

PLANNING DIVISION STAFF REPORT

August 11, 2025

PREPARED FOR THE PLAN COMMISSION



Project Address: 117-125 North Butler Street (District 2, Alder Ochowicz)
Application Type: Conditional Use
Legistar File ID #: [88956](#)
Prepared By: Lisa McNabola, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Meagan Tuttle, AICP, Planning Division Director

Summary

Applicant & Owner: Cliff Fischer; Bella on Butler, LLC; 107 North Hancock Street, Madison, WI 53703

Contact: Ray White; Dimension IV Madison Design Group; 6515 Grand Teton Plaza, Madison, WI 53719

Requested Action: Consideration of a conditional use in the DR-2 (Downtown Residential 2) District for a multi-family building with greater than eight (8) units to allow construction of a five-story, 73-unit multifamily building.

Proposal Summary: The applicant is proposing a 5-story building with 73 units. The properties at 117-125 North The Common Council previously approved a Certified Survey Map to combine the properties into one lot. The Plan Commission previously approved a demolition permit to allow the existing buildings to be demolished.

Applicable Regulations & Standards: Standards for conditional uses are found in MGO Section 28.183(6). To exceed the four-story height limit in the Downtown Height Map and Table (in MGO Section 28.071 (2)(a)) the applicant will need to enter into a voluntary contractual Land Use Restriction Agreement (LURA) with the City of Madison to provide some income and rent-restricted units. Requirements for the LURA are found in MGO Section 28.071(2)(a)2.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find the approval standards for conditional uses met and **approve** the request for a 73-unit multifamily building in the DR-2 (Downtown Residential 2) District at 117-125 North Butler Street, subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The site includes four properties totaling 15,246 square feet (0.35-acres). It is located along North Butler Street between East Johnson Street and East Mifflin Street. The site is within Alder District 2 (Alder Ochowicz) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The site is zoned DR-2 (Downtown Residential 2) District. There are four parcels. The two-unit residential building at 117 North Butler Street was built in 1894. The property at 119 North Butler Street is vacant. The four-unit residential building at 123 North Butler Street was built in 1938. The two-unit residential building at 125 North Butler Street was built in 1874.

Surrounding Land Use and Zoning:

North: Two-story, two to four-unit residential buildings, zoned DR-1 (Downtown Residential 1) District;

East: Two and three-story single family, two-unit and four-unit residential buildings, zoned DR-1 District; a three-story, 22-unit residential building, zoned DR-1 District;

South: Two-story, two to four-unit residential buildings, zoned DR-1 District; and

West: Across North Butler Street; two and three-story four-unit and three-unit residential buildings, zoned DR-1 District; City of Madison parking garage, zoned UMX (Urban Mixed-Use) District.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2024) recommends MR (Medium Residential) for the site. The [Downtown Plan](#) (2012) recommends Predominant Residential for the site. The [Report of the Lamp House Ad Hoc Plan Committee](#) (Amended 2025), which was adopted as a supplement to the Downtown Plan, recommends four stories for the site.

Zoning Summary: The property is zoned DR-2 (Downtown Residential 2) District.

Requirements	Required	Proposed
Lot Area (sq. ft.)	3,000 sq. ft.	15,368 sq. ft.
Lot Width	Residential buildings: 30'	115.46'
Front Yard Setback	10'	10.22'
Side Yard Setback	5'	5.0' north side yard 9.11' south side yard
Rear Yard Setback	Lesser of 20% lot depth or 20'	28.65'
Maximum Lot Coverage	80%	69%
Minimum Building Height	2 stories	5 stories/49'2"
Maximum Building Height: Downtown Height Map	4 stories/60'	5 stories/49'2" See Comment #35
Stepbacks: Downtown Stepback Map	None	None

Site Design	Required	Proposed
Number Parking Stalls	Not required: Central Area	14
Electric Vehicle Stalls	10% EV Ready (1)	1 EV 1 EVR
Accessible Stalls	Yes	1
Loading	Not required	None
Number Bike Parking Stalls	Multi-family dwelling: 1 per unit up to 2-bedrooms, ½ space per additional bedroom (73) 1 guest space per 10 units (7) (80 total)	73 garage 8 surface (81 total)
Landscaping and Screening	Yes	Yes
Lighting	Yes	No See Comment #39
Building Form and Design	Yes	Large multi-family building See Comments #36, #37, #38

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 History and Recent Approvals

Project History

The subject site has gone through many City review processes, starting with the approval of a General Development Plan in 2007 with a rezoning of the property to (GDP) (Legistar ID [06572](#)) and Specific Implementation Plan (SIP) (Legistar ID [10860](#)). At that time a Certified Survey Map (CSM) was approved by the Common Council to combine the 119-125 North Butler Street and the 120-124 North Hancock Street properties, however this CSM was never recorded (Legistar ID [12370](#)). The demolitions of 123 and 125 North Butler Street were also approved at that time. These aspects of the proposal never proceeded, and therefore the approvals have expired. Prior to their expiration, alterations to those requests, including the moving of the residence at 119 North Butler, were approved in 2009 (Legistar ID [15413](#)). The property at 119 North Butler is currently vacant. As part of the Zoning Code 2013 re-write, the subject properties were zoned into the DR-1 (Downtown Residential-1) District, consistent with the rest of the block.

In 2017, the applicant requested conditional use approval to construct a 44-unit residential building as part of a residential building complex that included the two existing two-unit buildings at 120-124 North Hancock Street. The applicant also requested re-approval of the demolitions of the buildings at 123 and 125 North Butler Street that were approved in 2007 (Legistar ID [44569](#)). The Plan Commission did not find that the conditional use approval standards were met and voted to place the demolition permit and conditional use requests on file without prejudice. In placing this matter on file, the Plan Commission specifically stated that conditional use approval standards #4 and #9 (now #8) were not met due to the depth of the building along North Butler Street, which was inconsistent with the development pattern on the rest of the block; the concern about creating a precedent for development on the rest of the subject block; and the width of the proposed building, which members of the Commission stated needed greater articulation of the front façade.

In 2018, the applicant requested demolition and conditional use approval to construct a four-story, 31-unit residential building at 119-125 North Butler Street (Legistar ID [51768](#)). This proposal did not include the properties at 120-124 North Hancock Street. The Plan Commission conditionally approved the demolition and conditional use request. This project did not move forward.

Recent Approvals

In October 2022 the Plan Commission and Common Council approved four requests to allow a four-story, 32-unit multifamily building to be constructed on the site.

- Legistar ID [73363](#) – A demolition permit to demolish three residential buildings located at 117, 123 and 125 North Butler Street.
- Legistar ID [73643](#) – A rezoning to change the zoning for 117, 119, 123 and 125 North Butler Street from the DR-1 (Downtown Residential 1) District to the DR-2 (Downtown Residential 2) District.
- Legistar ID [73364](#) – A conditional use in the DR-2 District for a multi-family dwelling with more than eight (8) dwelling units.
- Legistar ID [73373](#) – A Certified Survey Map (CSM) to create one lot for the proposed multi-family building.

The rezoning went into effect and the property is now zoned DR-2 District. The conditional use was approved subject to conditions of approval. The approval expired on October 24, 2024. The applicant did not submit a request to extend the approval for one more year following the procedures in MGO Section 28.183(6). They have stated that this previously approved project will not move forward.

The demolition permit was approved by the Plan Commission on October 24, 2022. A demolition permit approval is valid for two years. The Director of Planning and Community and Economic Development may, after consulting the District Alder, extend the approval by one year if the demolition plans have not changed. The applicant will be required to submit a request to extend the approval. If the extension is approved the buildings would need to be demolished by October 24, 2025.

The CSM was approved by the Common Council on November 1, 2022. A CSM approval is valid for one year. A CSM can be re-approved by the Common Council if the one year approval has expired. The Common Council re-approved the CSM on August 5, 2025 (Legistar ID [89436](#)).

Project Description and Analysis

Project Description

The applicant is proposing to build a 5-story, 73-unit multifamily building on a 0.35-acre site. The building height measured at the center of the street facing wall is 49.16 feet. The density is 208.5 dwelling units per acre. There are four studio units, 64 one bedroom units and five two bedroom units. The underground parking provides 14 vehicle stalls and 73 bicycle stalls. Seven short term bicycle stalls are provided on the site.

The lot is 115.4 feet wide, and the building is 101.2 feet wide. The building is setback 14.5 feet from North Butler Street and 28.6 feet from the rear property line. The wall of the ADA ramp is on the property line. It is 62.5 feet long. On the plans the ADA ramp is shown approximately 2.4 inches over the property line. The applicant has confirmed this is an error and will be moving the building back 5 inches so that the ramp will be approximately 2.6 inches behind the property line.

The primary building materials are a green and light brown composite (engineered wood) lap siding. A tan composite lap siding is used on the fifth story. A light brown trim is used for the roof overhang. It is supported by matching brackets. A brown brick veneer is applied to the first story along the front façade and wraps around the southern corner of the building. The exterior wall of the ADA ramp is constructed with a light tan concrete with a smooth finish. The asymmetrical covered entry is covered in a tan panel siding. The covered entry also provides structural support for the two balconies located above it. Each unit has a metal balcony with aluminum decking in a dark bronze. Each balcony will have a heat pump that is enclosed in a black perforated metal cabinet. Per the applicant the heat pump lines will enter each unit near the floor rather than the ceiling.

There is a landscaped area behind the ADA ramp which includes 4 columnar oak trees and a mix of deciduous shrubs and perennials. Foundations plantings are shown along the south and east facades. A swamp white oak would be planted in the rear yard.

Conformance with Adopted Plans

The Comprehensive Plan recommends MR (Medium Residential) for the site. MR areas may include a variety of relatively intense housing types, including row houses, small multifamily buildings, and large multifamily buildings. The Plan further notes that special attention must be paid to design within MR areas where the use adjoins less intense residential development. In general, development in MR areas is recommended for 20 to 90 dwelling units per acre (du/ac) and two to five-story buildings.

The Comprehensive Plan acknowledges that special area plans may assign more specific uses, intensities, or forms at a specific location and that if an inconsistency is identified between this Plan and a reasonably

contemporary sub-area plan, substantial weight should be given to the sub-area plan. Staff consider the Downtown Plan to be a contemporary sub-area plan frequently referenced when evaluating proposals in the Downtown area.

The Downtown Plan recommends Predominant Residential development. Per the Plan, the site is also located in the James Madison Park Neighborhood planning area, which is characterized by fairly intact blocks of two- to three-story residential structures. Objective 4.11 states, "The James Madison Park neighborhood should accommodate a mix of dwelling units, some of which are suitable for families with children. The renovation of existing houses coupled with selective redevelopment that generally reflects the scale and rhythm of existing structures should help reinvigorate the area, provide a variety of housing options (including workforce housing), and strengthen linkages to the adjacent Tenney-Lapham neighborhood."

The proposed building is five stories, which is within the two to five stories recommended in the Comprehensive Plan but exceeds the four story recommendation in the Downtown Plan. Per the Downtown Plan, building heights were based on typical story heights of 14 to 18 feet for the first story and 10 to 14 feet for the upper stories. The Downtown Plan states that this should not be used to allow additional stories for buildings with lower floor-to-floor heights. A four-story building with the maximum floor-to-floor heights in the Downtown Plan would be 60 feet in height. The height of the proposed five-story building is 49.16 feet. While this conflicts with the Downtown Plan adopted in 2012, it is consistent with the Zoning Code which was amended in 2023, approximately a decade after the Downtown Plan was adopted. The Zoning Code allows buildings to exceed to the maximum number of stories in the Downtown Height Map, provided the building is below the maximum height in feet and if the applicant enters into a voluntary contractual Land Use Restriction Agreement (LURA) with the City of Madison to provide income and rent-restricted units (Legistar ID [75911](#)). The applicant plans to enter into a voluntary LURA with the City. See the Conditional Use Standards section of this report for more information regarding the LURA for this project.

The Comprehensive Plan generally recommends 20 to 90 dwelling units per acre (du/ac). The density of the proposed project is 208.5 du/ac, which is more than double the maximum recommended density. However, the site is in the DR-2 District. In the Zoning Code, within Downtown and Urban Districts residential density is limited more by the maximum building height instead of lot area per unit (density) limits that are typical in other districts. As discussed above, the applicant can build a five-story building if they voluntarily enter into LURA with the City. The additional height results in more units than would be feasible in a four story building. If the fifth story were not constructed, then the density for this project would be 165.7 du/ac. Staff also note that density is based on the number of units, which can vary based on the unit size and bedroom mix even within buildings of a similar size. For example, a 35-unit building with all two bedroom units would have a density of 100 du/ac on this site. This would result in 70 bedrooms compared to the 78 bedrooms proposed with this project, which is made up largely of studio and one bedroom units.

Both the Comprehensive Plan and Downtown Plan speak to the importance of design for buildings that are adjacent to less intense development. Staff believe some of the design elements de-emphasize the scale and density of a building. This is accomplished through the vertical articulation of the building, which breaks the building mass into three sections by alternating the color of lap siding. Each section is off set approximately 3.6 inches, which provides some modulation on the street facing façade. Some characteristics of the building design emphasize the additional height and density. For example, the shorter floor-to-floor heights and additional story results in more horizontal material changes than would generally be expected on a four-story building. The density impacts the building design because each unit has an individual balcony, in this case that means there are 33 balconies and door openings on the front façade and 40 on the rear façade. Planning staff have recommended several conditions of approval to make the building design more compatible with the

surrounding residential uses. See the Conditional Use Standards section of this report for the recommended conditions of approval.

The Report of the Lamp House Ad Hoc Plan Committee, which was adopted as a supplement to the Downtown Plan, recommends four stories for the site. The report also recommends that any proposals for buildings above four stories in the James Madison Park Neighborhood that lie within the Lamp House's Lake Mendota view shed should be studied for their impact on the lake views from the house. On March 11, 2025 the Common Council adopted an amendment to the Report (Legistar ID [86824](#)). The amendment added Appendix 5 to the Report. This Appendix updates and clarifies the City's policies and recommendations for maximum building heights and preserving views from, and public views to, the Lamp House. This amendment indicated that the Zoning Code should not be amended to adopt lower height limits. While the plan continues to recommend that buildings greater than 4 stories should be studied for their view impacts from the Lamp House, this project proposed at five-stories is less than the 60-foot maximum building height for four-story buildings established in the Zoning Code. Therefore, staff have not recommended that it be subject to a view study.

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.

On July 15, 2025 the Common Council approved an amendment to the Zoning Code to allow more permitted uses within the Downtown and Urban District (Legistar ID [88737](#)). The amendment went into effect on July 26, 2025. This application was submitted on June 30, 2025. Therefore, this application will be considered under the previous version of the Code which stated that a multifamily building with more than 8 units is a conditional use. However, staff notes that this project would require conditional use approval under both the previous version of the Zoning Code and the amended Zoning Code.

Standard 2 states, "The City is able to provide municipal services to the property where the conditional use is proposed, given due consideration of the cost of providing those services."

Per the recommended conditions of approval from the Engineering Division the applicant shall provide projected wastewater flow calculations 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."

Zoning staff have reviewed the plans and determined that the composite (engineered wood) lap siding on the ground story of the side and rear elevations will need to be removed to comply with the Zoning Code. Per the Zoning Code wood and fiber cement panels shall not be used on the ground story except between the sidewalk and the bottom of storefront windows or as an accent material. The applicant would need to replace the

material with one or a combination of the following: brick, split block masonry, concrete panels, stone, metal panels, or glass.

The applicant proposes to exceed the four-story height limit shown on the Downtown Height Map and Table in the Zoning Code (MGO Section 28.041(2)(a)). The Downtown Height Map and Table define the maximum building height in the Downtown area. Height is defined by both the number of stories and height in feet. The maximum building height for this property is four stories and 60 feet.

Per MGO Section 28.071(2)(a)1. a building can exceed the four-story height limit if the project meets two requirements. First, the building cannot exceed the maximum height in feet in the Downtown Height Map and Table. Second, the applicant needs to enter into a voluntary contractual Land Use Restriction Agreement (LURA) with the City of Madison to provide income and rent-restricted units. The rent-restricted units shall be greater than or equal to fifty percent (50%) of the total interior square footage of the fifth story. The affordable units shall be rented to households with an income at or below sixty percent (60%) area median income limit. The LURA is effective for at least 30 years. The recorded LURA will need to be provided to Zoning staff, as noted in the recommended conditions of approval.

While the 5-story/49.16-foot building exceeds the maximum number of stories, it is below the maximum height in feet. This is accomplished by using lower floor-to-floor heights, and therefore complies with this provision of the Zoning Code.

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 recommend modifications to the proposed building design, as noted in the recommended conditions of approval. The intent is to make the building more compatible with the surrounding residential uses which consists primarily of two and three-story residential buildings with two to four units. The surrounding residential buildings typically have a limited number of building materials and covered front porches with columns and railings. The intent is also to make the building more compatible with the existing and intended character of the residential area as described in the Comprehensive Plan and Downtown Plan, and the statement of purpose for the Downtown and Urban Districts. Staff met with the applicant to discuss the proposed conditions and the applicant indicated that they were amenable to the conditions.

- To simplify the material palette one of the three colors of lap siding shall be removed.
- The fifth story shall have the same application of materials as the fourth story. The intent is for the green and light brown lap siding to be brought up to the fifth story.
- Increase the size of the trim and brackets below the roof overhang to create a prominent roof cornice feature.
- Modify the covered entry over the primary building entrance to be more consistent with the surrounding residential buildings. Surrounding residential buildings are characterized by covered front porches with railings and columns.
- The material used for the ADA ramp shall match the color of the brick veneer applied to the first story.

Recommended conditions of approval #36 from Zoning staff states that the engineered wood lap siding shall not be used on the ground story except between the sidewalk and the bottom of storefront windows or as an accent material. The plans show engineered wood lap siding on the ground story of the side and rear elevations.

Planning staff recommend the following condition of approval in order to meet approval standard 8 as discussed above.

- The primary building material on the ground story of the side and rear elevations shall be the same material that is applied to the ground story of the front elevation.

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

Conclusion

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 building is consistent with the 5-story building height recommendation in the Comprehensive Plan. It exceeds the 4-story height recommendation in the Downtown Plan. However, the Zoning Code also allows the applicant to exceed the four-story height limit if the project meets two requirements. First, the building cannot exceed the maximum height in feet for a four-story building. Second, the applicant needs to enter into a voluntary contractual Land Use Restriction Agreement (LURA) with the City of Madison to provide income and rent-restricted units. The 5-story building is less than 60 feet, and the applicant intends to enter into a voluntary LURA with the City.

The proposed density is 208.5 du/ac which is more than double the maximum 90 du/ac recommended in the Comprehensive Plan. However, in the Downtown and Urban Districts residential density is governed by the maximum building height rather than establishing a maximum density range for each District. Staff note that the Zoning Code allows for a fifth story, and that the additional story increases the density of the project.

Both the Comprehensive Plan and Downtown Plan speak to the importance of design for buildings that are next to less intense development. Planning staff have recommended several conditions of approval intended to make the building more compatible with the two and three-story surrounding residential uses.

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

Recommendation

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

The Planning Division recommends that the Plan Commission find the approval standards for conditional uses met and **approve** the request for a 73-unit multifamily building in the DR-2 (Downtown Residential 2) District at 117-125 North Butler Street, 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
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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.
 - a. Remove one of the three colors of lap siding from the material palette.
 - b. The fifth story shall have the same application of materials as the fourth story. The intent is for the green and light brown lap siding to be brought up to the fifth story.
 - c. Increase the size of the trim and brackets below the roof overhang to create a more prominent roof cornice feature.
 - d. Modify the covered entry over the main building entrance to be more consistent with the surrounding residential buildings. Surrounding residential buildings are characterized by covered front porches with railings and columns.
 - e. The material used for the ADA ramp shall match the color of the brick veneer applied to the first story.
 - f. The primary building material on the ground story of the side and rear elevations shall be the same material that is applied to the ground story of the front elevation.

Engineering Division (Contact Brenda Stanley, 261-9127)

2. Applicant shall provide projected wastewater flow calculations to Mark Moder, mmoder@cityofmadison.com. Offsite sewer improvements may be required by the developer as a condition for development.
 3. Applicant shall revise plan to add note to install electronic marker balls (EMB) above the sewer lateral over at the sewer main and at the property line. Electronic marker balls are provided by City Engineering.
 4. This site shall not discharge runoff water from any impervious area onto adjacent private property. All runoff from these areas shall be discharged to the public ROW and shall be directly connected to the public stormwater system.
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5. The applicant shall connect to or extend public storm sewer connecting directly to a public storm structure that is either in the public sidewalk or terrace area, or inlet at the curb on the side of the street, adjacent to the development. Any storm lateral extension crossing any lanes of traffic or running longitudinally within a public street right of way for over 20ft, in order to connect to the public system, shall be considered a private storm sewer lateral and will require an approved and recorded privilege in streets agreement. (POLICY)
 6. 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)
 7. Construct sidewalk, terrace, curb, gutter, and pavement along N Butler Street to a plan approved by City Engineer.

8. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4))
9. 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. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
11. 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.
12. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
13. 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.
14. Based on historical documents of an adjacent property (BRTTS# 03-13-001018), this property may contain residual contamination. If contamination is encountered, follow all WDNR and DSPS regulations for proper handling and disposal.
15. Revise plan to show the location of all rain gutter down spout discharge locations. Downspouts shall be directed to drain to public Right of Way (ROW). (POLICY)
16. This project will disturb 4,000 sf or more of land area and require an Erosion Control Permit. Submit the Erosion Control Permit Application (with USLE calculations and associated fee) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval. The permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.

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

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

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

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

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

Rate Control Redevelopment: By design detain the 10-year post construction design storm such that the peak discharge during this event is reduced 15% compared to the peak discharge from the 10-year design storm in the existing condition of the site. Further, the volumetric discharge leaving the post development site in the 10- year storm event shall be reduced by 5% compared to the volumetric discharge from the site in an existing condition during the 10-year storm event. These required rate and volume reductions shall be completed, using green infrastructure that captures at least the first 1/2 inch of rainfall over the total site impervious area. If additional stormwater controls are necessary beyond the first 1/2 inch of rainfall, either green or non-green infrastructure may be used.

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

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

18. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West).

Traffic Engineering (Contact Sean Malloy, 266-5987)

19. 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.
20. 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.

21. 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.
22. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
23. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
24. 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.
25. 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.
26. The applicant shall provide a clearly defined 5' walkway from the front door to the public Right of Way clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired.
27. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.
28. 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.
29. 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.
30. 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.
31. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign at all class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.

32. 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.
33. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
34. The proposed driveway may not encroach across the northerly property line, including the 5' driveway flares. The location of the driveway in relation to the existing property line shall be shown and noted on the plan.

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

35. The applicant proposes to exceed the maximum number of stories (4 stories/60'). Per Section 28.071(2)(a)2., buildings with a voluntary contractual Land Use Restriction Agreement ("LURA") with the City of Madison to provide income and rent-restricted dwelling units or bedrooms in a dwelling unit ("affordable units") may exceed the maximum number of stories, provided the building remains at or below the maximum height in feet in Table 28E-3. Provide Zoning staff with a copy of the recorded LURA.

36. Eliminate the engineered wood lap siding from the ground floor side and rear elevations. Wood and fiber cement panels shall not be used on the ground story except between the sidewalk and the bottom of storefront windows or as an accent material.

37. Provide details showing that the street-facing façade meets the door and window opening requirements of Section 28.071(3)(e). For street-facing facades with ground story residential uses, ground story openings shall comprise a minimum of fifteen percent (15%) of the façade area. Upper story openings shall comprise a minimum of fifteen (15%) of the façade area per story.
38. Provide details demonstrating compliance with bird-safe glass requirements Section 28.129. For building façades where the first sixty (60) feet from grade are comprised of less than fifty percent (50%) glass, at least eighty-five percent (85%) of the glass on glass areas fifty (50) square feet or over must be treated. Of all glass areas over fifty (50) square feet, any glass within fifteen (15) feet of a building corner must be treated. Identify which glass areas are 50 sq. ft. or greater and which glass areas will be treated. Provide a detail of the specific bird-safe glass treatment product that will be used.
39. Verify whether new exterior site lighting will be installed. New exterior lighting must comply with City of Madison General Ordinances Section 29.36 outdoor lighting standards. If site lighting is provided, submit a lighting photometric plan and fixture cut sheets with the final plan submittal.
40. 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.
41. 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.

Parks Division (Contact Brian Kowalski, 243-2848)

42. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(6)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the North Park-Infrastructure Impact Fee district. The Park Impact Fee ID# for this project is 25050. Visit <https://www.cityofmadison.com/parks/about/impactFees.cfm> for information about Park Impact Fee rates, calculations, and payment process.
43. Low-cost housing is exempt from Park Impact Fees. This exemption only applies to those dwelling units or bedrooms within a development that are determined to be low-cost housing. This exemption does not extend to the land dedication requirements set forth under Sec. 16.23(8)(f), MGO, nor any other impact fees that may apply to a development.
44. The park impact fee will be exempt for developments that meet the “low-cost housing” requirements, as defined as rental or owner-occupied housing units that are affordable, as that term is defined in Sec. 4.22(2), MGO, and which meet the deed restriction requirements of Sec. 4.22(7). A low-cost housing certification from the Community Development Division is required for Park Impact Fee exemptions. For projects that do not receive funding from the Community Development Division, a Land Use Restriction Agreement (LURA) with the Parks Division is required. If a Parks-LURA is required, requests can be emailed to parkimpactfees@cityofmadison.com

Water Utility (Contact Jeff Belshaw, 261-9835)

45. Private wells may have served the parcels associated with this project prior to municipal water service connections. The existing properties will require an internal and external survey for potential unabandoned private wells prior to proceeding with demolition. Any remaining unused/unpermitted private wells existing on this parcel must be properly abandoned according to Wisconsin Administrative Code NR 812 and Madison General Ordinance 13.21 prior to the demolition of the property. Please contact water utility staff at (608) 266- 4654 to schedule an on-site private well survey prior to demolition, otherwise for additional information regarding well abandonment procedures and potential well abandonment reimbursement programs. The Madison Water Utility shall be notified to remove the water meter at least two working days prior to demolition. Contact the Water Utility Meter Department at (608) 266-4765 to schedule the meter removal appointment.

46. 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)

47. Metro Transit operates daily all-day transit service along East Johnson and East Gorham Streets thru the North Butler Street intersection near this property - with trips at least every 30 minutes (every 15 minutes or less during the day on weekdays). Metro Transit operates additional daily all-day rapid transit service around the Capitol Square near this property - with trips at least every 30 minutes (every 15 minutes or less during the day on weekdays and Saturdays).
48. Metro Transit would initially estimate the following counts of potentially eligible trips towards US Green Building Council/LEED Quality Access to Transit points: 248 Weekday & 131 Weekend. Please contact Metro Transit if additional analysis would be of interest.

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

49. The Site Plan indicates front wall, hand rail and signage encroaching into the N Butler Street right of way. The Applicant shall confirm and note on the plans all encroachments, including, (but not limited to) balconies, roof overhangs and underground vaults. Make an application with City of Madison Real Estate for a privilege in streets agreement. Link as follows - <http://www.cityofmadison.com/developmentcenter/landdevelopment/streetencroachment.cfm>. An approval of the development does not constitute or guarantee approval of any encroachments within a public right of way.

Alternatively the wall could be moved back just slightly within the parcel limits. Note the attached signage cannot be located within the limits of a public street nor be granted a privilege to do so. Under WI SS 89.19 relocate the sign to inside the parcel limits.

50. Conditions of approval have expired for this CSM this and it will have to be reapproved.
51. The 121 N Butler St address is the approved address of the proposed apartment building. 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.

52. Coordinate and confirm with the utility companies that serve the area that the Modular block wall and bio retention basin will be allowed to be constructed within the limits of the proposed 6' Public utility easement as shown on prior CSM submittal.
53. Southeasterly parcel limits appear to have a retaining wall along a portion of its limits right at the property line. Owner/developer/contractor is responsible to obtain a permission/rights/or agreements necessary to construct the wall if will permanently or temporarily required to do so by disturbing or occupying the adjacent lands.
54. 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.

55. The apartment numbers on the floor plans are not approved for use. There are sequencing issues. 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 be 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)

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

Forestry Section (Contact Bradley Hofmann, 267-4908)

57. All proposed street tree removals within the right of way shall be reviewed by City Forestry before the Plan Commission meeting. Street tree removals require approval and a tree removal permit issued by City Forestry. Any street tree removals requested after the development plan is approved by the Plan Commission or the Board of Public Works and City Forestry will require a minimum of a 72-hour review period which shall include the notification of the Alderperson within who's district is affected by the street tree removal(s) prior to a tree removal permit being issued. Add as a note on the street tree plan set.
58. Contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. Contractor shall operate equipment in a manner as to not damage the branches of the street tree(s). This may require using smaller equipment and loading and unloading materials in a designated space away from trees on the construction site. Any damage or injury to existing street trees (either above or below ground) shall be reported immediately to City Forestry at (608) 266-4816. Penalties and remediation shall be required. Add as a note on the site, grading, utility, demolition, and street tree plan set.
59. As defined by the Section 107.13 of City of Madison Standard Specifications for Public Works Construction: No excavation is permitted within 5 feet of the trunk of the street tree or when cutting roots over 3 inches in diameter. If excavation is necessary, the Contractor shall contact Madison City

Forestry at (608) 266-4816 prior to excavation. City of Madison Forestry personnel shall assess the impact to the tree and to its root system prior to work commencing. Tree protection specifications can be found on the following website: <https://www.cityofmadison.com/business/pw/specs.cfm> Add as a note on the site, grading, utility, demolition and street tree plan sets.

60. Section 107.13(g) of City of Madison Standard Specifications for Public Works Construction (website: <https://www.cityofmadison.com/business/pw/specs.cfm>) addresses soil compaction near street trees and shall be followed by Contractor. The storage of parked vehicles, construction equipment, building materials, refuse, excavated spoils or dumping of poisonous materials on or around trees and roots within five (5) feet of the tree or within the protection zone is prohibited. Add as a note on both the site and street tree plan sets.
61. On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on both the site and street tree plan sets.
62. Street tree pruning shall be coordinated with City Forestry at a minimum of two weeks prior to the start of construction for this project. Contact City Forestry at (608)266-4816. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on both the site and street plan sets.
63. The Developer shall post a security deposit prior to the start of the development to be collected by City Engineering as part of the Developers Agreement. In the event that street trees are damaged during the construction process, City Forestry will draw from this deposit for damages incurred.
64. Additional street trees are needed for this project. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction (website: <https://www.cityofmadison.com/business/pw/specs.cfm>) - All street tree planting locations and tree species within the right of way shall be determined by City Forestry. A landscape plan and street tree planting plan shall be submitted in PDF format to City Forestry for approval of planting locations within the right of way and tree species. All available street tree planting locations shall be planted within the project boundaries. Add following note on both the landscape and street tree plan sets: At least one week prior to street tree planting, Contractor shall contact City Forestry at (608) 266-4816 to schedule inspection and approval of nursery tree stock and review planting specifications with the landscaper.

The following agencies reviewed the request and recommended no conditions of approval: Fire Department