



Department of Planning & Community & Economic Development

## Planning Division

William Fruhling, Interim Director

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

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

July 5, 2024

Kevin Burow  
Knothe & Bruce Architects  
8401 Greenway Boulevard, Suite 900  
Middleton, Wisconsin 53562

RE: Consideration of a demolition permit for 515 N Whitney Way to demolish a one-story office building; consideration of a request to rezone 515 N Whitney Way from Neighborhood-Mixed-Use District) to TSS (Traditional Shopping Street District); and consideration of a conditional use in the [Proposed] Traditional Shopping Street (TSS) District for a multi-family dwelling with greater than 36 units and consideration of a conditional use in the TSS District for a building taller than three stories and 40 feet, to allow construction of a five-story, 40-unit apartment building. (John Flad, Flad Development & Investment Corp.) (LNDUSE-2024-00027; ID 82948, 83476 and 82949)

Dear Kevin,

On June 18, 2024, the Common Council **approved** your request to rezone 515 N Whitney Way from NMX to TSS. On June 10, 2024, the Plan Commission recommended approval of the rezoning and **approved** your demolition permit and conditional use requests subject to approval of the rezoning and the conditions in the following sections, which shall be satisfied prior to final approval of the project and the issuance of any permits.

**Please contact Tim Troester of the City Engineering Division at (608) 267-1995 if you have any questions regarding the following thirteen (13) items:**

1. Obtain a permit to Excavate in the Right-of-Way for completing the improvements in the public right of way.
2. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to City Engineering Division 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.
3. 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.
4. An Erosion Control Permit is required for this project.

5. A Storm Water Management Report and Storm Water Management Permit is required for this project.
6. A Storm Water Maintenance Agreement (SWMA) is required for this project.
7. This site appears to disturb less than one (1) acre of land. No submittal to the Wisconsin Department of Natural Resources (WDNR), Capital Area Regional Planning Commission (CARPC), or Department of Safety and Professional Services (DSPS) is required as the City of Madison Building Inspection Division is an approved agent for DSPS.
8. 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.
9. 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.
10. This project will disturb 4,000 square feet or more of land area and requires 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.
11. 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.
12. 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 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.

This site is a mix of redevelopment and new development stormwater standards.

Detain the 2-, 5-, 10-, 100-, and 200-year storm events, matching post development rates to predevelopment rates and using the design storms identified in MGO Chapter 37.

By design, detain the 10-year post construction design storm such that the peak discharge during this event is reduced 15% compared to the peak discharge from the 10-year design storm in the existing condition of the site. Further, the volumetric discharge leaving the post development site in the 10-year storm event shall be reduced by 5% compared to the volumetric discharge from the site in an existing condition during the 10-year storm event. These required rate and volume reductions shall

be completed, using green infrastructure that captures at least the first half inch of rainfall over the total site impervious area. If additional stormwater controls are necessary beyond the first half inch of rainfall, either green or non-green infrastructure may be used..

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.

13. 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).

**Please contact Jeff Quamme of the City Engineering Division–Mapping Section at (608) 266-4097 if you have any questions regarding the following six (6) items:**

14. There is a timber retaining wall along the south line of this site up to the property line. The owner shall provide an agreement/easement addressing the future maintenance and repair of this wall with the adjacent property owner.
15. Note: There is a gravel path crossing the southeast corner of this site. The owner is solely responsible to determine and coordinate with the adjacent properties for any rights that may exist for the use of the current path.
16. There is grading and new retaining wall construction proposed along the easterly line of this site. The owner/ contractor shall coordinate the grade change and construction of the retaining wall within the existing utility easement. The retaining wall proximity to the property line may also require an agreement with the adjacent property owner for the construction, maintenance, and future replacement of the retaining wall.
17. The address of the proposed apartment building is 5033 Old Middleton 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.
18. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds, 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 or an early start permit.
19. 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 indicating the number of apartments on each floor. 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 Addressing Plan shall be included in said Site Plan Verification application materials. Per Section 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 Sean Malloy of the Traffic Engineering Division at (608) 266-5987 if you have any questions regarding the following fourteen (14) items:**

20. The applicant shall submit for review a waste removal plan for approval by the City Traffic Engineer, which shall include vehicular turning movements.
21. 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.
22. 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.
23. 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.
24. All parking facility design shall conform to the standards in MGO Section 10.08(6).
25. All bicycle parking adjacent pedestrian walkways shall have a two (2)-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
26. 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.
27. The applicant shall adhere to all vision triangle requirements as set in MGO Section 27.05 (no visual obstructions between the heights of 30 inches and 10 feet 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.

28. 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 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 City of Madison Traffic Engineering office with final plans for sign-off.
29. 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.
30. 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.
31. 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.
32. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
33. Note: This site presents difficult constructability issues. Access to neighboring sites must be maintained at all times, protected walkways shall be constructed and maintained as soon as possible and little to no access to the public right of way on Old Middleton Road and N Whitney Way will be granted for construction purposes. Provide a detailed construction plan to the Traffic Engineering Division for review prior to final sign-off.

**Please contact Jacob Moskowitz, Assistant Zoning Administrator, at (608) 266-4560 if you have any questions regarding the following three (3) items:**

34. 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.
35. 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 streets@cityofmadison.com 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 60 days of completion of demolition. A demolition or removal permit is valid for two (2) years from the date of the Plan Commission approval.
36. Provide details demonstrating compliance with the bird-safe glass requirements in Section 28.129. For building façades where the first 60 feet from grade are comprised of greater than or equal to 50% glass, at least 85% of the glass must be treated. Of all glass areas over 50 square feet, any glass within

15 feet of a building corner must be treated. Identify which glass areas are 50 square feet or greater and which glass areas will be treated. Provide a detail of the specific treatment product that will be used.

**Please contact Matt Hamilton of the Madison Fire Department at (608) 266-4457 if you have any questions regarding the following item:**

37. Per IFC D105.3: Aerial access to be parallel to the building. The north aerial access shown does not meet this requirement. Provide revised fire access plan meeting IFC and MGO Chapter 34 requirements.

**Please contact Trent W. Schultz of the Parking Division at (608) 246-5806 if you have any questions regarding the following item:**

38. The applicant shall submit a Transportation Demand Management (TDM) Plan to [tdm@cityofmadison.com](mailto:tdm@cityofmadison.com). The TDM Plan is required per MGO Section 16.03. Applicable fees will be assessed after the TDM Plan is reviewed by staff.

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

39. 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# 24024 when contacting Parks Division staff about this project.

**Please contact Jeff Belshaw of the Madison Water Utility at (608) 261-9835 if you have any questions regarding the following three (3) items:**

40. This property is in a Wellhead Protection District–Zone (WP-14). The applicant shall provide the Madison Water Utility with confirmation that no hazardous and/or toxic materials will be stored on site, and that all proposed uses of this site comply with the City of Madison Wellhead Protection Ordinance. Any future change in use for this property will require review by the Madison Water Utility General Manager or his designated representative. Contact Sarah Scroggins at [Sscroggins@madisonwater.org](mailto:Sscroggins@madisonwater.org) for additional information, including a summary of the submittal requirements.

41. The utility plan indicates connecting to an existing 8-inch water service that does not exist. Update the utility plan to show a new connection to the water main in the right of way.

42. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days' notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumbers-contractors>); otherwise, they may be obtained from the Water Utility Main Office at 119 E Olin Avenue. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. A Water Meter Application Form will subsequently be required to size & obtain a water meter

establish a Water Utility customer account and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

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

43. 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.
44. 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.
45. City Forestry will issue a street tree removal permit for one spruce tree due to construction conflicts along the Old Middleton Road frontage. There are two dead Ash trees City Forestry will be removing before the project. 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.
46. 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*. 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.**

**A letter containing the conditions of approval for the related Certified Survey Map for the project will be sent separately.**

**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 [srapapplications@cityofmadison.com](mailto:srapapplications@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 one (1) year 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](mailto:tparks@cityofmadison.com).

Sincerely,

*Timothy M Parks*

Timothy M. Parks  
Planner

cc: Tim Troester, City Engineering Division  
Jeff Quamme, City Engineering Division  
Sean Malloy, Traffic Engineering Division  
Trent Schultz, Parking Division  
Jacob Moscovitz, Asst. Zoning Administrator  
Ann Freiwald, Parks Division  
Matt Hamilton, Madison Fire Department  
Jeff Belshaw, Madison Water Utility  
Bradley Hofmann, Forestry Section

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)*

<b>LNDUSE-2024-00027</b>			
<b>For Official Use Only, Re: Final Plan Routing</b>			
<input checked="" type="checkbox"/>	Planning Div. (T. Parks)	<input checked="" type="checkbox"/>	Engineering Mapping Sec.
<input checked="" type="checkbox"/>	Zoning Administrator	<input checked="" type="checkbox"/>	Parks Division
<input checked="" type="checkbox"/>	City Engineering	<input 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 checked="" type="checkbox"/>	Other: Forestry Section
<input checked="" type="checkbox"/>	Water Utility	<input type="checkbox"/>	Other: