



Department of Planning & Development
Planning Unit

Website: www.cityofmadison.com

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October 13, 2005

Charles Oewel
CFC Corporation
1606 Juanita Lane, Suite A
Belvedere, California 94920

RE: Approval of a request to rezone 731 State Street and 439 N. Murray Street from R6 (General Residence District) to Planned Unit Development-General Development Plan-Specific Implementation Plan (PUD-GDP-SIP) to allow renovation of an existing 15,266 religious building and construction of a mixed-use building containing 12,000 square feet of office space and 44 apartment units.

Dear Mr. Oewel:

At its October 11, 2005 meeting, the Common Council **conditionally approved** your client's application for rezoning property located at 731 State Street and 439 N. Murray Street from R6 to PUD-GDP-SIP. The following conditions of approval shall be satisfied prior to final approval and recording:

Please contact Gary Dallmann, City Engineering, at (608) 266-4751 if you have questions regarding the following fourteen (14) items:

1. 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.
2. 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.
3. 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.
4. All work in the public right-of-way shall be performed by a City licensed contractor.

5. 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.
6. The site plans shall be revised to show the location of all rain gutter down spout discharges.
7. 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.
8. The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement.
9. 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.
10. The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work.
11. 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.
12. The site plans shall be revised to show the location of existing utilities, including depth, type, and size in the adjacent right-of-way.
13. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size and alignment of the proposed service.
14. 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 (608) 267-8755 if you have questions about the following thirteen (13) items:

15. A condition of approval shall be that no residential parking permits will be issued for this proposed project at 731 State Street, this would be consistent with the similar near-by projects. In addition, the applicant shall inform all owners and/or tenants of this facility of the requirement in their condominium documentation or apartment leases. For more information on this condition, please contact Bill Knobloch, Parking Operation Manager, at (608) 266-4761.
16. City of Madison radio systems are microwave directional line of sight to remote towers citywide. The building elevation will need to be review by Traffic Engineer to accommodate the microwave sight and building. The applicant shall submit grade and elevations plans if the building exceeds four stories prior to sign-off to be reviewed and approved by Keith Lippert, (266-4767) Traffic Engineering Shop, 1120 Sayle Street. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign off.

17. No parking stall shall be so located as to require a vehicle, while exiting there from, to back onto any public street right-of-way, except in those parking facilities that accommodate four (4) or less parking stalls. The applicant is proposing nine (9) parking spaces to back onto Fitch Court, which is only 14 feet wide. The proposed parking shall be modified to comply with MGO. The site shall be limited to four (4) parking spaces including the truck loading dock area.
18. The submitted plans do not provide adequate off-street loading and pickup/drop-off provisions, such that there will be significant traffic and parking impacts on this section of Murray Street or Fitch Court. The building consumes almost the entire site and does not provide important site features to accommodate the proposed development. To compound this, the supply of parking is low in relation to the number of units, so there will be heightened demands for on street parking, pickup/drop-off and food delivery to the facility. To address this, the applicant shall provide auto & truck service and pedestrian corridor 12 to 20 feet wide on the north or south side of the building running from Fitch Court to Murray Street, which may require modification to the building. This corridor should provide the applicant and the proposed St. Paul's University Chapel, both with adequate off-street joint truck service, adequate loading and pickup/drop-off provisions. The Plan Commission should consider and address St. Paul's University Chapel proposal for a larger facility that service can be provide with one joint corridor.
19. When site plans are submitted for approval, the developer shall provide recorded copies of the joint truck loading and pedestrian area easement for both St. Paul's University Chapel and Presbyterian Student Center from Fitch Court to Murray Street.
20. As noted your proposed pedestrian and fire lane as show on your drawing, will accommodate truck and auto lane from Fitch Ct. to Murray Street. The applicant shall modify site plans showing the 26-foot fire lane driveway approaches on both Murray Street and Fitch Court. In addition, the developer shall provide a recorded copy of the reciprocal land agreement for passage over, upon, across and through from Fitch Court. to Murray Street. This land agreement for vehicular and pedestrian shall be a perpetual, nonexclusive, unimpeded land agreement for the lots as proposed. The reciprocal land agreement shall be recorded in the office of the Dane County Register of Deeds and a recorded copy shall be submitted to Traffic Engineering before submitting plans for approval.
21. No parking stall shall be so located as to require a vehicle, while exiting there from, to back onto any public street right-of-way, except in those parking facilities that accommodate four (4) or less parking stalls. The applicant shall reduce the number parking stalls to four (4) stalls maximum at minimum of nine (9) parking spaces to back onto Fitch Ct., requiring 24 feet of back up area. The proposed parking shall be modified to comply with MGO. The site shall be limited to four (4) parking spaces. City of Madison records note Fitch Court, which is only 14 feet wide from face of curb to face of curb. The applicant shall show the property line and face of curb on both sides of the Fitch Court. The applicant will be granted only 2 - 20 foot wide driveway approaches to accommodate 4 parking spaces. The applicant shall use a "Mountable curbs Type A" Standard detail drawing 3.06 for all driveways with sidewalk across the top.
22. 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'.
23. The applicant shall demonstrate the single unit truck's ingress/egress routes from and to University Avenue on the site plan at 1"=20'. The applicant shall demonstrate lock area will work. Fitch Court is noted as being only 14 feet wide and may not accommodate the proposed loading area.

24. The applicant shall modify and dimension proposed parking stalls items A, B, C, D, E, F, and degree angle parking with nine (9) foot wide stalls and requires a 24 ft. backing up, according to Figures II "Medium and Large Vehicles" parking design standards in Section 10.08(6)(b) 2. (If two (2) feet of overhang are used for a vehicle, it shall be shown on the plan.)
25. The applicant shall modify the driveway approaches according to the design criteria for a "Class III" driveway in accordance to Madison General Ordinance Section 10.08(4). Only two driveway approaches at a minimum of 12 feet to a maximum of 30 feet maybe granted and shall have two 5-foot flares. The driveway approaches shall be a minimum of 10 feet apart. This modification according to MGO shall be noted on the plan.
26. 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.
27. 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 Kathy Voeck, the Assistant Zoning Administrator, at (608) 266-4551 if you have questions regarding the following five items:

28. Section 28.04(24) provides that Inclusionary Zoning requirements shall be complied with as part of the approval process. Submit to Zoning, a copy of the approved plan for recording prior to zoning sign off of the plans.
29. Provide a minimum of 52 bike parking stalls for the existing and proposed facilities in safe and convenient locations on an impervious surface to be shown on the final plan. The lockable enclosed lockers or racks or equivalent structures in or upon which the bicycle may be locked by the user shall be securely anchored to the ground or building to prevent the lockers or racks from being removed from the location. 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 locks.
30. Lighting plans are required for this project. Provide a plan showing at least .25 footcandle on any surface of the lot and an average of .75 footcandles.
31. Meet applicable State building and State setback requirements. Contact the building permit staff regarding these requirements.
32. Meet all applicable State accessible requirements, including but not limited to:
 - a.) Provide a minimum of one accessible stall 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. The stalls shall be as near the accessible entrance to each building as possible.
 - b.) Show signage at the head of the stalls.
 - c.) Show the accessible path from the stalls to the buildings.

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

33. The fire lanes shown on the site plans do not comply with Comm 62.0509, and/or MGO Chapter 34; the owner must revise the plans or apply for and receive approval of a Petition for Variance from the Board of Building Code, Fire Code and Licensing Appeals prior to construction of the project. If the Board does not

approve the Petition for Variance, then the owner must submit a new application for approval of revised plans.

34. 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.) A dead-end fire lane that is longer than 150-feet shall terminate in a turnaround. Provide an approved turnaround (cul-de-sac, 45 degree wye, 90 degree tee) at the end of a fire lane that is more than 150-feet in length.
 - e.) Fire lanes shall be unobstructed; there are obstructions shown on the fire lane, remove all obstructions. Examples of obstructions: including but not limited to; parking stalls, loading zones, changes in elevation, power poles, trees, bushes, fences or posts.
 - f.) Provide a completed MFD "Fire Apparatus Access and Fire Hydrant Worksheet" with the site plan submittal.

Please contact Si Widstrand, Parks Division, at (608) 266-4711 if you have questions about the following two items:

35. Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right of way. Approval for such activities shall be obtained from the City Forester, who can be reached at (608) 266-4816.
36. Park dedication required for this project is 30,800 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 \$50,820. Park Development Fees are \$22,048.84 (44 units X \$501.11 per unit).
→ Total estimated park fees: \$72,868.84

Please contact my office at (608) 261-9632 if you have questions about the following six Planning Unit conditions on this project:

37. That the PUD-GDP-SIP be revised per Planning Unit approval as follows:
- a.) that the list of permitted uses in the zoning text be refined to include only the following:
 - residential uses as permitted in the R6 zoning district;
 - religious institutions, including any related accessory uses related thereto;
 - restaurants, including outdoor eating areas as shown on the attached plans;
 - offices, business and professional, and;
 - universities.
 - b.) include site signage and building materials as approved by the Urban Design Commission upon granting final approval to the project;
 - c.) that language regarding maintenance of an easement from the University of Wisconsin for fire lane access along the south side of the proposed mixed-use building be included in the zoning text;
 - d.) remove the retractable canopies from the State Street facade of Pres House per Landmarks Commission.
38. That a fire access easement be submitted for approval by the Planning Unit and Madison Fire Department.

39. That the Inclusionary Dwelling Unit Plan be revised to comply with the Zoning Ordinance requirement that the affordable units be made available as whole dwelling units. In the alternative, that recording of the PUD-GDP-SIP be delayed until such time as the Zoning Ordinance is amended to provide for the flexibility in complying with the affordable housing requirement as proposed by the applicant.
40. That the Inclusionary Dwelling Unit Plan be revised to provide a graphic depiction of the location of units on each floor of the proposed mixed-use building and any other minor corrections to the IDUP required prior to recording by the Planning Unit and CDBG Office.
41. That the applicant receive approval prior to the recording of the PUD-GDP-SIP from the Real Estate Section of the Community and Economic Development Unit for all proposed projections into the public right of way associated with this project.
42. That the applicant receive final approval of this project from the Urban Design Commission prior to requesting recording of the PUD.

In addition, the Plan Commission and Common Council added the following conditions to the approval of this project:

43. That all windows on Floors 4 and above on the State Street (north) wall and on Floors 2 and above on the Murray Street (west) wall of the building be triple-paned glass.
44. That the location of this planned unit development in relation to the 700 and 800 blocks of State Street (State Street Mall) shall not be used as a reason, standard or criteria to deny a City of Madison Street Use Permit or City of Madison Mall/ Concourse Electrical/ Amplification Permit for any event to be held in the 700 or 800 block of State Street. Notification to this effect shall be included in all residential leases on this property, the exact language for which shall be approved by the City Attorney.
45. That the Inclusionary Dwelling Unit Plan (IDUP) for this project be brought back before the Plan Commission for approval prior to the recording of the PUD. In consideration of the IDUP, the Plan Commission may consider a waiver or reduction as provided for in the Zoning Ordinance.
46. Pres House shall provide at least one (1) bike parking stall per bedroom on site for the exclusive use of residents and guests and the other uses of the property, to be managed by Pres House. No nonresident bicycle or moped may be parked on the subject property for more than forty-eight (48) hours.

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.

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 (608) 266-4551. If I may be of any further assistance, please do not hesitate to contact me at (608) 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 type="checkbox"/>	Recycling Coordinator
<input checked="" type="checkbox"/>	Fire Department	<input type="checkbox"/>	Other: Madison Metro
<input checked="" type="checkbox"/>	CDBG Office	<input type="checkbox"/>	Other: