



PREPARED FOR THE PLAN COMMISSION

Project Address: 4000-4150 Packers Avenue and 4201 North Sherman Avenue (12th Aldermanic District, Alder Abbas)

Application Type: Zoning Map Amendment and Preliminary Plat

Legistar File ID # [65654](#) and [66222](#)

Prepared By: Colin Punt, Planning Division
Report includes comments from other City agencies, as noted

Reviewed By: Kevin Firchow, Planning Division

Summary

Applicant: Joel Oliver; Green Street Development Group, LLC; 8451 Maryland Avenue; Clayton, MO 63105

Surveyor: Ryan Quam; Quam Engineering LLC; 4604 Siggelkow Road, Suite A; McFarland, WI

Owner: Bruce Raemisch c/o Fred Brouner; Dewitt LLP; 2 E Mifflin St, Ste 600; Madison, WI 53703

Requested Actions: Approval of a request to [ID 66222] rezone 4000-4150 Packers Avenue and 4201 N Sherman Avenue from temporary A (Agriculture district) to TR-C3 (Traditional Residential-Consistent 3 district), TR-V2 (Traditional Residential-Varied 2 district), TR-U1 (Traditional Residential-Urban 1 district), CC-T (Commercial Corridor-Transitional district), and CN (Conservancy district) and approval of [ID 65654] a preliminary plat creating 97 single-family lots, two lots for future commercial or mixed-use development, six lots for future multi-family development, two outlots to be dedicated for stormwater management, and two outlots and one lot to be dedicated for open space.

Proposal Summary: The proposal for the “Raemisch Farm Development” subdivision calls for the 63.59-acre subject site to be platted with 97 lots for detached single-family residences within the TR-C3 single-family zoning district. In addition, eight commercial, mixed-use, or multi-family lots will be created with TR-V2, TR-U1, and CC-T zoning. The plat also proposes five outlots for a public park, private park, and two stormwater facilities.

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 May 19, 2021. Therefore, the 90-day review period for this plat is scheduled to expire circa August 17, 2021.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward Zoning Map Amendments 28.022–00509, 28.022–00510, 28.022–00511, 28.022–00512, and 28.022–00513, rezoning 4000-4150 Packers Avenue and 4201 North Sherman Avenue temporary A (Agriculture district) TR-C3 (Traditional Residential-Consistent 3 district), TR-V2 (Traditional Residential-Varied 2 district), TR-U1 (Traditional Residential-Urban 1 district), CC-T (Commercial Corridor-Transitional district), and CN (Conservancy district), respectively; and the preliminary plat of the *Raemisch Farm Development* subdivision, to the Common Council with

recommendations of **approval** subject to input at the public hearing and the conditions from reviewing agencies in this report.

Background Information

Parcel Location: The subject site is comprised of three parcels containing approximately 63.59 acres of land generally located between Packers Avenue and North Sherman Avenue, approximately one-half mile north of Northport Drive; The site is within Aldermanic District 12 (Ald. Abbas) and the Madison Metropolitan and DeForest School Districts.

Existing Conditions and Land Use: The site is mostly undeveloped, but farmed, with a single-family residence and accessory farm buildings in the southeast corner of the property. The site is zoned A (Agriculture District).

Surrounding Land Uses and Zoning:

North: Single-family homes in the Whitetail Ridge Subdivision, zoned SR-C2 (Suburban Residential - Consistent 2 district);

South: Lakeview Elementary school zoned SR-C1 (Suburban Residential - Consistent 1 district), open space zoned SR-C2, apartment buildings zoned SR-V2 (Suburban Residential - Varied 2 district), a senior living center zoned PD (Planned Development district), and a mixed-use development zoned CC-T (Commercial Corridor-Transitional district);

West: Across North Sherman Avenue, single-family homes zoned SR-C1; and

East: Across Packers Avenue, undeveloped land owned by Dane County.

Adopted Land Use Plans: The [Comprehensive Plan](#) (2018) recommends Low Residential, Medium Residential, and Neighborhood Mixed Use for various portions of the subject site. The subject site is also located within the boundaries of the [Northport-Warner Park-Sherman Neighborhood Plan](#) (2009), which recommends development of the site as a new mixed-use neighborhood. More details regarding the specific recommendations of the adopted land use plans are provided in the Analysis section below.

Environmental Corridor Status: No mapped environmental corridors exist within the subject site.

Public Utilities and Services: The subject site is not currently served by all public utilities and services, but will eventually be served by a full range of urban services as it develops. Metro Transit service currently operates a quarter-mile to the south along Tennyson Lane.

Zoning Summary: The proposed lots are requested to be zoned, TR-C3 (Traditional Residential-Consistent 3 district), TR-V2 (Traditional Residential-Varied 2 district), TR-U1 (Traditional Residential-Urban 1 district), CC-T (Commercial Corridor-Transitional district), and CN (Conservancy district). Consistency with the basic minimum lot width and area for the proposed lots is included in the "Analysis" section of this report. Review for compliance with the other bulk requirements, such as setbacks, usable open space, and lot area per unit for multi-family dwellings, will occur either at the time of permit issuance for permitted uses, or during any conditional use reviews required. Lot and bulk requirements for each proposed district are found in Appendix 1.

Project History

A previous proposal for a plat and zoning map amendment for this site was considered by the Plan Commission on April 12, 2020. The Plan Commission found that the standards for zoning map amendments regarding public health safety, and welfare, were not met. There were further concerns regarding the proposed development pattern and large lot sizes along Packers Avenue that support large-scale residential development within close proximity to noise impacts of the airport, which were determined likely to be harmful to safety or welfare of future residents or landowners in the proposed subdivision, as well as concerns regarding the protection of the environmentally sensitive wooded area along the southwest lot line. The proposal was placed on file without prejudice.

Project Description

The applicant is requesting approval of a zoning map amendment and preliminary plat for the future development of 63.59 acres of land generally located between Packers Avenue and North Sherman Avenue, approximately one-half mile north of Northport Drive. The site has most recently been farmed and is currently zoned agricultural and does not have sanitary service or water service. The proposed "Raemisch Farm Development" subdivision calls for 97 single-family residential lots, as well as for six lots to be developed with a variety of multi-family building types and two lots for mixed-use or commercial developments. The plat also proposes five outlots for a public park, private park, and two stormwater facilities. The parcels at 4000 and 4150 Packers Avenue, comprising 58.99 acres of the site were attached to the City of Madison from the Town of Burke on February 25, 2020; the parcel at 4201 North Sherman Avenue was already within the City of Madison at that time.

The two southeasterly parcels along Packers Avenue are proposed to be zoned CC-T (Commercial Corridor – Transitional district). The two parcels immediately east of Whitman/Whitetail Lane, the two parcels at the western quadrants of the intersection of Sunfield Street and Whitman/Whitetail Lane, and the stormwater outlot at the northeast corner of the site (Outlot 1) are proposed for TR-U1 (Traditional Residential – Urban 1 district) zoning. The two parcels west of Whitetail Lane (Lots 28 and 29) between Sunfield Street and Street "A" are proposed to be zoned TR-V2 (Traditional Residential – Varied 2 district). An outlot within the central block is proposed to be zoned CN (Conservancy district) to be used as outdoor recreation space for the multifamily developments on the nearby TR-U1-zoned parcels. Outlot 3 is intended to be dedicated to the public for stormwater and wetland management and proposed to be zoned TR-C3 (Traditional Residential – Consistent 3 district), like the surrounding lots. Outlot 4, at the far southwest corner of the site, is intended to be dedicated to the public for parks purposes and is proposed to be zoned CN. All remaining parcels intended for single-family houses and are proposed to be zoned TR-C3, including lot 106, which was tentatively proposed to be an extension of the Outlot 4 parks dedication.

No final plat for any portion of the site has been submitted, nor have any specific development plans. While the applicant has indicated permitted-use single-family residences are intended for the lots zoned TR-C3, depending on the type of development proposed, conditional use approvals may be required on the parcels to be zoned CC-T, TR-U1, and TR-V2.

The applicant's intended Phase 1 consists of Lots 1-5, 29, and Outlot 1, all along the east side of the site. Phase 1 construction is anticipated from April 2022 through April 2023; the applicant has indicated future phases will follow. A single-family farm residence located in the southeastern corner of the subdivision on the 4000 Packers Avenue parcel will remain for the time being within Lot 1, which is proposed to be zoned CC-T Plan Commission

approval of a demolition permit will be required prior to issuance of any permits to raze the residence, which will likely be timed with approval of a final plat for the subdivision.

Analysis

The applicant is requesting zoning and preliminary plat approval to plat 63.59 acres of current farmland as the Raemisch Farm Development subdivision. The subject property is one of the larger and more significant undeveloped parcels in this area, and its development will have a significant influence in filling out the neighborhood planning area. As is the case with any subdivision reviewed by the Plan Commission, the consistency of the subdivision with the [Comprehensive Plan](#) and any adopted neighborhood or sub-area plan and the adequacy of public services to serve the development are the principal considerations when recommending approval of the zoning map amendment and preliminary plat to the Common Council.

Conformance with Adopted Plans

The [Comprehensive Plan](#) (2018) recommends Neighborhood Mixed Use (NMU) for the southeast corner of the site. NMU areas can contain housing, employment, shopping, and services that generally serves surrounding neighborhoods, with heights of two to four stories and residential densities of up to 70 dwelling units per acre. Immediately west of the NMU area and in the northeast corner of the site, the [Plan](#) recommends Medium Residential, which includes larger multifamily buildings or multifamily complexes, sometimes interspersed with other smaller housing types, generally two to five stories in height with residential densities between 20 and 90 dwelling units per acre. The [Plan](#) recommends Low Residential for the rest of the site, which includes predominantly one- and two-unit residences, though small multi-family buildings can be included in certain situations.

The subject site is also located within the boundaries of the [Northport-Warner Park-Sherman Neighborhood Plan](#) (2009). The Neighborhood Plan identifies the Raemisch property as a potential redevelopment area and provides two concept design plans for the site. The plan notes that the designs are intended to convey important ideas and design principles, but are only two of many potential design solutions. Conceptual designs for the property included a mix of detached houses on various lot sizes, co-housing, townhouses, live-work units, small and large multi-family housing, mixed-use development, urban agriculture, and parkland. The major planning and design goals outlined in the plan are flexibility in developing the site to achieve a denser, more urban neighborhood; a diversity of buildings and uses; sustainable neighborhood design; creating new street and path connections with the surrounding community; and preservation of open space. The plan includes 20 specific recommendations, which are attached with the Plan Commission materials.

Subdivision Standards

Staff believes that the Plan Commission may find the standards for subdivision approval met with the proposed preliminary plat. All of the proposed lots will meet the minimum lot width and area requirements in their respective zoning districts, and staff believes that the proposal is consistent with the recommendations for the site in both the [Comprehensive Plan](#) and the [Northport-Warner Park-Sherman Neighborhood Plan](#). The proposed subdivision will implement the street network generally recommended to cross the Raemisch property, including the connection of streets between the Whitetail Ridge subdivision north of the site and Tennyson Lane to the south, and provide an important east-west connection between North Sherman Avenue and Packers Avenue.

Section 16.23(3)(a)(7)(g) MGO states that “the proposed subdivision shall be deemed to have adequate school facilities when the school district in which such proposed subdivision will be located upon its development, provides information that adequate classroom space is either available within the normal walk-in service area or that adequate transportation as normally provided by the school district can be provided to elementary through high schools that have sufficient classroom space to provide for the anticipated school age children in the proposed subdivision.” The parcel located at 4201 N Sherman Avenue was previously located in the Madison Metropolitan School District (MMSD), while the rest of the subject site was originally within the DeForest Area School District (DASD). The 2007 Town of Burke, Village of DeForest, City of Sun Prairie and City of Madison Cooperative Plan stipulates that if this development remains in the DeForest School District at the time of application for final plat approval, the applicant and any development partners will be limited to no more than 50 "single-family equivalent" building permits (1 single-family dwelling unit = 3.3 multi-family dwelling units) per year within the subdivision area. In early 2021, MMSD and DASD enacted a “land swap” and the entire site is now within the MMSD and is no longer subject to the development limitation.

Section 16.23(3)(a)(7)(f) MGO states that “the proposed subdivision shall be deemed to have adequate parks, open space and recreation when it can be demonstrated that the future residents of the proposed subdivision will have such park, open space and recreation services and facilities available to them as are established by the standards in the most recently adopted plan for Park and Open Spaces by the City of Madison or Dane County.” While the Northport-Warner Park-Sherman Neighborhood Plan does show a park within the planning area, that specific plan was adopted in 2009 and two Parks and Open Space Plans (POSP) have been created by the Parks Division and adopted in the intervening time period. The most recent [POSP](#), adopted in 2018, determined that this area is served by existing parks (Berkley and Whitetail Ridge Parks). However, the Parks Division has also indicated the willingness to consider a joint use agreement with MMSD to allow use of the Lake View School campus as a park after school hours in exchange for City assistance with recreational amenity improvements. An existing stand of trees along a section of the south property line, generally contained within Outlot 4, is adjacent to and contiguous with the Lake View School forest on properties owned by MMSD. Lot 106, immediately north of Outlot 4, is not shown for dedication, but subsequent discussions between the applicant and Parks Division have resulted in the decision to dedicate the lot for park space as well.

Staff have two other comments regarding the plat. Planning Division recommended condition of approval 1 requires that that Rigney Lane between Sunfield Street and Lake View Avenue shall be dedicated and ultimately constructed as a public alley serving Lots 76-87. Development on Lots 76-87 shall be oriented toward North Sherman Avenue per §16.23(8)(d)(3) MGO, which prohibits double frontage lots. Finally, due to concerns raised by the area alderperson during the consideration of the previous plat on this site, the applicant has included a note on the plat to the effect that no residential development will be constructed on the lots zoned CC-T (Lots 1 & 3) before January 1, 2027.

Zoning Map Amendment Standards

The Zoning Map Amendment standards, found in 28.182(6), M.G.O. state that such amendments are legislative decisions of the Common Council that shall be based on public health, safety, and welfare, shall be consistent with the Comprehensive Plan, and shall comply with Wisconsin and federal law. Chapter 66.1001(3) of Wisconsin Statutes requires that zoning ordinances (of which the zoning map is part) enacted or amended after January 1, 2010 be consistent with the City’s Comprehensive Plan. 2010 Wisconsin Act 372 clarified “consistent with” as “furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan.” As describe above, the request and its uses are generally consistent with the land use recommendations for this area in both the Comprehensive Plan and the Northport-Warner Park-Sherman Neighborhood Plan. Staff’s only comment regarding the proposed zoning districts is with regards to the four parcels west of Whitetail Lane that

are proposed to be zoned TR-V2 and TR-U1 districts. These districts may allow more intense residential development than is typically recommended for Low Residential (LR) areas in the Comprehensive Plan. However, as the Neighborhood Plan development concepts do show a mix of more-intense housing types throughout the neighborhood, and considering the concerns regarding noise impacts from the nearby airport pushing residential development further west into the site, Staff believes the Plan Commission can find the proposal consistent with the adopted plan recommendations.

Related to the zoning of portions of the site for potential residential uses is the proximity to the Dane County Airport/Truax Field. In September 2019, the Common Council adopted a resolution responding to the Draft Environmental Impact Statement (EIS) for the Air National Guard F-35A Operational Beddown National Guard Environmental Impact Statement (EIS) pertaining to the 115th Fighter Wing at Truax Field (Legislative File ID [57364](#)), just to the east of this site. According to the [F-35 EIS Staff Analysis](#), the southeastern portion of the site, including all or portions of lots 1, 3, and 4, fall within the “65 decibel” Day and Night Average Sound Level (DNL) area. The FAA has determined the 65 decibel DNL area is the noise exposure level where land use compatibility issues may begin to arise surrounding airports.

Conclusion

The applicant is requesting approval of a zoning map amendment and preliminary plat for the future development of the Raemisch Farm Development subdivision. Planning Division staff has carefully reviewed the proposed subdivision and believes that it is generally consistent with the land use and street layout recommendations for the subject site in the adopted Comprehensive Plan and Northport-Warner Park-Sherman Neighborhood Plan. Planning Division staff also believe the Plan Commission can find the rezoning request to be consistent with the zoning map amendment standards of approval.

Several comments from neighbors and other residents are include with the Plan Commission packet of materials.

Recommendation

Planning Division Recommendation (Contact Colin Punt, 243-0455)

The Planning Division recommends that the Plan Commission forward Zoning Map Amendments ID 28.022–00509, 28.022–00510, 28.022–00511, 28.022–00512, and 28.022–00513, rezoning 4000-4150 Packers Avenue and 4201 North Sherman Avenue temporary A (Agriculture district) TR-C3 (Traditional Residential-Consistent 3 district), TR-V2 (Traditional Residential-Varied 2 district), TR-U1 (Traditional Residential-Urban 1 district), CC-T (Commercial Corridor-Transitional district), and CN (Conservancy district), respectively; and the preliminary plat of the *Raemisch Farm Development* subdivision, to the Common Council with recommendations of **approval** subject to input at the public hearing and the conditions from reviewing agencies in this report.

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

Planning Division (Contact Colin Punt, 243-0455)

1. To avoid double fronted lots, Rigney Lane between Sunfield Street and Lake View Avenue shall be dedicated and ultimately constructed as a public alley serving Lots 76-87. Details shall be approved by staff prior to recording of the plat. Development on Lots 76-87 shall be oriented toward North Sherman Avenue.

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

2. Section 28.185(7)(a)5. requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Bryan Johnson at streets@cityofmadison.com. Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(7)(a)5. shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
3. Show the qualifying useable open space areas for proposed TR-C3 zoned lots 77, 78, and 102. The minimum amount of usable open space required in the TR-C3 zoning district is 500 sq. ft. Usable open space shall be at ground level in a compact area of not less than two hundred (200) square feet, with no dimension less than eight (8) feet and no slope grade greater than ten percent (10%). Where lot width is less than forty (40) feet, the minimum dimension of usable open space may be reduced to six (6) feet. Usable open space shall be located 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 five (5) feet and pervious pavement may be included as usable open space.

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

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| <ol style="list-style-type: none">4. The City has limited sanitary sewer capacity in this area of the City. Offsite sanitary sewer improvements will be required for lands draining to the east.5. This site currently has an enclosed depression located within it and there is likely unintended detention occurring on the site. Per MGO 37 unintended detention will be taken into account as part of any stormwater management plan submittal using a model that can account for this type of feature such as SWMM. The applicant shall be aware that models such as HYDROCAD will not be accepted and COM staff shall not be used for this work. |
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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 Madison Standard street, multi-use path, and sidewalk improvements for all streets within the plat/csm. (MGO 16.23(9)(d)6)
 8. Construct sidewalk, terrace along plat limits of both Packers Ave & Sherman Ave to a plan as approved by City Engineer. Construct 4' of pavement, curb and gutter along Packers Ave plat limits.
 9. Construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat/csm. (MGO 16.23(9)(d))
 10. 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)

11. All outstanding City of Madison sanitary sewer connection charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. This property is subject to Sanitary Connection charges for the Truax West Interceptor District at a rate of \$12.00/1000 sf.
12. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
13. 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.
14. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
15. This 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>.
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 CARPC is required for this project to proceed.
16. 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 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))
17. 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 ther mitigating improvements as required by the City. Caution - The improvements indicated may require rightof-way outside of the plat/csm.
18. Outlot 3 is platted in a way that creates excessive street frontage along Lake View Ave, Rigney Lane, Sunfield St, and Prairieview Lane. The City shall be responsible for cost of construction of 1/2 of street frontage of 400' length total for outlot 3. Any costs associated for frontage beyond 400' shall be responsible of developer.
19. Modeling shall be completed that shows how the 100 year storm event shall be routed through the site and kept within the public ROW.
20. Include calculations in the stormwater management report that show how a 500-year storm event, as identified in Madison General Ordinance Chapter 37, would be handled by the proposed site design. These calculations are required to show that the proposed building does not flood during this design storm event using the site grades proposed.

21. Record a deed restriction on Lots surrounding the enclosed depression to restrict construction of building openings on all structures to be a minimum elevation that is to be determined as part of the SWMM model.
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 City Engineering'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 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, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.
25. 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.
26. 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: Detain the 2, 10,100 & 200 -year storm events, matching post development rates to predevelopment rates and using the design storms identified in Madison General Ordinances Chapter 37.
Infiltration: Provide infiltration of 90% of the pre-development infiltration volume.
TSS New Development: Reduce TSS by 80% (control the 5-micron particle) off of newly developed areas 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.

27. 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.
28. 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)

29. It is anticipated that the public sanitary sewer and storm water drainage improvements required to serve this proposed plat will require additional easements beyond the boundary of lands included in this plat over the lands to the east, currently owned by Dane County (Airport lands). The developer is required to acquire the easements as required by the City of Madison at the developer's expense. The City of Madison does not have Eminent Domain powers to acquire easement rights over lands owned by Dane County. Therefore all easements required are subject to Dane County approval. The Developer is advised to begin contact and negotiations with Dane County as soon if possible if not already begun.

30. 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.
31. 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.
32. Public Easements shall be granted with adequate widths and terms for all City of Madison public facilities required to cross any Lot within this plat. The labels on the plat shall also include text that they are public. Contact Jeff Quamme for the required text setting forth terms and conditions for the required easements.
33. Applicant shall be aware that there are elevation / height restrictions for improvements per Document No 784388 noted on the preliminary plat that may encumber this proposed plat and affect the proposed development.
34. 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)

35. The Wetland Buffer lines shall be accurately dimensioned and the required restrictions within the buffer areas denoted within all developable lots on the final plat.
36. Add text to note three clarifying that the restriction is in regard to noise generated by aircraft operating within the Dane County Regional Airport.
37. Provide street name suggestions for Street A to Lori Zenchenko (LZenchenko@cityofmadison.com) for review and approval.

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

38. The applicant shall add a note to the 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.

The applicant shall add a note to the 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.

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

Easements needed between lots: 62-63, 67-68, 78-79, 83-84, 88-89, 93-94, 36-35, 41-40, 46-45, 48-49, 51-52, 17 -16, 22- 23

And on side/front of lots: 78, 87, 106, 12, 11, 10, 6, 4, 2, OL 1, 30, OL 3, 19, 5

40. The Applicant shall dedicate an additional 7' of Right of Way along Packers Avenue, for a total of 60' from the Section Line.
41. The Applicant shall Dedicate an additional 7' of Right of Way along Sherman Avenue. Total width of the right of way shall be 73 feet.
42. The applicant shall execute and return the attached declaration of conditions and covenants for streetlights prior to sign off.

Fire Department (Contact Bill Sullivan, 261-9658)

43. Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D. Additional information is available at the Home Fire Sprinkler Coalition website:

<https://homefiresprinkler.org/building-residential-fire-sprinklers> An upgrade to include a fire sprinkler system shall be offered along with a cost estimate for all initial single- or two-family home sales.

Water Utility (Contact Jeff Belshaw, 261-9835)

44. The developer shall construct the public water distribution system and services required to serve the proposed subdivision plat/CSM per MGO 16.23(9)(d)(3).
45. All public water mains and water service laterals shall be installed by a standard City subdivision contract / CityDeveloper agreement. Applicant shall contact City Engineering Division to schedule the development of plans and the agreement. See Engineering Division comments for additional information.

Parks Division (Contact Kathleen Kane, 261-9671)

46. In the applicant's letter of intent, dated May 19, 2021, Outlot 2 is described as "to be deeded to parks" although this lot is labeled as "Outlot 2 Private Park Purposes" on the preliminary plat. Parks comments regarding parkland dedication do not include this outlot.
 47. Outlot 4, as described on the preliminary plat dated May 19, 2021 is described as "Dedicated to the Public for Park Purposes" and is shown as 44,704 square feet (+/- 1.026 acres) and is consistent with previous communications between Parks, Planning and the developer with to conserve, at a minimum, the existing treeline area located to the north of the Lakeview Elementary School property.
 48. Parks staff, together with City of Madison Planning staff and the developer, had previously discussed the developer's interest in dedicating the land described on the preliminary plat as Lot 106 and shown as 101,879 square feet (+/- 2.339 acres) for public park purposes. Parks would accept this parcel as parkland dedication if the plat were to be revised to describe this outlot and label it as "Dedicated to the Public for Park Purposes".
49. 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# 20028 when contacting Parks about this project.
 50. The preliminary plat, as currently proposed, includes 98 lots for future single family units and eight lots (Lots 1-5 and 27-29) for an unspecified number of units in future apartment buildings and/or other multifamily/mixed-use building types. Development is proposed to occur in phases, with the build-out of Lots 1-5, 29 and Outlot 1 in Phase I. The parkland dedication requirement for a single family / duplex unit is 1,081 square feet and for a multifamily unit is 734 square feet per MGO Sec. 16.23(8)(f) and 20.08(2).
 51. Lands that are dedicated for park purposes to fulfill parkland dedication requirements shall be suitable for park development. The Applicant shall provide proposed grading plans for the area of dedicated public parklands prior to approval. General guidelines for park development include:
 - a. No existing wetlands.
 - b. No side slopes within the park dedication area shall exceed 4:1.
 - c. Large or excessive retaining walls shall not be allowed on public parklands to meet the grading requirements.

- d. No propose utilities will be allowed on public park land without prior approval by the Parks Superintendent or his designee.
52. The Applicant shall install a fence along the boundary of lands dedicated for public park purposes at the sole expense of the Applicant. The fence shall be installed on private property to a design that is mutually agreeable to the Applicant and Parks Division. The cost of the fence shall not be eligible for Park –Infrastructure Impact Fee credits. The Applicant shall execute a deed restriction that would require the fence to be perpetually maintained by the property owners for any lots that are adjacent to publicly dedicated park lands.
53. 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.
54. 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.
55. Parks Division shall be required to sign off on this subdivision.
56. 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.” Credits will be given to this plat for the existing single family house located on Lot 2 of the plat.
57. The applicant shall provide soil borings for the outlot(s) dedicated for park purposes.
58. The applicant shall prominently stake all boundaries and property irons for lands to be dedicated for park purposes.
59. 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, which are not all currently shown on the preliminary plat. The tree inventory and health assessment should be completed by an arborist and provided to the Parks Division with the Final Plat application.

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

60. 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.
61. 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).
62. 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.

- 63. 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...".
- 64. 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.
- 65. City of Madison Common Council Certificate: For parcels located within the City of Madison, a Madison Common Council Certificate shall appear as follows:

Resolved that this plat known as _____ located in the City of Madison was hereby approved by Enactment Number _____, File ID Number _____, adopted on the ____ day of _____, 20____, and that said enactment further provided for the acceptance of those lands dedicated and rights conveyed by said plat to the City of Madison for public use.

Dated this ____ day of _____, 20____

Maribeth L. Witzel-Behl, City Clerk
City of Madison, Dane County, Wisconsin

- 66. 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

- 67. 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.
- 68. Dane County Register of Deeds Certificate: A certificate for the Dane County Register of Deeds to enter time, date and recording location information shall appear on the plat.
- 69. As of July 1st, 2021, the 2020 real estate taxes are paid 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 and checks are payable to:

City of Madison Treasurer
210 Martin Luther King, Jr. Blvd.
Madison, WI 53701

70. As of July 1st, 2021, 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 ORES in advance of plat approval sign-off.
71. Pursuant to Madison City Ordinance Section 16.23(5)(g)(4), the owner shall furnish a 60-year Report of Title to ORES via email to Lance Vest (lvest@cityofmadison.com), as well as the surveyor preparing the plat, when sign-off approval is requested. A title commitment may be provided, but will only be considered as supplementary information to the 60-year Report of Title. The surveyor shall update the plat with the most recent information available in the 60-year Report of Title. ORES reserves the right to impose additional conditions of approval in the event the 60-year Report of Title contains changes that warrant revisions to the plat.
72. 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.
73. Provide proof of satisfaction or release for all liens and/or judgments of record prior to plat approval sign-off.
74. 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 a Real Estate Specialist in ORES to discuss the potential lease terms. Said leases are authorized by Resolution File ID 29183, RES-13-00247, adopted 04-16-13.

The Forestry Section and Metro Transit have reviewed this request and have recommended no conditions of approval.

Appendix 1: Zoning Criteria

TR-C3 ZONING CRITERIA

Requirements	Required	Proposed
Lot Area (sq. ft.)	3,000 sq. ft.	>3,000 sq. ft.
Lot Width	30'	>30'
Front Yard Setback	15'	TBD
Max. Front Yard Setback	30' or up to 20% greater than block average	TBD
Side Yard Setback	5' Lot width < 50': 10% of lot width	TBD
Reverse Corner Side Yard Setback	8' (10' for garage)	TBD
Rear Yard Setback	20'; Alley-accessed: 2'	TBD
Usable Open Space	500 sq. ft.	TBD (See zoning comment 3)
Maximum Lot Coverage	75%	TBD
Maximum Building Height	2 stories/ 35'	TBD

TR-V2 ZONING CRITERIA

Requirements	Required: Single-family attached (>4 units)	Required: Multi-family (>4 units)	Proposed
Lot Area (sq. ft.)	2,000 sq. ft./ d.u.	2,000 sq. ft./ d.u.	Lot 27: 72,489 sq. ft. Lot 28: 96,079 sq. ft.
Lot Width	20'/ d.u.	60'	>60'
Front Yard Setback	20'	20'	TBD
Max. Front Yard Setback	30' or up to 20% greater than block average	30' or up to 20% greater than block average	TBD
Side Yard Setback	Exterior end walls: 6'	10'	TBD
Reverse Corner Side Yard Setback	12'	12'	TBD
Rear Yard Setback	Lesser of 25% lot depth or 25'	Lesser of 25% lot depth or 25'	TBD
Usable Open Space	100 sq. ft./ d.u.	500 sq. ft./ d.u.	TBD
Max Lot Coverage	90%	70%	TBD
Max Building Height	3 stories/ 40'	3 stories/ 40'	TBD

TR-U1 ZONING CRITERIA

Requirements	Required: Multi-family (>8 units)	Proposed
Lot Area (sq. ft.)	1,000 sq. ft./ d.u. + 300 sq. ft. per bedroom >2	Lot 2: 282,401 sq. ft. Lot 4: 123,347 sq. ft. Lot 5: 79,052 sq. ft. Lot 29: 52,239 sq. ft.
Lot Width	50'	>50'
Front Yard Setback	15' or average	TBD
Max. Front Yard Setback	30' or up to 20% greater than block average	TBD
Side Yard Setback	10'	TBD
Reverse Corner Side Yard Setback	12'	TBD
Rear Yard Setback	Lesser of 25% lot depth or 25'	TBD
Usable Open Space	320 sq. ft./ d.u.	TBD
Maximum Lot Coverage	75%	TBD
Maximum Building Height	5 stories/ 65'	TBD

CC-T ZONING CRITERIA

Requirements	Required	Proposed
Front Yard Setback	0' or 5' minimum 65' maximum	TBD
Side Yard Setback: Street side yard	0' or 5'	TBD
Side Yard Setback: Where proposed buildings or abutting buildings have window openings in side wall(s) within 6 feet of lot line	One-story: 5' Two-story or higher: 6'	TBD
Rear Yard Setback	The lesser of 20% of lot depth or 20'	TBD
Usable Open Space: residential only	160 sq. ft. per lodging room or 1-bedroom unit; 320 sq. ft. for >1-bedroom units	TBD
Maximum Lot Coverage	85%	TBD
Maximum Building Height	5 stories/ 68'	TBD

Zoning table prepared by: Jenny Kirchgatter, Assistant Zoning Administrator