



Department of Planning & Community & Economic Development

## Planning Division

Heather Stouder, Director

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November 6, 2018

James McFadden  
380 West Washington Avenue  
Madison, Wisconsin 53701

RE: Legistar #51768; Accela 'LNDUSE-2018-00053' -- Approval of a demolition permit and conditional use to demolish two residential buildings and construct a multi-family dwelling containing more than eight (8) units in the DR-1 (Downtown Residential -1) Zoning District at **119-125 N Butler Street**.

Dear Mr. McFadden:

At its November 5, 2018 meeting, the Plan Commission, meeting in regular session, found the standards met and approved your demolition permit and conditional use request to allow two residential building to be demolished in order to construct a 31-unit apartment building. The conditions of approval in the following sections shall be satisfied prior to issuance of demolition or building permits for the project.

**Please contact Brenda Stanley of the Engineering Division at (608) 231-9127 if you have any questions regarding the following twenty (20) items:**

1. This existing parcel allows drainage out to Hancock for a large area. The plan shall be revised to show how that drainage pattern will be accommodated as part of the development.
2. 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. The permit application is available on line at: <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
3. The site plans 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. Developer needs to submit utility plan to show how utilities will provide sewer and water to this development.
5. 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 WDNR in order to comply with TMDL limits.

6. The site plans shall be revised to show the location of all rain gutter down spout discharges. (POLICY)
7. 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)
8. The Applicant shall submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division with any private storm and sanitary sewer utilities. The digital CAD file shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the only the following data, each on a separate layer name/level number:
  - a) Building Footprints
  - b) Internal WalkwayAreas
  - c) Internal Site ParkingAreas
  - d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
  - e) Right-of-Way lines (public andprivate)
  - f) Lot lines or parcel lines ifunplatted
  - g) Lot numbers or the wordsunplatted
  - h) Lot/Plat dimensions
  - i) Street names
  - j) Private on-site sanitary sewer utilities (including all connections to public sanitary)
  - k) Private on-site storm sewer utilities (including all connections to public storm)

All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email CAD file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement, private on-site sanitary sewer utilities, or private on-site storm sewer utilities during construction will require a new CAD file.

9. The applicant shall submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2))PDF submittals shall contain the following information:
  - a. Building Footprints
  - b. Internal WalkwayAreas
  - c. Internal Site ParkingAreas
  - d. Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
  - e. Right-of-Way lines (public andprivate)
  - f. Lot lines or parcel lines ifunplatted

- g. Lot numbers or the wordsunplatted
  - h. Lot/Plat dimensions
  - i. Street names
  - j. Stormwater ManagementFacilities
  - k. Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
10. The Applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including:a) SLAMM DAT filesb) RECARGA filesc) TR-55/HYDROCAD/Etcd) Sediment loading calculations. 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. (POLICY and MGO 37.09(2))
11. 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, Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit.
12. Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project. Include copies of all stormwater, utility, and detail plan sheets that contain stormwater practices on 8.5x14 size paper in the draft document. These drawings do not need to be to scale as they are for informational purposes only. Once City Engineering staff have reviewed the draft document and approved it with any required revisions submit a signed and notarized original copy to City Engineering. Include a check for \$30.00 made out to Dane County Register of Deeds for the recording fee. City Engineering will forward the document and fee for recording at the time of issuance of the stormwater management permit. Draft document can be emailed to Tim Troester (west) at [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com), or Jeff Benedict at [jbenedict@cityofmadison.com](mailto:jbenedict@cityofmadison.com) final document and fee should be submitted to City Engineering.
13. 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 24-hr, 100-yr design storm. 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.
14. The applicant shall show storm water "overflow" paths that will safely route runoff when the storm sewer is at capacity. (POLICY)
15. 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.
16. 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)

17. 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.(POLICY)
18. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to Reduce TSS by 80% off of the proposed development when compared with the existing site.
19. The Applicant's project requires the minor restoration of the street and sidewalk. The Applicant shall obtain a Street Excavation Permit for the street restoration work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. (MGO 16.23(9)(d)(6))This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
20. The Applicant shall submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division with any private storm and sanitary sewer utilities. The digital CAD file shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the only the following data, each on a separate layer name/level number: a) Building Footprints b) Internal Walkway Areas c) Internal Site Parking Areas d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.) e) Right-of-Way lines (public and private) f) Lot lines or parcel lines if unplatted g) Lot numbers or the words unplatted h) Lot/Plat dimensions i) Street names j) Private on-site sanitary sewer utilities (including all connections to public sanitary)k) Private on-site storm sewer utilities (including all connections to public storm)All other levels (contours, elevations, etc) are not to be included with this file submittal. NOTE: Email CAD file transmissions are preferred to: [bstanley@cityofmadison.com](mailto:bstanley@cityofmadison.com) (East) or [tstroester@cityofmadison.com](mailto:tstroester@cityofmadison.com) (West). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement, private on-site sanitary sewer utilities, or private on-site storm sewer utilities during construction will require a new CAD file.

**Please contact Jeff Quamme of the Engineering Division—Mapping Section at (608) 266-4097 if you have any questions regarding the following three (3) items:**

21. The proposed new building will cross an underlying platted lot line. Current fire code and City enforcement requires the underlying platted lot line be dissolved by Certified Survey Map (CSM) prior to issuance of a building permit. A CSM and required supporting information shall be prepared and submitted to the City of Madison Planning Department. The CSM shall be approved by the City and recorded with the Dane County Register of Deeds prior to issuance of a building permit.
22. Note: 121 N Butler St is the correct address of the proposed building. 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.

23. The final site plan shall identify lot numbers of the future recorded Certified Survey Map or Plat.
24. Utilities exist along the rear of this proposed site. Applicant shall coordinate with the utilities any relocation of existing facilities required and also shall provide a utility easement on the required Certified Survey Map as required by those utilities crossing this site.
25. Apartment numbers on submittal are not valid for addressing. Submit a Floor Plan in PDF format to Lori Zenchenko (lzenchenko@cityofmadison.com) that includes a floor plan for each floor on a separate sheet for the development of a complete interior addressing plan. 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 application submittal for the final Site Plan Approval with Zoning. The approved Addressing Plan shall be included in the final application. 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. The final revised Addressing Plan shall be submitted by the applicant to Zoning to be attached to the final filed approved site plans.

**Please contact Sean Malloy, of the Traffic Engineering Division, at (608) 266-5987 if you have any questions regarding the following five (5) items:**

26. 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. 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. 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 MGO standards, as set in section 10.08(6).
28. One-size-fits all Parking standards require all stall to be a minimum of 8.75 feet by 17 feet clear. This means no items are within that space including structural columns; the applicant shall modify the plan to meet the standards of MGO10.08.
29. 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.
30. 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.

**Please contact Jenny Kirchgatter, the Assistant Zoning Administrator, at (608) 266-4569 if you have any questions regarding the following thirteen (13) items:**

31. The developer shall enter into an agreement with the City of Madison, agreeing to complete the proposed project according to all zoning approvals and in compliance with all other city ordinances, including the zoning code and building code, and shall provide an irrevocable letter of credit in favor of the City of Madison in the amount of 5% of the project cost with terms allowing the city to call the letter if the developer fails to complete the proposed project as described in the Agreement with the City. Calling of the letter of credit acts as liquidated damages for the failure complete the proposed project. The developer will remain fully liable for any violations resulting from his failure to comply with the law, and for any corrections.
32. The Developer shall resolve all outstanding violations as found by the Municipal Court for the properties located at 5 S. Blair St. (605 E. Washington), 15 S. Blair St. and 19 S. Blair St. and shall implement the changes shown on the approved site plan to the satisfaction of the Building Inspection Division Director prior to the issuance of any building permits for the proposed project.
33. The developer shall provide proof of a construction management contract with a contractor who will be responsible for managing the construction of the project.
34. Increase the height of the ground story to a minimum of twelve (12) feet in height. The minimum ground story height is twelve (12) feet measured from the sidewalk to the second story floor. Upper stories shall not exceed fourteen (14) feet floor to floor.
35. 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).
36. Section 28.185(10) Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185 (7)(a)5. shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
37. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
38. Provide a calculation and plan detail for lot coverage with the final submittal. The lot coverage maximum is 75%. Lot coverage is defined as the total area of all buildings, measured at grade, all accessory structures including pools, patios, etc., and all paved areas as a percentage of the total area of the lot, with the following exceptions: sidewalks or paved paths no wider than five (5) feet, pervious pavement, green roofs and decks.
39. 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 31 resident bicycle stalls are required plus a minimum of three (3) 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. Identify and label the locations of the enclosed and surface bicycle stalls on the plans, and show the dimensions of the bike stalls and access aisles. 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 of the proposed bike racks, including any structured or wall mount bike racks.

40. Provide details showing that the primary street façade meets the door and window opening requirements of Section 28.071(3)(e). For street-facing facades with ground story residential uses, ground story openings shall comprise a minimum of fifteen percent (15%) of the façade area, and upper story openings shall comprise a minimum of fifteen (15%) of the façade area per story.
41. Verify the proposed locations of HVAC and mechanical equipment. If rooftop mechanical equipment is proposed, submit a rooftop plan showing the location of any proposed mechanical equipment and screening. All rooftop equipment except for solar and wind equipment shall be screened from view from adjacent streets and public rights-of-way per Sections 28.071(3)(h) and 28.142(9)(d). Screens shall be of durable, permanent materials that are compatible with the primary building materials.
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.

**Please contact Kathleen Kane of the Parks Division at (609) 261-9671 if you have any questions regarding the following five (5) items:**

43. 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# 18147 when contacting Parks about this project.
44. An existing inventory of trees (location, species, & DBH) and any tree removal plans (in PDF format) shall be submitted to the plans and Brad Hofmann – bhofmann@cityofmadison.com or 266-4816. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Approval and permitting of street tree removals shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan.
45. 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 Brad Hofmann – bhofmann@cityofmadison.com or 266-4816. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction –
46. Contractor shall contact City Forestry Brad Hofmann bhofmann@cityofmadison.com or 266-4816 at least one week prior to planting to schedule inspecting the nursery stock and review planting specifications with the landscaper.
47. Existing street trees shall be protected. Please include the following note on the site plan: Contractor

shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266- 4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry prior to the start of construction. 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/2018/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.

**Please contact my office at (608) 243-0554 if you have any questions regarding the following four (4) items:**

48. Prior to final sign-off and issuance of demolition or building permits for the apartment building, proof of financing and executed contracts with construction firms for the entire scope of the project shall be provided for review and approval by the Director of Planning and Community and Economic Development, which shall indicate that the project, once started, can be completed consistent with the approved plans.
49. A Certified Survey Map (CSM) shall be approved and recorded prior to final sign off.
50. No HVAC "wall-pack" penetrations/louvers are shown on the street-facing facades. Unless specifically approved by the Plan Commission, the addition of wall packs on outward-facing walls is not included in this approval and will require approval of an alteration to this conditional use should they be approved at a later time.
51. The final width of the driveway shall be approved by Traffic Engineering prior to final sign off.

**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 obtaining permits for your project:**

1. Please revise your plans per the above conditions and submit **nine (9) 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. 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.
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. 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.
5. No alteration of this proposal shall be permitted unless approved by the Plan Commission, provided, however, the Zoning Administrator may issue permits for minor alterations. No alteration of a conditional use shall be permitted unless approved by the Plan Commission provided, however, the Zoning Administrator following consideration by the alderperson of the district, may approve minor alterations or additions which are approved by the Director of Planning and Community and Economic Development and are compatible with the concept approved by the Plan Commission and the conditional use standards. This approval shall become null and void one (1) year after the date of the Plan Commission unless the use is commenced, construction is under way, or a valid building permit is issued and construction commenced within 6 months of the issuance of said building permit. Where the plans have not been altered from the Plan Commission's approval, and the conditional use has expired, the Director of Planning and Community and Economic Development may, after consultation with the Alderperson of the District, approve an extension for up to 24 months from the expiration date. The Plan Commission shall retain jurisdiction over this matter for the purpose of resolving complaints against the approved conditional use permit.

If you have any questions regarding obtaining your demolition or building permits, please contact the Zoning Administrator at (608) 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 (608) 243-0554.

Sincerely,



Sydney Prusak  
Planner

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

\_\_\_\_\_  
*Signature of Applicant*

\_\_\_\_\_  
*Signature of Property Owner (if not the applicant)*

cc: Brenda Stanley, City Engineering  
Jeff Quamme, Engineering Mapping  
Sean Malloy, Traffic Engineering  
Jenny Kirchgatter, Zoning  
Bill Sullivan, Fire Department  
Sarah Lerner, Parks Division  
Bryan Johnson, Recycling Coordinator

<b>For Official Use Only, Re: Final Plan Routing</b>			
<input checked="" type="checkbox"/>	Planning Div. (Prusak)	<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 checked="" type="checkbox"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input type="checkbox"/>	Metro Transit
<input type="checkbox"/>	Water Utility		