



Department of Planning & Community & Economic Development

Planning Division

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May 26, 2015

Brad Binkowski
Urban Land Interests
10 E. Doty St., Suite 300
Madison, WI 53703

RE: Approval of a rezoning of property at 126 South Carroll Street from PD-SIP to Amended PD-SIP for the construction of a nine-story mixed-use building with 5,900 square feet of commercial space and 88 residential units.

Dear Mr. Binkowski:

At its May 19, 2015 meeting, the Common Council found the standards met and **approved** your request for a rezoning of property at 126 South Carroll Street from PD-SIP to Amended PD-SIP, subject to the conditions below. In order to receive final approval of the rezoning and demolition, and for any necessary permits to be issued for your project, the following conditions shall be met:

Please contact my office at 266-5974 if you have questions regarding the following 4 items:

1. Prior to the submittal of plans for review and approval by staff, the Urban Design Commission must provide final approval for the design of the building. Final plans must address any conditions of approval recommended by the Urban Design Commission.
2. Prior to the submittal of plans for review and approval by staff, the applicant shall provide a detailed landscape plan for the third floor rooftop terrace. (Note: This may be reviewed administratively or by the Urban Design Commission, based on the proceedings of the April 22 Urban Design Commission meeting.)
3. Final plans submitted to staff for review and approval shall include significantly more bicycle parking, both inside and outside of the building. General bicycle parking requirements for the residential and commercial uses as specified in General Regulations for conventional zoning districts (MGO Sections 28.141(4) and 28.141(11) shall be met or exceeded.) Final plans shall also indicate convenient paths for bicyclists from the street(s) to the interior bicycle parking areas.
4. Prior to final approval by staff, the applicant shall submit a management plan for the building to include parking management, waste management, management of the common rooftop terrace area, and the management of any shared spaces between the proposed building and the adjacent Landmark buildings.
5. Final plans submitted to staff for review and approval shall include setback dimensions from all property lines for all levels of the building.
6. The applicant shall submit a revised zoning text complete with the number of dwelling units and square footage of commercial spaces as approved for this building.

Please contact Janet Schmidt of the City Engineering Division at 261-9688 if you have questions regarding the following 33 items:

7. Conveyance of the subterranean area below S. Carroll Street for the underground parking structure proposed by this SIP will be required and subsequently included in the required Certified Survey Map.
8. The proposed new building will cross underlying platted lot lines. Current fire code and City enforcement requires the underlying platted lot lines be dissolved by Certified Survey Map (CSM) prior to issuance of a building permit. A Certified Survey Map and required supporting information shall be prepared and submitted to the City of Madison Planning Department that encompasses this entire project on each side of Carroll Street and the subterranean area below S. Carroll Street. The CSM shall be approved by the City and recorded with the Dane County Register of Deeds prior to issuance of a building permit.
9. The Applicant shall confirm all portions of the proposed buildings and/or any private site improvements that are planned to encroach into the adjacent public right of ways. For all private improvements that will encroach into any adjacent public right of way, the Applicant shall make an application with City of Madison for a privilege in streets agreement administered by the City of Madison Office of Real Estate Services. An approval of the development does not constitute or guarantee approval of any encroachments.
10. The base address of the apartments is 117 S. Hamilton St. Commercial tenant addresses will be assigned at a later date.
11. Applicant shall revise utility drawing to show a manhole upstream of where the sewer extends through the building. Even though the sewer will be privately owned, a manhole will provide an access location for cleaning equipment.
12. There is an existing storm lateral under the tunnel, coming from the "Jackman" Building. The plans do not appear to show this lateral. Revise accordingly.
13. Applicant shall submit an ownership/maintenance agreement for the private sanitary sewer that will extend through the proposed building in the Carroll Street right-of-way. Provide evidence that the "Jackman" Building owner is in agreement.
14. The Applicant shall be required to relocate all existing public and private utilities to accommodate the new building construction and subterranean improvements. The Applicant shall be required to accommodate and coordinate with all effected stake holders and coordinate with the City for the reconstruction that is required.
15. 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).
16. The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
17. The site plan shall include all lot/ownership lines, existing building locations, proposed building additions, demolitions, parking stalls, driveways, sidewalks (public and/or private), existing and proposed signage, existing and proposed utility locations and landscaping.

18. The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.
19. Submit a PDF of all floor plans to 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.
20. The site plan shall include a full and complete legal description of the site or property being subjected to this application.
21. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass (POLICY).
22. The approval of this PD 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)).
23. 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).
24. 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).
25. 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).
26. The Applicant shall provide the City Engineer with the proposed earth retention system to accommodate the restoration. The earth retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system (POLICY).
27. 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).
28. All damage to the pavement on Doty Street, Main Street, and Carroll Street 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).
29. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in the ROCK RIVER TMDL ZONE and by Resolution 14-00043 passed by the City of

Madison Common Council on 1/21/2014. You will be expected to meet a higher standard of erosion control than the minimum standards set by the WDNR.

30. 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).
31. 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.
32. This site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR216 and NR-151 however a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process.

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> (NOTIFICATION).

33. This project will require a concrete management plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. (POLICY).
34. Prior to approval, this project shall comply with MGO Ch. 37 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.

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

35. 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 (POLICY and MGO 37.09(2)).

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 Mgmt Facilities (including if applicable planting plans)
36. 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>.
 37. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing sanitary sewer lateral that serves a building which is proposed for demolition. For each lateral to be plugged the owner shall complete a sewer lateral plugging application and pay the applicable permit fees. NOTE: As of January 1, 2013 new plugging procedures and permit fees go into effect. The new

procedures and revised fee schedule is available on line at <http://www.cityofmadison.com/engineering/permits.cfm> (MGO CH 35.02(14)).

38. All outstanding Madison Metropolitan Sewerage District (MMSD) are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Schmidt (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)).
39. 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).

Please contact Eric Halvorson of Traffic Engineering at 266-6527 if you have any questions regarding the following 8 items:

40. Provide an RFID, for all regular parking customers, which upon approach will signal the entry gate to lift without requiring the customer swipe a card or enter a code.
41. A condition of approval added on Oct 7, 2014 by the Common Council requires two ingress gates on West Doty Street with the intent to limit the possibility of queuing into the Public Right-of-Way. Upon further study the applicant determined the only physical option to install two gates is at the street level. As a result the ingress queue space would be reduced from 8 vehicles to 4 vehicles. This would result in the queue being more likely to spill into Doty Street than with the original design. Traffic Engineering recommends the applicant prior to final sign off provides a queue and demand study with sufficient data demonstrating queue storage of 8 vehicles is sufficient to prevent vehicles backing up into Doty Street. Traffic Engineering recommends the original design be accepted and the added comment removed from the conditions of approval.
42. The applicant shall provide a deposit for signing and marking to be determined by the Traffic Engineering Department.
43. Five hundred forty eight off-street auto parking spaces are provided for the development, which has 88 residential units. The Letter of Intent does not state whether any of the off-street auto parking spaces will be reserved at all times for the residential units. A condition of approval shall be that no residential parking permits shall be issued for 126 S. Carroll Street unless a minimum of 88 off-street parking spaces are reserved at all times for the residential units. The applicant shall inform all tenants of this restriction in their apartment leases. In addition, the applicant shall submit for 126 S. Carroll Street a copy of the lease noting the above condition.
44. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
45. The Developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.

46. The City Traffic Engineer may require public signing and marking related to the development; the Developer shall be financially responsible for such signing and marking.
47. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

Please contact Bill Sullivan of the Madison Fire Department at 261-9658 if you have any questions about the following item:

48. As this is a building addition to the 25 West Main Street renovation, some technical and other design challenges will arise. Additionally, there will be some unique emergency response impacts to MFD that will require additional considerations. Continued coordination between ULI and MFD will be necessary to achieve a project that limits the impact on MFD services.

Please contact Dennis Cawley, Water Utility, at 266-4651 if you have any questions regarding the following 2 items:

49. The developer shall be responsible for replacing the existing water main in South Carroll Street.
50. This property is not in a City of Madison 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 Kay Rutledge, Parks Division, at 266-4714 if you have any questions regarding the following 4 items:

51. Park impact fees (comprised of the Park Development Impact Fee per MGO Sec. 20.08(2) and the Parkland Impact Fee in lieu of land dedication per MGO Sec. 16.23(8)(f) and 20.08(6)) will be required for all new residential development in this development. The developer must select a method for payment of park fees before signoff on the rezoning. This development is within the Tenney / Law / James Madison park impact fee district (SI26). Please reference ID# 15116 when contacting Parks about this project.
52. Forestry will permit the removal of all (15) street trees surrounding the project. Seven are ash trees that do not meet EAB treatment criteria, and eight are recently planted trees.
53. Additional street trees are needed for this project. All street tree planting locations and trees species with the right of way shall be reviewed by City Forestry. Please submit a site plan (in PDF format) to Dean Kahl – dkahl@cityofmadison.com or 266-4816. Approval and permitting of tree planting shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan. Tree planting specifications can be found in section 209 of *City of Madison Standard Specifications for Public Works Construction* - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part2.pdf>.
54. Approval of plans for this project does not include any approval to prune trees in the public right-of-way. Permission for such activities must be obtained from the City Forester, 266-4816.

Please contact Matt Tucker of the Zoning Office at 266-4569 if you have any questions regarding the following items:

55. Sec. 28.185 (7)(a)5 requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Mr. George Dreckmann. (608-267-2626).

May 26, 2015

Page 7

56. Sec. 28.185(10)- Every person who is required to submit a reuse and recycling plan pursuant to Sec. 28.185(7)(a)5 shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
57. Section 28.185 (9)(a)- A demolition or removal permit is valid for one (1) year from the date of the Plan Commission approval.

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

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

After the planned development has been revised per the above conditions, please file **(10) sets** of complete, fully dimensioned, and to-scale plans, the appropriate site plan review application and fee pursuant to Section 28.206 of the Zoning Code, and any other documentation requested herein with the Zoning Administrator, Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard. The sets of final revised plans or documents will be circulated by the Zoning staff to the City department staff listed above for their final approval.

Upon receipt of the aforementioned plans, documents and fees, and upon determining that they are complete, the Zoning Administrator shall record them with the Dane County Register of Deeds Office. The recorded originals will be returned to the applicant, with the recording information noted, when the Register of Deeds has completed the recording process.

If this plan is not recorded within one year of the date of approval by the Common Council, the approval shall be null and void. No construction or alteration of the property included in this application shall be permitted until a Specific Implementation Plan (SIP) has been approved and recorded.

Within thirty-six (36) months of Common Council approval of the general development plan, the basic right of use for the areas, when in conformity with the approved specific implementation plan, shall lapse and be null and void unless 1) the project, as approved, is commenced by the issuance of a building permit, or 2) if an application for an extension is filed at least thirty (30) days prior to the expiration of the thirty-six (36) month period and the Plan Commission, after a public hearing pursuant to Sec. 28.181(5), determines that no changes in the surrounding area or neighborhood since approval of the general development plan render the project incompatible with current conditions and grants an extension of up to twenty-four (24) months in which to obtain a building permit. In no case shall an extension allow a building permit to be issued more than sixty (60) months after approval of the general development plan by the Common Council. If a new building permit is required pursuant to sec. 29.06(4), Madison General Ordinances, a new petition and approval process shall be required to obtain general development plan approval and specific implementation plan approval.

If you have any questions regarding recording this plan or obtaining permits, please call Matt Tucker, Zoning Administrator, at 266-4551. If I may be of any further assistance, please do not hesitate to contact me at 266-5974.

Sincerely,

Heather Stouder
Planner

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"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input checked="" type="checkbox"/>	Metro Transit

cc: Janet Schmidt, City Engineering Division
Jeff Quamme, Engineering-Mapping
Eric Halvorson, Traffic Engineering Division
Dennis Cawley, Madison Water Utility
Matt Tucker, Zoning Administrator
Kay Rutledge, Parks Division
Bill Sullivan, Madison Fire Department
Al Martin, Urban Design
George Dreckmann, Recycling Coordinator