



Department of Planning & Community & Economic Development

## Planning Division

Heather Stouder, Director

Madison Municipal Building, Suite 017  
215 Martin Luther King, Jr. Blvd  
P.O. Box 2985  
Madison, Wisconsin 53701-2985  
Phone: (608) 266-4635  
[www.cityofmadison.com](http://www.cityofmadison.com)

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

August 3, 2022

Nick Orthmann  
Bear Development, LLC  
4011 80<sup>th</sup> Street  
Kenosha, WI 53142

RE: Approval of a Zoning Map Amendment from Planned Development District-General Development Plan-Specific Implementation Plan (PD-GDP-SIP) to Amended PD-GDP-SIP, and approval of a demolition permit to demolish a street facing wall of a two-story office building at 402 West Wilson Street. (ID [71883](#) & [72468](#), LNDUSE-2022-00050)

Dear Nick Orthmann:

On July 25, 2022, the Plan Commission found the standards met and **approved** your demolition permit for 402 West Wilson Street. On August 2, 2022, the Common Council found the standards met and **approved** your request to amend the PD-GDP-SIP district for 402 W Wilson Street. Prior to issuance of permits for the project, the conditions of approval in the following sections shall be satisfied.

**Please contact Lisa McNabola of the Planning Division at (608) 243-0554 if you have any questions regarding the following one (1) item, added by the Plan Commission at their July 25, 2022 meeting:**

1. The door on the north side of the building shall be exit only.

**Please contact Jessica Vaughn, Urban Design Commission Secretary at (608) 267-8740 if you have any questions regarding the following six (6) items:**

2. The exterior building materials shall be as shown on the renderings with the following modifications being acceptable:
  - A wood or wood-like appearing product on the recess of the balconies (i.e. long-board siding or metal panel);
  - An aluminum version maintaining the Corten appearance or Corten material on the canopy;
  - A darker metal material for the guardrails for the balconies (not wood);
  - The underside of the projecting balconies to be finished with Trex or Trex-like material;
  - Any variation in the above is required to return to the Commission for review and approval.

3. On the new addition, the masonry veneer on the first two stories shall be limestone (Indiana Limestone) or a masonry material that is complimentary to the limestone on the existing building as indicated in the renderings. The Applicant shall submit a cutsheet to the Urban Design Commission Secretary for review.
4. Update the Landscape Plan to include:
  - Chamaecyparis evergreen, especially the golden variety, and some smooth hydrangeas where serviceberry and upright junipers are shown against the north side of the building.
  - Narrow arborvitae and flowering azaleas or hydrangeas mixed with upright evergreens to screen the exposed concrete of the parking entrance.
  - Plantings in the space below the balconies along Broom Street, including hostas or ferns.
  - The relocation of the cedar fence to the property line.
5. Irrigation is strongly recommended on the green roof tray system.
6. Update the Lighting Plan to include an alternate lighting sconce to comply with the dark sky ordinance and eliminate uplighting.
7. The Commission has no concerns about placement of the building as it relates to Broom Street. The proposed setback is acceptable if the landscape as shown on the Landscape Plan is maintained.

**Please contact Jenny Kirchgatter, Assistant Zoning Administrator at (608) 266-4429 if you have any questions regarding the following eleven (11) item:**

8. The residences located at 401 and 403 W Doty St are part of the Amended Planned Development. Submit information regarding the residences including floor plans and elevations or photos of the buildings exteriors in order to document the existing conditions.
9. A Planned Development shall comply with all standards, procedures, and regulations of the Zoning ordinance that are applicable to the individual uses within the development, including the General Regulations of Subchapter 28I and the Supplemental Regulations of Subchapter 28J. Where the applicant proposes a development that does not comply with one or more of the regulations in those subchapters, they shall specifically request that the Plan Commission consider the application of those regulations in making its recommendations on the development, including specific language in the zoning text or depiction on the plans. The applicant proposes a development that does not comply with the bicycle parking requirements of Sections 28.141(4)(g) and 28.141(11). Specifically, the applicant proposes that more than 25% of bicycle parking will be structured parking.
10. Section 28.185(9) requires that every applicant for a demolition or removal approval that requires approval by the Plan Commission is required to get a Reuse and Recycling Plan approved by the City Recycling Coordinator, Bryan Johnson at [s](#) prior to receiving a raze permit. Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(9) shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
11. Work with Zoning and Planning staff for final approval of the Zoning text.
12. Provide electric vehicle stalls per Section 28.141(8)(e) Electric Vehicle Charging Station Requirements. A minimum of 10% of the residential parking stalls (3 stalls) must be electric vehicle

ready, and a minimum of 2% of the stalls (1 stalls) must be electric vehicle installed. Identify the locations of the electric vehicle ready and installed stalls on the plans.

13. Bicycle parking for the residential dwelling units shall comply with the requirements of MGO Sections 28.141(4)(g) and 28.141(11) and shall be designated as short-term or long-term bicycle parking. A minimum of 54 resident bicycle stalls are required plus a minimum of 5 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. Show the dimensions of the bicycle stalls and the access aisles for the underground stacked bicycle stalls. The access aisles must not be obstructed by vehicles, columns or other structures. 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 models of bike racks to be installed, including the ground mounted and stacked bike racks.
14. On the landscape plan, label and number the proposed trees and plantings with the planting code in addition to the identification symbol. 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.
15. Provide details demonstrating compliance with bird-safe glass requirements Section 28.129. For building façades where the first sixty (60) feet from grade are comprised of less than fifty percent (50%) glass, at least eighty-five percent (85%) of the glass on glass areas fifty (50) square feet or over must be treated. Of all glass areas over fifty (50) square feet, any glass within fifteen (15) feet of a building corner must be treated. All glass railings must be treated. Identify which glass areas are 50 sq. ft. or greater and which glass areas will be treated. Provide a detail of the specific bird-safe treatment product that will be used.
16. Exterior lighting shall be provided in accordance with City of Madison General Ordinances Section 10.085. Provide an exterior lighting photometric plan and fixture cut sheets with the final plan submittal.
17. 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.
18. 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 Tim Troester of the Engineering Division at (608) 267-1995 if you have any questions regarding the following sixteen (16) items:**

19. The new addition shall not have a FFE that is any lower than that of the existing building.
20. The City plans to reconstruct Broom Street in 2023. All work to be completed in 2023 will need to be coordinated with City project. Depending on when the development is planned, it is possible that the lateral work could be included and assessed with the City project. City Project 11986, Sewer Engineer Kyle Frank, kfrank@cityofmadison.com, 266-4098, Jim Wolfe, jwolfe@cityofmadison.com, 266-4099
21. Enter into a City / Developer agreement for the required infrastructure improvements. Agreement to be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact City Engineering to schedule the development and approval of the plans and the agreement. (MGO 16.23(9)c)
22. Construct sidewalk, terrace curb & gutter and pavement to a plan as approved by City Engineer
23. 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))
24. Obtain a permanent sewer plug permit for each existing sanitary sewer lateral serving a property that is not to be reused and a temporary sewer plug permit for each sewer lateral that is to be reused by the development. The procedures and fee schedule is available online at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
25. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
26. 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.
27. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
28. This site appears to disturb less than one (1) acre of land. No submittal to the WDNR, CARPC or Department of Safety and Professional Services (DSPS) is required as the City of Madison Building Inspection Department is an approved agent for DSPS.
29. 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. (POLICY)
30. The proposed development proposes to construct underground parking. The proposed entrance to the underground parking is adjacent to a street low point. The applicant shall provide at a minimum of one (1) foot of rise from the adjacent back of walk in the driveway before breaking grade to the down ramp to the underground parking to protect the underground parking from inundation.
31. Provide additional detail how the enclosed depression(s) created by the parking entrance(s) to the below building parking area(s) is/are served for drainage purposes. The building must be protected

from receiving runoff up through the 100-yr design storm that is current in Madison General Ordinance Chapter 37. If the enclosed depression(s) is/are to be served by a gravity system provide calculations stamped by a Wisconsin P.E. that show inlet and pipe capacities meet this requirement. If the enclosed depression(s) is/are to be served by a pump system provide pump sizing calculations stamped by a Wisconsin P.E. or licensed Plumber that show this requirement has been met.

32. This project will disturb 4,000 sf or more of land area and require an Erosion Control Permit. Submit the Erosion Control Permit Application (with USLE calculations and associated fee) to Megan Eberhardt (west) at [meberhardt@cityofmadison.com](mailto:meberhardt@cityofmadison.com), or Daniel Olivares (east) at [daolivares@cityofmadison.com](mailto:daolivares@cityofmadison.com), for approval. The permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.

Demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances 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. The WDNR provided workbook to compute USLE rates can be found online at <https://dnr.wi.gov/topic/stormwater/publications.html>

33. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances 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 City Engineering. The Stormwater Management Permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.

The Storm Water Management Plan & Report shall include compliance with the following:

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

**Electronic Data Files:** 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. (POLICY and MGO 37.09(2))

**Rate Control:** Detain the 10 -year storm event such that the peak discharge is reduced by 15% compared to existing conditions.

**Volume Control:** Provide onsite volumetric control limiting the post construction volumetric discharge to 95% of the predevelopment discharge volume as calculated using the 10-year storm event.

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.

34. 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](mailto:bstanley@cityofmadison.com) (East) or [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com) (West).

**Please contact Sean Malloy of the Traffic Engineering Division at (608) 266-5987 if you have any questions regarding the following eighteen (18) items:**

35. The applicant shall dedicate Right of Way or grant a Public Sidewalk Easement for and be responsible for the construction of a five (5)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1) foot for maintenance along South Broom Street.
36. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be to engineering scale 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.
37. 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.
38. 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.
39. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
40. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
41. 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.
42. 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 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 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.
43. The applicant shall provide a clearly defined 5' walkway from the front door to the public Right of Way 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.

44. All parking ramps as the approach the public Right-of-Way shall not have a slope to exceed 5% for 20 feet; this is to ensure drivers have adequate vision of the Right-of-Way. If applicant believes public safety can be maintained they shall apply for a waiver, approval or denial of the waiver shall be the determination of the City Traffic Engineer.
45. 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 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 DeAndre Newson, (266-4768, [dnewson2@cityofmadison.com](mailto:dnewson2@cityofmadison.com)) Traffic Engineering Shop, 4151 Nakoosa Trail. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign off.
46. "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.
47. 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.
48. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
49. Applicant shall submit for review a waste removal plan. This shall include vehicular turning movements.
50. The applicant shall enter into a signed developer's agreement through City of Madison Engineering prior to sign off.
51. Note: This site presents difficult constructability issues; access to neighboring sites must be maintained at all times, protected walkways will be constructed and maintained as soon as possible and little to no access to the Public Right-of-Way on West Wilson Street and South Broom Street 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.
52. Note: The applicant has submitted the requested Transportation Demand Management Plan (TDMP); the report has been reviewed and accepted by Traffic Engineering.

**Please contact Jeff Belshaw of the Water Utility at (608) 261-9835 if you have any questions regarding the following one (1) item:**

53. The City plans to reconstruct S. Broom St. in 2023. All work completed in 2023 should be coordinated with the City Project. It's possible to include the proposed water lateral with the City project. City project 11986, Water Engineer Peter Holmgren, [Pholmgren@madisonwater.org](mailto:Pholmgren@madisonwater.org), 261-5530.

**Please contact Julius Smith of the Engineering Division – Mapping Section at (608) 264-9276 if you have any questions regarding the following three (3) items:**

54. The Provide scale map exhibit and legal description for a public sidewalk easement. The location and size of the easement shall be approved by City Engineering and Traffic Engineering.

The exhibits shall be provided to Julius Smith with Engineering Mapping (Jsmith4@cityofmadison.com) and a Real Estate project will be started to facilitate creating the Easement

55. Correct all sheets to show the full official street names of W Wilson St & S Broom St. 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.

56. Submit a site plan and a complete building Floor Plan 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 a complete interior addressing plan. Also, include a unit matrix for 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 application.

Per 34.505 MGO, 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 William Sullivan of the Fire Department at (608) 886-4691 if you have any questions regarding the following two (2) items:**

57. Exit stairs shall discharge to the exterior. The stair in the center of the building needs to be revised.
58. The fire department connection location will be approved as part of the fire sprinkler plan submittal; however, the proposed location will not be acceptable. The FDC location shall be oriented to the street the building is addressed off of.

**Please contact Ann Freiwald of the Parks Division at (608) 243-2848 if you have any questions regarding the following one (1) item:**

59. 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 Central Park-Infrastructure Impact Fee district. Please reference ID# 22022 when contacting Parks about this project.



**Please contact Bradley Hofmann of the Forestry Division at (608) 267-4908 if you have any questions regarding the following four (4) items:**

60. An existing inventory of street trees located within the right of way shall be included on the site, demo, utility, landscape, grading, fire aerial apparatus and street tree plan sets. The inventory shall include the following: location, size (diameter at 4 1/2 feet), and species of existing street trees. The inventory should also note if a street tree is proposed to be removed and the reason for removal.
61. All proposed street tree removals within the right of way shall be reviewed by City Forestry before the Plan Commission meeting. Street tree removals require approval and a tree removal permit issued by City Forestry. Any street tree removals requested after the development plan is approved by the Plan Commission or the Board of Public Works and City Forestry will require a minimum of a 72-hour review period which shall include the notification of the Alderperson within who's district is affected by the street tree removal(s) prior to a tree removal permit being issued. Add as a note on the street tree plan set.
62. City Forestry will issue a street tree removal permit for 5" diameter Ginkgo tree due to utility installation along W Wilson St. The Contractor shall contact City Forestry at (608)266-4816 to obtain permit. Add as a note on both the demolition and street tree plan set.
63. Additional street trees are needed for this project. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction (website: <https://www.cityofmadison.com/business/pw/specs.cfm>) - All street tree planting locations and tree species within the right of way shall be determined by City Forestry. A landscape plan and street tree planting plan shall be submitted in PDF format to City Forestry for approval of planting locations within the right of way and tree species. All available street tree planting locations shall be planted within the project boundaries. Add following note on both the landscape and street tree plan sets: At least one week prior to street tree planting, Contractor shall contact City Forestry at (608) 266-4816 to schedule inspection and approval of nursery tree stock and review planting specifications with the landscaper.

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

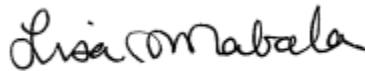
**Please now follow the procedures listed below for obtaining your final approval:**

1. After the plans have been revised per the above conditions, please submit one (1) complete digital plan set in PDF format and any other supporting materials that are necessary, as specified in this letter to [sprapplications@cityofmadison.com](mailto:sprapplications@cityofmadison.com) (note: A 20MB email limit applies and multiple transmittals may be required). 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. 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.

2. 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.
3. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission. Where the plans have not been altered since issuance of the demolition or removal permit and the permit 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.
4. Any alteration in plans 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.

**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 I may be of any further assistance, please contact my office at 243-0554 or [lmcnabola@cityofmadison.com](mailto:lmcnabola@cityofmadison.com).

Sincerely,



Lisa McNabola  
Planner

cc: Jenny Kirchgatter, Asst. Zoning Administrator  
Sean Malloy, Traffic Engineering Division  
Jessica Vaughn, UDC Secretary  
Tim Troester, Engineering Division  
William Sullivan, Fire Department  
Julius Smith, Engineering – Mapping Section  
Ann Freiwald, Parks Division  
Bradley Hofmann, Forestry Division  
Jeff Belshaw, Water Utility

<b>LNDUSE-2022-00050</b>			
<b>For Official Use Only, Re: Final Plan Routing</b>			
<input checked="" type="checkbox"/>	Planning Div.	<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"/>	Water Utility
<input type="checkbox"/>	Metro Transit	<input checked="" type="checkbox"/>	Other: Forestry Division