



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

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

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April 19, 2013

Jerad Protaskey  
Opus Development Company, LLC  
330 East Kilbourn Ave., Suite 222  
Milwaukee, WI 53202

RE: Approval for the demolition of an existing tavern, rezoning of property from CC-T (Commercial Corridor-Transitional) District to TSS (Traditional Shopping Street), and a conditional use to construct a six-story mixed-use building with 72 residential units and ground floor commercial space.

Dear Mr. Protaskey:

At its April 16, 2013 meeting, the Common Council **approved** the demolition of the existing building, rezoning of property from CC-T to TSS, and a conditional use at 1419 Monroe Street, subject to the conditions of approval from reviewing agencies below:

**Please contact my office at 266-5974 with questions about the following 8 items:**

1. The applicant shall work with staff to identify additional locations for moped and bicycle parking. Final plans submitted to staff for review and approval shall include additional space for moped parking that does not result in a loss of bicycle stalls, but may result in a loss of a portion of the automobile stalls.
2. The applicant shall prepare a management plan for the parking areas which includes assurances that mopeds will only be parked in spaces properly designed for moped parking on final site plans. Further, the limited availability of automobile and moped parking areas shall be clearly addressed in the residential leases. The management plan and a copy of the lease shall be provided to staff for review and approval prior to the issuance of demolition permits.
3. ~~If the tenant in the corner commercial space is a restaurant and/or tavern initially or at any time in the future, the at-grade automobile parking shall be dedicated to serve it.~~

A minimum of eight of the automobile stalls shall be reserved for use by employees of any commercial business in the building.

*Note: This condition was changed by the Plan Commission on April 8 to the above.*

4. The maximum occupancy of the units shall be two persons in the studios and one-bedroom apartments and four persons in the two-bedroom and four-bedroom apartments.
5. The applicant shall submit a detailed planting and maintenance plan for the proposed green roof area on the southeast side of the building.

6. Final plans submitted for review and approval by Planning and Traffic Engineering staff shall indicate the intended safe pathway for bicyclists entering and exiting the mezzanine parking area, and ensure adequate space between the garage door and the street for vehicles exiting the above ground parking area.
7. Elevation drawings submitted for staff review and approval shall demonstrate compliance with MGO Section 28.060(2), including calculations for the percentage of door and window openings. Any future changes to entrance locations due to tenant commitments will require a minor alteration to the conditional use.
8. A revised landscape plan meeting requirements in MGO Section 28.142 within the boundaries of the private property shall be submitted for review and approval by planning and zoning staff prior to the issuance of a demolition permit. The plan shall include a detailed landscape schedule including plant species and size at time of planting.

**Please contact Matt Tucker, Zoning Administrator, at 266-4569 with questions about the following 6 items:**

9. 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.
10. Section 28.185(7)(a)5 requires approval of a reuse and recycling plan by the Recycling Coordinator, Mr. George Dreckmann (608-267-2626) prior to the issuance of the demolition permit.
11. Section 28.185(10) Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(7)(a)5 shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
12. Pursuant to Section 26.141(4)(e), Parking Requirements for Persons with Disabilities, the provisions contained in Wis. Stat. 101.12, 346.503, and 346.56 and any related Wisconsin Administrative Code sections are applicable to parking facilities in this building. Final submitted plans shall comply with these requirements.
13. Bike parking shall comply with MGO Table 28I-3 (General Regulations). Bicycle parking design and location shall comply with MGO Section 28.141(11). Provide bike rack details with final plan set, both ground and wall mount.
14. Parking reductions are required for the proposed uses. A Commercial use reduction of 71 stalls, and a residential use reduction of 54 stalls. Provide information to support the argument for reducing the required number of spaces.

**Please contact Janet Dailey, City Engineering at 261-9688 with questions about the following 28 items:**

15. The Applicant shall replace all backward draining sidewalk and terrace on Monroe Street. The FFE shall be set so all sidewalk and terraces drain toward the street.
16. The grades and design of the access to the parking ramps and entrances on both Randall and Monroe shall be submitted, reviewed and approved by City Engineering. This area has a history of severe flooding and the design must accommodate that fact.
17. The owner/applicant shall submit a Certified Survey Map application to the City Planning Division for agency review, approval and recording prior to issuance of building permits.

18. The owner/applicant has requested the City release public utility and water main easements retained on this site within vacated public alley per Document No. 2391342. The owner/applicant must first obtain recorded utility releases prior to final City releases. Contact Land Records Coordinator Eric Pederson ([epederson@cityofmadison.com](mailto:epederson@cityofmadison.com) or 266-4056) to coordinate utility and City releases.
19. For easement release coordination cited above, please reference Engineering Project No. 53B2357 and Office of Real Estate Services (ORES) Project No. 10129. ORES requires a \$500 check payable to City of Madison Treasurer to cover administrative costs and recording fees associated with the easement releases requested by the property owner.
20. The approved base address for the apartment shall be 1423 Monroe Street.
21. In accordance with 10.34 MGO – STREET NUMBERS - Submit a PDF of all floor plans to Engineering Mapping Lori Zenchenko ([Lzenchenko@cityofmadison.com](mailto:Lzenchenko@cityofmadison.com)) so that an 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.
22. 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.
23. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
24. The approval of this Rezoning and Conditional Use 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.
25. 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.
26. 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.
27. All work in the public right-of-way shall be performed by a City licensed contractor.
28. 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.

29. All damage to the pavement on Monroe Street and Randall Avenue, 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>.
30. 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.
31. 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.
32. 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.
33. Prior to approval, this project shall comply with MGO Chapter 37 regarding stormwater management. Specifically, this development is required to complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website – as required by MGO Chapter 37.
34. 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.
35. 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 [izenchenko@cityofmadison.com](mailto:izenchenko@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.

36. 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.

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)

37. 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.

*Note: The applicant has worked with City Engineering staff to address this condition of approval, and the verbal agreement reached is that entrances on Monroe Street do not need to be elevated over existing sidewalk elevations. Elevations of entrances on North Randall Avenue would be at or above elevation 863.5 feet.*

38. 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>.
39. 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>.
40. 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>.
41. 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.
42. 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 Eric Halvorson, Traffic Engineering, at 266-6527 with questions about the following 8 items:**

43. Straight ramp grades should not exceed 10 to 15 percent; flatter grades are preferred. Modify the ramp off of Monroe St to conform to this standard. If the applicant is not able to achieve a grade of less than 12% proper transition zones are required to prevent vehicles from scraping the ramp.
44. Applicant shall reimburse the City of Madison Parking Utility \$13,849 for each 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.
45. A condition of approval shall be that no residential parking permits shall be issued for 1419 Monroe St., which 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 1419 Monroe St. a copy of the lease noting the above condition.

46. Before final approval, provide a plan for onsite deliveries to support the commercial site. All deliveries will be completed with the vehicle entering and exiting the site forward.
47. The developer shall work with the City to resolve construction-related issues prior to submitting final plans for approval. The site has limited areas on and off site for construction-related use. There shall be no or very limited impact to Monroe St. There may be a daily fee for any on-street parking or loading zone removal due to this project. Staff cannot commit to anything until it can perform a detailed review with the applicant.
48. When the applicant submits 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 Dennis Cawley, Water Utility, at 261-9243 with questions about the following 3 items:**

51. This property is included in City of Madison Wellhead Protection District WP-27. All proposed land uses in this district shall be reviewed by the Madison Water Utility General Manager or his/her designee in accordance with MGO 13.22 and 28.102.
52. The Madison Water Utility shall be notified to remove the water meter prior to demolition.
53. 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, Fire Department, at 266-4420 with questions about the following 2 items:**

54. Provide fire apparatus access as required by IFC 503 2009 edition, MGO 34.503, as follows:
  - a) IFC 503 Appendix D105, Provide an aerial apparatus access fire lane that is at least 26-feet wide, with the near edge of the fire land within 30-feet and not closer than 15 feet from the structure, and parallel to one entire side of the structure, if any part of the building is over 30 feet in height.
  - b) Coordinate street trees with fire aerial access lanes. Trees should be shown at mature canopy size based on tree species.
55. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

**Please contact Kay Rutledge, Parks Division, at 266-4714 with questions about the following 4 items:**

56. The developer shall pay approximately \$169,444.80 for park dedication and development fees for the new 72-unit multifamily development, calculated as follows for 2013:

Fees in lieu of dedication = (72 MF @ \$1,708) =	\$122,976.00
<u>Park development fees = (72 MF @ \$645.40) =</u>	<u>\$ 46,468.80</u>
Total fees =	\$169,444.80

57. The developer must select a method for payment of park fees before signoff on the rezoning.

58. Additional street trees are needed for this project. All street tree planting locations and tree species within the right-of-way shall be reviewed by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl – [dkahl@cityofmadison.com](mailto:dkahl@cityofmadison.com) or 266-4816. Approval and permitting of tree planting shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan. Tree planting specifications can be found in Section 209 of *City of Madison Standard Specifications for Public Works Construction* <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part2.pdf>.

59. This development is within the Vilas-Brittingham park impact fee district (SI27). Please reference ID# 13114 when contacting Parks about this project.

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

**No interior, exterior or structural demolition or wrecking activities or remodeling activities (including material reclamation activities by the applicant or a third party) shall commence nor any wrecking or building permits be issued until the applicant has met all of the conditions of approval stated in this letter.**

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

1. Please revise your plans per the above conditions and submit **ten (10) copies** of a complete, fully dimensioned and scaled plan set to the Zoning Administrator for final review and comment. Also be sure to include any additional materials requested by these departments for their approval prior to sign off. The final site plan shall be accompanied by the appropriate site plan review application and fee pursuant to Section 28.12(13)(a)10 of the Zoning Code, and any other documentation requested herein with the Zoning Administrator, Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard. The sets of final revised plans or documents will be circulated by the Zoning staff to the City department staff listed above for their final approval.
2. This letter shall be signed by the applicant and property owner (if not the applicant) to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting demolition and/ or building permit approval.
3. This rezoning approval shall become null and void eighteen (18) months after the date of the Common Council action 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. This approval shall be null and void if the conditions in this letter are not met within twenty-four (24) months of the Council action, after which time the zoning of the property shall revert to what it was prior to this approval.
4. 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. The conditional use approval shall become null and void one (1) year after the date of the Plan

Commission unless the use is commenced, construction is under way, or a valid building permit is issued and construction commenced within six months of the issuance of said building permit. The Plan Commission shall retain jurisdiction over this matter for the purpose of resolving complaints against the approved conditional use permit.

If you have any questions regarding recording this plan or obtaining permits, please call the Zoning Administrator at 266-4551. If I may be of any further assistance, please do not hesitate to contact me at 266-5974.

Sincerely,

Heather Stouder, AICP  
Planner

cc: Janet Dailey, City Engineering  
Pat Anderson, Zoning  
Eric Halvorson, Traffic Engineering  
George Dreckmann, Recycling Coordinator  
Eric Pederson, Engineering Mapping  
Bill Sullivan, Fire Department  
Kay Rutledge, Parks Division

I hereby acknowledge that I understand and will comply with the above conditions of approval for this rezoning request.

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

\_\_\_\_\_  
*Signature of Property Owner (if not Applicant)*

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 type="checkbox"/>	Urban Design Commission
<input checked="" type="checkbox"/>	Traffic Engineering	<input checked="" type="checkbox"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input type="checkbox"/>	Other: