



Department of Planning & Community & Economic Development

## Planning Division

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September 25, 2024

Kevin McDonell  
Lincoln Avenue Communities  
401 Wilshire Blvd, 11<sup>th</sup> Flr  
Santa Monica, CA 90401

RE: Approving the preliminary plat and final plat for Huxley Yards to create two lots and approval of a zoning map amendment to rezone the southernmost lot, generally addressed 905 Huxley Street from TR-U2 and RMX to RMX. [ID 84619 & 84629; LNDSP-2024-00004]

Dear Kevin,

At its September 24, 2024 meeting, the Common Council **approved** the preliminary and final plat of *Huxley Yards* subject to the conditions of approval in the following sections, which shall be addressed through implementation of the subdivision through final platting. The Common Council also, on recommendation of the Plan Commission found the standards met and approved your accompanying zoning map amendment to rezone 905 Huxley Street from TR-U2 and RMX to RMX. The following conditions of approval shall be addressed prior to final approval and recording of the final plat.

**Please contact Jenny Kirchgatter, Assistant Zoning Administrator at (608) 266-4429 if you have any questions regarding the following one (1) item:**

1. A separate permitted use site plan review will be required for the proposed multi-family residential development project.

**Please contact Brenda Stanley of the City Engineering Division at (608) 261-9127 if you have any questions regarding the following nineteen (19) items:**

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. Proposed development includes proposed buildings located on top of the City of Madison sanitary sewer and public sanitary sewer easements. Property located to west of proposed development (Hartmeyer Ice Arena) is also located on top of a City sewer and easements. Developer shall enter into a developer agreement provide sanitary sewer and dedicate public sanitary easements in order eliminate all buildings (existing and proposed) located on top of City sewers and easements as a condition for development. City sanitary sewer easements will be released when existing City sanitary sewers taken out of service.
4. This development site needs to accommodate and pass the 100 year event through the site (drainage

from the North) and to Commercial Ave. Discharge to the RR ROW is not allowed.

5. The area adjacent to this proposed development has been determined by City Engineering to have a known flooding risk. Engineering has set the minimum protective lowest entrance elevation opening at an elevation of 855.00. This standard is not intended to be protective in all cases. The Developer is strongly encouraged to complete their own engineering analysis to determine and meet a protective elevation which they are comfortable with. In no case shall the protective elevation be set below the minimum threshold determined by City Engineering.
6. Enter into a City / Developer agreement for the required infrastructure improvements. Agreement to 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. (MGO 16.23(9)c)
7. Construct path, terrace, curb and gutter and pavement as required along Commercial Ave to a plan as approved by City Engineer
8. Construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat/csm. (MGO 16.23(9)(d))
9. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering 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. (MGO 16.23(9)(d)(4))
10. The proposed sewer connection to the MMSD sewer access structure shall conform to all MMSD connection specification criteria. Contractor is responsible for taking out the MMSD connection permit as well as the permit connection fee if applicable. Add the following note to the plans: Contractor shall notify Ray Schneider (608)3473628, rays@madsewer.org, 5 days prior to making the connection to the MMSD manhole to arrange for inspection of the connection.
11. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
12. A Storm Water Management Report and Storm Water Management Permit is required for this project. See Storm comments for report and permit specific details and requirements.
13. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
14. 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. (POLICY)
15. 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.

16. 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 100-yr design storm that is current in Madison General Ordinance Chapter 37. If the enclosed depression(s) is/are to be served by a gravity system provide calculations stamped by a Wisconsin P.E. 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 P.E. or licensed Plumber that show this requirement has been met.
17. The applicant shall show storm water "overflow" paths that will safely route runoff during the 100-year 24-hour design storm when the storm sewer is at capacity. Public Stormwater shall be contained to public right of way, easements or public lands for the 100-year 24-hr design storm for new development. (POLICY)
18. This project will disturb 20,000 sf or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at [meberhardt@cityofmadison.com](mailto:meberhardt@cityofmadison.com), or Daniel Olivares (east) at [daolivares@cityofmadison.com](mailto:daolivares@cityofmadison.com), for approval.  
Demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances 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. The WDNR provided workbook to compute USLE rates can be found online at <https://dnr.wi.gov/topic/stormwater/publications.html>  
Complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website - as required by Chapter 37 of the Madison General Ordinances.
19. 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 Stormwater Management Permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.  
The Storm Water Management Plan & Report shall include compliance with the following:  
Report: Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.  
Electronic Data Files: 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. (POLICY and MGO 37.09(2))  
Rate Control Redevelopment: By design detain the 10-year post construction design storm such that the peak discharge during this event is reduced 15% compared to the peak discharge from the 10-year design storm in the existing condition of the site. Further, the volumetric discharge leaving the post development site in the 10-year storm event shall be reduced by 5% compared to the volumetric discharge from the site in an existing condition during the 10-year storm event. These required rate and volume reductions shall be completed, using green infrastructure that captures at least the first 1/2 inch of rainfall over the total site impervious area. If additional stormwater controls are necessary

beyond the first 1/2 inch of rainfall, either green or non-green infrastructure may be used.

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

100-year Overflow: The applicant shall demonstrate that water can leave the site and reach the public ROW without impacting structures during a 100-year event storm. This analysis shall include reviewing overflow elevations and unintended storage occurring on site when the storm system has reached capacity.

Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project.

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

**Please contact Jeff Quamme of the City Engineering Division – Mapping Section at (608) 266-4097 if you have any questions regarding the following twenty-three (23) items:**

21. The Detail "A" title shall read "Existing Public Sanitary Sewer Easement per Doc No 5939504. See Document for Terms and Conditions". The label on the map shall read "Existing Public Sanitary Sewer Easement per Doc No 5939504".
22. The Detail "E" title shall read "Existing Public Sanitary Sewer Easement (No. 1) per Doc No 5939504. See Document for Terms and Conditions". The label on the map shall read "Existing 20' Wide Public Sanitary Sewer Easement (No. 1) per Doc No 5939504".
23. The Detail "J" title shall read "Public Sanitary Sewer Easement (New). See Terms and Conditions on this sheet". Add a label on the map pointing to the new easement area and the label shall read " Public Sanitary Sewer Easement (New). Modify the labels for the existing Sanitary Sewer Easement with proper references to the recorded document.
24. The Detail "I" title shall read "Existing Public Public Storm Sewer and Storm Water Management Easement per Doc No 5939504. See Document for Terms and Conditions". The label on the map shall read "Existing PublicStorm Sewer and Storm Water Management Easement per Doc No 5939504". Also remove the hatching from the exhibit as the easement extends into Lot 2 as well.
25. The Detail "K" title shall read "Public Storm Sewer Easement (New). See Terms and Conditions on this sheet". Add a label on the map pointing to the new easement area and the label shall read " Public Storm Sewer Easement (New). Add ne Public Storm Sewer Easement text that has the same terms and conditions as the Public Sanitary Sewer Easement text. Add a label for the existing Storm Sewer & Stormwater Management Easement per Doc No 5939504.
26. The Detail "B" title shall read "Existing Public Storm Water Management and Public Sidewalk and Bike Path Easements per Doc No 5939504. See Document for Terms and Conditions". The labels on the map shall read "Existing Public Storm Water Management Easement per Doc No 5939504 and Public Sidewalk and Bike Path Easement per Doc No 5939504".
27. Remove note 2 on the plats if there ultimately are not any additional street dedication as part of this

plat.

28. The Detail "C" title shall read "Existing Temporary Public Turnaround Easement per Doc No 5939504. See Document for Terms and Conditions". The label on the map shall read "Existing Temporary Public Turnaround Easement per Doc No 5939504".
29. There are not any new general Public Utility Easements being granted by this plat. Remove the notes on Sheets 1 and 2 of the final plat. Also remove the drainage arrow note, it is incorrect and does not apply to this plat.
30. The Detail "F" and "G" and "H" titles shall read "Existing Public Utility Easements per Doc No 5939504. See Document for Terms and Conditions". The label on the maps shall read "Existing 6' (or 10' depending on location) Wide Public Utility Easement per Doc No 5939504".
31. Remove the Easement text for the Public Sanitary Sewer Easements No. 1, Public Storm Sewer and Stormwater Management Easements South Side of Lot 2, Public Sidewalk and Bike Path Easements and Public Utility Easements. The existing easements have been defined by the existing CSM 16404 and all labels should refer to that document. Only text for new easements granted by this plat shall be on the face of this plat.
32. The Title reports provided are outdated and are not specifically for Lot 2 of CSM 16404 only. Provide an updated report of Lot 2 only. Engineering Mapping reserves the right of additional requirements in conjunction with the revised title report prior to final plat sign off.
33. 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)
34. Prior to Engineering final sign-off by main office for Plats or Certified Survey Maps (CSM), the final Plat or CSM in pdf format must be submitted by email transmittal to Engineering Land Records Coordinator Jeff Quamme (jrquamme@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.
35. Conditions of approval noted herein are not intended to be construed as a review determining full compliance with City of Madison Ordinances and State of Wisconsin Statutes. The licensed professional preparing the land division is fully responsible for full compliance with all Ordinances and Statutes regulating this proposed land division.
36. With the multitude of easements existing and to be granted within Lot 1, different line types shall be utilized to differentiate between the different easement areas.
37. Add to the headers on each sheet and the legal description "Volume 22 of Certified Surveys" as this a distinct set of Volumes at the Register of Deeds.
38. Add the plat name in the last sentence of the Common Council Certificate.

39. Relabel the name of the street from the north line of the ice arena to Commercial Ave as Ruskin Street (to be renamed by separate future resolution)
40. Label the width of the adjacent railroad right of way.
41. Remove any items from the Legend that are not shown on the plat.
42. This pending plat application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD), 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.
43. Submit to Jeff Quamme, prior to Engineering sign-off of the subject plat, 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, preferably closed polylines for lot lines, shall be void of gaps and overlaps and match the final recorded plat:
  - a) Right-of-Way lines (public and private)
  - b) Lot lines
  - c) Lot numbers
  - d) Lot/Plat dimensions
  - e) Street names
  - f) Easement lines (i.e. all shown on the plat including wetland & floodplain boundaries.)NOTE: This Transmittal is a separate requirement from the required Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat, electronic data for any changes subsequent to any submittal.

**Please contact Luke Peters of the Traffic Engineering Division at (608) 266-6543 if you have any questions regarding the following one (1) item:**

44. The applicant shall dedicate Right of Way or grant a Public Sidewalk Easement for and be responsible for the construction of a minimum ten (10)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1) foot for maintenance, where applicable, along their site's frontage of Commercial Avenue. The City plans to extend a path along Commercial Avenue to connect to the existing Demetral path.

**Please contact Matt Hamilton of the Fire Department at (608) 266-4457 if you have any questions regarding the following one (1) item:**

45. Aerial access lane does not appear to comply with IFC and MGO requirements. Revise the fire access lane or work with Matt Hamilton to provide an equivalent level of aerial access.

**Please contact Kathleen Kane of the Parks Division at (608) 261-9671 if you have any questions regarding the following one (1) item:**

46. 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# 22041.1 when contacting Parks about this project.

**Please contact Jeff Belshaw of the Water Utility at (608) 261-9835 if you have any questions regarding the following one (1) item:**

47. 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 Ave. 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.

**Please contact Tim Sobota of Metro Transit at (608) 261-4289 if you have any questions regarding the following two (2) items:**

48. Metro Transit operates daily all-day transit service along North Sherman Avenue near this property - with trips at least every 60 minutes (every 30 minutes or less during the day on weekdays). Metro Transit operates additional daily all-day transit service along Packers Avenue near this property - with trips at least every 30 minutes (every 15 minutes or less during the day on weekdays and Saturdays).
49. Metro Transit would initially estimate the following counts of potentially eligible trips towards US Green Building Council/LEED Quality Access to Transit points: 97 Weekday & 65 Weekend. Please contact Metro Transit if additional analysis would be of interest.

**Please contact Trent Schultz of the Parking Utility at (608) 246-5806 if you have any questions regarding the following one (1) item:**

50. The agency reviewed this request and has recommended no conditions of approval as part of the proposed subdivision plat. A Transportation Demand Management (TDM) Plan will be required as part of the site plan review for future development.

**Please contact Andy Miller of the Office of Real Estate Services at (608) 261-9983 if you have any questions regarding the following eighteen (18) items:**

51. Prior to approval sign-off by the Office of Real Estate Services ("ORES"), 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. Signatories shall provide documentation that proves legal authority to sign the Owner's Certificate. 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 approval sign-off.
52. Prior to plat 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).

53. 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.
54. A Consent of Lessee certificate shall be included on the plat for any tenancy in excess of one year, recorded or unrecorded, and executed by said tenant prior to agency plat approval sign-off.
55. All consents and certifications for any holder of interests in the subject lands shall conform with Wis. Stats. 236.21(2) and 236.29, i.e., to include the language "...surveyed, divided, mapped and dedicated....".
56. 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 approval sign-off.
57. City of Madison Treasurer Certificate: The following certificate must appear on the plat:

I, Craig Franklin, being the duly appointed, qualified and acting Treasurer of the City of Madison, Dane County, Wisconsin, do hereby certify that, in accordance with the records in my office, there are no unpaid taxes or unpaid special assessments as of this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ on any of the lands included in the plat of \_\_\_\_\_.

Craig Franklin, City Treasurer  
City of Madison, Dane County, Wisconsin

58. Dane County Treasurer Certificate: A certificate for the Dane County Treasurer similar to the City of Madison Treasurer Certificate above shall appear on the plat.
59. The lands within the Plat boundary are located within TID 54, a Tax Incremental Financing District. Discussions with Joe Gromacki, the City of Madison's tax increment financing coordinator, may be necessary before recording the Plat if a TIF application is required. Mr. Gromacki can be reached at 608-267-8724 or [jgromacki@cityofmadison.com](mailto:jgromacki@cityofmadison.com).
60. As of August 30, 2024, no real estate taxes are due for the subject property. Under 236.21(3) Wis. Stats. and 16.23(5)(g)(1) 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.
61. As of August 30, 2024, there are no special assessments reported for the parcels within the plat boundary. Pursuant to Madison City Ordinance Section 16.23(5)(e)1 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.



62. An outdated title report was supplied with the plat application, thus ORES reserves the right to impose additional conditions of approval in the event an updated title report contains changes that warrant revisions to the plat. Pursuant to Madison City Ordinance Section 16.23(5)(g)(4), the owner shall furnish an updated title report to ORES via email to Andy Miller (acmiller@cityofmadison.com) in the City's Office of Real Estate Services, as well as the surveyor preparing the plat, an updated title report covering the period between the date of the initial title report dated November 7, 2023, and the date when sign-off approval is requested. A title commitment may be provided, but will only be considered as supplementary information to the title report update. The surveyor shall update the plat with the most recent information available in the title report update.
63. Depict, dimension, name, note and/or identify by document number all relevant easements, declarations, plans, conditions, agreements, and other documents cited in record title and the updated title report, and include relevant notes from plats or CSMs of record.
64. 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.
65. 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.
66. 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.
67. 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.
68. 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.

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

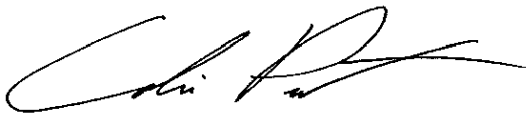
In order to commence the process for obtaining the necessary City signatures on the final plat, the applicant shall e-mail the revised plat, updated title report, and any other materials required by reviewing agencies to the reviewing planner. The reviewing planner will share the updated materials with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

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

Any appeal regarding the plat, including the conditions of approval related thereto, must be filed with the Circuit Court within thirty (30) days from the date of this letter.

If I may be of any further assistance regarding this project, please do not hesitate to contact me at (608) 243-0455 or cpunt@cityofmadison.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Colin Punt". The signature is fluid and cursive, with a long horizontal stroke at the end.

Colin Punt  
Planner

cc: Jenny Kirchgatter, Asst. Zoning Administrator  
Brenda Stanley, City Engineering Division  
Jeff Quamme, City Engineering Division – Mapping  
Luke Peters, Traffic Engineering Division  
Kate Kane, Parks Division  
Matt Hamilton, Fire Department  
Jeff Belshaw, Water Utility  
Tim Sobota, Metro Transit  
Trent Schultz, Parking Utility  
Andy Miller, ORES