



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

Madison Municipal Building, Suite 017
215 Martin Luther King Jr. Boulevard
Madison, Wisconsin 53703
Phone: (608) 266-4635
www.cityofmadison.com

****BY E-MAIL ONLY****

April 25, 2023

Greg Held
Knothe & Bruce Architects, LLC
7601 University Avenue, Suite 201
Middleton, Wisconsin 53563

RE: Consideration of a conditional use in the CC-T (Commercial Corridor–Transitional) District for a mixed-use building containing greater than 60 dwelling units, and consideration of a conditional use in the TR-U2 (Traditional Residential–Urban 2) District for a multi-family dwelling containing greater than 60 units to allow construction of a planned multi-use site containing a five-story, mixed-use building with approximately 7,650 square feet of commercial space and 119 apartments on Lot 47 of the future *American Center-Eastpark Fifth Addition* subdivision and a four-story, 82-unit apartment building on future Lot 48 (LNDUSE-2023-00010; ID 76491).

Dear Greg;

On April 24, 2023, the Plan Commission found the standards met and **approved** your conditional use requests for future Lots 47 and 48 of the future *American Center-Eastpark Fifth Addition* subdivision at 4846 Eastpark Boulevard subject to conditions. Prior to issuance of building permits for your project, the conditions of approval in the following sections shall be satisfied:

Please contact Brenda Stanley of the City Engineering Division at (608) 261-9127 if you have any questions regarding the following seventeen (17) items:

1. The City has limited sewer capacity in this area (particularly to the north of the lot being developed). Off-site sanitary sewer improvements may be required by the developer as a condition for development. The applicant shall provide Mark Moder (608) 261-9250, mmoder@cityofmadison.com, with projected wastewater flow data and the direction for which the flow will be directed.
2. Obtain a Permit to Excavate in the Right-of-Way for completing the improvements in the public right of way. As a condition of the permit, a deposit to cover estimated City expenses will be required.
3. 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 sign-off.

4. Construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat.
5. An Erosion Control Permit is required for this project.
6. A Storm Water Management Report and Storm Water Management Permit is required for this project. See Storm comments for report and permit specific details and requirements.
7. A Storm Water Maintenance Agreement (SWMA) is required for this project.
8. This site appears to disturb over one (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 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. Contact Eric Rortvedt of the WDNR at (608) 273-5612 to discuss this requirement. The applicant is notified that the City of Madison is an approved agent of the Department of Safety and Professional Services (DSPS) and no separate submittal to this agency or Capital Area Regional Planning Commission (CARPC) is required for this project to proceed.
9. Revise the site plan 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.
10. Revise the plans to show a proposed private internal drainage system on the site. Include the depths and locations of structures and the type of pipe to be used.
11. This project will disturb 20,000 square feet or more of land area and require an Erosion Control Plan. Please submit an 11 x 17-inch copy of an erosion control plan (PDF electronic copy preferred) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.
12. Demonstrate compliance with MGO Sections 37.07 and 37.08 regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year.
13. This project will require a concrete management plan and a construction dewatering plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. If contaminated soil or groundwater conditions exist on or adjacent to this project additional Wisconsin Department of Natural Resources (WDNR), Madison-Dane County Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit.
14. This project appears to require fire system testing that can result in significant amounts of water to be discharged to the project grade. The Contractor shall coordinate this testing with the erosion

control measures and notify the City Engineering Division at 266-4751 prior to completing the test to document that appropriate measures have been taken to prevent erosion as a result of this testing.

15. Complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by MGO Chapter 37.

16. Prior to approval, this project shall comply with MGO Chapter 37 regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to the City Engineering Division. The Storm Water Management Plan & Report shall include compliance with the following:

Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.

Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. If calculations are done by hand or are not available electronically, the hand copies or printed output shall be scanned to a PDF file and provided to City Engineering.

Detain the 200-year storm events, matching post development rates to predevelopment rates and using the design storms identified in Madison General Ordinances Chapter 37.

Provide infiltration of 90% of the pre-development infiltration volume.

Treat the first half-inch of runoff over the proposed parking facility and/or drive up window.

Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any best management practices (BMP) used to meet stormwater management requirements on this project.

17. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the City Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West).

Please contact Jeff Quamme of the City Engineering–Mapping Section at (608) 266-4097 if you have any questions regarding the following five (5) items:

18. Provide for review, comprehensive reciprocal easements and agreements including, but not limited to, access, parking, utilities, common areas, storm management and fire lanes that are necessary to accomplish the land division and site development as proposed prior to final sign off between Lots 47 and 48. The private park and open space uses over Outlot 22 shall be addressed in a recorded agreement as well. The document(s) shall be executed and recorded immediately subsequent to the Plat recording and prior to building permit issuance.

19. The future public storm sewer per the plans for Dreamer Drive and public storm sewer easement that is to be granted on The American Center Eastpark Fifth Addition plat, all in the southwest corner of this site, shall be shown and labeled. No overstory trees shall be permitted within storm sewer easement.

20. The base address of the proposed apartment building on Lot 47 is 4620 Luminous Lane. Commercial addresses will be determined when tenant configurations are known. The proposed apartment building address on Lot 48 is 4644 Luminous Lane. The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor and Engineering Division records.
21. The related final plat shall be approved by the City, recorded with the Dane County Register of Deeds, and new tax parcel information available prior to issuance of a building permit or early start permit.
22. Submit a site plan and a complete set of building Floor Plans (for each individual building) in PDF format to Lori Zenchenko (lzenchenko@cityofmadison.com) that includes a floor plan of each floor level on a separate sheet/page for the development of an interior and building addressing plan for the proposed multi-building complex. Each building page should include a key locator and north arrow. Also, include a unit matrix for the apartment buildings. The Addressing Plan for the entire project shall be finalized and approved by Engineering (with consultation and consent from the Fire Marshal if needed) PRIOR to the Verification submittal stage of this LNDUSE with Zoning. The final approved stamped Addressing Plan shall be included in said Site Plan Verification application materials or a revised plan shall be provided for additional review and approval by Engineering. Per MGO Section 34.505, a full copy of the approved addressing plan shall be kept at the building site at all times during construction until final inspection by the Madison Fire Department. For any changes pertaining to the location, deletion or addition of a unit, or to the location of a unit entrance, (before, during, or after construction), a revised Address Plan shall be resubmitted to Lori Zenchenko to review addresses that may need to be changed and/or reapproved.

Please contact Sean Malloy of the Traffic Engineering Division at (608) 266-5987 if you have any questions regarding the following fifteen (15) items:

23. The applicant shall submit a deposit of \$30,000 for the installation of a Rapid Rectangular Flashing Beacon (RRFB) crossing at Eastpark Boulevard and Dreamer Drive.
24. 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; vision triangles; 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.
25. 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.

26. 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.
27. All parking facility design shall conform to the standards in MGO Section 10.08(6).
28. All bicycle parking adjacent pedestrian walkways shall have a two-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
29. All pedestrian walkways adjacent parking stalls shall be seven (7) feet wide to accommodate vehicle overhang, signage and impediments to walkway movements. Any request for variance shall be submitted to and reviewed by City Traffic Engineering.
30. 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 at a distance of 25 feet behind the property line at streets and 10 feet at driveways.). Alteration 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 Section 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.
31. The applicant shall provide a clearly defined five-foot walkway clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.
32. 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 three stories prior to sign-off to be reviewed and approved by Andrew Oliver, ((608) 267-1979, aoliver@cityofmadison.com) Traffic Engineering Shop, 4151 Nakoosa Trail. The applicant shall return one signed approved building elevation copy to the main City of Madison Traffic Engineering office with final plans for sign off.
33. The driveway slope to the underground parking is not identified in the plan set. Traffic Engineering recommends driveway slope under 10%; if the slope is to exceed 10%, the applicant shall demonstrate inclement weather mitigation techniques to provide safe ingress/egress to be approved by the City Traffic Engineer.
34. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign 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.

35. The applicant shall show the dimensions for the proposed Class III driveway including the width of the drive entrance, width of the flares, and width of the curb cut.
36. The applicant shall prepare a Traffic Demand Management Plan (TDMP) to be reviewed and approved by the City Traffic Engineer.
37. Items in the right of way are not approvable through the site plan approval process. Make a note on all pages showing improvements in the right of way that states: "The right of way is the sole jurisdiction of the City of Madison and is subject to change at any time per the recommendation/plan of the Traffic Engineering and City Engineering Divisions. The applicant shall work with Traffic Engineering staff on identifying an appropriate mid-block crossing location."

Please contact Jacob Moskowitz, Assistant Zoning Administrator at (608) 266-4560 if you have questions about the following six (6) items:

38. Provide electric vehicle stalls per Section 28.141(8)(e) *Electric Vehicle Charging Station Requirements*. A minimum of 10% of the residential parking stalls (14 on Lot 47, 9 on Lot 48) must be electric vehicle ready, and a minimum of 2% of the stalls (3 on Lot 47, 2 on Lot 48) must be electric vehicle installed. One (1) of the electric vehicle installed stalls must be an accessible stall. Identify the locations of the electric vehicle ready and installed stalls on the plans.
39. Clearly show the useable open space areas for Lot 48 on the final plans. A minimum of 3,280 square feet of useable open space is required. Identify each qualifying at-grade usable open space area, and show the structured useable open space areas located on roof decks, porches, and balconies. Roof decks, porches, and balconies may be used to meet up to 75% of the minimum open space requirement, provided that minimum dimensional requirements are satisfied.
40. Parking requirements for persons with disabilities must comply with Section 28.141(4)(e). Final plans shall show the required four (4) accessible stalls on Lot 48, including 1 van accessible stall. A van accessible stall is a minimum of 8 feet wide with an 8 foot wide striped access aisle. Show the required signage at the head of the stalls.
41. Provide details demonstrating compliance with bird-safe glass requirements Section 28.129 for any building over 10,000 sq. ft. in size (floor area of above-grade stories). For building façades where the first 60 feet from grade are comprised of less than 50% glass, at least 85% of the glass on glass areas 50 square feet or over must be treated. Of all glass areas over 50 square feet, any glass within 15 feet of a building corner must be treated. Identify the buildings that exceed 10,000 sq. ft. in size and the glass areas that will be treated. Provide a detail of the specific treatment that will be used.
42. 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.

43. 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 Bill Sullivan of the Madison Fire Department at (608) 261-9658 if you have any questions regarding the following two (2) items:

44. Provide aerial apparatus access to the roof of the five-story portion of the project.

45. Fire lanes at fire hydrants shall be a minimum of 26 feet wide for 20 feet on either side of the fire hydrant.

Please contact Kathleen Kane of the Parks Division at (608) 261-9671 if you have any questions regarding the following three (3) items:

46. Outlot 22 is described in the earlier plat review as “to be used as a private park” and is +/- 2.0851 acres (90,828 square feet) with public access easement. Depending on final unit counts and as shown in the proposal, Outlot 22 is insufficient in size to fully meet the parkland dedication requirements and park land dedication fees (“fee in lieu”) will be due for the proposed development.

47. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the North Park-Infrastructure Impact Fee district. Please reference ID#22055.1 when contacting Parks Division staff about this project.

48. Lot 49 is proposed to include a four-story building with 67 dwelling units and Lot 50 is proposed to have two four-story 67-unit buildings. The parkland dedication requirement for a multi-family unit is 734 square feet per MGO Sec. 16.23(8)(f) and 20.08(2).

Please contact Jeff Belshaw of the Madison Water Utility at (608) 261-9835 if you have any questions regarding the following two (2) items:

49. The developer shall construct the public water distribution system and services required to serve the proposed subdivision plat per MGO 16.23(9)(d)(3).

50. All public water mains and water service laterals shall be installed by a standard City subdivision contract / City- Developer agreement. The applicant shall contact City Engineering Division to schedule the development of plans and the agreement.

Please contact Tim Sobota of the Metro Transit at (608) 261-4289 if you have any questions regarding the following four (4) items:

51. In coordination with public works improvements, the applicant shall install and maintain an accessible concrete boarding pad surface at the planned bus stop on the east side of Eastpark Boulevard, north of the Dreamer Drive intersection.

52. In coordination with public works improvements, the applicant shall install and maintain an accessible concrete boarding pad surface at the planned bus stop on the west side of Eastpark Boulevard, south of the Inspire Drive intersection.
53. The applicant shall install and maintain a new passenger waiting shelter with seating amenity - either as part of the private landscape plan or in the public right-of-way area - serving the curbside bus stop zone on the west side of Eastpark Boulevard, south of the Inspire Drive intersection area. If located in the public right-of-way, the applicant shall submit a Privilege in Streets (Bus Shelter) application for review by the City. An approved Encroachment Agreement, for the bus shelter, shall be executed prior to sign off. Contact City Real Estate to start the Privilege in Streets (Bus Shelter) application process.
54. 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 the design.

Please contact my office at (608) 261-9632 if you have questions about the following three (3) items:

55. That the applicant work with Planning staff prior to final approval and issuance of building permits for the Lot 47 building to increase/improve the connection between the commercial spaces on the western portion of the first floor and the Eastpark Boulevard and Dreamer Drive sidewalks consistent with the recommendations for Community Mixed-Use areas in the Rattman Neighborhood Development Plan. Staff suggests additional and/or wider stairs to create a stronger, more prominent connection to those spaces at the corner, which will also be a bus stop.
56. The final site plans shall include a combined/overall data tables for Lots 49 and 50 that contains the acreage of the complex, the number of dwelling units by type, auto parking stalls (garage and surface), lot coverage and usable open space calculations, and bike parking stalls (indoor and surface) per lot and overall. The tables provided for each lot on sheets C-1.1 and C-1.2 may remain in addition to the requested combined table.
57. Detailed floorplans for all of the building shall be provided with the final plans, which shall include labels with the number of bedrooms and type of dwelling unit.

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. The applicant shall resubmit a PDF copy of the plan set and any other supporting materials that are necessary, as specified in this letter to sprapplications@cityofmadison.com. (Note: A 20MB email limit applies and multiple transmittals may be required.). A check for the site plan review fee shall be mailed to the City of Madison Building Inspection Division; PO Box 2984; Madison, WI 53701-2984.
2. City Agencies who submitted conditions of approval will review your revised plans to verify that their conditions, along with any applicable requirements, have been satisfied. When the revised plans are

submitted, the applicant will be emailed a hyperlink to a website to follow, in real time, which agencies have reviewed the revised documents, and signed off or need additional information.

3. 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 block on last page]
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 two (2) years 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 12 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 (608) 266-4551. If you have any questions or if may be of any further assistance, please do not hesitate to contact my office at (608) 261-9632 or tparks@cityofmadison.com.

Sincerely,



Timothy M. Parks
Planner

cc: Brenda Stanley, City Engineering Division
Jeff Quamme, City Engineering Division
Sean Malloy, Traffic Engineering Division
Jacob Moskowitz, Asst. Zoning Administrator
Bill Sullivan, Madison Fire Department
Kathleen Kane, Parks Division
Jeff Belshaw, Madison Water Utility
Tim Sobota, Metro Transit

<p>I hereby acknowledge that I understand and will comply with the above conditions of approval for this project.</p> <hr/> <p><i>Signature of Applicant</i></p> <hr/> <p><i>Signature of Property Owner (If Not Applicant)</i></p>

ID 76491
LNDUSE-2023-00010
4846 Eastpark Boulevard –
Lots 47 and 48, The American Center
Eastpark Fifth Addition
April 25, 2023
Page 10

LNDUSE-2023-00010			
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 type="checkbox"/>	Urban Design Commission
<input checked="" type="checkbox"/>	Traffic Engineering	<input type="checkbox"/>	Recycling Coordinator
<input checked="" type="checkbox"/>	Fire Department	<input checked="" type="checkbox"/>	Other: Metro Transit
<input checked="" type="checkbox"/>	Water Utility	<input type="checkbox"/>	Other: