



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 4103-4119 Portage Road (17<sup>th</sup> Aldermanic District, Alder Clausius)  
**Application Type:** Rezoning, Demolition, and Conditional Use  
**Legistar File ID #:** [37648](#), [37370](#)  
**Prepared By:** Heather Stouder, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted

## Related Approvals

Associated with this proposal is a Certified Survey Map, dividing the property into three approximately 4.5-acre lots, consistent with the placement of the three buildings. The City is requesting easements for future bicycle and pedestrian paths, public stormwater management, and sanitary sewer.

Following a referral of the proposal on April 8, the Urban Design Commission granted *initial approval* for the design on May 6, 2015 (report will be provided to the Plan Commission when received). The proposal will need to be reviewed by again by the Urban Design Commission at a future date for consideration of *final approval* for the design.

## Description and Analysis of Revisions and Updates

Since the staff report was completed on April 8, the program has remained the same, and changes to the proposal have focused on exterior materials and landscaping, with input from nearby residents and the Urban Design Commission.

**Building Setbacks** – Staff neglected to note in the April 8 staff report that the proposed 15-foot front setbacks from DiLoreto Drive will need explicit approval as part of the conditional use review for the residential building complex. Buildings in the SR-V2 District typically require a 25-foot front setback, but flexibility is allowed through the conditional use process for residential building complexes. This placement is primarily being driven by the location of the wetland and environmental corridor in the southern portion of the property. In this case, staff supports the building placement as proposed, particularly because it creates a more significant usable open space area behind the buildings, and also a stronger connection to the new public street. Staff recommends that the Plan Commission approve the 15-foot front setback as part of the conditional use review.

**Parking** - In response to staff concerns about the proposed parking ratio as discussed in the April 8 staff report, parking ratios remain the same, but the applicant has indicated a willingness to explore a shared car (or community car) for the site. This is recommended as a condition of approval for the proposal in an attempt to try to minimize two-car households (or in some cases, to eliminate the need for a car). Staff still believes that the proposed parking ratio for the project as a whole is low, particularly recognizing that the applicant may need to remove a few additional stalls in the surface parking area in order to meet basic landscaping requirements in the zoning code. Unless there are several car-free households, there will essentially be no parking available for visitors except for a few on-street spaces on Portage Road, as far as a quarter mile away from the easternmost building.

**Design Details** – The three proposed buildings are still architecturally indistinguishable, but have masonry elements much lighter in color, and additional colors of fiber cement siding added to the palette of materials. In plans submitted to the UDC on May 6, elevations showed blue, red, yellow, and greenish fiber cement paneling with projecting white window bays on the second and third floors. Taking into account recommendations provided by the UDC, the applicant has submitted revised, slightly simplified elevations

with fewer colors of fiber cement and without the window bays. For the western building closest to Portage Road, the fourth floor has been significantly stepped back from Portage Road, and a usable rooftop terrace has been added in its place (see comparison below).

**Original Submittal**



**May 6 UDC Submittal**



**May 13 Revision**



**Conclusion-** Staff recommendations are essentially the same as those in the April 8 staff report. Planning conditions related to the UDC and to the building setbacks have been added, Engineering conditions have been slightly modified, and Zoning conditions have been integrated into the recommended conditions of approval in this addendum. While still concerned about the parking ratio for full build-out of this project, staff recommends approval of the rezoning, conditional use, and demolition requests, subject to the conditions below, and subject to final approval of the design by the UDC.

## Recommendation

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

The Planning Division recommends that the Plan Commission find that the zoning map amendment, demolition, and conditional use standards can be met and **approve** the request at 4103-4119 Portage Road. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

### **Recommended Conditions of Approval**

Major/Non-Standard Conditions are Shaded

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

*Note: Conditions 8-10 have been added in this addendum.*

1. Final plans submitted for staff review and approval shall include details for the clubhouse and pool area. Construction of the pool and clubhouse shall begin prior to the issuance for building permits for the easternmost building.
2. Final plans submitted for staff review and approval shall include a clear phasing plan to ensure that a portion of the surface parking lot will be constructed in the first phase of the project to support the westernmost building at a parking ratio no less than the parking ratio ultimately approved for the site as a whole.
3. A long term private easement between the three newly proposed lots outlining cross-access and parking agreements to ensure that the westernmost building has long-term surface parking rights shall also be submitted.
4. The applicant shall provide a copy of the lease to be provided to tenants which clearly states the parking available on the site, and notes that on-street parking for guests and additional cars is not available adjacent to the site.
5. Absent a significant increase in the parking ratio, the applicant shall locate a shared car on the site for use by residents.
6. The louvers for HVAC systems for individual units may not face the street, except as shown on fourth floors of each building. In final plans, these louvers shall be colored to match the surrounding building material, and a detail on the louvers shall be provided for staff review.
7. Plans submitted for final approval by staff shall include a management plan for the building including plans for trash management, snow removal, management of parking, management of the shared car on the site, and management of indoor and outdoor common areas.
8. As recommended by the Urban Design Commission (UDC) on May 6, 2015, the white window bays shall be removed from the building facades in order to simplify the design.
9. Prior to submitting plans for review and approval by staff, the applicant shall obtain final approval from the UDC and address any UDC conditions of approval.
10. Final plans submitted for review and approval by staff shall maintain a 15-foot setback between each building and the extended DiLoreto Drive.

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

*Note: City Engineering staff have provided the following revised comments for this addendum.*

11. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD) prior to issuance of any building permits for new construction. When the recorded CSM image is available from the ROD, the Assessor's Office can then create the new Address-Parcel-Owner (APO) data in GEO so that the Accela system can upload this data and permit issuance made available for this new land record.
12. The current three parcels are located in three different school districts. A CSM does not dissolve or change the school districts. The current and/or future CSM parcels should be petitioned to be in one school district. Otherwise, building B1 will be in the Madison School District and buildings A1 and A2 will be in the Sun Prairie School District (and future lots 1, 2 & 3 will be administratively split into 6 parcels to keep land areas in the correct school district boundaries.
13. The storm sewer facilities and bioretention improvements shown within the public right of ways shall be used for treatment of the roadway and public waters only. Upon construction and acceptance these will become publicly owned and maintained. If these improvements are meant to meet requirements for the development of the site, the facilities must be located on the zoning lot.
14. All buildings and outdoor recreational areas shall comply with MGO Chapter 16.23(3)(d) – Highway Noise Land Use Provisions policies and ordinance.
15. The Applicant shall be financially responsible for the cost of sidewalk, 4-feet of pavement, curb and gutter and sidewalk on Portage Road from Hayes Road to Di Loretto Avenue. Additionally, the Applicant shall be financially responsible for the extension of the storm sewer culvert crossing Portage Road to allow the street improvements, and shall be financially responsible for all costs associated with obtaining wetland delineations, WDNR and Army Corp permitting as necessary to extend the culver. The City shall construct the Portage Road improvements under a public works contract in 2016 and will assess the Applicant their proportionate share of the improvements, including costs for staff time, permitting and other costs incurred by the City and associated with the improvements. The Applicant shall sign a waiver of hearing and notice for the proposed public improvement project.
16. City shall construct a bike path through the southern half of the site near the existing sanitary sewer alignment from Portage/Hayes intersection to the NE corner of the property. This path shall also serve as a maintenance access to the existing sanitary sewer system. The City shall pay the cost for this improvement, including any necessary bridging of the existing greenway.
17. The Applicant shall install new public street and sidewalk at Di Loretto Avenue and a cul de sac at the end of Di Loretto Avenue, per the requirements of City Engineering, Traffic Engineering and City Planning. Temporary turnarounds and easements will be required at the end of each phase of construction if the roadway improvements are not fully constructed in the first phase of work for the public improvements. Each phase of work will require a separate developer's agreement.
18. The Applicant shall show the limits of the existing environmental corridor and be aware that an alteration request may be required prior to the project proceeding. Applicant shall show the CARPC approved environmental corridor limit on plan set and CSM.
19. Applicant shall use different line styles or line weights on the plans to show the environmental corridor, wetland, wetland setback, floodway and flood plain.
20. Applicant shall provide the City with a WDNR approved setback approval or delineation by an approved delineator.

21. New public storm sewer easements from the new public street fronting the apartments back to the greenway shall be required. All easements should be coordinated with City Engineering concurrently with the CSM review and approval. Show all proposed easements on the site plans.
22. Applicant shall provide proof of septic system abandonment – permit from Public Health Madison & Dane County.
23. The City has an existing public sanitary sewer running through the property being developed that can be connected to, provided permitting is obtained from the WDNR for the lateral extensions. The alternative is to construct public sanitary sewer within Portage Road.
24. The Applicant shall dedicate an easement for bike path, stormwater conveyance, access, management and maintenance of storm and sanitary sewer facilities over all land south of the north line of the environmental corridor.
25. Provide a 30 foot wide Pedestrian and Bicycle Path Easement along the east side of the CSM adjacent to Interstate 39, 90 & 94, as required by the City Engineer and City Traffic Engineer. Contact Jeff Quamme ([jrquamme@cityofmadison.com](mailto:jrquamme@cityofmadison.com)) to coordinate the easement language to be placed on the Certified Survey Map.
26. The Applicant shall acquire a permanent limited easement for public street purposes from the property to the north and convey to the City to allow for the alignment of Di Loretto Drive to the proposed street. The Applicant shall also acquire temporary limited easements for grading and sloping on the adjacent property to the north as necessary to construct the new public street. If the Developer is unable to acquire and dedicate said public easements, the City may elect to obtain by eminent domain, any such easements with all real estate, land, and reasonable administrative costs related to the City's acquisition of the required easements to be paid for solely by the Developer. All easement documents shall be drafted by and coordinated with the City of Madison Office of Real Estate Services. If eminent domain proceedings are ultimately utilized, applicant's surveying consultant shall provide the information required for City of Madison Engineering staff to prepare all documents required for the proceedings.
27. 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 (MGO 16.23(9)c)).
28. Submit a PDF of all floor plans to [lzenchenko@cityofmadison.com](mailto:lzenchenko@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.
29. This property has deferred assessments for the Portage Avenue Interceptor assessment district that will be due prior to subdivision of the property or prior to any zoning approvals.
30. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass (POLICY).

31. The approval of this Conditional Use 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 (MGO 16.23(9)(d)(6)).
32. 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).
33. 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).
34. All damage to the pavement on Portage Road, 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).
35. 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.
36. 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).
37. 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.
38. This site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR216 and NR-151 however a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process.  
  
Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. Information on this permit application is available on line <http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm> (NOTIFICATION).
39. 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).
40. Prior to approval, this project shall comply with MGO Chapter 37 regarding stormwater management. Specifically, this development is required to:
  - a) Detain the 2 & 10-year storm events, matching post development rates to predevelopment rates

- b) Reduce TSS by 80% (control the 5 micron particle) off of newly developed areas compared to no controls
- c) Provide infiltration in accordance with MGO Chapter 37
- d) Provide oil & grease control from the first 1/2" of runoff from parking areas
- e) 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.

41. 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)

42. 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)).

43. This project appears to require construction dewatering. A dewatering plan shall be submitted to City Engineering as part of the Erosion Control Permit.
44. This project appears to require permanent dewatering. A permit to connect to the public stormwater system shall be required from City Engineering. Additionally, a permit for non-storm discharge to the storm sewer system from the City/County Health Department shall be required.
45. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction (MGO 37.05(7)). This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
46. All outstanding Madison Metropolitan Sewerage District (MMSD) are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Schmidt (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)).
47. 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).
48. 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 one (1) digital and one (1) hard copy 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 (608-267-1986, [bbemis@cityofmadison.com](mailto:bbemis@cityofmadison.com)) for further review (MGO 16.23(5)(g)(2)).

**Traffic Engineering** (Contact Eric Halvorson, 266-6527)

49. To allow for proper pedestrian movement and prevent encroachment from irregularly parked bicycles or bicycle with trailers, all bicycle racks shall have a 5' backup space.

50. 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.

51. 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.

52. 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.

53. All sidewalks adjacent parking stalls shall be 7' to accommodate vehicle overhang.

54. All parking facility design shall conform to MGO standards, as set in Section 10.08(6).

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

55. Compliant fire access lanes/turn arounds shall be installed for each phase as necessary.

56. Provide fire apparatus access as required by IFC 503 2012 edition, MGO 34.503, as follows:

- a) The site plans shall clearly identify the location of all fire lanes

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

57. 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 rezoning and conditional use. This development is within the Reindahl fee district (S122). Please reference ID#15120 when contacting Parks.

58. 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.



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

59. The developer shall provide an accessible pedestrian connection to the existing sidewalk and curb ramps at the intersection of Hayes Road and Portage Road, and the transit stops in that location.

60. Metro Transit operates daily transit service along Hayes Road to the Portage Road intersection (and points north), near the project site. Transit service does not extend north along Portage Road (from Hayes Road towards DiLoreto Avenue and Hanson Road).

61. The right-of-way along Portage Road adjacent the development site does not have improved pedestrian access, and project plans are not clear if new sidewalk would extend all the way south along this frontage to the existing sidewalk and curb ramp at Hayes Road.

62. Metro Transit would encourage the property owner to review if a more direct pedestrian connection might be possible – in coordination with City Engineering, Traffic Engineering and the City Storm Water Utility – that could allow quicker access to the existing transit stops on Hayes Road at and opposite a City Storm Water Utility parcel at 4662 Hayes Road (located roughly 800 feet east of the Portage Road intersection transit stops).

**Water Utility** (Contact Dennis Cawley, 266-4651)

63. The proposed public water main and water service laterals shall be installed by a standard City of Madison Contract for Subdivision Improvements.

64. This property is not located 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.

**Zoning Administrator** (Contact Matt Tucker, 266-4569)

*Note: Zoning staff have provided the following comments for this addendum.*

65. The final plans shall include a fully dimensioned site plan.

66. Provide interior parking lot landscaping per Section 28.142(6). A planting island shall be located at least every twelve (12) contiguous stalls with no breaks.

67. Per Sections 28.142(3)(c) and 28.142(4)(e) planting beds or planted areas must contain at least 75% vegetative cover mulched. Mulch shall consist of shredded bark, chipped wood or other organic material installed at a minimum depth of two (2) inches.

68. Provide a minimum bicycle parking spaces for each building distributed as both *Short Term* and *Long Term* bicycle parking, as required per sec. 28.141(4) and 28.141(11). NOTE: A maximum of 25% of the bicycle parking spaces may be structured bicycle parking (wall-mount or ceiling). Identify and dimension the required stalls as well as access aisle on the final plan. NOTE: A bicycle-parking stall is a minimum of two feet by six feet with a five-foot access area.

69. Provide a detail of the bike rack design for both ground mounted and wall or ceiling mounted racks.

70. Submit roof plans with the final plans.

71. Submit floor plans and elevations for the club house building.

72. Sec. 28.185(7)(a)5. requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Mr. George Dreckmann. (608-267-2626).

73. Sec. 28.185(10) Every person who is required to submit a reuse and recycling plan pursuant to Sec. 28.185(7)(a)5 shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.

74. Sec. 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.

**Zoning Criteria in the Suburban Residential – Varied 2 (SR-V2) District**

Requirements	Required	Proposed
Lot Area (sq. ft.)	2,000 sq. ft. per du (568,000 sq. ft.)	586,340 sq. ft.
Lot Width	60'	More than 60'
Front Yard Setback	25'	Adequate, if approved as conditional use
Side Yard Setback	10'	Adequate
Rear Yard Setback	30'	Adequate
Usable Open Space	500 sq. ft. per du (142,000 sq. ft.)	Adequate
Maximum Lot Coverage	60% (351,804 sq. ft.)	Less than 60%
Maximum Building Height	4 stories/ 52'	4 stories/ 49' 2"

a) 28.151 Residential Building Complex. (b) Setback requirements may be reduced as part of the conditional use approval, provided that equivalent open space areas are provided.

Site Design	Required	Proposed
Number Parking Stalls	1 per dwelling unit (284)	131 surface 160 underground 291 total
Accessible Stalls	Yes	Yes
Number Bike Parking Stalls	1 per unit Building A1 (97) Building A2 (97) Building B1 (90) Total (284) 1 guest stall per 10 units Building A1 (10) Building A2 (10) Building B1 (9) Total (29) Total (313)	30 surface (short term) 291 underground (long term) 321 total
Landscaping	Yes	Yes
Lighting	Yes	Yes
Building Forms	Yes	Yes (Large Multi-family Building)

Other Critical Zoning Items: Urban Design, Floodplain, Barrier Free (ILHR 69), Utility Easements, Wetland