



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 802-826 Regent Street  
**Application Type:** Demolition Permit, Conditional Use, & Certified Survey Map Referral  
**Legistar File ID #** [71244](#), [71245](#), and [71249](#)  
**Prepared By:** Timothy M. Parks, Planning Division and Kevin Firchow, AICP, Principal Planner  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Heather Stouder, AICP, Planning Division Director

## Summary

**Applicant:** Alison Mills, CRG Acquisition, LLC; 35 E Wacker Drive, Suite 1300; Chicago, Illinois.

**Contact Person:** Alan Barker, The Lamar Johnson Collaborative; 35 E Wacker Drive, Suite 1300; Chicago, Illinois.

**Property Owners:** Faith Bible Church, 3 N Park Street; Madison; and 818 Regent, LLC; PO Box 5296; Madison; and In Two Properties, LLC; 707 Lochmoore Drive; Waunakee.

### Requested Actions:

- ID [71244](#) – Approval of a demolition permit to demolish a place of worship, two residences, and two mixed-use buildings located at 802, 816, 818, 820, and 826 Regent Street;
- ID [71245](#) – Approval of conditional uses in the Urban Mixed-Use (UMX) District for a new building greater than 20,000 square feet and more than four stories; and consideration of a conditional use in the UMX District for outdoor recreation, all to allow construction of a ten-story mixed-use building with approximately 3,000 square feet of commercial space and 178 apartments; and
- ID [71249](#) – Approval of a Certified Survey Map (CSM) to create one lot for the proposed mixed-use development.

**Proposal Summary:** The applicant proposes to demolish five buildings to construct a ten-story mixed-use building with approximately 3,000 square feet of commercial space and 178 apartments. The building will be served by 40 underground automobile parking stalls (the application indicates 49) and four (4) stalls located at grade on the rear yard of the building, with 286 bicycle parking stalls throughout the site. The building’s tenth floor includes an approximately 1,500 outdoor amenity space. Construction of the project would commence on November 1, 2022, with completion anticipated by summer 2024 (per the letter of intent).

**Applicable Regulations & Standards:** Table E-2 in Section 28.072(1) identifies dwelling units in mixed-use buildings as a permitted use in the UMX (Urban Mixed-Use) zoning district, and outdoor recreation as a conditional use in UMX zoning. Section 28.076(4) requires conditional use approval in UMX zoning for all new buildings and additions greater than 20,000 square feet or that have more than four (4) stories. In addition, the Urban Design Commission shall review such projects for conformity to the design standards in Section 28.071(3), if applicable, and the Downtown Urban Design Guidelines, and shall report its findings to the Plan Commission. Section 28.183 provides the process and standards for the approval of conditional use permits. Section 28.185 provides the process and standards for the approval of demolition and removal permits. The subdivision process is outlined in Section 16.23(5)(b) of the Subdivision Regulations.

**Review Required By:** Urban Design Commission (Design), Plan Commission (all) and Common Council (CSM).

**Summary Recommendation:** If the Plan Commission can find the applicable standards, including those related to Demolition Permit and Conditional Uses are met, then the Planning Division recommends the following to the Plan Commission regarding the applications for 802-826 Regent Street. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

- That the Plan Commission find that the standards for demolition permits are met to approve demolition of a place of worship, two residences, and two mixed-use buildings located at 802, 816, 818, 820, and 826 Regent Street;
- That the Plan Commission find that the standards for conditional uses are met for a new building greater than 20,000 square feet and more than four stories; and consideration of a conditional use in the UMX District for outdoor recreation, all to allow construction of a ten-story mixed-use building with approximately 3,000 square feet of commercial space and 178 apartments, beginning on page 10;
- That the Plan Commission forward the Certified Survey Map (CSM) to combine the subject properties to create one lot for the proposed mixed-use development to the Common Council with a recommendation of **approval** subject to the conditions from reviewing agencies beginning on **page 20**.

## Background Information

**Parcel Location:** An approximately 35,023 square-foot (0.8-acre) site that extends along the north side of Regent Street from N Park Street to East Campus Mall; Alder District 8 (Bennett); Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject site is comprised of six parcels zoned UMX (Urban Mixed-Use District) containing a total of five buildings:

- 802 Regent Street (at East Campus Mall) is developed with a two-story, 6,166-square-foot mixed-use building constructed in 1924 and expanded in 2000, which contains a restaurant-tavern and three apartments (per City records). The site contains a 17-stall surface parking lot;
- 816 Regent Street is a two-story, two-family residence constructed in 1884;
- 818 Regent Street is a two-story, four-unit multi-family dwelling constructed in 1921;
- 820 Regent Street is a two-story, approximately 3,550 square-foot mixed-use building containing first floor commercial space and two apartments. The building was built in 1965;
- 9 N Park Street is improved with a nine-stall surface parking lot historically associated with the mixed-use building at 820 Regent Street; and
- 826 Regent Street is the one-story Faith Community Bible Church, which contains 7,638 square feet of floor area on the first floor and in an exposed basement level. The building was constructed in 1971.

Photos provided by the applicant of the existing structures are available [here](#) under Legislative file 71244.

### Surrounding Land Use and Zoning:

**North:** University of Wisconsin-Madison's 21 N Park Street administration building and parking garage, zoned CI (Campus-Institutional District);

**South:** Seven-story medical office building and parking structure across Regent Street, zoned PD;

**East:** Three-story office buildings and six-story Hilton Garden Inn Hotel across East Campus Mall, zoned PD; and

West: Across N Park Street, a six-story mixed-use building, zoned PD.

**Adopted Land Use Plan:** The 2018 [Comprehensive Plan](#) recommends the subject site for Community Mixed-Use (CMU). Park Street is identified as a regional corridor on the Growth Priority Areas map, while Regent Street is a community corridor.

The 2012 [Downtown Plan](#) recommends the site for Community Mixed-Use development on the future land use map, while the land to the north is identified as Campus and the land to the east is identified as “Predominantly Employment.” The height map in the Plan recommends a maximum 10-story for the 800-block of Regent Street, while properties to the north and east are recommended for up to 12 stories. The 800-block of Regent is identified in the “Regent Street” neighborhood on the Neighborhoods & Districts Map on page 41, which continues west of Park Street beyond the limits of the [Downtown Plan](#).

The 2008 [Regent Street–South Campus Neighborhood Plan](#) includes the Regent Street frontage of the site in the “Regent Street Business District.” The site is recommended for General Employment on page 3-14. The Plan includes specific building bulk recommendations for most of the streets within the planning area, including for the Regent Street Business District and Park Street from Regent Street to College Court. Those recommendations will be discussed later in this report.

**Zoning Summary:** The project will be developed in the UMX (Urban Mixed-Use) District.

Requirements	Required	Proposed
Lot Area (sq. ft.)	3,000 sq. ft.	35,023 sq. ft.
Lot Width	30’	375.95’
Minimum Front Yard Setback	0’ or 5’	5’ (See conditions)
Maximum Front Yard Setback	10’	8’
Side Yard Setback: Street side yard	0’ or 5’	2’ (N Park St)   0’ (East Campus Mall)
Rear Yard	10’	10’
Maximum Lot Coverage	90%	87%
Usable Open Space	10 sq. ft. per bedroom (4,610 sq. ft.)	3,284 sq. ft. (See conditions)
Minimum Building Height	2 stories	10 stories (See conditions)
Maximum Building Height	10 stories (per Sec. 28.071(2)(a))	
Auto Parking	No minimum (Central Area)	49 underground garage; 4 surface (53 total) (See Conditions)
Accessible Stalls	Yes	2
Bike Parking	<b>Multi-family dwelling:</b> 1 per unit up to 2-bedrooms, half-space per add. bedroom (250); 1 guest space per 10 units (18) <b>General Retail/Service/Office</b> 1 per 2,000 sq. ft. of floor area (2 minimum) (270 total)	267 structured; 19 surface (286 total) (See Conditions)
Loading	None	0
Building Forms	Flex Building	(See Zoning Conditions)

Other Critical Zoning Items	
Yes:	Urban Design (UMX zoning), Barrier Free, Utility Easements

No:	Floodplain, Wellhead Protection, Landmarks, Waterfront Development, Adjacent to Park
<i>Prepared by: Jenny Kirchgatter, Assistant Zoning Administrator</i>	

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

**Public Utilities and Services:** The subject site is served by a full range of urban services, including Metro Transit, which operates seven-day service at the Park Street-Regent Street intersection.

## Project Description

The applicant is requesting approval of demolition permits and conditional uses to allow the construction of a ten-story mixed-use building with approximately 3,000 square feet of first floor commercial space and 178 apartments on the upper four floors. The 0.8-acre subject site is in the 800-block of Regent Street between N Park Street and East Campus Mall (former N Murray Street). The applicant is also requesting approval of a Certified Survey Map to create one lot for the proposed development.

The subject site is comprised of six parcels developed with five buildings, all of which that are proposed to be demolished to accommodate the proposed ten-story building. The buildings to be razed include a place of worship, two mixed-use buildings, and two residential buildings, which are summarized under 'Existing Conditions and Land Use subsection in the preceding section of this report. [Photos](#) of the interior and exterior of the buildings are attached to the demolition permit file, ID [71244](#).

The ten-story building proposed following the demolitions will extend across the entire Regent Street blockface from N Park to East Campus Mall. The commercial space will be located adjacent to the N Park-Regent intersection with an entrance facing N Park Street beyond a plaza that will be elevated about two feet above the public sidewalk. The remainder of the first floor will be devoted to spaces for residents of the building, including a prominent lobby entrance along Regent Street and secondary resident entrances from N Park and East Campus Mall (see Sheet A-18 for more details on the ground/first floor plan). The 178 apartments proposed will occupy floors 2-10 of the building and will be comprised of 26 studio/efficiency units, 14 one-bedroom units, 51 two-bedroom units, 29 three-bedroom units, and 58 units that will contain four or more bedrooms (per the Land Use Application). A total of 521 beds are proposed per the letter of intent. A common room and outdoor terrace for residents is proposed on the eastern end of the tenth floor overlooking East Campus Mall.

Parking for 40 automobiles and 206 bicycles will be provided below the footprint of the building as shown on Sheet A-17. The basement will also include a trash room and a mechanical room for the building. Ingress to the underground parking level will be provided by a one-way ramp from N Park Street, with a one-way ramp leading out of the underground garage to a driveway at East Campus Mall. An additional four parking stalls will be located in the northern, rear yard of the proposed building off the one-way ramp from N Park Street. Nineteen bike stalls will be provided outside the building per the application. A total of 267 bike stalls will be located in the building. Additionally, the first floor plan shows bike parking in the Regent and N Park rights of way, which do not count towards the project's bike parking requirements and will require a Privilege in the Streets approval through the City's Office of Real Estate Services separate from the Plan Commission approval of the project. Additional privilege in streets or encroachment agreements would be needed for the raised planters and landscaping proposed in the Regent Street right of way (per Sheet L1).

The proposed building will be set back eight (8) feet from Regent Street and 1.4 feet from N Park Street per Sheet 3 of the civil engineering drawings for the project. No setback is proposed along East Campus Mall. The plans for the project note that the building will be set back 15 feet from the curb line of the three streets. The building incorporates 10-foot stepbacks above the fourth and eighth floors along the Regent Street elevation, with more modest stepbacks shown along the N Park and East Campus elevations.

The exterior of the building will primarily be clad with two-toned brick along the western, southern, and eastern elevations, which will be accented by two-toned metal panels and composite panels, with the exception of the top two floors, which will be composed of a combination of vision glass, spandrel panel, and metal panel. The two-toned metal panel will comprise most of the northern façade facing the adjacent University of Wisconsin-Madison administrative building and parking garage at 21 N Park Street.

## Supplemental Regulations

Section 28.151 of the Zoning Code includes the following supplemental regulations for Outdoor Recreation:

- a) A minimum 25-foot setback area maintained as open space shall be provided along the perimeter of the site wherever it abuts a residential district.
- b) If the use will be available to the general public, an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate shall serve the site. Ease of access to the site by automobiles, transit, bicycles, and pedestrians shall be considered as a factor in the review of any application.
- c) The site shall be designed in such a way as to minimize the effects of lighting and noise on surrounding properties. Hours of operation may be restricted and noise and lighting limits imposed as part of the conditional use approval.
- d) An appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

## Analysis

This request is subject to the approval standards for Demolition Permits, Conditional Uses, and Land Divisions.

### Consistency with Adopted Plans

The 2018 [Comprehensive Plan](#) recommends the subject site for Community Mixed-Use (CMU). Park Street is identified as a regional corridor on the Growth Priority Areas map, while Regent Street is a community corridor. In general, development in the CMU district may be as dense as 130 units per acre, and is recommended to occur in two- to six-story buildings except as specified in more detailed neighborhood or special area plans.

The 2012 [Downtown Plan](#) recommends the site for Community Mixed-Use development on the future land use map, while the land to the north is identified as Campus and the land to the east is identified as “Predominantly Employment.” The height map in the Plan recommends a maximum of 10 stories for the 800-block of Regent Street, while properties to the north and east are recommended for up to 12 stories. The 800-block of Regent is

identified in the “Regent Street” neighborhood on the Neighborhoods & Districts Map on page 41, which continues west of Park Street beyond the limits of the Downtown Plan.

The 2008 Regent Street–South Campus Neighborhood Plan includes the Regent Street frontage of the subject site in the “Regent Street Business District” special design district, which extends from the eastern limits of the plan at East Campus Mall west to Mills Street. The site is recommended for General Employment on the plan’s future land use map (page 3-14), which reflects both the employment zone located east of the site extending towards W Washington Avenue as well as the large medical institutions located generally south of the “Business District” area, which include Unity Point-Meriter Hospital, a large UW Health medical office and outpatient surgery center at 1 S Park Street, and other medical-related uses on both sides of Park Street south of Regent Street. While the neighborhood plan envisioned employment uses for this site, the development of the site with a predominantly residential development proposed is consistent with the allowed uses in the UMX zoning district, which is intended to provide opportunities for high-density residential and office uses in combination with limited retail and service uses per the statement of purpose for the district.

The Regent Street–South Campus Neighborhood Plan includes specific building bulk recommendations for most of the streets within the planning area, including for the Regent Street Business District and Park Street from Regent Street to College Court. The recommended height map in the plan recommends that an eight-story building (up to 116 feet tall) would be allowed along Regent Street between Brooks Street and East Campus Mall, with the potential for ten stories (up to 144 feet) in that portion of the corridor, with two ‘bonus’ stories above the maximum height of eight stories for “environmentally-friendly development,” which the plan stipulates be a minimum of LEED Silver certification, with any such certification required to meet Credit 6.1 for stormwater management. Staff note, however, that no conditional use for “bonus height” is being sought as the property’s current zoning allows for up to a 10-story building.

The Regent Street–South Campus Neighborhood Plan also provides detailed building placement and massing guidelines for virtually every street within the planning area, including focused recommendations for different segments of streets. In the case of the subject site, the plan includes detailed recommendations for the portion of the Regent Street Business District between Brooks Street and East Campus Mall. In that district, new buildings up to eight stories in height shall be setback at least three feet from the property line, while a building taller than eight stories shall be set back eight feet from the property line. In addition, a ten-foot setback is required above the fourth floor in this district, with an additional ten-foot setback required above the eighth floor. Along Park Street, the Regent Street plan recommends a ten-foot setback but does not require any setbacks. Of note, a footnote on page 4-17 recommends that all properties in the Park Street corridor that also front onto Regent Street shall conform first to the Regent Street Business District guidelines for setback and setback requirements.

#### Demolition Permit Standards

At its October 5, 2021 meeting, the Common Council adopted Ordinance 21-00065 (ID [67074](#)) to revise the standards and process for demolition and removal permits in Section 28.185 of the Zoning Code to remove consideration of proposed future use as a factor in approving demolition requests. The Plan Commission shall consider the seven approval standards in §28.185(9)(c) M.G.O. when making a determination regarding demolition requests and find them met in order to approve. The factors include a finding that the proposed demolition or removal is consistent with the statement of purpose of the demolition permits section and with the health, prosperity, safety, and welfare of the City of Madison.

In regards to Standard 1 related to the possible building relocation efforts, the Plan Commission is required to consider any information provided related to possible relocation activities. At the time of report writing, staff is not aware that the relocation of any of the structures is being considered and no further information has been provided. In regards to Standard 6, Planning Division staff have not received any comments from City Building Inspection, Fire, or Police and have no further condition information other than the interior and exterior photos and narrative information provided with the applicant's materials. From the submitted information, staff is not aware of significant structural issues. While the code notes condition must be considered, it does not specify that a certain structural condition or level of disrepair is necessary in order to approve a demolition.

Staff provides additional comments related to the historic value of the structures. Based on the findings of the Landmarks Commission, staff believes careful consideration should be given to whether Standards 4 and 7 can be met for the requested demolitions, particularly for 802 Regent Street.

Standard 4 states:

*"The Plan Commission has received and considered the report of the City's historic preservation planner regarding the historic value of the property as well as any report that may be submitted by the Landmarks Commission."*

Standard 7 states:

*"The Plan Commission shall consider the factors and information specified in items 1-6 and find that the proposed demolition or removal is consistent with the statement of purpose of this section and with the health, prosperity, safety, and welfare of the City of Madison."*

The statement of purpose in Section 28.185 states, in part:

*"The purpose of this section is therefore to ensure the preservation of historic buildings, encourage applicants to strongly consider relocating rather than demolishing existing buildings, aid in the implementation of adopted City plans, maximize the reuse or recycling of materials resulting from a demolition, protect the public from potentially unsafe structures and public nuisances..."*

At its April 18, 2022 meeting, the Landmarks Commission reviewed the proposed demolitions and a copy of the report of the Landmarks Commission can be found under Legislative File 68860 and is linked [here](#). The Landmarks Commission voted to recommend to the Plan Commission that the building at 802 Regent Street has historic value based on its cultural and historic significance as an important business in the Greenbush neighborhood that served other Italian families in the neighborhood. The building was constructed as the Ben DiSalvo and Sons Grocery Store circa 1923-1924, and is noted in the Regent Street–South Campus Neighborhood Plan "as one of the very few buildings remaining in the historic Greenbush neighborhood connected with the Italian residents who were probably the most prominent ethnic group to inhabit old Greenbush." The neighborhood plan notes that the building was identified by the 1997 Downtown Historic Preservation Plan as a potential landmark, although no such nomination has ever been made.

The Landmarks Commission further recommended to the Plan Commission that the buildings at 816 Regent Street, 818 Regent Street, and 820 Regent Street have historic value related to the vernacular context of Madison's built environment, but the buildings themselves are not significant, and that the building at 826 Regent Street has no known historic value.

In its discussion about the demolitions, members of the Landmarks Commission said that 802 Regent was an important part of the history of the Greenbush neighborhood and served the Italian families who were a huge

part of this neighborhood and the City's history. The Commission discussed how the building fit within its demolition criterion before voting to convey to the Plan Commission the cultural and historic significance of the building, with members also noting that they felt that the building was historically intact.

Both in the application materials and in testimony at the April 18 Landmarks Commission, the project team notes, however, that major renovations to the interior and an addition to the exterior have resulted in serious concerns about its historic integrity. A historic preservation consultant working with the developer has evaluated the building for eligibility in the National Register of Historic Places and determined that a brick and concrete block addition constructed on the side to replace a one-story wing (where the parking lot is now) lost to fire, the removal of the storefronts, and the gutting of the interior have greatly impacted the historic integrity of 802. Members also discussed the cultural significance of 820 Regent Street and that it and the buildings at 816 and 818 Regent Street are significant given their age in making the recommendation on those three buildings noted above. In making their recommendations on four of the five buildings located on the site, members of the Landmarks Commission noted that despite the alterations that have occurred to some degree to them over time that the buildings are part of the vernacular that we are losing in Madison and that they are part of this neighborhood and tell the story of the people who used to live there.

#### Consideration of the Conditional Use Standards

The Plan Commission may not approve an application for a conditional use unless it can find that all of the standards found in Section 28.183(6)(a), Approval Standards for Conditional Uses, are met. That section states: "The City Plan Commission shall not approve a conditional use without due consideration of the recommendations in the City of Madison Comprehensive Plan and any applicable, neighborhood, neighborhood development, or special area plan, including design guidelines adopted as supplements to these plans. No application for a conditional use shall be granted by the Plan Commission unless it finds that all of the [standards for approval in Section 28.183(6) are met]."

While staff believe most conditional uses can be found met, staff recommends that careful consideration be given to Conditional Use Standards 4 and 9 as they related to the aforementioned inconsistencies with the Regent Street-South Campus Neighborhood Plan. As described above, a footnote on page 4-17 recommends that all properties in the Park Street corridor that also front onto Regent Street shall conform first to the Regent Street Business District guidelines for stepback and setback requirements. That includes an eight foot setback, with additional 10 foot stepbacks above both the fourth and eight stories. While this recommendation is met along Regent Street, it is not met along Park Street. Staff notes that earlier versions of the plans better reflected these recommendations and included a 10-foot setback along Park Street, which has been removed in the version that is formally before the Plan Commission.

Conditional Use Standard 4 states:

*"The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district."*

This standard addresses the impact that a proposed conditional use could have on the development pattern planned for a particular area as well as the impact the proposed use could have on existing uses to continue in much the same fashion as the area has functioned historically, and would be informed not only by the specific aspects of the proposal but also the recommendations contained in an adopted neighborhood development or special area plan.



Standard 9 states, in part:

*“When applying the above standards to any new construction of a building or an addition to an existing building the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district.”*

In considering this standard, the Regent plan recommends greater setbacks and setbacks along Park Street compared to what is proposed. This referenced recommendation pertains specifically to this intersection. The only other property directly impacted by this recommendation is the six-story development on the opposite side of Park and Regent Streets, approved with Planned Unit Development (PUD) zoning in 2009. Like the proposed structure, that building includes a partially recessed ground level, but that development, which includes more Park Street frontage than the current proposal, does not meet the setback and setback recommendations along the Park Street frontage. Staff acknowledge that these recommended setbacks and setbacks are not required by the site’s UMX zoning, but are not in conflict with those regulations, either. And while not reflected in the development immediately across Park Street, the plan’s bulk recommendations been carefully considered and followed elsewhere in the corridor since adoption of the plan. Finally, staff note that the project received a favorable recommendation from the Urban Design Commission, as noted below. Their findings noted specific support for the setbacks and design, as proposed.

#### Urban Design Commission Review

As the proposed development is in excess of four stories, the UDC is an **advisory** body on this request. Section 28.076(4)(c) states that: *“All new buildings and additions greater than twenty thousand (20,000) square feet or that have more than four (4) stories shall obtain conditional use approval. In addition, the Urban Design Commission shall review such projects for conformity to the design standards in [Sec. 28.071\(3\)](#) and the [Downtown Urban Design Guidelines](#) and shall report its findings to the Plan Commission.”*

- The Commission highly recommends that the raised planters shown on the Landscape Plan be included in the final construction of this project as they add quite a bit to the urban landscape and pedestrian experience. (Note, items in the right-of-way are not approvable by the Plan Commission).
- Regarding the Park Street projecting end of the building, the Commission recommends utilizing a similar treatment and detailing as that of the East Campus Mall, including incorporating a darker double frame within the inset.
- The Commission found the proposed building setbacks and design to be adequate along Park Street, including the carved out corners.

## **Conclusion**

The applicant proposes to demolish five buildings to construct a ten-story mixed-use building with approximately 3,000 square feet of commercial space and 178 apartments. The related requests are subject to the approval standards for demolition permits, conditional uses, and land divisions. As discussed in this report, staff believes careful consideration should be given in regards to the demolition standards, considering the report of the Landmarks Commission. Additionally, staff have raised considerations related to plan consistency and Conditional Use Standards 4 and 9. Staff note that as an advisory body, the City’s Urban Design Commission recommended final approval, subject to the noted comments.

## Recommendation

### Planning Division Recommendation (Timothy M. Parks, (608) 261-9632)

If the Plan Commission can find the applicable standards, including those related to Demolition Permit and Conditional Uses are met, then the Planning Division recommends the following to the Plan Commission regarding the applications for 802-826 Regent Street. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

- That the Plan Commission find that the standards for demolition permits are met to approve demolition of demolish a place of worship, two residences, and two mixed-use buildings located at 802, 816, 818, 820, and 826 Regent Street;
- That the Plan Commission find that the standards for conditional uses are met for a new building greater than 20,000 square feet and more than four stories; and consideration of a conditional use in the UMX District for outdoor recreation, all to allow construction of a ten-story mixed-use building with approximately 3,000 square feet of commercial space and 178 apartments; and
- That the Plan Commission forward the Certified Survey Map (CSM) to combine the subject properties to create one lot for the proposed mixed-use development to the Common Council with a recommendation of **approval** subject to the conditions from reviewing agencies beginning on **page 20**.

### **Land Use – Recommended Conditions of Approval** Major/Non-Standard Conditions are Shaded

#### Planning Division (Contact Tim Parks or Kevin Firchow, (608) 261-9632 or (608) 267-1150)

1. Applicant shall submit a management plan on the form provided by staff to be reviewed and approved by the Planning Division Director and Zoning Administrator, or their designees. Information shall include, but shall not be limited to: move in and move out, vehicle and moped parking management, parking management, snow management, building access, lighting and security cameras, property management contact, delivery and rideshare loading, and pet waste areas.
2. Provide a data table for the project, which includes the lot area for the site; the number of stories and gross square-footage of the building; the floor area devoted to commercial use; the number of dwelling units by type; the total number of bedrooms; usable open space for the development; and the amount of structured and surface automobile and bicycle parking located on the subject site.

#### Urban Design Commission (Contact Jessica Vaughn, (608) 267-8740)

The Urban Design Commission granted **final approval** of the project on July 13, 2022 subject to the following condition(s):

3. The Commission highly recommends that the raised planters shown on the Landscape Plan be included in the final construction of this project as they add quite a bit to the urban landscape and pedestrian experience. (Note, items in the right-of-way are not approvable by the Plan Commission).
4. Regarding the Park Street projecting end of the building, the Commission recommends utilizing a similar treatment and detailing as that of the East Campus Mall, including incorporating a darker double frame within the inset.

5. The Commission found the proposed building setbacks and design to be adequate along Park Street, including the carved out corners.

**City Engineering Division** (Contact Tim Troester, (608) 267-1995)

6. The sanitary sewer in Park Street that is proposed for connection to was built in 1910 and is no longer serviceable. If a sewer connection is needed to Park Street, applicant shall plan to connect to Madison Metropolitan Sewerage District (MMSD) sewer and abandon the City sewer as a condition for development.

7. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
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.
9. Construct sidewalk, terrace, curb and gutter, and pavement to a plan approved by the City Engineer.
10. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
11. Obtain a permanent sewer plug permit for each existing sanitary or storm 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.
12. The proposed sewer connection to the MMSD sewer access structure shall conform to all MMSD connection specification criteria. The contractor is responsible for taking out the MMSD connection permit as well as the permit connection fee if applicable. Add the following note to the plans: "Contractor shall notify Ray Schneider (608) 347-3628, rays@madsewer.org, five (5) days prior to making the connection to the MMSD manhole to arrange for inspection of the connection."
13. This project appears to require permanent dewatering. A permit to connect to the public stormwater system shall be required from the City Engineering Division. Additionally, a permit for non-storm discharge to the storm sewer system from the Madison-Dane County Public Health shall also be required. If contaminated soil or groundwater conditions exist on or adjacent to this project, additional Wisconsin Department of Natural Resources (WDNR), Public Health, and/or City Engineering approvals may be required prior to issuance of the connection and non-storm discharge permits.
14. An Erosion Control Permit is required for this project.
15. A Storm Water Management Report and Storm Water Management Permit is required for this project.
16. A Storm Water Maintenance Agreement (SWMA) is required for this project.

17. This site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR-216 and NR-151 however a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. The applicant is notified that the City of Madison is an approved agent of the Department of Safety and Professional Services (DSPS), and no separate submittal to this agency or Capital Area Regional Planning Commission (CARPC) is required for this project to proceed.
18. This site appears to have a land use that will result in their inclusion as a restaurant class sanitary sewer customer. This will charge commercial kitchen facilities a higher sanitary sewer fee per gallon than domestic users and is based on strengths of waste measured at representative similar customers throughout the City. If the applicant desires, a sampling structure may be installed, as part of the initial construction at their cost, to allow site-specific sampling of their waste to determine sanitary sewer charges specifically for this site. If no sampling structure is installed, this site will default to the restaurant class code in MGO Chapter 35. If you have questions on the restaurant class sewer charges please contact Megan Eberhardt at [Meberhardt@cityofmadison.com](mailto:Meberhardt@cityofmadison.com) or (608) 266-6432.
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.
20. 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.
21. Revise plan to show the location of all rain gutter down spout discharge locations.
22. The area adjacent to this development is subject to backwater flooding from Lake Monona. Minimum entrance elevations for ramps to underground parking and to entrances shall be set at elevation 852.00. Structure exposed below this elevation shall be constructed of water resistant materials such as concrete or brick.
23. 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.
24. This project will disturb 20,000 square feet or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at [meberhardt@cityofmadison.com](mailto:meberhardt@cityofmadison.com), or Daniel Olivares (east) at [daolivares@cityofmadison.com](mailto:daolivares@cityofmadison.com), for approval.
25. 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.
26. 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, MDCPH, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit.

27. This project appears to require fire system testing that can result in significant amounts of water to be discharged to the project grade. The Contractor shall coordinate this testing with the erosion control measures and notify City Engineering (608) 266-4751 prior to completing the test to document that appropriate measures have been taken to prevent erosion as a result of this testing.
28. 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.
29. Prior to approval, this project shall comply with Chapter 37 of 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 Storm Water Management Plan & Report shall include compliance with the following:
- Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.
  - 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.
  - Reduce the peak discharge during a 10-year storm event by 15% compared to existing conditions.
  - Reduce TSS by 80% off of the proposed development when compared with the existing site.
  - Reduce peak discharge from the site by 5% during a 10-year event compared to existing conditions.
  - Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any best management practices (BMP) used to meet stormwater management requirements on this project.
30. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: [bstanley@cityofmadison.com](mailto:bstanley@cityofmadison.com) (East) or [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com) (West).

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

31. The site plan indicates proposed planters encroaching into the N Park Street, Regent Street, and East Campus Mall rights of way. The applicant shall confirm and note on the plans all encroachments, including, (but not limited to) balconies, roof overhangs and underground vaults. An approval of the development does not constitute or guarantee approval of any encroachments within a public right of way. The applicant shall confirm with Engineering–Streets, Traffic Engineering, and Forestry staff the possibility of any of these planters being supported within the adjacent public rights of way. Upon any planters being supported within any of the adjacent public rights of way by the above staff, the applicant shall make an application with City of Madison Office of Real Estate Services for a Privilege In Streets Agreement. Link as follows - <http://www.cityofmadison.com/developmentcenter/landdevelopment/streetencroachment.cfm>

32. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds, 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.
33. Grant a public sidewalk easement(s) to the City on the face of the pending Certified Survey Map along Regent Street and any other locations as required for public sidewalk improvements as required by Traffic Engineering.
34. There shall not be any required landscaping elements for conformance with City of Madison zoning ordinances located within any public right of way.
35. With the close proximity of the structural retaining wall to the north property line, the applicant/ owner/ contractor/ consultants are collectively responsible for any agreements necessary with the University of Wisconsin for any soil nailing, soil retention or disturbance of the lands to the north.
36. All levels of floorplans shall show the property lines, easements and public rights of way to assure all building elements and structure are within the property boundaries of this proposed project.
37. The site plans shall show and label the limits of the underground parking structure and the limits of the maximum exterior limits of the building and any fixed canopies at ground level and above to assure all elements are within the public right of way.
38. The base address of the apartments is 832 Regent Street. The address of the commercial tenant is 1 N Park Street. 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.
39. Submit a complete building Floor Plan in PDF format to Lori Zenchenko ([lzenchenko@cityofmadison.com](mailto: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. 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 final verification submittal stage of this LNDUSE with Zoning. The approved Addressing Plan shall be included in the final application. 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. The final revised Addressing Plan shall be submitted by the applicant to Zoning to be attached to the final filed approved site plans.

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

40. The applicant shall dedicate right of way or grant a public sidewalk easement for and be responsible for the construction of a six (6)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1) foot for maintenance along Regent Street.
41. Items in the right of way are not approvable through the Plan Commission process. Make a note on all pages showing improvements in the right of way that states: "The Right of Way is the sole jurisdiction of the City of Madison and is subject to change at any time per the recommendation/plan of Traffic Engineering and City Engineering Divisions." The Traffic Engineering Division has concerns regarding the proposed planters in the Regent and N Park Street terraces; the applicant shall remove references to those from their plans.

42. The applicant shall work with the Traffic Engineering Division and Metro Transit on the location of their N Park Street driveway in order to maximize the length of the adjacent bus stop zone, which will entail moving the driveway further north.
43. The applicant shall prepare a Traffic Demand Management Plan (TDMP) to be reviewed and approved by the City Traffic Engineer. MGO (28.183(6)(a)(6)
44. The applicant shall submit for review a waste removal plan. This shall include vehicular turning movements.
45. The 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.
46. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' 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.
47. 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.
48. 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.
49. All parking facility design shall conform to MGO Section 10.08(6).
50. All bicycle parking adjacent pedestrian walkways shall have a 2-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
51. All pedestrian walkways adjacent parking stalls shall be 7 feet wide to accommodate vehicle overhang, signage and impediments to walkway movements. Any request for variance shall be submitted to and reviewed by City Traffic Engineering.
52. Per MGO Section 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.
53. The applicant shall adhere to all vision triangle requirements as set in MGO Section 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 Section 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.

54. 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 Austin Scheib, (266-4768) ([ascheib@cityofmadison.com](mailto:ascheib@cityofmadison.com)) Traffic Engineering Shop, 1120 Sayle Street. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign off.
55. The driveway slope to the underground parking is not identified in the plan set. Traffic Engineering staff recommends driveway slopes under 10%; if the slope is to exceed 10%, the applicant shall demonstrate inclement weather mitigation techniques to provide safe ingress/egress to be approved by the City Traffic Engineer.
56. "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.
57. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
58. The applicant shall submit for review a Trash Removal Plan. This plan will include times, vehicle size, use of loading zones and all related steps to remove trash from its location.
59. One-way operation of the site shall be secured by placing a "One Way" sign at the entrance and a "Do Not Enter" sign at the exit.
60. 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 N Park Street or Regent Street will be granted for construction purposes. Provide a detailed construction plan to Traffic Engineering for review by the Traffic Control Specialist (Mike Duhr) prior to final signoff.

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

61. Show the distance between the curb and property line for Regent Street, N Park Street, and East Campus Mall. Show the property lines and building setback distances as measured to the property lines on the lower level, Level 1 and Level 2 floorplan pages. The front yard setback abutting Regent Street and street side yard setbacks abutting N Park Street and East Campus Mall are 0 feet if the distance between the curb and property line is equal to or greater than 15 feet. A no-build easement may be used to achieve the 15-foot distance. If the distance between the curb and property line is less than 15 feet, the front yard setback and street side yard setback are 5 feet.
62. Provide calculations for the required useable open space areas, and identify the useable open space areas on the plans. Provide a minimum of ten (10) square feet of usable open space per bedroom. Usable open space



may take the form of at-grade open space, porches, balconies, roof decks, green roofs or other above-ground amenities.

63. Submit a request for a bicycle parking adjustment for the amount of structured, vertical or wall-mount bicycle parking exceeding 25% of the required number of bicycle parking stalls or for bicycle parking without a five-foot access aisle. Up to 25% of bicycle parking may be structured parking, vertical parking or wall-mount parking, provided there is a five-foot access aisle for wall mount parking.
64. Section 28.185(7)(a)5 requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Bryan Johnson (266-4682). Section 28.185(10) requires that every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(7)(a)5 shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
65. Per Section 28.134(3) Capitol View Preservation, show the height of the building per City Datum. No portion of any building or structure located within one (1) mile of the center of the State Capitol Building shall exceed the elevation of the base of the columns of said Capitol Building or 187.2 feet, City datum. Provided, however, this prohibition shall not apply to any church spires, flagpoles, communication towers, elevator penthouses, screened air conditioning equipment and chimneys exceeding such elevation, when approved as conditional uses. For the purpose of this subsection, City datum zero (0.00) feet shall be established as 845.6 feet above sea level as established by the United States Coast and Geodetic Survey.
66. Provide electric vehicle stalls per Section 28.141(8)(e) Electric Vehicle Charging Station Requirements. A minimum of 10% of the residential parking stalls (5 stalls) must be electric vehicle ready, and a minimum of 2% of the stalls (1 stall) must be electric vehicle installed. Identify the locations of the electric vehicle ready and installed stalls on the plans and add the count of electric vehicle stalls to the parking summary.
67. Bicycle parking for the commercial tenant space shall comply with the requirements of MGO Sections 28.141(4)(g) and 28.141(11) and will be reviewed prior to obtaining zoning approval for the use. Provide a minimum of two (2) short-term bicycle parking stalls 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 100 feet of a principal entrance.
68. 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 250 resident bicycle stalls are required plus a minimum of 18 short-term guest stalls. Up to 25% of bicycle parking may be structured parking, vertical parking or wall mount parking, provided there is a five-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 details showing the models of bike racks to be installed.
69. Bicycle stalls are proposed in the N Park Street and Regent 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 for bike parking in the right of way.

70. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than 10,000 square feet in size must be prepared by a registered landscape architect.
71. Exterior lighting shall be provided in accordance with MGO Section 10.085. Provide an exterior lighting photometric plan and fixture cut sheets with the final plan submittal.
72. Provide details showing that the building façades meet the door and window opening requirements of Section 28.071(3)(e). For street-facing facades with ground story non-residential uses, the ground story door and window openings shall comprise a minimum of 50% of the facade area. Upper story openings shall comprise a minimum of 15% of the facade area per story.
73. Provide details demonstrating compliance with bird-safe glass requirements in Section 28.129. For building façades where the first 60 feet from grade are comprised of less than 50% glass, at least 85% of the glass on glass areas 50 square feet or over must be treated. Of all glass areas over 50 square feet, any glass within 15 feet of a building corner must be treated. Identify which glass areas are 50 square feet or greater and which glass areas will be treated. Provide a detail of the specific treatment that will be used.
74. 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.
75. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31 Sign Codes and Section 33.24 Urban Design Commission ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

**Fire Department** (Contact Bill Sullivan, (608) 261-9658)

76. All exterior portions of the building shall be within 250 feet of a fire lane. Update Sheet C-4 to reflect this requirement. All portions of the fire lane shall be within 500 feet of at least two different hydrants, which appears to be compliant.
77. Provide a fire command center due to the highest floor level exceeding 75 feet above lowest fire apparatus access.
78. Please consider allowing the Madison Fire Department to conduct training sequences prior to demolition. Contact Division Chief Jeff Larson of the MFD Training Division at [jtlarson@cityofmadison.com](mailto:jtlarson@cityofmadison.com) or (608) 266-5946 to discuss this possibility.

**Parks Division** (Contact Ann Freiwald, (608) 243-2848)

79. 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(8)(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. Please reference ID# 22017 when contacting Parks Division staff about this project.

**Forestry Division** (Contact Jeffrey Heinecke, (608) 266-4890)

80. City Forestry will issue a street tree removal permit for 9-inch Elm tree due to construction conflicts along the N Park Street frontage. 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.
81. 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*. 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)

82. Private wells may have served the parcels associated with this project prior to municipal water service connections. The existing properties will require an internal and external survey for potential un-abandoned private wells prior to proceeding with demolition. Any remaining unused/unpermitted private wells existing on this parcel must be properly abandoned according to Wisconsin Administrative Code NR-812 and MGO Section 13.21 prior to the demolition of the property. Please contact Water Utility staff at (608) 266-4654 to schedule an on-site private well survey prior to demolition, otherwise for additional information regarding well abandonment procedures and potential well abandonment reimbursement programs.

83. The Madison Water Utility shall be notified to remove the water meter at least two working days prior to demolition. Please contact the Water Utility Meter Department at (608) 266-4765 to schedule the meter removal appointment.
84. 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 Avenue. 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 and 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)

85. The applicant shall shift the proposed 12-foot wide driveway access on Regent Street, north of Park Street, an estimated five feet further north to leave at least 80 feet of accessible curbside terrace for the proposed bus stop zone that would fall between the driveway apron and the Park Street crosswalk.
86. The applicant shall remove all barriers (raised planters) shown in the public rights-of-way along the east side of Regent Street and north side of Park Street, which would obstruct passenger access along the curbside bus

stops zones (terrace area, between the sidewalk and bus doors). These curbside bus stop zones would extend 80 feet north along east side of Park, north of the crosswalk of Park Street; and 80 feet east along north side of Regent, east of the crosswalk of Regent Street.

87. As otherwise shown in application plans, the applicant shall install concrete boarding terraces along the curbside bus stop zones on the east side of Park Street, north of Regent Street; and on the north side of Regent Street, east of Park Street.
88. The applicant shall install and maintain a new passenger waiting shelter with seating amenity - either as part of the private landscape plan or in the public right-of-way area - serving the curbside bus stop zone on the east side of Park Street, north of Regent Street. If located in the public right-of-way, the applicant shall submit a Privilege in Streets (Bus Shelter) application for review by the City. An approved Encroachment Agreement, for the bus shelter, shall be executed prior to sign off. Contact City Real Estate to start the Privilege in Streets (Bus Shelter) application process.
89. The existing curbside bus stop zone and accessible pedestrian sidewalk and terrace area on the east side of Park Street, north of Regent Street, provide critical access to the City's transit operations, and any planned or permitted obstruction of the existing bus stop zones in excess of thirty (30) days may require additional right-of-way improvements and/or other mitigation measures in coordination with Traffic Engineering and Metro Transit staff in order to create an alternate bus stop zone that would serve the Park Street at Regent Street intersection area in a comparable operational and accessible manner.
90. The applicant shall include the location of these transit amenities on the final documents filed with their permit application so that Metro Transit may review the design.

91. Metro Transit operates daily all-day transit service along Park Street, adjacent this property. Additional weekday trips operate along Regent Street, adjacent this property.

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**Certified Survey Map – Recommended Conditions of Approval**

Major/Non-Standard Conditions are Shaded

**City Engineering Division** (Contact Tim Troester, (608) 267-1995)

1. 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)
2. Construct sidewalk, terrace, curb & gutter & pavement to a plan as approved by City Engineer
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. Grant a Public Sidewalk and Bike Path Easement(s) to the City on the face of this Certified Survey Map as required by City of Madison Traffic Engineering and Engineering Streets along Regent Street. (also S Park St and East Campus Mall if needed) Contact Jeff Quamme for the language to be placed on the CSM.
6. Add a note to the Existing Underground Electric Easement per Doc No 3277211 on sheet 2 that the easement is to be released by a separately recorded instrument.
7. The Owner's and Consent of Mortgagee Certificates shall be populated with correct information per the final title report that is required prior to final CSM sign off.
8. Add notes that this CSM is subject to Covenants, Conditions, restrictions and easements per Doc 4036655 and Utility Easement per Doc 4391589 or provide the recorded releases thereof.
9. The legal description shall commence at a section corner and also shall be tied to the Quarter Section line.
10. 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))
11. 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.
12. In the headers of each sheet and for the legal description under the Surveyor's Certificate provide the full plat name of Harloff Subdivision of the South Four Acres of Outlot 10 University Addition to the City of Madison.
13. Provide recorded as distances between the intermediate irons found along Regent Street and for the north line of Lot 9 within the CSM.
14. The 10' radius curve is not tangent. Provide tangent bearings as required by statute.
15. Add Document No 3929486 to the portion of the alley that was discontinued and vacated north of this CSM on the map.

16. Correct all sheets to reflect the official street name of N Park Street. Including the reference in the legal description.
17. 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.
18. Correct the "Sidewalk Easement" label on the CSM to "Public Sidewalk Easement". Also confirm the easement is adequate in the Southwest corner of the CSM as the site plan indicates the easement does not include a small portion of sidewalk at that location.
19. All previous road conveyances along Monona Drive and Cottage Grove Road shall be graphically shown and labeled with recording information.
20. The Owners and Mortgagees in the title reports do not match the Owner and Mortgagee on the CSM. Updated title reports shall be provided prior to final sign off that reflect title that matches the CSM.
21. The title report for 3920 Monona Drive states the report does not include Covenants, Restrictions and easements. The updated title report shall include this information prior to final sign off.
22. A note shall be added under all of the street names labeled and to be dedicated on the CSM: "Dedicated to the Public" as required by Wis. Stats. Sec. 236.20(4)(b).
23. Per a tie sheet filed by Noa Prieve on May 8, 2014 and found as recently as 2019, there is a three-quarter-inch rebar at a retaining wall at the West Quarter Corner of Section 9. It appears as though the rebar has been destroyed but the position on this CSM differs from several other positions shown on recent land divisions and appears as though the location shown on this map is where the former meander corner was previously located. This location shall be discussed with Jeff Quamme, re-monumented, and tied.
24. 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)).
25. 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 Certified Survey Map in areas where this control exists. The surveyor shall identify any deviation from City Master Control with recorded and measured designations.
26. Prior to Engineering final sign-off by main office for Certified Survey Maps, the final CSM shall be submitted in PDF format 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.
27. Provide **all** recorded as information on the exterior boundary of this Certified Survey Map, as required by State Statutes. This includes all previous road conveyances.

28. Provide tangent bearings for all non-tangent curves as required by Statutes.
29. The applicant shall submit to Jeff Quamme, prior to final Engineering sign-off of the subject CSM, 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 shall be void of gaps and overlaps and match the final recorded CSM: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; easement lines (including wetland and floodplain boundaries).

\*This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat, electronic data and a written notification to Engineering Mapping for any changes to the plat which occur subsequent to any submittal.

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

30. The applicant shall dedicate Right of Way or grant a Public Sidewalk Easement for and be responsible for the construction of a six (6)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1) foot for maintenance along Regent Street.

**Office of Real Estate Services** (Heidi Radlinger, (608) 266-6558)

31. Prior to approval sign-off by the Office of Real Estate Services ("ORES"), the Owner's Certificate 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). The title of each certificate shall be consistent with the ownership interest(s) reported in the most recent title report.  
  
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.
32. A certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate and executed prior to CSM approval sign-off. If the CSM is signed electronically, a PDF of the CSM containing electronic signatures shall be provided to ORES to obtain approval sign-off.
33. 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.
34. 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. Stat. Sec. 236.34 and Sec. 236.21(2)(a).
35. 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.
36. 2021 real estate taxes are paid for the subject property.

37. There are special assessments for sidewalk reported on several parcels. If special assessments are levied against the property during the review period prior to CSM approval sign-off they shall be paid in full pursuant to Madison General Ordinance Section 16.23(5)(g)1.

38. Pursuant to Madison City Ordinance Section 16.23(5)(g)(4), the owner shall furnish an updated title report to Heidi Radlinger in City's Office of Real Estate Services 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 (12/14/2021) 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.

39. The owner shall email the document number of the recorded CSM to Heidi Radlinger as soon as the recording information is available.

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

This agency has reviewed the request and recommended no conditions of approval.

**Fire Department** (Contact Bill Sullivan, (608) 261-9658)

This agency has reviewed the request and recommended no conditions of approval.

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

This agency has reviewed the request and recommended no conditions of approval.

**Metro Transit** (Contact Tim Sobota, (608) 261-4289)

This agency has reviewed the request and recommended no conditions of approval specific to the CSM.

**Parks Division** (Contact Kathleen Kane, (608) 261-9671)

40. 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."

41. Prior to sign off on the CSM the applicant shall execute a declaration of conditions and covenants for impact fees. The Parks Division shall be required to sign off on this CSM.

**Forestry Division** (Contact Jeffrey Heinecke, (608) 266-4890)

This agency has reviewed the request and recommended no conditions of approval.