



Department of Planning & Community & Economic Development

Planning Division

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

November 11, 2025

Kevin Burow

kburow@knothebruce.com

RE: Consideration of a conditional use in the Traditional Residential-Urban 2 (TR-U2) District for a multi-family dwelling with between 37 and 60 units; consideration of a conditional use in the TR-U2 District for a building exceeding six stories and 78 feet in height; consideration of a conditional use for a parking reduction of more than 20 automobile spaces and 25 percent or more of the required parking, all to allow construction of an eight-story, 48-unit apartment building at 120-126 North Orchard Street, 1313 Randall Court, 1314 Randall Court (ID [89762](#)); and consideration of a Certified Survey Map to create two lots at 120-126 North Orchard Street, 1313 Randall Court, 1314 Randall Court, and 1309-1311 West Dayton Street (Legistar ID [89776](#))

Kevin,

On October 20, 2025 the Plan Commission **placed on file without prejudice** your conditional use for 120-126 North Orchard Street, 1313 Randall Court, 1314 Randall Court. Due to recent changes to the Zoning Code, the applicant has stated that they plan to request an extension to the conditional use that was approved in 2022. On October 28, 2025, the Common Council **approved** the Certified Survey Map for 120-126 North Orchard Street, 1313 Randall Court, 1314 Randall Court, and 1309-1311 West Dayton Street. In order to receive final approval of the Certified Survey Map and for any other permits that may need to be issued for your project, the following conditions shall be met:

Please contact Lisa McNabola of the Planning Division at (608) 243-0554 if you have any questions regarding the following one (1) item:

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| 1. The lot line between Lot 1 and Lot 2 shall be adjusted to follow the Zoning District boundaries. |
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Please contact Kathleen Kane of the Parks Division at (608) 261-9671 if you have any questions regarding the following three (3) items:

2. 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)

3. 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))
4. A minimum of two (2) working days prior to requesting City Engineering signoff on the plat/csm contact Kate Kane (West) at 266-4098 (kkane@cityofmadison.com) to obtain the final stormwater utility charges that are due and payable prior to sub-division of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service and must be cleared prior to the land division (and subsequent obsolesces of the existing parcel). (POLICY)

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

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| <ol style="list-style-type: none">5. The applicant shall dedicate Right of Way or grant a Public Sidewalk Easement for and be responsible for the construction of a minimum five (5)-foot wide sidewalk, five (5)-foot terrace, and additional one (1) foot for maintenance, where applicable, along their site's frontage of Randall Court. |
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6. 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 Emma Krug of the Parks Division at (608) 263-6850 if you have any questions regarding the following three (3) items:

7. 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 Central Park-Infrastructure Impact Fee district. The Park Impact Fee ID# for this project is LNDUSE-2025-00069. Visit <https://www.cityofmadison.com/parks/about/impactFees.cfm> for information about Park Impact Fee rates, calculations, and payment process.
8. 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."
9. 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 two (2) items:

10. The location of the proposed hydrant relocation appears to be on private property. A public utility easement will need to be created for this hydrant location.
11. The following information shall be noted on the CSM prior to final approval: The properties are located within Wellhead Protection District—Zone (WP-27). Uses of the properties are required to comply with the City of Madison Wellhead Protection requirements as provided under MGO Sections 13.22 and 28.102.

Please contact Julius Smith of the City Engineering Division – Mapping Section at (608) 264-9276 if you have any questions regarding the following three (3) items:

12. Grant a Public Water Main Easement(s) to the City on the face of this Certified Survey Map or Subdivision Plat around the Fire hydrant in Randall Ct. The final width and location shall be determined by the Water Dept. and Madison Fire Dept.

Contact Jule Smith of Engineering Mapping (jsmith4@cityofmadison.com, for the final required easement language.
13. Grant a Public Sidewalk and Bike Path Easement(s) to the City on the face of this Certified Survey Map along the Randall Ct frontage. The final width and location to be approved by Engineering and Traffic Engineering.
14. Provide for review, comprehensive reciprocal easements and agreements including, but not limited to, access and storm water drainage and management that are necessary between Lot 1 and Lot 2 of this pending Certified Survey Map to accomplish the site development as proposed. The document(s) shall be executed and recorded subsequent to the CSM recording and prior to building permit issuance.
15. The portion of Lot 1 within current Lot 7, Randall Court, is subject to covenants, conditions and restrictions per Doc No. 357980. This shall be shown and noted on the CSM. Additionally note that the 15' Building line is also subject to this document on sheet 1.

16. Coordinate and request from the utility companies serving this area the easements required to serve this development. Those easements shall be properly shown, dimensioned and labeled on the final Certified Survey Map.

Note: there are existing utilities on site that currently cross both the parcel and proposed lot limits that may required formal easements.

17. Ownership and Mortgagee information does not coincide with the title report provided. This shall be rectified prior to final sign off.
18. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The Developer's Surveyor and/or Applicant must submit

copies of required tie sheets or monument condition reports (with current tie sheet attached) for all monuments, including center of sections of record, used in this survey, to Jule Smith, City Engineering (jsmith4@cityofmadison.com)

19. In accordance with Section s. 236.18(8), Wisconsin Statutes, the Applicant shall reference City of Madison WCCS Dane Zone, 1997 Coordinates on all PLS corners on the Plat or Certified Survey Map in areas where this control exists. The Surveyor shall identify any deviation from City Master Control with recorded and measured designations. Visit the Dane County Surveyor's Office (web address <https://www.countyofdane.com/PLANDEV/records/surveyor.aspx>) for current tie sheets and control data that has been provided by the City of Madison.
20. Prior to Engineering final sign-off by main office for Plats or Certified Survey Maps (CSM), the final Plat or CSM in pdf format must be submitted by email transmittal to Engineering Land Records Coordinator Jule Smith (jsmith4@cityofmadison.com) for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off.
21. Remove Note 8 on Sheet 4 and renumber notes 11 and 12
22. Per AE 7.05(11) list the Datum and adjustment for the County Coordinates used.
23. Submit to Jule Smith, prior to Engineering sign-off of the subject plat, one (1) digital CADD drawing in a format compatible with AutoCAD. The digital CADD file(s) shall be referenced to the Dane County Coordinate System and shall contain, at minimum, the list of items stated below, each on a separate layer/level name. The line work, preferably closed polylines for lot lines, shall be void of gaps and overlaps and match the final recorded plat:
 - a. Right-of-Way lines (public and private)
 - b. Lot lines
 - c. Lot numbers
 - d. Lot/Plat dimensions
 - e. Street names
 - f. Easement lines (i.e. all shown on the plat including wetland & floodplain boundaries.)

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

Please contact Trent Milliken of the Real Estate Office at (608) 266-5940 if you have any questions regarding the following seven (7) items:

24. 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.

25. 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.

26. CERTIFICATE AND CONSENT REQUIREMENTS

All ownership consents and certifications for the subject lands shall conform to Wis. Stats. 236.21(2) and 236.29 by including the language ...surveyed, divided, mapped and dedicated....

If any portion of the lands within the CSM boundary are subject to an Option to Purchase or other Option interest please include a Certificate of Consent for the option holder and have it executed prior to CSM sign-off, if said ownership interest meets the criteria set forth by Wis. Stat. Sec. 236.34 and Sec. 236.21(2)(a).

A Consent of Lessee certificate shall be included on the CSM for all tenant interests in excess of one year, recorded or unrecorded, and executed prior to CSM sign-off.

Madison Common Council Certificate: Please update the signature line of the Common Council Certificate to show:

Lydia McComas, City Clerk
City of Madison, Dane County Wisconsin

27. REAL ESTATE TAXES

As of 9/25/2025, the 2024 real estate taxes are paid for the subject property.

28. SPECIAL ASSESSMENTS

As of 9/25/2025, there are no special assessments reported. All known special assessments are due and payable prior to CSM approval sign-off. If special assessments are levied against the property during the review period and prior to CSM approval sign-off, they shall be paid in full pursuant to Madison General Ordinance Section 16.23(4)(f)(3).

29. TITLE REPORT UPDATE

Note that the original title report included a parcel that was not part of the CSM (251/0709-221-1132-6). This parcel does not need to be included in the title report update.

Pursuant to Madison City Ordinance Section 16.23(4)(c)(1), the owner shall furnish an updated title report to ORES via email to Trent Milliken (tmilliken@cityofmadison.com), as well as the survey firm preparing the proposed CSM. The report shall search the period subsequent to the date of the initial title report (8/11/2025) submitted with the CSM application and include all associated documents that have been recorded since the initial title report.

A title commitment may be provided, but will be considered only as supplementary information to the title report update. Surveyor shall update the CSM with the most recent information reported in the title update. ORES reserves the right to impose additional conditions of approval in the event the title update contains changes that warrant revisions to the CSM.

30. ADDITIONAL REQUIREMENTS

Depict and dimension public easements for utilities and storm water drainage rights-of-way to be dedicated on the proposed CSM where necessary.

If all parties of interest agree that certain easements from prior plats or CSM's of record are no longer necessary, the release documents for said easements shall be recorded prior to CSM approval sign-off, with the recording information for the release included as a Note on the proposed CSM.

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 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 demolition permit or 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.

Sincerely,

Lisa McNabola
Planner