



Department of Planning & Community & Economic Development

## Planning Division

Katherine Cornwell, Director

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June 22, 2015

John Schmied  
JLA Architects  
2418 Crossroads Dr., Ste. 2300  
Madison, WI, 53718

RE: Approval of a demolition permit, conditional use, and rezoning of property at 4103-4119 Portage Road from Agriculture to SR-V2 for the construction of a 276-unit residential building complex.

Dear Mr. Lee:

At its June 16, 2015 meeting, the Common Council **approved** your client's request to rezone property at 4103-4119 Portage Road from A to SR-V2, and affirmed the May 18 Plan Commission approval of the demolition of the single-family home on the property and conditional use for construction of three multifamily residential buildings with a total of 276 dwelling units. In order to receive final approval of the demolition, conditional use, and rezoning, 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 15 items:**

1. Final plans submitted for staff review and approval shall include details for the clubhouse and pool area. Construction of the pool and clubhouse shall begin prior to the issuance for building permits for the easternmost building. Plans shall include details for a community room and small library space (private or public), and a description of the management of the space to include use by neighborhood residents not living on the subject property.
2. In order to reduce the impacts of the proposed buildings to properties to the west, the applicant shall make the following revisions to the westernmost building in final plans submitted for review and approval by the Urban Design Commission (UDC) and staff:
  - a) The setback of the building from Portage Road shall be increased from 15 to 25 feet.
  - b) 30-foot stepbacks of both the third and fourth floors of the building on both the west (Portage Road side) and the east sides of the building shall be incorporated. The setbacks will result in a loss of dwelling units such that the total unit count for the entire site is 276.

*Note: Condition 2(b) is revised based on modifications made by the Common Council on June 16, 2015*
  - c) Appropriate landscaping to include coniferous trees and a decorative fence shall be incorporated along the west side of the building.
3. Landscape plans submitted for review by the UDC shall include existing and proposed landscape elements on the entire property, including vegetation to be maintained south of the environmental corridor.

4. The construction staging plan presented to City Traffic Engineering staff for review shall include a commitment that there shall be no construction vehicles or equipment parked along Portage Road, Hayes Road, or existing DiLoreto Avenue located across Portage Road to the west. Appropriate measures shall be taken to minimize and promptly retrieve any off-site construction waste associated with the project.
5. Each employee on site who is involved in any excavation or site work activities shall receive a letter from the developer that includes the following: "If human remains are found, the disturbance activity must stop immediately and the Wisconsin Historical Society contacted (Wisconsin statute 157.70). Questions should be directed to Chip Brown, 264-6508 or State Archaeologist John Broihahn.
6. The developer shall install 1-2 connections to the public bicycle path in the area close to the clubhouse, once the path is constructed by the City. *Note: This condition was added by the Plan Commission on May 18, 2015.*
7. Final plans submitted for staff review and approval shall include a clear phasing plan to ensure that a portion of the surface parking lot will be constructed in the first phase of the project to support the westernmost building at a parking ratio no less than the parking ratio ultimately approved for the site as a whole.
8. A long term private easement between the three newly proposed lots outlining cross-access and parking agreements to ensure that the westernmost building has long-term surface parking rights shall also be submitted.
9. The applicant shall provide a copy of the lease to be provided to tenants which clearly states the parking available on the site, and notes that on-street parking for guests and additional cars is not available adjacent to the site.
10. Absent a significant increase in the parking ratio, the applicant shall locate a shared car on the site for use by residents.
11. The louvers for HVAC systems for individual units may not face the street, except as shown on fourth floors of each building. In final plans, these louvers shall be colored to match the surrounding building material, and a detail on the louvers shall be provided for staff review.
12. Plans submitted for final approval by staff shall include a management plan for the building including plans for trash management, snow removal, management of parking, management of the shared car on the site, and management of indoor and outdoor common areas.
13. As recommended by the UDC on May 6, 2015, the white window bays shall be removed from the building facades in order to simplify the design.
14. Prior to submitting plans for review and approval by staff, the applicant shall obtain final approval from the UDC and address any UDC conditions of approval.
15. Final plans submitted for review and approval by staff shall maintain a 15-foot setback between each building and the extended DiLoreto Avenue.

**Please contact Janet Schmidt, City Engineering at 261-9688 if you have any questions regarding the following 38 items:**

16. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD) prior to issuance of any building permits for new construction. When the recorded CSM image is available from the ROD, the Assessor's Office can

then create the new Address-Parcel-Owner (APO) data in GEO so that the Accela system can upload this data and permit issuance made available for this new land record.

17. The current three parcels are located in three different school districts. A CSM does not dissolve or change the school districts. The current and/or future CSM parcels should be petitioned to be in one school district. Otherwise, building B1 will be in the Madison School District and buildings A1 and A2 will be in the Sun Prairie School District (and future lots 1, 2 & 3 will be administratively split into 6 parcels to keep land areas in the correct school district boundaries.
18. The storm sewer facilities and bioretention improvements shown within the public right of ways shall be used for treatment of the roadway and public waters only. Upon construction and acceptance these will become publicly owned and maintained. If these improvements are meant to meet requirements for the development of the site, the facilities must be located on the zoning lot.
19. All buildings and outdoor recreational areas shall comply with MGO Chapter 16.23(3)(d) – Highway Noise Land Use Provisions policies and ordinance.
20. The Applicant shall be financially responsible for the cost of sidewalk, 4-feet of pavement, curb and gutter and sidewalk on Portage Road from Hayes Road to Di Loreto Avenue. Additionally, the Applicant shall be financially responsible for the extension of the storm sewer culvert crossing Portage Road to allow the street improvements, and shall be financially responsible for all costs associated with obtaining wetland delineations, WDNR and Army Corp permitting as necessary to extend the culver. The City shall construct the Portage Road improvements under a public works contract in 2016 and will assess the Applicant their proportionate share of the improvements, including costs for staff time, permitting and other costs incurred by the City and associated with the improvements. The Applicant shall sign a waiver of hearing and notice for the proposed public improvement project.
21. City shall construct a bike path through the southern half of the site near the existing sanitary sewer alignment from Portage/Hayes intersection to the NE corner of the property. This path shall also serve as a maintenance access to the existing sanitary sewer system. The City shall pay the cost for this improvement, including any necessary bridging of the existing greenway.
22. The Applicant shall install new public street and sidewalk at Di Loreto Avenue and a cul de sac at the end of Di Loreto Avenue, per the requirements of City Engineering, Traffic Engineering and City Planning. Temporary turnarounds and easements will be required at the end of each phase of construction if the roadway improvements are not fully constructed in the first phase of work for the public improvements. Each phase of work will require a separate developer's agreement.
23. The Applicant shall show the limits of the existing environmental corridor and be aware that an alteration request may be required prior to the project proceeding. Applicant shall show the CARPC approved environmental corridor limit on plan set and CSM.
24. Applicant shall use different line styles or line weights on the plans to show the environmental corridor, wetland, wetland setback, floodway and flood plain.
25. Applicant shall provide the City with a WDNR approved setback approval or delineation by an approved delineator.
26. New public storm sewer easements from the new public street fronting the apartments back to the greenway shall be required. All easements should be coordinated with City Engineering concurrently with the CSM review and approval. Show all proposed easements on the site plans.
27. Applicant shall provide proof of septic system abandonment – permit from Public Health Madison & Dane County.

28. The City has an existing public sanitary sewer running through the property being developed that can be connected to, provided permitting is obtained from the WDNR for the lateral extensions. The alternative is to construct public sanitary sewer within Portage Road.
29. The Applicant shall dedicate an easement for bike path, stormwater conveyance, access, management and maintenance of storm and sanitary sewer facilities over all land south of the north line of the environmental corridor.
30. Provide a 30 foot wide Pedestrian and Bicycle Path Easement along the east side of the CSM adjacent to Interstate 39, 90 & 94, as required by the City Engineer and City Traffic Engineer. The easement may be narrowed to 15 feet in the area near the surface parking at the eastern end of the development site. Contact Jeff Quamme ([jrquamme@cityofmadison.com](mailto:jrquamme@cityofmadison.com)) to coordinate the easement language to be placed on the Certified Survey Map.
31. The Applicant shall acquire a permanent limited easement for public street purposes from the property to the north and convey to the City to allow for the alignment of Di Loreto Avenue to the proposed street. The Applicant shall also acquire temporary limited easements for grading and sloping on the adjacent property to the north as necessary to construct the new public street. If the Developer is unable to acquire and dedicate said public easements, the City may elect to obtain by eminent domain, any such easements with all real estate, land, and reasonable administrative costs related to the City's acquisition of the required easements to be paid for solely by the Developer. All easement documents shall be drafted by and coordinated with the City of Madison Office of Real Estate Services. If eminent domain proceedings are ultimately utilized, applicant's surveying consultant shall provide the information required for City of Madison Engineering staff to prepare all documents required for the proceedings.
32. 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)).
33. Submit a PDF of all floor plans to [zenchenko@cityofmadison.com](mailto:zenchenko@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.
34. This property has deferred assessments for the Portage Avenue Interceptor assessment district that will be due prior to subdivision of the property or prior to any zoning approvals.
35. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass (POLICY).
36. The approval of this Conditional Use 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)).

37. 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).
38. 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).
39. All damage to the pavement on Portage Road, 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).
40. 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.
41. 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).
42. The applicant shall demonstrate compliance with MGO Section 37.07 and 37.08 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.
43. 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> (NOTIFICATION).
44. Lots within this site plan are inter-dependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the site plan and recorded at the Dane Co Register of Deeds (POLICY).
45. Prior to approval, this project shall comply with MGO Chapter 37 regarding stormwater management. Specifically, this development is required to:
  - a) Detain the 2 & 10-year storm events, matching post development rates to predevelopment rates
  - b) Reduce TSS by 80% (control the 5 micron particle) off of newly developed areas compared to no controls
  - c) Provide infiltration in accordance with MGO Chapter 37
  - d) Provide oil & grease control from the first 1/2" of runoff from parking areas

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- e) 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 MGO Chapter 37

Stormwater management plans shall be submitted and approved by City Engineering prior to signoff.

46. 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
  - g) Detail drawings associated with Stormwater Mgmt Facilities (including if applicable planting plans)
47. 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)).

48. This project appears to require construction dewatering. A dewatering plan shall be submitted to City Engineering as part of the Erosion Control Permit.
49. This project appears to require permanent dewatering. A permit to connect to the public stormwater system shall be required from City Engineering. Additionally, a permit for non-storm discharge to the storm sewer system from the City/County Health Department shall be required.
50. 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>.
51. All outstanding Madison Metropolitan Sewerage District (MMSD) are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Schmidt (608-261-9688) 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)).
52. 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).
53. City of Madison Environmental Projects Staff have reviewed the subject site and determined that a Phase I ESA **will** be required of the applicant. The applicant shall provide one (1) digital and one (1) hard copy of an ASTM Phase I ESA prepared by an environmental professional. Staff review of this Phase I ESA will determine if a further investigative Phase II ESA is also required. Please submit any relevant Phase I and Phase II ESAs to Brynn Bemis (608-267-1986, [bbemis@cityofmadison.com](mailto:bbemis@cityofmadison.com)) for further review (MGO 16.23(5)(g)(2)).

**Please contact Eric Halvorson, Traffic Engineering at 266-6527 if you have any questions regarding the following 6 items:**

54. To allow for proper pedestrian movement and prevent encroachment from irregularly parked bicycles or bicycle with trailers, all bicycle racks shall have a 5' backup space.
55. 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.
56. 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.
57. 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.
58. All sidewalks adjacent parking stalls shall be 7' to accommodate vehicle overhang.
59. All parking facility design shall conform to MGO standards, as set in Section 10.08(6).

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

60. Compliant fire access lanes/turn arounds shall be installed for each phase as necessary.
61. 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

**Please contact Kay Rutledge, Parks Division, at 266-4714 if you have any questions regarding the following 2 items:**

62. 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 on the rezoning and conditional use. This development is within the Reindahl fee district (S122). Please reference ID#15120 when contacting Parks.
63. Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right-of-way. Permission for such activities must be obtained from the City Forester, 266-4816.



**Please contact Tim Sobota, Metro Transit, at 261-4289 if you have any questions regarding the following 4 items:**

64. The developer shall provide an accessible pedestrian connection to the existing sidewalk and curb ramps at the intersection of Hayes Road and Portage Road, and the transit stops in that location.
65. Metro Transit operates daily transit service along Hayes Road to the Portage Road intersection (and points north), near the project site. Transit service does not extend north along Portage Road (from Hayes Road towards DiLoreto Avenue and Hanson Road).
66. The right-of-way along Portage Road adjacent the development site does not have improved pedestrian access, and project plans are not clear if new sidewalk would extend all the way south along this frontage to the existing sidewalk and curb ramp at Hayes Road.
67. Metro Transit would encourage the property owner to review if a more direct pedestrian connection might be possible – in coordination with City Engineering, Traffic Engineering and the City Storm Water Utility – that could allow quicker access to the existing transit stops on Hayes Road at and opposite a City Storm Water Utility parcel at 4662 Hayes Road (located roughly 800 feet east of the Portage Road intersection transit stops).

**Please contact Dennis Cawley, Water Utility, at 266-4651 if you have any questions about the following 2 items:**

68. The proposed public water main and water service laterals shall be installed by a standard City of Madison Contract for Subdivision Improvements.
69. This property is not located 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.

**Please contact Matt Tucker, Zoning Administrator at 266-4569 if you have any questions regarding the following 10 items:**

70. The final plans shall include a fully dimensioned site plan.
71. Provide interior parking lot landscaping per Section 28.142(6). A planting island shall be located at least every twelve (12) contiguous stalls with no breaks.
72. Per Sections 28.142(3)(c) and 28.142(4)(e) planting beds or planted areas must contain at least 75% vegetative cover mulched. Mulch shall consist of shredded bark, chipped wood or other organic material installed at a minimum depth of two (2) inches.
73. Provide a minimum bicycle parking spaces for each building distributed as both *Short Term* and *Long Term* bicycle parking, as required per sec. 28.141(4) and 28.141(11). NOTE: A maximum of 25% of the bicycle parking spaces may be structured bicycle parking (wall-mount or ceiling). Identify and dimension the required stalls as well as access aisle on the final plan. NOTE: A bicycle-parking stall is a minimum of two feet by six feet with a five-foot access area.
74. Provide a detail of the bike rack design for both ground mounted and wall or ceiling mounted racks.
75. Submit roof plans with the final plans.
76. Submit floor plans and elevations for the club house building.

77. 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).
78. 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.
79. Sec. 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.

**Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency. No 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 a demolition permit, conditional use permits, and a rezoning of the property:**

1. Please revise the plans per the above conditions and file **twelve (12)** sets of complete, fully dimensioned, and to-scale plans, along with the appropriate site plan review application and fee pursuant to Section 28.206 of the Zoning Code. Also provide any other documentation requested herein with the Zoning Administrator, Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard.
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. The Plan Commission shall retain jurisdiction over this matter for the purpose of resolving complaints against the approved conditional use.

If you have any questions regarding obtaining the demolition, conditional use, and rezoning 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  
 Janet Schmidt, City Engineering  
 Jeff Quamme, Engineering Mapping  
 Eric Halvorson, Traffic Engineering  
 Al Martin, Urban Design  
 Tim Sobota, Metro Transit  
 Kay Rutledge, Parks Division  
 George Dreckmann, Recycling Coordinator  
 Bill Sullivan, Fire Department

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

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*Signature of Applicant*

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*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"/>	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"/>	Real Estate