



Department of Planning & Community & Economic Development  
**Planning Division**

Website: [www.cityofmadison.com](http://www.cityofmadison.com)

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March 5, 2013

Brad Binkowski  
Urban Land Interests  
10 E. Doty St. Ste. 300  
Madison, WI 53703

RE: Approval of a conditional use for the construction of a major addition to an existing office building and a future outdoor seating area in the former C4 (Central Commercial) District.

Dear Mr. Binkowski:

At its March 4, 2013 meeting, the Plan Commission found the standards met and **approved** your conditional use application for 25 West Main Street, subject to the conditions below. In order to receive final approval of the conditional use and for any necessary permits to be issued for your project, the following conditions shall be met:

**Please contact me at 266-5974 if you have questions regarding the following 6 items:**

1. Final plans submitted for staff review and approval shall include a site plan drawn to scale, which includes all existing elements in the public sidewalk along West Main Street, South Carroll Street, and West Doty Street adjacent to the property.
2. The applicant is encouraged to provide additional bicycle parking for both long term and short term users. Additional stalls in the parking structure may be provided in vertical bicycle stalls. Prior to submitting final plans for staff review and approval, the applicant shall work with City Engineering and Traffic Engineering staff to pursue the addition of bicycle parking stalls in the South Carroll Street right-of-way.
3. Final plans submitted for staff review and approval shall include information demonstrating how snow and ice will be handled on the projecting bay, so as not to cause safety concerns for pedestrians. Documentation provided should sufficiently ensure that there will be no need to restrict the use of portions of the sidewalk under the projecting bay.
4. Prior to submitting final plans for staff review and approval, the applicant shall submit detailed materials for review and approval by the Urban Design Commission, including but not limited to:
  - a) a detailed landscape plan for the site, including all green roof areas
  - b) a revised W. Doty Street elevation, such that the glass entrance area extends eastward along W. Doty Street.
5. Prior to receiving permits for the proposed changes to the building, the applicant shall submit materials for review by the Privilege in Streets staff committee and reach a formal agreement with the City regarding the proposed encroachments into the public right-of-way. For this application process, the applicant is encouraged to reduce the depth of the requested encroachment for the projecting six-story element in the West Main Street right-of-way.
6. The applicant shall explore the addition of public art or wall display cases to the West Doty Street wall of the parking structure to enliven and add visual interest to that facade.

*Note: Condition 6 was added by the Plan Commission on February 4, 2013.*

**Please contact Janet Dailey of the City Engineering Division at 261-9688 if you have questions regarding the following 29 items:**

7. The site plan indicates proposed building addition crossing underlying platted lot lines. The state building code requires fire walls be placed inside proposed buildings along the underlying platted lot lines or alternatively dissolve the underlying lot lines by Certified Survey Map (CSM).
8. The pending Certified Survey Map for this property shall be completed and recorded with the Register of Deeds (ROD) prior to issuance of building permits. When the recorded CSM image is available from the ROD, the Assessor's Office can then create the new Address-Parcel-Owner (APO) data in GEO so that the Accela system can upload this data and permit issuance made available for new parcel land records.
9. Submit a PDF of all floor plans to Lori Zenchenko ([Lzenchenko@cityofmadison.com](mailto:Lzenchenko@cityofmadison.com)) so that the building and interior addressing plan can be revised/updated. 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.
10. The site plans are insufficient to provide detailed comments from City Engineering. Revise the plans to include a site plan showing the entire site with building outlines, lot lines, existing and proposed public and private utilities. Include spot elevations of new driveways and door openings. Provide a sheet with existing conditions which includes spot elevations of the existing sidewalk and adjacent curb and gutter and street. The plans should show all proposed improvements in the right of way as anticipated for the construction of this project. Additional comments will be provided upon receipt of the revised plans.
11. This project will likely require a development agreement for the restoration of the existing public infrastructure. The Applicant shall be required to provide adequate topo survey data along with enough detail on the proposed project to allow for City Engineering staff to produce a plan for the restoration.
12. Provide additional details on the existing tunnel in Carroll Street. The existing tunnel shall be located on the plan and shall include the approximate depth and size.
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 (MGO 16.23(9)c).
14. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass (POLICY).
15. 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)).
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 (POLICY).

17. 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).
18. The Applicant shall obtain a privilege in streets agreement for any encroachments inside the public right of way. The approval of this development does not constitute or guarantee approval of the encroachments (INFORMATIONAL).
19. The Applicant shall provide the City Engineer with the proposed earth retention system to accommodate the restoration. The earth retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system (POLICY).
20. The Applicant shall complete work on exposed aggregate sidewalk in accordance with specifications provided by the city. The stone used for the exposed aggregate shall be approved by the City. The Construction Engineer shall be notified prior to beginning construction. Any work that does not match the adjacent work or which the City Construction Engineer finds is unacceptable shall be removed and replaced (POLICY).
21. 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).
22. 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. 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).
23. All damage to the pavement on Carroll Street, W. Main Street and W. Doty Street, 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).
24. 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).
25. The applicant shall demonstrate compliance with MGO Section 37.07 and 37.08 regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
26. For Commercial sites < 1 acre in disturbance the City of Madison is an approved agent of the Department of Commerce and WDNR. As this project is on a site with disturbance area less than one (1) acres, and contains a commercial building, 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 (NOTIFICATION).
27. Prior to approval, this project shall comply with MGO Chapter 37 regarding stormwater management. Specifically, this development is required to:
  - a) Provide oil & grease control from the first 1/2" of runoff from parking areas
  - 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 MGO Chapter 37.

Stormwater management plans shall be submitted and approved by City Engineering prior to sign-off.

28. 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 (POLICY).
29. 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 Misc. 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

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

NOTE: Email file transmissions preferred [zenchenko@cityofmadison.com](mailto:zenchenko@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)).

30. 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.
  - g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
31. 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>.
  32. The site plans shall be revised to show the location of existing utilities, including depth, type, and size in the adjacent right-of-way (POLICY).
  33. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing storm sewer lateral which must be permanently or temporarily disconnected from the public storm sewer system as part of the proposed work. For each lateral to be plugged the owner shall complete a sewer lateral plugging application and pay the applicable permit fees. NOTE: As of January 1, 2013 new plugging procedures and permit fees go into effect. The new procedures and revised fee schedule is available on line at: <http://www.cityofmadison.com/engineering/permits.cfm> (MGO CH 37.05(7)).

34. 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)).
35. 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 Matt Tucker of the Zoning Office at 266-4569 if you have any questions regarding the following 5 items:**

36. Regarding the provision of bicycle parking, the subject development is required to provide 19 stalls (1 per 10 automobile stalls), however, this requirements does not seem adequate given the intensity of use on this lot.
37. Meet applicable building/fire codes for the additional outdoor capacity and for ingress and egress of the establishment with the areas and uses for the site. Occupancy is established by the Building Inspection Unit. Contact Alan Harper at 266-4558 to help facilitate this process.
38. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31. Sign permits must be reviewed by the Urban Design Commission and issued by the Zoning Section of the Department of Planning and Community and Economic Development prior to sign installation.
39. Outdoor lighting provided must comply with City of Madison outdoor lighting standards and must comply with MGO Section 10.085. Submit photometric plan and fixture details with final plan submittal for review and approval.
40. Provide required accessible stalls, in number and size required by building code.

**Please contact Bill Sullivan of the Madison Fire Department at 261-9658 if you have any questions regarding the following 2 items:**

41. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.
42. The building addition and Level III alteration will require the existing portions to comply with today's high rise building requirements. MFD supports this project based on the major life safety improvements to this prominent building on the square.

**Please contact Dennis Cawley of the Madison Water Utility at 261-9243 if you have any questions regarding the following 2 items:**

43. This property is not in a wellhead protection district.
44. All operating private wells shall be identified and permitted by the Water Utility in accordance with Madison General Ordinance 13.21. All unused private wells shall be abandoned in accordance with Madison General Ordinance 13.2.

**Please contact Eric Halvorson, Traffic Engineering at 266-6527 if you have any questions regarding the following 6 items:**

45. The applicant shall note that Madison General Ordinance 10.08(a) 6 requires all facilities to have adequate internal circulation in which no backing movement, except that required to leave a parking stall, is allowed. All parking facilities shall be designed so as not to utilize any portion of the public right-of-way except to permit ingress and egress in a forward manner: unless permitted by the Board of Public Works after the Board receives the recommendation of the City Traffic Engineer.

This condition shall be approved prior to plans being submitted for approval, contact City Traffic Engineering for detail. Traffic Engineering staff will require a formal letter requesting the right to back off the street, (type of vehicles, reasons, hours of operation of the truck, etc.) and the applicant shall provide a 1"=20' scale drawing and a drawing on a 8" by 11" sheet showing parking, parking stalls, pavement markings, type of truck turning and both sides of the street. If recommended by the City Traffic Engineer, staff will facilitate the approval to the Board of Public Works.

46. The Applicant shall reimburse the City of Madison Parking Utility \$39,550 for each one metered on-street parking space lost due to the proposed development. This is to compensate the Parking Utility for the lost revenue stream of the parking space. Please contact Thomas Woznick at 266-4761 if you have any questions.

*Note – Condition 46 was modified by the Plan Commission on March 4, 2013 to the above.*

47. The applicant shall modify the driveway entrance designed to provide adequate sight distance for clear visibility triangle of 10 ft on both sides at the W. Doty St. driveway approach.
48. 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.
49. 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.
50. 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 Tim Sobota, Metro Transit, at 261-4289 if you have any questions regarding the following 4 items:**

51. The applicant shall protect the existing bus shelter, curbside bus loading zone and sidewalk pedestrian access to transit vehicles during construction. Pedestrian access must be maintained along the entire block face of West Main Street, between South Hamilton Street and Martin Luther King Jr. Boulevard, and must comply with standards set out by the Americans with Disabilities Act.
52. In the case where construction activities must hinder the above access requirements, such activities shall be scheduled during non-peak periods of transit activity. These periods include weekends and weekdays outside the hours of 6:00 AM to 9:30 AM and 2:30 PM to 6:00 PM.
53. The applicant shall be required to provide notice to Metro Transit five (5) days prior to any encroachment of construction activity onto the passenger shelter, sidewalk, or curbside bus loading area.
54. Metro Transit operates an extremely high level of transit service along West Main Street along the block face between South Hamilton Street and Martin Luther King Jr. Boulevard. Buses are scheduled to park and wait at this stop location throughout the day, and during peak periods the entire block face can be occupied by transit vehicles.

**Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency.**

**Please now follow the procedures listed below for obtaining your conditional use permit:**

1. Please revise your plans per the above conditions and submit **ten (10) copies** of a complete, fully dimensioned plan set to the Zoning Administrator for final staff review and comment. Also be sure to include any additional materials requested by these departments for their approval prior to sign off.
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 the conditional use permit.
3. 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 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.

If you have any questions regarding obtaining your building permits, please contact the Zoning Administrator at 266-4551. If you have any questions or if may be of any further assistance, please do not hesitate to contact my office at 266-5974.

Sincerely,

Heather Stouder, AICP  
 Planner

cc: Janet Dailey, City Engineering Division  
 Eric Pederson, City Engineering Division  
 Pat Anderson, Asst. Zoning Administrator  
 Eric Halvorson, Traffic Engineering  
 Bill Sullivan, Madison Fire Department  
 Tim Sobota, Metro Transit  
 Al Martin, Urban Design Commission Secretary

<p>I hereby acknowledge that I understand and will comply with the above conditions of approval for this conditional use permit.</p> <hr style="border: 0; border-top: 1px solid black; margin: 10px 0;"/> <p style="text-align: center;"><i>Signature of Applicant</i></p> <hr style="border: 0; border-top: 1px solid black; margin: 10px 0;"/> <p style="text-align: center;"><i>Signature of Property Owner (if not applicant)</i></p>
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<b>For Official Use Only, Re: Final Plan Routing</b>			
<input checked="" type="checkbox"/>	Planning Div. (H. Stouder)	<input checked="" type="checkbox"/>	Engineering Mapping Sec.
<input checked="" type="checkbox"/>	Zoning Administrator	<input type="checkbox"/>	Parks Division
<input checked="" type="checkbox"/>	City Engineering	<input checked="" type="checkbox"/>	Urban Design Commission
<input checked="" type="checkbox"/>	Traffic Engineering	<input type="checkbox"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input checked="" type="checkbox"/>	Metro Transit