



Report to the Plan Commission

January 11, 2010

Legistar I.D. #16778
801 South Park St.
Demolition and Rezoning

Report Prepared By:
Heather Stouder, AICP
Planning Division Staff

Requested Action: Approval of the demolition of buildings at 801 South Park Street and a rezoning of property from C2 (General Commercial) District to PUD-SIP (Planned Unit Development-Specific Implementation Plan) to construct a mixed-use building with 12 residential units and ground floor commercial space.

Applicable Regulations & Standards: Section 28.12(12) provides the requirements for demolition requests. Section 28.12 (9) provides the process for zoning map amendments. Section 28.07 (6) of the Zoning Ordinance provides the requirements and framework for Planned Unit Development Districts.

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards for demolitions, zoning map amendments, and planned unit developments can be met and forward the request to the January 19 meeting of the Common Council with a recommendation for **approval** to rezone 801 South Park Street from C2 to PUD-SIP, subject to input at the public hearing and conditions from reviewing agencies.

Background Information

Applicant/ Project Contact: John Bieno; TJK Design Build; 634 West Main St.; Madison

Property Owner: Pat McCaughey; Capitol Bassett LLC; 646 W Washington, Train Car "D"; Madison

Proposal: The applicant proposes the demolition of a small, vacant commercial building and a rezoning from C2 (General Commercial) to PUD-SIP (Planned Unit Development- Specific Implementation Plan) in order to build a four-story mixed-use building with 9,780 square feet of first and second floor commercial space, 12 apartments on the third and fourth floors, and underground parking. The applicant hopes to begin work in February 2010 and complete the project for August 2010 occupancy.

Parcel Location: On the east side of South Park Street where it intersects with Delaplaine Court, between Erin Street and Hayward Drive, the existing parcel is 16,385 square feet (0.38 acres); Urban Design District 7; Aldermanic District 13 (Kerr); Madison Metropolitan School District.

Existing Conditions: The northern portion of the lot contains a single-story, 1,700 square foot vacant commercial structure built in 1961 and a small accessory structure sits in the southern portion. An asphalt surface parking lot in poor condition occupies the remainder of the lot.

Surrounding Land Use and Zoning:

- North:** Between the proposed development and Erin Street, single-family homes in the R4 (General Residence), R2 (Single-Family Residence), and C2 (General Commercial) Districts.
- South:** Single-family homes in the C2 (General Commercial) District
- East:** Single-family homes in the R2 (Single-Family Residence) District
- West:** Across South Park Street, Saint Mary's Hospital, in the PUD-SIP (Planned Unit Development-Specific Implementation Plan) District. Just south of Delaplaine Court, small commercial uses in the C2 (General Commercial) and C3 (Highway Commercial) Districts.

Adopted Land Use Plans: The Comprehensive Plan (2006) recommends Community Mixed Use for this parcel and the surrounding portion of the Park Street corridor. Neither the Brittingham-Vilas Neighborhood Plan (1989) nor the South Madison Neighborhood Plan (2004) has specific land use recommendations for the property. The Park Street Corridor Urban Design Guidelines (2004), have largely been codified in Urban Design District 7, and are met with this proposal.

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

Public Utilities and Services: The area is served by a range of urban services and several Metro Transit Routes.

Zoning Summary:

Bulk Requirements*	Required (C2 Criteria)	Proposed
Lot Area	5,400 sq. ft.	16,096 sq. ft. existing
Lot width	50'	190.12' existing
Usable Open Space	1,920 sq. ft. (160 sq. ft./bedroom)	477.5 sq. ft. (roof)
Front yard	25'x25' left side / 0' for remainder of road frontage	3'
Side yards	8' left side / 0' right side	3' LS / 68'RS
Rear yard	30 or (45% of bldg ht.)	2'
Floor area ratio	3.0	Approximately 1.25
Building height	N/A	N/A

Bulk Requirements*	Required (R6 Criteria)	Proposed
Usable Open Space	840 sq. ft. (70 sq. ft./bedroom)	477.5 sq. ft. (50% of balconies)
Front yard	20'	3'
Side yards	9' each side	3' LS / 68'RS
Rear yard	30' or 45% of bldg ht. (35.6')	2'
Floor area ratio	2.0	Approximately 1.25
Building height	N/A	N/A

Site Design	Required	Proposed
Number parking stalls	33 for commercial, 12 for apartments	14 surface, 12 underground
Accessible stalls	1 surface, 1 underground	1 surface, 1 underground
Loading	1 (10'x35') area	1
Number Bike Parking stalls	14	20
Landscaping	Yes	As per plan
Lighting	Yes	State building codes

Other Critical Zoning Items	
Urban Design	Yes
Historic District	No
Landmark Building	No
Floodplain	No
Utility Easements	None shown
Waterfront Development	No
Barrier Free (ILHR 69)	Yes

Compiled by Pat Anderson, Assistance Zoning Administrator

* Since this is a request to rezone to the PUD district, where there are no predetermined bulk requirements, it was reviewed based on the criteria for the C-2 & R-6 district, because of the surrounding land uses.

Project Description

Existing Conditions

The property is largely covered with asphalt in poor condition, but includes a 1,700 square foot, one-story, vacant commercial structure (formerly Madison Typewriter) on the northern portion and a small accessory structure in the southeastern corner. A grass strip, approximately 20 feet wide, lines a portion of the eastern border of the property, and there is an existing wooden fence between the property and the residential property to the rear.

Proposed Land Use

The applicant proposes a four-story mixed-use building with commercial and office space on the first two stories and twelve one-bedroom apartments on the upper stories.

Site and Building Design

Building Bulk and Placement-The four story building proposed meets the standards for Urban Design District 7 (UDD 7) with a strong presence on Park Street. The building is situated in the northernmost portion of the site, set back by three (3) feet at its closest points to both the alley to the north and the Park Street right of way to the west. A structured rear patio and landscaped strip are within two (2) feet of the rear (eastern) property line, but the bulk of the building is set back approximately 16 additional feet, effectively creating an 18 foot rear setback. The building has a gross square footage of 20,330, and a Floor Area Ratio of approximately 1.25.

Its most prominent feature is a small "tower" rising above the entrance approximately 61 feet from grade, just over 8 feet above the main roofline.

Parking and Operations- The proposal includes 12 underground parking stalls and 15 surface parking stalls on the southern half of the property. 20 total bicycle parking stalls are similarly dispersed, with six (6) outdoor stalls proposed on the south side of the building, two (2) outdoor stalls on the north side of the building accessed by the alley, and 12 in the underground parking area. The trash storage area as proposed is wholly located within the underground parking area.

Open Space and Stormwater Management- There is no usable greenspace on the site. Rather, the most prominent open spaces proposed are two large patios: a third floor space for shared use by residents is 15 feet deep and spans most of the west (front) of the building, and a first floor patio on the east (rear) of the building, which doubles as the roof over the underground parking entrance, and is accessible through a doorway from the first floor commercial space. In addition, six of the residential units have small balconies (two on the fourth floor of the west side of the building, and four on the east side of the building facing Monona Bay).

Entries and Openings-The main entrance to the building is located on the southern part of the west façade along Park Street, connected to the street via an accessible ramp and a wide stairway. An at-grade entry located on the rear of the building adjacent to the alley to the north leads to the underground parking area and a northern stairwell leading to all levels. This entrance will be used primarily by residents. The garage door is located on the southeast corner of the building, nearly hidden from view. Windows are largest on the first floor, where glass covers roughly 40% of the exterior wall facing South Park Street. Second floor windows are slightly smaller but similarly spaced, and third and fourth floor residential windows are smaller still.

Exterior Materials- Proposed materials include a renaissance stone base, brick veneer on first and second floors, cement board siding and EIFS panels upper levels including the prominent tower feature over the entrance. Decorative metal railings surround the proposed cedar balconies.

Landscaping- Structured landscaped beds line the front and back of the building as proposed, with additional foundation plantings north and south of the building. A line of juniper shrubs, crabapple trees,

and understory plantings is proposed along the back of the rear patio, providing screening in addition to the existing fence shared with the residential property to the rear. The surface parking area is surrounded with deciduous trees, deciduous and evergreen shrubs, and groundcover plantings.

Evaluation

Land Use

Demolition- The commercial building on the property has little chance of being well-utilized in the future, and does not contribute to the goals leading to the formation of UDD 7. The acting Historic Preservation Planner notes no issues with regard to the historical significance of the structure, nor concerns about its removal.

Consistency with Adopted Plans- In an area recommended in the Comprehensive Plan (2006) for Community Mixed Use, this building as proposed adds a critical urban element to an underutilized site, setting a tone for continued redevelopment. It provides a good example of how to efficiently work with relatively small redevelopment sites, as opposed to assembling several small lots and demolishing structures for larger mixed-use buildings.

Commercial Uses- The applicant indicates that a first floor anchor tenant, most likely a health-related business or clinic, will be necessary for the project to move forward. The second floor is intended to provide spaces for health-related users as well. As proposed, the zoning text would allow for all uses permitted in the C2 district on the two lower levels, which is far more flexible than the uses intended for the site.

Staff believes that health-related businesses would be a logical fit, although a wide variety of office and/or retail uses could be appropriate at this location. The relatively small square footage of the building and the lack of space for an auto-oriented service window will inherently limit commercial uses and associated impacts, which lends support for a broad allowance of commercial uses in the zoning text. While generally in agreement with providing flexibility, staff recommends that the applicant work with staff to revise the zoning text to list specific permitted uses, rather than referencing the current zoning code, which is to be replaced in the near future. Further, due to the immediate adjacency of the residential yard to the east, staff recommends that any commercial use of the rear porch (e.g., outdoor eating or other commercial activity related to the indoor use) be required to be reviewed by the Plan Commission as an alteration to the PUD(SIP). Use of the area by employees for breaks and/or meals should be allowed and included in a revised zoning text.

Residential Unit Mix- The five efficiencies and seven one-bedroom units proposed vary slightly from one another, primarily with regard to the presence or absence of small balconies and views. Staff discussed with the applicant opportunities to incorporate some two-bedroom units, but the applicant feels the unit mix proposed is best for the intended market, which will likely be professionals affiliated with St. Mary's Hospital, or businesses on the lower levels of the building. While questioning whether the 520 to 650 square-foot units will attract this type of tenant, staff does not recommend requiring a change in unit mix as a condition of approval.

If this were a larger building with more overall units proposed, providing a wider variety of units would perhaps be more important. However, since the site lies amidst single family homes, most of which have two or more bedrooms, the project as proposed injects a small amount of a new unit type into the surrounding area. Staff recommends that if the PUD-SIP is approved and the market supports a greater variety of unit types in the near future, the conversion of a portion of the units to two or more bedroom units be handled as a minor alteration to the PUD-SIP.

Site and Building Design

Building Bulk-The building is a relatively small four-story structure sited and scaled within the framework of the UDD 7 standards. At four stories, however, the building is much larger than the single family homes to the north and east. This relationship is perhaps most pronounced on the east (rear), where the main bulk of the building lies within 18 feet of the property line shared with a single-family home in the R2 (Single-Family Residence) District. To better analyze the proposed bulk, it is useful to compare it with conventional zoning requirements.

When compared to the bulk standards for the existing C2 (General Commercial) District, the proposed building's 1.25 Floor Area Ratio (FAR) is far less than the 3.0 FAR that would be permitted on the site, but the building sits approximately 12 feet closer to the rear property line than what would be allowed in C2 zoning.

Although this proposal is not under review according to standards in the DRAFT Zoning Code, it is worth comparing it with the bulk standards in the new mixed-use districts as drafted. The most likely district in the DRAFT Zoning Code to be applied to this site is the TSS (Traditional Shopping Street) District. Compared to the TSS district bulk standards, the proposal meets the 4-story maximum height limit, and falls just two feet short of the 20-foot rear yard setback. Most significantly, it does not include a rear yard height transition to the residential district, which would require the third and fourth stories of the building to be stepped back at a 45 degree angle from the rear yard setback absent a waiver or modification approved through the conditional use process. Thus, as the new code is drafted, this proposal would likely require a slight adjustment to the rear yard setback and review under the conditional use process to waive the rear yard height transition to residential districts.

Ironically, in this particular case, the UDD 7 standards require the third and fourth floors to be stepped back 15 feet from the *front* of the building facing Park Street (as evidenced in the floor plans and side elevations). On this relatively shallow redevelopment site, an adherence to both the UDD 7 standards and the requirement for a rear yard height transition to residential districts would result in a real challenge for three stories, and a virtually unworkable four-story building.

Reviewed under the Planned Unit Development standards, staff believes that the Plan Commission can find that the proposed bulk is compatible with the physical nature of the site and area. The distance between the building and the residential property to the east would likely be inadequate if; (a) the entire mass of the building were placed 2 feet from the property line over the rear patio, which is the official rear setback, or (b) the proposed building was adjacent to the side yard of the residential property, rather than the rear yard. In this case, however, the mass of the building is 18' from the rear property line, and the structured planter on the rear patio provides ample visual screening, especially when paired with the existing wooden fence between the two properties. If constructed under requirements in the existing C2 District, the building would be further away from the property to the rear, but could be much taller.

Parking and Operations- The proposal includes a total of 27 stalls with 12 underground and 15 in the surface lot. Under conventional zoning, the proposed development would require a total of 48 stalls, 12 to serve the residential component, and 36 would serve medical or health-related tenants in the commercial portion of the building at a rate of 1 stall per 300 square feet. These requirements could likely be reduced under conventional zoning, but would require review under the conditional use process. Importantly, the mixed-use districts most likely to be applied to this property as described in the DRAFT Zoning Code currently have no minimum parking requirement.

Since this area is well-served by transit, and easily accessible by bicyclists and pedestrians, the proposed parking appears to be adequate, though not excessive. After assuming for one stall per bedroom, there are 14 stalls available to serve the 11,000 square feet of commercial space, 22 stalls fewer than roughly 1.3 stalls per 1,000 square feet. Underground parking for residential tenants could perhaps be shared with employees of the commercial spaces, if residents do not have cars or otherwise do not need spaces during specific times.

Bicycle parking is well-distributed throughout the site for use by residents, employees, and visitors. Twelve stalls proposed in the underground parking area include two of the underground stalls would be vertically "stacked" above others. These twelve stalls, one per proposed bedroom, are assumed to be designed for primary use by residents, or possibly commercial tenants. Two outdoor bicycle stalls located on the north side of the building can be easily accessed from the alley north of the property, well-placed for use by residents or visitors to the residential portion of the building. Finally, the six stalls proposed on the south side of the building would likely be used by employees and visitors to the commercial spaces. Staff recommends that as a condition of approval, a parking management plan be included as a component of a revised zoning text to better define the use of the proposed parking areas. These requirements and options should also be clearly described in leases for residential and commercial tenants.

The trash storage area is well-located within the underground parking area, as it eliminates any negative effects on nearby properties. However, it is unclear in the proposal how trash will be managed. Plans for snow removal are also unclear, and the site has no open space for this use. Staff recommends that operational details for trash and snow removal be provided for staff review prior to final approval.

Open Space and Stormwater Management- Staff believes that the property is adequately served by nearby public open spaces so as not to require proportions of on-site usable open space as would be required in conventional zoning. While the site itself has only limited "hardscape" surfaces as open space, it is located close to a variety of parks and green spaces accessible from the site on foot or by bicycle. Brittingham Park lies within a quarter mile to the north, the 900+ acre UW Arboretum a quarter mile to the southwest, and Vilas Park almost a half mile to the west.

While the proposed third-floor patio is an innovative way to utilize a required setback on the front of the building, staff has some concerns regarding the shared use of the space by all residents, especially since the patio directly abuts the bedrooms/living areas of three of the units. Staff suggested that the applicant consider incorporating a ground level physical separation between shared and private space, such as a landscaped strip three to four feet deep abutting the windows to the residential units. Alternatively, the applicant may wish to consider allowing for these residents to utilize specified areas outside of their own units for more temporary "separations" such as potted plants.

In a recent discussion, the applicant indicated intent to limit access and use of the space. Aside from specified events for which tenants would need permission from the landlord, the door to the space from the interior hallway would be locked, and the use of the patio would be limited to residents in the two units with direct access to it. This arrangement may be acceptable, but staff recommends that the applicant clarify it in a revised zoning text and leases. In addition, proposed materials for the patio floor and any physical changes to it (landscaping, etc.) should be clearly shown on site plans for final approval by staff.

Building Exterior- The exterior materials proposed are generally of high quality and provide for a strong base, middle and top. Cement board siding and EIFS is proposed on the upper portion of the building, with EIFS panels limited to central portions of the front and rear elevation and the upper portion of the "tower" feature. While some EIFS on the building is certainly acceptable, staff recommends that the exterior brick be extended all the way to the top of the tower, since it is the most prominent feature on the building.

Landscaping- The proposed landscaping appears to be adequate with regard to screening adjacent properties and enhancing the foundation of the building. The structured planters in front of the building as proposed create a high quality urban transition between the slightly curved street and the face of the building, providing a way to integrate the accessible ramp. The structured landscaped strip along the back of the rear patio not only provides for additional screening, but enhances the rear open space as well. Zoning requirements related to the vision triangles in areas adjacent to the entrance may necessitate slight changes in the final plans, although it appears that the plantings as proposed meet these requirements.

Public Input

The property owner to the rear has expressed concerns at meetings of the Monona Bay Neighborhood Association and the UDC regarding the four proposed rear balconies on upper levels of the building, which are visible from the backyard of his property. The applicant has explained that views to Monona Bay afforded by the balconies are desirable, but has reduced the depth of these balconies from four feet to three feet in order to make it less likely that residents will utilize them for long periods of time.

While the landscaping along the rear patio on the first floor provides a suitable screen between the two properties, it would be virtually impossible to effectively screen upper balconies or windows from the property to the rear while maintaining the desired views. While understanding the privacy concern, staff believes that the relationship here is fairly typical for residential properties abutting commercial properties on major streets. Further, the proposed structure likely has less impact than would a taller building permitted under existing C2 zoning, which allows a much greater Floor Area Ratio.

Related Approvals

This proposal has been reviewed by the Urban Design Commission for consistency with the standards and guidelines for Urban Design District 7, and also as a Planned Unit Development. The applicant made an informational presentation to the UDC on October 21. After several changes were made, the UDC granted **initial approval** for the proposal at their December 2 meeting on a 4-3 vote, recommending the following revisions (see enclosed report for full wording):

- 1) Provide bike parking at one stall per bedroom, and add bike parking closer to building entrance.
- 2) Examine proportion of upper Park Street elevation bump out and its relationship with adjoining balconies, which should be 5' wide.
- 3) Incorporate windows on the south upper elevation of the tower and the north elevation of the building adjacent to the alley within the stairwell and first floor commercial space.
- 4) Examine how views to lake from upper balconies can be maintained while screening views of the house behind the building.

Recommendations 1-3 were addressed in the latest plan set submitted, and as an alternative to screening views from the rear balconies (something that would be virtually impossible to accomplish on the site), the depth of rear balconies was reduced by one foot to discourage use for extended time periods or by larger groups.

The proposal was granted **final approval** by the UDC on January 6. The report from this meeting is unavailable, but any results that might impact the recommended conditions of approval for the proposal will be reported to the Plan Commission prior to the public hearing.

Conclusion

The proposed mixed use building is consistent with both the Comprehensive Plan (2006) and the Park Street Corridor Urban Design Guidelines (2004) codified in Urban Design District 7. The building represents an innovative use of a relatively small site to accomplish a high quality redevelopment project incorporating usable open spaces and landscaping as components of the building itself. With small improvements to exterior materials on the prominent "tower" feature, and a better understanding of intentions for management and operational details, staff believes that the proposal can meet the high standards for Planned Unit Developments.

The Planning Division recommends that the Plan Commission find that standards for demolition approval and rezoning to PUD-SIP (Planned Unit Development-Specific Implementation Plan) can be met, and forward this request to the January 19 meeting of the Common Council with a recommendation for **approval**.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are shaded

Planning Division Recommendation

The Planning Division recommends that the Plan Commission find that standards for demolition approval and rezoning to PUD-SIP (Planned Unit Development-Specific Implementation Plan) can be met, and forward this request to the January 19 meeting of the Common Council with a recommendation for **approval**.

Planning Division (Contact Heather Stouder, 266-5974)

1. A revised zoning text shall be prepared by the applicant and approved by staff to reflect plans as approved and specify uses permitted in the commercial portion of the building, rather than referring to uses allowed in an existing zoning district.
 2. Any commercial use of the rear porch (e.g., outdoor eating or other commercial activity related to the indoor use) shall be reviewed by the Plan Commission as an alteration to the PUD(SIP). Use of this area by employees for breaks and/or meals, which is considered accessory to the indoor commercial use, can be included in the revised zoning text.
 3. If, in the future, the market supports a greater variety of unit types, the conversion of a portion of the units to two or three bedroom units may be handled as a minor alteration to the PUD(SIP).
 4. Prior to acquiring a demolition permit, the applicant shall provide proof of financing for the implementation of the project as proposed for approval by the Director of the Department of Planning and Community and Economic Development.
 5. A parking management plan shall be included as a component of a revised zoning text to better define the use of the proposed parking areas. Parking requirements and options shall also be clearly described in tenant leases.
 6. The applicant shall include in final plans the operational details for trash and snow removal, for review and approval by staff.
 7. In final plans submitted for staff review and approval, the applicant shall include either a physical separation between residential windows and common open space on the third floor patio or shall address the management of this area so as to ensure privacy for residents in the units abutting the patio in a revised zoning text. In any case, materials proposed for the patio should be clearly noted on plans.
 8. Final plans submitted shall show the extension of brick veneer to the top of all sides of the "tower" feature on the southwest part of the building.
9. No interior, exterior or structural demolition or wrecking activities or remodeling activities (including material reclamation activities by the applicant or a third party) shall commence nor any wrecking or building permits be issued until the applicant has met all of the conditions of approval stated in this letter.
 10. Signage approvals are not granted by the Plan Commission. All future signage proposed must be reviewed for compliance with MGO Chapter 31 and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Zoning Administrator (Contact Pat Anderson, 266-5978)

11. Provide a reuse/recycling plan, to be reviewed and approved by The City's Recycling Coordinator, Mr. George Dreckmann (gdreckmann@cityofmadison.com, 267-2626) prior to a demolition permit being issued.
12. Madison General Ordinance (MGO) Section 28.12(12)(e) requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan. Please note, the owner must submit documentation of recycling and reuse within 60 days of completion of demolition.
13. Meet applicable building codes, including accessibility requirements.
14. Show addresses of tenant spaces on the building of the final site plan pursuant to MGO Section 10.34(2). Put address of the building and number of units on the site plan. The setback dimensions shall be from the nearest portion of the building (A deck that is higher than 3' above grade, or a covered porch, if closer than the principal building, shall have the dimension to the property line. Address information can be obtained from Lori Zenchenko of City Engineering, lzenchenko@cityofmadison.com, 266-5952).
15. Provide a detailed landscape plan showing species and planting sizes of landscape elements. Within 10' from a driveway crossing of a street lot line, any landscaping/screening shall not exceed 2' in height for vision clearance. No landscape elements shall be maintained between the heights of 30 inches and 10 feet above the curb level within the 25' vision triangle of a street corner.
16. Pursuant to MGO Section 28.04(12)(c), where site shares a zoning district boundary with residential development. This development must provide effective 6'–8' high screening along the lot line of this commercial district adjoining a residential zoning district.
17. Bike parking shall comply with MGO Section 28.11. Provide 14 bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan.
NOTE: A bike-parking stall is two feet by six feet with a five-foot access area. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices.
18. Meet all applicable State accessibility requirements, including but not limited to:
 - a) Provide a minimum of 2 accessible stalls, one each for the surface and underground parking areas, striped per State requirements. These shall be van accessible stalls 8' wide with an 8' striped out area adjacent to and on the passenger side.
 - b) Show signage at the head of the stalls.
 - c) The stalls shall be as near the elevator as possible.
19. In the zoning text, address the following:
 - a) Accessory uses to the above uses, including but not limited to accessory parking and home occupations as defined in MGO Chapter 28.
 - b) Signage shall be allowed as per MGO Chapter 31, as compared to the C2 Zoning District. Signage shall be approved by the Urban Design Commission. Sign permits must be issued by the Zoning Section of the Department of Planning and Community and Economic Development prior to sign installations.
 - c) Revise family definition to read Chapter 28.03(2).
20. Lighting is required and shall be in accordance with MGO Section 10.085. Provide a plan showing at least .5 foot candle on any surface of the lot and an average of .75 foot candles. The maximum light trespass shall be 0.5 foot candles at 10 ft. from the adjacent lot line (see City of Madison lighting ordinance).

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

21. Revise the plot/site plan of the subject property contained within the overall plan to include property and right-of-way lines fully dimensioned and drawn to scale in compliance with MGO Section 28.11(2)(f). This may require a property survey to accurately determine the true locations and prevent encroachment into the city right-of-way.
 22. Current City of Madison Zoning Code does not allow placement of new buildings that straddle platted lot lines. A Certified Survey Map (CSM) application, approval and recording may be required by the Zoning Administrator to combine the platted lots effectively dissolving the underlying lot lines. This CSM would also affectively address the accuracy issue relating to the site plan property and right-of-way lines.
 23. The ramp to underground parking calls for a sump pump system to drain this area. The design of the sump pump system shall be stamped by a PE or a Master Plumber and shall be designed to accommodate the 100-year storm event.
 24. Existing private storm laterals must be properly abandoned prior to approval. Plugging of these laterals shall be in accordance with the procedure used by city Engineering for sanitary sewer laterals.
 25. The proposed underground parking structure must be waterproof to prevent inflow of groundwater or lake water from the nearby storm sewer.
 26. Location of proposed sanitary lateral shall be moved to avoid work within the Park Street pavement, if possible.
 27. Sanitary manholes on plan labeled as storm sewer manholes (st). Revise and include RIM and Invert Information.
28. 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).
 29. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
 30. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction.
 31. 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.
 32. All work in the public right-of-way shall be performed by a City licensed contractor. (MGO Section 16.23(9)(c)5 and MGO Section 23.01)
 33. 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 (MGO Section 10.29).

34. 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.
35. 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.
36. Prior to approval, this project shall comply with MGO Chapter 37 regarding stormwater management. Specifically, this development is required to:
- Control 40% TSS (20 micron particle) off of new paved surfaces, and
 - 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.
37. The Applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number:
- Building Footprints
 - Internal Walkway Areas
 - Internal Site Parking Areas
 - Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
 - Right-of-Way lines (public and private)
 - All Underlying Lot lines or parcel lines if unplatted
 - Lot numbers or the words “unplatted”
 - Lot/Plat dimensions
 - Street names

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

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

38. 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 (MGO 37.09(2)).
- PDF submittals shall contain the following information:
- Building footprints
 - Internal walkway areas
 - Internal site parking area
 - Lot lines and right-of-way lines
 - Street names
 - Stormwater Management Facilities
 - Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans)

39. 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 calculation

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. (MGO 37.09(2))

40. The Applicant shall obtain a Street Excavation permit for the installation of utilities required to serve this project. The Applicant shall pay the permit fee, inspection fee and street degradation fee as applicable and shall comply with all the conditions of the permit. (MGO 10.05(6))
41. The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work. (MGO 10.05(6) and MGO 35.02(4)(c)(2))
42. 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.
43. 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.

NOTE: Permit applications for Nos. 40-42 are available on line at:

<http://www.cityofmadison.com/engineering/permits.cfm>

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

44. No residential parking permits shall be issued for 801 South Park Street, consistent with other projects in the area. In addition, the applicant shall inform all tenants of this facility of the requirement in their apartment leases and note in a revised Zoning Text that no residential parking permits shall be issued. In addition, the applicant shall submit for 801 South Park Street a copy of the lease noting the above condition in the lease when submitting plans for City approval. Please contact William Knobloch or Bill Putman, Parking Utility at 266-4761 if you have questions regarding this item.

45. When the applicant submits final plans of one contiguous plan for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, showing all easements, all pavement markings, building placement, and stalls, adjacent driveway approaches to lots on either side, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.
46. "Stop" and "No Left Turns" signs shall be installed at a height of six (6) feet to the bottom of the first sign 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.
47. The intersection shall be so designed so as not to violate the City's sight-triangle preservation requirement which states that on a corner lot no structure, screening, or embankment of any kind shall be erected, placed, maintained or grown between the heights of 30 inches and 10 feet above

the curb level or its equivalent within the triangle space formed by the two intersecting street lines or their projections and a line joining points on such street lines located a minimum of 25 feet from the street intersection in order to provide adequate vehicular vision clearance.

48. The applicant shall design the surface or underground parking areas for stalls and backing up according to Figures II of the ordinance using the 9' or wider stall for the commercial/retail area. The "One Size Fits All" stall shall be used for the residential parking area only, which is a stall 8'-9" in width by 17'-0" in length with a 23'-0" backup. Aisles, ramps, columns, offices or work areas are to be excluded from these rectangular areas, when designing underground parking areas.
49. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
50. The Developer shall post a deposit and reimburse the City for all costs associated with any modifications to street Lighting, Signing and Pavement Marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.
51. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Water Utility (Contact Dennis Cawley, 261-9243)

52. The Madison Water Utility shall be notified to remove the water meter prior to demolition.
53. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

Parks Divison (Contact Kay Rutledge, 266-4714)

54. The developer shall pay approximately \$24,834.00 for park dedication and development fees for the 12 new multifamily units. This development is within the Olin Turville Park (0358) impact fee district.

2010 Fee Calculation		
fees in lieu of dedication = (12 mf units X \$1,477.00 per unit)	=	\$17,724.00
<u>park development fees = (12 mf units X \$592.55 per unit)</u>	=	<u>\$ 7,110.00</u>
Total fees:	=	\$ 24,834.00

NOTE: A method for payment of park fees must be determined before signoff on the rezoning. The fees were calculated at the new 2010 rates. Based on the existing ordinance, park fees will be assessed based on the year in which they are paid if it is not 2010.

Fire Department (Contact Scott Strassburg, 261-9843)

This agency did not submit comments for this request. Please contact the department with questions regarding compliance with applicable building and fire codes.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit comments for this request.



Addendum- Report to the Plan Commission January 11, 2010

Legistar I.D. #16778
801 South Park St.
Demolition and Rezoning

Report Prepared By:
Heather Stouder, AICP
Planning Division Staff

January 6, 2010 Urban Design Commission Results

The proposal was granted **final approval** by the UDC on January 6 on a vote of 5 to 1, with 1 member abstaining. The motion included the following recommendations for minor changes (language paraphrased):

- Replace the trench drain at the bottom of the accessible ramp in front of the building with a drain inlet so as to avoid the potential for wheels to get stuck at this location
- Provide additional openings on the rear elevation above the entry visible from the alley
- Replace proposed crabapple trees in the rear planter with another species in order to provide more sufficient screening
- Consider enlarging the rear residential balconies to 5 feet in depth to provide more functionality

The applicant has agreed to the first three items above, and appreciates the flexibility afforded by the option to revise the depth of the rear balconies.

While it was discussed by some members throughout the review process, the UDC did not recommend that the applicant be required to extend brick to the top of the “tower” feature (see Planning Division Condition No. 8). In a discussion on January 8, the applicant’s representative noted that while not opposed to the extension of brick to the top of the tower to replace the proposed EIFS, a contrasting color of brick would be preferred, and that the additional structural costs necessary for this treatment required further review. The applicant may discuss preferences for this design detail at the public hearing. Staff would support brick of a different color on the top of the tower feature, and if a strong case is made for utilizing the EIFS as proposed, the Plan Commission may consider removing Condition No. 8.

Based on the UDC recommendations, Planning Division staff recommends the following additional conditions of approval for the project:

55. Final site plans for approval by staff shall include a drain inlet rather than a trench drain at the bottom of the accessible ramp in front of the building.
56. The rear elevation in the final plan set, for approval by Urban Design Staff, shall include windows in the stairwell area above the rear entry.
57. The landscape plan, for approval by Urban Design Staff, shall be revised to provide for more sufficient screening along the rear of the patio behind the building.
58. Final plans submitted for staff approval by staff *may* include rear residential balconies with a depth of up to five feet.