



Department of Planning & Community & Economic Development

Planning Division

Katherine Cornwell, Director

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January 12, 2016

Jim Glueck
Glueck Architects
116 N. Few Street
Madison, Wisconsin 53703

RE: Approval of a conditional use to allow a mixed-use building with 14,000 square feet of commercial space and 36 apartments to be constructed at 2230 W. Broadway (Movin' Out, Inc).

Dear Mr. Glueck;

At its January 11, 2016, the Plan Commission found the standards met and **approved** your conditional use request to construct a mixed-use building at 2230 W. Broadway. The conditions of approval in the following sections shall be satisfied prior to issuance of building permits for the project.

Please contact Tim Troester of the City Engineering Division at 267-1995 if you have questions regarding the following nineteen (19) items:

1. The applicant shall show storm water "overflow" paths that will safely route runoff when the storm sewer is at capacity. The applicant shall include a stamped pumping plan (PE or Master Plumber) for the area draining to the ramp to the underground parking. The pumping plan shall be capable of managing the 100-year event.
2. 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. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing lateral that serves a building which is proposed for demolition. For each lateral to be plugged, the owner shall complete a sewer lateral plugging application and pay the applicable permit fees.
3. All outstanding Madison Metropolitan Sewerage District (MMSD) are due and payable prior to City Engineering sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Mark Moder (261-9250) to obtain the final MMSD billing a minimum of 2 working days prior to requesting City Engineering signoff.
4. 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.

5. This project falls in the Rock River TMDL Zone and is subject to increased erosion control enforcement as authorized by Resolution 14-00043 passed by the Common Council on January 21, 2014. The project will be expected to meet a higher standard of erosion control than the minimum standards set by the Wisconsin Department Natural Resources (WDNR).
6. The applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the City Engineering Division (Storm/Sanitary Section). The digital CAD file shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the only the following data, each on a separate layer name/level number. The digital copies shall be drawn to scale and represent final construction including: building footprints; internal walkway areas; internal site parking areas; other miscellaneous impervious areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.); right-of-way lines (public and private); plat name and lot lines (metes & bounds parcel lines if unplatted); platted lot numbers (noted "unplatted lands" if not platted); lot/plat property dimensions; street names; private on-site sanitary sewer utilities (including all connections to public sanitary); private on-site storm sewer utilities (including all connections to public storm). The CAD file will only be required prior to final plan review so that multiple files do not need to be supplied or reviewed. The party responsible for the CAD file e-mail transmission shall include the project site address in the email subject line. Any changes or additions to the location of the building, private utilities, sidewalks, parking/pavement during construction will require a new CAD file transmittal.
7. The applicant shall submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West). 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) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.); e) Right-of-Way lines (public and private); f) Lot lines or parcel lines if unplatted; g) Lot numbers or the words unplatted; h) Lot/Plat dimensions; i) Street names; j) Stormwater Management Facilities; k) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
8. 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.
9. Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project. Include copies of all stormwater, utility, and detail plan sheets that contain stormwater practices on 8.5x14 size paper in the draft document. These drawings do not need to be to scale as they are for informational purposes only. Once City Engineering staff have reviewed the draft document and approved it with any required revisions submit a signed and notarized original copy to City Engineering. Include a check for \$30.00 made out to Dane County Register of Deeds for the recording fee. City Engineering will forward the document and fee for recording at the time of issuance of the stormwater management permit. The draft SWMA document can be emailed to Tim Troester (west) at ttroester@cityofmadison.com, or Jeff

Benedict (East) at jbenedict@cityofmadison.com. The final document and fee should be submitted to the City Engineering Division.

10. This site appears to disturb over 1 acre of land and requires a permit from the Wisconsin Department of Natural Resources (WDNR) for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR216 and NR-151; however a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their Water Resources Application for Project Permits (WRAPP) or Notice of Intent Permit (NOI) permit process.
11. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to: Reduce TSS by 80% off of the proposed development when compared with the existing site; and 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 MGO.
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 that abuts the property that 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.
14. The applicant shall provide the City Engineer with the proposed earth retention system to accommodate the restoration. The earth 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 damage to the pavement on W. Broadway and Fayette Avenue adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.
17. 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
18. The applicant shall construct sidewalk along Fayette Avenue according to a plan approved by the City.

19. The approval of this 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.

Please contact Jeff Quamme of the City Engineering Division–Mapping Section at 266-4097 if you have any questions regarding the following four (4) items:

20. The proposed new building will cross several underlying platted lot lines. Current City enforcement of Building and Fire codes and requires the underlying platted lot line be dissolved by Certified Survey Map (CSM) prior to issuance of a building permit. A CSM and required supporting information shall be prepared and submitted to the City of Madison Planning Department. The CSM shall be approved by the City and recorded with the Dane County Register of Deeds prior to issuance of a building permit.
21. Note: The applicant had discussed the possibility of requesting the discontinuance/vacation of the unimproved 14-foot wide alley along the north side of this site. If this interest still exists, contact Jeff Quamme (jrquamme@cityofmadison.com - 266-4097) to coordinate any possible discontinuance/vacation.
22. The address of the commercial space is 5329 Fayette Avenue. The base address of the proposed apartments is 2230 W. Broadway.
23. Submit a PDF of all floor plans to lzenchenko@cityofmadison.com so that a preliminary interior addressing plan can be developed prior to plans being submitted for permit review. 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.

Please contact Eric Halvorson of the Traffic Engineering Division at 266-6527 if you have any questions regarding the following eleven (11) items:

24. The applicant shall add a pedestrian connection from W. Broadway to the pedestrian connection to the north along Fayette Avenue.
25. Along any public right-of-way classified as an arterial or a collector street, the applicant can expect to be required to maintain a public walkway past the job site (e.g. via use of pile/lagging or other vertical shoring method).
26. The applicant shall adhere to all vision triangle requirements as set in MGO 27.05 (No visual obstructions between the heights of 30 inches and 10 feet–25 feet behind the property line at streets and 10 feet at driveways). If applicant believes public safety can be maintained they shall apply for a waiver of MGO Section 27.05(2)(bb)–Vision Clearance Triangles at Intersections Corners. Approval or denial of the waiver shall be the determination of the City Traffic Engineer.

27. The applicant shall submit one contiguous plan for approval. The plan drawing shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
28. The developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City-owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.
29. The City Traffic Engineer may require public signing and marking related to the development; the developer shall be financially responsible for such signing and marking.
30. "Stop" signs shall be installed at a height of 7 feet at all Class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
31. All parking facility design shall conform to the standards in MGO Section 10.08(6).
32. All pedestrian walkways adjacent parking stalls shall be 7 feet wide to accommodate vehicle overhang.
33. All bicycle parking adjacent pedestrian walkways shall have a 2-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
34. Note: As of October 2, 2015, Traffic Engineering will no longer be accepting paper plans; to ensure a timely review, all submittals shall include an electronic copy (PDF preferred).

Please contact Tim Sobota of Metro Transit at 261-4289 if you have any questions regarding the following four (4) items:

35. In coordination with public works improvements, the applicant shall maintain or replace the concrete passenger boarding pad at the existing Metro bus stop on the north side of W. Broadway, east of Fayette Avenue (#3624).
36. The applicant shall install and maintain a trash receptacle as well as a bench or other seating amenity in the adjacent property landscape plan, ideally taking advantage of any building overhang or canopy to provide the seating amenity some shelter from the elements.
37. The applicant shall coordinate with Traffic Engineering and City Engineering staff to either install public sidewalk, or shall provide a private walkway, running north along the east side of Fayette Avenue from the existing bus stop location on W. Broadway to the building entrance (and connecting to the existing terminus of public sidewalk at the north property line).

38. The applicant shall include the location of these transit amenities on the final documents filed with their permit application so that Metro Transit may review and approve the design.

Please contact Bill Sullivan of the Madison Fire Department at 261-9658 if you have any questions regarding the following item:

39. Provide fire apparatus access as required by IFC 503 2012 edition, MGO Section 34.503.

Please contact Janet Schmidt of the Parks Division at 261-9688 if you have any questions regarding the following two (2) items:

40. Park impact fees (comprised of the Park Development Impact Fee per MGO Sec. 20.08(2) and the Parkland Impact Fee in lieu of land dedication per MGO Sec. 16.23(8)(f) and 20.08(6)) will be required for all new residential development. The developer must select a method for payment of park fees before signoff of the rezoning request. This development is within the Olin-Turville Impact fee district (SI28). Please reference ID# 15163 when contacting Parks Division staff about this project.

41. Existing street trees shall be protected. Please include the following note on the site plan: "Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266- 4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry." Tree protection specifications can be found in Section 107.13 of *City of Madison Standard Specifications for Public Works Construction*.

Please contact Jenny Kirchgatter, Assistant Zoning Administrator at 266-6527 if you have any questions regarding the following ten (10) items:

42. Bicycle stalls shall be distributed as both *Short Term* and *Long Term* bicycle parking, as required per MGO Sections 28.141(4) and 28.141(11). Bicycle parking for the apartments shall equal 1 stall per unit up to two-bedrooms plus an additional half space per additional bedroom. At least ninety percent (90%) of required resident bicycle parking shall be designed as long-term parking. Up to twenty-five percent (25%) of bicycle parking may be structured parking, vertical or wall mount parking. Four (4) short-term resident guest stalls are required. Short-term parking for residential guests shall be located within 100 feet of a principal entrance. Required bike parking stalls for the commercial/ retail component of the project shall comply with the requirements in Sections 28.141(4)(g) and 28.141(11) and future tenants shall be calculated at the time building permits for occupancy are requested. Identify and dimension the required stalls on the final plan. NOTE: A bike-parking stall is 2 feet by 6 feet with a 5-foot access area. Provide a detail of the bike rack design including any wall mounts on the final plans.

43. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than 10,000 square feet in size must be prepared by a registered landscape architect. Revise the landscape plan to show that the foundation plantings are installed on the private property and not encroaching into the City right-of-way.

44. Screening is required adjacent the Zoning district boundary along the north property line. Screening shall be provided along side and rear property boundaries between commercial/ mixed-use districts and residential districts. Screening shall consist of a solid wall, solid fence, or hedge with year-round foliage, between 6 and 8 feet in height. Submit a detail of the screening fence with the final plans.
45. Provide details showing that the primary street facing façade meets the requirements of Sections 28.060 and 28.173(7) for massing and articulation. Facades facing a public street shall be vertically articulated at a minimum interval of 40 feet. A building exceeding 160 feet in length must be significantly articulated through a combination of façade modulation, vertical divisions using different textures or materials, division into storefronts, variation in roof lines, and arcades, awnings, and window bays.
46. Provide details showing that the primary street façade meets the door and window opening requirements of Section 28.060(2)(d).
47. Submit a rooftop plan showing the location of any proposed rooftop mechanical equipment and screening. All rooftop equipment shall be screened from view from adjacent streets and public rights-of-way per Sections 28.060(2)(f) and 28.142(9)(d). Screens shall be of durable, permanent materials that are compatible with the primary building materials.
48. Provide details of the proposed building materials and colors on the building plan elevations consistent with the requirements of Section 28.060(2)(g) and Table 28D-1 Building Materials.
49. Exterior lighting shall be in accordance with MGO Section 10.085. Provide an exterior lighting photometric plan and fixture cut sheets with the final plan submittal.
50. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.
51. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Please contact my office at 261-9632 if you have any questions about the following four (4) items, including condition 55, which was added by the Plan Commission:

52. That prior to obtaining building permits for the proposed mixed-use building, the applicant receive final approval from the Urban Design Commission. In order to obtain final approval, the applicant shall provide final site and landscaping plans, floorplans, and building architecture to sufficiently address any conditions of the Urban Design Commission's granting initial approval and the requirements of Urban Design District 1. As part of granting final approval of the new development in UDD 1, the Urban Design Commission shall find that the materials and colors of the new building are durable, low maintenance, and harmonious with each other and with other buildings in the neighborhood and that metal to be used is an "integral part of a design of exceptional merit".

53. The final plans for the project shall be approved by the Planning Division and Zoning Administrator prior to issuance of building permits as follows:
- a.) the proposed building shall meet the significant façade articulation requirements in Sections 28.060 and 28.173(7) of the Zoning Code, which require vertical articulation at a minimum of 40-foot intervals for buildings greater than 160 feet in length through some combination of facade modulation; vertical divisions using different textures or materials; division into storefronts with separate display windows and entrances; variation in roof lines by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation; and arcades, awnings, and window bays at intervals equal to the articulation intervals;
 - b.) demonstrate compliance with the requirements for nonresidential uses on the ground floor level per Section 28.060, including that windows and doors or other openings comprise at least 60% of the length and at least 40% of the area of the ground floor of the primary street façade (W. Broadway), with at least 50% of windows on the primary street facade having a lower sill within 3 feet of grade.
54. Provide bike parking in a safe and convenient location on an impervious surface. Final bike parking shall be approved by the Zoning Administrator. Stalls shall be distributed as both *Short Term* and *Long Term* bicycle parking, as required per MGO Sections 28.141(4) and 28.141(11). Provide a detail of the bike rack design including any wall mounts on the final plans. Identify and dimension required stalls on the final plan. Bike parking for the apartments shall equal 1 stall per unit up to two-bedrooms, plus an additional half space per additional bedroom, plus 1 guest space per 10 units. Short-term parking for residential guests shall be within 100 feet of principal entrance. Required bike parking stalls for the commercial/ retail component of the project shall comply with the requirements in Sections 28.141(4)(g) and 28.141(11) and future tenants shall be calculated at the time building permits for occupancy are requested. NOTE: A bike-parking stall is 2 feet by 6 feet with a 5-foot access area.
55. That any major changes to the project, including its driveway access, shall return to the Plan Commission for approval as a major alteration to the conditional use

The applicant is also required to satisfy the Urban Design Commission conditions of approval 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.

Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency.

Please now follow the procedures listed below for obtaining permits for your project:

1. After the plans have been revised per the above conditions, please file **eleven (11) sets** of complete, fully dimensioned, and to-scale plans, the appropriate site plan review application and fee pursuant to Section 28.206 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 Zoning staff to the City department staff listed above for their final approval.

2. This letter shall be signed by the applicant and property owner (if not the applicant) to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting building permit approval. [Signature box on last page]
3. 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.
4. 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. No alteration of a conditional use shall be permitted unless approved by the Plan Commission provided, however, the Zoning Administrator following consideration by the alderperson of the district, may approve minor alterations or additions which are approved by the Director of Planning and Community and Economic Development and are compatible with the concept approved by the Plan Commission and the conditional use standards. This approval shall become null and void one (1) year after the date of the Plan Commission unless the use is commenced, construction is under way, or a valid building permit is issued and construction commenced within 6 months of the issuance of said building permit. Where the plans have not been altered from the Plan Commission's approval, and the conditional use has expired, the Director of Planning and Community and Economic Development may, after consultation with the Alderperson of the District, approve an extension for up to 24 months from the expiration date. The Plan Commission shall retain jurisdiction over this matter for the purpose of resolving complaints against the approved conditional use permit.

If you have any questions regarding obtaining your building permits, please contact the Zoning Administrator at 266-4551. If you have any questions or if may be of any further assistance, please do not hesitate to contact my office at 261-9632.

Sincerely,

Timothy M. Parks
Planner

cc: Tim Troester, City Engineering Division
Jeff Quamme, City Engineering Division – Mapping Section
Eric Halvorson, Traffic Engineering Division
Jenny Kirchgatter, Assistant Zoning Administrator
Janet Schmidt, Parks Division
Bill Sullivan, Madison Fire Department
Tim Sobota, Metro Transit
Jim O'Keefe, Community Development Division

I hereby acknowledge that I understand and will comply with the above conditions of approval for this project.

Signature of Applicant

*Signature of Property Owner
(If Not Applicant)*

Accela ID: LNDUSE-2015-00067			
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"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input checked="" type="checkbox"/>	Other: Metro Transit