



Department of Planning & Development  
**Planning Unit**

Website: [www.cityofmadison.com](http://www.cityofmadison.com)

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November 8, 2006

SCOTT LEWIS  
106 EAST DOTY STREET  
MADISON WI 53703

JOHN SUTTON  
104 KING ST  
MADISON WI 53703

SUBJECT: 301 South Livingston Street

Dear Mr. Lewis and Mr. Sutton:

The Common Council, at its November 7, 2006 meeting, conditionally approved your application for rezoning from C2 to PUD (GDP-SIP) for property located at 301 South Livingston Street.

The conditions of approval are:

**The Plan Commission added the following specific conditions of approval:**

1. That the developer post a letter of credit or performance bond for the installation of landscaping along the Capital City Trail/East Rail Corridor adjacent to the subject site following approval of a master landscaping plan for that corridor as prepared by the City.
2. That in considering final approval of this project, the Urban Design Commission pay particular attention to the architectural treatment of the residential entrance.
3. That approval of this project could still served as a reaffirmation of the East Rail Corridor Plan land use recommendations for commercial uses on the western end of the corridor and residential uses on the eastern end.
4. The (Marquette Neighborhood Association) committee will continue to meet with the developer's team to address issues of the project's use of the City's right of way along the bike path corridor: The landscaping plan and how it will relate to an existing prairie garden that John Coleman has tended for years with the City's approval, a proposed bike/ped path through the prairie plantings to the property, the proposed patio adjacent to the commercial frontage on Livingston, and the inclusion of bike parking. The use of the ROW is outside the PUD approval process and will require separate approvals from the Parks Division. Other issues outside of the PUD include the installation of angled parking and the reconstruction of the bike path crossing at Livingston as a 'tabletop'.
5. Enhance the aesthetic relationship of the northern side of the building to the bike path as called for in the East Rail Corridor Plan:

- a. Consider more design elements around the door on the western end of the building, such as an overhang and more architectural elements. This door will likely be used by residents who are bike commuters as well as residents wanting to use the landscaped area for social uses.
  - b. Consider adding windows or some other design element as a way to add interest to the upper levels of eastern wall above the patio area which is rather blank.
6. Increase articulation on the southern side of the building above the garage entrance. There is a lack of interplay between the materials that is used elsewhere in the project. It's 'boring'.
  7. Encourage the developer to incorporate green technology, including solar panels, into the design/construction of the building.

**Please contact John Leach, City Traffic Engineering, at 266-4761 if you have questions regarding the following eleven items:**

8. The approval of this PUD (GDP-SIP) 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 Common Council for the restoration of the public right-of-way including any changes requested by the developer.
9. The applicant shall not improve the bike path area in railroad corridor as proposed unless City of Madison Real Estate Division approves encroachment prior to plans being submitted for approval. The applicant should contact City Real Estate if you have questions.
10. To provide for adequate pedestrian pathways/linkage along the southerly side of the building the applicant shall widen the sidewalk to 7 feet to accommodate the 2 foot vehicles overhang with a 5 foot sidewalk to the commercial, retail, and residential building entrances.
11. A condition of approval shall be that no residential parking permits will be used for 301 South Livingston Street, this would be consistent with other projects in the area. In addition, the applicant shall inform all owners and/or tenants of this facility of the requirement in their condominium documentation, apartment leases and zoning text; however, if there are designated inclusionary dwelling units at 301 South Livingston Street, shall be eligible for residential parking permits according to the inclusionary zoning. The applicant shall provide addresses and apartment numbers for designated inclusionary dwelling units, eligible for residential parking permits to City Traffic Engineer/Parking Manager. The applicant shall note in the Zoning Text the inclusionary zoning dwelling units.
12. In addition to number 10 above, there needs to be a five-foot flat area at the top of the curb ramp, between the curb ramp and the entrance to the ramp to the residential building. This is also necessary to provide an accessible route along the sidewalk without having to traverse the curb ramp.
13. When the applicant submits final 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 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, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.
14. When site plans are submitted for approval, the developer shall provide recorded copies of the joint driveway ingress/egress and easements.

15. The applicant shall relocate the “Stop” sign to be installed at a height of seven (7) feet and behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
16. The developer shall post a deposit or reimburse the City for all costs associated with any modifications to Traffic Signals, Street Lighting, Signing and Pavement Marking, and conduit and hand holes, including labor, engineering, and materials for both temporary and permanent installations.
17. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

**Please contact Janet Dailey, City Engineering, at 261-9688 if you have questions regarding the following seventeen items:**

18. Species and location of terrace trees must be approved by the City Forester.
19. Site plan shall be revised to remove right-of-way encroachments, including but not limited to bike racks, building overhang/roof line, landscaping.
20. The area adjacent to this proposed developments floods. All entrances shall be 2-feet above the adjacent sidewalk grades or a foot above the 100-year regional flood elevation (which is greater). This includes garage entrances.
21. 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.
22. The approval of this conditional use 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.
23. 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.
24. 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.

25. 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.
26. The applicant shall provide the City Engineer with the proposed soil retention system to accommodate the restoration. The soil retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system.
27. All work in the public right-of-way shall be performed by a City licensed contractor.
28. The applicant shall show storm water "overflow" paths that will safely route runoff when the storm sewer is at capacity.
29. 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.
30. The City of Madison is an approved agent of the Department of Commerce. This proposal contains a commercial building and as such, 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.
31. 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.
32. The applicant shall submit, prior to plan sign-off, digital CAD files to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital copies shall be to scale and represent final construction.

CAD submittals can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) formats and contain 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 Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
- e) Right-of-Way lines (public and private)
- f) Lot lines
- g) Lot numbers
- h) Lot/Plat dimensions
- i) Street names

NOTE: Email file transmissions preferred [lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com) . Include the site address in this transmittal.

33. The applicant shall obtain a Street Excavation permit for the installation of utilities required to serve this project. The applicant shall pay the permit fee, inspection fee and street degradation fee as applicable and shall comply with all the conditions of the permit.

34. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to connection to the public sewerage system.
35. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size and alignment of the proposed service.

**Please contact Kathy Voeck, the Assistant Zoning Administrator, at 266-4551 if you have questions regarding the following six items:**

36. Site plan and landscape plans shall be consistent with the floor plans, including but not limited to:  
Show the patios/decks on the site/landscape plans.
37. Contact Jerry Lund, CED, 267-8718 regarding encroachment into the street right-of-way with bike parking and landscaping between the subject property and the railroad right-of-way.
38. Meet all applicable State accessible requirements, including but not limited to:
  - a. Provide a minimum of three access bike stalls striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8 foot wide with an 8 foot striped out area adjacent.
  - b. Show signage at the head of the stalls. Accessible signs shall be a minimum of 60 inches between the bottom of the sign and the ground.
39. Provide a minimum of 41 bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. The lockable enclosed lockers or racks or equivalent structures in or upon which the bicycle may be locked by the user shall be securely anchored to the ground or building to prevent the lockers or racks from being removed from the location. NOTE: A bike parking stall is two feet by six feet with a five-foot access area. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices.
40. In the Zoning Text, revise the following:
  - a. Statement of purpose, add “and 6,600 square foot of office/retail uses.”
  - b. Permitted uses, (1) multi-family residential uses as provided in SIP (2) Commercial uses as permitted in the C-1. (3) Uses accessory to permitted uses listed above.
41. In the Zoning Text, revise the signage to be allowed as per Chapter 31 of the Madison General Ordinances. As compared to the R-6 of the residential use and as per C-1 for the Commercial uses, and signage shall be as approved by the Urban Design Commission and Zoning.

**Please contact Michael Waidelich of the Planning Unit staff at 266-4635 if you have questions regarding the following two items:**

42. The Zoning Text for the Planned Unit Development shall be revised to indicate the within the residential portions of the development, the allowed uses are multi-family residential uses not to exceed the density provided in the approved plans; and within the commercial portions of the development, the allowed uses are the non-residential permitted uses as allowed in the C1 limited commercial district. Accessory uses are allowed in both cases.
43. Additional approvals from the appropriate city agencies, boards, commissions and committees will be required for any intended improvements on public property or within public rights-of-way. It is recommended that any intended improvements along the bicycle path corridor be consistent with a concept plan for the entire corridor.

**Please contact Al Martin, staff to the Urban Design Commission, at 266-4635 if you have questions regarding the following item:**

44. If not already obtained, final approval of this proposal will be required by the Urban Design Commission or staff.

**Please contact Si Widstrand, City Parks Division, at 266-4711 if you have questions regarding the following three items:**

45. Total Park Fees for 39 added units = \$67,944.24 which shall be paid prior to signoff on the SIP. (Fee in lieu of dedication = \$1218/unit. Park Development Fee = \$524.16/unit).
46. The approved plans should not show anything except existing improvements in the bike trail corridor. Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right-of-way.
47. The approved plans should not show anything except existing improvements in the bike trail corridor. 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. The bike trail corridor is public right-of-way, managed by Parks, Real Estate and Traffic Engineering. These departments should discuss and determine whether or not any of the proposed improvements are welcomed in the corridor, or whether the corridor should be kept clear of such encroachments. Action on this proposal could set a precedent.

**Please contact Scott Strassburg, Madison Fire Department, at 266-4484 if you have questions regarding the following 2 items:**

48. Provide fire apparatus access as required by COMM 62.0509 and MGO 34.19, as follows:
- a. The site plans shall clearly identify the location of all fire lanes.
  - b. Provide a completed MFD "Fire Apparatus Access and Fire Hydrant Worksheet" with the site plan submittal.
  - c. Provide an aerial apparatus access fire lane that is at least 265 feet wide, with the near edge of the fire lane within 30 feet of the structure, and parallel to one entire side of the structure.
  - d. All portions of the exterior walls of newly constructed one-and two-family dwellings shall be within 500 feet of at least one fire hydrant. Distances are measured along the path traveled by the fire truck as the hose lays off the truck. See MGO 34.20 for additional information.

Approval of the SIP 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. The trees shown in the street rights-of-way shall not be shown on the sign-off plan or construction plans unless they have previously been approved by the City Forester. If these are existing street trees or species and locations that have been approved by the Forester, they shall be so labeled on plans.

After the plans have been changed as per the above conditions, please file twelve (12) sets of the complete site plans, building elevation and floor plans with the Zoning Administrator, Room LL100, 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 signature of final approval.

When these conditions have been satisfied, bring in the revised plan originals to obtain signatures on the cover sheet from the following reviewing departments: City Engineering, Traffic Engineering, Zoning and Planning. After this is accomplished, submit the final plans and documents for recording to the Zoning Administrator, Room LL100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard.

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 (30) months of Common Council approval of the General Development Plan or within eighteen (18) months of the recording of the Specific Implementation Plan, whichever is less, the basis right of use for the areas, when in conformity with the approved Specific Implementation Plan, shall lapse and be null and void unless the project, as approved, is commenced by the issuance of a building permit. If a new building permit is required pursuant to Section 28.06(4), Madison General Ordinances, a new petition and approval process shall be required to obtain Specific Implementation Plan approval.

**If you have any questions regarding recording this plan or obtaining permits, please call Kathy Voeck, Ron Towle or Matt Tucker, Zoning Administrator, at 266-4551.**

Sincerely,

Bill Roberts  
Planner IV

c: Zoning Administrator  
City Engineering  
Traffic Engineering

## SIGN-OFF

Traffic Engineering
City Engineering
Fire Department
Zoning Administrator
Urban Design Commission
(AM)
Planning ( )
Parks Division