



Department of Planning & Community & Economic Development

Planning Division

Katherine Cornwell, Director

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August 12, 2014

Kevin Burow
Knothe and Bruce Architects
7601 University Ave., Ste 201
Middleton, WI 53562

RE: Approval of the demolition of an office building and a conditional use for construction of a four-story mixed-use building with 32 residential units in the Traditional Shopping Street (TSS) District.

Dear Mr. Burow:

At its August 11, 2014 meeting, the Plan Commission found the standards met and **approved** your client's demolition and conditional use requests for redevelopment of property at 2158 Atwood Avenue with a four-story mixed-use building, subject to the conditions below. In order to receive final approval of the demolition and conditional use, and for any necessary permits to be issued for your project, the following conditions shall be met:

Please contact my office at 266-5974 if you have questions regarding the following 7 items:

1. Final elevation drawings shall omit one of the three colors of brick proposed on the building. Staff recommends replacing the medium brown brick on the southwestern corner of the building with the darker brown brick.
2. Any HVAC penetrations in the building shall be perpendicular to the main facade, and provided within the recessed balcony spaces.
3. Final plans shall include at least a shallow stepback on the fourth floor along the Dunning Street elevation, in order to provide a change in plane between the brick and metal.
4. Final elevation drawings shall include labels for all proposed materials, and a materials schedule to include color of all materials and size of brick (standard sized brick is assumed).
5. The applicant shall coordinate with staff any pavement or landscaping proposed within the public right-of-way, prior to submitting plans for staff review and approval.
6. Final landscape plans submitted for staff review and approval shall include a detailed planting and maintenance plan for the green roof areas and the bioswale area on the north side of the building.
7. Site summary and submitted plans are inconsistent with regard to bicycle parking, and shall be internally consistent in final plans submitted for staff review and approval.

Please contact Janet Schmidt of the City Engineering Division at 261-9688 if you have questions regarding the following 28 items:

8. The proposed new building will cross underlying platted lot lines. Current fire code and City enforcement requires the underlying platted lot line be dissolved by Certified Survey Map (CSM) prior to issuance of a building permit. As discussed at a previous D.A.T. meeting, a CSM and required supporting information shall be prepared and submitted to the City of Madison Planning Department. The CSM shall be approved by the City and recorded with the Dane County Register of Deeds prior to issuance of a building permit.
9. The site plan contemplates common access uses over or between four different properties. Circulation between the properties shall be reviewed by Traffic Engineering and Zoning. Applicant shall provide copies of the executed and recorded reciprocal easements and agreements prior to building permit issuance addressing, but not limited to, common access drives, any common parking areas and any common storm management/drainage facilities required to construct the development as proposed.
10. All easements of record shall be shown on the site plan. Any existing easements conflicting with the improvements proposed shall be released/amended as necessary to permit the construction of the improvements as shown. Coordination of this work shall be the responsibility of the applicant and/or owner.
11. The site plan indicates concrete terrace improvements and canvas canopies on the building that will encroach into the Atwood Avenue and Dunning Street right of ways. The Applicant shall make an application with required fees to the City of Madison Office of Real Estate Services for a privilege in streets permit administered by that agency. Use the following link for application information: <http://www.cityofmadison.com/developmentcenter/landdevelopment/streetencroachment.cfm> An approval of the development does not constitute or guarantee approval of any encroachments within a public right of way.
12. The address of 2158 Atwood Ave will be retired with the demolition of the existing building. The new building will have an address of 2160 Atwood Ave for the commercial space and the apartments will use the base address of 266 Dunning St.
13. Sheet A-2.1 and Sheet A-2.2 are different elevation drawings; however, they are labeled the same. Update Sheet A-2.2 with correct directionals. *Note: This has been addressed in the plan set provided to the Plan Commission.*
14. Public storm sewer shown on the plan is not consistent with City records. Applicant shall work with City Engineering to correctly locate existing utilities.
15. Drainage appears to pass through this property from the north. This drainage must be allowed to continue.
16. The Applicant proposed to re-use an existing sewer lateral. Said lateral is approximately 101 years old and may not be satisfactory size or condition for re-use. City Engineer recommends installation of a new sanitary sewer lateral.
17. 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. (MGO 16.23(9)c).

18. Submit a PDF of all floor plans to 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).
19. The approval of this Conditional Use or PUD 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 (MGO 16.23(9)(d)(6)).
20. 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 (POLICY).
21. The Applicant shall replace all sidewalk and curb and gutter which 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 (POLICY).
22. All work in the public right-of-way shall be performed by a City licensed contractor (MGO 16.23(9)(c)5) and MGO 23.01).
23. All damage to the pavement on Atwood, Dunning adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link: <http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY).
24. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in the ROCK RIVER TMDL ZONE and by Resolution 14-00043 passed by the City of Madison Common Council on 1/21/2014. You will be expected to meet a higher standard of erosion control than the minimum standards set by the WDNR.
25. The site plans shall be revised to show the location of all rain gutter down spout discharges (POLICY).
26. The applicant shall demonstrate compliance with MGO Section 37.07 and 37.08 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.
27. For Commercial sites < 1 acre in disturbance the City of Madison is an approved agent of the Department of Commerce and WDNR. As this project is on a site with disturbance area less than one (1) acres, and contains a commercial building, 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 WDNR is required (NOTIFICATION).

28. Prior to approval, this project shall comply with MGO Chapter 37 regarding stormwater management. Specifically, this development is required to reduce TSS off of the proposed development by 80% when compared with the existing site, 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 MGO Chapter 37.
29. 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 (POLICY).
30. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). 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) Lot lines and right-of-way lines
 - e) Street names
 - f) Stormwater Management Facilities
 - g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans)
31. The Applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including:
 - a) SLAMM DAT files
 - b) RECARGA files
 - c) TR-55/HYDROCAD/Etc
 - d) Sediment loading calculations
 32. The developer shall provide information on how the Department of Commerce's requirements regarding treatment of storm water runoff, from parking structures, shall satisfied prior to discharge to the public sewer system. Additionally, information shall be provided on which system (storm or sanitary) the pipe shall be connected to (POLICY).
 33. 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 go into effect. The new procedures and revised fee schedule is available on line at <http://www.cityofmadison.com/engineering/permits.cfm> (MGO CH 35.02(14)).
 34. All outstanding Madison Metropolitan Sewerage District (MMSD) are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Schmidt (608-261-9688) 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)).
 35. 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 (POLICY).

Please contact Eric Halvorson of Traffic Engineering at 266-6527 if you have any questions regarding the following 9 items:

36. Parking located within the building is not dimensioned in the applicant's submittal. As such Traffic Engineering is not able to properly review parking layouts at this time. Applicant shall submit a properly dimensioned plan that meets requirements of MGO 10.08. Applicant shall anticipate that major redesign of the building footprint may be necessary to meet compliance with City of Madison ordinances listed above.
37. It is anticipated that construction on this site will be difficult. Applicant shall expect to construct building using methods above and beyond normal construction methods to maintain access to the public right of way for the general public. Access to neighboring sites shall be maintained at all times. The sidewalk adjacent to Atwood Avenue shall remain open for the duration of the project. The applicant shall not expect to be able to occupy Atwood Avenue Right of Way except on a very limited basis as approved by the Traffic Engineering division.
38. Items in the Right-of-Way are not approvable through the site plan approval process. Approval of the submitted plans does not grant approval of the items shown in the public right of way. Applicant will need to obtain other approvals to place items in the right of way.
39. Applicant shall provide and show on final plans a 10' vision triangle along the sidewalk from the vehicular exits located on Atwood Avenue and Dunning Street. These vision triangles shall be clear of obstructions preventing the vision of pedestrians along the sidewalk.
40. Applicant estimates that 30-40% of the parking spaces will be available during normal business hours when residents are at work for commercial uses. Forty parking spaces are planned, 30-40% of these spaces would be 12-16 spaces for commercial uses, leaving 24-28 spaces available for residents. There are 32 residential units, hence the spaces available for residential parking during the day is fewer than the number of residential units. The parking utility requires that at least one parking space be available for every residential unit for the residents to be eligible for the Residential Permit Parking Program. Since this requirement is not met, a condition of approval shall be that no residential parking permits shall be issued for 2158 Atwood Avenue. In addition, the applicant shall inform all potential residents of this development of this restriction in their apartment leases. In addition, the applicant shall submit for 2158 Atwood Avenue a copy of the lease noting the above condition.
41. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings 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.
42. 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.
43. 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.
44. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

Please contact Pat Anderson of the Zoning Office at 266-5978 if you have any questions regarding the following 12 items:

45. 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 prior to sign installations.
46. Sec. 28.185 (7)(a)5 requires approval of a reuse and recycling plan by the Recycling Coordinator, Mr. George Dreckmann(608-267-2626), prior to the issuance of the demolition permit.
47. Sec. 28.185 (10) Every person who is required to submit a reuse and recycling plan pursuant to Sec. 28.185(7)(a)5 shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
48. Sec. 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
49. The submitted plans indicate 40 bike parking stalls are to be provided but only 38 appear to be shown on the plans. Also, no wall mount bike parking is shown, but a reference to 10 spaces being provided is included in the submitted plans. Correct final plans to provide the minimum bicycle parking stalls for the development including guest stalls. Bicycle parking shall be located in a safe and convenient location on an impervious surface subject to section 28.141(11) to be shown on the final plans. A minimum of 90% of the required bicycle parking stalls for the residential use shall be designed as long term stalls, with the remaining 10% as short-term bicycle parking. Guest stalls for the residential use and 90% of the bike parking required for commercial uses shall be short term. A maximum of 25% of the required bike parking may be structured (wall mounts). Provide a detail of the bike racks to be installed. NOTE: 3 required residential guest bike parking spaces must be located within 100' of the residential entrance, which is located at the northeast corner of the building. Submitted plans show 6 bike parking spaces at the southwest corner of the building, which do not satisfy the requirements for short-term bike parking.
50. As the commercial tenant spaces are leased, the entire development must reflect compliance in the required amount, type and number of auto and bike parking spaces, to be reviewed prior to obtaining zoning approval for each future tenant space use. Parking reductions maybe requested pursuant Section 28.141(5).
51. Pursuant to Sec. 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. Also, the submitted plans show landscaping elements placed in the terrace, which does not count toward the landscaping requirement for this development. Revise final landscaping plan to omit landscaping in the terrace as part of on-site landscaping calculations. Landscaping elements in the terrace shall require a separate approval with City Real Estate. Contact Jerry Lund at 267-8718.
52. Provide detailed of the green roof elements for these to qualify as a deduction to the lot coverage requirement.
53. New buildings the TSS district with nonresidential uses at the ground level must provide a minimum percentage of windows and door openings in the primary street facing façade. Provide final calculations to determine the door and window opening percentage requirements for the primary street facade have been met, per Sec. 28.060(2)(d).
54. No rooftop or ground-level mechanical equipment is shown on the submitted plans. If such equipment is proposed, it must be screened per Sec. 28.060(2) (e) & (f).

- 55. Screening along district boundaries is not being provided due to the cross-access drive aisles located along lot lines in this planned multi-use site. A waiver is being requested by the applicant, pursuant to Section 28.142(8).
- 56. This project is designed as a planned multi-use site. Pursuant to section 28.137(2)(a) A planned multi-use site, shall have a plan and reciprocal land use agreement approved by the Traffic Engineer, City Engineer and Director of Planning and Community and Economic Development recorded in the office of the Dane County Register of Deeds.

Please contact Kay Rutledge of the Parks Division at 266-4714 if you have any questions regarding the following 4 items:

- 57. Park impact fees (comprised of the Park Development Impact Fee per MGO Sec. 20.08(2) and the Parkland Impact Fee in lieu of land dedication per MGO Sec. 16.23(8)(f) and 20.08(6)) will be required for all new residential development. The developer must select a method for payment of park fees before signoff on the conditional use. This development is within the Tenney, Law & James Madison park impact fee district (SI26). Please reference ID#14140 when contacting Parks about this project.

Fees in lieu of dedication =	32	MF @	\$1,799.00	=	\$57,568.00
Park development fees =	32	MF @	\$662.95	=	\$21,214.40
			Total Fees		\$78,782.40

- 58. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Please submit an existing inventory of trees (location, species, & DBH) and a tree removal plan (in PDF format) to Dean Kahl – dkahl@cityofmadison.com or 266-4816. Approval and permitting of street tree removals shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan.
- 59. Additional street trees are needed for this project. All street tree planting locations and trees species with the right of way shall be reviewed by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl – dkahl@cityofmadison.com or 266-4816. Approval and permitting of tree planting shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part2.pdf>.
- 60. Existing street trees 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 - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part1.pdf>.

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

61. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.
62. Provide fire apparatus access as required by IFC 503 2012 edition, MGO 34.503, as follows:
 - a) The site plans shall clearly identify the location of all fire lanes.
 - b) MGO 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.

Please contact Dennis Cawley of the Water Utility at 266-4651 if you have any questions regarding the following item:

63. The Madison Water Utility shall be notified to remove the water meter prior to demolition. This property is not located in a wellhead protection district. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency. No building permits shall be issued until the applicant has met all of the conditions of approval stated in this letter.

Please now follow the procedures listed below for obtaining your demolition and conditional use permits:

1. Please revise the plans per the above conditions and file **ten (10)** sets of complete, fully dimensioned, and to-scale plans, along with the appropriate site plan review application and fee pursuant to Section 28.206 of the Zoning Code. Also provide any other documentation requested herein with the Zoning Administrator, Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard.
2. This letter shall be signed by 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. This approval shall become null and void one 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 six months of the issuance of said building permit. The Plan Commission shall retain jurisdiction over this matter for the purpose of resolving complaints against the approved conditional use.

If you have any questions regarding obtaining the demolition and conditional use approval, please contact the Zoning Administrator at 266-4551. If you have any questions or if I may be of any further assistance, please do not hesitate to contact my office at 266-5974.

Sincerely,

Heather Stouder, AICP
Planner

cc: Janet Schmidt, City Engineering Division
Jeff Quamme, City Engineering Division
Pat Anderson, Asst. Zoning Administrator
Eric Halvorson, Traffic Engineering
Bill Sullivan, Fire Department
Kay Rutledge, Parks Division
George Dreckmann, Recycling Coordinator

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

Signature of Applicant

Signature of Property Owner, if not Applicant

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (H. Stouder)	<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 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"/>	Real Estate