



Project Addresses: 1601-1617 Sherman Avenue

Application Type: Demolition Permit, Zoning Map Amendment, Conditional Uses, and Certified Survey Map Referral

Legistar File ID # [75711](#), [76309](#), [75712](#), and [75713](#)

Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Reviewed By: Kevin Firchow, Planning Division

Summary

Applicant: Darrin Jolas, Vermillion Acquisitions, LLC; 121 W Wacker Drive, Suite 400; Chicago, Illinois.

Property Owner: Tenney Place Development, LLC; 639 S Main Street, Suite 103; DeForest.

Surveyor: Michelle Burse, Burse Surveying & Engineering, Inc.; 2801 International Lane, Suite 101; Madison.

Requested Actions:

- ID [75711](#) – Consideration of a demolition permit to demolish a two-story commercial building at 1617 Sherman Avenue;
- ID [76309](#) – Consideration of a request to rezone 1601 and 1617 Sherman Avenue from SE (Suburban Employment District) to TR-U2 (Traditional Residential–Urban 2 District);
- ID [75712](#) – Consideration of a conditional use in the [Proposed] TR-U2 District for multi-family dwelling containing more than 60 units; consideration of a conditional use in the TR-U2 District for a residential building complex containing approximately 310 apartments in two five-story buildings; consideration of a conditional use in the TR-U2 District for a single-family attached dwelling with greater than eight (8) units; and consideration of a conditional use in the TR-U2 District for a residential building complex containing 20 townhouse units in three two-story buildings; and
- ID [75713](#) – Approval of a Certified Survey Map (CSM) to create three lots for the proposed residential development and two outlots for stormwater management.

Proposal Summary: The applicant is seeking approvals to demolish the two-story, approximately 46,952 square-foot former “Filene House” office building located at 1617 Sherman Avenue to allow redevelopment of the parcel and 1601 Sherman with two residential building complexes containing five buildings in TR-U2 zoning. Access to the proposed development will be provided by a new east-west public street that will extend across the site between Sherman Avenue and the eastern property line; the proposed street will be extended to Fordem Avenue in the future either as a City project or upon redevelopment of the adjacent residential properties.

The first of the two complexes proposed will be located on the north side of the new street and will include 20 townhouse units in three two-story buildings. The second complex will consist of two five-story apartment buildings located between the new street and southern property line adjacent to Tenney Park. The western of the two buildings, Building A, will include 184 units and 189 enclosed automobile parking stalls; the eastern building, Building C, will contain 127 units and 140 enclosed automobile parking stalls. Buildings A, B (B.1, B.2 and B.3), and Building C will each occupy one of the proposed lots to be created by the related CSM, which will also create two outlots for stormwater management.

The letter of intent indicates that construction will commence this September, with completion anticipated in February 2026.

Applicable Regulations & Standards: Section 28.182 of the Zoning Code provides the process for zoning map amendments. Table C-1 in Section 28.032(1) identifies a multi-family dwelling with greater than 60 units, single-family attached dwellings with greater than 8 units, and residential building complexes as conditional uses in the proposed TR-U2 (Traditional Residential–Urban 2) zoning district. Section 28.183 provides the process and standards for the approval of conditional use permits. Review by the Urban Design Commission of the residential building complex is required per Section 33.24(4)(c) of the Urban Design Commission ordinance. Section 28.185 provides the process and standards for the approval of demolition and removal permits. The subdivision process is outlined in Section 16.23(5)(b) of the Subdivision Regulations.

The proposed development is adjacent to Tenney Park, which is a locally designated landmark. Per Section 28.144 of the Zoning Code, any development on a zoning lot adjoining a landmark or landmark site for which Plan Commission or Urban Design Commission review is required shall be reviewed by the Landmark Commission to determine whether the proposed development is so large or visually intrusive as to adversely affect the historic character and integrity of the adjoining landmark or landmark site. Landmark Commission review shall be advisory to the Plan Commission and the Urban Design Commission.

Review Required By: Landmarks Commission, Urban Design Commission, Plan Commission, and Common Council.

Summary Recommendation: The Planning Division recommends that if the Plan Commission can find the applicable standards are met, the Planning Division recommends the following:

- That the Plan Commission find the standards for demolition permits are met to **approve** demolition of the two-story office building located at 1617 Sherman Avenue;
- That the Plan Commission forward Zoning Map Amendment ID 28.022–00621, rezoning 1601-1617 Sherman Avenue from SE to TR-U2, to the Common Council with a recommendation of **approval**;
- That the Plan Commission find the standards for conditional uses are met to **approve** a residential building complex containing approximately 310 apartments in two five-story buildings and a residential building complex containing 20 townhouse units in three two-story building, subject to input at the public hearing and the conditions from reviewing agencies beginning on **page 14**; and
- That the Plan Commission forward the Certified Survey Map to divide 1601-1617 Sherman Avenue into three lots and one outlot for stormwater management to the Common Council with a recommendation of **approval** subject to the conditions from reviewing agencies beginning on **page 23**.

Background Information

Parcel Location: Two parcels totaling 8.2 acres located on the east side of Sherman Avenue adjacent to the Yahara River and Tenney Park; Alder District 12 (Vedder); Madison Metropolitan School District.

Existing Conditions and Land Use: Two-story, approximately 46,952 square-foot former “Filene House” office building and surface parking, zoned SE (Suburban Employment District).

Surrounding Land Uses and Zoning:

North: Sherman Terrace Condominiums, zoned TR-V2 (Traditional Residential–Varied 2 District);

South: Tenney Park, Yahara River Parkway, zoned PR (Parks and Recreation District);

West: Filene Park, zoned CN (Conservancy District) and single-family residences, zoned TR-V1 (Traditional Residential–Varied 1 District); and

East: Multi-family dwellings, including River’s Edge Apartments and Yahara Landing Apartments, zoned PD.

Adopted Land Use Plans:

The 2018 [Comprehensive Plan](#) identifies the subject site and nearby properties bounded by Sherman Avenue, McGuire Street, Fordem Avenue, and the Yahara River for Medium Residential. The Generalized Future Land Use Map shows a network of new streets as recommended in the neighborhood plan (see below). Tenney Park, Filene Park, and the Yahara River Parkway are recommended for Park and Open Space. The single-family residences to the northwest of the site across Sherman Avenue are recommended for Low Residential.

The site is also located within the boundaries of the 2016 [Emerson East-Eken Park-Yahara Neighborhood Plan](#), which includes the site in Focus Area 4 – Sherman-Yahara Neighborhood Area. The plan generally recommends that the subject site be redeveloped with either employment or medium-density residential uses that could incorporate the existing office building or raze it. The number of future dwelling units varies by concept and new buildings vary in size between two-story duplex or townhouse-style structures up to five-story multi-family dwellings. The neighborhood plan recommends that a grid of public streets be established in the area bounded by Sherman Avenue, Fordem Avenue, and the Yahara River to improve connectivity for all forms of transportation, including through the subject site, and that the woodland in the southeastern on the site be conserved, with potential park expansion into the southeast corner of the site with pathways that directly connect to the Yahara River.

The subject site is also located within the study area for the 1998 [Yahara River Parkway Master Plan*](#), which provides a series of recommendations to preserve and enhance the Yahara River from Lake Monona to Lake Mendota. The plan includes specific recommendations for the public and private lands located on both sides of the river. Like the more contemporary neighborhood plan, this older plan also provides redevelopment for the subject property, identified as Site 1 and referred to as the “WPS” site in the plan. The site is recommended for “more dense” townhouse/apartment or condominium development that transitions to lower-scale housing facing the river. The master plan recommends residential development of the site at a density of 16-25 units per acre, with select areas recommended to be 26-40 units an acre. The site is also one of the sites along the river corridor identified for potential parkland acquisition to expand Tenney Park. ****An electronic version of the plan is not available for linking to this report.***

Zoning Summary: The subject site will be zoned TR-U2 (Traditional Residential–Urban 2 District), which will be reviewed in the following sections.

Requirements	Required	Proposed
Lot Area (sq. ft. per multi-family unit)	350 sq. ft. (108,850 sq. ft.)	217,801 sq. ft.
Lot Area (sq. ft. per townhouse unit)	800 sq. ft. (16,000 sq. ft.)	88,663 sq. ft.
Lot Width	50’	Greater than 50’
Minimum Front Yard Setback	15’	Adequate; see Zoning conditions

Requirements		Required	Proposed
Maximum Front Yard Setback		30’ or up to 20% greater than block average	
Side Yard Setback		10’ for multi-family; 6’ townhouses	Adequate; see Zoning conditions
Rear Yard		Lesser of 25% lot depth or 25’ for multi-family; 20’ for townhouses	Adequate; see Zoning conditions
Maximum Lot Coverage		MF: 80%; TH: 90%	54.2% and 43.5 %, Respectively
Usable Open Space for Multi-Family Dwellings and Townhouses, Resp.		MF: 40 sq. ft./unit (12,440 sq. ft.) TH: 100 sq. ft./ unit (2,000 sq. ft.)	60,500 sq. ft. 12, 500 sq. ft.
Maximum Building Height		MF: 6 stories/ 78’ TH: 3 stories/ 40’	5 stories/ Less than 78’ 2 stories, Less than 40’
Auto Parking		1 per dwelling unit (All unit types) (331 total)	362 enclosed/ garage; 36 surface (398 total)
Electric Vehicle (EV) Stalls		EV Ready: 10%; 36 stalls Lots 1 & 2 3 stalls Lot 3; EV Installed: 2% 7 stalls Lots 1 & 2 1 stall Lot 3	37 EV Ready (Lots 1 & 2); 9 EV Installed (Lots 1 & 2); None (Lot 3) (See Zoning conditions)
Accessible Stalls		Yes	4
Bike Parking		1 per unit up to 2-bedrooms, half-space per add. bedroom (331); 1 guest space per 10 units (31) (362 total)	331 structured; 42 surface (373 total)
Loading		None	0
Building Forms		Large Multi-Family Building Single-Family Attached Building	(See Zoning Conditions)
Other Critical Zoning Items			
Yes:	Urban Design (Residential Building Complex), Barrier Free, Utility Easements, Floodplain, Adjacent to Park, Landmarks		
No:	Wellhead Protection, Waterfront Development, Wetlands		
Prepared by: Jenny Kirchgatter, Assistant Zoning Administrator			

Environmental Corridor Status: The subject site is not located in a mapped environmental corridor. Tenney Park and the Yahara River Parkway are located within a mapped corridor.

Public Utilities and Services: The site is currently served by a full range of urban services, including Metro Transit, which operates seven-day service along Sherman Avenue and nearby on Fordem Avenue. Following the route restructuring scheduled to take effect in June 2023, service will continue to be provided on Sherman and Fordem Avenues.

Project Description

The applicant is requesting approval of a demolition permit to raze a two-story office building located at 1617 Sherman Avenue and to rezone that parcel and 1601 Sherman from SE to TR-U2 to facilitate a residential redevelopment of the property. The applicant is also requesting conditional uses for approval of two residential building complexes containing five buildings and 331 total units on the approximately 8.2-acre property. The proposed buildings will be located on three lots to be created by Certified Survey Map (CSM).

The building to be demolished is the former “Filene House,” which was primarily constructed between 1950 and 1966 and was formerly offices for Credit Union National Association, Inc. (CUNA) but has more recently been used by Care Wisconsin and Sony. The building contains approximately 46,952 square-feet of office space according to City records. The remaining property is mostly developed with a large surface parking lot located behind the building, which is accessed by two driveways from Sherman Avenue. Photos of the interior and exterior of the building are included in the Plan Commission materials for the demolition request.

The site is characterized by a modest slope that falls about 10-15 feet from the northwestern corner of the site at Sherman Avenue towards the south and east, and by areas of mature trees, including along the southwesterly property line abutting the northeasterly edge of Tenney Park, and along the easterly rear lot line, which abuts a series of properties accessed from Fordem Avenue, which are developed with multi-family housing. Mature canopy trees are also located in the front yard of the building behind the Sherman Avenue sidewalk. The portion of Tenney Park adjoining the site is used as boat trailer parking and storage associated with the Yahara River, which parallels the southwesterly line of the subject property, and the nearby Tenney Locks where the river passes into Lake Mendota. The property north of the subject site is developed with the Sherman Terrace development, which features a series of three-story brick multi-family condominium buildings. Filene Park is located west of the site across Sherman Avenue; Filene Park was previously a portion of Tenney Park before being renamed in 1963 for Edward A. Filene, the founder of credit union movement. A series of single-family residences extend north of the park on the west side of Sherman into the Village of Maple Bluff.

Following demolition of the office building, the property will be divided into three lots. Access to the proposed residential redevelopment will be provided by a new east-west public street that will extend across the site between Sherman Avenue and the eastern property line. The proposed street will be extended to Fordem Avenue in the future either as a City project or upon redevelopment of the adjacent residential properties.

Lots 1 and 2 of the CSM will be located on the south side of the new street and will be developed with the first of the two residential building complexes proposed. The southern complex will consist of two five-story apartment buildings located between the new street and southerly property line adjoining Tenney Park. The western of the two buildings, Building A, will include 184 dwelling units, 189 enclosed automobile parking stalls, and 203 bike parking stalls; the eastern building, Building C, will contain 127 dwelling units, 140 enclosed automobile parking stalls, and 140 bike parking stalls. In all, the two five-story apartment buildings will provide 78 studio/efficiency units, 165 one-bedroom units, and 68 two-bedroom units. In addition to the 329 spaces of automobile parking to be located within Buildings A and C, 36 automobile stalls will be located in surface lots located between the buildings and adjacent to the easterly side wall of Building C.

Both buildings will be U-shaped, courtyard-style buildings, with the courtyard of Building A oriented towards Sherman Avenue and Lake Mendota, and the courtyard of Building C oriented towards the adjacent park and Yahara River. Both courtyards will be located at the second floors of their respective buildings above one level of ground level parking to be included in each building; a full level of parking is also proposed below their footprints. Both buildings will include first floor apartment units located between their upper parking levels and adjacent streets to screen the parking. Buildings A and C will feature a modern architectural style with exteriors composed of contrasting brick veneer and fiber cement siding.

Lot 3 will be located on the north side of the new street and will include the second residential building complex proposed, which will be comprised of 20 townhouse-style units in three two-story buildings, Buildings B.1, B.2 and B.3. Buildings B.1 (six units) and B.3 (nine units) will be oriented to the new east-west street and include rear-

loaded two-car garages accessed from a shared driveway. Building B.2 (five units) will be located on the north side of the shared driveway and will include one-car garages accessed from the south and a rear façade intended to back up to the adjacent Sherman Terrace development. The 20 total units will include 16 two-bedroom units and four (4) three-bedroom units as shown on the architectural plans.

In addition to the three lots to be developed with the residential buildings, the proposed CSM will create two outlots to be dedicated to the City for stormwater management for the development, which will be located along the eastern property line on either side of the new public street.

The applicant has submitted a substantial landscaping plan for the proposed residential development, which emphasizes preservation of existing vegetation present on the site. In particular, the developer plans to leave an area of varying width along the southwesterly property line abutting Tenney Park “undisturbed.” The project plans denote a 30-foot wide landscaping buffer over much of the park-adjacent undisturbed area that the development team will design and maintain in coordination with the Parks Division to ensure mitigation of invasive plant species and to provide ample screening from users of the river and park. Other areas of vegetation proposed to remain extend along the easterly property line and in the northeasterly corner of the site adjoining a portion of the Sherman Terrace development. Additionally, four mature overstory trees located behind the Sherman Avenue sidewalk on the subject site will be preserved. A survey of the trees present across the property and a condition report have been submitted by the applicant and are attached to the conditional use file, ID [75712](#).

Supplemental Regulations

Residential building complexes, which are defined as “a group of two or more residential buildings on a single parcel or tract of land, developed under single ownership and common management” are conditional uses in the TR-U2 zoning district and are subject to the following supplemental regulations in Section 28.151 of the Zoning Code (as applicable):

- (a) Recreational areas may be required to serve the needs of the anticipated population.
- (b) Setback requirements may be reduced as part of the conditional use approval, provided that equivalent open space areas are provided.
- (c) Minimum distances between buildings shall equal the combination of the required side yards for each building, unless reduced by the Plan Commission as part of the conditional use approval.
- (d) An appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.
- (g) Shall be reviewed by the Urban Design Commission pursuant to Sec. 33.24(4)(c), MGO.
- (h) All Residential Building Complexes shall be submitted with a plan for building placement, circulation, access and parking, and information on the architectural design of the development.
- (i) Each building in a Residential Building Complex shall provide the lot area and usable open space required for the building type by the zoning district.

Analysis

The applicant is requesting approval of a zoning map amendment to rezone the 8.2-acre parcel from SE to TR-U2 to facilitate redevelopment of the site with two five-story apartment buildings and three townhouse buildings

following demolition of the existing two-story office building located on the western half of the site and a land division to create three lots and two outlots.

Consistency with Adopted Plans

In order to approve the zoning map amendment, the Common Council shall find that the zoning map amendment is *consistent with* the City's Comprehensive Plan as required by Section 66.1001(3) of Wisconsin Statutes. "Consistent with" is defined as "furthers or does not contradict the objectives, goals and policies contained in the comprehensive plan."

The subject site is located within the boundaries of the Emerson East-Eken Park-Yahara Neighborhood Plan, which was adopted by the Common Council in 2016 to guide land uses, transportation, redevelopment, and public investment in the area of the City generally bounded by Lake Mendota and the Village of Maple Bluff on the west, Aberg Avenue on the north, E Washington Avenue on the southeast, and the Yahara River on the southwest.

The site comprises all of Focus Area 4 in the neighborhood plan, which refers to the area as the "Sherman/Yahara Neighborhood Area." The plan notes Focus Area 4's proximity to Tenney Park and downtown and its accessibility via Sherman Avenue, Metro Transit, bike lanes, off-road paths, sidewalks and the Capital City Trail. The plan notes that the 2006 Comprehensive Plan designated the site for Employment with a map note indicating that Medium-Density Residential (MDR) use would be preferred, if and when the site redevelops. [Note: The MDR density range in the 2006 plan was 16-40 units per acre.] The neighborhood plan recommends that the existing office building be adapted for use as a residential structure, or that it be razed and new residential structures built in its place.

The Emerson East-Eken Park-Yahara Neighborhood Plan included two conceptual plans and schematic designs on pages 27 through 29, which illustrate *potential* redevelopment scenarios. The first redevelopment concept shows residential at the rear of the site replacing most of the existing parking located behind the office building, which would remain as offices or be repurposed to residential use. The second redevelopment concept shows two five story multi-family residential buildings with a total of 150 units, as well as a series of two-story duplex units at the rear of the site accessed by a local street extended into the site from Sherman Avenue.

The neighborhood plan includes a number of specific recommendations for Focus Area 4, including providing a mix of housing types on the subject site, the creation of a residential streetscape defined with the new five-story residential buildings; parking areas with innovative stormwater management features to protect the Yahara River watershed; a pedestrian-bike connection from the site to the Yahara River Parkway; and incorporating community gardens into reuse of the site. The plan also recommends woodland conservation and potential park expansion into the southeast corner of the site with pathways that directly connect to the Yahara River.

In general, the neighborhood plan highlights that the planning area is well-connected to the rest of the City and region, but that a series of "significant" circulation barriers exist within the planning area. One of the transportation goals in the plan is to improve circulation for all modes (pedestrians, bicycles, motorists), with particular emphasis on creating east-west connections and infilling missing segments of paths or sidewalks along major corridors. Of particular relevance to the subject site, the neighborhood plan recommends that a public grid street pattern through be established 1601 and 161[7] Sherman Avenue properties if/when the property redevelops, which would connect with streets extending through surrounding properties if/when they redevelop, as well as development of a pedestrian path along the northerly side of Yahara River. A potential network of new public streets is shown on page 54 of the neighborhood plan, including an east-west street through the subject site between Sherman and Fordem Avenues, which would eventually connect to the First Street-E Johnson Street intersection. New north-south streets are also shown extending through the site, including one that would parallel

the eastern property line and extend to the Yahara River, and another that would extend south through the adjacent Sherman Terrace Condominiums.

The 2018 Comprehensive Plan identifies the subject site and the nearby parcels to the north and east developed with multi-family dwellings in the Medium Residential (MR) category, which generally recommends development between 20-90 units per acre in up to five-story buildings. MR areas are generally located close to major streets, mixed-use areas, or commercial/employment areas across the City to provide convenient, walkable access to transit, shopping, restaurants, and other amenities. MR areas should be interconnected with surrounding development as part of a complete neighborhood, and should be transit-oriented. The MR category ideally provides options for people of all ages who wish to live within a neighborhood. The plan notes that special attention should be paid to design within MR areas where the use adjoins less intense residential development; architectural features such as a stepback may be needed to transition MR development to less intense surrounding development. The street grid recommended in the neighborhood plan is also included on the generalized future land use map.

The subject site is also located within the study area for the 1998 Yahara River Parkway Master Plan, which provides a series of recommendations to preserve and enhance the Yahara River from Lake Monona to Lake Mendota. The plan includes specific recommendations for the public and private lands located on both sides of the river, including the subject site. The site is identified as Site 1 and referred to as the “WPS” site, which is recommended for “more dense” townhouse/apartment or condominium development that transitions to lower-scale housing facing the river. Like the more contemporary 2016 Emerson East-Eken Park-Yahara Neighborhood Plan, the Yahara River Parkway Master Plan includes two redevelopment concepts for the subject site. The 1998 master plan includes one that preserves the office building and another that anticipates its demolition. Both concepts propose a variety of residential building footprints across the subject site organized along an internal street network. However the concepts do not identify building heights or the number of units in the buildings shown. In general, the Yahara River Parkway Master Plan recommends residential development of the site at a density of 16-25 units per acre, with select areas recommended to be 26-40 units an acre. The plan further encourages increasing the buffer between this development site and the parkway. The site is also one of the sites along the river corridor identified for potential parkland acquisition to expand Tenney Park.

The Planning Division believes that the Plan Commission may find that the proposed redevelopment of the site is largely consistent with the above plan recommendations. The proposed five-story apartment buildings, Buildings A and C, generally reflect the scale and intensity of development recommended for the western half of the site in the Emerson East-Eken Park-Yahara Neighborhood Plan, which suggests that the Sherman Avenue frontage of the subject site could be redeveloped with up to five-story buildings before transitioning to a lower-scaled development pattern on the eastern half of the site (shown as two-story duplexes in the plan but proposed in the development as two-story townhouses). The development includes the east-west public street recommended in the Emerson East-Eken Park-Yahara Neighborhood Plan, including the eastern terminus shown in one of the concept plans where it is likeliest to be able to be extended to Fordem Avenue in the future. Staff notes that the older Yahara River Parkway Master Plan recommends future site residential redevelopment transition to lower-scale housing facing the river, though the more contemporary redevelopment concepts included in the adopted 2016 neighborhood plan include larger buildings closer to the river.

The proposed net density of 44.2 units per acre (311 units on approximately 7.04 acres of land exclusive of right of way and outlots) is well within the 20-90 unit per acre density range recommended by the 2018 Comprehensive Plan. It is just slightly higher than the up-to 40 units per acre as recommended for medium-density residential

development by the Emerson East-Eken Park-Yahara Neighborhood Plan (by reference to the density recommendations of 2006 Comprehensive Plan).

Consideration of Demolition Permit Standards

In order to approve a demolition request, the Plan Commission shall consider the factors and information specified in Section 28.185(9)(c) and find that the proposed demolition or removal is consistent with the statement of purpose of the demolition permits section and with the health, prosperity, safety, and welfare of the City of Madison. The standards for demolition approval state that the Plan Commission shall consider the report of the City's historic preservation planner regarding the historic value of the property as well as any report that may be submitted by the Landmarks Commission. The future use of the property following demolition or removal is no longer a consideration in determining whether the demolition standards are met.

In regards to demolition standard 1 related to the possible building relocation efforts, the Plan Commission is required to consider any information provided related to possible relocation activities. However, staff is unaware that relocation of the structure is being considered and no further information has been provided. In regards to standard 6 regarding the condition of the building proposed for demolition or removal, Planning Division staff has not received any comments from the Building Inspection, Fire, or Police departments/divisions on the existing building. The applicant suggests in the letter of intent accompanying the demolition request that the existing building was analyzed for historic significance and adaptive reuse as a residential building, but that it was deemed incompatible with residential development on the basis of "architectural significance, column placement/structural systems, mechanical/building systems, improper entrance, and site drainage issues impacting the neighboring properties" that "led to an unfavorable cost-benefit analysis on the part of the development team." As noted earlier in this report, photos of the existing building are included, but no report on the condition of the building has been provided for consideration. While the Zoning Code notes that condition shall be considered, it does not specify that a certain structural condition or level of disrepair is necessary in order to approve a demolition.

At its November 14, 2022 meeting, the Landmarks Commission voted to recommend to the Plan Commission that the former "Filene House" office building at 1617 Sherman Avenue has historic value based on cultural and historic significance related to the national credit union movement and President Harry Truman's speech at the dedication of the building in 1950 linking the work by CUNA at this site to an international effort to support small businesses and applicants that could not receive funding through traditional banks, which Truman saw as helping to fight communism as part of his Point Four Program, a significant initiative of his presidency. The motion passed by voice vote/other.

Subsequent to the Landmarks Commission's informal review of the proposed demolition, a nomination dated December 19, 2022 was submitted to make the Filene House building a Madison landmark (see ID [75226](#), which includes the nomination). On January 9, 2023, the Landmarks Commission voted to refer the landmark nomination to the Common Council for designation as meeting the standards of MGO Section 41.07(2)(a) for its association with the Credit Union National Association from 1950-1979 and MGO Section 41.07(2)(b) as a memorial to Edward Filene for his association with the credit union movement (the nomination also cited the 1950 Truman dedication event, which the Landmarks Commission did not include in its recommended designation). The recommendation to the Council to designate the property as a landmark passed on a 4-2 vote.

However, final approval of the designation of a property as a landmark rests with the Common Council per MGO Section 41.07. On February 7, 2023, the Common Council placed the nomination of the Filene House on file without prejudice on a 14-5 vote (see ID [75633](#)).

Based on the findings of the Landmarks Commission on the demolition and the subsequent efforts to designate the building a landmark, staff believes that the Plan Commission should give careful consideration to whether standards 4 and 7 can be met for the requested demolition. Standard 4 states:

"The Plan Commission has received and considered the report of the City's historic preservation planner regarding the historic value of the property as well as any report that may be submitted by the Landmarks Commission."

Standard 7 states:

"The Plan Commission shall consider the factors and information specified in items 1-6 and find that the proposed demolition or removal is consistent with the statement of purpose of this section and with the health, prosperity, safety, and welfare of the City of Madison."

The statement of purpose in Section 28.185 states, in part:

"The purpose of this section is therefore to ensure the preservation of historic buildings, encourage applicants to strongly consider relocating rather than demolishing existing buildings, aid in the implementation of adopted City plans, maximize the reuse or recycling of materials resulting from a demolition, protect the public from potentially unsafe structures and public nuisances..."

Consideration of the Conditional Use Standards

Similarly, the Plan Commission may not approve an application for a conditional use unless it can find that all of the standards found in Section 28.183(6)(a), Approval Standards for Conditional Uses, are met. That section states: "The City Plan Commission shall not approve a conditional use without due consideration of the recommendations in the City of Madison Comprehensive Plan and any applicable, neighborhood, neighborhood development, or special area plan, including design guidelines adopted as supplements to these plans. No application for a conditional use shall be granted by the Plan Commission unless it finds that all of the [standards for approval in Section 28.183(6) are met]."

The Planning Division believes that the Plan Commission may find that the conditional use standards are met for the proposed development. The uses, values and enjoyment of other property in the neighborhood for purposes already established should not be substantially impaired or diminished in any foreseeable manner by the project, nor should the establishment of the conditional uses impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. Comments submitted by agencies do not suggest that the proposed mixed-use development will negatively impact the City's ability to provide services to the project subject to meeting the recommended conditions of approval in the final section of this report.

Although staff is aware of concerns by some residents of the surrounding area about the potential for the proposed development to create a significant amount of additional traffic, the Traffic Engineering Division has not expressed significant concerns with the proposal and has accepted both the traffic impact analysis and transportation demand management plan (TDMP) submitted by the applicant. Both of those documents are attached to the conditional use legislative file, ID [75712](#) for reference.

Development Adjacent to a Landmark/Landmark Site

The subject site is located adjacent to Tenney Park, which along with Filene Park (originally part of Tenney Park but renamed by the Board of Park Commissioners in 1963), is a locally designated [landmark](#) as well as being listed in the State and National registers of historic places. The park and the nearby [Yahara River Parkway](#) (between E Johnson Street and Lake Monona), which is also a locally, State, and Federally designated historic property, were nominated and designated in 1995 primarily due to the historic Prairie-style landscape architecture of the two open spaces. The Tenney Park designation also notes the presence of seven contributing and five non-contributing structures within and adjacent to the park that are part of the character of the landmark open space.

Section 28.144 of the Zoning Code requires the following:

“Any development on a zoning lot adjoining a landmark or landmark site for which Plan Commission or Urban Design Commission review is required shall be reviewed by the Landmark Commission to determine whether the proposed development is so large or visually intrusive as to adversely affect the historic character and integrity of the adjoining landmark or landmark site. Landmark Commission review shall be advisory to the Plan Commission and the Urban Design Commission.”

As stipulated by Section 28.144, the Landmarks Commission met on March 6, 2023 to review the proposed development and determine whether it was so large or visually intrusive adjoining the landmark. Following presentation of a staff report, public comments, and comments and a presentation by the development team, the six members of the Landmarks Commission present were unable to reach a consensus on whether the project was so large or visually intrusive so as to adversely affect the adjoining Tenney Park landmark. A report of the Landmarks Commission’s review outlining the positions of members who felt that the development was so large and visually intrusive and members who felt that it was not is attached to the legislative file for the conditional uses (ID [75712](#)).

The Plan Commission should carefully consider the points raised by members of the Landmarks Commission as it considers the proposed development located adjacent to the Tenney Park. Staff believes that the Plan Commission may find that the proposed development is not so large or visually intrusive as to adversely affect the historic character or integrity of the adjacent designated landmark due to the new development being screened from the designated landmark with a 30-foot landscaping buffer. The buffer and the oversight of it by the Parks Division related to the type of species included in this area should help to ensure that the new development is not so overly large and visually intrusive, and the monitoring of the landscape plan for the buffer area enhances the integrity of the landscape design for the Yahara River Parkway.

Review by the Urban Design Commission

Section 28.151 of the Zoning Code requires that any residential building complex be reviewed by the Urban Design Commission pursuant to MGO Section 33.24(4)(c), which stipulates that the Urban Design Commission review the exterior design and appearance of all principal buildings or structures and the landscape plans of all proposed residential building complexes and report its findings and recommendations to the Plan Commission.

The Urban Design Commission reviewed the proposed residential building complexes at its March 1, 2023 meeting and made an **advisory recommendation** to the Plan Commission to grant Initial Approval so that the application could move forward, but with a condition requested that the application return to Urban Design Commission for Final Approval. The motion was passed on a vote of 5-2. A full report of the Urban Design Commission’s review of the development is attached to the conditional use file.

The Urban Design Commission included the following conditions with its advisory recommendation:

- More development of the townhouses. Revisit the material choices on the smaller structures, especially Building B2, to limit the boxy appearance of the townhouses. The lap siding should be replaced with an alternate material.
- How the Buildings A and C address the new street. The architecture of Buildings A and C shall be revised to activate the new proposed street more by whatever means appropriate.
- Provide pedestrian connectivity throughout the site, connecting to the dog park from all of the buildings.
- Include potential traffic calming on the new street (especially as it approaches Sherman).
- More activation for Building A on Sherman.
- The applicant shall submit more detail of the roof terraces.
- The applicant shall provide rendered drawings in more detail.
- The applicant shall provide a more detailed landscape plan, including details regarding the amenity areas, including landscape plans and plant details throughout, as well as more information about what trees have been identified as possibly being able to be saved in this process, an updated plant palette to include more flowering perennials and hardwood shade trees.

If the proposed development is approved, Planning staff recommends a condition that would allow the above-listed items to be reviewed by the Urban Design Commission prior to final plan approval and issuance of building permits for the project. Staff feels that such a condition would be tantamount to allowing the Urban Design Commission to resolve those project details.

Criteria for Land Divisions

Finally, the Plan Commission may find that the proposed division of the 8.2-acre parcel into three lots and two outlots meets the standards and criteria for approval. The proposed lots are appropriate for the development contemplated, and staff believes that the proposed east-west street is consistent with the recommendations in the Emerson East-Eken Park-Yahara Neighborhood Plan, which calls for a local street grid between Sherman and Fordem Avenues to improve connectivity in that portion of the planning area. While there are currently no plans to extend the street from the eastern property line of the site to Fordem, staff feels that the dedication and construction of the street with this development is an important first step in implementing that recommendation.

As noted earlier in this report, the neighborhood plan also recommends the creation of a grid street pattern in this portion of the study area in addition to the proposed east-west street. One of those future streets is a north-south street conceptually planned to follow the eastern property line of the subject site. Staff feels that this north-south street is a longer-term connection, but that space should be reserved for where that connection may occur in the future. To that end, staff is recommending that a 30-foot building setback line and reservation for future street purposes be established along the eastern property line north and south of the east-west street, which will serve as a restriction for public benefit to ensure that a portion of that street could be acquired and constructed on the subject site if so determined by the City in the future. The final limits of the 30-foot reservation and text for the CSM shall be approved prior to recording.

Finally, the City is requesting that a 20-foot wide public sidewalk and bike path easement(s) be granted to the City from the proposed public street to the Madison Parks parcel consistent with a recommendation in the Emerson East-Eken Park-Yahara Neighborhood Plan that a pedestrian-bike connection be provided from the site to the

Yahara River Parkway. Staff recommends a location along the eastern property line for this easement, which will overlap with the reservation being requested above.

Conclusion

The applicant proposes to demolish the former Filene House office building to allow redevelopment of the 8.2-acre site with 311 multi-family units in five buildings in TR-U2 zoning. The requests are subject to the standards for approval for demolition permits, zoning map amendments, conditional uses, and land divisions.

The Planning Division believes that the Plan Commission may find that the proposed development is largely consistent with the many recommendations for the site, which generally support medium-density residential development with or without the existing two-story office building. However, as it considers whether the demolition standards are met, the Plan Commission shall carefully consider the Landmarks Commission's finding of historic significance during its review of the demolition and its recommendation that the building be designated as a City of Madison landmark (which was ultimately placed on file without prejudice by the Common Council). The Plan Commission should also carefully consider whether the proposed development is so large or visually intrusive so as to negatively impact the adjoining Tenney Park local landmark given the split determination made by the Landmarks Commission, and finally should weigh the recommendation on the residential building complexes by the Urban Design Commission and their request to be able to review specific final details of the development prior to permitting.

Recommendation

Planning Division Recommendation (Contact Timothy M. Parks, (608) 261-9632)

If the Plan Commission can find the applicable standards are met, the Planning Division recommends the following to the Plan Commission:

- That the Plan Commission that the standards for demolition permits are met to **approve** demolition of the two-story office building located at 1617 Sherman Avenue;
- That the Plan Commission forward Zoning Map Amendment ID 28.022-00621, rezoning 1601-1617 Sherman Avenue from SE to TR-U2, to the Common Council with a recommendation of **approval**;
- That the Plan Commission find the standards for conditional uses are met to **approve** a residential building complex containing approximately 310 apartments in two five-story buildings and a residential building complex containing 20 townhouse units in three two-story building, subject to input at the public hearing, final approval by the Urban Design Commission, and the conditions from reviewing agencies that follow; and
- That the Plan Commission forward the Certified Survey Map to divide 1601-1617 Sherman Avenue into three lots and one outlot for stormwater management to the Common Council with a recommendation of **approval** subject to the conditions from reviewing agencies beginning on **page 23**.

Recommended Conditions of Approval Major/Non-Standard Conditions are Shaded

Planning Division

1. That in order for the development to meet Conditional Use Standard 9 in Section 28.183(6) of the Zoning Code, the Plan Commission finds, based on the recommendations and comments of the Urban Design Commission on March 1, 2023, that the following modifications and additional information are necessary as specified below. Prior to final sign-off and the issuance of building permits, a complete plan set with the following modifications and supplemental information shall be presented to the Urban Design Commission for their final review. The Urban Design Commission shall confirm that the modifications satisfy the intent of their initial recommendation and meet the applicable approval standards of Section 28.183(6)(9) and Section 28.151 as it pertains to residential building complexes. The Urban Design Commission final review shall be limited to these specified items and any modifications to the previously reviewed plans falling under Urban Design Commission's purview. Following this review, the plans shall be revised to reflect the Urban Design Commission final review comments and information shall be incorporated into final sign-off plans to be approved by the Planning Division Director and Urban Design Commission Secretary. Plans determined not consistent with this recommendation shall require a conditional use alteration as specified in Section 28.183(8). The items for final review by the Urban Design Commission are as follows:
 - a) More development of the townhouses. Revisit the material choices on the smaller structures, especially Building B2, to limit the boxy appearance of the townhouses. The lap siding should be replaced with an alternate material.
 - b) How the Buildings A and C address the new street. The architecture of Buildings A and C shall be revised to activate the new proposed street more by whatever means appropriate.
 - c) Provide pedestrian connectivity throughout the site, connecting to the dog park from all of the buildings.
 - d) Include potential traffic calming on the new street (especially as it approaches Sherman).
 - e) More activation for Building A on Sherman.
 - f) The applicant shall submit more detail of the roof terraces.
 - g) The applicant shall provide rendered drawings in more detail.
 - h) The applicant shall provide a more detailed landscape plan, including details regarding the amenity areas, including landscape plans and plant details throughout, as well as more information about what trees have been identified as possibly being able to be saved in this process, an updated plant palette to include more flowering perennials and hardwood shade trees.
2. The final plans shall be revised prior to final approval and issuance of building permits to show a 30-foot reservation for a future public street parallel to the easterly property line and the 20-foot wide pedestrian-bike path easement being requested by the City Engineering and Traffic Engineering Divisions.

3. An existing conditions survey/plan and demolition plan shall be submitted with the final plan set.

City Engineering Division (Contact Brenda Stanley, (608) 261-9127)

4. The applicant shall provide projected wastewater flow calculations for the proposed development to Mark Moder, mmoder@cityofmadison.com, (608)261-9250. Off-site sewer improvements by the developer may be required as a condition for development.

5. This site is creating a new public street that requires stormwater treatment. Runoff from that street shall not be "intermixed" with private water from the site for the purpose of stormwater treatment. The developer shall dedicate lands to treat the public runoff and get that discharge from that system to the public stormwater main on the south side of the subject property.
6. The public stormwater system and easement on the south side of the property does not overlap with the property line of the proposed development in all locations. Further, the existing storm system has limited capacity. The applicant is encouraged to pursue a new discharge to the river across parklands. An easement or dedication to the public of part of the proposed storm system would be needed.
7. 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.
8. Construct Madison standard street, multi-use path, and sidewalk improvements for all streets within the CSM.
9. Construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the CSM.
10. 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.
11. Obtain a permit to plug each existing storm sewer.
12. 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 ((608) 261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
13. An Erosion Control Permit is required for this project.
14. A Storm Water Management Report and Storm Water Management Permit is required for this project.
15. This site appears to disturb over one (1) acre of land and requires a permit from the Wisconsin Department of Natural Resources (WDNR) for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR-216 and NR-151; however, a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue its permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at (608) 273-5612 of the WDNR to discuss this requirement. The applicant is notified that the City of Madison is an approved agent of the Department of Safety and Professional Services (DSPS) and no separate submittal to this agency or the Capital Area Regional Planning Commission (CARPC) is required for this project to proceed.
16. Submit a soil boring report that has been prepared by a Professional Engineer two weeks prior to recording the final plat to the City Engineering Division indicating the ground water table and rock conditions in the area. If the report indicates a ground water table or rock condition less than nine (9) feet below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer.

17. Confirm that adequate sight distance exists where public streets intersect per AASHTO design standards for intersection sight distance. If adequate sight distance does not exist, change the location of the street intersection or agree to make improvements to the roadways such that the sight distance is achieved or make the mitigating improvements as required by the City. Caution - The improvements indicated may require right of way outside of the project limits.
18. Revise the plans to show a proposed private internal drainage system on the site. Include the depths and locations of structures and the type of pipe to be used.
19. The area adjacent to this development is subject to backwater flooding from Lake Monona. Minimum entrance elevations for ramps to underground parking and to entrances to buildings shall be set at elevation 852.00. The stated elevation is intended to be protective but does not guarantee a flood proof structure. The developer/ owner are strongly encouraged to complete their own calculations and determine an elevation that protects their property to a level of service that they are comfortable with.
20. Provide additional detail how the enclosed depression(s) created by the parking entrance(s) to the below building parking area(s) is/are served for drainage purposes. The building must be protected from receiving runoff up through the 100-year design storm that is current in MGO Chapter 37. If the enclosed depression(s) is/are to be served by a gravity system provide calculations stamped by a Wisconsin P.E. that show inlet and pipe capacities meet this requirement. If the enclosed depression(s) is/are to be served by a pump system provide pump sizing calculations stamped by a Wisconsin P.E. or licensed Plumber that show this requirement has been met.
21. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE and therefore will be regulated to meet a higher standard.
22. 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.
23. Demonstrate compliance with MGO Sections 37.07 and 37.08 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.
24. 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.
25. 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.
26. Complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by MGO Chapter 37.

27. 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:

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

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.

This site is a mix of redevelopment and new development stormwater standards.

Detain the 2-, 5-, 10-, 100-, and 200-year storm events, matching post development rates to predevelopment rates and using the design storms identified in MGO Chapter 37.

By design detain the 10-year post construction design storm such that the peak discharge during this event is reduced 15% compared to the peak discharge from the 10-year design storm in the existing condition of the site. Further, the volumetric discharge leaving the post development site in the 10- year storm event shall be reduced by 5% compared to the volumetric discharge from the site in an existing condition during the 10-year storm event. These required rate and volume reductions shall be completed, using green infrastructure that captures at least the first half-inch of rainfall over the total site impervious area. If additional stormwater controls are necessary beyond the first half-inch of rainfall, either green or non-green infrastructure may be used.

Provide infiltration of 90% of the pre-development infiltration volume.

Reduce TSS by 80% (control the 5-micron particle) off of newly developed areas compared to no controls.

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

Treat the first half-inch of runoff over the proposed parking facility.

Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any best management practices (BMP) used to meet stormwater management requirements on this project.

28. 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).

City Engineering Division – Mapping Section (Contact Julius Smith, (608) 264-9276)

29. Grant a 20-foot wide public sidewalk and bike path easement(s) to the City from the proposed public street to the Madison Parks parcel. Staff recommends a location along the eastern property line.
30. The applicant shall dedicate right of way or grant a public sidewalk easement for and be responsible for the construction of a five (5)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1) foot for maintenance along Sherman Avenue, where needed with the concurrent proposed CSM.

31. Dedicate the adjacent existing 33-foot limits of Sherman Avenue and the proposed new east-west street in a location as approved by City Engineer and Traffic Engineering Division with the proposed concurrent CSM.
32. The proposed new building crosses an underlying platted lot line. The related 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 or early start permit.
33. Show a temporary limited easement for a temporary cul-de-sac as required by City Traffic Engineer.
34. Coordinate and request from the utility companies serving this area the easements required to serve this development. Those easements shall be properly shown, dimensioned and labeled on the CSM.
35. Provide for review, comprehensive reciprocal easements and agreements including, but not limited to, access, parking, utilities, common areas, storm management that are necessary to accomplish the land division or site development as proposed prior to final sign off. The document(s) shall be executed and recorded immediately subsequent to the CSM recording and prior to building permit issuance.
36. Identify on the plans the lot and block numbers of recorded Certified Survey Map or plat.
37. Submit a site plan and a complete set of building Floor Plans (for each individual building) 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 an interior and building addressing plan for the proposed multi-building complex. Each building page should include a key locator and north arrow. Also, include a unit matrix for the apartment buildings. 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 Verification submittal stage of this LNDUSE with Zoning. The final approved stamped Addressing Plan shall be included in said Site Plan Verification application materials or a revised plan shall be provided for additional review and approval by Engineering. Per MGO Section 34.505, a full copy of the approved addressing plan shall be kept at the building site at all times during construction until final inspection by the Madison Fire Department. 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.
38. Provide proposed street name suggestions for the future public street to Lori Zenchenko (LZenchenko@cityofmadison.com).

Traffic Engineering Division (Contact Sean Malloy, (608) 266-5987)

39. The applicant has submitted the requested Transportation Demand Management Plan (TDMP); the plan has been reviewed and accepted by the Traffic Engineering Division.
40. The applicant has submitted the requested Traffic Impact Analysis study; the study has been reviewed and accepted by the Traffic Engineering Division.
41. The applicant shall submit a waste removal plan to be reviewed and approved by the City Traffic Engineer prior to final approval, which shall include vehicular turning movements.

42. The applicant shall dedicate right of way or grant a public sidewalk easement for and be responsible for the construction of a five (5)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1) foot for maintenance along Sherman Avenue, as needed.
 43. The applicant shall work with the City Engineering and Traffic Engineering Divisions on the final configuration, design and alignment of the new public street, including the temporary cul-de-sac/turnaround area.
 44. The applicant shall work with City Engineering and Traffic Engineering Divisions to provide a public pedestrian connection from the new public street to the Madison Parks parcel to the south.
45. The applicant shall enter into a developers agreement through City of Madison Engineering prior to sign-off.
 46. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions 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 two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
 47. 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.
 48. 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.
 49. All parking facility design shall conform to the standards in MGO Section 10.08(6).
 50. All bicycle parking adjacent pedestrian walkways shall have a two (2)-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
 51. 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 the Traffic Engineering Division.
 52. Per MGO Section 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.
 53. The applicant shall provide a clearly defined five-foot 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 wheelchair 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.
 54. 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 Andrew Oliver, ((608) 267-1979, aoliver@cityofmadison.com) Traffic Engineering Shop, 4151 Nakoosa Trail. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign-off.

55. 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.
56. "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.
57. The applicant shall show the dimensions for the proposed Class III driveway including the width of the drive entrance, width of the flares, and width of the curb cut.
58. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
59. Secure parking facility: This is usually done with continuous six-inch curb, timbers, preformed wheel stops, guardrail erected at a height of eighteen (18) inches or fencing of sufficient strength to act as a vehicle bumper.
60. The applicant shall adhere to all vision triangle requirements as set in MGO Section 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 Section 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.

Zoning Administrator (Contact Jenny Kirchgatter, (608) 266-4429)

61. Section 28.185(9) requires that every applicant for a demolition or removal approval that requires approval by the Plan Commission is required to get a Reuse and Recycling Plan approved by the City Recycling Coordinator, Bryan Johnson at streets@cityofmadison.com prior to receiving a raze permit. Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(9) shall submit documents showing compliance with the plan within 60 days of completion of demolition. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
62. Show the building setback distances as measured to the front, side and rear property lines.
63. Provide electric vehicle stalls per Section 28.141(8)(e), Electric Vehicle Charging Station Requirements for the proposed townhouse units on Lot 3. A minimum of 10% of the residential parking stalls (3 stalls) must be electric vehicle ready, and a minimum of 2% of the stalls (1 stall) must be electric vehicle installed. Identify the locations of the electric vehicle ready and installed stalls on the plans.

64. On the landscape plan, label and number the proposed trees and plantings with the planting code and number in addition to the identification symbol. 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 10,000 square feet in size must be prepared by a registered landscape architect.
65. Provide details for the rooftop courtyards, including resident amenities, landscaping, green roof details, and pergola details for the two multi-family dwellings.
66. Submit a detail of the trash enclosure to serve Lot 3. The trash enclosure shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet.
67. Provide details demonstrating compliance with the bird-safe glass requirements in Section 28.129. For building façades where the first 60 feet from grade are comprised of greater than or equal to 50% glass, at least 85% of the glass must be treated. All glass within 15 feet of a building corner must be treated when see through or fly through conditions exist. For building façades where the first 60 feet from grade are comprised of less than 50% glass, at least 85% of the glass on glass areas 50 square feet or over must be treated. Of all glass areas over 50 square feet, any glass within 15 feet of a building corner must be treated. All glass railings must be treated. Identify which glass areas will be treated, and provide a detail of the specific treatment product that will be used.
68. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.
69. 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. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Fire Department (Contact Bill Sullivan, (608) 261-9658)

70. Provide a fire sprinkler system in accordance with NFPA 13 2022 edition.
71. Ensure the proposed tree canopies would not grow over the proposed aerial access lanes.
72. Provide details that a Madison Fire Department 100-foot aerial ladder can reach 6 feet above and 6 feet past the parapet with the aerial lane located more than 30 feet from the face of the building.
73. Provide access to the roof from a ship's ladder located in one of the exit stair enclosures.
74. Please consider allowing the Madison Fire Department to conduct training sequences prior to demolition. Contact Division Chief Jeff Larson of the MFD Training Division at jtlarson@cityofmadison.com or (608) 266-5946 to discuss possibilities.

Parks Division (Contact Kathleen Kane, (608) 261-9671)

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| 75. The developer shall grant the City a 30-foot wide restrictive covenant and landscaping easement, and enter into a landscape buffer agreement with the City to preserve a 30-foot wide buffer along the southwestern |
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boundary of the parcel that is immediately adjacent to Tenney Park and the Yahara River Parkway. The restrictive covenant, easement and agreement will be in effect for 20 years and will establish maintenance standards during this period of time.

76. The proposed development is located adjacent to Tenney Park–Yahara River Parkway, which are designated on the National and State Registers of Historic Places since 1999 based on the Historic Landscape Plans developed by O.C. Simonds and modified by John Nolen (Reference No. 9900117). The Historic Landscape Plans feature Prairie School design, which emphasized the use of native tree, shrub and prairie species. Due to the proximity of the proposed development, the City of Madison Parks Division has reviewed the proposed project and considered impact of the development on park users. To mitigate the impacts of the proposed development and ensure it is not so visually intrusive as to adversely affect the historic character and integrity of the adjacent landmark, the Parks Division has requested a 30-foot wide undisturbed buffer along the southwestern property line of the project adjacent to Tenney Park and the Yahara River. This buffer will be created and maintained through an easement, restrictive covenant and a landscape buffer agreement.
77. The easement will be the southwestern most thirty-feet of the property, starting at a point that is 50 feet from Sherman Avenue. During development, the property owner shall not clear or plant vegetation, utilize for staging or construct improvements within the buffer area without the permission of the Parks Division. The easement, restrictive covenant and landscape buffer agreement will include the following criteria:
- They will be in effect for twenty years, and terminate at that time.
 - The agreement will specify agreed upon maintenance standards for the buffer area.
 - The agreement will identify a phased approach to replace invasive species and improve the buffer vegetation quality in accordance with, and generally consistent with, the historical landscape plans of O.C. Simonds and John Nolen.
 - Pre-authorization from Parks Division will be required prior to implementation of any improvements in the buffer area.

78. 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# 23004 when contacting Parks Division staff about this project.

Water Utility (Contact Jeff Belshaw, (608) 261-9835)

79. The developer shall construct the public water distribution system and services required to serve the proposed CSM per MGO 16.23(9)(d)(3).
80. All public water mains and water service laterals shall be installed by a standard City subdivision contract / City-Developer agreement. The applicant shall contact the City Engineering Division to schedule the development of plans and the agreement.

Forestry Section (Contact Bradley Hofmann, (608) 267-4908)

81. Additional street trees are 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 and street tree planting plan shall be submitted in PDF format to City Forestry for approval of planting locations within the right of way and tree species. All available street tree planting locations shall be planted within the project

boundaries. Add following note on both the landscape and street tree plan sets: At least one week prior to street tree planting, Contractor shall contact City Forestry at (608) 266-4816 to schedule inspection and approval of nursery tree stock and review planting specifications with the landscaper.

Metro Transit (Contact Tim Sobota, (608) 261-4289)

This agency has reviewed the request and recommended no conditions of approval.

Certified Survey Map – Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

Planning Division

1. That the Certified Survey Map be revised to reserve a 30-foot area along the entire eastern property line for a future north-south public street consistent with the street grid recommended by the Emerson East-Eken Park-Yahara Neighborhood Plan. The reservation shall take the form of a building setback line where no principal or accessory buildings may be erected. The reserved area shall be considered a restriction for public benefit, and modification or release of the reservation shall require approval by the Plan Commission. A note to this effect shall be included on the final CSM. The final limits of the 30-foot reservation and text for the CSM shall be approved prior to recording.

City Engineering Division (Contact Brenda Stanley, (608) 261-9127)

2. A Phase 1 environmental site assessment (per ASTM E1527-21), is required for lands dedicated to the City. Provide one (1) digital copy and staff review will determine if a Phase 2 ESA is also required. Submit report(s) to Brynn Bemis (608-267-1986, bbemis@cityofmadison.com).
3. Construct Madison standard street, multi-use path, and sidewalk improvements for all streets within the CSM.
4. Enter into a City / Developer agreement for required infrastructure improvements. The agreement shall be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact the City Engineering Division to schedule the development and approval of the plans and the agreement.
5. 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.
6. A minimum of two (2) working days prior to requesting City Engineering signoff on the CSM, contact either Tim Troester (West) at (608) 261-1995 (ttroester@cityofmadison.com) or Brenda Stanley (East) at (608) 261-9127 (bstanley@cityofmadison.com) to obtain the final stormwater utility charges that are due and payable prior to sub-division of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service and must be cleared prior to the land division (and subsequent obsolesces of the existing parcel).
7. Submit a soil boring report that has been prepared by a Professional Engineer two weeks prior to recording the final plat to the City Engineering Division indicating the ground water table and rock conditions in the area. If the report indicates a ground water table or rock condition less than nine (9) feet below proposed street

grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer. (MGO 16.23(9)(d)(2) and 16.23(7) (a)(13))

8. Confirm that adequate sight distance exists where public streets intersect per AASHTO design standards for intersection sight distance. If adequate sight distance does not exist, change the location of the street intersection or agree to make improvements to the roadways such that the sight distance is achieved or make the mitigating improvements as required by the City. Caution - The improvements indicated may require right of way outside of the CSM.

City Engineering Division – Mapping Section (Contact Julius Smith, (608) 264-9276)

9. Grant a 20-foot wide Public Sidewalk and Bike Path Easement(s) to the City from the proposed public road to the Madison Parks parcel. Strongly suggested location is along the Eastern Property Line. No above-ground improvements will be allowed in the Public Sidewalk Easement Area(s) by the property owner. (Optional: Pavement and/or concrete for driveway purposes shall be permitted.) Contact Jule Smith with Engineering Mapping (jsmith4@cityofmadison.com) for complete Easement language.
10. The applicant shall Dedicate a 66 foot wide of Right of Way for "Street A" in a location as approved by the City Engineering and Traffic Engineering Divisions.
11. The applicant shall dedicate the existing 33-foot wide strip of right of way along Sherman Avenue. Both the title documents provided prior to the August 14, 1997 FRT survey and those found within City Records do not show a formal fee conveyance or dedication of the existing right-of-way for Sherman Ave from Hausmann Brewing Company nor is successors.
12. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds, 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.
13. The applicant shall dedicate right of way or grant a public sidewalk easement for and be responsible for the construction of a five (5)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1) foot for maintenance along Sherman Avenue, where needed on the face of this Certified Survey Map. Contact Jule Smith for the with Engineering Mapping (jsmith4@cityofmadison.com) for complete easement language.
14. Consider releasing all of the 10-foot wide Madison gas and Electric Easement per Document No. 3245035. If not petition, MG&E to assign the their rights for the portion of the easement that will be dedicated for public street to the City of Madison. Additionally provide this document with the title work.
15. Show a temporary limited easement for a temporary cul-de-sac in a location as approved by City Engineering and Traffic Engineering the easement text is as follows: "Temporary Limited Easement benefitting the City of Madison for temporary turnaround improvement purposes. Said Easement shall terminate upon the extension of the [Street A] east of this CSM along with the removal of the public temporary turnaround improvements within the easement area." Contact Jule Smith with Engineering Mapping (jsmith4@cityofmadison.com) for complete easement text.
16. Coordinate and request from the utility companies serving this area the easements required to serve this development. Those easements shall be properly shown, dimensioned and labeled on the final plat. Show the

10-foot utility easement as shown on the concurrent proposed site plan. Add standard note for public utility easements: Public Utility Easements as herein set forth are for the use by Public Bodies and Private Public Utilities having to right to serve the area.

17. Provide for review, comprehensive reciprocal easements and agreements including, but not limited to, access, parking, utilities, common areas, storm management that are necessary to accomplish the land division or site development as proposed prior to final sign off. The document(s) shall be executed and recorded immediately subsequent to the CSM recording and prior to building permit issuance.
18. Show the limits of the deeds for the adjacent park lands mapped to the South in Document Nos. 0643322 and 0252680.
19. Show the correct limits for the 33-foot easement for a Public Street per Vol. 19 P.60 Misc. with the Document No. 252680 and correctly show the limits terminating at the angle point in the southerly line of the parcel. dimension the endpoint of this line.
20. A note shall be added under all of the street names labeled and to be dedicated on the CSM, "Dedicated to the Public" as required by s.236.20(4)(b). Also label the portion of Sherman Ave to be dedicated without underlining.
21. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The Developer's Surveyor and/or Applicant must submit copies of required tie sheets or monument condition reports (with current tie sheet attached) for all monuments, including center of sections of record, used in this survey, to Jeff Quamme, City Engineering (jrquamme@cityofmadison.com).
22. In accordance with Section s. 236.18(8), Wisconsin Statutes, the applicant shall reference City of Madison WCCS Dane Zone, 1997 Coordinates on all PLS corners on the Certified Survey Map in areas where this control exists. The surveyor shall identify any deviation from City Master Control with recorded and measured designations.
23. Prior to Engineering final sign-off by main office for Certified Survey Maps, the final CSM shall be submitted in PDF format by email transmittal to Engineering Land Records Coordinator Jeff Quamme (jrquamme@cityofmadison.com) for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off.
24. Remove the 38.08 foot line break along the City lands of Document No. 252680 introduced in the revised legal description that seems to appear title after the August 14, 1997 Frank Thousand Survey referenced in Document No. 2994874. Obtain this survey and provide with title documents.
25. Show the Centerline of "Street A" per s.236.20(2)(h).
26. Label the short segment dividing Lots 1 and 2 near Street A.
27. Per s.236.34(1m)(c) "CERTIFIED SURVEY MAP" shall be printed on the map in prominent letters on each sheet with the location of the land by government lot, recorded private claim, quarter-quarter section, section, township, range and county noted. Prior to the Quarter-Quarter calls in both the caption on all of the Sheets and the Written legal description in the surveyors certificate add Government Lot 3.

28. Revise the written legal description for the lands to include the existing right-of-way of Sherman Avenue. list the overall parcel area of these lands with and without the current right-of-way of Sherman at the end of the written legal.
29. Revise curve table to read in numerical order.
30. State datum and adjustment used for County Coordinates.
31. Provide proposed street name suggestions for street A to Lori Zenchenko (LZenchenko@cityofmadison.com).
32. The applicant shall submit to Jeff Quamme, prior to final Engineering sign-off of the subject CSM, one (1) digital CADD drawing in a format compatible with AutoCAD. The digital CADD file(s) shall be referenced to the Dane County Coordinate System and shall contain, at minimum, the list of items stated below, each on a separate layer/level name. The line work shall be void of gaps and overlaps and match the final recorded CSM: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; easement lines (including wetland and floodplain boundaries).

*This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat, electronic data and a written notification to Engineering Mapping for any changes to the plat which occur subsequent to any submittal.

Traffic Engineering Division (Contact Sean Malloy, (608) 266-5987)

33. The applicant shall dedicate right of way or grant a public sidewalk easement for and be responsible for the construction of a five (5)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1) foot for maintenance along Sherman Avenue, as needed.
34. The applicant shall work with the City Engineering and Traffic Engineering Divisions on the final configuration, design and alignment of the new public street, including the temporary cul-de-sac/turnaround area.
35. The applicant shall work with the City Engineering and Traffic Engineering Divisions to provide a public pedestrian connection from the new public street to the Madison Parks parcel to the south.

Zoning Administrator (Contact Jenny Kirchgatter, (608) 266-4429)

This agency has reviewed the request and recommended no conditions of approval.

Fire Department (Contact Bill Sullivan, (608) 261-9658)

This agency has reviewed the request and recommended no conditions of approval.

Water Utility (Contact Jeff Belshaw, (608) 261-9835)

This agency has reviewed the request and recommended no conditions of approval.

Metro Transit (Contact Tim Sobota, (608) 261-4289)

This agency has reviewed the request and recommended no conditions of approval specific to the CSM.

Parks Division (Contact Kathleen Kane, (608) 261-9671)

36. 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 23004 when contacting Parks Division staff about this project.
37. The following note should be included on the CSM: "Lots within this subdivision are subject to impact fees that are due and payable at the time building permit(s) are issued."
38. Prior to sign off on the CSM the applicant shall execute a declaration of conditions and covenants for impact fees. The Parks Division shall be required to sign off on this CSM.

Forestry Division (Contact Jeffrey Heinecke, (608) 266-4890)

This agency has reviewed the request and recommended no conditions of approval.

Office of Real Estate Services (Jenny Frese, (608) 267-8719)

39. A certificate of consent for all mortgagees shall be included following the Owner's Certificate(s) and executed prior to CSM approval sign-off. If the CSM is signed electronically, a PDF of the CSM containing electronic signatures shall be provided to ORES to obtain approval sign-off. Prior to approval sign-off by the Office of Real Estate Services, the Owner's Certificate on the CSM shall be executed by all parties of interest having the legal authority to do so, pursuant to Wis. Stats. 236.21(2)(a).
40. Per 236.21(3) Wis. Stats. and MGO Section 16.23(5)(g)(1), the property owner shall pay all real estate taxes and special assessments that may become due prior to CSM recording. Receipts from the City of Madison Treasurer are to be provided before or at the time of sign-off.
41. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish an updated title report to Heidi Radlinger (hradlinger@cityofmadison.com), as well as the survey firm preparing the proposed CSM. The report shall search the period subsequent to the date of the initial title report submitted with the CSM application and include all associated documents that have been recorded since the initial title report. A title commitment may be provided, but will be considered only as supplementary information to the title report update. The surveyor shall update the CSM with the most recent information reported in the title update. ORES reserves the right to impose additional conditions of approval in the event the title update contains changes that warrant revisions to the CSM.
42. Please note that the City's Office of Real Estate Services is reviewing the report of title provided with this survey and may have additional comments. That office will send any comments separately. If you have any questions, please contact Heidi Radlinger at (608) 266-6558 for more information.