



Department of Planning & Community & Economic Development

Planning Division

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

December 1, 2025

Therese Hanson
The Kubala Washatko Architects
W 61 N617 N Mequon Avenue
Cedarburg, Wisconsin 53012

Kevin Pape
Vierbicher Associates
999 Fourier Drive, Suite 201
Madison, Wisconsin 53717

RE: Consideration of a request to rezone 3618 Milwaukee Street from TR-C1 (Traditional Residential–Consistent 1 District) to TR-U2 (Traditional Residential–Urban 2 District) and CC-T (Commercial Corridor–Transitional District), PR (Parks and Recreation District), and CN (Conservancy District); and approving a Certified Survey Map of 3618 Milwaukee Street to create one lot in CC-T zoning, two lots in TR-U2 zoning, and one outlot for stormwater management (LNDCSM-2025-00035; ID 90537 and 90127).

Dear Therese and Kevin,

On November 25, 2025, the Common Council **approved** rezoning 3618 Milwaukee Street from TR-C1 to CC-T and TR-U2 and **conditionally approved** the Certified Survey Map to create three lots and one outlot from the property. The Plan Commission recommended approval of the rezoning and land division subject to the conditions at the November 17, 2025 meeting.

The conditions of approval from the reviewing agencies to be satisfied prior to final approval and recording of the CSM are:

Please contact Brenda Stanley of the City Engineering Division at (608) 261-9127 if you have questions regarding the following twenty-five (25) items:

1. The City of Madison will not accept underground stormwater treatment systems for the treatment of stormwater from the public right of way. The final approved stormwater management plan for this CSM will require the treatment of public stormwater, said improvements shall be on a public outlot treating only the public right-of-way. Stormwater from the private lots shall be treated on private property with a maintenance agreement recorded against all served parcel.

2. 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 Environmental Review (environmentalreview@cityofmadison.com).
3. The applicant shall provide projected wastewater calculations to Mark Moder, mmoder@cityofmadison.com. Off-site sewer improvements by the developer may be required as a result of the proposed development.
4. 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.
5. The developer shall construct Madison standard street, multi-use path, and sidewalk improvements for all streets within the plat. This condition excludes construction of sidewalk along the east side of "A" Street, which will be constructed when the adjacent property redevelops. The developer shall construct multi-use path along the north side of Chicago Avenue instead of a standard sidewalk.
6. The developer shall construct multi-use path adjacent to Lot 1 along north side of Milwaukee Street per plans approved by the City Engineer.
7. The developer shall make improvements to Milwaukee Street to facilitate ingress and egress to the plat as required by the City Engineer. Improvements can include but are not limited to adding pavement for turn lanes, curb, gutter, storm sewer, pavement markings, and streetlights.
8. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the CSM.
9. 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.
10. A minimum of two (2) working days prior to requesting City Engineering signoff on the CSM, 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).
11. An Erosion Control Permit is required for this project.
12. A Storm Water Management Report and Storm Water Management Permit is required for this project.
13. 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.

14. 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. The borings shall be performed a minimum of 15 feet below the finished grade of the streets being dedicated to the public. A minimum of 3 soil borings shall be performed along "A" Street with a maximum distance of 300 feet in between.
15. Confirm that adequate sight distance exists where public streets intersect per AASHTO design standards for intersection sight distance.
16. Provide calculations for the 500-year storm event, as identified in Madison General Ordinance Chapter 37, as part of the CSM design and stormwater management plan. The flows from this design storm event will be routed through the development and used to determine an anticipated safe top of concrete foundation elevation for future buildings in critical areas.
17. 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.
18. This project will disturb 4,000 square feet or more of land area and require an Erosion Control Permit. Submit the Erosion Control Permit Application (with USLE calculations and associated fee) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.
19. 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.
20. 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.
21. This project will require a concrete management plan and a construction dewatering plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. If contaminated soil or groundwater conditions exist on or adjacent to this project additional WDNR, Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit.
22. This project appears to require fire system testing that can result in significant amounts of water to be discharged to the project grade. The Contractor shall coordinate this testing with the erosion

control measures and notify City Engineering (608) 266-4751 prior to completing the test to document that appropriate measures have been taken to prevent erosion as a result of this testing.

23. 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.

24. 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.

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.

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.

25. 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).

Please contact Julius Smith of the City Engineering Division—Mapping Section at (608) 264-9276 if you have questions regarding the following twenty-one (21) items:

26. Grant any necessary easements/agreements for the detention and or treatment of the Public Stormwater Drainage that may be required for the proposed streets. This includes possible easements across Outlot 1 and associated maintenance agreements for the proposed stormwater management features, or dedicate a separate public outlot for the exclusive public stormwater use.
27. Grant new public sidewalk easements on the face of the land division as shown the final width and location to be approved by the City Engineering and Traffic Engineering Divisions.

28. The applicant shall dedicate the public rights of way as shown for Canvas Road, as officially mapped in the Milwaukee Street Special Area Plan for Chicago Avenue, as required to comply with the Complete Green Streets Guide for A Street, and as specified by City Engineering and Traffic Engineering Divisions for Milwaukee Street.
29. For underground encroachments, provide a signed and sealed Plat of Survey and legal description by a Professional Land Surveyor compliant with Chapter A-E 7 of the Wisconsin Administrative Code showing the improvements with a fully dimensioned and legally described three-dimensional boundary of the encroachment area. Dimensions tied to a quarter section line and referenced to the Dane County Coordinate System and NAVD 88(91). Provide an electronic copy of the survey (pdf) and legal description (MS Word) to the Land Records Coordinator, (Jule Smith - jsmith4@cityofmadison.com) for review, comment and coordination. The encroachment agreement shall require the applicant/ owner to be a member of Diggers Hotline throughout the term of this agreement and shall adequately mark the location of underground features upon a Digger's Hotline notification. Enter into a privilege in streets agreement for the underground private improvements proposed for the storm sewer outlets at each end of the CSM. Or, confirm public acceptance of the propose pipe and structure shown within the limits of Milwaukee street to be dedicated and add an additional structure at the southerly curb line of Chicago Ave. that is to be dedicated.
30. Provide for review, comprehensive reciprocal easements and agreements including, but not limited to, access, parking, utilities, common areas, Sanitary Sewer, Storm Sewer and storm management that are necessary to accomplish the land division or site development as proposed prior to final sign off. The document(s) shall be executed and recorded immediately subsequent to the CSM recording and prior to building permit issuance. Provide easements for the cross uses shown between Lots 2 and 3 and over Outlot 1 for Sanitary, Storm, access, parking and other use needed.
31. The applicant shall form agreement with adjacent owner of the parcel to the east at 3650 Milwaukee Street to remove/move all portions of the existing fence located within the lands that are to be dedicated for A Street.
32. Outlot 1 is not to be dedicated to the public for Stormwater purposes.
33. Release MG&E Easement No.913 15-foot wide right-of-way grant for gas main located in the lands to be dedicated for Chicago Avenue or have MG&E assign their rights to the City.
34. Release the stormwater management easements per Document No. 5733989 located within the lands to be dedicated for A Street.
35. 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 CSM.
36. For any required utility easements, add standard note: " Public Utility Easements as herein set forth are for the use by Public Bodies and Private Public Utilities having to right to serve the area."

37. The sanitary sewer serving Lots 2 and 3 shown along the rear lot will not be public and Outlot 1 will not require any public sanitary sewer or access easements. Remove the language for the public sanitary sewer easements from the CSM.
38. Cite and or show on the face of the CSM all documents that this property is subject to as noted in the title report such as Document Nos. 1047702 and 1210337 and any of the other documents that may affect this parcel as listed within those documents which were not provided in the title report. If such documents affect the property provided them in an updated title report.
39. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's Office. The developer's surveyor and/or applicant must submit copies of required tie sheets or monument condition reports (with current tie sheet attached) for all monuments, including center of sections of record, used in this survey, to Jule Smith, City Engineering (jsmith4@cityofmadison.com).
40. In accordance with Section s. 236.18(8), Wisconsin Statutes, the applicant shall reference City of Madison WCCS Dane Zone, 1997 Coordinates on all PLS corners on the Certified Survey Map in areas where this control exists. The surveyor shall identify any deviation from City Master Control with recorded and measured designations. Visit the Dane County Surveyor's Office web site for current tie sheets and control data that has been provided by the City of Madison.
41. Prior to City Engineering Division final sign-off by main office for Certified Survey Maps (CSM), the final CSM must be submitted in PDF format by email transmittal to Engineering Land Records Coordinator Jule Smith (jsmith4@cityofmadison.com) for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off.
42. On all sheets, correct the spelling of 'Milwauke Street' to 'Milwaukee Street'.
43. Provide a list of suggested new street names to Lori Zenchenko (LZenchenko@cityofmadison.com) for review and approval.
44. The westerly lines of A Street are not parallel with the easterly line of A Street on either block. Adjust each lot/ block to be parallel to the easterly line and reverify the resultant area of all the lots and outlots.
45. Per A-E 7.05(11), list the datum and adjustment for the coordinate system used.
46. The applicant shall submit to Jule Smith, prior to final Engineering sign-off of the subject CSM, one (1) digital CADD drawing in a format compatible with AutoCAD. The digital CADD file(s) shall be referenced to the Dane County Coordinate System and shall contain, at minimum, the list of items stated below, each on a separate layer/level name. The line work shall be void of gaps and overlaps and match the final recorded CSM: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; easement lines (including wetland and floodplain boundaries).

*This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat, electronic

data and a written notification to Engineering Mapping for any changes to the plat which occur subsequent to any submittal.

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

47. "A" Street shall be classified as a Neighborhood Street as defined by the current Complete Green Streets Guide.
48. 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.
49. The applicant shall dedicate sufficient right of way to allow for minimum eight (8)-foot terraces on all streets in this CSM. Any variances shall be approved by City Traffic Engineer.
50. Public right of way configuration and design along with site plans are not approvable through the CSM 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.

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

51. The agency reviewed this project and determined a Transportation Demand Management (TDM) Plan is not required as part of land division review. As development progresses on the subject site, residential uses with 10 or more dwelling units and other applicable uses in MGO Section 16.03 will be subject to TDM Plan review.

Please contact Matt Hamilton of the Madison Fire Department at (608) 266-4457 if you have any questions regarding the following item:

52. Final fire access for each building to be determined based on final building design and site layouts.

Please contact Jeff Belshaw of the Madison Water Utility at (608) 261-9835 if you have any questions regarding the following two (2) items:

53. The developer shall construct the public water distribution system and services required to serve the proposed subdivision plat per MGO Section 16.23.
54. 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.

Please contact Brian Kowalski of the Parks Division at (608) 243-2848 if you have any questions regarding the following three (3) items:

55. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(6)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the East Park-Infrastructure Impact Fee district. The Park Impact Fee ID# for this project is 25085.

56. Prior to signing off on the CSM, the applicant shall execute a declaration of conditions and covenants for impact fees. Requests can be emailed to parkimpactfees@cityofmadison.com.
57. The following note should be included on the CSM: "Lots within this subdivision are subject to impact fees that are due and payable at the time building permit(s) are issued." The Parks Division shall be required to sign off on this CSM.

Please contact Andy Miller of the Office of Real Estate Services at (608) 261-9983 if you have any questions regarding the following ten (10) items:

58. 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 CSM shall be presented at the time of ORES approval sign-off. If not, the City and the Register of Deeds are now accepting electronic signatures. A PDF of the CSM containing electronic signatures shall be provided to ORES to obtain final sign-off.
59. If any of the land within the CSM boundary is under contract for sale or purchase, and said transfer will be conducted at the time of CSM recording, an escrow agreement may be necessary. Please discuss closing plans with ORES in advance of CSM signoff.
60. Prior to CSM approval sign-off, an executed and notarized or authenticated certificate of consent for all mortgagees/ vendors shall be included following the Owner's Certificate. If a mortgage or other financial instrument is reported in record title, but has been satisfied or no longer encumbers the lands or ownership within the CSM boundary, a copy of a recorded satisfaction or release document for said instrument shall be provided prior to approval sign-off.
61. Add the following to the end of the owner's certificate: "...hereon, and further certify that this Certified Survey Map is required by S.236.34 to be submitted to the City of Madison for approval. Witness the hand and seal of said owner this _____, day of _____, 202__."
62. 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.
63. Update the Madison Common Council Certificate to be signed by Lydia A. McComas, City Clerk.
64. As of November 7, 2025, real estate taxes are paid for the subject property. Per 236.21(3) Wis. Stats. and MGO Section 16.23(4)(f)(3), the property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to CSM recording. Receipts from the City of Madison Treasurer are to be provided before or at the time of sign-off.
65. As of November 7, 2025, there are no special assessments reported. All known special assessments are due and payable prior to CSM approval sign-off. If special assessments are levied against the

property during the review period and prior to CSM approval sign-off, they shall be paid in full pursuant to MGO Section 16.23(4)(f)(3).

66. Pursuant to Madison City Ordinance Section 16.23(5)(g)(4), the owner shall furnish an updated title report via email to Andy Miller in the ORES (acmiller@cityofmadison.com), as well as the survey firm preparing the proposed CSM. The report shall search the period subsequent to the initial title report, dated September 11, 2025, submitted with the CSM application and include all associated documents that have been recorded since the initial title report. A title commitment may be provided, but will be considered only as supplementary information to the title report update. Surveyor shall update the CSM with the most recent information reported in the title update. ORES reserves the right to impose additional conditions of approval in the event the title update contains changes that warrant revisions to the CSM.

67. Depict, dimension, name, note and/or identify by document number all relevant easements, declarations, plans, conditions, agreements, and other documents cited in record title and the updated title report.

Please contact my office at (608) 261-9632 if you have any questions about the following three (3) items:

68. Revise the Certified Survey Map to show Outlot 6 of the Starkweather Plat adjoining proposed Outlot 1 of the subject land division.

69. Include the correct spelling of 'Milwaukee' on all sheets of the CSM.

70. All references to 'Canvas Street' on the CSM shall be revised to 'Canvas Road' consistent with its platted street name in the adjacent subdivision.

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

In order to commence the process for obtaining the necessary City signatures on the Certified Survey Map, the applicant shall e-mail the revised CSM, updated title report, and any other materials required by reviewing agencies to the reviewing planner. The reviewing planner will share the updated materials with the relevant commenting City agencies for them to verify that their conditions have been satisfied and that the secretary or designee may sign the Plan Commission approval certificate. Once the Plan Commission certificate is executed, the Planning Division will make the City Clerk's Office aware that the Common Council certificate may be executed.

Once all of the necessary City signatures have been affixed to the Certified Survey Map, the instrument may be recorded at the Dane County Register of Deeds Office. For information on recording procedures and fees, please contact the Register of Deeds at (608) 266-4141.

Any appeal from this action, including the conditions of approval, must be filed with the Circuit Court within 30 days from the date of this letter. **The approval of this CSM shall be null and void if not recorded in twelve (12) months from the date of the approving resolution or this letter, whichever is later.**

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If you have any questions or if may be of any further assistance, please do not hesitate to contact my office at (608) 261-9632 or tparks@cityofmadison.com.

Sincerely,

A handwritten signature in black ink that reads "Timothy M. Parks". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Timothy M. Parks
Planner

cc: Tyler Krupp (by e-mail)