



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

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****BY E-MAIL ONLY****

September 14, 2020

Kevin Burow
Knothe & Bruce Architects
7601 University Avenue
Middleton, WI 53562

RE: Approval of a request to rezone 1802 and 1818 Packers Avenue from TR-C4 (Traditional Residential–Consistent 4 District) to NMX (Neighborhood Mixed-Use District); approval of a demolition permit to demolish two residential buildings and an office building; and four conditional use approvals – 1) for a multi-family dwelling in the NMX district with greater than eight (8) units; 2) for a building in NMX zoning taller than three stories and 40 feet; 3) for a building in NMX zoning containing two or more uses that exceeds 10,000 square feet of floor area; and 4) for a building in NMX zoning with less than 75% non-residential ground floor area – all to allow construction of a four-story, mixed-use building containing 1,100 square-feet of commercial space and 80 apartments located at 1802-1818 Packers Avenue and 2102 Schlimgen Avenue.

Dear Mr. Burow;

At its August 4, 2020 meeting, the Common Council **conditionally approved** the zoning map amendment for the subject property. The Plan Commission **conditionally approved** the demolition permit and conditional uses for the project at its July 27, 2020 meeting. The conditions of approval in the following sections shall be satisfied prior to issuance of demolition or building permits for the project.

Please contact Brenda Stanley of the City Engineering Division at 267-9127 if you have questions regarding the following twenty (20) items:

1. 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.
2. Construct sidewalk/terrace improvements/pavement patching on Schlimgen Avenue and Packers Avenue to a plan and profile as approved by City Engineer
3. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.

4. Obtain a permanent sewer plug permit for each existing sanitary sewer lateral serving a property that is not to be reused and a temporary sewer plug permit for each sewer lateral that is to be reused by the development.
5. Obtain a permit to plug each existing storm sewer.
6. An Erosion Control Permit is required for this project.
7. A Storm Water Management Report and Storm Water Management Permit is required for this project.
8. A Storm Water Maintenance Agreement (SWMA) is required for this project.
9. This site appears to disturb less than one (1) acre of land. No submittal to the Wisconsin Department of Natural Resources (WDNR), Capital Area Regional Planning Commission (CARPC) or the Wisconsin Department of Safety and Professional Services (DSPS) is required, as the City of Madison Building Inspection Department is an approved agent for DSPS.
10. Revise the site plan 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.
11. Revise the plans to identify the location of the public storm sewer (proposed or existing) that will serve the development show the connection of the private internal drainage system to the public storm sewer.
12. The proposed development proposes to construct underground parking. The proposed entrance to the underground parking is adjacent to a street low point. The applicant shall provide at a minimum of one (1) foot of rise from the adjacent back of walk in the driveway before breaking grade to the down ramp to the underground parking to protect the underground parking from inundation.
13. This project will disturb 20,000 square feet 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.
14. 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.
15. This project will require a concrete management plan and a construction dewatering plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. If contaminated soil or groundwater conditions exist on or adjacent to this project additional WDNR, Public Health Madison-Dane County, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit.
16. This project appears to require fire system testing that can result in significant amounts of water to be discharged to the project grade. The Contractor shall coordinate this testing with the erosion control measures and notify City Engineering 608-266-4751 prior to completing the test to document that appropriate measures have been taken to prevent erosion as a result of this testing.

17. 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.
18. 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 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))
 - TSS Redevelopment with TMDL: Reduce TSS by 80% off of the proposed development when compared with the existing site.
 - Oil/Grease Control: Treat the first half-inch of runoff over the proposed parking facility and/or drive up window.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.
19. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
20. 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 Jeffrey Quamme, of the City Engineering–Mapping Section at 266-4097 if you have any questions regarding the following five (5) items:

21. The proposed new building crosses an underlying platted lot line. Prepare a Certified Survey Map (CSM) and submit to the Planning Unit to dissolve underlying lot lines to comply with fire codes, City Ordinances and City Policies. The CSM shall be approved by the City, recorded with the Dane County Register of Deeds and new Tax Parcel information available prior to issuance of a building permit.
22. The retaining wall along the westerly side of this site is extremely close to the railroad Canadian Pacific Railroad right of way. Any excavation or placement of subterranean wall ties within the right of way requires a permit from the operating railroad. Applicant is responsible to coordinate and provide copies of the permits / right of entry from the Railroad Company for any planned areas of disturbance within the railroad right of way.

23. Assessor records indicate all parcels are still individually owned. Transfer properties into common ownership as stated in the letter of intent.
24. The base address of the apartments is 2110 Schlimgen Avenue. The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.
25. Submit 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. 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 final verification submittal stage of this LNDUSE with Zoning. The approved Addressing Plan shall be included in the final application. For any changes pertaining to the location, deletion or addition of a unit, or to the location of a unit entrance, (before, during, or after construction), a revised Address Plan shall be resubmitted to Lori Zenchenko to review addresses that may need to be changed and/or reapproved. The final revised Addressing Plan shall be submitted by the applicant to Zoning to be attached to the final filed approved site plans.

Please contact Sean Malloy of the Traffic Engineering Division at 266-5987 if you have any questions regarding the following fourteen (14) items:

26. Traffic Engineering recommends that the Schlimgen Avenue access points be consolidated into one access point in an effort to provide a better pedestrian environment and provide better access control. The applicant shall work with Traffic Engineering staff to implement this recommendation.
27. 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; vision triangles; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
28. The Developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.
29. The City Traffic Engineer may require public signing and marking related to the development; the Developer shall be financially responsible for such signing and marking.
30. All parking facility design shall conform to MGO Section 10.08(6).

31. 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.
32. All bicycle parking adjacent pedestrian walkways shall have a 2-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
33. 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.
34. 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.
35. The applicant shall provide a clearly defined 5-foot 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.
36. City of Madison radio systems are microwave directional line of sight to remote towers citywide. The building elevation will need to be reviewed by Traffic Engineering to accommodate the microwave sight and building. The applicant shall submit grade and elevations plans if the building exceeds three stories prior to sign-off to be reviewed and approved by Austin Scheib, (266-4768) (ascheib@cityofmadison.com) Traffic Engineering Shop, 1120 Sayle Street. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign off.
37. The driveway slope to the underground parking is not identified in the plan set, Traffic Engineering 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.
38. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
39. Note: This site presents difficult constructability issues; access to neighboring sites must be maintained at all times, protected walkways will be constructed and maintained as soon as possible and little to no access to the public right-of-way on Packers Avenue will be granted for construction purposes. Provide a detailed construction plan to Traffic Engineering for review by the Traffic Control Specialist (Mike Duhr) prior to final signoff.

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

40. Parking requirements for persons with disabilities must comply with MGO Section 28.141(4)(e) which includes all applicable State accessible requirements, including but not limited to:
 - a.) Provide a minimum of 5 accessible stalls striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8 feet wide with an 8 foot wide striped access area adjacent.
 - b.) Show signage at the head of the stalls. Accessible signs shall be a minimum of 48" between the bottom of the sign and the ground.
41. As each tenant space is leased, the entire development must reflect compliance in the required amount, type and number of auto and bicycle parking spaces, to be reviewed prior to obtaining zoning approval for each use.
42. Section 28.185(7)(a)5 requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Bryan Johnson (266-4682). Section 28.185(10) requires that every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(7)(a)5 shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
43. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 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.

Please contact Bill Sullivan of the Madison Fire Department at 261-9658 if you have any questions regarding the following two (2) items:

44. Please consider allowing Madison Fire Department (MFD) to conduct training sequences prior to demolition. Contact Division Chief Paul Ripp of the MFD Training Division at pripp@cityofmadison.com or (608)712-6277 to discuss this possibility.
45. Ensure that the fire access lanes are located outside parking stalls/lanes.

Please contact Ann Freiwald of the Parks Division at 243-2848 if you have questions regarding the following three (3) items:

46. 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# 20026 when contacting Parks Division staff about this project.

47. Pursuant to the authority established under Wis. Stat. § 66.0617(7), and in the interests of promoting the development of low-cost housing in the City, low-cost housing is exempt from the park impact fees beginning January 1, 2017. This exemption only applies to those dwelling units or bedrooms within a development that are determined to be low-cost housing. This exemption does not extend to the land dedication requirements set forth under Sec. 16.23(8)(f), MGO, nor any other impact fees that may apply to a development.
48. The park impact fee will be exempt for developments that meet the “low-cost housing” requirements, as defined as rental or owner-occupied housing units that are affordable, as that term is defined in Sec. 4.22(2), MGO, and which meet the deed restriction requirements of Sec. 4.22(7). The determination whether a proposed development will create low-cost housing, and how much low-cost housing it will create, shall be made by the Community Development Division.

Please contact Wayne Buckley of the Forestry Division at 266-4892 if you have questions regarding the following item:

49. Street trees may be needed for this project. Tree planting specifications can be found in Section 209 of *City of Madison Standard Specifications for Public Works Construction*. All street tree planting locations and tree species within the right of way shall be determined by City Forestry. A landscape plan (in PDF format) shall be submitted to City Forestry for approval of planting locations and tree species. All available street tree planting locations shall be planted within the project boundaries. Add the following note to plan: At least one week prior to street tree planting, the contractor shall contact City Forestry (Jeff Heinecke) at (608) 266-4890 to schedule inspection and approval of nursery tree stock and review planting specifications with the landscaper.

Please contact Jeff Belshaw of the Madison Water Utility at 261-9835 if you have any questions regarding the following four (4) items:

50. A private well may have served this parcel prior to the municipal water service connection. Any remaining unused/unpermitted private wells existing on this parcel must be properly abandoned according to Wisconsin Administrative Code NR-812 and MGO Section 13.21 prior to the demolition of the property. Please contact Water Utility staff at (608) 266-4654 to schedule an on-site private well survey prior to demolition, otherwise for additional information regarding well abandonment procedures and potential well abandonment reimbursement programs.
51. Madison Water Utility will be required to sign off as part of the approval review associated with this Land Use Application/Site Plan Review prior to the issuance of building permits for the proposed development.
52. Revise site plan to indicate how the proposed development will be provided water service.
53. The Madison Water Utility shall be notified to remove the water meter at least two working days prior to demolition. Contact the Water Utility Meter Department at (608) 266-4765 to schedule the meter removal appointment.

Please contact Janine Glaeser, Urban Design Commission Secretary, at 267-8740 if you have any questions regarding the following five (5) items:

The Urban Design Commission granted the project **final approval** on July 1, 2020 subject to the following conditions to be satisfied prior to final approval and issuance of building permits:

54. Look at adding trees along Packers Avenue.
55. Plantings should be in groups of three; revise the landscaping plan accordingly.
56. Revise the landscaping plan to simplify the planting bed lines to be more linear.
57. Maintain the brick datum.
58. Provide information on sound/noise mitigation with the airport, nearby train tracks and vehicular traffic on Packers Avenue.

Please contact my office at 261-9135 if you have questions about the following five (5) items:

59. The applicant shall use close-spray foam insulation (or equivalent insulation type) and high-grade, highly sound-proof windows to provide additional sound-proofing in the place of traditional insulation, at least along the entire westerly, rear and easterly, front elevations.
60. The developer shall acknowledge the presence of existing and future high levels of noise and vibration resulting from trains operating on the adjacent railroad right of way and nearby airport. The developer is strongly encouraged to include an acknowledgement regarding the presence of these transportation facilities in the leases for all proposed units.
61. Dimension the stepback on fourth floor from the parapet above the third floor and label the space shown at northeastern corner of the fourth floor on Sheet A-1.4.
62. Provide detailed floorplans for the proposed building, including labels for any balconies located on the fourth floor stepbacks.
63. Any proposed HVAC or utility penetrations for the building shall not face a public right of way or adjacent residential property. Any such penetrations elsewhere on the exterior of the building shall be designed to be perpendicular to the facades to limit their visibility to the greatest extent possible. No utility or HVAC pedestals or penetrations, including HVAC wall packs for units, and gas meters or electric meters for buildings/ units shall be permitted without specific approval by the Plan Commission.

Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency.

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 for obtaining permits for your project:

1. The applicant shall resubmit a PDF copy of the plan set and any other supporting materials that are necessary, as specified in this letter to Zoning@cityofmadison.com. (Note: A 20MB email limit applies and multiple transmittals may be required.). A check for the **site plan review fee** shall be mailed to the City of Madison Building Inspection Division; PO Box 2984; Madison, WI 53701-2984.
2. City Agencies who submitted conditions of approval will review your revised plans to verify that their conditions, along with any applicable requirements, have been satisfied. When the revised plans are submitted, the applicant will be emailed a hyperlink to a website to follow, in real time, which agencies have reviewed the revised documents, and signed off or need additional information.
3. This letter shall be signed by the applicant and property owner (if not the applicant) to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting building permit approval. [Signature block on last page]
4. No alteration of this proposal shall be permitted unless approved by the Plan Commission, provided, however, the Zoning Administrator may issue permits for minor alterations. No alteration of a conditional use shall be permitted unless approved by the Plan Commission provided, however, the Zoning Administrator following consideration by the alderperson of the district, may approve minor alterations or additions which are approved by the Director of Planning and Community and Economic Development and are compatible with the concept approved by the Plan Commission and the conditional use standards. This approval shall become null and void one (1) year after the date of the Plan Commission unless the use is commenced, construction is under way, or a valid building permit is issued and construction commenced within 6 months of the issuance of said building permit. Where the plans have not been altered from the Plan Commission's approval, and the conditional use has expired, the Director of Planning and Community and Economic Development may, after consultation with the Alderperson of the District, approve an extension for up to 24 months from the expiration date. The Plan Commission shall retain jurisdiction over this matter for the purpose of resolving complaints against the approved conditional use permit.

If you have any questions regarding obtaining your demolition or building permits, please contact the Zoning Administrator at (608) 266-4551. If you have any questions or if may be of any further assistance, please do not hesitate to contact my office at (608) 261-9135.

Sincerely,



Chris Wells
 Planner

<p>I hereby acknowledge that I understand and will comply with the above conditions of approval for this project.</p> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <p style="text-align: center;"><i>Signature of Applicant</i></p> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <p style="text-align: center;"><i>Signature of Property Owner (if not the applicant)</i></p>

- cc: Brenda Stanley, City Engineering Division
 Jeff Quamme, City Engineering Division- Mapping Section
 Sean Malloy, Traffic Engineering Division
 Jacob Moskowitz, Zoning Administrator
 Bill Sullivan, Fire Department
 Ann Freiwald, Parks Division
 Jeff Belshaw, Water Utility
 Wayne Buckley, Forestry Division
 Janine Glaeser, UDC Secretary
 Jeff Belshaw, Water Utility
 Bryan Johnson, Streets Division

LNDUSE-2020-00067			
For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (Wells)	<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 checked="" type="checkbox"/>	Water Utility
<input type="checkbox"/>	Metro Transit	<input checked="" type="checkbox"/>	Other: Forestry