



Department of Planning & Community & Economic Development
Planning Division

Website: www.cityofmadison.com

Madison Municipal Building
215 Martin Luther King, Jr. Boulevard
P.O. Box 2985
Madison, Wisconsin 53701-2985
TDD 608 266-4747
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June 19, 2008

David Ferch, Architect
2704 Gregory St
Madison, WI 53711

RE: Approval to rezone the property from C4 (Central Commercial District) to PUD-GDP-SIP (Planned Unit Development Plan-General Development Plan-Specific Implementation Plan) to allow a renovation and building addition to create a total of 59 apartment units with first floor retail and office space at 31 S. Henry Street.

Dear Mr. Firch:

At its June 17, 2008 meeting, the Common Council **conditionally approved** your application to rezone property located at 31 S. Henry Street from C4 (Central Commercial District) to PUD-GDP-SIP (Planned Unit Development Plan-General Development Plan-Specific Implementation Plan) to allow a renovation and building addition to create a total of 59 apartment units with first floor retail and office space. The following conditions of approval shall be satisfied prior to final approval and recording of the planned unit development and the issuance of any building permits for the project:

Please contact Janet Dailey, City Engineering, at 261-9688 if you have questions regarding the following eleven (11) items:

1. Any damage to pavement on West Washington Avenue or South Henry Street will require restoration in accordance with the City's Patching Criteria.
2. Any proposed curb cut on South Henry Street shall be approved by the Board of Public Works.
3. Plan requires being revised to include the installation of a sanitary lateral across West Washington Avenue connecting to the City's 15" diameter sewer on the north side of the street. Lateral shall be sized in accordance to Wisconsin Plumbing Code. If 8" diameter or larger, constructing a sewer access structure shall be required.
4. The applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
5. The approval of this zoning map amendment does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester.
6. 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.

7. 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.
8. All work in the public right-of-way shall be performed by a City licensed contractor.
9. All proposed and existing utilities including gas, electric, phone, steam, chilled water, etc shall be shown on the plan.
10. Prior to approval of the rezoning application, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1). \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2). \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
11. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service.

Please contact Si Widstrand, Parks Development Manager, at 266-4714 if you have questions about the following two (2) items:

12. The developer shall pay \$109,704.10 for park dedication and development fees. (See following calculations)

Park Dedication = (58 mf @ 700 square feet/unit) = 40,600 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 \$1.91 / square foot) = \$77,546.00

Park Development Fees = (58 @ \$554.45) = \$32,158.00

TOTAL PARK FEES = \$109,704.10

13. Prior to City signoff on this project, the developer shall select a process for paying the park impact fees, and meet the requirements of that process.

Park Impact Fees Parkland impact fees and park development impact fees shall be paid for this project. Payment checks shall be payable to the City of Madison Treasurer. All questions, payments and deliveries shall be made to the office of the Madison Parks Division. Prior to City signoff on this project, the developer shall select one of the following options for paying these fees:

1. Payment of all fees in a lump sum prior to City signoff on the project.
2. When fees exceed \$20,000, the developer may pay half the fees and provide a two-year letter of credit at no interest for the remaining half of the fees, both prior to City signoff.
3. When fees exceed \$50,000 for plats being built with phased subdivision improvement contracts, the developer may pay the fees due for the number of units in each contract phase, paid at the time of contract execution, and at the fee rates then in effect. Under this option, the fees shall be calculated and prorated

to each lot on the development, and the developer shall record a notice of the outstanding impact fees for each lot prior to receiving City signoff for the project.

4. The Developer has elected to defer the payments until such time as the building permits are applied for, in which case the owner(s) shall have fourteen (14) days after receiving the invoices to pay the outstanding impact fees. The following shall be required prior to plat sign off:
 - a) The Developer shall supply an Excel spreadsheet with lot numbers, lot areas, and number of dwelling units per lot. The Developer shall supply a Cadd file of the proposed FINAL plat, in a format compatible with Microstation J. This information shall be required to calculate the Impact Fees, which will then be recorded at the Register of Deeds against each lot in the subdivision.
 - b) All information shall transmitted to Janet Dailey by e-mail at Jdailey@cityofmadison.com, or on a CD to:

Janet Dailey
City of Madison Engineering Division
210 Martin Luther King Jr. Blvd
Room 115
Madison, WI 53703
 - c) A minimum of three (3) weeks shall be required for staff to calculate the Impact Fees and record the documents prior to plat sign-off.
 - d) The Developer shall put the following note on the face of the plat, certified survey map and PUD signoff plan:

ALL THE LOTS / BUILDINGS WITHIN THIS SUBDIVISION / DEVELOPMENT PLAN ARE SUBJECT TO IMPACT FEES THAT ARE DUE AND PAYABLE WITHIN FOURTEEN DAYS OF THE ISSUANCE OF BUILDING PERMIT(S).

Please contact John Leach, Traffic Engineering, at 267-8755 if you have questions about the following five (5) items:

14. A condition of approval shall be that no residential parking permits shall be issued for 31 South Henry Street, this would be consistent with other projects in the area. In addition, the applicant shall inform all tenants of this facility of the requirement in their apartment leases and record in zoning text. The applicant shall note in the Zoning Text that no residential parking permits shall be issued. In addition, the applicant shall submit for 31 South Henry Street a copy of the lease noting the above condition in the lease when submitting plans for City approval.
15. The applicant shall remove new driveway approach onto S. Henry St. Driveway approaches are only to accommodate parking spaces. The applicant is proposing to remove a public two parking spaces to accommodate this ramp for trash or refuse.
16. The applicant shall indicate the type and location of bicycle racks to be installed.
17. When the applicant submits final plans 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, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), signage, percent of slope, vehicle routes, dimensions.
18. 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 Patrick Anderson, Assistant Zoning Administrator, at 266-5978 if you have questions regarding the following three (3) items:

19. Provide 58 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.
20. In regard to the provision of off-street loading berths, the applicant has not provided a designated off-street loading area for this project, and therefore requests a waiver of said requirement with this request.
21. In the family definition of the zoning text, the definition shall coincide with a compatible zoning district's occupancy per the Madison General Ordinances family definition. Any further restriction on occupancy that may be proposed must be enforced by the property owner or manager, and shall not be part of the zoning text. Work with zoning staff to modify the zoning text prior to final plan submittal.

Please contact Scott Strassburg, Madison Fire Department, at 261-9843, if you have questions about the following four (4) items:

22. Per IFC 509.1 where a fire command center is provided, a plan submittal of the location and accessibility shall be provided to the department for approval. Please note: A fire department permit and plan review is required of the layout of the fire command center and all features required by section 911.1 IBC/ IFC 509.1 to be contained therein and shall be submitted for approval prior to installation. Location of Fire Command Center shall be approved by the MFD.
23. Provide fire apparatus access as required by Comm 62.0509 and MGO 34.19, as follows:
 - a. The site plans shall clearly identify the location of all fire lanes.
 - b. Provide an aerial apparatus access fire lane that is at least 26-feet wide, with the near edge of the fire lane within 30-feet of the structure, and parallel to one entire side of the structure, if any part of the building is over 30 feet in height.
24. All portions of the exterior walls of newly constructed public buildings and places of employment and open storage of combustible materials shall be within 500-feet of at least TWO fire hydrants. Distances are measured along the path traveled by the fire truck as the hose lays off the truck. See MGO 34.20 for additional information.
25. As required by MGO 10.34 and IFC 505.1, all residential and commercial buildings must have the approved address posted. The address numbers shall be 4 inches in height, numbers shall be in contrast to the background and visible from the street.

Please contact my office, at 267-1150, if you have questions about the following ten (10) items:

26. That the applicant resolve the remaining design issues noted in the minutes of the Urban Design Commission and that the applicant obtain final Urban Design Commission approval prior to final staff sign-off of the zoning map amendment.
27. That the applicant prepares an exhibit, based on a survey from a registered Wisconsin Land Surveyor, that accurately verifies the location of the property line to confirm the proposed development is not extended into property not owned by the applicant.
28. The outdoor eating areas either on site or in the public right of way are not included in this approval. Further details including the type of use and hours of operation will be required before outdoor eating areas can be

approved. The applicant shall add a note to the site plan indicating that on-site outdoor eating areas are not included in this approval and shall be considered by the Plan Commission as an alteration to the SIP.

29. That the developer submit proof of financing and an executed contract with a construction firm, which provides assurances that the project will be completed once started, in a form acceptable to the Director of the Department of Planning and Community & Economic Development prior to any permits being issued.
30. That the applicant provide a mock-up of the proposed cement siding materials for staff review. Final approval of the fiber cement siding panels shall be subject to UDC and planning Department approval.
31. That final design of the restaurant projection be provided for Planning staff approval.
32. Onsite parking spaces for 3-5 mopeds shall be provided on the plans. Additionally, text should be included in tenant leases which notes that parking mopeds on the public terrace is not permitted under City ordinance.
33. A plan for protection of the existing trees in the public right of way shall be included in the plans. The fence around the trees shall include a rigid horizontal top member to insure the integrity of the fence. The developer shall provide to the neighborhood the name and telephone number of a contact person who will be responsible for insuring that the tree protection is maintained.
34. The roofing material shall be a reflective type to reduce the heat island effect. The material shall have a solar reflective index of 78 or greater. (This is the current LEED specification for reflective roofs)
35. If a cooling tower is placed on the roof the choice of equipment and the construction of the screening shall be designed to minimize the noise levels produced so as to restrict the noise impact on adjacent properties.

The applicant is also required to satisfy the conditions of approval of the Urban Design Commission prior to the final approval of the planned unit development for recording. Please contact Al Martin, Urban Design Commission Secretary, at 267-8740 if you have any questions about those conditions.

After the plans have been changed as per the above conditions, please file **nine (9) sets** of the revised, complete site plans, building elevations, floor plans and any other documentation requested herein with the Zoning Administrator, Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard. The sets of final revised plans or documents will be circulated by the Zoning staff to the City department staff listed above for their signature of final approval.

Upon receipt of the aforementioned plans, documents and fees, and upon determining that they are complete, the Zoning Administrator shall record them with the Dane County Register of Deeds Office. The recorded originals will be returned to the applicant, with the recording information noted, when the Register of Deeds has completed the recording process.

If this plan is not recorded within one year of the date of approval by the Common Council, the approval shall be null and void. No construction or alteration of the property included in this application shall be permitted until a Specific Implementation Plan (SIP) has been approved and recorded.

Within thirty-six (36) months of Common Council approval of the general development plan, the basic right of use for the areas, when in conformity with the approved specific implementation plan, shall lapse and be null and void unless 1) the project, as approved, is commenced by the issuance of a building permit, or 2) if an application for an extension is filed at least thirty (30) days prior to the expiration of the thirty-six (36) month period and the Plan Commission, after a public hearing pursuant to Sec. 28.12 (10)(e), determines that no changes in the surrounding area or neighborhood since approval of the general development plan render the project incompatible with current conditions and grants an extension of up to twenty-four (24) months in which to obtain a building

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permit. In no case shall an extension allow a building permit to be issued more than sixty (60) months after approval of the general development plan by the Common Council. If a new building permit is required pursuant to sec. 29.06(4), Madison General Ordinances, a new petition and approval process shall be required to obtain general development plan approval and specific implementation plan approval.

If you have any questions regarding recording this plan or obtaining permits, please call Matt Tucker, Zoning Administrator, at 266-4551. If I may be of any further assistance, please do not hesitate to contact me at 267-1150.

Sincerely,

Kevin Firchow, AICP
Planner

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

cc: Patrick Anderson, Assistant Zoning Administrator
Janet Dailey, City Engineering
John Leach, Traffic Engineering
Scott Strassburg, Madison Fire Department
Si Widstrand, Parks Division