



Department of Planning & Community & Economic Development
Planning Division

Website: www.cityofmadison.com

Madison Municipal Building
215 Martin Luther King, Jr. Boulevard
P.O. Box 2985
Madison, Wisconsin 53701-2985
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June 4, 2008

Ed Freer
The Alexander Company
145 E. Badger Road
Madison, WI 53713

RE: Approval of a request to rezone 303 N. Hamilton from Planned Unit Development-General Development Plan (PUD-GDP) to Planned Unit Development-Specific Implementation Plan (PUD- SIP) to allow for the construction of 71 apartment units (68 in new building, three in existing building)

Dear Mr. Freer:

At its June 3, 2008 meeting, the Common Council **conditionally approved** your application to rezone property located at 303 N. Hamilton from Planned Unit Development-General Development Plan (PUD-GDP) to Planned Unit Development-Specific Implementation Plan (PUD- SIP) to allow for the construction of 71 apartment units. Per the approved plans, this included 68 units in a new building and three units in an existing building. The following conditions of approval shall be satisfied prior to final approval and recording of the planned unit development and the issuance of any building permits for the project:

Please contact Janet Dailey, City Engineering, at 261-9688 if you have questions regarding the following twenty-eight (28) items:

1. This development covers multiple lots. Numerous agreements shall be required for sharing utilities, drainage, etc.
2. Pavement patching/restoration on North Hamilton Street shall be in accordance with the City's Patching Criteria.
3. A storm structure (not tap) shall be required at the point of connection to the storm main.
4. Location of all roof drains shall be shown and how they are to be connected to the public storm system.
5. Revise plans. Show all proposed storm sewer (trench drain, entry drain, etc.).
6. Erosion control plan must provide for site dewatering.
7. Revise note on page C1.2. There is no such thing as a "Sanitary Storm Sewer".
8. Revise the plan to include all dwelling unit doors/entrances on all floors for addressing purposes.
9. In accordance with 10.34 MGO – STREET NUMBERS - Submit a PDF of each floor to the Lori Zenchenko (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.

10. 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.
11. The value of sidewalk installation is over \$5,000. The Applicant shall construct sidewalk to a plan approved by the City Engineer along North Hamilton Street.
12. The applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
13. The approval of this zoning map amendment 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.
14. 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.
15. 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, 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.
16. The Applicant shall obtain a privilege in streets agreement for any encroachments inside the public right of way. The approval of this development does not constitute or guarantee approval of the encroachments.
17. The applicant shall provide the City Engineer with the proposed soil retention system to accommodate the restoration. The soil retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system.
18. All work in the public right-of-way shall be performed by a City licensed contractor.
19. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl, of the City Parks Department - dkahl@cityofmadison.com or 266-4816.
20. 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.

21. The City of Madison is an approved agent of the Department of Commerce. This proposal contains a commercial building and as such, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required.
22. If the lots within this site plan are inter-dependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the site plan and recorded at the Dane County Register of Deeds.
23. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website – as required by Chapter 37 of the Madison General Ordinances. Stormwater management plans shall be submitted and approved by City Engineering prior to signoff.
24. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the Engineering Division (Lori Zenchenko) lzenchenko@cityofmadison.com. The digital copies shall be drawn to scale and represent final construction. The submittal shall include building footprints, internal walkway areas, internal site parking areas, lot lines / numbers / dimensions, street names, and other miscellaneous impervious areas. All other levels (contours, elevations, etc) are not to be included with this file submittal. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format. Email file transmissions preferred. Please include the site address in this transmittal.
25. 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. This permit application is available on line at: <http://www.cityofmadison.com/engineering/permits.cfm>.
26. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. This permit application is available on line at: <http://www.cityofmadison.com/engineering/permits.cfm>.
27. Prior to approval of the rezoning 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. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
28. 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.

Please contact Si Widstrand, Parks Development Manager, at 266-4714 if you have questions about the following two (2) items:

29. The developer shall pay \$37,829.00 for park dedication and development fees. (See following calculations)

Park Dedication = (20 mf@ 700 square feet/unit) =14,000 square feet.

The developer shall pay a fee in lieu of dedication based on the land value of the square footage of parkland required (up to a maximum of \$1.91 / square foot) = \$26,740.00

Park Development Fees = (20 @ \$554.45) = \$11,089.00

TOTAL PARK FEES = \$37,829.00

30. Prior to City signoff on this project, the developer shall select a process for paying the park impact fees, and meet the requirements of that process.

Park Impact Fees Parkland impact fees and park development impact fees shall be paid for this project. Payment checks shall be payable to the City of Madison Treasurer. All questions, payments and deliveries shall be made to the office of the Madison Parks Division. Prior to City signoff on this project, the developer shall select one of the following options for paying these fees:

1. Payment of all fees in a lump sum prior to City signoff on the project.
2. When fees exceed \$20,000, the developer may pay half the fees and provide a two-year letter of credit at no interest for the remaining half of the fees, both prior to City signoff.
3. When fees exceed \$50,000 for plats being built with phased subdivision improvement contracts, the developer may pay the fees due for the number of units in each contract phase, paid at the time of contract execution, and at the fee rates then in effect. Under this option, the fees shall be calculated and prorated to each lot on the development, and the developer shall record a notice of the outstanding impact fees for each lot prior to receiving City signoff for the project.
4. The Developer has elected to defer the payments until such time as the building permits are applied for, in which case the owner(s) shall have fourteen (14) days after receiving the invoices to pay the outstanding impact fees. The following shall be required prior to plat sign off:
 - a) The Developer shall supply an Excel spreadsheet with lot numbers, lot areas, and number of dwelling units per lot. The Developer shall supply a Cadd file of the proposed FINAL plat, in a format compatible with Microstation J. This information shall be required to calculate the Impact Fees, which will then be recorded at the Register of Deeds against each lot in the subdivision.
 - b) All information shall transmitted to Janet Dailey by e-mail at Jdailey@cityofmadison.com, or on a CD to:

Janet Dailey
City of Madison Engineering Division
210 Martin Luther King Jr. Blvd
Room 115
Madison, WI 53703
 - c) A minimum of three (3) weeks shall be required for staff to calculate the Impact Fees and record the documents prior to plat sign-off.
 - d) The Developer shall put the following note on the face of the plat, certified survey map and PUD signoff plan:

ALL THE LOTS / BUILDINGS WITHIN THIS SUBDIVISION / DEVELOPMENT PLAN ARE SUBJECT TO IMPACT FEES THAT ARE DUE AND PAYABLE WITHIN FOURTEEN DAYS OF THE ISSUANCE OF BUILDING PERMIT(S).

Please contact John Leach, Traffic Engineering, at 267-8755 if you have questions about the following twelve (12) items:

31. A condition of approval shall be that no residential parking permits will be issued for 301 North Hamilton Street, this would be consistent with other projects in the area. In addition, the applicant shall inform all tenants in the apartment leases. The applicant shall submit for 301 North Hamilton Street a copy of the lease noting the above condition in the lease when submitting plans for City approval.
32. **** This size of apartment facility along with the commercial development proposed should be required to provide a loading and unloading area on site. The applicant should relocate the trash enclosure to be service from on-site. (**Please note that this condition was recommended by the City Traffic Engineer but removed as a condition of approval by the Common Council, per recommendation of the Plan Commission.)**
33. The attached Traffic Signal/Street Light declaration of conditions and covenants shall be executed and returned with site plans.
34. The developer shall work with the City to resolve construction-related issues prior to submitting final plans for approval. The site has limited areas on and off site for construction-related use. There shall no or very limited impact to Johnson St. or Gorham St.
35. The applicant shall indicate the type and location of bicycle racks to be installed outside the building.
36. The applicant should provide an area for visitor outside moped parking spaces and access. Moped standard parking spaces recommend 4 ft in width and 6 ft in length with a 6 ft access aisle.
37. 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), 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. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
39. A "Stop" sign shall be installed at a height of seven (7) feet at the driveway approach. 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.
40. 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.
41. 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.
42. 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 Patrick Anderson, Assistant Zoning Administrator, at 266-5978 if you have questions regarding the following six (6) items:

43. Final plans must show the provision of 75 bicycle parking spaces on site (one per dwelling unit existing and proposed plus two for each commercial space).
44. In regard to the provision of off-street loading berths, the applicant has not provided a designated off-street loading area for this project, and intends to ask for a waiver of said requirement once building is completed at the North Hamilton Street entrance.
45. Meet all applicable State accessible requirements, including but not limited to:
 - a. Provide a minimum of four accessible stalls striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8' wide with an 8' striped out area adjacent.
 - b. Show signage at the head of the stalls.
 - c. Show the accessible path from the stalls to the elevator. Parking stalls shall not block the entry to the elevators.
46. The zoning text needs to be clarified in regard to permitted land uses. Please modify in the permitted uses list to state: " Residential uses as those specified on the approved plans; and for the commercial space, those uses listed as permitted in the C1 Limited Commercial District" pursuant to the Madison's General Zoning Codes, chapter 28.
47. Provide building height, in city datum.
48. Identify Useable Open Space areas and area calculations.

Please contact Scott Strassburg, Madison Fire Department, at 261-9843, if you have questions about the following item:

49. 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, if any part of the building is over 30 feet in height.
 - c. Provide a fire lane that extends to within 150-feet of all exterior portions of the structure, or it can be extended to within 250-feet if the building is fully sprinklered.

Please contact my office, at 267-1150, if you have questions about the following four (4) items:

50. That the applicant revises the zoning text, subject to the approval of the Zoning Administrator and Planning Division. Revised text shall reflect the following:
 - a. Statement of Purpose: Eliminate qualifying language, such as the word "approximately", in any description of dwelling units, square footage, parking stalls, and related items. These considerations shall be consistent with those shown on approved plans.
 - b. Permitted Uses: The permitted uses shall be consistent with those uses previously approved by the Plan Commission. Eliminate proposed "Permitted Use 3" that includes "other uses listed herein and in attached Letter of Intent and in future SIP applications." Revise the list of other permitted uses to those approved as part of the GDP. GDP approval conditions specifically included:

- Residential Uses as shown on approved plans,
- Uses permitted in the C1 district only for the ground floor of the “Pinkus McBride Building”, and
- Office uses permitted in the O1 zoning district only in the upper floor of the “Pinkus McBride Building” as a permitted alternative to the residential units approved on plans.

- c. Floor Area Ratio: Eliminate all qualifying language such as “generally align” and “contemplates” in describing the FAR. Floor area ratio shall be consistent with that shown on approved plans.
- d. Accessory Off-Street Parking and Loading. Eliminate references to the letter of intent. Include all relevant operational information in the zoning text. Note that approval of this specific implementation plan does not include approval for an on-street loading zone.

51. That the applicant revises the final elevation drawings, per staff approval, adding the following supplemental information:

- a. Show rooftop mechanical penthouses and associated screening,
- b. Clarify the location of building materials including location of concrete masonry units, which are not clearly labeled on plan set.
- c. Correct title block on elevation drawings to indicate “SIP” not “GDP” submittal.

52. That the applicant includes supplemental detail on the concrete base treatment of the building.

The applicant is also required to satisfy the conditions of approval of the Urban Design Commission prior to the final approval of the planned unit development for recording. Please contact Al Martin, Urban Design Commission Secretary, at 267-8740 if you have any questions about those conditions.

After the plans have been changed as per the above conditions, please file **nine (9) 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.

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-six (36) months of Common Council approval of the general development plan, the basic right of use for the areas, when in conformity with the approved specific implementation plan, shall lapse and be null and void unless 1) the project, as approved, is commenced by the issuance of a building permit, or 2) if an application for an extension is filed at least thirty (30) days prior to the expiration of the thirty-six (36) month period and the Plan Commission, after a public hearing pursuant to Sec. 28.12 (10)(e), determines that no changes in the surrounding area or neighborhood since approval of the general development plan render the project incompatible with current conditions and grants an extension of up to twenty-four (24) months in which to obtain a building permit. In no case shall an extension allow a building permit to be issued more than sixty (60) months after approval of the general development plan by the Common Council. If a new building permit is required pursuant to sec. 29.06(4), Madison General Ordinances, a new petition and approval process shall be required to obtain general development plan approval and specific implementation plan approval.

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June 4, 2008
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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 267-1150.

Sincerely,

Kevin Firchow, AICP
Planner

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

Enclosures

cc w/out enc.: Patrick Anderson, Assistant Zoning Administrator
Janet Dailey, City Engineering
John Leach, Traffic Engineering
Scott Strassburg, Madison Fire Department