



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

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December 16, 2016

Thomas Stacey
Eppstein Uhen Architects
309 W. Johnson Street, Suite 202
Madison, Wisconsin 53703

RE: Approval of a conditional use in the TE (Traditional Employment) zoning district to allow construction of a nine-story, 158,000 square-foot office building on land generally addressed as 819 E. Washington Avenue in Urban Design Dist. 8, with auto parking to be provided off-site (Lee Ann Glover, American Family Insurance).

Dear Mr. Stacey;

At its December 12, 2016 meeting, the Plan Commission found the standards met and **approved** your conditional use for 819 E. Washington Avenue. The conditions of approval in the following sections shall be satisfied prior to issuance of building permits for the project.

Please contact Brenda Stanley of the City Engineering Division at 261-9127 if you have any questions regarding the following twenty-eight (28) items:

1. The applicant shall provide projected wastewater flows for the proposed development to Mark Moder, mmoder@cityofmadison.com prior to plan approval. The developer may be required to build sewer improvements in E. Washington Avenue at Paterson Street or at Livingston Street depending on projected wastewater flows.
2. This area is subject to routine flooding. First floor elevations shall be provided to City Engineering to review and approve. These elevations shall provide a reasonable level of flood protection and include review of access to underground parking.
3. 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.
4. All outstanding Madison Metropolitan Sewerage District (MMSD) are due and payable prior to City Engineering sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Mark Moder (261-9250) to obtain the final MMSD billing a minimum of two working days prior to requesting City Engineering signoff.

5. This project falls in the Rock River TMDL Zone and is subject to increased erosion control enforcement. 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).
6. The site plans shall be revised to show the location of all rain gutter down spout discharges.
7. The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement.
8. 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. 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.
9. 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 (East) or troester@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).
10. This project appears to require construction dewatering. A dewatering plan shall be submitted to City Engineering as part of the Erosion Control Permit application and plan. If contaminated soil or groundwater conditions exist on or adjacent to this project additional WDNR, Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit.
11. This project appears to require permanent dewatering. A permit to connect to the public stormwater system shall be required from City Engineering. Additionally, a permit for non-storm

discharge to the storm sewer system from the Madison-Dane County Public Health Department shall also be required. If contaminated soil or groundwater conditions exist on or adjacent to this project additional WDNR, Public Health, and/or City Engineering approvals may be required prior to issuance of the connection and non-storm discharge permits.

12. Storm sewer to serve this development has been designed and constructed. The site plans shall be revised to identify the location of this storm sewer and to show connection of an internal drainage system to the existing public storm sewer.
13. 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 (608) 266-4751 prior to completing the test to document that appropriate measures have been taken to prevent erosion as a result of this testing.
14. Provide additional detail how the enclosed depression(s) created by the parking entrance(s) to the below building parking area(s) is/are served for drainage purposes. The building must be protected from receiving runoff up through the 24-hour, 100-year design storm. If the enclosed depression(s) is/are to be served by a gravity system provide calculations stamped by a Wisconsin P.E. that show inlet and pipe capacities meet this requirement. If the enclosed depression(s) is/are to be served by a pump system provide pump sizing calculations stamped by a Wisconsin P.E. or licensed Plumber that show this requirement has been met.
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 site appears to disturb over one 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 Water Resources Application for Project Permits (WRAPP) or Notice of Intent Permit (NOI) permit process.
17. This project will require a concrete management plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office.
18. 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.
19. 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.
20. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.

21. The lots within this site plan are interdependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the site plan, and recorded at the Dane County Register of Deeds.
22. 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.
23. The applicant shall replace all sidewalk and curb and gutter that abuts the property that 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.
24. The construction of this building will require sanitary sewer, sidewalk improvements 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 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.
25. All work in the public right of way shall be performed by a City-licensed contractor.
26. All damage to the pavement on E. Washington Avenue and E. Main Street adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.
27. Per the WDNR closure letter, this property was closed with residual soil and/or groundwater contamination (BRRTS #02-13-577635). Written approval from the WDNR is required prior to disturbing the existing barrier cap. Proof of coordination with the WDNR shall be submitted to Brynn Bemis (608.267.1986, bbemis@cityofmadison.com).
28. Based on the WDNR records for BRRTS #02-13-577635, the property contains 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.

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:

29. The applicant shall provide for review a reciprocal easements/agreement between this site and the proposed Cosmos site to the west including, but not limited to, access, pedestrian access, fire lane, utilities, common areas, storm water drainage and management that are necessary to accomplish the development as proposed. The document(s) shall then be executed and recorded and copies provided prior to building permit issuance.

30. The pending Certified Survey Map application for this property 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 the parcel database so that the permitting system can upload this data and permit issuance made available for this new land record.
31. Subsequent to the recording of the pending Certified Survey Map, the conveyance of the new lot to the developer shall be completed prior to final site plan sign off.
32. The address of "The Spark" is 821 E Washington Avenue. Internal suite numbers will be assigned when floor configurations are known. Submit a PDF of all floor plans to lzenchenko@cityofmadison.com so that a preliminary addressing plan can be developed prior to plans being submitted for permit review. 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.

Please contact Eric Halvorson of the Traffic Engineering Division at 266-6527 if you have any questions regarding the following nine (9) items, including the clarification of the "buffer" requested in condition #40:

33. It is recommended the applicant conclude any parking negotiations with the Parking Utility prior to final sign-off.
34. Items in the Right-of-Way are not approvable through this process, work with City Real Estate to get a 'Privilege in Streets' permit for items in the Right-of-Way (bicycle racks, planters, etc.) A note shall be stating 'All items in the Public Right-of-Way are the sole jurisdiction of City Engineering and Traffic Engineering and maybe modified/removed at anytime based on assessment of public need.
35. The applicant shall enter into a developer's agreement for the installation of the pedestrian street lighting.
36. 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.
37. 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.
38. 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.

39. All parking facility design shall conform to the standards in MGO Section 10.08(6).
40. All bicycle parking adjacent pedestrian walkways shall have a two-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers. [It was clarified at the Plan Commission meeting that this buffer is intended to provide two (2) additional feet of length to the standard six (6)-foot bike stall length to provide additional space adjacent to a pedestrian walkway.]
41. 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.

Please contact Bill Sullivan of the Madison Fire Department at 261-9658 if you have any questions regarding the following item:

42. Provide fire apparatus access as required by IFC 503 2015 edition, Section MGO 34.503, as follows:
 - a.) The site plans shall clearly identify the location of all fire lanes.
 - b.) MGO Section 34.503/IFC 503 Appendix D105, Provide an aerial apparatus access fire lane that is at least 26 feet wide, if any part of the building is over 30 feet in height. The near edge of the aerial fire lane shall be within 30 feet and not closer than 15 feet from the structure, and parallel to one entire side. The aerial fire lane shall cover not less than 25% of the building perimeter.
 - c.) The Madison Fire Department is concerned about the limited options available to provide access due to the size of the building and the existing site constraints. Further discussions about alternative means to reduce the risk of fire in this building are warranted.

Please contact Jenny Kirchgatter, Assistant Zoning Administrator, at 266-4429 if you have any questions regarding the following twelve (12) items:

43. Provide a calculation and plan detail for lot coverage with the final site plan 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 (5) feet, pervious pavement, green roofs and decks.
44. Vehicle parking will not be provided on the property. Per Section 28.141(5) Adjustments to Minimum Number of Required Spaces, submit information to support the argument for reducing the required number of spaces. Factors to be considered include but are not limited to: availability and accessibility of alternative parking, impacts on adjacent residential neighborhoods; existing or potential shared parking agreements; number of residential parking permits issued for the area; proximity to transit routes and/or bicycle paths and provision of bicycle parking; the characteristics of the use, including hours of operation and peak parking demand times; design and maintenance of off-street parking that will be provided; and whether the proposed use is new or an addition to an existing use.

45. A bicycle parking reduction will be required per Section 28.141(5). Work with Zoning staff to establish the minimum bicycle parking requirements for the proposed development. Note that proposed bicycle parking located within the public right of way does not count toward the minimum requirement.
46. As each tenant space is leased, vehicle and bicycle parking requirements will be reviewed prior to obtaining Zoning approval for each future tenant space use. Future vehicle and bicycle parking reductions may be required prior to obtaining Zoning approval for future tenant uses.
47. Any future use or development will require approvals from the Madison Water Utility, as a portion of the site is located within Wellhead Protection District 24.
48. Required loading facilities shall comply with MGO Section 28.141(13). Provide two 10' x 50' loading areas with 14-foot vertical clearance to be shown on the plan. The loading areas shall be exclusive of drive aisle and maneuvering space. The required number of loading spaces may be reduced through conditional use approval.
49. Bicycle parking shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Work with Zoning staff to establish the minimum bicycle parking requirements. Provide a minimum of one (1) bicycle stall per 2,000 square feet of floor area located in a convenient and visible area on a paved or impervious surface. At least 90% of all bicycle parking shall be designed as short-term parking. Clearly label the interior and exterior bicycle parking locations and numbers of stalls. Show the typical dimensions of the interior and exterior bicycle stalls including the access aisles on the final plans. Note: A bicycle stall is a minimum of 2 feet by 6 feet with a 5-foot wide access area. Provide a detail of the proposed bike racks.
50. 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 10,000 square feet in size must be prepared by a registered landscape architect.
51. 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 on existing buildings 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.
52. Submit details of the rooftop terrace areas, including any rooftop amenities such as planters or seating.
53. 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.

54. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of MGO 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.

Please contact Adam Wiederhoeft of the Madison Water Utility at 261-9121 if you have any questions regarding the following three (3) items:

55. 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 (www.cityofmadison.com/water/plumberscontractors), 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. If you have questions regarding water service applications, please contact Madison Water Utility at 266-4646.

56. This property is in a Wellhead Protection District–Zone (WP-24). The owner shall provide the Madison Water Utility with evidence 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.

57. Madison Water Utility will be required to sign off on the Land Use Application prior to the issuance of building permits for the development.

Please contact Janet Schmidt of the Parks Division at 261-9688 if you have any questions regarding the following three (3) items:

58. City Forestry will permit the removal of two small crabapples on E. Main Street, which will be replaced with larger canopy trees.

59. All street tree planting locations and trees species within the right of way shall be determined by City Forestry. Please submit a site plan (in PDF format) to Brian Meiller – bmeiller@cityofmadison.com or 266-4816. Tree planting specifications can be found in Section 209 of City of Madison Standard Specifications for Public Works Construction.

60. Existing street trees along E Washington Avenue shall be protected. Please include the following note on the site plan: Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266-4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry. Tree protection specifications can be found in Section 107.13 of City of Madison Standard Specifications for Public Works Construction. Any tree removals that are required for construction after the development plan is approved will require at least a 72 hour wait period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan.

Please contact my office if you have questions regarding the following three (3) items, including the condition added by the Plan Commission (#64):

61. That the floorplans and elevations be revised prior to final plan approval and issuance of building permits to dimension the 15-foot stepback above the second floor.
62. Prior to the issuance of any permits for a future general retail use, the applicant shall obtain approval of a conditional use alteration from the Director of the Planning Division or Plan Commission following a recommendation by the district alder. The alteration shall include the hours of operation for those uses, a floorplan, and any exterior alterations related to occupancy of those spaces. Any exterior aspects of those uses shall also require approval by the Urban Design Commission or its Secretary prior to permit issuance.
63. Prior to obtaining building permits, the applicant shall submit a Transportation Demand Management (TDM) Plan for review by the Planning Division and Traffic Engineering Division. The TDM should outline additional strategies to close the gap between the minimum auto and bike parking required and the parking provided. These could include free or low-cost transit passes for users of the building, carpooling programs, and additional amenities for bicyclists.
64. That the applicant explore the use of “bird safe” non-reflective glass in the final design of the building and report their findings to the Planning Division prior to final sign-off.

The applicant is also required to satisfy any conditions of Urban Design Commission 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.

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. After the plans have 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, 126 S. Hamilton Street; First Floor. **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 Zoning staff to the City department staff listed above for their final approval.
2. 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.
3. 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 may be of any further assistance, please do not hesitate to contact my office at 261-9632.

Sincerely,

Timothy M. Parks
 Planner

cc: Brenda Stanley, City Engineering Division
 Jeff Quamme, City Engineering Division
 Jenny Kirchgatter, Asst. Zoning Administrator
 Adam Wiederhoeft, Madison Water Utility
 Tim Sobota, Metro Transit
 Eric Halvorson, Traffic Engineering Division
 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)*

LNDUSE-2016-00131			
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 type="checkbox"/>	Other:
<input checked="" type="checkbox"/>	Water Utility	<input type="checkbox"/>	Other: