



Department of Planning & Community & Economic Development
Planning Division

Website: www.cityofmadison.com

Madison Municipal Building
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January 20, 2010

John Bieno
TJK Design
634 West Main St.
Madison, WI 53703

RE: Approval to rezone the property at 801 South Park Street from C2 to PUD(SIP) to allow for the construction of a mixed-use building with 9,780 square feet of first and second floor commercial space and 12 residential units.

Dear Mr. Bieno:

At its January 19, 2010 meeting, the Common Council **approved** the rezoning of your client's property at 801 South Park Street from C2 to PUD(SIP), subject to the following conditions of approval from reviewing agencies:

Please contact my office at 266-5974 if you have questions about the following 11 items:

1. A revised zoning text shall be prepared by the applicant and approved by staff to reflect plans as approved and specify uses permitted in the commercial portion of the building, rather than referring to uses allowed in an existing zoning district.
2. Any commercial use of the rear porch (e.g., outdoor eating or other commercial activity related to the indoor use) shall be reviewed by the Plan Commission as an alteration to the PUD (SIP). Use of this area by employees for breaks and/or meals, which is considered accessory to the indoor commercial use, can be included in the revised zoning text.
3. If, in the future, the market supports a greater variety of unit types, the conversion of a portion of the units to two or three bedroom units may be handled as a minor alteration to the PUD (SIP).
4. Prior to acquiring a demolition permit, the applicant shall provide proof of financing for the implementation of the project as proposed for approval by the Director of the Department of Planning and Community and Economic Development.
5. A parking management plan shall be included as a component of a revised zoning text to better define the use of the proposed parking areas. Parking requirements and options shall also be clearly described in tenant leases.
6. The applicant shall include in final plans the operational details for trash and snow removal, for review and approval by staff.
7. In final plans submitted for staff review and approval, the applicant shall include either a physical separation between residential windows and common open space on the third floor patio or shall address the management of this area so as to ensure privacy for residents in the units abutting the patio in a revised zoning text. In any case, materials proposed for the patio should be clearly noted on plans.
8. Final plans submitted shall show the extension of brick veneer to the top of all sides of the "tower" feature on the southwest part of the building.
9. 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.
10. Signage approvals are not granted by the Plan Commission. All future signage proposed must be reviewed for compliance with MGO Chapter 31 and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

11. The revised zoning text prepared by the applicant will specify that the family definition will be equivalent to that in the R2 Zoning District.

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

12. Provide a reuse/recycling plan, to be reviewed and approved by The City's Recycling Coordinator, Mr. George Dreckmann (gdreckmann@cityofmadison.com, 267-2626) prior to a demolition permit being issued.
13. Madison General Ordinance (MGO) Section 28.12(12)(e) 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.
14. Meet applicable building codes, including accessibility requirements.
15. Show addresses of tenant spaces on the building of the final site plan pursuant to MGO Section 10.34(2). Put address of the building and number of units on the site plan. The setback dimensions shall be from the nearest portion of the building (A deck that is higher than 3' above grade, or a covered porch, if closer than the principal building, shall have the dimension to the property line. Address information can be obtained from Lori Zenchenko of City Engineering, zenchenko@cityofmadison.com, 266-5952).
16. Provide a detailed landscape plan showing species and planting sizes of landscape elements. Within 10' from a driveway crossing of a street lot line, any landscaping/screening shall not exceed 2' in height for vision clearance. No landscape elements shall be maintained between the heights of 30 inches and 10 feet above the curb level within the 25' vision triangle of a street corner.
17. Pursuant to MGO Section 28.04(12)(c), where site shares a zoning district boundary with residential development. This development must provide effective 6'-8' high screening along the lot line of this commercial district adjoining a residential zoning district.
18. Bike parking shall comply with MGO Section 28.11. Provide 14 bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan.
NOTE: A bike-parking stall is two feet by six feet with a five-foot access area. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices.
19. Meet all applicable State accessibility requirements, including but not limited to:
 - a) Provide a minimum of 2 accessible stalls, one each for the surface and underground parking areas, striped per State requirements. These shall be van accessible stalls 8' wide with an 8' striped out area adjacent to and on the passenger side.
 - b) Show signage at the head of the stalls.
 - c) The stalls shall be as near the elevator as possible.
20. In the zoning text, address the following:
 - a) Accessory uses to the above uses, including but not limited to accessory parking and home occupations as defined in MGO Chapter 28.
 - b) Signage shall be allowed as per MGO Chapter 31, as compared to the C2 Zoning District. Signage shall be approved by the Urban Design Commission. Sign permits must be issued by the Zoning Section of the Department of Planning and Community and Economic Development prior to sign installations.
 - c) Revise family definition to read Chapter 28.03(2).
21. Lighting is required and shall be in accordance with MGO Section 10.085. Provide a plan showing at least .5 foot candle on any surface of the lot and an average of .75 foot candles. The maximum light trespass shall be 0.5 foot candles at 10 ft. from the adjacent lot line (see City of Madison lighting ordinance).

Please contact Janet Dailey, City Engineering, at 261-9688 if you have questions regarding the following 23 items:

22. Revise the plot/site plan of the subject property contained within the overall plan to include property and right-of-way lines fully dimensioned and drawn to scale in compliance with MGO Section 28.11(2)(f). This may require a property survey to accurately determine the true locations and prevent encroachment into the city right-of-way.

23. Current City of Madison Zoning Code does not allow placement of new buildings that straddle platted lot lines. A Certified Survey Map (CSM) application, approval and recording may be required by the Zoning Administrator to combine the platted lots effectively dissolving the underlying lot lines. This CSM would also affectively address the accuracy issue relating to the site plan property and right-of-way lines.
24. The ramp to underground parking calls for a sump pump system to drain this area. The design of the sump pump system shall be stamped by a PE or a Master Plumber and shall be designed to accommodate the 100-year storm event.
25. Existing private storm laterals must be properly abandoned prior to approval. Plugging of these laterals shall be in accordance with the procedure used by city Engineering for sanitary sewer laterals.
26. The proposed underground parking structure must be waterproof to prevent inflow of groundwater or lake water from the nearby storm sewer.
27. Location of proposed sanitary lateral shall be moved to avoid work within the Park Street pavement, if possible.
28. Sanitary manholes on plan labeled as storm sewer manholes (st). Revise and include RIM and Invert Information.
29. 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).
30. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
31. 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.
32. 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.
33. All work in the public right-of-way shall be performed by a City licensed contractor. (MGO Section 16.23(9)(c)5 and MGO Section 23.01)
34. 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 (MGO Section 10.29).
35. 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.
36. The City of Madison is an approved agent of the Department of Commerce. This proposal contains a commercial building and as such, 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.
37. Prior to approval, this project shall comply with MGO Chapter 37 regarding stormwater management. Specifically, this development is required to:
 - a) Control 40% TSS (20 micron particle) off of new paved surfaces, and
 - b) 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.

38. 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 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. (MGO 37.09(2) & 37.05(4))

39. 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 (MGO 37.09(2)). PDF submittals shall contain the following information:

- a) Building footprints
- b) Internal walkway areas
- c) Internal site parking area
- d) Lot lines and right-of-way lines
- e) Street names
- f) Stormwater Management Facilities
- g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans)

40. 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.
- d) Sediment loading calculation

If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided. (MGO 37.09(2))

41. The Applicant shall obtain a Street Excavation permit for the installation of utilities required to serve this project. The Applicant shall pay the permit fee, inspection fee and street degradation fee as applicable and shall comply with all the conditions of the permit. (MGO 10.05(6))

42. The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work. (MGO 10.05(6) and MGO 35.02(4)(c)(2))

43. Prior to approval of the conditional use 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.

44. 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.

NOTE: Permit applications for Nos. 40-42 are available on line at:
<http://www.cityofmadison.com/engineering/permits.cfm>

Please contact John Leach, Traffic Engineering, at 267-8755 if you have any questions about the following 8 items:

45. No residential parking permits shall be issued for 801 South Park Street, consistent with other projects in the area. In addition, the applicant shall inform all tenants of this facility of the requirement in their apartment leases and note in a revised Zoning Text that no residential parking permits shall be issued. In addition, the applicant shall submit for 801 South Park Street a copy of the lease noting the above condition in the lease when submitting plans for City approval. Please contact William Knobloch or Bill Putman, Parking Utility at 266-4761 if you have questions regarding this item.
46. 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, 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'.
47. "Stop" and "No Left Turns" signs shall be installed at a height of six (6) feet to the bottom of the first sign at the driveway approach. All signs at the approaches shall be installed behind the property line. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
48. The intersection shall be so designed so as not to violate the City's sight-triangle preservation requirement which states that on a corner lot no structure, screening, or embankment of any kind shall be erected, placed, maintained or grown between the heights of 30 inches and 10 feet above the curb level or its equivalent within the triangle space formed by the two intersecting street lines or their projections and a line joining points on such street lines located a minimum of 25 feet from the street intersection in order to provide adequate vehicular vision clearance.
49. The applicant shall design the surface or underground parking areas for stalls and backing up according to Figures II of the ordinance using the 9' or wider stall for the commercial/retail area. The "One Size Fits All" stall shall be used for the residential parking area only, which is a stall 8'-9" in width by 17'-0" in length with a 23'-0" backup. Aisles, ramps, columns, offices or work areas are to be excluded from these rectangular areas, when designing underground parking areas.
50. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
51. The Developer shall post a deposit and reimburse the City for all costs associated with any modifications to street Lighting, Signing and Pavement Marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.
52. 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 if you have questions about the following 2 items:

53. The Madison Water Utility shall be notified to remove the water meter prior to demolition.
54. 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 Kay Rutledge, Parks Division at 266-4714 if you have questions about the following item:

55. The developer shall pay approximately \$24,834.00 for park dedication and development fees for the 12 new multifamily units, minus credits for the single-family home proposed for demolition.

2010 Fee Calculation		
fees in lieu of dedication = (12 mf units X \$1,477.00 per unit)	=	\$17,724.00
park development fees = (12 mf units X \$592.55 per unit)	=	\$ 7,110.00
Total fees:	=	\$ 24,834.00

NOTE: A method for payment of park fees must be determined before signoff on the rezoning. The fees were calculated at 2010 rates. Based on the existing ordinance, park fees will be assessed based on the year in which they are paid if it is not 2010.

After the plans have been changed per the above conditions, please file **ten (10) sets** of the revised, complete plan set and any other documentation requested herein with the Zoning Administrator, Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard. The sets of final revised plans or documents will be circulated by the Zoning staff to the City department staff listed above for their signature of final approval.

Building permits will not be issued until this process has been completed. 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.

If you have any questions regarding final approval of this plan or obtaining permits, please call Pat Anderson, Assistant 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
John Leach, Traffic Engineering
George Dreckmann, Recycling Coordinator
Al Martin, Urban Design Planner
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

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