



Department of Planning & Community & Economic Development
Planning Division

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January 15, 2013

Joseph Lee
JLA Architects + Planners
5325 Wall Street, Suite 2700
Madison, Wisconsin 53718

RE: Approval of a request to rezone 448 S. Park Street and 914 Drake Street from R3 (Single- and Two-Family Residence District) and C3 (Highway Commercial District) to Planned Unit Development-General Development Plan-Specific Implementation Plan (PUD-GDP-SIP) to allow construction of a mixed-use building containing approximately 6,500 square feet of retail space and 40 apartments following the demolition of a former bakery and a single-family residence. (JD McCormick Company, LLC).

Dear Mr. Lee;

At its January 8, 2013 meeting, the Common Council **conditionally approved** your client's application to demolish a bakery and single-family residence and rezone property located at 448 S. Park Street and 914 Drake Street to PUD(PD)-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 demolition or new construction:

Note: The approval of the project was based on the revised site and floorplans presented to the Plan Commission on December 17, 2012, which removed the underground parking from the right of way.

Please contact Janet Dailey of the City Engineering Division at 261-9688 if you have questions regarding the following thirty-two (32) items:

1. It appears that the proposed building is being designed to be within the public alley. The site plans indicate the alley is 18 feet wide, though the alley is only 16.5 feet wide. The level of detail in the plans is insufficient to determine if the proposed design is acceptable. If acceptable, a subterranean lease and/ or encroachment agreement will be required.
2. Construction of the underground level of the building within the public alley will likely require the relocation of existing private utilities that serve other properties on this block. Provide additional information on how the utilities will be relocated.
3. Provide a site plan that outlines the limits of the below grade building improvements. The site plan needs to include all utilities, property lines and right of way lines. Provide details and cross sections of the proposed building which shall include the elevation of the existing and proposed ground, existing and proposed utilities, and proposed street/ alley elevations. Provide proposed centerline and curb grades for the proposed alley.

4. As shown in the plans, the proposed underground building improvements would be constructed directly next to the building at 424 S. Park Street and the construction of those improvements would impact the existing building. Demonstrate how this will be constructed and what earth retention and stabilization methods would be utilized. Provide construction access and easement agreements from all properties that are impacted by this development.
5. Additional comments on the above conditions may be provided by the City Engineering Division after the receipt of the detailed design and supplemental information regarding the underground building encroachment and related improvements that are proposed in the right of way.
6. Any non-standard improvements in the right of way will require a maintenance agreement. This would include the stamped concrete and seating area proposed on Drake Street.
7. Provide details of drainage for entrance to underground parking. If the design includes pumping of stormwater, it must be designed and stamped by a Professional Engineer.
8. Sanitary sewer abandonments after January 1, 2013 shall be done by the City Engineering Division. The developer shall pay abandonment costs to City Engineering in accordance with Section 35 of Madison General Ordinances.
9. Sanborn Fire Insurance Maps show a former filling station with 3 underground storage tanks present. If tanks or contamination are encountered during development, all WDNR and DSPS regulations must be followed and the City of Madison must be notified by contacting Brynn Bemis at bbemis@cityofmadison.com or (608) 267-1986.
10. In accordance with 10.34 MGO – Street Numbers: When site plans are final, submit a PDF of each floor plan to Lori Zenchenko in Engineering Mapping (Lzenchenko@cityofmadison.com) so that an 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.
11. Preliminary approved addresses for the site: Proposed retail space address is 444 S. Park Street; the proposed apartments base address is 902 Drake Street.
12. A Certified Survey Map (CSM) application shall be completed and recorded with the Dane County Register of Deeds prior to issuance of building permits. The CSM shall be signed off by City Engineering staff prior to final approval of the PUD. The concurrent CSM application shall be completed and CSM recorded with the Dane County Register of Deeds so that proper Address-Parcel-Owner (APO) data can be compiled and activated in appropriate city databases to ensure that all building permits are to be administered and issued under the current and appropriate parcel data.
13. 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.

14. The applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
15. 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 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.
16. 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.
17. 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.
18. 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.
19. 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.
20. All work in the public right of way shall be performed by a City-licensed contractor.
21. 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.
22. All damage to the pavement on S. Park Street, Drake Street and the public alley adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.
23. The site plans shall be revised to show the location of all rain gutter down spout discharges.
24. 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.
25. 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.

26. For commercial sites less than one acre in disturbance, the City of Madison is an approved agent of the Wisconsin Department of Commerce and Department of Natural Resources (WDNR). As this project is on a site with disturbance area less than one acres, and contains a commercial building, the City is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required.
 27. Prior to 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 Section 37 of Madison General Ordinances.
 28. 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.
 29. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.
 30. Prior to final approval of the demolition permit, the owner shall obtain a permit to plug each existing sanitary sewer and/ or storm 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.
 31. 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.
 32. 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 Eric Halvorson of the Traffic Engineering Division at 266-6527 if you have questions about the following eleven (11) items. Note: One proposed condition in the staff report was struck by the Plan Commission; another was added (#33):**
33. That the Traffic Engineering Division review turning movements into and out of the project to limit or mitigate impacts on the public alley.
 34. The project shall provide an access lane/ loading zone/ parking lane on Drake Street outside the existing street width and terrace/ sidewalk.

35. The project shall provide a construction/ staging plan prior to final approval.
36. The applicant will need to demonstrate how the truck service will ingress and egress the site.
37. The applicant shall provide a public street lighting plan for staff review and approval.
38. 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.
39. Any legal cross access easements and encumbrances on the site and lot shall be shown, and documents provided.
40. 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'.
41. 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.
42. The applicant shall be required to provide any necessary easements for the installation of street lights, traffic signals, including control box, loops, hand-holes, markings and signing.
43. 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 two (2) items:

44. Provide fire apparatus access as required by IFC 503 2009 edition, MGO 34.503, as follows:
 - a.) The site plans shall clearly identify the location of all fire lanes.
 - b.) IFC 503 Appendix D105, 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 and not closer than 15 feet from the structure, and parallel to one entire side of the structure, if any part of the building is over 30 feet in height.
 - c.) Fire lanes shall be unobstructed; there are obstructions shown on the fire lane, remove all obstructions. Examples of obstructions: including but not limited to; parking stalls, loading zones, changes in elevation, power poles, trees, bushes, fences or posts.
45. The building shall be protected with an NFPA 13 sprinkler system and an NFPA 14 standpipe system.

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

46. The Madison Water Utility shall be notified to remove the water meter prior to demolition. Per MGO Sec. 13.21, 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 Kay Rutledge of the Parks Division at 266-4714 if you have any questions regarding the following item:

47. The developer shall pay \$90,396.80 in park impact fees (fee in lieu of parkland dedication and park development fees) for the 40 multi-family units proposed less a credit of \$3,541.33 for the single-family residence to be demolished. The developer must select a method for payment of the \$86,855.47 of park fees due before signoff on the SIP. This development is within the Vilas-Brittingham park impact fee district (SI27).

Please contact Pat Anderson, Assistant Zoning Administrator, at 266-5978 if you have any questions regarding the following nine (9) items:

48. Show the addresses of tenant spaces in the building on the final site plan pursuant to MGO Section 10.34(2). Place addresses of the buildings and number of units in each building on the final plan sets. Address information can be obtained from Lori Zenchenko of the City Engineering Division at 266-5952.

49. Provide a reuse/recycling plan to be reviewed and approved by the City's Recycling Coordinator, George Dreckmann prior to a demolition permit being issued. Sec 28.12(12)(e) of the Zoning Ordinance requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan. Please note that the owner must submit documentation of recycling and reuse within 60 days of completion of demolition.

50. Provide a site plan for the final plan set. Show the setback dimensions shall be from the nearest portion of the building. Any deck/canopy/balcony/porch, if projecting from the principal building, shall show the dimension to the property line.

51. Lighting is required and shall be in accordance with MGO Section 10.085. Provide a lighting photometric plan, including cut sheets for fixture, with the final plan submittal.

52. Provide a detailed landscape plan. Show species and sizes of landscape elements. Within 10 feet from a driveway crossing of a street lot line, any landscaping/screening shall not exceed 2 feet in height for vision clearance. No landscape elements shall be maintained between the heights of 30 inches and 10 feet above the curb level within the 25-foot vision triangle of a street corner.

53. There is no bike parking shown on plans. Bike parking shall comply with MGO Section 28.11: provide a minimum of 40 bike parking stalls for the residential use and an additional 2 bike parking stalls for the commercial space, placed in a safe and convenient location on an impervious surface, to be shown on the final plans. NOTE: A bike-parking stall is 2 feet by 6 feet with a 5-foot access area, with 5 feet of vertical clearance. Provide a detail of bike rack to be installed.

54. Meet all applicable State accessibility requirements, including but not limited to:
- a.) Provide the minimum required number of accessible stalls per ADA for both the surface and underground, striped per State requirements. One of these stalls shall be a van accessible stall 8' wide with an 8' striped out area adjacent to and on the passenger side.
 - b.) Show signage at the head of the stalls.
55. Provide one (1) 10' x 35' loading area with 14 feet of vertical clearance to be shown on the plan. The loading area shall be exclusive of drive aisle and maneuvering space. If this loading area cannot be provided, the applicant shall request and obtain approval of the Plan Commission to specifically waive this requirement or it will need to be provided.
56. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Section 31. This site is located in an Urban Design District. Signage must be approved by the Urban Design Commission and Zoning. Sign permits must be issued by the Zoning Section of the Department of Planning and Community and Economic Development prior to sign installation.

Please contact my office at 261-9632 if you have questions about the following four (4) items, including the condition (#60) of approval recommended by the Plan Commission on December 17, 2012 and approved by the Common Council:

57. That the Planned Unit Development be revised per Planning Division approval prior to final approval for recording and the issuance of demolition and building permits as follows:
- a.) The plans shall be revised to identify the location of all outdoor mechanical equipment (ground and roof) and how any such equipment will be effectively screened for aesthetic and acoustic purposes;
 - b.) The site plans shall be revised to clearly identify the proposed setback of the building from S. Park Street, with not less than a one-foot setback to be provided per Urban Design District 7; the setback of the building from all other adjacent property lines shall also be dimensioned;
 - c.) The plans shall be revised to provide 6- to 8-foot tall solid fence along the western property line in addition to the landscaping proposed along the edge of the parking lot;
 - d.) The plans shall be revised to require bike parking at all of the retail entrances and a minimum of 1 bike parking stall to be provided for each bedroom somewhere in the development.
58. The project plans shall be revised to show the underground parking located entirely on the subject site and outside of the public right of way.
59. If the applicant is allowed to proceed with the parking as currently proposed, a lease or encroachment shall be obtained from the City prior to final approval of the project for recording and the issuance of demolition and building permits. The lease or encroachment shall allow the parking level to be located permanently in the alley right of way. Prior to submitting a request for approval of the lease or other approval necessary to locate the development in the public right of way, the applicant shall submit to the Planning Division and Traffic Engineering Division an alternative access plan for the subject block while the alley is being rebuilt to accommodate the needs of property owners, tenants and residents of the other properties that will be impacted. The applicant shall provide a copy of the alternative access plan approved by Planning and Traffic Engineering to the affected property owners, tenants and residents and Planning Division by USPS Certified Mail a minimum of 30 days prior to commencing construction in the alley and shall not commence construction until 14 days following the last returned mail receipt. The applicant shall be solely

responsible for the costs of implementing the approved alley construction and alternative access plans, including all signage and traffic control required.

60. A condition of approval for this project shall be that a maximum of 15 residential parking permits shall be issued for this development. This restriction shall be noted in the final zoning text for the PUD and in the residential dwelling unit leases, with a copy of the residential lease to be provided with the final plans for the project.

The applicant is also required to satisfy the conditions of approval of the Urban Design Commission prior to the final staff approval of the project and the issuance of permits. Please contact Al Martin, Urban Design Commission Secretary, at 267-8740 if you have any questions about those conditions.

No interior, exterior or structural demolition or wrecking activities or remodeling activities (including material reclamation activities by the applicant or a third party) shall commence nor any wrecking or building permits be issued until the applicant has met all of the conditions of approval stated in this letter.

The Madison Water Utility shall be notified to remove the water meters prior to demolition.

Approval of the 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.

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
Eric Halvorson, Traffic Engineering Division
Pat Anderson, Assistant Zoning Administrator
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 checked="" type="checkbox"/>	Rec. Coord. (R & R Plan)
<input checked="" type="checkbox"/>	Fire Department	<input type="checkbox"/>	Other: