



Department of Planning & Community & Economic Development

## Planning Division

Heather Stouder, AICP, Director

Madison Municipal Building, Suite LL-100

215 Martin Luther King, Jr. Boulevard

P.O. Box 2985

Madison, Wisconsin 53701-2985

Phone: (608) 266-4635

Fax (608) 267-8739

[www.cityofmadison.com](http://www.cityofmadison.com)

July 28, 2016

Bryant Moroder  
Sustainable Resource Group, LLC  
29 Farwell Street  
Madison, Wisconsin 53704

RE: Approval of a rezoning of an 11-acre property addressed as 109-115 S. Fair Oaks Avenue from TE (Traditional Employment District) and PD(GDP-SIP) (Planned Development–General Development Plan–Specific Implementation Plan) as approved in 2015 to an Amended PD(GDP-SIP) for the rehabilitation and conversion of a landmark building into a multi-tenant light industrial building, the construction of 50 “micro-lodges”, and a new storage building. [LNDUSE-2016-00049]

Dear Mr. Moroder;

At its July 19, 2016 meeting, the Common Council **conditionally approved** your request to rezone 109-115 S. Fair Oaks Avenue from TE and PD to Amended PD(GDP-SIP) subject to the following conditions, which shall be satisfied prior to final approval and recording of the planned development and the issuance of demolition or building permits:

**Please contact Brenda Stanley of the City Engineering Division at 261-9127 if you have any questions regarding the following twenty-three (23) items:**

1. Utility plan (sanitary) needs to be revised for pipe sizes. Current plan shows an 8-inch diameter sewer main connected to a 6-inch diameter sewer main (downstream). If sewer for feed mill building needs to be 8-inch diameter, so will the downstream sewer facilities.
2. Informational Comment: Applicant shall be made aware that there is a gravity sewer (MMSD) along the south property line of the site south of the railroad tracks. Utilizing this sewer would potentially eliminate the need for a lift station. The issue with pursuing this alternative is the railroad corridor has extensive utilities and the sewer installation across the tracks would need to be a bore and jack installation which would be costly.
3. The applicant shall be required to obtain a Wisconsin Department of Natural Resources (WDNR) permit for the new discharge outlet to Starkweather Creek.
4. The applicant is required to obtain a WDNR Chapter 30 permit for grading in excess of 10,000 square feet on the banks of a navigable waterway; this can be obtained via the NOI process.
5. To comply with new WDNR regulations going into effect on June 1, a wetland delineation will be required for the site due to the presence of hydric soils.

6. A 30-foot bike and pedestrian path easement through the site from the existing railroad crossing at Sugar Avenue north to a planned bike and pedestrian bridge over the Starkweather Creek in the vicinity of Dawes Street shall be required. The easement shall not exist within the wetland delineation limits.
7. 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 are in effect.
8. 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)).
9. 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.
10. This project falls in the Rock River TMDL Zone and is subject to increased erosion control enforcement as authorized by Resolution 14-00043 passed by the Common Council on January 21, 2014. The project will be expected to meet a higher standard of erosion control than the minimum standards set by the Wisconsin Department Natural Resources (WDNR).
11. The applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the City Engineering Division (Storm/Sanitary Section). 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. The digital copies shall be drawn to scale and represent final construction including: building footprints; internal walkway areas; internal site parking areas; other miscellaneous impervious areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.); right-of-way lines (public and private); plat name and lot lines (metes & bounds parcel lines if unplatted); platted lot numbers (noted "unplatted lands" if not platted); lot/plat property dimensions; street names; private on-site sanitary sewer utilities (including all connections to public sanitary); private on-site storm sewer utilities (including all connections to public storm). The CAD file will only be required prior to final plan review so that multiple files do not need to be supplied or reviewed. E-mail CAD file transmissions are preferred to: [jbendict@cityofmadison.com](mailto:jbendict@cityofmadison.com) or [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com) . The party responsible for the CAD file e-mail transmission shall include the project site address in the email subject line. Any changes or additions to the location of the building, private utilities, sidewalks, parking/pavement during construction will require a new CAD file transmittal.
12. The applicant shall 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](mailto:bstanley@cityofmadison.com) (East) or [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com) (West). 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) 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) Stormwater Management Facilities; k) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).

13. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including SLAMM DAT files, RECARGA files, TR-55/HYDROCAD/Etc., and 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).
14. Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project. Include copies of all stormwater, utility, and detail plan sheets that contain stormwater practices on 8.5 x 14" size paper in the draft document. These drawings do not need to be to scale as they are for informational purposes only. Once City Engineering staff has reviewed the draft document and approved it with any required revisions, submit a signed and notarized original copy to City Engineering. Include a check for \$30.00 made out to Dane County Register of Deeds for the recording fee. City Engineering will forward the document and fee for recording at the time of issuance of the stormwater management permit. The draft SWMA document can be emailed to Tim Troester (west) at [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com), or Jeff Benedict (east) at [jbenedict@cityofmadison.com](mailto:jbenedict@cityofmadison.com). The final document and fee should be submitted to City Engineering.
15. The applicant shall demonstrate compliance with Section 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 site appears to disturb over 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 continue to review projects for compliance with NR-216 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 Notice of Intent Permit (NOI) or Water Resources Application for Project Permits (WRAPP) permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement.
17. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to reduce TSS by 80% off of the proposed development when compared with the existing site.
18. 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 Madison General Ordinances.
19. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.

20. Based on historical documents (WDNR records: BRRTS #03-13-000437, #03-13-252719, 03-136-000598), the property may contain 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.
21. This project appears to require construction dewatering and is in an area with potential groundwater contamination. The BRRTS site 03-13-00437 (Garver Feed & Supply) was closed with residual petroleum groundwater contamination. If dewatering is required, the applicant shall apply to the WDNR for a WPDES permit for contaminated groundwater to go to the storm sewer. If the applicant prefers to go to the sanitary sewer, contact Megan Eberhardt (266-6432, meberhardt@cityofmadison.com) to obtain the necessary permit.
22. All work in the public right of way shall be performed by a City-licensed contractor.
23. All damage to the pavement on S. Fair Oaks Avenue adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.

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

24. A common access, utilities, private sanitary sewer, private water main, parking and cross drainage and storm water management agreement between the future lots is required to be recorded to provide access and services as proposed for all of the future lots within this development. This agreement shall be recorded prior to building permit issuance for new construction.
25. Addressing plan created and approved 7/28/2015 is null and void. Private access drive off of S Fair Oaks Ave remains "Garver Green". Private access drive for Micro Lodges remains "Sugar Beet Lane". Submit a PDF of all floor plans to [izenchenko@cityofmadison.com](mailto:izenchenko@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.
26. All civil/site plan sheets shall show the property lines and proposed Lot lines and easements of the pending Certified Survey Map. The lines shall also be confirmed spatially to match the pending Certified Survey Map.
27. The pending Certified Survey Map application 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.

**Please contact Eric Halvorson of the Traffic Engineering Division at 266-6527 if you have any questions regarding the following six (6) items:**

28. The applicant shall submit one contiguous plan 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.

29. 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.
30. 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.
31. All parking facility design shall conform to the standards in MGO Section 10.08(6).
32. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
33. All pedestrian walkways adjacent parking stalls shall be 7 feet wide to accommodate vehicle overhang, signage and impediments to walkway movements. Any request for variance shall be submitted to and reviewed by the Traffic Engineering Division.

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

34. Parking for automobiles and other motor vehicle shall be designed according to the requirements of Madison General Ordinances Section 10.08. All parking lots and driveways shall have paved or approved surfaces, as required in MGO Section 10.08.
35. Parking requirements for persons with disabilities must comply with Section 28.141(4)(e). Final plans shall show the required accessible stalls, including van accessible stalls, striped access aisles, and required accessible signage at the head of the stalls.
36. Bicycle parking shall be provided per Section 28.141(4) and Table 28I-3 as uses are established within the development. Bicycle parking design and location shall meet the requirements of Section 28.141(11). Note: A bicycle stall is a minimum two (2) feet by six (6) feet with a five (5) foot wide access area. Provide details of all the proposed bike rack designs, including ground mounted and vertical bike parking.
37. Submit the landscape plan and landscape worksheet 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.
38. Identify the trash enclosure areas on the site plan. All developments, except single family and two family developments, shall provide a refuse disposal area. Such area shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent

material with a minimum height of six (6) feet and not greater than eight (8) feet. Submit a detail of the trash enclosure.

39. All rooftop and ground level mechanical equipment and utilities shall be fully screened from view from any street or residential district, as viewed from six (6) feet above ground level. Screening may consist of a building wall or fence and/or landscaping as approved by the Zoning Administrator. Provide details of the cooling tower and screen wall adjacent the unheated storage building. Clearly identify the emergency generator, electrical transformers, and any other mechanical equipment and utilities on the site plan and provide details on how they will be screened.
40. Work with Zoning and Planning staff for final approval of the Zoning text.
41. Work with Planning and Zoning staff to finalize a procedure for approving the proposed micro lodges.
42. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.
43. 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 Adam Wiederhoeft of the Madison Water Utility at 266-9121 if you have any questions regarding the following item:**

44. Note: 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 Sec. 13.21.

**Please contact Bill Sullivan of the Madison Fire Department at 261-9658 if you have questions about the following two (2) items:**

45. Per coordination with Baum Revision, the micro lodges will be protected with automatic fire sprinkler systems complying with NFPA 13D with the exception of (2) micro lodges previously constructed by MATC.
46. Fire hydrants shall be located along fire lanes for fire department access. Relocate fire hydrants or incorporate additional fire lanes that provide access to the fire hydrants.

**Please contact Tim Sobota of the Madison Metro at 261-4289 if you have questions about the following three (3) items:**

47. Metro Transit does not serve any bus stops that are within 1/4 mile walking distance of the site.

48. Metro Transit operates all day service on weekdays along Atwood Avenue, between Fair Oaks Avenue and Walter Street - with additional all day service along Walter Street. The closest stops are either on Atwood Avenue near the Olbrich Gardens driveway, or on Walter Street near the Starkweather Path.
49. Metro Transit operates all day service on weekends and holidays along Fair Oaks Avenue and Walter Street - but not on Atwood Avenue between these two intersections. The closest stops are either on Walter Street near the Starkweather Path, or on Fair Oaks near the Starkweather Path.

**Please contact Kay Rutledge of the Parks Division at 266-4714 if you have any questions regarding the following thirteen (13) items:**

50. The developer shall continue to work with the Parks Division on the unheated storage building design prior to final project approval. Minor modifications to the site plan may be anticipated at the time of final review to accommodate Olbrich Garden staff needs.
51. Revise the site plans to move the drive for Olbrich Garden staff located at the south side of the unheated storage building so the drive connects to the pavement further to the south.
52. The developer shall work with the Madison Fire Department in determining the necessary fire suppression systems for the storage building based upon the materials stored within by the Parks Division.
53. The developer shall enter into cross access easement agreements with the Parks Division as part of the pending CSM, to allow vehicle access from Olbrich Gardens and or through Lots 1-4 of the proposed CSM.
54. The developer shall be required to obtain temporary grading easements, as necessary, from the Parks Division for the installation of any infrastructure improvements related to this development.
55. The developer shall provide details on the stormwater management area to the east of the development, within Lot 4 and determined if possible to reduce the size of the detention within the Parks property. The Developer shall enter into a lease or obtain a permanent limited easement for private stormwater management purposes for the use of Parks property within Lot 4 and shall be required to provide perpetual maintenance of the facilities serving this development.
56. The monument sign shall be relocated to be within the proposed private access and utility easement.
57. A portion of the roadway improvements near the cottage appear to be outside of proposed Lot 1. Revise the drawings to have the improvements be within Proposed Lot 1. If this is necessary for fire lane requirements the Developer shall enter into an access easement for the private improvements within Lot 4.
58. The Developer shall provide and designate a minimum total of twelve (12) parking stalls to be located near the storage building and also at the Olbrich Gardens cottage for staff parking. Provide locations of the parking stalls on the plans.

59. Provide details on the masonry wall and cooling tower adjacent to the unheated storage building. If they are not meant to serve the unheated storage building and if the unheated storage building is to be on a separate Lot, those improvements should be located on Lot 1 of the proposed CSM.
60. Clearly define where the sanitary sewer, lift station, and water main shall be considered public or private. Show all required easements on the plans.
61. Remove reference to paving and improvements within the rail corridor. Approval for that construction will be required separately by the appropriate approving agency (WisDOT and/or WSOR). The Developer shall be responsible for all coordination required with the railroad for access improvements, as proposed.
62. Clearly denote any trees that are planned for removal that are outside of proposed Lots 1-3. Approval is required by Parks staff for tree removals on Lot 4.

**Please contact my office at 261-9632 if you have any questions regarding the following four (4) items, including the condition added by the Plan Commission on July 11, 2016:**

63. Final plans submitted for review and approval by staff shall include a phasing plan demonstrating that clearly shows the rehabilitation of the Garver Feed Mill building in the first phase of the site build-out, and describes the intended phasing of the storage building, the micro-lodge subareas, urban agriculture components, and other site improvements.
64. The applicant shall submit the following supplemental items to the UDC for consideration of *final approval* of the design, unless the UDC on June 29, 2016 explicitly delegates review of an item or items on this list to staff:
  - a.) Photometric plans, scaled to be legible on 11" by 17" paper
  - b.) Detailed landscape plans, consistently labeled and scaled to be legible on 11" by 17" paper
  - c.) Colored and rendered building elevations, with shadow lines
  - d.) Details on the building materials and colors for the unheated storage building
  - e.) Details for HVAC units, venting, and rooftop equipment associated with the Garver building
  - f.) At least five (5) prototypical designs (elevations and floor plans) for the micro-lodges, and a prototypical landscape plan for an area surrounding a group of micro-lodges
  - g.) Narrative describing the process desired by the applicant for staff review and approval of the micro-lodges. The narrative shall include acknowledgement that staff may elect to involve the UDC and/or Landmarks Commission in the review at any time deemed necessary by staff
65. Final plans submitted for review and approval by staff shall include revisions as required as a condition of approval by the Landmarks Commission and Urban Design Commission.
66. The design of the storage building shall be approved by the Urban Design Commission, especially the facades fronting the main entry drive and bike path.

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



**A Certificate of Appropriateness for your project was approved by the Landmarks Commission on June 20, 2016. Compliance with that approval shall be demonstrated as part of the final sign-off of this planned development. If you have any questions about the Landmarks Commission approval, please contact Amy Scanlon at 266-6552.**

**No interior, exterior or structural demolition or wrecking activities or remodeling activities (including material reclamation activities by the applicant or a third party) shall commence nor any wrecking or building permits be issued until the applicant has met all of the conditions of approval stated in this letter.**

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

After the planned development has been revised per the above conditions, please file **ten (10) sets** of complete, fully dimensioned, and to-scale plans, the appropriate site plan review application and fee pursuant to Section 28.206 of the Zoning Code, and any other documentation requested herein with the Zoning Administrator, Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard. **This submittal shall all also include one (1) 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.

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

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

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

If you have any questions regarding recording this plan or obtaining permits, please call Matt Tucker, Zoning Administrator, at 266-4551. If I may be of any further assistance, please do not hesitate to contact me at 261-9632.

Sincerely,

Timothy M. Parks  
Planner

cc: Brenda Stanley, City Engineering Division  
Jeff Quamme, City Engineering Division–Mapping Section  
Eric Halvorson, Traffic Engineering Division  
Adam Wiederhoeft, Madison Water Utility  
Jenny Kirchgatter, Assistant Zoning Administrator  
Kay Rutledge, Parks Division  
Al Martin, Urban Design Commission  
Amy Scanlon, Preservation Planner  
Bill Sullivan, Madison Fire Department

<b>Accela ID: LNDUSE-2016-00049</b>			
<b>For Official Use Only, Re: Final Plan Routing</b>			
<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: Landmarks Comm.