



Department of Planning & Community & Economic Development

## Planning Division

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December 17, 2015 – (REVISED to correct errors in Engineering Conditions in November 3 Letter)

J. Randy Bruce  
Knothe and Bruce Architects  
7601 University Ave., #201  
Middleton, WI 53562

RE: Approval of demolition of a commercial building and a conditional use for construction of a four-story mixed-use building with 30 dwelling units and ground floor commercial space.

Dear Mr. Bruce:

At its November 2, 2015 meeting, the Plan Commission found the standards met and **approved** your client's request to demolish a commercial building for construction of a mixed-use building at 2087 Atwood Avenue. In order to receive final approval of the demolition and conditional use, and for any necessary permits to be issued for your project, the following conditions shall be met:

**Please contact my office at 266-5974 if you have any questions regarding the following 3 items:**

1. Within the same overall square footage, the applicant is encouraged to diversify the unit mix to include two and three-bedroom units in the final plans submitted to staff for review and approval.
2. Bicycle stalls shown in the public right-of-way require a "privilege in streets" permit from City Real Estate. Should this not be granted, the required number of bicycle stalls for residential visitors and commercial customers shall be placed on the subject property to be approved by staff.
3. Elevation drawings submitted for staff review and approval shall include a detailed materials schedule with specifications and colors

**Please contact Brenda Stanley, City Engineering at 266-4537 if you have any questions regarding the following 24 items:**

4. Applicant shall be required to enter into a developer's agreement to relocate the existing storm sewer out from under the proposed building. The applicant shall meet with the City Engineer to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project. (MGO 16.23(9)c).
5. The applicant shall grant the City a new easement over the relocated storm sewer and upon completion of that the City shall release any existing easement that may exist.
6. Sheet C2.1 verify placement/label of residential entrance and retail entrance.

7. The base address of the apartments is 2081 Atwood Ave. The address of the commercial space is 2083 Atwood Ave.
8. Applicant shall grant a Public Storm Sewer Easement for the relocated public storm sewer and a public drainage easement through the site for an emergency overflow route from Atwood Avenue to Eastwood Drive. Coordinate location and widths of easements required with City Storm Water Engineering staff. If any portion of the easements required are outside the exterior boundary of the pending Certified Survey, a separate City of Madison Real Estate Project will be required to draft and record a separate document to be referenced on the CSM.
9. The Site Plan indicates expanded parking lot pavement areas that will encroach into the Eastwood Drive right of way. The Applicant shall confirm any other portions of the private site improvements that will encroach into the adjacent right of ways. Applicant shall make an application with City of Madison for a privilege in streets administered by the City of Madison Office of Real Estate Services. Use the following link for application information:  
<http://www.cityofmadison.com/developmentcenter/landdevelopment/streetencroachment.cfm>

An approval of the development does not constitute or guarantee approval of any encroachments within a public right of way.

10. The access around Monty's Blue Plate to the east of this site is proposed to be modified. The ingress-egress easement per Doc No. 2241532 shall be amended to address these changes and the recording information shown on the pending CSM.
11. All outstanding Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4))
12. 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. NOTE: As of January 1, 2013 new plugging procedures and permit fees go into effect. The new procedures and revised fee schedule is available on line at: <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14)).
13. 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 (POLICY).
14. 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.
15. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in the ROCK RIVER TMDL ZONE and by Resolution 14-00043 passed by the City of

Madison Common Council on 1/21/2014. You will be expected to meet a higher standard of erosion control than the minimum standards set by the WDNR.

16. The Applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including:
  - a) SLAMM DAT files
  - b) RECARGA files
  - c) TR-55/HYDROCAD/Etc
  - d) 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)).
17. 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.
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. Complete an erosion control plan and 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.
20. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction (POLICY).
21. All work in the public right-of-way shall be performed by a City licensed contractor (MGO 16.23(9)(c)5 and MGO 23.01).
22. All damage to the pavement on Atwood Ave., adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link: <http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY).
23. 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.
24. Submit a PDF of all floor plans to [lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com) so that a preliminary interior addressing plan can be developed prior to plans being submitted for permit review. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during, or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal.
25. 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.

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26. The site plan (C-1.1) shall show and label distinctly on the plan the location and document information of all easements that benefit and encumber this site.
27. The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.

**Please contact Bill Sullivan, Fire Department at 261-9658 if you have any questions regarding the following 2 items:**

28. Provide fire apparatus access as required by IFC 503 2012 edition, MGO 34.503, as follows: The site plans shall clearly identify the location of all fire lanes.
29. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Lt Scott Bavery (608) 576-0600.

**Please contact Janet Schmidt, Parks Division, at 261-9658 if you have any questions regarding the following 3 items:**

30. Park impact fees (comprised of the Park Development Impact Fee per MGO Sec. 20.08(2) and the Parkland Impact Fee in lieu of land dedication per MGO Sec. 16.23(8)(f) and 20.08(6)) will be required for all new residential development. The developer must select a method for payment of park fees before signoff of the rezoning request. This development is within the Tenney, Law & James Madison impact fee district (SI26). Please reference ID# 15151 when contacting Parks about this project.
31. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Please submit an existing inventory of trees (location, species, & DBH) and a tree removal plan (in PDF format) to Brian Meiller – bmeiller@cityofmadison.com or 266-4816. 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.
32. 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 -  
<http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part1.pdf>.

**Please contact Eric Halvorson, Traffic Engineering, at 266-6527 if you have any questions regarding the following 7 items:**

33. Modify the colored and stamped concrete to extend from the Right-of-Way at Atwood Avenue to the pedestrian connection at the Right-of-Way on Eastwood Drive.
34. Items in the Right-of-Way are not approvable though site plan approval, work with City Real Estate to get a 'Privilege in Streets' permit for items in the Right-of-Way (bicycle racks, planters, etc.)
35. Thirty underground and 5 surface stalls are provided for 30 residential units and the commercial uses. A condition of this permit shall be that residents of this property will not be eligible for Residential Parking Permits unless the developer reserves at least 30 on-site parking spaces for

residents at all times. Additionally, it is requested that the landlord includes this on tenant's leases and alerts prospective and current tenants to this restriction.

36. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be 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.
37. 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.
38. All parking facility design shall conform to MGO standards, as set in Section 10.08(6).
39. Traffic Engineering will no longer be accepting paper plans; to ensure a timely review all submittals will include an electronic copy (.pdf preferred).

**Please contact Tim Sobota, Metro Transit, at 261-4289 if you have any questions regarding the following 2 items:**

40. Metro Transit operates daily bus service along Atwood Avenue, stopping at the nearby Rusk Street intersection. Additional service operates along Division Street and Winnebago Street, east and west of the project site on Atwood Avenue.
41. The site plan and application do not identify a dedicated pedestrian walkway or other facility - that would give protected access to property residents and visitors travelling between the building entrance that empties into the parking lot, and the public sidewalk and bus stop locations that sit along Atwood Avenue by the exit of the parking lot.

**Please contact Jenny Kirchgatter, Assistant Zoning Administrator at 266-4429 if you have any questions regarding the following 13 items:**

42. A landscaped courtyard is shown between the property at 2059 Atwood Ave and the proposed mixed-use building at 2087 Atwood Ave. A separate approval will be required for these landscape improvements. The final plans shall only show landscaping on the Planned Multi-Use Site at 2087 and 2089 Atwood Ave.
43. The Plan Commission cannot approve the location of the proposed bicycle stalls within the public right-of-way. Privilege in the Street approval is required from the Office of Real Estate Services in order to locate bicycle stalls within the public right-of-way.
44. The existing restaurant operates with an outdoor seating area that has not been approved as a Conditional Use. This use must obtain a separate Conditional Use approval.
45. Section 28.185(7)(a)5. Provide a reuse/recycling plan, to be reviewed and approved by the City's Recycling Coordinator, Mr. George Dreckmann, prior to a demolition permit being issued.
46. Section 28.185(10) of the Madison Zoning Ordinance requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan within sixty (60) days of completion of demolition.

47. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission approval.
48. The properties at 2087 and 2089 are a Planned Multi-Use Site. Site plan compliance is required for the existing building and parking lot at 2089 Atwood Ave as well as the proposed mixed-use building at 2087 Atwood Ave. For the final sign-off, submit a complete plan for both properties including the parking lot, accessible parking, bicycle parking and landscaping for the existing restaurant.
49. Per Sections 28.141(4)(g) and 28.141(11), required bicycle parking shall comply with short and long-term bike parking requirements for both residential and non-residential uses, to be shown on the final plan sets. A minimum of 30 bicycle stalls is required for the residential use. A minimum of 3 short-term resident guest stalls is required plus a minimum of 2 short-term stalls for the commercial use. If the short term stalls are proposed in the public right-of-way, Privilege in the Streets approval is required. Provide a detail of the proposed bike rack.
50. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3), landscape plans for zoning lots greater than 10,000 sq. ft. in size must be prepared by a registered landscape architect.
51. Submit a detail of the trash enclosure. The enclosure area shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet.
52. Submit a roof plan with the final plans showing any proposed mechanical equipment and screening. Per Sections 28.060(2)(f) and 28.142(9)(d), all rooftop mechanical equipment and utilities shall be fully screened from view from any street or residential district.
53. Exterior lighting provided shall be in accordance with City of Madison General Ordinances Section 10.085. Provide an exterior lighting plan and fixture cut sheets, with the final plan submittal.
54. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 of the Madison General Ordinances. Sign permits must be issued by the Zoning Section of the Department of Planning and Community and Economic Development prior to sign installations.

**Please contact Dennis Cawley, Water Utility, at 266-4651 if you have any questions regarding the following 3 items:**

55. All operating private wells shall be identified and permitted by the Water Utility in accordance with MGO 13.21. All unused private wells shall be abandoned in accordance with MGO 13.21.
56. The Madison Water Utility shall be notified to remove the water meter prior to demolition.
57. This property is not in a wellhead protection area.

**Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency. No demolition or building permits shall be issued until the applicant has met all of the conditions of approval stated in this letter.**

**Please now follow the procedures listed below for obtaining your demolition and conditional use permits:**

1. Please revise your plans per the above conditions and submit eleven (11) 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. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting building permit approval.
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. This approval shall become null and void one year after the date of the Plan Commission unless the use is commenced, construction is under way, or valid building permits are issued.

If you have any questions regarding obtaining the demolition and conditional use approval, please contact the Zoning Administrator at 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 266-5974.

Sincerely,

Heather Stouder, AICP  
Planner

cc: Matt Tucker, Zoning Administrator  
 Bill Sullivan, Fire Department  
 George Dreckmann, Recycling Coordinator  
 Brenda Stanley, City Engineering  
 Jeff Quamme, Engineering Mapping  
 Janet Schmidt, Parks  
 Eric Halvorson, Traffic Engineering  
 Tim Sobota, Metro Transit

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

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*Signature of Applicant*

\_\_\_\_\_

*Signature of Property Owner (if not applicant)*

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (H. Stouder)	<input checked="" type="checkbox"/>	Engineering Mapping Sec.
<input checked="" type="checkbox"/>	Zoning Administrator	<input checked="" type="checkbox"/>	Parks Division
<input checked="" type="checkbox"/>	City Engineering	<input checked="" type="checkbox"/>	Metro Transit
<input checked="" type="checkbox"/>	Traffic Engineering	<input checked="" type="checkbox"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input type="checkbox"/>	Real Estate