



Department of Planning & Community & Economic Development

## Planning Division

Heather Stouder, Director

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215 Martin Luther King Jr. Boulevard  
Madison, Wisconsin 53703  
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[www.cityofmadison.com](http://www.cityofmadison.com)

December 14, 2021

Kevin Burow  
Knothe & Bruce Architects  
7601 University Avenue, Suite 201  
Middleton, Wisconsin 53562

RE: Consideration of a request to rezone 216-222 N Midvale Boulevard from SE (Suburban Employment District) to TR-U2 (Traditional Residential–Urban 2 District); consideration of a demolition permit to allow two office buildings at 216 and 222 N Midvale to be razed; and consideration of a conditional use in the [proposed] TR-U2 zoning district to allow construction of a five-story, 72-unit apartment building following demolition of the existing structures (John Flad, Flad Development & Investment Corp.). [LNDUSE-2021-00097; ID 67846, 68351, and 67515]

Dear Kevin;

At its November 22, 2021 meeting, the Plan Commission found the standards met and **conditionally approved** your demolition permit and conditional use for 216-222 N Midvale Boulevard. At its December 7, 2021 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 (608) 267-1995 if you have questions regarding the following twenty-three (23) items:**

1. The area adjacent to this proposed development has been determined by the City Engineering Division to have a known flooding risk. Engineering staff has set the minimum protective lowest entrance elevation opening at an elevation of 898.6. This standard is not intended to be protective in all cases. The developer is strongly encouraged to complete their own engineering analysis to determine and meet a protective elevation which they are comfortable with. In no case shall the protective elevation be set below the minimum threshold determined by the City Engineering Division.
2. Extend storm sewer on the western side to capture drainage along the side property line.
3. The existing inlet on Vernon and Midvale Boulevard appears to be an older style "tub" inlet that likely has a vertical pipe and 90-degree bend. It is likely that inlet will need to be removed and replaced with a standard "H" inlet if it is being utilized to serve the site.
4. 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.

5. Construct sidewalk, terrace, curb and gutter, and asphalt to a plan as approved by City Engineer.
6. 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 sign-off.
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. An Erosion Control Permit is required for this project.
9. A Storm Water Management Report and Storm Water Management Permit is required for this project.
10. A Storm Water Maintenance Agreement (SWMA) is required for this project.
11. 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 (DPS) is required as the City of Madison Building Inspection Department is an approved agent for DPS.
12. Provide the City Engineer with a survey indicating the grade of the existing sidewalk and street and hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. Building entrance grades must be approved by the City Engineer prior to signing off on this development.
13. Revise plan to show the location of all rain gutter down spout discharge locations.
14. 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 100-year design storm that is current in MGO Chapter 37. 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.
15. 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.
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](mailto:meberhardt@cityofmadison.com), or Daniel Olivares (east) at [daolivares@cityofmadison.com](mailto: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, Public Health Madison-Dane County, 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 MGO Chapter 37.
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:
  - Submit prior to plan sign-off, a stormwater management report stamped by a PE 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.
  - Reduce TSS by 80% off of the proposed development when compared with the existing site.
  - If the redevelopment site has proposed impervious cover that exceeds 80% of the existing site impervious cover, the site shall meet the following requirements:
    - Peak Runoff shall be reduced by 15% compared to existing conditions during the 10-year design storm.
    - Run-off volume shall be reduced by 5% compared to the existing conditions during a 10-year design storm.
  - 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](mailto:bstanley@cityofmadison.com) (East) or [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com) (West).

**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:**

24. The addresses of 216 and 222 N Midvale Boulevard will be retired and archived with the demolition of the buildings. The address of the proposed apartment building is 226 N Midvale Boulevard. 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.
25. 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.
26. Submit a floorplan in PDF format to Lori Zenchenko ([lzenchenko@cityofmadison.com](mailto: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 (608) 266-5987 if you have any questions regarding the following fourteen (14) items:**

27. 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.
28. 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.

29. 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.
30. All parking facility design shall conform to the standards in MGO Section 10.08(6).
31. All bicycle parking adjacent pedestrian walkways shall have a two-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
32. All pedestrian walkways adjacent parking stalls shall be seven feet wide to accommodate vehicle overhang, signage and impediments to walkway movements. Any request for variance shall be submitted to and reviewed by the Traffic Engineering Division.
33. 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.
34. 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.). Alterations 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.
35. The applicant shall provide a clearly defined five-foot walkway from the front door to the public right of way 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.
36. 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 DeAndre Newson, (266-4768, dnewson2@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.
37. The driveway slope to the underground parking is not identified in the plan set. Traffic Engineering staff recommends a 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.
38. The applicant shall prepare a Traffic Demand Management Plan (TDMP) to be reviewed and approved by the City Traffic Engineer.

39. All existing driveway approaches which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
40. Note: This site presents difficult constructability issues; access to neighboring sites must be maintained at all times, protected walkways will be constructed and maintained as soon as possible and little to no access to the public right-of-way on N Midvale Boulevard will be granted for construction purposes. Provide a detailed construction plan to the Traffic Engineering Division for review by the Traffic Control Specialist (Mike Duhr) prior to final signoff.

**Please contact Jacob Moskowitz, Assistant Zoning Administrator, at (608) 266-4560 if you have any questions regarding the following four (4) items:**

41. Parking requirements for persons with disabilities must comply with Section 28.141(4)(e). Final plans shall show the required 4 accessible stalls including 1 van accessible stall. A van accessible stall is a minimum of 8 feet wide with an 8-foot wide striped access aisle. Show the required signage at the head of the stalls.
42. Label electric vehicle (EV)-ready and EV-installed spaces on the plans. A total of 9 EV-ready spaces are required, of which 2 must be EV-installed.
43. Provide elevations demonstrating compliance with Sec. 28.129 bird-safe glass requirements.
44. 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.

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

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](mailto:pripp@cityofmadison.com) or 712-6277.

**Please contact Jeff Belshaw of the Madison Water Utility at (608) 261-9835 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 (608) 266-4765 to schedule the meter removal appointment.
47. 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 and 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 Ann Freiwald of the Parks Division at (608) 243-2848 if you have any questions regarding the following item:**

48. 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# 21035 when contacting Parks Division staff about this project.

**Please contact Jeff Heinecke of the Forestry Section at (608) 266-4980 if you have any questions regarding the following three (3) items:**

49. An existing inventory of trees (location, species, & DBH) and any tree removal plans (in PDF format) shall be submitted to the plans and Jeffrey Heinecke – [jheinecke@cityofmadison.com](mailto:jheinecke@cityofmadison.com) or (608) 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.

50. 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.

51. Additional street trees may be 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](mailto: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 (608) 261-9632 if you have any questions regarding the following item:**

52. 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.

**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.**

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

**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. 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 [sprapplications@cityofmadison.com](mailto:sprapplications@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 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 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 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  
 Jacob Moskowitz, Asst. Zoning Administrator  
 Bill Sullivan, Madison Fire Department  
 Jeff Belshaw, Madison Water Utility  
 Ann Freiwald, Parks Division  
 Jeff Heinecke, 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)*

LNDUSE-2021-00097			
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