



Department of Planning & Community & Economic Development
Planning Division

Website: www.cityofmadison.com

Madison Municipal Building
215 Martin Luther King, Jr. Boulevard
P.O. Box 2985
Madison, Wisconsin 53701-2985
TDD 608 266-4747
FAX 608 266-8739
PH 608 266-4635

July 8, 2009
Revised July 14, 2009

J. Randy Bruce
Knothe & Bruce Architects, LLC
7601 University Avenue, Suite 201
Middleton, Wisconsin 53562

RE: Approval of a request to rezone 2 S. Bedford Street from M1 (Limited Manufacturing District) to Planned Unit Development-General Development Plan-Specific Implementation Plan (PUD-GDP-SIP) to allow demolition of a one-story bus terminal and construction of a mixed-use building with approximately 12,000 square feet of retail space and 82 apartments (2 South Bedford, LLC)

Dear Mr. Bruce;

At its July 7, 2009 meeting, the Common Council **conditionally approved** your client's application to rezone property located at 2 S. Bedford Street from M1 to PUD-GDP-SIP to allow construction of a mixed-use building following demolition of the existing building on the site. The following conditions of approval shall be satisfied prior to final approval and recording of the planned unit development and the issuance of permits for demolition and new construction:

Please contact Janet Dailey, City Engineering Division, at 261-9688 if you have questions regarding the following twenty-six (26) items:

1. In accordance with 10.34 MGO – Street Numbers: Submit a PDF of each floor plan to Lori Zenchenko in the Engineering Mapping Section (Lzenchenko@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.
2. Informational: The planned unit development will trigger the need for submittal of a final CAD file of the site to the Engineering Division for updates to the City of Madison Stormwater Utility records for this site.
3. Any damage to pavement on W. Main Street or S. Bedford Street will require restoration in accordance with the City's Patching Criteria. This includes but is not limited to damage resulting from the installation or removal of utilities, driveways, etc.
4. The applicant shall route the storm connection proposed for the intersection of Main and Bedford to the inlet on Main where the other storm on site is being connected. This shall eliminate cutting a new street for a new storm connection.
5. Clarify storm design on sheet C-2.1; it is not clear where the proposed inlets drain.
6. City records show 3 private storm connections. These connections shall be abandoned by permit using same process as proposed sewer lateral abandonment.
7. Existing sanitary sewer in S. Bedford Street is 10" PVC and not a 15" main. Review site plan to determine if possible to connect to 15" VP on W. Washington Avenue (terrace main) to avoid street opening brand new. This will be less problematic for crossing the storm sewer.

8. 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.
9. The applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
10. The approval of this project 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.
11. 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.
12. The applicant shall replace all sidewalk and curb and gutter that 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.
13. A City licensed contractor shall perform all work in the public right-of-way.
14. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree-planting plan (in PDF format) to Dean Kahl, of the City Parks Division - dkahl@cityofmadison.com or 266-4816.
15. 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.
16. 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 Wisconsin Department of Natural Resources is required.
17. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to: control 40% TSS (20 micron particle) off of new paved surfaces, provide oil & grease control from the first 1/2" of runoff from parking areas, and; 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.
18. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the Engineering Division. (Lori Zenchenko) lzenchenko@cityofmadison.com. The digital copies shall be drawn to scale and represent final construction including: building footprints, internal walkway areas, internal site

parking areas, lot lines/ numbers/ dimensions, street names, and other miscellaneous impervious areas. All other levels (contours, elevations, etc) are not to be included with this file submittal. Email file transmissions are preferred. The digital CAD file shall be to scale and represent final construction. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format. Please include the site address in this transmittal.

19. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
20. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management File 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.
21. 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.
22. The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work.
23. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.
24. Prior to approval of the project, 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.
25. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's Contract. Contact Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of two working days prior to requesting City Engineering Division signoff.
26. 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.

Please contact John Leach, Traffic Engineering Division, at 267-8755 if you have questions about the following thirteen (13) items:

27. A condition of approval shall be that no residential parking permits shall be issued for 2 S. Bedford Street, as would be consistent with other projects in the area. In addition, the applicant shall inform all tenants of this facility of the requirement in their apartment leases and record in zoning text. The applicant shall note in the Zoning Text that no residential parking permits shall be issued. In addition, the applicant shall submit for 2 S. Bedford Street a copy of the lease noting the above condition in the lease when submitting plans for City approval.
28. The applicant shall provide one contiguous plan for 2 S. Bedford Street and 612 W. Main Street properties for the facility showing the following: All the facility's, existing and proposed buildings, existing and proposed

layouts of parking lots, loading areas, trees, signs, the sidewalk along the northerly property line, easements and approaches.

29. When site plans are submitted for approval, the developer shall provide a recorded copy of the reciprocal land agreement for passage over, upon, across and through the facilities and ingress and egress for each building, loading and parking site. This land agreement for vehicular and pedestrian access shall be a perpetual, non-exclusive, unimpeded or unobstructed land agreement for the lots in the commercial site.
30. City of Madison radio systems are microwave directional line of sight to remote towers citywide. The building elevation will need to be reviewed by the Traffic Engineer Division 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 Keith Lippert, (266-4767) Traffic Engineering Shop, 1120 Sayle Street. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign off.
31. The applicant shall modify the truck loading area as follows: the sidewalk shall continue from W. Washington Avenue and connect to the sidewalk onto S. Bedford Street. The loading area shall have a driveway approach apron for the loading area separating the sidewalk from the loading area.
32. The applicant shall indicate the type of bicycle racks to be installed both inside and outside.
33. 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, 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'.
34. All signs at the approaches shall be installed behind the property line. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
35. The intersection shall be so designed so as not to violate the City's sight-triangle preservation requirement, which states that on a corner lot, no structure, screening, or embankment of any kind shall be erected, placed, maintained or grown between the heights of 30 inches and 10 feet above the curb level or its equivalent within the triangle space formed by the two intersecting street lines or their projections and a line joining points on such street lines located a minimum of 25 feet from the street intersection in order to provide adequate vehicular vision clearance.
36. The applicant shall design the underground parking areas for stalls and backing up according to Figures II of the ordinance using the 9' or wider stall. The "One Size Fits All" stall may be used for the residential parking area only, which is a stall 8'-9" in width by 17'-0" in length with a 23'-0" backup. Aisles, ramps, columns, offices or work areas are to be excluded from these rectangular spaces and including the backup area, when designing underground parking areas. The applicant may need to remove parking for back area with columns and parking that is in a 23-foot drive aisle preventing the vehicle to turn.
37. The underground drive aisles for two-way operation shall be a minimum 18 feet in width according to MGO 10.08(6)(a)4. The applicant may need to remove parking for two-way traffic with columns and parking reducing drive aisles below 18 feet.
38. The developer shall post a deposit and reimburse the City for all costs associated with any modifications to traffic signals, street lighting, signing and pavement marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.
39. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Please contact Pat Anderson, Assistant Zoning Administrator, at 266-5978 if you have any questions regarding the following eight items:

40. Meet applicable building codes, including accessible requirements.
41. Provide 82 bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. 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. Show the stalls on the plans.
42. Provide a reuse/recycling plan, to be reviewed and approved by the City Recycling Coordinator prior to a demolition permit being issued. Sec 28.12(12)(e) of the Zoning Ordinance requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan. Please note, the owner must submit documentation of recycling and reuse within 60 days of completion of demolition.
43. Show addresses of tenant spaces on the building of the final site plan.
44. Meet all applicable State accessible requirements, including but not limited to:
 - a.) Provide a minimum of 4 accessible stalls striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8' wide with an 8' striped out area adjacent to and on the passenger side.
 - b.) Provide a minimum of 2 accessible stall striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8' wide with an 8' striped out area adjacent to and on the passenger side for the surface parking.
 - c.) Show signage at the head of the stalls.
 - d.) The stalls shall be as near the elevator as possible.
45. The Zoning Section of the Department of Planning and Community and Economic Development must issue sign permits prior to sign installations.
46. 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 maximum light trespass shall be 0.5 fc at 10 feet from the adjacent lot line. (See City of Madison lighting ordinance).
47. Parking lot plans with greater than twenty (20) stalls; landscape plans must be stamped by a registered landscape architect. Provide a landscape worksheet with the final plans that shows that the landscaping provided meets the point and required tree ordinances. In order to count toward required points, the landscaping shall be within 15' and 20' of the parking lot depending on the type of landscape element. (Note: The required trees do not count toward the landscape point total.) Planting islands shall consist of at least 75% vegetative cover, including trees, shrubs, ground cover, and/or grass. Up to 25% of the island surface may be brick pavers, mulch or other non-vegetative cover. All plant materials in islands shall be protected from vehicles by concrete curbs.

Please contact Tom Maglio, Parks Division, at 266-4711 if you have questions about the following item:

48. The developer shall pay approximately \$163,430.10 for park dedication and development fees for 82 new multi-family units. (Fees in lieu of dedication=(82 @ \$1,407)=\$115,374.00; Park development fees=(82 @ \$586.05)=\$ 48,056.10). The developer must select a method for payment of park fees before signoff on the rezoning.

Please contact Scott Strassburg, Madison Fire Department, at 261-9843 if you have questions about the following item:

49. Provide fire apparatus access as required by Comm. 62.0509 and MGO 34.19, as follows:
 - a.) Provide a completed MFD "Fire Apparatus Access and Fire Hydrant Worksheet" with the site plan submittal

- b.) Where there is a change in the direction of a fire lane, the minimum inside turning radius shall be at least 28-feet.

Please contact my office at 261-9632 if you have questions about the following conditions, including the five conditions of approval added by the Plan Commission (#52-56):

50. That the applicant work with the Planning Division and Zoning Administrator prior to final approval and recording of the planned unit development to develop an enumerated list of permitted commercial and office uses for the zoning text. [Staff believes that it would be best going forward to approve PUD zoning texts with such use lists so as to avoid references to the Zoning Code, which is currently being rewritten and will likely have different, more contemporary use lists.]
51. That the applicant receives final approval of the planned unit development from the Urban Design Commission prior to recording. In considering granting the project final approval, Planning staff encourages the Urban Design Commission to consider the redesign of the balconies proposed along the S. Bedford Street and W. Washington Avenue facades of the five-story mixed-use building, which staff does not feel are well integrated with the architecture of that building in their current form. Staff encourages the balconies to be well integrated with the rest of those facades and that they be constructed using high-quality building materials to match the rest of the building. The front of the balcony openings should be pulled back to align with the rest of the building walls, the horizontal banding of the walls preserved along the front of the balconies and the railing details revisited, and that more detail on the fascia of the balconies be provided.
52. That any proposed drive-thru service window be approved by the Plan Commission as an alteration to the approved specific implementation plan following a duly noticed public hearing.
53. That the developer submit proof of financing and an executed contract with a construction firm, which provides assurances that the project will be completed once started, in a form acceptable to the Director of the Department of Planning and Community & Economic Development prior to final approval and recording of the PUD and the issuance of any permits.
54. That one bike parking stall be provided for each bedroom in the development. The first 82 bike parking stalls shall be provided as required by the Zoning Code (as stated in condition #41) and that the remaining 31 stalls be provided as required by Planning and Zoning staff.
55. That the developer work with the Traffic Engineering Division on W. Washington Avenue ingress and egress for the site.
56. That not more than 20% of the window area for the first retail space(s) facing the street be covered by advertisements, products or coverings.

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

Approval of 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.

After the plans have been changed as per the above conditions, please file **ten (10) sets** of the revised, **complete** site plans, building elevations, floor plans and any other documentation requested herein with the Zoning Administrator, Room LL-100, 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.

A reuse and recycling plan approved by the Recycling Coordinator is required by ordinance prior to the issuance of a wrecking permit. The reuse and recycling plan shall be submitted along with the resubmittal of site plans for forwarding to the Recycling Coordinator.

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

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. 28.12 (10)(e), 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: Janet Dailey, City Engineering Division
John Leach, Traffic Engineering Division
Tom Maglio, Parks Division
Scott Strassburg, Madison Fire Department
Pat Anderson, Asst. Zoning Administrator

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 checked="" type="checkbox"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input type="checkbox"/>	Other: