



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 1313 Regent Street (District 13 - Ald. Evers)  
**Application Type:** Conditional Use and Certified Survey Map  
**Legistar File ID #** [61669](#)  
**Prepared By:** Sydney Prusak, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

## Summary

### Applicant & Property

**Owner:** Rodney J Ripley; FCS Plan B, LLC; WI1579 County Road V #1; Lodi, WI 53555

**Contact:** Kevin Burow; Knothe & Bruce Architects; 7601 University Avenue Suite 201; Middleton, WI 53562

**Requested Action:** Approval of the following conditional uses in the Traditional Shopping Street (TSS) Zoning District: 1) A mixed-use building with more than 24 dwelling units; 2) A mixed-use building with less than 75% non-residential ground floor area; 3) A building that exceeds three stories in feet and height; 4) A building exceeding 25,000 square-feet of floor area for a mixed-use or multi-tenant building; 5) An alteration to an outdoor eating area associated with a food and beverage establishment; 6) An alteration to an outdoor recreation area (sand volleyball); and 7) A parking reduction of more than 20 vehicle parking spaces and 25% or more of the required parking all to allow a three-story addition above and behind an existing 10,377 square-foot one-story commercial building, containing 63 apartments, 23 surface parking stalls, and 37 underground parking stalls. The applicant also requests approval of a

**Proposal Summary:** The applicant proposes to construct a three-story addition above an existing one-story, 10,377 square-foot restaurant-brewpub (Lucky's), which will extend towards Bowen Court to the south. The building will stand at four stories along Regent Street and will be connected to new townhouse and apartment units along Bowen Court. The two building elements will be connected at the second through fourth floors, with at grade and surface parking located below. The development will also include the introduction of underground parking for tenants, which will be accessed off of Randall Avenue to the west. The existing parking lot, outdoor eating area, and volleyball courts will be reconfigured to accommodate the proposed site changes.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Conditional Uses [MGO §28.183]. The subdivision process is outlined in MGO §16.23(5)(b) of the Subdivision Regulations.

**Review Required By:** Plan Commission (PC)

**Summary Recommendation:** If the Plan Commission can find that the approval standards for conditional uses are met, then the Planning Division recommends that the Plan Commission **approve** the conditional use requests to construct a three-story addition above and behind an existing one-story commercial building on a property zoned Traditional Shopping Street (TSS) District at 1313 Regent Street. Further, should the Plan Commission approve the conditional uses, the Commission should approve the Certified Map and forward the necessary resolutions approving the survey and accepting the dedications to the Common Council with a recommendation for approval. This request is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

## Background Information

**Parcel Location:** The subject site is located on the south side of Regent Street and north side of Bowen Court between S Orchard Street to the east and S Randall Avenue to the west. It is in Aldermanic District 13 (Ald. Evers) and the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The 39,490-square-foot (0.9-acre) combined subject site includes an existing one-story, 10,377-square-foot restaurant-brewpub with an outdoor eating area, sand volleyball courts, and a surface parking lot. The 7 S Randall Avenue parcel, which will be combined with the 1313 Regent lot through a Certified Survey Map (CSM), is currently undeveloped and contains surface parking.

**Surrounding Land Use and Zoning:**

- North:** Across Regent Street are a variety of commercial uses zoned Traditional Shopping Street (TSS) and Planned Development (PD), with residential apartments zoned PD beyond;
- South:** Single and two-family residential homes, zoned Traditional Residential – Varied 1 (TR-V1);
- East:** A one-story multi-tenant commercial building, zoned TSS and multi-family residential, zoned TR-V1; and
- West:** A one-story commercial building, zoned TSS and single-family residential properties, zoned TR-V1.

**Adopted Land Use Plan:** The [Comprehensive Plan \(2018\)](#) recommends Neighborhood Mixed-Use for the Regent-Street fronting portion of the site (where the existing building is located), classified as buildings between two and four stories and up to 70 dwelling units per acre (du/ac). That plan further recommends Low-Medium Residential for the rear half of the site along Bowen Court, classified as buildings between one and three stories and between seven and 30 du/ac. The [Regent Street - South Campus Neighborhood Plan \(2008\)](#) follows a similar pattern and recommends NMU for the front of the site and Medium Density on the rear of the site, classified as 16-40 du/ac. The Neighborhood Plan notes “Maximum Building Heights”, which call for four stories/60 feet along Regent Street and three stories/46 feet along Bowen Court. Other related recommendations and plans are referenced in the body of this report.

**Zoning Summary:** The project site is zoned Traditional Shopping Street (TSS) District.

Requirements	Required	Proposed
Front Yard Setback	25' maximum	Existing front setback
Side Yard Setback: Where building abut residentially zoned lots at side lot line.	Minimum side yard required in the adjacent residential district (TR-V1): 5'	6'1" east side 6'4" west side
Rear Yard Setback: Through lot	Both street lines shall be deemed front lot lines: None	10'11"
Maximum Lot Coverage	85%	85%
Maximum Building Height	3 stories/40'	40 stories

Site Design	Required	Proposed
Number Parking Stalls	<b>Existing brewpub:</b> 15% capacity of persons (99) <b>Multi-family dwelling:</b> 1 per dwelling (63) (162 total)	23 surface 37 underground (60 total)
Accessible Stalls	Yes	Yes
Loading	None	None
Number Bike Parking Stalls	<b>Existing brewpub:</b> 5% of capacity of persons (33)	63 underground 32 surface (60 total)

	<b>Multi-family dwelling:</b> 1 per unit up to 2-bedrooms, ½ space per add'l bedroom (63) 1 guest space per 10 units (6) (102 total)	
Landscaping and Screening	Yes	Yes
Lighting	Yes	Yes
Building Forms	Yes	Commercial block building

<b>Other Critical Zoning Items</b>	Barrier Free (ILHR 69); Utility Easements; Wellhead Protection District (WP-27)
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*Tables Prepared by Jenny Kirchgatter, Assistant Zoning Administrator*

**Environmental Corridor Status:** The subject site is not located in a mapped environmental corridor.

**Public Utilities and Services:** This property is served by a full range of urban services. There are Madison Metro bus stops located at the north and south side of the Regent Street and Randall Avenue intersection as well as Regent Street and Orchard Street intersection.

## Previous Approvals

On October 19, 2015, the Plan Commission approved a conditional use request to convert an auto repair shop into a restaurant-brewpub and reception hall with an outdoor eating area and parking reduction at 1313 Regent Street ([Legistar #39089](#)). This approval did not include the approval of the certified survey map (CSM) or 26-unit apartment building that was also submitted at this time, which were withdrawn by the applicant.

On June 13, 2016, the Plan Commission placed on file without prejudice a conditional use alteration request to approve a revised 88-stall parking reduction; increase the capacity of an approved outdoor eating area from 58 persons to 82 persons; construct an outdoor recreation area with two sand volleyball courts and modify the layout of the outdoor eating area to add an outdoor bar ([Legistar #42307](#)). The Plan Commission found that conditional use standards 1, 3, 4, and 9 were not met. At the 2016 meeting, the Plan Commission did approve the applicant’s request to incorporate the 7 S. Randall Avenue property into the subject site for the purpose of constructing eight (8) additional surface parking stalls. Though approved, that improvement was never constructed.

On April 23, 2018, the Plan Commission approved a major alteration to the conditional use for the site in order to construct an outdoor recreation area (two sand volleyball courts); increase the capacity of the outdoor eating area from 58 to 82 persons; modify the layout of the outdoor eating area to add an outdoor bar; combine the reception hall space with the brewpub area for larger special events for a maximum capacity of 658 patrons; and re-approve the Plan Commission level parking stall reduction (80 stalls) ([Legistar #50876](#)).

## Project Description

With this current application, the applicant proposes to construct a three-story addition above an existing one-story, 10,377 square-foot restaurant-brewpub (Lucky’s), which will extend towards Bowen Court to the south. The building will stand at four stories along Regent Street and will be connected to new townhouse and apartment units along Bowen Court. The two building elements will be connected at the second through fourth floors, with at grade and surface parking located below. The development will also include the introduction of underground parking for tenants, which will be accessed off of Randall Avenue to the west. The existing parking lot, outdoor eating area, and volleyball courts will be reconfigured to accommodate the proposed site changes.

The residential portion of the building will include 63 apartment units and 37 underground parking stalls. The underground tenant parking will be accessed off S Randall Avenue to the west. There will be an additional 23 at-grade surface vehicle parking stalls and 32 bicycle parking stalls below the second floor of the building connector. The surface stalls will be accessed via a one-way drive in from Regent Street and a one-way drive out to Bowen Court. As indicated by the applicant, the underground stalls will be reserved for tenants and the surface stalls will be reserved for Lucky's customers.

Proposed dwelling units range in size from 500 square-feet to 1,336 square-feet and include 49 efficiency units, 37 one-bedroom units, three one-bedroom plus den units, eight two-bedroom units, and five two bedroom townhouse units. The proposal includes a 636 square-foot fourth floor rooftop deck above the Bowen Court mass.

In regards to the building's materials, the applicant proposes a mix of brick, composite lap, composite trim, and composite panel siding. The primary color of the building addition will be a deep grey, with lighter grey, white, and red accents throughout. In regards to building placement, the second and third floor will be setback approximately six feet from the front façade along Regent Street, with the fourth floor setback an additional 15 feet. On the Bowen Court frontage, the first three floors will be primarily setback 12 feet from the property line, with some massing modulation incorporated into the design. The rooftop deck will sit roughly 28 feet from Bowen Court, with the fourth floor setback roughly 44 feet.

Updated elevations were submitted after primary report writing. Notable design progressions include changes in colors and siding location, a new trim detail at the top of the roof parapets, and black window frames to better integrate the addition with the existing building below. The updated elevations are included in the [Legislative File](#).

The applicant also proposes modifications to the existing outdoor eating area and outdoor recreation area (sand volleyball) and requests re-approval of a parking reduction for the site. According to the submitted materials, the outdoor eating area will remain in the same general location as it is currently (off the rear of the existing restaurant-brewpub), but will be reducing the amount of tables from 15 to six in order to accommodate the new surface parking configuration. In regards to the sand volleyball court, the applicant proposes to move the court to the west end of the site as the connector portion of the building will be built above the existing courts. As proposed, the new location is not approvable by Zoning as it does not conform to the required setbacks for outdoor recreation. Lastly, the applicant is requesting a 102-stall parking reduction for the restaurant-brewpub and residential uses on the property. More information on these requests is provided in the analysis section of this report.

Finally, this request includes a Certified Survey Map (CSM) to combine several underlying lots into one and incorporate the 7 S Randall parcel into the property. Agency comments on that request are provided following the comments and conditions for the conditional use requests, beginning on page 16.

## **Project Analysis**

This proposal is subject to the standards for Conditional Uses [MGO §28.183]. The subdivision process is outlined in MGO §16.23(5)(b) of the Subdivision Regulations. In regards to the approval standards, the Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, and finding that all of the conditional use standards of M.G.O. §28.183(6) are met. Please note, recent changes to 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.

The new uses (i.e. the residential components) require conditional use approval and the new parking configuration requires re-approval of an existing conditional use for a parking reduction (a 102-stall reduction compared to the

approved 80-stall reduction when accounting for the additional residential units). Additionally, the changes to the outdoor eating area and outdoor recreation area (sand volleyball) require alterations to the existing conditional use.

### **Conformance with Adopted Plans**

The subject property is covered by multiple plans, including the [Comprehensive Plan \(2018\)](#) and the [Regent Street - South Campus Neighborhood Plan \(2008\)](#). While the subject site is also within the [Brittingham Vilas Neighborhood Plan](#) (1989) and the [Greenbush Neighborhood Plan](#) (2008) planning boundaries, this analysis focuses on the Comprehensive and Regent Plans. The [Greenbush Neighborhood Plan](#) (2008) specifically calls for support of the [Regent Street - South Campus Neighborhood Plan \(2008\)](#). Furthermore, recommendations in the [Brittingham Vilas Neighborhood Plan](#) (1989) are not as contemporary as the more recently adopted plans and make no specific land use recommendations for the subject site. That plan encourages “the beautification and revitalization of Park, Regent, and Monroe Street Commercial districts to improve their visual appearance and promote a well balanced mix of business to serve the residents of the neighborhood.”

The [Comprehensive Plan \(2018\)](#) recommends Neighborhood Mixed-Use for the Regent-fronting half of the site (where the existing building is located), classified as buildings between two and four stories and up to 70 dwelling units per acre (du/ac). According to the adopted plan, “Development and design within NMU areas should be compact and walkable, ideally adjacent to existing or planned transit. NMU areas should be well connected and integrated into neighborhoods, and development should be transit-oriented, even in areas where transit service does not yet exist. Buildings in NMU areas should be oriented towards streets, with buildings close to public sidewalks. On-street parking is recommended where practical, with private off-street parking placed primarily behind buildings, underground, or shielded from public streets by liner buildings.”

Additionally, the [Comprehensive Plan \(2018\)](#) recommends Low-Medium Residential for the rear half of the site along Bowen Court, classified as buildings between one and three stories and between seven and 30 du/ac. According to the plan, “Building forms present within the LMR category of housing are generally compatible in scale with single-family homes, and may therefore be intermixed with small-lot single-family development or used as a transition from more intense development to lower intensity areas comprised primarily of single-family development.” Furthermore, the [Generalized Future Land Use Map](#) contains a “Map Note” for this general area, which states that, “The ‘house-like’ residential character of this LMR area should be retained, and any limited redevelopment should generally maintain the current single-family/two-flat/three-flat development rhythm.”

The more detailed [Regent Street - South Campus Neighborhood Plan \(2008\)](#) also recommends NMU for the front of the site and Medium Density on the rear of the site, classified as 16-40 du/ac. The document includes “Maximum Building Heights,” which recommends four stories/60 feet along Regent Street and three stories/46 feet along Bowen Court. According to the Plan, “This area was chosen as a medium-density in order to create a transition zone from the high-density Regent Street corridor to the single-family neighborhood south of Regent Street. As displayed on the Building Heights Map, this area is intended to be between three to four stories, which will provide both a buffer against the taller adjacent buildings, as well as soften the transition from high-density to single-family.”

Additionally, the Plan contains design guidelines for new residential development within the planning area that relate to the following principles: 1) Building Articulation, 2) Scale, 3) Windows, 4) Materials, 5) Colors, 6) Architectural Detailing, 7) Green Design, and 8) Parking Structures. The Plan also includes the subject site within the Regent Street Shopping District and contains specific District Design Guidelines for the following design elements: 1) Height, 2) Stepback, 3) Setback, 4) Courtyards, 5) Building corners, 6) Street Activation, 7) Glazing, 8) Entrances, and Service and Parking.

Generally, the Planning Division believes that this proposal is largely consistent with the design, bulk, and land use recommendations for the subject site. For example, the plan generally meets guidelines regarding variation in building materials, colors and/or division into segments to break up the building mass and length; [re]use of high quality durable materials such as brick for the base of the building; lack of EIFS siding; green design (green roofs); parking located behind the building; and most notable, the 15 foot stepback above the third floor along Regent Street.

Staff believes that the most significant question related to plan consistency is the building height and massing along Bowen Court. Staff notes that while the Regent Plan's specific height map calls for three stories along the southern half of the subject block, the land use recommendation for this Medium Density suggests more flexibility regarding the height transition within this block. As noted above, this specific area is "intended to be between three to four stories, which will provide both a buffer against the taller adjacent buildings, as well as soften the transition from high-density to single-family." As such, if the Plan Commission can find the transition and massing is appropriate, staff believes that the height could be found consistent with the plan.

In regards to land use and density, the general mix of uses is consistent with the Plan as the site is split between two land use districts. The Regent-side of the site is recommended for neighborhood mixed-use. While the Regent Plan does not include a specific density range for that designation, the Comprehensive Plan recommends up to 70 du/ac. The Bowen Court half, selected for medium-density development, is recommended to have a density up to 40 du/ac. The calculated density for the entire site is approximately 70 du/ac. Staff estimates that the Regent-facing portion of the lot has a density of approximately 78 du/ac, while the Bowen Court portion of the site has estimated density of about 60 du/ac. Staff acknowledges that density itself is not necessarily an accurate measure of bulk or development quality, though the development appears to have a somewhat greater density than recommended, especially on the site's southern side.

### **Conditional Use Standards**

The land use request includes multiple conditional uses, listed below, and of these conditional use requests should be evaluated against the applicable standards:

- 1) A mixed-use building with more than 24 dwelling units;
- 2) A mixed-use building with less than 75% non-residential ground floor area;
- 4) A building that exceeds three stories in feet and height;
- 5) A building exceeding 25,000 square-feet of floor area for a mixed-use or multi-tenant building;
- 6) An alteration to an outdoor eating area associated with a food and beverage establishment;
- 7) An alteration to an outdoor recreation area (sand volleyball); and
- 8) A parking reduction of more than 20 vehicle parking spaces and 25% or more of the required parking

On-balance the Planning Division believes that the Conditional Use Approval standards can be found met and staff provides further discussion on Standards 3, 4, 9, 10, and 12.

#### *Conditional Uses Related to Building Addition / Apartments*

Several conditional use requests relate to the construction of the new apartment building addition. These specifically include requests related to reducing the side yard height transition and height above three stories. Also included in this request are the conditional uses related to more than 24 units, exceeding 25,000 square-feet of floor area, and having less than 75% of the ground floor area as residential.

Staff's primary questions relate to Conditional Standards #4, #9, and #12. Conditional Use 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." Conditional Use Standard #9 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. In order to find that this standard is met, the Plan Commission may require the applicant to submit plans to the Urban Design Commission for comment and recommendation.” Specifically related to the conditional use request for the building to exceed the three-story base height, Standard #12 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.”

In regards to Standard #9, staff has some concerns with the façade treatment above the existing Lucky’s Building. While staff believes the massing, materials, and composition of the Bowen Street façade is cohesive and meets this standard, staff has met with the project architect to discuss concerns with the upper levels of the Regent Street façade. Based on this discussion, staff understands that there are weight limitations that limit the use of heavier materials, such as brick, though staff asked the applicant to look at composition alternatives. At the time of report writing, revised façade drawings that provide alternative color and building top materials had just been submitted, but not yet reviewed. Staff notes that this Conditional Use Standard allows for a referral to the Urban Design Commission should the Plan Commission find that information would be beneficial in reviewing this standard.

In regards to Standard #12, staff believes that the additional height is generally appropriate for the subject site. As discussed previously, the Regent Street Plan recommends four stories for the Regent Street side and three stories for the Bowen Court side. Additionally, as proposed, the submitted plans appear to comply with the side yard height transition requirements per MGO §28.065(3)(b). As part of final sign-off, the Planning Division recommends a condition of approval requiring the applicant to submit clearly labeled elevation, site, and building plans confirming that this requirement is met.

#### *Parking Reduction Conditional Use*

Conditional Use Standard #10 states, “When applying the above standards to an application for a reduction in off-street parking requirements, the Plan Commission shall consider and give decisive weight to all relevant facts, including but not limited to, the availability and accessibility of alternative parking; impact on adjacent residential neighborhoods; existing or potential shared parking arrangements; number of residential parking permits issues for the area; proximity to transit routes and/or bicycle paths and provision of bicycle racks; the proportion of the total parking required that is represented by the requested reduction; the proportion of the total parking required that is decreased by Sec. 28.141. The characteristics of the use, including hours of operation and peak parking demand times design and maintenance of off-street parking that will be provided; and whether the proposed use is now or a small addition to an existing use.”

In keeping with MGO §28.141, the amount of required automobile parking for a brewpub is 15% of capacity of persons. As proposed, the *maximum* capacity for the food and beverage establishment will remain at 658 persons (the general assembly + brewpub capacity). Similar to the 80-stall parking reduction that the Plan Commission approved in April 2018 ([Legistar #50876](#)), the applicant is seeking a reduction of 102 stalls, which includes a reduction for the residential component. According to the Zoning Administrator, 99 stalls are required for the restaurant-tavern and 63 stalls are required for the residential units. As proposed, the applicant is providing 23 surface stalls for Lucky’s and 37 stalls for residents. According to MGO §28.141, a parking reduction of more than 20 spaces and 25% or more of the required parking requires conditional use approval. The applicant already has Plan Commission approval for an 80-stall reduction and therefore this reduction would be considered a re-approval of an existing request.

The Planning Division believes that this standard can be found met. Similar to the 2015, 2016, and 2018 applications, the Planning Division acknowledges that this is a large parking reduction request. As noted in the previous reviews, this is a centrally located property that is sited in close proximity to the University. Staff anticipates that the proposed use will be in part, a neighborhood serving use, which should limit some vehicle trips that may be expected in other locations. The site is well connected by sidewalk, bus, and nearby bikes routes. Furthermore, staff anticipates that not all the residential tenants will have vehicles. As proposed, the applicant will provide 37 vehicle stalls for 63 residential units (a 26-stall reduction).

Copies of on-street parking information are again provided for the Plan Commission's consideration. According to 2019 Parking Utility Data, the subject site is within Residential Permit Parking Program (RP3) Area 8, which has an estimated 703 on-street parking spaces with 436 (62%) in RP3. Among the 436 RP3 stalls, there were 273 active RP3 Permits. The subject site is next to RP3 Area 10, which has an estimated 1,455 on-street parking spaces with 1,172 (80%) in RP3. Among the 1,172 RP3 stalls, there were 414 active RP3 permits. Given the availability of on-street parking and alternative transportation routes near the site, Staff believes that this condition can be found met.

#### *Conditional Uses for Alterations to Outdoor Eating & Recreation*

Conditional Use 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." Staff notes that the Plan Commission previously approved a conditional use for outdoor recreation (sand volleyball) and an outdoor eating area for the subject site. According to the current submission, the applicant intends to move the sand volleyball to the west end of the side, which would replace some of the surface parking during the summer months. As proposed, the sand volleyball layout does not conform to the Supplemental Regulations for Outdoor Recreation per MGO §28.151, as the applicant is not providing a minimum twenty-five (25) foot setback area maintained as open space along the perimeter of the site wherever it abuts a residential district. Therefore, the outdoor recreation request cannot be approved at this time. If the applicant can revise the plans to show that the sand volleyball courts meet all the supplemental regulations, the Plan Commission can consider an alteration to the existing conditional use at a later time.

Specifically related to the outdoor eating area, the submitted plans show a reduction in the amount of seating from 60 to 24 seats. The hours of operation for the outdoor seating area and overall operations will remain the same and therefore the Planning Division believes that Standard #3 can be found met considering the lack of complaints associated with this use since it was implemented in 2018.

#### **Certified Survey Map**

Lastly, the applicant requests approval of a Certified Survey Map (CSM) to dissolve underlying lot lines and combine the parcel located at 7 S Randall into the subject property in order to facilitate this development. The subdivision process is outlined in MGO §16.23(5)(b) of the Subdivision Regulations. While this will be the largest parcel on the south side of the 1300 block, staff notes that the 1313 Regent Street property has historically operated as one lot. Staff recommends approval of the CSM, with noted conditions of approval from reviewing agencies beginning at page 16 of this report.

#### **Public Comment**

At the time of report writing, staff did not receive any public comment on this request.



## Conclusion

Staff does not anticipate that the introduction of residential units above and behind the existing restaurant-brewpub will have a substantial impact on the surrounding properties considering that this site has operated with outdoor eating, Badger Game Days, wedding and larger events, and sand volleyball games for the past two years. While the parking reduction request is relatively high (102 stalls), staff notes that the restaurant-brewpub is a neighborhood serving use and does not anticipate that all the residential tenants will have their own vehicle. As stated in the analysis section, there is available on-street parking in the neighborhood as well as multiple transit routes serving the site.

In regards to the new addition, staff believes that the proposal is consistent with many of the goals in the [Comprehensive Plan \(2018\)](#) and the [Regent Street - South Campus Neighborhood Plan \(2008\)](#). While a portion of the fourth story projects into the recommended three-story height area, staff notes that the [Regent Street - South Campus Neighborhood Plan \(2008\)](#) explicitly states that this area is intended to be between *three to four stories*, to provide both a buffer against the taller adjacent buildings, as well as soften the transition from high-density to single-family. As designed, the Planning Division believes that the townhouse style units complement the existing pattern of development along Bowen Court and provide a transition from higher density along Regent Street to the rest of the residential neighborhood.

On balance, staff believes that the approval standards can be found met, but requests that the Plan Commission give careful consideration to the height transition towards Bowen Court and the building aesthetics along Regent Street.

## Recommendation

**Planning Division Recommendation** (Contact Sydney Prusak, (608) 243-0554)

If the Plan Commission can find that the approval standards for conditional uses are met, then the Planning Division recommends that the Plan Commission **approve** the conditional use requests to construct a three-story addition above and behind an existing one-story commercial building on a property zoned Traditional Shopping Street (TSS) District at 1313 Regent Street. Further, should the Plan Commission approve the conditional uses, the Commission should approve the Certified Map and forward the necessary resolutions approving the survey and accepting the dedications to the Common Council with a recommendation for approval. This request is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

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

**Planning Division** (Contact Sydney Prusak, (608) 243-0554)

1. That there shall be no outdoor amplified sound in the outdoor eating area.
2. That the outdoor eating area shall close at 10:00 p.m. nightly.
3. No HVAC "wall-pack" penetrations/louvers are shown on the street-facing facades. Unless specifically approved by the Plan Commission, the addition of wall packs on outward-facing walls is not included in this approval and will require approval of an alteration to this conditional use should they be proposed at a later time.

4. The applicant shall submit clearly labeled elevation, site, and building plans confirming that the proposed building conforms to the side yard height transition requirements per MGO §28.065(3)(b) prior to final sign-off.
5. The outdoor recreation (sand volleyball) conditional use alteration cannot be approved as shown. Any alteration to the previously approved conditional use showing compliance with Zoning standards will be required.

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

6. Applicant shall provide projected wastewater flow calculations. Offsite sewer improvements may be required as a condition of development.
7. For the proposed re-development site, the proposed impervious cover exceeds 80% of the existing site impervious cover, therefore the site shall meet the following criteria: Reduce peak run-off by 15% compared to existing conditions during a 10-year design storm; Reduce run-off volume by 5% compared to existing conditions during a 10-year design storm. This site will be required to meet rate and volume reductions using green infrastructure for at least the first 1/2 inch of rainfall.
8. 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)
9. Construct sidewalk, curb and gutter, pavement and terrace to a plan as approved by City Engineer.
10. Provide the City Engineer with the proposed earth retention system to accommodate the restoration. The earth retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system. (POLICY)
11. Obtain a permit to Excavate in the Right-of-Way for the connection and/or installation of utilities required to serve this project and shall comply with all the conditions of the permit. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO 10.05(6)), MGO 35.02(4)(c)(2)), and MGO 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. 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)
17. 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.
18. 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.
19. This project will disturb 20,000 sf or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.

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

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

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

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

20. 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))

This is a redevelopment site - it is required to reduce peak discharge rate by 15% compared to existing in the 10 year event and peak volume being discharged from the site by 5% in the 10 year event.

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.

21. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
22. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: [bstanley@cityofmadison.com](mailto:bstanley@cityofmadison.com) (East) or [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com) (West).

**Engineering Division - Mapping** (Contact Jeffrey Quamme, (608) 266-4097)

23. Grant a 7.5. x 7.5' Public Storm Sewer Easement(s) to the City over the southeast corner of the site on the face of the pending Certified Survey Map. Contact Jeff Quamme of Engineering Mapping ([jrquamme@cityofmadison.com](mailto:jrquamme@cityofmadison.com), 608-266-4097) for the final required easement language.
24. Provide a Public Utility Easement over the west side of this site to encompass the existing utilities that exist within this site.
25. The base address of the apartments is 1320 Bowen Ct. The townhouses are 1318, 1322, 1324, 1326 & 1328 Bowen Ct. 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.
26. 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.
27. Submit a complete building Floor Plan in PDF format to Lori Zenchenko ([lzenchenko@cityofmadison.com](mailto: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. 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 final verification submittal stage of this LNDUSE with Zoning. The approved Addressing Plan shall be included in the final application. 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. The final revised Addressing Plan shall be submitted by the applicant to Zoning to be attached to the final filed approved site plans.

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

28. 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.
29. 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.
30. 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.
31. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
32. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
33. All pedestrian walkways adjacent parking stalls shall be 7 feet wide to accommodate vehicle overhang, signage and impediments to walkway movements. Any request for variance shall be submitted to and reviewed by City Traffic Engineering.
34. 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.
35. The applicant shall adhere to all vision triangle requirements as set in MGO 27.05 (No visual obstructions between the heights of 30 inches and 10 feet at a distance of 25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO 27.05(2)(bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.
36. 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. 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 Austin Scheib, (266-4768) (ascheib@cityofmadison.com) Traffic Engineering Shop, 1120 Sayle Street. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign off.
38. Traffic Engineering recommends driveway slope under 10%; if the slope is to exceed 10%, the applicant shall

demonstrate inclement weather mitigation techniques to provide safe ingress/egress to be approved by the City Traffic Engineer.

39. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign at all class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
40. One way operation of the site shall be secured by placing a "One Way" sign at the entrance and a "Do Not Enter" sign at the Exit.
41. 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.
42. Secure parking facility. This is usually done with continuous six (6) inch curb, timbers, preformed wheel stops, guardrail erected at a height of eighteen (18) inches or fencing of sufficient strength to act as a vehicle bumper.
43. 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 Regent Street will be granted for construction purposes. Provide a detailed construction plan to Traffic Engineering for review by the Traffic Control Specialist (Mike Duhr) prior to final signoff.

**Zoning** (Contact Jenny Kirchgatter, (608) 266-4569)

44. The existing advertising sign must be removed prior to the issuance of building permits. An advertising sign is not permitted on a lot with a residential use.
45. The relocated outdoor recreation area (seasonal outdoor volleyball court) cannot be approved at the proposed location. A minimum twenty-five (25) foot setback area maintained as open space shall be provided along the perimeter of the site wherever it abuts a residential district.

46. Provide details of the proposed green roof areas. Green roof areas may be used to offset the 85% maximum lot coverage requirement. The lot coverage maximum is 85%. Lot coverage is defined as the total area of all buildings, measured at grade, all accessory structures including pools, patios, etc., and all paved areas as a percentage of the total area of the lot, with the following exceptions: sidewalks or paved paths no wider than five (5) feet, pervious pavement, green roofs and decks.
47. A bicycle parking reduction will be required for the short-term bicycle stalls per Section 28.141(5). Submit a request for a bicycle parking reduction with the final plan submittal including information to support the argument for reducing the required number of spaces.
48. Screening is required adjacent the Zoning district boundary along the east and west property lines. Screening shall be provided along side and rear property boundaries between commercial/ mixed-use districts and residential districts. Screening shall consist of a solid wall, solid fence, or hedge with year-round foliage, between six (6) and eight (8) feet in height. Clearly show the location of the screening fence on the site plan and submit a detail or photos of the screening fence.
49. The design standard for mixed-use and commercial districts apply to major expansions fifty percent (50%) or more of building floor area. Design standards shall apply only to the portion of the building or site that is

undergoing alteration. Provide details showing that the building addition meets the door and window opening requirements of Section 28.060(2)(d). For residential uses at ground level, a minimum of fifteen percent (15%) of the ground level of residential facades or side and rear facades not fronting a public street shall consist of windows and door openings. On upper stories, window or balcony openings shall occupy a minimum of fifteen percent (15%) of the upper-story wall area.

50. The capacity shall be established for the modified outdoor eating area. Occupancy is established by the Building Inspection Unit. Contact Building Inspection staff at (608) 266-4559 to help facilitate this process.
51. 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.
52. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

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

53. Extend the existing fire sprinkler system into the new addition. The fire sprinkler system shall comply with NFPA 13.
54. A second fire department connection, fire alarm annunciator panel, and knox box will be required on the Bowen Court side of the building.

**Parks Division** (Contact Sarah Lerner, (608) 261-4281)

55. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the Central Park-Infrastructure Impact Fee district. Please reference ID# 20031 when contacting Parks about this project.

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

56. Update the Site Utility Plan to show the re-route of the existing water service that currently serves the existing building.
57. 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 Adam Wiederhoeft at [awiederhoeft@madisonwater.org](mailto:awiederhoeft@madisonwater.org) for additional information, including a summary of the submittal requirements.
58. Madison Water Utility will be required to sign off as part of the approval review associated with this Land Use Application/Site Plan Review prior to the issuance of building permits for the proposed development.

59. The proposed development may require the installation of a fire protection/automatic sprinkler system (see also Madison Fire Department review comments); subsequently, a higher capacity water service lateral may



be required to meet required flow rates. If a new water service will be required, contact Madison Water Utility Engineering Section to evaluate service connection options, confirmation of water meter size, or any applicable customer account revisions.

60. Madison Water Utility will be required to sign off as part of the approval review associated with this Land Use Application/Site Plan Review prior to the issuance of building permits for the proposed development.
61. The proposed development may require the installation of a fire protection/automatic sprinkler system (see also Madison Fire Department review comments); subsequently, a higher capacity water service lateral may be required to meet required flow rates. If a new water service will be required, contact Madison Water Utility Engineering Section to evaluate service connection options, confirmation of water meter size, or any applicable customer account revisions.
62. A Water Meter Application Form and fees must be submitted before connecting to the existing water lateral. Provide at least two working days notice between the application submittal and the scheduled lateral connection/extension. 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. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

**Certified Survey Map Conditions of Approval**

Major/Non-Standard Conditions are Shaded

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

1. 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))
2. Construct sidewalk/terrace/pavement improvements to a plan as approved by City Engineer.
3. 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](mailto:ttroester@cityofmadison.com)) or Brenda Stanley (East) at 608-261-9127 ([bstanley@cityofmadison.com](mailto: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)
4. This development is adjacent to a closed site containing residual petroleum soil and groundwater contamination: WDNR BRRTS #03-13-000364, "CHUCKS SERVICE". If contamination is encountered, follow all WDNR and DSPS regulations for proper handling and disposal.

**Parks Division** (Contact Sarah Lerner, (608) 261-4281)

5. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the Central Park-Infrastructure Impact Fee district.

Please reference ID# 20031 when contacting Parks about this project.

6. 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."
7. The Parks Division shall be required to sign off on this CSM.

**Engineering Division – Mapping Section** (Contact Jeff Quamme, (608) 266-4097)

8. Grant a Public Sanitary Sewer Easement to the City for the in-place subterranean maintenance, repair or lining of the existing sanitary sewer that exists in place along the north line (Regent Street Right of Way) or any portion that lies within this this Certified Survey Map. The easement shall expire upon the abandonment of the existing sewer main as part of a future City of Madison Public Works Project providing alternate sanitary sewer connections for all buildings currently served by this main.
9. Grant a 7.5. x 7.5' Public Storm Sewer Easement(s) to the City over the southeast corner of the site on the face of the Certified Survey Map. Contact Jeff Quamme of Engineering Mapping (jrquamme@cityofmadison.com, 608-266-4097) for the final required easement language.
10. Provide a Public Utility Easement over the west side of this Certified Survey Map encompassing the utilities that exist within this site.
11. 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)
12. 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.
13. Provide "recorded as" distances on the exterior boundary of the Certified Survey Map.
14. Add Doc No 695645 as a second document listed for the alley vacation on the header and in the legal description under the Surveyor's Certificate.
15. The CSM is located in the NE 1/4 of the SE 1/4 of Section 22, not the NW 1/4 of the SE 1/4. Fix all references at the top of the sheets and within the legal description under the Surveyor's Certificate.
16. The plat of Eighth Replat and Eighth-Ramsay Co's Addition were not tied to a quarter line, therefore a metes and bounds description of the CSM exterior tied to the quarter line is required. Also capitalize the word "Replat" in the legal description under the Surveyor's Certificate.
17. Correct the Document No. in Note 1(G) to 5267583. Also the Owner should consider terminating the easement after recording this Certified Survey Map.
18. The Secretary of the Plan Commission is now Matthew Wachter.

19. This 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.
20. 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 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. street, sanitary, storm (including wetland & floodplain boundaries) water, pedestrian/bike/walkway, or any public and/or private interest easement except local service for Cable TV, gas, electric and fiber optics).

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.

**Office of Real Estate Services** (Contact Andy Miller, (608) 261-9983)

21. 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.
22. 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.
23. A certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate(s) and executed prior to CSM approval sign-off. If the CSM is signed electronically, a PDF of the CSM containing electronic signatures shall be provided to ORES to obtain approval sign-off.
24. 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.
25. 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....
26. If any portion of the lands within the CSM boundary are subject to an Option to Purchase or other Option interest please include a Certificate of Consent for the option holder.

27. 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.
28. Madison Common Council Certificate: This certificate is required when dedication of land and the conveyance of rights in land are required. For parcels located within the City of Madison, a Madison Common Council Certificate shall appear as follows:

Resolved that this certified survey map located in the City of Madison was hereby approved by Enactment Number \_\_\_\_\_, File ID Number \_\_\_\_\_, adopted on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, and that said enactment further provided for the acceptance of those lands dedicated and rights conveyed by said Certified Survey Map to the City of Madison for public use.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2019

\_\_\_\_\_  
Maribeth L. Witzel-Behl, City Clerk  
City of Madison, Dane County Wisconsin

29. City of Madison Plan Commission Certificate: Pursuant to Madison City Ordinance Section 16.23(7)(d)3 and Wis. Stats. 236.21(2) (a), all CSM's that are subject to the review and approval of the City of Madison shall contain the following certificate of approval:

Approved for recording per the Secretary of the City of Madison Plan Commission.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Matthew Wachter, Secretary of the Plan Commission

30. Register of Deeds Certificate: Please include a space for the Register to hand write the recording info on the date of recording, to appear similar to the following:

Office of the Register of Deeds  
Dane County, Wisconsin  
Received for recording on \_\_\_\_\_, 20\_\_ at \_\_\_\_ o'clock \_\_ M, and  
recorded in Vol. \_\_\_ of CSMs on page(s) \_\_\_\_\_, Document No. \_\_\_\_\_.

\_\_\_\_\_  
Kristi Chlebowski, Register of Deeds

31. The 2019 real estate taxes are 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.
32. As of September 4, 2020, there are special assessments reported. 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(5)(g)1.

33. Pursuant to Madison City Ordinance Section 16.23(5)(g)(4), the owner shall furnish an updated title report to Andy Miller in the ORES ([acmiller@cityofmadison.com](mailto:acmiller@cityofmadison.com)), as well as the survey firm preparing the proposed CSM. The report shall search the period subsequent to the date of the initial title report (6-12-2020) 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.
34. Depict, dimension, name, note and/or identify by document number all relevant easements, declarations, plans, conditions, agreements, and other documents cited in record title and the updated title report, and include relevant notes from plats or CSMs of record. If documents included in the 6-12-2020 title report do not apply to the area within the proposed CSM, have them removed from the updated title report.
35. Depict and dimension all existing improvements including, but not limited to: buildings, drives, parking lots, encroachments, wells, septic systems, etc. located within the CSM boundary.
36. Depict and dimension public easements for utilities and storm water drainage rights-of-way to be dedicated on the proposed CSM where necessary.
37. If all parties of interest agree that certain easements from prior plats or CSM's of record are no longer necessary, the release documents for said easements shall be recorded prior to CSM approval sign-off, with the recording information for the release included as a Note on the proposed CSM.

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

38. Madison Water Utility will be required to sign off as part of the approval review associated with this Land Use Application/Site Plan Review prior to the issuance of building permits for the proposed development.
39. 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.
40. The agency reviewed this request and has recommended no conditions of approval.