



Department of Planning & Community & Economic Development

## Planning Division

Katherine Cornwell, Director

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December 17, 2014

Josh Wilcox

Gary Brink and Associates, Inc.

7780 Elmwood Ave., Ste. 204

Middleton, WI 53562

RE: Approval of the demolition of a two-story office building and a conditional use for construction of a new six-story mixed use building at 330 East Wilson Street in the Urban Mixed Use (UMX) District.

Dear Mr. Wilcox:

At its December 15, 2014 meeting, the Plan Commission found the standards met and **approved** your client's request for a demolition and conditional use at 330 East Wilson Street, subject to the conditions below. In order to receive final approval of the demolition and conditional use, and for any necessary permits to be issued for your project, the following conditions shall be met:

**Please contact my office at 266-5974 if you have questions regarding the following 2 items:**

1. The applicant shall work with the alder (on behalf of the neighborhood) and staff on the details of the required boundary screening (fencing) prior to final approval and issuance of permits for the project.

*Note: The Plan Commission amended this condition on December 17, 2014 to the above.*

2. Final plans submitted for review and approval by staff shall include elevations and floor plans consistent with the renderings submitted on December 10, 2014. Elevations shall include a detailed schedule of materials to include standard sized brick and color specifications for all materials.

**Please contact Janet Schmidt of the City Engineering Division at 261-9688 if you have questions regarding the following 28 items:**

3. Landscape plantings are planned in the terrace of the adjacent South Hancock Street right-of-way. If permitted by the City under the Terrace Treatment Policy the owner shall enter into a maintenance agreement for the installation of non-standard terrace features.
4. Letter of intent lists Palladia LLC as the owner. Current Assessor records show Robert J Rubin as owner.
5. The address of 330 E Wilson St is being retired with the demolition of the office building. The project address and the base address of the apartments is 320 E Wilson St. The address for the commercial space is 324 E Wilson St.
6. A storm sewer structure will be required at the connection to the existing 8" VP storm sewer pipe on E. Wilson Street.

7. Permeable parking will comply with the new Standard Oversight Committee standards of storm water treatment credit requested for this practice. Please contact Greg Fries at 267-1199 with questions.
8. The site plan indicates bike racks that will encroach into the S. Hancock Street right of way. The Applicant shall make an application with required fees to the City of Madison Office of Real Estate Services for a privilege in streets permit administered by that agency. Use the following link for application information. An approval of the development does not constitute or guarantee approval of any encroachments within a public right of way.  
<http://www.cityofmadison.com/developmentcenter/landdevelopment/streetencroachment.cfm>.
9. 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).
10. The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
11. The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.
12. Submit a PDF of all floor plans to [izenchenko@cityofmadison.com](mailto:izenchenko@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.
13. The site plan shall include a full and complete legal description of the site or property being subjected to this application.
14. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with concrete (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 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).
19. 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).
20. 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).
21. All damage to the pavement on E. Wilson Street and S. Hancock 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).
22. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in the ROCK RIVER TMDL ZONE and by Resolution 14-00043 passed by the City of Madison Common Council on 1/21/2014. You will be expected to meet a higher standard of erosion control than the minimum standards set by the WDNR.
23. 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.
24. 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).
25. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to reduce TSS off of the proposed development by 80% when compared with the existing site. Stormwater management plans shall be submitted and approved by City Engineering prior to signoff.
26. 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 Mgmt Facilities (including if applicable planting plans)

27. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Mgmt Files including:

- a) SLAMM DAT files
- b) RECARGA files
- c) TR-55/HYDROCAD/Etc
- d) 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 (POLICY and MGO 37.09(2)).

28. 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>.
29. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing sanitary sewer lateral that serves a building which is proposed for demolition. 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 35.02(14)).
30. 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 Pat Anderson of the Zoning Office at 266-5978 if you have any questions regarding the following 12 items:**

31. Provide a minimum of 37 bike parking spaces distributed as both *Short Term* and *Long Term* bicycle parking, as required per sec. 28.141(4) and 28.141(11). Provide a detail of the bike rack design including wall mounts. Guest stalls shall be short term. NOTE: current code requires a maximum of 25% (9 spaces) of the bike parking spaces may be structured bike parking (wall-mount or stacked). Call out and dimension required stalls on the final plan. There are various locations in the submitted plans where the dimensional requirements are not being met.

Due to proposed development site constraints, required short-term bike parking apparently cannot be provided within 100' of the commercial entrance. It appears as though the required two spaces for the commercial use will require approval for a placement in the terrace area of Hancock Street. Contact Jerry Lund in City Real Estate (267-8718) to discuss this issue.

32. The submitted elevation plans show window types and types of glass to be installed, but do not indicate which type of window glass is specifically to be installed at each location. Sec. 28.071(3)(e)(5) requires clear or slightly tinted glass on all windows, except for service areas which may utilize spandrel. The parking area is not considered a "service area" so the windows in this area must be clear or slightly tinted.
33. As described in Sec. 28.140, for qualifying Usable Open Space (UOS), balconies must have a minimum dimension of four and one-half (4 ½) feet and an at-grade UOS must have a minimum area of 200 sq. ft. and it is unclear whether the rooftop and at-grade usable open space areas meet the requirements. On final plan sets, please provide detailed calculations of qualifying usable open space.
34. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31 Sign Codes prior to sign installations.

35. 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).
36. 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.
37. Provide building elevations including a detailed cross section of floor to ceiling heights.
38. Lot coverage: provide design detail of proposed permeable paving to determine qualification as part of lot coverage requirement. Provide final lot coverage calculations with final plan set. NOTE: permeable paving under the building may not be deducted from the lot coverage calculation.
39. Sec. 28.142 (8) requires district boundary screening for the abutting residential property. An indication that a fence exists is included on the plan set, but it is not clear if this fence is on the subject property, or meets the minimum requirements for screening. Provide detail on this fence, noting the fence must be in the subject property and must be a minimum 6'-8' in height.  
  
The applicant shall work with the alder (on behalf of the neighborhood) and staff on the details of the required boundary screening (fencing) prior to final approval and issuance of permits for the project.  
*Note: The Plan Commission amended this condition on December 17, 2014 to the above.*
40. The setback of the building to the side (northeast) property line has not been provided. Clearly label the setbacks of the building on the final plan sets.
41. Rooftop mechanical units are proposed, but the screening detail has not been provided, as required per sec. 28.071(3)(h).
42. Detail regarding the fencing for the roof deck area has not been included. Provide detail with the final plan sets, to be reviewed and approved by planning and zoning staff.

**Please contact Eric Halvorson of Traffic Engineering at 266-6527 if you have any questions about the following 7 items:**

43. The entrance on S Hancock St shall be modified from a 'street' type entrance to a 'commercial' type entrance.
44. Items in the right of way are not approved through the site plan approval process and will require separate approval of a Privilege in Streets Permit for the proposed bicycle racks.  
*Note: The Plan Commission amended this condition on December 17, 2014 to the above.*
45. A condition of approval shall be that no residential parking permits shall be issued for 330 E. Wilson St. This would be consistent with other projects in the area. In addition, the applicant shall inform all tenants of this facility requirement in their apartment leases. In addition, the applicant shall submit for 330 E. Wilson St a copy of the lease noting the above condition.
46. The applicant shall submit one contiguous plan for approval. The plan drawing shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.

47. The Developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.
48. The City Traffic Engineer may require public signing and marking related to the development; the Developer shall be financially responsible for such signing and marking.
49. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

**Please contact Kay Rutledge of the Parks Division at 266-4714 if you have any questions about the following 2 items:**

50. Park impact fees (comprised of the Park Development Impact Fee per MGO Sec. 20.08(2) and the Parkland Impact Fee in lieu of land dedication per MGO Sec. 16.23(8)(f) and 20.08(6)) will be required for all new residential development. The developer must select a method for payment of park fees before signoff on the demolition permit and/or conditional use. This development is within the Tenney-Law-Madison park impact fee district (SI26). Please reference ID# 14130 when contacting Parks about this project.

**New Development:**

Fees in lieu of dedication = 30 MF @ \$1,799.00 = \$53,970.00

Park development fees = 30 MF @ \$662.95 = \$19,888.50

Total Fees \$73,858.50

51. Forestry will permit the removal of the 17" maple on South Hancock and 3" pear on East Wilson St. Contractor shall contact City Forestry ([dkahl@cityofmadison.com](mailto:dkahl@cityofmadison.com)) at least one week prior to construction to obtain the tree removal permit

**Please contact Dennis Cawley of the Water Utility at 266-4651 if you have any questions about the following 3 items:**

52. The Madison Water Utility shall be notified to remove the water meter prior to demolition.
53. This property is in wellhead protection district WP-17. The residential use is an approved use. All proposed commercial uses on this property shall be approved by the Water Utility General Manager or his designee.
54. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

**Please contact Bill Sullivan of the Madison Fire Department at 261-9658 if you have any questions about the following 3 items:**

55. The exit stair shall be enclosed at the first floor and will need to be extended to the exit discharge.
56. If the roof elevation is more than 75 feet above grade, the building will be classified as a high rise building.
57. Please consider allowing Madison Fire Department to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Lt. Scott Bavery (608) 576-0600.

**Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency. No demolition or building permits shall be issued until the applicant has met all of the conditions of approval stated in this letter.**

**Please now follow the procedures listed below for obtaining your building permits:**

1. Please revise the plans per the above conditions and file **ten (10)** sets of complete, fully dimensioned, and to-scale plans, along with the appropriate site plan review application and fee pursuant to Section 28.206 of the Zoning Code. Also provide any other documentation requested herein with the Zoning Administrator, Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard.
2. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting building permit approval.
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 the demolition and conditional use approval, please contact the Zoning Administrator at 266-4551. If you have any questions or if I may be of any further assistance, please do not hesitate to contact my office at 266-5974.

Sincerely,

Heather Stouder, AICP

Planner

I hereby acknowledge that I understand and will comply with the above conditions of approval for this demolition permit and conditional use.

\_\_\_\_\_  
*Signature of Applicant*

cc: Janet Schmidt, City Engineering Division  
Jeff Quamme, Engineering Mapping  
Pat Anderson, Asst. Zoning Administrator  
Bill Sullivan, Fire Department  
Eric Halvorson, Traffic Engineering  
Al Martin, Urban Design  
Kay Rutledge, Parks Division  
George Dreckmann, Recycling Coordinator

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (H. Stouder)	<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"/>	Metro Transit