



Department of Planning & Community & Economic Development

## Planning Division

Katherine Cornwell, Director

Madison Municipal Building, Suite LL-100

215 Martin Luther King, Jr. Boulevard

P.O. Box 2985

Madison, Wisconsin 53701-2985

Phone: (608) 266-4635

Fax (608) 267-8739

[www.cityofmadison.com](http://www.cityofmadison.com)

April 21, 2015

Joseph Lee, JLA Architects  
2418 Crossroads Drive, Ste. 2300  
Madison, WI, 53718

RE: Approval of a conditional use for a 189-unit multi-family residential building in the Traditional Residential – Urban 2 (TR-U2) District.

Dear Mr. Lee:

At its April 20, 2015 meeting, the Plan Commission found the standards met and **approved** your client's request to construct a four-story, 189-unit building 710 East Mifflin Street and 124 North Livingston Streets (to be addressed as 110 North Livingston Street) In order to receive final approval of the demolition, 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 12 items:**

1. Final plans submitted for review and approval by staff shall include a detailed landscape plan for interior and exterior courtyards and rooftop patio spaces, including specification on the type of groundcover and specification for any amenities (seating areas, structured landscape planters, grilling stations) to be provided.
2. The applicant is encouraged to explore the inclusion of a greater proportion of three-bedroom units, particularly on the ground floor. Modifications to the unit mix including more three-bedroom units may be approved by Planning and Zoning staff as part of the final sign-off process, or as a minor alteration to the conditional use if units are converted in the future.
3. Final plans submitted for review and approval by staff shall include a management plan for the building including plans for trash management, snow removal, management of parking, and the management of indoor and outdoor common areas, including the pool.

*Note: This condition was modified by the Plan Commission on April 20, 2015 to include a pool management plan*

4. Final plans submitted for review and approval by staff shall include narrow bike ramps along the edges of outdoor stairs leading to the three "main entrances" of the building. The applicant is encouraged to include additional outdoor bicycle parking in the courtyard next to the Main Street entrance.
5. The louvers for HVAC systems for individual units may not face the street, except as shown on submitted plans. 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.

6. The landscape plan shall be revised to include terraced landscape planters along portions of the Livingston Street facade, similar to treatment proposed in front of the courtyard areas along Mifflin and Dayton Streets.

*Note: Conditions 7-12 were added by the Plan Commission on April 20, 2015.*

7. Automobile traffic in and out of the site should be exclusively through the N. Livingston entrance/exit. Aside from bicycle use, the alternate driveway to Mifflin Street shall only be used for emergencies. This will be done for a trial period of one year with traffic counts at the Livingston Street entrance/exit recorded by the developer to ascertain whether there is a need for an alteration of this condition.
8. No residential parking permits shall be issued for 110 North Livingston Street. The applicant shall inform all tenants of this restriction in their apartment leases. In addition, the applicant shall submit for 110 North Livingston Street a copy of the lease noting the above condition.
9. If dogs are allowed, a station for depositing dog waste and to get dog waste bags shall be installed.
10. The applicant is encouraged to include a car sharing parking spot, a car sharing car, and an electric car charging station within the parking ramp.
11. Prior to submittal of plans for review and approval by staff, the applicant shall work with neighbors who share property lines with the development to allow for their input on landscaping on the side of the development which is adjacent to their property.
12. Prior to submittal of plans for review and approval by staff, the applicant shall resubmit plans for further review by the Urban Design Commission. Plans submitted shall address the UDC comments from April 8, 2015 with regard to landscaping and architectural details.

**Please contact Janet Schmidt of City Engineering at 261-9688 if you have any questions regarding the following 29 items:**

13. The address of 124 N Livingston St will be retired with the demolition of the building. The base address for the new apartments is 110 N Livingston St.
14. Applicant shall have the remaining Easement released for buried telephone per Doc No.2408352.
15. The access to the underground parking off of Livingston Street may require a higher opening to prevent flooding. The applicant shall meet with City Engineering to discuss.
16. The proposed lateral connection to the City's 21-inch diameter sanitary sewer on East Mifflin Street will need to be higher than at the invert of the 21-inch diameter sewer as is proposed on the current plan. The pipe connection will need to be a minimum of 13-inches above the manhole invert.
17. The City does have a new sanitary sewer stubbed out of the East Dayton Street/Livingston Street Intersection that is over 2-feet deeper than the pipe currently being connected to on East Dayton Street (INFORMATIONAL).
18. The site is an open investigation with the DNR (BRRS #0313099107). Developer shall provide proof of coordination with the DNR to close the site and address potential vapor mitigation concerns to Brynn Bemis at [bbemis@cityofmadison.com](mailto:bbemis@cityofmadison.com). The site has been previously closed with residential soil contamination. If contaminated soil is encountered during development, all WDNR & DSPS regulations shall be followed for proper handling and disposal.
19. 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).

20. 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.
21. Submit a PDF of all floor plans to [izenchenko@cityofmadison.com](mailto:izenchenko@cityofmadison.com) so that a preliminary interior addressing plan can be developed. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during, or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal.
22. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass (POLICY).
23. 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)).
24. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction (POLICY).
25. 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).
26. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl, of the City Parks Department - [dkahl@cityofmadison.com](mailto:dkahl@cityofmadison.com) or 266-4816. Approval and permitting of any tree removal or replacement shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan (POLICY).
27. All damage to the pavement on E. Mifflin, N. Livingston Street and E. Dayton Street, adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link:  
<http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY).
28. 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.
29. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil

Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.

30. 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).
31. This project will require a concrete management plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office (POLICY).
32. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to: complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website – as required by Chapter 37 of the Madison General Ordinances.

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

33. The Applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Division. 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 Misc Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
- e) Right-of-Way lines (public and private)
- f) Plat name and lot lines (metes & bounds parcel lines if unplatted)
- g) Platted lot numbers (noted "unplatted lands" if not platted)
- h) Lot/Plat property 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: lzenchenko@cityofmadison.com,

dwipperfurth@cityofmadison.com, jbenedict@cityofmadison.com and

ttroester@cityofmadison.com. The party responsible for the CAD file email transmission shall

include the project site address in the email subject line. Any changes or additions to the location of the building, private utilities, sidewalks, parking/pavement during construction will require a new CAD file transmittal.

34. 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)
35. The area adjacent to this proposed development has a known flooding risk. All entrances shall be 2-feet above the adjacent sidewalk elevation or 1-foot above the 100-year regional flood elevation (whichever is greater). This includes garage entrances (POLICY).
36. This project appears to require construction dewatering and/or possibly permanent dewatering and is in an area with potential groundwater contamination. The applicant shall be required obtain the approval of Public Health – Madison & Dane County for this discharge. It can be anticipated that this will required completion of a boring on site and testing of water encountered for possible contaminants. Approval shall be granted before plans are approved for building permit release.
- Contact Kirsti Sorsa for more information at 608-243-0356 or [ksorsa@publichealthmdc.com](mailto:ksorsa@publichealthmdc.com)
37. This project appears to require construction dewatering. A dewatering plan shall be submitted to City Engineering as part of the Erosion Control Permit.
38. 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.
39. 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>.
40. 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)).
41. 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)).

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

- 42. Sidewalks are required to be five feet wide clear of all obstructions; provide a two foot minimum buffer between the bicycle racks (2' x 6' bicycle footprint) adjacent to sidewalk and the sidewalk.
- 43. Applicant shall provide a \$12,000 dollar deposit prior to final sign off to be used for traffic calming features on the Mifflin Street Bicycle Boulevard.
- 44. 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.

45. 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.
46. 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.
47. 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:**

48. The Madison Fire Department does not object to this proposal provided it complies with all applicable fire codes and ordinances.
49. Verify generator and gas tank locations on Lot 1 in regard to property lines; verify Lot 2 egress and Lot 2 building openings comply with all applicable codes.

**Please contact Kay Rutledge, Parks Division at 266-4714 if you have any questions regarding the following 4 items:**

50. 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 conditional use. This development is within the Tenney-Law-James Madison fee district (S126). Please reference ID# 14106 when contacting Parks.
51. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Please submit an existing inventory of trees (location, species, & DBH) and a tree removal plan (in PDF format) to Dean Kahl – [dkahl@cityofmadison.com](mailto:dkahl@cityofmadison.com) or 266-4816. Approval and permitting of street tree removals shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan.
52. Additional street trees are needed for this project. All street tree planting locations and trees species with the right of way shall be reviewed by City Forestry. Please submit a site plan (in PDF format) to Dean Kahl – [dkahl@cityofmadison.com](mailto:dkahl@cityofmadison.com) or 266-4816. Approval and permitting of tree planting shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan. Tree planting specifications can be found in section 209 of *City of Madison Standard Specifications for Public Works Construction* - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part2.pdf>.
53. 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 Dennis Cawley of the Water Utility (266-4651) if you have any questions regarding the following item:**

54. This property is located in wellhead protection district WP-24. This proposed use is allowed in this district. Any proposed changes in use shall be approved by the Water Utility General Manager or his designee.
55. 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 8 items:**

56. A minimum of 19 guest bicycle parking stalls designed as short-term stalls are required per Sections 28.141(4) and 28.141(11)(b). The stalls shall be located in a convenient and visible area within 100 feet of a principal entrance. Bicycle stalls are not allowed to encroach into required front or street side yard areas. In order to meet the guest bicycle parking requirement, bike stalls may need to be located within the public right-of-way. If bicycle parking is proposed for placement in the public right-of-way, approval is required by the City Real Estate section.
57. Provide details and show the areas identified as useable open space. Roof decks and balconies may be used to meet up to 75% of the minimum open space requirements. Useable open space shall not include required front or street side yards or areas occupied by buildings, driveways, drive aisles, or off-street parking.
58. Show that the lot meets the lot coverage requirement. The maximum lot coverage is 80%. Lot coverage is the total area of all buildings and paved areas as a percentage of the total lot area, with the exceptions of sidewalks or paved paths no wider than five (5) feet, pervious pavement, green roofs and decks.
59. Provide a minimum of 212 bicycle parking stalls distributed as short term and long term bicycle spaces, per sections 28.141(4) and 28.141(11). A minimum of 193 resident stalls are required plus a minimum of 19 short term guest stalls. Up to 25% of bicycle parking may be structured parking provided there is a five (5) foot access aisle. Provide a detail of the model of bike rack(s) to be installed.
60. Provide and dimension the bicycle parking areas including the access aisles. A bike stall is a minimum of two (2) feet by six (6) feet with a five (5)-foot wide access aisle.
61. Submit a roof plan with the final plans.
62. Submit a detail of the generator and gas tank screening enclosure.
63. 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 prior to sign installations.

**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 your conditional use permits:**

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. 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 a valid building permit is issued and construction commenced within six months of the issuance of said building permit. 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 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  
Janet Schmidt, City Engineering  
Jeff Quamme, Engineering Mapping  
Eric Halvorson, Traffic Engineering  
Bill Sullivan, Fire Department  
Kay Rutledge, Parks Division  
George Dreckmann, Recycling Coordinator  
Al Martin, Urban Design Commission

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

\_\_\_\_\_  
*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 checked="" type="checkbox"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input type="checkbox"/>	Real Estate