



Department of Planning & Community & Economic Development

Planning Division

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January 28, 2014

Thomas W. Sather
The T.W. Sather Company, Inc
6527 Normandy Lane
Madison, WI 53719

RE: **1902 Tennyson Lane:** Approval of a rezoning from the SR-C1 (Suburban Residential-Consistent 1) District to the SR-V2 (Suburban Residential-Varied 2) District and conditional use to allow the development of a 72-unit multi-family building complex.

Dear Mr. Sather:

At their January 21, 2014 meeting, the Common Council approved your zoning map amendment request rezoning a portion of 1902 Tennyson Lane from the SR-C1 (Suburban Residential-Consistent 1) District to the SR-V2 (Suburban Residential-Varied 2) District. At their January 27, 2014 meeting, the Plan Commission approved a conditional use to allow the development of a 72-unit multi-family building complex on a portion of the subject site.

The approval was subject to the below conditions of approval that shall be satisfied prior to final approval and sign-off of the plans and the issuance of permits.

Please contact Janet Dailey, City Engineering Division, at 261-9688 if you have questions regarding the following thirty-five (35) items:

1. The Site plan denotes proposed Lots that currently do not exist. The current proposed Certified Survey Map (CSM) has not yet been recorded, and shall be recorded. Subsequent to the recording of the current Certified Survey Map, a Preliminary Plat and Final plat will be required to be submitted with supporting information to the City of Madison Planning Department to create the Lot(s) denoted on the site plan. Upon obtaining approval of the Preliminary Plat after meeting any conditions by the City of Madison, the Final Plat shall be reviewed and approved after meeting any conditions by the City, recorded with the Dane County Register of Deeds and all new parcel land records information completed in appropriate City databases prior to issuance of any building permits.
2. The current site plan does not meet the requirements or contain all of the required information for parking lot / site plan reviews by the City of Madison. All subsequent submittals shall contain all required information.

3. The proposed CSM does not show the lot configuration for the single family lots as shown on the site plans. It is understood that a proposed plat will be submitted that will correspond with the lot configuration as shown on the plans. Modify the site plans accordingly to correspond to the proposed land division that is currently being sought. Prior to approval of the site plan either a CSM or plat must be recorded.
4. Proposed street name request to be submitted to Lori Zenchenko (lzenchenko@cityofmadison.com) for approval.
5. The Applicant shall construct a public street, sidewalk and utilities including sanitary sewer, storm sewer, water main, lighting to the north plat line within the newly proposed public street.
6. The Applicant shall work with City Engineering and City Traffic Engineering on the design of the street. The street grades have to be designed to allow for connection of the public street to the existing street network north of this project. Due to the topography, grading easements may be required from the adjacent properties in order to install the proposed improvements. These grading easements shall be coordinated with the CSM approval.
7. Due to the topography, the proposed street may require a temporary retaining wall at the northerly property line. City Engineering shall design the proposed street and locate the wall as necessary. If a temporary retaining wall is required the Applicant may be required to enter into a maintenance agreement for any necessary repairs to the wall until the wall can be removed and the roadway extended. Extensive grading may be required due to steep roadway grades.
8. The Applicant, Developer and their respective consultants shall meet with City staff to discuss the breakdown of the responsibilities for this site and the overall development. There is a pending CSM, proposed plat and several individual site plans that shall be coordinated and that are dependent on each other for approval. This development cannot be approved until the requirements of the CSM and pending plat are satisfied as the lot as proposed does not exist. Multiple development agreements are anticipated for this overall site, which shall be entered into prior to approval of this zoning application.
9. The site plan and related CSM shall show a temporary limited easement for a temporary cul-de-sac having a radius of 50 feet and a reverse curve radius of 50 feet. The easement(s) shall expire when the street is extended. The Applicant shall work with City Engineering to determine the location and design of the temporary cul de sac. The cul de sac shall be constructed in conjunction with the proposed street.
10. The bus path shall be considered a Type V sidewalk connection, which shall be privately owned and maintained. Provide an easement agreement for the private sidewalk between Lots 5 and 6, which details the maintenance and ownership responsibilities.
11. This property is an open site with the WDNR (BRRTS# 0-13-553975). The Applicant shall provide proof of notification to the WDNR project manager and shall comply with all DNR requirements pertaining to remediation.
12. Storm sewer to serve this development does not exist but is required for the development to proceed. The Applicant shall be required to work with the City and the Developer of the proposed plat to install the required storm sewer including off site storm sewer as necessary to meet the stormwater management requirements.

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 site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
15. The site plan shall include all lot/ownership lines, existing building locations, proposed building additions, demolitions, parking stalls, driveways, sidewalks (public and/or private), existing and proposed signage, existing and proposed utility locations and landscaping.
16. Submit a PDF of all floor plans to 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.
17. The site plan shall include a full and complete legal description of the site or property being subjected to this application.
18. 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))
19. 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)
20. 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)
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 damage to the pavement on Tennyson Lane, 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)

23. 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
24. 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.
25. Effective January 1, 2010, The Department of Commerce's authority to permit commercial sites, with over one (1) acre of disturbance, for stormwater management and erosion control has been transferred to the 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 NR216 and NR-151 but a separate permit submittal is now required to the WDNR for this work as well. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process.
- As this site is greater than one (1) acre, the applicant is required by State Statute to obtain a Water Resources Application for Project Permits (WRAPP) from the Wisconsin Department of Natural Resources, prior to beginning construction. This permit was previously known as a Notice of Intent Permit (NOI). Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement.
Information on this permit application is available on line
<http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm> (NOTIFICATION)
26. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to a) Detain the 2 & 10-year storm events; b) Control 80% TSS (5 micron particle) off of new paved surfaces; c) Provide infiltration in accordance with Chapter 37 of the Madison General Ordinances; and d) 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.
27. 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)
28. 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 Miscellaneous 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. 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)).

29. 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, and g) detail drawings associated with stormwater management facilities (including if applicable planting plans).
30. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including: a) SLAMM DAT files; b) RECARGA files; c) TR-55/HYDROCAD/Etc... and d) Sediment loading calculations.
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. All outstanding Madison Metropolitan Sewerage District (MMSD) 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))
33. All outstanding City of Madison sanitary sewer connection charges are due and payable prior to Engineering sign-off, of the land use approval. This property is subject to Sanitary Connection charges for the Traux-West Sanitary Sewer District. The current rate for 2013 is \$12.00/1000 sf of lot area.
34. 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)
35. City of Madison Environmental Projects Staff have reviewed the subject site and determined that a Phase I ESA will be required of the applicant. The applicant shall provide one (1) digital and two (2) hard copies of an ASTM Phase I ESA prepared by an environmental professional. Staff review of this Phase I ESA will determine if a further investigative Phase II ESA is also required. Please submit any relevant Phase I and Phase II ESAs to Brynn Bemis (6008-267-1986, bbemis@cityofmadison.com) for further review. (MGO 16.23(5)(g)(2))

Please contact Eric Halvorson, Traffic Engineering Division, at 266-6572 if you have questions regarding the following five (5) items.

36. Increase Right-of-Way for proposed street from 60' to 62' to allow for increased parking demand of the higher density apartments. This wider street width will also improve traffic flow during the winter months when snow is present.

37. 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.
38. 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.
39. 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.
40. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

Please contact Pat Anderson, Assistant Zoning Administrator, at 266-5978 if you have questions regarding the following seven (7) items.

41. The subdivision plat has not been submitted, so these lots do not exist at the time of preparation of this report. Should the lots change at the time of platting, this project may require re-approval or alteration from this current approval.
42. The proposed playground will require detailed review and approval by planning and zoning and Parks staff in regard to its design, installation, and long-term maintenance of recreational equipment.
43. With the addition of the new road, building design changes, and significant grading and site changes, Zoning staff does not believe this project has received the required UDC recommendation per Sec. 28.151 and Sec. 33.24(4)(c). Staff recommends final approval is obtained by UDC before materials are submitted for final sign-off.
44. Per Sec. 28.172(7)(b), a primary entrance to the buildings shall be oriented to the adjacent street. Both buildings have primary entrances oriented to the rear parking lot, with individual unit entrances oriented to the street. The plans must be revised to include a primary entrance to the buildings from the street.
45. Exterior lighting provided shall be in accordance with City of Madison General Ordinances Section 10.085. Provide an exterior lighting plan and fixture cut sheets, with the final plan submittal. No lighting information has been provided.
46. Provide lot coverage calculation with final site plans. NOTE: lot coverage shall not exceed 60%.
47. Landscape plans shall comply with Sec. 28.142.

Please contact Kay Rutledge, Madison Parks Division, at 266-4714 if you have questions regarding the following four (4) items:

48. The developer shall pay approximately \$269,858.88 for park dedication and development fees for the new 72 MF (two buildings) and 24 SF lot development. Park impact fees are adjusted on January 1 of each calendar year, and the park impact fees due at the time of building permit issuance may be higher than the amounts stated above to reflect these annual adjustments.
49. The developer must select a method for payment of park fees before signoff on the demolition permit and/or rezoning.
50. Existing street trees shall be protected. Please include the following note on the site plan:
Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266-4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry. Tree protection specifications can be found in section 107.13 of City of Madison Standard Specifications for Public Works Construction -
<http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part1.pdf>
51. This development is within the Warner park impact fee district (SI21). Please reference ID# 13120 when contacting Parks about this project.

Please contact Bill Sullivan, Madison Fire Department, at 261-9658 to if you have questions regarding the following four (4) items:

52. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.
53. Provide the following information to the buyer of each individual lot: Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D and SPS 382.40(3)(e). Additional information is available at the Home Fire Sprinkler Coalition website:
<http://www.homefiresprinkler.org/Consumer/ConsHome.html>
54. Provide fire apparatus access as required by IFC 503 2012 edition, MGO 34.503, as follows:
 - a. The site plans shall clearly identify the location of all fire lanes.
 - b. 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 lane 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.
 - c. Provide a fire lane that extends to within 150-feet of all exterior portions of the structure, or it can be extended to within 250-feet if the building is fully sprinklered.
55. All portions of the fire lanes for newly constructed public buildings and places of employment and open storage of combustible materials shall be within 500-feet of at least TWO fire hydrants.

Distances are measured along the path traveled by the fire truck as the hose lays off the truck. See MGO 34.507 for additional information.

Please contact my office at 267-1150 if you have questions regarding the following eleven (11) items. Please note that Condition 64 was modified by the Plan Commission at their January 27, 2013 meeting. Conditions 66 was added by the Plan Commission that meeting.

56. That as allowed by the Zoning Code, Section 28.182(5)(a)4, upon recommendation of the Plan Commission, the Common Council approval specified that the zoning map amendment take effect only for the area depicted as the multi-family complex. The intent is that none of the areas depicted as single-family lots be included in the rezoning to SR-V2 (Suburban Residential-Varied 2). Further legal descriptions, to be approved by staff will be required.
57. That the SR-V2 zoning shall expire and revert back to the SR-C1 district should a conditional use not be approved, lawfully commenced, and building permits issued within one year of the Common Council approval.
58. That plans submitted for sign-off shall include a narrative and graphical summary of any changes that were not included in the Plans approved by the Plan Commission and Common Council. Should changes be made, staff will advise on the process upon reviewing the submitted plans and this information.
59. That this approval is subject to additional or revised comments from City reviewing agencies in regards to changes related to the proposed street that was presented to the Plan Commission on January 13, 2014.
60. That a plat be approved and recorded prior to final sign-off of the conditional use. Note that changes to the lot configuration, including the area of the subject development, may be required upon review of this plat. Note that the lots graphically depicted on the west side of Eliot Lane do not appear to meet the required minimum lot depth. Changes to this site plan and lot layout would be required.
61. That the conditional use for a multi-family building complex shall be limited to the two-building, 72-unit complex as approved. Future alterations or expansions shall be approved as an alteration to this conditional use.
62. That no vents, louvers, or other projections related to any "wall-pack" HVAC units face street-facing elevations. No such features have been shown on the plans submitted for approval.
63. That the finished grade elevations are labeled on the elevation drawings and that the elevation drawings show an accurate relationship to the proposed grade. This information shall be provided for staff approval.
64. That the Urban Design Commission grants final approval prior to final sign-off of the conditional use. The Plan Commission specifies that this conditional use approval includes the following design modifications:
 - a. Provide an additional private sidewalk connection on the north side of the driveway (parallel to the sidewalk on the south side)

- b. Provide larger, more prominent front porches.
 - c. Reduce the front yard setbacks where feasible due to grade.
 - d. Continue to consider ways to reduce some pavement/parking to enhance open space.
 - e. The rain garden / bioswale shown in the previous plans has been replaced with a more standard stormwater pond. This feature shall be revised to include the rain garden/bioswale feature, subject to the approval of reviewing agencies.
65. To provide clear direction to the Urban Design Commission, the applicant shall meet with the Planning Division prior to making the application the UDC to discuss unresolved design issues, including those noted in this report.
66. That a management plan be filed with the City that includes staffing details, contact information, and office hours for onsite-management.

The applicant is also required to obtain final approval from the Urban Design Commission and satisfy the conditions of approval of the Urban Design Commission prior to the final staff approval of the project and the issuance of building permits. Please contact Al Martin, Urban Design Commission Secretary, at 267-8740 if you have any questions about those conditions.

Please now follow the procedures listed below:

1. Please revise your plans per the above conditions and submit eleven (11) 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 28.206 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 to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting demolition and/ or building permit approval.
4. This property is not in a Wellhead Protection District. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. The Water Utility will not need to sign off the final plans, and will not need a copy of the approved plans.
5. 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. Where the plans have not been altered from the Plan Commission's approval, and the conditional use has expired, the Director of Planning and Community and Economic Development, after consultation with the Alderperson of the District, approve an extension for up to twenty-four (24) months from the expiration date. 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 Matt Tucker, Zoning Administrator, at 266-4551. If I may be of any further assistance, please do not hesitate to contact me at 267-1150.

Sincerely,

Kevin Firchow, AICP
Planner

cc: Janet Dailey, City Engineering Division
Eric Halvorson, Traffic Engineering Division
Bill Sullivan, Fire Department
Patrick Anderson, Zoning
Kay Rutledge, Parks Division
Tim Sobota, Metro Transit

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (Firchow)	<input checked="" type="checkbox"/>	Engineering Mapping Sec.
<input checked="" type="checkbox"/>	Zoning Administrator	<input checked="" type="checkbox"/>	Parks Division
<input checked="" type="checkbox"/>	City Engineering	<input checked="" type="checkbox"/>	Urban Design Commission
<input checked="" type="checkbox"/>	Traffic Engineering	<input type="checkbox"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input checked="" type="checkbox"/>	Other: Metro

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

Signature of Applicant

Signature of Property Owner (if not the applicant)