



Department of Planning & Community & Economic Development
Planning Division

Website: www.cityofmadison.com

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February 25, 2009

Mr. Stu LaRose
Eppstein Uhen Architects, Inc.
333 E. Chicago Street
Milwaukee, WI 53202

RE: Approval to demolish four (4) buildings and rezone the property from R5 (General Residence District) and C3 (Highway Commercial District) to PUD-GDP-SIP (Planned Unit Development-General Development Plan – Specific Implementation Plan) to allow construction of a mixed-use building with 65 apartments and 5,400 square feet of retail at 904 - 906 Regent St. / 909 - 913 College Ct.

Dear Mr. LaRose:

At its February 24, 2009 meeting, the Common Council approved your client's application to demolish four (4) buildings and rezone the property from R5 (General Residence District) and C3 (Highway Commercial District) to PUD-GDP-SIP (Planned Unit Development- General Development Plan – Specific Implementation Plan) to allow construction of a mixed-use building with 65 apartments and 5,400 square feet of retail at 904 - 906 Regent St. / 909 - 913 College Ct. The following conditions of approval shall be satisfied prior to final approval and recording of the Specific Implementation Plan:

Please contact Janet Dailey, City Engineering Division, at 261-9688 if you have questions regarding the following twenty-six (26) items:

1. The construction of the building as proposed requires the City of Madison to declare that a portion of the previously purchased public right-of-way on College Court at North Park Street is indeed surplus. Contact the City of Madison Office of Real Estate Services and refer to Project No. 8055. Although support for disposal by surplus sale of a portion of the public right-of-way is likely, the City desires to maintain sufficient right-of-way at the intersection of North Park Street and College Court to provide a compliant, safe and convenient curb ramp and sidewalk at the intersection. The Developer shall meet with the City Engineer and revise the building footprint to provide the additional space.
2. Any damage to pavement shall require restoration in accordance with the City's Patching Criteria.
3. No work may take place in the Regent Street or Park Street right-of-way, until after the University Avenue reconstruction projects have been completed.
4. Proposed elevations do not appear to be adequately high enough to protect the building from flooding. Provide additional detailed drainage plan/information to protect all entrances from 100-year flood. Said plan shall be designed by a Professional Engineer.
5. The City (College Court) sanitary sewer that is proposed to be connected to is in poor condition and has a history of backup trouble. Applicant shall revise plan to connect to sanitary sewer on Regent Street.
6. 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.

7. Submit a PDF of all floor plans to 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.
8. The applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
9. The approval of this Zoning Map Amendment does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester.
10. 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.
11. 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.
12. 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.
13. All work in the public right-of-way shall be performed by a City licensed contractor.
14. 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.
15. 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.
16. 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.

17. 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.
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: a) Control 40% TSS (20 micron particle) off of new paved surfaces and b) 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 plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement.
20. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the Engineering Division. (Lori Zenchenko) lzenchenko@cityofmadison.com. The digital copies shall be drawn to scale and represent final construction 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. Email 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.
21. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division (Jeff Benedict or Tim Troester). 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).
22. 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.
23. The area adjacent to this proposed development has a known flooding risk. All entrances shall be 2-feet above the adjacent sidewalk elevation or 1-foot above the 100-year regional flood elevation (whichever is greater). This includes garage entrances.
24. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
25. Prior to approval of the zoning map amendment application, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1). \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2). \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

26. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service.

Please contact John Leach, Traffic Engineering Division, at 267-8755 if you have questions about the following nine (9) items:

27. A condition of approval shall be that no residential parking permits shall be issued for 904 & 906 Regent Street, 909 to 913 College Court, this would be 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 record in zoning text. The applicant shall note in the Zoning Text that no residential parking permits shall be issued. In addition, the applicant shall submit for 904 & 906 Regent Street, 909 to 913 College Court a copy of the lease noting the above condition in the lease when submitting plans for City approval.
28. Occupancy of Regent Street and/or Park Street right of way will not be granted for construction purposes until the University Avenue reconstruction project is completed. This includes the loading and unloading of trucks, utility work, staging of trucks or cranes, sidewalk closures, etc. due to the increase in traffic volume on these streets. The University Ave reconstruction project is estimated to be complete by September 1, 2009.
29. City of Madison radio systems are microwave directional line of sight to remote towers citywide. The building elevation will need to be review by Traffic Engineer to accommodate the microwave sight and building. The applicant shall submit grade and elevations plans if the building exceeds four stories prior to sign-off to be reviewed and approved by Keith Lippert, (266-4767) Traffic Engineering Shop, 1120 Sayle Street. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign off.
30. The applicant shall indicate the type of bicycle racks to be installed both inside and outside. Please contact Arthur Ross, City Traffic Engineering at 266-4761, if you have questions.
31. When the applicant submits final plans for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.
32. The applicant shall submit with the parking lot plans a letter of operation of the garage door and gate to the underground parking area, and modify the ingress/egress showing a detail drawing of the area showing queuing of at least one vehicle of 20 ft. from the behind the property line to the garage door that will not be blocking the public sidewalk.
33. "Stop" and "No Left Turns" signs shall be installed at a height of six (6) feet to the bottom of the driveway approaches to College Court. 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.
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.

Please contact Pat Anderson, Assistant Zoning Administrator, at 266-5978 if you have any questions regarding the following eleven (11) items:

36. In regard to the provision of off-street loading berths, the applicant has not provided a designated off-street loading area for this project, and therefore requests a waiver of said requirement with this request.
37. Show canopies and roof structures on the site plan.
38. Show the building height on the elevation drawings per "City Datum", including area above the sixth floor. The building shall not exceed 187.2' City Datum per 28.04(14).
39. Meet applicable building codes, including accessible requirements.
40. Provide a detailed landscape plan. Show species and sizes of landscape elements.
41. Provide 70 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. Show the stalls on the plans.
42. Meet all applicable State accessible requirements, including but not limited to:
 - a. Provide a minimum of 1 van accessible stall striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8' wide with an 8' striped out area adjacent 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.
43. In the zoning text, address the following:
 - a. In the permitted use section, include, 65 apt. units, 4,200 sq. ft. of commercial/retail per the C-1.
 - b. Accessory uses to the above uses, including but not limited to accessory parking and home occupations as defined in Chapter 28 of the Madison General Ordinances.
 - c. Signage for the commercial spaces you may want to use C-1 or C-4 signage as approved by UDC.
44. Provide a reuse/recycling plan, to be reviewed and approved by The City's Recycling Coordinator, Mr. George Dreckmann, prior to a demolition permit being issued.
45. Show addresses of tenant spaces on the building of the final site plan.
46. In the Zoning Text, revise the signage to be allowed as per Chapter 31 of the Madison General Ordinances, as compared to the R-6 for the residential use and as per C-1 for the Commercial uses, and a comprehensive sign package shall be as 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.

Please contact Tim Sobota, Metro Transit, at 261-4289 if you have any questions regarding the following five (5) items:

47. Metro Transit supports the general bus stop amenity improvements proposed in the initial plan set and their location.

48. The developer shall install and maintain the bench (or other seating amenity) and a trash receptacle at the location proposed on the submitted plans – on the north side of Regent Street, west of Park Street. These amenities would ideally be accommodated under the building canopy or awning, as proposed.
49. The developer shall include the design and locations of the proposed transit elements on the final documents filed with their permit application so that Metro Transit may review and approve the design.
50. Metro Transit operates between two and four buses an hour past this stop location (ID #0548) during our regular service hours.
51. Metro Transit requests to sign and review final documents submitted for this project.

Please contact Tom Maglio, Parks Division, at 266-4711 if you have questions about the following two (2) items:

52. The developer shall pay approximately \$120,180.30 for park dedication and development fees for 65 new multifamily units minus 3 existing single-family units.
53. The developer must select a method for payment of park fees before signoff on the SIP.

Please contact Dennis Cawley, Water Utility, at 266-4711 if you have questions about the following item:

54. The Madison Water Utility shall be notified to remove the water meter 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 applicant should also contact Scott Strassburg, Madison Fire Department, at 261-9843 to review Fire Code conformance issues related to this project.

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

55. That the applicant successfully completes the purchase of the College Court “surplus right-of-way” prior to final staff approval and recording of this planned unit development.
56. That the applicant obtains a privilege-in-streets approval prior to final staff approval and recording of this planned unit development.
57. That the decorative stonework on the Josie’s building be saved and recycled intact for reuse. This should be specified in the required reuse and recycling plan (Condition # 47).
58. That the applicant work with planning and zoning staff and amend the PUD-GDP-SIP Zoning Text to address the following issues. A revised zoning text shall be submitted along with plans submitted for final staff approval addressing the specific zoning comments (Conditions # 46 and 49) and:
 - a. Eliminate specific references to either the Comprehensive or Neighborhood Plan.
 - b. Permitted Uses should indicate the number of units and retail square footage, as shown on approved plans.
 - c. Building Height shall be as shown on approved plans.
 - d. Revise the note under “Alterations and Revisions” to note that the Common Council approves zoning changes.

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.

Please now follow the procedures listed below:

After the plans have been changed as per the above conditions, please file **twelve (11) sets** of the revised, complete site plans, building elevations, floor plans and any other documentation requested herein with the Zoning Administrator, Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard. The sets of final revised plans or documents will be circulated by the Zoning staff to the City department staff listed above for their signature of final approval.

Upon receipt of the aforementioned plans, documents and fees, and upon determining that they are complete, the Zoning Administrator shall record them with the Dane County Register of Deeds Office. The recorded originals will be returned to the applicant, with the recording information noted, when the Register of Deeds has completed the recording process.

If this plan is not recorded within one year of the date of approval by the Common Council, the approval shall be null and void. No construction or alteration of the property included in this application shall be permitted until a Specific Implementation Plan (SIP) has been approved and recorded.

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

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
John Leach, Traffic Engineering Division
Tom Maglio, Parks Division
Tim Sobota, Metro Transit
Scott Strassburg, Madison Fire Department
Pat Anderson, Asst. Zoning Administrator
Dennis Cawley, Water Utility

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 checked="" type="checkbox"/>	Other: Metro Transit