



Department of Planning & Community & Economic Development

Planning Division

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May 24, 2016

Doug Hursh
Potter Lawson, Inc.
Suite 300
749 University Row
Madison, WI 53705

RE: **222 South Bedford Street and 613-621 West Doty Street:** Zoning Map Amendment, Demolition Permit and conditional use approvals to a building for the purpose of constructing an 88-unit apartment building.

Dear Mr. Hursh:

At its May 17, 2016 meeting, the Common Council, meeting in regular session, approved your client's request for a zoning map amendment for 613-621 West Doty Street, rezoning those properties from DR-2 (Downtown Residential-2 District) to UMX (Urban Mixed Use District). At their May 9, 2016 meeting, the Plan Commission, meeting in regular session, approved your client's request to demolish an existing building and conditional use request to construct a four-story, 88-unit apartment building. In order to receive final approval the following conditions must be met:

Please contact Tim Troester of the City Engineering Division at 267-1995 if you have questions regarding the following fifteen (15) items:

1. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing sanitary sewer 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. NOTE: As of January 1, 2013 new plugging procedures and permit fees go into effect. The new procedures and revised fee schedule is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
2. All outstanding Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4))
3. 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. (POLICY)
4. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in the ROCK RIVER TMDL ZONE and by Resolution 14-00043 passed by the City of

Madison Common Council on 1/21/2014. You will be expected to meet a higher standard of erosion control than the minimum standards set by the WDNR.

5. 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. (POLICY)
6. 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. (POLICY AND MGO OVER 10,000 SF OF IMPERVIOUS AREA 10.29 and 37.05(7)(b))
7. 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 5.0 tons per acre per year.
8. For commercial sites < 1 acre in disturbance the City of Madison is an approved agent of the Department of Commerce and WDNR. As this project is on a site with disturbance area less than one (1) acres, and contains a commercial building, the City of Madison 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. (NOTIFICATION)
9. 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.
10. 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. (POLICY)
11. 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. (POLICY)
12. All work in the public right-of-way shall be performed by a City licensed contractor. (MGO 16.23(9)(c)5 and MGO 23.01)
13. All damage to the pavement on S. Bedford St & W. Doty St. adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link:
<http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY)
14. Based on 1942 Sanborn maps, the property was operated by the Madison Fuel Co. and stored significant quantities of coal and other fuel. The property may contain residual contaminated soil. If

contaminated soil is encountered as part of this redevelopment, all WDNR and DSPS regulations must be followed for proper handling and disposal.

15. The construction of this project will require the applicant to enter into a City / Developer agreement for the required infrastructure improvements. The applicant shall contact City Engineering 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. Obtaining a developer's agreement generally takes approximately 4-6 weeks, minimum. (MGO 16.23(9)c)

Please contact Jeff Quamme, Engineering Division - Mapping at 266-6527 if you have questions regarding the following five (5) items:

16. There is a storm sewer box culvert in close proximity to the southwest right of way of S. Bedford Street. A 5' Wide Public Storm sewer easement shall be granted on the face of the pending Certified Survey Map to allow maintenance and replacement of the box culverts. Special property restoration condition language will be required for the easement. Contact Jeff Quamme for the required language to be placed on the Certified Survey Map.
17. City staff are aware of an Offer to Use permit granted by the Wisconsin Dept of Transportation for the existing private improvements within the adjacent Railroad right of way. Applicant shall coordinate with the Wisconsin Dept of Transportation to terminate the permit and obtain any other required permits/approvals for the proposed demolition of the improvements lying within the Railroad right of way.
18. The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records. The address of the proposed apartment building is 202 S Bedford St.
19. Submit a PDF of all floor plans to izenchenko@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.
20. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD) prior to issuance of any building permits for new construction. 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.

Please contact Eric Halvorson, Traffic Engineering Division at 266-6527 if you have questions regarding the following nine (9) items:

21. As ramp to covered parking approaches the sidewalk the applicant shall provide 20 feet at 5 percent grade or less to allow adequate vision of the Right-of-Way. Approval or denial of the waiver shall be the determination of the City Traffic Engineer.
22. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous

plan showing existing conditions for approval. The plan drawings 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.

23. 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.
24. 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.
25. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
26. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
27. Per Section MGO 12.138 (14), this project is not eligible for residential parking permits. It is recommended that this prohibition be noted in the leases for the residential units.
28. 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 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.
29. Applicant shall submit for review a plan demonstrating the use of the proposed loading zone. This plan will include vehicle size and all related turning movements.

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

30. MGO 34.503/IFC 503 Appendix D105, Provide an aerial apparatus access fire lane that is at least 26-feet wide, if any part of the building is over 30 feet in height. The near edge of the aerial fire lane shall be within 30-feet and not closer than 15 feet from the structure, and parallel to one entire side. The aerial fire lane shall cover not less than 25% of the building perimeter.

Please contact Jenny Kirchgatter, Assistant Zoning Administrator at 266-4429 if you have questions regarding the following ten (10) items:

31. Section 28.185(7)(a)5. requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Bryan Johnson (608-266-4682).
32. Section 28.185(10) Every person who is required to submit a reuse and recycling plan pursuant to Sec. 28.185(7) (a)5. shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
33. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
34. Show the width of the parking garage opening and distance from the front property line. Per Section 28.071(3) (a)3. parking garage openings visible from the sidewalk shall have a clear maximum height of sixteen (16) feet and a maximum width of twenty-two (22) feet. Garage doors or gates shall be located a minimum of ten (10) feet from the front property line.
35. Provide details showing that the street facing facades meet the door and window opening requirements of Section 28.071(3)(e). For street-facing facades, ground story window and door openings shall comprise a minimum of 15% of the façade area. The upper story openings shall comprise a minimum of 15% of the façade area per story. Garage doors and opaque service doors shall not count toward the above requirements.
36. Provide details of screening for the outdoor loading area. Outdoor loading areas or mechanical equipment are not permitted in the front yard. When visible from an abutting public street or walkway, they shall be screened by a decorative fence, wall, or screen of plant material.
37. Bicycle parking shall comply with City of Madison General Ordinances Sections 28.141(4)(g) Table 28I-3 and 28.141.11 and shall be designated as short-term or long-term bicycle parking. A minimum of 90 resident bicycle stalls are required plus a minimum of 9 short-term guest stalls. Up to twenty-five percent (25%) of bicycle parking may be structured parking, vertical parking or wall mount parking, provided there is a five (5) foot access aisle for wall mount parking. NOTE: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Submit a detail showing the model of bike racks to be installed, including both ground mounted and wall mounted or structured style bike racks.
38. 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 ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
39. Submit a rooftop plan showing the location of any proposed rooftop mechanical equipment and screening. Rooftop equipment shall be screened from view from adjacent buildings to the extent possible per Section 28.071(3)(h).
40. 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.

Please contact Janet Schmidt, Parks Division at 261-9688 if you have questions regarding the following six (6) items:

41. 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 sign off on the rezoning. This development is within the Vilas-Brittingham impact fee district (SI 27). Please reference ID# 16110 when contacting Parks about this project.
42. The Parks Division will be required to sign off on the pending CSM prior to the issuance of building permits for the development.
43. Under the current plan four Honeylocust trees, ranging from 19" – 25" in diameter, are marked for removal on S. Bedford Street. All four trees are in good condition and are very healthy. The reason for the removal of these trees is solely related to the size and setback of the proposed building. These four trees will not be able to withstand the root cutting and severe pruning that will need to occur to build this building. Professional arborists have standard pruning practices that need to be followed when pruning all trees. These pruning standards are created by the American National Standard Institute (ANSI) A300 (Part 1) under standard pruning practices. When pruning mature trees, no more than one-fourth of a tree's foliage may be removed in routine tree care. All four of the Honeylocust trees on S. Bedford St. will need more than one-fourth of the trees foliage removed to create enough room for this four story building. The amount of root cutting for this new building can only be determined at the time of construction, but with the depth of the proposed excavation, it appears that the root cutting could be substantial.
44. Additional street trees are needed for this project. All street tree planting locations and trees species within the right of way shall be determined by City Forestry. Please submit a site plan (in PDF format) to Brian Meiller – bmeiller@cityofmadison.com or 266-4816. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part2.pdf>.
45. Existing street trees shall be protected. Please include the following note on the site plan: Contractor shall install and maintain 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– <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part1.pdf>. Any tree removals that are required for construction after the development plan is approved will require at least a 72 hour wait period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan.

46. 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 Yahara impact fee district. Please reference ID# 07102.1 when contacting Parks about this project.

Please contact my office at 267-1150 if you have questions regarding the following three (3) items. Please note condition 48 includes the modified language approved by the Plan Commission:

47. That the plans provided for final sign-off resolve all dimensional discrepancies between plan sheets. This information shall be approved by staff. Unless specified by condition or ordinance requirement, all setbacks shall not be less than those depicted in the "Bedford Street Sectional Diagrams" dated May 4, 2016.
48. That the applicant shall reduce the depth of the two most southern balconies (labeled as sections "C" and "E") to provide a minimum distance of two feet between the furthest projecting balcony edge and railing to the back of the sidewalk.
49. The applicant is advised that the possible off-site shared parking arrangements discussed in the letter of intent may require additional zoning approvals. The applicant shall provide the Zoning Administrator of list of possible properties and clarify whether further steps are needed for each property.

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 building 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.

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 finalizing your approval:

1. Please revise your plans per the above conditions and submit ten (10) copies of a complete, fully dimensioned and scaled plan set to the Zoning Administrator for final review and comment. Also be sure to include any additional materials requested by these departments for their approval prior to sign off. The final site plan shall be accompanied by 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. This submittal shall all also include one complete digital plan set in PDF format. 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.

2. All operating private wells shall be identified and permitted by the Water Utility in accordance with MGO 13.21. All unused private wells shall be abandoned in accordance with MGO 13.21. The Madison Water Utility shall be notified to remove the water meter prior to demolition.
3. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting conditional use approval.
4. The conditional use approval is valid for one (1) year from the date of the Plan Commission approval. During this time, the applicant must either lawfully commence the use or obtain a building permit and begin erecting the building. If the applicant obtains a valid building permit, construction must commence within six (6) months of the date of issuance. The building permit shall not be renewed unless construction has commenced as is being diligently prosecuted.
5. No alteration of a conditional use shall be permitted unless approved by the Plan Commission provided, however, the Zoning Administrator may issue permits for 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 City Plan Commission and the conditional use approval standards.
6. The Plan Commission retains continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses.
7. 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.
8. A reuse and recycling plan approved by the Recycling Coordinator is required by ordinance prior to the issuance of a wrecking permit. The reuse and recycling plan shall be submitted along with the resubmittal of site plans for forwarding to the Recycling Coordinator.
9. Any alteration in plans for a proposed alternative use shall require Plan Commission approval, except for minor alterations. The Zoning Administrator may issue permits for 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 City Plan Commission and the conditional use approval standards.

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If you have any questions regarding obtaining your conditional use or building permits, please contact the Zoning Administrator at 266-4551. If you have any questions or if I may be of any further assistance, please do not hesitate to contact my office at 267-1150.

Sincerely,

Kevin Firchow, AICP
Planner

cc: Tim Troester, City Engineering Division
Bill Sullivan, Fire Department
Jenny Kirchgatter, Zoning
Eric Halvorson, Traffic Engineering Division
Janet Schmidt, Parks Division

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

Signature of Applicant

Signature of Property Owner (if not the applicant)

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (Firchow)	<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"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input type="checkbox"/>	Other: METRO

<input checked="" type="checkbox"/>	Planning Div. (Firchow)	<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"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input type="checkbox"/>	Other: METRO