



Department of Planning & Community & Economic Development
Planning Division

Website: www.cityofmadison.com

Madison Municipal Building
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P.O. Box 2985
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January 15, 2013

Kevin Page
Kothe Real Estate Partners
615 E. Washington Ave. #214
Madison, WI 53703

RE: Approval of a conditional use to construct a new mixed use building with a daycare facility and 36 residential units in the C2 (General Commercial) District.

Dear Mr. Page:

At its January 14, 2013 meeting, the Plan Commission found the standards met and **approved** your client's conditional use application for 1360 MacArthur Road, subject to the conditions below. In order to receive final approval of the conditional use and for any necessary permits to be issued for your project, the following conditions shall be met:

Please contact me at 266-5974 if you have questions regarding the following 8 items:

1. Final Prior to staff signoff on the conditional use, the applicant shall submit for review all legal documentation on the shared access and maintenance between this property and property at 1350 MacArthur Road to include the following items:
 - a) Pedestrian access
 - b) Fire access
 - c) Access and management of the trash enclosure
 - d) Shared Parking Agreement with 1350 MacArthur Road to include the use of 6 spaces for use during daycare hours, and at least 6 spaces for use by tenants and visitors as overflow parking during evenings, overnight, and on weekends. Specific hours of use shall be specified.
2. In final plans submitted for review and approval by staff, a total of 38 bicycle stalls shall be provided on the property, as per Zoning requirements. A significant portion of these stalls shall be provided inside the building, and those provided outside the building shall be located near building entrances.
3. Final plans submitted for review and approval by staff shall include the proposed daycare facility, and a management plan for the daycare facility. Hours of operation for the daycare facility shall be limited to the hours of 6:30 AM and 6:30 PM, Monday through Friday, and there shall be no more than 32 children served by the facility at any one time. Any change to these parameters in the future would require an alteration to the conditional use.
4. Final plans submitted for review and approval by staff shall include a complete landscape plan with landscaping provided along the front of the property, between the public street and the proposed parking lot and daycare facility play yard.
5. If the management company or plan for of the residential portion of the building changes in the future, the property owner shall be required to submit a revised management plan as an alteration to the conditional use. At that time, the Alder and the Director of the Department of Planning and Community and Economic Development can determine whether to approve the change administratively, or to have it reviewed by the Plan Commission.

6. Final plans submitted for staff review and approval shall include a study to be reviewed by the City Traffic Engineer indicating that the building will be constructed to limit interior highway noise to 52 decibels, and that the outdoor recreational equipment associated with the daycare facility will be located outside of the 67-decibel contour.
7. Final plans submitted for review and approval by staff shall include revised elevations eliminating the use of EIFS from the ground level and significantly decreasing the use of EIFS on the building altogether.
8. The applicant shall explore ways to provide on-site playground equipment for residents. This could either be access to the daycare playground during non daycare hours, or incorporated as a separate playground space. *[Note: This condition was added by the Plan Commission.]*

Please contact Janet Dailey of the City Engineering Division at 261-9688 if you have questions regarding the following 19 items:

9. A permit to discharge to the WDOT right-of-way shall be obtained and provided to City Engineering.
10. Southeast property line proposes a swale with 0.7% slope. Provide contour design showing how this is accomplished without grading neighboring property; or provide copy of recorded easement and/or agreement for any necessary grading on the adjacent property.
11. The proposed daycare facility shall use the approved address of 1356 MacArthur Road and the proposed apartment complex shall use 1360 MacArthur Road.
12. In accordance with 10.34 MGO – STREET NUMBERS - Submit a PDF of each floor plan to Engineering Mapping - Lori Zenchenko (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.
13. The Applicant shall execute a waiver of notice and hearing on the assessments for the improvement of MacArthur Road in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.
14. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
15. 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.
16. All work in the public right-of-way shall be performed by a City licensed contractor.
17. 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.
18. 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.
19. 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.

20. Prior to approval, this project shall comply with MGO Chapter 37 regarding stormwater management. Specifically, this development is required to:
- a) Detain the 2 & 10-year storm events
 - b) Control 80% TSS (5 micron particle) off of new paved surfaces
 - c) Provide infiltration in accordance with Chapter 37 of the Madison General Ordinances
 - d) Provide oil & grease control from the first 1/2" of runoff from parking areas.
 - e) 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 Ch. 37.
21. Applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number.
- a) Building Footprints
 - b) Internal Walkway Areas
 - c) Internal Site Parking Areas
 - d) Other Misc Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
 - e) Right-of-Way lines (public and private)
 - f) All Underlying Lot lines or parcel lines if unplatted
 - g) Lot numbers or the words "unplatted"
 - h) Lot/Plat dimensions
 - i) Street names

All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred lzenchenko@cityofmadison.com . Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file.

22. 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.

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).
23. 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

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.

24. The area adjacent to this proposed development has a known flooding risk. All entrances shall be 2-feet above the adjacent sidewalk elevation or 1-foot above the 100-year regional flood elevation (whichever is greater). This includes garage entrances.
25. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. This permit application is available on line at: <http://www.cityofmadison.com/engineering/permits.cfm>.
26. 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 / Subdivision Contract. Contact Janet Dailey (608-261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
27. 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 Pat Anderson of the Zoning Office at 266-5978 if you have any questions regarding the following 10 items:

28. The zoning code requires thirty-six (36) bicycle parking stalls for the apartments and two (2) bicycle parking stalls for the daycare facility, where sixteen (16) stalls have been provided. Provide 38 bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan or contact the Zoning Administrator to discuss a deferment or reduction in the required bicycle parking. Provide a detail of the proposed bicycle racks. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area, call out and dimension on final plans.
29. No landscaping plan has been provided. 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.
30. Lighting is required and shall be in accordance with City of MGO Section 10.085. Provide a lighting photometric plan, including cut sheets for fixture, with the final plan submittal.
31. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31. Permits must be issued by the Zoning Section of the Department of Planning and Development.
32. Obtain and maintain a license with the State of Wisconsin for a Day Care Facility and obtain a Certificate of Occupancy for the Day Care from the City of Madison prior to commencing this use.
33. This Conditional Use approval includes an 11 stall parking reduction, which is within the amount authorized for administrative approval in the zoning code.
34. Parking requirements for persons with disabilities must comply with MGO Section 28.11 (3) 6.(m) which includes all applicable State accessible requirements, including but not limited to:
 - a) Provide a minimum of two 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.
 - b) Show signage at the head of the stalls. Accessible signs shall be a minimum of 60" between the bottom of the sign and the ground.
 - c) Show the accessible path from the stalls to the building. The stalls shall be as near the accessible entrance as possible. Show ramps, curbs, or wheel stops where required
35. Show the 22,571 sq. ft. areas being used to meet the minimum Usable Open Space requirement (10,560 sq. ft.) for this PRD. Plans shall be approved by Zoning Administrator. Usable open space

shall be in a compact area of not less than 200 square feet, having no dimensions less than 10 feet and having a slope no greater than 10 percent. The required front yard, required street side yards, and wet detention pond do not count toward usable open space.

- 36. Provide one 10' x 35' loading area with 14' vertical clearance to be shown on the plan. Buildings containing less than fifty thousand (50,000) square feet of gross floor area, an off-street loading berth may be located in an aisle provided for an off-street parking facility, subject to such conditions as may be prescribed by the Zoning Administrator.
- 37. Plans and submitted letter of intent indicate a desire for a shared parking arrangement with the property to the south (1350 MacArthur Rd). Current Zoning Code requirements do not allow shared parking arrangements, this will require a separate approval for shared parking under the new zoning code, Sec. 28.141(5) before the shared parking use may commence.

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

- 38. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

Please contact Dennis Cawley of the Madison Water Utility at 261-9243 if you have any questions regarding the following 2 items:

- 39. This property is not in a wellhead protection district.
- 40. 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 Eric Halvorson, Traffic Engineering at 266-6527 if you have any questions regarding the following 4 items:

- 41. When site plans are submitted for approval, the developer shall provide a recorded copy of the parking easements for the six parking stalls to be dedicated to daycare employees.
- 42. 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 pedestrian walkway adjoining the sites. This land agreement for pedestrian shall be a perpetual, non-exclusive, unimpeded land agreement for the lots in the project. The reciprocal land agreement shall be recorded in the office of the Dane County Register of Deeds before submitting plans for approval.
- 43. Per ordinance, the small car stalls shall not exceed 25% of the total number of Medium and Large Vehicles and Small Vehicles stalls for the facility. The site plan shall show small car parking spaces identified and properly controlled with a sign "Small Cars Only" per each space, when plans are submitted for approval.
- 44. When site plans are submitted for approval, the developer shall provide a plan for the 'drop off / pick up' operation of the daycare facility.

Please contact Kay Rutledge, Parks Division at 266-4714 if you have any questions regarding the following 3 items:

- 45. This development is within the Reindahl park impact fee district (SI22). The developer shall pay approximately \$84,722.40 for park dedication and development fees for the new 36 unit building.

Fees in lieu of dedication = (36 MF @ \$1,708) =	\$61,488.00
<u>Park development fees = (36 MF @ \$645.40) =</u>	<u>\$23,234.40</u>
Total fees =	\$84,722.40

- 46. The developer must select a method for payment of park fees before signoff on the plans.
- 47. 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.

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 your conditional use permit:

- 1. Please revise your plans per the above conditions and submit **nine (9) copies** of a complete, fully dimensioned plan set to the Zoning Administrator for final staff review and comment. Also be sure to include any additional materials requested by these departments for their approval prior to sign off.
- 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 the conditional use permit.
- 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

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 266-5974.

Sincerely,

Heather Stouder, AICP
 Planner

cc: Janet Dailey, City Engineering Division
 Eric Pederson, City Engineering Division
 Pat Anderson, Asst. Zoning Administrator
 Eric Halvorson, Traffic Engineering
 Bill Sullivan, Madison Fire Department
 Kay Rutledge, Parks Division

<p>I hereby acknowledge that I understand and will comply with the above conditions of approval for this conditional use permit.</p> <p>_____</p> <p style="text-align: center;"><i>Signature of Applicant</i></p> <p>_____</p> <p style="text-align: center;"><i>Signature of Property Owner (if not applicant)</i></p>

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