



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

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

February 14, 2023

Dan Johns
Office of Real Estate Services/CDA Redevelopment
215 Martin Luther King, Jr. Blvd #300
Madison, WI 53701

RE: Consideration of a demolition permit in order to raze a two-family residence and 2) consideration of a Zoning Text Amendment to rezone the approximately 0.24 acres of property from the SR-C3 (Suburban Residential-Consistent 3) District to the SR-V1 (Suburban Residential-Varied 1) District - all in order to construct a building with three single-family attached dwellings at 1401-1403 Theresa Terrace. (LNDUSE-2022-00118; IDs [74910](#) and [75181](#))

Dear Dan;

On February 7, 2023, the Common Council found the standards met and **conditionally approved** your client's request to rezone 1401-1403 Theresa Terrace from SR-C3 to SR-V1. On January 23, 2023, the Plan Commission found the standards met and **approved** your client's demolition permit request for 1401-1403 Theresa Terrace. Prior to issuance of demolition or building permits for your project, the conditions of approval in the following sections shall be satisfied:

Please contact Tim Troester of the City Engineering Division at (608) 267-1995 if you have any questions regarding the following four (4) items:

1. Per the recommendation of City Engineering, the applicant has agreed to install a sump pump system. Discharge shall be to the NS swale in the back yard. Further the NS swale shall be maintained and relocated a minimum of 15' from the foundation of the proposed building.
2. Obtain a permit to Excavate in the Right-of-Way for completing the improvements in the public Right-of-Way. The permit application is available on the City Engineering Division website at <http://www.cityofmadison.com/engineering/Permits.cfm>. As a condition of the permit a deposit to cover estimated City expenses will be required.
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. The procedures and fee schedule is available online at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
4. Serve each unit of a triplex building by a separate and independent sanitary sewer lateral or put in place an ownership/maintenance agreement (recorded) prior to plan approval. (Policy)

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

5. This parcel is Westvale Condominium No 1. The condominium will need to be terminated or amended.
6. The site plan places the dwelling and parking structure right at minimum setbacks and immediately adjacent to the utility easements. It is recommended to add cushion to the placement of the structures by several inches inside of the minimum setbacks and to have the property surveyed by a professional land surveyor to assure the proper placement of the structures.
7. There isn't enough addressing room to have each townhouse have their own individual address. The addresses for the townhouses are 1401 Theresa Ter # 101, 103 & 105 (north to south). 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.

Please contact Jenny Kirchgatter, Assistant Zoning Administrator at (608) 266-4429 if you have questions about the following two (2) items:

8. 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 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's approval.
9. Following approval of the demolition, a permitted use site plan review will be required for the proposed three-unit single-family attached dwelling and accessory building.

Please contact Bill Sullivan of the Madison Fire Department at (608) 261-9658 if you have any questions regarding the following item:

10. Install fire sprinkler protection in accordance with NFPA 13D. Either a dedicated sprinkler system or a multi- purpose piping system domestic/fire are both acceptable.

Please contact Ann Freiwald of the Parks Division at (608) 243-2848 if you have any questions regarding the following three (3) items:

11. 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# 22056 when contacting Parks about this project.
12. Pursuant to the authority established under Wis. Stat. § 66.0617(7), and in the interests of promoting the development of low-cost housing in the City, low-cost housing is exempt from the park impact fees beginning January 1, 2017. This exemption only applies to those dwelling units or bedrooms within a development that are determined to be low-cost housing. This exemption does not extend to the land dedication requirements set forth under Sec. 16.23(8)(f), MGO, nor any other impact fees that may apply to a development.

13. The park impact fee will be exempt for developments that meet the “low-cost housing” requirements, as defined as rental or owner-occupied housing units that are affordable, as that term is defined in Sec. 4.22(2), MGO, and which meet the deed restriction requirements of Sec. 4.22(7). The determination whether a proposed development will create low-cost housing, and how much low-cost housing it will create, shall be made by the Community Development Division.

Please contact Brandon Sly of the Forestry Section at (608) 266-4816 if you have any questions regarding the following seven (7) items:

14. 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.
15. 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.
16. Contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. Contractor shall operate equipment in a manner as to not damage the branches of the street tree(s). This may require using smaller equipment and loading and unloading materials in a designated space away from trees on the construction site. Any damage or injury to existing street trees (either above or below ground) shall be reported immediately to City Forestry at (608) 266-4816. Penalties and remediation shall be required. Add as a note on the site, grading, utility, demolition, and street tree plan set.
17. As defined by the Section 107.13 of City of Madison Standard Specifications for Public Works Construction: No excavation is permitted within 5 feet of the trunk of the street tree or when cutting roots over 3 inches in diameter. If excavation is necessary, the Contractor shall contact Madison City Forestry at (608) 266-4816 prior to excavation. City of Madison Forestry personnel shall assess the impact to the tree and to its root system prior to work commencing. Tree protection specifications can be found on the following website: <https://www.cityofmadison.com/business/pw/specs.cfm> Add as a note on the site, grading, utility, demolition and street tree plan sets.
18. Section 107.13(g) of City of Madison Standard Specifications for Public Works Construction (website: <https://www.cityofmadison.com/business/pw/specs.cfm>) addresses soil compaction near street trees and shall be followed by Contractor. The storage of parked vehicles, construction equipment, building materials, refuse, excavated spoils or dumping of poisonous materials on or around trees and roots within five (5) feet of the tree or within the protection zone is prohibited. Add as a note on both the site and street tree plan sets.

19. On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on both the site and street tree plan sets.
20. Street tree pruning shall be coordinated with City Forestry at a minimum of two weeks prior to the start of construction for this project. Contact City Forestry at (608) 266-4816. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on both the site and street plan sets.

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

21. Dwellings shall have separate water services, curb stops, lines and meters. The water service may be split in the terrace, with separate curb stops, lines and meters.
22. Upon development, a separate water service lateral and water meter will be required to serve each parcel. The water laterals shall be directly connected to the public water main with the shut-off valve located in the public right-of-way (per PSC 185.52 (2)). A water lateral is not required if the parcel remains undeveloped.
23. Submit a Site Utility plan indicating how each new townhome will be provided water service.
24. 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 Ave. 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.

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

Demolition activities may not proceed until raze permits have been issued for the approved project. Permits will not be issued until the applicant has met all of the conditions of approval stated in this letter. The future use of the property may require approvals not included with this Plan Commission action.

Please now follow the procedures listed below for obtaining permits for your project:

1. Section 28.185(7)(a)5 requires that if a demolition or removal permit is approved, it shall not be issued until a reuse and recycling plan is approved by the Recycling Coordinator. 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. Per Section 28.185(9)(a), a demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
2. After the plans have been revised per the above conditions, please **one (1) complete digital plan set in PDF format** of complete, fully dimensioned, and to-scale plans; the appropriate site plan review application and [site plan review fee pursuant to Section 28.206](#) of the Zoning Code; and any other documentation requested herein to the Zoning Administrator at sprapplications@cityofmadison.com. (Note that that an individual email cannot exceed 20MB and it is the responsibility of the applicant to present files in a manner that can be accepted. Please email sprapplications@cityofmadison.com regarding questions or if you need alternative filing options. 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.
3. The [site plan review fee pursuant to Section 28.206](#) can be mailed in, dropped in the drop box at the Madison Municipal Building, or you can make an appointment at the Zoning counter to pay the fee. Checks should be made out to "City Treasurer." If you mail in the check, please include the application form with the project address and contact information. Zoning staff typically suggest making an appointment with the Zoning counter to pay the fee as they are the quickest.
Mailing Address: City of Madison Building Inspection. P.O. Box 2984. Madison, WI 53701-2984
Zoning Counter Appointment: <https://www.cityofmadison.com/dpced/bi/schedule-a-counter-appointment/3423/>
4. 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.
5. 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.

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) 261-9135.

Sincerely,



Chris Wells
Planner

LNDUSE-2022-00119			
For Official Use Only, Re: Final Plan Routing			
☒	Planning Div. (Wells)	☒	Engineering Mapping Sec.
☒	Zoning Administrator	☒	Parks Division
☒	City Engineering	☐	Urban Design Commission
☐	Traffic Engineering	☒	Recycling Coord. (R&R)
☒	Fire Department	☒	Forestry
☒	Water Utility	☐	Metro Transit

cc: Timothy Troester, Engineering Division
Jeff Quamme, Engineering Division – Mapping Section
Jenny Kirchgatter, Zoning Administrator
Bill Sullivan, Fire Department
Ann Freiwald, Parks Division
Brandon Sly, Forestry
Jeff Belshaw, Water Utility
Bryan Johnson, Streets Division