



Project Address: **2103 Sherman Avenue** (District 12 – Alder Matthews)

Application Type: Conditional Use, Certified Survey Map

Legistar File ID # [91289](#) & [91294](#)

Prepared By: Colin Punt, AICP, Planning Division
Report includes comments from other City agencies, as noted.

Reviewed By: Kevin Firchow, AICP, Principal Planner
Meagan Tuttle, AICP, Planning Division Director

Summary

Applicant: Ross Treichel; Sketchworks Architecture; 2501 Parmenter St #300A; Middleton, WI 53562

Owner: 2211 Fordem Ave, LLC; 410 Hwy 25 S; Brainerd, MN 56401

Requested Action: The applicant is seeking approval of:

- The following conditional uses:
 - 86 dwelling units in a mixed-use building in the NMX zoning district per §28.064(2) MGO;
 - A building exceeding 3 stories / 40 feet in the NMX zoning district per §28.064(3)(b) MGO; and
- A certified survey map to create one new parcel

Proposal Summary: The applicant is seeking approvals to construct a five-story mixed-use building with 86 dwelling units and approximately 1000 square feet of commercial space on one new lot at 2103 Sherman Avenue.

Applicable Regulations & Standards: Standards for conditional use approval are found in §28.183(6) MGO. Standards for certified survey maps are found in §16.23 M.G.O.

Review Required By: Plan Commission (conditional use) and Common Council (CSM)

Summary Recommendations: The Planning Division recommends the following to the Plan Commission regarding the applications for 2103 Sherman Avenue. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies beginning on page 7.

- That the Plan Commission find the standards for land divisions are met and forward the one-lot certified survey map to Common Council with a recommendation to approve; and
- That if the Plan Commission find that the standards for conditional uses are met, it approve the necessary conditional uses for the proposed five-story mixed-use building. If the Plan Commission cannot find the standards for conditional uses are met, then it should place the conditional use request on file without prejudice and state its findings and reason why the standards were not found to be met.

Background Information

Parcel Location: The subject site is 32,840 square feet and located directly north of McGuire Street between Sherman Avenue and Fordem Avenue. The site is within Alder District 12 (Alder Matthews) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The site is currently zoned NMX and undeveloped except for a surface parking lot.

Surrounding Land Uses and Zoning:

North: Small commercial buildings zoned NMX; and

West: Across Sherman Avenue, residences in the Village of Maple Bluff; and

South: Across McGuire Street a one-story commercial building zoned NMX; and

East: Across Fordem Avenue, a large single-story manufacturing and warehousing building zoned IL (Industrial Limited district).

Adopted Land Use Plan: The [Comprehensive Plan](#) (2023) recommends Neighborhood Mixed Use (NMU) for the site. The [Emerson East-Eken Park-Yahara Neighborhood Plan](#) (2016) places this site within “Focus Area Five” and recommends development of a neighborhood mixed-use node at the gateway to the Sherman Neighborhood.

Zoning Summary: The subject property is zoned NMX (Neighborhood Mixed Use district):

Requirements	Required	Proposed
Lot Area (sq. ft.)	None	32,840
Lot Width	None	99 ft
Front Yard Setback	5 ft	7 ft
Max. Front Yard Setback	25 ft	7 ft
Side Yard Setback	5 ft	7 ft
Rear Yard Setback	20 ft	25 ft
Maximum Lot Coverage	75%	73.7%
Maximum Building Height	>3 stories/40 ft = CU	5 stories

Site Design	Required	Proposed
Number Parking Stalls	89	83 (see Zoning comment 6)
Electric Vehicle Stalls	17 EV Ready	22
Accessible Stalls	4	4
Loading	None	None
Number Bike Parking Stalls	98	100 (see Zoning comment 7)
Landscaping and Screening	Yes	Yes
Lighting	Yes	Yes
Building Form and Design	Yes	Commercial Block Building

Other Critical Zoning Items	None
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Table Prepared by Jacob Moskowitz, Assistant Zoning Administrator

Environmental Corridor Status: The property is not located within a mapped environmental corridor.

Public Utilities and Services: The site is served by a full range of urban services.

Project Description

The applicant is seeking the necessary conditional use approvals to construct a five-story mixed-use building with 86 dwelling units and 1,084 square feet of commercial space located at the corner of Sherman Avenue and McGuire Street on a lot to be created by a certified survey map.

The site slopes down from west to east and Sherman Avenue is approximately six feet higher than Fordem Avenue. Because of the way building heights are measured outside of Downtown, and because, for zoning purposes, Sherman Avenue is the front of this building, the proposed building is considered to be five stories, though the lower level is exposed on Fordem Avenue and the eastern elevation appears to be six stories. The building's maximum height measured from the Sherman Avenue façade, which is the front-yard for zoning purposes, is 63' 10 ½". The maximum height measured from the Fordem Avenue façade is 69' 10 ½". Two brick-clad vertical elements are located along McGuire Street, set back from the Sherman Avenue and Fordem Avenue facades by approximately 10 feet and 15 feet, respectively, are two feet taller than the rest of the building's parapet.

The dwelling unit makeup of the 86 units includes 15 studios, 54 one-bedroom units, 16 two-bedroom units, and one three-bedroom unit. Three units on the first floor have private entrances with direct access to the McGuire Street sidewalk. One first-floor unit has only interior access. The other 82 dwelling units are located on floors two through five. The second floor also includes a club room with access to an outdoor patio. The building contains 87 vehicle parking stalls in two parking decks, which do not connect. The 49-stall lower parking deck is accessed via a driveway on Fordem Avenue and the 38-stall upper deck is accessed via Sherman Avenue. Additionally, there are 88 indoor bicycle parking stalls and 12 outdoor short-term bicycle parking stalls.

Principal façade materials are a sage lap siding and a cream brick veneer. Secondary materials include light brown brick and a beige lap sliding. Trim and accent materials include metal paneling, metal canopies, aluminum balcony railings, dark bronze aluminum storefront systems, and cast stone base and cast stone sills. Approximately 2,500 square feet of green roof are located above the first floor roof and the fifth floor roof. Landscaping includes low-level plantings of ornamental grasses and evergreen and deciduous shrubs around the base of the building. There are also several ornamental trees, upright evergreens, as well as overstory trees along the McGuire Street and Fordem Avenue frontages, as well as one tree to the rear of the building. Also at the rear of the building, the applicant has incorporated a 24-foot wide drive lane into the northeast corner of the site to provide the restaurant (Banzo) property to the north with vehicle access to both buildings for service and deliveries from Fordem Avenue.

If approved, the applicant intends to begin construction in spring 2026, with project completion by summer 2027.

Analysis

This request is subject to the standards for conditional uses and land divisions (certified survey maps). This section begins with a summary of adopted plan recommendations, then reviews the conditional use standards and land division standards, and ends with a review of public input.

Consistency with Adopted Plans

The [Comprehensive Plan](#) (2023) recommends Neighborhood Mixed Use (NMU) for the site. The NMU category includes relatively small activity centers that include residential uses, as well as retail, restaurant, service, institutional, and civic uses primarily serving nearby residents. New development is generally recommended to be two to four stories in height with residential densities of up to 70 units per acre. The [Emerson East-Eken Park-Yahara Neighborhood Plan](#) (2016) places this site within "Focus Area Five" and recommends development of a neighborhood mixed-use node at the gateway to the Sherman Neighborhood. The neighborhood plan does not recommend a maximum height for the location, but shows two four-story buildings in a concept plan for the gateway node.

As noted above, the proposed building is five stories along Sherman (the building's front yard, where height is measured in the NMU district) and six stories along Fordem, which are both taller than the four-story

recommendation in the Comprehensive Plan. Further, the calculated residential density is 115 units/acre, which is higher than the range of up to 70 units/acre for the NMU land use designation. Staff believes that while the proposal's use can be found to be generally consistent with the recommendations in the City's adopted plans, the height is at least one story greater than that recommended and the overall bulk of the building with the semi-exposed lower level on Fordem Avenue could be found to be inconsistent with plan recommendations.

Conditional Use Standards

The applicant is requesting approval of conditional uses for the number of dwelling units in a mixed-use building and height in excess of the district maximum.. Regarding conditional use approval standards, 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 §28.183(6) MGO are met. Staff advises the Plan Commission that in evaluating the conditional use standards, 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.

§28.183(6) M.G.O. lists sixteen approval standards, of which not all are applicable to every conditional use. For this request, Standards 7, 9, 10, and 12-16 do not apply, while standards 1-6, 8, and 11 are applicable. Staff believes that the Plan Commission can find standards 1, 2, 4, 5, and 6 to be met, and this report provides additional staff analysis regarding standards 3, 8, and 11.

Staff provides the following comments regarding Conditional Use approval standard 3, which reads "The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner," the initial designs for the proposed building would have impacted the operations of the existing restaurant business located directly to the north. The restaurant in this location has for years utilized the parking lot occupying the proposed development site and used it for service and delivery access to its two buildings. Staff notes that while the proposal affects this access, it does not impact any public right of way connection. However, the applicant has worked with the restaurant owners and the area alder and has incorporated a drive lane into the northeast corner of the site to provide the restaurant property with vehicle access to both of its buildings for service and deliveries from Fordem Avenue. Staff therefore believe the Plan Commission can find standard 3 to be met.

Staff also notes considerations with regard to standard 8, which states, in part, that "...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 note that the submitted plans do not show any HVAC louvres or "wall packs" on the building facades. It has been the practice of the Plan Commission to discourage the placement of wall packs on any street-facing facades. Staff recommend that if added later, "wall packs" on street-facing walls will require approval of an alteration to the conditional use. Further, the lowest level of the McGuire Street façade is clad in large expanses of cast stone or beige brick, but these portions of the façade are behind landscape plantings. To break up these blank walls, staff have suggested a condition that windows be added to the first floor of the stair tower similar to those on the upper floors. Further, removal or reduction of plantings in this area should be reviewed as a conditional use alteration and not as a progression of the final design before site plan approval. Staff believe that if the recommended conditions of approval are addressed satisfactorily, the Plan Commission can find standard 8 to be met.

Staff's primary concerns relate to the conditional use request to exceed the three-story/40 base height. This consideration is directly referenced in standard 11 which states that "When applying the above standards to an application for height in excess of that allowed in the district, the Plan Commission shall consider

recommendations in adopted plans; the impact on surrounding properties, including height, mass, orientation, shadows and view; architectural quality and amenities; the relationship of the proposed building(s) with adjoining streets, alleys, and public rights of ways; and the public interest in exceeding the district height limits." The NMX zoning district allows new buildings at heights of up to 3 stories and 40 feet as permitted uses, but allow the Plan Commission to approve taller buildings as conditional uses. The proposed building is considered to be five stories tall, as it is measured at the front façade as determined by the zoning lot, the front being the Sherman Avenue, though there are six stories exposed along Fordem Avenue. While there is not a specific neighborhood plan recommendation regarding height, the NMU land use recommendation in the Comprehensive Plan recommends a maximum height of four stories. As noted above, the building's maximum height measured from the Sherman Avenue front façade is 63' 10 ½". The maximum height measured from the Fordem Avenue façade is 69' 10 ½". Two brick-clad vertical elements are located along McGuire Street, set back from the Sherman Avenue and Fordem Avenue facades by approximately 10 feet and 15 feet, respectively, are two feet taller than the rest of the building's parapet.

While the inconsistency between the proposal and the plan recommendation does not necessarily preclude this standard from being found met, it is taller than what is recommended and the aforementioned standard directly references plan consistency among the considerations when evaluating excess height. Careful consideration should be also given to the surrounding context and resulting impacts as noted in the standard. The applicant has provided an exhibit in the submitted plan set that compares the proposed building height to McKenzie Place (the building at 2221 Sherman Avenue). The exhibit shows the lower parapet (not the taller portion on McGuire Street) to be 8'-8 ½" taller than McKenzie Place fourth-floor parapet (measured to be approximately 51 feet high in the [plans](#) approved by the Plan Commission). The tallest portion of the proposed building on the McGuire Street frontage would be 10'-8 ½" taller than McKenzie Place.

Staff have reviewed similar previous requests for precedent. Some recent analogues were conditional use requests at 1233 Regent Street, 306 South Bearly Street, and 77 Sirloin Strip which included requests for excess height.

1233 Regent Street (Legislative ID [79016](#)) is a five-story, 50-unit mixed use building approved by Plan Commission in August 2023. Like 2103 Sherman Avenue, the Comprehensive Plan land use recommendation was NMU (up to 4 stories), but the Regent Street-South Campus Neighborhood Plan, unlike the neighborhood plan for the subject site, had more prescriptive height recommendations and clarified that the height limit should be four stories or 60 feet, whichever is less. It also recommended a series of setbacks and stepbacks. The proposal was 60'-8" tall, exceeding the maximum height by less than one foot and included stepbacks of at least 15 feet on both street-facing facades above the fourth story. As such, the Plan Commission found the proposal to be consistent with the plan recommendations and that the conditional use standards could be met.

306 South Bearly Street (Legislative ID [85637](#)) was proposed and is being constructed by the same applicant as the current proposal and approved by Plan Commission in November 2024. The proposal at 306 South Bearly Street was for a six-story mixed-use building and, with 120 dwelling units, 123 parking stalls, and 1,500 square feet of commercial space, was approximately 50% larger than the building proposed for 2103 Sherman Avenue. The land use recommendation was also NMU and four stories, but the zoning was TSS (Traditional Shopping Street district) and was within the TOD Overlay, which permitted four stories and 60 feet as a permitted use, with greater heights allowed as conditional uses. In the case of the Bearly Street proposal, several five-story buildings were located within three blocks of that location and a condition was added to the approval to vary the unit mix to include micro units with the objective of improving affordability.

The proposal at 77 Sirloin Strip (Legislative ID [86773](#)) required consideration of conditional uses for a four-story, 74 unit building in a TR-U1 (Traditional Residential – Urban 1 district). In this case, the Comprehensive Plan and the South Maidson Plan recommended Low-Medium Residential (LMR) for the site in question, which generally includes new development up to 30 dwelling units per acre and three stories in height. However, the Comprehensive Plan allows development at up to 70 units per acre and four stories in locations with selected conditions. However, like the Sherman Avenue site in question, the Sirloin Strip parcel had a substantial slope across the site that resulted in one façade appearing much taller than another. The building was proposed near the top of a hill on site that with considerable slope so the four-story mass appeared as six stories on at least one façade where the South Madison Plan specifically recommended no more than five stories in order to better integrate the building into the neighborhood and the surrounding Madison Mobile Home Park. Because of the inconsistencies between the specific height recommended in the plan and the larger proposed building constructed on top of the hill on the property that would “loom” over the mobile home park that surrounds it, the Plan Commission placed the conditional use request on file in March 2025.

As seen in the cases of 306 South Bearly Street and 1233 Regent Street, the Plan Commission has found additional height above both the applicable conditional use threshold and the plan recommendation may be appropriate in certain situations. When compared with surrounding existing development, McKenzie Place is the tallest nearby building which is between 8'-8 ½" and 8'-10 ½" feet shorter than the proposed building). No taller buildings are located within 2,000 feet of the site. The proposed building will have shadow impacts on the adjacent Banzo restaurant, and may have limited shadow impacts on McKenzie Place, but its height will likely have minimal shadow impacts on any other nearby residential uses.

Staff have previously expressed concerns about the proposed height to the applicant team on several occasions. The height has been reduced from the earliest concepts shared with staff. While staff remains concerned about the precedent of approving height about what is recommended in the Comprehensive Plan, staff believes it may be possible that the Plan Commission could find standard 11 is met based on contextual considerations. Staff have not identified any conditions of approval, such as stepbacks, which may mitigate the impacts of the proposed building's height, but have recommended a condition to require further review if any changes to the design result in additional height.

Land Division Standards

Staff believes that the Plan Commission may find the standards for land divisions (16.23 MGO) approval met for the proposed Certified Survey Map with the staff-recommended conditions. The proposed lot will meet the dimensional requirements in the NMX district, and staff believes that the proposal is consistent with the recommendations for the site in the Comprehensive Plan.

Public Input

Two neighborhood meetings regarding this proposal were held on November 24, and December 15, 2025. Staff have received several items written public comment, which has been posted to the legislative file for the conditional use request. Any additional comments will be added as they are received.

Conclusion

Staff believe that all standards for land divisions can be found met and the CSM can be forwarded to Common Council with a recommendation for approval should the conditional use standards also be found met.

When considering the recommendations of the Comprehensive Plan, the discussion above regarding standards of approval 3 and 8, and the conditions of approval recommended by City agencies below, Staff believe that conditional use standards of approval standards 1-6 and 8 can be found to be met.

Regarding standard 11 as it relates to an application for height in excess of that allowed in the district, in the analysis above staff have considered the surrounding context and resulting impacts of the five-story proposed building. The analysis also compared this proposal to the recently-approved and under-construction proposals at 1233 Regent Street and 306 Bearly Street, which are of generally similar heights and plan recommendations, as well as a similar proposal at 77 Sirloin Street that was placed on file. In pre-application discussions with the applicant staff expressed concerns regarding inconsistencies with the Comprehensive Plan's height recommendations. While the applicant adjusted the design in response to staff feedback, it still remains taller than what is generally recommended for new development in NMU areas. If the Plan Commission can find that standard 11 can be found met, it should approve the conditional use requests. If, however, the Plan Commission cannot find standard 11 (or any other standards) met, it should place the request on file, noting in its motion its findings regarding standard 11. Regardless of the findings, the Plan Commission is advised to make specific findings regarding this specific request and applicable approval standards.

Recommendation

Planning Division Recommendations (Contact Colin Punt, 608-243-0455)

The Planning Division recommends the following to the Plan Commission regarding the applications for 2103 Sherman Avenue. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies below.

- That the Plan Commission find the standards for land divisions are met and forward the one-lot certified survey map to Common Council with a recommendation to **approve**; and
- That if the Plan Commission find that the standards for conditional uses are met, it approve the necessary conditional uses for the proposed five-story mixed-use building. If the Plan Commission cannot find the standards for conditional uses are met, then it should place the conditional use request on file without prejudice and state its findings and reason why the standards were not found to be met.

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

Land Use (Conditional Use)

Planning Division (Contact Colin Punt, 608-243-0455)

1. Any reduction in the height and number of landscaping plantings along the eastern half of the McGuire Street façade will require approval of an alteration to this conditional use should they be proposed at a later time.
2. That the applicant shall install windows in eastern stair tower at the first floor, maintaining the pattern of those above.
3. Any additional height above the existing parapet height, including elevator penthouses, stair towers, or mechanical equipment screening or enclosures will require approval of an alteration to this conditional use should it be proposed at a later time.
4. No HVAC "wall-pack" penetrations/louvers are shown on the street-facing facades. Unless specifically

approved by the Plan Commission, the addition of wall packs on outward-facing walls is not included in this approval and will require approval of an alteration to this conditional use should they be proposed at a later time.

5. That the applicant submit a management and operations plan in the format required by the Zoning Administrator for review or approval by the Zoning Administrator, Planning Director, or their assigns.

Zoning Administrator (Contact Jacob Moskowitz, 608-266-4560)

6. A vehicle parking reduction will be required per Section 28.141(5). Submit a request for a parking reduction with the final plan submittal including information to support the argument for reducing the required number of spaces. As the commercial tenant spaces are leased, the entire development must reflect compliance in the required amount, type and number of vehicle parking spaces, to be reviewed prior to obtaining zoning approval for each future tenant space use. Future parking reductions may be required prior to obtaining zoning approval for future tenant uses.
7. Show the dimensioned bike stalls on the plan. Bicycle parking for the residential dwelling units shall comply with the requirements of MGO Sections 28.141(4)(g) and 28.141(11) and shall be designated as short-term or long-term bicycle parking. A minimum of 87 resident bicycle stalls are required plus a minimum of 9 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.

City Engineering Division (Contact Gretchen Aviles Pineiro, 608-266-4089)

8. Enter into a City / Developer agreement for the required infrastructure improvements. Agreement to be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact City Engineering to schedule the development and approval of the plans and the agreement. (MGO 16.23(7)c)
9. Construct sidewalk and terrace along the property's frontage on McGuire Street and Fordem Avenue to a plan approved by the City Engineer. Construction of curb, gutter, and pavement along the property's frontage to be completed by City project under contract no. 8816, project no. 11191.
10. Reconstruct sidewalk and terrace along Sherman Avenue damaged by construction activities of the new site per plans approved by the City Engineer.
11. 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))
12. 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))

13. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
14. 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.
15. This site appears to disturb less than one (1) acre of land. No submittal to the WDNR, CARPC or Department of Safety and Professional Services (DSPS) is required as the City of Madison Building Inspection Department is an approved agent for DSPS.
16. The property is identified to be a former filling station on the 1942 Sanborn insurance map and petroleum contamination may exist on the property. Additionally, adjoining to the north, south, east, and west are closed Wisconsin Department of Natural Resources (WDNR) Bureau of Remediation and Redevelopment Tracking System (BRRTS) sites (#02-13-560846 Fish Property, #03-13-002432 Sherman Ave Texaco, #03-13-002778 Webcrafters Inc, and #03-13-001661 Burrows Park Associates). If contamination is encountered on the property, follow all WDNR and Department of Safety and Professional Services (DSPS) regulations for proper reporting, handling, and disposal.
17. 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)
18. 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. (POLICY AND MGO 10.29)
19. Revise the plans to identify the location of the public storm sewer (proposed or existing) that will serve the development show the connection of the private internal drainage system to the public storm sewer. (POLICY AND MGO OVER 10,000 SF OF IMPERVIOUS AREA 10.29 and 37.05(7)(b))
20. The proposed development proposes to construct underground parking. The proposed entrance to the underground parking shall at a minimum have an elevation 0.1' above back of sidewalk elevation before breaking to go into the parking garage. The Developer/Owner are strongly encouraged to complete their own calculations and determine an elevation that protects their property to a level of service that they are comfortable with.
21. Provide additional detail how the enclosed depression(s) created by the parking entrance(s) to the below building parking area(s) is/are served for drainage purposes. The building must be protected from receiving runoff up through the 100-yr design storm that is current in Madison General Ordinance Chapter 37. If the enclosed depression(s) is/are to be served by a gravity system provide calculations stamped by a Wisconsin P.E. that show inlet and pipe capacities meet this requirement. If the enclosed depression(s) is/are to be served by a pump system provide pump sizing calculations stamped by a Wisconsin P.E. or licensed Plumber that show this requirement has been met.
22. 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.
23. This project will disturb 20,000 sf or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.

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

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

(POLICY)

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

24. 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 10year 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.

25. 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).

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

26. The Public Sidewalk and Bike Path Easements along Sherman Ave and Fordem Ave to be granted on the pending Certified Survey Map shall be clearly labeled and dimensioned on the site plans. The final site plans shall show the proposed new public sidewalks as part of the final site design.

27. Remove the bike racks from the future Public Sidewalk and Bike Path Easement along Sherman Ave.
28. Clearly show the proposed new right of way line along McGuire Street on the site plans. The dedication for McGuire shall include 15' radii corners at the intersections with Sherman Ave and Fordem Ave shall be shown and dedicated on the pending Certified Survey Map.
29. Show the fixed canopies proposed on the Southwest and Southeast corners of the building. The canopies shall not encroach into the proposed Public Sidewalk and Bike Path Easements.
30. Provide for review (and show on the site plans) a comprehensive reciprocal easement and agreement for the proposed driveway access benefitting the parcels adjacent to the north boundary of this property. The document shall include surface drainage rights as well. The document shall be executed and recorded immediately subsequent to the CSM recording and prior to building permit issuance.
31. Show and label the Access Easement Agreement per Document No 5848001 between the two parcels to the north and abutting this site.
32. The address of the apartment complex is 2126 Fordem Ave. 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.
33. 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 early start permit.
34. 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 per floor 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.

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

<ol style="list-style-type: none">35. The applicant shall dedicate three (3) feet of right of way along their frontage of McGuire Street for a total of (28) feet from the center line and construct sidewalk according to City issued plan36. 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, eight (8)-foot terrace, and additional one (1) foot for maintenance, where applicable, along their site's frontage of Fordem Avenue.
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37. 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.
38. 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.
39. The City Traffic Engineer may require public signing, marking and street lighting related to the development; the Developer shall be financially responsible for such signing, marking and street lighting.
40. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
41. "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.
42. The parking facility shall be modified to provide for adequate internal circulation for vehicles. The west-most parking stalls in the lower level do not have an adequate turn around zone. Remove the stall shown in the south west corner to provide space for vehicles to turn around.
43. Applicant shall submit for review a Waste Removal Plan. This shall include vehicular turning movements, times, vehicle size, use of loading zones and all related steps to remove trash from its location.
44. 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.
45. To allow for proper pedestrian movement and prevent encroachment from irregularly parked bicycles or bicycle with trailers, all bicycle racks shall have a 5' backup space.
46. 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.
47. 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.). If applicant believes public safety can be maintained they shall apply for a waiver of MGO 27.05(2)(bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the waiver shall

be the determination of the City Traffic Engineer. Contact Jeremy Nash with Traffic Engineering at 608-266-6585 or jnash@cityofmadison.com to begin waiver process.

48. The applicant(s) shall maintain a 5 foot wide, Americans with Disabilities Act (ADA) compliant, pedestrian walkway for the duration of the project on all street frontages classified as a collector or higher. The applicant shall also maintain a 5 foot wide bicycle lane for the duration of the project on all street frontages with existing bicycle facilities. Exceptions to this requirement may be granted by Traffic Engineering on a limited term basis if and when the applicant can show a public safety concern and they also provide a clear date when the pedestrian/bicycle facilities are to be restored. All closures shall be designed by the applicant, in accordance with the Manual on Uniform Traffic Control Devices (MUTCD), to be submitted and approved by Traffic Engineering.
49. Include a parking plan demonstrating how specific stalls, if any, to be used by the commercial site, will be reserved. Include any signage to be used to achieve this goal in the submitted plans.
50. 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.
51. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter including terrace restoration and noted on the plan.

Parks Division (Contact Brian Kowalski, 608-243-2848)

52. 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 26005. Visit <https://www.cityofmadison.com/parks/about/impactFees.cfm> for information about Park Impact Fee rates, calculations, and payment process.
53. 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.
54. 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
55. Parks Division is required. If a Parks-LURA is required, requests can be emailed to parkimpactfees@cityofmadison.com

Forestry Section (Contact Bradly Hofmann, 608-267-4908)

56. 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.

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

57. 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, 608-261-4289)

58. Metro Transit operates daily all-day transit service along Fordem Avenue adjacent this property - with trips at least every 60 minutes (every 30 minutes or less during the day on weekdays).

59. Metro Transit would initially estimate the following counts of potentially eligible trips towards US Green Building Council/LEED Quality Access to Transit points: 57 Weekday & 17 Weekend. Please contact Metro Transit if additional analysis would be of interest.

Parking Utility (Contact Trent Schultz, 608-246-5806)

60. 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.

61. Per Section MGO 12.138(14), residents of the development project would not be eligible for the Residential Parking Permit Program (RP3). It is recommended that this prohibition be noted in the leases for the residential units.

The Fire Department and City Assessor have reviewed this request and recommended no conditions of approval.

Land Division (Certified Survey Map)

City Engineering Division (Contact Gretchen Aviles Pineiro, 608-266-4089)

1. A Phase 1 Environmental Site Assessment (ESA) (per ASTM E1527-21), is required for lands dedicated to the City. Provide one (1) digital copy and staff review will determine if a Phase 2 ESA is also required. Submit report(s) to Environmental Review (environmentalreview@cityofmadison.com). The property is identified to be a former filling station on the 1942 Sanborn insurance map and petroleum contamination may exist on the property. Additionally, adjoining to the north, south, east, and west are closed Wisconsin Department of Natural Resources (WDNR) Bureau of Remediation and Redevelopment Tracking System (BRRTS) sites (#02-13-560846 Fish Property, #03-13-002432 Sherman Ave Texaco, #03-13-002778 Webcrafters Inc, and #03-13-001661 Burrows Park Associates). If contamination is encountered on the property, follow all WDNR and Department of Safety and Professional Services (DSPS) regulations for proper reporting, handling, and disposal.
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(7)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 either Tim Troester (West) at 261-1995 (ttroester@cityofmadison.com) or Brenda Stanley (East) at 608-261-9127 (bstanley@cityofmadison.com) to obtain the final stormwater utility charges that are due and payable prior to sub-division of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service and must be cleared prior to the land division (and subsequent obsolesces of the existing parcel). (POLICY)

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

5. The dedication for McGuire St shall include 15' radii corners at the intersections with Sherman Ave and Fordem Ave shall be shown and dedicated on this Certified Survey Map.
6. Provide for review a comprehensive reciprocal easement and agreement for the proposed driveway access benefitting the parcels adjacent to the north boundary of this property per proposed development plans. The document shall include surface drainage rights as well. The document shall be executed and recorded immediately subsequent to the CSM recording and prior to building permit issuance. Show the easement area with a note to be granted by separately recorded instrument.
7. 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)

8. 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.
9. Prior to Engineering final sign-off by main office for Plats or Certified Survey Maps (CSM), the final Plat or CSM in pdf format must be submitted by email transmittal to Engineering Land Records Coordinator Jeff Quamme (jrquamme@cityofmadison.com) for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off.
10. Show and label the corporate boundaries between the City of Madison and the Village of Maple Bluff on the CSM. Contact Jeff Quamme with any questions. (jrquamme@cityofmadison.com)
11. The 117.75' recorded as label along the northerly side of this CSM technically is not a recorded as course for that line. Document No. 1157745 moved that deed line 1 foot further south changing the length of record to 118.4 feet. Therefore that recorded as length of 117.75 should be removed from the map.
12. Label adjacent Warner Drive street name.
13. 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.
14. 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.

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

15. 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, eight (8)-foot terrace, and additional one (1) foot for maintenance, where applicable, along their site's frontage of Fordem Avenue.

16. The applicant shall dedicate three (3) feet of right of way along their frontage of McGuire Street for a total of (28) feet from the center line and construct sidewalk according to City issued plan.

Parks Division (Contact Brian Kowalski, 608-243-2848)

17. 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 26005. Visit <https://www.cityofmadison.com/parks/about/impactFees.cfm> for information about Park Impact Fee rates, calculations, and payment process.

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

18. 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.

19. 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.

20. 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).

21. 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.

22. As of January 23, 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. Receipts from the City of Madison Treasurer are to be provided before or at the time of sign-off.

23. As of January 23, 2026, 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).

24. Pursuant to Madison City Ordinance Section 16.23(5)(g)(4), the owner shall furnish an updated title report via email to Andy Miller in the ORES (acmiller@cityofmadison.com), as well as the survey firm preparing the proposed CSM. The report shall search the period subsequent to the initial title report, dated November 12, 2025, submitted with the CSM application and include all associated documents that have been recorded since the initial title report. A title commitment may be provided, but will be considered only as supplementary information to the title report update. Surveyor shall update the CSM with the most recent information reported in the title update. ORES reserves the right to impose additional conditions of approval in the event the title update contains changes that warrant revisions to the CSM.
25. Depict, dimension, name, note and/or identify by document number all relevant easements, declarations, plans, conditions, agreements, and other documents cited in record title and the updated title report, and include relevant notes from plats or CSMs of record.

The Planning Division, Fire Department, Forestry Section, Water Utility, Metro Transit, City Assessor, and Parking Utility have reviewed this request and recommended no conditions of approval.