



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

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Madison, Wisconsin 53703
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****BY E-MAIL ONLY****

September 2, 2021

Jackie Michaels
Eppstein Uhen Architects
309 W Johnson Street, Suite 202
Madison, WI 53703

RE: [LNDUSE-2021-00056; ID 66448, 65850, and 66822]

[66448](#) – Consideration of a Zoning Map Amendment, creating Section 28.022 - 00514 of the Madison General Ordinances, to change the zoning of property located at 2436 Regent Street, 5th Aldermanic District, from TR-C2 (Traditional Residential-Consistent 2) District to CI (Campus Institutional) District.

[65850](#) – Consideration of a demolition permit to demolish a retail building at 2436 Regent Street; consideration of a conditional use in a Campus-Institutional (CI) District without a campus master plan for additions to an existing building that exceed 4,000 square feet in floor area; consideration of a conditional use in a CI District without a campus master plan for the establishment, improvement, or modification of a secondary use occurring outside of an enclosed building; and consideration of a conditional use in the CI District for development greater than 3 stories/68 feet - all to allow construction of additions to West High School as well as site changes, including the addition of a new turf football field, at 30 Ash Street and 2300-2436 Regent Street.

[66822](#) – Consideration of a conditional use in a Campus-Institutional (CI) District without a campus master plan for the establishment, improvement, or modification of a secondary use occurring outside of an enclosed building to allow modifications to the outdoor athletic fields for West High School at 105 Grand Avenue/2500 Regent Street.

Dear Jackie;

At its August 31, 2021 meeting, the Common Council **approved** a zoning map amendment (a rezoning of the property located at 2436 Regent Street from the TR-C2 (Traditional Residential-Consistent 2) District to the CI (Campus Institutional) District.) The Plan Commission **approved** the demolition permit and conditional uses for the related project located at 30 Ash Street, 2300-2436 Regent Street, and 105 Grand Avenue/2500 Regent Street at its August 9, 2021 meeting. Prior to issuance of demolition or building permits for the project, the conditions of approval in the following sections shall be satisfied:

Please contact Timothy Troester of the City Engineering Division–Main Office at (608) 267-1995 if you have any questions regarding the following twelve (12) 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. (MGO 16.23(9)c)
2. Construct replacement sidewalk, terrace, curb & gutter and asphalt to a plan as approved by City Engineer
3. 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))
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. The procedures and fee schedule is available online at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
5. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
6. A Storm Water Management Report and Storm Water Management Permit is required for this project. See Storm comments for report and permit specific details and requirements.
7. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
8. This site appears to disturb less than one (1) acre of land. No submittal to the WDNR, CARPC or Department of Safety and Professional Services (DSPS) is required as the City of Madison Building Inspection Department is an approved agent for DSPS.
9. This project will disturb 20,000 sf or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.

Demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year. The WDNR provided workbook to compute USLE rates can be found online at <https://dnr.wi.gov/topic/stormwater/publications.html>

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, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit. (POLICY)

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.

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.

10. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Stormwater Management Permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.

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

Report: Submit prior to plan sign-off, a stormwater management report stamped by a P.E registered in the State of Wisconsin.

Electronic Data Files: Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. If calculations are done by hand or are not available electronically, the hand copies or printed output shall be scanned to a PDF file and provided to City Engineering. (POLICY and MGO 37.09(2))

Rate Control: Reduce peak discharge in the 10 -year storm event by 15% compared to existing conditions.

TSS Redevelopment with TMDL: Reduce TSS by 80% off of the proposed development when compared with the existing site.

Volume Control: Reduce peak volumetric discharge from the site in the 10-year event compared to existing conditions by 5%.

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.

11. 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.
12. 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 three (3) items:

13. There is an existing 10' Wide Storm Sewer Easement benefitting the City of Madison over the west 10' of the parcel at 2539 Van Hise Ave. The existing storm sewer in this area is private storm sewer privately owned by the School District that conveys water from Rentschler Field north to Van Hise. Therefore, the City shall release its easement, but would prefer to do so upon the School District confirming it has the necessary easement rights for the maintenance, repair and replacement of the existing pipe serving the field. Also verify the alignment of the pipe through the parcel to the north as the current alignment as shown on the plans appears to pass under the private garage.
14. The City of Madison shall release the 22' x 22' public storm sewer easement per Doc. No. 842645 along the north side of Rentschler Field, directly behind 2539 Van Hise Ave. The storm sewer is private School District Storm Sewer in this area.
15. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD), the new parcel data created by the Assessor's Office and the parcel data available to zoning and building inspection staff prior to issuance of building permits for new construction on the east site containing the high school building.

Please contact Sean Malloy of the Traffic Engineering Division at (608) 266-5987 if you have any questions regarding the following ten (10) items:

16. The intersection of Highland Ave, Regent St and Speedway Rd has been the subject of much deliberation and the City will need to retain the ability make geometric alterations to continue to improve safety and operations of the intersection. As such, the City requests coordination with the Owner / Applicant on their site plan to allow for future land acquisition(s) necessary by the City of Madison to reconstruct the intersection. Currently, one of the configuration options requires dedication at the Northwest corner of the intersection where the current site plan shows a storm water facility. The applicant shall work with the City on relocating the storm water facility to preserve intersection reconfiguration options.
17. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be to engineering scale 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.
18. 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.

19. 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.
20. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
21. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
22. 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.
23. 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.
24. The applicant shall provide a clearly defined 5' walkway from the front door to the public Right of Way 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.
25. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign at all class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.

Please contact Jacob Moskowitz of the Zoning Division at (608) 266-4560 if you have any questions regarding the following eight (8) items:

26. Provide a building setback of 5 feet on the Regent Street side, or utilize a no-build easement in order to maintain a distance of 15 feet from the building to the curb.
27. Provide at least as much bicycle parking as exists currently on the site. With final plans, provide an inventory of existing and proposed new bike stalls.
28. Parking requirements for persons with disabilities must comply with Section 28.141(4)(e). Final plans shall show the required 3 accessible stalls including 1 van accessible stall. A van accessible stall is a minimum of 8 feet wide with an 8 foot wide striped access aisle. Show the required signage at the head of the stalls.

29. 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.
30. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.
31. 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 (608-266-4682).
32. Section 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.
33. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.

Please contact Bill Sullivan of the Madison Fire Department at (608) 261-9658 if you have any questions regarding the following item:

34. Provide fire apparatus access as required by IFC 503 2018 edition, MGO 34.503, as follows:
 - a. The site plans shall clearly identify the location of all fire lanes.
 - b. MGO 34.503/IFC 503 Appendix D105, Provide an aerial apparatus access fire lane that is at least 26-feet wide, if any part of the building is over 30 feet in height. The near edge of the aerial fire lane shall be within 30-feet and not closer than 15 feet from the structure, and parallel to one entire side. The aerial fire lane shall cover not less than 25% of the building perimeter.
 - c. Provide a fire lane that extends to within 150-feet of all exterior portions of the structure, or it can be extended to within 250-feet if the building has a fire sprinkler system.
 - d. A dead-end fire lane that is longer than 150-feet shall terminate in a turnaround. Provide an approved turnaround (cul-de-sac, 45 degree wye, 90 degree tee) at the end of a fire lane that is more than 150-feet in length.
 - e. Aerial fire lanes shall be free from overhead obstructions. Obstructions shall not be located between the building and an aerial fire lane. Alternative measures to allow obstructions may include specific tree selection and placement; increased fire protection systems; and/or increased building fire resistance. Alternatives must be approved by MFD prior to site plan approval.
 - f. Provide a minimum unobstructed width of 26-feet for at least 20-feet on each side of the fire hydrant.
 - g. Fire lanes shall be constructed of concrete or asphalt only, and designed to support a minimum load of 75 psi.

- h. Where there is a change in the direction of a fire lane, the minimum inside turning radius shall be at least 28-feet.
- i. Provide a fire lane with the minimum clear unobstructed width of 20-feet.
- j. Per IFC 503.3 Show approved “fire lane, no parking” signs posted on the site plan. A max of 150-feet on center. Signs must be visual and easily read from any location on the fire lane. Fire lanes 20-27 feet wide will be posted as fire lane on both sides, 28-35 feet wide shall be posted fire lane on the appropriate side only.

Please contact Jeff Belshaw of the Madison Water Utility at 261-9835 if you have any questions regarding the following item:

- 35. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days’ notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility’s Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumbers-contractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Ave. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. A Water Meter Application Form will subsequently be required to size & obtain a water meter establish a Water Utility customer account and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

Please contact Brad Hofmann of the Forestry Division at (608) 267-4908 if you have questions regarding the following seven (7) items:

- 36. Contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. Contractor shall operate equipment in a manner as to not damage the branches of the street tree(s). This may require using smaller equipment and loading and unloading materials in a designated space away from trees on the construction site. Any damage or injury to existing street trees (either above or below ground) shall be reported immediately to City Forestry at 266-4816. Penalties and remediation shall be required. Add as a note on the plan set.
- 37. As defined by the Section 107.13 of City of Madison Standard Specifications for Public Works Construction: No excavation is permitted within 5 feet of the trunk of the street tree or when cutting roots over 3 inches in diameter. If excavation is necessary, the Contractor shall contact Madison City Forestry (266-4816) prior to excavation. City of Madison Forestry personnel shall assess the impact to the tree and to its root system prior to work commencing. Tree protection specifications can be found on the following website: <https://www.cityofmadison.com/business/pw/specs.cfm> Add as a note on the plan set.
- 38. On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on the plan set.

39. Street tree pruning shall be coordinated with Madison Forestry at a minimum of two weeks prior to the start of construction for this project. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on the plan set.
40. Section 107.13(g) of City of Madison Standard Specifications for Public Works Construction addresses soil compaction near street trees and shall be followed by Contractor. The storage of parked vehicles, construction equipment, building materials, refuse, excavated spoils or dumping of poisonous materials on or around trees and roots within five (5) feet of the tree or within the protection zone is prohibited. Add as a note on the plan set.
41. All proposed street tree removals within the right of way shall be reviewed by City Forestry before the Plan Commission meeting. Street tree removals require approval and a tree removal permit issued by City Forestry. Any street tree removals requested after the development plan is approved by the Plan Commission or the Board of Public Works and City Forestry will require a minimum of a 72-hour review period which shall include the notification of the Alderperson within whose district is affected by the street tree removal(s) prior to a tree removal permit being issued. Add as a note on the plan set.
42. An existing inventory of street trees located within the right of way shall be included on the landscape, site, demo, and utility plans. The inventory shall include the following: location, size (diameter at 4 1/2 feet), and species of existing street trees. The inventory should also note if a street tree is proposed to be removed and the reason for removal.

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

43. In coordination with any public works improvements, the applicant shall maintain or replace the concrete boarding terrace surface at the existing Metro bus stop on the north side of Regent Street, west and east of Vista Road (#2702).
44. In coordination with public works improvements, the applicant shall install and maintain a concrete boarding terrace surface (~30') at the planned Metro bus stop on the east side of Highland Avenue, north of Regent Street.
45. The applicant shall include the location of these facilities on the final documents filed with their permit application, so that Metro Transit may review and effectively plan for City transit access to this property.

Please contact my office at cwells@cityofmadison.com if you have questions regarding the following condition:

46. Based on the advisory site design/landscape comments from the Urban Design Commission, it is recommended that the applicant reuse existing landscape limestone into grading modifications and that the existing masonry wall be retained.

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. After the plans have been revised per the above conditions, please **one (1) complete digital plan set in PDF format** of complete, fully dimensioned, and to-scale plans; the appropriate site plan review application and [site plan review fee pursuant to Section 28.206](#) of the Zoning Code; and any other documentation requested herein to the Zoning Administrator at zoning@cityofmadison.com. (Note that that an individual email cannot exceed 20MB and it is the responsibility of the applicant to present files in a manner that can be accepted. Please email zoning@cityofmadison.com regarding questions or if you need alternative filing options. The sets of final revised plans or documents will be circulated by Zoning staff to the City department staff listed above for their final approval.

2. The [site plan review fee pursuant to Section 28.206](#) can be mailed in, dropped in the drop box at the Madison Municipal Building, or you can make an appointment at the Zoning counter to pay the fee. Checks should be made out to "City Treasurer." If you mail in the check or use the drop box, please include the application form with the project address and contact information. Zoning staff typically suggest using the drop box or making an appointment with the Zoning counter to pay the fee as they are the quickest.

Mailing Address: City of Madison Building Inspection. P.O. Box 2984. Madison, WI 53701-2984

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

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

3. 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. 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.

5. 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, (608) 267-4908.

6. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission. Where the plans have not been altered since issuance of the demolition or removal permit and the permit 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.

7. 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: Timothy Troester, City Engineering Division
 Jeff Quamme, City Engineering Division–Mapping Section
 Sean Malloy, Traffic Engineering Division
 Jacob Moskowitz, Zoning Administrator
 Bill Sullivan, Fire Department
 Jeff Belshaw, Water Utility
 Brad Hofmann, Forestry Division
 Kevin Firchow, Interim UDC Secretary
 Tim Sobota, Metro Transit
 Bryan Johnson, Streets Division

LNDUSE-2021-00056			
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 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 checked="" type="checkbox"/>	Metro Transit	<input checked="" type="checkbox"/>	Other: Forestry