



## PLANNING DIVISION STAFF REPORT

October 18, 2021

PREPARED FOR THE PLAN COMMISSION

**Project Address:** 2002-2004 Winnebago Street (District 6 – Ald. Benford)  
**Application Type:** Demolition Permit, Conditional Use, and Certified Survey Map Referral  
**Legistar File ID #** [67916](#), [67276](#), & [67277](#)  
**Prepared By:** Chris Wells, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

### Summary

**Applicant & Property Owner:** Brandon Cook; John Fontain Inc.; P.O. Box 694; Madison, WI 53701

**Contact:** Kevin Burow; Knothe & Bruce Architects, LLC; 7601 University Avenue, Suite 201; Middleton, WI 53562

**Requested Action:** There are four requests with this proposal: 1) consideration of a demolition permit to demolish a one-story commercial building; 2) consideration of a conditional use in the Traditional Shopping Street (TSS) District for a building exceeding three stories and 40 feet in height, 3) consideration of a conditional use in the TSS District for a building with non-residential uses occupying less than 50 percent of the ground-floor frontage facing the primary street, including all frontage at a street corner; and 4) approving a one-lot certified survey map – all to allow construction of a four-story, mixed-use building with approximately 1,050 square feet of commercial space and 24 apartments at 2002-2004 Winnebago Street.

**Proposal Summary:** The applicant proposes to demolish a one-story, commercial building before constructing a four-story, mixed-use building with approximately 1,050 square feet of commercial space and 24 apartments. The applicant anticipates commencing construction in the spring of 2022 with completion the following spring.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Demolitions [MGO §28.185(7)], Certified Survey Maps [M.G.O. §16.23(5)(g)], and the TSS District [MGO §28.065]. It is also subject to the approval standards for conditional uses as M.G.O. §28.061(1) and §28.151 state that for dwelling units in a mixed-use building in the TSS District require at least 50 percent of the ground-floor frontage facing the primary street, including all frontage at a street corner, to be non-residential. Less non-residential frontage requires conditional use approval. Additionally, M.G.O. §28.065(3)(c) states that building heights exceeding the maximum (i.e. 3 stories/40 feet) may be allowed with conditional use approval.

**Review Required By:** Plan Commission (PC) and Common Council (CC)

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the standards are met and **approve** the demolition permit and conditional use requests to demolish a one-story, commercial building before constructing a four-story, mixed-use building with approximately 1,050 square feet of commercial space and 24 apartments. The Planning Division also recommends that the Plan Commission forward the associated Certified Survey Map to create one residential lot to the Common Council with a recommendation of **approval**. These recommendations are all subject to input at the public hearing and the conditions from reviewing agencies beginning on **page 10** of this report for the land use requests, and on **page 17** for the CSM.

## Background Information

**Parcel Location:** The 10,153-square-foot (0.23-acre) subject property is located to the north of the intersection of Winnebago Street and S 2<sup>nd</sup> Street and falls within Alder District 6 (Alder Benford), Tax Increment Finance District #37, and the limits of the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject site is comprised of two parcels - the 2002 Winnebago Street parcel, which is 6,836 square feet in size and located at the corner; and the adjacent 2004 Winnebago Street parcel which is 3,317 square feet and located just to the northeast. The two lots are cross-connected and share access from both Winnebago Street and S 2<sup>nd</sup> Street. A one-story, roughly 3,900-square-foot, multi-tenant, commercial building extends across the northwest edge of both lots. The building has two tenant spaces which are divided along the common property line. The tenant space on the 2002 Winnebago Street parcel is roughly 2,500 square feet in size and, until recently, housed a Stop-n-Go convenience center (and a United States Post Office branch location). The tenant space on the 2004 Winnebago parcel is roughly 1,400 square feet in size and, until recently, housed a laundromat. According to City Assessor's records, the building was constructed in 1965. It is zoned Traditional Shopping Street (TSS) District.

### Surrounding Land Use and Zoning:

- Northeast:** A two-story office building, zoned Traditional Shopping Street (TSS) District. Note: the parcel on which this building sits also wraps around the entire northwest side of the subject parcel with a roughly 20 feet wide strip extending to the S 2<sup>nd</sup> Street frontage;
- Northwest:** Beyond the aforementioned, roughly 20-foot wide strip of land (which is zoned TSS) is a one-story laboratory building, zoned Traditional Employment (TE);
- Southeast:** Across Winnebago Street are one- and two-story commercial/office buildings and a tavern, all zoned TSS; and
- Southwest:** Across S 2<sup>nd</sup> Street are one- and two-story commercial buildings (some with residential units above), all zoned TSS.

**Adopted Land Use Plans:** Both the [2018 Comprehensive Plan](#) recommends Neighborhood Mixed-Use (NMU) for this parcel. The [Schenk-Atwood Business District Master Plan \(2001\)](#) identifies the subject parcel on the edge of the "Atwood Avenue West" area for which it recommends three-story buildings but notes that four stories "*may be permitted on selected portions of the building, such as elements at the corners and above the entry, and stepped-back portions that are away from the streetfront facade of the building.*" As for density, it recommends 25 to 30 dwelling units per acre (medium to high density) but notes that higher density "*may be allowed depending on design quality.*" While not pertaining specifically to the subject parcel but rather the greater block, the [Schenk-Atwood-Starkweather-Worthington Park Neighborhood Plan \(2000\)](#) recommends considering developing a transit station at Second and Winnebago Streets and a transit-oriented development in proximity to the rail station. While the [Marquette-Schenk-Atwood Neighborhood Plan \(1994\)](#) does not make any specific recommendations for the subject parcel, it does encourage the construction of quality, residential dwelling units on any floor above the ground floor or in the rear of commercial buildings to increase the overall number of residential units in the neighborhood.

**Zoning Summary:** The subject property is zoned TSS (Traditional Shopping Street) District.

Requirements	Required	Proposed
Front Yard Setback	0' or 5'	5.2'
Max. Front Yard Setback	25'	5.2'
Side Yard Setback: Street side yard	0' or 5'	6.8'
Side Yard Setback: Where proposed buildings or abutting buildings have window openings in side walls within 6' of lot line	One-story: 5' Two-story or higher: 6'	10.2'
Rear Yard Setback: For corner lots, where all abutting property is in a nonresidential zoning district	The required rear yard setback shall be the same as the required side yard setback: 6'	20.6'
Usable Open Space	40 sq. ft./ d.u. (960 sq. ft.)	2,842 sq. ft.
Maximum Lot Coverage	85%	82%
Maximum Building Height	3 stories/ 40'	4 stories

Site Design	Required	Proposed
Number Parking Stalls	Multi-family dwelling: 1 per dwelling (24) General retail; service business; office: 1 per 400 sq. ft. floor area (3) (27 total)	14 <i>(See Conditions #35 &amp; #36)</i>
Accessible Stalls	Yes	Yes
Loading	Not required	None
Number Bike Parking Stalls	Multi-family dwelling: 1 per unit up to 2-bedrooms, ½ space per add'l bedroom (24) 1 guest space per 10 units (2) General retail; service business; office: 1 per 2,000 sq. ft. floor area (2 minimum) (28 total)	24 garage 3 surface (27 total)  <i>(See Condition #37)</i>
Landscaping and Screening	Yes	Yes <i>(See Condition #38)</i>
Lighting	Yes	Yes
Building Forms	Yes	Commercial block building <i>(See Conditions #39 &amp; #40)</i>

<b>Other Critical Zoning Items</b>	Utility Easements
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*Tables Prepared by Jenny Kirchgatter, Assistant Zoning Administrator*

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

**Public Utilities and Services:** This property is served by a full range of urban services.

## Project Description

The applicant proposes to demolish a multi-tenant commercial building and construct a four-story, mixed-use building with approximately 1,050 square feet of commercial space and 24 apartments.

According to City Assessor data, the building proposed for demolition is a one-story, roughly 3,900-square-foot, multi-tenant, commercial building which extends across the northwest edge of the 2002 and 2004 Winnebago Street parcels (i.e. the two parcels which are proposed to be combined by the associated Certified Survey Map to make the subject site). The tenant space on the 2002 Winnebago Street parcel is roughly 2,500 square feet in size and, until recently, housed a Stop-n-Go convenience center (and a United States Post Office branch location). The tenant space on the 2004 Winnebago parcel is roughly 1,400 square feet in size and, until recently, housed a laundromat. City Assessor's Office records note the building was constructed in 1965. While the applicant did not provide an assessment of the condition of the building and only stated that it has "served the community well but surpassed its intended use," they have submitted interior and exterior [photos](#) of the building.

In the proposed building, a roughly 1,000-square-foot commercial space will occupy the southern corner of the ground-floor. Regarding the type of tenant that might fill the space, the applicant has stated that the property "was sold with deed restrictions placed by Kwik Trip such that the space cannot be used to sell any goods or services that Kwik Trip also provides so it will be a bit more challenging to fill. We are hoping that it is a professional service that will be useful to the neighborhood, or a retailer in the neighborhood that would want to move into this space." An exercise room (for use by the building tenants) and residential lobby will occupy the rest of the ground floor Winnebago Street façade. Staff note that the commercial space occupies 31.4 feet (49.2 percent) of the 63.8-foot primary (Winnebago Street) façade. Unless approved as a conditional use, mixed-use buildings in the TSS District are required to have non-residential uses occupying at least 50 percent of the ground-floor frontage facing the primary street, including all frontage at a street corner. Five residential units – two studios and three one-bedroom units – occupy the remainder of the ground floor.

The building's three upper floors are all residential and contain the remaining 19 dwelling units. Together with those on the ground floor, the overall mix of proposed residential units includes nine efficiency units, 12 one-bedroom units, and 3 two-bedroom units. The resulting density for the 0.23-acre parcel is roughly 104 dwelling units per acre. Each of the dwelling units is provided with a private balcony roughly 60 square feet in size while the two 4<sup>th</sup> floor units located along the S 2<sup>nd</sup> Street façade have a sizable, roughly 10-foot-deep balcony running the length of the unit. Functioning as a building step back, this deep balcony also runs along the floor's Winnebago Street façade and provides a roughly 300-square-foot outdoor rooftop terrace for the 480-square-foot community room located at the western corner of the floor.

There are 14 off-street automobile parking stalls and 24 long-term bicycle stalls provided in the basement level which is accessed from Winnebago Street via the drive aisle and ramp which runs along the northeastern property boundary. Twenty-eight of these stalls are at-grade and located in the surface lot at the rear (south) of the site. As 27 automobile parking stalls are required (i.e. one for each residential unit plus three for the commercial space), a 17-stall parking reduction will be required. Note, this is a parking reduction that, being no more than 20 stalls, may be approved by the Zoning Administrator (per Table 28I-4 in M.G.O. Section 28.141(5)). Finally, three short-term guest bicycle stalls are located along the site's Winnebago Street sidewalk, in front of the commercial space.

The building is clad primarily with red brick and slate-colored horizontal composite siding. Cast stone is used for the base and medium-grey and light grey composite paneling is used as accent materials. Aluminum is used for the balcony railings and composite trim for the balconies. Lastly, the windows are vinyl and the commercial façade is aluminum.

Regarding usable open space, the TSS District requires 40 square feet per unit. The proposal provides roughly 2,800 square feet of usable open space via the private balconies, the 340 square-foot rooftop terrace located outside the community room, and the roughly 875 square feet strip of land which runs along the northwestern property line. This is almost three times what is required by the Zoning Code.

## Analysis and Conclusion

This proposal is subject to the standards for Demolitions [MGO §28.185(7)] Conditional Uses [MGO §28.183(6)], Certified Survey Maps [M.G.O. §16.23(5)(g)], and the TSS District [MGO §28.065]. This request is also subject to the Supplemental Regulations [M.G.O. §28.151]. This portion of the report begins with an analysis of adopted plan recommendations.

### Conformance with Adopted Plans

Staff believe the proposal could be found to be compatible with the [2018 Comprehensive Plan](#) which recommends Neighborhood Mixed-Use (NMU) for this parcel. This recommendation includes relatively small existing and planned mixed-use areas that are designed to be compact and walkable. Recommended uses include residential uses, along with retail, restaurant, service, institutional, and civic uses primarily serving nearby residents. Regarding height, the plan recommends buildings 2-4 stories. Regarding density, the Plan recommends a general density range of up to 70 dwelling units per net acre for NMU areas. The proposed 24-unit building exceeds this range with a calculated density of roughly 104 dwelling units per acre. It is also roughly 20 units per acre higher than recent nearby developments which are also recommended for NMU (see Figure 1 below). However, the number of units is permitted by the site's existing zoning and no conditional use for additional units is requested. The proposed density is discussed further below.

The [Schenk-Atwood Business District Master Plan](#) (2001) provides design guidelines to help shape the physical form of development. The Plan however notes some flexibility with these recommendations when it states that the *guidelines are intended "to be considered by property owners and developers as they prepare specific development proposals"* and that *"other uses and development patterns may be proposed, but should be evaluated by the business association, neighborhood and the City for their ability to address the comprehensive goals of the Schenk-Atwood Business District Master Plan."* That said, the Plan identifies the subject parcel on the edge of the "Atwood Avenue West" area for which it recommends three-story buildings but notes that four stories *"may be permitted on selected portions of the building, such as elements at the corners and above the entry, and stepped-back portions that are away from the streetfront facade of the building."* Staff believe this recommendation could be found met given the 10-foot step back at the fourth floor level along both street-facing façades.

As for density, it recommends *"25 to 30 dwelling units per acre (medium to high density). Higher density may be allowed depending on design quality."* Staff note that the density of the proposal exceeds this density recommendation, though the proposal better aligns with the more contemporary 2018 [Comprehensive Plan's](#) density recommendation for this parcel.

Regarding architectural design, the Plan recommends that the lower portions of the public-facing facades be either brick or masonry while 'residential materials' such as siding, wood trim and detailing are appropriate on upper portions of the building. Regarding build-to lines, it recommends that the plane of the building façade on Winnebago Street "should respect the build-to line of the adjacent buildings. Portions of the building may be set back somewhat for landscaping, patios, porches." Finally, it recommends that building and individual unit entry doors should be oriented to the public street. Staff believes the proposal satisfies all of these recommendations.

Based on the recommendations of the plan, Planning Division Staff believe that the proposed building could be found to adequately address three of the Plan's seven Master Plan Goals, including:

- #1 Enhance the business mix, including neighborhood-oriented and community destination businesses that fit the scale and character of the district and strengthen the district as an activity center;*
- #3 Strengthen the visual character of the district through streetscape improvements, public space development, attractive entrances, historic preservation and architectural guidelines for new buildings and rehabilitation of existing buildings;*
- #5 Promote a range of infill development opportunities that provide more residential choices and business opportunities that serve the neighborhood.*

Finally, while not pertaining specifically to the subject parcel but rather the greater block, the [Schenk-Atwood-Starkweather-Worthington Park Neighborhood Plan \(2000\)](#) recommends considering developing a transit station at Second and Winnebago Streets and a transit-oriented development in proximity to the rail station. While the [Marquette-Schenk-Atwood Neighborhood Plan \(1994\)](#) does not make any specific recommendations for the subject parcel, it does encourage the construction of quality, residential dwelling units on any floor above the ground floor or in the rear of commercial buildings to increase the overall number of residential units in the neighborhood. The Planning Division believe that the proposed building could be found to be compatible with the two above plans.

The Planning Division believes that, on balance, the proposed demolition and conditional requests are generally consistent with adopted plans. The proposal is consistent with key Business District Plan recommendations for the subject site – via its provision of the ground floor commercial space for what will likely be a neighborhood-oriented business, and via its qualities as a compact and street-oriented, mixed use building which will offer additional residential choices while also helping to better define the public space that is Schenk's Corners. Considering the specific flexibility afforded with implementing the plan's design guidelines, staff believes it is possible that the four story mass, with the proposed fourth floor stepbacks and 24 residential units, could also be found consistent with the plan provided it is determined this proposal adequately addresses the plan's overall goals. Further, this proposal is consistent with the much more contemporary and area-specific recommendations in the 2018 Comprehensive Plan for height, which notes the City can consider buildings taller than four-stories on select properties, including the subject site.

### **Demolition Permit Standards**

At its October 5, 2021 meeting, the Common Council revised the City of Madison's demolition permits ordinance section to remove consideration of proposed future use for demolition applications. In order to approve a demolition request, the Plan Commission must consider the factors and information specified in §28.185(9)(c) MGO and find 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 standards state that the Plan Commission shall consider 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 July 12, 2021 meeting, the Landmarks Commission found that the existing building at 2002 and 2004 Winnebago Street has no known historic value.

That said, given the recommendation from the Landmarks Commission, the fact that Staff don't believe the relocation of a commercial building of this size and age is a reasonable expectation, and the conditions of approval, staff believes the demolition permit standards of approval can be found met.

## Conditional Use Standards

This proposal is also subject to the standards for Conditional Uses. Two conditional uses are requested - the first for a building taller than three stories and 40 feet in the TSS district and the second for a building in the TSS District with non-residential uses occupying less than 50 percent of the ground-floor frontage facing the primary street, including all frontage at a street corner. 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) M.G.O. 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.

Staff highlights standards four, nine, and twelve, as they relate to building height and design, and standard five, as it relates to parking and potential traffic impacts.

One of the requested conditional use approvals is for a building exceeding three stories or 40 feet in a TSS district. The aforementioned standards state:

- **Conditional Use Standard 4:** *"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."*
- **Conditional Use Standard 9:** *"When applying the [approval] standards to any new construction of a 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 order to find that this standard is met, the Plan Commission may require the applicant to submit plans to the Urban Design Commission for comment and recommendation."*
- **Conditional Use Standard 12:** *"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."*

Related to each of these standards are considerations of both building form and density. The table on the following page summarizes eight other sizable developments in the vicinity. While the predominant building height in the immediate vicinity is two stories, with some single-story buildings, there are at least two 4-story buildings within 400 feet of the site, both of which have larger footprints and wider/longer facades than the proposal – the 79-unit, mixed-use Aventine development at 1958 Atwood Avenue and the 107-unit Kennedy Place development at 1952 Atwood Avenue. Staff therefore believes that a four-story building could be found consistent with adopted plan recommendations as described above.

Parcel	Zoning	Use	Generalized Future Land Use	Cmcl	Floors	Units	Bedrms	Site Area (ac)	Density	Pkg Stalls/Unit	Notes
2158 Atwood Ave	TSS	Mixed-Use	Community Mixed-Use (CMU)	3,014	4	32	38	0.37	87.5	1.3	
2087 Atwood Ave	TSS	Mixed-Use	Community Mixed-Use (CMU)	1,800 - 3,300	4	30	30	0.36	83.2	1.0	not including 5 shared spaces w/ Monty's
418 Division St	TSS	Residential	Neighborhood Mixed-Use (NMU)	--	3	31	35	0.40	77.5	0.9	
1924 Atwood Ave	PD	Residential	Neighborhood Mixed-Use (NMU)	--	4	50	59	0.75	66.7	1.0	
2045 Atwood Ave (Kennedy Place)	PD	Mixed-Use	Neighborhood Mixed-Use (NMU)	17,373	4	107	494	1.49	71.6	1.8	
107 Sutherland Ct	TE	Mixed-Use	Community Mixed-Use (CMU)	3,850	3	45	92	1.23	36.6	0.6	
1936-38 Atwood Ave (The Aventine)	TSS	Mixed-Use	Neighborhood Mixed-Use (NMU)	4,000	4	79	101	0.97	81.4	1.5**	** 1.06 stalls per unit if not counting the shared stalls on the ground floor
1937-1949 Winnebago St & 316 Russell St	TSS	Mixed-Use	Neighborhood Mixed-Use (NMU)	8,000	3	11	18	0.30	36.7	1.7	
2002-2004 Winnebago St	TSS	Mixed-Use	Neighborhood Mixed-Use (NMU)	1,050	4	24	27	0.23	104.3	0.6	

**Figure 1 – Comparison of Nearby Developments**

Staff believe that the overall impact of the massing and has been reduced by the provision of the 10-foot stepback at the fourth floor level along the two street-frontages in addition to the increased setbacks around the building than are required by the Zoning Code. This includes the five feet along the southwest and southeast frontages for landscaping, an additional four feet (10 feet total) for landscaping and open space along the northwest property line, and an additional 14 feet (20 feet total) along the northeast property line for the ramp to the under-building parking.

Regarding the density, while the proposed 104 units is roughly 20 units per acre higher than the nearby Aventine development and exceeds the recommended density range (70 units per acre) recommended by the Comprehensive Plan, staff note that the proposed unit count is half the number of units (48) which are allowed by the Zoning Code on a parcel in the TSS District without a conditional use.

Staff also considers possible parking and traffic impacts related to the size and use of the proposal. Conditional Use approval standard five states that:

*“Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit and other necessary site improvements have been or are being provided.”*

Fourteen automobile parking stalls are provided beneath the building and accessed via a curb cut and ramp located off of Winnebago Street. The Zoning Code however requires 27 automobile stalls for this proposal – one stall for each unit plus three for the commercial use. Table 28I-4 in MGO Section 28.141(5) states that a reduction of up to 20 automobile parking stalls may be approved by the Zoning Administrator. To initiate this approval, the applicant has submitted a parking reduction application (which is available for review in the Legislative file.) In it the applicant notes that given the accessible location of the site, the excellent Metro service, the nearby access to Madison BCycle and the Cap City Bike Trail, and the pedestrian-friendly neighborhood, this is a viable location to live without an automobile. With the recommended conditions of approval from the Office of the Zoning Administrator (which includes the review of this parking reduction application, Staff believe this approval standards can be found met.



Lastly, pertaining to the conditional use request for a building in the TSS District with non-residential uses occupying less than 50 percent of the ground-floor frontage facing the primary street, including all frontage at a street corner, Staff note that the commercial space occupies 49.2 percent of the roughly 64-foot wide Winnebago Street ground-floor façade (this works out to roughly five inches short of half). Staff believe this roughly five inch shortcoming can be considered negligible and as a result, don't anticipate this would result in significantly different impacts compared to a slightly larger space, that would not require conditional use consideration.

On balance, the Planning Division believes it would be possible to find the conditional use standards are met.

### **Land Division**

The applicant has submitted a certified survey map to combine the 2002 and 2004 Winnebago Street parcels in order to create one residential parcel. M.G.O. Section 16.23(5)(g) provides the process for certified survey maps. Staff believe that all applicable standards for land divisions can be found met, subject to the comments recommended by reviewing agencies.

### **Public Input**

At time of writing, no public comments have been received regarding this proposal.

### **Conclusion**

The Planning Division believes that the proposal is consistent with the approval standards for Demolition Permits and Certified Survey Maps. Staff also believe, on balance, the proposal could be found to be consistent with the approval standards for Conditional Uses. Considering several factors discussed in this report, including general massing, adjacency to existing four-story development, and fact that its well within the number of units allowed in a mixed-use building in the TSS District without a conditional use, the Planning Division believes it is possible for the Plan Commission to find the applicable standards are met.

## **Recommendation**

### **Planning Division Recommendation** (Contact Chris Wells, 261-9135)

The Planning Division recommends that the Plan Commission find that the standards are met and **approve** the demolition permit and conditional use requests to demolish a one-story, commercial building before constructing a four-story, mixed-use building with approximately 1,050 square feet of commercial space and 24 apartments. The Planning Division also recommends that the Plan Commission forward the associated Certified Survey Map to create one residential lot to the Common Council with a recommendation of **approval**. These recommendations are all subject to input at the public hearing and the conditions from reviewing agencies, beginning **on the following page** for the land use requests, and on **page 17** for the CSM.

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

***Land Use Request – Demolition Permit, Conditional Uses***

**Planning Division** (Contact Chris Wells, (608) 261-9135)

1. No HVAC “wall-pack” penetrations/louvers are shown on the street-facing facades. Any HVAC penetrations in the building shall be perpendicular to the main facade, and provided within the recessed balcony spaces. 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.

**City Engineering Division** (Contact Brenda Stanley, (608) 261-9127)

2. Based on historical Sanborn Fire Insurance maps, this property operated as a filling station in the 1940s and 1950s and contained 3 underground storage tanks. Soil petroleum contamination may be present beneath the existing building. If contamination is encountered during construction, follow all WDNR and DSPS regulations for proper reporting, handling and disposal.
3. 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)
4. Construct sidewalk, terrace, spot curb & gutter & asphalt to a plan as approved by City Engineer along Second St & Winnebago St.
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. 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))
7. Revise the site plan to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service. (POLICY)
8. 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)
9. Revise plan to show the location of all rain gutter down spout discharge locations. (POLICY)

10. 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.
11. 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.
12. 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.
13. This project will disturb 4,000 sf or more of land area and require an Erosion Control Permit. Submit the Erosion Control Permit Application (with USLE calculations and associated fee) to Megan Eberhardt (west) at [meberhardt@cityofmadison.com](mailto:meberhardt@cityofmadison.com), or Daniel Olivares (east) at [daolivares@cityofmadison.com](mailto:daolivares@cityofmadison.com), for approval. The permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.
14. 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: The site shall reduce peak discharge in the 10 year storm event by 15% compared to existing conditions.

Volume Control: Provide onsite volumetric control reducing the post construction volumetric discharge in the 10-year storm event by 5% compared to existing conditions.

Thermal Control: Provide substantial thermal control to reduce runoff temperature in cold water community or trout stream watersheds.

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.

15. 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.
16. 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 – Mapping** (Contact Jeffrey Quamme, (608) 266-4097)

17. Building Elevations show fixed canopies and signs attached to the building. The final site plans shall show the outline of any fixed canopies and signs on the site plan to verify that they do not encroach into the public right of way.
18. The building to be removed is very near or adjacent to common property lines and existing parking lot improvements to be removed cross onto adjacent properties. The developer / owner / contractor are collectively responsible to obtain permission or agreements with the adjacent property owners for any disturbance of adjacent lands in conjunction with this project.
19. A Retaining Wall with a height of up to 7 feet is shown very near the Northeast Property line. The Developer / Owner / Contractor are collectively responsible for agreements with adjacent owners necessary for the construction of the wall. Any structural support, footing, tiebacks or access required for maintenance that are within any adjacent property shall require a recorded agreement to be provided prior to final site plan sign off.
20. Update the South 2nd Street text to the official street format of S Second Street on the KBA sheets.
21. The address of the proposed apartments is 2012 Winnebago St.
22. 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.
23. 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.
24. Submit a Floor Plan in PDF format to Lori Zenchenko ([lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com)) that includes a floor plan for each floor on a separate sheet 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 Verification review submittal for this LNDUSE with Zoning. The approved Addressing Plan shall be included in said final submittal.

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 added, changed and/or reapproved.

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

25. 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.
26. 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.
27. 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.
28. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
29. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
30. 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.
31. 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.
32. The applicant shall provide a clearly defined 5' walkway from the front door to the public Right of Way 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.
33. 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.

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

34. 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 at [streets@cityofmadison.com](mailto:streets@cityofmadison.com). 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.
35. A minimum of 27 vehicle parking stalls are required for the residential dwelling units and the commercial tenant space. 14 parking stalls are proposed. A vehicle parking reduction will be required per Section 28.141(5). A parking reduction of up to 20 spaces may be approved by the Zoning Administrator. Submit a request for a parking reduction with the final plan submittal including information to support the argument for reducing the required number of spaces.
36. Provide electric vehicle stalls per Section 28.141(8)(e) Electric Vehicle Charging Station Requirements. A minimum of 10% of the residential parking stalls (1 stall) must be electric vehicle ready. Identify the location of the electric vehicle ready stall on the basement floor plan.
37. 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 one hundred (100) feet of a principal entrance.
38. Submit a rooftop plan showing the location of any proposed rooftop mechanical equipment and screening. Provide a detail or profile demonstrating that rooftop mechanical equipment will not be visible to view above the height of the parapets. All rooftop equipment shall be screened from view from adjacent streets and public rights-of-way per Sections 28.060(2)(f) and 28.142(9)(d). Screens shall be of durable, permanent materials that are compatible with the primary building materials.
39. Provide details showing that the primary street façade (Winnebago St) meets the door and window opening requirements of Section 28.060(2)(d). For nonresidential uses at ground floor level, windows and doors or other openings shall comprise at least sixty percent (60%) of the length and at least forty percent (40%) of the area of the ground floor of the primary street facade. At least fifty percent (50%) of windows on the primary street facade shall have the lower sill within three (3) feet of grade. For residential uses at ground level, a minimum of fifteen percent (15%) of the ground level of residential facades or side and rear facades not fronting a public street shall consist of windows and door openings. On upper stories, window or balcony openings shall occupy a minimum of fifteen percent (15%) of the upper-story wall area.
40. 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. Identify which glass areas will be treated, and provide a detail of the specific treatment(s) that will be used.
41. 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.

42. 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.

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

43. The site plans shall clearly identify the location of all fire lanes. MGO 34.503/IFC 503 Appendix D105, Provide an aerial apparatus access fire lane that is at least 26-feet wide, if any part of the building is over 30 feet in height. The near edge of the aerial fire lane shall be within 30-feet and not closer than 15 feet from the structure, and parallel to one entire side. The aerial fire lane shall cover not less than 25% of the building perimeter.
44. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Division Chief Paul Ripp at [pripp@cityofmadison.com](mailto:pripp@cityofmadison.com) or (608) 712- 6277.

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

45. 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# 21029 when contacting Parks about this project.

**Forestry Review** (Contact Bradley Hofmann, (608) 267-4908)

46. Contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. Contractor shall operate equipment in a manner as to not damage the branches of the street tree(s). This may require using smaller equipment and loading and unloading materials in a designated space away from trees on the construction site. Any damage or injury to existing street trees (either above or below ground) shall be reported immediately to City Forestry at 266-4816. Penalties and remediation shall be required. Add as a note on the plan set.
47. As defined by the Section 107.13 of City of Madison Standard Specifications for Public Works Construction: No excavation is permitted within 5 feet of the trunk of the street tree or when cutting roots over 3 inches in diameter. If excavation is necessary, the Contractor shall contact Madison City Forestry (266-4816) prior to excavation. City of Madison Forestry personnel shall assess the impact to the tree and to its root system prior to work commencing. Tree protection specifications can be found on the following website: <https://www.cityofmadison.com/business/pw/specs.cfm> Add as a note on the plan set.
48. On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on the plan set.
49. Street tree pruning shall be coordinated with Madison Forestry at a minimum of two weeks prior to the start of construction for this project. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on the plan set.

50. Section 107.13(g) of City of Madison Standard Specifications for Public Works Construction addresses soil compaction near street trees and shall be followed by Contractor. The storage of parked vehicles, construction equipment, building materials, refuse, excavated spoils or dumping of poisonous materials on or around trees and roots within five (5) feet of the tree or within the protection zone is prohibited. Add as a note on the plan set.
51. All proposed street tree removals within the right of way shall be reviewed by City Forestry before the Plan Commission meeting. Street tree removals require approval and a tree removal permit issued by City Forestry. Any street tree removals requested after the development plan is approved by the Plan Commission or the Board of Public Works and City Forestry will require a minimum of a 72-hour review period which shall include the notification of the Alderperson within who's district is affected by the street tree removal(s) prior to a tree removal permit being issued. Add as a note on the plan set.
52. An existing inventory of street trees located within the right of way shall be included on the landscape, site, demo, and utility plans. The inventory shall include the following: location, size (diameter at 4 1/2 feet), and species of existing street trees. The inventory should also note if a street tree is proposed to be removed and the reason for removal.
53. 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 (in PDF format) shall be submitted City Forestry for approval of planting locations and tree species. All available street tree planting locations shall be planted within the project boundaries. Add following note to plan: 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.
54. City Forestry will issue a street tree removal permit for a 27" Locust due to conflicts with canopy and building footprint located along the Winnebago St frontage. Add as a note on the plan set.

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

55. 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.
56. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumbers-contractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Ave. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. A Water Meter Application Form will subsequently be required to size & obtain a water meter establish a Water Utility customer account and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

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

The agency reviewed this request and has recommended no conditions of approval.



## ***Certified Survey Map***

### **City Engineering Division** (Contact Brenda Stanley, (608) 261-9127)

1. Based on historical Sanborn Fire Insurance maps, this property operated as a filling station in the 1940s and 1950s and contained 3 underground storage tanks. Soil petroleum contamination may be present beneath the existing building. If contamination is encountered during construction, follow all WDNR and DSPS regulations for proper reporting, handling and disposal.
2. This site is a known location for flooding. Development shall be subject to minimum first floor opening elevations including entrances to underground parking.
3. 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)
4. Construct sidewalk, terrace, spot curb & gutter & asphalt to a plan as approved by City Engineer along Second St & Winnebago St.
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](mailto:ttroester@cityofmadison.com)) or Brenda Stanley (East) at 608-261-9127 ([bstanley@cityofmadison.com](mailto:bstanley@cityofmadison.com)) to obtain the final stormwater utility charges that are due and payable prior to sub-division of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service and must be cleared prior to the land division (and subsequent obsolesces of the existing parcel). (POLICY)

### **City Engineering – Mapping** (Contact Jeffrey Quamme, (608) 266-4097)

7. The proposed development as proposed will not utilize the access easement (Doc No 1712409) over the lands to the northwest. If this is the intent, it is advised that the easement be released to clear title for the adjacent property.
8. 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))

9. The CSM shall be correctly tied to a quarter line of the section as required by Statute, not a line between meander corners. Provide the computed true locations of the section corners on the map, provide ties to the meander corners. Tie the survey and legal description to the true section line.
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](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.
11. Conditions of approval noted herein are not intended to be construed as a review determining full compliance with City of Madison Ordinances and State of Wisconsin Statutes. The licensed professional preparing the land division is fully responsible for full compliance with all Ordinances and Statutes regulating this proposed land division.
12. Properly show the northeast line of Lot 7 that is approximately 3.05 feet northeast of the northeast side of this property. The map shall have a label of Block 3 of Tierney Addition to Madison
13. The frontage of 89.19 feet is significantly shorter than what was measured as 89.75 feet with the Isthmus survey of 2012 showing a distance of 89.75 feet. Confirm the SW line of this CSM being 66 feet northeast of the Block line along the Southwest line of S Second Street. There is a survey by George Weir from 1978 that ties the existing building to the Southwest side of S Second Street.
14. Correct the spelling of Chiseled in the Legend on sheet 2. Also add the monument type for set corners in conformance with the statutes.
15. Revise South 2nd Street label to S. Second Street. Also add a location header to the legal description under the Surveyor's Certificate. The Header for the description and on each sheet shall indicated this this CSM is located in part of the SW 1/4 of the SE 1/4 of Section 6, T 7 N R 10 E.
16. This Certified Survey Map 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.
17. 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 Kate Kane, (608) 261-9671)

18. 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# 21029 when contacting Parks about this project.
19. 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."
20. The Parks Division shall be required to sign off on this CSM.

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

21. 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 of ORES approval sign-off. If not, the City and the Register of Deeds are now accepting electronic signatures. A PDF of the CSM containing electronic signatures shall be provided to ORES to obtain approval sign-off.

22. Prior to CSM approval sign-off, an executed and notarized or authenticated certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate(s). If a mortgage or other financial instrument is reported in record title, but has been satisfied or no longer encumbers the lands or ownership within the CSM boundary, a copy of a recorded satisfaction or release document for said instrument shall be provided prior to CSM approval sign-off.
23. 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, to be executed prior to CSM sign-off.
24. 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.
25. 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

26. The lands within the CSM boundary are located within TID 37, a Tax Incremental Financing District. Discussions with Joe Gromacki, the City of Madison's tax increment financing coordinator, may be necessary before recording the CSM if a TIF application is required. Mr. Gromacki can be reached at 608-267-8724 or [jgromacki@cityofmadison.com](mailto:jgromacki@cityofmadison.com). Please inform Andy Miller in the City's Office of Real Estate Services ([acmiller@cityofmadison.com](mailto:acmiller@cityofmadison.com)) if a TIF Loan has been authorized for the project.
27. As of October 8, 2021, the 2020 real estate taxes are paid for the subject property. Per 236.21(3) Wis. Stats. and 16.23(5)(g)(1) Madison General Ordinances, the property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to CSM recording. Receipts from the City of Madison Treasurer are to be provided before or at the time of sign-off.
28. As of October 8, 2021, there are no special assessments reported. All known special assessments are due and payable prior to CSM approval sign-off. If special assessments are levied against the property during the review period and prior to CSM approval sign-off, they shall be paid in full pursuant to Madison General Ordinance Section 16.23(5)(g)1.
29. Pursuant to Madison City Ordinance Section 16.23(5)(g)(4), the owner shall furnish an updated title report to Andy Miller in the ORES ([acmiller@cityofmadison.com](mailto:acmiller@cityofmadison.com)), as well as the survey firm preparing the proposed CSM. The report shall search the period subsequent to the date of the initial title report, being July 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.

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