



Department of Planning & Community & Economic Development

Planning Division

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September 9, 2016

Joe Krupp
Prime Urban Properties
2020 Eastwood Avenue
Madison, WI 53704

RE: Approval for a rezoning from TE to TSS, for the demolition an existing industrial building, and for a conditional use to construct a residential building with 31 residential units.

Dear Mr. Krupp:

At its September 6, 2016 meeting, the Common Council **approved** your request to rezone property at 418 Division Street from Traditional Employment (TE) to Traditional Shopping Street (TSS) to construct a residential building with 31 residential units.

At its August 29, 2016 meeting, the Plan Commission approved the related demolition and conditional use requests, contingent on Council approval of the rezoning mentioned above. In order to receive final approval of the rezoning, demolition, and conditional use requests, and for any necessary permits to be issued for your project, the following conditions shall be met:

Please contact Brenda Stanley, City Engineering, at 261-9127 if you have questions related to these twenty-three (23) items:

1. Applicant shall revise sanitary Sewer plan to connect to sewer on Division Street where the City's downstream sewers are in much better condition and have greater capacity.
2. Applicant shall provide information on the drainage plan for the access ramp to the underground parking. Likely this will include a pumping plan sealed by a professional engineer or master plumber showing that the system designed can accommodate the 100 year storm event.
3. The applicant shall provide a stormwater plan showing roof drains being connected to the public storm sewer.
4. 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))

5. All outstanding Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) 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))
6. 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)
7. Based on historical documents (WDNR records: BRRTS #02-13-443222, Sanborn maps, or businesses listed in City Directories), contains residual contaminated soil. If contaminated soil is encountered as part of this redevelopment, all WDNR and DSPS regulations must be followed for proper handling and disposal.
8. This site appears to require construction or permanent dewatering that may be impacted by on-site groundwater contamination. Confirm with James Brodzeller of the WDNR regarding whether a WPDES permit for contaminated water is required (608.275.3281). Send proof of WDNR's determination to Brynn Bemis (608.267.1986, bbemis@cityofmadison.com).
9. The Applicant shall submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division with any private storm and sanitary sewer utilities. The digital CAD file shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the 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) Lot lines or parcel lines if unplatted
 - g) Lot numbers or the words unplatted
 - h) Lot/Plat dimensions
 - i) Street names
 - j) Private on-site sanitary sewer utilities (including all connections to public sanitary)
 - k) Private on-site storm sewer utilities (including all connections to public storm)All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email CAD file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement, private on-site sanitary sewer utilities, or private on-site storm sewer utilities during construction will require a new CAD file.

10. Storm sewer to serve this development has been designed and constructed. The site plans shall be revised to identify the location of this storm sewer and to show connection of an internal drainage system to the existing public storm sewer. (POLICY AND MGO OVER 10,000 SF OF IMPERVIOUS AREA 10.29 and 37.05(7)(b))

11. For Commercial sites < 1 acre in disturbance the City of Madison is an approved agent of the Department of Commerce and WDNR. As this project is on a site with disturbance area less than one (1) acres, 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. (NOTIFICATION)
12. 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.
13. 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>.
14. The project appears to require construction dewatering. A dewatering plan shall be submitted to City Engineering as part of the Erosion Control Plan.
15. This project appears to require permanent dewatering. A permit to connect to the public stormwater system shall be required from City Engineering. Additionally, a permit for non-storm discharge to the storm sewer system from the City/County Health Department shall be required.
16. The construction of this project will require the applicant shall enter into a City / Developer agreement for the required infrastructure improvements. The applicant shall contact City Engineering 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. Obtaining a developer's agreement generally takes approximately 4-6 weeks, minimum. (MGO 16.23(9)c)
17. The approval of this zoning approval 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. (MGO 16.23(9)(d)(6))
18. 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)
19. 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)
20. 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)

21. 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)
22. All damage to the pavement on Division & Helena, 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)
23. The Applicant shall Construct Sidewalk to a plan approved by the City.

Please contact Jeff Quamme, Engineering Mapping, at 266-4097 if you have questions regarding the following seven (7) items:

24. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD) prior to issuance of any building permits for new construction. When the recorded CSM image is available from the ROD, the Assessor's Office can then create the new Address-Parcel-Owner (APO) data in GEO so that the Accela system can upload this data and permit issuance made available for this new land record
25. Applicant has indicated that they may propose to place landscaping features and improvements within the adjacent bike path right of way. These improvements would require an encroachment agreement with the City of Madison and an annual fee. This would require an application with the Office of Real Estate Services to draft and administer the agreement along with the required application fee. Applicant shall also be aware that any such proposal will be subject to the rights and the need to coordinate with any utility already within the bike path right of way.
26. The existing 12' easement for driveway purposes over the southwest 12 feet of this site shall be released prior to final site plan sign off.
27. Applicant shall obtain a permit to work in the adjacent bike path right of way for the grading required within the right of way in conjunction with this project. Applicant shall also be responsible to obtain approvals from any utilities to change the grade over any utilities lying within the area to be regarded.
28. Assessor's records indicate ownership is David Pederson & Erik Wick. Record deed transferring property to Krupp Grove Family LTD Partnership.
29. The addresses of 418 Division St and 2096 Helena St are being retired with the demolition of the building. The address of the proposed apartment building is 2098 Helena St.

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.

30. Submit a PDF of all floor plans to lzenchenko@cityofmadison.com so that a preliminary interior addressing plan can be developed prior to plans being submitted for permit review. 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.

Please contact Eric Halvorson, Traffic Engineering, at 266-6527 if you have any questions regarding the following seven (7) items:

31. The applicant shall install landscaping and/or a physical barrier (possible solution fencing) to prevent negative impacts to the public path adjacent this site. This may be installed onsite or on public property through a Privilege in Streets permit.
32. 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.
33. 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.
34. 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.
35. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
36. The public Right-of-Way shall not be encumbered by a private entities MGO code requirements and/or business requirements unless the current/proposed geometry works without diminishing the existing public amenities.

Any request for variance shall be submitted to and reviewed by City Traffic Engineering.

37. The applicant shall adhere to all vision triangle requirements as set in MGO 27.05 (No visual obstructions between the heights of 30 inches and 10 feet – 25 feet behind the property line at streets and 10 feet at driveways.). If applicant believes public safety can be maintained they shall apply for a waiver of MGO 27.05(2) (bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the waiver shall be the determination of the City Traffic Engineer.

Please contact Jenny Kirchgatter, Assistant Zoning Administrator, at 266-4429 if you have any questions regarding the following eleven (11) items:

38. Section 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, Bryan Johnson (608-266-4682).

39. Section 28.185(10) Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(7)(a)5. shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
40. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
41. A vehicle parking reduction will be required per Section 28.141(5). Per Table 28I-3 Off-Street Parking Requirements, a minimum of one (1) parking space per dwelling unit is required (31 parking spaces). Submit a request for a parking reduction with the final plan submittal including information to support the argument for reducing the required number of spaces.
42. Parking requirements for persons with disabilities must comply with Section 28.141(4)(e). Final plans shall show the required van accessible stall located on the shortest accessible route of travel from adjacent parking to an accessible building entrance. A van accessible stall is a minimum of 8 feet wide with an 8 foot wide striped access aisle. Show the required signage at the head of the stall.
43. Submit the required landscape worksheet as well as the landscape plan stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
44. Submit a rooftop plan showing the location of any proposed rooftop mechanical equipment and screening. All rooftop equipment shall be screened from view from adjacent streets and public rights-of-way per Sections 28.060(2)(f) and 28.142(9)(d). Screens shall be of durable, permanent materials that are compatible with the primary building materials.
45. Show the height of the proposed building on the elevations. The maximum height is 3 stories and not more than 40 feet. Height is the average of the height of all building facades. For each facade, height is measured from the midpoint of the existing grade to the highest point on the roof of the building or structure. No individual facade shall be more than fifteen percent (15%) higher than the maximum height of the zoning district.
46. Submit a detailed key of building materials and colors with the final plan submittal.
47. If exterior lighting is provided, it must comply with City of Madison General Ordinances Section 10.085 outdoor lighting standards.
48. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.

Please contact Bill Sullivan, Fire Department, at 261-9658 if you have any questions regarding the following item:

49. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Captain Jerry Buechner (608)516-9195.

Please contact Janet Schmidt, Parks Division, at 261-9688 if you have questions regarding the following five (5) items:

50. 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. The developer must select a method for payment of park fees before sign off on the rezoning. This development is within the Law Tenney impact fee district (SI 26). Please reference ID# 16133 when contacting Parks about this project.
51. The Parks Division will be required to sign off on the pending CSM prior to the issuance of building permits for the development.
52. Additional street trees are needed for this project. All street tree planting locations and trees species within the right of way shall be determined by City Forestry. Please submit a site plan (in PDF format) to Brian Meiller – bmeiller@cityofmadison.com or 266-4816. 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>.
53. Existing street trees shall be protected. Please include the following note on the site plan: Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266-4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry. Tree protection specifications can be found in section 107.13 of City of Madison Standard Specifications for Public Works Construction - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part1.pdf>. Any tree removals that are required for construction after the development plan is approved will require at least a 72 hour wait period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan.
54. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Please submit an existing inventory of trees (location, species, & DBH) and a tree removal plan (in PDF format) to Brian Meiller – bmeiller@cityofmadison.com or 266-4816. Approval and permitting of street tree removals shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan.

Please contact Adam Wiederhoeft, Water Utility, at 266-9121 if you have any questions regarding the following item:

55. All operating private wells shall be identified and permitted by the Water Utility in accordance with MGO 13.21. All unused private wells shall be abandoned in accordance with MGO 13.21.

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

Please contact my office at 261-9135, if you have questions regarding the following six (6) items:

56. No HVAC “wall-pack” penetrations/louvers are shown on the street-facing facades. Any HVAC penetrations in the building shall be perpendicular to the main facade, and provided within the recessed balcony spaces. Unless specifically approved by the Plan Commission, the addition of wall packs on outward-facing walls is not included in this approval and will require approval of an alteration to this conditional use should they be proposed at a later time.
57. Final elevation drawings shall reduce the use of corrugated metal on the front planes of the brick sections of the elevations (i.e. under the first and second floor windows).
58. The applicant shall verify that all balconies and roof decks conform to MGO 28.140(1)(d).
59. Final landscaping drawings shall include at least some landscaping buffer in between the public sidewalk and both the northeast patio as well as the projecting stoop landing along Division Street.
60. A revised stormwater and erosion control plan that reflects the changes in the August 24, 2016 revised plans be approved by the City Engineer prior to the issuance of permits for the project.

Note: Condition 61 was added by the Plan Commission on August 29, 2016.

61. That the doors to the first floor bike parking be power-assisted.

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

Please now follow the procedures listed below for obtaining your demolition and conditional use permits:

1. Please revise your plans per the above conditions and **submit nine (9) copies** of a complete, fully dimensioned and scaled plan set to the Zoning Administrator for final review and comment. Also be sure to include any additional materials requested by these departments for their approval prior to sign off. The final site plan shall be accompanied by 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. This submittal shall all also include one complete digital plan set in PDF format. 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.
2. All operating private wells shall be identified and permitted by the Water Utility in accordance with MGO 13.21. All unused private wells shall be abandoned in accordance with MGO 13.21.
3. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting conditional use and/or building permit approval.

4. The approval is valid for one (1) year from the date of the Plan Commission approval. During this time, the applicant must either lawfully commence the use or obtain a building permit and begin erecting the building. If the applicant obtains a valid building permit, construction must commence within six (6) months of the date of issuance. The building permit shall not be renewed unless construction has commenced as is being diligently prosecuted.

5. Any alteration in plans for a proposed alternative use shall require Plan Commission approval, except for minor alterations. The Zoning Administrator may issue permits for minor alterations or additions which are approved by the Director of Planning and Community and Economic Development and are compatible with the concept approved by the City Plan Commission and the conditional use approval standards.

If you have any questions regarding obtaining your conditional use, demolition or building permits, please contact the Zoning Administrator at 266-4551. If you have any questions or if I may be of any further assistance, please do not hesitate to contact my office at 261-9135.

Sincerely,

Chris Wells
 Planner

cc: Brenda Stanley, City Engineering
 Jeff Quamme, Engineering Mapping
 Eric Halvorson, Traffic Engineering
 Jenny Kirchgatter, Asst. Zoning Administrator
 Bill Sullivan, Fire Department
 Tim Sobota, Metro Transit
 Adam Wiederhoeft, Water Utility

I hereby acknowledge that I understand and will comply with the above conditions of approval for these demolition and conditional use permits.

Signature of Applicant

Signature of Property Owner (if not the applicant)

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (Wells)	<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 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 type="checkbox"/>	Other: