



PREPARED FOR THE PLAN COMMISSION

Project Address: 4103-4119 Portage Road (17th Aldermanic District, Alder Baldeh)

Application Type: Certified Survey Map

Legistar File ID #: [37373](#)

Prepared By: Heather Stouder, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted

Certified Survey Map

In conjunction with the rezoning, conditional use, and demolition requests, the applicant requests approval of a certified survey map (CSM) to divide the 14.5-acre property into three similarly sized lots, with an eastward extension of DiLoreto Avenue along the northern edge of the property. Initially, the public street is proposed within a 46-foot right-of-way, with a 24-foot two way drive aisle, curb and gutter on the south side, a nine-foot wide terrace, and a five-foot wide public sidewalk (see attached cross-section). The street is anticipated to be constructed in phases corresponding with the phased construction of the three buildings, with turnarounds for fire, emergency, and service vehicles.

If and when property immediately to the north is attached to the City for development, the street can be completed at its full width, currently planned as a 72-foot right of way with 44 feet of pavement to accommodate parallel parking on both sides and two lanes for traffic. Details for this cross-section are subject to change, and are not a part of this approval.

As detailed in the conditions recommended by City Engineering below, the approval of the CSM will involve the dedication of easements for stormwater management, sanitary sewer, and pedestrian and bicycle path easements to greatly improve connections for alternative transportation to this site and beyond as follows:

- 1) an easement running east and west through the undeveloped portion of the property
- 2) an easement as an offshoot of this to connect to the transit stop on Hayes Road to the south
- 3) an easement along the eastern edge of the property to connect to a potential future bicycle and pedestrian crossing of the interstate

The CSM will need to be revised prior to recording to reflect the many conditions of approval, but would retain the basic lot layout as proposed.

Recommendation

Planning Division Recommendation (Contact Heather Stouder, 266-5974)

The Planning Division recommends that the Plan Commission find that the standards for approval of certified survey maps can be met and forward it to the Common Council with a recommendation to **approve** the request at 4103-4119 Portage Road. This recommendation is subject to input at the public hearing and the conditions recommended below.

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

City Engineering Division (Contact Janet Schmidt, 261-9688)

1. Dedicate additional right of way in the Southwest corner of the Certified Survey Map to complete the 25 foot radius return as platted by Village Green Woods at the intersection of Hayes Road and Portage Road.
2. The Applicant shall dedicate an easement for bike path, stormwater conveyance, access, management and maintenance of storm and sanitary sewer facilities over all land south of the north line of the environmental corridor. The easement area shall also provide easement language as required for the improvements. Contact Jeff Quamme (jrquamme@cityofmadison.com) to coordinate the easement language to be placed on the Certified Survey Map.
3. Provide a 30 foot wide Pedestrian and Bicycle Path Easement along the east side of the CSM adjacent to Interstate 39, 90 & 94, as required by the City Engineer and City Traffic Engineer. The easement may be reduced to a 15 foot width in the area close to the surface parking and drive aisle in the northeast portion of the property. Contact Jeff Quamme (jrquamme@cityofmadison.com) to coordinate the easement language to be placed on the Certified Survey Map
4. Street "A" shall not extend to the east line of the Certified Survey Map. Coordinate the geometrics and location of a cul-de-sac to be dedicated at the end of the road.
5. The Applicant shall acquire a permanent limited easement for public street purposes from the property to the north and convey to the City to allow for the alignment of DiLoreto Avenue to the proposed street. The Applicant shall also acquire temporary limited easements for grading and sloping on the adjacent property to the north as necessary to construct the new public street. If the Developer is unable to acquire and dedicate said public easements, the City may elect to obtain by eminent domain, any such easements with all real estate, land, and reasonable administrative costs related to the City's acquisition of the required easements to be paid for solely by the Developer. All easement documents shall be drafted by and coordinated with the City of Madison Office of Real Estate Services. If eminent domain proceedings are ultimately utilized, applicant's surveying consultant shall provide the information required for City of Madison Engineering staff to prepare all documents required for the proceedings.
6. The Applicant shall dedicate temporary turn around easements, as required by the City Engineer, and the end of Di Loreto Avenue that coincide with the proposed phases of construction.
7. New public storm sewer easements from the new public street fronting the apartments back to the greenway shall be required. All easements should be coordinated with City Engineering concurrently with the CSM review and approval. Show all proposed easements on the site plans.
8. Show all existing structures on the property as required by ordinance.
9. Dimension with bearings and distances the dimensions of the Easements per 5105879 and 2246213.

10. Dimension the width of the portion of the easements per Document No.'s 1782350, 1774836 and 3636732 along Portage Road. Also dimension the location of the change in width of Document No. 3636732 along Portage Road.
 11. Specify the benefitting party(ies) of the 24 foot wide Access Easement shown on the Certified Survey Map.
 12. Correct the label for the West $\frac{1}{4}$ corner of Section 22 on sheet 3. It currently refers to Section 12.
 13. Show the future right of way line of Street A that will be required in the future over the lands to the north of this Certified Survey Map. Place a label "Future Public Street Dedication by Others".
 14. Provide the arc lengths and central angles for the curves of the access easement.
 15. Add a note: All buildings and outdoor recreational areas shall comply with MGO Chapter 16.23(3)(d) – Highway Noise Land Use Provisions policies and ordinance.
 16. Applicant shall dedicate a 15-foot wide sanitary sewer easement along the east line of Lot #3 of the proposed CSM, starting from the northeast lot corner to the City sanitary sewer manhole (approximately 225-feet long).
 17. Applicant shall show CARPC approved environmental corridor limit on the CSM for sanitary sewer for connection charge as well as for approval of the public sanitary sewer extension. CARPC will not issue the CARPC 208 letter to MMSD and the WDNR which is necessary for sewer extension approval.
 18. Street 'A' shall be considered an extension of Di Loreto Ave, update street name accordingly.
 19. Lot 1 and the cogo of Street 'A' do not close. The north line of Lot 1 seems to be the issue and hence the south line of Street 'A' distance along north line of Lots 1, 2 & 3 is also incorrect.
 20. The current three parcels are located in three different school districts. A CSM does not dissolve or change the school districts. The current and/or future CSM parcels should be petitioned to be in one school district. Otherwise, the proposed apartments will have building B1 in the Madison School District and buildings A1 and A2 in the Sun Prairie School District (and future lots 1, 2 & 3 will be administratively split into 6 parcels to keep land areas in the correct school district boundaries (Madison, Sun Prairie & DeForest).
21. The Developer shall enter into a City / Developer agreement for the installation of public improvements required to serve this CSM. The developer shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The developer shall meet with the City Engineer to schedule preparation of the plans and the agreement. The City Engineer will not sign off on this plat/csm without the agreement executed by the developer (MGO 16.23(9)c).
 22. Two weeks prior to recording the final plat, a soil boring report prepared by a Professional Engineer, shall be submitted to the City Engineering Division indicating a ground water table and rock conditions in the area. If the report indicates a ground water table or rock condition less than 9' below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer. (MGO 16.23(9)(d)(2) and 16.23(7)(a)(13)).
 23. This property has deferred assessments for the Portage Avenue Sewer Interceptor assessment district that shall be paid in full as a condition of the subdivision approval.
 24. Lots within this certified survey map are inter-dependent upon one another for storm water runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by

the City Engineer, referenced on the certified survey map and recorded at the Dane Co Register of Deeds (POLICY).

25. The site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR216 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 273-5612 of the WDNR to discuss this requirement. Information on this permit application is available on line <http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm> (NOTIFICATION).

26. A minimum of two (2) working days prior to requesting City Engineering signoff on the CSM the applicant shall contact Janet Schmidt (608-261-9688) 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. All charges shall be cleared prior to the land division (and subsequent obsolesces of the existing parcel) (POLICY).
27. The Developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the CSM. (MGO 16.23(9)(d)).
28. All outstanding 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 Janet Schmidt (608-261-9688) 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)).
29. 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 for all monuments, including center of sections of record, used in this survey, to Jeff Quamme, City Engineering (jrquamme@cityofmadison.com). If a new tie sheet is not required under A-E 7.08, Engineering requests a copy of the latest tie sheet on record with Dane County Surveyor's office to be attached to the monument condition report. The Applicant shall identify monument types on all PLS corners included on the Plat or CSM. **Note: Land tie to two PLS corners required.**
30. In accordance with Section s. 236.18(8), Wisconsin Statutes, the Applicant shall reference **City of Madison WCCS Dane Zone, 1997Coordinates** on all PLS corners on the Plat or Certified Survey Map in areas where this control exists. The Surveyor shall identify any deviation from City Master Control with recorded and measured designations. City of Madison has established WCCS, Dane Zone Coordinates on all PLS corners within its corporate boundary. Visit the Dane County Surveyor's Office (web address <https://www.countyofdane.com/PLANDEV/records/surveyor.aspx>) for current tie sheets and control data that has been provided by the City of Madison. If a surveyor encounters an area without a published WCCS Dane Zone 1997 value, contact Engineering Division for this information.
31. In accordance with Section s.236.34(1m) (c) which states a CSM shall be prepared in accordance with the plat requirements stated per s.236.20(2) (c) & (f), Wisconsin Statutes, the Applicant must show the type, location and width of any and all easements on the Plat or CSM. Clearly identify the difference between existing easements (cite Register of Deeds recording data) and easements which are being conveyed by the Plat/CSM. Identify the owner and/or benefiting interest of all easements. Include any and all language required to properly and legally create any easement by the Plat or CSM.

32. Prior to Engineering final sign-off by main office for Plats or Certified Survey Maps (CSM), the final Plat or CSM must be submitted to Engineering Division Surveyor / Land Records Coordinator for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off. Electronic mail submittal of the FINAL Plat or CSM in PDF form is preferred. Transmit to jrquamme@cityofmadison.com (POLICY).
33. City of Madison Environmental Projects Staff have reviewed the subject site and determined that a Phase I ESA **will** be required of the applicant. The applicant shall provide one (1) digital and two (2) hard copies of an ASTM Phase I ESA prepared by an environmental professional. Staff review of this Phase I ESA will determine if a further investigative Phase II ESA is also required. Please submit any relevant Phase I and Phase II ESAs to Brynn Bemis (608-267-1986) bbemis@cityofmadison.com for further review.(MGO 16.23(5)(g)(2).

Parks Division (Contact Kay Rutledge, 266-4714)

34. The following note shall be added to the CSM: "Lots/ buildings within this subdivision / development are subject to impact fees that are due and payable at the time building permit(s) are issued.

Real Estate (Contact Jenny Frese, 267-8719 or Heidi Radlinger, 266-6558)

35. Please note that the City's Office of Real Estate Services is reviewing the report of title provided with the revised survey and may have comments to be addressed prior to final sign-off of the CSM. That office will send any comments to you by e-mail. If you have any questions, please Jenny Frese at 267-8719 or Heidi Radlinger at 266-6558 for more information. In order for the CSM to receive final staff approval prior to recording, the CSM shall include executed owner and consent of mortgagee certificates to match an updated title report to be submitted for the property; all taxes and special assessments shall be paid in full (including receipts for any payments not reflected in the updated title report); all stormwater fees shall be paid; and the final plat revised to include any revisions identified by Office of Real Estate Services staff based on a review of the updated title report."