



Department of Planning & Community & Economic Development

## Planning Division

William Fruhling, Interim Director

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**\*\*BY E-MAIL ONLY\*\***

July 5, 2024

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1010 E Washington Avenue, Suite 101  
Madison, Wisconsin 53703

Therese Hanson  
The Kubala Washatko Architects  
W 61 N617 N Mequon Avenue  
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Mike Ziehr and Randy Kolinske  
Vierbicher and Associates, Inc.  
999 Fourier Drive, Suite 201  
Madison, Wisconsin 53717

RE: Consideration of a demolition permit to demolish an industrial building and two single-family residences at 3450, 3490, and 3510 Milwaukee Street; consideration 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 consideration of 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. [ID 78643, 78911 and 78642; LNDSP-2023-00005]

All;

At its July 18, 2024 meeting, the Common Council **approved** the rezoning and preliminary plat of *Starkweather Plat*. On June 10, 2024, the Plan Commission approved the related demolition permit and recommended approval of the request to rezone and preliminary plat. The approvals are subject to the conditions of approval in the following sections, which shall be addressed prior to final approval and recording of a final plat of the subdivision or issuance of permits to raze the principal structures.

**Please contact Brenda Stanley of the City Engineering Division at (608) 261-9127 if you have questions regarding the following twenty-nine (29) items:**

1. 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](mailto:bbemis@cityofmadison.com).
2. 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](mailto:mmoder@cityofmadison.com).
3. 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.
4. 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.
5. The applicant shall show all floodplain and wetland boundaries on the plat.
6. 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.
7. The developer shall construct Madison standard street, multi-use path, and sidewalk improvements for all streets within the plat.
8. The developer shall construct sidewalk, terrace, curb and gutter, and pavement along Milwaukee Street as required by the City Engineer.
9. 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.
10. The developer shall make improvements to Milwaukee Street to facilitate ingress and egress to the plat as required by the City Engineer.
11. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat.
12. 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.

13. 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 obsolescence of the existing parcel).
14. 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.
15. An Erosion Control Permit is required for this project.
16. A Storm Water Management Report and Storm Water Management Permit is required for this project.
17. 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.
18. 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.
19. 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.
20. 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.

21. 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.
22. 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.
23. 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.
24. 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.
25. This project will disturb 20,000 square feet or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at [meberhardt@cityofmadison.com](mailto:meberhardt@cityofmadison.com), or Daniel Olivares (east) at [daolivares@cityofmadison.com](mailto:daolivares@cityofmadison.com), for approval.
26. 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.
27. 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.
28. 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.

29. 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).

**Please contact Julius Smith of the City Engineering Division–Mapping Section at (608) 264-9276 if you have any questions regarding the following twenty-seven (27) items:**

30. 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.

31. Show Milwaukee Street without underline where being "Dedicated to the Public" as required in the Milwaukee Area Special Area Plan and as officially mapped.
32. Show Milwaukee Street without underline where being dedicated.
33. Work with the Parks Division on the size and shape of Outlot 7 and dedication requirements.
34. 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.
35. 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.
36. 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.
37. 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.
38. Map and show limits of prior right of way Documents Nos. 822613-822616 and 823519 along Milwaukee Street.
39. 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.
40. 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.
41. 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).
42. 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.
43. 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.

44. 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.
45. 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).
46. Label the northwesterly line of Outlot 10.
47. Move hydrants to within parcel limits or pursue off-site easements for placement of City utilities.
48. 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.
49. Show the remaining official mapped street reservation for Chicago Avenue at each end of plat.
50. 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.
51. Detail the curve for the centerline of Chicago Avenue where the width varies at its intersection with Leon street.
52. Remove the separations of Milwaukee Street from the other right of ways, they should show as contiguous.
53. Explain or remove the note on Outlot 3 about 'Creek Access', as the outlot does not abut the creek.
54. Properly show City and Town boundary running down Quarter line on Fair Oaks Avenue rather than along the right of way.
55. Note: This site has recently been attached/annexed and should be reviewed for NR-115/117 setbacks.
56. The street names of Voit Avenue and Starkweather Street are not acceptable. Provide replacement name suggestions to Lori Zenchenko ([LZenchenko@cityofmadison.com](mailto:LZenchenko@cityofmadison.com)).

**Please contact Sean Malloy of the Traffic Engineering Division at (608) 266-5987 if you have any questions regarding the following four (4) items:**

57. 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.

58. 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.
59. 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
60. 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.

**Please contact Trent W. Schultz of the Parking Division at (608) 246-5806 if you have any questions regarding the following item:**

61. 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.

**Please contact Jenny Kirchgatter, Assistant Zoning Administrator, at (608) 266-4429 if you have any questions regarding the following item:**

62. 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](mailto: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.

**Please contact Bill Sullivan of the Madison Fire Department at (608) 261-9658 if you have any questions regarding the following item:**

63. 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.

**Please contact Jeff Belshaw of the Madison Water Utility at (608) 261-9835 if you have any questions regarding the following three (3) items:**

64. 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](mailto:Jbelshaw@madisonwater.org) or (608) 261-9835 for more information.
65. 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.



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

**Please contact Ann Freiwald of the Parks Division at (608) 243-2848 if you have any questions regarding the following sixteen (16) items:**

67. 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.

68. 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.

69. 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.

70. Outlot 7 is acceptable to Parks if the specific conditions regarding the grading and site preparation are met.

71. 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.

72. 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.

73. 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.

74. The applicant shall prominently stake all boundaries and property irons for lands to be dedicated for park purposes.
75. The developer shall provide soil borings within any lands to be dedicated as parkland.
76. 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.
77. 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.
78. 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."
79. 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.
80. 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.
81. The Parks Division will be required to sign off on this subdivision.
82. 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 24-00325 (ID 83182).

**Please contact Bradley Hoffman of the Forestry Section at (608) 267-4908 if you have any questions regarding the following item:**

83. As defined by MGO Section 10.10, City Forestry will 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.

**Please contact Tim Sobota of Metro Transit at (608) 261-4289 if you have any questions regarding the following seven (7) items:**

84. 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.

85. 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.

86. 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.

87. 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.

88. 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.

89. 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.

90. 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.

**Please contact Andy Miller of the Office of Real Estate Services at (608) 261-9983 if you have any questions regarding the following eleven (11) items:**

91. 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.
92. 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.
93. 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.
94. 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...”.
95. 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.
96. 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.
97. 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.
98. 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.

99. 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 ([acmillar@cityofmadison.com](mailto:acmillar@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.

100. 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."

101. 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.

**Please contact my office at (608) 261-9632 if you have questions about the following four (4) items, including the condition added at staff's request during the June 18 Common Council meeting (#105):**

- 102. Consistent with the Transportation Commission recommendation of October 11, 2023, the Plan Commission granted 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.
- 103. 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.
- 104. 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*.
- 105. The applicant shall work with City Engineering and Traffic Engineering staff to realign the western end of Chicago Avenue on the preliminary plat to match the alignment as set forth at the in the Official Map reservation for the Milwaukee Street Special Area Plan enacted by the Common Council in Resolution 21-00122 (ID 61589) on February 23, 2021 at the end of the of the proposed plat boundary.

**Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency.**

**Please now follow the procedures listed below for obtaining raze permits for your project:**

1. The applicant shall resubmit a PDF copy of the plan set and any other supporting materials that are necessary, as specified in this letter to [sprapplications@cityofmadison.com](mailto:sprapplications@cityofmadison.com). (Note: A 20MB email limit applies and multiple transmittals may be required.). A check for the **site plan review fee** shall be mailed to the City of Madison Building Inspection Division; PO Box 2984; Madison, WI 53701-2984.
2. City Agencies who submitted conditions of approval will review your revised plans to verify that their conditions, along with any applicable requirements, have been satisfied. When the revised plans are submitted, the applicant will be emailed a hyperlink to a website to follow, in real time, which agencies have reviewed the revised documents, and signed off or need additional information.
3. A demolition or removal permit is valid for two (2) years from the date of Plan Commission approval. Where the plans have not been altered since issuance of the demolition or removal permit and the permit has expired, the Director of Planning and Community and Economic Development may, after consultation with the Alderperson of the District, approve an extension for up to 12 months from the expiration date.

If you have any questions regarding obtaining your building permits, please contact the Zoning Administrator at (608) 266-4551. Any appeal regarding the plat, including the conditions of approval related thereto, must be filed with the Circuit Court within thirty (30) days from the date of this letter. If you have any questions about the plat or if you may be of any further assistance, please do not hesitate to contact my office at (608) 261-9632 or [tparks@cityofmadison.com](mailto:tparks@cityofmadison.com).

Sincerely,

*Timothy M Parks*

Timothy M. Parks  
Planner

cc: Brenda Stanley, City Engineering Division  
Julius Smith, City Engineering Division – Mapping Section  
Sean Malloy, Traffic Engineering Division  
Trent Schultz, Parking Division  
Jenny Kirchgatter, Assistant Zoning Administrator  
Bill Sullivan and Matt Hamilton, Madison Fire Department  
Ann Freiwald, Parks Division  
Jeff Belshaw, Madison Water Utility  
Tim Sobota, Metro Transit  
Bradley Hofmann, Forestry Section  
Andy Miller, Office of Real Estate Services