



Department of Planning & Community & Economic Development

## Planning Division

Katherine Cornwell, Director

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January 21, 2016

Randy Bruce  
Knothe and Bruce Architects  
7601 University Ave  
Middleton, WI 53562

RE: Approval for a rezoning from PD to DR-2, for the demolition of three buildings, and for a conditional use to construct a 46-unit multi-family residential building.

Dear Mr. Bruce:

At its January 19, 2016 meeting, the Common Council **approved** your client's request to rezone property at 427-439 West Mifflin Street from Planned Development (PD) to Downtown Residential 2 (DR-2) to construct a 46-unit multi-family residential building. At its January 11, 2016 meeting, the Plan Commission approved the related demolition and conditional use requests, contingent on Council approval of the rezoning mentioned above. In order to receive final approval of the rezoning, demolition, and conditional use requests, 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 questions related to these 11 items:**

1. Prior to final review and approval by staff, a management plan shall be provided by the applicant including the following elements for the residential building complex:
  - a) Details for management of the underground and surface parking stalls, and an example lease reflecting parking limitations on the site
  - b) Trash management
  - c) Snow removal
  - d) Management of common open spaces
  - e) Plans for move-in and move-out
2. The applicant is encouraged to provide the passive green roof element being contemplated on the third floor rooftop. If it is included, final plans submitted for review and approval by staff shall include associated specifications and a maintenance plan.
3. Final plans submitted for review and approval by staff shall include sufficient bicycle parking on the site to meet zoning requirements for the four buildings in the multi-family residential complex.

*Note: Condition 4 was added by the Plan Commission on January 11, 2016.*

4. Residents shall not be eligible for participation in the Residential Permit Parking Program. The applicant shall inform all potential residents of this restriction. In addition, the applicant shall submit a copy of the document provided to residents noting the above condition.

**Please contact Jeff Quamme, Engineering Mapping, at 266-4097 if you have questions related to the following 6 items:**

5. Applicant shall provide for review reciprocal easements and agreements including, but not limited to, access, parking, bicycle parking, utilities, common areas, storm management and fire lanes that are necessary to accomplish the development as proposed. The document(s) shall then be executed and recorded along with the pending Certified Survey Map and copies provided prior to building permit issuance.
6. The 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).
7. The base address of the proposed 46 unit apartment is 431 W Mifflin St.
8. 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.
9. 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.
10. Submit a PDF of all floor plans to [lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com) so that a preliminary interior addressing plan can be developed prior to plans being submitted for permit review. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during, or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal.

**Please contact Brenda Stanley, City Engineering, at 261-9127 if you have questions related to the following 13 items:**

11. 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)).
12. All outstanding Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff (MGO 16.23(9)(d)(4)).
13. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service (POLICY).
14. 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.

15. The Applicant shall submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division with any private storm and sanitary sewer utilities. The digital CAD file shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the 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) Lot lines or parcel lines if unplatted
  - g) Lot numbers or the words unplatted
  - h) Lot/Plat dimensions
  - i) Street names
  - j) Private on-site sanitary sewer utilities (including all connections to public sanitary)
  - k) Private on-site storm sewer utilities (including all connections to public storm)

All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email CAD file transmissions are preferred to: [bstanley@cityofmadison.com](mailto:bstanley@cityofmadison.com) (East) or [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com) (West). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement, private on-site sanitary sewer utilities, or private on-site storm sewer utilities during construction will require a new CAD file.

16. The Applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including:
  - a) SLAMM DAT files
  - b) RECARGA files
  - c) TR-55/HYDROCAD/Etc
  - d) Sediment loading calculations. If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided (POLICY and MGO 37.09(2)).
17. This project appears to require construction dewatering. A dewatering plan shall be submitted to City Engineering as part of the Erosion Control Permit.
18. Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project. Include copies of all stormwater, utility, and detail plan sheets that contain stormwater practices on 8.5x14 size paper in the draft document. These drawings do not need to be to scale as they are for informational purposes only. Once City Engineering staff have reviewed the draft document and approved it with any required revisions submit a signed and notarized original copy to City Engineering. Include a check for \$30.00 made out to Dane County Register of Deeds for the recording fee. City Engineering will forward the document and fee for recording at the time of issuance of the stormwater management permit. Draft document can be emailed to Tim Troester (west) at [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com), or Jeff Benedict at [jbenedict@cityofmadison.com](mailto:jbenedict@cityofmadison.com) final document and fee should be submitted to City Engineering.

19. The applicant shall show storm water "overflow" paths that will safely route runoff when the storm sewer is at capacity (POLICY).
20. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year.
21. For Commercial sites < 1 acre in disturbance the City of Madison is an approved agent of the Department of Commerce and WDNR. As this project is on a site with disturbance area less than one (1) acres, and contains a commercial building, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required (NOTIFICATION).
22. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to Reduce TSS by 80% off of the proposed development when compared with the existing site.
23. 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.

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

24. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Lt Scott Bavery (608) 576-0600.
25. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

**Please contact Janet Schmidt, Parks Division at 261-9688 if you have questions regarding the following 4 items:**

26. Park impact fees (comprised of the Park Development Impact Fee per MGO Sec. 20.08(2) and the Parkland Impact Fee in lieu of land dedication per MGO Sec. 16.23(8)(f) and 20.08(6)) will be required for all new residential development. The developer must select a method for payment of park fees before signoff of the rezoning request. This development is within the Vilas Brittingham Impact fee district (SI27). Please reference ID# 15161 when contacting Parks about this project.
27. The Parks Division will be required to sign off on the pending CSM prior to the issuance of building permits for the development.
28. Forestry will permit the removal of the terrace trees that are in direct conflict with the new driveway. Any other tree removals will need to be reviewed and evaluated by Forestry. Contractor shall contact City Forestry at least one week prior to construction, to obtain a tree removal permit.
29. Existing street trees shall be protected. Please include the following note on the site plan:  
Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266-4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry. Tree protection specifications can be found in section 107.13 of City of Madison Standard Specifications for Public

Works Construction -

<http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part1.pdf>.

**Please contact Eric Halvorson, Traffic Engineering at 266-6527 if you have any questions regarding the following 8 items:**

30. 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.
31. 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.
32. 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.
33. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
34. Traffic Engineering will no longer be accepting paper plans; to ensure a timely review all submittals will include an electronic copy (.pdf preferred).
35. "Stop" signs shall be installed at a height of seven (7) feet 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. Applicant shall submit for review a waste removal plan. This shall include vehicular turning movements.
37. 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 – 25 feet behind the property line at streets and 10 feet at driveways.). If applicant believes public safety can be maintained they shall apply for a waiver of MGO 27.05(2)(bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the waiver shall be the determination of the City Traffic Engineer.

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

38. All operating private wells shall be identified and permitted by the Water Utility in accordance with MGO 13.21. All unused private wells shall be abandoned in accordance with MGO 13.21.

**Please contact Jenny Kirchgatter, Assistant Zoning Administrator at 266-4569 if you have questions regarding the following 12 items:**

39. Increase the width of proposed Lot 3 to a minimum of 40 feet wide. The minimum lot width for a 4-  
unti building or higher is 40 feet wide.

40. 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, Mr. George Dreckmann (608)267-2626.
41. Section 28.185(10) 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.
42. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission approval.
43. The setbacks for the existing residential buildings and proposed multi-family residence shall be shown on the site plan submitted for final sign-off.
44. The Supplemental Regulations (Section 28.151) for a residential building complex provide that setback requirements may be reduced as part of the conditional use approval, provided that equivalent open space areas are provided.
45. Provide a van accessible stall for the surface parking lot at 427 W Mifflin St. A van accessible stall is a minimum of 8 feet wide with an 8 foot wide access aisle.
46. Per Section 28.141(4)(g) and 28.141(11), provide the required number of bike parking spaces meeting the long-term and short-term design and location requirements for residents and guests. A minimum of 46 bike stalls are required for the proposed multi-family dwelling plus a minimum of 10 bike stalls for the existing multi-family dwellings. Five (5) short-term guest bike parking stalls are required. Show the dimensions of the proposed bike stalls and access aisles. Provide details of the model of bike rack to be installed.
47. Relocate the surface guest bicycle parking spaces to meet the design and location requirements for short-term bicycle parking. Required short-term bicycle parking spaces shall be located in a convenient and visible area at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance. The short-term guest bicycle parking spaces shall be distributed among the 4 buildings at two or more locations.
48. Per Section 28.142(3), landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect.
49. Provide details regarding the refuse disposal areas for the 3 existing buildings at 427, 441, and 443 W Mifflin St. All developments, except single family and two family developments, shall provide a refuse disposal area. Such area shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet. If access to the refuse disposal area is shared, provide a copy of the agreement. Otherwise show the individual enclosures with details.
50. Submit a rooftop plan for the proposed building and identify any rooftop mechanical equipment and screening. Per Section 28.071(3)(h), all rooftop equipment, shall be screened from view from adjacent streets and public rights-of-way. Rooftop equipment shall be screened from view from adjacent buildings to the extent possible.

**Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency. No demolition or building permits shall be issued until the applicant has met all of the conditions of approval stated in this letter. Please now follow the procedures listed below for obtaining your demolition and conditional use permits:**

1. Please revise your plans per the above conditions and submit eight (8) copies of a complete, fully dimensioned and scaled plan set to the Zoning Administrator for final review and comment. Also be sure to include any additional materials requested by these departments for their approval prior to sign off. The final site plan shall be accompanied by the appropriate site plan review application and fee pursuant to Section 28.206 of the Zoning Code, and any other documentation requested herein with the Zoning Administrator, Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard. This submittal shall all also include one complete digital plan set in PDF format. The sets of final revised plans or documents will be circulated by the Zoning staff to the City department staff listed above for their final approval.
2. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting building permit approval.
3. No alteration of this proposal shall be permitted unless approved by the Plan Commission, provided, however, the Zoning Administrator may issue permits for minor alterations. This approval shall become null and void one year after the date of the Plan Commission unless the use is commenced, construction is under way, or valid building permits are issued.

If you have any questions regarding obtaining the demolition and conditional use approval, please contact the Zoning Administrator at 266-4551. If you have any questions or if I may be of any further assistance, please do not hesitate to contact my office at 266-5974.

Sincerely,

Heather Stouder, AICP  
Planner

cc: Matt Tucker, Zoning Administrator  
Bill Sullivan, Fire Department  
Brenda Stanley, City Engineering  
Jeff Quamme, Engineering Mapping  
Janet Schmidt, Parks Division  
Eric Halvorson, Traffic Engineering  
Al Martin, Urban Design Commission

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

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*Signature of Applicant*

\_\_\_\_\_

*Signature of Property Owner (if not applicant)*

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