



Department of Planning & Community & Economic Development
Planning Division

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March 20, 2013

Eric Lawson
Potter Lawson, Inc.
15 Ellis Potter Court
Madison, WI 53711

RE: 415 West Johnson, 226 North Broom, and 424 West Dayton Streets: Approval of three demolition permits, a conditional use, and a rezoning of the subject properties to the UMX (Urban Mixed Use) District to allow the demolition of three apartment buildings and the construction of a 317-unit residential building

Dear Mr. Lawson:

At its March 19, 2013 meeting, the Common Council approved your client's application for a Zoning Map Amendment for 415 West Johnson, 226 North Broom, and 424 West Dayton Streets from the DR-2 (Downtown Residential -2) and UMX (Urban Mixed Use) District to the UMX District. This rezoning allows the construction of a residential building with 317 units. Demolition permits for the aforementioned properties were approved by the Plan Commission at their March 4, 2013 meeting. The following conditions of approval shall be satisfied prior to final approval and sign-off of the plans and the issuance of the demolition permits.

Please contact Janet Dailey, City Engineering Division, at 261-9688 if you have questions regarding the following twenty-four (24) items:

1. A Certified Survey Map (CSM) application shall be made to the Planning Division for this property to dissolve underlying platted lot lines in accordance with state building code. The CSM shall be approved by the City and recorded with the Register of Deeds prior to issuance of building permits.
2. In accordance with 10.34 MGO – STREET NUMBERS - Submit a PDF of all floor plans to Engineering Mapping Lori Zenchenko (Lzenchenko@cityofmadison.com) so that a preliminary interior addressing plan can be developed. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal.
3. The applicant shall show the elevation of the existing sanitary sewer in the terrace on the northerly side of W. Dayton Street to verify that the proposed connection to the existing main on the southerly side is possible. Provide a plan on how the existing 8" vitrified clay pipe on the northerly side of W. Dayton Street will be kept in service during construction.
4. The applicant shall provide information on existing private storm sewer connections and indicate which connections will be kept in service and which ones will be abandoned. The City's records indicate 2 private storm connections on W. Johnson Street and 2 on W. Dayton Street.

5. 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)
6. The applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace. (POLICY)
7. The approval of this Conditional Use or PUD 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. (MGO 16.23(9)(d)(6))
8. 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. (POLICY)
9. 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. (POLICY)
10. 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. (POLICY)
11. All work in the public right-of-way shall be performed by a City licensed contractor. (MGO 16.23(9)(c)5) and MGO 23.01)
12. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl, of the City Parks Department - dkahl@cityofmadison.com or 266-4816. Approval and permitting of any tree removal or replacement shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan. (POLICY)
13. All damage to the pavement on W. Johnson, W. Dayton, and N. Broom Streets, adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link:
<http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY)
14. 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. POLICY AND MGO 10.29

15. 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.
16. Effective January 1, 2010, The Department of Commerce's authority to permit commercial sites, with over one (1) acre of disturbance, for stormwater management and erosion control has been transferred to the Department of Natural Resources (WDNR). The WDNR does not have an authorized local program transferring this authority to the City of Madison. The City of Madison has been required by the WDNR to continue to review projects for compliance with NR216 and NR-151 but a separate permit submittal is now required to the WDNR for this work as well. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process.
17. As this site is greater than one (1) acre, the applicant is required by State Statute to obtain a Water Resources Application for Project Permits (WRAPP) from the Wisconsin Department of Natural Resources, prior to beginning construction. This permit was previously known as a Notice of Intent Permit (NOI). Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. Information on this permit application is available on line <http://dnr.wi.gov/Runoff/stormwater/constformsinfo.htm> (NOTIFICATION)
18. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website – as required by Chapter 37 of the Madison General Ordinances.
19. 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: a) building footprints, b) internal walkway areas, c) internal site parking areas, d) other miscellaneous impervious areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.), e) right-of-way lines (public and private), f) all underlying lot lines or parcel lines if unplatted, g) lot numbers or the words "unplatted", h) lot/plat dimensions, i) street names, and 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. (POLICY and MGO 37.09(2) & 37.05(4))

20. 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. (POLICY and MGO 37.09(2)) PDF submittals shall contain the following information: a) Building footprints; b) Internal walkway areas; c) Internal site parking areas; d) Lot lines and right-of-way lines; e) Street names; f) Stormwater Management Facilities; and g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
21. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. MGO 37.05(7) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

22. Prior to approval of the application, the owner or owner's representative shall obtain a permit to plug each existing storm 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. \$100 non-refundable deposit will cover for the cost of inspection of the plugging by City staff; and the remaining \$900 will cover 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. (POLICY) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
23. 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 / Subdivision Contract. Contact Janet Dailey (608-261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4))
24. 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. (POLICY)

Please contact Eric Halvorson, Traffic Engineering Division, at 266-6572 if you have questions regarding the following twelve (12) items. Note that condition #36 was added by the Common Council at their March 19, 2013 meeting.

25. City of Madison radio systems are microwave directional line of sight to remote towers citywide. The building elevation will need to be reviewed by Traffic Engineering to accommodate the microwave sight and building. The applicant shall submit grade and elevations plans if the building exceeds four stories prior to sign-off to be reviewed and approved by Keith Lippert, (266-4767) Traffic Engineering Shop, 1120 Sayle Street. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign off.
26. All Loading zones shall be shown on site and not in the public right of way. On site loading zones shall be capable of accommodating a standard moving truck.
27. All ingress/egress shall be designed to maintain at least a 10' vision triangle in both directions along the sidewalk.
28. The developer shall work with the City to resolve construction-related issues prior to submitting final plans for approval. There shall be no or very limited impact to W. Johnson St.
29. All ingress/egress shall be designed to maintain at least a 10' vision triangle in both directions along the sidewalk.
30. When the applicant shall submit plans for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing and proposed property lines, addresses, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), adjacent driveway approaches to lots on either side and across the street, signage, percent of slope, semitrailer movements and vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'. Contact City Traffic Engineering if you have questions.
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.

33. 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 and across the street, 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'.
34. 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.
35. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.
36. No residential parking permits shall be issued for this development. In addition, the applicant shall inform all tenants of this facility of the requirement in their apartment leases and note in the zoning text that no residential parking permits shall be issued. In addition, the applicant shall submit copies of the lease noting the above condition in the lease when submitting plans for City approval.

Please contact Pat Anderson, Assistant Zoning Administrator, at 266-5978 if you have questions regarding the following nine (9) items.

37. Sec. 28.185 (7)(a)5. requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Mr. George Dreckmann. (608-267-2626).
38. Sec. 28.185 (10) Every person who is required to submit a reuse and recycling plan pursuant to Sec. 28.185(7)(a)5. shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
39. Provide details confirming the 90% lot coverage for this development pursuant to section 28.211. Lot Coverage. The total area of all buildings, measured at grade, all accessory structures including pools, patios, etc., and all paved areas as a percentage of the total area of the lot, with the following exceptions: sidewalks or paved paths no wider than five (5) feet, pervious pavement, and green roofs.
40. Useable open space shall be called out and shown on final plans. Sec. 28.076 (3) (c) provides that useable open space may take the form of at-grade open space, porches, balconies, roof decks, green roofs or other above-ground amenities. UMX requires 10 sq. ft. per bedroom (3930 sq. ft.), of the total amount 75% may be on roof decks and balconies and a minimum of 25% (982 sq. ft.) at ground level pursuant to sec. 28.140. Call out and dimension UOS on final plans.
41. Provide details and analysis that the project meets the design standards of subject to Section 28.071 (3). Including but not limited to percentage of openings as required in 28.071(3)(e), full color elevations including building materials subject to table 28E-1.
42. Pursuant to section 28.14 (4) (e) Parking Requirements For Persons With Disabilities. The provisions contained in Wis. Stat. §§ 101.12, 346.503, and 346.56 and any related Wisconsin Administrative Code sections are hereby adopted by reference and made applicable to all parking facilities whenever constructed.
43. Bike parking shall comply with City of Madison General Ordinances Table 28I-3 (General Regulations). The amount of required bicycle parking may be reduced by the Zoning Administrator. A 37 stall bike parking reduction application shall be required.

44. Bicycle parking design and location shall comply with Sec. 28.141 (11) of the City of Madison General Ordinances. Provide details on final plans, a bike-parking stall is two feet by six feet with a five-foot access area.
45. Sec. 28.076 (4) (a) Minor exterior changes or additions may be approved by the Director of the Department of Planning, Community, and Economic Development if he/she determines that the changes or additions are compatible with the existing design or consistent with the Downtown Urban Design Guidelines.

Please contact Kay Rutledge, Madison Parks Division, at 266-4714 if you have questions regarding the following six (6) items:

46. The developer shall pay approximately \$449,499.40 for park dedication and development fees for the new 319 MF unit building after a credit is given for the existing 128 MF units currently located on the three properties.
47. The developer must select a method for payment of park fees before signoff on the rezoning.
48. There is a need for public open space in this area; the 2012-2017 Park and Open Space Plan, as well as the Downtown Plan, highlight these deficiencies. Fees in lieu of dedication from this project and other projects in this area will be utilized to pursue acquisitions (via purchase and dedication) of land to help accomplish this goal.
49. This development is within the Vilas-Brittingham impact fee district (SI27). Please reference ID 13104 when contacting Parks about this project.
50. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Please submit an existing inventory of trees (location, species, & DBH) and a tree removal plan (in PDF format) to Dean Kahl – 266-4816 or dkahl@cityofmadison.com. Approval and permitting of street tree removals shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan. (POLICY)
51. All street tree planting locations and trees species with the right of way shall be reviewed by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl – dkahl@cityofmadison.com or 266-4816. Approval and permitting of tree planting shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan. (POLICY)

Please contact Bill Sullivan, Madison Fire Department, at 261-9658 to if you have questions regarding the following three (3) items:

52. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.
53. Per IFC 508 where a fire command center is provided, a plan submittal of the location and accessibility shall be provided to the department for approval. Please note: A fire department permit and plan review is required of the layout of the fire command center and all features required by section IFC 508.1.4 to be contained therein and shall be submitted for approval prior to installation.
54. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities (608) 246-4587.

Please contact my office at 267-1150 if you have questions regarding the following seven (7) items. Please note that Conditions 58-61 were added by the Common Council at their March 19 meeting, upon recommendation by the Plan Commission at their meeting of March 4, 2013.

55. That the applicant provides additional design detail regarding the pool-level elevation that better depicts the visual character of this elevation, for staff approval.
56. That the applicant labels the hatched loading zones as a condition of approval.
57. That the applicant receives final approval from the Urban Design Commission prior to final staff approval and sign-off of these plans.
58. That the applicant place the overhead utilities adjacent to the site underground and install "Bassett District" pedestrian lights adjacent to the development;
59. That the applicant dedicate a 3-foot wide Permanent Limited Easement for sidewalk to the City along the W. Johnson Street frontage of the site;
60. That the applicant work with the tenants of the existing buildings on relocation prior to receiving demolition permits for the new project;
61. That the applicant works with the City Forester to preserve as many street/ terrace trees as possible.

The applicant is also required to satisfy the conditions of approval of the Urban Design Commission prior to the final staff approval of the project and the issuance of building permits. Please contact Al Martin, Urban Design Commission Secretary, at 267-8740 if you have any questions about those conditions.

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.

Please now follow the procedures listed below:

1. Please revise your plans per the above conditions and submit eleven (11) copies of a complete, fully dimensioned and scaled plan set to the Zoning Administrator for final review and comment. Also be sure to include any additional materials requested by these departments for their approval prior to sign off. The final site plan shall be accompanied by the appropriate site plan review application and fee pursuant to Section 28.206 of the Zoning Code, and any other documentation requested herein with the Zoning Administrator, Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard. The sets of final revised plans or documents will be circulated by the Zoning staff to the City department staff listed above for their final approval.
2. This letter shall be signed by the applicant and property owner (if not the applicant) to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting demolition and/ or building permit approval.
3. Provide a reuse/recycling plan, to be reviewed and approved by the City Recycling Coordinator prior to a demolition permit being issued. Sec 28.12(12)(e) of the Zoning Ordinance 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.

4. The Madison Water Utility shall be notified to remove the water meters prior to demolition. This property is not in a Wellhead Protection District. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. The Water Utility will not need to sign off the final plans, and will not need a copy of the approved plans.
5. No alteration of this proposal shall be permitted unless approved by the Plan Commission, provided, however, the Zoning Administrator may issue permits for minor alterations. This approval shall become null and void one (1) year after the date of the Plan Commission unless the use is commenced, construction is under way, or a valid building permit is issued and construction commenced within six months of the issuance of said building permit. Where the plans have not been altered from the Plan Commission's approval, and the conditional use has expired, the Director of Planning and Community and Economic Development, after consultation with the Alderperson of the District, approve an extension for up to twenty-four (24) months from the expiration date. The Plan Commission shall retain jurisdiction over this matter for the purpose of resolving complaints against the approved conditional use permit.

If you have any questions regarding recording this plan or obtaining permits, please call Matt Tucker, Zoning Administrator, at 266-4551. If I may be of any further assistance, please do not hesitate to contact me at 267-1150.

Sincerely,

Kevin Firchow, AICP
Planner

cc: Janet Dailey, City Engineering Division
Eric Halvorson, Traffic Engineering Division
Bill Sullivan, Madison Fire Department
Pat Anderson, Zoning
Kay Rutledge, Parks Division

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (Firchow)	<input checked="" type="checkbox"/>	Engineering Mapping Sec.
<input checked="" type="checkbox"/>	Zoning Administrator	<input checked="" type="checkbox"/>	Parks Division
<input checked="" type="checkbox"/>	City Engineering	<input checked="" type="checkbox"/>	Urban Design Commission
<input checked="" type="checkbox"/>	Traffic Engineering	<input checked="" type="checkbox"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input type="checkbox"/>	Other: