



Department of Planning & Community & Economic Development  
**Planning Division**

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

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December 1, 2010

Mark Boehlke  
Hoffman, LLC  
122 E. College Ave.  
Appleton, WI

RE: Approval of the rezoning of property at 501 E. Badger Rd. from R3 to C2, the demolition of a vacant building, and conditional uses for urban food production, aquaculture, and an outdoor eating area.

Dear Mr. Boehlke:

The Common Council, meeting in regular session on November 30, 2010 determined that the ordinance standards could be met and **approved** your client's request for rezoning, demolition, and conditional uses at 501 East Badger Road. In order to receive final approval, the following conditions must be met:

**Please contact my office at 266-5974 with questions about the following eight (8) items:**

1. In final plans submitted for review and approval by staff, the applicant is encouraged to include additional clerestory window openings on the second story of the west elevation to provide natural light into the gymnasium. If this is the location of a "living wall", these openings could be placed above or beside the areas intended for the living wall.
2. The applicant shall work with staff to develop a final screening plan for staff approval. Any changes to the proposed screening between this property and adjacent residential properties shall be reflected in the final plan set for staff review and approval. Written support from adjacent property owners may be necessary if fencing is removed.
3. Hours of operation for the outdoor eating area proposed in the rear of the building shall be limited to 7:00 AM to 9:00 PM, and there shall be no outdoor amplified sound.
4. The applicant shall prepare a management plan to be approved by Planning staff for the agricultural uses on the site, including the following:
  - a) List of mechanized equipment to be used on the site, with limitation on hours of day.
  - b) Limitation on hours for loading and unloading on the east side of the building.
  - c) Limitations on use of chemical pesticides and fertilizers for the site (staff assumes none will be used).
  - d) Commitment to daily maintenance of driveways, parking areas, and paths to ensure that they are free from garden and food wastes.
5. The applicant shall submit plans for the greenhouses, temporary hoop houses, and garden structures (pavilion, sheds, and arbors) to Planning staff for review and approval, prior to seeking building permits for these structures. Plans for accessory structures shall then be submitted to Building Inspection staff for review for consistency with all applicable building codes.
6. Building permit application materials for Phase 2 of the building (that portion of the building west of the school including the neighborhood center, offices, and commercial space) shall include Phase 2 in its entirety, as shown on submitted plans.

7. The commercial space in the northwest corner of the site shall not be less than the 4,549 sq ft area shown on submitted plans.
8. Final elevations shall be submitted for review and approval by staff and shall include labels for all materials and an indication of where the living walls will be placed.

**Please Contact Pat Anderson, Zoning, at 266-5978 with questions about the following eleven (11) items:**

9. This project includes hoop houses, identified as temporary structures. Building code requirement consider these hoop houses as temporary buildings, which are required to meet certain building codes and may be placed on site for no more than 180 days. The proposal to allow these year-round, following quarterly inspections, conflicts with building code requirements and cannot be approved as part of this request.
10. A desire to use the property for non-accessory composting activities was originally proposed for the site. The applicant had indicated a desire to have materials delivered to the site from area restaurants and organics producers, which would then have been openly composted in designated areas on site. This activity is considered a separate principal use, and is not a listed or conditional use in the C2 General Commercial zoning district. On-site composting of organics generated by the facility would be permissible, as an accessory use.
11. At this time, the gymnasium is being considered as an accessory component of the school use, rather than as a separate principal use/assembly space. Separate parking spaces to accommodate the use of the gymnasium as a general assembly space is not being considered at this time. The question of required parking for the gymnasium space will be addressed should a future owner wish to change the use of this space.
12. 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.
13. MGO Section 28.12(12)(e) requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan. Please note, the owner must submit said information within 60 days of completion of demolition.
14. Provide a detailed landscape plan. Show species and sizes of landscape elements. Within 10' from a driveway crossing of a street lot line, any landscaping /screening shall not exceed 2' in height for vision clearance. Landscaping to be used as screening must be identified on the final plans.
15. Parking and loading facilities shall comply with MGO Section 28.11(4). Provide one 10' x 35' loading area with 14' vertical clearance to be shown on the final plan. The loading area shall be exclusive of drive aisle and required maneuvering space.
16. The site shares a zoning district boundary with a residential development to the east and south. Per MGO Section 28.04(12)(c), this development must provide effective 6' – 8' high screening along the district boundary lines of this commercial zoning district adjoining a residential zoning district. The Plan Commission may modify this screening requirement as part of the conditional use review.
17. Bike parking shall comply with MGO Section 28.11. Provide required number of bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices.
18. Meet all applicable State accessibility requirements, including but not limited to:
  - a) Provide a minimum of three accessible stalls striped per State requirements. These stalls shall be van accessible stalls 8' wide with an 8' striped out area adjacent to them and on the passenger side.
  - b) Show signage at the head of the stalls.
19. Lighting is required, and shall be in accordance with MGO Section 10.085. Provide a plan showing at least 0.5 footcandle on any surface on any lot and an average of 0.75 fc. The maximum light trespass shall be 0.5 fc at 10 ft from the adjacent lot line (see City of Madison lighting ordinance for details).

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

20. Stormwater Management serving each phase must be constructed with the build out of each respective phase of improvements.
21. Interior suite and/or tenant addresses will be assigned when final space configurations are known. Please coordinate this future addressing plan with Engineering Mapping Lori Zenchenko ([addressing@cityofmadison.com](mailto:addressing@cityofmadison.com) or 266-5952). The interior address plan is subject to the review and approval of the Fire Marshal.
22. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass (POLICY).
23. 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).
24. All work in the public right-of-way shall be performed by a City licensed contractor (MGO 16.23(9)(c)5 and MGO 23.01).
25. 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 (POLICY and MGO 10.29 and 37.05(7)(b) for over 10,000 SF of impervious area).
26. 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 (POLICY and MGO 10.29).
27. The applicant shall demonstrate compliance with MGO Section 37.07 and 37.08 regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
28. Effective January 1, 2010, The Department of Commerce's authority to permit commercial sites, with over one (1) acre of disturbance, for stormwater management and erosion control has been transferred to the Department of Natural Resources (WDNR). The WDNR does not have an authorized local program transferring this authority to the City of Madison. The City of Madison has been required by the WDNR to continue to review projects for compliance with NR216 and NR-151, but a separate permit submittal is now required to the WDNR for this work as well. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process.  
  
As this site is greater than one (1) acre, the applicant is required by State Statute to obtain a Water Resources Application for Project Permits (WRAPP) from the Wisconsin Department of Natural Resources, prior to beginning construction. This permit was previously known as a Notice of Intent Permit (NOI). Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement.  
  
Information on this permit application is available on line:  
<http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm> (NOTIFICATION)
29. Prior to approval, this project shall comply with MGO Chapter 37 regarding stormwater management. Specifically, this development is required to:
  - a) Detain the 2 and 10-year storm events
  - b) Control 40% TWW (20 micron particle) off of new paved surfaces
  - c) Provide oil and grease control form the first ½" of runoff from parking areas.
  - d) Complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website, as required by MGO Chapter 37.

30. The Applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number:
- a) Building Footprints
  - b) Internal Walkway Areas
  - c) Internal Site Parking Areas
  - d) Other Misc. Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
  - e) Right-of-Way lines (public and private)
  - f) All Underlying Lot lines or parcel lines if unplatted
  - g) Lot numbers or the words "unplatted"
  - h) Lot/Plat dimensions
  - i) Street names

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

NOTE: Email file transmissions preferred [addressing@cityofmadison.com](mailto:addressing@cityofmadison.com). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file (POLICY and MGO 37.09(2) & 37.05(4))

31. 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
- g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans)

32. The Applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including:

- a) SLAMM DAT files
- b) RECARGA files
- c) TR-55/HYDROCAD/etc
- d) Sediment loading calculations

If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided (POLICY and MGO 37.09(2)).

33. The Applicant shall obtain a Street Excavation permit for the installation of utilities required to serve this project. The Applicant shall pay the permit fee, inspection fee and street degradation fee as applicable and shall comply with all the conditions of the permit (MGO 10.05(6)).

34. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction MGO 37.05(7).

35. 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 (POLICY).

36. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's/Subdivision Contract. Contact Janet Dailey (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)).

Permit applications for Nos. 33 through 35 above are available on line at:

<http://www.cityofmadison.com/engineering/permits.cfm>.

**Please contact John Leach, Traffic Engineering at 267-8755 with questions about the following eleven (11) items:**

37. When the applicant submits final plans of one contiguous plan for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, showing all easements, all pavement markings, building placement, and stalls, adjacent driveway approaches to lots on either side, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1"=20'.
38. The applicant shall relocate the East Badger Road driveway approach where as the public crosswalk for Nob Hill Road shall not be terminate in the proposed driveway approach East Badger Road in accordance to MGO Section 10.08(4)(d).
39. The applicant shall modify the two (2) driveway approaches according to MGO 10.08(3)(c). Any two entrances shall be a least ten (10) ft. apart and in case less then sum of the approach flare or radii. The applicant will need to relocate the approach 20 ft westerly from proposed location to accommodate MGO 10.08 (3)(c) and 10.08 (4) (d).
40. The applicant shall modify the driveway approaches according to the design criteria for a "Class 3" driveway in accordance to MGO Section 10.08 (4). The proposed westerly approach shall be 26 ft in width for the approach with 5 ft flares. The Easterly approach shall be relocated being 20 ft in width for the approach with 5 ft flares. In addition, the public sidewalk shall go through the both approaches.
41. A "Stop" sign shall be installed at a height of seven (7) feet at all driveway approaches. All signs at the approaches shall be installed behind the property line. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
42. The applicant shall design the surface areas for stalls and backing up according to Figures II of the ordinance using the 9' or wider stall for the commercial/retail area. Aisles, ramps, columns, offices or work areas are to be excluded from these rectangular areas, when designing underground parking areas. The applicant will need to modify the easterly parking area for back up item E = 24 ft. The applicant will need to modify the backing area from 20 ft to 24 ft according to MGO.
43. The applicant shall modify the driveway approaches according to the design criteria for a "Class 3" driveway in accordance with MGO Section 10.08 (4). The proposed 15 ft radius shall be modified to with two – 5 ft flares. In addition, the public sidewalk shall go through the approach.
44. All existing driveway approaches which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
45. The attached Traffic Signal/Street Light declaration of conditions and covenants shall be executed and returned with site plans. The development shall acknowledge on their proportionate share of traffic signal assessments. The development shall further agree in writing to not oppose their proportionate share of the traffic signal assessments as part of the City's Special Assessment districts for traffic signals.

46. The Developer shall post a deposit and reimburse the City for all costs associated with any modifications to Traffic Signals, Street Lighting, Signing and Pavement Marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.
47. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

**Please contact Dennis Cawley, Water Utility at 261-9243 with questions about the following item:**

48. This property is not in a Wellhead Protection District. The Madison Water Utility shall be notified to remove the water meter prior to demolition. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

**Please contact Bill Sullivan, Fire Department at 266-4420 with questions about the following three (3) items:**

49. Due to the educational component of this project, all greenhouse and hoop house buildings will be required to comply with the International Building Code, International Fire Code, and all applicable Madison General Ordinances.
50. Contact Dane County Emergency Management regarding the relocation or removal of the Emergency Outdoor Warning Sirens.
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 with questions about the following item:**

52. This project is located adjacent to Badger Park. A possible future connection to the park is shown on the plans; in addition, a biofiltration basin is located in close proximity to the property line between the two properties. Approval of this rezoning does not necessarily grant approval for any items related to Badger Park; these items will require further discussion and subsequent approval by the Parks Superintendent and other regulatory approvals as required.

**Please contact Tim Sobota, Metro Transit at 261-4289 with questions about the following two (2) items:**

53. Metro Transit operates daily transit service along East Badger Road west of the Rimrock intersection. Additional weekday peak hour service operates along East Badger Road east of Rimrock, with stops immediately east of this intersection – just west of the project site.
54. Metro Transit does not anticipate changes to present bus service in this neighborhood. Any specific bus transportation for public school students would need to be coordinated by the local school district.

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

1. Please revise your plans per the above conditions and submit **nine (9) copies** of a complete plan set to the Zoning Administrator for final staff review and comment.
2. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting the demolition permit.
3. No alteration of this proposal shall be permitted unless approved by the Plan Commission, provided, however, the Zoning Administrator may issue permits for minor alterations. This approval shall become null and void one year after the date of the Common Council approval unless the use is commenced, construction is under way, or a valid building permit is issued and construction commenced within six months of the issuance of said building permit. The Plan Commission shall retain jurisdiction over this matter for the purpose of resolving complaints against the approved conditional uses.

If you have any questions regarding the rezoning or obtaining your demolition and conditional use 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 266-5974.

Sincerely,

Heather Stouder, AICP  
 Planner

- cc: Pat Anderson, Assistant Zoning Administrator  
 Janet Dailey, City Engineering  
 John Leach, Traffic Engineering  
 George Dreckmann, Recycling Coordinator  
 Bill Sullivan, Fire Department  
 Kay Rutledge, Parks Division

<p>I hereby acknowledge that I understand and will comply with the above conditions of approval for this rezoning and the demolition and conditional use permits.</p> <hr style="border: 0; border-top: 1px solid black; margin: 10px 0;"/> <p style="text-align: center;"><i>Signature of Applicant</i></p> <hr style="border: 0; border-top: 1px solid black; margin: 10px 0;"/> <p style="text-align: center;"><i>Signature of Property Owner</i></p>
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<b>For Official Use Only, Re: Final Plan Routing</b>			
<input checked="" type="checkbox"/>	Planning Division (H. Stouder)	<input checked="" type="checkbox"/>	Recycling Coordinator (R & R)
<input checked="" type="checkbox"/>	Zoning Administrator	<input checked="" type="checkbox"/>	Fire Department
<input checked="" type="checkbox"/>	City Engineering	<input type="checkbox"/>	Urban Design Commission
<input checked="" type="checkbox"/>	Traffic Engineering	<input checked="" type="checkbox"/>	Parks Division:
<input checked="" type="checkbox"/>	Engineering Mapping	<input type="checkbox"/>	Other: