



Department of Planning & Community & Economic Development

Planning Division

Katherine Cornwell, Director

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March 19, 2014

Lance McGrath
McGrath Property Group
222 S. Bedford Street, Suite A
Madison, Wisconsin 53703

RE: Approval of a request to rezone 149 E. Wilson Street from UMX (Urban Mixed-Use District) to DC (Downtown Core District) and approval of a demolition permit and conditional use to allow demolition of an office building and construction of a mixed-use building containing approximately 9,100 square feet of first floor retail space and 121 apartments.

Dear Mr. McGrath;

At its January 27, 2014 meeting, the Plan Commission found the standards and criteria met and recommended **approval** of your request to rezone 149 E. Wilson Street from UMX to DC to the Common Council and **approved** your related demolition permit and conditional use requests subject to the recommendation of the Urban Design Commission and the comments and conditions contained in this letter.

On March 18, 2014, the Common Council **approved** your request to rezone this property from UMX to DC and found the conditional use standards met and **upheld** the January 27 Plan Commission approval of the conditional use following an appeal filed by nearby property owners.

The conditions of approval to be met prior to the issuance of demolition or building permits for this project are:

Please contact Janet Dailey of the City Engineering Division at 261-9688 if you have questions regarding the following twenty-nine (29) items:

1. 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. When the recorded CSM image is available from the ROD, the City Assessor's Office can then create the new Address-Parcel-Owner data in the property database on which the permits will be issued.
2. The Easement for Fire Lane per Document No. 4110564 shall be denoted and the limits of the easement shown on all site plans.
3. The address of 149 E. Wilson Street is being retired with the demolition of the existing building. The new proposed building will have a base address of 151 E. Wilson Street.

4. Proposed 6-inch sanitary sewer cannot be connected to the City's 6-inch diameter main with a WPE connection. The 6-inch lateral will rather need to be connected at a City sanitary sewer manhole.
5. Review the required sanitary sewer capacity with Mark Moder of City Engineering at 261-9250.
6. Discharge of stormwater onto the Union Pacific Railroad property requires separate approval or permitting. Provide evidence of such permitting or approval to City Engineering prior to site plan sign off. As an alternative, the applicant may meet with the City Engineer to discuss a different solution.
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 site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
9. The site plan shall include all lot/ownership lines, existing building locations, proposed building additions, demolitions, parking stalls, driveways, sidewalks (public and/or private), existing and proposed signage, existing and proposed utility locations and landscaping.
10. The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.
11. In accordance with 10.34 MGO – Street Numbers: Submit a PDF of each floor plan to Lori Zenchenko in Engineering Mapping (Lzenchenko@cityofmadison.com) so that an 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.
12. The final site plans shall include a full and complete legal description of the site or property being subjected to this application.
13. The approval of this 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.

14. 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.
15. 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.
16. The applicant shall provide the City Engineer with the proposed earth retention system to accommodate the restoration. The earth retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system.
17. All work in the public right of way shall be performed by a City-licensed contractor.
18. All damage to the pavement on E. Wilson Street adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.
19. 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.
20. The applicant shall show stormwater "overflow" paths that will safely route runoff when the storm sewer is at capacity.
21. 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.
22. For commercial sites less than 1 acre in disturbance, the City of Madison is an approved agent of the Department of Commerce and Wisconsin Department of Natural Resources (WDNR). As this project is on a site with disturbance area less than one acre 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.
23. Prior to approval, this project shall comply with MGO Section 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 Chapter 37 MGO.
24. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the City Engineering Division. (Lori Zenchenko) lzenchenko@cityofmadison.com. The digital copies shall be drawn to scale and represent final construction including: building footprints, internal walkway areas, internal site parking areas, lot lines/ numbers/ dimensions, street names, and other

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

25. 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).
26. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.
27. All outstanding Madison Metropolitan Sewerage District (MMSD) are due and payable prior City Engineering Division sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of 2 working days prior to requesting City Engineering Division signoff.
28. 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.
29. Prior to final approval of the demolition permit, the owner shall obtain a permit to plug each existing sanitary sewer and/ or storm sewer lateral that serves a building that is proposed for demolition. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing 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: New plugging procedures and permit fees are in effect as of January 1, 2013.

Please contact Scott Langer of the Traffic Engineering Division at 266-5987 if you have any questions regarding the following fifteen (15) items, including #30-32 added by the Plan Commission:

30. The applicant upon submittal of final plans shall include a move-in/ move-out plan for approval by the Traffic Engineering Division. This plan shall include use of the loading zone for all moves unless a move requires use of a semi. The plan shall address where the semi will unload, including an alternate plan in the event a contra-flow bike lane is added to E. Wilson Street. Use of the moving plan shall be included as a requirement of all building commercial and residential leases.
31. The applicant upon submittal of final plans shall include a delivery plan for approval by the Traffic Engineering Division. This plan shall address how commercial deliveries to the building's office/ retail and residential tenants will be conducted. Use of the delivery plan shall be included as a requirement of all building commercial and residential leases.
32. If the Traffic Engineer and Zoning Administrator determine that the project needs additional bike parking, they shall have the ability to require the conversion of other parking to provide the additional bike parking.

33. The 18-foot fire lane is unlikely to accommodate both a loading zone and ingress/egress from parking entrance. This may result in moving vehicles and garbage trucks staging within the Butler-King-Wilson street intersection. E. Wilson Street is likely to include a contra flow bike lane in the future, further complicating loading/unloading from E. Wilson Street.
34. Loading for the commercial space as designed is unlikely to occur in the fire lane. Vehicles making deliveries to the building are likely to park in the E. Wilson Street intersection, which may cause increased congestion in the intersection.
35. Traffic Engineering questions the constructability of the building on this footprint without major negative impacts to pedestrian and vehicular travel. The applicant shall submit a construction plan for Traffic Engineering Division review prior to sign off of final plans. The applicant shall plan on using construction methods above and beyond normal means to maintain sidewalk and travel lanes within the E. Wilson Street right of way at all times.
36. The applicant shall work with the Madison Fire Department to maintain all necessary fire accommodations via fire lane located on the south side of the building at all times during the construction of the building.
37. The applicant shall demonstrate in construction plans prior to sign off how deliveries will be taken on the site without adversely impacting pedestrians or the general traveling public.
38. If sporadic impacts to the right of way are required, they must be completed on an approved weekend only. Weekend impacts to the public right of way during major events will not be permitted.
39. Existing stairs that serve 137 E. Wilson Street within the fire lane/parking/loading access will not allow for proper driveway operation of the proposed facility. Approval of the proposed site shall be contingent on the applicant providing an 18-foot wide drive aisle, clear of any obstructions, from E. Wilson Street to the parking facility entrance of 149 E. Wilson Street.
40. A condition of approval shall be that no residential parking permits shall be issued for 149 E. Wilson Street; this would be consistent with other projects in the area. In addition, the applicant shall inform all tenants of this requirement in their apartment leases. In addition, the applicant shall submit for 149 E. Wilson Street a copy of the lease noting the above condition with the final plans for this project.
41. The applicant shall provide a 10-foot clear vision triangle behind the right of way at the pedestrian sidewalk approaching E. Wilson Street on the final plans.
42. When the applicant shall submit plans for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing and proposed property lines, addresses, one contiguous plan (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, semitrailer movements and vehicle routes, dimensions of radii, aisles, driveways, stalls including the 2 feet overhang, and a scaled drawing at 1" = 20'. Contact City Traffic Engineering if you have questions.

43. 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.
44. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.
45. All parking facility design shall conform to standards in MGO Section 10.08(6).

Please contact Pat Anderson, Assistant Zoning Administrator, at 266-5978 if you have any questions regarding the following seven (7) items:

46. The overall height of the building, including all mechanical equipment projections, shall not exceed the Capitol View Preservation limitation, 187.2 feet City Datum, per Sec. 28.134(3) of the Zoning Code. This project includes a permissible elevator/mechanical overrun equipment projection into the Capitol View height area by approximately 6.2 feet. Per Sec. 28.134(3) of the Zoning Code, this projection may be approved with this conditional use. Provide the overall height of building relative to Capitol View height limitation on the final plans.
47. Plan level two of the plans shows 51 storage spaces, which appear to be counted toward the minimum bike parking requirement. Per MGO Section 28.141(11)(c) of the Zoning Code, personal storage areas may not count toward the provision of required bicycle parking. The project is 46 spaces short of the minimum bike parking requirement, not including future commercial space, which has a bike parking requirement to be determined. The project provides about 33% less than the required minimum. Per Sec. 28.141(11)(a)1, the visitor parking and majority of the commercial bike parking must be designed as short-term stalls (13 stalls plus commercial to be determined), where 4 are shown as short-term on the submitted plans. A bike parking reduction may be requested with this project, but has not been specifically requested with this submittal.
48. Provide a reuse/recycling plan, to be reviewed and approved by the City's Recycling Coordinator, George Dreckmann, prior to a demolition permit being issued. MGO Section 28.185(7)(a)5 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.
49. Provide detail drawings of the windows on all facades, to show compliance with MGO Section 28.071(3)(e).
50. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Section 31, Sign Code prior to sign installations.
51. Bike parking shall comply with MGO Section 28.141: Clearly show each bike parking space on the floor plans, including required 5-foot access aisle. Identify wall-mounted, structured, and surface bike parking spaces, and include a bike rack detail showing compliance with Sec. 28.141(11).

52. Provide landscape plans pursuant to MGO Section 28.142, 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.

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

53. This property is in wellhead protection district WP-17. All proposed/ future uses of the site shall be approved by the Water Utility General Manager or his/ her designee.
54. The Madison Water Utility shall be notified to remove the water meter prior to demolition. Per MGO Section 13.21, 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 Bill Sullivan of the Madison Fire Department at 261-9658 if you have any questions regarding the following two (2) items:

55. Provide a fire command center per IBC 911.
56. Provide fire apparatus access as required by IFC 503 2009 edition, MGO Section 34.503: Fire lanes shall be constructed of concrete or asphalt only, and designed to support a minimum load of 85,000 lbs.

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

57. The developer shall pay approximately \$312,667.65 for park dedication and development fees for the new 127 multi-family units proposed. This development is within the Tenney-Law-James Madison park impact fee district (SI26). Please reference ID# 13167 when contacting Parks Division staff about this project. Note: Park impact fees are adjusted on January 1 of each calendar year, and the park impact fees due at the time of building permit issuance may be higher than the amounts stated above to reflect these annual adjustments.
58. 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, the 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 the *City of Madison Standard Specifications for Public Works Construction*.
59. 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.

Please contact my office at 261-9632 if you have any questions about the following conditions, including the conditions of approval added by the Plan Commission (except where another agency is also noted):

60. Prior to final approval of the plans and the issuance of demolition or building permits, the applicant shall indicate compliance with the provisions in Section 28.071(3)(e)5 of the Zoning Code: "Glass on all windows and doors shall be clear or slightly tinted, allowing views into and out of the interior. Spandrel glass may be used on service areas on the building." In order to meet this condition, additional information shall be provided for the exterior of the first floor trash/ recycling room facing E. Wilson Street, which staff recommends be as transparent as possible, and translucent if not, so as to avoid a "dead" zone along that elevation.
61. The final plans shall note the height of the project in City datum. All portions of the building shall observe the Capitol View Preservation limits of 187.2 feet, City datum, except where approved herein as a conditional use for the proposed elevator penthouse/ stair tower.
62. The applicant upon submittal of final plans shall include a refuse and recycling collection plan for approval by the Planning Division and Traffic Engineering Division. The refuse and recycling plan shall provide that all residential tenants will be provided regular, at a minimum weekly, recycling service on each residential floor.
63. A food or beverage establishment shall only be allowed if approved pursuant to Section 28.183(8) of the Zoning Code, except that any outdoor eating area for a food and beverage establishment shall require a separate conditional use approved by the Plan Commission following a public hearing.
64. That the applicant investigate incorporating a 1- to 2-foot setback for the planter walls adjacent to the E. Wilson Street sidewalk to allow for a wider pedestrian space.

The applicant is required to receive final approval of the revised project plans by the Urban Design Commission prior to final approval and issuance of demolition or building permits. The applicant is required to satisfy the conditions of that approval and the January 8, 2014 Urban Design Commission approval of the earlier plans 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 about those conditions.

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, Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard. 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. Provide a reuse/recycling plan, to be reviewed and approved by the City Recycling Coordinator prior to a demolition permit being issued. Section 28.185(10) 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.
4. The Madison Water Utility shall be notified to remove the water meter(s) prior to demolition.
5. Approval of the 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.
6. 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 contact my office at 261-9632.

Sincerely,

Timothy M. Parks
Planner

cc: Janet Dailey, City Engineering Division
Scott Langer, Traffic Engineering Division
Pat Anderson, Asst. Zoning Administrator
Kay Rutledge, Parks Division
Dennis Cawley, Madison Water Utility
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)*

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (T. Parks)	<input checked="" type="checkbox"/>	Engineering Mapping Sec.
<input checked="" type="checkbox"/>	Zoning Administrator	<input checked="" type="checkbox"/>	Parks Division
<input checked="" type="checkbox"/>	City Engineering	<input checked="" type="checkbox"/>	Urban Design Commission
<input checked="" type="checkbox"/>	Traffic Engineering	<input checked="" type="checkbox"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input type="checkbox"/>	Other: