

# PLANNING DIVISION STAFF REPORT

August 25, 2025



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 3236-3300 Commercial Avenue and 3235/3237 Burke Avenue (District 12, Alder Matthews)

**Application Type:** Conditional Use and Certified Survey Map

**Legistar File ID #:** [89230](#) and [89231](#)

**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 & Owner:** Ralph Kauten; Mathea, LLC, Adarion, LLC and Duplicity, LLC; 3300 Commercial Avenue; Madison, WI 53714

**Contact:** Kirk Keller; Plunkett Raysich Architects, LLP; 2310 Crossroads Drive, Madison, WI 53718

### Requested Action:

- Legistar ID [89230](#) – Consideration of a conditional use in the TE (Traditional Employment) District for dwelling units in a mixed-use building to allow construction of a four-story, mixed-use building with 70 units and 8,420 square feet of office space.
- Legistar ID [89231](#) – Consideration of a Certified Survey Map to combine three lots into one lot.

**Proposal Summary:** The applicant is proposing to build a four-story, mixed-use building with 70 units and 8,400 square feet of office space on one lot. The height of the building ranges from one to four stories. The proposed lot is 73,316 square feet (1.6-acres).

**Applicable Regulations & Standards:** Standards for conditional uses are found in MGO Section 28.183(6). The process and standards of approval for Certified Survey Maps are found in MGO Section 16.23.

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

**Summary Recommendation:** The Planning Division recommends the following to the Plan Commission regarding the applications for 3236-3300 Commercial Avenue and 3235/3237 Burke Avenue. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

- That the Plan Commission find the approval standards for conditional uses met and **approve** the request for 70 dwelling units in a mixed-use building in the TE (Traditional Employment) District.
- That the Plan Commission find the approval standard for Certified Survey Maps are met and forward the Certified Survey Map to the Common Council with a recommendation of **approval**.

## Background Information

**Parcel Location:** The site includes three properties and is 73,316 square feet (1.6-acres). It is on Commercial Avenue north of Highway 30 and is between North Fair Oaks Avenue and Rethke Avenue. It is a through-lot that fronts both Commercial Avenue and Burke Avenue. The site is within Alder District 12 (Alder Matthews) and the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The site is zoned TE (Traditional Employment) District. There are three properties. The one-story, 1,196 square-foot office building at 3236 Commercial Avenue was built in 1947 with an addition built in 1978. The one-story commercial building at 3300 Commercial Avenue is classified as a manufacturing building and therefore the Assessor's Office does not have a property file for the building. Per the City's Historic Preservation Planner, it was built in 1955. The one-story duplex at 3235/3227 Burke Avenue was built in 1954.

**Surrounding Land Use and Zoning:**

North: Across Burke Avenue, one-story single family buildings, zoned TR-C1 (Traditional Residential – Consistent 1) District; two-story, 4-unit apartment buildings, zoned TR-V1 (Traditional Residential – Varied 1) Residential.

East: Vacant lot, and one-story commercial buildings, zoned TE (Traditional Employment) District;

South: Highway 30; and

West: One-story commercial buildings, and a one-story warehouse building, zoned TE District; one-story single family buildings, zoned TR-C1 District.

**Adopted Land Use Plan:** The [Comprehensive Plan](#) (2024) and [Northeast Area Plan](#) (2023) recommend E (Employment) for the site.

**Zoning Summary:** The property is zoned TE (Traditional Employment) District. It is also in the TOD (Transit Oriented Development) Overlay District.

Requirements	Required	Proposed
Lot Area (sq. ft.)	6,000 sq. ft.	73,316 sq. ft.
Lot Width	50'	256.35'
Front Yard Setback	0' or 5'	13.4'
Max. Front Yard Setback: TOD	20'	13.4'
Side Yard Setback: Other cases	None unless needed for access	68.9' east side yard 12.7' west side yard
Rear Yard Setback: Through lot	0' or 5'	10.2'
Maximum Lot Coverage	85%	66.0%
Minimum Building Height: TOD	2 stories/22'	4 stories/<68'
Maximum Building Height	5 stories/68'	4 stories/<68'

Site Design	Required	Proposed
Number Parking Stalls	No minimum required: TOD	58 underground 35 surface (93 total)
Electric Vehicle Stalls	10% EV Ready: 9	19 EV Ready 4 EV Installed      See Comment #41
Accessible Stalls	Yes	7
Loading	Not required	None
Number Bike Parking Stalls	Multi-family dwelling: 1 per unit up to 2-bedrooms, ½ space per additional bedroom (70) 1 guest space per 10 units (7) Office: 1 per 2,000 sq. ft. floor area (4) (81 total)	77 underground 18 surface (95 total)      See Comment #42
Landscaping and Screening	Yes	Yes      See Comments #43, 44
Lighting	Yes	Yes

Building Form and Design	Yes	Flex building See Comments #39, 40, 45, 46
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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, Analysis, and Conclusion**

**Project Description**

The applicant is proposing to build a 70-unit mixed-use building on one lot to be created by Certified Survey Map (CSM). The proposed lot is a through-lot that fronts both Commercial Avenue and Burke Avenue. The height of the building transitions from one story along Commercial Avenue to four stories and three stories along Burke Avenue. The one-story section is 22 feet in height and has 8,420 square feet of commercial space that is intended to be used for offices. The building transitions to four stories and three stories for the residential section of the building.

The primary entrance to the commercial space is on Commercial Avenue. The primary entrance for the residential section is along Burke Avenue. There are two parking lots on the site. There is a parking lot with 27 stalls that is accessed from Commercial Avenue. There is a parking lot with eight stalls that is accessed from Burke Avenue along the eastern edge of the site. The underground parking is also accessed from Burke Avenue via a second driveway at the western edge of the site. It provides 58 vehicle stalls and 77 bicycle stalls. There are 18 short term bicycle stalls provided on the site.

The applicant provided [additional plans](#) dated August 14, 2025 in response to discussions with Planning staff. The plans have not been reviewed by all City agencies and may be subject to additional review for ordinance adherence. The plans include the following changes:

- Replaced the dark gray fiber cement panel with dark gray fiber cement lap siding.
- Replaced the “charred timber look siding” material with an aluminum longboard siding with a light cherry wood finish.
- Stone veneer applied to the base of the east elevation.
- Sliding glass doors along Burke Avenue replaced with single doors and enclosed front stoops.
- A material board with pictures of proposed materials.
- Additional renderings of the north elevation along Burke Avenue.

The commercial section of the building is primarily constructed of windows. The accent materials are six inch aluminum longboard siding and stone veneer. The primary building materials on the four story section of the building are six inch dark gray fiber cement lap siding and 18-inch wide white fiber cement siding. The dark gray fiber cement lap siding is applied to the south elevation facing Commercial Avenue. There are no windows on this section of the south elevation. The primary building materials on the three-story section of the building are six inch dark gray fiber cement lap siding and six inch aluminum longboard siding. The stone veneer is applied to the base of the four and three-story sections of the building. The stone veneer is also applied to the base of the ADA ramp along Burke Avenue.

The landscape plan shows primarily deciduous trees, shrubs and perennials in areas visible from the street. With the exception of 12 arborvitae planted along the parking lot to provide year round screening. Evergreen

shrubs are shown in the landscape area in the middle of the site to provide year round visual interest for residents.

### **Demolition of Existing Buildings**

There are three buildings that would need to be demolished. Applications to demolish the buildings were reviewed by the Landmarks Commission on August 18, 2025. The Landmarks Commission found that the building at 3236 Commercial Avenue, 3300 Commercial Avenue, and 3235-3227 Burke Avenue have no known historic value (Legistar ID [89372](#), [89374](#), and [89371](#)).

The demolitions do not require further review by the Plan Commission. In February 2025 the Common Council adopted Ordinance 25-00010 (Legistar ID [86649](#)) to change the demolition review process. The process now allows for administrative approval of a demolition when the Landmarks Commission finds that the building has no known historic value.

### **Conformance with Adopted Plans**

The Comprehensive Plan (2024) and Northeast Area Plan (2023) recommend Employment development for the site and adjacent properties along Commercial Avenue. Properties across Burke Avenue are recommended for LR (Low Residential) development.

Employment areas include predominantly corporate and business offices, research facilities, laboratories, hospitals, medical clinics, and other similar uses. Employment areas are not generally recommended for residential uses, especially those that are adjacent to highways due to noise impacts, though such uses may be considered as part of a conditional use under relevant zoning districts when there is adequate access to parks, transit, and a walkable street network. The need to retain employment areas that have highway access and visibility should also be considered.

The site is located along Commercial Avenue north of Highway 30. The project does include commercial space facing Commercial Avenue that is intended to be used for offices. The residential section fronts Burke Road with the residential portion of the building setback approximately 73 feet from Commercial Avenue. It is roughly another 80 feet north of the Highway 30 travel lanes. Residential development is located on the opposite side of Burke Road. The project is approximately 0.8 miles from Brigham Park and 0.3 miles from a Bus Rapid Transit (BRT) stop along East Washington Avenue. It is located in a neighborhood with a grid street pattern, although not all of the streets have sidewalks. Burke Avenue does not have sidewalks. The City is requiring the applicant to construct a sidewalk along Burke Avenue which would connect the site to the sidewalks on Powers Avenue. A sidewalk would also be constructed along Commercial Avenue however the adjacent properties do not have sidewalks.

The Northeast Area Plan has maximum building height recommendations. The maximum building height recommendations consider the intensity of development for each land use category, adjacent land uses, desired urban form, and proximity to BRT. The Plan recommends a maximum of six stories for this site and adjacent sites that are recommended for Employment. The proposed building ranges from one to four stories.

### **Conditional Use Standards**

The conditional use approval standards state that the Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of MGO §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.

Standard 1 states, “The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.”

In September 2019 the Common Council adopted a resolution responding to the draft Air National Guard F-35A Operational Beddown Environmental Impact Statement (EIS) pertaining to the 115th Fighter Wing at Truax Field (Legistar ID [57364](#)). Truax Field is located northwest of this site. Subsequently, the City formed the President’s Work Group on Environmental Justice (Legistar ID [67129](#)), which included reviewing strategies related to F-35 impacts. While that group provided some zoning related recommendations on another property closer to the airport, no other specific zoning recommendations were provided, including for the subject property.

In December 2022 the Dane County Regional Airport published the [Noise Exposure Map Update](#). The document includes a map titled “Future Conditions (2027) Noise Exposure Map” on page 9. The Map shows that the properties at 3236-3300 Commercial Avenue and 3235/3237 Burke Avenue will be within the 65 decibel Day-Night Average Sound Level (DNL) area by 2027 based on their forecasts. The FAA has determined the 65 decibel DNL area is the noise exposure level where land use compatibility issues may begin to arise. Additionally, the site is subject to road noise from Highway 30.

To address potential noise due to operations at Truax Field the applicant is proposing to install double pane four millimeter windows with a Sound Transmission Class (STC) rating of 31. An STC rating is a measure of how much sound is reduced by a building material, such as a window. It is staff’s understanding that a STC rating of 31 would reduce the sound transmission by 31 decibels. Per the applicant the building will have continuation insulation to further mitigate noise. To help mitigate potential noise from Highway 30 the residential units are setback approximately 73 feet from Commercial Avenue. The applicant has also chosen not to install windows on the exterior wall of the residential section of the building that faces Highway 30. Staff note that the City cannot require an applicant to exceed minimum building code requirements through the conditional use review process.

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 there is limited sanitary sewer capacity in this area of the City. The applicant shall provide projected flow calculations to the Engineering Division. 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.”

Per the recommended conditions of approval from Zoning there shall be an accessible entrance on Commercial Avenue. The applicant will need to revise the plans prior to issuance of permits. Zoning has also asked the applicant to verify that the second story of the residential section of the mixed-use building covers a minimum of 75% of the entire building footprint. The applicant has indicated that the building meets this requirement which will be verified by Zoning staff prior to issuance of permits.

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 met with the applicant to discuss the north elevation along Burke Avenue. Staff recommended changes to make the building more compatible with the residential uses along Burke Avenue, which consists primarily of one and two-story residential buildings with one to four units. Those changes are reflected in the [additional plans](#) dated August 14, 2025.

As noted in the project description, the south elevation of the four story section of the building is comprised of the dark gray fiber cement lap siding without windows or other accent materials. Per the letter of intent there are no windows on this façade to help reduce potential noise impact from Highway 30. Staff recommend the following condition of approval to create more visual interest along the street facing façade:

- The south elevation of the four-story section of the building shall be revised to include either a second building material or windows in the stairwell. The intent of the condition is to create more visual interest along this street facing façade.

## **Land Division**

The applicant has submitted a Certified Survey Map to combine three lots into one lot. Staff believe that all applicable standards for land divisions can be found met.

## **Conclusion**

As stated in the Zoning Code, the Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations. The Comprehensive Plan notes that Employment areas are not generally recommended for residential uses, especially those that are adjacent to highways due to noise impacts, though such uses may be considered as part of a conditional use under relevant zoning districts when there is adequate access to parks, transit, and a walkable street network. The need to retain employment areas that have highway access and visibility should also be considered. Staff notes that residential development is across Burke Road from the subject site. The building's residential section fronts onto Burke Avenue with this portion of the building setback approximately 73 feet from Commercial Avenue. It is roughly another 80 feet north of the Highway 30 travel lanes. The project is approximately 0.8 miles from a park and 0.3 miles from transit. It is located in a neighborhood with a grid street pattern, although not all of the streets have sidewalks. The project does include commercial space facing Commercial Avenue that is intended to be used for offices.

Staff believe that the conditional use approval standards and applicable standards for land divisions can be found 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 3236-3300 Commercial Avenue and 3235/3237 Burke Avenue. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

- That the Plan Commission find the approval standards for conditional uses met and **approve** the request for 70 dwelling units in a mixed-use building in the TE (Traditional Employment) District.
- That the Plan Commission find the approval standard for Certified Survey Maps are 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 Application**

##### **Planning Division** (Contact Lisa McNabola, 243-0554)

1. The plans shall be updated to address the following, to be approved by the Planning Division during sign-off. The south elevation of the four-story section of the building shall be revised to include either a second building material or windows in the stairwell. The intent of the condition is to create more visual interest along this street facing façade.
2. The applicant has submitted revised plans dated August 14, 2025. These plans have not been reviewed by all reviewing agencies and may be subject to additional review for ordinance adherence.

##### **Engineering Division** (Contact Brenda Stanley, 261-9127)

3. There is limited sanitary sewer capacity in this area of the City. The current utility plan showing the sewer connecting to Commercial Ave. will not require offsite sanitary sewer improvements as a condition for development. Applicant shall provide projected flow calculations to Mark Moder, mmoder@cityofmadison.com, with final planned bedroom counts and land use as a condition for plan approval. Offsite sewer improvements by the developer may be required as a condition for plan approval.
4. The current site has private connection to both the N and the S. The new site shall be required to replace both of those connections and the pipes crossing both road back to the next existing structures.
5. Enter into a City / Developer agreement for the required infrastructure improvements. Agreement to be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact City Engineering to schedule the development and approval of the plans and the agreement. (MGO 16.23(9)c)
6. Construct sidewalk, terrace, curb, gutter, and pavement along Commercial Avenue to a plan approved by the City Engineer.
7. Construct sidewalk, terrace, curb, gutter, and pavement along Burke Avenue to a plan approved by the City Engineer. If during the design process it is determined that it will not be practical to install curb and gutter, gravel shoulder should be constructed instead, and the developer shall sign a waiver of

assessments to cover 100% of the curb and gutter cost to be installed with a future street reconstruction project.

8. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4))
9. 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))
10. Obtain a permit to plug each existing storm sewer. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 37.05(7))
11. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
12. A Storm Water Management Report and Storm Water Management Permit is required for this project. See Storm comments for report and permit specific details and requirements.
13. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
14. This site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR216 and NR-151 however a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. Information on this permit application is available on line: <http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm>.

The applicant is notified that the City of Madison is an approved agent of the Department of Safety and Professional Services (DSPS) and no separate submittal to this agency or CARPC is required for this project to proceed.

15. Based on historical documents for an adjoining property (BRRS #02-13-195941), the property may contain residual contamination. If contamination is encountered, follow all WDNR and DSPS regulations for proper handling and disposal.
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. 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](mailto:meberhardt@cityofmadison.com), or Daniel Olivares (east) at [daolivares@cityofmadison.com](mailto: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>

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.

18. 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.

Oil/Grease Control: Treat the first 1/2 inch of runoff over the proposed parking facility and/or drive up window. 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.

19. 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).

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

20. Lower level parking is not dimensioned and as such not reviewable at this time; Traffic Engineering reserves the right to make any comment up to and including comments that may require a redesign and cause the applicant to return to Plan Commission for approval. The applicant should be aware standard parking stalls are 9 feet by 18 feet with 24 foot of back-up, stall widths shall not be encroached upon by any items including columns.
21. The applicant shall dedicate an additional 5' feet of Right of Way along their frontage of Commercial Avenue Service Road. Applicant shall be responsible for construction of five (5) – foot sidewalk and curb and gutter along their frontage.
22. 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.
23. 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.
24. The City Traffic Engineer may require public signing, marking and street lighting related to the development; the Developer shall be financially responsible for such signing, marking and street lighting.
25. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
26. "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.
27. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
28. 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.
29. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.

30. Applicant shall submit for review a Waste Removal Plan. This shall include vehicular turning movements, times, vehicle size, use of loading zones and all related steps to remove trash from its location.
31. 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.
32. The driveway slope to the underground parking is not identified in the plan set, Traffic Engineering recommends driveway slope under 10%; if the slope is to exceed 10%, the applicant shall demonstrate inclement weather mitigation techniques to provide safe ingress/egress to be approved by the City Traffic Engineer.
33. 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.
34. Include a parking plan demonstrating how specific stalls, to be used by the commercial site, will be reserved. Include any signage to be used to achieve this goal in the submitted plans.
35. The parking facility shall be modified to provide for adequate internal circulation for vehicles. This can be accommodated by eliminating a parking stall at the dead ends. The eliminated stall shall be modified to provide a turnaround area ten (10) to twelve (12) feet in width and signed with a "No Parking Anytime."
36. 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.
37. City of Madison radio systems are microwave directional line of sight to remote towers citywide. The building elevation will need to be reviewed by Traffic Engineering to accommodate the microwave sight and building. The applicant shall submit grade and elevations plans if the building exceeds three stories prior to sign-off to be reviewed and approved by Andrew Oliver, (267-1979, aoliver@cityofmadison.com) Traffic Engineering Shop, 4151 Nakoosa Trail. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign off.
38. 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.

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

39. The principal building entrance for the commercial portion of the mixed-use building adjacent Commercial Ave shall be an accessible entrance. Principal building entrances on all new buildings shall be oriented to their primary abutting street and be located within the maximum setback. The entrance shall have a functional, operable door and remain open to the public during the same hours as all other public building entrances. Entrances shall be barrier-free, clearly visible and identifiable from the street, and delineated with elements such as roof overhangs, recessed entries, landscaping or similar design features.
  40. Verify that the second story of the multi-family portion of the mixed-use building covers a minimum of 75% of the entire building footprint. A minimum of two stories is required for a minimum of seventy-five percent (75%) of the building footprint.
41. Provide electric vehicle ready stalls per Section 28.141(8)(e) Electric Vehicle Charging Station Requirements. A minimum of 10% of the parking stalls (9 stalls) must be electric vehicle ready. Identify the locations of the electric vehicle ready stalls on the plans.
  42. Relocate the short-term bicycle stalls closer to the primary building entrances on Commercial Ave and Burke Ave. Required short-term bicycle parking spaces shall be located in a convenient and visible area at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance.
  43. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
  44. Provide adequate development frontage landscaping adjacent Commercial Ave and Burke Ave per Section 28.142(5) Development Frontage Landscaping. Landscaping and/or ornamental fencing shall be provided between buildings or parking areas and the adjacent street(s), except where buildings are placed at the sidewalk. One (1) overstory deciduous tree and five (5) shrubs shall be planted for each thirty (30) lineal feet of lot frontage. Two (2) ornamental trees or two (2) evergreen trees may be used in place of one (1) overstory deciduous tree. Note that landscaping must be planted on the private property.
  45. Provide details demonstrating compliance with bird-safe glass requirements Section 28.129. For the application of bird-safe glass requirements, the proposed mixed-use building shall be considered one building that is over 10,000 square feet in size (floor area of above-grade stories). Identify which glass areas will be treated, and provide a detail of the specific bird-safe glass treatment product that will be used. Provide the window and door schedule to verify the sizes of the glazed areas.
  46. Provide the south elevation of the multi-family portion of the mixed-use building.
  47. 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.

48. 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 Matt Hamilton, 266-4457)

49. MFD anticipates that the building will have multiple addresses based on street frontages. Comply with the requirements of MGO 34.501 When buildings or a complex of buildings are protected with a single or common fire protection system, a fire department connection and fire alarm annunciator shall be provided for each address in a location approved by the Chief. The fire alarm system shall transmit signals for each address to the central alarm station. In addition to the fire protection components, a key box or vault shall be installed for each address in a location approved by the Chief. It is anticipated that there will be FDC's, Annunciators, and Key Vaults on Burke and Commercial Ave.

**Parks Division** (Contact Brian Kowalski, 243-2848)

50. 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 East Park-Infrastructure Impact Fee district. The Park Impact Fee ID# for this project is 25047. Visit <https://www.cityofmadison.com/parks/about/impactFees.cfm> for information about Park Impact Fee rates, calculations, and payment process.

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

51. 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)

52. Metro Transit operates daily all-day rapid transit service along East Washington Avenue near this property - with trips at least every 30 minutes (every 15 minutes or less during the day on weekdays and Saturdays).
53. Metro Transit would initially estimate the following counts of potentially eligible trips towards US Green Building Council/LEED Quality Access to Transit points: 67 Weekday & 48 Weekend. Please contact Metro Transit if additional analysis would be of interest.

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

54. The Applicant shall Dedicate a 5' foot wide strip of Right of Way along Commercial Ave. with the concurrent CSM application.

55. Show 10' x 10' Underground Electric Easement per Doc No. 5507328 assumed to be around the existing transformer on the North side of the parcel.
56. Coordinate and request from the utility companies serving this area the easements required to serve this development. Those easements shall be properly shown, dimensioned and labeled on the concurrent CSM.
57. Release Access and Parking Easement Per Doc No. 5495880 between the underlying parcels, Prior to building permit issuance.
58. Release 10' Wide Grant for Underground Electric per Document No. 5086595 to allow for construction of proposed improvements.
59. The address of the proposed apartments is 3303 Burke Ave. The address of the proposed commercial office building is 3310 Commercial Ave.
60. 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.
61. 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.
62. 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)

63. 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](mailto:tdm@cityofmadison.com). Applicable fees will be assessed after the TDM Plan is reviewed by staff.

The following agencies reviewed the request and recommended no conditions of approval: Forestry Section

#### **Land Division Application**

##### **Engineering Division** (Contact Brenda Stanley, 261-9127)

64. 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)
65. Construct sidewalk, terrace, curb, gutter, and pavement along Commercial Avenue to a plan approved by the City Engineer.
66. Construct sidewalk, terrace, curb, gutter, and pavement along Burke Avenue to a plan approved by the City Engineer. If during the design process it is determined that it will not be practical to install curb and gutter, gravel shoulder should be constructed instead, and the developer shall sign a waiver of assessments to cover 100% of the curb and gutter cost to be installed with a future street reconstruction project.
67. 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))
68. 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)

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

69. The applicant shall dedicate an additional 5' feet of Right of Way along their frontage of Commercial Avenue Service Road. Applicant shall be responsible for construction of five (5) – foot sidewalk and curb and gutter along their frontage.

##### **Parks Division** (Contact Brian Kowalski, 243-2848)

70. 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 East Park-Infrastructure

Impact Fee district. The Park Impact Fee ID# for this project is 25047. Visit <https://www.cityofmadison.com/parks/about/impactFees.cfm> for information about Park Impact Fee rates, calculations, and payment process.

71. 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."

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

72. The Applicant shall Dedicate a 5' foot wide strip of Right of Way along Commercial Ave. with the concurrent CSM application.

73. Show 10' x 10' Underground Electric Easement per Doc No. 5507328 assumed to be around the existing transformer on the North side of the parcel.
74. Coordinate Release Access and Parking Easement Per Doc No. 5495880 between the underlying parcels
75. Release 10' Wide Grant for Underground Electric per Document No. 5086595 to allow for construction of proposed improvements in concurrently proposed development.
76. Coordinate and request from the utility companies serving this area the easements required to serve this development. Those easements shall be properly shown, dimensioned and labeled on the final plat.
77. A note shall be added under all of the street names labeled and to be dedicated on the CSM/plat, "Dedicated to the Public for Street Purposes" as required by 236.20(4)(b).
78. 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 Jule Smith, City Engineering ([jsmith4@cityofmadison.com](mailto:jsmith4@cityofmadison.com))
79. In accordance with Section s. 236.18(8), Wisconsin Statutes, the Applicant shall reference City of Madison WCCS Dane Zone, 1997 Coordinates on all PLS corners on the Plat or Certified Survey Map in areas where this control exists. The Surveyor shall identify any deviation from City Master Control with recorded and measured designations. Visit the Dane County Surveyor's Office (web address <https://www.countyofdane.com/PLANDEV/records/surveyor.aspx>) for current tie sheets and control data that has been provided by the City of Madison.
80. Prior to Engineering final sign-off by main office for Plats or Certified Survey Maps (CSM), the final Plat or CSM in pdf format must be submitted by email transmittal to Engineering Land Records Coordinator Jule Smith, ([jsmith4@cityofmadison.com](mailto:jsmith4@cityofmadison.com)) for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off.
81. Add a note to sheet 3 of 7 that the existing buildings are to be removed.



82. Add the Document No. 593673 for the Burke Assessor's Plat No.1 to the Caption at the top of each sheet.
83. List the Datum and Adjustment for the Coordinate System used per AE 7.05(11)
84. Note that the N 1/4 Corner of Sec. 05-07-10 is (or was found) collinear with the S 1/4 Corner and the SE Corner of Sec. 32-08-10.
85. List the 484.42' Sub distance between the lead in line and the N 1/4 Corner of Sec. 05-07-10 and clarify that the 595.72' is an overall distance from the S 1/4 Corner on sheet 2 of 7
86. 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 or early start permits for new construction.
87. Submit to Jule Smith, prior to Engineering sign-off of the subject plat, one (1) digital CADD drawing in a format compatible with AutoCAD. The digital CADD file(s) shall be referenced to the Dane County Coordinate System and shall contain, at minimum, the list of items stated below, each on a separate layer/level name. The line work, preferably closed polylines for lot lines, shall be void of gaps and overlaps and match the final recorded plat:
  - a. Right-of-Way lines (public and private)
  - b. Lot lines
  - c. Lot numbers
  - d. Lot/Plat dimensions
  - e. Street names
  - f. Easement lines (i.e. all shown on the plat including wetland & floodplain boundaries.)

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

**Real Estate** (Contact Trent Milliken, 266-5940)

**88. OWNER'S CERTIFICATION**

Prior to approval sign-off by the Office of Real Estate Services ("ORES"), the Owner's Certificate(s) on the CSM shall be executed by all parties of interest having the legal authority to do so, pursuant to Wis. Stats. 236.21(2)(a). Said parties shall provide documentation of legal signing authority to the notary or authentication attorney at the time of execution. The title of each certificate shall be consistent with the ownership interest(s) reported in the most recent title report.

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

When possible, the executed original hard stock recordable CSM shall be presented at the time of ORES approval sign-off. If not, the City and the Register of Deeds are now accepting electronic signatures. A PDF of the CSM containing electronic signatures shall be provided to ORES to obtain approval sign-off.

#### 89. MORTGAGEE/VENDOR CERTIFICATION

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

#### 90. CERTIFICATE AND CONSENT REQUIREMENTS

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 and have it executed prior to CSM sign-off, if said ownership interest meets the criteria set forth by Wis. Stat. Sec. 236.34 and Sec. 236.21(2)(a).

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.

Madison Common Council Certificate: There is a minor typo in the clerk signature line. Correct spelling shown below. \_\_\_\_\_

Michael Haas, Acting City Clerk  
City of Madison, Dane County Wisconsin

#### 91. TAX INCREMENTAL DISTRICT

The lands within the CSM boundary are partially located within TID 52, a Tax Incremental Financing District. Discussions with Joe Gromacki, the City of Madison's tax increment financing coordinator, may be necessary before recording the CSM if a TIF application is required. Mr. Gromacki can be reached at 608-267-8724 or [jgromacki@cityofmadison.com](mailto:jgromacki@cityofmadison.com).

If a TIF Loan has been authorized for the project, please inform ORES via email – Trent Milliken ([tmilliken@cityofmadison.com](mailto:tmilliken@cityofmadison.com)).

#### 92. REAL ESTATE TAXES

As of 8/11/2025, the 2024 real estate taxes are paid for the subject property.

#### 93. SPECIAL ASSESSMENTS

As of 8/11/2025, there are no 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(4)(f)(3).

#### 94. TITLE REPORT UPDATE

Pursuant to Madison City Ordinance Section 16.23(4)(c)(1), the owner shall furnish an updated title report to ORES via email to Trent Milliken ([tmilliken@cityofmadison.com](mailto:tmilliken@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 (6/12/2025) 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.

#### 95. ADDITIONAL REQUIREMENTS

Depict, name, and identify by document number all existing easements cited in record title and the updated title report. Document No 5507328 mentioned in title report but not depicted or noted in CSM draft (easement document mentions "Exhibit A" but it is not included).

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.

#### **Parking Utility** (Contact Trent Schultz, 246-5806)

96. The agency reviewed this project and determined a Transportation Demand Management (TDM) Plan is not required as part of certified survey map review. A TDM Plan will be required as part of the Conditional Use review (LNDUSE-2025-00060).

The following agencies reviewed the request and recommended no conditions of approval: Zoning, Fire Department, Forestry Section, Metro Transit, Water Utility