



Department of Planning & Community & Economic Development
Planning Division

Website: www.cityofmadison.com

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August 24, 2010

Dan Fitzgerald
Horizon Development Group, Inc.
5201 East Terrace Drive, Suite 300
Madison, WI 53718

RE: Approval of a conditional use for a 50-unit apartment building for seniors in the R5 (General Residence) District.

Dear Mr. Fitzgerald:

The Plan Commission, meeting in regular session on August 23, 2010 determined that the ordinance standards could be met and **approved** your client's request for a conditional use at 2417 Cypress Way. In order to receive final approval for the conditional use, the following conditions must be met:

Please contact my office at 266-5974 with questions about the following six (6) items:

1. The applicant shall prepare a Certified Survey Map (CSM) to combine the six existing lots. The CSM shall be approved prior to staff sign-off on the final plans.
2. The final site plan submitted may include a new location for a common gardening space. If common gardening space cannot be accommodated in this particular proposal, it will be strongly encouraged in a future development phase.
3. All exterior materials proposed shall be clearly identified on the elevations submitted to Planning Division staff for review and approval.
4. With the exception of the transom windows on the southwest corner of the building, all windows within the brick portions of the building shall have a consistent treatment.
5. Final elevations shall utilize an alternation of materials in vertical panels to provide for articulation of the building. The use of fiber cement in bolder colors is strongly encouraged to strengthen this effect.
6. A detailed balcony design shall be provided with final plans. First floor private patios shall include privacy railings similar to those surrounding the upper-level balconies. More substantial columns (preferably brick) are strongly encouraged.

Please contact Janet Dailey, City Engineering, at 261-9688 with questions about the following 18 items:

7. Any damage to Cypress Way pavement will require restoration in accordance with the City's Patching Criteria.
8. Street tree removal must be approved by the City Forester.
9. The design of the access to the underground parking has a storm sewer draining the ramp. This storm sewer shall be designed and stamped by a Professional Engineer in Wisconsin and shall show flood protection in all events up to and including the 100-year event.
10. Storm sewer plans are incomplete. Provide revised plans containing additional detail.
11. Coordinate all Certified Survey Map applications and recordings as necessary.
12. Submit a PDF of all floor plans to addressing@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.

13. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction.
14. All work in the public right-of-way shall be performed by a City licensed contractor (MGO 16.23(9)(c)5 and MGO 23.01).
15. 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).
16. 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.
17. 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 at: <http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm>

18. 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) 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.
19. 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 (POLICY and MGO 37.09(2) & 37.05(4))

20. 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 Management Facilities (including if applicable planting plans)
21. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management File 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 (POLICY and MGO 37.09(2)).

22. 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)) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
23. 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 (POLICY). This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
24. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (608-261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff (MGO 16.23(9)(d)(4)).

Please contact John Leach, Traffic Engineering, at 267-8755 with questions about the following eight (8) items:

25. When the applicant submits final plans of one contiguous plan for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, showing all easements, all pavement markings, building placement, and stalls, adjacent driveway approaches to lots on either side and across the street, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.

26. All existing driveway approaches which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
27. The applicant shall modify the driveway approach according to the design criteria for a "Class 3" driveway with 5 ft flares in accordance to Madison General Ordinance Section 10.08 (4). In addition, the public sidewalk shall go through the approach. These changes shall be revised on the plan sheets.
28. The parking facility shall be modified to provide for adequate internal circulation for vehicles. This can be accommodated by eliminating a parking stall at the dead ends. The eliminated stall shall be modified to provide a turnaround area ten (10) to twelve (12) feet in width and signed "No Parking Anytime".
29. A "Stop" sign shall be installed at a height of seven (7) feet at all approaches. 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.
30. 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.
31. 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.
32. 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, Zoning, at 266-5978 with questions about the following eight (8) items:

33. Call out and dimension on final plan sets the proposed 21,500 sq. ft. of usable open space.
34. Obtain approval of a parking reduction (MGO Section 28.11(2)(c).
35. Combine the lots to legally make one lot via a Certified Survey Map. A property line cannot go through a building without a fire wall down the lot line pursuant to Section 705.1.1 of the International Building Code. A CSM shall be approved before signoff of final plans.
36. Lighting is required and shall be in accordance with MGO Section 10.085. Provide a plan showing at least 0.5 foot candle on any surface on any lot, and an average of 0.75 footcandles. The maximum light trespass shall be 0.5 fc at 10 ft from the adjacent lot line.
37. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31, Sign Code and Chapter 33, Urban Design. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.
38. Bike parking shall comply with MGO Section 28.11. Provide fifty (50) bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. The lockable enclosed lockers or racks or equivalent structures in or upon which the bicycle may be locked by the user shall be securely anchored to the ground or building to prevent the lockers or racks from being removed from the location.

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 devices.
39. Parking requirements for persons with disabilities must comply with MGO Sec. 28.11(3)6.(m), which includes all applicable State accessibility requirements, including but not limited to:
 - a) Provide a minimum of three accessible stalls striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8' wide with an 8' striped out area adjacent.
 - b) Show signage at the head of the stalls. Accessible signs shall be a minimum of 60" between the bottom of the sign and the ground.

- c) Show the accessible path from the stalls to the building. The stalls shall be as near the accessible entrance as possible. Show ramps, curbs, or wheel stops where required.
40. Off street loading shall be provided pursuant to Section 28.11(4)(f)2. Provide one 10' x 35' loading area with 14' vertical clearance to be shown on the plan. The loading area can be in a drive aisle.

Please Contact Bill Sullivan, Madison Fire Department, at 261-9658 with questions about the following two (2) items:

- 41. The life safety systems shall be above the code minimum and provide smoke detection throughout the public corridors.
- 42. Provide fire apparatus access as required by IFC 503 2009 edition, MGO 34.03(17), and 34.19, as follows:
 - a) The site plans shall clearly identify the location of all fire lanes.
 - b) IFC 503 Appendix D105, Provide an aerial apparatus access fire lane that is at least 26 feet wide, with the near edge of the fire lane within 30 feet and not closer than 15 feet from the structure, and parallel to one entire side of the structure, if any part of the building is over 30 feet in height.
 - c) Provide a fire lane that extends to within 150 feet of all exterior portions of the structure, or it can be extended to within 250 feet if the building is fully sprinklered.
 - d) A dead-end fire lane that is longer than 150 feet shall terminate in a turnaround. Provide an approved turnaround (cul-de-sac, 45 degree wye, 90 degree tee) at the end of a fire lane that is more than 150 feet in length.
 - e) Fire lanes shall be unobstructed; there are obstructions shown on the fire lane which must be removed. Examples of obstructions include but are not limited to: parking stalls, loading zones, changes in elevation, power poles, trees, bushes, fences, or posts.
 - f) Provide a minimum unobstructed width of 26 feet for at least 20 feet on each side of the fire hydrant.
 - g) Fire lanes shall be constructed of concrete or asphalt only, and designed to support a minimum load of 85,000 lbs.
 - h) Where there is a change in the direction of a fire lane, the minimum inside turning radius shall be at least 28 feet.
 - i) Provide a fire lane with the minimum clear unobstructed width of 20 feet.
 - j) Provide a completed MFD "Fire Apparatus Access and Fire Hydrant Worksheet" with the site plan submittal (see <http://www.madisonfire.org> for a PDF.)

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

- 43. All wells 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 two (2) items:

- 44. This development is within the Olin-Turville park impact fee district (SI28). After credit is given for the former structures on the property (32 multi-family units), the developer is not required to pay any additional park impact fees nor fees in lieu of dedication for the 50-unit senior apartments.
- 45. The calculation of the park impact fees for the new development has been based on the understanding that this development will be restricted to persons fifty-five (55) years of age or older. In accordance with MGO 16.23(8)(f)4, "where a multi-family development in whole or part will be limited to occupancy by persons fifty-five (55) years of age or older by appropriate recorded restriction for a period of not less than thirty (30) years, ...", a restriction that remains in effect for 30 years limiting these units to persons 55 years of age or older must be recorded. If the use of this property changes during this time period, park impact fees will be re-assessed at the current multi-family unit rate. Please contact Kay Rutledge for appropriate deed language.

Please now follow the procedures listed below for obtaining your conditional use permit:

1. Please revise your plans per the above and submit **eight (8) copies** of a complete plan set to the Zoning Administrator for final staff review and comment.
2. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting the conditional use permit.
3. No alteration of this proposal shall be permitted unless approved by the Plan Commission, provided, however, the Zoning Administrator may issue permits for minor alterations. This approval shall become null and void one year after the date of the Plan Commission unless the use is commenced, construction is under way, or a valid building permit is issued and construction commenced within six months of the issuance of said building permit.

If you have any questions regarding obtaining your conditional use permit, please contact the Zoning Administrator at 266-4551. If I may be of any further assistance, please do not hesitate to contact my office at 266-5974.

Sincerely,

Heather Stouder, AICP
Planner

cc: Pat Anderson, Assistant Zoning Administrator
Janet Dailey, City Engineering
John Leach, Traffic Engineering
Bill Sullivan, Fire Department

I hereby acknowledge that I understand and will comply with the above conditions of approval for this conditional use permit.	

<i>Signature of Applicant</i>	

<i>Signature of Property Owner</i>	

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Division (H. Stouder)	<input 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 type="checkbox"/>	Urban Design Commission
<input checked="" type="checkbox"/>	Traffic Engineering	<input type="checkbox"/>	Other:
<input checked="" type="checkbox"/>	Engineering Mapping	<input type="checkbox"/>	Other: