



Department of Planning & Community & Economic Development

## Planning Division

Heather Stouder, AICP, Director

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September 19, 2017

Jon Hepner  
Peloton Residences, LLC  
PO Box 620037  
Middleton, Wisconsin 53562

RE: Approval of a major amendment to Planned Development zoning to approve an Amended General Development Plan and Specific Implementation Plan to allow construction of a mixed-use building with 12,287 square feet of commercial space, five live-work spaces and 157 apartments with underground parking at 1004-1032 S. Park Street. [LNDUSE-2016-00114; ID 45036]

Dear Mr. Hepner;

At its September 5, 2017 meeting, the Common Council **conditionally approved** your request to amend the PD(GDP-SIP) for 1004-1032 S. Park Street to allow construction of a mixed-use building. The approval is subject to the revised plans dated August 18, 2017, the conditions of the June 28, 2017 Urban Design Commission initial approval, and the conditions in the following sections, which shall be satisfied prior to final approval and recording of the planned development and the issuance of building permits for your project.

**Please contact Tim Troester of the City Engineering Division at 267-1995 if you have any questions regarding the following twenty (20) items:**

1. The City recommends there to be more flow to S. Park Street (two laterals to S. Park Street rather than two laterals onto Fish Hatchery Road) because there is significantly more sewer capacity on S. Park Street.
2. The applicant shall enter into a maintenance agreement for terrace improvements inside the public right of way. The approval of this development does not constitute or guarantee approval of the encroachments.
3. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE. 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) in order to comply with TMDL limits.
4. This project appears to require construction dewatering. A dewatering plan shall be submitted to City Engineering as part of the Erosion Control Permit application and plan. If contaminated soil or groundwater conditions exist on or adjacent to this project, additional WDNR, Madison-Dane County

Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit.

5. This project appears to require permanent dewatering. A permit to connect to the public stormwater system shall be required from City Engineering. Additionally, a permit for non-storm discharge to the storm sewer system from the Madison-Dane County Public Health shall also be required. If contaminated soil or groundwater conditions exist on or adjacent to this project additional WDNR, Public Health, and/or City Engineering approvals may be required prior to issuance of the connection and non-storm discharge permits.
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.
7. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of 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. This site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR-216 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 NOI or WRAPP permit process.
9. This project will require a concrete management plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office.
10. 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 Madison General Ordinances.
11. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.
12. Per the WDNR closure letter, this property was closed with residual soil contamination (BRRTS #02-13- 551750). Written approval from the WDNR is required prior to disturbing the existing barrier cap. Proof of coordination with the WDNR shall be submitted to Brynn Bemis (267.1986, bbemis@cityofmadison.com).
13. Based on historical documents (WDNR BRRTS #02-13-551750), the property contains residual contaminated soil. If contaminated soil is encountered as part of this redevelopment, all WDNR and DSPS regulations shall be followed for proper handling and disposal.
14. The construction of this project will require that the applicant shall 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. Note: Obtaining a developers agreement generally takes approximately 4-6 weeks, minimum.

15. The approval of this planned 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.
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 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.
18. 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.
19. All work in the public right of way shall be performed by a City-licensed contractor.
20. All damage to the pavement on S. Park Street and Fish Hatchery Road adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.

**Please contact Jeff Quamme of the City Engineering Division–Mapping Section at 266-4097 if you have any questions regarding the following three (3) items:**

21. The pending CSM application 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 the parcel database so that the permitting system can upload this data and permit issuance made available for this new land record.
22. The perspectives show fixed canopies that may extend beyond the property into adjacent right of ways. The site plan shall show and denote all planned canopies. If any private improvements should encroach into the adjacent public right of way, the applicant shall make an application with City of Madison for a privilege in streets administered by the City of Madison Office of Real Estate Services. An approval of the development does not constitute or guarantee approval of any encroachments within a public right of way.

23. Submit a PDF of all floor plans to [zenchenko@cityofmadison.com](mailto:zenchenko@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. Note: Suite number(s) for the office floor will be determined when tenant build out plans are submitted.

**Please contact Eric Halvorson of the Traffic Engineering Division at 266-6527 if you have any questions regarding the following ten (10) items:**

24. Per City Contract No. 2290 for the Wingra Clinic-Bancroft Dairy Redevelopment, the previous property owner acknowledged the future need for right of way dedication on Fish Hatchery Road and a Permanent Limited Easement dedication on S. Park Street. The developer chose to defer those requirements until such time as Lots 2 and 3 of CSM 13286 (subject site) were developed. The applicant shall be required to dedicate six (6) feet of right of way on Fish Hatchery Road to allow for an 86-foot right of way from Park Street south. The applicant shall be required to reconstruct the existing sidewalk on both S. Park Street and Fish Hatchery Road to allow for placement of the sidewalk within the standard locations with respect to the new right of way dedication and the proposed sidewalk permanent limited easement.

25. Work with Traffic Engineering staff to alter the geometry of the side bicycle path for the garage ramp. Due to the steepness of the path, the narrow width, and the poor vision triangle at the bottom, Traffic Engineering has concerns over the operations and safe use of this amenity.

26. The public right of way is the sole jurisdiction of the City of Madison and is subject to change at any time. No items show on this site plan in the right of way are permanent and may need to be removed at the applicant's expense upon notification by the City.

27. The applicant shall adhere to all vision triangle requirements as set in MGO Section 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.). Alterations necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO 27.05(2)(bb), Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.

28. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions 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.

29. All parking facility design shall conform to the standards in MGO Section 10.08(6).
30. City of Madison radio systems are microwave directional line of sight to remote towers citywide. The building elevation will need to be reviewed by Traffic Engineering staff to accommodate the microwave sight and building. The applicant shall submit grade and elevations plans if the building exceeds four stories prior to sign-off to be reviewed and approved by Austin Scheib, (266-4766) 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.
31. This site presents difficult constructability issues; access to neighboring sites must be maintained at all times, covered sidewalks will be constructed and maintained as soon as possible and little to no access to the public right-of-way on S. Park Street and Fish Hatchery Road will be granted for construction purposes. Provide a detailed construction plan to Traffic Engineering for review by the Traffic Control Specialist (Mike Duhr) prior to final signoff.
32. 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.
33. 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.

**Please contact Jenny Kirchgatter, Assistant Zoning Administrator, at 266-4429 if you have questions about the following six (6) items:**

34. Work with Zoning and Planning staff to finalize the zoning text.
35. Bicycle parking for the commercial tenant uses shall comply with the requirements of MGO Sections 28.141(4)(g) and 28.141(11). Provide a minimum of six (6) short-term bicycle parking stalls located in a convenient and visible area on a paved or impervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within 100 feet of a principal entrance. Bicycle parking for the commercial uses will be reviewed for compliance with the amount, design, and location requirements prior to obtaining zoning approval for each use. Note: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5)-foot wide access area. Provide a detail of the proposed bike rack.
36. Provide a minimum of 162 resident bicycle stalls plus a minimum of 16 short-term guest stalls. A minimum of 90% of the resident stalls shall be designed as long-term parking. Up to 25% of bicycle parking may be structured parking, vertical parking or wall mount parking, provided there is a five-foot access aisle for wall mount parking.
37. Submit a rooftop plan showing the location of any proposed rooftop mechanical equipment and screening. All rooftop and ground level mechanical equipment and utilities shall be fully screened from view from any street or residential district per Section 28.142(9)(d).

38. 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.

39. 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. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

**Please contact Janet Schmidt of the Parks Division at 261-9658 if you have any questions regarding the following four (4) items:**

40. Impact Fees for 161 multi-family units were previously paid. No fees are due at this time.

41. City of Madison Forestry will permit the removal of one street tree within the right of way (2" diameter Crabapple located at 1033 High Street, first tree on Fish Hatchery Road north of High Street). The contractor shall contact City Forestry's Dean Kahl- dkahl@cityofmadison.com or 266-4816 -one week prior to removal to obtain a tree removal permit.

42. The contractor shall contact City of Madison Forestry at least one week prior to forming concrete and constructing tree grates to determine tree locations.

43. The contractor shall contact City of Madison Forestry at least one week prior to planting to schedule inspection of the nursery stock and review of planting specifications with the landscaper.

**Please contact Bill Sullivan of the Madison Fire Department at 261-9658 if you have questions about the following four (4) items:**

44. The design incorporates the second means of egress from the fifth and sixth floors via the roof. The Madison Fire Department has concerns regarding maintaining this exit in the winter months.

45. Due to complexities created by the multiple building components, additional discussions and coordination will be required before MFD provides final approval of the Fire and Life Safety design approaches to this structure.

46. Provide fire apparatus access as required by IFC 503 2015 edition, MGO Section 34.503, as follows:

a.) 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.

b.) Aerial fire lanes shall be free from overhead obstructions. Obstructions shall not be located between the building and an aerial fire lane. Alternative measures to allow obstructions may include specific tree selection and placement; increased fire protection systems; and/or

increased building fire resistance. Alternatives must be approved by MFD prior to site plan approval.

47. Provide documentation on the design approach and how the building will be evaluated for allowable height and area.

**Please contact Tim Sobota of Metro Transit at 261-4289 if you hav questions about the following three (3) items:**

48. 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 west side of S. Park Street, south of Fish Hatchery Road (#0174). The concrete pad shall occupy the full distance of the terrace, measure a minimum of 10 feet in width parallel to the street, and lie flush between the sidewalk and the top of curb. A continuous concrete terrace, or other accessible surface materials, would also be suitable.
49. The applicant shall install and maintain 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. [See attached] 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.
50. The applicant shall maintain and protect access to the existing bus stop zone for both pedestrians and transit vehicles at all times during project construction.

**Please contact my office at 261-9632 if you have any questions regarding the following nineteen (19) items, including the conditions of approval added or modified by the Plan Commission on August 28, or the Common Council on September 5, 2017:**

51. Any proposed HVAC or utility penetrations on the building shall not face S. Park Street or Fish Hatchery Road. Any such penetrations elsewhere on the exterior of the building shall be designed to be perpendicular to the facades to limit their visibility to the greatest extent possible. All detail regarding HVAC and utility penetrations shall be provided to the Urban Design Commission for review.
52. If dogs are allowed in the building, the applicant shall provide 1-2 dog waste stations on the property.
53. The metal fins shown projecting south from the glass prow at the corner of S. Park Street and Fish Hatchery Road shall not extend beyond the property line into the rights of way of those streets.
54. Prior to final sign-off and issuance of building permits, proof of financing shall be provided for review and approval by the Director of Planning and Community and Economic Development that indicates that the building, once started, can be completed consistent with the approved plans.

55. Any late night (defined as open past 8:00 p.m.) restaurant, nightclub, brewpub, restaurant-tavern, or restaurant-nightclub proposed to occupy the commercial areas of the building shall be reviewed by the Plan Commission as a conditional use.
56. That the applicant submit a revised zoning text for the Specific Implementation Plan to the Planning Division and Zoning Administrator for approval prior to recording and the issuance of building permits as follows:
  - a.) that the permitted non-residential/ commercial uses for this PD-SIP be limited to those included in the approved PD-GDP zoning text unless specifically enumerated in a list submitted for approval by the Planning Division prior to final approval and recording;
  - b.) the Signage section shall be revised to limit signage for the site to the maximum permitted in the TSS zoning district, and as approved by the Urban Design Commission or its secretary, and the Zoning Administrator.
57. The applicant shall work with the Planning Division to revise the permitted use, signage, and statement of purpose sections of the zoning text prior to final staff approval of the Amended PD and issuance of building permits.
58. This approval includes the cross-sections showing the proposed right of way improvements and building placement along S. Park Street and Fish Hatchery Road.
59. The conditions from reviewing agencies contained in the July 10, 2017 staff report and addendum, and the revised Planning Division conditions in the addendum dated August 28, 2017.
60. That the project receive final approval from the Urban Design Commission prior to final sign-off and issuance of permits. Any appeal of the Urban Design Commission decision may be made to the Plan Commission, as allowed under MGO Section 33.24.
61. That one parking space be included in the price of rent for each dwelling unit in the project (i.e. no separate rent shall be charged for the first parking space leased by the tenant of a unit), with the ability for a residential tenant to opt-out of this requirement.
62. That staff work with the applicant to restrict left turns onto Fish Hatchery Road at the High Street driveway during rush hours, wherein staff should determine the appropriate timing for rush hour-related signage.
63. That the applicant provide a ridesharing vehicle per Ald. Eskrich's (August 27, 2017) recommendation: "The applicant should be required to include a ride-share vehicle as a condition of approval, as was required previously."
64. That the applicant explore a bike-sharing station.
65. That construction laborers be encouraged to not park on streets when working on the site and that the developer attempts to work out a solution with UW Health for shared parking and explore the possibility of providing a shuttle service for construction workers during the construction of this project.



66. That exterior facade illumination on street-facing facades above the first floor be limited to balcony and patio illumination.
67. That the applicant explore installation of a bike-themed sculpture on the site.
68. That the applicant continue exploring the undergrounding of all overhead utilities.
69. That the applicant relocate the bike parking stalls in the lower level to address the head/ ceiling height concern raised during the [Plan Commission] public hearing.

**As noted in the conditions above and due to the project site being located in Urban Design Dist. 7, the applicant is required to obtain final approval from the Urban Design Commission and satisfy any conditions of that approval prior to the final staff approval of the project and the issuance of permits. Please contact Janine Glaeser, 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.**

After the planned 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 28.206 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 (1) 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.

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. 28.181(5), 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: Tim Troester, City Engineering Division  
Jeff Quamme, City Engineering Division—Mapping Section  
Eric Halvorson, Traffic Engineering Division  
Tim Sobota, Metro Transit  
Jenny Kirchgatter, Assistant Zoning Administrator  
Janet Schmidt, Parks Division  
Janine Glaeser, Urban Design Commission  
Bill Sullivan, Madison Fire Department

<b>Accela ID: LNDUSE-2016-00114</b>			
<b>For Official Use Only, Re: Final Plan Routing</b>			
<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 (EP)	<input type="checkbox"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input checked="" type="checkbox"/>	Other: Metro Transit
<input type="checkbox"/>	Water Utility (EP)	<input type="checkbox"/>	Other: