



Department of Planning & Community & Economic Development

## Planning Division

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February 10, 2015

Gary Brown  
University of Wisconsin–Madison  
University Facility Planning & Management  
610 Walnut Street  
Madison, Wisconsin 53726

RE: Approval of a conditional use to allow construction of a music performance facility at 740 University Avenue on the University of Wisconsin–Madison campus.

Dear Mr. Brown;

At its February 9, 2015 meeting, the Plan Commission found the standards met and **approved** your conditional use to allow construction of a music performance facility at 740 University Avenue subject to the conditions of approval in the following sections, which shall be satisfied prior to issuance of any City permits related to the project.

**Please contact Janet Schmidt of the City Engineering Division at 261-9688 if you have questions regarding the following thirty-two (32) items:**

1. Update full street name on all sheets to “N. Lake Street.”
2. 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 or for any proposed work in the right of way necessitated by this project. When the recorded CSM image is available from the ROD, the City Assessor’s Office can create the new Address-Parcel-Owner (APO) data in GEO so that the permitting system can upload this data and permit issuance made available for this new land record.
3. A portion of Fitch Court (alley) will need to be discontinued/ vacated to permit development of the site as proposed with this application. The applicant shall provide written petition for the partial discontinuance of the portion of Fitch Court within this site of all of the owners abutting the portion Fitch Court to be discontinued and more than one-third of the frontage of the lots and lands abutting the remainder of Fitch Court. A Lis Pendens shall be recorded and a copy provided as required per Section 840.11, Wisconsin Statutes.
4. A Public Ingress/ Egress Easement shall be provided for public access and fire lane purposes through the aisles of the proposed parking lot from the south end of Fitch Court to remain as a public alley through to N. Lake Street. This public easement is anticipated to be modified and relocated upon the

approval and construction of Phase 2 of this development. The easement shall be maintained by the UW.

5. The applicant will be required to enter into a Developer's Agreement for the proposed work anticipated in the right of way(s), including but not limited to the abandonment and relocation of public utilities, and the construction of the turn lane on N. Lake Street. The applicant shall be responsible for reconstruction and relocation of the sidewalk and curb and gutter on N. Lake Street, new sidewalk on University Avenue, and work associated with the street vacation of Fitch Court while the City shall participate in the paving of N. Lake Street. If the applicant cannot or is unwilling to enter into a developer's agreement, the City may allow the construction under a permit to excavate in the right of way. The permit would require deposits for all staff time, inspection, permitting, and other costs incurred by the City for this development. Proof of proper bonding shall also be required.
6. Changes proposed to the right of way as necessitated by this project are required to obtain Board of Public Works and Common Council approval.
7. For the owner's protection against future damage to private infrastructure, all unused sewer within the project limits should be removed or properly abandoned to the specifications of the City Engineer.
8. This project will require coordination with the St. Paul's redevelopment project on State Street. A meeting with City staff and the appropriate representatives from St. Paul's and the UW is suggested to ensure that the access needs for both projects have been coordinated.
9. The applicant shall dedicate right of way on N. Lake Street as required by the City Engineer and the City Traffic Engineer for the proposed turn lane. This shall be accomplished with the pending CSM.
10. The City of Madison does not have jurisdiction over permitting for erosion control or stormwater management over the University. The University shall provide copies of all erosion control and stormwater permits as obtained from the Wisconsin Department of Natural Resources (DNR).
11. The crosswalk at the corner of N. Lake Street and University Avenue shall be a Type II ramp.
12. Modify the plans to include all property and right of way lines on all sheets.
13. 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.
14. The applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The applicant shall provide the City Engineer the

proposed grade of the building entrances. The City Engineer shall approve the grade of the entrances prior to signing off on this development.

15. The applicant shall replace all sidewalk and curb and gutter that abuts the property that 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.
16. The applicant shall obtain a privilege in streets agreement for any encroachments inside the public right of way. The approval of this development does not constitute or guarantee approval of the encroachments.
17. The applicant shall provide the City Engineer with the proposed earth retention system to accommodate the restoration. The earth retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system.
18. The applicant shall complete work on exposed aggregate sidewalk in accordance with specifications provided by the City. The stone used for the exposed aggregate shall be approved by the City. The Construction Engineer shall be notified prior to beginning construction. Any work that does not match the adjacent work or which the City Construction Engineer finds is unacceptable shall be removed and replaced.
19. All work in the public right of way shall be performed by a City-licensed contractor.
20. 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 Parks Division - [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.
21. All damage to the pavement on N. Lake Street and University Avenue, adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.
22. This project falls in the Rock River TMDL Zone and is subject to increased erosion control enforcement as authorized by Resolution 14-00043 passed by the Common Council on January 21, 2014. The project will be expected to meet a higher standard of erosion control than the minimum standards set by the Wisconsin Department Natural Resources (WDNR).
23. The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used.
24. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of 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.

25. Effective January 1, 2010, the Department of Commerce's authority to permit commercial sites, with over 1 acre of disturbance, for stormwater management and erosion control has been transferred to the Department of Natural Resources (WDNR). The WDNR does not have an authorized local program transferring this authority to the City of Madison. The City of Madison has been required by the WDNR to continue to review projects for compliance with NR-216 and NR-151 but a separate permit submittal is now required to the WDNR for this work as well. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. As this site is greater than 1 acre, the applicant is required by State Statute to obtain a Water Resources Application for Project Permits (WRAPP) from the Wisconsin Department of Natural Resources, prior to beginning construction. This permit was previously known as a Notice of Intent Permit (NOI). Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement.
26. 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.
27. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
28. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.
29. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of two working days prior to requesting City Engineering signoff.
30. Prior to final approval of the demolition permit, the owner shall obtain a permit to plug each existing sanitary sewer and/ or storm sewer lateral that serves a building that is proposed for demolition. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing 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: New plugging procedures and permit fees are in effect as of January 1, 2013.
31. 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.
32. City of Madison Environmental Projects Staff have reviewed the subject site and determined that a Phase I ESA **will** be required of the applicant. The applicant shall provide one (1) digital and one (1) hard copy of an ASTM Phase I ESA prepared by an environmental professional. Staff review of this Phase I ESA will determine if further investigative Phase II ESA is also required. Please submit any relevant Phase I and Phase II ESAs to Brynn Bemis (608-267-1986, [bbemis@cityofmadison.com](mailto:bbemis@cityofmadison.com)) for further review.

**Please contact Eric Halvorson of the Traffic Engineering Division at 266-6527 if you have any questions regarding the following six (6) items:**

33. Prior to sign-off, provide copy of cross-access agreement for all properties impacted by the vacation of Fitch Court.
34. Prior to sign-off, provide a construction access plan for 723 State Street.
35. The applicant shall submit one contiguous plan for approval. The plan drawing 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 2 feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
36. 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.
37. 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.
38. All parking facility design shall conform to the standards in MGO Section 10.08(6).

**Please contact Dennis Cawley of the Madison Water Utility at 261-9243 if you have any questions regarding the following item:**

39. Note: All operating private wells shall be identified and permitted and any unused private wells shall be abandoned by the Madison Water Utility in accordance with MGO Section 13.21.

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

40. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances. Coordination of the aerial lanes with the street trees and permission to use the public streets will be necessary prior to final site approval.

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

41. The applicant shall coordinate with Metro Transit staff the removal and relocation of the existing passenger waiting shelter on the north side of University Avenue, west of N. Lake Street, prior to construction.

42. The applicant shall protect the relocated passenger waiting shelter and existing curbside bus loading zone and sidewalk pedestrian access to transit vehicles during construction. Pedestrian access must be maintained along the entire block face of University Avenue, between N. Lake Street and East Campus Mall, and must comply with standards set out by the Americans with Disabilities Act.
43. The applicant shall install and coordinate the maintenance for a new passenger waiting shelter with seating amenity on the west side of N. Lake Street, north of University Avenue. The bus shelter should be installed a sufficient distance north of the intersection such that a stopped bus could depart the stop and proceed into the center through lane crossing University Avenue on southbound Lake Street. The applicant shall include the location of these transit amenities on the final documents filed with their permit application so that Metro Transit may review and approve the design.
44. The applicant might consider additional transit amenities on the property adjacent these bus stop zones, such as a trash receptacles or added benches, in finalizing their landscape plan.

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

45. Forestry will permit the Elm removal closest to Fitch Court (newly planted), and the Ginkgo (poor condition) near the center of the University Avenue frontage. The removal of the elm closest to Lake Street on University Avenue will not be permitted until the developer provides information for why it needs to be removed. Approval and permitting of street tree removals shall be obtained from the City Forester and/or the Board of Public Works prior to final approval of the site plan. Please reference ID# 15107 when contacting Parks Division staff about this project.
46. All street tree planting locations and trees species within 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 final approval of the site plan. Tree planting specifications can be found in Section 209 of *City of Madison Standard Specifications for Public Works Construction*.
47. Existing 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 protection specifications can be found in Section 107.13 of *City of Madison Standard Specifications for Public Works Construction*.
48. Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right-of-way. Permission for such activities must be obtained from the City Forester, 266-4816.

**Please contact my office at 261-9632 if you have any questions about the following two (2) items:**

49. The final plans shall be revised prior to the issuance of any City permits or utility connection requests to dimension the height of every floor of the building in both phases from the highest point (roof above hall) to grade.
50. That prior to commencement of construction of Phase II of the Music Performance Building, the University receive approval from the Urban Design Commission of the final exterior design of that phase. It is recommended that as part of the Phase II exterior approval, the eastern façade be designed to incorporate potential public art opportunities, material changes and vertical articulation of the lower approximately 40 feet of the building, and window openings along the first floor if possible, with the overall goal of creating a more visually interesting and better activated street wall along the N. Lake Street sidewalk.

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

**The applicant is recommended to work with the Urban Design Commission to satisfy the conditions of its advisory recommendation. Please contact Al Martin, Urban Design Commission Secretary, at 267-8740 if you have any questions about those conditions.**

**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 file **eleven (11) sets** of complete, fully dimensioned, and to-scale plans, 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. 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. 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.
3. Approval of the plans for this project does not include any approval to prune, remove or plant trees in the public right of way. Permission for such activities must be obtained from the City Forester, 266-4816.
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 building permits, please contact the Zoning Administrator at 266-4551. If you have any questions or if may be of any further assistance, please do not hesitate to contact my office at 261-9632.

Sincerely,

Timothy M. Parks  
Planner

cc: Janet Schmidt, City Engineering Division  
Eric Halvorson, Traffic Engineering Division  
Pat Anderson, Asst. Zoning Administrator  
Kay Rutledge, Parks Division  
Tim Sobota, Metro Transit  
Dennis Cawley, Madison Water Utility  
Bill Sullivan, Madison Fire Department

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

\_\_\_\_\_  
*Signature of Applicant*

\_\_\_\_\_  
*Signature of Property Owner  
(If Not Applicant)*

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (T. Parks)	<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"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input checked="" type="checkbox"/>	Other: Metro Transit