



Department of Planning & Community & Economic Development
Planning Division

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May 21, 2010

Gary Brown
University of Wisconsin-Madison
614 Walnut Street
Madison, Wisconsin 53726

Bob Mangas
Potter-Lawson Architects
15 Ellis Potter Court
Madison, Wisconsin 53711

RE: Approval of a request to rezone 115 N. Mills Street and 117 N. Charter Street from R5 (General Residence District) and C3 (Highway Commercial District) to Planned Unit Development-General Development Plan-Specific Implementation Plan (PUD-GDP-SIP) to allow the demolition of an existing one-story physical plant shop building and allow the future construction of a biomass fuel handling and storage facility on east side of N. Mills street and the future expansion and renovation of the University of Wisconsin's Charter Street heating Plant to burn biomass and natural gas. [The SIP is to provide zoning continuity of the site pending final plans being submitted for approval.]

Gentlemen;

At its May 18, 2010 meeting, the Common Council **conditionally approved** your application to rezone 115 N. Mills Street and 117 N. Charter Street from R5 to PUD-GDP-SIP. The following conditions of approval shall be satisfied prior to or as part of the final approval and recording of the general development plan:

[Note: Conditions 22, 23 & 47 in this letter reflect the revised conditions agreed to by the University and City on May 11, 2010.]

Please contact Janet Dailey, City Engineering Division, at 261-9688 if you have questions regarding the following twenty-one (21) items:

1. An agreement will be required between the City and the University of Wisconsin to allow for off-site improvements to the City's infrastructure that are a necessity for the function of the PUD. The University shall enter into this agreement prior to City Engineering sign off of the PUD-GDP.
2. The City has identified the need for several agreements for improvements in the right of way as proposed by the University, including lease and maintenance agreements.
3. The University shall be required to enter into the agreement prior to the sign off of the PUD. The agreement shall include off-site improvements related to the overall Charter Street project as this project depends on these off-site improvements to function. No work in the City right of way shall be

allowed until the agreement is in place. It is anticipated that the agreement shall include, but not limited to the following issues as identified by City Engineering Division staff:

- a.) Removal of tracks and reconstruction of W. Dayton Street pavement should be staged so it does not coincide with the Southwest Path detour onto W. Dayton Street.
- b.) Truck driveway onto Spring Street should be re-designed and constricted to provide only the width necessary for intended access and egress.
- c.) Limits of the Spring Street/ N. Charter Street intersection work should be extended far enough to remove the "hump" created by the rail elevation.
- d.) The Spring Street/ N. Charter Street intersection is currently designed as a "speed table" and with non-standard horizontal geometry to account for four traffic legs, two bike path legs and a rail line. With removal of the rail line, the alignment of the path and sidewalk connections through this intersection, as well as the need for special marking or other safety features, should be re-visited. Design should be done in consultation with the City Engineering Division and Traffic Engineering Division.
- e.) The width and the radius (or flare) for the three new "driveway" entrances on N. Mills Street are subject to review and approval by City Engineering Division and Traffic Engineering Division.
- f.) Additional information should be provided on the type, height and aesthetic treatment of the two screen walls between N. Charter and N. Mills streets.
- g.) Vertical clearance for the new rail bridge over N. Park Street should not be less than the existing vertical clearance.
- h.) Construction staging for the new bridge over N. Park Street and the modification or partial reconstruction of the East Campus Mall underpass is subject to approval by Traffic Engineering with respect to the timing and duration of street closure, lane closures or interruption of pedestrian access.
- i.) Final path design shall maintain current functionality of the path with respect to accesses, path width, shoulder width, minimum horizontal radii and maximum grades. In general, the main path shall be 12' wide with 2' wide shoulders (grass or paved depending on adjacent conditions), access paths shall be 10' wide with 2' wide shoulders, horizontal curves on the main path shall meet AASHTO criteria for a 20 MPH design speed and maximum grade on main path and all access paths shall not exceed 5%. The constriction of the vehicular access area between the path and the building at 600 Regent Street, particularly the curve and curb geometry where it enters the parking area west of the building, must be reviewed. The design vehicle that must negotiate this turn should be established in consultation with the property owner, Madison Fire Department and Traffic Engineering Division. Final curb geometry must be checked with the appropriate turning template(s). Curb and gutter between the path and the access drive shall be at least as wide as the existing special curb to provide physical separation between motor vehicles and the path.
- j.) This project affects a large amount of both public and private storm sewer and sanitary sewer along the bike path. The University shall coordinate the redesign and construction of the new storm and sanitary sewer with City Engineering.

- k.) Utility work near the rail corridor may encounter contaminated soils. The University shall be responsible for any required remediation or disposal.
 - l.) The conveyor over N. Mills Street will require a lease from the City. Provide a minimum of 16 feet of clearance from pavement elevation.
 - m.) A maintenance agreement is needed for several significant landscape features, including:
 - 1) the existing rail corridor west of N. Charter Street
 - 2) the planter area between the path and the screen wall for two blocks between N. Charter Street and N. Mills Street
 - 3) the "rain garden" feature on the current Alexander Company lease area between East Campus Mall and W. Washington Avenue.
 - 4) the pavers and special terrace treatment on W. Dayton Street
 - 5) modifications to the existing maintenance agreement for the underpass at East Campus Mall may be required.
 - n.) The University shall adhere to the conditions from the City as directed by the Office of the Commissioner of Rails from the hearing held on April 28, 2010.
- 4. The private acquisition of any public easement rights necessary to relocate the existing public pedestrian/ bicycle path shall be coordinated with the appropriate City of Madison Engineering and Office of Real Estate Services staff.
 - 5. The University of Wisconsin lease or ownership rights of any land adjacent to their property necessary for this development determines that it is their responsibility for payment of all City of Madison Stormwater Utility pervious/ impervious charges for that property.
 - 6. The construction of this development 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. The applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
 - 8. The approval of this planned unit development does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester.
 - 9. The applicant shall replace all sidewalk and curb and gutter that abuts the property, which is damaged by the construction or any sidewalk and curb and gutter that the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction.

10. The applicant shall obtain a privilege in streets or lease agreement for any encroachments inside the public right of way. The approval of this development does not constitute or guarantee approval of the encroachments.
11. All work in the public right of way shall be performed by a City-licensed contractor.
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.
13. 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.
14. 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.
15. Effective January 1, 2010, the Department of Commerce's authority to permit commercial sites, with over one acre of disturbance for stormwater management and erosion control has been transferred to the Wisconsin 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 NR-216 and NR-151, but a separate permit submittal is now required from the WDNR for this work as well.

As this site is greater than one acre, the applicant is required by State Statute to obtain a Water Resources Application for Project Permits (WRAPP) from the DNR, prior to beginning construction. This permit was previously known as a Notice of Intent Permit (NOI). Please contact Eric Rortvedt of the WDNR at 273-5612 to discuss this requirement.

16. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to control 40% TSS (20 micron particle) off of new paved surfaces; provide oil & grease control from the first 1/2" of runoff from parking areas, and; complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by Chapter 37 of the Madison General Ordinances.
17. The applicant shall submit, prior to plan signoff, 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: building footprints; internal walkway areas; internal site parking areas; other miscellaneous impervious areas lot lines; lot/ plat lines, dimensions and labels; right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
18. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and

right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).

19. 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.
20. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.
21. Prior to approval of the issuance of a demolition permit, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged, the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1) \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2) \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner.

Please contact Bryan Walker, Traffic Engineering Division, at 267-8754 if you have questions about the following fifteen (15) items:

22. If necessary, the applicant may be required to shall reconstruct and widen both W. Dayton Street and N. Mills Street, including the intersection of Dayton and Mills, to address the new traffic impacts to these streets by the proposed new facilities. This includes may include new railroad signals, potential new traffic signals, wider bike lanes and space for parking if so required on N. Mills Street. The plans and financing by UW will need to be reviewed and approved by the City Traffic Engineer.
23. If necessary, the applicant may be required to shall reconstruct and widen both N. Charter Street and Spring Street, including the intersection of Charter and Spring, to address the new traffic impacts to these streets by the proposed new facilities. This includes may include new railroad signals, potential new traffic signals, wider bike lanes and space for parking if so required on these two streets. The plans and financing by UW will need to be reviewed and approved by the City Traffic Engineer.
24. The applicant shall show the truck turning movements at the W. Dayton Street service access driveway shown on sheet C-001 using an Autoturn program. Trucks will need to ingress and egress the driveway and park at the loading dock without blocking any of the right of way or backing off of the public street. If necessary, the applicant will reconstruct and widen W. Dayton Street to accommodate the proposed new major truck service. There is a major concern that this proposal will block and congest W. Dayton Street.
25. The applicant shall show and demonstrate the rail operations and rail car storage, including a schedule of planned operations intended to minimize traffic impacts and peak hour traffic in the area (a.m. and p.m.). There is a major concern that this proposal will block and congest W. Dayton Street.
26. The applicant shall redesign the truck entrance off of Spring Street according to the design criteria for a "Street Type Entrance" driveway in accordance to MGO Section 10.08(4). The maximum permitted width of the entrance shall be 40 feet with a maximum curb cut width of 60 feet. No driveway shall encroach into the city sidewalk or crosswalk according to MGO 10.08(5)(a)6. A curb

shall be constructed at the radius of the entrance to protect the city sidewalk from encroachment. The angle of the approach shall be not less than 45-degrees, with a preference towards a 90-degree angle of approach according to MGO 10.08(4)(d). All street type entrances will need to be reviewed and approved by the City Traffic Engineer.

27. The applicant shall show all entrances, excluding the street type entrance on Spring Street, as "Class III" driveways with sidewalk access across the drive aprons.
28. The developer shall enter into an agreement with the City of Madison for the relocation and reconstruction of the bike path.
29. 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), 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 2-foot overhang, and a scaled drawing at 1" = 20'.
30. "Stop" signs shall be installed at a height of 7 feet at all driveway approaches behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
31. All intersections shall be so designed so as not to violate the City's sight triangle preservation requirement which states that on a corner lot no structure, screening, or embankment of any kind shall be erected, placed, maintained or grown between the heights of 30 inches and 10 feet above the curb level or its equivalent within the triangle space formed by the two intersecting street lines or their projections and a line joining points on such street lines located a minimum of 25 feet from the street intersection in order to provide adequate vehicular vision clearance.
32. This is a State of Wisconsin project. As such, the applicant could note on the plan sheet or submit a letter to the Traffic Engineering Division that states: "The parking stall design is according to State of Wisconsin parking design standards and approved by the State of Wisconsin."
33. The University 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.
34. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.
35. The applicant shall show dimensions for all proposed and existing parking areas for the parking stalls' items A, B, C, D, E, F, and degree of angle parking, width and backing up, according to Figures II "Medium and Large Vehicles" parking design standards in MGO Section 10.08(6)(b).
36. The developer shall note on the plans that all changes in the City of Madison right of way will need to be approved by the Board of Public Works.

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

37. Any changes to the railroad corridor and or modifications to adjacent sites will require minor alterations to the effected PUD's or approved site plans.
38. 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.
39. Provide bicycle parking a ratio of 1 stall per 2 employees. Bike parking shall comply with MGO Section 28.11. Provide 3 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 2 feet by 6 feet with a 5-foot access area. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices.
40. Off-street parking requirement shall comply with MGO Sections 28.04 (12) and 28.11: Parking lot plans with greater than twenty (20) stalls, landscape plans must be stamped by a registered landscape architect. Provide a landscape worksheet with the final plans that shows that the landscaping provided meets the point and required tree ordinances. In order to count toward required points, the landscaping shall be within 15' and 20' of the parking lot depending on the type of landscape element. All plant materials in islands shall be protected from vehicles by concrete curbs.
41. If outdoor lighting is provided, it must comply with MGO Section 10.085 outdoor lighting standards.
42. Parking requirements for persons with disabilities must comply with MGO Section 28.11 (3)6.(m) which includes all applicable State accessible requirements, including but not limited to:
 - a.) Provide minimum of two accessible stalls 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.
 - b.) Show signage at the head of the stalls. Accessible signs shall be a minimum of 60" between the bottom of the sign and the ground.
 - c.) Show the accessible path from the stalls to the building. The stalls shall be as near the accessible entrance as possible. Show ramps, curbs, or wheel stops where required.

Please contact Bill Sullivan, Madison Fire Department, at 261-9658 if you have any questions regarding the following item:

43. Per IFC 503.6, the security gates across the fire apparatus access road shall be a minimum 20-foot clear width and the gate(s) shall have an approved means of emergency operation provided with either an MFD approved key box or padlock that can be interlocked with the owners' lock. Where electric gate operators are provided, they shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

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

44. A portion of this property is in a Wellhead Protection District. The applicant shall provide documentation to the Madison Water Utility that the proposed use of this property is in compliance with the City of Madison wellhead protection ordinance.
45. The Water Utility shall be notified to remove the water meter prior to demolition. 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 my office at 261-9632 if you have questions about the following seven items:

46. That the University of Wisconsin–Madison enter into a formal agreement with the City in a form approved by the City Attorney's Office, which addresses the off-site improvements to the City's property and infrastructure required for implementation of the Charter Street Heating Plant project, of which the proposed Planned Unit Development zoning of 115 N. Mills Street and 117 N. Charter Street is an integral part. The University shall enter into this agreement prior to Planning Division approval of the planned unit development for recording and the commencement of any site work construction related to the expansion of the Charter Street plant or new construction on the 115 N. Mills Street site.
47. That the University submit additional information for review by the Planning Division, City Traffic Engineer and City Engineer and approval by the Common Council as part of the first amendment to the specific implementation plan final specific implementation plan for the biomass storage and handling facility at 115 N. Mills Street, which demonstrates the impact the proposed rail delivery of biomass to the Charter Street Heating Plant will have on existing and future passenger/ freight operations on the Wisconsin Southern Railroad mainline corridor. This information shall clearly conclude that passenger/ freight services in this corridor can be accommodated.
48. That the University enter a lease of air rights with the City for the overhead conveyor across N. Mills Street prior to construction of the conveyor.
49. That the general development plan be revised per Planning Division approval prior to recording and the commencement of demolition at 115 N. Mills Street to provide a more detailed schedule for the project that includes the anticipated amendments to the specific implementation plan that will be required prior to construction of individual phases of the renovated and expanded heating plant.
50. That additional information be provided as part of the review of the final specific implementation plan for the storage and handling facility at 115 N. Mills Street that models the noise and exhaust impacts from the day-to-day maneuvering of trains between the rail sidings east of that site and the storage and handling facility. Information that shall be included to satisfy this future condition: specifications for noise and exhaust generated by the models of "mule" considered for use to transport the biomass cars between the storage/ handling facility on the west and the sidings on the east, and a noise impact analysis that models the vehicle-generated noise from that equipment throughout the maneuvering corridor bounded by W. Johnson Street on the north and Regent Street on the south. The analysis shall also contain any abatement measures that will be incorporated into the final design to limit any potential noise impacts on surrounding properties.
51. That the University submit an amended specific implementation plan for each phase of the project for approval by the Common Council following a recommendation by the Urban Design Commission and Plan Commission. Each amended SIP submittal shall contain, at a minimum, detailed plans on the proposed phase of development, including site plans, building elevations, landscaping and utility information and specific actions needed to address aesthetic concerns, service delivery needs and

impacts on nearby properties. Each amended SIP shall be reviewed against the standards for Planned Unit Developments in Section 28.07 of the Zoning Ordinance.

52. Note: This PUD-GDP-SIP approval does not include the second new biomass boiler or bag house on the 117 N. Charter Street property or the electric substation north of the CSHP on the north side of W. Dayton Street.

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

After the plans have been changed as per the above conditions, please file **ten (10) sets** of the final general development plan 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.

Approval of this project does not include any approval to prune, remove or plant trees in the public right of way. Permission for such activities must be obtained from the City Forester, 266-4816.

A reuse and recycling plan approved by the Recycling Coordinator is required by ordinance prior to the issuance of a wrecking permit. The reuse and recycling plan shall be submitted along with the resubmittal of site plans for forwarding to the Recycling Coordinator.

The Madison Water Utility shall be notified to remove the water meter prior to demolition of 115 N. Mills Street.

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.

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 261-9632.

Sincerely,

Timothy M. Parks
Planner

cc: Janet Dailey, City Engineering Division
Tony Fernandez, City Engineering Division
Bryan Walker, Traffic Engineering Division
Bill Sullivan, Madison Fire Department
Dennis Cawley, Madison Water Utility
Pat Anderson, Asst. Zoning Administrator

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (T. Parks)	<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"/>	Water Utility
<input checked="" type="checkbox"/>	Fire Department	<input checked="" type="checkbox"/>	Other: Recycling Coord.