



Department of Planning & Community & Economic Development

## Planning Division

Katherine Cornwell, Director

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April 9, 2014

Randy Bruce  
Knothe & Bruce Architects  
7601 University Avenue  
Middleton, WI 53562

RE: Approval to demolish (2) two-family residences, (1) four-unit apartment building, and (1) five-unit apartment building; a conditional use; and a zoning map amendment rezoning the subject properties from DR-1 to UMX at **17-25 North Webster Street and 201 East Mifflin Street**. Approvals will allow for the construction of a 49-unit apartment building.

Dear Mr. Bruce:

At its April 8, 2014 meeting, the Common Council, meeting in regular session approved your client's request for a zoning map amendment rezoning 17-25 North Webster and 201 East Mifflin Street from DR-1 (Downtown Residential-1 District) to UMX (Urban Mixed Use District). At its March 24, 2014 meeting, the Plan Commission, meeting in regular session approved your client's requests for four (4) demolition permits at 17-25 North Webster and 201 East Mifflin Street and a conditional use for a six-story, 49-unit apartment building. The following conditions of approval shall be satisfied prior to final approval and sign-off of the plans and for the issuance of permits.

**Please contact Janet Schmidt, City Engineering Division, at 261-9688 if you have questions regarding the following thirty-two (32) items:**

1. The proposed new building will cross underlying platted lot lines. Current State building code and City building inspection require the underlying platted lot line be dissolved by Certified Survey Map (CSM) prior to issuance of a building permit. A CSM 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.
2. There is an access along the southeast side of this proposed project that is shared with 15 North Webster. This easement shall be amended or released by a recorded document. If the easement is amended, it shall be shown along with recording information on the site plan and required Certified Survey Map. If the easement is released, the recorded release document shall be noted in the title report required with the Certified Survey Map application.

3. Overhead utilities cross portions of this site. All existing easements of record for utilities crossing this site shall be noted on the site plan and required Certified Survey Map. If none exist, easements shall be granted for the applicable utilities, recorded and shown and noted on the site plan and required Certified Survey Map.
4. The final site plans shall contain all the lot line and easement information to match the proposed Certified Survey Map.
5. The address of the proposed apartment building is 27 N Webster St.
6. The applicant shall coordinate with City Engineering and City Traffic Engineering to provide a permanent limited easement for sidewalk purposes on the Certified Survey Map.
7. The applicant shall provide an approximately 3ft wide permanent limited easement along Webster Street to allow for the construction of an 8ft wide sidewalk, as required by the City Engineer.
8. The applicant shall show which trees are to be removed to provide for fire protection and also as anticipated for the construction of the project.
9. Any non-standard improvements in the right of way will require a maintenance agreement. This would include the plantings as proposed on both N. Webster and E. Mifflin Street. Alternatively, revise the plans to remove the plantings and show the terraces as grass.
10. The construction of this building will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City / Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. 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)
11. The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
12. 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.
13. Submit a PDF of all floor plans to [izenchenko@cityofmadison.com](mailto:izenchenko@cityofmadison.com) so that a preliminary interior addressing plan can be developed. 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.
14. The site plan shall include a full and complete legal description of the site or property being subjected to this application.
15. The applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass. (POLICY)

16. The approval of this Conditional Use or PUD does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester. (MGO 16.23(9)(d)(6))
17. The applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The Applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The Applicant shall provide the City Engineer the proposed grade of the building entrances. The City Engineer shall approve the grade of the entrances prior to signing off on this development. (POLICY)
18. 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)
19. The applicant shall provide the City Engineer with the proposed earth retention system to accommodate the restoration. The earth retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system. (POLICY)
20. 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)
21. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl, of the City Parks Department - dkahl@cityofmadison.com or 266-4816. Approval and permitting of any tree removal or replacement shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan. (POLICY)
22. All damage to the pavement on N. Webster Street and E. Mifflin Street, 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 plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used. POLICY AND MGO 10.29
24. 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 7.5-tons per acre per year.

25. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to a) Reduce TSS off of the proposed development by 80% when compared with the existing site and b) 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.
26. The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement. (POLICY)
27. The applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number: a) building footprints, b) internal walkway areas, c) internal site parking areas, d) other miscellaneous impervious areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.), e) right-of-way lines (public and private), f) all underlying lot lines or parcel lines if unplatted, g) lot numbers or the words “unplatted”, h) lot/plat dimensions, i) street names, and all other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred [lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. (POLICY and MGO 37.09(2) & 37.05(4))

28. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2)) PDF submittals shall contain the following information: a) building footprints, b) internal walkway areas, c) internal site parking areas, d) lot lines and right-of-way lines, e) Street names, f) Stormwater Management Facilities, and g) detail drawings associated with stormwater management facilities (including if applicable planting plans).
29. 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... and d) Sediment loading calculations.
30. The applicant’s utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. MGO 37.05(7) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>
31. 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))

32. 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)

**Please contact Eric Halvorson, Traffic Engineering Division, at 266-6572 if you have questions regarding the following six (6) items. Please note that recommended condition 41 (in the Planning Division Staff report dated March 10) regarding compensation to the Parking Utility was removed by the Common Council at their April 8, 2014 meeting upon recommendation of the Plan Commission.**

33. Modify underground parking structure to improve internal circulation; specifically look at the entrance to the parking structure off of E Mifflin St where the current configuration will cause conflicts between ingress and egressing vehicles.
34. This Development not eligible for residential parking program.
35. The applicant shall submit one contiguous plan 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.
36. 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.
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).

**Please contact Pat Anderson, Assistant Zoning Administrator, at 266-5978 if you have questions regarding the following thirteen (13) items.**

39. Sec. 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, Mr. George Dreckmann. (608-267-2626).
40. Sec. 28.185 (10) Every person who is required to submit a reuse and recycling plan pursuant to Sec. 28.185(7)(a)5. shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.

41. Provide a minimum of 54 bike parking spaces (1 per dwelling unit plus one visitor space per 5 required spaces) distributed across the site, both interior of the building and surface locations near entrances. Visitor stalls shall be surface stalls. Work with zoning staff to locate these facilities. Call out and dimension bike stalls. Bike stalls shall be (2) feet by (6) feet and a (5) foot clear access aisle. Provide details of bike rack to be installed. There are various locations in the submitted plans where the dimensional requirements are not being met.
42. Pursuant to Sec. 28.142 (3) Landscape Plan and Design Standards: Landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
43. Parking requirements for persons with disabilities must comply with City of Madison Provide the minimum accessible stalls underground and surface accessible stalls with one being van accessible. General Ordinances Section 28.14 (4) (e) includes all applicable State accessible requirements.
44. 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.
45. Useable open space shall be called out and shown on final plans. Sec. 28.076 (3) (c) provides that useable open space may take the form of at-grade open space, porches, balconies, roof decks, green roofs or other above-ground amenities. UMX requires 10 sq. ft. per bedroom, of the total amount 75% may be on roof decks and balconies and a minimum of 25% at ground level pursuant to sec. 28.140. Call out and dimension UOS on final plans.
46. Provide details and analysis that the project meets the design standards of subject to Section 28.071 (3). Including but not limited to percentage of openings as required in 28.071(3)(e), full color elevations including building materials subject to table 28E-1.
47. Provide matching plans including revised civil plans and site plan showing foundation walls and setbacks on final plan sets.
48. Screening along district boundaries is not being provided, however can be waived by the Plan Commission as part of the Conditional Use approval pursuant to Section 28142 (8).
49. Provide details of the retaining wall along the NE property line
50. Provide building elevations including a detailed cross section of floor to ceiling heights.
51. Combine the lots to legally make one lot via a Certified Survey Map. A property line cannot go through a building without a fire wall down the lot line pursuant to Section 705.1.1 of the International Building Code. CSM shall be approved before sign off of final plans.

**Please contact Bill Sullivan, Madison Fire Department, at 261-9658 to if you have questions regarding the following three (3) items:**

52. Provide fire apparatus access as required by IFC 503 2012 edition, MGO 34.503, as follows:
  - a. The site plans shall clearly identify the location of all fire lanes.

- b. IFC 503 Appendix D105, Provide an aerial apparatus access fire lane that is at least 26-feet wide, with the near edge of the fire lane within 30-feet and not closer than 15 feet from the structure, and parallel to one entire side of the structure, if any part of the building is over 30 feet in height.

53. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Capt Tim Mrowiec (608) 206-7534.
54. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

**Please contact Kay Rutledge, Madison Parks Division, at 266-4714 if you have questions regarding the following six (6) items.**

55. The developer shall pay approximately \$83,044.92 for park dedication and development fees for the new 49 MF units after a credit is given for the 4 duplex units and the 9 MF units that currently exist on these properties. The developer must select a method for payment of park fees before signoff on the demolition, preliminary plat and rezoning. This development is within the Tenney-Law-James Madison park impact fee district (SI26). Please reference ID# 13162 when contacting Parks about this project.
56. 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 Dean Kahl – [dkahl@cityofmadison.com](mailto:dkahl@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.
57. Additional street trees are needed for this project. All street tree planting locations and trees species with the right of way shall be reviewed by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl – [dkahl@cityofmadison.com](mailto:dkahl@cityofmadison.com) or 266-4816. Approval and permitting of tree planting shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part2.pdf>.
58. This development is within the Vilas-Brittingham park impact fee district (SI27). Please reference ID# 13145 when contacting Parks about this project.
59. 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 Dean Kahl – [dkahl@cityofmadison.com](mailto:dkahl@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.
60. The applicant shall provide a detailed site grading plan with all proposed contours for review prior to the final approval of the project; this property is adjacent to Morrison Park.

61. Pruning of trees or shrubs on City property is not permitted without prior written approval from City Forestry.
62. Earthwork or excavation within 5 feet of any tree on City property is not permitted without prior written approval from City Parks.

**Please contact my office at 267-1150 if you have questions regarding the following five (5) items. Note conditions 65-67 were added by the Common Council at their April 8, 2014 meeting upon recommendation by the Plan Commission.**

63. That prior to the issuance of permits, the applicant provides means and methods of construction to avoid potential structural impacts on the Lamp House which is located within very close proximity to where excavation will occur for the underground parking. This information shall be approved by the Planning and Building Inspection Divisions.
64. No building penetrations for "Wall Packs" have been shown and are not considered to be part of this approval.
65. That darker exterior building materials be used to create contrast with the Lamp House, as recommended by the Landmarks Commission.
66. That a conservation easement for green space adjacent to Lamp House be provided, as recommended by the Landmarks Commission.
67. That an interpretive display for public viewing regarding the history of the Lamp House be provided, as recommended by the Landmarks Commission.

**The applicant is also required to satisfy the conditions of approval of the Urban Design Commission prior to the final staff approval of the project and the issuance of building permits. Please contact Al Martin, Urban Design Commission Secretary, at 267-8740 if you have any questions about those conditions.**

**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.**

**Please now follow the procedures listed below:**

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. 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 and property owner (if not the applicant) to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting demolition and/ or building permit approval.
3. Provide a reuse/recycling plan, to be reviewed and approved by the City Recycling Coordinator prior to a demolition permit being issued. Sec 28.12(12)(e) of the Zoning Ordinance requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan. Please note, the owner must submit documentation of recycling and reuse within 60 days of completion of demolition.
4. The Madison Water Utility shall be notified to remove the water meters prior to demolition. This property is not in a Wellhead Protection District. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. The Water Utility will not need to sign off the final plans, and will not need a copy of the approved plans.
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. 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 six 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, after consultation with the Alderperson of the District, approve an extension for up to twenty-four (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 recording this plan or obtaining permits, please call Matt Tucker, Zoning Administrator, at 266-4551. If I may be of any further assistance, please do not hesitate to contact me at 267-1150.

Sincerely,

Kevin Firchow, AICP  
Planner

cc: Janet Schmidt, City Engineering Division  
Eric Halvorson, Traffic Engineering Division  
Bill Sullivan, Madison Fire Department  
Pat Anderson, Zoning  
Kay Rutledge, Parks Division

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (Firchow)	<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"/>	Urban Design Commission
<input checked="" type="checkbox"/>	Traffic Engineering	<input checked="" type="checkbox"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input type="checkbox"/>	Other:

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

\_\_\_\_\_  
*Signature of Applicant*

\_\_\_\_\_  
*Signature of Property Owner (if not the applicant)*