



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 4205 Portage Road  
**Application Type:** Conditional Use–Residential Building Complex and Certified Survey Map Referral  
**Legistar File ID #** [73382](#) and [73801](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner, and Heather Stouder, AICP, Planning Division Director

**Summary**

**Applicant:** Nick Patterson, T. Wall Enterprises Development, LLC; 1818 Parmenter Street, Suite 400; Middleton.  
**Property Owner:** Interstate Overlook, LLC; 1818 Parmenter Street, Suite 400; Middleton.

**Requested Actions:**

- ID [73382](#) – Consideration of a conditional use for multi-family dwellings with more than 60 units in the Traditional Residential-Urban 1 (TR-U1) zoning districts; consideration of a conditional use–residential building complex in the TR-U1 zoning district; and consideration of a conditional use in the TR-U1 District for accessory outdoor recreation, all to construct 483 apartments in five buildings with pool and clubhouse; and
- ID [73801](#) – Consideration of a Certified Survey Map creating four lots.

**Proposal Summary:** The applicant is requesting approval of a residential building complex to develop 483 apartments in five four- and five-story buildings. Parking for the complex will include 261 under-building spaces for automobiles, 290 surface parking spaces for autos, and 544 bike parking spaces. The development will occur on four lots to be created by the related Certified Survey Map, which will also dedicate a 66-foot wide right of way for a north-south local street.

The applicant wishes to commence construction of the multi-family development in spring 2023, with completion of the complex scheduled by summer 2024.

**Applicable Regulations & Standards:** Table 28C-1 in Section 28.032(1) of the Zoning Code identifies multi-family dwellings with more than 60 units and residential building complexes as conditional uses, and outdoor recreation as conditional accessory uses in TR-U1 (Traditional Residential–Urban 1 District) zoning. Residential building complexes and outdoor recreation are subject to supplemental regulations in Section 28.151. Section 28.183 provides the process and standards for the approval of conditional use permits. Review by the Urban Design Commission of the residential building complex is required per Section 33.24(4)(c) of the Urban Design Commission ordinance.

**Review Required By:** Urban Design Commission and Plan Commission

**Summary Recommendation: Summary Recommendation:** The Planning Division recommends the following to the Plan Commission:

- That the Plan Commission find the standards for conditional uses are met to **approve** construction of a residential building complex containing 483 apartments in five buildings and accessory outdoor recreation at 4205 Portage Road subject to input at the public hearing and the conditions from the Urban Design Commission and reviewing agencies beginning on **page 8**; and
- That the Plan Commission forward the Certified Survey Map to divide 4205 Portage Road into four lots to the Common Council with a recommendation of **approval** subject to the conditions from reviewing agencies beginning on **page 16**.

## Background Information

**Parcel Location:** An approximately 11.35-acre parcel located at the northeastern corner of Portage Road and DiLoreto Avenue; Alder District 17 (Madison); DeForest Area School District.

**Existing Conditions and Land Use:** Undeveloped land, zoned TR-U1 (Traditional Residential–Urban 1 District).

**Surrounding Land Use and Zoning:**

North: Single-family residences and agricultural buildings in the Town of Burke;

South: Hidden Creek Residences apartments across DiLoreto Avenue, zoned SR-V2 (Suburban Residential–Varied 2 District);

East: Interstate 39/90/94, with the American Center further to the east; and

West: Single-family residences in the Churchill Heights subdivision and Churchill Heights Park across Portage Road, zoned SR-C2 (Suburban Residential–Consistent 2 District).

**Adopted Land Use Plan:** The 2018 [Comprehensive Plan](#) recommends that the subject site and other properties on the east side of Portage Road north of DiLoreto Avenue be developed with Low Residential land uses up to 15 units per acre.

The site is located within the boundaries of the [Hanson Neighborhood Development Plan](#), which was amended in 2021 to update the land use and circulation recommendations in the southernmost portion of the planning area, including for the subject site. The amended plan recommends that Residential Housing Mix (HM) 4 be developed adjacent to Portage Road before transitioning to the less-dense HM3 residential development across a north-south local street planned to extend north from DiLoreto Avenue to provide access to future residential development. An east-west local street is also shown between the new north-south street and Portage Road in the amended plan. The HM3 and HM4 categories are discussed in greater detail in the ‘Analysis’ section of this report.

**Zoning Summary:** The project will be developed in the TR-U1 (Traditional Residential–Urban 1 District).

Requirements	Required	Proposed
Lot Area (sq. ft.)	750 sq. ft. per unit (288,500 sq. ft.) (Lots 1 & 2: 139,500 sq. ft.) (Lots 3 & 4: 222,750 sq. ft.)	Lots 1 & 2: 139,635 sq. ft. Lots 3 & 4: 294,275 sq. ft.
Lot Width	50'	Will comply
Minimum Front Yard Setback	15'	23.7' Building A   30.8' Building C

Requirements	Required	Proposed
Maximum Front Yard Setback	30' or up to 20% greater than block average	
Side Yard Setbacks	10'	14.0' Building A; 5.0' Building B Adequate - Building C; 122.0' Building D; 13.3' Building E west side; 30.6' Building E east side
Reverse Corner Side Yard Setback	12'	52.1' building A   88.0' building B
Rear Yard	Lesser of 25% lot depth or 25'	22.0' Building B   33.6' Building E
Maximum Lot Coverage	75%	(See Conditions)
Useable Open Space	160 sq. ft./dwelling unit (Lots 1 & 2: 29,760 sq. ft.) (Lots 3 & 4: 47,520 sq. ft.)	TBD (See Conditions)
Minimum Building Height	5 stories/ 65 feet	5 stories/ Less than 65'
Auto Parking	1 per dwelling unit (Lots 1 & 2: 186) (Lots 3 & 4: 297) (483 total)	Lots 1 & 2: 98 garage, 92 surface Lots 3 & 4: 163 garage, 198 surface (551 total) (See Conditions)
Accessible Stalls	Yes	Yes
Bike Parking	Approximately 635	To be determined
Loading	None	0
Building Forms	Large Multi-Family Building	(See Conditions)
<b>Other Critical Zoning Items</b>		
Yes:	Urban Design (Residential Building Complex), Barrier Free, Utility Easements	
No:	Floodplain, Wellhead Protection, Landmarks, Waterfront Development, Adjacent to Park	
<i>Prepared by: Jenny Kirchgatter, Assistant Zoning Administrator</i>		

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

**Public Utilities and Services:** This property is served by a full range of urban services. Metro Transit currently operates daily transit service south of the site at the Portage Road-Hayes Road intersection, approximately a third-mile from the site. Service is planned to continue at this intersection on Route "P" as part of the implementation of Metro's redesigned transit network in summer 2023.

## Previous Approvals

On July 21, 2020, the Common Council attached the 11.35-acre parcel now addressed as 4205 Portage Road into the City of Madison from the Town of Burke.

On July 6, 2021, the Common Council approved an amendment to the Hanson Neighborhood Development Plan to provide updated recommendations for the area located along Portage Road between Hanson Road and DiLoreto Avenue.

Also on July 6, 2021, the Common Council approved a [substitute] request to rezone 4205 Portage Road from Temp. A (Agricultural District) to TR-U1 (Traditional Residential–Urban 1 District) for future multi-family development.

## Project Description

The applicant is requesting approval of a Certified Survey Map to divide an 11.35-acre parcel located at the northeastern corner of Portage Road and DiLoreto Avenue into lots, and approval of conditional uses to develop a residential building complex with 483 apartments in five buildings with a common pool and clubhouse.

The subject site is an undeveloped parcel zoned TR-U1 under a separate approval granted in 2021. The subject site has approximately 400 feet of frontage along Portage Road and 1,000 feet along DiLoreto Avenue, an east-west local street partially developed along the southern edge of the site. Additionally, the site abuts the western right of way of Interstates 39/90/94. The property is characterized by a modest slope that falls from the eastern property line towards a low point adjacent to the Portage-DiLoreto intersection.

The proposed CSM calls for two lots to be located on either side of proposed "West Creekwood Lane," a north-south local street that will be dedicated with the land division. Lots 1 and 2 of the CSM will be located between Portage Road and West Creekwood Lane and will comprise 3.2 acres of the site, with the rest of the land between the new street and interstate right of way comprising Lots 3 and 4, which will total 6.75 acres. In addition to the 66-foot wide right of way for West Creekwood Lane, the CSM will dedicate 20 additional feet of right of way for DiLoreto Avenue to create 66 feet of total right of way.

Plans for the residential building complex call for two of the five buildings to be constructed on Lots 1 and 2. Building 'A' will occupy proposed Lot 1 and is proposed as a five-story L-shaped building that will parallel Portage Road and DiLoreto Avenue and contain 108 units and underground parking for 48 automobiles. To the north, Building 'B' is proposed to be a four-story structure with 78 dwelling units and underground parking for 50 autos, which will occupy Lot 2. Surface parking for 64 autos is proposed between Buildings A and B, with driveways from Portage and West Creekwood proposed.

East of West Creekwood Lane, Building 'C' will be located on Lot 3 of the CSM. Building C is proposed as a four-story, 95-unit building that will parallel DiLoreto Avenue. In addition, Lot 3 will be developed with the pool and one-story clubhouse building that will serve the overall development. Lot 4 will be developed with the four-story, L-shaped Buildings 'D' and 'E' of the complex, which will contain 63 and 119 dwellings units, respectively. Auto parking on Lots 3 and 4 will include 163 parking stalls below the buildings and 223 surface parking stalls; all of the parking for Buildings C-E will be accessed from a single driveway from West Creekwood Lane.

In total, the 483 units in the complex will include 173 studios, 178 one-bedroom units, 110 two-bedroom units, and 22 three-bedroom units. Parking for a total of 261 automobiles is proposed within the five buildings, with 287 surface parking spaces proposed for autos. An overall parking ratio of 1.13 stalls per dwelling unit is proposed for the overall development. Parking for 544 bikes will be provided across the development.

## Supplemental Regulations

Residential building complexes, which are defined as "a group of two or more residential buildings on a single parcel or tract of land, developed under single ownership and common management" are conditional uses in the TR-U1 zoning district and are subject to the following supplemental regulations in Section 28.151 of the Zoning Code (as applicable):

- (a) Recreational areas may be required to serve the needs of the anticipated population.
- (b) Setback requirements may be reduced as part of the conditional use approval, provided that equivalent open space areas are provided.
- (c) Minimum distances between buildings shall equal the combination of the required side yards for each building, unless reduced by the Plan Commission as part of the conditional use approval.
- (d) An appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.
- (g) Shall be reviewed by the Urban Design Commission pursuant to Sec. 33.24(4)(c), MGO.
- (h) All Residential Building Complexes shall be submitted with a plan for building placement, circulation, access and parking, and information on the architectural design of the development.
- (i) Each building in a Residential Building Complex shall provide the lot area and usable open space required for the building type by the zoning district.

Outdoor recreation is defined as “a facility for outdoor conduct, viewing, or participation in recreational activities, which may include one or more structures...” including but not limited to swimming pools and similar such uses, which are subject to the following supplemental regulations in Section 28.151:

- (a) A minimum 25-foot setback area maintained as open space shall be provided along the perimeter of the site wherever it abuts a residential district.
- (b) If the use will be available to the general public, an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate shall serve the site. Ease of access to the site by automobiles, transit, bicycles, and pedestrians shall be considered as a factor in the review of any application.
- (c) The site shall be designed in such a way as to minimize the effects of lighting and noise on surrounding properties. Hours of operation may be restricted and noise and lighting limits imposed as part of the conditional use approval.
- (d) An appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

## Analysis

Multi-family dwellings with greater than 60 units and residential building complexes are conditional uses in the TR-U1 zoning district, while the pool and pickleball court on Lot 3 are conditional accessory uses. The proposed residential building complex is being reviewed in two parts: as one overall conditional use on the existing parcel, and as two subsequent residential building complexes after the proposed CSM is recorded. The proposed buildings on Lots 1 and 2 and on Lots 3 and 4 will share access and parking, as well as the amenities located on the east side of West Creekwood Lane.

### Consistency with Adopted Plans

The 11.35-acre site is located within the boundaries of the 2021 [Hanson Neighborhood Development Plan](#), which recommends that the property be developed with a combination of Housing Mix 3 (HM3) and Housing Mix 4

(HM4), with the exception of an area adjacent to the Portage-DiLoreto intersection, which is recommended for stormwater and other open space corresponding with the low spot on the property.

Housing types within HM3 areas in the Hanson Neighborhood Development Plan should consist of a mix of townhouses, condominiums, and apartment buildings developed at densities of 20-40 dwelling units per net acre. Buildings in HM3 are recommended to be two- to three-stories tall. The HM4 areas are intended to include multi-family residential buildings and limited townhouse development at higher intensities up to 70 units per net acre, with a district average of 40 dwelling units per net acre. Buildings in HM4 should generally be two to five stories in height and may be larger and closer together compared to those buildings in the HM3 district. Buildings in both HM3 and HM4 should be oriented to and front on adjacent streets and be designed to help define and enhance the public realm along the street edge, with parking located behind or beneath buildings to minimize its visual impact on the neighborhood. The design of these complexes should incorporate interior access drives and walkways that establish direct connections across the site in order to prevent isolated islands of development. Multi-unit developments in HM3 and HM4 should include a mix of unit sizes, including larger two- and three-bedroom units suitable for families with children.

The portion of the site recommended in the neighborhood development plan for HM4 sits adjacent to Portage Road and extends approximately a block to the east to a north-south public street that is planned to mostly parallel Portage Road to provide the primary access for future development on this site and the smaller parcels to the north should they develop. Additionally, an east-west street is proposed to extend between Portage Road and the planned north-south street to provide an orienting feature for future development; the proposed east-west street is located at the northern edge of the subject site's frontage along Portage Road. The HM4 recommendation at the northeastern corner of Portage and DiLoreto Avenue is intended to orient the highest recommended density and mass in the amendment area toward Portage Road and Churchill Heights Park to the west. East of the planned north-south public street, development of the subject site is recommended for HM3 to decrease the intensity of development closer to the interstate.

The proposed residential building complex and Certified Survey Map are generally consistent with the recommendations in the neighborhood development plan. The proposed CSM will dedicate the planned north-south street (West Creekwood Lane) in the approximate location of where it is shown in the adopted plan, though the planned east-west street is not shown. The 186 units proposed on Lots 1 and 2 will result in a density of approximately 58 units an acre consistent with the densities recommended for the HM4 area west of the new street; however, the 297 units on 6.75 acres comprising Lots 3 and 4 will result in a density of 44 units an acre, which is slightly denser than the maximum density of 40 units an acre east of the new street. Additionally, the heights of Buildings C-E exceed the three-story height recommended for the HM3 area, although the proposed height and density are consistent with the existing TR-U1 zoning. Portions of Buildings A, B, C, and E are also oriented to the abutting streets consistent with the urban design recommendations in the plan.

#### Consistency with the Conditional Use Standards

Similarly, the Plan Commission may not approve an application for a conditional use unless it can find that all of the standards found in Section 28.183(6)(a), Approval Standards for Conditional Uses, are met. That section states: "The City Plan Commission shall not approve a conditional use without due consideration of the recommendations in the City of Madison Comprehensive Plan and any applicable, neighborhood, neighborhood development, or special area plan, including design guidelines adopted as supplements to these plans. No application for a conditional use shall be granted by the Plan Commission unless it finds that all of the [standards for approval in Section 28.183(6) are met]."

The Planning Division believes that the Plan Commission may find that the conditional use standards and supplemental regulations met are met to allow construction of the residential building complex subject to the conditions. Staff also feels that the standards and supplemental regulations are met for the accessory outdoor recreation on Lot 3. The uses, values and enjoyment of other property in the neighborhood for purposes already established should not be substantially impaired or diminished in any foreseeable manner by the project. Staff feels that the proposed residential building complex generally reflects the character of development generally recommended for the site by the Hanson Neighborhood Development Plan. Comments submitted by reviewing agencies do not suggest that the proposed development will negatively impact the City's ability to provide services to the project subject to meeting the recommended conditions of approval in the final section of this report.

#### Review by the Urban Design Commission

Review of residential building complexes by the Urban Design Commission is required per Section 33.24(4)(c) of the Urban Design Commission ordinance and the supplemental regulations in the Zoning Code. The Urban Design Commission reviewed the residential building complex at its January 11, 2023 meeting and made an advisory recommendation to the Plan Commission to approve the proposed complex subject to a minor landscaping condition (#7, page 10).

## Conclusion

The Planning Division believes that the Plan Commission may find the conditional use standards and supplemental regulations met to allow development of the 11.35-acre subject site at the northeastern corner of Portage Road and DiLoreto Avenue with 483 apartments in five buildings. The Plan Commission may also find that the standards for approval of the related four-lot land division are met. The proposed development of the site is generally consistent with the recommendations for land use density, circulation, and urban design in the Hanson Neighborhood Development Plan despite the development east of the proposed north-south street, West Creekwood Lane, being one-story taller and slightly denser than recommended for that portion of the site.

## Recommendation

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

The Planning Division recommends the following to the Plan Commission:

- That the Plan Commission find the standards for conditional uses are met to **approve** construction of a residential building complex containing 483 apartments in five buildings and accessory outdoor recreation at 4205 Portage Road subject to input at the public hearing, and the and the conditions from the Urban Design Commission and reviewing agencies beginning that follow; and
- That the Plan Commission forward the Certified Survey Map to divide 4205 Portage Road into four lots to the Common Council with a recommendation of **approval** subject to the conditions from reviewing agencies beginning on **page 16**.

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

**Planning Division**

1. Show and clearly label the proposed lots and lot lines on Sheets ASP-100 and C5.
2. The final site plans shall include data tables for the overall development that contains the acreage of the complex, the number of dwelling units by type, auto parking stalls (garage and surface), and bike parking stalls (indoor and surface) per lot and overall.
3. Provide plans and data for each lot that indicate the amount of lot coverage and usable open space per lot.
4. Detailed floorplans for all of the building shall be provided with the final plans, which shall include labels with the number of bedrooms and type of dwelling unit.

**Urban Design Commission**

The following conditions were recommended as part of the recommendation to the Plan Commission to **approve** the project on January 11, 2023 subject to the following condition:

5. The project shall use bark mulch instead of washed stone.

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

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

6. The developer shall submit projected wastewater flow calculations for the development to determine whether offsite sewer improvements will be required for the developer to complete as a condition for development.
7. There are several stormwater deficiencies with the proposed development including:
  - a.) The storm sewer to serve the area to the north of the half-constructed street is inadequate. The developer shall either install more storm in the public right of way down to the road crossing of Portage Road, or limit discharge from the 200- year event to the available capacity of the existing storm sewer;
  - b.) The development does not plan for drainage of lands to the north of the existing development to pass through the site; and
  - c.) The development mixes public and private storm sewer treatment, which is unacceptable.
8. 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.
9. Construct Madison standard street, multi-use path, and sidewalk improvements for all streets within the CSM.
10. Construct sidewalk, terrace, and up to 10 feet of pavement along Portage Road to a plan approved by the City Engineer. Construct pavement and utility patching as required by the City Engineer.



11. Make improvements to Portage Road in order to facilitate ingress and egress to the development, as required by the City Traffic Engineer.
12. Construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the CSM.
13. Madison Metropolitan Sewerage District (MMSD) 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 sign-off.
14. All outstanding City of Madison sanitary sewer connection charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. This property is subject to Sanitary Connection charges for the Portage Ave. Interceptor District \$13.30/1000 square feet (2022 rate) and the Portage Ave Interceptor Section 22 (rate \$81.36/1000 square feet of lot area)(2022 rate).
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. A Storm Water Maintenance Agreement (SWMA) is required for this project.
18. 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 of the WDNR at (608) 273-5612 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 (DSPA) and no separate submittal to this agency or Capital Area Regional Planning Commission (CARPC) is required for this project to proceed.
19. A portion of this project may come under the jurisdiction of the US Army Corp of Engineers (USACOE) 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 years old.
20. 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.
21. 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 CSM.

22. Revise the site plan to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service.
23. The proposed development proposes to construct underground parking. The proposed entrance to the underground parking is adjacent to a street low point. The applicant shall provide at a minimum of one (1) foot of rise from the adjacent back of walk in the driveway before breaking grade to the down ramp to the underground parking to protect the underground parking from inundation. The stated elevation is intended to be protective but does not guarantee a flood proof structure. The developer/owner are strongly encouraged to complete their own calculations and determine an elevation that protects their property to a level of service that they are comfortable with.
24. Provide additional detail how the enclosed depression(s) created by the parking entrance(s) to the below building parking area(s) is/are served for drainage purposes. The building must be protected from receiving runoff up through the 24-hour, 100-year design storm. If the enclosed depression(s) is/are to be served by a gravity system provide calculations stamped by a Wisconsin PE that show inlet and pipe capacities meet this requirement. If the enclosed depression(s) is/are to be served by a pump system provide pump sizing calculations stamped by a Wisconsin PE or licensed plumber that show this requirement has been met.
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. 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.
27. 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-inch 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.
28. 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.
29. 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 Wisconsin Department of Natural Resources (WDNR), Madison-Dane County Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit.
30. 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 the City Engineering Division at 266-4751 prior to completing the test to document that appropriate measures have been taken to prevent erosion as a result of this testing.

31. 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.

32. Prior to approval, this project shall comply with MGO Chapter 37 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 the City Engineering Division. 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 Madison General Ordinances 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 areas compared to no controls.

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

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 best management practices (BMP) used to meet stormwater management requirements on this project.

33. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the City Engineering Division. Email PDF file transmissions are preferred to: [bstanley@cityofmadison.com](mailto:bstanley@cityofmadison.com) (East) or [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com) (West).

**City Engineering Division – Mapping Section** (Contact Julius Smith, (608) 264-9276)

34. Grant a Public Sidewalk and Bike Path Easement(s) to the City on the face of the forthcoming Certified Survey Map along the northerly and easterly parcel limits. The final location and size of the this easement shall be approved by City Engineering and Traffic Engineering staff.

35. The applicant shall dedicate a 20 feet of right of way along DiLoreto Ave, with additional width as required by City Engineering and Traffic Engineering at the easterly end to accommodate the cul-de-sac with the forthcoming CSM.

36. The Applicant shall dedicate a 66' foot wide right of way for the proposed north-south street designated as West Creekwood Lane with the forthcoming CSM.
37. Grant a temporary limited easement for a temporary cul-de-sac on at the north end of proposed West Creekwood Ln with the forthcoming CSM.
38. The site plan indicates storm sewer pipes fully crossing public right-of-ways to private connections. These should be avoided. If they cannot, these crossings will require privilege in street agreements. Make an application with City of Madison Office of Real Estate Services for a privilege in streets agreement. An approval of the development does not constitute or guarantee approval of any encroachments within a public right of way.
39. Interior lot configuration of forthcoming CSM to produce proposed lots will need to be adjusted to provide an Outlot to be dedicated to the City for Stormwater Management Purposes.
40. 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 CSM.

41. Provide for review, comprehensive reciprocal easements and agreements including, but not limited to, access, parking, utilities, common areas, 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. Multiple utilities located within private lots are crossing serving one another storm, water, and sewer, along with access and stormwater provide agreement(s) for these interdependent features.
42. The related CSM shall be approved by the City, recorded with the Dane County Register of Deeds, and new tax parcel information available prior to issuance of a building permit or early start permit.
43. Submit a site plan and a complete set of building Floor Plans (for each individual building) in PDF format to Lori Zenchenko (lzenchenko@cityofmadison.com) that includes a floor plan of each floor level on a separate sheet/page for the development of an interior and building addressing plan for the proposed multi-building complex. Each building page should include a key locator and north arrow. Also, include a unit matrix for the apartment buildings. The Addressing Plan for the entire project shall be finalized and approved by Engineering (with consultation and consent from the Fire Marshal if needed) PRIOR to the Verification submittal stage of this LNDUSE with Zoning. The final approved stamped Addressing Plan shall be included in said Site Plan Verification application materials or a revised plan shall be provided for additional review and approval by Engineering. Per MGO Section 34.505, a full copy of the approved addressing plan shall be kept at the building site at all times during construction until final inspection by the Madison Fire Department. For any changes pertaining to the location, deletion or addition of a unit, or to the location of a unit entrance, (before, during, or after construction), a revised Address Plan shall be resubmitted to Lori Zenchenko to review addresses that may need to be changed and/or reapproved.

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

44. Parking decks are insufficiently labeled/dimensioned for a proper review. If the parking does not meet MGO Section 10.08, the applicant can expect to be required to make major alteration which may or may not impact structural elements of this site.

45. All parking stalls must be clear of any and all obstructions (including columns) to be considered a legal parking stall. For large cars, this means 9' by 18' clear; for one-size-fits-all stalls, this means 8.75' by 17' clear.
  46. The applicant shall work with the Traffic Engineering Division to determine the appropriate temporary turnaround on proposed north-south street (West Creekwood Lane).
  47. The applicant shall construct Portage Road improvements according to plan approved by the City Engineer.
  48. The applicant shall construct DiLoreto Avenue improvements according to plan approved by the City Engineer.
  49. The applicant shall dedicate and construct proposed north-south street (West Creekwood Lane) according to plan approved by the City Engineer.
50. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
  51. The developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City-owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.
  52. The City Traffic Engineer may require public signing and marking related to the development; the developer shall be financially responsible for such signing and marking.
  53. All parking facility design shall conform to the standards in MGO Section 10.08(6).
  54. All bicycle parking adjacent pedestrian walkways shall have a two-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
  55. All pedestrian walkways adjacent parking stalls shall be seven (7) feet wide to accommodate vehicle overhang, signage and impediments to walkway movements. Any request for variance shall be submitted to and reviewed by City Traffic Engineering.
  56. Per Section MGO 12.138 (14), this project is not eligible for residential parking permits. It is recommended that this prohibition be noted in the leases for the residential units.
  57. The applicant shall adhere to all vision triangle requirements as set in MGO Section 27.05 (No visual obstructions between the heights of 30 inches and 10 feet at a distance of 25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing

landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO Section 27.05(2)(bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.

58. The applicant shall provide a clearly defined five-foot walkway clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.
59. City of Madison radio systems are microwave directional line of sight to remote towers citywide. The building elevation will need to be reviewed by Traffic Engineering staff to accommodate the microwave sight and building. The applicant shall submit grade and elevations plans if the building exceeds three stories prior to sign-off to be reviewed and approved by Andrew Oliver, ((608) 267-1979, aoliver@cityofmadison.com) Traffic Engineering Shop, 4151 Nakoosa Trail. The applicant shall return one signed approved building elevation copy to the main City of Madison Traffic Engineering office with final plans for sign off.
60. The driveway slope to the underground parking is not identified in the plan set. Traffic Engineering recommends driveway slope under 10%; if the slope is to exceed 10%, the applicant shall demonstrate inclement weather mitigation techniques to provide safe ingress/egress to be approved by the City Traffic Engineer.
61. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign at all Class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
62. The applicant shall show the dimensions for the proposed Class III driveway including the width of the drive entrance, width of the flares, and width of the curb cut.

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

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| 63. Setback requirements may be reduced for a residential building complex as part of the conditional use approval, provided that equivalent open space areas are provided. |
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64. Provide a calculation and plan detail for lot coverage with the final submittal. The lot coverage maximum is 75%. Lot coverage is defined as the total area of all buildings, measured at grade, all accessory structures including pools, patios, etc., and all paved areas as a percentage of the total area of the lot, with the following exceptions: sidewalks or paved paths no wider than five feet, pervious pavement, green roofs and decks.
  65. Provide calculations for the required useable open space areas for both zoning lots (east and west of proposed West Creekwood Lane), and clearly show the useable open space areas on the final plans. A minimum of 160 square feet of useable open space is required per dwelling unit. Identify each qualifying at-grade usable open space area, and show the structured useable open space areas located on roof decks, porches, and balconies. Roof decks, porches, and balconies may be used to meet up to 75% of the minimum open space requirement, provided that minimum dimensional requirements are satisfied. Note that the wet basins or retention basins will not contribute toward the useable open space areas.

66. Provide electric vehicle stalls per Section 28.141(8)(e) *Electric Vehicle Charging Station Requirements*. A minimum of 10% of the residential parking stalls must be electric vehicle ready and 2% of the stalls must be electric vehicle installed for each zoning lot. One (1) of the electric vehicle installed stalls on each zoning lot must be an accessible stall. Add electric vehicle parking to the vehicle parking summary. Identify the locations of the electric vehicle ready and installed stalls on the plans.
67. Bicycle parking for the residential dwelling units shall comply with the requirements of MGO Sections 28.141(4)(g) and 28.141(11) and shall be designated as short-term or long-term bicycle parking. Provide one (1) bicycle stall per unit up to two-bedrooms and one half-space per additional bedroom. Provide one (1) guest space per ten (10) units. Up to 25% of bicycle parking may be structured parking, vertical parking or wall mount parking, provided there is a five (5) foot access aisle for wall mount parking. NOTE: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Add a bicycle parking summary to the vehicle parking summary. Submit details showing the models of bike rack to be installed including any structured or wall mount bike racks.
68. Add landscape islands to the rows of parking stalls with more than twelve (12) stalls. A planting island shall be located at least every 12 contiguous stalls with no break.
69. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than 10,000 square feet in size must be prepared by a registered landscape architect.
70. Submit the garage floor plan for Building B.
71. Provide details demonstrating compliance with bird-safe glass requirements Section 28.129 for any building over 10,000 sq. ft. in size (floor area of above-grade stories). For building façades where the first 60 feet from grade are comprised of less than 50% glass, at least 85% of the glass on glass areas 50 square feet or over must be treated. Of all glass areas over 50 square feet, any glass within 15 feet of a building corner must be treated. Identify the buildings that exceed 10,000 sq. ft. in size and the glass areas that will be treated. Provide a detail of the specific treatment that will be used.
72. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.
73. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

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

74. Provide fire apparatus access in accordance with MGO Chapter 34 and the IFC 2021 edition.
75. IBC 1011.12: Provide a roof hatch and ships ladder located in one of the enclosed exit stairs for buildings (4) stories or more in height.

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

76. Privately owned water mains to be connected to the publicly owned distribution system at more than one point are required to install a check valve at each point of connection to the distribution system to prevent water from flowing back into the distribution system. Each check valve shall be located in a manhole or vault and shall be immediately preceded and followed by a buried or exposed shut-off valve on the main. The water supplier shall have access to the manholes and valves for inspection purposes. (per NR-811.68(3)).

77. All water main, services and appurtenances located within the property will be considered private.

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

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

79. Transit service does not extend north along Portage Road (from Hayes Road towards Di Loreto Avenue and Hanson Road) and the proposed midblock bus stop area on the east side of Portage Road north of DiLoreto Avenue does not meet appropriate design standards for Metro Transit operations.

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

80. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the North Park-Infrastructure Impact Fee district. Please reference ID# 20045.1 when contacting Parks Division staff about this project.

**Certified Survey Map – Recommended Conditions of Approval**

Major/Non-Standard Conditions are Shaded

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

1. The following note shall be placed on the CSM: "The lots of this land division may experience noise at levels exceeding the levels in Wisconsin Administrative Code Trans 405.04, Table I. These levels are based on federal standards. The Wisconsin Department of Transportation is not responsible for abating noise from existing state trunk highways or connecting highways, in the absence of any increase by the department to the highway's through-lane capacity."

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

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 Brynn Bemis ((608) 267-1986, [bbemis@cityofmadison.com](mailto:bbemis@cityofmadison.com)).



3. The CSM shall be revised to provide an outlot to treat stormwater from future West Creekwood Lane.
4. Enter into a City / Developer agreement for required infrastructure improvements. The agreement shall be executed prior to sign-off. Allow 4-6 weeks to obtain agreement. Contact the City Engineering Division to schedule the development and approval of the plans and the agreement.
5. Construct Madison standard street, multi-use path, and sidewalk improvements for all streets within the CSM according to a plan approved by City Engineer.
6. Construct sidewalk, terrace, and up to 10 feet of pavement along Portage Road to a plan approved by the City Engineer. Construct pavement and utility patching as required by the City Engineer.
7. Make improvements to Portage Road in order to facilitate ingress and egress to the development as required by the City Traffic Engineer.
8. Madison Metropolitan Sewerage District (MMSD) 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.
9. All outstanding City of Madison sanitary sewer connection charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. This property is subject to Sanitary Connection charges for the Portage Ave. Interceptor District \$13.30/1000 square feet (2022 rate) and the Portage Ave Interceptor Section 22 (rate \$81.36/1000 square feet of lot area)(2022 rate)
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).

**City Engineering Division – Mapping Section** (Contact Julius Smith, (608) 264-9276)

11. Revise internal land divisions to provide an outlot to be dedicated to the public for stormwater management purposes. The size and location of the outlot shall be approved by City Engineering.
12. Any portion(s) of a public easement that is intended to be released shall be released by separate document prepared by City Office of Real Estate Services. Contact Jule Smith of Engineering–Mapping (jsmith4@cityofmadison.com, 608-264 9276) to coordinate the Real Estate project, and associated information and fees required. If any release is required prior to recording of the plat, acknowledgement of the release and document number shall be noted on the face of the plat. Prepare exhibit and description to release the remainder the PLE for public street along Di Loreto Avenue.
13. The street name of West Creekwood Lane is not acceptable. Provide an alternative street name suggestion to Lori Zenchenko (LZenchenko@cityofmadison.com) for review and approval.

14. Remove the call for temporary public access easement and show a temporary limited easement for a temporary cul-de-sac on West Creekwood Lane. The easement text shall be as follows: "Temporary Limited Easement benefitting the City of Madison for temporary turnaround improvement purposes. Said Easement shall terminate upon the extension of West Creekwood Lane north of this CSM along with the removal of the public temporary turnaround improvements within the easement area." Also note that this easement overlaps the Public Sidewalk Bike Path Easement.
15. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The Developer's Surveyor and/or Applicant must submit copies of required tie sheets or monument condition reports (with current tie sheet attached) for all monuments, including center of sections of record, used in this survey, to Jeff Quamme, City Engineering ([jrquamme@cityofmadison.com](mailto:jrquamme@cityofmadison.com)).
16. Prior to Engineering final sign-off by main office for Certified Survey Maps, the final CSM shall be submitted in PDF format by email transmittal to Engineering Land Records Coordinator Jule Smith ([jsmith4@cityofmadison.com](mailto: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.
17. Add the following note to the CSM: "All buildings and outdoor Recreational areas shall comply with MGO Chapter 16.23(3)(d)-Highway Noise Land Use Provisions policies and ordinance."
18. Provide 15-foot radius intersection curves at both corners of DiLoreto Avenue and West Creekwood Lane or as required by City engineering and Traffic Engineering.
19. The final location and size of public bike path easement to be confirmed by City Engineering and Traffic Engineering.
20. The final location and size of public right of way dedication along Di Loreto Avenue shall be confirmed by City Engineering and Traffic Engineering.
21. The final location and size of temporary limited easement for the temporary cul-de-sac of West Creekwood Lane to be confirmed by City Engineering and Traffic Engineering.
22. The final location and size of any public water easements shall be confirmed by Madison Water Utility.
23. Provide draft of private access and private sanitary sewer easement agreement language prior to sign-off.
24. Change notes calling out access sewer and water easements to read: "Angled hatching depicts limits of Private Access and Private Sanitary Sewer Easement, and it also depicts limits of a coincidental Public Water Main Easement. See notes for additional information regarding use of this easement."
25. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds, the new parcel data created by the Assessor's Office, and the parcel data available to Zoning and Building Inspection staff prior to issuance of building permits for new construction.

26. The applicant shall submit to Jeff Quamme, 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.

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

27. The applicant shall construct Portage Road improvements according to plan approved by the City Engineer.
28. The applicant shall construct DiLoreto Avenue improvements according to plan approved by the City Engineer.
29. The applicant shall dedicate and construct proposed north-south street (West Creekwood Lane) according to plan approved by the City Engineer.

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

This agency has reviewed the request and recommended no conditions of approval.

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

This agency has reviewed the request and recommended no conditions of approval.

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

This agency has reviewed the request and recommended no conditions of approval specific to the CSM.

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

30. There is no need for a public water main easement within the site as all the water main, services and appurtenances located within the property will be considered private.

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

31. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the North Park-Infrastructure Impact Fee district. Please reference ID# 20045.1 when contacting Parks Division staff about this project.
32. 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."
33. Prior to sign off on the CSM the applicant shall execute a declaration of conditions and covenants for impact fees. The Parks Division shall be required to sign off on this CSM.

**Forestry Division** (Contact Brandon Sly, (608) 266-4816)

This agency has reviewed the request and recommended no conditions of approval.

**Office of Real Estate Services** (Lance Vest, (608) 245-5794)

34. Prior to approval sign-off by the Office of Real Estate Services (“ORES”), the Owner’s Certificate(s) on the CSM shall be executed by all parties of interest having the legal authority to do so, pursuant to Wis. Stats. 236.21(2)(a). Said parties shall provide documentation of legal signing authority to the notary or authentication attorney at the time of execution. The title of each certificate shall be consistent with the ownership interest(s) reported in the most recent title report. When possible, the executed original hard stock recordable CSM shall be presented at the time of ORES approval sign-off. If not, the City and the Register of Deeds are now accepting electronic signatures. A PDF of the CSM containing electronic signatures shall be provided to ORES to obtain approval sign-off.
35. Prior to CSM approval sign-off, an executed and notarized or authenticated certificate of consent for all mortgagees/vendors shall be included following the Owner’s Certificate(s).
36. Per 236.21(3) Wis. Stats. and MGO Section 16.23(5)(g)(1), the property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to CSM recording. This includes property tax bills for the prior year that are distributed at the beginning of the year. Receipts from the City of Madison Treasurer are to be provided before or at the time of sign-off. Payment is made to: City of Madison Treasurer; 210 Martin Luther King, Jr. Blvd.; Madison, WI 53701.
37. As of October 14, 2022, 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(5)(g)1.
38. Pursuant to Madison City Ordinance Section 16.23(5)(g)(4), the owner shall furnish an updated title report to ORES via email to Lance Vest (lvest@cityofmadison.com), as well as the survey firm preparing the proposed CSM. The report shall search the period subsequent to the date of the initial title report (August 1, 2022) 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.