



PREPARED FOR THE PLAN COMMISSION

Project Address: 10451 Old Sauk Road and 621 Pioneer Road
Application Type: Zoning Map Amendment and Preliminary and Final Plat
Legistar File ID # [69273](#) and [68697](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicants: Janice Faga and Aaron Otto, Hawthorn & Stone Construction and Development; 7601 Ganser Way, Suite 200; Madison.

Property Owners: Carrol A. Schiller Survivor's Trust; 7689 Schiller Court; Verona (621 Pioneer Road) and City of Madison Water Utility; 119 E Olin Avenue; Madison (10451 Old Sauk Road).

Surveyor: Chris Jackson, CJ Engineering; 9205 W Center Street, Suite 214; Milwaukee.

Requested Actions: Approval of a request to rezone land generally addressed as 10451 Old Sauk Road from A (Agricultural District) to TR-C3 (Traditional Residential–Consistent 3 District); and approval of the preliminary plat and final plat of *Fox Knoll*, creating 74 lots for single-family detached residences, one lot/outlot for an aerial reservoir, and two outlots to be dedicated to the public for stormwater management from 10451 Old Sauk Road and 621 Pioneer Road. [Note: The substitute for ID 69273 corrects the existing zoning for 10451 Old Sauk Road.]

Proposal Summary: The *Fox Knoll* subdivision will primarily subdivide two parcels comprising approximately 33.2 acres into 74 single-family lots in TR-C3 zoning. The plat also creates a lot/outlot for Water Utility Water Tower 228 on the 10451 Old Sauk Road parcel and two outlots for stormwater management. The subdivision will be developed in two phases beginning as soon as all regulatory approvals are granted, with completion of subdivision improvements anticipated in 2024. Construction of the 74 residences will occur based on market demand.

Applicable Regulations & Standards: Section 28.182 of the Zoning Code provides the process for zoning map amendments. The subdivision process is outlined in Section 16.23(5)(b) 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 preliminary plat be approved, conditionally approved, or rejected (with stated reasons) within 90 days of submittal unless the time is extended by agreement with the applicant. If no action is taken within 90 days and no extension granted, the plat is deemed approved. The proposed preliminary plat application was submitted to the City on November 29, 2021. Therefore, the 90-day review period for this plat is scheduled to expire circa February 28, 2022.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward (Substitute) Zoning Map Amendment ID 28.022–00539, rezoning 10451 Old Sauk Road from A to TR-C3, and the preliminary plat and final plat of the *Fox Knoll* subdivision at 621 Pioneer Road and 10451 Old Sauk Road to the Common Council with recommendations of **approval**, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 5 of this report.

Background Information

Parcel Location: Approximately 33.2 acres of land located at the southeastern corner of Old Sauk Road and Pioneer Road; Aldermanic District 9 (Conklin); Middleton-Cross Plains Area School District.

Existing Conditions and Land Use: The parcel at 621 Pioneer Road is undeveloped agricultural land, zoned TR-C3 (Traditional Residential–Consistent 3 District). 10451 Old Sauk Road is developed with Water Utility Water Tower 228, which is located on the eastern third of the parcel, which is otherwise undeveloped agricultural land in A (Agricultural District) zoning.

Surrounding Land Use and Zoning:

- North: Single-family residences and agricultural land located across Old Sauk Road in the Town of Middleton;
- South: Future single-family residences in the Eagle Trace subdivision, zoned TR-C3 (Traditional Residential–Consistent 3 District);
- East: Undeveloped land in the City of Madison, zoned A (Agricultural District);
- West: Town of Middleton Hall, Dane County Sherriff substation, Pioneer Park, and Middleton Fire District Station No. 2 located across Pioneer Road in the Town of Middleton.

Adopted Land Use Plans: The 2018 [Elderberry Neighborhood Development Plan](#) identifies most of the subject parcels for residential uses in Residential Housing Mix (HM)1. The general location of the water tower is recommended for “Utilities” use, while the low-laying area adjacent to the Old Sauk-Pioneer intersection is recommended for Open Space and Stormwater Management. The neighborhood development plan also shows the transition zone and 80-foot setback buffer established along Pioneer Road by the 2003 *Final City of Madison and Town of Middleton Cooperative Plan*.

Environmental Corridor Status: The subject parcels contain no environmental mapped corridors.

Public Utilities and Services: The site will be served by a full range of urban services as it develops with the exception of Metro Transit, which does not currently provide service west of N Pleasant View Road. The proposed development is also outside Metro Transit’s paratransit service area.

Zoning Summary: The proposed lots will be zoned TR-C3 (Traditional Residential–Consistent 3 District):

	Required	Proposed
Lot Area (sq. ft.)	3,000 sq. ft. per lot	All proposed lots will exceed
Lot Width	30’	All proposed lots will exceed
Front yard setback	15’	To be determined at permitting
Maximum front yard setback	30’ or up to 20% greater than average	To be determined at permitting
Side yard setback	5’	To be determined at permitting
Rear yard	20’	To be determined at permitting
Maximum lot coverage	75%	To be determined at permitting
Maximum building height	2 stories/35’	To be determined at permitting

Usable open space (sq. ft. per unit)	500	See Zoning conditions
Other Critical Zoning Items		
Yes:	Utility Easements (to be established with final plat)	
No:	Urban Design, Wellhead Protection, Floodplain, Landmarks, Waterfront Development, Adjacent to Parkland	
<i>Prepared by: Jenny Kirchgatter, Assistant Zoning Administrator</i>		

Previous Approvals

On August 2, 2016, the Common Council approved the attachment of 17.05 acres owned by the Madison Water Utility to the City of Madison from the Town of Middleton and assigned [permanent] A (Agricultural District) to the property. [Note: Water pumping stations and reservoirs are permitted uses in the A zoning district but are conditional uses in all residential districts, including the proposed TR-C3 zoning. Future approvals of the water tower may be required if the proposed rezoning is approved.]

The Carrol A. Schiller Survivor's Trust property, now addressed as 621 Pioneer Road, was attached to the City of Madison from the Town of Middleton on October 20, 2020.

On June 15, 2021, the Common Council approved a request to rezone 621 Pioneer Road from Temporary A to TR-C3 (Traditional Residential–Consistent 3 District); and approved the preliminary plat and final plat of *Fox Knoll*, creating 39 lots for single-family detached residences and four outlots to be dedicated to the public for stormwater management.

Project Description

The applicant, Hawthorn & Stone Construction and Development, is requesting approvals to develop two parcels containing a total of 33.2 acres of land located at the southeastern corner of Old Sauk Road and Pioneer Road as the expanded *Fox Knoll* subdivision.

The northern of the two parcels is a 17.05-acre parcel owned by the City of Madison Water Utility and addressed as 10451 Old Sauk Road. The Water Utility parcel is developed with an approximately 175-foot tall aerial reservoir, Water Tower 228, which is located on the eastern third of the parcel. Access to the water tower is provided by a driveway from Old Sauk Road. The remainder of the property is undeveloped agricultural land. Last year, the City issued a limited request for proposals for the property not needed for the water tower, to which Hawthorn & Stone was the sole respondent. A letter of intent to sell the property to Hawthorn & Stone is pending, and the land use application has been signed by the general manager of the Water Utility to allow the proposal to proceed. The property was zoned permanent A (Agricultural District) upon attachment in 2016 and is proposed for rezoning to TR-C3 to facilitate the proposed subdivision.

The southern of the two parcels comprising the proposed subdivision is the Carrol A. Schiller Survivor's Trust property at 621 Pioneer Road, which is undeveloped agricultural land with approximately 560 feet of road frontage. As noted in the preceding section, the 621 Pioneer parcel was zoned TR-C3 concurrent with the original iteration of the *Fox Knoll* development.

The 33.2 acres are characterized by a modest grade that falls to the west and east from a ridge that extends south to north through the two parcels. The lowest point of the property is located in the northwestern corner adjacent to the Old Sauk-Pioneer intersection. The western edge of the site is also characterized by a steep 5- to 10-foot embankment exists adjacent to Pioneer Road. The site is mostly devoid of vegetation with the exception of a modest tree rows along the southern property line and a line running from Pioneer Road to the water tower on the City-owned parcel.

Access to the proposed subdivision will be provided by the extension of Tawny Elm Parkway and Windy Willow Road between the Eagle Trace residential subdivision to the south and Old Sauk Road. Rustic Rise Way and Clear Pond Way will also be extended north from Eagle Trace to provide access to lots in the proposed subdivision, with Clear Pond proposed to curve to parallel Old Sauk Road. Access from Pioneer Road will be provided by Fox Knoll Drive, an east-west local street that will extend across the subdivision in similar configuration as was shown for the prior 39-lot version of the subdivision approved last year.

In addition to the 74 single-family lots proposed, the expanded Fox Knoll subdivision will create two outlots for stormwater management in the northwestern and northeastern corners corresponding to the low points on either side of the ridge that extends through the 33.2-acre site. The plat also creates a 1.72-acre Outlot 3 for the water tower, which will be located on the south side of Clear Pond Way between Tawny Elm Parkway and Rustic Rise Way. Outlot 3 will be retained by the Water Utility following recording of the plat. Outlot 3 is designed to provide a 100-foot radius safety zone around the water tower, either on the parcel or in the rights of way adjacent.

Analysis and Conclusion

The Planning Division believes that proposed *Fox Knoll* subdivision conforms to the applicable lot design standards in the TR-C3 zoning district and in the Subdivision Regulations, with all of the lots proposed to exceed the minimum 30 feet of lot frontage and 3,000 square feet of lot area required in that zoning district. Staff also believes that the proposed zoning and subdivision are generally consistent with the land uses, density, and street pattern recommended in the adopted 2018 [Elderberry Neighborhood Development Plan](#), which primarily calls for the site to be developed with single-family housing at a net density not to exceed four (4) units per acre. The plan also identifies an area on the Water Utility parcel for maintenance of the water tower, and an area in the northwestern corner of the overall site for stormwater management, which the proposed subdivision is largely consistent with.

The proposed subdivision is also subject to the provisions of Section 13.04 of the 2003 *Final City of Madison and Town of Middleton Cooperative Plan*. The City-Town cooperative plan establishes a transition area located a quarter-mile on either side of the centerline of Pioneer Road from Old Sauk Road south to Valley View Road. The intent of the transition area is to establish compatible land uses east and west of the permanent boundary between the Town and the City at Pioneer Road. Within this area, development shall be limited to residential land uses and associated improvements, including roads, utilities, parkland and other governmental uses. Residential densities shall be limited to four (4) units per net acre of development, and the height of residential structures shall be limited to 35 feet as measured from the finished grade on the street side of the building. Private driveway access to new development shall be prohibited from Pioneer Road unless approved by both the Town and City, and instead shall be provided by new public streets, which shall be allowed to intersect Pioneer Road. It is the Town and City's intent to align streets as four-way intersections with Pioneer Road to the extent possible. In

addition, for any subdivision in the transition area both east and west of Pioneer Road, an 80-foot wide landscaped building setback shall be provided as a condition of any development approval.

The entire proposed subdivision is within a quarter-mile of Pioneer Road and is therefore subject to the transition provisions in the cooperative plan. City staff has reviewed the Fox Knoll plat and believes that it complies with the requirements of the cooperative plan. A note on the preliminary plat states that 18.56 acres of the 33.2-acre subject site will be developed with the 74 single-family lots, with the remaining land comprising the proposed rights of way and outlots (including water tower parcel). The resulting density of the subdivision is 3.99 units per net acre. The maximum height allowed in the proposed TR-C3 zoning district is 35 feet, which is measured to the highest point on the roof of the building or structure, and which staff feels is consistent with the height limitation in the cooperative plan. Finally, an 80-foot setback and landscaping buffer will be required in the rear yards of the lots that will back onto Pioneer Road (Lots 31-37).

Due to the location of the water tower and its 100-foot safety radius, the plat proposes residential lots that will back onto Old Sauk Road. As such, the developer will be required as a condition of approval to provide adequate protection of those properties with reversed frontage with screen planting contained in a non-access reservation along the rear property line.

Recommendation

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

The Planning Division recommends that the Plan Commission forward (Substitute) Zoning Map Amendment ID 28.022–00539, rezoning 10451 Old Sauk Road from A to TR-C3, and the preliminary plat and final plat of the *Fox Knoll* subdivision at 621 Pioneer Road and 10451 Old Sauk Road to the Common Council with recommendations of **approval**, 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. The final land area to be developed with the 74 single-family residential lots shall not be less than 18.56 acres of land consistent with the maximum density limits in the *Final City of Madison and Town of Middleton Cooperative Plan*.
2. That “No Vehicular Access” restrictions be shown graphically and as notes on the final plat for Lots 31-37 backing onto Pioneer Road and Lots 44-49 backing onto Old Sauk Road.
3. The final plat shall establish an 80-foot building setback line for Lots 31-37 backing onto Pioneer Road consistent with the City-Town cooperative plan. The applicant shall submit a grading plan and landscaping plan (with cross-sections) for approval by the Planning Division prior to recording of the final plat that provides a landscaped buffer adjacent to Pioneer Road consistent with the City-Town cooperative plan. The planting area/buffer strip adjacent to Pioneer Road shall be reserved for the planting and maintenance of trees or shrubs by the respective lot owners or an association, and the building of buildings within the 80-foot setback shall be prohibited. The final plat shall include a note identifying the rights and responsibilities of the owners of the affected lots and/or any association to install and maintain this 80-foot buffer.

4. The final plat shall establish a 30-foot building setback line for Lots 44-49 backing adjacent to Old Sauk Road. The applicant shall submit a grading plan and landscaping plan (with cross-sections) with the final plat for approval by the Planning Division that provides a landscaped buffer for the northern 30 feet of Lots 44-49. The planting area/buffer strip adjacent to Old Sauk Road shall be reserved for the planting of trees or shrubs by the owner; the building of buildings hereon is prohibited. The final plat shall include a note identifying the rights and responsibilities of the owners of the affected lots and/or any association to install and maintain this 30-foot buffer.
5. A phasing plan for the subdivision shall be provided to the Planning Division and City Engineer, which shows how the two phases indicated in the letter of intent will be constructed. The phasing plan shall ensure that adequate access and utilities will be provided to the first phase while the second phase of subdivision improvements is completed.
6. Relabel Outlot 3 as a lot.
7. A site plan reflecting the proposed condition of the water tower on its lot shall be approved per Section 28.186 of the Zoning Code prior to recording of the final plat. The plan for the water tower parcel shall include the location of all existing and proposed improvements, as well as any landscaping and screening to be installed. Plans for the tower parcel shall be approved by the Urban Design Commission or its secretary as part of this process.
8. Note: Water reservoirs are a conditional use in the TR-C3 zoning district. Future modifications to the water tower parcel following recording of the plat may require approval of a conditional use by the Plan Commission.

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

City Engineering Division (Contact Tim Troester, (608) 267-1995)

9. 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).
10. Offsite sewer improvements will be required for this development proceed. The sewer on Clear Pond Way located in the Eagle Trace plat development located immediately south of the proposed development will need to be built or the proposed sewer along Old Sauk Road. The proposed lots on Tawny Elm Parkway (Lots 1-5, 72-74) will require a sewer on Old Sauk Road to be built in order to have sewer service.
11. Part of this site discharges to the west onto lands that the City does not control and are not designed for drainage. Conveyance discharge shall be limited in all storm events to the capacity of the existing culvert under Pioneer Road.
12. This site contains hydric soils. A wetland delineation shall be provided to the City Engineer by a certified delineator prior to final approval and recording.

13. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Storm Water Management Plan & Report shall include compliance with the following:

Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.

Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. If calculations are done by hand or are not available electronically, the hand copies or printed output shall be scanned to a PDF file and provided to City Engineering.

Detain the 2-, 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.

Provide onsite volumetric control limiting the post construction volumetric discharge to the pre-development discharge volume as calculated using the 10-year storm event.

Provide substantial thermal control to reduce runoff temperature in cold water community or trout stream watersheds.

Reduce TSS by 40% (control the 20-micron particle) off of new paved surfaces as compared to no controls.

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

Treat the first half-inch of runoff over the proposed parking facility.

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.

14. 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.

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

16. The developer shall construct sidewalk, terrace, curb and gutter, and four feet of pavement along Old Sauk Road. Construct terrace, curb and gutter, and four feet of pavement along Pioneer Road.

17. The developer shall make improvements to Old Sauk Road and Pioneer Road to facilitate ingress and egress to the plat as required by the City Traffic Engineer.

18. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat
19. This development is subject to impact fees for the Lower Badger Mill Creek Sanitary Sewer and Stormwater Management Impact Fee District, and the West Elderberry Neighborhood Sanitary Sewer Improvement Impact Fee. All impact fees are due and payable at the time building permits are issued. Add the following note on the face of the plat: "Lots / buildings within this development are subject to impact fees that are due and payable at the time building permit(s) are issued."
20. 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 (261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
21. A minimum of two (2) working days prior to requesting City Engineering signoff on the plat/csm contact either Tim Troester (West) at 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).
22. An Erosion Control Permit is required for this project.
23. 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 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.
24. A portion of this plat project may come under the jurisdiction of the US Army Corp of Engineers and WDNR for wetland, floodplain, or navigable waterway issues. A permit for these items may be required prior to construction. Contact the WDNR and USACOE for a jurisdictional determination.
25. 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.
26. 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.

27. Outlots 1 and 2 are platted in a way that creates excess street frontage. The developer shall be responsible for full width street and sidewalk construction of the Tawny Elm Parkway and Clear Pond Way frontages of Outlot 2. The developer shall be responsible for construction of sidewalk, terrace, curb and gutter, and four feet of pavement on Old Sauk Road fronting Outlot 1.
28. Provide calculations for the 500-year storm event, as identified in Madison General Ordinance 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.
29. Submit proposed lot corner grades with the stormwater management plan, as these two items must be reviewed together to properly determine stormwater overflow conditions. Prior to the issuance of building permits, submit a master stormwater drainage plan with final as-built lot corner grades. These grades may be modified from the originally proposed grades provided they continue to meet design tolerances. No building permits shall be issued prior to City Engineering's final approval of this plan.
30. 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.
31. 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" 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.
32. Demonstrate compliance with MGO Section 37.07 and 37.08 regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year.
33. 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.
34. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
35. 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 Jeff Quamme, 266-4097)

36. There is required grading for the construction of Tawny Elm Parkway over adjacent lands to the east. Also, if required by design requirements, public street improvements at the intersection of Tawny Elm Parkway with Old Sauk Road over adjacent lands to the east. The developer will be required to acquire any required off-site grading/construction easements and public street dedication/ easement as determined necessary by the City at the developer's expense. In the event that the developer is unable to acquire any offsite dedication or easements required, the City shall proceed to acquire the easements. The developer would be required to reimburse the City for all costs associated with any acquisition, including attorney's fees and any and all costs associated with court ordered awards. The developer is required to provide a deposit at the time of contract execution to cover the estimated City staff expenses and easement cost for the acquisition. The developer shall note that separate, additional surety in an amount estimated to cover any potential court ordered awards would be retained by the City until such time as appeal rights have expired. The additional surety would be provided prior to the City making an offer for the easement or fee title acquisition.

37. The combined Public Storm Sewer and Drainage Easements shall have the text for the Public Storm Sewer Easement revised to be a Public Storm Sewer and Drainage Easement and surface storm water drainage improvements added to the permitted improvements in the text. Any required emergency overflow routes to public right of ways shall be included in these easements.

38. The 30-foot landscaping easement shall identify the beneficiary of the easement on Sheet 2 and include the terms and conditions including additional terms regarding the installation and maintenance of the easement area. Provide a draft of an easement agreement / restrictive covenants that will contain the additional terms and conditions. The easements shall also be removed from any public street dedication or Outlot dedicated to the public for stormwater management purposes. Also confirm the actual name of the homeowners association that will be legally created in the note on the plat.

39. As required by Ordinance, 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 land division.

Construct the CBUs in accordance with the specifications approved by the Board of Public Works.

40. The language for the intra-block drainage easements that are required per MGO Section 16.23(9)(d)2 shall be corrected to match the language in the Ordinance. Provide proof of a zoning setbacks within this proposed development that is less than 6 feet to justify any reduction from the standard width of 6 feet. Also, confirm with proper notation for the 20' wide easements in the rear of the lots that those easements are Public Easements For Drainage Purposes as per Note 1 on sheet 3. The easement lines for these drainage easements on the plat and in the standard detail shall be changed to be distinctly different from the Public Utility Easements. All labels on the plat and or the legend shall consistently label the easement areas as Public Easements For Drainage Purposes and refer to the easement text per Note 1 on sheet 3.
41. Any Public Utility Easement within Outlots 1 and 2 shall contain the following language: "Reasonable Use and Occupation by City - Additional conditions for Public Utility Easements within Outlots 1 and 2 as granted by this plat: The principal purpose of Outlot 1 and Outlot 2 are for public storm water management purposes. All other Public and Private Utility facilities installed within said Outlots are hereby subservient to the principal public use of the said Outlots for public storm water management purposes. The City of Madison "City" reserves the right of reasonable use and occupation of the Public Utility Easement Areas within said Outlots, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the Public or Private Utility facilities. If any reasonable use and occupation of the Public Utility Easement Areas within said Outlots by the City shall necessitate the Private and Public Utilities to remove or relocate their facilities or any part thereof, the Public or Private Utility shall perform such work at such time as the City may approve and without any cost to the City."
42. A significant portion of the lands within this plat is owned by the City of Madison (Water Utility). The future update of the title report shall include any subsequent conveyances to the developer and if the City has any interest within any lands within the plat, the City shall have an appropriate Owners Certificate placed on the plat for execution by the Mayor and Clerk.
43. Clear Pond Way is a north-south road segment, which already has an intersection with Windy Willow Road in the plat of Eagle Trace. Clear Pond Way shall end at the northerly intersection of Windy Willow Rd. The east-west segment between Windy Willow Road and Tawny Elm Parkway will need a new street name. Submit naming suggestions to Lori Zenchenko for review and approval (LZenchenko@cityofmadison.com)
44. 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 and shall be attached to a signed and sealed monument condition report. The applicant shall identify monument types on all PLS corners included on the plat.
45. Prior to final City Engineering Division sign-off by main office for the plat, the final plat must be submitted in PDF format 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 City Engineering Division sign-off.

46. Conditions of approval noted herein are not intended to be construed as a review determining full compliance with Madison General 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 subdivision.
47. Remove the building setback lines shown within any public street.
48. Extend the Public Storm Sewer and Drainage Easement on Lot 36 northerly to Outlot 1.
49. Provide right of way widths for Pioneer Road and Old Sauk Road as required by statute within and adjacent to the plat boundary.
50. The northern half of Tawny Elm Parkway is not a standard 66-foot wide right of way. It is wider with varied widths. Label the right of way as "width varies" and provide widths at every bend and point of curvature along the length.
51. Title for the southern portion of this plat is the Schiller Survivor's Trust. Provide the recorded conveyance to Fox Knoll, LLC and an updated title report prior to final plat sign off.
52. Several words are misspelled in note 1 and shall be corrected.
53. Correct the Secretary of the Plan Commission to Matthew Wachter.
54. Provide the typical label in the legend for recorded as information.
55. The portion of Old Sauk Road within the City of Madison shall be labeled as Old Sauk Road. The northern portion within the Town of Middleton shall be labeled W. Old Sauk Road.
56. 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 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; and f) easement lines (i.e. all shown on the plat including wetland and floodplain boundaries.).

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.

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

57. The applicant shall dedicate an additional seven (7) feet of right of way along Old Sauk Road for a total of 40 feet from the centerline.

58. The applicant shall dedicate an additional seven (7) feet of right of way along Pioneer Road for a total of 40 feet from the centerline.

59. Prior to final sign-off, the applicant shall work with the Traffic Engineering Division Electrical Section to record the necessary easements for streetlights. Typically, Traffic Engineering requires a 12-foot wide easement between lots and 6-foot easements on corner lots where streetlights are needed.

60. The applicant shall execute and return a declaration of conditions and covenants for streetlights prior to sign off of the final plat.

61. The applicant shall add a note to the final plat stating no driveway shall be constructed that interferes with the orderly operation of the pedestrian walkway. This will require all pedestrian ramps to be constructed separate from driveway entrances; a curb-head of no less than six (6) inches in width shall be constructed between all pedestrian ramps and driveway entrances. This is especially important at 'T' intersections where lot and building layout become critical; to prevent interference with the pedestrian ramp, lots intersecting or adjacent 'T' intersection may require a shared driveway and access.

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

62. Identify qualifying usable open space areas as required in the requested TR-C3 zoning district, specifically Lots 23 and 24 and 31 through 34. A minimum of 500 square feet of usable open space is required. Usable open space shall be at ground level in a compact area of not less than 200 square feet, with no dimension less than 8 feet and no slope grade greater than 10%. Usable open space shall be outside of a required front or corner side yard, as extended to the rear lot line. Usable open space shall not include areas occupied by buildings, driveways, drive aisles, off-street parking, paving and sidewalks, except that paved paths no wider than 5 feet and pervious pavement may be included as usable open space.

63. Update the proposed building pad and useable open space exhibit to identify the 30 foot front yard maximum setback line. The front yard setback is a minimum of 15 feet and a maximum of 30 feet within the TR-C3 zoning district. The proposed building pad must be located not more than 30 feet from the front property line. Proposed qualifying useable open space areas may be located within the building envelope between the 15-foot front yard setback minimum and 30 foot front yard setback maximum.

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

64. The Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D. An upgrade to include a fire sprinkler system with a cost estimate shall be made available for all initial single- or two-family home sales.

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

The agency has reviewed this request and recommended no conditions of approval.

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

The agency has reviewed this request and recommended no conditions of approval.

Parks Division (Contact Ann Freiwald, (608) 243-2848)

65. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sections 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 West Park-Infrastructure Impact Fee district. Please reference ID 21009 when contacting Parks Division staff about this project.
66. 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.
67. 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." The Parks Division shall be required to sign off on this plat.

Forestry Section (Jeffrey Heinecke, (608) 266-4890)

The agency has reviewed this request and recommended no conditions of approval.

Office of Real Estate Services (Heidi Radlinger, (608) 266-6558)

68. 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. 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.
69. Prior to 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.
70. 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.
71. 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.
72. The City of Madison Treasurer is Craig Franklin.
73. The City of Madison Plan Commission Secretary is Matthew Wachter.
74. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish to Heidi Radlinger (hradlinger@cityofmadison.com) in the City's Office of Real Estate Services (ORES), as well as the surveyor

preparing the plat, an updated title report covering the period between the date of the initial title report (March 29, 2021) 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. ORES reserves the right to impose additional conditions of approval in the event the title update contains changes that warrant revisions to the plat.

75. The owner shall email the document number of the recorded plat to ORES via email to Heidi Radlinger when the recording information is available.
76. 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.