PLANNING DIVISION STAFF REPORT

October 7, 2024

PREPARED FOR THE PLAN COMMISSION

Project Address: **3420–3614 Milwaukee Street**

Application Type: Final Plat

Legistar File ID # 84994

Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

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

Property Owners: Voit Land, LLC; 4526 Sandpiper Trail; Cottage Grove and City of Madison Parks Division; 330 E Lakeside Street; Madison.

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

Requested Action: Approving the final plat of *Starkweather Plat* on property addressed as 3420-3614 Milwaukee Street, creating 13 lots for future residential and mixed-use development, four outlots for public uses, and five outlots for private uses.

Proposal Summary: The applicant is requesting approval of final plat of *Starkweather Plat*, creating a total of 13 lots and 10 outlots. Of the nine outlots to be created, three outlots will be dedicated to the City for stormwater management, one will be dedicated for parkland, and five outlots will be reserved for private use. The applicant indicates that commencement of the development is scheduled for spring 2025, with implementation to occur over five to ten years depended on market demand for the proposed lots.

Applicable Regulations & Standards: The subdivision process is outlined in Section 16.23(4) of the Subdivision Regulations.

Review Required By: Plan Commission and Common Council.

Review Schedule: The State's subdivision statute, Wis. Stats. 236, requires that a final plat be approved, conditionally approved, or rejected (with stated reasons) within 60 days of submittal unless the time is extended by agreement with the applicant. If no action is taken within 60 days and no extension granted, the final plat is deemed approved. The final plat was submitted to the City and accepted for review on August 26, 2024. Therefore, the 60-day review period for this plat is scheduled to expire on October 25, 2024.

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the final plat of *Starkweather Plat* is consistent with the approved preliminary plat and recommend **approval** to the Common Council subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

Background Information

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

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

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

Surrounding Land Use and Zoning:

North: Starkweather Creek, Wisconsin & Southern Railroad;

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

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

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

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

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

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

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

Zoning Summary: The lots are zoned TR-V2 (Traditional Residential–Varied 2 District), TR-U2 (Traditional Residential–Urban 2 District), and CC-T (Commercial Corridor–Transitional District), while the outlots are zoned PR (Parks and Recreation District) and CN (Conservancy District). Future development on the proposed lots will be reviewed against the use and bulk requirements of those districts prior to issuance of building permits.

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

Previous Approvals

On June 18, 2024, the Common Council approved 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 the preliminary plat of *Starkweather Plat* to create 13 lots for future residential and mixed-use development, five outlots for public uses, and five outlots for private uses. On June 10, 2024, the Plan Commission approved a demolition permit to demolish an industrial building and two single-family residences at 3450, 3490, and 3510 Milwaukee Street and recommended approval of the request to rezone and the preliminary plat. For more information on the approved preliminary plat, please see legislative file ID 78642.

As part of the preliminary plat approval, a variance to the design standards in the Complete Green Streets Guide was granted 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 was conditioned on the rights of way in the subdivision providing at least 8-foot-wide terraces. The variance was consistent with recommendations made by the Transportation Commission during its review of the preliminary plat on October 11, 2023.

Project Description, Analysis & Conclusion

The applicant, Starkweather, LLC, is requesting approval of the final plat of Starkweather Plat to facilitate the future development of six parcels at 3420-3614 Milwaukee Street with a variety of mixed-use and multi-family buildings. The approximately 67 acres of land are generally located on north side of Milwaukee Street between Starkweather Creek and Walter Street. The subject parcels include undeveloped land, a former concrete batch plant, gravel pit, quarry pond, two single-family residences, and a variety of outbuildings.

Access to the *Starkweather Plat* subdivision will be provided by the extensions of Leon Street Harding Street, and Walter Street north from Milwaukee Street opposite those streets in the Eastmorland neighborhood to the south. All three streets will terminate at the eastward extension of Chicago Avenue. Chicago Avenue is planned to extend from its current terminus at N Fair Oaks Avenue west of Starkweather Creek across the site before continuing east to West Corporate Drive. Both Walter Street and Chicago Avenue are officially mapped across the subject property. Construction of Chicago Avenue between Leon Street and N Fair Oaks Avenue will occur in the future separate from the construction of the improvements for the subdivision.

Lots 3-5 of the proposed plat are zoned CC-T, Lots 1, 2, 7, 8, 11, and 12 are zoned TR-U2, and Lots 6, 9, 10, and 13 are zoned TR-V2. Separate land use approvals will be required for the future development on Lots 1-13 following approval and recording of the final plat. Outlot 7 of the plat will be dedicated to the City for parkland, while Outlots 4, 8, and 9 will be dedicated to the City for stormwater management. The five remaining outlots (Outlots 1, 2, 3, 5, and 6) will not be dedicated to the public and will be used for private stormwater management as noted on the final plat.

The quarry pond and Starkweather Creek, which are connected by a constructed channel, are the most significant natural features present on the overall property. The area between the pond and creek includes delineated wetlands. FEMA-identified floodway parallels Starkweather Creek and encompasses most of the land between it and the pond on the north and west, with additional areas of 100-year floodplain located south of the pond. Owing to these natural features, approximately half of the site is located in mapped environmental corridor overseen by the Capital Area Regional Planning Commission (CARPC), as are the City's undeveloped Starkweather Park open space and a large stormwater parcel owned by the Stormwater Utility, which border the site on the east. Minor adjustments to the environmental corridor boundaries to reflect the dedications to the public proposed with the subdivision may be required before the final plat is recorded.

A phasing plan for implementation of the proposed subdivision is included in the letter of intent that accompanies the final plat application. Construction of subdivision improvements is scheduled to commence in spring 2025, with build-out of the first phase of the development scheduled to occur through 2028; the second phase of development will commence in 2029 or beyond.

In closing, the Planning Division has reviewed the final plat and believes that it conforms substantially to the approved preliminary plat. Staff is recommending approval of the final plat subject to the conditions in the following section.

Recommendation

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

The Planning Division recommends that the Plan Commission find that the final plat of *Starkweather Plat* is consistent with the approved preliminary plat and recommend **approval** of it to the Common Council subject to input at the public hearing and the conditions that follow.

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

Planning Division

1. Prior to final approval of the final plat for recording, the applicant shall submit agreements, bylaws, provisions, or covenants that will govern the organizational structure, use, maintenance and continued protection of any

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 the City Attorney's Office. 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.

2. That the applicant work with the Planning Division and Capital Area Regional Planning Commission to revise the environmental corridor map to reflect the changes to the mapped corridor proposed by the development prior to final approval and recording of the final plat of *Starkweather*.

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

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

3. Obtain a permanent sewer plug permit for each existing sanitary sewer lateral serving a property that is not to be reused and a temporary sewer plug permit for each sewer lateral that is to be reused by the development.

4. A Phase 1 environmental site assessment (per ASTM E1527-13), is required for lands dedicated to the City. Provide one (1) digital copy and staff review will determine if a Phase 2 ESA is also required. Submit report(s) to Brynn Bemis (608) 267-1986, bbemis@cityofmadison.com).

5. The applicant shall provide projected wastewater flow calculations for the development to each point of connection to the City sewer on Milwaukee Street. It is anticipated that offsite sewer improvements will be required by the developer as a condition for development. Submit anticipated wastewater flows to Mark Moder, mmoder@cityofmadison.com.

6. There are multiple private outlots that will require a recorded maintenance agreement be on file and recorded against a lot that is not an OL that is responsible for maintenance for it.

7. 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.

8. The developer shall construct Madison standard street, multi-use path, and sidewalk improvements for all streets within the plat.

9. The developer shall construct sidewalk, terrace, curb and gutter, and pavement along Milwaukee Street as approved by the City Engineer.

10. 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.

11. The developer shall make improvements to Milwaukee Street to facilitate ingress and egress to the plat as required by the City Engineer.

12. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat.

13. 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.

14. A minimum of two (2) working days prior to requesting City Engineering signoff on the plat, contact eitherTim 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).

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 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 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.

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. Provide calculations for the 500-year storm event, as identified in MGO Chapter 37, as part of the plat 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.

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 the City Engineering Division'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- by 17-inch 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.

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 periodwith 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 shallbe 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.

    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 (East) or ttroester@cityofmadison.com (West).

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

30. Outlots 4 and 8 shall be "Dedicated to the Public for Stormwater Management" as shown on the plat with Public Sidewalk and Bike Path Easement(s) Granted to the City over their entirety.

31. Outlot 7 Shall be "Dedicated to the Public for Park" as shown on the plat.

32. Show a temporary limited easement for the Existing access drive along the eastern edge of the Plat to the existing park lands, the final width and location of this easement shall be approved by City Engineering and Parks Department. Said easement affecting Lot 1, Lot 9, Outlot 5, Lot 10, and Outlot 6. The easement should have the following language: "Temporary Limited Easement benefitting the City of Madison for the existing access drive purposes. Said Easement shall terminate upon the extension of Walter Street north and Chicago Avenue east to the end of this plat along with the removal of the access road improvements within the easement area."

33. 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, (Jeff Quamme - jrquamme@cityofmadison.com) for review, comment and coordination. The encroachment agreement shall require 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. Provide a Privilege in Street Agreement for the private storm discharge at the east end where it crosses Chicago Avenue.

34. Work with the Parks Division on agreement for placement of proposed level spreader silt fence and proposed grading and storm discharge on park lands.

35. Adjust eastern lot line of Outlot 4 such that it is at least a minimum 20 feet east of the 100-year floodway to provide space for the multi-use path.

36. Finalize the street names for Streets "A" and "B" with Lori Zenchenko (LZenchenko@cityofmadison.com).

37. 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.

38. Add standard note for public utility easements: "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."

39. As required by MGO Section 16.23, provide private Easements or private Outlots to accommodate the current USPS required centralized delivery of mail using Cluster Box Units (CBUs). Coordinate the locations of the CBUs with the USPS Development Coordinator, City Engineering and City Traffic Engineering Staff and in accordance with the Policies for Cluster Box Units as adopted by the City of Madison Board of Public Works. CBUs serving this land division will not be permitted within any publicly owned or dedicated lands.

If the Developer is not able to determine the final locations of the CBUs prior to recording the final plat, the final placement of CBUs for each phase of development within this land division shall be determined prior to construction. The locations for each phase shall as required by Ordinance, in accordance with the Policies for Cluster Box Units as adopted by the City of Madison Board of Public Works and in compliance with United States Postal Service requirements.
The required CBU documents shall be recorded prior to the start of construction of the public improvements serving any Lot or Outlot. In the instance of land divisions that do not require the construction of public improvements or a contract with the developer, the required approved CBU documents shall be recorded simultaneously with the final approved subdivision. Construct the CBUs in accordance with the specifications approved by the Board of Public Works.

40. Provide all required street dedications along the frontage of Milwaukee Street as required in the Milwaukee Area Special Area Plan and as officially mapped. Provide all required interior street dedications and those for required for Chicago Avenue as required and approved by City Engineering Division, Traffic Engineering Division, and Madison Fire Department.

41. 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 any required U.S. public land survey monument record provided to the County Surveyor's Office, or, in instances where a public the monuments and witness ties area recovered under A-E 7.08(1g), the surveyor shall provide to the City of Madison monument condition reports (with current tie sheet attached) for all Public Land Survey monuments, including center of sections of record, used in this survey, to Julius Smith (JSmith4@cityofmadison.com) of City Engineering, Land Information.

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. Prior to Engineering final sign-off by main office for plats, the final Plat 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.

44. Add note per Wis. Stats. Sec. 236.20(6) Public Trust information. A final plat of a subdivision, or a certified survey map of land, to which s. 236.16 (4) applies shall show on its face the following statement: "Any land below the ordinary high water mark of a lake or a navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1, of the state constitution."

45. Per Wis. Stats. Sec. 236.15(1)(ag), verify the two meander corners being set along the northernmost line of Outlot 8 are not less than 20 feet back from the determined or approximated ordinary high water mark. Also, if the actual corner along the railway at the west end of this line can be safely placed, it shall be along with the meander to clarify the remaining meander line.

46. Show Elevations of Starkweather Creek a navigable stream. Per Wis. Stats. Sec. 236.20(5)(c), the water elevations of adjoining lakes or navigable streams at the date of the survey and the approximate high water

elevations of those lakes or streams. All elevations shall be referred to some permanent established datum plane.

47. Define ordinary high water mark (OHWM) of Starkweather Creek by ways defined in Wis. Stats. Sec. 236.025.

48. Reevaluate if 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. Since Lot 23 is riparian, all of the rights out into Starkweather Creek must be included per Wis. Stats. Sec. 236.16(4) in Outlot 4 as they are in the remainder of the outlot.

49. Map and show limits of prior right of way Documents Nos. 822613-822616 and 823519 along Milwaukee Street and map the continuation of the centerline of Milwaukee Street to the west. Show the recorded distance along Lot 20/21 line of the Sauthoff Plat of 120 feet from the right of way takings in Document No. 822616. What is currently shown for the recorded 120' feet would be 93 feet from the prior takings in Document No. 822616. This should help in the revaluation of the Southwest corner of the plat.

50. Per A-E 7.05(11) When coordinate values are shown on the face of the map, the map shall comply with and be subject to the provisions of s. 236.18, Stats., and include the coordinate system, datum, and adjustment. List the datum and adjustment of the county coordinate system used, i.e. NAD 83 (91), (97) or (2011).

51. 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.

Traffic Engineering Division (Contact Luke Peters, (608) 266-6543)

52. 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.

53. 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.

54. 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

55. The applicant shall be responsible for improvements to the Garver Path crossing of Milwaukee Street. Improvements may include, but are not limited to: continental crosswalks, additional signage, and installation of rectangular rapid flashing beacons (RRFBs). Improvements to be determined by City Traffic Engineer.

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

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.

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

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

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

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

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

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

59. 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.

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

60. 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.

61. 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.

62. 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.

63. 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

64. 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.

65. 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.

Parks Division (Contact Adam B. Kaniewski, AKaniewski@cityofmadison.com)

66. 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-Infrastructure Impact Fee District. Please reference ID# 23026 when contacting Parks Division staff about this project.

67. 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.

68. 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.

69. 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.

70. 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.

71. The applicant shall prominently stake all boundaries and property irons for lands to be dedicated for park purposes.

72. The developer shall provide soil borings within any lands to be dedicated as parkland.

73. The parkland dedication should meet the following guidelines for park development:
    a) The applicant shall provide proposed grading plans prior to approval of the area for dedicated public park lands.
    b) No proposed utilities will be allowed on public park land without prior approval by the Parks Superintendent or his designee.
    c) Areas of open water (ponds) within park dedication area shall be excluded from park dedication area for purposes of impact fee calculations.
    d) Areas that are wetlands shall not be dedicated as public parkland.

74. 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.

75. 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."

76. Once dedicated to the public, the developer shall not use park property for construction staging, stockpiling material, or any other purpose unless specifically approved by the Parks Superintendent.

77. The applicant shall provide existing condition survey information in AutoCAD format for all park dedication area to the Parks Division.

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

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

79. 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.

80. 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.

81. 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.

82. 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.

83. As of September 27, 2024, real estate taxes are due for the parcel addressed as 3590 Milwaukee Street. 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.

84. As of August 27, 2024, 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.

85. A 60-year Report of Title was not submitted to ORES for the review of the Final Plat. As required by Madison General Ordinance Section 16.23, the owner shall submit a 60-year Report of Title acceptable to ORES, along with copies of the vesting deed(s) and all documents listed in the title report, via email to Andy Miller (acmiller@cityofmadison.com) in the City's ORES. The owner shall furnish a title report as described above 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. 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 plat with the information in the title report and updated report. **The Office of Real Estate Services reserves the right to impose additional conditions of approval based on the information contained in the title report and updated report.**

86. 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 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 CSM's, if this proposed plat is a redivision of existing plats or CSM's 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) 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.

l) 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.