



Department of Planning & Community & Economic Development
Planning Division

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October 5, 2011

Charles Ghidorzi
Ghidorzi Companies, LLC
2100 Stewart Avenue, Suite 300
Wausau, Wisconsin 54401

Bill White
Michael Best & Friedrich, LLP
1 S. Pinckney Street
Madison, Wisconsin 53703

RE: Approval of a request to rezone 1002-1102 S. Park Street, 906-918 Midland Street and 1101-1109 Fish Hatchery Road from R4 (General Residence District) and C3 (Highway Commercial District) to Planned Unit Development-General Development Plan (PUD-GDP) to guide redevelopment of the site as a mixed-use/employment development, and Planned Unit Development-General Development Plan-Specific Implementation Plan (PUD-GDP-SIP) to allow construction of a 76,800 square-foot medical office/ clinic building and parking ramp on a 2.64-acre parcel in the first phase, and; approval of a demolition permit to allow a former dairy, 8 residential structures and an electrical substation to be demolished as part of the proposed redevelopment

Gentlemen;

At its October 4, 2011 meeting, the Common Council **conditionally approved** your applications to rezone 1002-1102 S. Park Street, 906-918 Midland Street and 1101-1109 Fish Hatchery Road. On September 19, 2011, the Plan Commission **approved** the demolition of the existing buildings on the site and recommended approval of the rezoning and related Certified Survey Map and vacation of High Street from Midland Street to Fish Hatchery Road to the Common Council.

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 the demolition of the existing buildings and any new construction. A letter with the conditions of approval for the Certified Survey Map will be sent to the survey firm of record separately.

Please contact Janet Dailey, City Engineering Division, at 261-9688 if you have questions regarding the following twenty-seven (27) items, including revised condition #8 (#13 of September 19, 2011 staff report):

1. The developer shall vacate the right of way on High Street between Fish Hatchery Road and Midland Street.
2. Since this project demolishes single-family residences that are not considered to be prior developed by ordinance, the stormwater requirements are blended and the TSS Reduction will be a combination of new 80% and redevelopment 40%. Additionally detention will likely be required as it would appear greater than 20,000 square feet of new impervious is being created.
3. Infiltration is required on the portion of the development that is technically considered to be "new".
4. The High Street vacation/discontinuance resolution (ID 23790) shall be adopted, all conditions satisfied, and recorded with the Dane County Register of Deeds prior to final CSM signoff and recording. Reference shall be made to the recorded document number of this resolution on the CSM prior to recording.

5. The applicant shall reconstruct the existing inlets and storm sewer on High Street and reconstruct the radii to accommodate the proposed street vacation and private drive configuration.
6. The CSM conditions shall be satisfied and the CSM signed off by City Engineering prior to the sign off of the PUD.
7. 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.
8. The applicant shall dedicate a 3-foot wide pedestrian permanent limited easement (PLE) along S. Park Street on Lot 1 and shall dedicate a 3-foot wide PLE on Lots 2 and 3 at the time that a specific implementation plan is approved for those lots.
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 planned unit development 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 replace all sidewalk and curb and gutter abutting the property, which is damaged by the construction, or any sidewalk and curb and gutter that 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.
12. The applicant shall provide the City Engineer with the proposed soil retention system to accommodate the restoration. The soil retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system.
13. All work in the public right of way shall be performed by a City-licensed contractor.
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 Department - dkahl@cityofmadison.com or 266-4816.
15. All damage to the pavement on S. Park Street, Midland Street, Fish Hatchery Road adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.
16. The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used.
17. 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.

18. Effective January 1, 2010, the Department of Commerce's authority to permit commercial sites, with over one acre of disturbance for stormwater management and erosion control has been transferred to the Wisconsin Department of Natural Resources (WDNR). The WDNR does not have an authorized local program transferring this authority to the City of Madison. 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 from the WDNR for this work as well.

As this site is greater than one acre, the applicant is required by State Statute to obtain a Water Resources Application for Project Permits (WRAPP) from the DNR, prior to beginning construction. This permit was previously known as a Notice of Intent Permit (NOI). Please contact Eric Rortvedt of the WDNR at 273-5612 to discuss this requirement.

19. Prior to final approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to: detain the 2 & 10-year storm events; control 80% TSS (5 micron particle) off of new paved surfaces; provide infiltration in accordance with Chapter 37 of Madison General Ordinances; 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.
20. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the Engineering Division. (Lori Zenchenko) zenchenko@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. E-mail 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.
21. 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).
22. 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.
23. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. (Per MGO 37.05(7))
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.
27. City of Madison Environmental Projects Staff have reviewed the subject site and determined that a Phase I ESA will be required of the applicant. The applicant shall provide 1 digital and 2 hard copies of an ASTM Phase I ESA prepared by an environmental professional. Staff review of this Phase I ESA will determine if a further investigative Phase II ESA is also required. Please submit any relevant Phase I and Phase II ESAs to Brynn Bemis (267-1986, bbemis@cityofmadison.com) for further review.

Please contact Bryan Walker, Traffic Engineering Division, at 267-8754 if you have questions about the following ten (10) items:

28. The applicants shall enter into a developer's agreement with the City for the transportation improvements noted in the applicant's traffic study for S. Park Street and Fish Hatchery Road, for both the GDP and SIP.
29. The applicants shall post a deposit to the Traffic Engineering Division for its proportional share of signing and marking changes on Fish Hatchery Road to support the development, for both the GDP and SIP.
30. The applicant shall post a deposit to the Traffic Engineering Division for its proportional share of a special pedestrian crossing and flasher treatment on Fish Hatchery Rd at Midland Street to support the development, for both the GDP and SIP.
31. At the determination of the City, the applicant shall modify the intersection of Fish Hatchery Road and Midland Street to accommodate two westbound lanes coming off Midland Street. The curb may be modified to accomplish this and avoid any dedication of land to the City.
32. The final right of way dedication for both the GDP and SIP shall be finally reviewed and approved by the City Traffic Engineer prior to signoff of the related CSM.
33. When the applicant submits final plans of one contiguous plan 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, 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 2 feet overhang, and a scaled drawing at 1" = 20'.
34. "Stop" signs shall be installed at a height of 7 feet at all driveway approaches 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.
35. 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.
36. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.
37. All intersections 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.

Please contact Bill Sullivan, Madison Fire Department, at 261-9658 if you have any questions regarding the following two (2) items:

38. Provide fire apparatus access as required by IFC 503 2009 edition and MGO 34.503.
39. If clinic and parking garage are designed as a single building per the IBC, ensure all building code requirements are applied throughout.

Please contact Dennis Cawley, Madison Water Utility, at 261-9243 if you have any questions regarding the following item:

40. The Water Utility shall be notified to remove the water meter prior to demolition. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

Please contact Pat Anderson, Assistant Zoning Administrator, at 266-5978 if you have any questions regarding the following three (3) items:

41. 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.
42. Future development shall meet all applicable building and zoning ordinances following applicable processes.
43. Signage approvals are not granted by the Plan Commission. Signage must be approved by the Urban Design Commission or staff for compliance with MGO Section 31, Sign Code, and MGO Section 33, the Urban Design ordinance. Sign permits must be issued by the Zoning Section of the Department of Planning and Community and Economic Development prior to sign installations.

Please contact Tim Sobota, Madison Metro Transit, at 261-4289 if you have any questions regarding the following four (4) items:

44. The applicant shall install and maintain the planned improvements adjacent the bus stop location on the east side of Fish Hatchery Road, north of Midland Street. These improvements should include the passenger amenities such as a waiting shelter, bench and trash receptacle (items shown on landscape details page).
45. The applicant should consider inclusion of a display case within the passenger shelter, where map and schedule information could be posted.
46. The applicant shall install and maintain an accessible concrete boarding surface between the curb and sidewalk adjacent the planned passenger amenities at the bus stop location. The boarding surface should be a minimum of ten feet wide parallel to the street, and level with the top of curb and sidewalk.
47. The applicant shall include the location of these right-of-way improvements and passenger amenities on the final documents filed with their permit application so that Metro Transit may review and approve the design.

Please contact my office at 261-9632 if you have questions about the following six (6) items, including the condition added by the Plan Commission on September 19, 2011 (#53):

48. That the Wingra Clinic Planned Unit Development be revised per Planning Division approval prior to recording and the issuance of demolition permits as follows:
 - a.) retitle the sheet "Future Building Massing – Option 1" to be "Wingra Clinic General Development Plan" and retitle of Sheet C-1.0 to be "Wingra Clinic Specific Implementation Plan";
 - b.) provide a depth dimension for the planter/ seat wall along the S. Park Street frontage;

- c.) provide detailed architectural elevations for the parking ramp, including specifying the height of the ramp and the materials to be used;
 - d.) provide a final floor area ratio for the office building;
 - e.) retitle the zoning text to reflect the Wingra Clinic Redevelopment;
 - f.) revise the zoning text to remove the Lot Area section and to include a metes and mounds legal description for the property (as the PUD zoning will be recorded prior to the proposed CSM);
 - g.) revise the zoning text to state that Building Heights shall be “As shown on the approved plans”, and;
 - h.) revise the zoning text to note that the signage for the project shall be compared to the C3 zoning district and shall be approved by the Urban Design Commission or its designees and the Zoning Administrator.
49. That the Clark Street Development Planned Unit Development–General Development Plan be revised per Planning Division approval prior to recording and the issuance of demolition permits as follows:
- a.) the zoning text shall be revised to specifically state that: “the maximum floor-to-area ratio and density of development and vehicular access included in the General Development Plan may or may not be ultimately achieved upon full build-out of the site. The final square footage of development shall require review and approval of a Specific Implementation Plan for each phase of additional development. Each phase shall be reviewed against the standards included in the Planned Unit Development section of the Zoning Ordinance to determine if the vehicular access and density of development can be accommodated on the site in a manner that does not have a substantial negative impact on the uses, values and enjoyment of other properties within the neighborhood for uses already permitted.”
 - b.) the list of permitted uses be revised by the applicant with the assistance of Planning staff to eliminate the uses not proposed and any duplicates, and to refine and streamline the list prior to recording; ideally, the list of permitted uses would be alphabetized for ease of reference.
50. That as a condition of approval of the demolition permit where no new building has received SIP approval for new construction, all asphalt and gravel surfaces adjacent to any demolished building shall be removed, the affected areas graded and seeded with grass, all drive openings removed and the terrace restored as required by the City Traffic Engineer, and that no parking shall be permitted at any time. The developers shall submit a post-demolition site reclamation plan that provides the details required above for such areas for approval by Planning, Zoning and City Engineering staff prior to issuance of demolition permits.
51. Prior to the final approval of the planned unit development and CSM for recording, the developers shall submit reciprocal cross-access and shared parking easements and agreements necessary to govern the overall development for the review and approval of the City Engineer, City Traffic Engineer and Planning Division Director.
52. That the recording order for these land use approvals be as follows: Planned Unit Development zoning; vacation ordinance for High Street; Certified Survey Map. All three of these approvals shall be accepted for recording or recorded prior to the issuance of demolition permits for the existing buildings located on the entire 4.3-acre subject site.
53. That the plans for the Wingra Clinic development be revised to provide visitor bicycle and moped parking near the clinic entrance.

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 permits for new construction. Please contact Al Martin, Urban Design Commission Secretary, at 267-8740 if you have any questions about those conditions.

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

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.

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.

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.

After the planned unit development has been revised per the above conditions, please file **ten (10) sets** of complete, fully dimensioned, and to-scale 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 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. 28.12 (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

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 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"/>	Rec. Coord. (R&R Plan)
<input checked="" type="checkbox"/>	Fire Department	<input checked="" type="checkbox"/>	Other: Metro Transit

- cc: Janet Dailey, City Engineering Division
 Bryan Walker, Traffic Engineering Division
 Dennis Cawley, Madison Water Utility
 Bill Sullivan, Madison Fire Department
 Tim Sobota, Madison Metro Transit
 Pat Anderson, Assistant Zoning Administrator