



Department of Planning & Development
Planning Unit

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October 5, 2006

THOMAS MILLER
THE ALEXANDER COMPANY INC.
145 EAST BADGER ROAD, SUITE 200
MADISON, WI 53713

SUBJECT: 33 South Broom Street, 15 South Broom Street, 309-333 West Washington Avenue

Dear Mr. Miller:

The Common Council, at its September 19, 2006 meeting, conditionally approved your application for rezoning from PUD (SIP) to amended PUD (SIP) for property located at 33 South Broom Street, 15 South Broom Street, 309-333 West Washington Avenue.

THE PLAN COMMISSION, AT THEIR SEPTEMBER 18, 2006 MEETING ADDED THE FOLLOWING SPECIFIC CONDITIONS OF APPROVAL:

1. The applicant shall work with the City Forester on a tree protection plan to be filled with and approved by the City Forester for the street trees located in the terraces of W. Main Street and W. Washington Avenue prior to final approval of the amended specific implementation plan. Said plan to be implemented by the applicant during construction.
2. The applicant shall provide a detailed diagram showing location and quantity of bicycle parking for residents within parking and/or storage spaces. The total quantity of bicycle parking spaces for residents shall be equal to the number of bedrooms in the dwelling units to be constructed and shall be provided for each unit without tenant option. The spaces required by the Zoning Ordinance shall be provided in accordance with the bike parking space standards in the ordinance. The applicant shall work with zoning staff on the location and design of all other bicycle parking provided beyond the ordinance-required amount.
3. That the landscaping plan shall be modified to include provision of additional street trees in the street terrace. Planting in the right of way shall be subject to the prior approval of the City Forester.

PLEASE CONTACT JOHN LEACH, CITY TRAFFIC ENGINEERING, AT 266-4761 IF YOU HAVE QUESTIONS REGARDING THE FOLLOWING TEN ITEMS:

4. The City Traffic Engineer is of the understanding that City Zoning requires two (2) 10 ft by 35 ft for the residential units and one (1) 10 ft by 35 ft for the commercial component of the facility accordance to M.G.O. Staff thinks this is adequate as long as these truck service zones are separate and do not interfere

with other site elements, parking stalls and backups. If additional space beyond these three 10x35 zones such as a semi truck loading area would be added to the plans, it should be separated from the walkway, main access, parking area, and have final review and approval by Traffic Engineering.

5. The existing zoning of the property includes a 13-foot setback along Broom Street, reserved for future transportation purposes shall be shown on site plans for Broom Street.
6. The City-County radio systems (911, etc.) managed by the City use microwave directional paths to remote towers countywide. If a building's location and height impact these paths, the development may be required to make accommodations for the radio systems. Exact elevation plans will need to be reviewed by the Traffic Engineer to determine any impacts and accommodations. The applicant will need to submit grade and elevations plans prior to sign-off to be reviewed and approved by Keith Lippert (266-4767), Traffic Engineering Shop, 1120 Sayle Street. The additional floor brings the 309 West Washington Avenue building to 1027.5 ft above sea level. The building now is 3.4 ft taller than 333 West Washington Avenue. The building's additional floor, has been determined, the City Communications office will need to relocate the Dane County's microwave dish higher at a cost of about \$15,000. Based on our consultations with Attorney's office, any costs would be developer related costs. The Developer shall post a deposit of \$15,000 and reimburse the City for all costs associated with any modifications required to relocate Dane County's microwave dish.
7. A condition of approval shall be that no residential parking permits will be issued for 309 West Washington Avenue, this would be consistent with projects. In addition, the applicant shall inform all owners and /or tenants of this facility of the requirement in their condominium documentation, apartment leases and zoning text; however, the designated inclusionary dwelling units at 309 West Washington Avenue, shall be eligible for residential parking permits according to the inclusionary zoning. The applicant shall provide addresses and apartment numbers for designated inclusionary dwelling units, eligible for residential parking permits to City Traffic Engineer/Parking Manager. The applicant shall note in the Zoning Text inclusionary zoning dwelling units.
8. If parking to the general public is approved, provision shall be made to ensure that parking rates in the commercial project are coordinated with those in City facilities. The applicant shall submit a copy of rates for review and approval of the City Traffic Engineer and Parking Manager. The applicant shall add the above condition to the Zoning Text for Phase 1,2, & 3.
9. The developer shall work with the City to resolve construction-related issues. The construction-related issues are not yet resolved, so staff cannot commit to anything until it can perform a detailed review, but staff will work with the developer to do so.
10. 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 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'.
11. The Applicant shall submit ramp plan sheets complying with M.G.O. The plan sheets shall total number of provided and required parking space.

12. The Developer shall post a deposit and reimburse the City for all costs associated with any modifications to Street Lighting, Signing and Pavement Marking including labor and materials for both temporary and permanent installations.
13. 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 JANET DAILEY, CITY ENGINEERING, AT 261-9688 IF YOU HAVE QUESTIONS REGARDING THE FOLLOWING SIXTEEN ITEMS:

14. Any damage to pavement on East Washington Avenue, Henry Street or Main Street will require restoration in accordance within City Engineering's Patching Criteria.
15. Proposed sanitary manhole on Broom Street shall be done with a developer's agreement.
16. 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.
17. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
18. The approval of this Conditional Use 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.
19. 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.
20. 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.
21. All work in the public right-of-way shall be performed by a City licensed contractor.
22. 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.

23. The City of Madison is an approved agent of the Department of Commerce. This proposal contains a commercial building and as such, 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.
24. The Applicant shall submit, prior to plan sign-off, digital CAD files to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital copies shall be to scale and represent final construction.

CAD submittals can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) formats and contain 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
- g) Lot numbers
- h) Lot/Plat dimensions
- i) Street names

NOTE: Email file transmissions preferred lzenchenko@cityofmadison.com . Include the site address in this transmittal.

25. 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.
26. The Applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work.
27. The Applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.
28. 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.

29. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to connection to the public sewerage system.

PLEASE CONTACT KATHY VOECK OR MATT TUCKER, CITY ZONING ADMINISTRATOR, AT 266-4551 IF YOU HAVE QUESTIONS REGARDING THE FOLLOWING SEVEN ITEMS:

30. Section 28.04 (24) provides that Inclusionary Zoning requirements shall be complied with as part of the approval process. Submit to Zoning, a copy of the approved plan for recording prior to zoning sign-off of the plat.
31. Show the maximum height on the elevation of the building elevation per City Datum. The buildings shall not exceed 187.2 City Datum. Include the height of the stair towers, roof deck, fence and mechanical enclosure within the capital view height limitation.
32. Meet applicable building codes and setbacks per State requirements. Meet applicable accessible building and accessible parking requirements per State requirements.
33. Provide 88 bike stalls for the 126 units and 4 stalls for the commercial portion of the building at 309 W Washington Ave. Provide one stall for each unit in a residential building up to 50 stalls and half a stall for the number of stalls over 50 for the remaining residential buildings or portion of buildings. Provide one bike parking stall for each 10 car stalls that would be required for any commercial or office spaces. (Note: car parking requirements would be one stall per each 300 square feet of gross floor area. Even though car parking is not required, bike parking is required per the amount that would be required if it were.) The bike parking stalls shall be in a safe and convenient location on an impervious surface to be shown on the final plans. 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 locking devices.
34. Provide a detailed landscape plan. Show species and sizes or landscape elements. Provide a landscape worksheet with the final plans that shows that the landscaping provided meets the point and required tree ordinances.
35. Lighting is required. Provide a plan showing at least .5 foot candle on any surface on any lot and an average of .75 footcandles. The max. light trespass shall be 0.5 fc at 10 ft from the adjacent lot line. (See City of Madison lighting ordinance).
36. Put the addresses of the buildings on the building footprint of each building on the site plans.

PLEASE CONTACT BILL ROBERTS AND OR BRAD MURPHY OF THE PLANNING UNIT STAFF AT 266-4635 IF YOU HAVE QUESTIONS REGARDING THE FOLLOWING ITEM:

37. All remaining applicable conditions of approval contained in three Common Council action approval letters dated December 15, 2004, January 20, 2005 and January 18, 2006 shall be adequately addressed prior to City staff sign-off and the recording of this PUD-SIP.

PLEASE CONTACT AL MARTIN, STAFF TO THE URBAN DESIGN COMMISSION, AT 266-4635 IF YOU HAVE QUESTIONS REGARDING THE FOLLOWING ITEM:

38. If not already obtained, final approval of this proposal will be required by the Urban Design Commission or Staff.

PLEASE CONTACT SI WIDSTRAND, CITY PARKS DIVISION, AT 266-4711 IF YOU HAVE QUESTIONS REGARDING THE FOLLOWING SIX ITEMS:

39. Based on the previous approval, \$50,267.20 in park fees are currently due for the first 32 units.
40. Park fees totaling \$245,644.56 for the Major Alteration will be due prior to issuance of a building permit for the 141 additional units. The developer may elect to pay half the fees and provide a letter of credit for the other half.
41. Based on the previous approval, \$50,267.20 in park fees are currently due for the first 32 units of construction (Broom Street 23 units + Main Street 9 units). Fee in lieu of dedication = 32 @ \$1106 = \$35,392. Park Development Fee = 32 @ \$464.85 = \$14,875.20
42. Fees totaling \$245,644.56 for the Major Alteration at 309 West Washington will be due prior to issuance of a building permit for the 141 additional units in the amended SIP: Fee in lieu of dedication = 141 @ \$1218 = \$171,738. Park Development Fee = 141 @ \$524.16 = \$73,906.56
43. This development contains no private open space or recreational improvements that qualify for IZ credits.
44. Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right-of-way. Permission for such activities must be obtained from the City Forester, 266-4816.

PLEASE CONTACT JOHN LIPPITT, MADISON FIRE DEPARTMENT, AT 266-4484 IF YOU HAVE QUESTIONS REGARDING THE FOLLOWING ITEM:

45. Submitted site plan shall comply with MGO 34 and COMM 62.0509 as well as the informal variance request approved 6/28/06 by the Madison Fire Department.

PLEASE CONTACT HICKORY HURIE OR BARB CONSTANS OF THE CDBG STAFF AT 267-0740 IF YOU HAVE QUESTIONS REGARDING THE INCLUSIONARY DWELLING UNIT PLAN AND THE FOLLOWING CONDITION:

46. Based on current application and the same level of TIF assistance, the developer shall provide a total of 18 inclusionary dwelling units on the site (2 in the Broom St Lofts and 16 in the 309 Tower) and pay \$209,300 as a payment in lieu of the 7 'waived' on-site units. This requirement is conditional upon the same level of TIF as the prior recommendation. The waiver payment was calculated on a formula defined in the ordinance (10% of the average projected value of all units in the development).

PLEASE CONTACT TIM SOBOTA, MADISON METRO TRANSIT AT 266-4904 IF YOU HAVE QUESTIONS REGARDING THE FOLLOWING ITEM:

47. The final plans shall address the previous conditions and points regarding bus stop requirements. Madison Metro Transit Staff will need to "sign off" on the final plans.

Approval of the SIP 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. The trees shown in the street rights-of-way shall not be shown on the sign-off plan or construction plans unless they have previously been approved by the City Forester. If these are existing street trees or species and locations that have been approved by the Forester, they shall be so labeled on plans.

After the plans have been changed as per the above conditions, please file twelve (12) sets of the complete site plans, building elevation and floor plans with the Zoning Administrator, Room LL100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard.

The sets of final revised plans or documents will be circulated by the Zoning staff to the City department staff listed above for their signature of final approval.

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

If this plan is not recorded within one year of the date of approval by the Common Council, the approval shall be null and void.

No 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 (30) months of Common Council approval of the General Development Plan or within eighteen (18) months of the recording of the Specific Implementation Plan, whichever is less, the basis right of use for the areas, when in conformity with the approved Specific Implementation Plan, shall lapse and be null and void unless the project, as approved, is commenced by the issuance of a building permit. If a new building permit is required pursuant to Section 28.06(4), Madison General Ordinances, a new petition and approval process shall be required to obtain Specific Implementation Plan approval.

IF YOU HAVE ANY QUESTIONS REGARDING RECORDING THIS PLAN OR OBTAINING PERMITS, PLEASE CALL KATHY VOECK, RON TOWLE, OR MATT TUCKER, ZONING ADMINISTRATOR, AT 266-4551.

Sincerely,

Mark A. Olinger, Director
Department of Planning & Development

c: Zoning Administrator
City Engineering
Traffic Engineering

Traffic Engineering
City Engineering
Fire Department
Zoning Administration
Urban Design (AM)
Planning
CDBG (HH)
Parks
Metro Transit
Water Utility