

PLANNING DIVISION STAFF REPORT

November 18, 2024

PREPARED FOR THE PLAN COMMISSION



Project Address: 306 South Brearly Street (District 6 – Alder Rummel)
Application Type: Demolition Permit, Conditional Use, Certified Survey Map
Legistar File ID # [85636](#), [85637](#), [85653](#)
Prepared By: Colin Punt, Planning Division
Report includes comments from other City agencies, as noted.
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Dan Schwartz; SARA Investment Real Estate; 1955 Atwood Ave; Madison, WI 53704
Contact: John Chapman; EUA; 309 W Johnson St #202; Madison, WI 53703
Surveyor: Kevin Pape, Vierbicher; 999 Fourier Dr #201; Madison, WI 53705
Owner: Dan Schwartz; Brearly Street Property Group, LLC; 1955 Atwood Ave; Madison, WI 53704

Requested Action: The applicant is seeking approval of:

- A demolition permit for a commercial building;
- A certified survey map creating one new lot; and
- The following conditional uses:
 - Greater than 60 dwelling units in a mixed-use building per §28.065(2) MGO; and
 - Building height exceeding 4 stories/60 feet per §28.065(3)(c) and §28.104(4)(b) MGO.

Proposal Summary: The applicant is seeking approvals to demolish a multi-tenant commercial building to construct a six-story mixed-use building with 1,500 square feet of commercial space and 120 apartments on one lot.

Applicable Regulations & Standards: Standards for conditional use approval are found in §28.183(6) MGO. Standards of approval for demolition permits are found in §28.185(6) MGO. Standards for certified survey maps are found in §16.23(3) MGO

Review Required By: Plan Commission, Common Council (CSM only)

Summary Recommendations: The Planning Division recommends the following to the Plan Commission regarding the applications for 306 South Brearly Street. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies beginning on page 6.

- That the Plan Commission find that the standards for demolition permits are met and **approve** demolition permits for the building at 306 South Brearly Street; and
- That if the Plan Commission can find that the standards for conditional uses are met, it should **approve** the requested conditional uses for the proposed building at 306 South Brearly Street; and
- That the Plan Commission find the standards for land divisions are met and forward the certified survey map to Common Council with a recommendation to **approve**.

Background Information

Parcel Location: The subject site is 34,848 square feet (0.8 acres) and located at the southern quadrant of the intersection of South Brearly Street and the Capital City Trail, just northeast of Williamson Street. The site is within Alder District 6 (Alder Rummel) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The site is currently zoned TSS (Traditional Shopping Street district) and occupied by a 3,922-square foot single-story multitenant commercial building and surface parking lot. The building was originally constructed in 1992, with a large addition in 1995.

Surrounding Land Uses and Zoning:

Northeast: Across South Brearly Street, an MG&E facility with surface parking lot zoned TE (Traditional Employment district);

Northwest: Across Capital City Trail and Wisconsin Southern Railroad, warehouse and office buildings zoned TE;

Southwest: Office buildings zoned TSS; and

Southeast: Single-story commercial buildings with surface parking lots and a two-story two-unit residence, all zoned TSS.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2023) recommends Neighborhood Mixed Use (NMU) for the site. The [Williamson Street Design Guidelines & Criteria for Preservation \(BUILD II\)](#) (2004) includes a number of general design guidelines for new construction, including a four-story maximum height.

Zoning Summary: The subject property is proposed to be zoned TSS (Traditional Shopping Street district):

Requirements	Required	Proposed
Lot Area (sq. ft.)	None	35,050
Lot Width	None	130
Front Yard Setback	5 ft	5 ft
Max. Front Yard Setback	20 ft (TOD)	5 ft
Side Yard Setback	6 ft	6 ft
Rear Yard Setback	20 ft	20 ft
Maximum Lot Coverage	85%	84% (see Zoning comment 3)
Maximum Building Height	None (with conditional use)	6 stories

Site Design	Required	Proposed
Number Parking Stalls	None	123
Electric Vehicle Stalls	12 EV Ready	15 EV Ready/Installed
Accessible Stalls	3	3
Loading	No	No
Number Bike Parking Stalls	134	132 (see Zoning comment 4)
Landscaping and Screening	Yes	Yes (see Zoning comment 5)
Lighting	Yes	Yes
Building Form and Design	Yes	Commercial Block

Other Critical Zoning Items	Utility Easements, TOD Overlay
-----------------------------	--------------------------------

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 approvals to demolish a multi-tenant commercial building to construct a six-story mixed-use building with 1,500 square feet of commercial space and 120 apartments on one lot to be created by CSM.

The [demolition photos](#) submitted by the applicant show an older commercial building with one occupied and maintained tenant space. The two unoccupied tenant spaces appear to lack upkeep or significant modernization. Planning Division staff are unaware of any significant structural issues and have not personally inspected the building.

Upon demolition, the applicant intends to build a six-story building with 1,500 square feet of first-floor commercial space at the northernmost corner of the building, with a door toward the Capital City Trail. The commercial space is anticipated to be split for two tenants. A five-story U-shaped tower of dwelling units stands atop the single-story parking podium, which also houses the commercial space and resident lobby and associated circulation spaces. The opening of the “U” contains a second-story structured resident amenity courtyard facing toward the adjacent Capital City Trail. The residential unit mix is 26 studios, 82 one-bedroom units, and 12 two-bedroom units, for a total of 132 bedrooms. The two uppermost floors are stepped back approximately 6’-4” from South Brearly Street. There is also a narrow (approximately four feet) stepback above the first-floor parking deck on the southeast façade (facing Williamson Street). Most units, including those fifth-floor units at the Brearly Street stepback, have accessible balconies, while a small number of units have juliet balconies, and some units do not have balconies. Resident amenities include a bicycle maintenance space in the lower level; lobby, mail room, parcel room, and pet washing station on the first floor; community room, fitness room, and rooftop terrace on the second floor; and a coworking space on the sixth floor.

The submitted plans account for 122 vehicle parking stalls in a structured first-floor parking podium and one below-grade parking deck, plus four surface stalls under the second floor but outside the access-controlled parking area. Parking access comes directly off South Brearly Street and through the small surface lot. Additionally, the proposal includes 120 indoor long-term bicycle parking stalls and 12 outdoor short-term bicycle parking stalls.

The principal façade material on the first floor and significant portions of the second through fourth floors is a light gray brick. The principal façade materials on the second through sixth floors are a woodgrain-colored and a brown-colored fiber cement siding. Trim and accent materials include cast stone trim and caps, fluted oversized bricks, black prefinished metal railings, prefinished metal canopies, fiberglass window systems, aluminum storefront systems, and aluminum overhead garage doors. The first-floor façade of the parking podium facing the Capital City Trail is shown to be lined with a series of architectural trellises serving as a structure for climbing plants.

Other than a small amount of landscaping in two planting beds at the ground level, which include shrubs and perennials, the majority of landscaping is found on the second floor terraced roof deck. In addition to planting beds on the roof deck, the plans also show approximately 1,600 square feet of green roof plantings. Submitted plans also appear to show sedum trays for green roof plantings on the roof above the sixth floor and within the stepback above the first floor on the southeastern facade, but few details are provided. The landscape plan also identifies plantings at the bases of the architectural trellises to be installed on the northwest façade adjacent to the Capital City Trail.

According to the letter of intent, the applicant intends to commence demolition in Spring 2025 with construction of the new building completed by Summer 2026.

Analysis

This request is subject to the standards for demolition permits, conditional uses, and land divisions. This section begins with a summary of adopted plan recommendations, and includes sections for demolition permit standards, conditional use standards, and finishes with subdivision standards.

Consistency with Adopted Plans

The [Comprehensive Plan](#) (2023) recommends Neighborhood Mixed Use (NMU) for the site. The NMU category can include a mix of residential, retail, restaurant, service, institutional, and civic uses primarily serving nearby residents. NMU areas are expected to accommodate buildings two to four stories tall at residential densities of up to 70 dwelling units per acre. The [Williamson Street Design Guidelines & Criteria for Preservation \(BUILD II\)](#) (2004) includes a number of general design guidelines for new construction, but also includes specific criteria for new construction in specific locations. The Plan divides the planning area into subzones and identifies a three-story maximum height for new construction in this zone, but states that four stories may be allowed for projects with affordable housing, preservation, or structured parking. A stepback for the fourth floor at least 30 feet from the Williamson Street property line is recommended by the Plan so the upper stories do not dominate the Williamson Street streetscape. The site is also within the boundaries of the [Marquette-Schenk-Atwood Neighborhood Plan](#) (1994) and the [Marquette Neighborhood Center Master Plan](#) (2000), but neither plan provides any specific guidance or recommendations for this site.

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 approval of the proposed future use as a factor in approving demolition requests. In order to approve a demolition request under the revised standards, the Plan Commission shall consider the seven approval standards in §28.185(9)(c) MGO when making a determination regarding demolition requests. 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.

The Planning Division believes that the standards for Demolition Permits can be met, but provides the following comments regarding standard 4, *“That 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.”* At its October 7, 2024 meeting, the Landmarks Commission found that the building at 306 South Brearly Street has no known historic value. Staff believes that the Plan Commission can find the applicable standards met and approve the requested demolition permits.

Conditional Use Standards

Regarding the 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.

The applicant is requesting approval of two conditional uses for more than 60 dwelling units in a mixed-use building and a building height exceeding 4 stories/60 feet in the TSS and TOD zoning districts.

Staff provides additional discussion regarding conditional use approval standard 11 as it relates to the proposed building’s height, height transition toward adjacent residential uses, and the general impacts on those neighboring uses. Staff’s primary concern on this request is plan consistency related to the additional height. Standard 11 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 proposal is for a six-story building height, while the TSS zoning district within the TOD overlay district allows four stories as a permitted height, with greater heights allowed as conditional uses. Staff notes that the Comprehensive Plan NMU land use recommendation includes heights up to four stories, and the Williamson Street BUILD II Plan recommends that the maximum height for new construction in this area is four stories for projects with affordable housing, preservation, or structured parking. Staff does note that proposal exceeds the setback from Williamson Street as recommended in the Design Guidelines and Criteria for Preservation plan.

In considering the extra height, staff acknowledges the inconsistency with the BUILD II plan. This inconsistency does not preclude this standard from being found met, though careful consideration should be given to the surrounding context and resulting impacts. Staff notes that there is nearby precedence for buildings taller than four stories constructed or being constructed along the Capital City Path and railroad corridor, including 302 S Livingston Street, 722 Williamson Street, and 302 S Paterson St, all of which are five stories tall and within three blocks of the subject site. Further staff believe that the setbacks above the first floor facing Williamson Street and above the fourth floor facing South Brearly Street minimize the visual impact of the additional height. Given the location of the building with reference to the South Brearly Street, the Capital City Path, the railroad corridor, and any nearby residential development, the proposed building would have some shadow impacts on the path, but have minimal (if any) impacts on any nearby residences.

Staff also draws the Commission’s attention to conditional use standard of approval 8, which requires, in part, that “the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with existing or intended character of the area.” One item of note that arises often with regard to multifamily buildings such as that proposed is the presence of HVAC louvers on street-facing facades; none are shown in the current plans and the addition of louvers at a later date may require alteration to an approved conditional use. With the inclusion of that condition, staff believe that standard 8 can be found met.

Staff believe all other conditional use standards of approval can be found met.

Certified Survey Map

With the recommended agency conditions, staff believes that the Plan Commission may find the standards for land divisions (16.23 MGO) approval met for the certified survey map with the staff-recommended conditions. The proposed lot will meet the dimensional requirements of the TSS district, and staff believes that the proposal is consistent with the recommendations for the site in the Comprehensive Plan.

Conclusion

Staff believes that the standards of approval for demolition permits and land divisions can be found met. While staff acknowledges the inconsistency of the requested building height with the adopted plan recommendations, this inconsistency does not necessarily preclude this standard from being found met, and if, after giving careful consideration to the surrounding context and resulting impacts, the Plan Commission should find that standard 11 is met, the Plan Commission should find all other standards met and approve the conditional use.

Public Comment

A neighborhood meeting regarding this proposal was held on October 1, 2024. At time of writing, Staff is unaware of any written comment regarding this land use request received from the public.

Recommendation

Planning Division Recommendations (Contact Colin Punt 243-0455)

The Planning Division recommends the following to the Plan Commission regarding the applications for 306 South Brearly Street. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies below.

- That the Plan Commission find that the standards for demolition permits are met and **approve** demolition permits for the building at 306 South Brearly Street; and
- That the if the Plan Commission can find that the standards for conditional uses are met, it should **approve** the requested conditional uses for the proposed building at 306 South Brearly Street; and
- That the Plan Commission find the standards for land divisions are met and forward the certified survey map to Common Council with a recommendation to **approve**.

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

Demolition Permit & Conditional Uses

Planning Division (Contact Colin Punt, 243-0455)

1. 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.
2. 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, 266-4560)

3. The letter of intent states 86% lot coverage not including the green roof, while the plans indicate 84%. Clarify on final plans the correct percentage of lot coverage.

4. Bicycle parking for the commercial tenant spaces 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 each use. Provide a minimum of 2 additional short-term bicycle parking stalls (14 total) located in a convenient and visible area on a paved or pervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance.
5. 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 ten thousand (10,000) square feet in size must be prepared by a registered landscape architect. Provide adequate development frontage landscaping per Section 28.142(5) Development Frontage Landscaping. Provide adequate foundation plantings per Section 28.142(7) Foundation Plantings.
6. Provide details demonstrating compliance with bird-safe glass requirements Section 28.129. For building façades where the first sixty (60) feet from grade are comprised of less than fifty percent (50%) glass, at least eighty-five percent (85%) of the glass on glass areas fifty (50) square feet or over must be treated. Of all glass areas over fifty (50) square feet, any glass within fifteen (15) feet of a building corner must be treated. All glass railings must be treated. Identify which glass areas are 50 sq. ft. or greater and which glass areas will be treated. Provide a detail of the specific treatment product that will be used.
7. As proposed, the new rooftop mechanical equipment will not be visible to view. Upon installation, if the new rooftop mechanical equipment is visible, screening will be required per Section 28.142(9)(d).
8. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.
9. Section 28.185(9)(b) requires that every applicant for a demolition or removal approval that requires approval by the Plan Commission is required to get a Reuse and Recycling Plan approved by the City Recycling Coordinator, Bryan Johnson at streets@cityofmadison.com prior to receiving a raze permit. Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(9)(b) shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition. A demolition or removal permit is valid for two (2) years from the date of the Plan Commission approval.

City Engineering Division (Contact Brenda Stanley, 261-9127)

10. The area adjacent to this proposed development has been determined by City Engineering to have a known flooding risk. Engineering has set the minimum protective lowest entrance elevation opening at an elevation of 852.00'. This standard is not intended to be protective in all cases. The Developer is strongly encouraged to complete their own engineering analysis to determine and meet a protective elevation which they are comfortable with. In no case shall the protective elevation be set below the minimum threshold determined by City Engineering.
11. Based upon the proposed development's projected wastewater flows provided to date by the development team, offsite sanitary sewer improvements will be required as a condition for plan approval.
12. This site abuts an existing storm sewer box in the old RR right of way (now the bike path). The box is planned for removal and replacement. Depending on the schedule of this development the applicant is

made aware that construction maybe on going and that a TLE will be required to be dedicated to the city to allow the box to be removed, maintained or replaced.

13. 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)
14. Construct sidewalk, terrace, curb and gutter, and pavement to a plan as approved by City Engineer
15. Construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat/csm. (MGO 16.23(9)(d))
16. 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))
17. 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))
18. Obtain a permit to plug each existing storm sewer. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 37.05(7))
19. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
20. 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.
21. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
22. 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.
23. 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)
24. 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))
25. Revise plan to show the location of all rain gutter down spout discharge locations. Downspouts shall be directed to drain to public Right of Way (ROW). (POLICY)

26. The proposed development proposes to construct underground parking. The proposed entrance to the underground parking is adjacent to a street low point. The applicant shall provide at a minimum of one (1) foot of rise from the adjacent back of walk in the driveway before breaking grade to the down ramp to the underground parking to protect the underground parking from inundation. The stated elevation is intended to be protective but does not guarantee a flood proof structure. 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.
27. 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.
28. The applicant shall show storm water "overflow" paths that will safely route runoff during the 100-year 24-hour design storm when the storm sewer is at capacity. Public Stormwater shall be contained to public right of way, easements or public lands for the 100-year 24-hr design storm for new development. (POLICY)
29. Install a property boundary witness markers along the boundary of the public bike path at property corners or in locations that are mutually agreeable to the applicant and Engineering Division.
30. 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.
31. 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)
32. 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.
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.

33. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Stormwater Management Permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.
The Storm Water Management Plan & Report shall include compliance with the following:
Report: Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.
Electronic Data Files: Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. If calculations are done by hand or are not available electronically, the hand copies or printed output shall be scanned to a PDF file and provided to City Engineering. (POLICY and MGO 37.09(2))
Rate Control Redevelopment: By design detain the 10-year post construction design storm such that the peak discharge during this event is reduced 15% compared to the peak discharge from the 10-year design storm in the existing condition of the site. Further, the volumetric discharge leaving the post development site in the 10-year storm event shall be reduced by 5% compared to the volumetric discharge from the site in an existing condition during the 10-year storm event. These required rate and volume reductions shall be completed, using green infrastructure that captures at least the first 1/2 inch of rainfall over the total site impervious area. If additional stormwater controls are necessary beyond the first 1/2 inch of rainfall, either green or non-green infrastructure may be used.
TSS Redevelopment with TMDL: Reduce TSS by 80% off of the proposed development when compared with the existing site.
100-year Overflow: The applicant shall demonstrate that water can leave the site and reach the public ROW without impacting structures during a 100-year event storm. This analysis shall include reviewing overflow elevations and unintended storage occurring on site when the storm system has reached capacity.
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.
34. 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, 266-4097)

35. Grant a 5' wide Temporary Public Storm Sewer Maintenance Easement on the pending CSM along the Northwestern side of the Lot to the City for the maintenance, repair and replacement of the public storm sewer box culvert adjacent to this site. The easement shall terminate December 31, 2026 or upon the construction of the new replacement pipe, whichever occurs first. Contact Jeff Quamme (jrquamme@cityofmadison.com) for the required terms and conditions of the easement.
36. The fiber optic lines adjacent to the Northwest line of this CSM may be subject to a 20' wide easement per Document No. 4965434, which would encumber this site. Surveyor for the pending CSM shall determine and any easement areas shall be properly shown on the site plans.
37. The southeast side of this proposed building encroaches into the Telephone Repair Easement per Doc No 2268192. The easement shall be shown on the site plan. Provide relevant information supporting the building encroachment into the easement area.

38. The address of the proposed apartment building is 320 S Brearly St. The addresses of 306 & 310 S Brearly St will be inactivated and archived with the demolition of the existing building.
The site plan and all related plans shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.
39. 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.
40. Submit a site plan and a complete building Floor Plan in PDF format to Lori Zenchenko (lzenchenko@cityofmadison.com) that includes a floor plan of each floor level on a separate sheet/page for the development of a complete interior addressing plan. Also, include a unit floor 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 Luke Peters, 266-6543)

41. Lower level parking is not dimensioned and as such not reviewable at this time; Traffic Engineering reserves the right to make any comment up to and including comments that may require a redesign and cause the applicant to return to Plan Commission if the proposed changes are determined to require a major amendment to the conditional use. The applicant should be aware standard parking stalls are 9 feet by 18 feet with 24 foot of back-up, stall widths shall not be encroached upon by any items including columns.
42. 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.
43. 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.

44. 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.
45. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
46. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
47. 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.
48. Per Section MGO 12.138 (14), this project is not eligible for residential parking permits. It is recommended that this prohibition be noted in the leases for the residential units.
49. The applicant shall adhere to all vision triangle requirements as set in MGO 27.05 (No visual obstructions between the heights of 30 inches and 10 feet at a distance of 25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO 27.05(2)(bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer. Current driveway does not appear to meet the vision triangle requirements, please seek a waiver with Traffic Engineering.
50. All parking ramps as the approach the public Right-of-Way shall not have a slope to exceed 5% for 20 feet; this is to ensure drivers have adequate vision of the Right-of-Way. If applicant believes public safety can be maintained they shall apply for a waiver, approval or denial of the waiver shall be the determination of the City Traffic Engineer.
51. 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.
52. The driveway slope to the underground parking is not identified in the plan set, Traffic Engineering recommends driveway slope under 10%; if the slope is to exceed 10%, the applicant shall demonstrate inclement weather mitigation techniques to provide safe ingress/egress to be approved by the City Traffic Engineer.
53. The applicant shall provide a clearly defined 5' walkway, from the front door to the public sidewalk, clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.

- 54. "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.
- 55. 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.
- 56. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
- 57. Applicant shall submit for review a waste removal plan. This shall include vehicular turning movements.
- 58. 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.

Fire Department (Contact Matt Hamilton, 266-4457)

- 59. East stairway exit should have a clear line of vision to the lobby exit from the stairwell exit door.
- 60. NFPA 14 requires a rooftop hose connection. An acceptable alternative to having control and hose valves on the roof would be a roof access point from a stairwell with a ships ladder and a hose valve adjacent to it.
- 61. Document the fire access in plan set including aerial access, hose lays, etc showing compliance with the 2024 IFC and MGO requirements

Parks Division (Contact Adam Kaniewski, 261-4281)

- 62. 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 East Park-Infrastructure Impact Fee district. Please reference ID# 24055 when contacting Parks about this project.

Forestry Section (Contact Brad Hoffman, 267-4908)

- 63. 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, 261-9835)

- 64. 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.

65. The Madison Water Utility shall be notified to remove the water meter at least two working days prior to demolition. Contact the Water Utility Meter Department at (608) 266-4765 to schedule the meter removal appointment.

Metro Transit (Contact Tim Sobota, 261-4289)

66. Metro Transit operates daily all-day transit service along Jenifer Street near this property - with trips at least every 30 minutes (every 15 minutes or less during the day on weekdays). Metro Transit operates additional daily all-day rapid transit service along East Washington Avenue near this property - with trips at least every 30 minutes (every 15 minutes or less during the day on weekdays and Saturdays).
67. Metro Transit would initially estimate the following counts of potentially eligible trips towards US Green Building Council/LEED Quality Access to Transit points: 222 Weekday & 130 Weekend. Please contact Metro Transit if additional analysis would be of interest.

Parking Utility (Contact Trent Schultz, 246-5806)

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

Certified Survey Map

City Engineering Division (Contact Brenda Stanley, 261-9127)

1. Based on 1942 and 1950 Sanborn maps, the property historically contained a petroleum storage tank and coal storage. In addition, there are likely buried railroad lines. A Phase 2 environmental site assessment is recommended. If contamination is encountered, follow all WDNR and DSPS regulations for proper 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(9)c)
3. Construct sidewalk, terrace, curb and gutter, and pavement to a plan as approved by City Engineer
4. Construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat/csm. (MGO 16.23(9)(d))

5. 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))
6. 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, 266-4097)

7. Grant a 5' wide Temporary Public Storm Sewer Maintenance Easement along the Northwesterly side of the Lot to the City for the maintenance, repair and replacement of the public storm sewer box culvert adjacent to this site. The easement shall terminate December 31, 2026 or upon the construction of the new replacement pipe, whichever occurs first. Contact Jeff Quamme (jrquamme@cityofmadison.com) for the required terms and conditions of the easement.
8. The fiber optic lines adjacent to the Northwest line of this CSM may be subject to a 20' wide easement per Document No. 4965434, which would encumber this Certified Survey Map. Surveyor shall determine and properly show any easement per this document within this CSM.
 9. 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)
 10. 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.
 11. Add to the captions at the top of the sheets and to the legal description the NW 1/4 of the SE 1/4 to allow the CSM to be indexed properly at the Register of Deeds.
 12. The legal description shall include a metes and bounds description. The Original Plat of Madison does not have adequate ties to a Quarter line as per statute.
 13. Abbreviate the predirectional of the street names. E. Wilson Street and S. Brearly Street.
 14. 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.

15. 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.

Parks Division (Contact Adam Kaniewski, 261-4281)

16. 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."

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

Office of Real Estate Services (Contact Melissa Hermann, 264-9297)

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. When possible, the executed original hard stock recordable CSM shall be presented at the time

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

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

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. Madison Common Council Certificate: This certificate is required when dedication of land and the conveyance of rights in land are required. For parcels located within the City of Madison, a Madison Common Council Certificate shall appear as follows:

Resolved that this certified survey map located in the City of Madison was hereby approved by
Enactment Number _____, File ID Number _____, adopted on the ____ day of _____,

20__, and that said enactment further provided for the acceptance of those lands dedicated and rights conveyed by said Certified Survey Map to the City of Madison for public use.

Dated this ____ day of _____, 2024

Maribeth L. Witzel-Behl, City Clerk
City of Madison, Dane County Wisconsin

23. City of Madison Plan Commission Certificate: Pursuant to Madison City Ordinance Section 16.23(7)(d)3 and Wis. Stats. 236.21(2)(a), all CSM's that are subject to the review and approval of the City of Madison shall contain the following certificate of approval:

Approved for recording per the Secretary of the City of Madison Plan Commission.

By: _____ Date: _____
Matthew Wachter, Secretary of the Plan Commission

24. Register of Deeds Certificate: Please include a space for the Register to hand write the recording info on the date of recording, to appear similar to the following:

Office of the Register of Deeds
Dane County, Wisconsin
Received for recording on _____, 20__ at ____ o'clock__ M, and
recorded in Volume ____ of CSMs on page(s)_____, Document No. _____.

Kristi Chlebowski, Register of Deeds

25. Pursuant to Madison City Ordinance Section 16.23(5)(g)(4), the owner shall furnish an updated title report to ORES via email to Melissa Hermann (mhermann@cityofmadison.com), as well as the survey firm preparing the proposed CSM. The report shall search the period subsequent to the date of the initial title report submitted with the CSM application and include all associated documents that have been recorded since the initial title report.
26. If all parties of interest agree that certain easements from prior plats or CSM's of record are no longer necessary, the release documents for said easements shall be recorded prior to CSM approval sign-off, with the recording information for the release included as a Note on the proposed CSM.

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