



PREPARED FOR THE PLAN COMMISSION

Project Address: 308 East Washington Avenue and 302 East Washington Avenue/15-27 North Butler Street (District 2, Alder Ochowicz)

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

Legistar File ID #: [89375](#), [89237](#), [89434](#) and [88957](#)

Prepared By: Lisa McNabola, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted

Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Erik Minton; Butler Plaza, LLC and Arcadia, LLC; 21 North Butler St, Madison, WI 53703.

Owners: Erik Minton; Butler Plaza, LLC and Arcadia, LLC; 21 North Butler St, Madison, WI 53703. S&P Eisenberg Trust and M&K Eisenberg Trust; PO Box 1069, Madison, WI 53701.

Contact: Duane Johnson; Knothe & Bruce Architects; 8401 Greenway Boulevard, Middleton, WI 53562

Requested Action:

- Legistar ID [89375](#) – Creating Section 28.022-00724 of the Madison General Ordinances to change the zoning of property located at 302-308 East Washington Avenue and 15-27 North Butler Street from UMX (Urban Mixed-Use) and PD (Planned Development) District to PD (GDP) (Planned Development-General Development Plan) District and creating Section 28.022-00725 to approve a Specific Implementation Plan.
- Legistar ID [89237](#) – Consideration of a conditional use for two stories of additional building height as allowed in MGO Section 28.071(2)(b) to allow construction of an 11-story, 76-unit mixed-use building.
- Legistar ID [89434](#) – Consideration of a demolition application to demolish a commercial building at 302 East Washington Avenue.
- Legistar ID [88957](#) – A Certified Survey Map of property owned by Butler Plaza, LLC located at 302-308 E Washington Avenue and 15-27 N Butler Street.

Proposal Summary: The applicant is requesting approval to replace two commercial buildings at 302 and 308 East Washington Avenue with an 11-story, 76-unit mixed-use building with 9,000 square feet of commercial space. This requires approval of a zoning map amendment, conditional use, demolition and Certified Survey Map.

There is a zoning map amendment (rezoning) request to amend the existing PD-GDP-SIP (Planned Development-General Development Plan-Specific Implementation Plan) District at 302 East Washington Avenue and 15-27 North Butler Street. The PD-GDP-SIP District would be amended to remove the existing building at 302 E Washington and replace it with the proposed building. There is a second rezone request to change the zoning of 308 East Washington Avenue from UMX (Urban Mixed-Use) District to PD-GDP-SIP District to include the property in the existing PD-GDP-SIP District for 302 East Washington Avenue and 15-27 North Butler Street.

There is a conditional use request to exceed the eight-story height limit in the Downtown Height Map and Table (MGO Section 28.071 (2)(a)). The Additional Height Areas Map allows the applicant to build two additional stories, for a total of 10 stories, if conditional use approval is granted (MGO Section 28.071 (2)(b)).

The Downtown Height Map and Table (MGO Section 28.041(2)(a)) define the maximum building height in the Downtown area. Height is defined by both the number of stories and height in feet. Properties in the Downtown area that are zoned Planned Development District are also subject to the Downtown Height Map and Table. A project can exceed the building height in stories, but not in feet, if a property owner enters into a voluntary contractual Land Use Restriction Agreement (LURA) with the City of Madison to provide some income and rent-restricted units. The applicant will need to enter into a voluntary LURA to construct one additional story for a total of 11 stories.

Two demolition applications were submitted for 302 and 308 East Washington Avenue. The Landmarks Commission reviewed the demolition applications and made findings about the historic value of the buildings. The Landmark Commission determined that the demolition of 308 East Washington Avenue is a Category C demolition, which means the building has no known historic value (Legistar ID [89435](#)). Therefor the demolition request is not before the Plan Commission. The demolition of 302 East Washington Avenue was determined to be a Category B demolition, which means the building has historic value, but the building itself is not historically, architecturally or culturally significant (Legistar ID [89434](#)). The demolition of 308 East Washington Avenue shall be reviewed by the Plan Commission because it is a Category B demolition.

The Certified Survey Map would create two lots. It would combine the properties at 308 East Washington Avenue and 302 East Washington Avenue/15-21 North Butler Street into one lot (proposed Lot 1). The property at 27 North Butler Street would continue to be located on a separate lot (proposed Lot 2).

Applicable Regulations & Standards: Approval standards for zoning map amendments are in MGO Section 28.182. Approval standards for Planned Developments are in MGO Section 28.098. Approval standards for conditional uses are in MGO Section 28.183(6). Approval standards for demolitions are in MGO Section 18.185(6). Approval standards for Certified Survey Maps are in MGO Section 16.23. Design standards and guidelines for Urban Design District 4 are in MGO Section 33.24(11).

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

Summary Recommendation: The Planning Division recommends the following to the Plan Commission regarding the applications for 302-308 East Washington Avenue and 15-27 North Butler 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 standards for zoning map amendments and Planned Developments met, and forward Zoning Map Amendment ID 28.022-00724 and ID 28.022-00725 to the Common Council with a recommendation of **approval**.
- That the Plan Commission find the approval standards for conditional uses met and **approve** the request for two stories of additional building height as allowed by MGO Section 28.071(2)(b).
- That the Plan Commission find the approval standards for demolitions met and **approve** the request to demolish the building at 302 East Washington Avenue.
- That the Plan Commission find the approval standard for Certified Survey Maps met and forward the Certified Survey Map to the Common Council with a recommendation of **approval**.

Background Information

Parcel Location: The proposed building is on a site that includes two properties: 308 East Washington Avenue and 302 East Washington Avenue/17-21 North Butler Street. The site is at the corner of East Washington Avenue and North Butler Street. It is 30,690 square feet (0.7-acres). The Certified Survey Map also includes the

property at 27 North Butler Street. It is at the corner of North Butler Street and East Mifflin Street. It is 8,911 square feet (0.2-acres). The site is within Alder District 2 (Alder Ochowicz) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The property at 308 East Washington Avenue is zoned UMX (Urban Mixed-Use) District. There is a two-story office building on the property that was built in 1902. The properties at 302 East Washington Avenue/15-27 North Butler Street are zoned PD-GDP-SIP (Planned Development-General Development Plan-Specific Implementation Plan) District. The PD-GDP-SIP is comprised of two properties. There is a multi-story mixed-use building on the site that ranges from three to six stories. It has 30,000 square feet of commercial space and 66 residential units. The section of the building addressed as 302 East Washington Avenue was built in 1927 and remodeled in 1997. The section of the building addressed as 15-21 North Butler Street was built in 1997. The property at 27 North Butler Street has a four-story building with 26 residential units. It was built in 2002. An underground parking garage connects the buildings at 302 East Washington Avenue/15-21 North Butler Street and 27 North Butler Street.

Surrounding Land Use and Zoning:

Northeast: Saint John’s Lutheran Church, zoned Planned Development (PD) District (approved PD District allows for a 10-story mixed-use building – building has not been constructed); three to four-story multifamily buildings, two-story two-unit residential buildings, and a two-story commercial building (Hancock Center), zoned DR-1 (Downtown Residential 1) District;

Southeast: Across East Washington Avenue, City of Madison Brayton Parking Lot, zoned UMX (Urban Mixed-Use) District;

Southwest: Across North Butler Street, four-story office building, zoned DC (Downtown Core) District; 10-story hotel building, zoned PD District; five-story multifamily building, zoned UMX District; six-story multifamily building, zoned PD District; two-story multifamily buildings and the Frank Lloyd Wright Lamp House building, zoned DR-1 District;

Northwest: Across East Mifflin Street, two and three-story multifamily buildings, one-story commercial building, zone DR-1 District; City of Madison Capital Square North Parking Garage, zoned UMX District.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2024) recommends Downtown Core for the southern half of the site and Medium Residential for the northern half of the site. The [Downtown Plan](#) (2012) recommends Downtown Core for the southern half of the site and Predominant Residential for the northern half of the site.

Zoning Summary: The property would be rezoned to an amended PD-GDP-SIP (Planned Development-General Development Plan-Specific Implementation Plan) District.

Requirements	Required	Proposed
Lot Area (sq. ft.)	As per approved plans	As per submitted plans
Lot Width	As per approved plans	As per submitted plans
Front Yard Setback	As per approved plans	As per submitted plans
Side Yard Setback	As per approved plans	As per submitted plans
Rear Yard Setback	As per approved plans	As per submitted plans
Usable Open Space	As per approved plans	As per submitted plans
Maximum Lot Coverage	As per approved plans	As per submitted plans
Maximum Building Height: Downtown Height Map	8 stories/116’ 10 stories/144’*	11 stories/<144’ (1)
Stepbacks: Downtown Stepback Map	None	11 stories/<144’

Section 28.071(2)(b): The Additional Height Areas Map defines eight (8) areas where buildings may be allowed up to two (2) additional stories above the maximum building height if approved as a conditional use under Section 28.183 provided that height is the only bulk requirement sought to be modified.

Site Design	Required	Proposed
Number Parking Stalls	As per approved plans	112 existing stalls 16 new stalls (128 total)
Electric Vehicle Stalls	EV Ready: 10% (2)	13 EV ready
Accessible Stalls	Yes	1
Loading	As per approved plans	As per submitted plans
Number Bike Parking Stalls	Multi-family dwelling: 1 per unit up to 2-bedrooms, ½ space per add'l bedroom (76) 1 guest space per 10 units (8) Health/sports club: 5% of the capacity of persons (TBD)	8 surface 86 garage (94 total) (4)(5)
Landscaping and Screening	Yes	Yes
Lighting	Yes	Yes
Building Form and Design	As per approved plans	As per submitted plans (7)

Other Critical Zoning Items	
Urban Design	Yes UDD #4; PD
Wellhead Protection District	Yes, WP-17

Table Prepared by Jenny Kirchgatter, 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

Previous Approvals

In 1997, under the 1966 Zoning Code, the Common Council approved Planned Unit Development (PUD) District zoning for 302 East Washington Avenue/17-21 North Butler Street and the northeast half of 27 North Butler Street. The northeast half of the site would be used to provide access to the parking garage from East Mifflin Street. Under the current Zoning Code this is referred to as the Planned Development (PD) District. The project included the existing three-story commercial building at 302 East Washington Avenue. It also included a new four-story commercial building with retail and office space and a six-story multifamily building with 66 units with 102 parking stalls in an underground parking garage. The four-story and six-story building appears as a separate building from the street but are interconnected. The four-story portion of the building is also connected to the three-story building via a shared lobby entrance.

In 2002 the Common Council approved an amendment to the approved PUD to include the southwest half of 27 North Butler Street to allow the entire site to be developed with a 5-story multifamily building with 26 units and underground parking with 19 parking stalls. A later alteration was approved in 2019 to reduce the number of parking stalls to 13. The underground parking is connected to the underground parking at 17-21 North Butler Street.

Project Description

The applicant is requesting approval to replace two commercial buildings at 302 and 308 East Washington Avenue with an 11-story, 76-unit mixed-use building with 9,000 square feet of commercial space. This requires approval of a zoning map amendment, conditional use, demolition and Certified Survey Map.

The existing four and six-story portion of the building is not being altered with this project. The proposed building will be interconnected with the existing building via a shared lobby and a staircase that connects to the mezzanine in the new building. The new underground parking will also be connected to the underground parking in the existing buildings. The underground parking will be accessed from an existing entrance along North Butler Street. There are 16 vehicle stalls and 86 bike stalls. Six existing vehicle stalls will be removed for a net gain of 10 stalls.

The proposed building is 129 feet in height (the average of 124 feet to the south and 132 feet to the north). The ground floor commercial space has a 17 foot floor-to-floor height with a mezzanine that creates additional floor area for the commercial space. Due to the grade change there is 7-feet of exposed basement at the northeast corner of the building. The commercial space will be accessed by an existing entrance along North Butler Street. The primary entrance for the residential units will be at the corner of North Butler Street and East Washington Avenue.

Site improvements also include reconstructing the raised entrance and landscape beds along North Butler Street and the outdoor seating area at the back of the site. Landscape beds are shown along East Washington Avenue. Plantings visible from the street include a mix of deciduous shrubs, perennials, grasses, and ornamental trees.

The primary building material is an iron gray brick veneer. Accent materials include a granite masonry base and a rusted steel composite metal panel. The rusted steel metal panel is applied to a vertical band from the ground floor to the roof. A black composite metal panel is applied between the windows.

The plans show improvements on the sidewalk (the public Right of Way) including bike racks and curbed landscape beds. This will require approval of a Privilege in Street Agreement which is not reviewed by the Plan Commission. If the agreement is not approved, further modifications would be required.

Analysis

Conformance with Adopted Plans

The Comprehensive Plan (2024) recommends Downtown Core (DC) for the southern half of the site and Medium Residential for the northern half of the site. The proposed building is located on the southern half of the site. DC areas accommodate a wide variety of employment, service, retail, government, residential, and other uses in large scale buildings that comprise the most intensely developed part of the city. The Comprehensive Plan refers to the Downtown Plan (2012) for details on heights, use mixes, ground floor uses, pedestrian friendly design, and other considerations that must be addressed for development within this category.

The Comprehensive Plan refers to the Maximum Building Heights Map in the Downtown Plan for the maximum building height in DC areas. The Maximum Building Heights Map specifies a maximum building height of eight stories. The site is located in an Additional Building Height Area that recommends up to two additional stories,

for a total of up to 10 stories. The building heights recommended in the Downtown Plan have been codified in the Zoning Code. For the purposes of the Downtown Plan, the Maximum Building Heights Map is intended to reflect recommended building heights based on typical story heights (floor-to-floor) of 14-18 feet for the first story, and 10-14 feet for upper stories. This means a 10-story building is expected to be 144 feet in height or less. Rather than establishing a minimum or maximum density range the residential density in DC areas is governed by the maximum building height.

The Downtown Plan (2012) recommends Downtown Core for the southern half of the site and Predominant Residential for the northern half of the site. The proposed building is located on the southern half of the site. Per the Plan the southern half of the site is located in the Downtown Core neighborhood. The Downtown Core should have the highest intensity of development, and the Plan recommends developing active uses between the Capitol Square and the Capitol East District.

Staff believe the proposed project is generally consistent with the City's adopted plans, given that the building is a mixed-use building and that the overall building height is less than 144 feet.

Zoning Map Amendment Standards

There is a zoning map amendment (rezoning) request to amend the existing PD-GDP-SIP (Planned Development-General Development Plan-Specific Implementation Plan) District at 302 East Washington Avenue and 15-27 North Butler Street. The PD-GDP-SIP District would be amended to remove the existing building at 302 E Washington and replace it with the proposed building. The rezone would also change the zoning of 308 East Washington Avenue from UMX (Urban Mixed-Use) District to PD-GDP-SIP District to include the property in the existing PD-GDP-SIP District for 302 East Washington Avenue and 15-27 North Butler Street.

The zoning map amendment standards are in MGO Section 28.182(6). Zoning map 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."

While the City has policies that generally encourage rezoning from PD to a conventional zoning district, when possible, based on the analysis in the Planned Development section of this report, staff believe that the proposed zoning map amendment is generally consistent with the City's Comprehensive Plan and Downtown Plan, and that the zoning map amendment standards can be found met.

Planned Development District Standards

The Planned Development (PD) zoning district is intended to facilitate the development of land in an integrated and innovative fashion, to allow for flexibility in site design, and to encourage development that is sensitive to environmental, cultural and economic considerations. The development should feature high-quality architecture and building materials. Specific objectives include promoting green building technologies, integrated land uses, preservation and enhancement of environmental features, preservation of historic buildings, enhanced open space, and the facilitation of high-quality development consistent with adopted plans. See MGO Section 28.098(1) for further information. The specific approval standards for Planned Developments are provided in MGO Section 28.098(2).

Standard (a) states, “The applicant shall demonstrate that no other base zoning district can be used to achieve a substantially similar pattern of development...”

The property is already in the PD-GDP-SIP District. The project would amend the existing PD-GDP-SIP District and expand the PD-GDP-SIP District to include the property at 308 East Washington Avenue. The property has an existing four and six-story building that is remaining. The proposed building will be interconnected with the existing building via a shared lobby and a staircase that connects to the mezzanine and the underground parking structure. Staff believe that the use of a base (also referred to as a “conventional”) zoning district may present challenges to providing the proposed interconnectivity between the buildings.

Standard (b) states, “The PD District plan shall facilitate the development or redevelopment goals of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.”

As stated previously in this report, staff believe that the proposed zoning map amendment is generally consistent with the City’s Comprehensive Plan and Downtown Plan.

Standard (e) states, “The PD District plan shall coordinate architectural styles and building forms to achieve greater compatibility with surrounding land uses and create an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose of the PD District.”

The UDC is required to make an advisory recommendation to the Plan Commission regarding the proposed Planned Development (PD) District. The staff report to the UDC asked the Commission to consider the building design and composition, building materials, wall packs, long views, landscaping and lighting. The PD rezone request received an advisory recommendation of “approval” subject to conditions. Details on both decisions are included in the Urban Design Commission Recommendation section of the report.

Standard (h) states, “When applying the above standards to an application for height in excess of that allowed in Section 28.071(2)(a) Downtown Height Map, except as provided for in Section 28.071(2)(a)1. and Section 28.071(2)(b), the Plan Commission shall consider the recommendations in adopted plans and no application for excess height shall be granted by the Plan Commission unless it finds that all of the following conditions are present...”.

Per MGO Section 28.071(2)(b) the Additional Height Areas Map defines eight (8) areas where buildings may be allowed up to two (2) additional stories above the maximum building height if approved as a conditional use under Section 28.183 provided that height is the only bulk requirement sought to be modified and the conditional use standards for additional height are met. The applicant is requesting conditional use approval for two additional stories. See the Conditional Use Standards section of this report for an analysis of the conditional use approval standards.

Staff believe the Planned Development District standards can be found met.

Conditional Use Standards

There is a conditional use request to exceed the eight-story height limit in the Downtown Height Map and Table (in MGO Section 28.071 (2)(a)). The Additional Height Areas Map allows the applicant to request two additional stories if conditional use approval is granted. If approved, it would allow a 10-story building on this site.

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 §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.

PD approval standard (h) states that, “When applying the above standards to an application for height in excess of that allowed in Section 28.071(2)(a) Downtown Height Map, except as provided for in Section 28.071(2)(a)1. and Section 28.071(2)(b), the Plan Commission shall consider the recommendations in adopted plans and no application for excess height shall be granted by the Plan Commission unless it finds that all of the following conditions are present...”

This standard refers to MGO Section 28.071(2)(b), which is the Additional Height Areas Map. The Additional Height Areas Map allows the applicant to build two additional stories, for a total of 10 stories, if conditional use approval is granted.

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.”

Per the recommended conditions of approval from the Engineering Division the applicant shall provide projected wastewater flow calculations. The Engineering Division will use those calculations to determine if the developer is required to provide offsite sewer improvements to support the development.

Standard 6 states, “The conditional use conforms to all applicable regulations of the district in which it is located.”

The applicant proposes building a 10-story building. The Downtown Height Map and Table define the maximum building height in the Downtown area. Height is defined by both the number of stories and height in feet. The maximum building height for a 10-story building is 144 feet.

By entering into a LURA, the applicant is allowed to construct one additional story provided that fifty percent (50%) of the total interior square footage of the additional story is used for income and rent-restricted units. The height of the 11-story building cannot exceed 144 feet. The proposed building is 129 feet in height (the average of 124 feet to the south and 132 feet to the north).

Per MGO Section 28.134(3) no portion of any building or structure located within one (1) mile of the center of the State Capitol Building shall exceed the elevation of the base of the columns of said Capitol Building or one hundred eighty-seven and two-tenths (187.2) feet, City datum. Per the plans provided by the applicant the building does not exceed the Capitol View Preservation height limit.

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.”

Staff note that the building shows a fixed canopy feature at the corner of North Butler Street and East Washington Avenue. The fixed canopy along North Butler Street encroaches into the public Right of Way. To intrude into the Right of Way the applicant will need to enter into a Privilege in Streets (PIS) Agreement. At this

time staff cannot guarantee that the applicant will enter into a PIS Agreement or the City will approve the encroachment. To ensure that the building maintains the same level of architectural detail at this corner Planning staff recommend the following condition of approval:

- If the fixed canopy at the corner of North Butler Street is not included in a Privilege in Streets Agreement, then the applicant shall replace the canopy with an architectural feature that does not encroach into the right-of-way. This may include an accent material or a reconfiguration of existing materials on the façade to create a prominent corner feature. This change may be approved administratively by the Planning Division Director or their designee.

The Urban Design Commission (UDC) is required to make an advisory recommendation to the Plan Commission regarding the proposed Planned Development (PD) District, which includes a standard that the building form creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose of the PD District. Considering that the UDC has recommended approval with conditions, staff believe this standard can be found met subject to the recommended condition of approval noted above.

Standard 13 states, “When applying the above standards to an application for height in excess of that allowed by Section 28.071(2)(a) Downtown Height Map for a development located within the Additional Height Areas identified in Section 28.071(2)(b), the Plan Commission shall consider the recommendations in adopted plans, and no application for excess height shall be granted by the Plan Commission unless it finds that all of the following conditions are present:

- a. The excess height is compatible with the existing or planned (if the recommendations in the Downtown Plan call for changes) character of the surrounding area, including but not limited to the scale, mass, rhythm, and setbacks of buildings and relationships to street frontages and public spaces.
- b. The excess height allows for a demonstrated higher quality building than could be achieved without the additional stories.
- c. The scale, massing and design of new buildings complement and positively contribute to the setting of any landmark buildings within or adjacent to the projects and create a pleasing visual relationship with them.
- d. For projects proposed in priority viewsheds and other views and vistas identified on the Views and Vistas Map in the City of Madison Downtown Plan, there are no negative impacts on the viewshed as demonstrated by viewshed studies prepared by the applicant.”

Per the Downtown Plan the properties on this block that front East Washington Avenue are recommended for eight stories and may have two additional stories. It is considered a transition area between the taller buildings to the west and shorter buildings to the north and southwest, which transition from six to three stories. The additional height is intended to provide continuity with the Capital Gateway Corridor. The proposed building has limited setbacks which are consistent with the character of downtown and the adjacent buildings. The Plan Commission approved two projects located in the same Additional Height Area (Area H). A 10-story mixed-use building was approved next to this site to replace the existing St. John’s Lutheran Church (Legistar ID [74869](#)). Across North Hancock Street a 10-story mixed-use building was approved at 408 East Washington Avenue (Legistar ID [62096](#))

Per the applicant the two additional stories allow for the project to have a commercial space. The ground floor commercial space has a 17 foot floor-to-floor height with a mezzanine that creates additional commercial floor area. At the southwest corner of the building there is an additional 7 feet of exposed building due to change in grade along the street. The commercial space creates a prominent glass façade along East Washington. The

eleventh story includes a rooftop space that creates a step back at the top of the building. The eleventh story also has an angled rooftop element that creates visual interest at the termination of the building.

There is not a landmark building within or adjacent to the project.

East Washington Avenue is identified as a premier corridor in the Views and Vistas Map. This corridor provides views to and from the State Capitol building. Per the plans the building is below the Capitol View Preservation height limit. The plans also provide a long view to the Capitol Building that shows the proposed building does not impact the view to the Capitol Building from East Washington Avenue.

Staff believe the conditional use standards can be found met, subject to the recommended conditions of approval.

Urban Design Commission Recommendation

The Urban Design Commission (UDC) is required to make an advisory recommendation to the Plan Commission regarding the proposed Planned Development (PD) District. The UDC shall make specific findings on the design objectives listed in MGO Sections 28.098(1) and 28.098 (2) and the other requirements of that subchapter.

The UDC is also an approving body for this request because it is located in Urban Design District 4 (UDD 4).

As part of that review, the UDC Secretary prepared a [Staff Report for UDC](#). The report asked the UDC to consider the building design and composition, building materials, wall packs, long views, landscaping and lighting.

At the September 3, 2025 UDC meeting, the proposed PD District received a recommendation of “approval” and the proposed building in UDD 4 was granted “final approval” with the following findings and conditions:

- The landscape plan shall be updated to include plantings along the north side of the building.
- The lighting plan shall be revised to remove the light fixtures located mid-building or be redesigned to reflect a better wall wash with a different fixture.
- Further review and approval to be completed administratively.
- The Commission finds that the long views are acceptable and the applicant has addressed the concerns about wallpacks.

Staff recommend the following conditions of approval based on the recommendation from the UDC:

- The landscape plan shall be updated to include plantings along the north side of the building.
- The lighting plan shall be revised remove the light fixtures located mid-building or be redesigned to reflect a better wall wash with a different fixture.
- Revised plans that address the conditions from the Planning Division may be approved administratively by the Planning Division Director or their designee.

Demolition Standards

In February 2025 the Common Council adopted Ordinance 25-00010 (Legistar ID 86649) to change the demolition review process and approval standards. When a demolition application is submitted it is first reviewed by the Landmarks Commission. The Landmarks Commission assigns a Category A, B or C to each building. Category A buildings have historic value based on architectural significance, cultural significance, or historic significance. Category B buildings have historic value but the building itself is not historically, architecturally or culturally significant. Category C buildings have no known historic value. The demolition of a

Category C building can then be approved by the Director of Building Inspection. The demolition of a Category A or B building shall be considered by the Plan Commission after a public hearing.

Two demolition applications were submitted for 302 and 308 East Washington Avenue. On August 18, 2025, the Landmarks Commission reviewed the demolition applications and made findings about the historic value of the buildings. The Landmark Commission determined that the demolition of 308 East Washington Avenue is a Category C demolition. (Legistar ID [89435](#)). The demolition of 302 East Washington Avenue was determined to be a Category B demolition (Legistar ID [89434](#)). The demolition of 302 East Washington Avenue shall be reviewed by the Plan Commission because it is a Category B demolition.

The Plan Commission shall not approve the demolition of 302 East Washington Avenue unless it finds that two approval standards are met.

Standard 1 states, "Demolition of the existing building(s) is consistent with or will aid in the implementation of adopted plans or with the purpose statement of this section. The Plan Commission may consider how demolition and redevelopment of the property relates to the implementation of the City's adopted plans."

Per the discussion in the "Conformance with Adopted Plans" section of this report, staff believe the proposed project is generally consistent with the City's adopted plans.

Standard 2 states. "There are factors that are found to outweigh the public interest in preserving historic resources. Such a finding may include, but is not limited to:

- i. The building is found to be in such a deteriorated condition that it is not structurally or economically feasible to preserve or restore it.
- ii. If the building has historic value, the building has been so altered that it cannot convey its historical association or architectural significance.
- iii. There is a structural or fire hazard, unlawful use of the property, public nuisance, or other public health and safety concern that supports demolition as provided in reports from the Madison Fire Department, Police Department, and/or Building Inspection Division."

In the [Staff Report to the Landmarks Commission](#) staff noted that the Capital Times was located in the building from 1928 to 1949. The building has had several alterations over time, including replacement of all of the historic windows and removal of the more ornate parapet. While this building would not be eligible for Landmark designation for its architecture due to the changes over time, it is still able to convey its historic associations. Staff recommended that the Landmarks Commission assign Category B to the application.

In their motion the Landmarks Commission noted that the building has historic value related to the vernacular context of Madison's built environment as the home of noted Madison newspaper, the Capital Times from 1928-1949, and as the work/product of an architect of note, but the building itself is not historically, architecturally or culturally significant due to other locations being able to tell the story of the Capital Times and changes to the architectural integrity of the structure.

On balance, staff believe that it is possible to find the approval standards met. The proposed building is consistent with adopted plans, and it provides additional downtown housing with affordable units. Additionally, the Landmarks Commission found that while the building has historic value related to Madison's vernacular context, the building is not historically, architecturally or culturally significant due to other locations being able to tell the story of the Capital Times and changes to the architectural integrity of the structure.

Land Division Standards

The Certified Survey Map would create two lots. It would combine the properties at 308 East Washington Avenue and 302 East Washington Avenue/15-21 North Butler Street into one lot (proposed Lot 1). The property at 27 North Butler Street would continue to be located on a separate lot (proposed Lot 2).

Staff believe that all applicable standards for land divisions can be found met.

Conclusion

The applicant is requesting approval to replace two commercial buildings at 302 and 308 East Washington Avenue with an 11-story, 76-unit mixed-use building with 9,000 square feet of commercial space. This requires approval of a zoning map amendment to the PD-GDP-SIP District, demolition, conditional use, and Certified Survey Map. The applicant would also need to enter into a voluntary contractual Land Use Restriction Agreement (LURA) with the City of Madison to provide some income and rent-restricted units in the building.

Staff believe that the proposed zoning map amendment is generally consistent with the City's Comprehensive Plan and Downtown Plan, and that the applicable standards for the various approvals are met, subject to the recommended conditions of approval.

Recommendation

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

The Planning Division recommends the following to the Plan Commission regarding the applications for 302-308 East Washington Avenue and 15-27 North Butler 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 standards for zoning map amendments and Planned Developments met, and forward Zoning Map Amendment ID 28.022-00724 and ID 28.022-00725 to the Common Council with a recommendation of **approval**.
- That the Plan Commission find the approval standards for conditional uses met and **approve** the request for two stories of additional building height as allowed by MGO Section 28.071(2)(b).
- That the Plan Commission find the approval standards for demolitions met and **approve** the request to demolish the building at 302 East Washington Avenue.
- That the Plan Commission find the approval standard for Certified Survey Maps met and forward the Certified Survey Map 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 McNabola, 243-0554)

1. If the fixed canopy at the corner of North Butler Street is not included in a Privilege in Streets Agreement, then the applicant shall replace the canopy with an architectural feature that does not encroach into the right-of-way. This may include an accent material or a reconfiguration of existing materials on the façade to create a prominent corner feature.

2. The landscape plan shall be updated to include plantings along the north side of the building.
3. The lighting plan shall be revised remove the light fixtures located mid-building or be redesigned to reflect a better wall wash with a different fixture.
4. Revised plans that address the conditions from the Planning Division may be approved administratively by the Planning Division Director or their designee.

Engineering Division (Contact Brenda Stanley, 261-9127)

5. 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.
6. Applicant shall provide projected wastewater flow calculations to Mark Moder, mmoder@cityofmadison.com. Offsite sewer improvements may be required by the developer as a condition for development.
7. Applicant shall revise plan to add note to install electronic marker balls (EMB) above the sewer lateral over at the sewer main and at the property line. Electronic marker balls are provided by City Engineering.
8. 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 - discharge of storm water to the public right of way is required directly to the storm sewer system - this will likely require crossing N Butler and extending storm to the site. (POLICY AND MGO 10.29)

9. 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.

10. 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).
11. 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)
12. Construct sidewalk, terrace, curb, gutter, and pavement along E Washington Avenue and N Butler Street to a plan as approved by the City Engineer.
13. 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))
14. Provide the City Engineer with the proposed earth retention plan for the site. The earth retention plan must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the earth retention plan. (POLICY). The earth retention plan shall include all the existing infrastructure within the right-of-way, including trees. Failure to comply with these requirements may be cause for rejection of the earth retention plan.
15. 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))
16. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
17. 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.
18. Raised planting beds along N Butler Street shall be a minimum of 12 inches from the edge of the sidewalk and 18 inches from the back of the curb, and shall not restrict access to fire hydrants.

19. 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)
20. 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.
21. This project will disturb 4,000 sf or more of land area and require an Erosion Control Permit. Submit the Erosion Control Permit Application (with USLE calculations and associated fee) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval. The permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.

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>

Traffic Engineering (Contact Sean Malloy, 266-5987)

22. The applicant shall dedicate Right of Way or grant a Public Sidewalk Easement for and be responsible for the construction of a minimum six (6)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1) foot for maintenance, where applicable, along their site's frontage of E. Washington Avenue.

23. 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.
24. 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.
25. 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.
26. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
27. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.

28. Per Section MGO 12.138 (14), this project is not eligible for residential parking permits. It is recommended that this prohibition be noted in the leases for the residential units.
29. 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.
30. 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.
31. "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.
32. Applicant shall submit for review a waste removal plan. This shall include vehicular turning movements.
33. 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.
34. 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 East Washington Avenue will be granted for construction purposes. Provide a detailed construction plan to Traffic Engineering for review prior to final signoff.

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

35. The applicant proposes to construct a building that will exceed the maximum number of stories (10 stories/144'). Per Section 28.071(2)(a)2., buildings with a voluntary contractual Land Use Restriction Agreement ("LURA") with the City of Madison to provide income and rent-restricted dwelling units or bedrooms in a dwelling unit ("affordable units") may exceed the maximum number of stories, provided the building remains at or below the maximum height in feet in Table 28E-3. Provide Zoning staff with a copy of the recorded LURA.

36. Work with Zoning and Planning staff for final approval of the Zoning text.
37. Provide information on the existing buildings on 15-27 N Butler St including the numbers and types of dwelling units, floor area of commercial space, number of existing parking stalls, and number of existing bicycle stalls.
38. Bicycle stalls are proposed in the N Butler Street public right-of-way. Note that bicycle stalls located in the public right-of-way do not count toward the minimum bicycle parking requirement. Privilege in the Streets approval is required through the City of Madison Office of Real Estate Services.
39. Bicycle parking for the residential dwelling units shall comply with the requirements of MGO Sections 28.141(4)
40. (g) and 28.141(11) and shall be designated as short-term or long-term bicycle parking. A minimum of 76 resident bicycle stalls are required plus a minimum of 8 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. 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.
41. Bicycle parking for the health/sports club shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum amount of short-term bicycle parking stalls equal to 5% of capacity of persons located in a convenient and visible area on a paved or pervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance. Note: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Provide a detail of the proposed bike rack.
42. Provide details demonstrating compliance with bird-safe glass requirements Section 28.129. 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. Provide the window and door schedule to verify the sizes of the glazed areas.
43. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.
44. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Fire Department (Contact Matt Hamilton, 266-4457)

45. The existing building(s) will need to comply with high rise requirements in the IBC and IFC.
46. The 2024 edition of the International Fire Code will be the presiding IFC to follow.

Parks Division (Contact Brian Kowalski, 243-2848)

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 North Park-Infrastructure Impact Fee district. The Park Impact Fee ID# for this project is 25049. Visit <https://www.cityofmadison.com/parks/about/impactFees.cfm> for information about Park Impact Fee rates, calculations, and payment process.
48. Low-cost housing is exempt from Park Impact Fees. This exemption only applies to those dwelling units or bedrooms within a development that are determined to be low-cost housing. This exemption does not extend to the land dedication requirements set forth under Sec. 16.23(8)(f), MGO, nor any other impact fees that may apply to a development.
49. The park impact fee will be exempt for developments that meet the "low-cost housing" requirements, as defined as rental or owner-occupied housing units that are affordable, as that term is defined in Sec. 4.22(2), MGO, and which meet the deed restriction requirements of Sec. 4.22(7). A low-cost housing certification from the Community Development Division is required for Park Impact Fee exemptions. For projects that do not receive funding from the Community Development Division, a Land Use Restriction Agreement (LURA) with the Parks Division is required. If a Parks-LURA is required, requests can be emailed to parkimpactfees@cityofmadison.com

Forestry Section (Contact Bradley Hofmann, 267-4908)

50. The Developer shall submit a Street Tree Report performed by International Society of Arboriculture Certified Arborist 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.

51. 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.
52. 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.
53. City Forestry will issue a street tree removal permit for two Ginkgo trees 12 & 13" diameter due to decline & construction staging needs at along E Washington Ave. 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.

54. 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.
55. 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.
56. 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.
57. 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.
58. 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.
59. 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.
60. 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, 261-9835)

61. This property is in a Wellhead Protection District–Zone (WP-17). 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.

62. 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)

63. Metro Transit operates daily all-day transit service along East Johnson, East Gorham and East Wilson Streets thru the North Butler Street intersection near this property - with trips at least every 30 minutes (every 15 minutes or less during the day on weekdays). Metro Transit operates additional daily all-day rapid transit service around the Capitol Square near this property - with trips at least every 30 minutes (every 15 minutes or less during the day on weekdays and Saturdays).

64. Metro Transit would initially estimate the following counts of potentially eligible trips towards US Green Building Council/LEED Quality Access to Transit points: 338 Weekday & 165 Weekend. Please contact Metro Transit if additional analysis would be of interest.

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

65. The Site Plan indicates fixed canopies, planters and bike racks encroaching into the N Butler Street right of way. The Applicant shall confirm and note on the plans ALL encroachments, including, (but not limited to) balconies, planters, bike racks, fixed canopies, roof overhangs and underground vaults. Make an application with City of Madison Real Estate for a privilege in streets agreement. Link as follows - <https://www.cityofmadison.com/development-services-center/land-development/public-right-of-way/street-encroachment>

NOTE: A conditional approval of the development does not constitute or guarantee approval of any encroachments within a public right of way.

66. The Encroachment Agreement per Doc No 2986047 shall be amended to remove the canopy encroachment area that is to be demolished. The vault per the plans is to remain.
67. The Encroachment Agreement for Bike Racks per Document No 4250435 shall be released upon the racks being removed as part of this project.
68. The doors that are shown to swing into the right of way and public sidewalk area of N Butler St shall be changed to swing internally.
69. Provide for review the draft of an amendment for the Easement per Doc No 3597833 granting access and trash rights over and within the parking structure adjacent to this site at 27 N Butler street. The amendment shall modify the benefitting lands to be the new Lot 2 of the pending CSM and also extend the easement southeasterly to the intersection with the east line of the proposed southeast line of Lot 1 of the pending CSM. The document shall be executed and recorded immediately subsequent to the pending CSM recording and prior to building permit issuance.
70. There exists an 8' wide perpetual right of way for access centered on the property line between this site and the church site at 310-322 E Washington Ave per Doc No's 51427 and 844267. The easement shall be amended to extend to the full length of the church property line to encompass the access improvements as proposed. The amendment shall also include terms and conditions for the use, construction and maintenance of the shared access improvements associated with the easement.
71. There is a proposed retaining wall to be constructed against the lot line common with the rear line of 310-322 E Washington Avenue. The Applicant is responsible to obtain any right of access or excavation over the adjacent property required to construct proposed improvements that are part of this development plan.
72. The floor plans shall show all attached canopies, airways, vaults and roof overhangs along with the property lines to assure any encroachments into the public right of way are identified and addressed.
73. Detailed floor plans will be needed in order to determine the address of the proposed apartments and whether any addresses in the attached building will need to be changed.
74. 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.
75. 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 an early start permit.
76. 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 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)

77. A Transportation Demand Management (TDM) Plan is required for the project, per MGO 16.03. The applicant shall submit a TDM Plan to tdm@cityofmadison.com. Applicable fees will be assessed after the TDM Plan is reviewed by staff.

Land Division Request

Engineering Division (Contact Brenda Stanley, 261-9127)

78. Each lot shall by served by a separate and independent sanitary sewer lateral or applicant shall put in place an ownership/maintenance agreement (recorded) prior to plan approval.

79. 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)
80. Construct sidewalk, terrace, curb, gutter, and pavement along E Washington Avenue and N Butler Street to a plan as approved by the City Engineer.
81. 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))
82. 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)

Traffic Engineering (Contact Sean Malloy, 266-5987)

83. The applicant shall dedicate Right of Way or grant a Public Sidewalk Easement for and be responsible for the construction of a minimum six (6)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1) foot for maintenance, where applicable, along their site's frontage of E. Washington Avenue.

84. Developer shall provide a recorded copy of any joint driveway ingress/egress and crossing easements and shall be noted on face of plan.

Parks Division (Contact Brian Kowalski, 243-2848)

85. 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 north Park-Infrastructure Impact Fee district. The Park Impact Fee ID# for this project is 25049. Visit <https://www.cityofmadison.com/parks/about/impactFees.cfm> for information about Park Impact Fee rates, calculations, and payment process.

86. 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."

87. The Parks Division shall be required to sign off on this CSM.

Water Utility (Contact Jeff Belshaw, 261-9835)

88. The following information shall be noted on the CSM prior to final approval: The properties are located within Wellhead Protection District—Zone (WP-17). 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.

89. Show and label the approximate outline of the underground vault per the Encroachment Agreement Document No. 2986047.

90. Show and label the approximate location of the fiber optic cable as per Encroachment Agreement as Document No 3534675.

91. Provide for review the draft of an amendment for the Easement per Doc No 3597833 granting access and trash rights over and within the parking structure adjacent to this site at 27 N Butler street. The amendment shall modify the benefitting lands to be the new Lot 2 of this CSM and also extend the easement southeasterly to the intersection with the east line of the proposed southeast line of Lot 1 of this CSM. The document shall be executed and recorded immediately subsequent this CSM being recorded and prior to building permit issuance.

92. Add a note to Lot 1 that it is subject to an Easement and Agreement per Doc No 3850612 for a sewer lateral serving Lot 2 of this Certified Survey Map.

93. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The Developer's Surveyor and/or Applicant must submit copies of required tie sheets or monument condition reports (with current tie sheet attached) for all monuments, including center of sections of record, used in this survey, to Jeff Quamme, City Engineering (jrquamme@cityofmadison.com)
94. 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.
95. Add the original plat recorded as distances to the exterior boundary of the CSM. Also the survey recorded as information along the southwest, northeast (198' line) and southeast sides of the CSM have multiple errors. Review and make the necessary corrections.
96. This 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.
97. 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.