

**CITY OF MADISON
INTERDEPARTMENTAL
CORRESPONDENCE**

Date: September 26, 2018

To: Plan Commission
From: George Hank, Building Inspection Division Director
Subject: Butler/Hancock Fisher Project, construction and approval conditions

At its October 1 2018 meeting, the Plan Commission will be asked to approve a residential multi-family redevelopment at the subject site. This project involves developer Cliff Fisher and Architect/Supervising Construction Professional James McFadden.

Section 28.183(6)(b)1. of the City of Madison Zoning Code states that in stipulating conditions and restrictions on a conditional use approval, the Plan Commission may “consider...the applicant’s history of compliance with relevant ordinances and approvals, including but not limited to, building and minimum housing code, zoning code and zoning approvals, and alcohol license provisions and approvals.”

Our office has been involved in the review and permitting for several other projects developed by Mr. Fisher that were either not constructed per the approved plans or resulted in numerous zoning and building code violations, or both. As a result, Mr. Fisher’s projects have tended to require significant amount staff time related to issues of permitting, inspection, and enforcement. For example, Mr. Fisher currently owns properties at 605 E. Washington Ave. and 5-19 S. Blair St. (the corner of S. Blair St. and E, Washington Ave.) which continue to be in noncompliance for over eight years, with little effort extended to implement approvals that would resolve violations. Mr. Fisher has been found guilty by the municipal court on several case, but the sites remains in a noncompliant state.

Accordingly, staff recommends the following conditions be applied to the current proposed project pursuant to the authority in Section 28.183(6)(b)1., in order to ensure that Mr. Fisher does not repeat the problems of the past with this proposed project:

1. The developer shall enter into an agreement with the City of Madison, agreeing to complete the proposed project according to all zoning approvals and in compliance with all other city ordinances, including the zoning code and building code, and shall provide an irrevocable letter of credit in favor of the City of Madison in the amount of 5% of the project cost with terms allowing the city to call the letter if the developer fails to complete the proposed project as described in the Agreement with the City. Calling of the letter of credit acts as liquidated damages for the failure complete the proposed project. The developer will remain fully liable for any violations resulting from his failure to comply with the law, and for any corrections.
2. The Developer shall resolve all outstanding violations as found by the Municipal Court for the properties located at 5 S. Blair St. (605 E. Washington), 15 S. Blair St. and 19 S. Blair St. and shall implement the changes shown on the approved site plan to the satisfaction of the Building Inspection Division Director prior to the issuance of any

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building permits for the proposed project.

3. The developer shall provide proof of a construction management contract with a contractor who will be responsible for managing the construction of the project.