



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
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February 5, 2020

Duane Johnson
Knothe & Bruce Architects
7601 University Avenue, Suite 201
Middleton, Wisconsin 53562

RE: Consideration of a request to rezone 4510 Regent Street and 4513 Vernon Boulevard from SE (Suburban Employment District) to TR-U2 (Traditional Residential–Urban 2 District); and approval demolition permit and conditional uses to allow two office buildings to be demolished and a four-story, 59-unit apartment building to be constructed (Flad Development & Investment Corp). (LNDUSE-2019-00119; ID 58751 and 58489)

Dear Mr. Johnson;

At its January 27, 2020 meeting, the Plan Commission found the standards met and **conditionally approved** your demolition permit and conditional use for 4510 Regent Street and 4513 Vernon Boulevard. At its February 4, 2020 meeting, the Common Council **approved** the rezoning of the parcels to TR-U2. Prior to issuance of demolition or building permits for the project, the conditions of approval in the following sections shall be satisfied:

Please contact Tim Troester of the City Engineering Division at 267-1995 if you have questions regarding the following twenty-three (23) items:

1. The City has sewer capacity limitations on the sewer on Vernon Blvd. The current plans indicate to maximize the flow to the 6-inch lateral on Regent Street. The applicant shall submit calculations for the number of units or drainage fixture units (DFU) count that will drain to Vernon Blvd. The concern is that the lateral connecting to the Vernon Blvd sewer is 8 inches in diameter, so the plumber will most likely drain more fixtures to the Vernon Blvd. side of the property.
2. This area is within a watershed study for flood mitigation and has a known flooding risk. The minimum opening elevations for structures at the corner of Segoe and Regent shall be a minimum of two feet above the adjacent sidewalk elevation. The stated elevation is intended to be protective but does not guarantee a flood-proof structure. The developer/owner are strongly encouraged to complete their own calculations and determine an elevation that protects their property to a level of service that they are comfortable.
3. Per MGO Section 37.09(3)(d)(6), for development within the University/Midvale watershed, the applicant shall provide 0.06 acre-feet of detention per acre of proposed impervious area.

4. This area is known to have a high groundwater table. The applicant shall plan to have a sump pump system and shall be required to connect the discharge of that pump directly to the storm sewer system.
5. Enter into a City / Developer agreement for required infrastructure improvements. The agreement shall be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact the City Engineering Division to schedule the development and approval of the plans and the agreement.
6. Obtain a Permit to Excavate in the Right-of-Way for completing the improvements in the public right of way.
7. Obtain a permanent sewer plug permit for each existing sanitary sewer and storm 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.
8. A Storm Water Maintenance Agreement (SWMA) is required for this project.
9. 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 at 273-5612 of the WDNR 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 CARPC is required for this project to proceed.
10. This zoning approval does not include the approval of the changes to roadways, sidewalks or utilities. 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.
11. The applicant shall construct sidewalk along Regent Street per plans approved by the City Engineer.
12. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service.
13. 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.
14. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE and therefore will be regulated to meet a higher standard.

15. If any earth retention crosses into the City right of way, 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.
16. This project will disturb 20,000 square feet or more of land area and requires 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.
17. 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.
18. 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 WDNR, Madison-Dane County Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit.
19. 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 City Engineering 266-4751 prior to completing the test to document that appropriate measures have been taken to prevent erosion as a result of this testing.
20. Complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by Chapter 37 of the Madison General Ordinances.
21. 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 City Engineering. The Storm Water Management Plan and Report shall include compliance with the following:

Report: Submit prior to plan sign-off, a stormwater management report stamped by a PE 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.

TSS Redevelopment with TMDL: Reduce TSS by 80% off of the proposed development when compared with the existing site.

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.

22. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the City Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
23. 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 266-4097 if you have any questions regarding the following five (5) items:

24. The Public Utility Easement crossing this site shall be partially released by the City of Madison by separate document prepared by City Office of Real Estate Services. Contact Jeff Quamme of Engineering Mapping (jrquamme@cityofmadison.com, 266-4097) to coordinate the Real Estate project, and associated information and fees required. The recorded releases of the easement area from the Private Public Utility Companies serving this site will be required prior to the City releasing the easement. This release is required prior to recording of the Certified Survey Map, acknowledgement of the release and document number shall be noted on the face of the Certified SurveyMap.
25. Any additional right of way shall be dedicated or public sidewalk easement granted as required by Traffic Engineering on the pending Certified Survey Map. Contact Jeff Quamme (jrquamme@cityofmadison.com) for any required language for the easement.
26. The address of the proposed apartment building is 205 N Segoe Road. 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.
27. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD), the new parcel data created by the Assessor's Office and the parcel data available to Zoning and Building Inspection staff prior to issuance of building permits for new construction.
28. Submit a floorplan in PDF format to Lori Zenchenko (lzenchenko@cityofmadison.com) that includes a floorplan 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 Addressing 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 266-5987 if you have any questions regarding the following ten (10) items:

29. The applicant shall dedicate right of way or grant a public sidewalk easement 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 Regent Street.
30. 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.
31. 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.
32. 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.
33. All parking facility design shall conform to the standards in MGO Section 10.08(6).
34. All bicycle parking adjacent pedestrian walkways shall have a two-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
35. Per MGO Section 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.
36. All parking ramps as the approach the public right of way shall not have a slope to exceed five (5) percent 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.
37. The driveway slope to the underground parking is not identified in the plan set. Traffic Engineering recommends a driveway slope under 10 percent; if the slope is to exceed 10 percent, the applicant

shall demonstrate inclement weather mitigation techniques to provide safe ingress/egress to be approved by the City Traffic Engineer.

38. All existing driveway approaches which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.

Please contact Jacob Moskowitz, Assistant Zoning Administrator, at 266-4560 if you have any questions regarding the following five (5) items:

39. 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 (266-4682). Section 28.185(10) requires that 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. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
40. Show the east side yard setback distance measured to the trash room and balconies. The east side yard setback is a minimum of 10 feet. The balconies and trash room may not encroach into the side yard setback.
41. Show the west side yard setback distance as measured to the covered porches and balconies. The west reverse corner side yard setback is a minimum of 12 feet. The porches and balconies may not encroach into the reverse corner side yard setback.
42. Show the area wells on the landscape plan and adjust the foundation plantings to account for the area wells. 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 10,000 square feet in size must be prepared by a registered landscape architect.
43. 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 Bill Sullivan of the Madison Fire Department at 261-9658 if you have any questions regarding the following two (2) items:

44. MFD does not object provided the project complies with all applicable provisions of Madison General Ordinances, the International Building Code and the International Fire Code, particularly aerial access and exit enclosure construction.
45. Please consider allowing the Madison Fire Department to conduct training sequences prior to demolition. Contact Division Chief Paul Ripp to discuss this possibility at pripp@cityofmadison.com or 712-6277.

Please contact Adam Wiederhoeft of the Madison Water Utility at 266-9121 if you have any questions regarding the following two (2) items:

46. The Madison Water Utility shall be notified to remove the water meters at least two working days prior to demolition. Contact the Water Utility Meter Department at 266-4765 to schedule the meter removal appointment.
47. The proposed development may require the installation of a fire protection/automatic sprinkler system (see also Madison Fire Department review comments); subsequently, a higher capacity water service lateral may be required to meet required flow rates. If a new water service will be required, contact Madison Water Utility Engineering Section to evaluate service connection options, confirmation of water meter size, or any applicable customer account revisions.

Please contact Tim Sobota of Metro Transit at 261-4289 if you have any questions regarding the following item:

48. In coordination with public works improvements, the applicant shall install and maintain a concrete boarding pad at the existing Metro bus stop on the east side of N Segoe Road, north of Regent Street (#2219). 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 Sarah Lerner of the Parks Division at 261-4281 if you have any questions regarding the following three item:

49. 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 West Park-Infrastructure Impact Fee district. Please reference ID# 19053 when contacting Parks Division staff about this project.

Please contact Brad Hofmann of the Parks Division–Forestry Section at 267-4908 if you have any questions regarding the following three (3) items:

50. 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 prior to the approval of the site plan.
51. 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. Tree protection specifications can be found in Section 107.13 of *City of Madison Standard Specifications for Public Works Construction*. Any

tree removals that are required for construction after the development plan is approved will require at least a 72-hour waiting period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan.

52. Additional street trees are needed for this project. All street tree planting locations and tree 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*.

Please contact my office at 261-9632 if you have any questions regarding the following six (6) items, including the conditions (#54-58) added by the Plan Commission on January 27, 2020:

53. Any proposed HVAC or utility penetrations for the building shall not face a public right of way. 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. No utility or HVAC pedestals or penetrations, including HVAC wall packs for units, and gas meters or electric meters for buildings/units shall be permitted without specific approval by the Plan Commission.
54. The applicant should be required to protect the tree ball/roots for the large oak tree along Regent Street at the eastern property boundary.
55. Parking of construction workers should be required to be at a remote location and not on any residential streets in our neighborhood.
56. Incorporation of the sustainability measures submitted by John Flad with the Planning staff, including, but not limited to, the installation of infrastructure for solar equipment at a future date.
57. Construction site lighting should be controlled after hours so that it does not affect residents in adjoining residential properties, with these lights being controlled to avoid spill over.
58. As there are residential properties adjoining this site to the west and southwest, there should be no waivers of the 7:00 AM limitation on construction noise.

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. After the plans have 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 017, 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 Zoning staff to the City department staff listed above for their final approval.

2. 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]
3. 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 six (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 twelve (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 266-4551. If you have any questions or if may be of any further assistance, please do not hesitate to contact my office at 261-9632.

Sincerely,

Timothy M. Parks
Planner

cc: Tim Troester, City Engineering Division
Jeff Quamme, City Engineering Division
Sean Malloy, Traffic Engineering Division
Jacob Moskowitz, Asst. Zoning Administrator
Bill Sullivan, Madison Fire Department
Adam Wiederhoeft, Madison Water Utility
Tim Sobota, Metro Transit
Sarah Lerner, Parks Division
Brad Hofmann, Parks Division

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 Applicant)*

LNDUSE-2019-000119			
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 (EP)	<input checked="" type="checkbox"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input checked="" type="checkbox"/>	Other: Forestry Section
<input checked="" type="checkbox"/>	Water Utility (EP)	<input checked="" type="checkbox"/>	Other: Metro Transit