



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

126 S. Hamilton Street
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November 9, 2017

Michael Thorson
Inventure Capital, LLC
2820 Walton Commons West, Suite 125
Madison, Wisconsin 53704

RE: Consideration of a demolition permit and conditional use to demolish a warehouse/retail building and construct a mixed-use building with 11,000 square feet of commercial space and 161 apartment units at 131 S. Fair Oaks Avenue (LNDUSE-2017-00086; ID 48497).

Dear Mr. Thorson;

At its November 6, 2017 meeting, the Plan Commission found the standards met and **approved** your demolition permit and conditional use for 131 S. Fair Oaks Avenue. The conditions of approval in the following sections shall be satisfied prior to issuance of demolition or building permits for the project.

Please contact Brenda Stanley of the City Engineering Division at 261-9127 if you have questions regarding the following twenty-one (21) items:

1. 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.
2. All outstanding Madison Metropolitan Sewerage District (MMSD) are due and payable prior to City Engineering sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Mark Moder (261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
3. 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.
4. Add the following note to the plans: "Contractor shall notify Ray Schneider (608) 347-3628, rays@madsewer.org, five (5) days prior to making the connection to the MMSD manhole to arrange for inspection of the connection. Sewer connection shall conform to all MMSD connection specification criteria. Contractor is responsible for taking out the MMSD connection permit as well as the permit connection fee (\$950.00, 2015 rate) if applicable."

5. Per the Wisconsin Department of Natural Resources (WDNR) closure letter, this property was closed with residual soil and/or groundwater contamination (BRRTS #0313-002675). Proof of coordination with the WDNR shall be submitted to Brynn Bemis ((608) 267-1986, bbemis@cityofmadison.com).
6. Based on WDNR records the property may contain residual contaminated soil. If contaminated soil is encountered as part of this redevelopment, all WDNR and DSPS regulations must be followed for proper handling and disposal.
7. A This is a redevelopment requiring TSS (TMDL) removal and oil/grease control. 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., and; 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.
8. This project appears to require construction dewatering. A dewatering plan shall be submitted to City Engineering as part of the Erosion Control Permit application and plan. If contaminated soil or groundwater conditions exist on or adjacent to this project, additional WDNR, Public Health Madison-Dane County, and/or City Engineering Division approvals may be required prior to the issuance of the required Erosion Control Permit.
9. The applicant shall demonstrate compliance with Sections 37.07 and 37.08 of 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 5.0 tons per acre per year. The erosion control plan shall include a concrete washout location and detail drawing.
10. Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements (TSS-TMDL removal and oil/grease control) on this project. Include copies of all stormwater, utility, and detail plan sheets that contain stormwater practices on 8.5x14 size paper in the draft document. These drawings do not need to be to scale as they are for informational purposes only. Once City Engineering staff have reviewed the draft document and approved it with any required revisions submit a signed and notarized original copy to City Engineering. Include a check for \$30.00 made out to Dane County Register of Deeds for the recording fee. City Engineering will forward the document and fee for recording at the time of issuance of the stormwater management permit. Draft document can be emailed to Jeff Benedict at jbenedict@cityofmadison.com, final document and fee should be submitted to City Engineering.
11. This site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR-216 and NR-151; however, a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement.
12. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to Reduce TSS by 80% off of the

proposed development when compared with the existing site. Oil/Grease control is required for the proposed parking lot.

13. 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 of Madison General Ordinances.
14. Provide documentation that the WDNR has approved the wetland setbacks shown on the plans. This can be accomplished through direct approval by WDNR staff review or the "Assured Wetland Delineator" program.
15. The construction of this project will require that the applicant shall enter into a City / Developer agreement for the required infrastructure improvements. The applicant shall contact City Engineering 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. Note: Obtaining a developer's agreement generally takes approximately a minimum of 4-6 weeks.
16. The approval of this zoning approval 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.
17. 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.
18. The applicant shall replace all sidewalk and curb and gutter that abuts the property that 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.
19. All work in the public right of way shall be performed by a City-licensed contractor.
20. All damage to the pavement on S. Fair Oaks Avenue adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.
21. The plans appear to show all of the sidewalk along S. Fair Oaks Avenue being removed/replaced. If this is the case, the applicant shall reconstruct the sidewalk to a plan approved by the City Engineer to set the new sidewalk at the correct elevation.

Please contact Jeff Quamme of the City Engineering–Mapping Section at 266-4097 if you have any questions regarding the following five (5) items:

22. The plans show the removal of improvements lying in the current lease area within the adjacent Wisconsin Department of Transportation (WisDOT) railroad right of way leased to Wisconsin & Southern Railroad. Update owner name on all appropriate sheets. The applicant is responsible to notify and obtain the necessary permits from the WisDOT and Wisconsin & Southern Railroad for any work within the railroad right of way.
23. The address of 131 S. Fair Oaks Avenue will be retired with the demolition of the building. The base address of the proposed site will be determined when the floor plans are received showing the entry doors to the commercial areas and the residential area. 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.
24. It appears the lease of the portion of the adjacent railroad right of way will be terminated. If so, the applicant shall provide written confirmation of the termination of the lease for City of Madison ownership and mapping records.
25. The site plan shall include a full and complete legal description of the site or property being subjected to this application.
26. Submit a PDF of all floor plans to lzenchenko@cityofmadison.com so that a preliminary interior addressing plan can be developed prior to plans being submitted for permit review. 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.

Please contact Eric Halvorson of the Traffic Engineering Division at 266-6527 if you have any questions regarding the following eight (8) items:

27. The southernmost entrance on S. Fair Oaks Avenue shall be one-way in and signed accordingly. This shall be done to protect the path to the south allowing drivers and path users to identify potential conflicts and take appropriate action. (The applicant has submitted a revised plan showing the one-way access on page 19 of the submittal; the applicant shall update all pages in the plan to show one-way operation prior to final sign off. Work with Traffic Engineering on the final geometrics for the one-way drive aisle.).
28. A deposit of \$20,000.00 payable to City Treasurer will be required for the installation of Rapid Rectangular Flashing Beacon (RRFB) at the crossing of South Fair Oaks Avenue and the Capital City Trail. Make check payable to the City of Madison Treasurer to be delivered or mailed to Attention: Eric Poffenberger, Traffic Engineering Division, 30 W. Mifflin Street; Suite 900, P.O. Box 2986, Madison, Wisconsin 53701-2986
29. City of Madison radio systems are microwave directional line of sight to remote towers citywide. The building elevation will need to be reviewed by Traffic Engineering to accommodate the microwave sight and building. The applicant shall submit grade and elevations plans if the building exceeds four

stories prior to sign-off to be reviewed and approved by Austin Scheib, Traffic Engineering Shop, 1120 Sayle Street (266-4766). The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering Division office with final plans for sign off.

30. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawing 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.
31. 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.
32. 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.
33. All parking facility design shall conform to the standards in MGO Section 10.08(6).
34. Items in the right-of-way are not approvable through site plan approval. The applicant shall work with the City's Office of Real Estate Services to start the 'Privilege in Streets' process to obtain an Encroachment Agreement for items in the right-of-way (bicycle racks, planters, etc.).

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

35. Verify the fire access lanes comply with the requirements of MGO Chapter 34 and the IFC. Provide plans at the site verification stage that document details such as width, distance to fire hydrants, and inside turn radii.

Please contact Adam Wiederhoeft of the Madison Water Utility at 266-9121 if you have any questions regarding the following three (3) items:

36. The Madison Water Utility shall be notified to remove the water meters at least two working days prior to demolition. Contact the Water Utility Meter Department at (608) 266-4765 to schedule the meter removal appointments.
37. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least 48-hour notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's Plumbers & Contractors website; otherwise they may be obtained from the Water Utility Main Office at 119 E. Olin Avenue. A licensed plumber signature is required on all water service applications. For

new or replacement services, the property owner or authorized agent is also required to sign the application. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

38. All operating private wells shall be identified and permitted by the Water Utility and all unused private wells shall be abandoned in accordance in accordance with MGO Section 13.21.

Please contact Jenny Kirchgatter, Assistant Zoning Administrator, at 266-4429 if you have any questions regarding the following eleven (11) items:

39. 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, Bryan Johnson (608-266-4682). Section 28.185(10) requires that 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. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
40. Show the height of the proposed building on the elevations. The maximum height is 68 feet. Height is the average of the height of all building facades. For each facade, height is measured from the midpoint of the existing grade to the highest point on the roof of the building or structure. No individual facade shall be more than fifteen percent (15%) higher than the maximum height of the zoning district.
41. As each tenant space is leased, the entire development must reflect compliance in the required amount, type and number of auto and bicycle parking spaces, to be reviewed prior to obtaining zoning approval for each use.
42. Bicycle parking shall comply with City of Madison General Ordinances Sections 28.141(4)(g) Table 28I-3 and 28.141(11) and shall be designated as short-term or long-term bicycle parking. A minimum of 165 resident bicycle stalls are required plus a minimum of 16 short-term guest stalls. Up to twenty-five percent (25%) of bicycle parking may be structured parking, vertical parking or wall mount parking, provided there is a five (5) foot access aisle for wall mount parking. Provide a minimum of five (5) short-term commercial bicycle parking stalls located in a convenient and visible area on a paved or impervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within 100 feet of a principal entrance.
43. Identify and dimension the bicycle stalls, including the access aisles, on the final plans. A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Submit a detail showing the model of bike rack to be installed, including any vertical or wall mount racks.
44. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) 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. Include details of the proposed open space area.
45. Show details of the second floor courtyard area, including landscaping, resident garden area, pool, pool deck, and seating.

46. Show the location of any proposed rooftop mechanical equipment and screening on the rooftop plan. All rooftop and ground level mechanical equipment and utilities shall be fully screened from view from any street or residential district per Section 28.142(9)(d).
47. Exterior lighting provided shall be in accordance with MGO Section 10.085. Provide an exterior lighting plan and fixture cut sheets with the final plan submittal.
48. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.
49. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Please contact Janet Schmidt of the Parks Division at 261-9688 if you have any questions regarding the following seven (7) items, including the condition added by the Plan Commission (#56):

50. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(6) will be required for all new residential development associated with this project. This development is within the East Park-Infrastructure Impact Fee district. Please reference ID# 17149 when contacting Parks Division staff about this project.
51. Due to the immediate adjacency to Olbrich Park and Garver Feed Mill, the Parks Division will require lands to be dedicated to meet the Park-Land dedication requirement. Per ordinance, this development would be required to provide for over 2.7 acres of dedication with the proposed unit counts, however the Parks Division will not be seeking full dedication. The applicant shall be responsible for paying the Park-Land Impact Fee for the balance of the lands that are not dedicated as part of the redevelopment. The applicant shall work with City Parks, Planning and Zoning to determine the location and area of dedication that can be supported by this development. In order to dedicate the required parkland to the City, the applicant may need to complete a Certified Survey Map.
52. The applicant shall provide the Parks Division a copy of their Phase I and Phase II environmental assessments to determine the location of the existing contaminated soils. The applicant shall provide the Parks Division with a copy of the wetland delineation report. These documents will be necessary in determining the parkland dedication requirements for the redevelopment.
53. 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 Brad Hofmann – bhofmann@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. Forestry will be removing the dead street trees along S Fair Oaks Avenue.

54. Additional street trees are needed for this project. All street tree planting locations and tree species within the right of way shall be determined by City Forestry. Please submit a site plan (in PDF format) to Brad Hofmann – bhofmann@cityofmadison.com or 266-4816. Tree planting specifications can be found in Section 209 of City of Madison Standard Specifications for Public Works Construction. The additional trees include locations of dead trees Forestry will be removing along with any vacant planting spaces on S Fair Oak Avenue.
55. 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. Any tree removals that are required for construction after the development plan is approved will require at least a 72-hour waiting period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan.
56. That the applicant work with Parks Division staff to create a bike path connection on the subject site to the adjacent Garver Feed Mill/ Olbrich Park property.

Please contact my office at 261-9632 if you have any questions regarding the following six (6) items, including the two conditions added by the Plan Commission (#61 & 62):

57. Any proposed HVAC or utility penetrations on the building shall not face S. Fair Oaks Avenue or the Capital City Trail (on the southernmost elevation). Any such penetrations elsewhere on the exterior of the building shall be designed to be perpendicular to the facades to limit their visibility to the greatest extent possible. No utility or HVAC pedestals or penetrations, including HVAC wall packs for units, and gas meters or electric meters for buildings/ units shall be permitted without specific approval by the Plan Commission.
58. The applicant shall use close-spray foam (or equivalent insulation type) to provide additional sound-proofing in the place of traditional insulation at least along the entire westerly front and southerly side elevations.
59. The applicant shall use high-grade (highly sound-proof) windows at least along the entire westerly front and southerly side elevations.
60. The developer shall acknowledge the presence of existing and future high levels of odor, noise, and vibration resulting from trains operating on the nearby railroad right of way and from existing established industrial and employment uses located in close proximity to this development, including those allowed on properties in the same TE zoning as the subject property. The developer is very strongly encouraged to include this acknowledgement in the leases for all proposed units.
61. That the applicant work to minimize lighting impacts from the project on neighbors to the south, including limiting impacts from vehicle headlights exiting the southern parking entrance.

62. That the applicant locate the visitor bike parking closer to the commercial spaces.

No interior, exterior or structural demolition or wrecking activities or remodeling activities (including material reclamation activities by the applicant or a third party) shall commence nor any wrecking or building permits be issued until the applicant has met all of the conditions of approval stated in this letter.

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 **nine (9) 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. **This submittal shall all also include one (1) complete digital plan set in PDF format.** 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. [Signature block on last page]
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. 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 you may be of any further assistance, please do not hesitate to contact my office at 261-9632.

Sincerely,

Timothy M. Parks
 Planner

cc: Brenda Stanley, City Engineering Division
 Jeff Quamme, City Engineering Division
 Eric Halvorson, Traffic Engineering Division
 Jenny Kirchgatter, Asst. Zoning Administrator
 Adam Wiederhoeft, Madison Water Utility
 Janet Schmidt, Parks Division
 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)*

LNDUSE-2017-00086			
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 type="checkbox"/>	Landmarks Commission
<input checked="" type="checkbox"/>	Traffic Engineering (EP)	<input checked="" type="checkbox"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input type="checkbox"/>	Other:
<input checked="" type="checkbox"/>	Water Utility (EP)	<input type="checkbox"/>	Other: