



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

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

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April 18, 2012

Chris Gosch, AIA  
Bark Design  
229 North St.  
Madison, WI 53704

RE: Approval to demolish an existing one-story structure formerly utilized as a used car dealership for the construction of a twelve story mixed-use building with approximately 32,300 square feet of commercial space on the three lower levels, four levels of structured parking, and 217 residential units.

Dear Mr. Gosch:

At its April 17, 2012 meeting, the Common Council **approved** a change to MGO Sec. 33.24(15) to allow for increased height, as well as the demolition of an existing building and the rezoning of your client's property at 754 East Washington Avenue and 741 East Mifflin Street from C3 to PUD-GDP-SIP, subject to the following conditions of approval from reviewing agencies:

**Please contact my office at 266-5974 with questions about the following 13 items:**

1. The height of the building to the top of the twelfth floor rooftop shall be less than or equal to 147 feet, as per requirements in Urban Design District 8 for average floor to floor heights. Nothing shall exceed 159 feet, as per Federal Aviation Administration requirements.
2. On the floor plans submitted for staff review and sign-off, each bedroom shall have at least one window to the outside.
3. At least ten percent (10%) of the units shall have three or more bedrooms, in order to meet the criteria for two bonus stories in Urban Design District 8.
4. The community room shall be available for use by the public, in order to meet the criteria for two bonus stories in Urban Design District 8.
5. A pedestrian and bicycle entrance shall be provided from East Washington Avenue to the underground parking area. The applicant shall coordinate with Traffic Engineering staff to ensure the safety and adequacy of the proposed pedestrian and bicycle entrance "lane" adjacent to the East Washington Avenue vehicle exit lane.
6. As per the requirement in UDD 8, ground floor windows shall be transparent, unobstructed, and not darkly tinted or mirrored. The type of glass proposed shall be noted on final plans submitted for staff review and sign-off.
7. For review and approval by staff, a management plan shall be prepared which addresses the following:
  - a) intended use of parking stalls, including the allotment between residential, employee, customer, and visitor stalls (the plan shall clarify whether specific stalls will be assigned, available for a fee, or subsidized to support free use by the public),

- b) use of common spaces (community room and rooftop terrace) by tenants and the public,
  - c) trash and recycling removal plan,
  - d) move-in / move-out plan, and
  - e) maintenance of landscaped areas, including the garden space on the north side of the property, the climbing vines ("living wall") proposed along the west side of the structured parking area, and the green roof tray systems.
8. Recommended conditions regarding bicycle parking are as follows:
- a) Final plans submitted for staff review and signoff shall include at least one standard two foot by six foot bicycle parking stall per residential unit, and a sufficient number of standard stalls to meet basic zoning requirements for the commercial uses,
  - b) Additional bicycle parking shall be provided at a ratio of one stall per bedroom, and may be designed in stacked or vertical wall-mounted rack systems for review and approval by staff,
  - c) A majority of the residential bicycle parking stalls shall be in the structured parking area or in an enclosed space, and
  - d) Elevators leading to floors within the structured parking area shall be designed to accommodate bicycles. Final plans submitted for staff review and approval shall include detail on the dimensions and floor covering for elevators to ensure that this condition is met.
9. For review and approval by Planning and Urban Design staff, the final landscape plan shall include detail on the proposed green roof tray systems and a detailed planting plan for canopy trees, including the dimensions of planting beds and types of soils to be used.
10. The zoning text shall be updated and amended to reflect the following:
- a) a revised legal description to reflect the Certified Survey Map associated with this proposal, which combines the two existing properties into a single lot,
  - b) revised numbers for dwelling units and square footage of commercial space,
  - c) inclusion of a single drive-through facility among accessory uses permitted, and a limitation on hours of operation for the drive-through facility to the hours of 5:00 am to 7:00 pm daily, and
  - d) a revised family definition to allow for occupancy in two and three-bedroom units to exceed three persons when a household meets the family definition for the R1 district
11. Prior to final staff approval of the PUD, all conditions of final approval by the UDC shall be met. Specifically, the applicant shall provide Planning and Urban Design staff with additional materials addressing design details a) through g) below, and shall meet with staff to resolve them. In reviewing these design changes, Urban Design staff may determine whether to administratively approve changes or require further review by the UDC:
- a) Details regarding the use of masonry, including the termination of planes, intersection between vertical brick elements and horizontal projections of the building, and the reveals in the brick,
  - b) Larger scale elevations of the East Washington Avenue building and streetscape, comparing king size brick to queen size brick in order to better inform a choice in brick size (staff believes that queen size brick should be used),
  - c) Additional color combinations for metal panels, specifically livelier shades of grey,
  - d) Alternative design for the southwestern corner of the building, carrying design elements proposed on this side of the building further toward the corner,
  - e) Detail on the placement and screening of rooftop and any other on-site mechanicals,
  - f) Final lighting plan for review and approval by Urban Design and Building Inspection staff, and

- g) While signage is subject to future review and approval by the UDC it should be carefully considered with the proposed design changes.
- 12. Final plans submitted for staff review and approval shall be internally consistent and drawn to a standard scale. All building materials shall be labeled, and dimensions shall be provided for building setbacks, building width, depth, and height.
- 13. Demolition of the existing building shall not occur until the PUD-SIP has been approved by staff and recorded.

**Please contact Matt Tucker, Zoning Administrator, at 266-4569 with questions about the following 9 items:**

- 14. Show addresses of tenant spaces of the building on the final site plan pursuant to MGO Section 10.34(2). Place addresses of the buildings and number of units in each building on the final plan sets. Address information can be obtained from Lori Zenchenko of City Engineering at (608) 266-5952.
- 15. Provide a reuse/recycling plan, to be reviewed and approved by the City's Recycling Coordinator, Mr. George Dreckmann, prior to a demolition permit being issued.
- 16. 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.
- 17. The final plans shall show the setback dimensions from the nearest portion of the building. Any deck/canopy/balcony/porch, if projecting from the principal building, shall show the dimension to the property line.
- 18. Lighting is required and shall be in accordance with MGO Section 10.085. Provide a lighting photometric plan, including cut sheets for fixtures, with the final plan submittal.
- 19. Provide a detailed landscape plan. Show species and 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.
- 20. Bike parking shall comply with MGO Section 28.11. Provide a minimum of 217 bike parking stalls for the residential use and an additional 8 bike parking stalls for the commercial space, placed in a safe and convenient location on an impervious surface, to be shown on the final plans. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area, with 5' of vertical clearance. Provide a detail of bike racks to be installed.
- 21. Meet all applicable State accessibility requirements, including but not limited to:
  - a) Provide the minimum required number of accessible stalls per ADA, striped per State requirements. One of these stalls shall be a van accessible stall 8' wide with an 8' striped out area adjacent to and on the passenger side.
  - b) Show signage at the head of the stalls.
- 22. Regarding loading spaces, the submitted plans show two 10' x 35' loading zone in the parking structure, but it is not clear that these zones meet the minimum clearance height of 14'. Given the delivery and move in/out needs for the development, these loading zones shall be required to meet minimum vertical clearance height.

**Please contact Janet Dailey, City Engineering, at 261-9688 with questions about the following 32 items:**

23. The proposed development shall have the concurrent CSM application complete and recorded to eliminate underlying platted lot lines. The CSM shall also provide for the dedication of right-of-way on East Washington Avenue to facilitate a median opening on East Washington Avenue at North Livingston Street. The CSM shall be recorded with the Register of Deeds and new property Address-Parcel-Owner land record data shall be made available in appropriate city databases prior to the issuance of any foundation or building permits for the new proposed building. State building codes do not allow new buildings to be constructed over existing platted lot lines unless fire walls are put in place.
24. The Developer shall enter into a maintenance agreement for any non-standard right-of-way improvements, which require approval by the Board of Public Works. All mainline sidewalk shall be standard width and clearly defined with joints and will not be permitted with any pavers or textural detailing. Any improvements must meet the sight triangle requirements.
25. The Developer shall coordinate the proposed 2013 East Washington Avenue median and roadway improvements with City Engineering and Traffic Engineering.
26. The Developer may be required to dedicate right-of-way or provide a permanent limited easement for sidewalk along E. Washington Avenue, as determined by the City Engineer.
27. Show locations of existing street trees and indicate if they are to remain or be removed.
28. Show a standard cross walk with detectable warning fields at the corner of East Washington and North Livingston.
29. Lowest entrance openings to this building shall be kept a minimum of 6-inches higher than the existing building's first floor elevation. Documentation of that approach shall be provided to City Engineering.
30. Prior to demo permit, obtain permit to plug existing storm connections.
31. Review proposed storm connections with City Engineer. Some may require construction of storm structures.
32. The apartment building situs address will be a N. Livingston St. address. Coordinate site addresses early on in the project phases with Engineering Mapping. Contact Lori Zenchenko at 266-5952 or [lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com)
33. 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.
34. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
35. The approval of this 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.

36. 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.
37. 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.
38. 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.
39. All work in the public right-of-way shall be performed by a City licensed contractor.
40. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl, of the City Parks Department - [dkahl@cityofmadison.com](mailto:dkahl@cityofmadison.com) or 266-4816. Approval and permitting of any tree removal or replacement shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan.
41. All damage to the pavement on E. Washington, N. Livingston, and E. Mifflin, 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>.
42. The site plans shall be revised to show the location of all rain gutter down spout discharges.
43. 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.
44. 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.
45. 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>.

46. If the lots within this site plan are inter-dependent 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 site plan and recorded at the Dane County Register of Deeds.

47. 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
- b) Provide oil & grease control from the first 1/2" of runoff from parking areas.
- c) 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.

Stormwater management plans shall be submitted and approved by City Engineering prior to signoff.

48. The Applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number:

- a) Building Footprints
- b) Internal Walkway Areas
- c) Internal Site Parking Areas
- d) Other Misc. Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
- e) Right-of-Way lines (public and private)
- f) All Underlying Lot lines or parcel lines if unplatted
- g) Lot numbers or the words "unplatted"
- h) Lot/Plat dimensions
- i) Street names

All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred [addressing@cityofmadison.com](mailto: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.

49. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set.

PDF submittals shall contain the following information:

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

50. 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 calculations

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.

51. The area adjacent to this proposed development has a known flooding risk. All entrances shall be 2-feet above the adjacent sidewalk elevation or 1-foot above the 100-year regional flood elevation (whichever is greater). This includes garage entrances.
52. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. This permit application is available on line at: <http://www.cityofmadison.com/engineering/permits.cfm>
53. 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. This permit application is available on line at: <http://www.cityofmadison.com/engineering/permits.cfm>.
54. 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.

**Please contact Bryan Walker, Traffic Engineering, at 267-8754 with questions about the following 10 items:**

55. A condition of approval shall be that no residential parking permits shall be issued for *754 East Washington Avenue*, which would be 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 record in zoning text. The applicant shall note in the Zoning Text that no residential parking permits shall be issued. In addition, the applicant shall submit for 754 East Washington Avenue a copy of the lease noting the above condition in the lease when submitting plans for City approval.
56. All on street loading and parking restrictions shall be reviewed and approved by Traffic Engineering after the project is completed.
57. The intersection modifications at East Washington Avenue and Livingston Street will need to be reviewed and approved by City Engineering and Traffic Engineering. The bump-outs on Livingston Street may need to be removed in order to accommodate turning vehicles from East Washington Ave.
58. The driveway on East Washington Avenue shall be clearly shown as an exit only, and allow for one lane of egress by merging the drive-thru lane into the exit lane before the public sidewalk.
59. To address potential traffic impacts on the surrounding neighborhood streets, the applicant shall provide a deposit of \$20,000 for traffic calming. Said monies shall be used at locations to be determined by the City and implemented under the City's traffic calming program, policies and procedures.
60. City of Madison radio systems are microwave directional line of sight to remote towers citywide. The building elevation will need to be review by Traffic Engineer to accommodate the microwave sight and building. The applicant shall submit grade and elevations 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 City of Madison Traffic Engineering office with final plans for sign off.

61. Custom sidewalk patterns shall not run through any driveway areas in order to keep pedestrians aware of an ingress/egress facility. Colored concrete may be allowed in the driveway area after review by Traffic Engineering staff.
62. 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, 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'.
63. 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.
64. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

**Please contact Dennis Cawley, Water Utility, at 261-9243 with questions about the following 3 items:**

65. The Madison Water Utility shall be notified to remove the water meters prior to demolition.
66. This property is in City of Madison Wellhead Protection District WP-24. All proposed land uses in this district shall be reviewed by the Madison Water Utility General Manager or his/her designee in accordance with MGO 13.22 and 28.107.
67. 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 with questions about the following 3 items:**

68. The developer shall pay approximately \$490,402.64 for park dedication and development fees from the 217 new multifamily units (see below). The property is within the Tenney, Law, and James Madison impact fee district (SI26)

Fees in lieu of dedication = (217 MF @ \$1,631) =	\$353,927.00
<u>Park development fees = (217 MF @ \$628.92) =</u>	<u>\$136,475.64</u>
total fees =	\$490,402.64

69. The development must select a method for payment of park fees before signoff on the PUD-SIP.
70. 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.

**Please contact Bill Sullivan, Fire Department, at 266-4420 with questions about the following item:**

71. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

After the plans have been changed per the above conditions, please file **eleven (11) 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.

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 demolition or construction on the property shall be permitted until the PUD-GDP-SIP has been approved and recorded.

**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 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 266-5974.

Sincerely,

Heather Stouder, AICP  
Planner

cc: Janet Dailey, City Engineering  
Matt Tucker, Zoning  
Bryan Walker, Traffic Engineering  
George Dreckmann, Recycling Coordinator  
Eric Pederson, Engineering Mapping  
Al Martin, Urban Design Planner  
Bill Sullivan, Fire Department  
Kay Rutledge, Parks Division

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

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

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 checked="" 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		Other