



Department of Planning & Community & Economic Development

Planning Division

Katherine Cornwell, Director

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October 8, 2014

Brad Binkowski
Urban Land Interests
10 E. Doty St. Ste. 300
Madison, WI 53703

RE: Approval of a rezoning from DC (Downtown Core) to PD-GDP (Planned Development - General Development Plan) and PD-GDP-SIP for an office addition, a new underground parking area, and replacement of a parking structure with a mixed-use building.

Dear Mr. Binkowsk:

At its October 7, 2014 meeting, the Common Council found the standards met and **approved** your rezoning and demolition request at 115-126 South Carroll Street and 25 West Main Street, subject to the conditions below. In order to receive final approval of the rezoning, 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 8 items:

1. Prior to issuance of demolition or building permits, proof of financing for the proposal shall be provided for review and approval by the Director of Planning and Community and Economic Development.
2. Final plans submitted for staff review and approval shall include significantly more bicycle parking, so as to meet or exceed the conventional zoning code requirements for all proposed uses. The applicant shall work with Planning and Zoning staff on the details for the placement and design of bicycle parking. NOTE: Any bicycle parking in the public right-of-way, which may be desired to serve the ground floor commercial uses, must be coordinated and approved with input from Traffic Engineering staff and any necessary encroachment agreements.
3. Approval of the Planned Development – General Development Plan for the mixed-use building at 126 South Carroll Street is limited to the proposed height, massing, and mix of uses in the building, and does not pertain to the exterior of the building. The applicant is encouraged to submit revised elevations with further detail and a greater proportion of masonry when seeking approval to rezone this portion of the property to Planned Development – Specific Implementation Plan.
4. Final plans submitted for staff review and approval shall include information demonstrating how snow and ice will be handled on the projecting bay, so as not to cause safety concerns for pedestrians. Documentation provided should sufficiently ensure that there will be no need to restrict the use of portions of the sidewalk under the projecting bay.

5. Prior to receiving permits for the proposed changes to the building, the applicant shall submit materials for review by the Privilege in Streets staff committee and reach a formal agreement with the City regarding the proposed encroachments into the public right-of-way.
6. Portions of the PD-GDP submittal for the new mixed-use building at 126 South Carroll Street show the proposed building crossing the property line shared with the Jackman Building, and connections to the Jackman Building. While this arrangement could potentially be supported as a future amendment to this PD-GDP and a related PD-SIP, improvements shown on property outside of the applicant's current holdings is not approvable as part of the PD-GDP at the present time. In order to support this arrangement, the applicant is encouraged to coordinate closely with the Historic Preservation Planner, Madison Fire Department, and Building Inspection staff.
7. Sufficient detail on all proposed above-grade encroachments associated with the building at 25 West Main Street shall be provided to demonstrate that there is no additional space being requested beyond what was approved by the Plan Commission in March, 2013 and/or subsequently altered by the Urban Design Commission approval of the minor alteration on March 5, 2014.
8. Prior to submitting final plans for staff review and approval, the applicant shall obtain final design approval by the Urban Design Commission for the requested Planned Development zoning.

Please contact Janet Schmidt of the City Engineering Division at 261-9688 if you have questions regarding the following 35 items:

9. The existing tunnel shall be completely removed from within the right-of-way (Developer Agreement). Applicant shall be responsible for protecting all existing utilities during removal and restoration.
10. Developer shall keep all subterranean structures at least 3-feet below grade to allow for City maintenance of the street and sidewalk.
11. The developer is aware that both a temporary storm and sanitary sewer control plan is needed to address construction phasing.
12. The erosion control plan/permit shall address dewatering and concrete control during construction.
13. Applicant will need to provide a utility plan for intended new locations for sewer, storm sewer, and water main prior to plan approval.
14. A solution that permits the proposed subterranean parking structure shown on the plans within the South Carroll Street right of way below the street shall be provided by the applicant and reviewed and approved by the City of Madison. As provided for by State Statute 66.0915(4), a lease of the subterranean area would be a preferred option. The applicant shall consult with the City of Madison Attorney's Office, Engineering Office and Office of Real Estate Services and investigate the possibility of leasing the subterranean portion under South Carroll Street necessary (a three dimensional area) to encompass the proposed parking structure within the South Carroll Street right of way. To address the fire code issue, this leased area would subsequently be included within a one Lot Certified Survey Map, including and connecting all of the owner's lands lying northeast and southwest of Carroll street. All lands would be connected within the CSM by the three dimensional portion of Carroll Street that is subject to the lease. This would create a single lot to eliminate any lot line bisecting the parking structure. This option as discussed above, or any future option, is not guaranteed and is conditioned upon and subject to review by multiple City of Madison Agencies and staff for compliance with statutes, ordinances, laws and other conditions of approval. Any option and plan approval would also ultimately be subject to the review and approval by the City of Madison Common Council.

15. The proposed new buildings will cross underlying platted lot lines. Current fire code and City enforcement requires the underlying platted lot lines be dissolved by Certified Survey Map (CSM) prior to issuance of a building permit. A revised CSM and required supporting information shall be prepared and submitted to the City of Madison Planning Department that encompasses this entire project. The CSM shall be approved by the City and recorded with the Dane County Register of Deeds prior to issuance of a building permit.
16. The Applicant shall confirm all portions of the proposed buildings and/or any private site improvements that will encroach into the adjacent right of ways. If any private improvements are determined will encroach into the right of way, the Applicant shall make an application with City of Madison for a privilege in streets administered by the City of Madison Office of Real Estate Services. An approval of the development does not constitute or guarantee approval of any encroachments.
17. The site plans are insufficient to provide detailed comments from City Engineering. Revise the plans to include a site plan showing the entire site with building outlines, lot lines, existing and proposed public and private utilities. Include spot elevations of new driveways and door openings. Provide a sheet with existing conditions which includes spot elevations of the existing sidewalk and adjacent curb and gutter and street. The plans should show all proposed improvements in the right of way as anticipated for the construction of this project. Additional comments will be provided upon receipt of the revised plans.
18. This project will likely require a development agreement for the restoration of the existing public infrastructure. The Applicant shall be required to provide adequate topographical survey data along with enough detail on the proposed project to allow for City Engineering staff to produce a plan for the restoration.
19. Provide additional details on the existing tunnel in Carroll Street. The existing tunnel shall be located on the plan and shall include the approximate depth and size.
20. 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).
21. The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
22. 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.
23. The site plan shall include a full and complete legal description of the site or property being subjected to this application.
24. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass (POLICY).
25. 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).

26. 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).
27. 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).
28. The Applicant shall obtain a privilege in streets agreement for any encroachments inside the public right of way. The approval of this development does not constitute or guarantee approval of the encroachments (INFORMATIONAL).
29. 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 (POLICY).
30. The Applicant shall complete work on exposed aggregate sidewalk in accordance with specifications provided by the city. The stone used for the exposed aggregate shall be approved by the City. The Construction Engineer shall be notified prior to beginning construction. Any work that does not match the adjacent work or which the City Construction Engineer finds is unacceptable shall be removed and replaced (POLICY).
31. 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).
32. All damage to the pavement on Doty Street, Main Street, and Carroll Street 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).
33. 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.
34. 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 (POLICY and MGO OVER 10,000 SF of impervious area 10.29 and 37.05(7)(b)).
35. 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 (POLICY and MGO 10.29).
36. 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.

37. Effective January 1, 2010, The Department of Commerce's authority to permit commercial sites, with over one (1) acre of disturbance, for stormwater management and erosion control has been transferred to the Department of Natural Resources (WDNR). The WDNR does not have an authorized local program transferring this authority to the City of Madison. The City of Madison has been required by the WDNR to continue to review projects for compliance with NR216 and NR-151 but a separate permit submittal is now required to the WDNR for this work as well. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process.

As this site is greater than one (1) acre, the applicant is required by State Statute to obtain a Water Resources Application for Project Permits (WRAPP) from the Wisconsin Department of Natural Resources, prior to beginning construction. This permit was previously known as a Notice of Intent Permit (NOI). Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement.

Information on this permit application is available on line

<http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm> (NOTIFICATION).

38. Prior to approval, this project shall comply with MGO Ch. 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 Ch. 37.

Stormwater management plans shall be submitted and approved by City Engineering prior to signoff.

39. 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 Mgmt Facilities (including if applicable planting plans)

40. 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 (POLICY and MGO 37.09(2)).

41. 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)).

42. 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)).
43. 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:

44. Provide an RFID for all regular parking customers which upon entry will signal the gate to lift without the customers needing to swipe a card or enter an entry code. *(Note: This condition was added by the Common Council on October 7, 2014, following the report of the City Traffic Engineer.)*
45. Modify the ingress point to provide for two gates, thus limiting the changes for queuing on West Doty Street public right-of-way. *(Note: This condition was added by the Common Council on October 7, 2014, following the report of the City Traffic Engineer.)*
46. The applicant shall provide a deposit for signing and marking to be determined by the Traffic Engineering Department. *(Note: This condition was added by the Common Council on October 7, 2014, following the report of the City Traffic Engineer.)*
47. The number of off street parking spaces reserved for residents use is not specified. Residents of this development shall not be eligible for participation in the Residential Permit Parking Program unless 24/7 reserved off street parking spaces are provided with a minimum 1:1 ratio of spaces per dwelling unit. The applicant shall inform all potential residents of this development of this restriction in their apartment leases. In addition, the applicant shall submit a copy of the lease noting the above condition.
48. ~~It is not clear whether any on-street metered public parking spaces will be lost due to this development. If any on-street metered public parking spaces are lost due to this development, the developer shall compensate the City of Madison Parking Utility \$39,550 for each on-street metered parking space lost due to the development, this represents the present value of the future revenue stream from these parking spaces. (Note: This condition was removed by the Plan Commission on September 22, 2014.)~~
49. 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.
50. 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.

51. 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.
52. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

Please contact Bill Sullivan of the Madison Fire Department at 261-9658 if you have any questions about the following 3 items:

53. MFD does not support the underground parking garage beneath Carroll Street in its current configuration. The State building code prohibits openings in buildings along property lines. The proposed garage crosses (2) existing property lines. Property line and opening issues would need to be resolved to meet the requirements in IBC 2009, prior to the issuance of building permits.
54. Some of the drawings indicate the proposed (9) story residential development being built across a property line which would create a building code violation unless property lines are modified.
55. Ensure vertical exit enclosures extend to the exterior of the building as required by IBC 1022.

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

56. 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 rezoning. This development is within the Tenney, Law and James Madison park impact fee district (SI26). Please reference ID# 14149 when contacting Parks about this project.
57. 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.
58. Additional street trees are needed for this project. All street tree planting locations and trees species with the right of way shall be coordinated with City Forestry. Please submit a site 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>.
59. 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 Tim Sobota of Metro Transit at 261-4289 if you have any questions regarding the following 4 items:

60. The applicant shall protect the existing bus shelter, curbside bus loading zone, and sidewalk pedestrian access to transit vehicles during construction. Pedestrian access must be maintained along the entire block face of West Main Street, between South Hamilton Street and Martin Luther King Jr. Boulevard, and must comply with standards set out by the Americans with Disabilities Act.
61. In the case where construction activities must hinder the above access requirements, such activities shall be scheduled during non-peak periods of transit activity. These periods include weekends and weekdays outside the hours of 6:00 AM to 9:30 AM and 2:30 PM to 6:00 PM.
62. The applicant shall be required to provide notice to Metro Transit five (5) days prior to any encroachment of construction activity onto the passenger shelter, sidewalk, or curbside bus loading area.
63. Metro Transit operates an extremely high level of transit service along West Main Street along the block face between South Hamilton Street and Martin Luther King Jr. Boulevard. Buses are scheduled to park and wait time at this stop location throughout the day, and during peak periods the entire block face can be occupied by transit vehicles.

Please contact Dennis Cawley, Water Utility, at 266-4651 if you have any questions regarding the following 2 items:

64. The developer shall be responsible for all relocation or abandonment costs involving the public water main associated with the construction of facilities beneath the public right-of-way.
65. This property is not in a City of Madison 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.

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

66. Section 28.185(7)(a)5 requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Mr. George Dreckmann (608-267-2626).
67. Section 28.185(10) Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(7)(a)5 shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
68. Section 28.185(9)a A demolition or removal permit is valid for one (1) year from the date of the Plan Commission approval.

The applicant is also required to satisfy the conditions of approval of the Urban Design Commission prior to the final staff approval of the project and the issuance of permits. 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.

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After the planned development has 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 the Zoning staff to the City department staff listed above for their final approval.

Upon receipt of the aforementioned plans, documents and fees, and upon determining that they are complete, the Zoning Administrator shall record them with the Dane County Register of Deeds Office. The recorded originals will be returned to the applicant, with the recording information noted, when the Register of Deeds has completed the recording process.

If this plan is not recorded within one year of the date of approval by the Common Council, the approval shall be null and void. No construction or alteration of the property included in this application shall be permitted until a Specific Implementation Plan (SIP) has been approved and recorded.

Within thirty-six (36) months of Common Council approval of the general development plan, the basic right of use for the areas, when in conformity with the approved specific implementation plan, shall lapse and be null and void unless 1) the project, as approved, is commenced by the issuance of a building permit, or 2) if an application for an extension is filed at least thirty (30) days prior to the expiration of the thirty-six (36) month period and the Plan Commission, after a public hearing pursuant to Sec. 28.181(5), determines that no changes in the surrounding area or neighborhood since approval of the general development plan render the project incompatible with current conditions and grants an extension of up to twenty-four (24) months in which to obtain a building permit. In no case shall an extension allow a building permit to be issued more than sixty (60) months after approval of the general development plan by the Common Council. If a new building permit is required pursuant to sec. 29.06(4), Madison General Ordinances, a new petition and approval process shall be required to obtain general development plan approval and specific implementation plan approval.

If you have any questions regarding recording this plan or obtaining permits, please call Matt Tucker, Zoning Administrator, at 266-4551. If I may be of any further assistance, please do not hesitate to contact me at 266-5974.

Sincerely,

Heather Stouder
Planner

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (T. Parks)	<input checked="" type="checkbox"/>	Engineering Mapping Sec.
<input checked="" type="checkbox"/>	Zoning Administrator	<input 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 checked="" type="checkbox"/>	Metro Transit

cc: Janet Schmidt, City Engineering Division
Jeff Quamme, Engineering-Mapping
Eric Halvorson, Traffic Engineering Division
Dennis Cawley, Madison Water Utility
Pat Anderson, Assistant Zoning Administrator
Kay Rutledge, Parks Division
Tim Sobota, Metro Transit
Bill Sullivan, Madison Fire Department