



## Report to the Plan Commission

May 7, 2012

**Legistar I.D. #25828 & 25974**

**701-737 Lorillard Court &**

**159-171 Proudfit Street**

**Demolition Permit & PUD Rezoning**

Report Prepared By:  
Timothy M. Parks, Planner  
Planning Division

**Requested Action:** Approval of a request to rezone 701-737 Lorillard Court & 159-171 Proudfit Street from R5 (General Residence District) and Planned Unit Development-General Development Plan (PUD-GDP) to Planned Unit Development-General Development Plan-Specific Implementation Plan (PUD-GDP-SIP) to allow construction of a 116-unit apartment building following the demolition of three single-family residences.

**Applicable Regulations & Standards:** Section 28.07(6) of the Zoning Ordinance provides the requirements and framework for Planned Unit Developments; Section 28.12(10) provides the process for zoning map amendments; Section 28.12(12) provides the guidelines and regulations for the approval of demolition permits.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission recommend **approval** of Zoning Map Amendment ID 3600 and 3601, rezoning 701-737 Lorillard Court and 159-171 Proudfit Street from R5 and PUD-GDP to PUD-GDP-SIP, to the Common Council subject to input at the public hearing and the conditions from reviewing agencies beginning on page 8 of this report.

### Background Information

**Applicant & Property Owner:** Urban Land Interests; 10 E. Doty Street, Suite 300; Madison; Chris Schramm, representative.

**Proposal:** The applicant is proposing to demolish three single-family residences located along Proudfit Street to allow construction of a 116-unit apartment building. Construction will commence in June 2012, with completion anticipated by June 2013.

**Parcel Location:** Approximately 1.68 acres located on the easterly side of Proudfit Street between Lorillard Court and Brittingham Park/ North Shore Drive, Aldermanic District 4 (Verveer); Madison Metropolitan School District.

**Existing Conditions:** The subject site includes undeveloped land zoned PUD-SIP and four parcels containing three single-family residences located along Proudfit Street, which are zoned R5 (General Residence District).

### Surrounding Land Use and Zoning:

North: Single- and two-family residences along Proudfit Street, zoned R5 (General Residence District); Tobacco Warehouse Apartments, zoned PUD-SIP;

South: Brittingham Park, zoned C (Conservancy District);

West: Single- and two-family residences on the west side of Proudfit Street, zoned R4 (General Residence District);

East: Wisconsin Southern Railroad and Southwest Path; undeveloped land for future development, zoned R4 and M1 (Limited Manufacturing District).

**Adopted Land Use Plan:** The Comprehensive Plan identifies the subject site within the Findorff Yards Downtown Mixed-Use Sub-district, which recommends development of mixed-use buildings, office/service uses, neighborhood-oriented commercial uses and multi-family housing at densities up to 60 units an acre in 2-4 story buildings as recommended in more detailed neighborhood plans.

The subject site is also located within the boundaries of the Bassett Neighborhood Master Plan, which includes the subject site in the Tobacco Warehouse District zone that is bounded by S. Bedford, W. Main and Proudfit streets and North Shore Drive. The zone is recommended for “comprehensive residential redevelopment” with an average density between 40 and 60 units per acre. Buildings are intended to maintain a lower scale on the periphery of this zone, with taller buildings at the core to capture lake views. Mixed-use development, including retail and office uses, was identified for the W. Main Street and S. Bedford Street frontages.

**Environmental Corridor Status:** The property is not located within a mapped environmental corridor. Brittingham Park is identified as public land and is located within the corridor.

**Public Utilities and Services:** The property is served by a full range of urban services.

**Zoning Summary:** The subject site will be zoned PUD-GDP-SIP. The project will be reviewed in the following sections.

Other Critical Zoning Items	
Yes:	Utility Easements, Barrier Free
No:	Wellhead Protection, Urban Design, Floodplain, Landmarks, Waterfront Development
<i>Prepared by: Pat Anderson, Asst. Zoning Administrator</i>	

## Previous Approvals

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On November 4, 2003, the Common Council approved a request to rezone approximately 4 acres of land located at 651-701 W. Doty Street and 645 W. Wilson Street from R5 to PUD-GDP and PUD-SIP. The approved PUD-SIP called for the conversion of the two historic Tobacco Warehouses located east of Proudfit Street between Findorff Court and Lorillard Court into a total of 61 apartment units. The approved PUD-GDP called for the future construction of 158 multi-family units in up to a 9-story building on the southerly 1.29 acres of the site located south of Lorillard Court and north of Brittingham Park and North Shore Drive. [In reviewing the recorded general development plan however, staff was unable to locate a plan for how the up to 9-story building would be sited on the property or any conceptual plans for its proposed bulk and mass.]

On October 28, 2008 meeting, the Common Council approved a request to rezone 1.68-acres of located at 159-171 Proudfit Street and 701-737 Lorillard Court from R5 and PUD-GDP to Amended PUD-GDP-SIP to allow demolition of three single-family residences and the construction of two office buildings totaling 70,000 square feet of space to be located south of the Tobacco Warehouses. This approval included a specific implementation plan for a three-story, 43,283 square-foot office building to be located on the eastern portion of the site.

On July 21, 2009, the Common Council approved a request to amend the above PUD-SIP to allow construction of a 14,300 square-foot office building on the western portion of the site.

## **Project Review**

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Urban Land Interests is requesting approval of a Planned Unit Development zoning district to allow construction of a 116-unit apartment building on a 1.68-acre site located on the easterly side of Proudfit Street north of Brittingham Park and North Shore Drive. The proposed planned unit development will include 1.29 acres of land zoned PUD-GDP in 2003 to allow construction of 158 apartment units in a nine-story building, as well as 4 residential lots totaling 0.39 acres located along Proudfit Street, which are zoned R5 (General Residence District) and are developed with 3 single-family residences. The overall 1.68-acre site was zoned PUD-GDP-SIP in 2008 to allow demolition of the 3 residences and construction of 70,000 square feet of office space in 2 buildings. The 2008 PUD approval, which included specific implementation plan details of the first office building, and subsequent 2009 PUD-SIP amendment for the second office building, were not recorded within the timeframe required by the Zoning Code, which caused the 2008-2009 PUD approvals to become null and void.

### Background & Existing Conditions

The majority of the 1.68-acre site is currently undeveloped with the exception of the three residences fronting Proudfit Street, which are addressed 159, 167 and 171 Proudfit Street and are unoccupied. A fourth former residential lot at 163 Proudfit Street is vacant. The northernmost of the three residences to be demolished is 159 Proudfit Street, a one-story, 821 square-foot bungalow constructed between 1939 and 1941. The house contains two bedrooms and one bath and is clad with a combination of siding and masonry. Moving south past the vacant lot at 163 Proudfit, the house at 167 Proudfit is a one-story bungalow constructed in 1946, which contains two bedrooms, one bath, and 896 square feet of gross floor area. The southernmost of the three residences is a tall one-story, 1,273 square-foot three-bedroom house at 171 Proudfit that was constructed originally as a garage and is clad in a concrete masonry veneer.

According to materials submitted with the current application (which are the same materials submitted with the 2008 demolition request), the condition of the three houses varies. In the case of 159 Proudfit Street, the applicants indicate that water infiltration caused by a defective roof has caused damage on the first floor of the residence. The condition report notes the presence of outdated electrical and mechanical equipment and concludes that cost of relocating the home would exceed its value given the size and nature of repairs that would be required to make the residence habitable. The demolition materials note that the residence at 167 Proudfit Street suffers from standing water in the basement and a mold infestation, with the applicants concluding that the residence should be razed. Based on the demolition materials provided, the residence at 171 Proudfit Street appears to be in the best condition of the three, with its exterior and mechanicals largely in average to good repair. However, the applicants indicate that rotted wood trim and roof eaves and cracks in the basement foundation have resulted in water damage to the interior of the residence.

The applicants' conclusion is that rectification of the structural and/or environmental deficiencies in the homes, as well as their modernization to current market standards, would likely cost more than the market value of the rehabilitated and modernized units. The Planning Division has not toured the buildings, but has conducted a windshield survey. Interior and exterior photos of the buildings and a 2008 building assessment prepared by the developers are provided with the Plan Commission materials. In 2008, the City's then preservation planner, Kitty Rankin, prepared a report that indicated

that none of the three residences was of historical value. The Landmarks Commission informally reviewed the razing of the three houses in 2008 and expressed no concerns with their demolition, and the Plan Commission once before granted approval of a demolition permit for their demolition as part of the approval of the now defunct office development. The Landmarks Commission informally reviewed the current demolition request in 2011 and expressed no concern with it. Planning staff believes that it is reasonable to conclude that the condition of the 3 residences has not improved since the attached condition report was first issued in 2008, as the property was targeted for redevelopment by the applicants per the approved planned unit development for office uses, and that the demolition permit standards can continue to be met with the current request.

The 1.29-acre site located behind the 4 R5-zoned residential lots is undeveloped and characterized by mature tree cover of undetermined quality along the easterly property line adjacent to the adjoining Wisconsin Southern Railroad right of way, the southerly property line adjacent to Brittingham Park, and the rear of the residences to be demolished. It appears that the southern portion of the vacant 1.29-acre site has been used for construction staging and storage based on aerial photography. A median break was constructed from southbound Proudfit Street into the subject site to allow left turns to serve the office buildings approved for the site in 2008-2009. The median break is proposed to remain to provide access for the residential development of the property.

The area surrounding the subject site includes a wide array of land uses, including one- and two-story residences located on the west side of Proudfit Street as well as on the easterly side of Proudfit Street north of Lorillard Court. The Tobacco Warehouse Apartments are also located north of Lorillard Court on land located between the residences fronting Proudfit and the railroad corridor, which also includes the City's Southwest Path further to the east. The Tobacco Warehouse Apartments, more formally known as the American Tobacco Company Warehouses, are locally designated landmark structures. Land further to the east is undeveloped; a 0.69-acre site located east of the railroad/ path corridor north of W. Wilson Street was recently approved for the construction of a 60-unit apartment building.

### Project Review

The proposed 116-unit apartment building will be a U-shaped building that will parallel Proudfit Street, Lorillard Court and the railroad/ path corridor to form a courtyard opening onto Brittingham Park. The building will vary in height from four to five stories above grade. The project calls for one full level of underground parking with 103 automobile stalls to be accessed from an automobile entrance located at the southeasterly corner of the proposed building from a sloped driveway that will extend the length of the easterly property line from Lorillard Court adjacent to the railroad/ path corridor.

The first floor above grade will include a second level of indoor parking with 32 spaces in the easterly wing of the U-shaped building, which will be accessed from a separate automobile entrance from the easterly private driveway. The easterly wing will also include areas for moped and motorcycle parking, parking for 60 bikes, and a trash room for the complex. The northerly wing of the first floor will include the lobby, community room, office, fitness room, and second bike parking room with parking for 59 bikes. The remainder of the first floor will include 12 apartments wrapping the northwesterly corner of the building.

Above the first floor, the U-shaped building will consist of 31 apartments on the second floor and 32 units on the third floor. Twenty-six (26) apartments will be located on the fourth floor of the building, which will be stepped back along the Proudfit Street side. Large private terraces will be provided for the 3 units on the stepped-back westerly side of the fourth floor. On the fifth floor, 15 residential units will be located along the easterly side of the building adjacent to the railroad/ path corridor. A rooftop deck is

proposed above the fourth floor on the northerly wing of the building, which will be accessible from the west wall of the fifth floor.

The 116 apartments proposed will consist of 6 studio units, 84 one-bedroom units, and 26 two-bedroom units, with a total of 136 bedrooms. In addition to the 135 parking stalls proposed within the structure, the project will include 6 visitor parking stalls to be located on the south side of Lorillard Court. A total of 125 bike parking stalls will be provided for the development. A loading zone for the apartments will be located along the southerly side of Lorillard Court just before the driveway serving the underground parking areas.

The proposed building will reflect a distinctly contemporary architectural style and will be clad in a combination of aluminum shingles and fascia, fiber cement panels, and brick located above cast concrete foundation walls. The building will be highly articulated and include a number of design elements intended to enhance its visual interest, including varied wall planes, projecting balconies, and building overhangs in addition to the contrasting building material palette.

The courtyard formed by the U-shaped building will include a variety of open space uses for the tenants of the apartment complex. A hard-scaped plaza will surround a central greenspace area on the northerly half of the courtyard, which will include private terraces for first floor units and a large seating area with planters and a fire pit adjacent to the community room. Two rain gardens and a tenant garden area will comprise the remainder of the central open space extending south from the hard-scaped plaza toward the adjacent section of Brittingham Park. A walkway extending from Proudfit Street along the southern wall of the westerly building wing will connect the courtyard to the public sidewalk. Elsewhere on the site, a dog run will be provided in the southeasterly corner of the site, while a third rain garden will be located in the southwesterly corner of the site adjacent to Proudfit Street and Brittingham Park. A substantial landscaping plan was submitted with the application, which calls for significant plantings in the courtyard area and around the perimeter of most of the proposed building.

In order to implement the apartment complex as proposed, the applicants propose to grade into Brittingham Park, which will also require the removal of some of the existing vegetation located along the common property line as well as on the park property. In order to proceed in this fashion, the developer will be required to obtain an easement from the City prior to final approval of the development and the issuance of building permits for the new construction. Specific conditions related to the grading in Brittingham Park and recommended by the Parks Division in the final section of this report.

## **Evaluation & Analysis**

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The applicant is requesting approval of Planned Unit Development zoning to facilitate the construction of a four- to five-story, 116-unit apartment building on a 1.68-acre site consisting of four R5-zoned lots developed with three single-family residences along the Proudfit Street frontage and undeveloped land in the rear of the property adjacent to the Wisconsin Southern Railroad/ Southwest Path. The Planned Unit Development zoning proposed is necessary because of the property's spilt zoning and reflects the property's predominant zoning over the past decade. The proposed development would also not meet the required front yards in the R5 zoning district, which require a minimum 20-foot setback along Proudfit Street (an approximately 15-foot setback is proposed).

As with any zoning map amendment, the Plan Commission shall not recommend the adoption of a proposed rezoning unless it finds that the proposed rezoning is "in the public interest and is not solely

for the interest of the applicant, and shall not recommend a proposed amendment without due recognition of the master plan of the City.” In addition, Chapter 66.1001(3) of Wisconsin Statutes requires that zoning ordinances (of which the zoning map is part) enacted or amended after January 1, 2010 be *consistent with* the City’s comprehensive plan. 2010 Wisconsin Act 372 clarified “Consistent with” as “furthers or does not contradict the objectives, goals and policies contained in the comprehensive plan.”

Furthermore, the Zoning Ordinance requires that specific criteria be met to determine if a proposed planned unit development “is consistent with the spirit and intent of this ordinance and has the potential for producing significant community benefits in terms of environmental and aesthetic design.” The criteria for approval of a planned unit development requires that the Plan Commission consider the character and intensity of the proposed development and its compatibility with the surrounding area as well as the preservation and maintenance of open space and the impacts on traffic, parking and demand for municipal services resulting from the project.

Overall, the Planning Division believes that the proposed rezoning of the entire property to the PUD district is generally consistent with the plan recommendations applicable to the subject site. The proposed 116-unit apartment complex will result in both a less dense and lower scale development for the eastern three-quarters of the site compared to the previously approved plans, which call for the construction of a maximum of 158 multi-family dwelling units in an up to a 9-story building.

The Comprehensive Plan identifies the subject site within the Findorff Yards Downtown Mixed-Use Sub-district, which is bounded by W. Main, Proudfit and S. Bedford streets and North Shore Drive. This area is recommended for development with mixed-use buildings, office/ service uses, neighborhood-oriented commercial uses, and multi-family housing at densities up to 60 units an acre in two- to four-story buildings as recommended in more detailed neighborhood plans.

Both the current approved use of the site for 158 residential units and the proposed 116-unit residential development also generally comport to the recommendations for this area contained in the Bassett Neighborhood Master Plan, which includes the subject site in the Tobacco Warehouse District zone that is bounded by S. Bedford, W. Main and Proudfit streets and North Shore Drive. The zone is recommended for “comprehensive residential redevelopment” with an average density between 40 and 60 units per acre. Buildings are intended to maintain a lower scale on the periphery of this zone, with taller buildings at the core between W. Main and W. Wilson streets to capture lake views. The addition of residential units within this zone was identified as a priority at the time the neighborhood plan was approved in 1997. This priority has been reflected in the subsequent approval of such projects as the Fourth Ward Lofts and Tobacco Warehouse developments, the recently approved 640 West apartment development at 636 W. Wilson Street, and the 2003 general development plan approval for 158 residential units on the eastern 1.29 acres of the subject site.

With a net density of approximately 69 units an acre, the proposed 116-unit development will slightly exceed the 40 to 60-unit per acre density recommended for this area in the Bassett Neighborhood Master Plan. However, the proposed density of the subject development is on par with the density of other residential projects approved nearby since the neighborhood plan was adopted in 1997, including the Fourth Ward Lofts (67 units an acre based on 74 units on 1.1 acres), The Depot Apartments at 2 S. Bedford Street (82 units on 1 acre), and the recently approved W. Wilson Street development (87 units an acre based on 60 units on 0.69 acres).

In each case where a new development has exceeded the density recommendations of the Bassett Neighborhood Master Plan, it was determined through the approval process that the scale and design

of the new developments were generally compatible with the scale and building mass envisioned in the plan, or that the unit mix proposed in the project was determined to implement objectives in the neighborhood plan to provide a mix of unit types. In this case, the Planning Division believes that the proposed density is appropriate for the subject site due to the proposed building being more in keeping with the development pattern that has emerged in this portion of the Bassett neighborhood over the past 15 years, which has predominantly featured four-story average building masses compared to the previously approved concept for a nine-story building on this site. The density of the proposed development will also be significantly lower than the earlier approved development concept, which would have resulted in a density of 122 units an acre if the approved 158-unit density had been built on the smaller 1.29-acre portion of the subject site following approval of a specific implementation plan. The apartment development is also more closely in accordance with the residential emphasis for the Tobacco Warehouse District zone in the neighborhood plan than the office buildings previously approved for this site. Finally, staff believes that the unit mix proposed in the 116-unit apartment development is appropriate.

Staff will note that the five-story height of the eastern wing of the proposed building will also be one story taller than the two- to four-story buildings currently recommended for this site. However, staff believes that the additional building height meets the intent of the Bassett Neighborhood Master Plan, which encourages buildings to maintain a lower scale on the periphery of Tobacco Warehouse District zone bounded by S. Bedford, W. Main and Proudfit streets and North Shore Drive. The transition from east to west across the site from five stories adjacent to the railroad/ path corridor down to three stories adjacent to Proudfit Street appears to meet the intent for taller buildings on the interior of the zone and lower-scaled buildings on the edge. Staff also believes that the proposed three-story mass of the building adjacent to Proudfit Street provides an appropriate transition from the larger building forms both existing and proposed between Proudfit Street and S. Bedford Street and the one- and two-story wood-frame residential structures to the west across Proudfit Street in the Monona Bay neighborhood.

The recommendations of two more site-specific conceptual redevelopment plans should also be weighed when considering the proposed apartment development. The plans were prepared in the late 1990s when Findorff Construction controlled the subject site and most of the properties extending from S. Bedford Street west to Proudfit Street between W. Main Street and North Shore Drive and were intended to guide future development in this area.

The first of those plans, the Findorff Yards Conceptual Master Plan (attached), was prepared by Findorff and called for approximately 475 dwelling units in about a dozen buildings, which included the subsequent Tobacco Warehouse Apartments and Fourth Ward Lofts projects ultimately developed by others. The Conceptual Master Plan placed an emphasis on medium-density buildings with structured parking similar to Fourth Ward Lofts, the recently approved 640 West (Wilson) Apartments, and the proposed apartment development.

A second conceptual plan for approximately the same area known as the Findorff Yards Site Study (attached) called for the development of approximately 225 residential units in an area bounded by Proudfit Street, North Shore Drive, W. Wilson and S. Bedford Street and included the Tobacco Warehouses and subject site. The Site Study placed a greater emphasis on creating a lower density neighborhood through the more extensive use of low-rise townhouse development, with less emphasis on underground parking than the Conceptual Master Plan. Both plans, however, recommended in some fashion that a 9-story residential tower overlooking Brittingham Park and Lake Monona be developed on the subject site. Those recommendations were implemented in concept through the approval of the 158-unit building included on the 2003 Tobacco Warehouse Planned Unit Development-General Development Plan.

As noted previously, the adjacent Tobacco Warehouse Apartments are a designated City Landmark. Section 28.04(3)(n) of the Zoning Code requires that the Landmarks Commission make an advisory recommendation to the Urban Design Commission and Plan Commission for any proposed development adjacent to a designated landmark, specifically that "...to determine whether the proposed development is so large or visually intrusive as to adversely affect the historic character and integrity of the adjoining landmark or landmark site."

In reviewing the proposed development prior to the Landmarks Commission's December 19, 2011 review of the project, Amy Scanlon, the City's Preservation Planner, recommended that the Landmarks Commission find the project to not have an adverse affect on the historic character and integrity of the adjacent landmark with the proviso that the Plan Commission and Urban Design Commission pursue a design with exterior building materials that do not directly match the materials of the adjacent landmark buildings, and that the massing and heights that relate, as currently proposed, to the heights of the adjacent landmark buildings be maintained. At its December 19, 2011 meeting, the Landmarks Commission made an advisory recommendation to the Urban Design Commission and Plan Commission that the proposal was not so large or intrusive to adversely affect the historic character and integrity of the adjacent landmark subject to staff's design recommendations (see attached reports), which have been subsequently satisfied.

The Urban Design Commission reviewed the proposed planned unit development on March 21, 2012 and recommended final approval of the project (see attached report).

## **Conclusion**

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In closing, the Planning Division believes that the standards for zoning map amendments, planned unit developments, and demolition permits can be met with the proposed development despite some modest deviations from the plan recommendations applicable to this site. The proposed development largely conforms to the residential land use recommended for this site in the Bassett Neighborhood Master Plan but exceeds the 1997 density recommendations and the building height currently recommended for this portion of the Bassett neighborhood. Staff, however, feels that the high-quality, progressive design of the new building can justify the additional height proposed along the eastern edge of the site and the density of the project.

## **Staff Recommendations, Conditions of Approval & General Ordinance Requirements**

Major/Non-Standard Conditions are shaded

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### **Planning Division Recommendation** (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission recommend **approval** to the Common Council of Zoning Map Amendment 3600 and 3601, rezoning 701-737 Lorillard Court & 159-171 Proudfit Street from R5 and PUD-GDP to Amended PUD-GDP-SIP, subject to input at the public hearing, the following Planning Division condition(s) and the conditions from reviewing agencies:

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| <ol style="list-style-type: none"><li>1. That the Planned Unit Development be revised per Planning Division approval prior to final approval for recording and the issuance of building permits as follows:</li></ol> |
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- 1a. That the zoning text be specifically revised to state: "The developer acknowledges the presence of existing and future high levels of noise and vibration resulting from trains operating on the nearby railroad rights of way, including from possible future commuter rail services." This provision shall also be added to the leases for all proposed units, with a copy of the lease to be provided for the zoning file.
- 1b. That that the list of permitted uses be revised to include "Home Occupations, as permitted under Section 28.04(26) of the Zoning Ordinance, Home Occupations, except that the requirement related to employees outside the immediate family shall not require a conditional use approval for one employee as proposed in the letter of intent and the restriction to 25% of floor area of one story in 28.04(26)(b)8 not apply to this project."
- 1c. That the Signage section of the zoning text be revised to state that signage for the project shall be limited to the maximum permitted in the R5 zoning district, and as approved by the Urban Design Commission or its secretary, and the Zoning Administrator.

The following conditions have been submitted by reviewing agencies:

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

2. City Engineering Mapping staff has approved a preliminary address plan for this site based on development plans that were provided to our office by the development team on March 22, 2012. If any interior unit configurations or access locations change, submit new PDF floor plans to [LZenchenko@cityofmadison.com](mailto:LZenchenko@cityofmadison.com) so that an amended address plan can be developed and implemented for the final site.
3. The concurrent Certified Survey Map (CSM) application shall be completed and recorded with the Dane County Register of Deeds prior to issuance of building permits. The CSM shall be signed off by City Engineering staff prior to final approval of the PUD. The concurrent CSM application shall be completed and CSM recorded with the Dane County Register of Deeds so that proper Address-Parcel-Owner (APO) data can be compiled and activated in appropriate city databases to ensure that all building permits are to be administered and issued under the current and appropriate parcel data.
4. The developer shall install sidewalk along Lorillard Court in accordance with the plans approved by the City Engineer. The sidewalk shall require right of way dedication with the CSM.
5. Revise the proposed angle parking so that it is completely on private property.
6. A pumping plan for the access to the underground parking shall be provided and stamped by a Professional Engineer or Master Plumber and provided to the City Engineering Division for review. The plan shall show that the system is designed to handle the 100-year storm event.
7. Elevations on the plan set shall be referenced to the USGS Datum to allow a determination of flooding risk.
8. The developer shall work with the Wisconsin Department of Natural Resources to get BRRS Site No. 03-13-283761 closed. Contact Brynn Bemis at 608-267-1986 or [BBemis@cityofmadison.com](mailto:BBemis@cityofmadison.com) if you have any questions on this issue.

9. The developer shall comply with the "Consent to Occupy Easement", Document No. 4671191 and 4717711 to determine which improvements will be allowed in the existing public storm sewer easement.
  10. The developer shall provide a public sanitary sewer easement with the corresponding CSM.
  11. No trees shall be planted within the existing public storm or proposed public sanitary sewer easements.
  12. Revise the site plans to show the street improvements that were completed on Proudfit Street adjacent to the development.
13. 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.
  14. The applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
  15. The approval of this planned unit development 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.
  16. 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.
  17. The applicant shall replace all sidewalk and curb and gutter abutting the property, which 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.
  18. 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](mailto:dkahl@cityofmadison.com) or 266-4816.
  19. All damage to the pavement on Lorillard Court and Proudfit Street adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.

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. Prior to final approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to: control 40% TSS (20 micron particle) off of new paved surfaces; provide oil & grease control from the first 1/2" of runoff from parking areas, 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 Chapter 37 of the Madison General Ordinances.
22. 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](mailto:lzenchenko@cityofmadison.com). The digital copies shall be drawn to scale and represent final construction including: 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. E-mail file transmissions are preferred. The digital CAD file shall be to scale and represent final construction. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format. Please include the site address in this transmittal.
23. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
24. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management File including: SLAMM DAT files; RECARGA files; TR-55/HYDROCAD/etc., and; sediment loading calculations. If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided.
25. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.
26. Prior to final approval of the demolition permit, 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.
27. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's Contract. Contact Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of two working days prior to requesting City Engineering Division signoff.

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.

**Traffic Engineering Division** (Contact Bryan Walker, 267-8754)

29. City of Madison radio systems are microwave directional line of sight to remote towers citywide. The building elevation will need to be reviewed by the Traffic Engineer Division to accommodate the microwave sight and building. The applicant shall submit grading plans and elevations 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.

30. 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, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the 2 feet overhang, and a scaled drawing at 1" = 20'.

31. 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.

32. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

This agency did not submit comments for this request.

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

33. The developer shall pay \$251,526.73 in park impact fees for the 116 multi-family units proposed lest the credit for the 3 single-family residences to be demolished. Fees in lieu of dedication of \$189,196.00 (116 units@\$1,631) plus park development fees of \$72,954.72 (116 units@ \$628.92), equal a total pre-credit park impact fee of \$262,150.72. The credit for the 3 single-family residences equals \$10,623.99 [Fees in lieu of dedication of \$7,689.00 (3 units @ \$2,563) and park development fees of \$2,934.99 (3 units @ \$978.33)]. The developer must select a method for payment of park fees before signoff on the SIP. This development is within the Vilas-Brittingham park impact fee district (SI27).

34. All stormwater from the new development must be contained within the property. The sidewalks along the property boundary shall be sloped away from parkland so that all runoff is directed back to the development property. There shall be zero discharge of stormwater from this development onto the adjacent park property.

35. The developer shall obtain a Temporary Limited Easement (TLE) to grade on park property and pay any necessary costs for this easement. The limits of the easement shall be clearly delineated on

site, with construction fence outlining the area to ensure that grading does not extend beyond those limits and tree protection measures are installed to ensure that the root zones of any trees to remain on the parkland are not adversely impacted by the grading. Resulting slopes on the parkland shall not exceed 3:1 for mowing purposes.

36. The developer shall identify if any trees are proposed to be removed on parkland, including size and species. Once this information is provided, the request will be evaluated further by Parks staff, including the City Forester. Any reduction in tree canopy in the city is discouraged. the developer is required to submit a tree preservation plan, and potentially a replanting plan if removal of trees on parkland cannot be avoided, both to be approved by the Parks Superintendent prior to final signoff of the rezoning.
37. The developer shall provide information on the seed mix proposed to be used to restore the area on parkland to prairie/managed meadow for Parks Division staff approval. The limits of the managed meadow area should be consistent with the existing managed meadow area on parkland, where appropriate.
38. Dogs are allowed on-leash in Brittingham Park between S. Bedford and S. Bassett streets only; dogs are not allowed in other areas of Brittingham Park. Dogs are not allowed in the park area adjoining this development; this information should be included in the rental information that tenants receive.

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

39. Note: The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances. Please consider allowing the Madison Fire Department to conduct training sequences in the buildings prior to demolition. Please contact the MFD Training Division at 246-4587 to discuss this possibility.
40. Staff will want to further review fire shutters, their locations and operations.

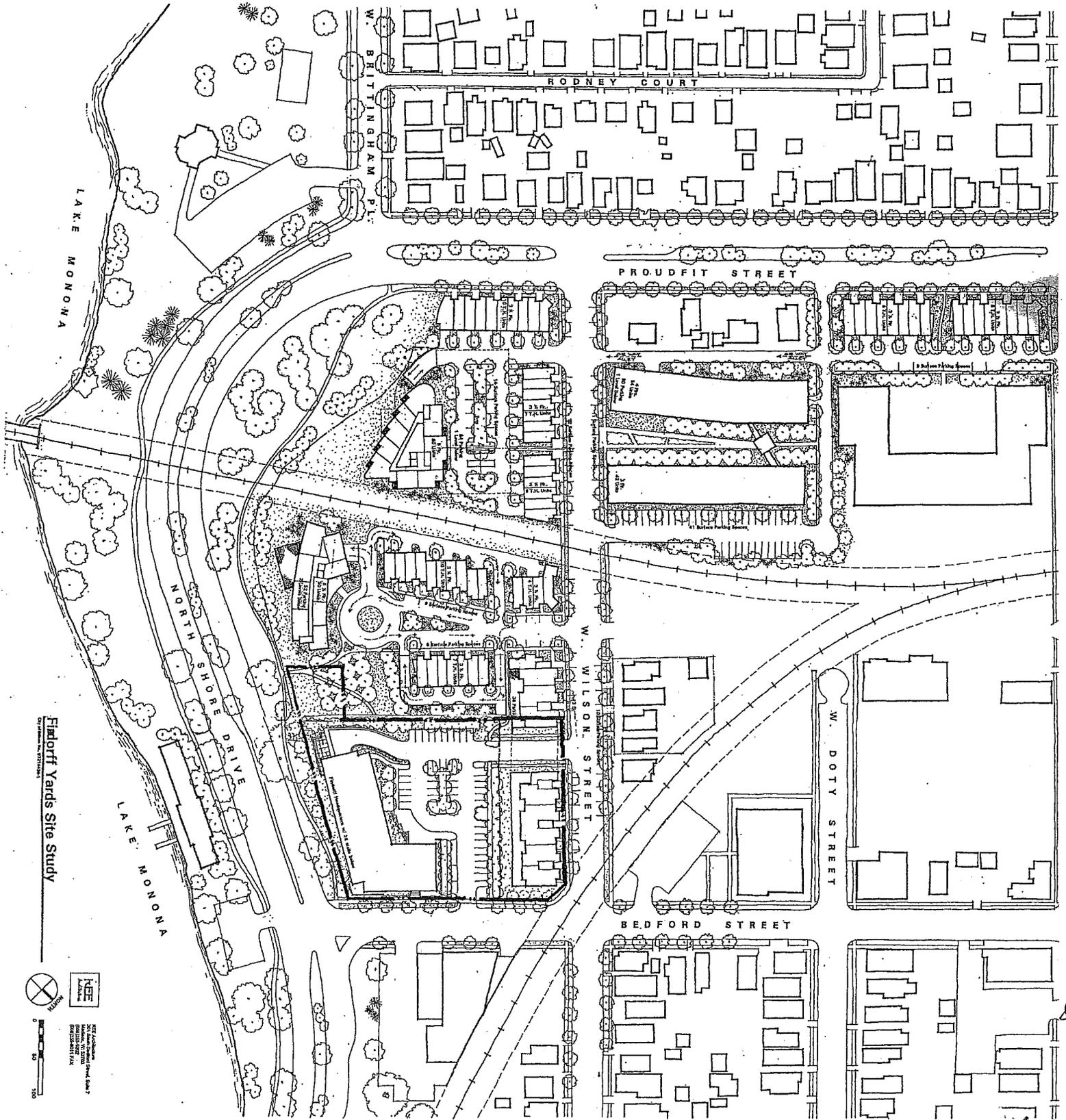
**Water Utility** (Contact Dennis Cawley, 261-9243)

41. All operating private wells shall be identified and permitted by the Water Utility in accordance with MGO Sec. 13.21. All unused private wells shall be abandoned in accordance with MGO Sec. 13.21.

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

This agency did not submit comments for this request.





**Fieldorf Yards Site Study**

ON THE BASIS OF VISUALS



**NEE**  
 National Engineering & Environmental  
 Consultants, Inc.  
 1000 North Shore Drive  
 Milwaukee, WI 53233  
 (414) 224-1100  
 www.nee.com