

PLANNING DIVISION STAFF REPORT

May 8, 2023



PREPARED FOR THE PLAN COMMISSION

Project Address: 437-445 W Johnson Street, 430-440 W Dayton Street, and 215-221 N Bassett Street (District 3 – Alder Verveer)

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

Legistar File ID # [76899](#), [77208](#), [76900](#), and [76903](#)

Prepared By: Chris Wells, Planning Division
Report includes comments from other City agencies, as noted.

Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Chad Matesi; Core Bassett, LLC; 1564 North Milwaukee Street; Chicago, IL 60647

Contact: Brian Munson; Vandewalle & Associates; 120 East Lakeside Street; Madison, WI 53715

Property Owners: 215 N Bassett Street and 219 N Bassett Street -- 215 N Bassett LLC; 5949 County Highway K; Waunakee, WI 53597

217 N Bassett Street, 221 N Bassett Street, and 437 W Johnson Street -- Core Madison Bassett LLC; 1643 N Milwaukee Street; Chicago, IL 60647

445 W Johnson Street -- Core Madison Johnson LLC; 1643 N Milwaukee Street; Chicago, IL 60647

430 W Dayton Street -- 430 W Dayton Street LLC; P.O. Box 694; Madison, WI 53701

434 W Dayton Street -- Martin, Dennis G; 428 Castle Place #2; Madison, WI 53703-1503

438/440 W Dayton Street -- 440 W Dayton Street LLC; Attn: Daniel Bohl; 3595 Richie Road; Verona, WI 53593

Requested Actions: There are four requests before the Plan Commission:

- ID [76899](#) – Consideration of a demolition permit to demolish 10 residential buildings for a proposed residential redevelopment at 437-445 W Johnson Street, 430-440 W Dayton Street, and 215-221 N Bassett Street;
- ID [77208](#) – Consideration of a Zoning Map Amendment to create Section 28.022-00628 of the Madison General Ordinances to change the zoning of property located at 437-445 West Johnson Street, 430-440 West Dayton Street, and 215-221 North Bassett Street, 4th Alder District, from PD (Planned Development) and DR2 (Downtown Residential 2) District to UMX (Urban Mixed-Use) District;
- ID [76900](#) – Consideration of a conditional use in the [Proposed] Urban Mixed-Use (UMX) District for a multi-family dwelling with greater than eight (8) dwelling units; consideration of a conditional use in the UMX District for a new building greater than 20,000 square feet and more than four stories; and consideration of a conditional use in the UMX District for outdoor recreation, all to allow construction of a 12-story apartment building with 232 units; and
- ID [76903](#) – Consideration of a Certified Survey Map of property located at 437-445 W Johnson Street, 430-440 W Dayton Street, and 215-221 N Bassett Street, which is owned by Core Madison Bassett, LLC.

Proposal Summary: The applicant is requesting the approvals to allow construction of a 6- to 12-story apartment building with 232 units of housing intended for students. The applicant proposes to commence demolition of the existing structures and begin construction of the development in 2024, with completion anticipated in 2026.

Applicable Regulations & Standards: This proposal is subject to the standards for zoning map amendments [MGO Section 28.182(6)] and Demolitions [MGO Section 28.185(7)]. It is also subject to the standards for Conditional Uses [MGO §28.183(6)] as Table 28E-2 in MGO Section 28.072 states that in the [Proposed] Urban Mixed-Use (UMX) District, a conditional use is required for a multi-family dwelling with greater than eight (8) dwelling units; and for outdoor recreation. Additionally, MGO Section 28.076(4)(c) states, *“All new buildings and additions greater than twenty thousand (20,000) square feet or that have more than four (4) stories shall obtain conditional use approval. In addition, the Urban Design Commission shall review such projects for conformity to the design standards in [Sec. 28.071\(3\)](#), if applicable, and the Downtown Urban Design Guidelines and shall report its findings to the Plan Commission.”* Lastly, MGO Section 16.23(5)(g) provides the process and standards of approval for certified survey maps. The Supplemental Regulations [MGO §28.151] contain further applicable regulations for *Outdoor Recreation*.

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

Summary Recommendation:

- That the Plan Commission find that the standards for demolition permits are met and **approve** demolition of the 10 residential buildings;
- That the Plan Commission find that the Zoning Map Amendment Standards are met and forward Zoning Map Amendment ID 28.022-00628, rezoning 437-445 West Johnson Street, 430-440 West Dayton Street, and 215-221 North Bassett Street, 4th Alder District, from PD (Planned Development) and DR2 (Downtown Residential 2) District to UMX (Urban Mixed-Use) District to the Common Council with a recommendation of **approval**.
- That if the Plan Commission can find that standards for conditional uses are met, the Planning Division recommends it **approve** a request for a multi-family dwelling with greater than eight (8) dwelling units in the [Proposed] Urban Mixed-Use (UMX) District; for a new building greater than 20,000 square feet and more than four stories in the UMX District; and for outdoor recreation in the UMX District - all to allow construction of a 12-story apartment building with 232 units.
- Finally, should the other aspects of the proposal be approved, the Planning Division believes the technical standards for land divisions can be found met and recommends the Plan Commission should forward the Certified Survey Map to the Common Council with a recommendation of **approval**.

Approval of the project should be subject to input at the public hearing, and the recommended conditions beginning on **page 13** of this report for the land use requests, and on **page 24** for the CSM.

Background Information

Parcel Location: The development site is 44,332 square-feet (1.02 acres) in area and is located at the west end of the block bound by W Johnson Street, N Broom Street, W Dayton Street and N Bassett Street. The site has frontage along W Johnson and N Bassett Streets, and again on W Dayton Street (see Image 1 in the Project Description section.) It is located within Alder District 4 (Ald. Verveer) and the Madison Metropolitan School District.

Existing Conditions and Land Use:

- According to City records, the buildings at 215 and 217 N Bassett Street are 2-story, single-family residences, and were constructed in 1901 and 1895, respectively. Both are zoned UMX (Urban Mixed-Use District);
- The buildings at 219 and 221 N Bassett Street are 2-story, two-units which were constructed in 1901 and 1895, respectively. Both are zoned UMX;
- The 3-story, 12-unit building at 437 W Johnson Street was originally constructed in 1915 and remodeled in 1984. It is zoned UMX;
- The 6-story, 35-unit building at 445 W Johnson Street was originally constructed in 1965 and remodeled in 1998. It is zoned UMX;
- The 2½-story, 4-unit building at 430 W Dayton Street was originally constructed in 1914. An accessory building with an accessory dwelling unit is located at the rear of the property, which is zoned PD (Planned Development District);
- The 3-story, 3-unit building at 434 W Dayton Street was originally constructed in 1965 and is zoned DR2 (Downtown Residential 2 District);
- 440 W Dayton Street contains two structures – the more westerly building, addressed as 440 W Dayton Street, is three stories in height, contains six units and was originally constructed in 1914. The easterly structure, addressed as 438 W Dayton Street, is four stories in height, contains five units and was constructed in 2000. The parcel is zoned PD.

Surrounding Land Uses and Zoning:

Northwest: Across W Johnson Street is the 11-story, 194-room Hampton Inn & Suites which contains a restaurant on the ground floor. It is zoned PD (Planned Development District);

North: The 12-story, 160-unit Lux apartment building, zoned UMX (Urban Mixed-Use District);

Northeast: The 12-story, 326-unit Domain apartment building, zoned UMX;

Southeast: Across W Dayton Street are single-family residences and 2-, 3-, 4-, and 5-unit apartment buildings, all 3-stories and all located in the DR2 (Downtown Residential 2 District);

Southwest: Across N Bassett Street is a 6-unit apartment building and a 1-story laundromat in the UMX District, and the 5-story, 75-unit Park Place apartment building in the PD District.

Adopted Land Use Plan: Information regarding plan recommendations and consistency is located in the body of this report.

Zoning Summary: The site is proposed to be zoned to the UMX (Urban Mixed-Use) District

Requirements	Required	Proposed
Lot Area (sq. ft.)	3,000 sq ft	43,560
Lot Width	30 ft	328 ft
Front Yard Setback	5 ft	5 ft
Max. Front Yard Setback	10 ft	5 ft
Side Yard Setback	5 ft	5 ft
Rear Yard Setback	10 ft	10 ft
Usable Open Space	10 sq ft per bedroom = 7,170	14,600 ft (See Comment #43)
Maximum Lot Coverage	90%	88% (See Comment #44)
Minimum Building Height	2 stories	12 stories (See Comment #42)
Maximum Building Height	12 stories/172 ft	12 stories (See Comment #42)

Site Design	Required	Proposed
Number Parking Stalls	None	62
Electric Vehicle Stalls	2% EV installed = 1 10% EV ready = 6	None (See Comment #45)
Accessible Stalls	3	None (See Comment #46)
Loading	No	No
Number Bike Parking Stalls	498	416 (See Comment #47)
Landscaping and Screening	Yes	Yes (See Comment #48)
Lighting	Yes	Yes
Building Form and Design	Yes	Large Multi-Family

Other Critical Zoning Items	
Yes:	Urban Design (UMX Zoning District), Utility Easements
No:	Historic District; Floodplain, Wetlands, Wellhead Protection, Adjacent to Park, TOD Overlay

Tables Prepared by Jacob Moskowitz, Assistant Zoning Administrator

Environmental Corridor Status: The property is not located within a mapped environmental corridor.

Public Utilities and Services: The site is served by a full range of urban services, including Metro Transit service which operates daily all-day (eastbound) transit service along the priority W Johnson Street corridor, adjacent this property. Additional (southbound) trips operate along Bassett Street, opposite this property. Trips in the opposing one-way direction (westbound) operate along Broom Street and/or the priority W Gorham Street corridor.

Project Description

The applicant is requesting approval of a demolition permit to raze ten residential buildings, three conditional uses (for the number of units, for the size and height, and for outdoor recreation), and a zoning map amendment to rezone three of the parcels from the PD (Planned Development) and DR2 (Downtown Residential 2) Districts to the UMX (Urban Mixed-Use) District to match the rest – all to allow the construction of a 12-story apartment building with 232 units. This applicant is also requesting approval of a one-lot certified survey map to combine the various lots into one development site.

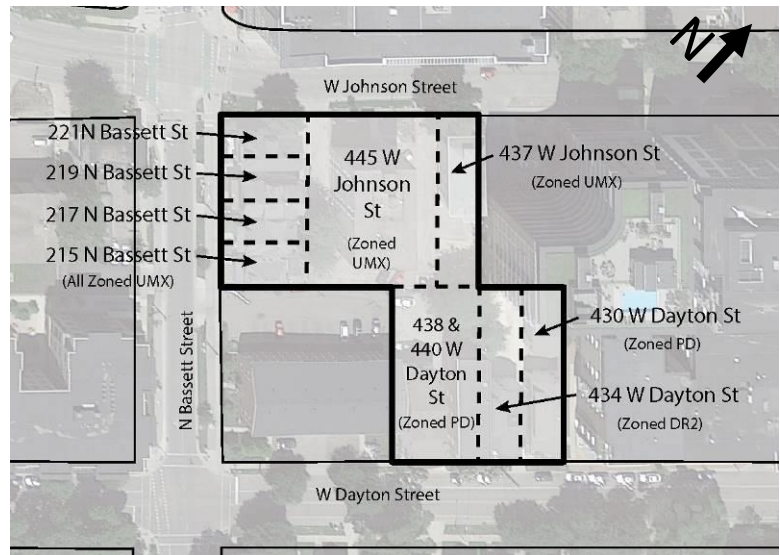


Image 1: The parcels proposed to be combined via Certified Survey Map (CSM) to form the subject parcel

The 1.02-acre subject site is located at the west end of the block bound by W Johnson Street, N Broom Street, W Dayton Street and N Bassett Street. (See Image 1.)

Information on the buildings proposed for demolition is summarized on page 3 of this report and [photos](#) of the interior and exterior of each of the ten buildings has been included in the applicant's materials.

As proposed, the massing of the building will consist of 12 stories on the western half of the building and six stories on the eastern. The 12-story mass has brick cladding the base (which extends up to and includes the second floor.) The upper portions of the mass are broken down with a grid clad with light grey metal panels. Inset within this grid and slightly recessed are dark grey metal panels and vertical beige composite wood siding. The 6-story mass also has brick cladding the base but here the base only includes the first floor and mezzanine (note, Building Inspection staff have determined that the mezzanine as proposed does not constitute a 'floor' and does therefore not count towards the 12- or 6-story height limits.) While the 6-story portion is also articulated and organized with a superimposed grid, unlike the 12-story portion which the grid is raised (i.e. projects outward), the grid on the 6-story portion is recessed. The rest of the mass is clad with two shades of light grey fiber cement panels.

The building's main entrance is located along W Johnson Street (on the 'west' side of the building, as labelled in the submitted drawings). Also located on the ground floor, along this façade, is a fitness room and a large lobby/amenity space. The other primary entrance is located on the west (internal) side of the 6-story mass (i.e. the portion facing W Johnson Street). It is accessed via a pedestrian path which runs along the side of the building – from both the W Johnson and W Dayton Street sidewalks. The building will also have 13 townhouse units which have direct, exterior access – six located along the south and east side of the 12-story mass and seven located along the west, north and east sides of the 6-story mass. While each will have an external entrance as well as an internal entrance from an internal hallway, unlike on the upper floors, the hallway serving the seven townhouse units in the 6-story mass does not connect internally to the rest of the floor (i.e. to the lobby/amenity spaces). Those tenants will need to exit the building and walk around the building.

In all the building will contain a total of 232 units – 39 studios, five 1-bedroom, 63 2-bedroom, 49 4-bedroom, 63 5-bedroom units and four 2-bedroom townhome, eight 3-bedroom townhome, and one 4-bedroom townhome units. The upper floors will consist exclusively of residential units save for the two amenity rooms on the seventh floor, one of which provides access to the outdoor patio located atop the 6-story portion of the building. Another outdoor patio, containing a pool and hot tub, will be located above the 12-story portion. Please note that Zoning has added a condition listing the structures permitted to exceed the height limit for the district. They have listed several elements on the rooftop that do not comply with MGO Section 28.134(2) and will therefore need to be removed, such as the pool equipment room, any elevators not necessary to comply with building code, and any other structures not listed in the permitted height exceptions list. (See Condition 42).

Regarding on-site parking, 55 automobile and 392 long-term bicycle stalls will be located on the lower level of the building and accessed via a garage door located along W Dayton Street. Seven temporary stalls for deliveries are located just within the garage door. Another 24 short-term (guest) bicycle stalls are located along the W Johnson and N Bassett Street façades.

Analysis

This proposal is subject to the standards for zoning map amendments [MGO Section 28.182(6)] and Demolitions [MGO Section 28.185(7)]. It is also subject to the standards for Conditional Uses [MGO §28.183(6)] as Table 28E-2 in MGO Section 28.072 states that in the [Proposed] Urban Mixed-Use (UMX) District, a conditional use is required for a multi-family dwelling with greater than eight (8) dwelling units; as well as for outdoor recreation. Additionally, MGO Section 28.076(4)(c) states, “*All new buildings and additions greater than twenty thousand (20,000) square feet or that have more than four (4) stories shall obtain conditional use approval. In addition, the Urban Design Commission shall review such projects for conformity to the design standards in [Sec. 28.071\(3\)](#), if applicable, and the Downtown Urban Design Guidelines and shall report its findings to the Plan Commission.*” Lastly, MGO Section 16.23(5)(g) provides the process and standards of approval for certified survey maps. The Supplemental Regulations [MGO §28.151] contain further applicable regulations for *Outdoor Recreation*.

Conformance with Adopted Plans

The 2018 [Comprehensive Plan](#) recommends Downtown Mixed-Use (DMU) development for the subject site’s entire block. The Plan notes that this includes “*intensive mixed-use development*” which is “*generally more focused on residential, retail, and service uses than Downtown Core (DC) areas, but may also include some government and employment uses.*” The Plan also notes that, while subject to the [Downtown Plan](#) height map, some DMU areas “*are appropriate for mixed-use development that can rival development intensities within DC areas (e.g., Ovation 309, The James, and The Hub developments).*” (Page 24) For details on heights, mix of uses, ground floor uses, pedestrian friendly design, and other considerations which the Plan notes “*must be addressed for development within this category*”, the Plan defers to the [Downtown Plan](#).

The 2012 [Downtown Plan](#) notes that the appropriate height for new buildings is influenced by numerous factors such as topography, important view corridors and viewsheds, the presence of historic buildings, the use and scale recommendations for an area, and the existing scale of buildings in the vicinity. For the subject site, it recommends a maximum of 12 stories for the western half and six stories for the eastern.

It also does identify the subject site within the “Johnson Street Bend” neighborhood/district for which it recommends, *“should continue as a primarily higher density student residential area mixed with some new neighborhood-serving retail uses. Underutilized parcels should transition to more intense development with a particular emphasis on creating active and engaging street frontages and quasi-public areas. Linkages to adjacent areas, including parks and open spaces, should be enhanced.”* Lastly, the Plan’s *Streetscape Design Map* on Page 39 identifies the W Johnson Street / N Bassett Street intersection as a ‘Minor Gateway Intersection.’ As the accompanying text talks about the higher the level (classification) of street, the higher the level of design and amenities, therefore being a minor gateway intersection, the streetscape design at the subject site’s main intersection is particularly important.

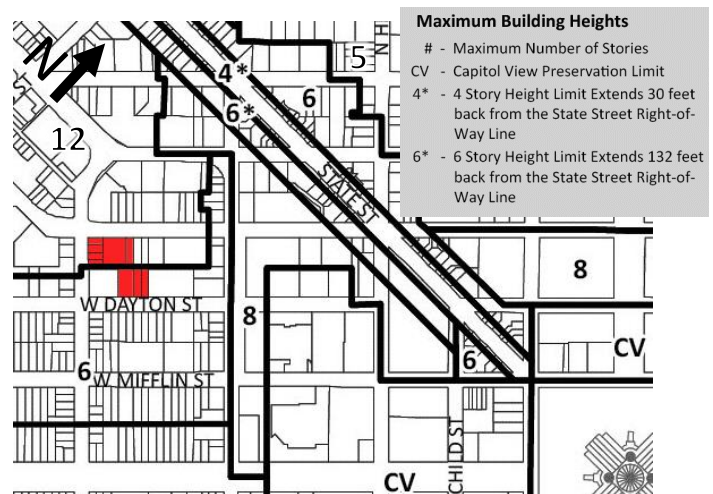


Image 2: Maximum Building Heights (Note: The image shown above is from Sec 28.071(2)(a) of the Zoning Code. That said, the maximum building recommendations are identical to those of the 2012 Downtown Plan.)

Demolition Permit Standards

At its October 5, 2021 meeting, the Common Council adopted Ordinance 21-00065 (ID [67074](#)) to revise the standards and process for demolition and removal permits in Section 28.185 of the Zoning Code to remove consideration of proposed future use as a factor in approving demolition requests. The Plan Commission shall consider the seven approval standards in §28.185(9)(c) M.G.O. when making a determination regarding demolition requests and find them met in order to approve. The factors include a finding 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 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...”

On balance, staff believes that standards can be found met and provides the following additional information.

In regards to Standard 1 related to the possible building relocation efforts, the Plan Commission is required to consider any information provided related to possible relocation activities. At the time of report writing, staff is not aware that the relocation of any of the structures is currently being considered and no further information has been provided.

In regards to Standard 6, Planning Division staff have not received any comments from City Building Inspection, Fire, or Police and have no further condition information other than the interior and exterior photos and a statement by the applicant that the structures are being proposed for demolition due to *“functional obsolescence, and inability for reuse/retention due to lot configuration impacts on the overall project site limiting the potential to incorporate City planning goals for the site”* (e.g. it would prevent the construction of a 6- to 12-story building as recommended by the Comprehensive Plan.) From the submitted information, staff is not aware of significant structural issues. While the code notes condition must be considered, it does not specify that a certain structural condition or level of disrepair is necessary in order to approve a demolition.

Related to the historic value of the structures, staff notes 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.”

The Landmarks Commission reviewed the demolition of the ten buildings at its January 9, 2023 meeting and recommended to the Plan Commission that the buildings at 445 W Johnson Street, 437 W Johnson Street, 215 N Bassett Street, 217 N Bassett Street, 430 W Dayton Street, 434 W Dayton Street, 438 W Dayton Street, and 440 W Dayton Street *“have no known historic value, but the growing loss of this type of building has the potential to impact the vernacular context of Madison's built environment.”*

Regarding the buildings at 219 N Bassett Street and 221 N Bassett Street, the Landmarks Commission found that the buildings *“have historic value as the product of an architect of note, but the buildings themselves are not historically, architecturally, or culturally significant. The Commission regrets the growing loss of the city's historic fabric, which has the potential to impact the vernacular context of Madison's built environment.”* (Materials related to that review from the January 9, 2023 meeting can be found here: the [Staff Report to the Landmarks Commission](#) and the [Meeting Report](#).)

Of note, in the Staff Report to the Landmarks Commission referenced above, for the building at 219 N Bassett, Staff note, *“The preservation file for this property names it the Mrs. F.W. Paunack Apartments constructed by Gordon and Son in 1906. James O. Gordon was once part of Gordon and Paunack, and their preservation file notes they were one of Madison's most successful architectural firms during the turn of the century. There is no site file with the Wisconsin Historical Society.”* For the building at 221 N Bassett, Staff note, *“The preservation file for this property names it the Fred Paunack House, designed by Paunack himself, who was part of the architectural firm Gordon and Paunack. The preservation file for the architect notes they were one of Madison's most successful architectural firms during the turn of the century. The property preservation file also notes the structure was seriously altered. There is no site file with the Wisconsin Historical Society.”*

Standard 7, which includes references the standards 1-6 states that *“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 Plan Commission should give careful consideration to the findings of the Landmarks Condition, including that the two buildings have value based on being a product of an architect of note. Considering, however, that the buildings themselves were not found to be of historical, cultural, or architectural significance, on-balance, the Staff believes that the demolition permit standards can be found met.

Zoning Map Amendment Standards

Limited Zoning Map Amendments are proposed in order to provide consistent UMX (Urban Mixed-Use District) zoning across the proposed project site. The standards for Zoning Map Amendments state that such amendments are legislative decisions of the Common Council that shall be based on public health, safety and welfare, shall be consistent with the Comprehensive Plan, and shall comply with Wisconsin and federal law. Chapter 66.1001(3) of Wisconsin Statutes requires that zoning ordinances (of which the zoning map is part) enacted or amended after January 1, 2010 be consistent with the City's Comprehensive Plan. 2010 Wisconsin Act 372 clarified "*consistent with*" as "*furtheres or does not contradict the objectives, goals and policies contained in the comprehensive plan.*"

Staff believe the proposed rezonings are consistent with adopted plans and that the Zoning Map Amendment standards can be found met.

Conditional Use Standards

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]."

Staff provide the following discussion:

Standard 2 states:

"The City is able to provide municipal services to the property where the conditional use is proposed, given due consideration of the cost of providing those services."

City Engineering has submitted several conditions related to necessary infrastructure-related considerations. Planning staff believes upon meeting these conditions, this standard could be found met.

Standard 3 states:

"The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner."

The applicant has submitted a Management Plan which can be reviewed in the [Legistar File](#) for the conditional use and is linked [here](#).

Standard 6 states:

"Measures, which may include transportation demand management (TDM) and participation in a transportation management association have been or will be taken to provide adequate ingress and egress, including all off-site improvements, so designed as to minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets."

The applicant will need to complete and submit a Transportation Demand Management Plan to be reviewed and approved by Traffic Engineering prior to final sign off and issuance of permits.

Standard 9 states, in part:

“When applying the above standards to any new construction of a building or an addition to an existing building the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district.”

Staff have several concerns related to the building’s design. The first, which Staff have continued to raise concerns about since before the January 11, 2023 UDC Informational Presentation, is the orientation of the majority of the walk-up townhome units. Staff are concerned with how they are oriented not towards the street but internally (laterally), towards the adjacent developments. Relatedly, Staff also remain concerned regarding the design, lighting, and security of the paths which allow access to these unit entries. While the UDC’s review of the proposal at their meeting on April 26, 2023 and their advisory motion is discussed further below, during the discussion of this aspect, several of the Commissioners expressed concern if the design of the path and unit entries was not yet executed correctly. While the specific design of the path was not directly addressed by their motion, they did add a related condition to flip the 6-story portion’s main entry from the west façade to the east, W Dayton Street façade. This would allow those townhome tenants to avoid having to use the side path if they did not want to. Subsequent to the UDC meeting, the applicant has developed a mockup of the revised first floor plan with the main entry flipped to W Dayton Street and the individual townhome entries eliminated and replaced with private patios (the mockup of the revised floor plan is included at the end of this staff report). They believe this design change would satisfy the UDC’s condition. Please note that this floor plan has not been reviewed by either agency staff or the UDC and has been included merely as a draft exhibit of how the issue of the townhome’s access could be resolved. Yet this draft design has several impacts that should be carefully considered, such as how the new entry on the W Dayton Street façade will affect its design and rhythm, and how the reduction of temporary automobile parking stalls inside the garage door from seven to four will impact day-to-day operations.

Staff also remain concerned regarding the significant blank wall expanses along pedestrian pathways, some of which will be visible from the street and which are not screened with landscape. One example, in particular, is the roughly 18 by 130-foot blank wall that is the base of the 6-story’s south elevation. No landscaping is proposed to help screen the large blank expanse.

Furthermore, as mentioned previously in this report, some of the building elements on the rooftop are not in compliance with the maximum height regulations (MGO Section 28.134(2)) of the Zoning Code and will need to be addressed before final sign off.

Given the design-related issues raised above, Staff has concern as to whether the design, even with the direction shown in the draft of the revised floor plan, can be found to satisfy Standard 9 at this time. Along with the recommendations from the UDC, staff have proposed an additional design condition. As recommended, and if conditionally approved by the Common Council, this request would be require to receive final review from the UDC to ensure the listed conditions are adequately met prior to final staff sign off and the issuance of permits. In the alternative, should the Plan Commission believe that it is necessary to have these issues reviewed prior to taking final action, the Plan Commission could refer this item after final comments from the UDC are available.

Urban Design Commission Review

As the proposed building is located within the UMX (Urban Mixed-Use) District, the UDC is an **advisory** body on this request. Section 28.076(4)(c) states that: “All new buildings and additions greater than twenty thousand (20,000) square feet or that have more than four (4) stories shall obtain conditional use approval. In addition, the Urban Design Commission shall review such projects for conformity to the design standards in [Section 28.071\(3\)](#), if applicable, and the Downtown Urban Design Guidelines and shall report its findings to the Plan Commission.”

At their meeting on April 26, 2023, the Urban Design Commission made an **ADVISORY RECOMMENDATION to the Plan Commission to grant Initial Approval with the project returning to the UDC for Final Approval**. (A copy of the report of the UDC has been included at the end of this staff report). The motion, which passed with a unanimous vote, included the following conditions:

- Provide a common building entrance from Dayton Street.
- Lower the head height of the vehicle entry portal on the W Dayton Street elevation. The UDC noted that a detailed elevation or perspective of that façade that shows how the door is detailed, lit, framed would be helpful in determining that this condition is met.
- The lighting plans shall be revised to be consistent with City staff requirements for lighting, which can be reviewed and approved administratively.

Supplemental Regulations

Section 28.151 of the Zoning Code includes the following supplemental regulations for Outdoor Recreation:

- a) A minimum 25-foot setback area maintained as open space shall be provided along the perimeter of the site wherever it abuts a residential district.
- b) If the use will be available to the general public, an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate shall serve the site. Ease of access to the site by automobiles, transit, bicycles, and pedestrians shall be considered as a factor in the review of any application.
- c) The site shall be designed in such a way as to minimize the effects of lighting and noise on surrounding properties. Hours of operation may be restricted and noise and lighting limits imposed 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.

Regarding Regulation (c), the applicant’s submitted [management plan](#) includes the hours of operation of the outdoor patios (9:00 am to 10:00 am on weekdays and 9:00 am to 11 pm on weekends) and a description of how the management team will help alleviate concerns:

“On-call team members will be available to visit the pool deck during these closing hours and escort customers off the rooftop. All access points to the pool deck will include a lock or fob reader to restrict customer access after pool hours. CCTV systems are also in place throughout the deck to ensure all activities are captured both during the day and evening should a trespass occur. To control resident and guest occupancy of the deck during

popular periods random walks and checks are conducted by team members throughout the day and cameras can be viewed remotely to be sure these items are within normal operating standards. Each customer is only allowed one guest at a time on the deck and management has certain protections outlined in the rules and regulations section of the lease with wristbands or other guest and customer identifying measures to help control overcrowding and other noise concerns."

With the restrictions listed above, Staff believe the Supplemental Regulations can be found met.

Land Division

The applicant has submitted a certified survey map to combine the 437-445 W Johnson Street, 430-440 W Dayton Street, and 215-221 N Bassett Street parcels in order to create one parcel. M.G.O. Section 16.23(5)(g) provides the process for certified survey maps. Staff believe that all applicable standards for land divisions can be found met, subject to the comments recommended by reviewing agencies.

Public Input

At time of writing, Staff have not received any public comments.

Conclusion

The applicant is requesting approval of a demolition permit to raze ten residential buildings, three conditional uses (for the number of units, for the size and height, and for outdoor recreation), and a zoning map amendment to rezone three of the parcels from the PD (Planned Development) and DR2 (Downtown Residential 2) Districts to the UMX (Urban Mixed-Use) District to match the rest – all to allow the construction of a 12-story apartment building with 232 units. This applicant is also requesting approval of a one-lot certified survey map to combine the various lots into one development site.

While Staff believe the demolition, zoning map amendment, and land division standards can be found met, Staff have concern regarding Conditional Use Standard 9. As summarized in the report, Staff are concerned with the internal orientation of the majority of the townhome units as well as the design, lighting, and security of the paths which allow access to these unit entries. Subsequent to receiving initial approval from the UDC on April 26, 2023, the applicant developed a mockup of the revised first floor plan with the 6-story portion's main entry flipped to W Dayton Street and the individual townhome entries eliminated and replaced with private patios. While this revised plan has not been reviewed by either agency staff or the UDC, it has been included merely as a draft exhibit of how the issue of the townhome's access could be resolved. Given this and other concerns described above in this report, Staff suggest the Plan Commission consider if a return (referral) to the UDC for final approval and to fully vet a plan set which shows the draft design changes fully fleshed out, before returning to the Plan Commission would better enable the Commission to find the standard satisfied.

Recommendation

Planning Division Recommendation (Contact Chris Wells, (608) 261-9135)

- That the Plan Commission find that the standards for demolition permits are met and **approve** demolition of the 10 residential buildings;
- That the Plan Commission find that the Zoning Map Amendment Standards are met and forward Zoning Map Amendment ID 28.022-00628, rezoning 437-445 West Johnson Street, 430-440 West Dayton Street, and 215-221 North Bassett Street, 4th Alder District, from PD (Planned Development) and DR2 (Downtown Residential 2) District to UMX (Urban Mixed-Use) District to the Common Council with a recommendation of **approval**.
- That if the Plan Commission can find that standards for conditional uses are met, the Planning Division recommends it **approve** a request for a multi-family dwelling with greater than eight (8) dwelling units in the [Proposed] Urban Mixed-Use (UMX) District; for a new building greater than 20,000 square feet and more than four stories in the UMX District; and for outdoor recreation in the UMX District - all to allow construction of a 12-story apartment building with 232 units.
- Finally, should the other aspects of the proposal be approved, the Planning Division believes the technical standards for land divisions can be found met and recommends the Plan Commission should forward the Certified Survey Map to the Common Council with a recommendation of **approval**.

Approval of the project should be subject to input at the public hearing, and the recommended conditions beginning **on the following page** for the land use requests, and on **page 24** for the CSM.

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

Planning Division Recommendation (Contact Chris Wells, (608) 261-9135)

1. A management plan addressing items such as outdoor recreation, move-in/move-out, security, and other items shall be provided on the form from the Zoning Administrator with details to be approved by the Zoning Administrator and Planning Division Director (or designees) prior to final sign-off and permit issuance.
2. 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 28.076. 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.
3. 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).

In addition to the items listed under the Urban Design Commission, the following modifications shall be made:

- a) The orientation ground level walk-up units shall be revised. Units shall have a primary entrance from an internal hallway within the building. Outdoor area shall be revised so these areas are either secondary or emergency entrances or reconfigured as private porches. Details on lighting and security shall be provided for approval of UDC and staff.

Urban Design Commission (Contact Jessica Vaughn, UDC Secretary, (608) 267-8740)

4. Before any permits, including demolition permits, are issued for this project, the plans shall receive final approval from the Urban Design Commission, addressing the following considerations:
 - a) Provide a common building entrance from Dayton Street.
 - b) Lower the head height of the vehicle entry portal on the W Dayton Street elevation. The UDC noted that a detailed elevation or perspective of that façade that shows how the door is detailed, lit, framed would be helpful in determining that this condition is met.
 - c) The lighting plans shall be revised to be consistent with City staff requirements for lighting, which can be reviewed and approved administratively.

The following conditions have been submitted by reviewing agencies:

Land Use Request – Zoning Map Amendment and Demolition Permit

Engineering Division (Main Office) (Contact Tim Troester, (608) 267-1995)

5. Enter into a City / Developer agreement for the required infrastructure improvements. Agreement to be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact City Engineering to schedule the development and approval of the plans and the agreement. (MGO 16.23(9)c)
6. Construct sidewalk, terrace, curb & gutter and pavement to a plan as approved by City Engineer along Johnson St, Bassett St & Dayton St
7. Construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat/csm. (MGO 16.23(9)(d))
8. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4))
9. Provide the City Engineer with the proposed earth retention system to accommodate the restoration. The earth retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system. (POLICY)

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. The procedures and fee schedule is available online at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
11. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
12. A Storm Water Management Report and Storm Water Management Permit is required for this project. See Storm comments for report and permit specific details and requirements.
13. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
14. This site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR216 and NR-151 however a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. Information on this permit application is available on line: <http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm>.

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 CARPC is required for this project to proceed.

15. Revise the site plan to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service. (POLICY)
16. Applicant shall provide project wastewater volume calculations for the proposed development. City of Madison sewer improvements may be required by the developer as a condition for development. Applicant shall submit calculation to Mark Moder mmoder@cityofmadison.com.
17. 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. (POLICY AND MGO 10.29)
18. Revise plan set to show more information on proposed drainage for the site. Use either spot elevations and drainage arrows or proposed contours to show the required drainage information. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement. (POLICY)
19. 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-yr design storm that is current in Madison General Ordinance 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.

20. This project will disturb 20,000 sf or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.

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

This project will require a concrete management plan and a construction dewatering plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. If contaminated soil or groundwater conditions exist on or adjacent to this project additional WDNR, Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit. (POLICY)

This project appears to require fire system testing that can result in significant amounts of water to be discharged to the project grade. The Contractor shall coordinate this testing with the erosion control measures and notify City Engineering 608-266-4751 prior to completing the test to document that appropriate measures have been taken to prevent erosion as a result of this testing.

Complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website - as required by Chapter 37 of the Madison General Ordinances.

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

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

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

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

Rate Control Redevelopment: 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 1/2 inch of rainfall over the total site impervious area. If additional stormwater controls are necessary beyond the first 1/2 inch of rainfall, either green or non-green infrastructure may be used.

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

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

22. 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 – Mapping (Contact Julius Smith, (608) 264-9276)

23. Grant a Public Sidewalk Easement to the City on the face of this concurrent Certified Survey Map along both West Dayton Street and West Johnson Street, for a width to be approved by Traffic Engineering and City Engineering.
24. The proposed new building crosses an underlying platted lot line. Prepare a Certified Survey Map (CSM) and submit to the Planning Unit to dissolve underlying lot lines to comply with fire codes, City Ordinances and City Policies. The CSM shall be approved by the City, recorded with the Dane County Register of Deeds and new Tax Parcel information available prior to issuance of a building permit or early start permit

25. The Site Plan Shows the requested Metro bus stop amenities located within the right of way of West Johnson Street per Madison Metro Make an application with City of Madison Real Estate for a privilege in streets agreement. Link as follows - <http://www.cityofmadison.com/developmentcenter/landdevelopment/streetencroachment.cfm>.

Additionally The Applicant shall confirm and note on the plans any and all encroachments, including, (but not limited to) balconies, roof overhangs and underground vaults if any. An approval of the development does not constitute or guarantee approval of any encroachments within a public right of way.

26. Coordinate and request from the utility companies serving this area the easements required to serve this development.
27. The proposed parcel within this development and/or adjacent to are dependent on each other for overland and subsurface storm water drainage. A private Storm Sewer/Drainage Easement/Agreement for all parcels within and/or adjacent to this development shall be drafted, executed and recorded prior to building permit issuance. Verify the Existing structure S11 is not already part of an existing agreement. This structure appears to be a part of a neighboring stormwater system. and crosses over to this parcel. the neighboring system seems to capture a neighborhood low point between the existing grades on this site and a retaining wall.
28. Identify the existing system fill in table values for Storm Structures S11-S14.

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

29. 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 West Dayton Street.

30. The applicant shall dedicate Right of Way or grant a Public Sidewalk Easement for and be responsible for the construction of a six (6)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1) foot for maintenance along West Johnson Street.
31. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be to engineering scale and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
32. 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.
33. 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.
34. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
35. The applicant shall adhere to all vision triangle requirements as set in MGO 27.05 (No visual obstructions between the heights of 30 inches and 10 feet at a distance of 25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO 27.05(2)(bb) – Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.
36. The applicant shall provide a clearly defined 5' walkway from the front door to the public Right of Way clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.
37. 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, (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.

38. 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.
39. "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.
40. 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.
41. The applicant shall prepare a TDMP (Traffic Demand Management Plan) to be reviewed and approved by the City Traffic Engineer. MGO (28.183(6)(a)(6))
42. Note: This site presents difficult constructability issues; access to neighboring sites must be maintained at all times, protected walkways will be constructed and maintained as soon as possible and little to no access to the Public Right-of-Way on West Johnson Street will be granted for construction purposes. Provide a detailed construction plan to Traffic Engineering for review by the Traffic Control Specialist (Mike Duhr) prior to final signoff.

Zoning Administrator (Contact Jacob Moskowitz, (608) 266-4560))

43. Sec. 28.134(2): The following structures are permitted to exceed the maximum height regulations within any district where the use is allowed: church spires, belfries, cupolas and domes, water towers, flagpoles, chimneys, communication towers and elevator penthouses. Any other structures must be removed from the roof plan so as not to constitute a 13th story. This includes the pool equipment room, any elevators not necessary to comply with building code, and any other structures not listed in the permitted height exceptions list.
44. Provide calculations for the required useable open space areas, and clearly show the useable open space areas on the final plans. A minimum of 7,170 sq. ft. of useable open space is required. Identify each qualifying at-grade usable open space area, and show the structured useable open space areas located on roof decks, porches, and balconies. Roof decks, porches, and balconies may be used to meet up to seventy-five percent (75%) of the minimum open space requirement, provided that minimum dimensional requirements are satisfied.
 45. Provide a calculation and plan detail for lot coverage with the final submittal. The lot coverage maximum is 90%. Lot coverage is defined as the total area of all buildings, measured at grade, all accessory structures including pools, patios, etc., and all paved areas as a percentage of the total area of the lot, with the following exceptions: sidewalks or paved paths no wider than five (5) feet, pervious pavement, green roofs and decks.
 46. Provide electric vehicle stalls per Section 28.141(8)(e) Electric Vehicle Charging Station Requirements. A minimum of 10% of the residential parking stalls (6 stalls) must be electric vehicle ready, and a minimum of 2% of the stalls (1 stalls) must be electric vehicle installed. One (1) of the electric vehicle installed stalls must be an accessible stall. Identify the locations of the electric vehicle ready and installed stalls on the plans.

47. Parking requirements for persons with disabilities must comply with Section 28.141(4)(e). Final plans shall show the required accessible stalls including van accessible stalls. A van accessible stall is a minimum of 8 feet wide with an 8 foot wide striped access aisle. Show the required signage at the head of the stalls.
48. Bicycle parking for the residential dwelling units shall comply with the requirements of MGO Sections 28.141(4)(g) and 28.141(11) and shall be designated as short-term or long-term bicycle parking. A minimum of 475 resident bicycle stalls are required plus a minimum of 23 short-term guest stalls. Up to twenty-five percent (25%) of bicycle parking may be structured parking, vertical parking or wall mount parking, provided there is a five (5) foot access aisle for wall mount parking. Currently more than 25% of required parking is structured parking. NOTE: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Submit a detail showing the model of bike rack to be installed.
49. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
50. Provide details demonstrating compliance with bird-safe glass requirements Section 28.129. For building façades where the first sixty (60) feet from grade are comprised of greater than or equal to fifty percent (50%) glass, at least eighty-five percent (85%) of the glass must be treated. For building façades where the first sixty (60) feet from grade are comprised of less than fifty percent (50%) glass, at least eighty-five percent (85%) of the glass on glass areas fifty (50) square feet or over must be treated. Of all glass areas over fifty (50) square feet, any glass within fifteen (15) feet of a building corner must be treated. All glass railings must be treated. Identify which glass areas are 50 sq. ft. or greater and which glass areas will be treated. Provide a detail of the specific treatment product that will be used.

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

51. Access to the fire hydrant on the corner of Bassett and Johnson shall be maintained throughout the construction process. 5-ft of clearance shall be maintained at all times.
52. Provide fire protection in the proposed transformer vault as access and ventilation is through the building.
53. Building plans indicate multiple obstructed exits due to door swings.
54. Addressing off of multiple streets will be necessary warranting additional fire protection features such as sprinkler connections, fire alarm annunciator panels, and key boxes. Obtain addressing through City Engineering and coordinate location and space for the additional fire protection equipment.
55. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Division Chief Jeff Larson at jtlarson@cityofmadison.com or (608) 266- 5946.

Parks Division (Contact Ann Freiwald, (608) 243-2848)

56. 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 Central Park-Infrastructure Impact Fee district. Please reference ID# 23015 when contacting Parks about this project.

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

57. An existing inventory of street trees located within the right of way shall be included on the site, demo, utility, landscape, grading, fire aerial apparatus and street tree plan sets. The inventory shall include the following: location, size (diameter at 4 1/2 feet), and species of existing street trees. The inventory should also note if a street tree is proposed to be removed and the reason for removal.
58. All proposed street tree removals within the right of way shall be reviewed by City Forestry before the Plan Commission meeting. Street tree removals require approval and a tree removal permit issued by City Forestry. Any street tree removals requested after the development plan is approved by the Plan Commission or the Board of Public Works and City Forestry will require a minimum of a 72-hour review period which shall include the notification of the Alderperson within who's district is affected by the street tree removal(s) prior to a tree removal permit being issued. Add as a note on the street tree plan set.
59. City Forestry will issue a street tree removal permit for two trees: 2" Locust for a drop off site & 7" Lilac for a driveway approach. The Contractor shall contact City Forestry at (608)266-4816 to obtain permit. Add as a note on both the demolition and street tree plan set.
60. Contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. Contractor shall operate equipment in a manner as to not damage the branches of the street tree(s). This may require using smaller equipment and loading and unloading materials in a designated space away from trees on the construction site. Any damage or injury to existing street trees (either above or below ground) shall be reported immediately to City Forestry at (608) 266-4816. Penalties and remediation shall be required. Add as a note on the site, grading, utility, demolition, and street tree plan set.
61. As defined by the Section 107.13 of City of Madison Standard Specifications for Public Works Construction: No excavation is permitted within 5 feet of the trunk of the street tree or when cutting roots over 3 inches in diameter. If excavation is necessary, the Contractor shall contact Madison City Forestry at (608) 266-4816 prior to excavation. City of Madison Forestry personnel shall assess the impact to the tree and to its root system prior to work commencing. Tree protection specifications can be found on the following website: <https://www.cityofmadison.com/business/pw/specs.cfm> Add as a note on the site, grading, utility, demolition and street tree plan sets.
62. Section 107.13(g) of City of Madison Standard Specifications for Public Works Construction (website: <https://www.cityofmadison.com/business/pw/specs.cfm>) addresses soil compaction near street trees and shall be followed by Contractor. The storage of parked vehicles, construction equipment, building materials, refuse, excavated spoils or dumping of poisonous materials on or around trees and roots within five (5) feet of the tree or within the protection zone is prohibited. Add as a note on both the site and street tree plan sets.

63. On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on both the site and street tree plan sets.
64. Street tree pruning shall be coordinated with City Forestry at a minimum of two weeks prior to the start of construction for this project. Contact City Forestry at (608)266-4816. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on both the site and street plan sets.
65. The Developer shall submit a Street Tree Report performed by International Society of Arboriculture Certified Arborist prior to the Plan Commission meeting for City Forestry's review of project. This report shall identify all street trees on proposed project site, species type, canopy spread, tree condition, proposed tree removals, the impacts of proposed construction, and any requested pruning.
66. The Developer shall post a security deposit prior to the start of the development to be collected by City Engineering as part of the Developers Agreement. In the event that street trees are damaged during the construction process, City Forestry will draw from this deposit for damages incurred.
67. 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 (website: <https://www.cityofmadison.com/business/pw/specs.cfm>) - 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.

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

68. The Utility plan indicates connecting to an existing water service that does not exist.
69. Private wells may have served the parcels associated with this project prior to municipal water service connections. The existing properties will require an internal and external survey for potential unabandoned private wells prior to proceeding with demolition. Any remaining unused/unpermitted private wells existing on this parcel must be properly abandoned according to Wisconsin Administrative Code NR 812 and Madison General Ordinance 13.21 prior to the demolition of the property. Please contact water utility staff at (608) 266- 4654 to schedule an on-site private well survey prior to demolition, otherwise for additional information regarding well abandonment procedures and potential well abandonment reimbursement programs. The Madison Water Utility shall be notified to remove the water meter at least two working days prior to demolition. Contact the Water Utility Meter Department at (608) 266-4765 to schedule the meter removal appointment.

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

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

71. As identified on plans submitted for review, the applicant shall install and maintain a paved boarding pad surface (concrete, or other material subject to approval by City Engineering) - as shown in the public right-of-way - at the planned Metro bus stop zone that is on the south side of West Johnson Street, north of Bassett Street.
72. The applicant shall install and maintain an additional concrete boarding terrace (with tree protection/plantings subject to approval by City Forestry), between the Bassett Street sidewalk and the paved boarding pad surface identified on plans submitted for review.
73. As identified on plans submitted for review, the applicant shall install and maintain a new passenger waiting shelter with seating amenity - either as part of the private landscape plan or in the public right-of-way area - serving the curbside bus stop zone on the south side of West Johnson Street, north of Bassett Street. If located in the public right-of-way, the applicant shall submit a Privilege in Streets (Bus Shelter) application for review by the City. An approved Encroachment Agreement, for the bus shelter, shall be executed prior to sign off. Contact City Real Estate to start the Privilege in Streets (Bus Shelter) application process. (MGO 10.31)
74. The City of Madison has approved designation of the curbside lane on the south side of West Johnson Street, north of Bassett Street as a designated bus-only travel lane and this facility provides critical access for the City's scheduled transit operations. Any planned or permitted obstruction of the designated bus-only travel lane in excess of thirty (30) days may require additional right-of-way improvements and/or other mitigation measures in coordination with Traffic Engineering and Metro Transit staff - in order to create an alternate bus-only facility that would serve buses scheduled along the West Johnson Street corridor thru the Bassett Street intersection area in a comparable operational manner.
75. The applicant shall coordinate the resident move-in and delivery management plan with Metro Transit, in addition to City Traffic, to ensure access is maintained along the designated curbside bus-only travel lane on the south side of West Johnson Street.
76. The applicant shall include the location of these transit amenities and facilities on the final documents filed with their permit application so that Metro Transit may review the design.

Certified Survey Map

Engineering Division (Main Office) (Contact Tim Troester, (608) 267-1995)

77. Developer is made aware that this new lot accepts drainage from adjacent lands and any development plan will need to continue to allow existing drainage patterns.
78. Enter into a City / Developer agreement for the required infrastructure improvements. Agreement to be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact City Engineering to schedule the development and approval of the plans and the agreement. (MGO 16.23(9)c)
79. Construct sidewalk, terrace, curb & gutter and pavement to a plan as approved by City Engineer along Johnson St, Bassett St and Dayton St.
80. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4))
81. A minimum of two (2) working days prior to requesting City Engineering signoff on the plat/csm contact either Tim Troester (West) at 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). (POLICY)

City Engineering – Mapping (Contact Jeffrey Quamme, (608) 266-4097)

82. Grant a Public Sidewalk Easement to the City on the face of this concurrent Certified Survey Map along both West Dayton Street and West Johnson Street, for a width to be approved by Traffic Engineering and City Engineering. Contact Jule Smith with Engineering Mapping (Jsmith4@cityofmadison.com) for easement language to be included on the face of the document.
83. Release any private easements necessary that cannot be terminated by a statement of merger on the CSM such as those noted on Sheet three in Notes 1 and 2 which currently are not under a common ownership.
84. 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 or CSM.

85. The proposed parcel within this development and/or adjacent to are dependent on each other for overland and subsurface storm water drainage. A private Storm Sewer/Drainage Easement/Agreement for all parcels within (and/or adjacent to) this development shall be drafted, executed and recorded prior to building permit issuance.

There appears to be an existing Catch Basin located the Northeasterly line of Lot 15 near the 432 Dayton Bld. It is assumed this is connected to the string of inlets along the other side of the parcel line Lot 1 of CSM 13576 at 420 Dayton. provide any needed agreements for storm drainage here or around the entire parcel

86. 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 any required U.S. public land survey monument record provided to the County Surveyor's Office, or, in instances where a public the monuments and witness ties area recovered under A-E 7.08(1g), the Surveyor shall provide to the City of Madison monument condition reports (with current tie sheet attached) for all Public Land Survey monuments, including center of sections of record, used in this survey, to Jeff Quamme (jquamme@cityofmadison.com) or Julius Smith (JSmith4@cityofmadison.com) of City Engineering, Land Information.
87. 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 Plat or Certified Survey Map in areas where this control exists. The Surveyor shall identify any deviation from City Master Control with recorded and measured designations. Visit the Dane County Surveyor's Office (web address <https://www.countyofdane.com/PLANDEV/records/surveyor.aspx>) for current tie sheets and control data that has been provided by the City of Madison.
88. Prior to Engineering final sign-off by main office for Plats or Certified Survey Maps (CSM), the final Plat or CSM in pdf format must be submitted by email transmittal to Engineering Land Records Coordinator Jule Smith (jsmith4@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.
89. Add the correct street name of N Bassett St on all sheets.
90. Add the Datum and adjustment for the coordinate system used.
91. Release the access easements noted on Sheet 3 under Note 3 or Revise note 3 on Sheet 3 to the affect that the easements are hereby terminated by merger of the title of parcel under one unified owner and being combined into to as single lot with this Certified Survey map.
92. Confirm the location of the mid-block split at Basset Street
93. Provide 60 Year Report of Title per CSM Application Requirements that covers all parcels and has up-to-date owners listed. this is to fulfil the initial application requirement as initial title work provided, were commitments from title insurance dating from July of last year. This is not an update request. Further CSM edits may be needed based on this report.
94. Update owners certificate to various owners shown in public record and those that will be shown on the current title required as part of the CSM application. Additionally update mortgage certificates as needed.

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

95. 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 West Dayton Street.
96. The applicant shall dedicate Right of Way or grant a Public Sidewalk Easement for and be responsible for the construction of a six (6)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1) foot for maintenance along West Johnson Street.

Parks Division (Contact Ann Freiwald, (608) 243-2848)

97. 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."

Office of Real Estate Services (Contact Heidi Radlinger, (608) 266-6558)

98. 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). The title of each certificate shall be consistent with the ownership interest reported in the most recent title report.
- The City and the Register of Deeds are now accepting electronic signatures. A PDF of the CSM containing electronic signatures shall be provided to ORES to obtain approval sign-off.
99. A certificate of consent for all mortgagees shall be included following the Owner's Certificate 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.
100. If a mortgage or other financial instrument is reported in record title, but has been satisfied or no longer encumbers the lands or ownership within the CSM boundary, a copy of a recorded satisfaction or release document for said instrument shall be provided prior to CSM approval sign-off.
101. All ownership consents and certifications for the subject lands shall conform to Wis. Stats. 236.21(2), 236.34(1)(dm) and 236.29 by including the language ...surveyed, divided, mapped and dedicated....
102. If any portion of the lands within the CSM boundary are subject to an Option to Purchase or other Option interest, include a Certificate of Consent for the option holder and have it executed prior to CSM sign-off, if said ownership interest meets the criteria set forth by Wis. Stat. Sec. 236.34 and Sec. 236.21(2)(a).
103. A Consent of Lessee certificate shall be included on the CSM for all tenant interests in excess of one year, recorded or unrecorded, and executed prior to CSM sign-off.

104. Per 236.21(3) Wis. Stats. and 16.23(5)(g)(1) Madison General Ordinances, the property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to CSM recording. This includes property tax bills for the prior year that are distributed at the beginning of the year.
105. If special assessments are levied against the property during the review period prior to CSM approval sign-off they shall be paid in full pursuant to Madison General Ordinance Section 16.23(5)(g)1.
106. Pursuant to Madison City Ordinance Section 16.23(5)(g)(4), the owner shall furnish an updated title report to Heidi Radlinger in City's Office of Real Estate Services 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.** 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.
107. The owner shall email the document number of the recorded CSM to Heidi Radlinger as soon as the recording information is available.

The following agencies have reviewed this request and has recommended no conditions of approval:

Zoning, Assessor's Office, Fire, Forestry, Water Utility, Metro