

PLANNING DIVISION STAFF REPORT

June 10, 2024

PREPARED FOR THE PLAN COMMISSION



Project Address: 3420–3614 Milwaukee Street
Application Type: Demolition Permit, Zoning Map Amendment and Preliminary Plat
Legistar File ID # [78643](#), [78911](#) and [78642](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted
Reviewed By: Kevin Firchow, Planning Division

Summary

Applicant: Starkweather, LLC; 1010 E Washington Avenue, Suite 101; Madison.

Contact Person: Therese Hanson, The Kubala Washatko Architects; W 61 N617 N Mequon Avenue; Cedarburg.

Property Owners: Voit Land, LLC; 4526 Sandpiper Trail; Cottage Grove | EC Voit & Sons; 3540 Milwaukee Street; Madison | City of Madison Parks Division; 330 E Lakeside Street; Madison.

Surveyor: Mike Ziehr and Randy Kolinske, Vierbicher; 999 Fourier Drive, Suite 201; Madison.

Requested Actions:

- ID [78643](#) – Consideration of a demolition permit to demolish an industrial building and two single-family residences at 3450, 3490, and 3510 Milwaukee Street;
- ID [78911](#) – Approval of a request to rezone 3420-3614 Milwaukee Street from Temporary A (Agricultural District) to TR-V2 (Traditional Residential–Varied 2 District), TR-U2 (Traditional Residential–Urban 2 District), CC-T (Commercial Corridor–Transitional District), PR (Parks and Recreation District), and CN (Conservancy District); and
- ID [78642](#) – Approving the preliminary plat of the *Starkweather Plat* on property addressed as 3420-3614 Milwaukee Street, creating 13 lots for future residential and mixed-use development, five outlots for public uses, and five outlots for private uses.

Proposal Summary: The applicant is seeking approval of permanent zoning and preliminary plat approval to develop the subject 67-acre property with 13 lots and a total of 10 outlots. Three of the proposed lots will be zoned CC-T, six will be zoned TR-U2, and four lots will be zoned TR-V2. The letter of intent suggests that the 13 lots could support the future construction of up to 1,100 dwelling units. Of the ten outlots shown on the preliminary plat, five will be dedicated to the City, including three outlots for stormwater management and two for parkland; five outlots will be reserved for private use, including for private open spaces and community gardens.

A series of buildings located on the southern half of the site will be razed to accommodate the proposed subdivision, including a principal building associated with a former concrete ready-mix plant and two single-family residences.

The applicant indicates that commencement of the development is scheduled for late 2024, with implementation to occur over five to ten years per the letter of intent.

Applicable Regulations & Standards: Section 28.182 of the Zoning Code provides the process for zoning map amendments. Section 28.185 provides the process and standards for the approval of demolition and removal permits. The subdivision process is outlined in Section 16.23(4) of the amended Subdivision Regulations.

Review Required By: Plan Commission and Common Council.

Review Schedule: The State's subdivision statute, Wis. Stats. 236, requires that a preliminary plat be approved, conditionally approved, or rejected (with stated reasons) within 90 days of submittal unless the time is extended by agreement with the applicant. If no action is taken within 90 days and no extension granted, the plat is deemed approved.

The proposed preliminary plat application was submitted to the City on June 26, 2023. However, the disposition of the City-owned parcel at 3614 Milwaukee Street that is part of the submitted preliminary plat was not decided until the Common Council adopted Resolution 24-00325 (ID [83182](#)) on May 21, 2024, which now allows the plat to proceed with the City land as shown. Therefore, the 90-day review period for this plat is now scheduled to expire on August 19, 2024.

Summary Recommendation: The Planning Division recommends that the Plan Commission find the standards for demolition permits are met to **approve** demolition of the principal buildings at 3450, 3490, and 3510 Milwaukee Street, and forward Zoning Map Amendment ID 28.022-00634 through 28.022-00638, rezoning 3420-3614 Milwaukee Street from Temp. A to TR-V2, TR-U2, CC-T, PR and CN, and the preliminary plat of *Starkweather Plat* to the Common Council with recommendations of **approval**, all subject to input at the public hearing and the conditions from reviewing agencies beginning on page 12 of this report.

Background Information

Parcel Location: Approximately 67 acres of land generally located on the north side of Milwaukee Street between Walter Street and Starkweather Creek; Alder District 15 (Martinez-Rutherford); Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site is comprised of six parcels:

- 3420 Milwaukee Street: An undeveloped 0.44-acre parcel located, zoned Temp. CN (Conservancy District);
- 3450 Milwaukee Street: A 56.3-acre parcel zoned Temp. A (Agricultural District), which includes a former concrete batch plant and associated outbuildings, a gravel pit, quarry pond, and agricultural land;
- 3490 Milwaukee: A 0.5-acre parcel developed with a two-story single-family residence, zoned Temp. A;
- 3510 Milwaukee: A 0.43-acre parcel developed with a one-story single-family residence, zoned Temp. A;
- 3590 Milwaukee: An undeveloped 8.0-acre parcel located east of the quarry pond, zoned Temp. A; and
- 3614 Milwaukee: An undeveloped 1.53-acre parcel owned by the City of Madison Parks Division, which serves as street frontage for the larger undeveloped Starkweather Park. The conservation land is zoned CN.

Surrounding Land Use and Zoning:

North: Starkweather Creek, Wisconsin & Southern Railroad;

South: Single- and two-family residences and OB Sherry Park across Milwaukee Street, zoned TR-C4 (Traditional Residential–Consistent 4 District);

East: Starkweather Park and Stormwater Utility greenway, zoned CN (Conservancy District); undeveloped land, zoned TR-C1 (Traditional Residential–Consistent 1 District); Amazon package distribution facility, zoned CC-T (Commercial Corridor–Transitional District); and

West: Starkweather Creek, single- and two-family residences along N Fair Oaks Avenue, zoned TR-V1 (Traditional Residential–Varied 1 District); four-story, 112-unit apartment building under construction, zoned TR-U1 (Traditional Residential–Urban 1 District).

Adopted Land Use Plans: The [Milwaukee Street Special Area Plan](#), adopted in 2018, recommends that most of southern half of the subject site be developed with a mix of Residential Housing Mix 1 (HM1) and Residential Housing Mix 2 (HM2), with the exception of the northwestern and northeastern corners of Milwaukee and Walter Streets, which are recommended for Mixed-Use. The remainder of the site is recommended for Park and Open Space/Stormwater. The special area plan also recommends the extension of Chicago Avenue across Starkweather Creek and the site from its current terminus at N Fair Oaks Avenue; Chicago Avenue is planned to form the northern boundary of a grid of streets extending north from Milwaukee Street to serve the development planned on the southern half of the site.

The 2023 [Comprehensive Plan](#) generally follows the recommendations in the [Milwaukee Street Special Area Plan](#), recommending the HM2 areas in the special area plan for Medium Residential (MR), while the HM1 area are recommended for Low-Medium Residential (LMR). The northern half of the property and the westerly edge adjacent to Starkweather Creek are recommended for Park and Open Space (P). The southeasternmost corner of the site along Milwaukee Street is recommended for Community Mixed-Use (CMU).

Environmental Corridor Status: The westerly and northerly edges of the property containing floodplains and the Starkweather Creek floodway, the quarry pond, and associated wetlands are all located in mapped environmental corridor.

Public Utilities and Services: The property is located in the Central Urban Service Area (CUSA). The subject site is served by a full range of urban services, including Metro Transit, which operates daily service along Milwaukee Street past the site on Routes D1 and L, with trips at least every 60 minutes.

Zoning Summary: The proposed lots will be zoned TR-V2 (Traditional Residential–Varied 2 District), TR-U2 (Traditional Residential–Urban 2 District), CC-T (Commercial Corridor–Transitional District), PR (Parks and Recreation District), and CN (Conservancy District). The conformance of the proposed lots with the minimum area requirements of those districts will be discussed in the ‘Analysis’ section of this report.

Other Critical Zoning Items	
Yes:	Floodplain, Utility Easements (to be established with final plat), Wetlands, Adjacent to Parkland, Shoreland Zoning
No:	Urban Design, Wellhead Protection, Landmarks, Waterfront Development, Transit-Oriented Development (TOD) Overlay District, Barrier Free
Prepared by: Jenny Kirchgatter, Assistant Zoning Administrator	

Project Description

The applicant, Starkweather, LLC, is requesting zoning and preliminary plat approvals to allow five parcels at 3420-3614 Milwaukee Street to be developed with a variety of mixed-use and multi-family buildings. The approximately 67 acres of land are generally located on north side of Milwaukee Street between Starkweather Creek and Walter Street. As part of the pending applications, the applicant is also requesting approval of a demolition permit to raze three principal structures located on the southern half of the subject property in anticipation of the proposed development. The subject property was attached to the City of Madison from the Town of Blooming Grove effective August 15, 2022 following approval by the Common Council on August 2, 2022.

Existing Conditions

The six parcels that comprise the subject site are:

- 3420 Milwaukee Street is an undeveloped 0.44-acre parcel, zoned CN (Conservancy District).
- 3450 Milwaukee Street, a 56.3-acre parcel that includes a former concrete batch plant and associated outbuildings, gravel pit, quarry pond, and barn. The concrete production facility is no longer in operation, and most of the land between the pond and Milwaukee Street is in active tillage. The western and northern boundaries of the 3450 parcel are formed by Starkweather Creek. The parcel is zoned Temporary A (Agricultural District).
- 3490 Milwaukee Street, a 0.5-acre parcel developed with a two-story single-family residence and detached two-car garage. Materials included with the demolition request indicate that the residence was constructed in 1939 and includes four bedrooms and two bathrooms. The parcel is zoned Temporary A.
- 3510 Milwaukee Street is 0.43-acre parcel developed with a one-story single-family residence constructed in 1953. The residence contains three bedrooms, one bathroom, and an attached one-car garage. The parcel is zoned Temporary A.
- 3590 Milwaukee Street is a landlocked, undeveloped 8.0-acre parcel located east of the quarry pond, zoned Temporary A.
- 3614 Milwaukee Street is an undeveloped 1.53-acre parcel owned by the City of Madison Parks Division, which serves as street frontage for the larger undeveloped Starkweather Park parcel generally located east of the proposed subdivision and principally north of Milwaukee Street. The parcel is zoned CN.

Photos of the interior and exterior of the various buildings located across the site are attached to the demolition permit (ID [78643](#)). The application materials make no reference to the relocation of the existing principal structures to accommodate the proposed development.

The quarry pond and Starkweather Creek, which are connected by a constructed channel, are the most significant natural features present on the overall property. The area between the pond and creek include delineated wetlands, which are depicted on pages 4 and 5 of the preliminary plat. FEMA-identified floodway parallels Starkweather Creek and encompasses most of the land between it and the pond on the north and west, with additional areas of 100-year floodplain located south of the pond. There is otherwise very little grade present across the site and modest tree cover overall, with most of the tree cover located near the pond. Owing to these natural features, approximately half of the site is located in mapped environmental corridor, as are the City's undeveloped Starkweather Park open space and a large stormwater parcel owned by the Stormwater Utility, which border the site on the east.

Proposed Subdivision

Access to the proposed subdivision will be provided by three streets that will extend north from Milwaukee Street opposite three streets that serve the Eastmorland neighborhood to the south. From west to east, the applicant proposes the northward extension of Leon Street as a 76-foot wide right of way, which they indicate is intended to be a “Community Main Street” under the Complete Green Streets typology adopted by the Common Council in January 2023. Near the center of the development frontage along Milwaukee Street, the plat includes the extension of Harding Street as a 60-foot wide “Neighborhood Yield Street” right of way, while Walter Street will be extended north from its existing signalized intersection with Milwaukee Street as a 66-foot wide “Neighborhood Street” right of way. All three streets will terminate at the eastward extension of Chicago Avenue, which is proposed as a 66-foot wide “Neighborhood Street” right of way to be located approximately 900 feet north of Milwaukee Street. Chicago Avenue is planned to extend in the future from its current terminus at N Fair Oaks Avenue west of Starkweather Creek across the site before continuing east to West Corporate Drive. Both Walter Street and Chicago Avenue are officially mapped across the subject property.

In addition to the streets described above, the plat also proposes two east-west streets to be located between Chicago Avenue and Milwaukee Street. Starkweather Street is planned as a 72-foot wide “Neighborhood Shared Street” that will extend between Leon and Walter, while Voit Avenue (shown on Sheet C6.2 of the ‘Development Plans’ attachment to the preliminary plat (ID [78642](#)) file as “Slow Street”) is planned as a 60-foot wide “Civic Space” street right of way that will extend from Leon Street to the eastern plat limits.

Three of the 13 lots proposed will be zoned CC-T, six lots will be zoned TR-U2, and four lots will be zoned TR-V2. The letter of intent suggests that the 13 lots could support the future construction of up to 1,100 dwelling units, including townhouses and “flats” (multi-family dwelling units). The proposed zoning and use of the 13 lots and 10 outlots are summarized on page 5 of the applicant’s letter of intent dated July 26, 2023, which is attached to the preliminary plat file, ID [78642](#). A copy of the zoning map depicting how the different lots and outlots will be zoned is also attached to the plat file as well as to the zoning map amendment file, [78911](#). Separate land use approvals will be required for the future development on Lots 1-13 following approval and recording of a final plat of the subdivision.

Analysis

Consideration of Demolition Permit Standards

In order to approve a demolition request, the Plan Commission shall consider the factors and information specified in Section 28.185(9)(c) 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 for demolition approval 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. The demolition of the concrete production facility at 3450 Milwaukee Street and single-family residences at 3490 and 3510 Milwaukee Street were reviewed at the July 31, 2023 Landmarks Commission, where the Landmarks Commission voted to recommend to the Plan Commission that those principal buildings have no known historic value.

The Planning Division has no information otherwise to suggest that the proposed demolitions would not meet the standards of approval in Section 28.185(9)(c) and recommends that the demolitions be approved. At time of writing this report, staff is unaware of any written comments from the public regarding the proposed demolitions.

In approving a demolition permit, the Plan Commission may stipulate conditions and restrictions on the proposed building demolition as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards of approval. The proposed conditions for this demolition may be found in the 'Recommendation' section of the report, which follows.

Consistency with Adopted Plans

In order to approve the zoning map amendment, the Common Council shall find that the zoning map amendment is *consistent with* the City's Comprehensive Plan as required by Section 66.1001(3) of Wisconsin Statutes. "Consistent with" is defined as "furthers or does not contradict the objectives, goals and policies contained in the comprehensive plan." The Comprehensive Plan notes that sub-area plans (neighborhood, area, etc.) are adopted as "a supplement to the Comprehensive Plan" to reflect their function and status in providing more detailed planning recommendations than are often needed to effectively implement the Comprehensive Plan. The Comprehensive Plan provides a long-term, broad, generalized policy framework for land use, growth, and large-scale investment priorities for the City, while sub-area plans provide more detailed recommendations for a specific geographic area.

The subject site is located within the boundaries of the Milwaukee Street Special Area Plan (MSSAP), which was adopted in 2018 to guide development and redevelopment in the area bounded by N Fair Oaks Avenue on the west, State Highway 30 on the north, N Stoughton Road (US Highway 51) on the east, and Milwaukee Street generally on the south. The special area plan was jointly adopted by the City of Madison and the Town of Blooming Grove to serve as the plan for the "cooperative development property" stipulated in the 2006 Town of Blooming Grove and City of Madison Cooperative Plan. The cooperative development property in the cooperative plan is comprised of parcels historically associated with the Voit family, who own five of the six parcels associated with the subject zoning and preliminary plat requests. Originally, the cooperative plan called for the cooperative development property to develop in the Town but according to a jointly approved plan and City development standards before portions of the property transitioned into the City. However, to simplify the development process, and due to the time remaining before the Town ceases operation and is attached into the City of Madison on October 31, 2027, the City, Town, and Voit family agreed in November 2020 to amend the cooperative plan to allow the parcels to come into Madison sooner. As noted elsewhere in this report, the properties were attached to the City in August 2022.

The MSSAP recommends that most of southern half of the subject site be developed with a mix of Housing Mix 1 (HM1) and Housing Mix 2 (HM2), with the exception of the northwestern and northeastern corners of Milwaukee and Walter Streets, which are recommended for Community Mixed-Use (CMU). The remainder of the site is recommended for Park and Open Space/Stormwater.

HM1 is the lowest intensity residential land use category recommended by the special area plan. Housing types recommended in HM1 include single-family homes, two flats/duplexes and townhomes in two- to three-story buildings. The density in HM1 should be similar to the Low Medium Residential (LMR) category in the Comprehensive Plan, which is 7-30 units per acre. Units in HM1 are encouraged to have a front door facing the street and features such as porches, stoops and fenced/ enclosed patios, and building setbacks should be appropriate for a compact urban neighborhood, with between 15 and 20 feet recommended.

HM2 includes townhomes and three- to four-story apartment buildings (rental, senior and condominium). The Plan recommends that ground level units facing public streets have primary entries on the street, with direct access to a public sidewalk. Setbacks should generally be 10-20 feet and all parking should be located underneath,

behind or beside buildings. The HM2 district in the special area plan generally aligns with the Medium Residential (MR) category in the Comprehensive Plan.

The recommendations for the Mixed-Use category in the MSSAP are intended to be consistent with the Community Mixed-Use (CMU) category in the Comprehensive Plan, with building scales recommended to be three to five stories. The CMU district in the Comprehensive Plan includes existing and planned areas supporting an intensive mix of residential, commercial, and civic uses serving residents and visitors from the surrounding area and the community as a whole. CMU areas are generally located at major intersections and along relatively high-capacity transit corridors, and can generally accommodate significant development with a variety of housing options and commercial uses that attract a wide customer base in buildings two to six stories in height. Development and design within CMU areas should create a walkable node or corridor and should be transit-oriented. On-street parking may be provided, but intense development in CMU areas may require structured parking. Buildings should be placed close to the sidewalk and should screen any surface parking from the street. Development within CMU areas should be designed to support surrounding residential uses by providing services and retail, and designed to support nearby employment areas by providing residential units close enough to make walking and biking the most convenient method of commuting. Employment, retail, civic, institutional, and service uses serving both adjacent neighborhoods and wider community markets are recommended for CMU areas. Residential uses will generally be similar to the MR category, though they may occur at higher densities up to 130 units per acre.

The MSSAP also recommends the extension of Chicago Avenue across Starkweather Creek and the site from its current terminus at N Fair Oaks Avenue. The Plan notes that this connection is of critical importance to future development in the Milwaukee Street area, improving the link between development parcels and adjacent neighborhoods while providing a northern outlet for future residents to N Fair Oaks Avenue. In the special area plan, Chicago Avenue is envisioned as the boundary between the park and open space uses planned to the north and the various residential and mixed-use development planned to the south. Meanwhile, the MSSAP envisions Walter Street as the primary north-south street access to the development planned north of Milwaukee Street.

On the subject property, the MSSAP identifies a new active park space north of Chicago Avenue, while the western and northern edges of the site adjacent to Starkweather Creek are recommended for Open Space and Stormwater, with the special area plan recommending that a parkway similar to the Yahara Parkway be developed along the creek.

The Comprehensive Plan, as amended by the Common Council on December 5, 2023, follows the recommendations in the Milwaukee Street Special Area Plan, designating the HM2 areas in the special area plan as Medium Residential (MR), while the HM1 areas are recommended for Low-Medium Residential (LMR). The northern half of the property and the westerly edge adjacent to Starkweather Creek are recommended for Park and Open Space (P). The southeasternmost corner of the site along Milwaukee Street is recommended for Community Mixed-Use (CMU).

Additionally, Milwaukee Street is identified in the Comprehensive Plan as a community growth corridor, with the section between Fair Oaks Avenue and Stoughton Road also identified as a “transitioning community center.” According to the Plan, community growth corridors are recommended along certain major streets in the city that have some transit, but lack a diversity of existing or planned future land uses. Many such corridors are expected to transition from an auto-oriented development pattern to more transit-, walk-, and bike-friendly styles of development. Within the hierarchy of activity centers in the Growth Framework in the 2023 plan, community centers still tend to have access to transit and major streets, but are expected to develop at a lower intensity than

the more intensive regional activity centers and serve a smaller area. Transitioning activity centers are considered “underutilized” areas with commercial and employment uses that are well served by transit with the potential to transition into “vibrant” mixed-use areas over time.

The Planning Division believes the Plan Commission can find that the proposed zoning districts and preliminary plat are generally consistent with the plan recommendations summarized above. The layout of the subdivision follows the development pattern recommended for the site in the MSSAP, including the gridded street pattern and the use of future Chicago Avenue as the boundary between development to the south and parks and open space to the north. The “short urban blocks” proposed should encourage the compact, walkable development pattern encouraged by the MSSAP. The mix of residential zoning districts and planned housing types also reflects the intent in the special area plan to have a variety of housing in the new developments north of Milwaukee Street. However, the location of the mixed-use zoning proposed in the *Starkweather Plat* differs from the Milwaukee Street frontage where it is recommended in the MSSAP, and the overall density of residential to be developed on the subject site will likely be higher than the amount of development anticipated when the special area plan was adopted based on the intensity of zoning districts proposed for the residential lots. The planned height of some of the buildings proposed in the development is also planned to be taller than the heights recommended by the MSSAP.

The TR-V2 zoning proposed for Lots 6, 9, 10, and 13 is the least intensive Traditional Residential zoning district that allows the townhouses planned for those lots per the letter of intent, although the potential density of those lots could be higher based on the minimum 1,500 square feet of lot area required for most of the housing types allowed in that district. The TR-V2 zoning is relatively consistent with the HM1 recommended for a portion of the site in the MSSAP, although how the TR-V2 will be mapped differs somewhat from the portions of the site recommended for HM1 in the plan. Likewise, the proposed TR-U2 zoning can be found to be consistent with the HM2 category, although the permitted heights in the TR-U2 district may allow building heights greater than the four-story heights recommended in the MSSAP, which were informed by feedback received from the community during the planning process.

The proposed CC-T zoning of Lots 3-5 along Leon Street represents a departure from the recommendations in the MSSAP. At the time that the special area plan was adopted in 2018, mixed-use development was envisioned along the north side of Milwaukee Street generally between Walter Street and a planned higher density activity node and possible mixed-use transit center on the East Transfer Point property at West Corporate Drive. However, as noted in the applicant’s letter of intent, the East Transfer Point was closed as part of the Metro Transit network redesign implemented in June 2023. Given that the mixed-use recommendation along Milwaukee Street has lost its center of gravity with the closure of the transfer point, staff agrees that some of the land recommended for CMU along Milwaukee Street could be implemented elsewhere in the planning area, including along Leon Street as proposed by the applicants.

Subdivision Design

Street Layout: The [Complete Green Streets Guide](#) adopted by the Common Council on January 3, 2023 incorporates a more nuanced, equity-based approach to the design of streets that prioritizes pedestrians, transit, and bicycles over motor vehicles and parking compared to how streets have been designed since about 1950. The Guide intends to design and operate the entire right of way to prioritize safety, connectivity for people traveling whether they are walking, taking transit, biking, or driving, and to ensure the green infrastructure needs of the City. The Guide identifies eleven street types and specifies for each (see pages 58-61) the minimum and preferred walkway width; minimum and preferred “flex zone” width (including curb, gutter, terrace, and on-street parking

(if present)); minimum, maximum, and preferred travel way width (including for a typical two-way street all travel lanes, transit lanes, on-street bike lanes, center turn lanes, and medians, but not on-street parking); and the minimum and maximum width of the overall right of way. The design parameters for each street type includes a “typical average daily trips (ADT),” which informs how new street types are assigned. The eleven street types have been incorporated into the amended Subdivision Regulations adopted by the Common Council on July 25, 2023, which defer to the Guide for the implementation of those street types when proposed in a new subdivision or land division.

As noted in the Project Description section of the report, the applicants are proposing the specific street types to serve their development and have provided cross-sections in their application materials, which inform the right of way widths shown on the preliminary plat. Those cross-sections show 26-foot wide drive lanes (13 feet per direction, exclusive of parking) on Chicago Avenue, Leon Street, Starkweather Street, and Voit Avenue/Slow Street. The drive lane width on those streets is intended to accommodate the aerial apparatus lanes/roads required by MGO Section 34.503 and International Fire Code (IFC) Appendix D105 (adopted by reference) for buildings planned to be taller than 30 feet in height. In those cases, the MGO and IFC generally require a minimum unobstructed aerial apparatus lane/road that is 26 feet wide and located not less than 15 feet and not more than 30 feet from two sides or the equivalent of 25% of the exterior walls of the building. Any buildings unable to provide the required aerial apparatus lane would be required to obtain variances from the Board of Building Code, Fire Code, Conveyance Code and Licensing Appeals prior to the issuance of building permits.

Final compliance with fire access requirements is typically determined at the time that final zoning approvals are granted prior to building permitting. However, the ability for public streets in the subdivision to be used (in full or in part) for required fire access for future buildings in the subdivision is a more direct consideration during review of preliminary plats following the adoption of the Complete Green Streets Guide and its codification in Section 16.23 now compared to before CGS and the amended Subdivision Regulations were adopted because travel way width is more restricted as a result of the Guide, particularly for lower-order streets with fewer than 3,000 ADT.

The maximum travel way width for Neighborhood Yield Streets is 16 feet, while it is 22 feet for Neighborhood Streets and Mixed-Use Neighborhood Streets. The applicants’ plan for 26-foot wide travel ways to accommodate on-street aerial apparatus access lanes for development on abutting lots conflicts with the Complete Green Streets Guide.

In order for the proposed preliminary plat to be approved, the proposed streets are required to conform to the requirements in the Complete Green Streets Guide. Section 16.23(6)(a)2. of the amended ordinance states:

“The most current Complete Green Streets Guide shall be used to develop street type, width, and allocation of space between transportation modes. The tables Guide shall be used to develop typical sections, travel way width, and total right of way width. For any subdivision or land division that proposes to deviate from the design standards in the guide, the Plan Commission shall consider the recommendation of the Transportation Commission before taking action on such subdivision or land division.”

Section 16.23(8) provides the following variance provision for a subdivision or land division (**emphasis added**):

*“When in the judgment of the Plan Commission it would be inappropriate to apply literally provisions of Subsection (6) of this Ordinance because the subdivision or land division is located outside the corporate limits or because extraordinary hardship would result, it may waive or vary such provisions associated with development form, density, and standards so that substantial justice may be done and the public interest secured. **For any request to waive or vary the requirements for transportation facilities shown***

in a subdivision or land division, the Plan Commission may consider the recommendation of the Transportation Commission; consideration shall be given to whether the transportation facility required can be accommodated in another way.”

The project team and City staff presented the proposed Starkweather Plat to the Transportation Commission on October 11, 2023 pursuant to the language in the Subdivision Regulations above. Following the discussion of the project, the Transportation Commission voted 9-1 to recommend to the Plan Commission the preliminary plat as proposed by the applicant and support the deviation from Complete Green Streets only if it is required to meet fire code. See ID [80278](#) for more information on the Transportation Commission’s discussion and recommendation on the project.

Consistent with the direction provided by the Transportation Commission last October, the Traffic Engineering Division is recommending approval of the proposed preliminary plat with a condition that the applicant dedicate sufficient right of way to allow for minimum eight (8)-foot terraces on all streets in the plat, with that the final right of way width to be approved by the City Traffic Engineer. Traffic Engineering staff also included a caveat that right of way configuration and design are not approvable through the plat approval process, and that the applicant will need to work with Traffic Engineering and City Engineering Division staff on final right of way design as part of the approval of public improvements for the subdivision. Staff feels that the proposed conditions are consistent with the goals of the Complete Green Streets Guide and the Subdivision Regulations while allowing the subdivision to proceed through the preliminary plat process to final platting and the design and permitting of the public improvements that will serve the development. [The final design of streets and utilities to serve a subdivision or land division typically occurs once the final plat or CSM has been approved but before it may be recorded.] Staff believes that it would be appropriate for the Plan Commission to follow the Transportation Commission’s lead and approve the proposed preliminary plat with the deviations from the Complete Green Streets Guide needed to comply with the Fire Code as the subdivision develops subject to the conditions recommended by the Traffic Engineering Division.

Parks: In response to the lands to be dedicated to the public as part of the proposed *Starkweather* subdivision, the Parks Division has submitted a separate memo for review by the Plan Commission as it considers approval of the preliminary plat. The memo from Eric Knepp, Parks Superintendent, dated June 4, 2024, is attached to the legislative file for the preliminary plat as ‘Parks Comments_PC Letter June 2024.’ **The memo and proposed conditions of approval should be considered an integral part of any Plan Commission approval of the preliminary plat.**

Other Considerations: The Planning Division believes that the 13 lots proposed for development can meet the dimensional requirements in the Zoning Code for the corresponding zoning districts requested, as well as the design criteria for lots and blocks in the amended Subdivision Regulations.

As a condition of approval, the applicants will be required to submit agreements, bylaws, provisions, or covenants that will govern the organizational structure, use, maintenance and continued protection of the privately owned parklands, greenways, and other common facilities contained in the proposed subdivision (Outlots 1, 2, 3, 5, and 6) for staff approval prior to final approval of the subdivision for recording consistent with Section 16.23(3)(a)7 of the amended Subdivision Regulations. The intent of that provision is to ensure to the greatest extent possible that private facilities serving a subdivision can be maintained privately in perpetuity to avoid them becoming a public liability in the future.

Conclusion

The applicants are requesting approval of a demolition permit, zoning map amendment, and preliminary plat to allow an approximately 67-acre parcel located on the north side of Milwaukee Street between Starkweather Creek and Walter Street to be developed with up to 1,100 dwelling units and an unknown amount of future commercial space on the 13 lots proposed. The subdivision will also dedicate the land for park and open spaces generally recommended in adapted plans.

Staff believes that the Plan Commission may find that these requests meet the standards for approval. The proposed development is generally consistent with the applicable recommendations for the site in the Milwaukee Street Special Area Plan and Comprehensive Plan. Staff believes that the zoning map amendment and preliminary plat meet the standards for approval despite the anticipated density and building heights of some of the proposed lots likely being greater than recommended in the Milwaukee Street Special Area Plan. Staff is also supportive of the applicant's proposal to shift some of the mixed-use recommended for the Milwaukee Street frontage onto the proposed extension of Leon Street to create a mixed-use street within the proposed development instead of along a portion of its southern edge.

The proposed subdivision represents the most nuanced application of the Complete Green Streets Guide since its adoption in January 2023 and codification in the amended Subdivision Regulations in July 2023. Five of the proposed streets may have wider travel ways than the Guide would ordinarily permit so that those streets may serve as the 26-foot wide aerial apparatus access lanes/roads required by MGO Section 34.503 for future buildings taller than 30 feet. Consistent with the provisions in the Subdivision Regulations, the applicant received support from the Transportation Commission for streets in the plat to be wider if needed to meet the Fire Code. Traffic Engineering staff is proposing language in the recommended conditions of approval to provide some flexibility in the design of the future streets consistent with the recommendation of the Transportation Commission while ensuring that enough right of way is dedicated with the plat to ensure at least eight-foot wide terraces on all streets. The final design of the streets in the subdivision will be determined during the design and permitting of the public improvements that will serve the development, which typically occurs following final plat approval. Staff believes that it would be appropriate for the Plan Commission to follow the Transportation Commission's lead and approve the proposed preliminary plat with the deviations from the Complete Green Streets Guide needed to comply with the Fire Code as the subdivision develops subject to the conditions recommended by the Traffic Engineering Division.

Finally, any approval of the preliminary plat by the Plan Commission shall be based on the memo from Eric Knepp, Parks Superintendent, dated June 4, 2024, and all proposed conditions included therein.

Recommendation

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

The Planning Division recommends that the Plan Commission find the standards for demolition permits are met to **approve** demolition of the principal buildings at 3450, 3490, and 3510 Milwaukee Street, and forward Zoning Map Amendment IDs 28.022-00634 through 28.022-00638, rezoning 3420-3614 Milwaukee Street from Temp. A to TR-V2, TR-U2, CC-T, PR and CN, and the preliminary plat of *Starkweather Plat* to the Common Council with recommendations of **approval**, all subject to input at the public hearing and the conditions that follow.

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

Planning Division

1. Consistent with the Transportation Commission recommendation of October 11, 2023, staff recommends that the Plan Commission grant a variance to the design standards in the Complete Green Streets Guide to allow streets in the proposed subdivision to have wider travel ways than ordinarily allowed when needed to provide 26-foot wide aerial apparatus access lanes for new buildings over 30 feet in height as required by MGO Section 34.05. Approval of the variance should be conditioned on the rights of way to be dedicated all providing at least 8-foot wide terraces as recommended by the Traffic Engineering Division.
2. The applicant shall submit agreements, bylaws, provisions, or covenants that will govern the organizational structure, use, maintenance and continued protection of the privately owned parklands, greenways, and other common facilities contained in the proposed subdivision (Outlots 1, 2, 3, 5, and 6) for approval by the Director of the Department of Planning and Community and Economic Development and City Attorney prior to final approval of the subdivision for recording. The intent of this provision is to ensure to the greatest extent possible that any such private facility serving a subdivision or land division can be maintained privately in perpetuity.
3. That the applicant work with the Planning Division and Capital Area Regional Planning Commission to revise the environmental corridor map to reflect the changes to the mapped corridor proposed by the development prior to final approval and recording of the final plat of *Starkweather*.

The following conditions of approval have been submitted by reviewing agencies:

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

4. A Phase 1 environmental site assessment (per ASTM E1527-13), is required for lands dedicated to the City. Provide one (1) digital copy and staff review will determine if a Phase 2 ESA is also required. Submit report(s) to Brynn Bemis (608) 267-1986, bbemis@cityofmadison.com).
5. Off-site sewer improvements by the developer may be required as a result of the proposed development. The applicant shall provide project wastewater flow calculations to Mark Moder, mmoder@cityofmadison.com.
6. The applicant shall provide calculations documenting that the 100-year flood can pass through this development without damage to proposed structures and within the public right of way.
7. The proposed stormwater management plan calls for publicly owned stormwater chambers to be placed on open graded base, which is not acceptable. These basins shall either be revised to be privately owned and not accept public water or shall be constructed out of full pipe sections or installed on concrete pad. Additionally, the applicant may be required to purchase and provide cleaning equipment for these systems to the City of Madison. The final design of these systems shall require full review by City Engineering Operations staff.
8. The applicant shall show all floodplain and wetland boundaries on the plat.
9. The construction of this project will require that the applicant shall enter into a City/ Developer agreement for the required infrastructure improvements. The agreement shall 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.

10. The developer shall construct Madison standard street, multi-use path, and sidewalk improvements for all streets within the plat.
11. The developer shall construct sidewalk, terrace, curb and gutter, and pavement along Milwaukee Street as required by the City Engineer.
12. The developer shall construct multi-use path along Starkweather Creek from Milwaukee Street through Chicago Avenue according to a plan approved by the City Engineer.
13. The developer shall make improvements to Milwaukee Street to facilitate ingress and egress to the plat as required by the City Engineer.
14. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat.
15. Madison Metropolitan Sewerage District (MMSD) connection charges are due and payable prior to City Engineering Division 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.
16. A minimum of two (2) working days prior to requesting City Engineering signoff on the plat, contact either Tim Troester (West) at (608) 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).
17. This development appears to have multiple existing laterals extended to the property line. In an effort to reduce inflow and contamination to the City's sanitary system, our policy is to plug at the main laterals that are no longer active when associated with a new or redevelopment project. City Engineering will complete a TV inspection of the main to help clarify which laterals are active and which need to be plugged as a condition of approval for this application. The applicant is notified that as a condition of approval a sewer plug permit will be required for one or more laterals associated with this project that will no longer be used at its completion.
18. An Erosion Control Permit is required for this project.
19. A Storm Water Management Report and Storm Water Management Permit is required for this project.
20. This site appears to disturb over one (1) acre of land and requires a permit from the Wisconsin Department of Natural Resources (WDNR) for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR-216 and NR-151; however, a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at (608) 273-5612 of the WDNR to discuss this requirement. The applicant is notified that the City of Madison is an

approved agent of the Department of Safety and Professional Services (DSPS) and no separate submittal to this agency or the Capital Area Regional Planning Commission (CARPC) is required for this project to proceed.

21. A portion of this plat project may come under the jurisdiction of the US Army Corp of Engineers and WDNR for wetland, floodplain, or navigable waterway issues. A permit for these items may be required prior to construction. Contact the WDNR and USACOE for a jurisdictional determination. Provide digital copy of the wetland delineation. Wetland delineations shall be less than five (5) years old.
22. Submit a soil boring report that has been prepared by a Professional Engineer two weeks prior to recording the final plat to the City Engineering Division indicating the ground water table and rock conditions in the area. If the report indicates a ground water table or rock condition less than nine (9) feet below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer.
23. Confirm that adequate sight distance exists where public streets intersect per AASHTO design standards for intersection sight distance. If adequate sight distance does not exist, change the location of the street intersection or agree to make improvements to the roadways such that the sight distance is achieved or make the mitigating improvements as required by the City. Caution: The improvements indicated may require right of way outside of the plat limits.
24. This subdivision contains or is adjacent to potential planned facilities of Madison Metropolitan Sewerage District (MMSD). Prior to approval, provide evidence that MMSD has reviewed and approved the proposed subdivision.
25. Submit proposed lot corner grades with the stormwater management plan, as these two items must be reviewed together to properly determine stormwater overflow conditions. Prior to the issuance of building permits, submit a master stormwater drainage plan with final as-built lot corner grades. These grades may be modified from the originally proposed grades provided they continue to meet design tolerances. No building permits shall be issued prior to City Engineering's final approval of this plan.
26. Install a property boundary witness markers along the boundary of lands dedicated for public stormwater purposes at property corners or in locations that are mutually agreeable to the applicant and Engineering Division.
27. 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.
28. This project will disturb 20,000 square feet or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.
29. Demonstrate compliance with MGO Sections 37.07 and 37.08 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.
30. Complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by MGO Chapter 37.

31. 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 Storm Water Management Plan & Report shall include compliance with the following:

Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.

Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. If calculations are done by hand or are not available electronically, the hand copies or printed output shall be scanned to a PDF file and provided to City Engineering.

Detain the 2-, 5-, 10-, 100-, and 200-year storm events, matching post development rates to predevelopment rates and using the design storms identified in MGO Chapter 37.

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 half-inch of rainfall over the total site impervious area. If additional stormwater controls are necessary beyond the first half-inch of rainfall, either green or non-green infrastructure may be used.

If the plat or subdivision has an enclosed area with provides existing storage, the existing storage will need to be accounted for in addition to meeting the requirements for detention.

Provide infiltration of 90% of the pre-development infiltration volume.

Reduce TSS by 80% (control the 5-micron particle) off of newly developed area as compared to no controls.

Reduce TSS by 40% (control the 20-micron particle) off of new paved surfaces as compared to no controls.

Reduce TSS by 80% off of the proposed development when compared with the existing site.

Treat the first half-inch of runoff over the proposed parking facility and/or drive-up window.

Provide onsite volumetric control limiting the post construction volumetric discharge to the predevelopment discharge volume as calculated using the 10-year storm event.

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

The applicant shall demonstrate that water can leave the site and reach the public right of way 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.

32. 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 Julius Smith, (608) 264-9276)

33. The applicant shall grant a Public Sidewalk and Bike Path Easement(s) to the City on the face of this subdivision plat along the westerly side running along Starkweather Creek within the limits of Outlots 4 and 8, with the location to be approved the City Engineering and Traffic Engineering Divisions.
34. Show Milwaukee Street without underline where being "Dedicated to the Public" as required in the Milwaukee Area Special Area Plan and as officially mapped.
35. Show Milwaukee Street without underline where being dedicated.
36. Work with the Parks Division on the size and shape of Outlot 7 and dedication requirements.
37. Work with the City's Office of Real Estate Services (ORES) on ORES 12862 regarding disposal of City lands in the southeasterly-most portion plat.
38. In accordance with Chapter 236, Wisconsin Statutes, the applicant must show the type, location and width of any and all easements on a plat or CSM. Clearly identify the difference between existing easements (cite recording data) and easements that are being conveyed by the subdivision. Identify the owner and/or benefiting interest of all easements. Include any and all language required to properly and legally create any easement by this subdivision.
39. Coordinate and request from the utility companies serving this area the easements required to serve this development. Those easements shall be properly shown, dimensioned and labeled on the final plat.
40. Adjust eastern lot line of Outlot 4 such that it is at least a minimum 20 feet east of the 100 Year Flood way to provide space for the multi-use path.
41. Map and show limits of prior right of way Documents Nos. 822613-822616 and 823519 along Milwaukee Street.
42. City stormwater from the dedicated streets does not expect to be running into private outlots, which would require public easements over them to do so. Work with the City Engineering Division on alternate stormwater routing and approvals.
43. Outlot 4 and Outlot 8 shall be dedicated for stormwater purposes only, with a pedestrian/ bike path easement being given over a portion of them separately.
44. A note shall be added under all of the street names and outlots labeled and to be dedicated on the plat, "Dedicated to the Public" as required by Wis. Stats. Sec. 236.20(4)(b).
45. In accordance with Section s. 236.18(8), Wisconsin Statutes, the applicant shall reference City of Madison WCCS Dane Zone, 1997 Coordinates on all PLS corners on the plat in areas where this control exists. The

surveyor shall identify any deviation from City Master Control with recorded and measured designations. Visit the Dane County Surveyor's Office website for current tie sheets and control data that has been provided by the City of Madison.

46. Reevaluate the Southwest Corner of the plat. Lot 23 of Sauthoff Plat should be riparian, the City-owned Lot 19 is missing altogether, and the southerly line of Lot 23 appears to be about 27 feet northeasterly of where it should be. The outer limits and overall all size and riparian limits of the plat in the Southwest corner appear to be incorrect as shown. the size of Outlot 3 and 4 will change when proper boundary is determined.
47. Show the recorded distance along Lot 20/21 line of the Sauthoff Plat of 120 from the right of way takings in Document No. 822616.
48. Show and formally label the named navigable waterway, Starkweather Creek, in the main plat views with underlined letters. Also list the top of water elevations of the creek and ordinary high water mark per ss. 236.20(5).
49. Label the northwesterly line of Outlot 10.
50. Move hydrants to within parcel limits or pursue off-site easements for placement of City utilities.
51. Detail the right of way and centerline at the possible widening located in front of Outlot 5, there appears to be a widening and/or 2 PI's with the break in the bearing along Outlot 5.
52. Show the remaining official mapped street reservation for Chicago Avenue at each end of plat.
53. Chicago Avenue shall be re-aligned to avoid a direct T-intersection connection or it shall be renamed easterly after the intersection. Work with City Engineering or Traffic Engineering staff for an approved design.
54. Detail the curve for the centerline of Chicago Avenue where the width varies at its intersection with Leon street.
55. Remove the separations of Milwaukee Street from the other right of ways, they should show as contiguous.
56. Explain or remove the note on Outlot 3 about 'Creek Access', as the outlot does not abut the creek.
57. Properly show City and Town boundary running down Quarter line on Fair Oaks Avenue rather than along the right of way.
58. Note: This site has recently been attached/annexed and should be reviewed for NR-115/117 setbacks.
59. The street names of Voit Avenue and Starkweather Street are not acceptable. Provide replacement name suggestions to Lori Zenchenko (LZenchenko@cityofmadison.com).

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

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| 60. The applicant shall dedicate right of way along their frontage of Milwaukee Street as required in the Milwaukee Area Special Area Plan and as officially mapped. |
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61. The applicant shall dedicate sufficient right of way to allow for minimum eight (8)-foot terraces on all streets in this plat, Any variances shall be approved by City Traffic Engineer.
62. Public right of way configuration and design along with site plans are not approvable through the plat approval process. The applicant shall work with the Traffic Engineering Division on final right of way design prior to final approval and recording of a final plat of the subdivision
63. The applicant shall be responsible for improvements to the Garver Path crossing of Milwaukee Street. Improvements may include, but are not limited to: continental crosswalks, additional signage, and installation of rectangular rapid flashing beacons (RRFBs). Improvements to be determined by City Traffic Engineer.

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

64. 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 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.

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

65. The Madison Fire Department does not have any comments on the proposed lots. It appears the design is accommodating the future proposed uses but final approval of each individual building is still required.

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

66. As defined by MGO Section 10.10, City Forestry shall assess the full cost of the street tree installation to the adjacent property owner. City Forestry will determine street tree planting sites and tree species type. Street tree planting will be scheduled after there is substantial completion of the new plat development along the street segment.

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

67. This agency has reviewed this request and recommended no conditions of approval. A Transportation Demand Management (TDM) Plan may be required as part of future development.

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

68. The proposed Utility Plan will require a WDNR Water Main Extension review and approval prior to water main construction commencing. Submittal requirements are a Professional Engineer-stamped utility plan and profile drawing. The Madison Water Utility can submit the plan set on behalf of the developer. Contact Jeff Belshaw at jbelshaw@madisonwater.org or (608) 261-9835 for more information.
69. All public water mains and water service laterals shall be installed by a standard City subdivision contract / City- Developer agreement. The applicant shall contact City Engineering Division to schedule the development of plans and the agreement.

70. The developer shall construct the public water distribution system and services required to serve the proposed subdivision plat per MGO Section 16.23.

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

71. In coordination with public works improvements, the applicant shall construct a new bus stop pullout lane and concrete boarding pad surface on the north side of Milwaukee Street west of Walter Street so that buses can safely exit the active vehicle travel lanes for the time needed to actively load or unload passengers at this signalized intersection, specifically new riders anticipated at this intersection due to the creation of multi-family residential units on this previously undeveloped land. This bus stop pullout lane and concrete boarding pad surface would replace the current accessible boarding terrace and the curbside bus stop zone that occupies the active travel lanes on this street.
72. The applicant shall install and maintain a new passenger waiting shelter with seating amenity, either as part of the private landscape plan or in the public right of way area on the north side of Milwaukee Street west of Walter Street. If located in the public right of way, the applicant shall submit a Privilege in Streets (Bus Shelter) application for review by the City. An approved Encroachment Agreement, for the bus shelter shall be executed prior to sign-off. Contact City Real Estate to start the Privilege in Streets (Bus Shelter) application process.
73. In coordination with public works improvements, the applicant shall construct a new concrete boarding pad surface on the north side of Milwaukee Street west of Leon Street. This concrete boarding pad surface would replace the current accessible boarding terrace.
74. The applicant shall install and maintain a new passenger waiting shelter with seating amenity, either as part of the private landscape plan or in the public right of way area on the north side of Milwaukee Street west of Leon Street. If located in the public right of way, the applicant shall submit a Privilege in Streets (Bus Shelter) application for review by the City. An approved Encroachment Agreement for the bus shelter shall be executed prior to sign-off. Contact City Real Estate to start the Privilege in Streets (Bus Shelter) application process.
75. The existing curbside bus stop zones and accessible pedestrian boarding terrace areas on the north side of Milwaukee Street, west of both Walter Street and Leon Street, provide critical access to the City's transit operations, and any planned or permitted obstruction of the existing bus stop zone in excess of seven (7) days may require additional right of way improvements and/or other mitigation measures in coordination with Traffic Engineering Division and Metro Transit staff in order to create an alternate bus stop zone that would serve the Milwaukee Street at Walter Street and Leon Street intersection areas in a comparable operational and accessible manner.
76. The applicant shall include the location of these transit amenities on the final documents filed with their permit application so that Metro Transit may review the design.
77. Metro Transit would initially estimate the following counts of potentially eligible trips towards US Green Building Council/LEED Quality Access to Transit points: 45 weekday and 30 weekend (average). Please contact Metro Transit if additional analysis would be of interest.

Parks Division [As noted in the attached memo from Eric Knepp, Parks Superintendent, dated June 4, 2024.]
(Contact Ann Freiwald, (608) 243-2848)

78. The Gravel Pit Pond: Not currently clearly delineated within the proposed plat. The Parks Division will accept the pond as dedication; however, no acreage credit will be recognized for the body of water.
79. Amount of acres owed based on the unit count: The application letter regarding the proposed development describes the intent to provide up to 1,100 multi-family (MF) units; a portion of which may include income restriction(s) that could qualify those units through the Community Development Division (CDD) as Low Income Certified. The parkland dedication requirement for a single-family/duplex lot is 1100 square feet (SF); for a standard multi-family unit, the parkland dedication requirement is 700 SF and for a large (4 or more bedrooms) multi-family unit is 1,424 SF. All of the residential units introduced with this development are required to dedicate land and/or pay the Park Land Fee In-Lieu, including those certified as Low Income through CDD. A total of 807,400 square feet or 18.53 +/- acres of parkland dedication is required for this plat if 1,100 standard MF units are introduced. The parkland dedication requirements for this plat are being met as follows: Outlot 7 (totaling 957,461 square feet or 21.9803 acres of public parkland); and if the requirements of MGO 16.23(8)(f)(8) as stated above are complied with, the portion of Outlot 8 dedicated to the public as parkland if updated (platted separately from the stormwater detention ponds) will also be credited. Note: Size is currently To Be Determined based on the necessary separation of uses in this Outlot for Park, Stormwater Management and Bike/Ped Path.
80. The applicant shall complete a tree inventory and health assessment for the trees located on the proposed public park and any in close proximity to the park. The applicant shall include all existing trees, which are not all currently shown on the preliminary plat. The tree inventory and health assessment should be completed by an arborist and provided to the Parks Division with the final plat application.
81. Outlot 7 is acceptable to Parks if the specific conditions regarding the grading and site preparation are met.
82. Outlot 8 – The developer will need to graphically depict the land division within the outlot between Parks, Stormwater Management and the Bike/Ped Path as separate outlots and include areas of each as square foot and/or acre measurements.
83. Prior to sign off on the final plat the applicant shall execute a declaration of conditions and covenants along with an impact fee schedule for the park impact fees for this development. This document will be recorded at the Register of Deeds. The applicant shall be responsible for all recording fees.
84. No farming or use of lands to be dedicated to the public for Park purposes shall be allowed unless specifically approved by the Parks Superintendent and permitted under a farm lease administered through the City of Madison Office of Real Estate Services.
85. The applicant shall prominently stake all boundaries and property irons for lands to be dedicated for park purposes.
86. The developer shall provide soil borings within any lands to be dedicated as parkland.

87. The parkland dedication should meet the following guidelines for park development:

- a) Areas within a park to be used for open space for active and passive recreation shall be graded at 1-2% for the area of field proposed.
- b) No side slopes within the park dedication area shall exceed 4:1.
- c) The applicant shall provide proposed grading plans prior to approval of the area for dedicated public park lands.
- d) No propose utilities will be allowed on public park land without prior approval by the Parks Superintendent or his designee.
- e) Areas that are wetlands shall not be dedicated as public parkland.

88. Park Development Impact Fees per MGO Sec. 20.08(2) will be required for all new residential development. This development is within the East Park impact fee district. Please reference ID# 23026 when contacting Parks Division staff about this project.

89. The following note should be included on the subdivision: "Lots within this subdivision are subject to impact fees that are due and payable at the time building permit(s) are issued."

90. Pursuant to the authority established under Wis. Stat. § 66.0617(7), and in the interests of promoting the development of low-cost housing in the City, low-cost housing is exempt from the park impact fees beginning January 1, 2017. This exemption only applies to those dwelling units or bedrooms within a development that are determined to be low-cost housing. This exemption does not extend to the land dedication requirements set forth under MGO Sec. 16.23(8)(f), nor any other impact fees that may apply to a development.

91. The park impact fee will be exempt for developments that meet the "low-cost housing" requirements, as defined as rental or owner-occupied housing units that are affordable, as that term is defined in MGO Sec. 4.22(2), and which meet the deed restriction requirements of MGO Sec. 4.22(7). The determination whether a proposed development will create low-cost housing, and how much low-cost housing it will create, shall be made by the Community Development Division.

92. The Parks Division will be required to sign off on this subdivision.

93. Existing Restricted Use Parkland: No final approval will be issued until issues regarding current parkland subject to DNR Stewardship Grant Agreement is resolved in a manner that is in compliance with Chapter NR 51, Wisconsin Administrative Code. Note: This requirement was satisfied as of May 21, 2024; see Resolution 42-00325 (ID 83182).

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

94. Prior to approval sign-off by the Office of Real Estate Services ("ORES") of the final plat, all parties having an interest in the property, pursuant to Wis. Stats 236.21(2)(a), shall execute the Owner's Certificate on the plat. Certificates shall be prepared with the ownership interests consistent with the most recent title report. When possible, the executed original hard stock recordable plat 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 plat containing electronic signatures shall be provided to ORES to obtain final sign-off.

95. Prior to final plat approval sign-off, an executed and notarized or authenticated certificate of consent for all mortgagees shall be included following the Owner's Certificate. 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 plat boundary, a copy of a recorded satisfaction or release document for said instrument shall be provided prior to plat approval sign-off.
96. A Consent of Lessee certificate shall be included on the final plat for any tenancy in excess of one year, recorded or unrecorded, and executed by said tenant prior to agency plat approval sign-off.
97. All consents and certifications for any holder of interests in the subject lands shall conform with Wis. Stats. 236.21(2) and 236.29, i.e., to include the language "...surveyed, divided, mapped and dedicated..."
98. If any portion of the lands within the plat boundary are subject to an Option to Purchase or other Option interest please include a Certificate of Consent for the option holder and executed prior to final plat sign-off.
99. The final plat shall include approval certificates for the Plan Commission (Matt Wachter), City of Madison Treasurer (Craig Franklin), Dane County Treasurer (Adam Gallagher), and Dane County Register of Deeds.
100. As of August 18, 2023, no real estate taxes are due for the subject property. Under 236.21(3) Wis. Stats. and MGO Section 16.23(4)(d)2 Madison General Ordinances, the property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to Plat recording. This includes property tax bills for the prior year that are distributed at the beginning of the year. Receipts are to be provided on or before sign-off.
101. As of August 18, 2023, there are no special assessments reported for the parcels within the plat boundary. Pursuant to MGO Section 16.23 and Wis. Stats. 236.21(3), all special assessments, including accrued interest in the case of delinquencies, shall be paid by the owner prior to plat approval sign off. Receipts for payment shall be provided to the City's Office of Real Estate Services in advance of plat approval sign-off.
102. A 60-year Report of Title was not submitted in time for the review of the preliminary plat. As required by MGO Section 16.23, the owner shall submit a 60-year Report of Title acceptable to ORES, along with copies of the vesting deed(s) and all documents listed in the title report, via email to Andy Miller (acmiller@cityofmadison.com) in the City's ORES. The title report shall be dated within 14 days of the date the Final Plat is submitted for review by the City. Additionally, if requested by ORES, the owner shall furnish an updated title report via email to Andy Miller, as well as the survey firm preparing the proposed plat, at the time the owner requests sign-off of the Final Plat. The updated report shall search the period subsequent to the date of the 60-year Report of Title above, and include all associated documents that have been recorded since the report. A title commitment may be provided, but will only be considered as supplementary information to the title report and updated report. The surveyor shall update the final plat with the information in the title report and updated report. ORES reserves the right to impose additional conditions of approval based on the information contained in the title report and updated report.
103. The plat shall be revised as follows:
 - a) Accurately reflect the contents of the title report in the proposed plat.

- b) Depict, name, and identify by document number on the proposed plat all existing easements cited in record title.
- c) Include on the proposed plat a complete and accurate legal description of the lands that are to be included in the proposed plat. The legal description shall be reconciled with the legal description of said lands in record title.
- d) Depict and dimension or label "To Be Demolished" all existing improvements including, but not limited to, buildings, drives, parking lots, encroachments, wells, septic systems, etc., associated with the lands described for the proposed plat.
- e) For properties not connected to municipal utility services, consider whether or not well abandonment ref. NR-141 needs to be addressed.
- f) Create and record, or show as being dedicated in the proposed plat, easements for utility and drainage rights of way when the utility or drainage physically exists, but no document for it exists in record title.
- g) Provide proof of satisfaction or release for all liens and/or judgments of record prior to final plat approval sign-off.
- h) Record satisfactions or releases for all recorded instruments that encumber or benefit the subject lands, if all interested parties agree that the purpose for such instrument is no longer necessary or relevant for the purposes of the land division.
- i) Initiate requests to all applicable utilities to record releases of their interests in utility easements in underlying plats or CSMs, if this proposed plat is a re-division of existing plats or CSMs with utility easements that will no longer be applicable; and, prior to requesting sign-off, place a note in the proposed plat citing the recording data for the City's recorded release of same.
- j) Create notes that define the purpose of and the ownership of (whether public or private) all outlots. The note for an outlot dedicated to the public shall say: "Dedicated to the public for _____ purposes."
- k) Include the following sentence with the dedicated utility easements depiction in the Legend: "Utility Easements as herein set forth are for the use of public bodies, as well as private utilities having the right to serve the area."

104. No farming or use of lands to be dedicated to the public for park purposes shall be allowed unless specifically approved by the Parks Superintendent and permitted under a farm lease administered by ORES. If the lands within the plat boundary are farmed agricultural lands, the applicant shall enter into a lease with the City for those lands to be dedicated and/or conveyed to the City through Plat recording. Please contact an ORES real estate specialist to discuss the potential lease terms. Said leases are authorized by Resolution 13-00247 (ID 29183), adopted April 16, 2013.