



Department of Planning & Community & Economic Development

Planning Division

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February 26, 2015

Gary Brink
Gary Brink & Associates
7780 Elmwood Avenue, Suite 204
Middleton, WI 53562

RE: Approval of a demolition permit and conditional use to demolish two mixed-use buildings for the purpose of constructing a new mixed-use building with 1,900 square feet of commercial space and 20 apartments at **2501-2525 University Avenue**

Dear Mr. Brink:

At its February 23, 2015 meeting the Plan Commission, meeting in regular session, approved your client's demolition permit and conditional use requests to demolish two mixed-use buildings for the purpose of constructing a new mixed-use building with 1,900 square feet of commercial space and 20 apartments at 2501-2525 University Avenue. In order to receive final approval of the demolition and conditional use and for permits to be issued, the following conditions must be met:

Please contact Janet Schmidt, Engineering Division at 261-9688 if you have questions regarding the following thirty-one (31) items:

1. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD) prior to issuance of any building permits for new construction. When the recorded CSM image is available from the ROD, the Assessor's Office can then create the new Address-Parcel-Owner (APO) data in GEO so that the Accela system can upload this data and permit issuance made available for this new land record.
2. The proposed lots within this development are dependent on each other for overland and subsurface stormwater drainage and stormwater treatment. A private reciprocal Storm Sewer/Drainage Easement/Agreement for the lots within this development shall be drafted, executed and recorded prior to building permit issuance.
3. Portions of proposed retaining walls are shown to be immediately adjacent to exterior property lines of this development. An easement/agreement with the adjacent property owner(s) shall be drafted, executed and recorded prior to building permit issuance for the construction and maintenance of the retaining walls that require entry onto adjacent property for construction and/or maintenance.
4. The proposed lots within this development have a common access and parking areas shown for the development. A private Common Access Easement/Agreement to supersede the current agreements

of record between the lots within this development shall be drafted, executed and recorded prior to building permit issuance.

5. The address of 2505 University Ave is approved for the commercial space. The apartments will have a base address of 408 Highland Ave.
6. This property is an open PCE contamination site (BRRTS # 6213556991). Copies of the complete site investigation report and remedial actions report shall be submitted to City Engineering (Brynn Bemis at bbemis@cityofmadison.com). The Developer shall provide proof of coordination with WDNR to remediate and close the site.
7. The proposed building shall be equipped with a vapor mitigation system, unless determined unnecessary by the WDNR.
8. 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)
9. 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.
10. Submit a PDF of all floor plans to izenchenko@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.
11. 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))
12. 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)
13. 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)

14. 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)
15. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl, of the City Parks Department - dkahl@cityofmadison.com or 266-4816. Approval and permitting of any tree removal or replacement shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan. (POLICY)
16. All damage to the pavement on University Avenue and Highland Avenue, 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)
17. 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.
18. 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.
19. For Commercial sites < 1 acre in disturbance the City of Madison is an approved agent of the Department of Commerce and WDNR. As this project is on a site with disturbance area less than one (1) acres, and contains a commercial building, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required. (NOTIFICATION)
20. This project will require a concrete management plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. (POLICY)
21. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to a) Reduce TSS by 80% (control the 5 micron particle) off of newly developed areas compared to no controls; and b) 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 the Madison General Ordinances. Stormwater management plans shall be submitted and approved by City Engineering prior to signoff.
22. 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, and g) detail drawings associated with stormwater management facilities (including if applicable planting plans).

23. 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.
24. The area adjacent to this proposed development has a known flooding risk. All entrances shall be 2-feet above the adjacent sidewalk elevation or 1-foot above the 100-year regional flood elevation (whichever is greater). This includes garage entrances. (POLICY).
25. This project appears to require construction dewatering and/or possibly permanent dewatering and is in an area with potential groundwater contamination. The applicant shall be required obtain the approval of Public Health – Madison & Dane County for this discharge. It can be anticipated that this will required completion of a boring on site and testing of water encountered for possible contaminates. Approval shall be granted before plans are approved for building permit release.
26. Contact Kirsti Sorsa for more information at 608-243-0356 or ksorsa@publichealthmdc.com).
27. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. MGO 37.05(7) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
28. 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))
29. 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))
30. 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)
31. City of Madison Environmental Projects Staff have reviewed the subject site and determined that a Phase I ESA will be required of the applicant. The applicant shall provide one (1) digital and two (2) hard copies of an ASTM Phase I ESA prepared by an environmental professional. Staff review of this Phase I ESA will determine if a further investigative Phase II ESA is also required. Please submit any relevant Phase I and Phase II ESAs to Brynn Bemis (608-267-1986, bbemis@cityofmadison.com) for further review.(MGO 16.23(5)(g)(2))

Please contact Eric Halvorson, Traffic Engineering at 266-6527 if you have questions regarding the following eight (8) items.

32. The developer shall work with the City to resolve any construction-related issues. A detailed construction plan shall be provided showing all access and staging areas.
33. This site presents difficult constructability issues; access to neighboring sites must be maintained at all times, covered sidewalks will be constructed and maintained as soon as possible and little to no access to the Public Right-of-Way on University Ave or Highland Ave will be granted for construction purposes.
34. The developer shall install Bassett District standard pedestrian lights along University Avenue frontage of the proposed development site.
35. Twenty four underground and ten surface off-street auto parking spaces are provided for the development, which has 33 residential units. The letter of intent does not include any guarantee that a minimum of 33 spaces will be reserved at all times for the residents, and as it is likely that some of the spaces will be used for the commercial activity at this development, a condition of approval shall be that no residential parking permits shall be issued for 2505 & 2525 University Avenue. The applicant shall inform all tenants of this restriction in their apartment leases. In addition, the applicant shall submit for 2505 & 2525 University Avenue a copy of the lease noting the above condition. Residents of 2525 University Avenue who currently have Residential Parking Permits will be able to use their permits through Aug. 31, 2015, but will not be eligible for permits after this date.
36. 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.
37. 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.
38. 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.
39. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

Please contact Matt Tucker, Zoning Administrator at 266-4569 if you have questions regarding the following ten (10) items:

40. Letter of intent indicates the project exceeds the maximum lot coverage requirements under section 28.065. Final plans shall be revised to comply with minimum lot coverage requirements.
41. Provide a reuse/recycling plan, to be reviewed and approved by The City's Recycling Coordinator, Mr. George Dreckmann, prior to a demolition permit being issued.
42. Sec 28.12(12)(e) of the Madison Zoning Ordinance requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan. Please note, the owner must submit documentation of recycling and reuse within 60 days of completion of demolition.
43. Section 28.185(9) (a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
44. 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 prior to sign installations.
45. Pursuant to Sec. 28.142(3) Landscape Plan and Design Standards: Landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
46. Provide a detailed site plan calling out useable open space for the 33 units on final plans.
47. Provide detail of door and or window openings on final plans. Per Sec. 28.060 (2)(d), Provide final calculations on elevation sheets to determine the door and window opening percentage.
48. Section 28.142(8): requires that screening along district boundaries shall be a solid wall, solid fence or hedge with year-round foliage, between six (6) and eight (8) feet in height. This requirement may be modified by the Plan Commission as part of the Conditional Use review. Provide detail on final plans meeting this requirement.
49. For the new building, provide a minimum of 24 bicycle parking spaces distributed as both Short Term and Long Term bicycle parking and shall be located in a safe and convenient location on an impervious surface, as required per sec. 28.141(4) and 28.141(11) for the residential components. Provide a detail of the bicycle rack design. Guest stalls shall be short term. Call out and dimension required stalls on the final plan. Provide two bicycle parking stalls as required for the commercial component of the project. These stalls shall comply with the requirements in sec. 28.141(4) and 28.141(11).

Please contact Bill Sullivan, Madison Fire Department at 261-9658 if you have questions regarding the following two (2) items:

50. Provide fire apparatus access as required by IFC 503 2012 edition, MGO 34.503, as follows:
 - a. The site plans shall clearly identify the location of all fire lanes.

- b. MGO 34.503/IFC 503 Appendix D105, Provide an aerial apparatus access fire lane that is at least 26-feet wide, if any part of the building is over 30 feet in height. The near edge of the aerial fire lane shall be within 30-feet and not closer than 15 feet from the structure, and parallel to one entire side. The aerial fire lane shall cover not less than 25% of the building perimeter.

51. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

Please contact Kay Rutledge, Parks Division at 266-4714 if you have questions regarding the following four (4) items:

52. 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)) may be required for all new residential development in this conditional use request. The developer must select a method for payment of park fees before signoff on the conditional use. This development is within the Vilas-Brittingham park impact fee district (SI27). Please reference ID# 15111 when contacting Parks about this project.

53. Additional street trees are needed for this project along University Ave. 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>

54. Existing street trees along Highland Ave. 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>

55. Approval of plans for this project does not include any approval to prune trees in the public right-of-way. Permission for such activities must be obtained from the City Forester, 266-4816.

Please contact Tim Sobota, Metro Transit at 261-4289 if you have questions regarding the following five (5) items:

56. The applicant shall maintain or replace the existing concrete boarding pad on the west side of Highland, south of University Avenue.

57. The applicant shall include the location of these transit amenities on the final documents filed with their permit application so that Metro Transit may review and approve the design.

58. Metro Transit historically has operated weekday transit service along Highland Avenue through the University Avenue intersection adjacent the project site. The existing concrete boarding pad is adjacent the proposed project site, with the historically signed bus stop zone encompassing the area from the concrete boarding pad north to the University Avenue intersection.
59. Metro Transit may resume transit service past this bus stop location, as part of possible expansion of route service to/from the UW Hospital area.
60. The applicant might consider additional transit amenities on the property adjacent this bus stop zone, such as a trash receptacles or a seating amenity, in finalizing their landscape plan.

Please contact my office at 267-1150 if you have questions regarding the following three (3) items. Please note item 61 was amended by the Plan Commission and item 63 was added by the Plan Commission at the February 23, 2015 meeting.

61. That the outdoor eating area shall be closed at 9m Sunday through Wednesdays and 10 pm on Thursdays-Saturday. The outdoor seating area shall not open prior to 6:00 am, daily. No outdoor amplified sound shall be allowed at any time.
62. No HVAC "wall-pack" penetrations/louvers are shown on the street-facing facades. Floor plans suggest such penetrations will be located within balconies/recesses and not on the outward-facing façade walls. The addition of wall packs on outward-facing walls is not included in this approval and will require approval of an alteration to this conditional use should they be proposed at a later time.
63. That no garbage collection for this development occur before 7:30 am.

Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency.

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.

Please now follow the procedures listed below for obtaining your demolition permits and conditional use:

1. Please revise your plans per the above conditions and submit eleven (11) copies of a complete, fully dimensioned and scaled plan set to the Zoning Administrator for final review and comment. Also be sure to include any additional materials requested by these departments for their approval prior to sign off. The final site plan shall be accompanied by 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.
2. The Madison Water Utility shall be notified to remove the water meters prior to demolition. This

property is not in a 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. The Water Utility will not need to sign off the final plans, and will not need a copy of the approved plans.

3. 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.
4. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting conditional use approval.
5. A reuse and recycling plan approved by the Recycling Coordinator is required by ordinance prior to the issuance of a wrecking permit. The reuse and recycling plan shall be submitted along with the resubmittal of site plans for forwarding to the Recycling Coordinator.
6. The approval is valid for one (1) year from the date of the Plan Commission approval. During this time, the applicant must either lawfully commence the use or obtain a building permit and begin erecting the building. If the applicant obtains a valid building permit, construction must commence within six (6) months of the date of issuance. The building permit shall not be renewed unless construction has commenced as is being diligently prosecuted.
7. Any alteration in plans for a proposed alternative use shall require Plan Commission approval, except for minor alterations. The Zoning Administrator may issue permits for 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 City Plan Commission and the conditional use approval standards.
8. The Plan Commission retains continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses.

If you have any questions regarding obtaining your conditional use, demolition, or building permits, please contact the Zoning Administrator at 266-4551. If you have any questions or if I may be of any further assistance, please do not hesitate to contact my office at 267-1150.

Sincerely,

Kevin Firchow, AICP
Planner

cc: Janet Schmidt, City Engineering Division
Eric Halvorson, Traffic Engineering Division
Bill Sullivan, Fire Department
Matt Tucker, Zoning
Kay Rutledge, Parks Division

I hereby acknowledge that I understand and will comply with the above conditions of approval for the demolition permit and conditional use.

Signature of Applicant

Signature of Property Owner (if not the applicant)

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (Firchow)	<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"/>	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"/>	Other: METRO