Department of Planning & Community & Economic Development
Planning Division
Meagan Tuttle, Director

126 S. Hamilton Street
P.O. Box 2985
Madison, Wisconsin 53701-2985
Phone: (608) 266-4635
www.cityofmadison.com

December 12, 2024

Nick Patterson
Sandburg Holdings, LLC
1818 Parmenter Street
Middleton, Wisconsin 53562

RE:

- ID 86025 – Consideration of a demolition permit to demolish a single-family residence at 4303 Portage Road;
- ID 84607 – Consideration of a request to rezone 4303 Portage Road from the Temporary TR-U1 (Traditional Residential-Urban 1) District to the TR-U1 (Traditional Residential-Urban 1) District;
- ID 84010 – Consideration of a conditional use in the [Proposed] Traditional Residential-Urban 1 (TR-U1) District for a multi-family dwelling with greater than 60 units to allow construction of a three-story, 65-unit apartment building at 4303 Portage Road.

  (LNDUSE-2024-00053)

Dear Nick:

On December 10, 2024, the Common Council, meeting in regular session, **approved** the requested zoning map amendment (City legislative ID 84607) at 4303 Portage Road, which proposed to rezone the property from the Temporary TR-U1 (Traditional Residential-Urban 1) District to the TR-U1 (Traditional Residential-Urban 1) District.

On December 2, 2024, the Plan Commission found the standards met and **approved** your demolition permit request for 4303 Portage Road (City legislative ID 86025) and conditional use requests for 4303 Portage Road (City legislative ID 84010).

Prior to issuance of demolition or building permits for your project, the conditions of approval in the following sections shall be satisfied:

Please contact Brenda Stanley of the City Engineering Division–Main Office at (608) 261-9127 if you have questions regarding the following sixteen (16) items:

1. This development is contingent on the extension of the public improvements (storm sewer, sanitary sewer, and water) as outlined in the Developer's Agreement (Private Contract No. 9310) for the project known as 4205 Portage Road CSM Phase 1, which was approved by the Board of Public Works on 8/23/2023 and Council on 9/5/2023 (via Resolution RES-23-00550) (Legistar File 79423).

2. Enter into a City / Developer agreement for the required infrastructure improvements. Agreement to be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact City Engineering to schedule the development and approval of the plans and the agreement. (MGO 16.23(9)c)

3. Construct sidewalk/ path, terrace, curb and gutter and pavement along Portage Road to a plan as approved by City Engineer

4. Construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat/csm. (MGO 16.23(9)(d)). Sanitary Sewer will be required to be extended to the north lot limits on the proposed Vive Drive and Portage Rd.

5. 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)

6. All outstanding City of Madison sanitary sewer connection charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. This property is subject to Sanitary Connection charges for the Portage Ave. Interceptor District $13.30/1000 sf (2024 rate) and the Portage Ave Interceptor Section 22 (rate $87.01/1000 sf of lot area)(8/2024 rate)

7. Provide proof of septic system abandonment from Public Health - Madison and Dane County as a condition of plan approval. Septic System abandonment application is available online at http://www.publichealthmdc.com/environmental/septage/

8. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.

9. A Storm Water Management Report and Storm Water Management Permit is required for this project. See Storm comments for report and permit specific details and requirements.

10. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.

11. This site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR216 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. Information on this permit application is available on line: http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm.

    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.

12. Path shown along the northern property line shall be private. The City will not require a public path with an easement.

13. 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. (POLICY AND MGO 10.29)

14. This project will disturb 20,000 sf or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" 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.

    Demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances 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. The WDNR provided workbook to compute USLE rates can be found online at https://dnr.wi.gov/topic/stormwater/publications.html

    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.

15. 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 Stormwater Management Permit application can be found on City Engineering's website at http://www.cityofmadison.com/engineering/Permits.cfm.

    The Storm Water Management Plan & Report shall include compliance with the following:

    Report: Submit prior to plan sign-off, a stormwater management report stamped by a P.E. 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. (POLICY and MGO 37.09(2))

    Rate Control New Development: Detain the 2, 5, 10, 100, & 200 - year storm events, matching post development rates to predevelopment rates and using the design storms identified in Madison General Ordinances Chapter 37.

    Infiltration: Provide infiltration of 90% of the pre-development infiltration volume.

    TSS New Development: Reduce TSS by 80% (control the 5-micron particle) off of newly developed areas compared to no controls.

    Oil/Grease Control: Treat the first 1/2 inch of runoff over the proposed parking facility and/or drive up window.

    100-year Overflow: The applicant shall demonstrate that water can leave the site and reach the public ROW without impacting structures during a 100-year event storm. This analysis shall include reviewing overflow elevations and unintended storage occurring on site when the storm system has reached capacity.

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.

16. 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 Julius Smith of the City Engineering Division–Mapping Section at (608) 264-9276 if you have questions regarding the following seven (7) items:

17. Provide for review, comprehensive reciprocal easements and agreements including, but not limited to, pedestrian access, landscaping, sanitary sewer, storm sewer and storm management that are necessary to accomplish the land division or site development as proposed prior to final sign off. The document(s) shall be executed and recorded prior to building permit issuance. Note some portions of this easement requirement is based on design that proposes to connect to public and private utilities that do not exist at this time, and there is no guarantee that they will exist on the timeframe that you propose do complete your development. Coordinate with adjacent development or propose revised designs.

18. Coordinate and request from the utility companies serving this area the easements required to serve this development.

19. Identify on the plans the lot and block numbers of recorded Certified Survey Map or Plat.

20. Provide a full and complete legal description of the site or property being subjected to this application on the site plan. Legal description has been provided but is not listed on the site plan.

21. Remove Bike Path connection along the north side of parcel as shown connecting to adjacent parcels shared drive entrance unless such a connection is privately desired and revise shared drive easement to allow for such a path or enter into new agreement/easement with all three parcels to allow for this path.

22. The address of 4303 Portage Rd will be inactivated and archived and moved to historic with the demolition of the house. The address of the proposed apartment building is 4307 Portage Rd. 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.

23. The apartment unit numbers on the submittal are not approved for use. Several apartment numbers are out of sequence.

    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.

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 or a revised plan shall provided for additional review and approval by Engineering.

Per 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 Luke Peters of the Traffic Engineering Division at (608) 266-6543 if you have any questions regarding the following fifteen (15) items:

24. 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.

25. 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.

26. 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.

27. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

28. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.

29. All pedestrian walkways adjacent parking stalls shall be 7 feet wide to accommodate vehicle overhang, signage and impediments to walkway movements. Any request for variance shall be submitted to and reviewed by City Traffic Engineering.

30. Per Section MGO 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.

31. The applicant shall adhere to all vision triangle requirements as set in MGO 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 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.

32. All parking ramps as the approach the public Right-of-Way shall not have a slope to exceed 5% 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.

33. 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.

34. The applicant shall provide a clearly defined 5’ 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.

35. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign at all class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.

36. 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.

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

38. Applicant shall submit for review a waste removal plan. This shall include vehicular turning movements.

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

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

Please contact Jenny Kirchgatter of the Zoning Division at (608) 266-4429 if you have any questions regarding the following nine (9) items:

40. Section 28.185(9)(b) 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)(b) shall submit documents showing compliance with the plan within sixty (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.

41. Verify that the dwelling unit, vehicle parking, and bicycle parking counts are shown consistently through the plan set.

42. Update the useable open space exhibit and calculation to exclude the area within the 15 foot front yard setback area. Usable open space is that portion of a zoning lot, outside of a required front or corner side yard, that is available to all occupants for outdoor use. Usable open space shall not include areas occupied by buildings, driveways, drive aisles, off-street parking, paving and sidewalks, except that paved paths no wider than five (5) feet, and pervious pavement may be included in usable open space. Usable open space may include balconies and roof decks where specified in this ordinance.

43. Provide electric vehicle ready stalls per Section 28.141(8)(e) Electric Vehicle Charging Station Requirements. A minimum of 10% of the parking stalls (6 stalls) must be electric vehicle ready. Identify the locations of the electric vehicle ready stalls on the plans.

44. Bicycle parking for the residential dwelling units shall comply with the requirements of MGO Sections 28.141(4)(g) and 28.141(11) and shall be designated as short-term or long-term bicycle parking. A minimum of 65 resident bicycle stalls are required plus a minimum of 6 short-term guest stalls. Up to twenty-five percent (25%) of bicycle parking may be structured parking, vertical parking or wall mount parking, provided there is a five (5) foot access aisle for wall mount parking. NOTE: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Submit a detail showing the model of bike rack to be installed.

45. Wall mount bicycle stalls are proposed that do not have a 5 foot wide access aisle. Submit a request for a bicycle parking adjustment per Section 28.141(5) including information to support the request.

46. Add a parking lot landscape island to the south row of parking stalls. A planting island shall be located at least every twelve (12) contiguous stalls with no break.

47. 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.

48. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Please contact Matt Hamilton of the Madison Fire Department at (608) 266-4457 if you have any questions regarding the following three (3) items:

49. Provide fire apparatus access as required by IFC 503 2021 edition, MGO 34.503. The site plans shall clearly identify the location of all fire lanes and document hose lays and aerial access if required.

50. 11/14/24 - The revised plans have the building lobby not visible or clear from the street. The main point of entrance for fire dept access should be visible from the street. Provide additional information on access for fire and EMS crews. Signage to be provided and visible from the street. Verify compliance with Lori Zenchenko from Engineering Dept.

51. IBC 1028.5 The exit discharge from Stair #1 shall provide direct and unobstructed access to the public way. A maintained sidewalk should be provided as part of the path to the public way.

Please contact Kathleen Kane of the Parks Division at (608) 261-9671 if you have any questions regarding the following item:

52. 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 North Park-Infrastructure Impact Fee district. Please reference ID# 24043 when contacting Parks about this project.

Please contact Jeffrey Heinecke of the Parks Division–Forestry Section at (608) 266-4890 if you have any questions regarding the following item:

53. As defined by Madison General Ordinance 10.10, City Forestry will assess the full cost of the street tree installation to the adjacent property owner. City Forestry will determine street tree planting sites and tree species type. Street tree planting will be scheduled after there is substantial completion to the development.

Please contact Jeff Belshaw of the Madison Water Utility at (608) 261-9835 if you have any questions regarding the following two (2) items:

54. The developer shall construct the public water distribution system and services required to serve the proposed subdivision plat/CSM per MGO 16.23(9)(d)(3).

55. All public water mains and water service laterals shall be installed by a standard City subdivision contract / City-Developer agreement. Applicant shall contact City Engineering Division to schedule the development of plans and the agreement. See Engineering Division comments for additional information.

Please contact Timothy Sobota of Metro Transit at (608) 261-4289 if you have any questions regarding the following two (2) items:

56. Metro Transit operates daily all-day transit service along Hayes Road near this property - with trips at least every 30 minutes.

57. Metro Transit would initially estimate the following counts of potentially eligible trips towards US Green Building Council/LEED Quality Access to Transit points: 38 Weekday & 36 Weekend. Please contact Metro Transit if additional analysis would be of interest.

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 **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.

2. **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 or use the drop box, please include the application form with the project address and contact information. Zoning staff typically suggest using the drop box or 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

   Drop Box Location: Madison Municipal Building, Doty Street Entrance. 215 Martin Luther King Jr Blvd. Madison, WI 53701-2984

   Zoning Counter Appointment: https://www.cityofmadison.com/dpced/bi/schedule-a-counter-appointment/3423/

3. 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.

4. 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]

5. 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 (608) 266-4551. If you have any other questions or if may be of any further assistance, please do not hesitate to contact my office at cwells@cityofmadison.com or (608) 261-9135.

Sincerely,

Chris Wells
Planner

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 the applicant)

cc: Brenda Stanley, Engineering
Julius Smith, Engineering Division – Mapping Section
Luke Peters, Traffic Engineering
Jenny Kirchgatter, Zoning Administrator
Matt Hamilton, Fire Department
Kathleen Kane, Parks Division
Jeffrey Heinecke, Forestry
Jeff Belshaw, Water Utility
Timothy Sobota, Metro Transit
Bryan Johnson, Streets Division

LNDUSE-2024-00053			
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 Coor. (R&R)
☒	Fire Department	☒	Water Utility
☐	Metro Transit	☒	Forestry
☒	Parking	☐	