



Department of Planning & Community & Economic Development
Planning Division

Website: www.cityofmadison.com

Madison Municipal Building
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P.O. Box 2985
Madison, Wisconsin 53701-2985
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April 18, 2012

Joseph Lee
JLA Architects & Planners
5325 Wall Street
Madison, Wisconsin 53718

RE: Approval of a request to rezone 202-206 N. Brooks Street from R5 (General Residence District) to Planned Unit Development-General Development Plan-Specific Implementation Plan (PUD-GDP-SIP) to allow demolition of two existing residential buildings and construction of a five-story, 14-unit apartment building (Joe McCormick).

Dear Mr. Lee;

At its April 17, 2012 meeting, the Common Council **conditionally approved** your application to rezone property located at 202-206 N. Brooks Street from R5 to PUD-GDP-SIP, subject to the following conditions of approval, which shall be satisfied prior to final approval and recording of the planned unit development and the issuance of permits for demolition or new construction:

Please contact Janet Dailey of the City Engineering Division at 261-9688 if you have questions regarding the following twenty-five (25) items:

1. The note on the plan indicates existing survey dates back to 2002. Please provide updated survey information and incorporate into all site grading and utility plans and the locations of all existing terrace trees.
2. State building codes do not allow new buildings to be constructed over existing platted lot lines unless fire walls are put in place. This proposed development shall have a one-lot CSM recorded to eliminate the underlying platted lot line. Updated property Address-Parcel-Owner land record data shall be made available in various city databases prior to the issuance of foundation or building permits for the new proposed building.
3. Elevations of entrances shall be provided for City Engineering Division review. These elevations shall be a minimum of 0.5 feet above adjacent sidewalk.
4. The applicant shall show the sanitary lateral size on the plan set. If the lateral is 6-inches in diameter, applicant shall revise plan to connect to sanitary main on West Dayton Street.
5. The unit numbers shown on the plan are approved and shall be used as the apartment addresses.
6. The construction of this development 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.

7. The applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
8. 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.
9. 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.
10. The applicant shall replace all sidewalk and curb and gutter that 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.
11. 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.
12. A City-licensed contractor shall perform all work in the public right of way.
13. 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 Parks Division - dkahl@cityofmadison.com or 266-4816.
14. All damage to the pavement on N. Brooks Street and W. Dayton Street adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.
15. 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.
16. For commercial sites less than 1 acre in disturbance, the City of Madison is an approved agent of the Wisconsin Department of Commerce and Department of Natural Resources. As this project is on a site with disturbance area less than 1 acre, and contains a commercial building, 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.

17. The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right of way. It may be necessary to provide information off the site to fully meet this requirement.
18. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the 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.
19. 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).
20. The area adjacent to this proposed development has a known flooding risk. All entrances shall be 0.5-feet above the adjacent sidewalk elevation or 1-foot above the 100-year regional flood elevation (whichever is greater). This includes garage entrances.
21. 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.
22. The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work.
23. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.
24. Prior to approval of the issuance of a demolition permit, 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.
25. 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.

Please contact Bryan Walker of the Traffic Engineering Division at 267-8754 if you have questions about the following six (6) items:

26. A condition of approval shall be that no residential parking permits shall be issued for 202-206 N. Brooks Street, as would be consistent with other projects in the area. In addition, the applicant shall

inform all tenants of this facility of the restriction 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 a copy of the lease for the 202-206 N. Brooks Street project noting the above condition in the lease when submitting plans for City approval.

27. 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 Engineer Division to accommodate the microwave sight and building. The applicant shall submit grading plans and elevations 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.
28. The applicant will need to enter into a developer's agreement to widen W. Dayton Street to adequately serve the development. Currently this section of W. Dayton Street is narrower than other sections and does not have a left-turn lane to safely and adequately serve the development and proposed driveway(s).
29. When the applicant submits final plans 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, one contiguous plan (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'.
30. 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.
31. 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 Pat Anderson, Assistant Zoning Administrator, at 266-5978 if you have any questions regarding the following two (2) items:

32. Provide a reuse/recycling plan, to be reviewed and approved by the City Recycling Coordinator prior to a demolition permit being issued. Sec 28.12(12)(e) 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.
33. Please revise the zoning text as follows:
 - a.) delete #2 in section C;
 - b.) revise section F to read "Shall be as shown on approved plans";
 - c.) revise section H to make the dimension for motorized scooters spaces 36 inches by 72 inches, and amend all associated plans to show spaces of that size.

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

34. Note: The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances. Please consider allowing the Madison Fire

Department to conduct training sequences in the buildings prior to demolition. Please contact the MFD Training Division at 246-4587 to discuss this possibility.

35. Emergency responder radio coverage per IFC 510 may be required; please plan accordingly.

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

36. The Madison Water Utility shall be notified to remove the water meter prior to demolition. 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 of the Parks Division at 266-4714 if you have any questions regarding the following item:

37. The developer shall pay \$18,079.36 in park dedication and development fees for 14 multi-family units, which is the remaining amount due after a credit is given for the 6 existing multi-family units. Fees in lieu of dedication = (14units@\$1,631)=\$22,834.00; Park development fees = (14 units@ \$628.92) = \$8804.88, for a total park impact fee before credit of \$31,638.88. Credits for 6 existing multi-family units = \$13,559.52. The developer must select a method for payment of park fees before signoff on the rezoning. This development is located within the Vilas-Brittingham (S127) park impact fee district.

Please contact my office at 261-9632 if you have questions about the following five (5) items:

38. That the zoning text be revised per Planning Division approval prior to recording and the issuance of demolition or building permits as follows:

- a.) the list of permitted uses shall be revised to only state: "Multi-family residential uses as shown on the approved plans and accessory uses directly associated with those permitted uses";
- b.) the conditional use section and list shall be removed;
- c.) signage for the project shall be limited to the maximum permitted in the R5 zoning district, and as approved by the Urban Design Commission or its secretary, and the Zoning Administrator;
- d.) all references to "as shown on submitted plans" shall be revised to "as shown on approved plans";
- e.) the "Building Height," "Floor Area Ratio," "Yard Requirements," and "Usable Open Space" sections shall be revised to simply state "As shown on approved plans";
- f.) a family definition shall be added to reference the R5 zoning district, and to further state that there shall only be one tenant allowed per bedroom.

39. That the specific implementation plan be revised per Planning Division approval prior to final signoff and the issuance of demolition or building permits to provide all of the plan information required for a specific implementation plan, including but not limited to the following items:

- a.) provide a fully dimensioned site plan that includes typical setback dimensions from all property lines; the site plan should clearly show the boundaries of the two parcels comprising the PUD;
- b.) revise the floorplans to clearly identify the unit types and to identify/label the bathrooms and bedrooms in each unit; all four- and five-bedroom units and at least 50% of the three-bedroom units shall have a minimum of two full bathrooms.

40. That one bike parking stall be provided for each bedroom in the development. The first 14 bike parking stalls shall be provided as required by the Section 28.11 of the Zoning Ordinance as approved by the Zoning Administrator, with the remaining stalls to be provided as approved by Planning and Zoning staff.

41. No moped parking shall be allowed in the W. Dayton Street or N. Brooks Street rights of way or in any yard; signs to this effect shall be posted on the street facades of the building, with the final size and content of the signs and the locations where they will be placed included in the final PUD plans.
42. That the project receive final approval from the Urban Design Commission prior to final approval of the PUD for recording and the issuance of demolition or building permits. *[This condition was satisfied on March 21, 2012 – no further action on your part is necessary.]*

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.

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.

Provide a reuse/recycling plan, to be reviewed and approved by the City Recycling Coordinator prior to a demolition permit being issued. Sec 28.12(12)(e) 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.

The Madison Water Utility shall be notified to remove the water meters prior to demolition.

Approval of the 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.

After the planned unit development has been revised per the above conditions, please file **ten (10) sets** of complete, fully dimensioned, and to-scale plans 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. 28.12 (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 261-9632.

Sincerely,

Timothy M. Parks
Planner

cc: Janet Dailey, City Engineering Division
Bryan Walker, Traffic Engineering Division
Bill Sullivan, Madison Fire Department
Kay Rutledge, Parks Division
Dennis Cawley, Madison Water Utility
Pat Anderson, Asst. Zoning Administrator

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (T. Parks)	<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"/>	Rec. Coord. (R&R Plan)
<input checked="" type="checkbox"/>	Fire Department	<input type="checkbox"/>	Other: