



Department of Planning & Community & Economic Development

Planning Division

Katherine Cornwell, Director

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April 10, 2014

Robert Mangas
Potter Lawson, Inc.
749 University Row, Suite 300
Madison, Wisconsin 53705

RE: Approval of a request to rezone 300 S. Bedford Street and 302-304 Dow Court from UMX (Urban Mixed-Use District) and PD (Planned Development District) to PD and approval of a general development plan and specific implementation plan to allow construction of an addition to an existing office building and a separate 80-unit apartment building following demolition of a single-family residence at 304 Dow Court; and approval of a conditional use for development adjacent to Brittingham Park. (Mike Dillis, J. H. Findorff & Son, Inc.)

Dear Mr. Mangas;

At its April 8, 2014 meeting, the Common Council **conditionally approved** your application to rezone property located at 300 S. Bedford Street and 302-304 Dow Court from UMX and PD to PD (GDP-SIP) and approved a related demolition permit and conditional use, all subject to the following conditions of approval, which shall be satisfied prior to final approval and recording of the specific implementation plan and the issuance of permits for demolition or new construction:

Please contact Janet Schmidt of the City Engineering Division at 261-9688 if you have questions regarding the following thirty-one (31) items:

1. The pending discontinuance/vacation of the remaining portion of Dow Court along with the conditions of the discontinuance/vacation shall be completed prior to final signoff of the related Certified Survey Map (CSM).
2. The pending CSM application and any conditions of approval thereof shall be completed and the CSM recorded with the Dane County Register of Deeds (ROD) prior to issuance of any building permits. When the recorded CSM image is available from the ROD, the Assessor's Office can then create the new Address-Parcel-Owner (APO) data in GEO so that the Accela system can upload this data and permit issuance made available for this new land record.
3. Note: The application materials state that there is to be a condominium to delineate subjects of real estate ownership and management between Findorff and the developer of the apartment building within this site. All condominium documents shall be submitted to the Planning Department for review by City of Madison agencies and approval prior to recording.

4. All easements/agreements encumbering or benefitting this site created/modified to fulfill the requirements of the approved site plan shall be recorded and copies provided prior to building permit issuance. All easements shall be shown and noted on the site plan.
5. There is private storm sewer shown on the plans that would lie within City park lands (along the southeast side of the site). If the storm sewer location is approved by the Parks Division and City Engineering Division, an easement/agreement shall be administered by the City of Madison Office of Real Estate services and recorded at the Dane County Register of Deeds. The easement and recording information shall be noted on the site plan.
6. There is a proposed driveway connection shown to North Shore Drive over City park lands. If the driveway connection is approved by the Parks Division, Traffic Engineering Division and City Engineering Division, an easement/agreement or lease shall be administered by the City of Madison Office of Real Estate services and recorded at the Dane County Register of Deeds. The easement/agreement or lease and recording information shall be noted on the final site plan.
7. The northeast half of the remainder of Dow Court to be vacated is to be conveyed from the National Conference of Bar Examiners to J.H. Findorff and Son Inc., adding a 20- X 66-foot area to the site. If this conveyance does occur, revise the zoning description and site plan(s) accordingly to include this area.
8. Show pertinent easements affecting the lower level parking structure on the Lower Level Site Plans.
9. Proposed Findorff Yards Apartments will have an address of 633 W. Wilson Street.
10. With the proposed street vacation of Dow Court, the sanitary sewer, storm sewer and water main, hydrants and laterals serving this development on Dow Court shall be considered private and will have private maintenance.
11. Public infrastructure construction or restoration may require a Developer's Agreement. Please contact Janet Dailey at 261-9688 to discuss the requirements further.
12. The applicant shall not be allowed to close the Southwest Path to facilitate construction of the project. A detailed staging and construction plan shall be approved by City Engineering and Traffic Engineering staff, which details the staging and phasing of the work.
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 Engineering Division signing off on this project.
14. In accordance with 10.34 MGO, Street Numbers, submit a PDF of each floorplan to Lori Zenchenko (lzenchenko@cityofmadison.com) at Engineering-Mapping 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.

15. The applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
16. The approval of this 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.
17. The applicant shall replace all sidewalk and curb and gutter that abuts the property that 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.
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.
19. All work in the public right of way shall be performed by a City-licensed contractor.
20. All damage to the pavement on W. Wilson Street, S. Bedford Street and North Shore Drive adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.
21. 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.
22. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of 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.
23. Effective January 1, 2010, the Wisconsin Department of Commerce's authority to permit commercial sites for stormwater and erosion control has been transferred to the Wisconsin Department of Natural Resources (WDNR). 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 WDNR prior to beginning construction. This permit was previously known as a Notice of Intent Permit (NOI). Contact Eric Rortvedt of the WDNR at 273-5612 to discuss this requirement. The City of Madison cannot issue an erosion control and stormwater management permit until concurrence is obtained from the WDNR.
24. The lots within this certified survey map are interdependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be

provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the Certified Survey Map and recorded at the Dane County Register of Deeds.

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; 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 MGO.
26. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the City Engineering Division. (Lori Zenchenko) lzenchenko@cityofmadison.com. The digital copies shall be drawn to scale and represent final construction including: building footprints, internal walkway areas, internal site parking areas, lot lines/ numbers/ dimensions, street names, and other miscellaneous impervious areas. All other levels (contours, elevations, etc.) are not to be included with this file submittal. E-mail file transmissions are preferred. The digital CAD file shall be to scale and represent final construction. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format. Please include the site address in this transmittal.
27. 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).
28. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.
29. 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.
30. All outstanding Madison Metropolitan Sewerage District (MMSD) are due and payable prior City Engineering Division sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of 2 working days prior to requesting City Engineering sign-off.
31. Prior to final approval of the demolition permit, the owner shall obtain a permit to plug each existing sanitary sewer and/ or storm sewer lateral that serves a building that is proposed for demolition. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing 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: New plugging procedures and permit fees are in effect as of January 1, 2013.

Please contact Eric Halvorson of the Traffic Engineering Division at 266-6527 if you have any questions regarding the following six (6) items:

32. The Southwest Commuter Path shall be maintained for two-way travel at all times during construction.
33. When the applicant submits plans for approval, the applicant shall show the following on one contiguous plan: existing items in the terrace (e.g., signs and street light poles), type of surfaces, percent of slope, existing and proposed property lines, addresses, all easements, all pavement markings, building placement, adjacent driveway approaches to lots on either side and across the street, signage, semitrailer movements and vehicle routes, dimensions of radii, aisles, driveways, parking stall dimensions including the 2 feet overhang on a scaled drawing at 1" = 20'. Contact the Traffic Engineering Division if you have questions.
34. 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.
35. City of Madison radio systems are microwave directional line of sight to remote towers citywide. The building elevation will need to be reviewed by the Traffic Engineering Division to accommodate the microwave sight and building. The applicant shall submit grade and elevation plans if the building exceeds four stories prior to sign-off to be reviewed and approved by Keith Lippert, (266-4767) Traffic Engineering Shop, 1120 Sayle Street. The applicant shall return one signed approved building elevation copy to the main Traffic Engineering Division office when submitting final plans for sign-off.
36. 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.
37. All parking facility design shall conform to the standards in MGO Section 10.08(6).

Please contact Pat Anderson, Assistant Zoning Administrator, at 266-5978 if you have any questions regarding the following ten (10) items:

38. Provide a detail of how the 20% required open space in Section 28.098 of the Zoning Code is being provided for this development.
39. Provide a reuse/recycling plan, to be reviewed and approved by the City's Recycling Coordinator, George Dreckmann, prior to a demolition permit being issued. MGO Section 28.185(7)(a)5 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.
40. Provide a minimum of 101 bike parking spaces distributed as both *Short Term* and *Long Term* bicycle parking, as required per Section 28.141(3) and 28.141(11) of the Zoning Code. Provide a detail of the bike rack design. Note: Current code requires a maximum of 21 spaces may be structured bike

parking (wall-mount), where 32 spaces are being proposed. As this is a PD, the Plan Commission may approve structured parking amount as proposed.

41. This project is designed as a planned multi-use site. Pursuant to Section 28.137(2)(a), a planned multi-use site, shall have a plan and reciprocal land use agreement approved by the Traffic Engineer, City Engineer and Director of Planning and Community and Economic Development recorded in the office of the Dane County Register of Deeds.
42. Pursuant to Section 28.142(3)&(6), Landscape Plan and Design Standards: Landscape plans for zoning lots greater than 10,000 square feet in size must be prepared by a registered landscape architect. A planting island shall be located every 12 contiguous stalls with no break or alternatively, landscape strips at least 7 feet wide between parking bays. Note: Landscaping plans shows conflict between surface bike parking stalls for commercial building and proposed planting bed.
43. Redefine lot lines via Certified Survey Map. A property line cannot go through a building without a fire wall down the lot line pursuant to Section 705.1.1 of the International Building Code. The CSM shall be approved before sign off of final plans.
44. On the final plan sets, identify qualifying Usable Open Space areas, as defined in Section 28.211 that comply with requirements of Section 28.140.
45. Parking requirements for persons with disabilities must comply with Section 28.141(4)(e). Final plans shall show the required accessible stalls, including van accessible stalls.
46. Exterior lighting provided shall be in accordance with MGO Section 10.085. Provide an exterior lighting plan and fixture cut sheets with the final plan submittal.
47. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Section 31, Sign Code prior to sign installations.

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

48. The Madison Water Utility shall be notified to remove the water meter prior to demolition. All operating private wells shall be identified and permitted by the Madison Water Utility and all unused private wells shall be abandoned in accordance with MGO Sec. 13.21.

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

49. Plans indicate an opening along the property line between National Conference of Bar Examiners and J.H. Findorff. This opening is prohibited by the IBC Chapter 7 and will need to be corrected as part of this project.
50. Please consider allowing the Madison Fire Department to conduct training sequences prior to demolition. Contact the MFD Training Division to discuss possibilities: Lt. Scott Bavery 576-0600.

Please contact Kay Rutledge of the Parks Division at 266-4714 if you have any questions regarding the following seven (7) items:

51. 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 after a credit is given for the existing single-family house on the property. The developer must select a method for payment of park fees before signoff on the rezoning. This development is within the Vilas-Brittingham impact fee district (SI27). Please reference ID# 14110 when contacting Parks Division staff about this project.
52. Driveway access to the new apartment building is identified from North Shore Drive and across Brittingham Park. Findorff does not currently have rights to this access; if this access is necessary for the project, the developer shall request a lease agreement to permit this access across Brittingham Park. This lease agreement will require separate Park Commission and Common Council approval.
53. The developer shall coordinate proposed utility locations that are currently shown on parkland (including water, storm, electric and gas), with the Parks Division. Utilities should be routed on Findorff's property to the extent possible. All stormwater from the new development shall be contained within the property.
54. The developer is proposing to remove the existing dry stack retaining wall along the south property line. The developer shall obtain a Temporary Limited Easement (TLE) to grade on park property and pay any necessary costs for this temporary easement. The developer shall provide detailed demolition, grading and site restoration plans for review and approval by the Parks Division prior to the start of work. The limits of the easement shall be clearly delineated on site, with construction fencing outlining the area to ensure grading does not extend beyond those limits. All work occurring in Brittingham Park shall meet Public Works Standard Specifications.
55. The developer shall identify if any trees are proposed to be removed on parkland, including size and species; all existing trees within 40 feet of the proposed work shall be inventoried with regard to species, location, size and health. Once this information is provided the request will be evaluated further by Parks staff, including the City Forester. Any reduction in tree canopy in the city should be discouraged. The developer is required to submit a tree preservation plan, and potentially a replanting plan if removal of trees on parkland cannot be avoided, both to be approved by the Parks Superintendent prior to final signoff of the rezoning.
56. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Please submit an existing inventory of trees (location, species, & DBH) and a tree removal plan (in PDF format) to Dean Kahl – dkahl@cityofmadison.com or 266-4816. Approval and permitting of street tree removals shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan.
57. 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 the City of Madison Standard Specifications for Public Works Construction.

Please contact my office at 261-9632 if you have any questions about the four (4) items, including the two (2) conditions added by the Plan Commission on March 24, 2014:

58. The development plans shall be revised for final Planning Division approval prior to recording and the issuance of building permits as follows:
- a.) Provide a detail of how the 20% required open space in Section 28.098 of the Zoning Code is being provided for this development, including all applicable yard spaces and all porches and balconies, but not including the surface parking area;
 - b.) Explore revising the metal panel or wood elements on the apartment building to both streamline the window patterning (eliminate “zipper” windows) in the center section and explore a color that better contrasts with the cream-colored brick, gray CMU and aluminum window system;
 - c.) Explore creating additional openings on all four sides of the apartment building, including creating more transparency along W. Wilson Street and facing the Southwest Path.
59. The zoning text shall be revised for final Planning Division approval prior to recording and the issuance of building permits as follows:
- a.) Revise the Signage section to state that signage shall be limited to the maximum permitted in the DR-2 zoning district for the residential uses and as per UMX zoning district for the commercial uses and as approved by the Urban Design Commission or its secretary, and the Zoning Administrator;
 - b.) A family definition shall be provided; staff recommends that the definition as it applies in the DR-2 residential district be used.
60. That no residential parking permits be granted for the proposed apartment building if the project is located in a residential parking permit district. The applicant shall inform all residents of the residential development of the restriction in their leases and include the restriction that no residential parking permits shall be issued in the final zoning text. The applicant shall submit a copy of the lease for the proposed apartment building noting the above condition when submitting plans for final City approval.
61. That the applicant explore with City staff the removal of the bump-outs on W. Wilson Street at Dow Court.

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

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

After the planned development has been revised per the above conditions, please file **ten (10) sets** of complete, fully dimensioned, and to-scale plans, 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.

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. No construction or alteration of the property included in this application shall be permitted until a Specific Implementation Plan (SIP) has been approved and recorded.

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. 28.181(5), 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

For Official Use Only, Re: Final Plan Routing			
☒	Planning Div. (T. Parks)	☒	Engineering Mapping Sec.
☒	Zoning Administrator	☒	Parks Division
☒	City Engineering	☒	Urban Design Commission
☒	Traffic Engineering	☒	Recycling Coord. (R&R)
☒	Fire Department	☐	Other:

cc: Janet Schmidt, City Engineering Division
Eric Halvorson, Traffic Engineering Division
Dennis Cawley, Madison Water Utility
Pat Anderson, Assistant Zoning Administrator
Kay Rutledge, Parks Division
Bill Sullivan, Madison Fire Department