be coordinated by the local school district.