



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

Madison Municipal Building, Suite 017
215 Martin Luther King Jr. Boulevard
Madison, Wisconsin 53703
Phone: (608) 266-4635
www.cityofmadison.com

****BY E-MAIL ONLY****

October 21, 2020

Doug Hursh
Potter Lawson, Inc.
749 University Row, Suite 300
Madison, Wisconsin 53705

RE: Consideration of a conditional use in the Traditional Employment (TE) District for a building exceeding 68 feet in height; consideration of a conditional use in the TE District for dwellings in a mixed-use buildings; consideration of a conditional use for a parking reduction of more than 20 automobile spaces and 25 percent or more of the required parking, and; consideration of a major alteration to a conditional use-planned multi-use site containing a hotel, all to allow the construction of a ten-story mixed-use building containing 5,500 square feet of commercial space and 75 apartments in a planned multi-use site containing a 144-room hotel, an approved eleven-story, approximately 208,000 square-foot office building, an approved five-story, 92,000 square-foot office building, and a shared 718-stall parking structure (Archipelago Village, LLC). (LNDUSE-2020-00090; ID 62082)

Dear Mr. Hursh;

On October 19, 2020, the Plan Commission found the standards met and **approved** your conditional use requests for 920 E Main Street. Prior to issuance of building permits for the project, the conditions of approval in the following sections shall be satisfied:

Please contact Brenda Stanley of the City Engineering Division at 261-9127 if you have questions regarding the following twenty (20) items:

1. The property is an open contaminant site with the WDNR (BRRTS #03-13-001608), and a closed site with continuing obligations (BRRTS# 03-13-101143, 03-13-002513). Submit proof of coordination with the WDNR to remediate the site and address residual contaminant concerns associated with the proposed site plan (e.g. vapor mitigation, dewatering) to Brynn Bemis (608.267.1986, bbemis@cityofmadison.com).
2. Utility plans show a proposed sanitary sewer lateral connecting to the parking ramp but does not show how the proposed apartment building is to be provided sanitary sewer service. Applicant shall revise to utility plan to indicate how the proposed apartment building is to be provided sanitary sewer service.
3. There appear to be two private sanitary sewer mains extending off E Main Street with utility plan. If private sewer facilities are to be used by multiple buildings on separate lots (block is divided with a

CSM), applicant shall submit a recorded ownership/maintenance agreement for the sewer main connected to. Private sewer easements will also be required if the block is divided with a CSM.

4. The applicant shall enter into a City/ Developer agreement for the improvements required for this development. 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. Note: Obtaining a developer's agreement generally takes approximately 4-6 weeks, minimum.
5. Construct sidewalk, curb and gutter, terrace, and pavement according to a plan approved by the City Engineer.
6. Obtain a permanent sewer plug permit for each existing sanitary sewer lateral serving a property that is not to be reused and a temporary sewer plug permit for each sewer lateral that is to be reused by the development.
7. An Erosion Control Permit is required for this project.
8. This site appears to disturb over one (1) acre of land and requires a permit from the Wisconsin Department of Natural Resources (WDNR) for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR-216 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. The applicant is notified that the City of Madison is an approved agent of the Wisconsin Department of Safety and Professional Services (DSPS) and no separate submittal to this agency or Capital Area Regional Planning Commission (CARPC) is required for this project to proceed.
9. Revise the site plan 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.
10. The area adjacent to this development is subject to backwater flooding from Lake Monona. Minimum entrance elevations for ramps to underground parking and to entrances shall be set at elevation 852.00. Structure exposed below this elevation shall be constructed of water resistant materials such as concrete or brick.
11. The proposed development proposes to construct underground parking. The proposed entrance to the underground parking is adjacent to a street low point. The applicant shall provide at a minimum of one (1) foot of rise from the adjacent back of walk in the driveway before breaking grade to the down ramp to the underground parking to protect the underground parking from inundation.
12. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE and therefore will be regulated to meet a higher standard.
13. This project will disturb 4,000 square feet or more of land area and require an Erosion Control Permit. Submit the Erosion Control Permit Application (with USLE calculations and associated fee) to Megan

Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.

14. This project will disturb 20,000 square feet or more of land area and require an Erosion Control Plan. Please submit an 11- by 17-inch copy of an erosion control plan (PDF electronic copy preferred) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.
15. The applicant shall demonstrate compliance with Sections 37.07 and 37.08 of 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 5.0 tons per acre per year.
16. This project will require a concrete management plan and a construction dewatering plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. If contaminated soil or groundwater conditions exist on or adjacent to this project additional WDNR, Madison-Dane County Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit.
17. This project appears to require fire system testing that can result in significant amounts of water to be discharged to the project grade. The Contractor shall coordinate this testing with the erosion control measures and notify the City Engineering Division at 266-4751 prior to completing the test to document that appropriate measures have been taken to prevent erosion as a result of this testing.
18. Complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by MGO Chapter 37.
19. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
20. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West).

Please contact Jeff Quamme of the City Engineering–Mapping Section at 266-4097 if you have any questions regarding the following four (4) items:

21. An Amendment to Archipelago Village Condominium Declaration and plat shall be recorded and the tax parcel information created by the City Assessor's Office prior to final sign-off. The amendment shall address the change in unit boundaries and all easements (common elements) necessary between the units for utilities, storm sewer and stormwater surface drainage, access between and through units, and any other common or reciprocal uses between the units. Also, address shared parking, pedestrian skywalk and fire lanes.

22. Clearly show and denote the unit boundaries of the condominium units to be re-defined with the required condominium amendment.
23. The Telephone Building is showing as an odd address number (945), correct the address on all sheets to 946. 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.
24. Submit a Floor Plan in PDF format to Lori Zenchenko (lzenchenko@cityofmadison.com) that includes a floorplan for each floor on a separate sheet for the development of a complete interior addressing plan. The Addressing Plan for the entire project shall be finalized and approved by Engineering (with consultation and consent from the Fire Marshal if needed) prior to the application submittal for the final Site Plan Approval with Zoning. The approved Addressing Plan shall be included in the final application. For any changes pertaining to the location, deletion or addition of a unit, or to the location of a unit entrance, (before, during, or after construction), a revised Address Plan shall be resubmitted to Lori Zenchenko to review addresses that may need to be changed and/or reapproved. The final revised Addressing Plan shall be submitted by the applicant to Zoning to be attached to the final filed approved site plans.

Please contact Sean Malloy of the Traffic Engineering Division at 266-5987 if you have any questions regarding the following thirteen (13) items:

25. Note: The applicant has submitted the requested Traffic Impact Analysis study; the study has been reviewed and accepted by the Traffic Engineering Division.
26. The applicant shall be financially responsible for the installation of pedestrian-level lighting on the E Main Street frontage of their property.
27. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawing 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.
28. 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.
29. 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.
30. All parking facility design shall conform to the standards in MGO Section 10.08(6).

31. All bicycle parking adjacent pedestrian walkways shall have a two-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
32. Per Section MGO Section 12.138(14), this project is not eligible for residential parking permits. It is recommended that this prohibition be noted in the leases for the residential units.
33. 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.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO 27.05(2)(bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.
34. The applicant shall provide a clearly defined five-foot walkway clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.
35. City of Madison radio systems are microwave directional line of sight to remote towers citywide. The building elevation will need to be reviewed by Traffic Engineering to accommodate the microwave sight and building. The applicant shall submit grade and elevations plans if the building exceeds four stories prior to sign-off to be reviewed and approved by Austin Scheib, (266-4766) Traffic Engineering Shop, 1120 Sayle Street. The applicant shall return one signed approved building elevation copy to the main City of Madison Traffic Engineering office with final plans for sign off.
36. "Stop" signs shall be installed at a height of seven (7) feet at all class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
37. The applicant shall provide a recorded copy of any joint driveway ingress/egress and cross-access easements and shall be noted on face of plan.

Please contact Jenny Kirchgatter, Assistant Zoning Administrator, at 266-4429 if you have any questions regarding the following ten (10) items:

38. Provide a phasing plan for the entire Archipelago Village development on the 900-Block of E Washington Avenue and E Main Street.
39. Depending on future use, the commercial tenant spaces may require subsequent conditional use approval(s).
40. Provide a calculation and plan detail for lot coverage for the entire planned multi-use site with the final submittal. The lot coverage maximum is 85%. Lot coverage is defined as the total area of all buildings, measured at grade, all accessory structures including pools, patios, etc., and all paved areas

as a percentage of the total area of the lot, with the following exceptions: sidewalks or paved paths no wider than five feet, pervious pavement, green roofs and decks.

41. Clearly show the useable open space areas on the final plans. In addition to showing structured useable open space at roof decks, porches, and balconies, identify each qualifying at-grade usable open space area. Roof decks, porches, and balconies may be used to meet up to 75% of the minimum open space requirement, provided that minimum dimensional requirements are satisfied.
42. Per Section 28.134(3) Capitol View Preservation, show the height of the building per City Datum. No portion of any building or structure located within one (1) mile of the center of the State Capitol Building shall exceed the elevation of the base of the columns of said Capitol Building or 187.2 feet, City datum. Provided, however, this prohibition shall not apply to any church spires, flagpoles, communication towers, elevator penthouses, screened air conditioning equipment and chimneys exceeding such elevation, when approved as conditional uses. For the purpose of this subsection, City datum zero (0.00) feet shall be established as 845.6 feet above sea level as established by the United States Coast and Geodetic Survey.
43. Bicycle parking for the commercial tenant spaces shall comply with the requirements of MGO Sections 28.141(4)(g) and 28.141(11). The bicycle parking requirements for the commercial tenant spaces will be reviewed prior to obtaining zoning approval for each use. Provide a minimum of three short-term bicycle parking stalls located in a convenient and visible area on a paved or pervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance. Note: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5)-foot wide access area. The access aisle must not be obstructed by vehicles, columns or other structures. Provide a detail of the proposed bike racks.
44. Bicycle parking for the multi-family dwelling units shall comply with City of Madison General Ordinances Sections 28.141(4)(g) Table 28I-3 and 28.141(11) and shall be designated as short-term or long-term bicycle parking. A minimum of 75 resident bicycle stalls are required plus a minimum of seven short-term guest stalls. Up to 25% of bicycle parking may be structured parking, vertical parking or wall mount parking, provided there is a five (5)-foot access aisle for wall mount parking. Show the dimensions of the bicycle stalls and the access aisles within the bicycle parking storage room on the mezzanine floor plan. Note: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5)-foot wide access area. Submit a detail showing the model of bike rack to be installed.
45. Provide detailed floorplans for each floor of the building.
46. 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.
47. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31 Sign Codes and MGO Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Please contact Jeff Belshaw of the Madison Water Utility at 261-9835 if you have any questions regarding the following four (4) items:

48. This property is in a Wellhead Protection District–Zone (WP-24). The owner/applicant shall provide the Madison Water Utility with confirmation that no hazardous and/or toxic materials will be stored on site, and that all proposed uses of this site comply with the City of Madison Wellhead Protection Ordinance. Any future change in use for this property will require review by the Madison Water Utility General Manager or his designated representative. Contact Adam Wiederhoeft at awiederhoeft@madisonwater.org for additional information, including a summary of the submittal requirements.
49. All operating private wells shall be identified and permitted by the Madison Water Utility and all unused private wells shall be abandoned in accordance with MGO Section 13.21.
50. Update the utility plan to show the size of the water service and type of connection to the existing public water main. The utility plan indicates the water service material will be PVC. Note that PVC is not permitted in the right of way.
51. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days' notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumbers-contractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Avenue. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. A Water Meter Application Form will subsequently be required to size and obtain a water meter establish a Water Utility customer account and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact Madison Water Utility at 266-4646. The Madison Water Utility will be required to sign off as part of the approval review associated with this Land Use Application/Site Plan Review prior to the issuance of building permits for the proposed development.

Please contact Ann Freiwald of the Parks Division at 243-2848 if you have any questions regarding the following item:

52. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the East Park-Infrastructure Impact Fee district. Please reference ID# 20039 when contacting Parks Division staff about this project.

Please contact Brad Hoffman of the Streets Division–Forestry Section at 267-4980 if you have any questions regarding the following eight (8) items:

53. The contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. The contractor shall operate equipment in a manner as to not damage the branches

of the street tree(s). This may require using smaller equipment and loading and unloading materials in a designated space away from trees on the construction site. Any damage or injury to existing street trees (either above or belowground) shall be reported immediately to City Forestry at 266-4816. Penalties and remediation shall be required. Add as a note on the plan set.

54. As defined by the Section 107.13 of the *City of Madison Standard Specifications for Public Works Construction*: No excavation is permitted within 5 feet of the trunk of the street tree or when cutting roots over 3 inches in diameter. If excavation is necessary, the contractor shall contact City Forestry (266-4816) prior to excavation. City of Madison Forestry personnel shall assess the impact to the tree and to its root system prior to work commencing. Tree protection specifications can be found on the following website: <https://www.cityofmadison.com/business/pw/specs.cfm> Add as a note on the plan set.
55. Additional street trees are needed for this project. Tree planting specifications can be found in Section 209 of the *City of Madison Standard Specifications for Public Works Construction*. All street tree planting locations and tree species within the right of way shall be determined by City Forestry. A landscape plan (in PDF format) shall be submitted City Forestry for approval of planting locations and tree species. All available street tree planting locations shall be planted within the project boundaries. Add following note to plan: "At least one week prior to street tree planting, the contractor shall contact City Forestry at (608) 266-4816 to schedule inspection and approval of nursery tree stock and review planting specifications with the landscaper."
56. On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on the plan set.
57. Street tree pruning shall be coordinated with Madison Forestry at a minimum of two weeks prior to the start of construction for this project. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on the plan set.
58. Section 107.13(g) of the *City of Madison Standard Specifications for Public Works Construction* addresses soil compaction near street trees and shall be followed by Contractor. The storage of parked vehicles, construction equipment, building materials, refuse, excavated spoils or dumping of poisonous materials on or around trees and roots within five (5) feet of the tree or within the protection zone is prohibited. Add as a note on the plan set.
59. All proposed street tree removals within the right of way shall be reviewed by City Forestry before the Plan Commission meeting. Street tree removals require approval and a tree removal permit issued by City Forestry. Any street tree removals requested after the development plan is approved by the Plan Commission or the Board of Public Works and City Forestry will require a minimum of a 72-hour review period which shall include the notification of the Alderperson within whose district is affected by the street tree removal(s) prior to a tree removal permit being issued. Add as a note on the plan set.

60. An existing inventory of street trees located within the right of way shall be included on the landscape, site, demo, and utility plans. The inventory shall include the following: location, size (diameter at 4 1/2 feet), and species of existing street trees. The inventory should also note if a street tree is proposed to be removed and the reason for removal.

Please contact Janine Glaeser of the Urban Design Commission at 267-8740 if you have any questions regarding the following item:

61. The landscaping plan shall include a replacement species for the *Acer ginnala* 'Flame'.

Please contact my office at 261-9632 if you have questions about the following item:

62. The applicant shall receive final approval of the Transportation Demand Management Plan (TDMP) by the City Traffic Engineer and Director of the Planning Division prior to approval of final plans and issuance of building permits. The final TDMP shall include an updated inventory of uses and building data for the Archipelago Village development, including the proposed residential units.

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 permits for your project:

1. The applicant shall resubmit a PDF copy of the plan set and any other supporting materials that are necessary, as specified in this letter to Zoning@cityofmadison.com. (Note: A 20MB email limit applies and multiple transmittals may be required.). A check for the site plan review fee shall be mailed to the City of Madison Building Inspection Division; PO Box 2984; Madison, WI 53701-2984.
2. City Agencies who submitted conditions of approval will review your revised plans to verify that their conditions, along with any applicable requirements, have been satisfied. When the revised plans are submitted, the applicant will be emailed a hyperlink to a website to follow, in real time, which agencies have reviewed the revised documents, and signed off or need additional information.
3. This letter shall be signed by the applicant and property owner (if not the applicant) to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting building permit approval. [Signature block on last page]
4. 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. No alteration of a conditional use shall be permitted unless approved by the Plan Commission provided, however, the Zoning Administrator following consideration by the alderperson of the district, may approve 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 Plan Commission and the conditional use standards. This approval shall become null and void one (1) 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 6 months of the issuance of said building permit. Where the plans have not been altered from the Plan Commission's approval, and the conditional use has

expired, the Director of Planning and Community and Economic Development may, after consultation with the Alderperson of the District, approve an extension for up to 24 months from the expiration date. The Plan Commission shall retain jurisdiction over this matter for the purpose of resolving complaints against the approved conditional use permit.

If you have any questions regarding obtaining your building permits, please contact the Zoning Administrator at 266-4551. If you have any questions or if you may be of any further assistance, please do not hesitate to contact my office at 261-9632.

Sincerely,

Timothy M Parks

Timothy M. Parks
 Planner

cc: Brenda Stanley, City Engineering Division
 Jeff Quamme, City Engineering Division
 Sean Malloy, Traffic Engineering Division
 Jenny Kirchgatter, Asst. Zoning Administrator
 Jeff Belshaw, Madison Water Utility
 Ann Freiwald, Parks Division
 Brad Hofmann, Forestry Section
 Janine Glaeser, Urban Design Commission
 Bill Sullivan, Madison Fire Department

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

Signature of Applicant

*Signature of Property Owner
 (If Not Applicant)*

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| LNDUSE-2020-00090 | | | |
| 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 type="checkbox"/> | Recycling Coord. (R&R) |
| <input checked="" type="checkbox"/> | Fire Department | <input checked="" type="checkbox"/> | Other: Forestry Section |
| <input checked="" type="checkbox"/> | Water Utility | <input type="checkbox"/> | Other: |