

PLANNING UNIT REPORT
DEPARTMENT OF PLANNING AND DEVELOPMENT
April 12, 2005

ZONING MAP AMENDMENT LEGISTAR REFERENCE NO. 00783 LOCATED AT 333 WEST MIFFLIN STREET:

1. Requested Action: Approval to rezone property from PUD(SIP) Planned Unit Development-Specific Implementation Plan District to Amended PUD(SIP) Planned Unit Development-Specific Implementation Plan District to allow for the construction of a 13-story, 164-unit condominium building, approximately 20,200 square feet of retail commercial space and an additional parking structure accommodating approximately 320 parking stalls.
2. Applicable Regulations: Section 28.12(10) provides the process for zoning map amendments. Section 28.07(6) provides the requirements for review and approval of Planned Unit Development Districts.
3. Report Drafted By: Peter Olson, Planner II, and Bradley J. Murphy, Planning Unit Director.

GENERAL INFORMATION:

1. Applicant: Cliff Fisher, Fisher Development, 380 West Washington Avenue, Madison, WI 53703; and Ray White, Dimension IV-Madison, LLC, 313 West Beltline Highway, Suite 161, Madison, WI 53713.
2. Status of Applicants: Property owner and architect.
3. Development Schedule: The applicant wishes to commence construction of this development as soon as all land use approvals have been obtained. The applicant expects this building to be ready for occupancy by late 2007.
4. Parcel Location: The Metropolitan Place development comprises approximately 2/3 of the block surrounded by West Washington Avenue, North Broom Street, North Henry Street and West Mifflin Street. The proposed Phase II development is located along the 300 Block of West Mifflin Street, at the intersection with North Broom Street, Aldermanic District 4, Madison Metropolitan School District.
5. Parcel Size: The Metropolitan Place development contains a total of 3.0 acres. The proposed Phase II development occupies a lot containing approximately 1.38 acres.
6. Existing Zoning: PUD(SIP). The existing Specific Implementation Plan (as amended) authorized the construction of the 15-story, 174-unit Phase I Metropolitan Place condominium building located at 360 West Washington Avenue, the construction of a parking ramp containing approximately 240 parking stalls, and the remodeling of the 84-

unit former "Elderhouse" building located at 380 West Washington Avenue. The underlying General Development Plan authorized an additional 164 dwelling units, a 58,000 square foot grocery store, 7,000 additional square feet of retail space and a parking ramp containing approximately 700 parking stalls. Additional surface parking and loading will also be provided for the commercial uses.

7. Existing Land Use: 15-story, 174-unit condominium structure, lodging house containing 84 lodging rooms, a parking structure containing approximately 241 parking stalls, and 126 surface parking stalls.
8. Proposed Use: Construction of a 13-story, 164-unit condominium building, a 320 stall parking structure and approximately 20,200 square feet of first floor commercial space.
9. Surrounding Land Use and Zoning (See map):
 - North – High density residential, offices, grocery store, parking ramp, Federal offices and courthouse, public library, mixed retail commercial and restaurants zoned PUD(SIP), C2 and C4.
 - East – Offices, mixed retail, taverns and restaurants, a church and parking ramp zoned C2, PUD(SIP) and C4.
 - South – High density residential, offices and neighborhood commercial zoned R6, PUD(SIP) and C1.
 - West – High density residential, retail commercial, commercial service and hotel zoned R6, PUD(SIP), C2 and OR.
10. Adopted Land Use Plan: CR-X Regional Commercial-Mixed-Use District.
11. Environmental Corridor Status: This property is not located within a mapped environmental corridor.

PUBLIC UTILITIES AND SERVICES:

This property is served by a full range of urban services.

STANDARDS FOR REVIEW:

This application is subject to the Planned Unit Development District standards. The underlying parcels and the Planned Unit Development-General Development Plan zoning were approved in October, 2000. This development predates the provisions of Section 28.04(25) and does not require the provision of inclusionary dwelling units.

ANALYSIS AND EVALUATION:

Background

In October 2000, the Common Council approved a Planned Unit Development-General Development Plan and Specific Implementation Plan zoning for the Metropolitan Place development in the 300 Block of West Washington Avenue and West Mifflin Street. The Specific Implementation Plan authorized the demolition of existing commercial and residential buildings on this site, the construction of the 15-story Metropolitan Place residential condominium building and remodeling of the former Elderhouse property. Subsequent minor alterations to this Specific Implementation Plan resulted in the construction of 174 condominium units in the Phase I tower and 84 single-room occupancy units in the former Elderhouse building. A 241-stall parking structure was also constructed to support this development.

The underlying General Development Plan authorized subsequent phases to the initial development which included a 164-unit condominium wing located along the West Mifflin Street right-of-way, a 58,000 square foot grocery store space and an additional 7,000 square feet of retail space to be located on the first floor of the subsequent development. The General Development Plan also authorized expansion of the parking structure to accommodate up to 700 vehicle parking stalls.

Proposed Development

After completion of the Phase I structure and the remodeling of the former Elderhouse building, the applicants assessed various alternatives for the Phase II development of Metropolitan Place. The applicants have now submitted an application to construct a second residential condominium structure along the West Mifflin Street frontage containing a total of 164 condominium units in a 13-story building. Floor space devoted to retail commercial use has been reduced from the previously authorized 65,000 square foot total to 16,000 square feet in the new building and an additional 4,200 square feet in the first floor of the existing Phase I building. A second parking structure containing 312 vehicle parking stalls and 5 loading berths will also be provided in the second phase to support this new development.

The main condominium structure comprising the bulk of the Phase II development will be 13 stories in height. The unit mix will contain twenty-three 1-bedroom units, thirty-eight 1-bedroom plus den units, forty-eight 2-bedroom units, twenty-seven 2-bedroom plus den units, and twenty-eight 3-bedroom units for a total of 164 dwelling units. This number of dwelling units complies with the maximum authorized number of units to be contained within the Phase II development under the previously approved and recorded General Development Plan. These 164-units, in addition to the existing 174-units, will result in a total of 338 dwelling units, yielding an overall residential density of 112.7 dwelling units on this 3.0 acre site. This density would result in Metropolitan Place being the 18th highest of 35 residential Planned Unit Developments approved in the last 5 years within the downtown.

Conditions of approval for the first phase recommended by Planning Unit staff, the Urban Design Commission, the Plan Commission and approved by the Common Council required the applicant to explore the massing of the Phase II building wing and provide stepbacks for the upper floors to accomplish a more sensitive relationship of the structure with the neighborhood

and the Broom Street right-of-way. The applicants have addressed this concern by stepping back the westerly building wing at the 7th floor level and again at the penthouse (12th floor) level. The 7th floor setback is approximately 35-feet; the penthouse level an additional 7-feet (measured at a right angle to the Broom Street right-of-way). In addition to reducing the visual mass from the Mifflin residential area, these setbacks will provide additional rooftop terrace open space. Staff concludes that the applicant has met the intention of this condition of approval of the General Development Plan.

Phase I, Metropolitan Place currently provides approximately 241 parking stalls in the existing parking structure, and approximately 126 surface parking stalls to serve the 174 condominium units and 84 single-room occupants in the 380 West Washington Avenue building. The majority of the surface parking stalls and some of those in the parking structure will be lost due to the Phase II development and connections from the existing parking structure to the new parking structure. Data provided by the applicant indicates that the existing parking structure will accommodate 227 parking stalls and the new parking structure will provide an additional 190 stalls for resident use. 122 additional parking stalls will be provided for visitor use and to support the commercial spaces. A total of 539 off-street parking stalls will be provided to support this development, which includes 338 condominium units, 84 single-room occupants, and 20,200 square feet of commercial floor space. Staff feels that this off-street parking provision should be adequate to serve this downtown development.

A total of 415 bicycle parking stalls will also be provided. Tenant storage units will accommodate 282 bicycles. 81 bicycles will be accommodated in bike racks at ground level, and bicycle racks located on the four parking levels will each accommodate 13 bicycles.

Usable open space for the Phase I development was provided primarily in a rooftop deck over the parking structure. This open space will remain. Additional usable open space to support the Phase II development will likewise be provided on a rooftop deck over the Phase II parking structure. This rooftop terrace is detailed on landscape plan sheet L1.2 (see attached building plans). Additional usable open space and decorative landscaping will be provided at the ground level along the West Mifflin Street and North Broom Street rights-of-way (see also landscape plan sheet L1.1).

Urban Design Commission Review

The Urban Design Commission, at their March 16, 2005 meeting recommended final approval of this development proposal (see attached report). Urban Design Commission rankings generally ranged from good to superior.

Other Issues

Since the completion of the Phase I development, the applicant has been meeting with the District Alderperson, Phase I unit owners and other interested neighborhood residents regarding the bulk, appearance, number of dwelling units and amount of retail commercial space to be provided in the Phase II development. Based upon comments received by staff, the Planning Unit feels that the Phase II development as proposed generally accommodates owner and resident concerns.

Staff received a copy of a memo from Nelson D. Flynn, President, Metropolitan Place Condominium Owner's Association to Alderman Michael Verveer and Mark A. Olinger, Director of the Department of Planning and Development dated March 21, 2005. Many of Mr. Flynn's concerns are outside of the City's development review process. However, the criteria for approval of Planned Unit Developments requires that the project shall not adversely affect the economic prosperity of the City or the area of the City where the Planned Unit Development is proposed. The Metropolitan Place General Development Plan was approved in October 2000 and at that time it was determined that the overall development can meet all the Planned Unit Development criteria for approval. The proposed Phase II development complies with all underlying General Development Plan provisions.

In some cases, such as a somewhat reduced building bulk due to setbacks from the North Broom Street right-of-way and a reduced amount of commercial floor space, the proposed Phase II development should have somewhat less impact on this site and the surrounding area than the original General Development Plan envisioned. Staff remains concerned, however, that the proposed second phase remain economically and operationally harmonious with the existing Phase I development.

Staff would also like to clarify a few points raised in Mr. Flynn's March 21, 2005 memo. The original Metropolitan Place General Development Plan was approved for 330 dwelling units (not 320 as stated), 166 allocated to Phase I, and 164 allocated to Phase II. During construction of Phase I, alterations to the approved and recorded Specific Implementation Plan were approved by the City to allow a final total of 174 dwelling units to be provided in the Phase I structure. These additional units were not the result of additional building area, but reconfiguration of interior space allowing a few larger dwelling units to be repartitioned into a somewhat larger number of smaller dwelling units. The approval for a maximum of 164 dwelling units in the second phase structure remained unchanged via these Phase I alterations. The City has no direct review power or control over condominium ownership documents. Staff is optimistic that the issues raised in Mr. Flynn's memo between the applicant and the condominium owner's association can be satisfied prior to construction of the Phase II development.

On Tuesday, April 12, 2005 Planning staff met with Nelson Flynn, to discuss the project. Attached is a document provided to staff at the meeting which summarizes concerns of existing owners as prepared by Mr. Flynn. The document primarily expresses concerns related to the ability of the Phase II development proposal to comply with the existing condominium declarations and existing private easements on the property. Ald. Verveer and Planning staff requested that Mr. Flynn meet with the applicant prior to the Plan Commission meeting to review these concerns and to resolve these concerns to the extent possible. Some of these issues will be resolved as part of the normal review of a development proposal by City agencies. Other issues will need to be resolved between the Metropolitan Place Residential Condominium and Parking Condominium Associations and the applicant. To some extent, staff, the Plan Commission and Common Council can condition the approval of the SIP to ensure that these issues are addressed. Most of these issues will require some additional discussions to clarify construction details related to the relationship between the Phase II building, parking structure and the Phase I parking structure and residential building. Planning staff do not necessarily believe that the Plan Commission and Common Council approval of the project needs to be delayed pending the outcome of these discussions and the clarification of these additional items.

CONCLUSION:

The Plan Commission and Common Council are being asked to approve a proposed rezoning from Planned Unit Development-Specific Implementation Plan District to Amended Planned Unit Development-Specific Implementation Plan District to allow for the construction of Phase II, Metropolitan Place which will contain 164 condominium units, 20,200 square feet of ground floor commercial space, and the provision of approximately 320 off-street parking stalls of which the majority will be contained in a parking structure. Through the review process of the General Development Plan, concerned residents, Planning Unit staff and the Urban Design Commission voiced concerns regarding the bulk of the Phase II building, specifically that portion nearest the North Broom Street right-of-way. The applicant has responded appropriately in providing setbacks at the 7th floor and 12th floor levels to reduce the visual bulk of the building which overlooks the predominantly 2 and 3 story Mifflin-Bassett neighborhood. In addition, the applicant has placed the proposed building no nearer than the existing "Elderhouse" building along the North Broom Street right-of-way to recognize the previously established setbacks along this street.

The proposed development complies with the criteria as established by the underlying Metropolitan Place General Development Plan, specifically, a 13-story condominium building containing no more than 164 dwelling units. The applicant has reduced the maximum size of the commercial floor area from approximately 65,000 to approximately 20,000 square feet. The applicant has also decreased the number of off-street parking stalls and size of parking structure to reflect this reduction in commercial floor space. Staff are aware that the applicant has worked diligently over the past few years to attract a grocery store tenant to this property. Apparently these efforts have not succeeded. Staff does note that the neighborhood is provided with grocery services approximately one block northwest in the Capitol Centre development.

In its final configuration, Metropolitan Place will result in 338 condominium units, 84 single-room occupancy units and approximately 20,000 square feet of commercial floor space, supported by approximately 540 off-street parking stalls. This development, somewhat in excess of 100 dwelling units per acre in this Central Business District location, will still rank only 18th of the 35 highest density Planned Unit Developments approved in the Central City area in the last five years. The Urban Design Commission has reviewed the proposed design and exterior features of this proposal and has granted final approval for this development.

RECOMMENDATIONS:

The Planning Unit recommends that the Plan Commission forward Ordinance, I.D. 00783, rezoning property from PUD(SIP) Planned Unit Development-Specific Implementation Plan District to Amended PUD(SIP) Planned Unit Development-Specific Implementation Plan District for property located at 333 West Mifflin Street to the Common Council with a favorable recommendation subject to input at the public hearing and the following:

1. Reviewing agency comments.
2. Proof of financing capability acceptable to the Director of the Department of Planning and Development prior to sign-off and recording of the PUD(SIP).
3. Clarification of the ownership of the Phase II development.

4. Approval of plans and specifications for the garage rooftop by the Inspection Unit to ensure that the rooftop garden/open space will not leak through to lower levels of the parking structure.
5. Approval of the ingress and egress to the commercial loading docks by the Traffic Engineer.
6. Clarification of the number of parking stalls which may not be able to be provided because of the existing parking declaration (a potential loss of 6 stalls) and a clarification of the plans for the 4th floor of the new parking structure, which seem to conflict with a current exercise room and storage area.
7. A careful review of the construction plans by the Inspection Unit and approval of the plans to connect the Phase II building and parking structure to portions of the Phase I building and parking structure. These reviews should specifically address the concerns addressed by Phase I condominium association owners.
8. The applicant is directed to work with the Metropolitan Place Residential Condominium and Parking Condominium Association to address the issues as laid out in the document entitled "Metropolitan Place – Phase II, concerns of existing owners" as provided to the Planning Unit on April 12, 2005 by Nelson Flynn. The result of these continued discussions shall be provided to the Department of Planning and Development prior to final sign-off on the Specific Implementation Plan and recording of the plan.

AGENDA # IV.D.

City of Madison, Wisconsin

REPORT OF: URBAN DESIGN COMMISSION

PRESENTED: April 20, 2005

TITLE: 333 West Mifflin Street - PUD(SIP),
Metropolitan Place – Phase II, Mixed-Use
Development

REFERRED:

REREFERRED:

REPORTED BACK:

AUTHOR: Alan J. Martin, Secretary

ADOPTED:

POF:

DATED: April 20, 2005

ID NUMBER:

Members present were: Paul Wagner, Chair; Lou Host-Jablonski, Todd Barnett, Robert March, Michael Barrett, Lisa Geer, Bruce Woods, and Ald. Noel Radomski

SUMMARY:

At its meeting of April 20, 2005, the Urban Design Commission **FINAL APPROVAL** of upper elevation details on a PUD(SIP) mixed-use development located at 333 West Mifflin Street. Appearing on behalf of the project was Ray White. White presented modified elevational details of the cornice treatment of the upper penthouse elevations in conjunction with the upper band window openings. He emphasized a re-introduction of the cornice treatment as found on the Metropolitan Place Phase I building in addition to eliminating punch window openings and a change to two-story windows combined with glass railings added to upper penthouse level porches. Following the presentation, it was suggested to create deeper shadow lines on the penthouse level windows by pulling them in.

ACTION:

On a motion by Geer, seconded by March, the Urban Design Commission **FINAL APPROVAL** of upper elevation details on the project. The motion was passed on a vote of (7-0-1) with Woods abstaining.

After the Commission acts on an application, individual Commissioners rate the overall design on a scale of 1 to 10, including any changes required by the Commission. The ratings are for information only. They are not used to decide whether the project should be approved. The scale is 1 = complete failure; 2 = critically bad; 3 = very poor; 4 = poor; 5 = fair; 6 = good; 7 = very good; 8 = excellent; 9 = superior; and 10 = outstanding. The overall ratings for this project are 6, 6, 6.5, 7, 7, 7, and 7.

URBAN DESIGN COMMISSION PROJECT RATING FOR: 333 West Mifflin Street

	Site Plan	Architecture	Landscape Plan	Site Amenities, Lighting, Etc.	Signs	Circulation (Pedestrian, Vehicular)	Urban Context	Overall Rating
Member Ratings	-	6	-	-	-	-	6	6
	7	6	8	7	-	7	7	7
	-	7	-	-	-	-	7	7
	-	-	-	-	-	-	-	6
	6	7	7	-	-	-	8	7
	-	7	-	-	-	-	-	7
	-	6.5	-	-	-	-	-	6.5
	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-

General Comments:

- Penthouse is improved; not great, but improved.
- Penthouses much better in this design.

AGENDA # V.D.

City of Madison, Wisconsin

REPORT OF: URBAN DESIGN COMMISSION

PRESENTED: March 16, 2005

TITLE: 333 West Mifflin Street - PUD(SIP),
Mixed-use Development Metropolitan
Place – Phase II

REFERRED:

REREFERRED:

REPORTED BACK:

AUTHOR: Alan J. Martin, Secretary

ADOPTED:

POF:

DATED: March 16, 2005

ID NUMBER:

Members present were: Paul Wagner, Chair; Todd Barnett, Michael Barrett, Lisa Geer, Lou Host-Jablonski, and Ald. Steve Holtzman.

SUMMARY:

At its meeting of March 16, 2005, the Urban Design Commission **GRANTED FINAL APPROVAL** of a PUD(SIP) located at 333 West Mifflin Street. Speaking on behalf of the project was Ray White, architect from Dimension IV-Madison, and Pat Saiki from Ken Saiki Design. Registered in support and available to answer questions was Rebecca Flood from Ken Saiki Design, also representing Cliff Fisher. The modifications to the proposal since an informational presentation to the Commission consisted of the following:

- The building is now thirteen stories in height, containing 164 units. The building is stepped with a six-story component at the corner of Mifflin and Broom Streets, with a step back at the upper two stories of the building.
- The building has also been expanded to extend over what was a future development parcel.
- The upper story of a new ramp attached to the existing ramp for the Phase I of the project provides for the expansion of upper existing rooftop gardens and extension as part of Phase II to include open space gardens, seating areas with benches along with a pathway system with extensive landscape plantings.

Following the presentation on the revised plans, the Commission expressed concerns with the fenestration of the cornice at the upper penthouse level appearing one-dimensional, with windows that are too tight against the narrow line of the cornice treatment. The Commission felt that the architect should examine the cornice treatment to provide more emphasis.

ACTION:

On a motion by Geer, seconded by Holtzman, the Urban Design Commission **GRANTED FINAL APPROVAL** of the project. The motion was passed on a unanimous vote of (6-0). The motion required that the architect re-examine the cornice treatment of the penthouse elevations to provide relief in conjunction with the location of the upper band of window openings with the details to be submitted for formal approval by the Commission.

After the Commission acts on an application, individual Commissioners rate the overall design on a scale of 1 to 10, including any changes required by the Commission. The ratings are for information only. They are not used to decide whether the project should be approved. The scale is 1 = complete failure; 2 = critically bad; 3 = very poor; 4 = poor; 5 = fair; 6 = good; 7 = very good; 8 = excellent; 9 = superior; and 10 = outstanding. The overall ratings for this project are 6, 7, 7, 7, 8 and 9.

URBAN DESIGN COMMISSION PROJECT RATING FOR: 333 West Mifflin Street

	Site Plan	Architecture	Landscape Plan	Site Amenities, Lighting, Etc.	Signs	Circulation (Pedestrian, Vehicular)	Urban Context	Overall Rating
Member Ratings	9	6	9	8	-	9	9	8
	7.5	6.5	-	-	-	-	7	7
	7	6	9	7	-	6	6	6
	8	7	8	7	-	8	7	7
	7	6.5	8	7	-	7	8	7
	9	8	10	7	-	9	10	9
	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-

General Comments:

- Nice! Plaza is superb! Rooftop garden, ditto. Nice that there is only one driveway curb cut per block. Isn't the "beige cap" getting a little overdone?
- Landscape architecture really makes a difference on this project. The top of the building still needs work.
- Exceptional pedestrian street interaction and roof garden development.
- Work on penthouse architecture.
- Superb!! Look at what can be built sans city subsidy! Are the other developers cooking their numbers?

**CITY OF MADISON
INTERDEPARTMENTAL
CORRESPONDENCE**

Date: April 8, 2005

To: Bill Roberts, Planner III

From: Kathy Voeck, Assistant Zoning Administrator

Subject: 333 W. Mifflin St., METROPOLITAN PLACE -PHASE II

Present Zoning District: PUD(SIP)

Proposed Use: 164 Condo units, 16,000 s.f. Commercial Space & 320 stall parking ramp

Requested Zoning District: Amended PUD(SIP)

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project).

GENERAL OR STANDARD REVIEW COMMENTS

1. Meet applicable State accessible and building codes and setbacks.
2. Provide 185 bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. The bike racks shall be securely anchored to the ground or building to prevent the racks from moving. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area.

ZONING CRITERIA

Bulk Requirements	Required	Proposed
Lot Area	as shown	adequate *
Lot width	50'	adequate
Usable open space	as shown	adequate
Front yard	0'	adequate
Side yards	as shown	adequate
Rear yard	0' through lot	adequate
Floor area ratio	as shown	adequate *
Building height	187.2 City Datum	13 stories/148.5' City Datum

Site Design	Required	Proposed
Number parking stalls	0 (Central Business Distr)	320 (phase II)
Accessible stalls	Yes	Per State req. (1)
Loading	as shown	adequate
Number bike parking stalls	177 residential <u>8 commercial</u> 185 total	(2)
Landscaping	Yes	
Lighting	Yes	

Other Critical Zoning Items	
Urban Design	Yes
Historic District	No
Landmark building	No
Flood plain	No
Utility easements	No
Water front development	No
Adjacent to park	No
Barrier free (ILHR 69)	Yes

With the above conditions, the proposed project **does** comply with all of the above requirements.

* Since this project is being rezoned to the **PUD** district, and there are no predetermined bulk requirements, we are reviewing it based on the criteria for the C-2 district, because of the surrounding land uses.



Traffic Engineering Division

David C. Dryer, City Traffic Engineer

Madison Municipal Building
215 Martin Luther King, Jr. Boulevard
P.O. Box 2986
Madison, Wisconsin 53701-2986
PH 608/266-4761
TTY 608/267-9623
FAX 608/267-1158

March 29, 2005

TO: Plan Commission

FROM: David C. Dryer, P.E., City Traffic Engineer

SUBJECT: **333 West Mifflin Street – Rezoning – PUD (SIP) to Amended PUD (SIP) – 164 Condo Units, 16,000 Sq. Ft. Commercial Space & 320 Stall Parking Ramp**

The City Traffic Engineering Division has reviewed the subject development and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. City of Madison radio systems are microwave directional line of sight to remote towers citywide. The building elevation will need to be review by Traffic Engineer 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 Keith Lippert, (266-4767) Traffic Engineering Shop, 1120 Sayle Street.
2. Staff understands that a condition of approval of the first phase SIP was that a traffic impact study would be completed for the second phase of development. To date staff have not yet received such a report. The Plan Commission will need to consider whether it wants to enforce this condition. The previous conditions of approval are noted below:
 - a. Consistent with the GDP's conditions of approval, the developer shall submit a multi-modal traffic impact study and improvement plan at the first stage of the development and thereafter stage-by-stage until the traffic study fully satisfies the Traffic Engineer's requirements. Among other things, the study will include an evaluation of the impact of traffic due to the development at the four intersections immediately adjacent to the development as well as other intersections which may be impacted, such as Fairchild and Mifflin and Broom and Johnson. The traffic study should include two case studies of a worst case West Side oriented directional approach by traffic and an East Side oriented directional approach by traffic. This study should also include an evaluation of existing conditions at the subject intersections for all modes of transportation. The developer should also review driveway and service delivery operations on West Washington Avenue and Mifflin Street and/or other points of development

access. In addition, to conducting a TIS for each next phase of the GDP, the TIS shall also study and compare the previous phase of development.

- b. Upon the review and approval of the traffic study findings and improvement plan by the City, the developer and the City shall agree upon the improvements, if any, to be made by the developer based on the City Traffic Engineer's review of the study. If the parties do not agree, the matter shall be referred to the Plan Commission. The developer shall enter into a developer's agreement for this with the City. The developer will also need to submit a deposit surety for conducting the traffic study by his consultant and a deposit surety for potential mitigation measures for the development which may include new traffic control, signing and marking; new traffic signals, signal phasing and/or signal hardware changes; pedestrian improvements at intersections, including West Washington and Henry Street; intersection or street improvements to minimize congestion and accommodate development traffic into and out of the site.

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

3. The applicant shall submit final site plans for all of the addresses 333 West Mifflin St., 350 and 360 West Washington Ave. site plans all showing the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing and proposed property lines, addresses, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), all driveway approaches to lots on either side and street, signage, building setback, percent of slope, vehicle routes, dimensions flare, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'. Contact City Traffic Engineering if you have questions.
4. The applicant shall provide scaled drawing at 1" = 30' or larger of the PUD (GDP) on one contiguous plan sheet showing all the facility's access, proposed buildings, layouts of parking lots/ramp, loading areas, trees, signs, semitrailer and vehicle movements, ingress/egress easements and approaches.
5. The applicant shall provide number of total surface and ramp parking spaces in Phase 1 and Phase 2.
6. The applicant shall add GDP/SIP Zoning Text about the "All Secured Residential Parking Spaces are assigned". The parking facility shall be modified to provide for adequate internal circulation for vehicles except in Secured Residential Parking. This can be accommodated by eliminating a parking stall at the dead ends in the ramp bays. The eliminated stall shall be modified to provide a turn around area ten (10) to twelve (12) feet in width and signed "No Parking Anytime."
7. The applicant shall submit detail sheets for the PUD (SIP) of semitrailer movements that require no backing from the public street right-of-way in phase two.

8. All Class "III" driveway approaches with sidewalks, curb adjacent to driveways, and sidewalk reconstruction within the public right-of-way shall be completed in accordance with City of Madison Standard Specifications for Public Works Construction by a contractor currently licensed by the City.
9. All existing driveway approaches that are to be abandoned shall be removed and replaced with curb and gutter and noted for phase one or two on the plan.
10. The applicant shall show the most westerly West Washington Avenue ingress lane to accommodate a loading and unloading lane at the building entrance. This loading and unloading area to accommodate day to day operations as delivery/taxi service. Also the area shall be sign as "15 Min. Loading and Unloading Only."
11. "Stop" & "Right Turn Only" signs shall be installed behind the property line for West Washington Avenue and Broom Street approaches. Additional signs as "Do Not Block Sidewalk" shall be required behind the property line for all approaches. "Do Not Enter" and "One Way" signs shall be installed in the facility to secure the traffic operation at access points and traffic flow in site. "Ramp Full" signs shall be installed at the entrances to advise vehicles do not pull in and back onto the street or block street. The applicant shall install mirrors at the exits points where vision is blocked by an obstruction. All guide signage shall be shown on the plans. The applicant shall show all signs and pavement markings on the plan.
12. The applicant shall submit with the parking lot plans a letter of operation of the type of ingress/egress control to the ramp and load dock area; a detail drawing of the areas showing queuing of at least three vehicles or two vehicles if gates or doors are closed from any approach that cars will not be blocking the sidewalk to the ramp and one (1) semi-trailer truck to the garage door to the loading area. The applicant shall submit detail drawing of the ingress/egress areas showing signs, control devices, gates, and doors.
13. If parking to the general public is approved, provision shall be made to ensure that parking rates in the commercial project are coordinated with those in City facilities.
14. The developer shall enter into a subdivision contract and make improvements for the PUD (GDP-SIP) as determined by the City Traffic Engineer.
15. The site plans will need to recognize the thirty- (30) foot setback along South Broom Street in a manner reviewed and approved by the Traffic Engineer. The applicant may need to modify the proposal, landscaping, signage, and building features from encroachment onto the setback line.
16. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.
17. The applicant shall execute a waiver of notice and hearing on special assessments for the future traffic signal, st. lights and associated street. The traffic signal waiver may also require a deposit for future area traffic signals and associated intersection changes.
18. The applicant shall remove, replace, and adjust street light poles on Broom St and Mifflin St adjacent to this project. The applicant shall install underground streetlighting and communication

conduit on Broom St adjacent to this project. The applicant shall pay a deposit for the estimated costs to the City for time and materials associated with the above work.

19. The intersection shall be so designed so as not to violate the City's sight-triangle preservation requirement which states that on a corner lot no structure, screening, or embankment of any kind shall be erected, placed, maintained or grown between the heights of 30 inches and 10 feet above the curb level or its equivalent within the triangle space formed by the two intersecting street lines or their projections and a line joining points on such street lines located a minimum of 25 feet from the street intersection in order to provide adequate vehicular vision clearance.
20. The Developer shall post a deposit or reimburse the City for all costs associated with any modifications to Street Lighting, Signing and Pavement Marking including labor and materials for both temporary and permanent installations.
21. 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 John Leach, City Traffic Engineering at 267-8755 if you have questions regarding the above items:

Contact Person: Ray White
Fax: 608-229-4445
Email:

DCD:DJM:dm



Department of Public Works
City Engineering Division

608 266 4751

Larry D. Nelson, P.E.
City Engineer

City-County Building, Room 115
210 Martin Luther King, Jr. Boulevard
Madison, Wisconsin 53703
608 264 9275 FAX
608 267 8677 TDD

Deputy City Engineer
Robert F. Phillips, P.E.

Principal Engineers
Michael R. Dailey, P.E.
Christina M. Bachmann, P.E.
John S. Fahrney, P.E.
David L. Benzschawel, P.E.
Gregory T. Fries, P.E.

Operations Supervisor
Kathleen M. Cryan

Hydrogeologist
Joseph L. DeMorett, P.G.

GIS Manager
David A. Davis, R.L.S.

DATE: April 7, 2005
TO: Plan Commission
FROM: Larry D. Nelson, P.E., City Engineer
SUBJECT: 333 West Mifflin Street (Metropolitan Place Phase 2) Planned Unit Development (SIP)

The City Engineering Division has reviewed the subject development and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. Addresses must be approved by City Engineering.
2. Ownership clarification required.
3. The utility plan including the private storm sewer design, shall be submitted under the seal of a Professional Engineer.
4. The proposed storm sewer siphon structures shall be owned and maintained by the Association. Maintenance of the siphon structures shall be included in the recorded stormwater maintenance documentations for the property.
5. Sanitary sewer work on Broom Street required via City - Developer Agreement.

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

Engineering Division Review of Planned Community Developments, Planned Unit Developments and Conditional Use Applications.

Name: 333 West Mifflin Street (Metropolitan Place Phase 2) Planned Unit Development (SIP)

General

- 1.1 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.
- 1.2 The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
- 1.3 The site plan shall include all lot/ownership lines, existing building locations, proposed building additions,

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demolitions, parking lots, driveways, sidewalks (public and/or private), existing and proposed signage, existing and proposed utility locations and landscaping.

- 1.4 The site plan shall identify the difference between existing and proposed impervious areas.
- 1.5 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.
- 1.6 The site plan shall include a full and complete legal description of the site or property being subjected to this application.

Right of Way / Easements

- 2.1 The Applicant shall Dedicate a _____ foot wide strip of Right of Way along _____.
- 2.2 The Applicant shall Dedicate a _____ foot wide strip of Right of Way along _____.
- 2.3 The Applicant shall Dedicate a Permanent Limited Easement for grading and sloping _____ feet wide along _____.
- 2.4 The City Engineer has reviewed the need for pedestrian and bicycle connections through the development and finds that no connections are required.
- 2.5 The Applicant shall Dedicate a Permanent Limited Easement for a pedestrian / bicycle easement _____ feet wide from _____ to _____.
- 2.6 The Developer shall provide a private easement for public pedestrian and bicycle use through the property running from _____ to _____.
- 2.7 The developer shall be responsible for the ongoing construction and maintenance of a path within the easement. The maintenance responsibilities shall include, but not be limited to, paving, repaving, repairing, marking and plowing. The developer shall work with the City of Madison Real Estate Staff to administer this easement. Applicable fees shall apply.

Streets and Sidewalks

- 3.1 The Applicant shall execute a waiver of notice and hearing on the assessments for the improvement of [roadway] _____ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.
- 3.2 **Value of sidewalk installation over \$5000.** The Applicant shall Construct Sidewalk to a plan approved by the City Engineer along _____.
- 3.3 **Value of sidewalk installation under \$5000.** The Applicant shall install public sidewalk along _____. The Applicant shall obtain a Street Excavation Permit for the sidewalk work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. All work must be completed within six months or the succeeding June 1, whichever is later.
- 3.4 The Applicant shall execute a waiver of their right to notice and hearings on the assessments for the installation of sidewalk along [roadway] _____ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.
- 3.5 The Applicant shall grade the property line along _____ to a grade established by the City Engineer. The grading shall be suitable to allow the installation of sidewalk in the future without the need to grade beyond the property line. The Applicant shall obtain a Street Excavation permit prior to the City Engineer signing off on this development.
- 3.6 The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
- 3.7 **Value of the restoration work less than \$5,000. When computing the value, do not include a cost for driveways. Do not include the restoration required to facilitate a utility lateral installation.** The Applicant's project requires the minor restoration of the street and sidewalk. The Applicant shall obtain a Street Excavation Permit for the street restoration work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees.
- 3.8 The Applicant shall make improvements to _____ in order to facilitate ingress and egress to the development. The improvement shall include a (Describe what the work involves or strike this part of the comment.) _____.
- 3.9 The Applicant shall make improvements to North Broom Street. The improvements shall consist of replacing all curb and gutter adjacent to the project.
- 3.10 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,

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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.

- 3.11 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.
- 3.12 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.
- 3.13 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.
- 3.14 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.
- 3.15 The Applicant shall complete work on exposed aggregate sidewalk in accordance with specifications provided by the city. The stone used for the exposed aggregate shall be approved by the City. The Construction Engineer shall be notified prior to beginning construction. Any work that does not match the adjacent work or which the City Construction Engineer finds is unacceptable shall be removed and replaced.
- 3.16 All work in the public right-of-way shall be performed by a City licensed contractor.

Storm Water Management

- 4.1 The site plans shall be revised to show the location of all rain gutter down spout discharges.
- 4.2 Storm sewer to serve this development has been designed and constructed. The site plans shall be revised to identify the location of this storm sewer and to show connection of an internal drainage system to the existing public storm sewer.
- 4.3 The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used.
- 4.5 The applicant shall show storm water "overflow" paths that will safely route runoff when the storm sewer is at capacity.
- 4.6 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.
- 4.7 This site is greater than one (1) acre and the applicant is required by State Statute to obtain a Notice of Intent Permit (NOI) from the Wisconsin Department of Natural Resources. Contact Jim Bertolacini of the WDNR at 275-3201 to discuss this requirement.
- 4.8 This development includes multiple building permits within a single lot. The City Engineer and/or the Director of the Inspection Unit may require individual control plans and measures for each building.
- 4.9 If the lots within this site plan are inter-dependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the site plan and recorded at the Dane Co Register of Deeds.
- 4.10 Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Please contact Greg Fries at 267-1199 to discuss this requirement.
- 4.11 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.
- 4.12 A portion of this project comes under the jurisdiction of the US Army Corp of Engineers and WDNR for wetland or flood plain issues. A permit for those matters shall be required prior to construction on any of the lots currently within the jurisdictional flood plain.
- 4.13 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.)

- 4.14 NR-151 of the Wisconsin Administrative Code will be effective on October 1, 2004. Future phases of this project shall comply with NR 151 in effect when work commences. Specifically, any phases not covered by a Notice of Intent (NOI) received from the WDNR under NR-216 prior to October 1, 2004 shall be responsible for compliance with all requirements of NR-151 Subchapter III. As most of the requirements of NR-151 are currently implemented in Chapter 37 of the Madison General Ordinances, the most significant additional requirement shall be that of infiltration.

NR-151 requires infiltration in accord with the following criteria. For the type of development, the site shall comply with one of the three (3) options provided below:

Residential developments shall infiltrate 90% of the predevelopment infiltration amount, 25% of the runoff from the 2-year post development storm or dedicated a maximum of 1% of the site area to active infiltration practices.

Commercial development shall infiltrate 60% of the predevelopment infiltration amount, 10% of the runoff from the 2-year post development storm or dedicate a maximum of 2% of the site area to active infiltration practices.

Utilities General

- 5.1 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.
- 5.2 The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work.
- 5.3 All proposed and existing utilities including gas, electric, phone, steam, chilled water, etc shall be shown on the plan.
- 5.4 The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.
- 5.5 The site plans shall be revised to show the location of existing utilities, including depth, type, and size in the adjacent right-of-way.
- 5.6 The developer shall provide information on how the Department of Commerce's requirements regarding treatment of storm water runoff, from parking structures, shall satisfied prior to discharge to the public sewer system. Additionally, information shall be provided on which system (storm or sanitary) the pipe shall be connected to.

Sanitary Sewer

- 6.1 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.
- 6.2 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.
- 6.3 Each unit of a duplex building shall be served by a separate and independent sanitary sewer lateral.
- 6.4 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.

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Department of Public Works
Parks Division

Madison Municipal Building, Room 120
215 Martin Luther King, Jr. Boulevard
P.O. Box 2987
Madison, Wisconsin 53701-2987
PH: 608 266 4711
TDD: 608 267 4980
FAX: 608 267 1162

April 8, 2005

TO: Plan Commission
FROM: Simon Widstrand, Parks Development Manager
SUBJECT: **333 West Mifflin Street**

1. Park fees have previously been paid for 136 of the 164 units. The developer shall pay \$46,371.08 for park dedication and development fees for the remaining 28 units.
2. Park Fees shall be paid prior to SIP signoff.

Calculation of fees in lieu of dedication plus park development fees:

Park dedication = 28 multifamily @ 700 square feet/unit = 19,600 square feet. The developer shall pay a fee in lieu of dedication based on the land value of the square footage of parkland required (up to a maximum of \$1.65 / square foot). **Estimated fee is \$32,340.00**

Park Development Fees = (28 @ \$501.11) = \$14,031.08

TOTAL PARK FEES = \$46,371.08

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 Simon Widstrand at 266-4714 or awidstrand@cityofmadison.com if you have questions regarding the above items.

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**CITY OF MADISON
MADISON WATER UTILITY
523 E. MAIN ST.
266-4651**

MEMORANDUM

Date: March 4, 2005

To: Pete Olson - Planning & Development
From: Dennis M. Cawley, Engineer IV - Water Utility
Subject: REZONING – 333 West Mifflin Street

Madison Water Utility has reviewed this rezoning and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS

None

GENERAL OR STANDARD REVIEW COMMENTS

The Madison Water Utility will design a water service lateral connection to the public water main in West Mifflin Street. The developer shall be responsible for all costs associated with this work, including paying all Madison Water Utility design and inspection fees.

The Water Utility will not need to sign off the final plans, nor need a copy of the approved plans.

Dennis M. Cawley



CITY OF MADISON FIRE DEPARTMENT

Fire Prevention Division

325 W. Johnson St., Madison, WI 53703-2295

Phone: 608-266-4484 ♦ FAX: 608-267-1153

DATE: 4/8/05
TO: Plan Commission
FROM: Edwin J. Ruckriegel, Fire Marshal
SUBJECT: 333 W. Mifflin St.

The City of Madison Fire Department (MFD) has reviewed the subject development and has the following comments:

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. The fire lanes shown on the site plans do not comply with Comm 62.0509, and/or MGO Chapter 34; the owner must revise the plans or apply for and receive approval of a Petition for Variance from the Board of Building Code, Fire Code and Licensing Appeals prior to construction of the project. If the Board does not approve the Petition for Variance, then the owner must submit a new application for approval of revised plans.

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

2. None.

Please contact John Lippitt, MFD Fire Protection Engineer, at 608-261-9658 if you have questions regarding the above items.

cc: John Lippitt

Planning Commission
City of Madison

I have been a resident of Metropolitan Place for two years (as of May 1st). From early on I have been aware of the plans for Phase II, which I believe all my fellow residents know of. I have heard no objections to the current plans for Phase II, which I understand is soon to commence.

Accordingly, I would like to be on record in support of Phase II. A previous commitment precludes my attendance, so I would appreciate your consideration in recording me in favor of this project.

Thank you,

Anthony A. Ene

RESIDENT, METRO. PLACE #1007

April 12, 2005

360 W Washington P205
Madison, Wi 53703

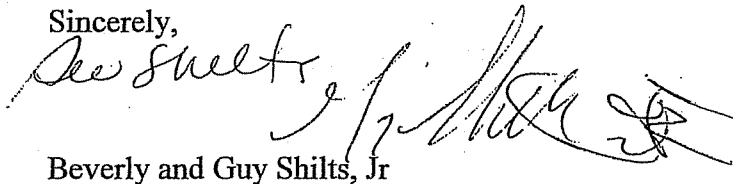
To Whom It May Concern:

We are writing to indicate our support of Metropolitan Place, Phase II.

We presently own 2 condos in Phase I and are very pleased with the construction and craftsmanship, love living here, and look forward to Phase II being completed. We knew from the beginning that there would be a Phase II to be completed within a few years of Phase I. Everyone who purchased was aware that Phase II was planned. It's also important to note that the developer and staff have been very cooperative, and have compromised with the neighbors and city on some very key issues.

We emphatically want to see this project finished as it was intended, and urge you to continue supporting it

Sincerely,

A handwritten signature in cursive script, appearing to read "Beverly and Guy Shilts, Jr.", written in dark ink over a light background.

Beverly and Guy Shilts, Jr

April 12, 2005

Dear Members of the Madison City Council,

My wife and I would like to express our support for Phase II of Metropolitan Place. We currently live in Phase I and, like everybody else who purchased in Phase I, were fully aware of the plans to build Phase II. In fact, the Phase II concept was a reason we chose to purchase the particular unit we bought.

We have attended several neighborhood meetings and are aware of objections that have been raised. Plans were changed & concessions made to satisfy those objections.

Phase II is good for the majority of residents in Phase I, for the neighborhood, and for the city of Madison. Please support Phase II of Metropolitan Place.

Sincerely,
Robert Gullegard
Alice Gullegard

04/14/08

Mike VEREE (and Housing Commission)

I can't attend the meeting on 04/18/08 because of work. I wanted to submit that CLIFF FISHER & Metropolitan management is a very effective ownership group. Consistent and caring a landlord who provides some great extras Satellite T.V. wood flooring whirlpools compared to other similar units in the downtown area.

I work on the west side Menards WEST but I like the proximity downtown offices, Theatre, movies and cafes all close to Millin & Brown public library 2 blocks away. Overfire center downtown is developing nicely.

I feel another large apartment/condo complex will bring more life to this area. Another grocery store, shopping and restaurants will make this part of Madison that more dynamic and fun. This will make Madison more of a tourist destination and comfortable place for families to frequent.

TRULY
Lester R. Callahan
608 251 4518 H.
608 308 1859 C.

From: MICHAEL J RAUCH <mjrauch@facstaff.wisc.edu>
To: <bmurphy@cityofmadison.com>
Date: 4/16/2005 9:23:59 AM
Subject: Metropolitan Place Phase II

Mr. Murphy-

As a current owner/resident in Metropolitan Place I, I would very much like to see Phase II built soon. I strongly encourage the Plan Commission to act on this issue Monday and to NOT refer any action to a later date.

Regards.

Mike Rauch

CC: <mjr@mail.slh.wisc.edu>

**Metropolitan Place
Condominium Owners
Association**

Memo

To: Alderman Michael Verveer (district4@council.cityofmadison.com)
Mark Olinger (molinger@cityofmadison.com)

From: Nelson D. Flynn

Date: March 21, 2005

Re: Metropolitan Place – Phase II

A sign posted on Mifflin Street says that there will be a plan commission hearing on April 18 about the SIP for Phase II of Metropolitan Place. The board of directors of Metropolitan Place Condominium Owners Association has had very little contact with Cliff Fisher through his presale and planning process. Frankly, I think most of the owners in Metropolitan Place like the design elements and amenities for Phase I, and believe that similar amenities and design elements will be included in Phase II. My goal as president of the association has been to, where necessary, try to enforce existing property rights of the existing owners.

As you probably have heard from several sources, Cliff Fisher, even more than most developers, prefers to keep his development cards very close to the vest. Although there is much in Phase II that is desirable, I am concerned that Mr. Fisher is inclined to the "go secretly and ask for forgiveness later" school of development.

There are three examples of this that you may be aware of. First, in tearing down the existing buildings on the Phase I site, Mr. Fisher had a choice between following proper procedures for asbestos abatement and other demolition rules, which he may have thought were too costly, or going ahead to demolish the buildings and, if necessary, pay a fine later. I forget the exact amount, but I believe he was eventually fined \$20,000 or \$25,000 for ignoring the rules of demolition.

Second, 174 units were constructed in Phase II, not the 171 provided in the SIP.

Third, you are familiar with Mr. Fisher's purchase of a ground floor unit in Phase I, not in his own name, but by a nominee, for use as a sales office. It was really only upon being convinced that he needed to obtain a building permit to blow a hole in the side of the building that he showed the slightest willingness to sit down with the owners association to work out under what conditions the residential unit would be used as a sales office.

The original proposed plans for Phase II showed 220 + units and a building over 15 stories high. Only after the persuasion of repeatedly reciting to his advisors the actual terms of the PUD and the limitation in the condominium declaration of no more than 166 additional units, were the proposed number of units in Phase II reduced to 164. (The PUD calls for a total of approximately 320 units for the entire project. 174 plus 164 equals 338.)

The Phase II building is also limited by certain visual easements and other easements entered into by Mr. Fisher as Phase I was being built. Again, after pointing out these limitations to his advisors, the height of Phase II was reduced to, I believe, 13 stories. There may be some lingering questions about how to interpret the visual easements, but I believe that Cliff is trying to comply with them.

I would like to use the SIP process for Phase II to reach a written memorandum of understanding that would protect the rights of the existing owners. This process would include negotiations as to i) how the parking garages are to be linked together, ii) whether the Phase I residential building will be pierced or altered to accommodate the construction of the parking garage expansion, and iii) how the proposed commercial space will be integrated into the residential building and parking structure for parking and maintenance of common areas.

I would be happy to talk to you about this or exchange e-mails. Again, my desire is not to impede Phase II but to make sure that the existing property rights of the Phase I owners are respected.

Mike, I thought you might be interested in the agenda and letter to unit owners for Metropolitan Place Condominium Owners Association's annual meeting, on March 14, 2005. These are attached to your copy.

One other thing; in November I left private practice and became Deputy Executive Director and General Counsel at WHEDA. My office e-mail is nelson.flynn@wheda.com, and my phone number is 266-2748. My home information is nelsonflynn@tds.net and 233-2083.

NDF:mrc

METROPOLITAN PLACE – PHASE II

Concerns of Existing Owners

Clifford Fisher and Fisher Development have applied for an approval of an SIP in conjunction with an existing PUD-GDP for Phase II of Metropolitan Place. The "Declarant" of Metropolitan Place (Metropolitan Place Development, LLC) clearly has the right under existing declarations of condominium to expand both the residential and parking condominiums. However, such expansion is subject to existing legal rights of the existing owners in Metropolitan Place, Phase I. These rights are set out in two Declarations of Condominiums, and in an elaborate system of recorded easements.

There are actually two condominiums in Metropolitan Place. The residential condominium, which will comprise the existing residential building at 360 West Washington Avenue and, presumably, Phase II at 333 West Mifflin Street, is governed by a "First Amendment to Declaration of Condominium for Metropolitan Place Residential Condominium" (hereafter called the "Residential Declaration"). The existing parking structure behind the Phase I residential building, (street address: 321 West Mifflin Street) and, presumably, the Phase II parking structure that will be built adjoining both the existing residential building and existing parking structure, is governed by a "First Amended to Declaration of Condominium for Metropolitan Place Parking Condominium" (hereafter referred to as the "Parking Declaration"). Various easements, access rights, air rights, etc., are set out in elaborate and specific detail in two documents. The first is titled "Declaration of Easements" (hereafter referred to as the "Declaration of Easements"), and in a "First Amendment to Declaration of Easements, Air Rights, and Sewer Rights" (hereafter referred to as the "First Amendment").

There has been very little communication between the Declarant or any of Declarant's representatives and (i) the Owners Associations for the two condominiums or (ii) an informal advisory committee of unit owners established at Alderman Verveer's initiative. Information has been limited to descriptions of the proposed new residential building at 333 West Mifflin, and a sales effort relating to the same. Frankly, I believe that most unit owners in Phase I support the construction of a Phase II, and generally approve of the design features of the Phase II residential building. The unit owners in Phase I have been aware of the potential Phase II development from the beginning; expansion rights are reserved in the Residential Declaration and Parking Declaration.

Development of Phase II presents a situation that may be unique in Wisconsin. Chapter 703 of the Wisconsin Statute clearly allows for expandable condominiums and provides certain rights to Declarants with respect to expandable condominiums. However, at least in my experience, all or virtually all of such expandable condominiums have involved either low-rise buildings scattered over a comparatively large space, or at least substantially separate buildings. That is not the case with Metropolitan Place. The Phase II residential building will be a free-standing residential building, and except

for some construction inconvenience regarding parking access on West Mifflin Street, will have little direct effect on the existing owners. However, the expansion of the parking condominium will involve breaching the walls of both the existing parking structure and the existing residential building, and will directly impact both the comfort and property rights of the existing owners. Many of the existing owners remain unhappy with the construction and completion of Phase I; several owners believe that oral promises during the sales phase of Phase I were not implemented.

In fact, actual construction and sales of most of Phase I was completed by the New York – based investor in Phase I, known as "Greystone," from early on in the construction process of Phase I. Mr. Fisher lost control of the Declarant entity to Greystone during most of the construction and completion of Phase I. Thus, much of the unit owner's ire at promises not kept might properly be directed to Greystone rather than to Mr. Fisher. On the other hand, Greystone was responsible for most of the construction and completion of Phase I; and any perceived experience by Fisher Development in that regard, looking to Phase II, is illusory.

The following are concerns that the existing owners want to have addressed specifically, and where appropriate in writing in a memorandum of understanding, prior to approval of the SIP and granting a building permit:

I. NAME OF OWNER.

Many of the Declarant's rights regarding construction of the new parking structure turn on Phase II being an "expansion" of the existing condominiums. Therefore, it is important that the owner on the SIP application, and on any subsequent undertakings, be reflected as the Declarant, "Metropolitan Place Development, LLC."

II. COMMERCIAL SPACE

A. Who Owns? The first floor of the new residential structure is proposed to contain approximately 16,000 square feet of commercial space. Also, the existing surface parking underneath the existing apartment building (hereafter, the "Elderhouse") is also proposed to be converted into approximately 4,200 square feet of commercial space. Presumably, the owner of the Elderhouse (Mr. Fisher) will own that commercial space, but who will own the commercial space in the residential building? Specifically, will the residential space be part of the Metropolitan Place residential condominium? Will mechanical, water and HVAC systems be shared? Will the owners of the commercial space contribute their fair share to maintenance and capital improvements to the building? The Residential Declaration reserves the possibility of "nonresidential units" in Phase II, "consistent with the existing PUD-GDP,"; but no more than that is known.

B. Access of Commercial Vehicles. The plans submitted for the SIP shows access for commercial vehicles off Broom Street. The access patterns for large commercial vehicles, particularly those either making deliveries to the commercial

space or moving vans and other commercial vehicles attempting to approach either the Phase I or Phase II residential buildings, are extremely tight.

A "delivery access easement" is created in the declaration of easements at page 3. The current access easement runs from the existing curb cut on Mifflin Street, through the existing surface parking lot and to the back of the existing Phase I residential building. The easement permits the access path to be altered, but not in the way shown in the SIP drawings. Both for fire safety concerns and for ease of access by commercial vehicles to Phase I, the access easement needs to be reviewed and agreed upon.

Commercial parking is provided both on the surface and within the proposed expansion of the parking structure. From a preliminary review of the plans, this commercial parking will need to travel through the delivery easement and near the proposed commercial delivery dock to access the commercial space.

Commercial vans making deliveries to the commercial space may include refrigerator trucks or other trucks that are likely to idle for significant periods of time, creating both noise and air pollution.

C. Parking. The existing parking at the Elderhouse will be lost if the ground area is converted to commercial space. Also, the Declarant has threatened to convert what are currently designated as visitor parking spaces for Phase I into private parking spaces. There will be significant parking pressure placed on the interior commercial parking, as well as the surrounding neighborhood.

Who is to maintain the proposed new parking? The proposed public parking is partly surface parking, but also includes part of the proposed new parking structure. The delivery access both to the Phase I building and to the loading dock are also part of the "public" parking. Who will have responsibility for surface maintenance, striping, snow-plowing and other costs associated with surface parking, and who will own the public parking spaces in the new parking structure? Who will be responsible for paying an appropriate share of the assessment charges of the parking condominium?

In the Parking Declaration, it is stated that all spaces are to be used by resident owners and may not be leased to nonresident owners. However, the right is reserved to the Declarant to lease to third parties. If this is done, what access is to be provided to third-party renters that would not involve passage through the secured residential buildings? Is the only access to this area to be through the vehicular access on Broom Street? Are elevators necessary within the parking structure if leasing above the ground floor is contemplated?

III. RESIDENTIAL BUILDING CONCERNS

As stated above, I believe most residents are content with the general design features and layout of the Phase II residential building. In any event, this is a building

completely separate from the Phase I residential building. The following, however, should be addressed:

The original proposal for Phase II floated by the Declarant proposed 220 residential units and a 15 story residential building. However, the Residential Declaration restricted the expansion to no more than 166 units. In addition, there is a "Lake Mendota View Easement" at page 2 of the Declaration of Easements limiting the height of the Phase II residential building, including cooling towers, elevator towers and the like that may be above the stated roof line. After these restrictions were pointed out to the Declarant and its representatives, the proposed size of Phase II was eventually shrunk to 164 units and 13 stories. However, compliance with the Lake Mendota View Easement should still be demonstrated in advance.

The PUD-GDP for Metropolitan Place limits the aggregate number of units to "approximately 320 units." The aggregate number of units now proposed is 338. The specific number of units actually authorized in the SIP for Phase I was 171. However, 174 units were built and sold.

Speaking from a condominium owners association perspective, it would be desirable to have an office in the Phase II building, and also a room to store packages, laundry, etc., and lastly a meeting space room for social meetings of residents, meetings of the condominium associations and committees. No such room provided in Phase I, and meetings are held in a variety of off-site locations including the library, Maingate and the Senior Center across Mifflin Street.

IV. PARKING STRUCTURE.

Most of the specific concerns regarding Phase II revolve around parking and the construction of the new parking structure.

The Parking Declaration provides that the new parking structure will have access to the existing parking structure and that six existing spaces will be deleted to make way for that access. The Parking Declaration provides both the responsibility and the right to relocate those six spaces in the new parking structure.

Access from the new parking structure to the existing parking structure is contemplated in the documents. However, the "Access Easement for Ingress and Egress" found in the First Amendment at page 3, specifically provides that access to and from West Washington Avenue under the existing residential building is only for the owners in the existing parking structure. Thus, there is no current provision for ingress and egress for the new parking structure except onto Mifflin Street.

The Declaration of Easements has an elaborate reservation of air rights within the footprint of existing residential building for parking connected with the new parking structure. Obviously, the construction of the new parking structure will require punching through existing walls in the residential building, and linking the structure up

with the existing parking structure. As discussed below under construction, this will create an unprotected, unsecured wall to the residential structure for a lengthy period of time, and this must be addressed.

The plan submitted for the SIP show the creation of several parking units for sale that are not permitted under the existing documents. For example, new parking spaces are indicated on the ground floor of the existing parking structure and on the second, third and fourth floors, which are reserved as common elements in the Parking Declaration, which common elements are now owned by the existing owners through the owners association. In addition, parking units are indicated on the fourth floor of the new parking structure that would cause a portion of the existing fourth floor of the residential condominium (currently an exercise room and storage) to be destroyed. Thus, the loss of at least six parking units in the parking structure is not mentioned in the application, and the number of new parking units is overstated by more than ten.

The existing Residential Declaration shows access to the proposed new parking structure on floors one, three, and five (although the access on floor five will involve the loss of a package room). However, no access is currently provided on floors two and four. Presumably, storage units or other potential routes of access will need to be purchased or worked out by the Declarant, but these are further details that should be discussed and written down beforehand.

The various air right easements found in the First Amendment provide for a uniform height of the parking structure, with a concrete roof, of 75.13 feet, Madison City Datum. The SIP drawings do not show a uniform parking structure height. Additionally, because plantings and soil are planted on the roof of the garage to create "parks," an impermeable membrane has to be laid both over the new parking structure and also the existing. The existing parking structure already suffers from serious leaks because the proper membrane has not been installed. These questions must be worked out and reduced to writing.

V. EXISTING RESIDENTIAL BUILDING.

As discussed above, owners in the existing residential building are very interested in establishing rights relating to access, breach of the walls of the existing residential structure, emergency and delivery access both during and after construction. Phase II is not a case of having another building simply built half a block away. It will involve breaching the existing building at several points. As a small example, the construction of the existing parking garage caused a large support beam to be driven up through one of the bedrooms of a unit on the fifth floor of the existing residential building. From the plan submitted, it seems possible that a similar support beam could be driven up through the second bedroom of that particular unit, and perhaps of other units.

A. Circular Driveway. A small part of the existing circular driveway in front of the residential building on West Washington Avenue is owned by the owner (Mr. Fisher)

of the adjoining property. While Greystone controlled the Declarant entity during construction of Phase I, a little war went on between Mr. Fisher and Greystone in which Fisher placed a bike rack straddling the property line, seemingly primarily to annoy Greystone. However, there is a driveway easement at page 11 of the Declaration of Easements, which provides specifically for an easement over the entirety of the circular driveway, which is to be kept clear for emergency and delivery access.

B. Visitor Parking. While Greystone was the Declarant, parking spaces were provided for visitors to the existing residential unit at the rear of the building. Given the expected scarcity of parking, the existing residents are very interested in maintaining the same level of visitor access, and this needs to be worked out.

VI. CONSTRUCTION CONCERNS.

Following is a list of construction concerns that should be worked out and, where appropriate, reduced to writing prior to a building permit being granted. They are presented as a series of "bullet points" and in some instances address material touched on earlier.

- Shop drawings: submit shop drawings, detailed drawings of connections to the existing structure.
- Make no substitutions or modifications of detail without prior approval of the architect.
- Geotechnical engineer: Owners Geotechnical engineer will perform specified inspections, measurements, tests, and approvals.
- Protect from damage existing trees, shrubs, lawns, sidewalks, drives, curbs, utilities, buildings. And other features or facilities on or adjacent to site.
- If excavated material is not suitable or sufficient material is not available at site, provide suitable material approved by Geotechnical Engineer from offsite sources.
- Inspection : Prior to commencing work , inspect related work constructed by developer, and promptly report to owners rep in writing apparent discrepancies or defects in related work.
- Inspection of footings, give timely notice for arrangements for inspections of footings to have the geotechnical engineer to inspect.
- Engineer registered in state of Wisconsin analysis to include loads, reactions, stresses, deflections, and structural characteristics of connections to the existing structures.

- Shop Drawings: Include details of concrete panels with written description of proposed construction and fabrication.
- Include erection drawings, with panel elevation views. Indicate location of tie in to existing structure.
- Clearly identify and locate reinforcing steel, inserts, anchorage details, accessories, and other embedded items incanted on drawings or specifications, required for design loads, or otherwise necessary to erect and brace panels.
- Pre- Construction conference: A conference should be scheduled 30 days following contract award to discuss pertinent information, proposed methods and procedures for connections to existing structure.
- Quality Assurance: Submit documentation indicating compliance with the requirement for the compressive strength of masonry.
- Spec for face brick to match spec for original building spec.
- Where masonry units are disturbed or repositioned after initial placement, remove mortar and relay with fresh mortar.
- Inspector will submit a final report within one week of completion of masonry work, stating compliance with contract documents. Deficiencies observed during construction shall be noted, along with corrective measures taken.
- All permits in place prior to any work started.
- All work to be performed during work (city) hours. Making sure work is not started before such time.
- Emergency Access!!! Making sure access for emergency vehicles to the Metro 1 during construction phase. Mainly rear entrance access.
- General access to rear of building (north side).
- Inspections of all related phases of project.
- Making sure work that was performed during phase 1 for phase 2 is still in place and inspection made to ensure no damage has occurred.
- Connection from phase 2 into phase 1 making sure all engineering and specs and inspections are made prior to connecting to existing structure.
- Connections, electrical, Data, phone, water, sewer.

- Load requirements for all services listed above.
- Fire protection.
- Advance notice of any work that will affect traffic, to and from building, work that will involve construction, alterations to the existing structure.
- Any penetrations to existing structure will need to be secured at the end of business.
- Security of existing structure must be maintained at all times.
- All contractors entering the existing building must be identified to building owners with a name badge displaying name and business name.
- All contractors entering Metro 1 will need to sign in and sign out.
- All contractors will need to follow the building rules set up by the building management team and enforced by the building manager.

VII. CONCLUSION.

Because of the unique aspect of this condominium "expansion," the existing owners at Metropolitan Place respectfully ask that the granting of the SIP be referred by the Plan Commission to future meetings, and that a building permit not be issued, until the above concerns are reasonably discussed between the Declarant and the Owners Association, and undertakings and agreements appropriately reduced to writing.

April 12, 2005

By: _____

Nelson D. Flynn,
Unit Owner of Metropolitan Place and
President of Metropolitan Place Residential
Condominium and Parking Condominium