



Department of Planning & Community & Economic Development

## Planning Division

Meagan Tuttle, Director

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**\*\*BY E-MAIL ONLY\*\***

September 23, 2025

Duane Johnson

[djohnson@knothebruce.com](mailto:djohnson@knothebruce.com)

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

Duane,

On September 15, 2025, the Plan Commission found the standards met and **conditionally approved** your demolition application and conditional use for 308 East Washington Avenue and 302 East Washington Avenue/15-27 North Butler Street. On September 16, 2025 the Common Council found the standards met and **conditionally approved** your zoning map amendment and Certified Survey Map for 308 East Washington Avenue and 302 East Washington Avenue/15-27 North Butler Street. In order to receive final approval and for any other permits that may need to be issued for your project, the following conditions shall be met:

### ***Land Use Application***

**Please contact Lisa McNabola of the Planning Division at (608) 243-0554 if you have any questions regarding the following five (5) items:**

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

2. The landscape plan shall be updated to include plantings along the north side of the building.
3. The lighting plan shall be revised remove the light fixtures located mid-building or be redesigned to reflect a better wall wash with a different fixture.
4. Revised plans that address the conditions from the Planning Division may be approved administratively by the Planning Division Director or their designee.
5. The applicant shall work with the City's Preservation Planner to establish an appropriate photographic record of the exterior of the building and any associated information about the use of the building when the Capital Times was located in the building.

**Please contact Brenda Stanley of the Engineering Division at (608) 261-9127 if you have any questions regarding the following seventeen (17) items:**

6. There 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.
7. Applicant shall provide projected wastewater flow calculations to Mark Moder, [mmoder@cityofmadison.com](mailto:mmoder@cityofmadison.com). Offsite sewer improvements may be required by the developer as a condition for development.
8. 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.
9. Revise the plans to show a proposed private internal drainage system on the site. Include the depths and locations of structures and the type of pipe to be used - discharge of storm water to the public right of way is required directly to the storm sewer system - this will likely require crossing N Butler and extending storm to the site. (POLICY AND MGO 10.29)

10. 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.

11. 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).
12. 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)
13. Construct sidewalk, terrace, curb, gutter, and pavement along E Washington Avenue and N Butler Street to a plan as approved by the City Engineer.
14. 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))
15. Provide the City Engineer with the proposed earth retention plan for the site. The earth retention plan must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the earth retention plan. (POLICY). The earth retention plan shall include all the existing infrastructure within the right-of-way, including trees. Failure to comply with these requirements may be cause for rejection of the earth retention plan.
16. 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))
17. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
18. 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.

19. Raised planting beds along N Butler Street shall be a minimum of 12 inches from the edge of the sidewalk and 18 inches from the back of the curb, and shall not restrict access to fire hydrants.
20. 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)
21. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE and therefore will be regulated to meet a higher standard.
22. 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](mailto:meberhardt@cityofmadison.com), or Daniel Olivares (east) at [daolivares@cityofmadison.com](mailto: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>

**Please contact Sean Malloy of the Traffic Engineering Division at (608) 266-5987 if you have any questions regarding the following thirteen (13) items:**

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| 23. The applicant shall dedicate Right of Way or grant a Public Sidewalk Easement for and be responsible for the construction of a minimum six (6)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1) foot for maintenance, where applicable, along their site's frontage of E. Washington Avenue. |
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24. 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.
25. 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.
26. 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.
27. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

28. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
29. 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.
30. 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.
31. 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.
32. "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.
33. Applicant shall submit for review a waste removal plan. This shall include vehicular turning movements.
34. 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.
35. Note: This site presents difficult constructability issues; access to neighboring sites must be maintained at all times, protected walkways will be constructed and maintained as soon as possible and little to no access to the Public Right-of-Way on East Washington Avenue will be granted for construction purposes. Provide a detailed construction plan to Traffic Engineering for review prior to final signoff.

**Please contact Jenny Kirchgatter, Assistant Zoning Administrator at (608) 266-4429 if you have any questions regarding the following ten (10) items:**

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| <p>36. The applicant proposes to construct a building that will exceed the maximum number of stories (10 stories/144'). Per Section 28.071(2)(a)2., buildings with a voluntary contractual Land Use Restriction Agreement ("LURA") with the City of Madison to provide income and rent-restricted dwelling units or bedrooms in a dwelling unit ("affordable units") may exceed the maximum number of stories, provided the building remains at or below the maximum height in feet in Table 28E-3. Provide Zoning staff with a copy of the recorded LURA.</p> |
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37. Work with Zoning and Planning staff for final approval of the Zoning text.
38. Provide information on the existing buildings on 15-27 N Butler St including the numbers and types of dwelling units, floor area of commercial space, number of existing parking stalls, and number of existing bicycle stalls.
39. Bicycle stalls are proposed in the N Butler Street public right-of-way. Note that bicycle stalls located in the public right-of-way do not count toward the minimum bicycle parking requirement. Privilege in the Streets approval is required through the City of Madison Office of Real Estate Services.
40. Bicycle parking for the residential dwelling units shall comply with the requirements of MGO Sections 28.141(4)
41. (g) and 28.141(11) and shall be designated as short-term or long-term bicycle parking. A minimum of 76 resident bicycle stalls are required plus a minimum of 8 short-term guest stalls. Up to twenty-five percent (25%) of bicycle parking may be structured parking, vertical parking or wall mount parking, provided there is a five (5) foot access aisle for wall mount parking. NOTE: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Submit a detail showing the model of bike rack to be installed.
42. Bicycle parking for the health/sports club shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum amount of short-term bicycle parking stalls equal to 5% of capacity of persons located in a convenient and visible area on a paved or pervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance. Note: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Provide a detail of the proposed bike rack.
43. Provide details demonstrating compliance with bird-safe glass requirements Section 28.129. Identify which glass areas are 50 sq. ft. or greater and which glass areas will be treated. Provide a detail of the specific treatment product that will be used. Provide the window and door schedule to verify the sizes of the glazed areas.
44. 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.
45. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

**Please contact Matt Hamilton of the Fire Department at (608) 266-4457 if you have any questions regarding the following two (2) items:**

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

**Please contact Brian Kowalski of the Parks Division at (608) 243-2848 if you have any questions regarding the following three (3) items:**

48. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(6)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the North Park-Infrastructure Impact Fee district. The Park Impact Fee ID# for this project is 25049. Visit <https://www.cityofmadison.com/parks/about/impactFees.cfm> for information about Park Impact Fee rates, calculations, and payment process.
49. 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.
50. 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](mailto:parkimpactfees@cityofmadison.com)

**Please contact Bradley Hofmann of the Forestry Section at (608) 267-4908 if you have any questions regarding the following eleven (11) items:**

51. The Developer shall submit a Street Tree Report performed by International Society of Arboriculture Certified Arborist for City Forestry's review of project. This report shall identify all street trees on proposed project site, species type, canopy spread, tree condition, proposed tree removals, the impacts of proposed construction, and any requested pruning.
52. An existing inventory of street trees located within the right of way shall be included on the site, demo, utility, landscape, grading, fire aerial apparatus and street tree plan sets. The inventory shall include the following: location, size (diameter at 4 1/2 feet), and species of existing street trees. The inventory should also note if a street tree is proposed to be removed and the reason for removal.
  53. 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.
  54. City Forestry will issue a street tree removal permit for two Ginkgo trees 12 & 13" diameter due to decline & construction staging needs at along E Washington Ave. The Contractor shall contact City Forestry at (608)266- 4816 to obtain permit. Add as a note on both the demolition and street tree plan set.

55. 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.
56. 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.
57. 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.
58. 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.
59. 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.
60. 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.
61. 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.

**Please contact Jeff Belshaw of the Water Utility at (608) 261-9835 if you have any questions regarding the following two (2) items:**

62. This property is in a Wellhead Protection District–Zone (WP-17). Applicant shall provide the Madison Water Utility with confirmation that no hazardous and/or toxic materials will be stored on site, and that all proposed uses of this site comply with the City of Madison Wellhead Protection Ordinance. Any future change in use for this property will require review by the Madison Water Utility General Manager or his designated representative. Contact Sarah Scroggins at [Sscroggins@madisonwater.org](mailto:Sscroggins@madisonwater.org) for additional information, including a summary of the submittal requirements.

63. 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.

**Please contact Timothy Sobota of Metro Transit at (608) 261-4289 if you have any questions regarding the following two (2) items:**

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

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

**Please contact Jeffrey Quamme of the City Engineering Division – Mapping Section at (608) 266-4097 if you have any questions regarding the following twelve (12) items:**

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

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

67. The Encroachment Agreement per Doc No 2986047 shall be amended to remove the canopy encroachment area that is to be demolished. The vault per the plans is to remain.
68. The Encroachment Agreement for Bike Racks per Document No 4250435 shall be released upon the racks being removed as part of this project.
69. The doors that are shown to swing into the right of way and public sidewalk area of N Butler St shall be changed to swing internally.
70. Provide for review the draft of an amendment for the Easement per Doc No 3597833 granting access and trash rights over and within the parking structure adjacent to this site at 27 N Butler street. The amendment shall modify the benefitting lands to be the new Lot 2 of the pending CSM and also extend the easement southeasterly to the intersection with the east line of the proposed southeast line of Lot 1 of the pending CSM. The document shall be executed and recorded immediately subsequent to the pending CSM recording and prior to building permit issuance.
71. There exists an 8' wide perpetual right of way for access centered on the property line between this site and the church site at 310-322 E Washington Ave per Doc No's 51427 and 844267. The easement shall be amended to extend to the full length of the church property line to encompass the access improvements as proposed. The amendment shall also include terms and conditions for the use, construction and maintenance of the shared access improvements associated with the easement.
72. There is a proposed retaining wall to be constructed against the lot line common with the rear line of 310-322 E Washington Avenue. The Applicant is responsible to obtain any right of access or excavation over the adjacent property required to construct proposed improvements that are part of this development plan.
73. The floor plans shall show all attached canopies, airways, vaults and roof overhangs along with the property lines to assure any encroachments into the public right of way are identified and addressed.
74. Detailed floor plans will be needed in order to determine the address of the proposed apartments and whether any addresses in the attached building will need to be changed.
75. 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.
76. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD), the new parcel data created by the Assessor's Office and the parcel data available to zoning and building inspection staff prior to issuance of building permits for new construction or an early start permit.
77. 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.

**Please contact Trent Schultz of the Parking Utility at (608) 246-5806 if you have any questions regarding the following one (1) item:**

78. 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.

#### ***Land Division Application***

**Please contact Brenda Stanley of the Engineering Division at (608) 261-9127 if you have any questions regarding the following five (5) items:**

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

80. 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)
81. Construct sidewalk, terrace, curb, gutter, and pavement along E Washington Avenue and N Butler Street to a plan as approved by the City Engineer.
82. 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))
83. 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 obsolescence of the existing parcel). (POLICY)

**Please contact Sean Malloy of the Traffic Engineering Division at (608) 266-5987 if you have any questions regarding the following two (2) items:**

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

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

**Please contact Brian Kowalski of the Parks Division at (608) 243-2848 if you have any questions regarding the following three (3) items:**

86. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(6)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the north Park-Infrastructure Impact Fee district. The Park Impact Fee ID# for this project is 25049. Visit <https://www.cityofmadison.com/parks/about/impactFees.cfm> for information about Park Impact Fee rates, calculations, and payment process.

87. 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."

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

**Please contact Jeff Belshaw of the Water Utility at (608) 261-9835 if you have any questions regarding the following one (1) item:**

89. The following information shall be noted on the CSM prior to final approval: The properties are located within Wellhead Protection District—Zone (WP-17). Uses of the properties are required to comply with the City of Madison Wellhead Protection requirements as provided under MGO Sections 13.22 and 28.102.

**Please contact Jeffrey Quamme of the City Engineering Division – Mapping Section at (608) 266-4097 if you have any questions regarding the following nine (9) items:**

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

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

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

line of Lot 1 of this CSM. The document shall be executed and recorded immediately subsequent this CSM being recorded and prior to building permit issuance.

93. Add a note to Lot 1 that it is subject to an Easement and Agreement per Doc No 3850612 for a sewer lateral serving Lot 2 of this Certified Survey Map.
94. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The Developer's Surveyor and/or Applicant must submit copies of required tie sheets or monument condition reports (with current tie sheet attached) for all monuments, including center of sections of record, used in this survey, to Jeff Quamme, City Engineering ([jrquamme@cityofmadison.com](mailto:jrquamme@cityofmadison.com))
95. Prior to Engineering final sign-off by main office for Plats or Certified Survey Maps (CSM), the final Plat or CSM in pdf format must be submitted by email transmittal to Engineering Land Records Coordinator Jeff Quamme ([jrquamme@cityofmadison.com](mailto:jrquamme@cityofmadison.com)) for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off.
96. Add the original plat recorded as distances to the exterior boundary of the CSM. Also the survey recorded as information along the southwest, northeast (198' line) and southeast sides of the CSM have multiple errors. Review and make the necessary corrections.
97. This pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD), the new parcel data created by the Assessor's Office and the parcel data available to zoning and building inspection staff prior to issuance of building permits for new construction or early start permit.
98. Submit to Jeff Quamme, prior to Engineering sign-off of the subject plat, one (1) digital CADD drawing in a format compatible with AutoCAD. The digital CADD file(s) shall be referenced to the Dane County Coordinate System and shall contain, at minimum, the list of items stated below, each on a separate layer/level name. The line work, preferably closed polylines for lot lines, shall be void of gaps and overlaps and match the final recorded plat:
  - a. Right-of-Way lines (public and private)
  - b. Lot lines
  - c. Lot numbers
  - d. Lot/Plat dimensions
  - e. Street names
  - f. Easement lines (i.e. all shown on the plat including wetland & floodplain boundaries.)

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

**Please contact Andy Miller of the Real Estate Office at (608) 261-9983 if you have any questions regarding the following seven (7) items:**

99. 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.

#### 100. MORTGAGEE/VENDOR CERTIFICATION

Prior to CSM approval sign-off, an executed and notarized or authenticated certificate of consent for all mortgagees/vendors shall be included following the Owner’s Certificate(s). If a mortgage or other financial instrument is reported in record title, but has been satisfied or no longer encumbers the lands or ownership within the CSM boundary, a copy of a recorded satisfaction or release document for said instrument shall be provided prior to CSM approval sign-off.

#### 101. CERTIFICATE AND CONSENT REQUIREMENTS

- a. Add a comma between “divided” and “mapped” in the owner’s certificates.
- b. If any portion of the lands within the CSM boundary are subject to an Option to Purchase or other Option interest, include a Certificate of Consent for the option holder and have it executed prior to CSM sign-off if said ownership interest meets the criteria set forth by Wis. Stats. Sec. 236.34 and Sec. 236.21(2)(a).
- c. 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.
- d. Revise Madison Common Council Certificate to read “...adopted on the \_\_\_\_\_ day of...”:

#### 102. TAX INCREMENTAL DISTRICT

The lands within the CSM boundary about TID 53, 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). Please inform Andy Miller in the City’s Office of Real Estate Services ([acmiller@cityofmadison.com](mailto:acmiller@cityofmadison.com)) if a TIF Loan has been authorized for the project.

#### 103. REAL ESTATE TAXES

As of August 1, 2025, real estate taxes are paid for the subject property. Per 236.21(3) Wis. Stats. and 16.23(5)(g)(1) Madison General Ordinances, the property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to CSM recording.

#### 104. SPECIAL ASSESSMENTS

As of August 1, 2025, there are special assessments reported. All known special assessments are due and payable prior to CSM approval sign-off. If special assessments are levied against the property during the review period and prior to CSM approval sign-off, they shall be paid in full pursuant to Madison General Ordinance Section 16.23(5)(g)1.

#### 105. TITLE REPORT UPDATE

An acceptable title report was not submitted with the CSM application. Pursuant to Madison City Ordinance Section 16.23(5)(g)(4), at the time the revised CSM is submitted to the City, the owner shall furnish a 60-year title report via email to Andy Miller in the ORES ([acmiller@cityofmadison.com](mailto:acmiller@cityofmadison.com)), as well as the survey firm preparing the proposed CSM. The report shall search the 60-year period leading up to the time the revised CSM is submitted to ORES for final review and approval, and include all associated documents listed in the title report. A title commitment may be provided, but will be considered only as supplementary information to the title report. Surveyor shall update the CSM with the most recent information reported in the title report. ORES reserves the right to impose additional conditions of approval in the event the title report contains changes that warrant revisions to the CSM.

**Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency.**

**Please now follow the procedures listed below for obtaining your demolition permit and conditional use:**

1. After the plans have been revised per the above conditions, please submit one (1) complete digital plan set in PDF format and any other supporting materials that are necessary, as specified in this letter to [sprapplications@cityofmadison.com](mailto:sprapplications@cityofmadison.com) (note: A 20MB email limit applies and multiple transmittals may be required). The sets of final revised plans or documents will be circulated by Zoning staff to the City department staff listed above for their final approval.
2. A check for the site plan review fee shall be mailed to the City of Madison Building Inspection Division; PO Box 2984; Madison, WI 53701-2984.
3. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting conditional use approval.
4. The conditional use approval is valid for two (2) years from the date of the Plan Commission approval. During this time, the applicant must either lawfully commence the use or obtain a building permit and begin erecting the building. If the applicant obtains a valid building permit, construction must commence within six (6) months of the date of issuance. The building permit shall not be renewed unless construction has commenced as is being diligently prosecuted.

5. Any alteration in plans for a proposed alternative use shall require Plan Commission approval, except for minor alterations. The Zoning Administrator may issue permits for minor alterations or additions which are approved by the Director of Planning and Community and Economic Development and are compatible with the concept approved by the City Plan Commission and the conditional use approval standards.
6. The Plan Commission retains continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses.

**Please now follow the procedures listed below for your Certified Survey Map:**

1. In order to commence the process for obtaining the necessary City signatures on the Certified Survey Map, the applicant shall e-mail the revised CSM, updated title report, and any other materials required by reviewing agencies to the reviewing planner. The reviewing planner will share the updated materials with the relevant commenting City agencies for them to verify that their conditions have been satisfied and that the secretary or designee may sign the Plan Commission approval certificate. Once the Plan Commission certificate is executed, the Planning Division will make the City Clerk's Office aware that the Common Council certificate may be executed.
2. Once all of the necessary City signatures have been affixed to the Certified Survey Map, the instrument may be recording at the Dane County Register of Deeds Office. For information on recording procedures and fees, please contact the Register of Deeds at (608) 266-4141.
3. Any appeal from this action, including the conditions of approval, must be filed with the Circuit Court within 30 days from the date of this letter. The approval of this CSM shall be null and void if not recorded in twelve (12) months from the date of the approving resolution or this letter, whichever is later.

**If you have any questions regarding obtaining your building permits, please contact the Zoning Administrator at 266-4551.** If you have any questions or if I may be of any further assistance, please contact my office at 243-0554 or [lmcnabola@cityofmadison.com](mailto:lmcnabola@cityofmadison.com).

Sincerely,

Lisa McNabola  
Planner

| LNDUSE-2025-00058                             |                      |                                     |                                  |
|-----------------------------------------------|----------------------|-------------------------------------|----------------------------------|
| For Official Use Only, Re: Final Plan Routing |                      |                                     |                                  |
| <input checked="" type="checkbox"/>           | Planning Div.        | <input checked="" type="checkbox"/> | Engineering Mapping Sec.         |
| <input checked="" type="checkbox"/>           | Zoning Administrator | <input checked="" type="checkbox"/> | Parks Division                   |
| <input checked="" type="checkbox"/>           | City Engineering     | <input checked="" type="checkbox"/> | Urban Design Commission          |
| <input checked="" type="checkbox"/>           | Traffic Engineering  | <input checked="" type="checkbox"/> | Recycling Coord. (R&R)           |
| <input checked="" type="checkbox"/>           | Fire Department      | <input checked="" type="checkbox"/> | Water Utility                    |
| <input checked="" type="checkbox"/>           | Metro Transit        | <input checked="" type="checkbox"/> | Other: Forestry, Parking Utility |

I hereby acknowledge that I understand and will comply with the above conditions of approval for conditional uses.

\_\_\_\_\_  
*Signature of Applicant*

\_\_\_\_\_  
*Signature of Property Owner (if not the applicant)*