



PREPARED FOR THE PLAN COMMISSION

Project Address: 1111-1135 Regent Street and 2 South Mills Street (District 13, Alder Evers)
Application Type: Conditional Use and Certified Survey Map
Legistar File ID #: [92236](#) and [92238](#)
Prepared By: Lisa Ernest, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner
Meagan Tuttle, AICP, Planning Division Director

Summary

Owners: New World Investments, LLC; 2 South Mills Street. Choles Family Trust and Deonesa Choles Living Trust; 1135 Regent Street. D Hogan, LCC; 1111 Regent Street.

Applicant: Joe Patrick; Peerless Development; 105 South Yorks Street, Elmhurst, IL 60126.

Contact: Matthew Tills; Knothe & Bruce Architects; 8401 Greenway Boulevard, Middleton, WI 53562.

Requested Action:

- Legistar ID [92236](#) – Consideration of four conditional uses to allow construction of a six-story mixed-use building with 1,200 square feet of commercial space and 111 dwelling units in the Traditional Shopping Street (TSS) District and Transit-Oriented Development (TOD) Overlay District:
 - A conditional use for dwelling units in a mixed-use building with greater than 60 units.
 - A conditional use for a mixed-use building with less than fifty percent (50%) of non-residential ground-floor frontage facing the primary street, including all frontage at a street corner.
 - A conditional use for a building taller than four stories and 60 feet in height.
 - A conditional use to modify the required side yard height transition to a residential district.
- Legistar ID [92238](#) – Approving a Certified Survey Map of property owned by Peerless Development located at 1111-1135 Regent Street and 2 South Mills Street.

Proposal Summary: Two existing commercial buildings would be demolished. A six-story, mixed-use building with 1,200 square feet of commercial space and 111 dwelling units would be built on the site. A Certified Survey Map (CSM) would combine three lots into one lot that is 0.84 acres (36,489 square feet) in size and 370 feet wide.

Applicable Regulations & Standards: Approval standards for conditional uses are found in MGO Section 28.183(6). Approval standards for Certified Survey Maps are in MGO Section 16.23.

Review Required By: Plan Commission and Common Council (CSM Only)

Summary Recommendation: The Planning Division recommends the following to the Plan Commission regarding the applications for 1111-1135 Regent Street and 2 South Mills Street. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

- That the Plan Commission find the approval standards for conditional uses met and **approve** the following conditional use requests in the Traditional Shopping Street (TSS) District and Transit-Oriented Development (TOD) Overlay District:
 - A conditional use for dwelling units in a mixed-use building with greater than 60 units.

- A conditional use for a mixed-use building with less than fifty percent (50%) of non-residential ground-floor frontage facing the primary street, including all frontage at a street corner.
- A conditional use for a building taller than four stories and 60 feet in height.
- A conditional use to modify the required side yard height transition to a residential district.
- That the Plan Commission find the approval standard for Certified Survey Maps met and forward the Certified Survey Map for 1111-1135 Regent Street and 2 South Mills Street to the Common Council with a recommendation of **approval**.

Background Information

Parcel Location: The site is 0.84 acres (36,489 square feet). It is bound by Regent Street to the north, South Mills Street to the east, and South Charter Street to the west. The site is within Alder District 13 (Alder Evers) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The site is in the Traditional Shopping Street (TSS) District and Transit-Oriented Development (TOD) Overlay District. A two-story, 7,264 square-foot, mixed-use building is located at 2 South Mills Street. A private parking lot is located at 1111 Regent Street. A one-story, 6,673 square-foot, commercial building is located at 1135 Regent Street. There is approximately 136 feet of commercial building frontage along Regent Street.

Surrounding Land Use and Zoning:

North: Across Regent Street, one-story commercial buildings, zoned Traditional Shopping Street (TSS) District; and

East: Across South Mills Street, three-story medical office building, zoned Campus Institutional (CI) District; and

South: One and two-story residential buildings with one to three units, zoned Traditional Residential – Varied 1 (TR-V1) District; and

West: Across South Charter Street, two-story commercial building, zoned TSS District; one and two-story residential buildings, zoned TR-V1 District.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2024) recommends Community Mixed-Use (CMU) development. The [Greenbush Neighborhood Plan](#) (2008) and the [Regent Street-South Campus Plan](#) (2008) both recommend Neighborhood Mixed-Use (NMU) development.

Zoning Summary: The site is in the TSS (Traditional Shopping Street) District and the Transit-Oriented Development (TOD) Overlay District.

Requirements	Required	Proposed
Lot Area (sq. ft.)	None	36,418
Lot Width	None	88 ft
Front Yard Setback	5 ft (Mills Street)	7 ft
Max. Front Yard Setback	20 ft (TOD)	7 ft
Side Yard Setback	5 ft	5 ft
Rear Yard Setback	20 ft	21 ft
Maximum Lot Coverage	85%	85%
Minimum Building Height	2 stories (TOD)	6 stories
Maximum Building Height	None (with conditional use)	6 stories

Site Design	Required	Proposed
Number Parking Stalls	None	60

Electric Vehicle Stalls	20% EV Ready (12)	12 EV Ready
Accessible Stalls	2	2
Loading	None	None
Number Bike Parking Stalls	190	191
Landscaping and Screening	Yes	Yes See Comment #44
Lighting	Yes	Yes
Building Form and Design	Yes	Commercial Block Building

Table Prepared by Jacob Mosktowitz, Assistant Zoning Administrator

Environmental Corridor Status: The subject site is not within a mapped environmental corridor.

Public Utilities and Services: This property is served by a full range of urban services.

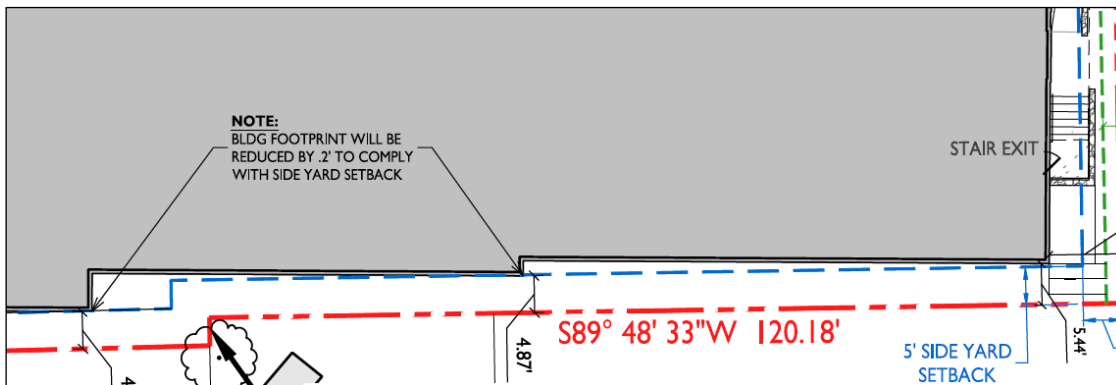
Project Description, Analysis, and Conclusion

Project Description

The applicant is proposing to build a six-story mixed-use building with 1,200 square feet of commercial space and 111 dwelling units.

The two existing buildings on the site would be demolished. The Landmarks Commission found that the buildings at 2 South Mills Street (Legistar ID [91930](#)) and 1135 Regent Street (Legistar ID [91935](#)) have no known historic value. These are Category C demolitions, which the Plan Commission does not review.

The site includes three existing lots that would be combined into one lot with the CSM. The lot is 0.84 acres (36,489 square feet). It is 370 feet wide at Regent Street. It is 88 feet deep along South Mills Street and 114 feet deep along South Charter Street. Prior to the Plan Commission meeting Engineering Mapping staff determined that the Regent Street right-of-way shown on the CSM is incorrect. The property boundary is off by approximately one foot. The applicant provided a [property boundary exhibit](#) that shows the correct property boundary location and updated setback measurements. It also shows where the building footprint no longer complies with the required setbacks. There are two locations along the rear façade where the building footprint will need to be reduced 0.2 feet to comply with the 5-foot rear setback.



The front lot line for the site would be along South Mills Street, and the rear lot line would be along South Charter Street. The front setback is 8.5 feet. The side setback along Regent Street varies between 5 and 8.4

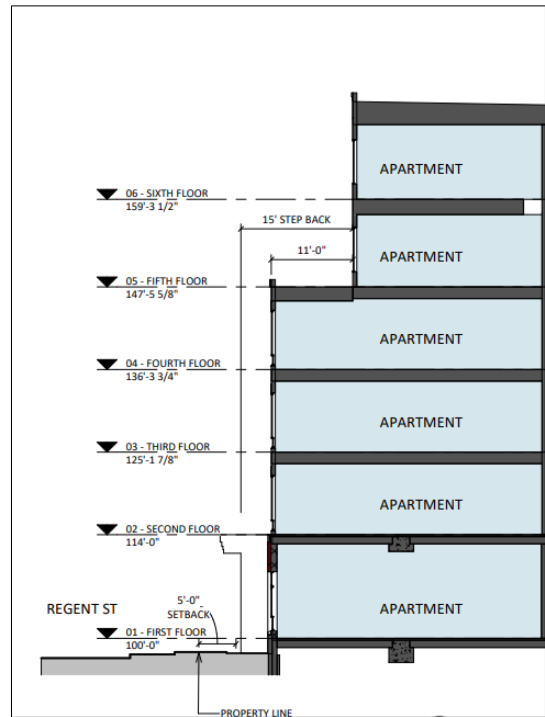
feet. The side setback along the south property line varies between 5 and 14 feet. The rear setback along South Charter Street is 20 feet.

The façade along Regent Street is approximately 339.5 feet long. The facade steps back approximately 10 to 16 feet at regular intervals. At each step back there is a 36-inch masonry wall with a 24-inch ornamental metal fence. The masonry fences enclose raised planters and a raised paved area. The paved areas are not occupiable.

Above the fourth story the building is stepped back 11 feet from the story below. It is stepped back 15 feet from the corners of the ground floor which extend four feet farther into the front yard than the rest of the ground floor. Due to the modulation of the facade, there are portions of the building that are stepped back 16 feet from the story below and 20 feet from the ground floor. The applicant provided an exhibit that illustrates the setbacks along Regent Street.

The entrance for the residential units is on the east end of the building and faces Regent Street. The entrance provides access to the lobby and amenity spaces. The 1,200 square-foot commercial space is at the west end of the building and faces Regent Street. An outdoor eating area is shown next to the commercial space along South Charter Street. The parking garage entrance is also along South Charter Street.

On the sixth floor there is an amenity space with a rooftop deck at the west end of the building. Some units will have a sliding door with a Juliette style balcony where the railing is attached to the façade. All units will have an operable window that partially opens.



The primary building materials along Regent Street are an off-white fiber cement panel and dark grey metal panel. The primary building materials on the other facades are an off-white fiber cement panel and grey fiber cement lap siding. The base of the building is mostly a dark grey brick veneer with a bronze metal panel at the east and west corners along Regent Street. A simulated wood metal panel is used as an accent material. The landscape plan shows primarily evergreen and deciduous shrubs along Regent Street. There is a 6-foot-tall wooden fence at the rear property line. The rear yard would be covered in stone mulch with 11 arborvitae near the emergency generator.

The applicant plans to start construction in the fall or winter of 2026.

Conformance with Adopted Plans

The [Comprehensive Plan](#) (2024) recommends Community Mixed-Use (CMU) development for the adjacent properties on Regent Street. Properties to the south are recommended for Low-Medium Residential (LMR) development. The [Greenbush Neighborhood Plan](#) (2008) and the [Regent Street-South Campus Plan](#) (2008) both recommend Neighborhood Mixed-Use development and four stories for the adjacent properties on Regent Street. Properties to the south are recommended for Medium Density development and three stories. Staff

consider the CMU recommendation in the Comprehensive Plan to be the contemporary land use recommendation for the site.

In the description preceding individual mixed-use land use categories, the Comprehensive Plan states:

- While both residential and nonresidential uses are accommodated within mixed-use districts, not every building in a mixed-use district needs to include both residential and non-residential uses.
- However, special attention should be paid to maintaining commercial street frontages along mixed-use streets without creating residential “gaps” along streets that otherwise have commercial tenants at ground level.

CMU areas are intended to support an intensive mix of residential, commercial, and civic uses serving residents and visitors from the surrounding area and the community as a whole. Development within CMU areas should be designed to support surrounding residential uses by providing services and retail and designed to support nearby employment areas by providing residential units close enough to make walking and biking the most convenient method of commuting. Buildings in CMU areas are expected to be two to six stories and are generally recommended for less than 130 dwelling units per acre (du/ac).

Map Note 17 in the Comprehensive Plan states, “Buildings may be considered up to two stories taller than the maximum height in the Regent Street-South Campus Neighborhood Plan for property designated as mixed-use along the north side of Regent Street, mixed-use along the south side of Regent Street between Randall Street and Mills Street, Employment at the southeast and southwest corners of the Regent Street and Park Street intersection, and Special Institutional along Monroe Street between Regent Street and Randall Avenue.” The Map Note was added during the 2023 Interim Update to the Comprehensive Plan. The Regent Street-South Campus Plan recommends up to four stories. With this Map Note the recommended height is six stories, which is consistent with the CMU recommendation in the Comprehensive Plan.

The Regent Street-South Campus Plan established the Regent Street Shopping District. The Greenbush Neighborhood Plan, which was adopted in the same year, refers to the recommendation in the Regent Street-South Campus Plan. The Regent Street Shopping District is intended to be a mixed-use, pedestrian-oriented, neighborhood shopping district that will capitalize on the heavy automobile and pedestrian traffic in the area, as well as provide much needed neighborhood serving retail for the residents living within the neighborhood. Buildings in the Regent Street Shopping District should have a 15-foot stepback above the third story and a three-foot minimum setback along Regent Street. The Regent Street-South Campus Plan also provides design guidelines for other streets in the planning area. The Plan recommends a 10-foot setback and 15-foot stepback above the third floor along Charter and Mills Streets.

The project is a six-story, mixed-use building . The density of the site would be 132.6 du/ac. Both are consistent with the recommendations in the Comprehensive Plan.

This building has a stepback above the fourth story. Staff note that buildings across the street are recommended for six stories with a stepback above the fourth story. Given that the proposed building is a six-story building, staff believe a stepback above the fourth story is appropriate.

Along Regent Street the building is stepped back 11 feet from the story below. It is stepped back 15 feet from the corners of the ground floor which extend four feet farther into the front yard than the rest of the ground floor. Due to the modulation of the facade, there are portions of the building that are stepped back 16 feet from the story below and 20 feet from the ground floor. Although the majority of the façade is stepped back

11 feet from the story below, staff believe this may be appropriate given the setback measurement from the ground floor and the modulation of the building façade.

There is no setback along South Charter Street. However, the building is setback 20 feet from the street, which is double the setback recommended in the Plan. Staff believe the deeper 20-foot setback generally addresses the intent of the recommended 15-foot setback by moving building mass away from the street frontage.

There is also no setback along South Mills Street. The building is setback 8 feet from the street. The setback along South Mills Street is discussed in the Conditional Use Standards section of the report.

The 1,200 square-foot commercial space is in a single commercial unit on the west side of the building's ground floor. The amount of commercial space in the building is discussed in the Conditional Use Standards section of the report.

Conditional Use Standards

The conditional use approval standards state that the Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of MGO Section 28.183(6) are met. Please note, state law requires that conditional use findings must be based on "substantial evidence" that directly pertains to each standard and not based on personal preference or speculation. State law also states that if an applicant for a conditional use meets or agrees to meet all of the requirements and conditions specified in the city ordinance or those imposed by the Plan Commission, the city shall grant the conditional use permit. MGO Section 28.183(6) lists sixteen approval standards, of which not all are applicable to every conditional use.

There are four conditional use requests to allow construction of a six-story mixed-use building with 1,200 square feet of commercial space and 111 dwelling units in the Traditional Shopping Street (TSS) District and Transit-Oriented Development (TOD) Overlay District:

- A conditional use for dwelling units in a mixed-use building with greater than 60 units.
- A conditional use for a mixed-use building with less than fifty percent (50%) of non-residential ground-floor frontage facing the primary street, including all frontage at a street corner.
- A conditional use for a building taller than four stories and 60 feet in height.
- A conditional use to modify the required side yard height transition to a residential district.

This report provides an analysis in three sections: the first section discusses the request for a mixed-use building with more than 60 units, the second discusses the request for less than 50% of non-residential ground floor frontage, and third discusses the requests for a building taller than four stories and to modify the required height transition to a residential district.

Conditional Use for Dwelling Units in a Mixed-use Building with Greater than 60 Units

For this request, Standards 7 and 9-16 do not apply, while standards 1-6 and 8 are applicable. The proposed building is 111 units, and the density is 132.6 dwelling units per acre. The density is generally consistent with the less than 130 dwelling units per acre recommended in the [Comprehensive Plan](#). Staff believe, given due consideration of adopted Plans, that the approval standards can be found met, subject to the recommended conditions of approval.

Conditional Use for a Mixed-Use Building with Less than 50% of Non-residential Ground-Floor Frontage Facing the Primary Street, Including all Frontage at a Street Corner

For this request, Standards 7 and 9-16 do not apply, while standards 1-6 and 8 are applicable. Staff believe that the Plan Commission can find standards 1-6 and 8 to be met, subject to the recommended conditions of approval. This report provides an analysis regarding aspects of standards 3, 4 and 8:

- 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.”
- Standard 4 states, “The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.”
- Standard 8 states, “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...”

Taking these standards together, the Plan Commission should consider how the proposed amount of commercial space is compatible with the surrounding properties as they are used today, and how they are intended to be used in the future per the City’s zoning districts and the adopted Plans.

The property is located in the Regent Street Shopping District, which is intended to provide neighborhood serving retail for the residents living within the neighborhood. The Regent Street Shopping District extends from South Randall Avenue to South Mills Street. These properties are also recommended for CMU development in the Comprehensive Plan, which is further described in the Conformance with Adopted Plan section.

The buildings on the north side of Regent Street are predominantly one-story commercial buildings built between 1921 and 1983. There is a three-story mixed-use building constructed in 1997. There is also a two-story mixed-use building built in 1942 with a 1989 addition. Both have commercial space on the ground floor. The south side of Regent Street includes a mix of one- and two-story commercial buildings and mixed-use buildings. The commercial buildings were built between 1941 and 1979. There is a mix of older and newer mixed-use buildings. There is a small, two-story mixed-use building built in 1947. Two newer mixed-use buildings were adaptive re-use projects that maintained the existing ground floor commercial space and added residential units above. They were constructed in 2022 and 2023. There is a 5-story mixed-use building with 50 units and 1,500 square feet of commercial space under construction that was approved in 2023. A conditional use was approved to reduce the required commercial frontage along Regent Street from 50% to 21.6% (Legistar ID [79016](#)).

By demolishing the two existing buildings on the site this project would remove approximately 7,049 square feet of ground floor commercial space. This number was established by adding the ground floor square footage of both buildings per data from the Assessor’s Office. While the existing building forms are different than the proposed building, there is approximately 136 feet of commercial frontage, occupying approximately 40% of the street frontage.

The Zoning Code requires that a minimum of 50% of the frontage along Regent Street has non-residential uses, and that there should be non-residential uses at the street corners. As proposed, approximately 10.6% of the building along Regent Street has commercial frontage. The project includes 1,200 square feet of commercial space at one street corner of the 168,373 square-foot building. There is approximately 339.5 feet of frontage, with 36 feet of commercial frontage along Regent Street. There are 245 feet between the end of the commercial

space and the beginning of the residential lobby on the opposite corners of the building frontage with no residential unit entries in between.

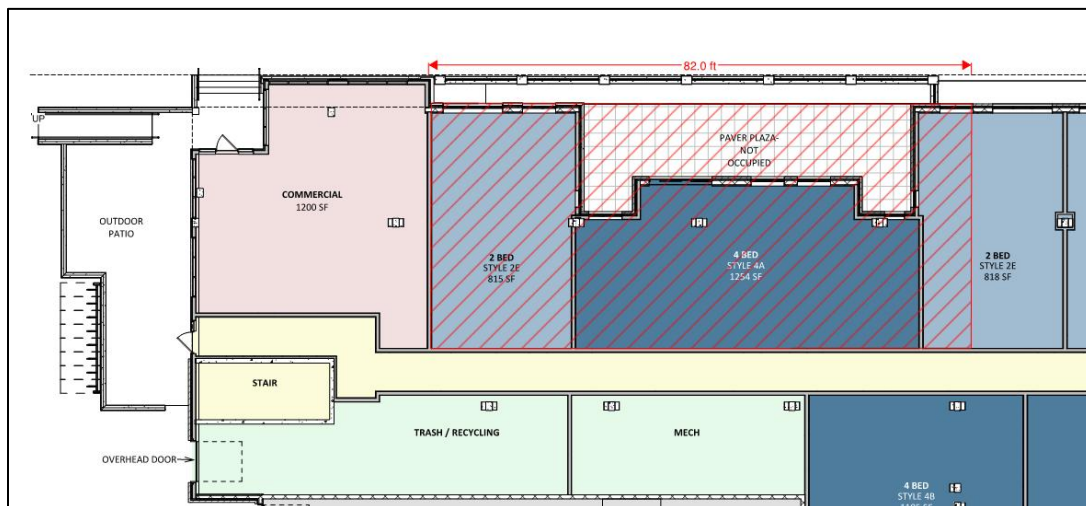
While the Zoning Code allows the Plan Commission to consider a reduction to the required commercial frontage, staff recommends a condition that the project provide more commercial frontage than is currently proposed. Specifically, staff recommend that this project provide a minimum of 35% commercial frontage along Regent Street on at least one street corner. This would require approximately 82 feet of additional commercial frontage for a total of 118 feet.

The additional commercial frontage would be more consistent with the recommendation in the Regent Street-South Campus Plan which establishes the Regent Street Shopping District and notes the importance of providing retail space in this section of Regent Street. Additionally, the Comprehensive Plan states that residential gaps should be avoided along streets that otherwise have commercial tenants at ground level. Additional commercial frontage would reduce this gap and provide for more ground floor activation along Regent Street. While it would likely result in less overall square footage of commercial space compared to what is proposed to be demolished, the additional commercial frontage would be similar to the amount of commercial frontage on the block currently.

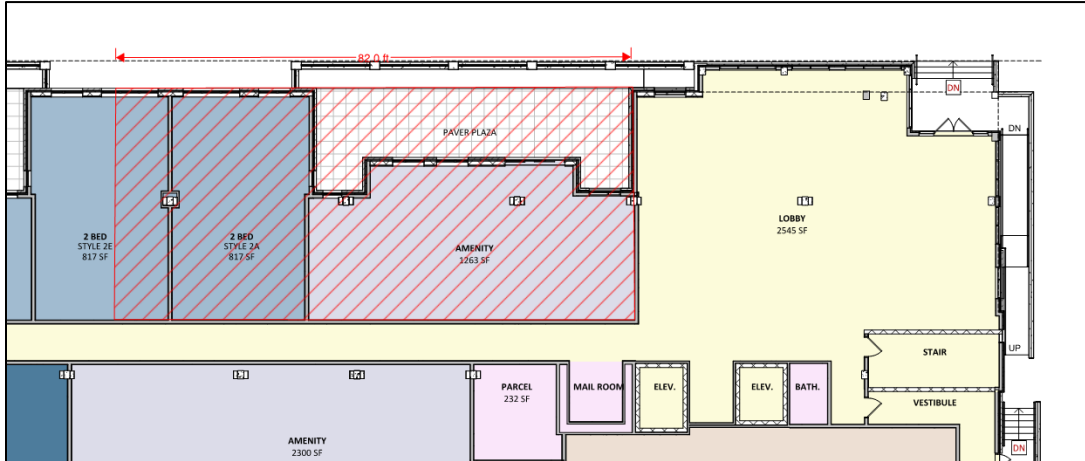
The two figures show two scenarios with 35% of commercial frontage. The additional frontage could be located next to the existing commercial space or at the corner of South Mills Street. There may be impacts to the building footprint or design to ensure it meets the commercial Building Code and accessibility requirements. Staff acknowledge that additional square footage may be needed to ensure the commercial space is located near the street.

Staff note that the numbers provided are estimates and may not be exact. If additional commercial frontage is required, the exact location and configuration of additional commercial space as well as the overall reduction in residential square footage may differ.

Scenario 1 shows additional commercial frontage next to the existing commercial space. This would remove approximately 2,346 square feet of residential space.



Scenario 2 shows additional commercial frontage at the east end of the building next to the residential lobby. This would remove approximately 1,127 square feet of residential space and 1,218 square feet of amenity space.



To find approval standards 3, 4 and 8 met, staff recommend the following condition of approval, “The building shall have approximately 35% of commercial frontage along Regent Street. The commercial frontage shall be provided on at least one street corner. Final details, including resulting façade and site plan changes shall be approved by Planning Division and Zoning Administrator. Significant changes to the building design may require a major or minor alteration as specified in MGO Section 28.183(8).”

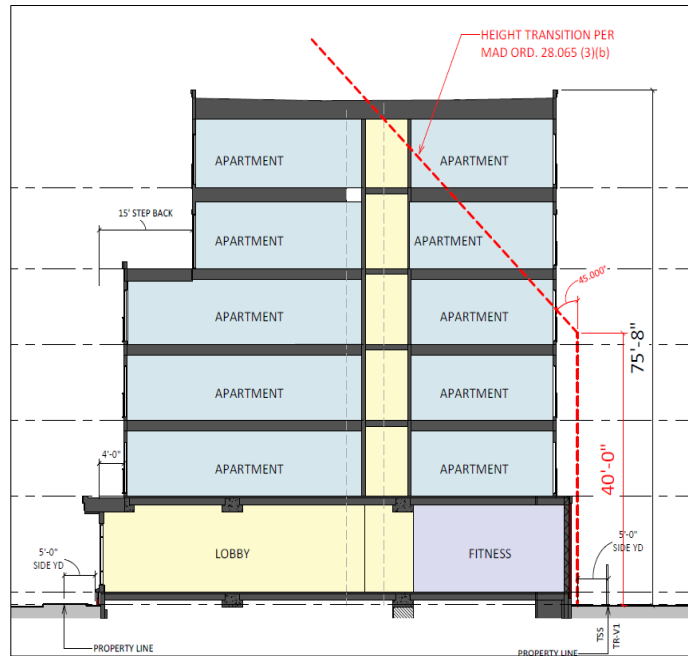
Conditional Uses for a Building Taller than Four Stories and 60 feet and Modifications To the Required Side Yard Height Transition

Finally, regarding these requests, Standards 7, 9, 10 and 12-16 do not apply, while standards 1-6, 8 and 11 are applicable. Staff believe that the Plan Commission can find standards 1-6, 8 and 11 to be met, subject to the recommended conditions of approval. This report provides an analysis regarding standards 3 and 11:

- 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.”
- Standard 11 states, “When applying the above standards to an application for height in excess of that allowed in the district, the Plan Commission shall consider recommendations in adopted plans; the impact on surrounding properties, including height, mass, orientation, shadows and view; architectural quality and amenities; the relationship of the proposed building(s) with adjoining streets, alleys, and public rights of ways; and the public interest in exceeding the district height limits.”

The applicant is requesting approval to build a six-story and 75.6-foot tall building without a transition to the residentially zoned properties behind the building. Where the TSS District abuts a residential district at the rear or side lot line, building height at the rear or side yard setback line shall not exceed the maximum height in feet allowed in the abutting district as a permitted use. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line, (a 45° angle) up to the maximum allowed height. The maximum height in the TR-V1 District is 40 feet. The applicant provided an exhibit to show the required transition. The building extends approximately two and half stories and 32 feet above the transition line.

The applicant also provided a [shadow study](#) of the building on page six of the Project Plans, and [additional renderings](#) to show the view of the building from Bowen Court. Per the shadow study the properties along Bowen Court will not be impacted by the additional height or lack of height transition. The six-story building will create shadows on the north side of Regent Street, particularly during the winter months. These impacted properties are already recommended for up to eight stories in the [Comprehensive Plan](#). The renderings show the massing of the existing buildings as they relate to the proposed building. Staff believe the modulation in the façade and the varied application of materials provide some relief to the overall building mass as it compares the adjacent buildings.



The applicant is proposing to install a 6-foot tall wooden fence at the property line. Due to the height of the building and the proposed 5.0-foot setback staff recommend installing an 8.0-foot tall wooden fence along the property line, as noted in the recommended conditions of approval. This fence would screen more of the building from view, including more of the ground floor windows on the proposed building.

The Plan Commission has approved conditional uses for height transitions in recent years: 5535 University Avenue in 2021 (Legistar ID [66120](#), previously approved as ID [53124](#) in 2018), 1402 South Park Street in 2021 (Legistar ID [62944](#)), and 1313 Regent Street in 2020 (Legistar ID [61669](#)), 3535 University Avenue project in 2024 (Legistar ID [83759](#)), and a revised project in 2025 (Legistar ID [88325](#)). The information below is intended to provide context for the scale of the proposed building beyond the 45° height transition line and how it compares to previously approved requests.

Project	Maximum Vertical / Horizontal Distance from 45° Transition Line	Length of Building Portion Exceeding Transition Height
1111-1135 Regent Street	32 ft	Approx. 341 ft
3535 University Avenue (east wing)	11.6 ft	299 ft (192 ft*)
3535 University Avenue (west mass)	3.9 ft	93 ft
3535 University Avenue	29.3 ft	261ft (191 ft*)
5535 University Avenue	1.3 ft	66 ft
1402 South Park Street	1.9 ft	110.8 ft
1313 Regent St (east)**	19 ft	76 ft
1313 Regent St (west)**	20.9 ft	76 ft

*Measurements if the central portion of the building which directly faces the Bruce Ct public right of way is not included in the measurement

**1313 Regent Street exceed the height transition on two sides of the building

Regarding the lack of rear setback, staff note that this would be the largest intrusion into the required height transition area that the Plan Commission has approved. The Plan Commission should carefully consider this request. Noting site-specific factors such as the relatively shallow depth of the site, the recommended setback along Regent Street, shadow study impacts, and modulation of the façade, staff believe it may be possible to find the approval standards met, subject to the recommended conditions of approval.

Regarding the overall height of the building, the Regent Street-South Campus Plan recommends a 15-foot setback above the third floor along South Mills Street. The building does not have any setback along South Mills Street. Staff note that the step back recommendation was identified after the application was submitted. Generally speaking, the step back recommendations in the Regent Street-South Campus Plan have been implemented in various projects in the planning area. However, Plan Commission has approved projects with smaller setbacks. These projects are included here to provide context for this request:

- A six-story mixed-use building containing a community center included portions of the building without the recommended setback at 29 South Mills Street (Legistar ID [80431](#))
- An eight-story multifamily building with a 14-foot setback at 120 North Orchard Street (Legistar ID [73815](#))
- A 10-story mixed-use building at 802-826 Regent Street with no setback above the fourth story and a 4-foot (instead of 10-foot) setback above the eighth story along South Park Street (Legistar ID [71245](#)).

The applicant has indicated that a full 15-foot setback at the fifth story would require substantial changes to the building as the staircase and elevator shaft would have to be relocated. Staff recommend that the building be modified to provide a setback, stepback, or modulation of the façade that meets the intent of the 15-foot setback recommendation. This may include but is not limited to a setback at a portion of the façade or a stepback that is less than 15 feet. Final details, including resulting façade and site plan changes shall be approved by Planning Division and Zoning Administrator. Significant changes to the building design may require a major or minor alteration as specified in MGO Section 28.183(8).

Land Division Standards

The Certified Survey Map would combine three lots into one. The lot is 0.84 acres (36,489 square feet). It is 370 feet wide at Regent Street. It is 88 feet deep along South Mills Street and 114 feet deep along South Charter Street.

Prior to the Plan Commission meeting Engineering Mapping staff determined that the Regent Street right-of-way shown on the CSM is incorrect. The property boundary is off by approximately one foot. The applicant provided a [property boundary exhibit](#) that shows the correct property boundary location. The CSM will be updated to reflect the correct property boundary as noted in the recommended conditions of approval.

Consistent with the standards and criteria in the Subdivision Regulations, the size, shape and orientation of the proposed lots are appropriate for the location and for the proposed type of development and use. Staff believe that all applicable standards for land divisions can be found met, subject to the recommended conditions of approval.

Public Input

There was a neighborhood meeting held for this project which staff attended. Per the letter of intent, the applicant had additional meetings with various neighborhood stakeholders.

There is one public comment on Legistar. This commenter asks that the developer make some ground-floor units ready for commercial conversion. The City does not have code or policy guidance to ensure residential units can be converted to retail in the future. Staff note that “retail-ready” units may include the following features: individual entries, storefront glazing, and taller ceiling heights, and would require sufficient floor area and depth to support commercial uses. It is also important to ensure that building access can meet accessibility requirements. However, staff generally advise against retail-ready units as it is difficult to predict how Zoning Code or Building Code changes over time could impact the ability for the units to be converted in the future. Rather, as noted in the recommended conditions of approval, staff recommend that additional commercial space be provided at this time.

Please see Legistar for all comments received about this project. Comments received after this report is published are not reflected in the report.

Conclusion

There are four conditional use requests for the project. Staff recommend approval of the conditional use for dwelling units in a mixed-use building with greater than 60 units. The density of the site would be 132.6 du/ac, which is generally consistent with the CMU recommendation in the Comprehensive Plan. Staff also recommend approval of the conditional use for a building taller than four stories and 60 feet in height. Regarding the height, the Regent Street-South Campus Plan recommends a 15-foot step back above the third story along all street frontages. Given the subsequent recommended height increase in the Comprehensive Plan and the recommended setback above the fourth story across the street, staff believe that a step back above the fourth story is appropriate. Along South Mills Street, staff recommend that the building be modified to provide a setback, stepback, or modulation of the façade to better meet the intent of the 15-foot step back recommendation. This could include but is not limited to a stepback at a portion of the façade or a stepback that is less than 15 feet.

Regarding the height transition, staff note that this would be the largest intrusion into the required height transition area that the Plan Commission has approved. The Plan Commission should carefully consider this request. Noting site-specific factors such as the depth of the site, the recommended setback along Regent Street, the shadow study impacts, and the modulation of the façade, staff believe it may be possible to find the approval standards met, subject to the recommended conditions of approval. Staff recommend that an 8-foot wooden fence be installed along the southern property line.

The proposed project has approximately 10.6% commercial frontage along Regent Street and the corner of South Mills Street. Staff have provided an analysis regarding conditional use approval standards 3, 4 and 8. To find the conditional use approval standards met, staff recommend this project provide a minimum of 35% of commercial frontage along Regent Street on at least one street corner.

Staff recommend that the Plan Commission consider how the proposed amount of commercial space is compatible with the surrounding properties as they are used today, and how they are intended to be used in the future per the City’s adopted Plans. The property is located in the Regent Street Shopping District of the Regent Street-South Campus Plan, which is intended to provide much-needed neighborhood serving retail for the residents living within the neighborhood. It is also recommended for CMU development in the Comprehensive Plan, which is intended to support an intensive mix of residential, commercial, and civic uses serving residents and visitors from the surrounding area and the community as a whole.

Recommendation

Planning Division Recommendation (Contact Lisa McNabola, 243-0554)

The Planning Division recommends the following to the Plan Commission regarding the applications for 1111-1135 Regent Street and 2 South Mills Street. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

- That the Plan Commission find the approval standards for conditional uses met and **approve** the following conditional use requests in the Traditional Shopping Street (TSS) District and Transit-Oriented Development (TOD) Overlay District:
 - A conditional use for dwelling units in a mixed-use building with greater than 60 units.
 - A conditional use for a mixed-use building with less than fifty percent (50%) of non-residential ground-floor frontage facing the primary street, including all frontage at a street corner.
 - A conditional use for a building taller than four stories and 60 feet in height.
 - A conditional use to modify the required side yard height transition to a residential district.
- That the Plan Commission find the approval standard for Certified Survey Maps met and forward the Certified Survey Map for 1111-1135 Regent Street and 2 South Mills Street to the Common Council with a recommendation of **approval**.

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

Land Use Request

Planning Division (Contact Lisa Ernest, 243-0554)

1. The building shall have approximately 35% of commercial frontage along Regent Street. The commercial frontage shall be provided on at least one street corner. Final details, including resulting façade and site plan changes shall be approved by Planning Division and Zoning Administrator. Significant changes to the building design may require a major or minor alteration as specified in MGO Section 28.183(8).
2. The applicant shall work with staff and revise plans to provide a setback, stepback, or other modulation of the façade to reduce the massing at the top of the building along the Mills Street frontage to be more consistent with adopted design guidelines. This may include but is not limited to a stepback at a portion of the façade or a stepback that is less than 15 feet. Final details, including resulting façade and site plan changes shall be approved by Planning Division and Zoning Administrator. Significant changes to the building design may require a major or minor alteration as specified in MGO Section 28.183(8).
3. An 8-foot tall wooden fence shall be installed where the property abuts the TR-V1 District.

Engineering Division (Contact Gretchen Aviles Pineiro, 266-4098)

4. There is an existing large storm sewer box directly under the adjacent sidewalk and curb line of regent street. The condition of this box is not suitable for setting of cranes or for laydown areas. This area shall not be utilized for this purpose.
 5. Applicant shall provide projected wastewater flow calculations for the proposed development to Mark Moder, mmoder@cityofmadison.com. Sanitary sewer may be required to be installed by the developer through a developer agreement with the City as a condition for site plan approval.
6. Enter into a City / Developer agreement for the required public infrastructure improvements. Agreement to be executed prior to sign off. Contact City Engineering to schedule the development and approval of the plans and the agreement.
 7. Construct sidewalk, terrace, curb and gutter, and pavement along S Charter Street, Regent Street, and S Mills Street per plans approved by the City Engineer.
 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 plan to construct the building. The earth retention system plan 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. Obtain a permit to plug each existing storm sewer. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 37.05(7))
 12. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
 13. 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.
 14. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
 15. This site appears to disturb less than one (1) acre of land. No submittal to the WDNR, CARPC or Department of Safety and Professional Services (DSPS) is required as the City of Madison Building Inspection Department is an approved agent for DSPS.

16. Based on historic Sanborn insurance maps, the property at 1135 Regent St was historically a filling station. No regulatory records were identified pertaining to this property. There may be underground storage tanks on the property that would need to be professionally removed.

Additionally, the Wisconsin Department of Natural Resources (WDNR) BRRTS record #03-13-104793 Hong Kong Cafe identifies the 2 S Mill St property as a closed former leaking underground storage tank site. If contamination is encountered, follow all WDNR and Department of Safety and Professional Services (DSPS) regulations for proper reporting, handling, and disposal.

17. This area is within a watershed study for flood mitigation and has a known flooding risk. The minimum opening elevations for structures proposed by this application shall have a low entrance elevation of 853.8 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.
18. 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.
19. 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.
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>

21. 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)

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.

22. 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.

23. 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).

Traffic Engineering (Contact Sean Malloy, 266-5987)

24. All parking stalls must be clear of any and all obstructions (including columns) to be considered a legal parking stall. For large car this means 9' by 18' clear, for one-size-fits-all this means 8.75' by 17' clear.
25. Applicant shall submit for review a Waste Removal Plan. This shall include vehicular turning movements, times, vehicle size, use of loading zones and all related steps to remove trash from its location. Loading on Regent Street may not be possible.
26. Applicant shall submit for review a Commercial Delivery Plan. This plan will include times, vehicle size, use of loading zones and all related turning movements.

27. 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 limited access to the Public Right-of-Way on Regent Street will be granted for construction purposes. Provide a detailed construction plan to Traffic Engineering for review prior to final signoff. Given the upcoming plans for the City's reconstruction of Regent Street, work in the right of way for the City street project will take precedence over the private project.

28. The applicant shall dedicate Right of Way or grant a Public Sidewalk Easement for and be responsible for the construction of a minimum seven (7)-foot wide sidewalk, six (6)-foot terrace, and additional one (1) foot for maintenance, where applicable, along their site's frontage of Regent Street.

29. The applicant shall dedicate Right of Way or grant a Public Sidewalk Easement for and be responsible for the construction of a minimum eight (8)-foot wide sidewalk, five (5)-foot terrace, and additional one (1) foot for maintenance, where applicable, along their site's frontage of Mills Street.

30. 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.

31. 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.

32. The City Traffic Engineer may require public signing, marking and street lighting related to the development; the Developer shall be financially responsible for such signing, marking and street lighting.

33. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

34. 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.

35. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan. Terrace shall be restored and seeded with grass on Charter Street and Mills Street. Terrace shall be restored and concrete placed along Regent Street.

36. All parking ramps as the approach the public Right-of-Way shall not have a slope to exceed 5% for 20 feet; this is to ensure drivers have adequate vision of the Right-of-Way. If applicant believes public

safety can be maintained they shall apply for a waiver, approval or denial of the waiver shall be the determination of the City Traffic Engineer.

37. The parking facility shall be modified to provide for adequate internal circulation for vehicles. This can be accommodated by eliminating a parking stall at the dead ends. The eliminated stall shall be modified to provide a turnaround area ten (10) to twelve (12) feet in width and signed with a "No Parking Anytime."
38. To allow for proper pedestrian movement and prevent encroachment from irregularly parked bicycles or bicycle with trailers, it is recommended for all bicycle racks to have a 2 to 5 foot buffer from parking or pedestrian walkways.
39. The applicant shall provide a clearly defined 5' ADA accessible walkway from their entrance to the public sidewalk 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.
40. 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.
41. 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.). If applicant believes public safety can be maintained they shall apply for a waiver of MGO 27.05(2)(bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the waiver shall be the determination of the City Traffic Engineer. Contact Jeremy Nash with Traffic Engineering at 608-266-6585 or jnash@cityofmadison.com to begin waiver process.
42. Applicant is encouraged to provide 120V electrical service for e bike charging in bike parking area.
43. "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.

Zoning (Contact Jacob Moskowitz, 266-4560)

44. 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.
45. 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 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.

46. As proposed, the new rooftop mechanical equipment will not be visible to view. Upon installation, if the new rooftop mechanical equipment is visible, screening will be required per Section 28.142(9)(d).

Parks Division (Contact Emma Krug, 263-6850)

47. 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(6)(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. The Park Impact Fee ID# for this project is 26013. Visit <https://www.cityofmadison.com/parks/about/impactFees.cfm> for information about Park Impact Fee rates, calculations, and payment process.

Forestry Division (Contact Bradley Hofmann, 267-4908)

48. An existing inventory of street trees located within the right of way shall be included on the site, demo, utility, landscape, grading, fire aerial apperatus and street tree plan sets. The inventory shall include the following: location, size (diamater 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.
49. 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.
50. City Forestry will issue a street tree removal permit for one 28" Ash tree due to driveway approach installation at along S Chather Street. The Contractor shall contact City Forestry at (608)266-4816 to obtain permit. Add as a note on both the demolition and landscape plan set.
51. 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.
52. On this project, the installation of a pavement support system (Silva Cell®, GreenBlue® or equivalent as approved by city) surrounding tree grate locations is required where the terrace is concrete. The

Contractor shall contact City Forestry at (608) 266-4816 to identify and locate underground conflicts (utilities, vaults, conduit) or other underground obstructions and determine grate locations before support system installation. Add as a note on both the site and street tree plan set.

53. No later than five business days prior to forming concrete and constructing tree grate sites, the Contractor shall contact City Forestry at (608) 266-4816 to identify and locate underground conflicts (utilities, vaults, conduit) or other underground obstructions and determine grate locations. The Contractor will be required to obtain the grate, matching frame and/or tree guard. Tree grate type and matching frame: Neenah 4x8 (R-8815-A). Tree guard Neenah (R-8501-4818). Add as a note on both the landscape and street tree plan set.

Water Utility (Contact Jeff Belshaw, 261-9835)

54. This property is in a Wellhead Protection District–Zone (WP-27). Applicant shall provide the Madison Water Utility with confirmation that no hazardous and/or toxic materials will be stored on site, and that all proposed uses of this site comply with the City of Madison Wellhead Protection Ordinance. Any future change in use for this property will require review by the Madison Water Utility General Manager or his designated representative. Contact Sarah Scroggins at Sscroggins@madisonwater.org for additional information, including a summary of the submittal requirements.

55. 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 Tim Sobota, 261-4289)

56. Metro Transit operates daily all-day transit service along both Regent Street and Randall Avenue near this property - with trips at least every 60 minutes (every 30 minutes or less during the day on weekdays). Metro Transit operates additional daily all-day rapid transit service at Regent on Park Street near this property - with trips at least every 30 minutes (every 15 minutes or less during the day on weekdays and Saturdays).
57. Metro Transit would initially estimate the following counts of potentially eligible trips towards US Green Building Council/LEED Quality Access to Transit points: 138 Weekday & 82 Weekend. Please contact Metro Transit if additional analysis would be of interest.

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

58. The right of way of Regent Street per the pending Certified Survey Map appears to not fit other surrounding surveys and Certified Survey Maps. The comment has been made for the review of the Certified Survey Map and may affect the placement of improvements on this site.

59. The site plan shall clearly show and label the encroaching garage along the south side of this site. The intent of addressing this encroachment shall be provided and/or any agreement between the affected parties shall be recorded and a copy provided.

60. Grant a Public Sidewalk Easement(s) to the City on the face of the pending Certified Survey Map along the Mills Street and Park Street frontages with the final width and location as required by Engineering and Traffic Engineering.

61. Remove the proposed curbed tree and landscape islands from the Regent Street right of way. Regent Street is to be reconstructed beginning in 2027.

62. All fixed canopies or floor overhangs shall be shown and dimensioned on the site plan. Any encroachments into the proposed Public Sidewalk Easement will be reviewed on a case by case basis to determine if they will be permitted.

63. There are utility poles noted to be moved along the southerly side of this site. Applicant/ Owner / Developer / Consultant are collectively responsible to coordinate any moving of utilities and shall grant the required easements within this site necessary to serve this development and to maintain utility services to the adjacent properties to the south. The final site plans shall indicate where any necessary easements, and to what utilities, will be granted by this Owner within this site to assure improvements are not in conflict.

64. The address of the proposed building is 1103 Regent St.

65. The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.

66. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD), the new parcel data created by the Assessor's Office and the parcel data available to zoning and building inspection staff prior to issuance of building permits for new construction or early start permit.

67. Submit a site plan and a complete building Floor Plan 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 a complete interior addressing plan. Also, include a per floor unit matrix for 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 Addressing Plan shall be included in said Site Plan Verification application materials or a revised plan shall provided for additional review and approval by Engineering.

Per 34.505 MGO, 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.

Parking Utility (Contact Trent Schultz, 246-5806)

68. The applicant shall receive final approval of a Transportation Demand Management (TDM) Plan, as part of project resubmittal following Plan Commission approval. TDM Plan review fees will be required as part of final site plan review sign off.

69. Per Section MGO 12.138(14), residents of this development would not be eligible for the Residential Parking Permit Program (RP3). It is recommended that this prohibition be noted in the leases for the residential units.

The following agencies reviewed the request and recommended no conditions of approval: Assessor's Office, Fire Department.

Land Division Request

Engineering Division (Contact Gretchen Aviles Pineiro, 266-4098)

70. Enter into a City / Developer agreement for the required public infrastructure improvements. Agreement to be executed prior to sign off. Contact City Engineering to schedule the development and approval of the plans and the agreement.

71. 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))

72. 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)

73. Based on historic Sanborn insurance maps, the property at 1135 Regent St was historically a filling station. No regulatory records were identified pertaining to this property. There may be underground storage tanks on the property that would need to be professionally removed.

Additionally, the Wisconsin Department of Natural Resources (WDNR) BRRTS record #03-13-104793 Hong Kong Cafe identifies the 2 S Mill St property as a closed former leaking underground storage tank site. If contamination is encountered, follow all WDNR and Department of Safety and Professional Services (DSPS) regulations for proper reporting, handling, and disposal.

Traffic Engineering (Contact Sean Malloy, 266-5987)

74. The applicant shall dedicate Right of Way or grant a Public Sidewalk Easement for and be responsible for the construction of a minimum seven (7)-foot wide sidewalk, six (6)-foot terrace, and additional one (1) foot for maintenance, where applicable, along their site's frontage of Regent Street.
75. The applicant shall dedicate Right of Way or grant a Public Sidewalk Easement for and be responsible for the construction of a minimum eight (8)-foot wide sidewalk, five (5)-foot terrace, and additional one (1) foot for maintenance, where applicable, along their site's frontage of Mills Street.

Parks Division (Contact Emma Krug, 263-6850)

76. 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(6)(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. The Park Impact Fee ID# for this project is 26013. Visit <https://www.cityofmadison.com/parks/about/impactFees.cfm> for information about Park Impact Fee rates, calculations, and payment process.

Water Utility (Contact Jeff Belshaw, 261-9835)

77. The following information shall be noted on the CSM prior to final approval: The properties are located within Wellhead Protection District—Zone (WP-27). Uses of the properties are required to comply with the City of Madison Wellhead Protection requirements as provided under MGO Sections 13.22 and 28.102.

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

78. The right of way of Regent Street per this CSM does not match previous surveys and adjoining Certified Survey Maps that have re-established the right of way. The differences are significant and may also affect the south boundary of this CSM depending how the boundaries were reestablished. Contact Jeff Quamme (jrquamme@cityofmadison.com) to coordinate.
79. Conditions of approval noted herein are not intended to be construed as a review determining full compliance with City of Madison Ordinances and State of Wisconsin Statutes. The licensed professional preparing the land division is fully responsible for full compliance with all Ordinances and Statutes regulating this proposed land division.
80. The encroaching garage along the south side of this CSM shall be shown that is on Lot 17, Block 3. Provide a detail of the encroachment with dimensions.

81. Grant the required Public Sidewalk Easement to the City on the face of this Certified Survey Map. Contact Jeff Quamme for the required terms and conditions to be placed on this Certified Survey Map.

82. Coordinate and request from the utility companies serving this area the easements required to serve this development.
83. There are different owners and mortgagees in the current title reports that what is provided for the certificates. Prior to final sign off provide an updated title report that matches the Owner and any mortgagee certificates on the final submitted CSM.
84. The Developer's Surveyor and/or Applicant shall 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)
85. The Applicant shall reference City of Madison WCCS Dane Zone, 1997 Coordinates on all PLS corners on the Certified Survey Map. 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.
86. 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 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.
87. Remove the Address, zoning and tax parcel information on sheet one below the header.
88. Provide recorded as information as required along the exterior boundary of the Certified Survey Map.
89. Correct the street name shown as Charter St to S Charter St.
90. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD), the new parcel data created by the Assessor's Office and the parcel data available to zoning and building inspection staff prior to issuance of building permits for new construction.
91. Submit to Jeff Quamme, prior to Engineering sign-off of the subject plat, 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, preferably closed polylines for lot lines, shall be void of gaps and overlaps and match the final recorded plat:
 - a. Right-of-Way lines (public and private)
 - b. Lot lines
 - c. Lot numbers
 - d. Lot/Plat dimensions
 - e. Street names
 - f. Easement lines (i.e. all shown on the plat including wetland & floodplain boundaries.)

NOTE: This Transmittal is a separate requirement from the required Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat, electronic data for any changes subsequent to any submittal.

Real Estate Office (Contact Andy Miller, 261-9983)

92. OWNER'S CERTIFICATION

Prior to approval sign-off by the Office of Real Estate Services ("ORES"), the Owner's Certificate(s) 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). Said parties shall provide documentation of legal signing authority to the notary or authentication attorney at the time of execution. The title of each certificate shall be consistent with the ownership interest(s) reported in the most recent title report.

If any of the land within the CSM boundary is under contract for sale or purchase, and said transfer will be conducted at the time of CSM recording, an escrow agreement may be necessary. Please discuss closing plans with ORES in advance of CSM signoff.

When possible, the executed original hard stock recordable CSM shall be presented at the time of ORES approval sign-off. If not, 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.

93. MORTGAGEE/VENDOR CERTIFICATION

Prior to CSM approval sign-off, an executed and notarized or authenticated certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate(s). 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.

94. CERTIFICATE AND CONSENT REQUIREMENTS

95. All ownership consents and certifications for the subject lands shall conform to Wis. Stats. 236.21(2) and 236.29 by including the language ...surveyed, divided, mapped and dedicated....

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. Stats. Sec. 236.34 and Sec. 236.21(2)(a).

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.

96. TAX INCREMENTAL DISTRICT

The lands within the CSM boundary are partially located within TID 48, a Tax Incremental Financing District. Discussions with Dan Rolfs, the City of Madison's Real Estate Development Manager, may be necessary before recording the CSM if a TIF application is required. Mr. Rolfs can be reached at 608-267-8722 or drolfs@cityofmadison.com.

97. REAL ESTATE TAXES

As of April 3, 2026, 2025 real estate taxes are not paid for the subject property. 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. Receipts from the City of Madison Treasurer are to be provided before or at the time of sign-off.

98. SPECIAL ASSESSMENTS

As of April 3, 2026, special assessments are reported for 1135 Regent Street. All known special assessments are due and payable prior to CSM approval sign-off. If special assessments are levied against the property during the review period and prior to CSM approval sign-off, they shall be paid in full pursuant to Madison General Ordinance Section 16.23(4)(f)(3).

99. TITLE REPORT UPDATE

Pursuant to Madison City Ordinance Section 16.23(5)(g)(4), the owner shall furnish an updated title report via email to Andy Miller in the ORES (acmiller@cityofmadison.com), as well as the survey firm preparing the proposed CSM. The report shall search the period subsequent to the initial title reports, dated January 23 and 26, 2026, 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.