



Department of Planning & Development
Planning Unit

Website: www.cityofmadison.com

Madison Municipal Building
215 Martin Luther King, Jr. Boulevard
P.O. Box 2985
Madison, Wisconsin 53701-2985
TDD 608 266-4747
FAX 608 266-8739
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November 28, 2005

Michael D. Gordon
Potter Lawson, Inc.
15 Ellis Potter Court
Madison, Wisconsin 53711

RE: Approval of a request to rezone 202 N. Charter Street from C1 (Limited Commercial District) to Planned Unit Development-General Development Plan-Specific Implementation Plan (PUD-GDP-SIP) to allow construction of a 25-unit apartment building with 3,300 square feet of first floor retail upon demolition of an existing two-story commercial building.

Dear Mr. Gordon:

On November 7, 2005 the Plan Commission recommended **conditional approval** of your client's application to rezone property located at 202 N. Charter Street from C1 to PUD-GDP-SIP. The Common Council is scheduled to review this rezoning at its November 29, 2005 meeting. The conditions of approval recommended by the Plan Commission follow and shall be satisfied prior to final approval and recording. Any additional or modified conditions related to the approval of this project included with Council approval will be forwarded to you in a separate letter.

The conditions of approval for this project are:

Please contact Gary Dallmann, City Engineering, at 266-4751 if you have questions regarding the following sixteen (16) items:

1. Individual apartment addresses must be numerical whole numbers (i.e. 202 N. Charter Street #1 or #101).
2. Modify site plan to show sidewalk section extending across drive entrance. Drive entrance shall include flared sides (i.e. no radii) in accordance with City of Madison Standard detail.
3. 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.
4. The applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.

5. 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.
6. The approval of this project 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.
7. The applicant shall replace all sidewalk and curb and gutter which abuts the property that is damaged by the construction or any sidewalk and curb and gutter that the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction.
8. The applicant shall provide the City Engineer with the proposed soil retention system to accommodate the restoration. A professional engineer must stamp the soil retention system. The City Engineer may reject or require modifications to the retention system.
9. All work in the public right-of-way shall be performed by a City licensed contractor.
10. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
11. The Applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the Engineering Division (Lori Zenchenko). The digital copies shall be drawn to scale and represent final construction, including: building footprints, internal walkway areas, internal site parking areas, and other miscellaneous impervious areas.
12. The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work.
13. 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.
14. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.
15. 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.

16. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to connection to the public sewerage system.

Please contact John Leach, Traffic Engineering, at 267-8755 if you have questions about the following nine items:

17. A condition of approval shall be that no residential parking permits will be issued for 202 N. Charter Street, this would be consistent with projects. In addition, the applicant shall inform all owners and/or tenants of this facility of the requirement in their condominium documentation, apartment leases and zoning text; however, the designated inclusionary dwelling units at 202 N. Charter Street, shall be eligible for residential parking permits according to the inclusionary zoning. The applicant shall provide addresses and apartment numbers for designated inclusionary dwelling units, eligible for residential parking permits to City Traffic Engineer/Parking Manager. The applicant shall note in the zoning text the inclusionary zoning dwelling units. For more information on this condition, please contact Bill Knobloch, Parking Operation Manager, at (608) 266-4761.
18. The City-County radio systems (911, etc.) managed by the City use microwave directional paths to remote towers countywide. If a building's location and height impact these paths, the development may be required to make accommodations for the radio systems. Exact elevation plans will need to be reviewed by the Traffic Engineer to determine any impacts and accommodations. The applicant will need to submit grade and elevations plans prior to sign-off to be so they can be reviewed and approved by Keith Lippert, (266-4767) Traffic Engineering Shop, 1120 Sayle Street. Based on our consultations with the City Attorney's office, any costs would be developer related costs.
19. The applicant shall note that Madison General Ordinance 10.08(a) 6 requires all facilities to have adequate internal circulation in which no backing movement, except that required to leave a parking stall, is allowed. All parking facilities shall be designed so as not to utilize any portion of the public right-of-way except to permit ingress and egress in a forward manner: unless permitted by the City Traffic Engineer. The applicant has proposed a truck operation that will require backing onto the N. Charter Street in the area of railroad tracks that create safety concerns with trains. To accommodate the proposed truck movement may require railroad-crossing improvements. The developer shall post a deposit with the City for all costs associated with any safety improvements required as signals, signing and pavement marking including labor and materials for both temporary and permanent installations at the railroad crossing on N. Charter Street as determined City Traffic Engineering.
20. When the applicant submits final plans 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, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls, 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'.
21. The applicant shall show railroad tracks, railroad signage, railroad pavement markings and railroad property to north on the site plans.
22. The applicant shall note that Madison General Ordinance 10.08(a)6 requires all facilities to have adequate internal circulation in which no backing movement, except that required to leave a parking stall, is allowed. All parking facilities shall be designed so as not to utilize any portion of the public right-of-way except to permit ingress and egress in a forward manner: unless permitted by the City Traffic Engineer.
23. 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.

24. The Developer shall post a deposit or reimburse the City for all costs associated with any modifications to street lighting, signing and pavement marking including labor and materials for both temporary and permanent installations.
25. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Please contact John Lippitt, Madison Fire Department, at 261-9658 if you have questions about the following two items:

26. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances. All portions of the exterior walls of newly constructed public buildings and places of employment and open storage of combustible materials shall be within 500-feet of at least two fire hydrants. Distances are measured along the path traveled by the fire truck as the hoselay off the truck. See MGO 34.20 for additional information.
27. Provide fire apparatus access as required by Comm. 62.0509 and MGO 34.19, as follows:
 - a.) The site plans shall clearly identify the location of all fire lanes.
 - b.) Provide an aerial apparatus access fire lane that is at least 26 feet wide, with the near edge of the fire lane within 30 feet of the structure, and parallel to one entire side of the structure.
 - c.) Provide a fire lane that extends to within 150 feet of all exterior portions of the structure.
 - d.) Fire lanes shall be constructed of concrete or asphalt only, and designed to support a minimum load of 80,000 lbs.
 - e.) Provide a completed MFD "Fire Apparatus Access and Fire Hydrant Worksheet" with the site plan submittal.

Please contact Si Widstrand, Parks Division, at 266-4711 if you have questions about the following item:

28. Park dedication required for this project is 17,500 square feet based on 700 square feet per lot. The required dedication shall be paid as a fee in lieu of land, based on the actual value of the acreage up to a maximum of \$1.65 per square foot. The value is determined by the Real Estate Unit and is based on the land value prior to development approval. The maximum fee would be \$28,875. Park Development Fees are \$12,527.75 (25 units X \$501.11 per unit).
→ Total estimated park fees: \$41,402.75

Please contact my office at 261-9632 if you have questions about the following Planning Unit condition on this project:

29. That the zoning text be amended per Planning Unit approval as follows:
 - a.) the list of permitted uses in the zoning text shall be refined to include only the following:
 - residential uses as permitted in the R6 zoning district;
 - commercial uses listed as permitted in the C1 zoning district;
 - outdoor eating areas;
 - any uses accessory to the permitted uses listed above.
 - b.) the floor area ratio (FAR) shall be noted "as shown on the approved plans;"
 - c.) provide a family definition acceptable to the Zoning Administrator;
 - d.) revise the statement of purpose to identify the 3,300 square feet of commercial space and specifically identify the 25 apartment units.

The applicant shall contact Kathy Voeck, Assistant Zoning Administrator, at 266-4551 to discuss zoning and other code conformance issues with this project prior to submitting plans for final approval and recording of this PUD.

A reuse and recycling plan approved by the Recycling Coordinator is required by ordinance prior to the issuance of wrecking permit.

After the plans have been changed as per the above conditions, please file **ten (10) sets** of the revised, complete site plans, building elevations, floor plans and any other documentation requested herein with the Zoning Administrator, Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard. The sets of final revised plans or documents will be circulated by the Zoning staff to the City department staff listed above for their signature of final approval.

Approval of 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.

An Inclusionary Dwelling Unit Plan shall be recorded with this planned unit development.

Upon receipt of the aforementioned plans, documents and fees, and upon determining that they are complete, the Zoning Administrator shall record them with the Dane County Register of Deeds Office. The recorded originals will be returned to the applicant, with the recording information noted, when the Register of Deeds has completed the recording process.

If this plan is not recorded within one year of the date of approval by the Common Council, the approval shall be null and void. No construction or alteration of the property included in this application shall be permitted until a Specific Implementation Plan (SIP) has been approved and recorded.

Within thirty (30) months of Common Council approval of the General Development Plan or within eighteen (18) months of the recording of the Specific Implementation Plan, whichever is less, the basis right of use for the areas, when in conformity with the approved Specific Implementation Plan, shall lapse and be null and void unless the project, as approved, is commenced by the issuance of a building permit. If a new building permit is required pursuant to Sec. 28.06(4), Madison General Ordinances, a new petition and approval process shall be required to obtain Specific Implementation Plan approval.

If you have any questions regarding recording this plan or obtaining permits, please call Matt Tucker, Zoning Administrator, at 266-4551. If I may be of any further assistance, please do not hesitate to contact me at 261-9632.

Sincerely,

Timothy M. Parks
 Planner

- cc: Kathy Voeck, Assistant Zoning Administrator
- Gary Dallman, City Engineering
- John Leach, Traffic Engineering
- John Lippitt, Madison Fire Department
- Si Widstrand, Parks Division
- Barb Constans, CDBG Office

| For Official Use Only, Re: Final Plan Routing | | | |
|---|--------------------------|-------------------------------------|-------------------------|
| <input checked="" type="checkbox"/> | Planning Unit (T. Parks) | <input type="checkbox"/> | Madison Water Utility |
| <input checked="" type="checkbox"/> | Zoning Administrator | <input checked="" type="checkbox"/> | Parks Division |
| <input checked="" type="checkbox"/> | City Engineering | <input checked="" type="checkbox"/> | Urban Design Commission |
| <input checked="" type="checkbox"/> | Traffic Engineering | <input checked="" type="checkbox"/> | Recycling Coordinator |
| <input checked="" type="checkbox"/> | Fire Department | <input type="checkbox"/> | Other: |
| <input checked="" type="checkbox"/> | CDBG Office | <input type="checkbox"/> | Other: |