



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
FAX 608 266-8739
PH 608 266-4635

November 2, 2012

Adam Winkler
Block 51, LLC/ The Alexander Company, Inc.
145 E. Badger Road
Madison, Wisconsin 53713

RE: Approval of a request to rezone 306 W. Main Street from Planned Unit Development-Specific Implementation Plan (PUD-SIP) to Amended Planned Unit Development-General Development Plan-Specific Implementation Plan (PUD-GDP-SIP) to allow construction of a 172-unit apartment building.

Dear Mr. Winkler;

At its October 30, 2012 meeting, the Common Council **conditionally approved** your application to rezone 306 W. Main Street from PUD-SIP to Amended PUD-GDP-SIP, subject to the following conditions of approval, which shall be satisfied prior to final approval and recording of the planned unit development and the issuance of permits for new construction:

Please contact Janet Dailey of the City Engineering Division at 261-9688 if you have questions regarding the following twenty-six (26) items, including the conditions added by the Plan Commission and Common Council (#1 & 2):

- 1. That the applicant install [Bassett District standard] pedestrian lights along the W. Main Street and S. Henry Street frontage of the apartment building and 328 W. Main Street/ 80 Washington Place parking ramp with this apartment building.**
- 2. That the applicant work with City staff to ensure that the grade of the W. Main Street sidewalk is no steeper than the street centerline grade of W. Main Street.**
3. This project appears to include lands previously declared in the Capitol West Condominium. Submit any necessary Condominium Amendment / Addendum documents as may be required by the City Planning Division for review and approval prior to recording said Condominium documents with the Register of Deeds.
4. The proposed building crosses underlying platted lot lines (common line between Lots 2 & 3, CSM 12008) which may need to be dissolved by a one-lot Certified Survey Map (CSM) in accordance with current building codes. A CSM application for this property may be required by the Planning Division and the CSM recorded with the Register of Deeds (ROD). When the recorded CSM image is available from the ROD, the Assessor's Office can then create the new Address-Parcel-Owner (APO) data in GEO so that the Accela system can upload this data and permit issuance made available for this new land record.

5. In accordance with Sec. 10.34 MGO – Street Numbers, submit a PDF of each floor plan to Lori Zenchenko in the Engineering Mapping Section (Lzenchenko@cityofmadison.com) so that a preliminary interior addressing plan can be developed. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal.
6. The proposed private stormwater drainage system is shown connecting to the adjacent private property. A private stormwater easement allowing for this connection and detailing the maintenance rights and responsibilities shall be provided to City Engineering for review and approval. This easement shall then be recorded at the Register of Deeds. Provide details in the plans showing how the connection will be made.
7. Proposed storm and sanitary connections are to existing private utilities. Prior to approval, provide evidence of an agreement for shared use of these facilities.
8. The lands within this proposed development are currently deed restricted from sale or transfer per Document No. 4253567 as recorded at the Dane County Register of Deeds. Upon the completion of a Developer's Agreement as required by the City, this deed restriction will be released.
9. 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.
10. The applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
11. The approval of this planned unit development 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 item required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester.
12. The applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The applicant shall provide the City Engineer the proposed grade of the building entrances. The City Engineer shall approve the grade of the entrances prior to signing off on this development.
13. The applicant shall replace all sidewalk and curb and gutter abutting the property, which is damaged by the construction, or any sidewalk and curb and gutter that 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.

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.
15. All work in the public right of way shall be performed by a City-licensed contractor.
16. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan in PDF format to Dean Kahl, of the City Parks Department - dkahl@cityofmadison.com or 266-4816.
17. All damage to the pavement on W. Main Street and S. Henry Street adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.
18. The site plans shall be revised to show the location of all rain gutter down spout discharges.
19. 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.
20. 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.
21. 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.
22. Prior to final approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by Chapter 37 of the Madison General Ordinances.
23. 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.
24. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the Engineering Division. (Lori Zenchenko) lzenchenko@cityofmadison.com. The digital copies shall be drawn to scale and represent final construction including: building footprints, internal walkway areas, internal site parking areas, lot lines/ numbers/ dimensions, street names, and other miscellaneous impervious areas. All other levels (contours, elevations, etc) are not to be included with this file submittal. E-mail file transmissions are preferred. The digital CAD file shall be to scale and represent final construction. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format. Please include the site address in this transmittal.

25. 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 Contract. Contact Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of two working days prior to requesting City Engineering Division signoff.
26. 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 Dan McCormick of the Traffic Engineering Division at 267-1969 if you have questions about the following five (5) items, including the condition added by the Plan Commission and Common Council (#26):

27. **That a condition of approval be added that no residential parking permits shall be issued for 306 W. Main Street. The applicant shall inform all tenants of this project of the residential parking permit restriction in their apartment leases and record the restriction in the zoning text. In addition, the applicant shall submit a copy of the residential lease for the 306 W. Main Street building noting the above condition when submitting plans for final City approval prior to recording.**
28. City of Madison radio systems are microwave directional line of sight to remote towers citywide. The building elevation will need to be reviewed by the Traffic Engineer Division to accommodate the microwave sight and building. The applicant shall submit grading plans and elevations 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. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign off.
29. 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, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the 2 feet overhang, and a scaled drawing at 1" = 20'.
30. 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.
31. 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 Bill Sullivan of the Madison Fire Department at 261-9658 if you have any questions regarding the following four (4) items:

32. This project will need a variance to the International Building Code from the Building Code Board of Appeals.
33. The following items shall be included in the PUD-SIP zoning for this project:
 - a.) Any and all structures, new and existing, shall be Type IA construction.
 - b.) The portion of 306 W. Main Street building intended to be built across the property line within the air rights purchased from 309 W. Washington Avenue shall always be maintained as a single building with the rest of the proposed 306 W. Main Street building and be contiguous with

the real ground of the 306 W. Main Street parcel. A structure built in air rights space only is not permitted.

- c.) Replication of all required fire command center features shall be provided in the fire command center at 306 W. Main Street and 309 W. Washington Avenue for both buildings.
- d.) Proposed ownership separation and building separation at the air rights shall not be a means of limiting the application of the Building and Fire codes nor Madison General Ordinances. In other words, if not for the property separation, the building could be built as a single structure and all code requirements are applied as if it were a single building.
- e.) All notices and orders issued for the 306 W. Main Street structure built within the air rights shall be the responsibility of the owner of the 306 W. Main Street parcel, including payment of any fees or assessments.
- f.) Openings in exterior walls, whether vertical or horizontal, shall comply with IBC 602 and Table 602.
- g.) An egress easement shall be established to accommodate exiting from 306 W. Main Street and 309 W. Washington Avenue across the plaza out to S. Henry Street.

34. The required emergency generator shall be supplied by an on-site fuel source, in accordance with MGO Section 34.604.

35. Per IFC 508 where a fire command center is provided, a plan submittal of the location and accessibility shall be provided to the Fire Department for approval. Note: A Fire Department permit and plan review is required of the layout of the fire command center and all features required by section IFC 508.1.4 to be contained therein and shall be submitted for approval prior to installation.

Please contact Dennis Cawley of the Madison Water Utility at 261-9243 if you have any questions regarding the following item:

36. Note: The applicant shall notify the Madison Water Utility of any private wells located on this property. All private wells shall be abandoned in accordance with MGO Sec. 13.21.

Please contact Kay Rutledge of the Parks Division at 266-4714 if you have any questions regarding the following two (2) items:

37. The developer shall pay approximately \$397,745.92 for park dedication and development fees for the 176 new multifamily units. This development is within the Tenney, Law & James Madison park impact fee district (SI26). The developer shall select a method for payment of park impact fees before signoff on the SIP.

38. 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 my office at 261-9632 if you have questions about the following four (4) items, including the condition added by the Plan Commission and Common Council (#42):

39. That the zoning text be revised per Planning Division approval prior to final approval and recording of the specific implementation plan and the issuance of building permits as follows:

- a.) a section shall be added to the text that acknowledges that a portion of the 306 W. Main Street building will be built across the property line within the air rights purchased from 309 W. Washington Avenue and that the resulting condition shall always be maintained as a single building and be contiguous with the 306 W. Main Street parcel; the zoning text shall further specify that a structure built only in the air rights space is not permitted;

- b.) revise the statement of purpose to reflect the final number of proposed dwelling units;
- c.) remove the "Component" sections ("modifications", "included" and "completed" from the zoning text and place those sections into an expanded and revised letter of intent for the project;
- d.) revise #1 of the Permitted Uses list to only state "Multi-family residences as shown on the approved plans" and remove #3;
- e.) revise the Floor Area Ratio section and add a Building Height reference that states "The height and floor area of the building shall be as shown on the approved specific implementation plan. No portion of the building will exceed the Capitol View Preservation Limit (187.2 feet City datum)."
- f.) revise the Signage section to state that signage for the project shall be limited to the maximum permitted in the R6 zoning district, and as approved by the Urban Design Commission or its secretary, and the Zoning Administrator.

40. The applicant shall execute the Emergency Services Access Easement required by the Building Inspection Division, City Attorney's Office and Fire Department prior to final approval and recording of the specific implementation plan and the issuance of building permits for the 306 W. Main Street apartment building.

41. The developer shall submit an updated inventory of the automobile and bicycle parking available throughout the entire Capitol West Planned Unit Development for approval by the Planning Division with the final specific implementation plan along with a generalized description of how that parking is being allocated among the various uses.

42. **That the applicant work with City staff on an off-street loading plan for move-in/ move-out parking for the proposed apartment building, and to sign Washington Place so that the various parking and loading uses of that private street are identified.**

After the planned unit development has been revised per the above conditions, please file ten (10) sets of complete, fully dimensioned, and to-scale plans, the appropriate site plan review application and fee pursuant to Section 28.12(13)(a)10 of the Zoning Code, and any other documentation requested herein with the Zoning Administrator, Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard. The sets of final revised plans or documents will be circulated by the Zoning staff to the City department staff listed above for their final approval.

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 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 261-9632.

Sincerely,

Timothy M. Parks
Planner

- cc: Janet Dailey, City Engineering Division
Dan McCormick, Traffic Engineering Division
Bill Sullivan, Madison Fire Department
Kay Rutledge, Parks Division
Dennis Cawley, Madison Water Utility
Pat Anderson, Asst. Zoning Administrator

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (T. Parks)	<input checked="" type="checkbox"/>	Engineering Mapping Sec.
<input checked="" type="checkbox"/>	Zoning Administrator	<input checked="" type="checkbox"/>	Parks Division
<input checked="" type="checkbox"/>	City Engineering	<input checked="" type="checkbox"/>	Urban Design Commission
<input checked="" type="checkbox"/>	Traffic Engineering	<input type="checkbox"/>	Rec. Coord. (R&R Plan)
<input checked="" type="checkbox"/>	Fire Department	<input type="checkbox"/>	Other: