



Department of Planning & Community & Economic Development
Planning Division

Website: www.cityofmadison.com

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October 31, 2012

Cliff Goodhart
Eppstein Uhen Architects
222 W Washington Ave #650
Madison, WI 53703

RE: Approval of a PUD Zoning Map Amendment and Demolition Permits **for 305-325 West Johnson Street** allowing the demolition of two commercial buildings and the Madison Fire Department Administration Building for the purpose of constructing a mixed-use building with approximately 255 apartments and 60,000 square feet of retail and office space.

Dear Mr. Goodhart:

At its October 30, 2012 meeting, the Common Council approved your client's application for a Zoning Map Amendment for 305-325 West Johnson to the PUD-GDP-SIP (Planned Unit Development-General Development Plan-Specific Implementation Plan) District to allow the demolition of two commercial buildings and the Madison Fire Department Administration Building for the purpose of constructing a mixed-use building with approximately 255 apartments and 60,000 square feet of retail and office space. Demolition permits for the aforementioned properties were approved by the Plan Commission at its October 15, 2012 meeting. The following conditions of approval shall be satisfied prior to final approval and recording of the Specific Implementation Plan and issuance of the demolition permits.

Please contact Janet Dailey, City Engineering Division, at 261-9688 if you have questions regarding the following thirty (30) items:

1. Prior to approval, provide projected daily sewerage demand including a count of total fixture limits. Fifty-Four (54) dwelling fixture units require approval of CARPC (Capital Area Regional Plan Commission) for Water Quality Certification.
2. Submit existing Phase 1 & 2 ESA Reports for 305 and 309 W. Johnson Street.
3. The construction will impact the adjacent building and will likely require agreements for grading and earth retention on those properties. Prior to the approval of the earth retention plan the Applicant shall provide copies of any necessary agreements for work on the neighboring properties. The earth retention plan shall be approved by City Engineering as a condition of the PUD sign off.
4. Depending on the final design of the earth retention plan, additional fees and conditions of approval may be required to relocate city owned utilities or to repair city owned infrastructure to accommodate the construction.
5. The Applicant shall meet with representatives from City Engineering, Traffic Engineering, City Real Estate, and City Information Technology to discuss the impact of the construction on the city owned fiber optic network that currently services the existing fire station. The City and the Applicant will need to determine how to either keep the fiber optic network in service or what impacts will occur due to the

construction of the new building. The Applicant and city staff shall also detail the responsibilities of each party.

6. Coordinate any proposed right of way use with City Engineering, Traffic Engineering and City Real Estate. The plans shall show a minimum walk width of 5ft for the mainline sidewalk with no obstructions. An encroachment agreement may be required depending on the proposed improvements.
7. In accordance with 10.34 MGO – STREET NUMBERS - Submit a PDF of each floor plan to Engineering Mapping Lori Zenchenko (Lzenchenko@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.
8. The pending Certified Survey Map application for this property shall be completed and 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.
9. The construction of this building will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City / Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project. (MGO 16.23(9)c)
10. The applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace. (POLICY)
11. 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))
12. 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)
13. 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)
14. The applicant shall obtain a privilege in streets agreement for any encroachments inside the public right of way. The approval of this development does not constitute or guarantee approval of the encroachments. (INFORMATIONAL)

15. The applicant shall provide the City Engineer with the proposed soil retention system to accommodate the restoration. The soil retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system. (POLICY)
16. The Applicant shall complete work on exposed aggregate sidewalk in accordance with specifications provided by the city. The stone used for the exposed aggregate shall be approved by the City. The Construction Engineer shall be notified prior to beginning construction. Any work that does not match the adjacent work or which the City Construction Engineer finds is unacceptable shall be removed and replaced. (POLICY)
17. 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)
18. 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. Approval and permitting of any tree removal or replacement shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan. (POLICY)
19. All damage to the pavement on West Johnson and West Dayton Streets, 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)
20. The site plans shall be revised to show the location of all rain gutter down spout discharges. (POLICY)
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. POLICY AND MGO 10.29
22. 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.
23. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances 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 Chapter 37 of the Madison General Ordinances.
24. 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, and all other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred addressing@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))

25. 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>.
26. Prior to approval of the application, the owner shall obtain a permit to plug each existing storm 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. \$100 non-refundable deposit will cover for the cost of inspection of the plugging by City staff; and the remaining \$900 will cover 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. (POLICY) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
27. Prior to approval of the application, 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. (POLICY) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
28. 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. (MGO 16.23(9)(d)(4))
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. (POLICY)
30. 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 further investigative Phase II ESA is also required. Please submit any relevant Phase I and Phase II ESAs to Brynn Bemis (608-267-1986, bbemis@cityofmadison.com) for further review. (MGO 16.23(5)(g)(2))

Please contact Dan McCormick, Traffic Engineering Division, at 267-1969 if you have questions regarding the following nine (9) items.

31. The applicant shall provide a joint reciprocal driveway easement for the loading zone driveway on Johnson St for the Fire Dept and other entities.
32. The applicant shall demonstrate the truck maneuvers for the loading zone driveway on Johnson St.
33. The applicant shall enter in a developer's agreement and provide plans and specifications, easements, and a financial plan for the replacement City communications facilities currently in the Fire Admin Bldg to be rebuilt in the new building(s).
34. The applicant shall enter in a developer's agreement and provide plans and specifications, easements, and a financial plan for the replacement City fiber facilities currently in the Fire Admin Bldg to be rebuilt in the new building(s).

35. The plans and zoning text shall remove any reference to any plans or features planned or desired in the City public right, and include a note that any plans or changes to facilities in the public right of way are subject to approval by the City.
36. The zoning text shall include a section on how off-street parking is planned for each of the users of the building, including the Fire Dept.
37. When the applicant submits final plans of one contiguous plan 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, 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 two (2) feet overhang, and a scaled drawing at 1" = 20'.
38. 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.
39. 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 Bill Sullivan, Madison Fire Department, at 261-9658 to if you have questions regarding the following item:

40. 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, Madison Parks Division, at 266-4714 if you have questions regarding the following four (4) items:

41. The developer shall pay approximately \$562,719.48 for park dedication and development fees for 255 new multifamily units after a credit is given for the 6 existing multi-family units.
42. The developer must select a method for payment of park fees before signoff on the SIP.
43. Approval of plans for 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.
44. This development is within the Tenney, Law & James Madison impact fee district (SI26).

Please contact Tim Sobota, Madison Metro Transit, at 261-4289 if you have questions regarding the following five (5) items:

45. Metro Transit does not support the letter of intent and plan documents that might suggest that approval of this project would create a permanent, non-revocable, vehicle loading zone in the southern lane of the City controlled right of way of West Johnson Street, west of the Henry/State intersection.
46. Metro Transit vehicles currently use the southern curb lane of West Johnson Street as they approach their access point onto the State Street transit mall, in part also bypassing congestion in the adjacent through lanes. Buses have regular access to this lane during peak periods when onstreet parking is prohibited and enforced with tow trucks – as well as during off-peak periods when vehicles are not

occupying the designated parking lane. A safety hazard can present itself each time a bus operator must merge into and out of an adjacent travel lane, such as to avoid private vehicles occupying what is otherwise an operable lane.

47. The West Johnson Street corridor (as it approaches the State Street transit mall) has historically been identified as a location where future high-capacity transit modes might be introduced. An investment in such advanced transit operations could include permanently designating a curb lane for the vehicles used – dependent upon future City policy decisions related to on-street parking or other curb lanes uses like loading zones.
48. The applicant shall remove all references to loading zones that fall within City controlled public rights-of-way so that Metro Transit may review and approve the design. Any policy decision on loading zones in public rights-of-way (including time restrictions) should follow standard procedures governed by City Traffic Engineering.
49. Metro Transit operates daily transit service along West Johnson Street on the block between Broom Street and State Street. The existing bus stop is located on the west end of this block, just east of the Broom Street intersection. Metro Transit currently operates just under three hundred trips eastbound along West Johnson Street adjacent this block on a typical weekday, with close to thirty trips an hour during peak periods.

Please contact Dennis Cawley, Madison Water Utility, at 261-9632 to if you have questions regarding the following item:

57. 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.

Please contact my office at 267-1150 if you have questions regarding the following fourteen (14) items. Please note that items 57-63 were added by the Common Council after recommendation by the Plan Commission.

50. This plan set shows no building elements or structures above the Capitol Height View Height Preservation limit. No element shall be permitted above this limit, except those allowed with conditional use approval as specified in the Zoning Ordinance. A separate conditional use application will be required for any such element.
51. That the applicant provide a minimum of 13 additional ground-mounted bike stalls, consistent with the requirements of the Zoning Ordinance.
52. That the plans be corrected to remove references to 13-story building.
53. That the applicant provides further detail on how the roof-top areas are accessed.
54. That the rooms on the thirteenth floor are clearly labeled, including mechanical and community room spaces as presented to staff. Staff understands that this patio will be used as an outdoor recreation area and should be labeled as such.
55. As required by the Zoning Code for Planned Unit Developments, the applicant shall provide proof of financing which provides assurances that the project will be completed once started, in a form acceptable to the Director of the Department of Planning and Community and Economic Development prior to the sign-off and recording of the PUD and any permits being issued. This information should include a letter of commitment from a bank or other lending institution and a letter from a construction

company indicating their intent to proceed with the project or other commitments as required by the Director.

56. That the zoning text be revised as follows:

- a. That the statement of purpose is revised to reflect the revised unit count of 255 dwelling units.
- b. That the permitted uses are enumerated in a list, provided for staff approval.
- c. That references to maximum building height of 13 stories be corrected.

57. That a condition of approval be added that no residential parking permits shall be issued for 305-325 W. Johnson Street. The applicant shall inform all tenants of this project of the residential parking permit restriction in their apartment leases and record the restriction in the zoning text. In addition, the applicant shall submit a copy of the residential lease for the 305-325 W. Johnson Street building noting the above condition when submitting plans for final City approval prior to recording.

58. That the applicant works with City staff on the final details of the additional underground parking now proposed.

59. That the applicant works with City staff to provide adequate vision clearance at the public sidewalk for all of the proposed garage entrances.

60. That the zoning of the subject property be PD-Planned Development District as of the effective date of the new Zoning Code on January 2, 2013.

61. That the applicant works with City staff on the final colors of the building material palette prior to final approval and issuance of permits.

62. That all references in the staff report to 13 stories be revised to 14 stories.

63. That additional bike parking be provided for residential and commercial visitors to the building on both street frontages.

Please contact Pat Anderson, Assistant Zoning Administrator, at 266-5978 if you have any questions regarding compliance with the City's Zoning Code.

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 building permits. Please contact Al Martin, Urban Design Commission Secretary, at 267-8740 if you have any questions about those conditions.

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:

Please revise your plans per the above conditions and submit twelve (12) copies of a complete, fully dimensioned and scaled plan set to the Zoning Administrator, Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard for final review and comment. Please also provide the appropriate site plan review fee pursuant to section 28.12 (13)(a)10. Fees Received at Zoning Counter. Also be sure to include any additional materials requested by these departments for their approval prior to sign off. 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.

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. 28.12(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 267-1150.

Sincerely,

Kevin Firchow, AICP
Planner

cc: Janet Dailey, City Engineering Division
Dan McCormick, Traffic Engineering Division
Bill Sullivan, Madison Fire Department
Pat Anderson, Zoning
Kay Rutledge, Parks Division
Tim Sobota, Madison 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 checked="" type="checkbox"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input checked="" type="checkbox"/>	Other: Metro