



Department of Planning & Community & Economic Development
Planning Division

Website: www.cityofmadison.com

Madison Municipal Building
215 Martin Luther King, Jr. Boulevard
P.O. Box 2985
Madison, Wisconsin 53701-2985
TDD 608 266-4747
FAX 608 266-8739
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June 20, 2012

John Bieno
TJK Design Build
634 W Main St.
Madison, WI 53703

RE: Approval to rezone property from PUD-GDP-SIP to Amended PUD-GDP-SIP for the construction of a two story mixed use building with ground floor commercial uses and seven residential units at **801 South Park Street**

Dear Mr. Bieno:

At its June 19, 2012 meeting, the Common Council **approved** the rezoning of your client's property at 801 South Park Street from PUD-GDP-SIP to Amended PUD-GDP-SIP, subject to the following conditions of approval from reviewing agencies. The following conditions of approval shall be satisfied prior to final approval and recording of the Specific Implementation Plan and issuance of the demolition permits.

Please contact my office at 267-1150 with questions regarding the following eight (8) items:

1. Final site plans submitted for staff review and approval shall reflect the removal of the speaker on the menu board or the following two changes shall be made to minimize impacts of the speaker:
 - a) The zoning text shall be revised to limit the hours of operation for the businesses in the building to 4:00 am – 12:00 midnight daily. The hours of operation for the drive-up service window be the same as the business except that the speaker for the drive-up service window only be operational between the hours of 6:00 a.m. and 9:00 p.m. daily.
 - b) Site plans submitted for staff review shall include details for the new fence proposed to be included along a portion of the northern property line to minimize sound from the speaker. The fence shall include an effective acoustical barrier, and shall be a maximum of 8 feet tall.
2. Final site plans submitted for staff review and approval shall include standard bicycle parking spaces at a ratio of one stall per residential unit plus a sufficient number of stalls to meet minimum zoning requirements of the commercial uses. Stalls over and above the number required by Zoning for the site may be provided in vertical or stacked racks for space efficiency. Bike parking is to be provided internally as presented at the Plan Commission meeting, with the final details to be approved by Planning Division staff prior to the final approval of the PUD and issuance of building permits.
3. In final documents submitted for staff review and approval, the applicant shall include a copy of a residential lease noting that there are no on-site parking opportunities available for automobiles or mopeds, with a clarification that mopeds may not be parked on the property or within the public right-of-way.

Alternatively, the applicant may coordinate with Planning and Zoning staff to reconfigure the parking lot to provide a small number of moped stalls and/or residential automobile parking stalls, and revise the tenant lease appropriately.

4. The applicant shall work with Planning and Zoning staff to revise the zoning text to reflect the intent that surface parking stalls are not intended for use by residents or their guests, unless clearly marked as such. The zoning text shall also be revised to address moped parking, noting that no moped parking is allowed on the property or in the public right of way adjacent to the property, unless in clearly marked stalls.
5. The applicant shall include in final plans the operational details for trash and snow removal, for review and approval by staff.
6. Prior to final staff approval, the Urban Design Commission must grant final design approval for the proposal. All conditions of approval recommended by the Urban Design Commission shall be fulfilled in final plans submitted for staff review and approval.
7. Provide a reuse/recycling plan, to be reviewed and approved by The City's Recycling Coordinator, Mr. George Dreckmann (gdreckmann@cityofmadison.com, 267-2626) prior to a demolition permit being issued. MGO Section 28.12(12)(e) 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.
8. Signage approvals are not granted by the Plan Commission. All future signage proposed must be reviewed for compliance with MGO Chapter 31 and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Please contact Pat Anderson, Zoning, at 266-5978 with questions regarding the following seven (7) items:

9. Include addresses of tenant spaces on the building of final site plan, pursuant to MGO Section 10.34(2). Place addresses of the building and number of units on the final plan set. Address information can be obtained from Lori Zenchenko of City Engineering at (608) 266-5952.
10. The final plans shall show the setback dimensions from the nearest portion of the building. Any deck, canopy, balcony, porch, if projecting from the principal building, shall show the dimension to the property line.
11. Provide a detailed landscape plan. Show species and sizes of landscape elements. Within 10' of a driveway crossing of a street lot line, any landscaping/screening shall not exceed 2' in height for visions clearance. No landscape elements shall be maintained between the heights of 30 inches and 10 feet above the curb level within the 25' vision triangle of a street corner.
12. Bike parking shall comply with MGO Section 28.11. Provide a minimum of 9 bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. Note: A bike-parking stall is two feet by six feet with a five-foot access area. Provide detail of bike rack to be installed.
13. Meet all applicable State accessibility requirements, including but not limited to:
 - a) Provide a minimum of 1 accessible stall striped per State requirements. This stall shall be a van accessible stall 8' wide with an 8' striped out area adjacent to and on the passenger side.
 - b) Show signage at the head of the stalls.

14. Revise zoning text as follows:

- a) Signage: revise to delete "Signage will be allowed as recorded on the approved plans and Exhibit E."
- b) Permitted Uses: Delete reference to R2 Zoning District, allow residential and commercial uses as allowed in the C2 Zoning District.
- c) Correct use list to eliminate reference to "floors 3 and 4".

15. Lighting is required and shall be in accordance with MGO Section 10.085. Provide a lighting photometric plan, including cut sheets for fixture, with the final plan submittal.

Please contact Janet Dailey, City Engineering, at 261-9688 with questions regarding the following 17 items:

16. As this development plan progresses, in accordance with 10.34 MGO – STREET NUMBERS - Submit a PDF of all floor plans to Engineering Mapping Lori Zenchenko (Lzenchenko@cityofmadison.com) so that a preliminary interior addressing plan can be developed and implemented for this proposed redevelopment. If there are any changes pertaining to the location of any unit, the deletion or addition of any 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.
17. This area has a history of high groundwater. The foundation of this building shall be waterproofed and documentation of this method shall be provided to City Engineering.
18. The developer for this project has already obtained approval for the right-of-way improvements and also has entered into a developer's agreement for the work. The Developer shall work with Engineering to modify the existing Developer's agreement and to obtain re-approval of the plans by the Board of Public Works, if necessary.
19. The applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
20. 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.
21. 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.
22. All work in the public right-of-way shall be performed by a City licensed contractor.
23. All damage to the pavement on Park Street & Alley 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>.
24. 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.

25. 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>
26. Prior to approval, this project shall comply with MGO Chapter 37 regarding stormwater management. Specifically, this development is required to:
- a) Control 40% TSS (20 micron particle) off of new paved surfaces
 - b) Provide oil & grease control from the first 1/2" of runoff from parking areas
 - c) 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 Chapter 37
27. Applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number
- a) Building Footprints
 - b) Internal Walkway Areas
 - c) Internal Site Parking Areas
 - d) Other Misc. Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
 - e) Right-of-Way lines (public and private)
 - f) All Underlying Lot lines or parcel lines if unplatted
 - g) Lot numbers or the words "unplatted"
 - h) Lot/Plat dimensions
 - i) Street names

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

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

28. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set.

PDF submittals shall contain the following information:

- a) Building footprints.
- b) Internal walkway areas.
- c) Internal site parking areas.
- d) Lot lines and right-of-way lines.
- e) Street names.
- f) Stormwater Management Facilities.
- g) Detail drawings associated with Stormwater Mgmt Facilities (including if applicable planting plans).

29. 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.

30. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. This permit application is available on line at: <http://www.cityofmadison.com/engineering/permits.cfm>.

31. Prior to approval of the conditional use application, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1). \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2). \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner. This permit application is available on line at: <http://www.cityofmadison.com/engineering/permits.cfm>.

32. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service.

Please contact Bryan Walker, Traffic Engineering, at 267-8754 with questions regarding the following six (6) items:

33. The proposed drive-thru has been modified to minimize the impact of traffic on the public alley. The applicant shall provide a plan showing proper screening for noise and headlights in relation to the residential properties abutting the alley. Note: The escape lane is a requirement of the business and not a requirement of Traffic Engineering.

34. Added landscaping features may be added at the easterly property line next to the drive-thru to serve as noise reduction features for the menu board.

35. No residential parking permits shall be issued for 801 S. Park St. This would be consistent with other projects in the area. In addition, the applicant shall inform all tenants of this facility of the requirement in

their apartment leases, and note in the Zoning Text that no residential parking permits shall be issued. In addition, the applicant shall submit a copy of the lease noting the above condition in the lease when submitting plans for City approval.

- 36. The applicant shall provide to Traffic Engineering for approval, a Queuing Model showing provision for vehicles for each service point queue storage that prevents queue interference with pedestrian or other vehicular movements.
- 37. The developer shall post a deposit and reimburse the City for all costs associated with any modifications to Traffic Signals, Street Lighting, Signing and Pavement Marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.
- 38. 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 Dennis Cawley, Water Utility, at 261-9243 with questions regarding the following item:

- 39. This property is not in a wellhead protection area. 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 Kay Rutledge, Parks Division, at 266-4714 with questions regarding the following three (3) items:

- 40. Approval developer shall pay approximately \$15,818.44 for park dedication and development fees from the 7 new multifamily units (see below). The property is within the Olin Turville impact fee district (SI28)

Fees in lieu of dedication = (7 MF @ \$1,631) =	\$11,417.00
Park development fees = (7 MF @ \$628.92) =	\$4,401.44
total fees =	\$15,818.44

- 41. The development must select a method for payment of park fees before signoff on the PUD-SIP.
- 42. 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 Bill Sullivan, Fire Department, at 266-4420 with questions about the following 2 items:

- 43. As per IBC/IFC 903.2.8, provide automatic fire sprinklers throughout the building.
- 44. Submit a site plan showing the location of all fire lanes and fire hydrants.

Please now follow the procedures listed below:

After the plans have been changed as per the above conditions, please file ten (10) sets of the revised, complete site plans, building elevations, floor plans 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 signature of 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. 28.12(10)(e), 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 267-1150.

Sincerely,

Kevin Firchow, AICP
Planner

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

cc:

Pat Anderson, Zoning
Janet Dailey, City Engineering
Bryan Walker, Traffic Engineering
Eric Pederson, Engineering Mapping
Bill Sullivan, Fire Department
Al Martin, Urban Design Planner
Kay Rutledge, Parks Division