



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 3840 Maple Grove Drive  
**Application Type:** Zoning Map Amendment and Preliminary Plat  
**Legistar File ID #** [54503](#) and [54405](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted

**Summary**

**Applicant:** Paul Schmitter, Fiduciary Real Estate Development, Inc.; 789 N. Water Street; Milwaukee.

**Property Owners:** Schmitt Family Trust, et al., c/o Thomas Schmitt; 113 N. Main Street; Verona.

**Surveyor:** Brett Stoffregan and Bruce Hollar, D’Onofrio Kottke & Associates; 7530 Westward Way; Madison.

**Requested Actions:** Approval of a request to rezone land generally addressed as 3840 Maple Grove Drive from Temp. A (Agricultural District) to TR-C3 (Traditional Residential–Consistent 3 District), TR-U1 (Traditional Residential–Urban 1 District), CN (Conservancy District) and PR (Parks and Recreation District); and approval of the preliminary plat of *FRED Maple Grove Drive*, creating three lots for the future development of up to 300 multi-family units, one outlot to be dedicated to the public for parkland, three outlots to be dedicated to the public for stormwater management, and three outlots to be created for future development.

**Proposal Summary:** The proposed *FRED Maple Grove Drive* subdivision calls for the creation of three lots to be developed with a variety of multi-family housing types in TR-U1 zoning. Preliminary information submitted by the applicant indicates that up to 300 units may be developed on the three lots following separate approval of a final plat of the subdivision and conditional uses for the individual lots. The plat also dedicates an approximately five-acre addition to the City for adjacent Country Grove Park, and three outlots for stormwater management for the project. Additionally, the plat creates three outlots for the likely future development of single-family residences in TR-C3 zoning in the southwestern corner of the site, and dedicates rights of way to the City to complete the street network in this portion of the Cross Country neighborhood planning area, including the extension of Rockstream Drive through the site to Maple Grove Drive.

Development of the subdivision will commence in 2019 following approval and recording of a final plat, with completion anticipated by 2021 according to the application materials. The construction of the Rockstream Drive/ “B” Street extension through the site, including the section across the Cesar Chavez Elementary School property adjacent to the northern edge of the subject site, will be completed as a City of Madison public works project no sooner than the 2020 budget year.

**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 January 9, 2019. Therefore, the 90-day review period for this plat is scheduled to expire circa April 9, 2019.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission forward Zoning Map Amendment IDs 28.022–00364, 28.022–00365, 28.022–00366 and 28.022–00367, rezoning 3840 Maple Grove Drive from Temp. A to TR-C3, TR-U1, CN and PR, and the preliminary plat of the *FRED Maple Grove Drive* subdivision to the Common Council with recommendations of **approval** subject to input at the public hearing and the conditions from reviewing agencies beginning on page 7 of this report.

## Background Information

**Parcel Location:** Approximately 35.9 acres of land located on the west side of Maple Grove Drive, approximately a half-mile south of McKee Road (CTH PD) and a quarter-mile north of Cross Country Road; Aldermanic District 7 (King); future Madison Metropolitan School Dist.

**Existing Conditions and Land Use:** Undeveloped agricultural land, zoned Temp. A (Agricultural District) and Badger Mill Creek.

### Surrounding Land Use and Zoning:

North: Cesar Chavez Elementary School (Madison Metropolitan School District), zoned SR-C1 (Suburban Residential–Consistent 1 District); Country Grove Park, zoned PR (Parks and Recreation District); Country Grove-Chavez Path;

South: Multi-family residences, including Country Grove Condominiums, Copper Creek Apartments, zoned PD; Badger Mill Creek greenway, zoned CN (Conservancy District); single-family residences in the First Addition to Nesbitt Valley subdivision, zoned SR-C2 (Suburban Residential–Consistent 2 District);

East: Multi-family residences located along the east side of Maple Grove Drive, zoned SR-V2 (Suburban Residential–Varied 2 District); Capitoland Christian Center, zoned SR-C2;

West: Badger Mill Creek greenway, zoned CN; Country Grove Park, zoned PR; single-family residences in The Crossing subdivision, zoned SR-C2.

**Adopted Land Use Plans:** The 1993 [Cross Country Neighborhood Development Plan](#), as amended, recommends most of the subject site east of Badger Mill Creek for medium-density residential uses. The creek and small addition to Country Grove Park are recommended for park, drainage and open spaces uses, while the southwestern corner of the site is recommended for low-density residential uses. The neighborhood development plan also calls for the extension of Rockstream Drive through the site to connect to Maple Grove Drive, the extension of Manchester Road into the site across Maple Grove, and for Fairhaven Road to continue through the site to connect to the partially platted but unbuilt street along the southern edge of the Chavez School property.

The 2018 [Comprehensive Plan](#) recommends that the portion of the site located east of Badger Mill Creek be developed with Low-Medium Residential (LMR) uses. Development in LMR districts is generally recommended to have a density of 7-30 dwelling units per acre. LMR areas should be characterized by a walkable, connected street network. Development in the LMR districts may include one- to three-story structures comprised of small-lot single-family development, two- and three-unit buildings, rowhouses, and small multi-family buildings According

to the Comprehensive Plan, LMR areas should help meet the growing demand for walkable urban living and provide a transition from more intense development to lower intensity areas comprised primarily of single-family development. The portion of the site west of the creek is recommended for Low Residential development.

**Environmental Corridor Status:** Badger Mill Creek extends diagonally from northwest to southeast across the western half of the subject site, with attendant wetlands and floodplain parallel; all of those features are located within or adjacent to mapped environmental corridor. Additionally, a small wetland exists on the eastern edge of the site adjacent to the Manchester Road intersection, which is not located in the mapped corridor.

**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 adjacent to the site. The proposed development is outside Metro Transit's paratransit service area. The closest bus stop with scheduled bus service is a quarter-mile walking distance (Maple Grove Drive and Westin Drive), and the units would be greater than the three-quarters of a mile regulatory distance from all-day service for passengers who might be eligible for door-to-door paratransit service. The all-day service is located at on McKenna Boulevard at Carnwood Drive (north of McKee Road), which measures approximately one mile travel distance.

**Zoning Summary:** The following bulk requirements apply:

Requirements for:	Single-family Detached in TR-C3	Multi-Family Dwellings in TR-U1
Lot Area (sq. ft.)	3,000 sq. ft per lot	Generally 1,000 sq. ft. per unit
Lot Width	30'	50'
Front yard setback	15'	15'
Maximum Front Yard Setback	No more than 20% greater than block average up to 30' max.	No more than 20% greater than block average up to 30' max.
Side yard setback	Generally 5'	5-6'
Reversed Corner Side Yard Setback	8' (10' for garage)	12'
Rear yard	Street accessed: 20' Alley-accessed: 2'	Lesser of 25% lot depth or 20-25' depending on building type
Maximum lot coverage	75%	75%
Maximum building height	2 stories/35'	3 stories/40' to 5 stories/ 65' depending on building type
Usable open space (sq. ft. per unit)	500 sq. ft.	500 sq. ft.
<b>Other Critical Zoning Items</b>		
Yes:	Floodplain, Utility Easements, Adjacent to Parkland	
No:	Barrier Free, Urban Design, Wellhead Protection, Landmarks, Waterfront Development	
<i>Prepared by: Tim Parks, Planning Division and Jacob Moskowitz, Assistant Zoning Administrator</i>		

## Previous Approval

On April 10, 2018, the Common Council approved annexation from the Town of Verona of 36.5 acres of land owned by the Schmitt Family Trust, other Schmitt family members and the City of Madison. The annexation included a 10-foot wide strip of City-owned greenway, which existed to connect the development site to the rest of the Town.

## Project Description

The applicant, Fiduciary Real Estate Development, Inc., is requesting approval of a zoning map amendment and the preliminary plat of the "FRED Maple Grove Drive" subdivision. The subject site is an undeveloped 35.9-acre parcel located on the west side of Maple Grove Drive, approximately a half-mile south of McKee Road (CTH PD) and a quarter-mile north of Cross Country Road. The property was annexed to the City from the Town of Verona in April 2018.

The subject property is primarily characterized by rolling terrain that falls in all directions from a high point located near the center of the site. Badger Mill Creek crosses the site diagonally from northwest to southeast across the western half of the property. The creek on the subject site is buffeted by sections of the creek to the northwest and south, which are located in engineered greenways created when the adjacent properties were subdivided over the last 25 years. The portion of the site crossed by the creek is characterized by wetlands located on both sides of the floodway and a broad floodplain. A small wetland is also located adjacent to Maple Grove Drive where drainage from the unimproved road frontage collected. Most of the southern and eastern edges of the parcel are lined with mature canopy trees, with a few mature trees also located along the northern property line shared with Cesar Chavez Elementary School. The subject parcel is otherwise surrounded by residential development and Country Grove Park.

Access to the proposed FRED Maple Grove Drive subdivision will be provided primarily by two public streets to be extended west from Maple Grove Drive. Manchester Drive, shown as "A" Street on the plat, will be extended across Maple Grove from the Stone Meadows neighborhood to the east as an 80-foot collector street right of way, while "B" Street is proposed to extend along the northern property line as the southern half of an east-west street partially platted when the Chavez School property was created by the Cross Country School plat in 2000 prior to construction of the school. B Street will be a 70-foot right of way to accommodate the public street, which will serve the school and multi-family development envisioned on Lot 1 of the proposed plat. Currently, access to the southern parking lot and pick-up/drop-off lanes for the school is provided from driveways located in the platted but unimproved 33 feet of right of way on the school side, which will be reconfigured as driveways intersecting B Street. The right of way for B Street will also provide land for the completion of the Country Grove-Chavez Path, which extends across Country Grove Park to link the neighborhoods west of the park to the school.

West of the school, B Street is planned to turn due south and extend through the center of the development before turning westerly to connect to Rockstream Drive, a 60-foot wide local street that provides access to single-family residences in The Crossing subdivision. Additionally, the proposed plat will dedicate extensions of Ambleside Drive and Fairhaven Drive, which currently terminate adjacent to the southern edge of the site.

The proposed subdivision will primarily create three large parcels to be developed with various multi-family housing types in the TR-U1 zoning district. Lot 1 of the plat is proposed as a 4.56-acre parcel that will be bounded on two sides by B Street, Maple Grove Drive, and Manchester Road. A concept plan submitted with the application materials indicates that Lot 1 will be developed with 57 townhouse units to be located in eleven buildings across the lot, as well as a pool and clubhouse, which will be located along the Maple Grove Drive frontage. Lot 2 will be platted as a 4.84-acre block formed by Maple Grove, Manchester and Fairhaven, on which the applicant proposes to construct four three-story, L-shaped apartment buildings that will contain 210 units. Lot 3 is proposed as a 2.28-

acre parcel with frontage on B Street, Fairhaven, and Manchester, on which four “stacked flats” buildings with 32 total units are conceptually proposed. A total of 299 units are envisioned across the three TR-U1 lots proposed. The future multi-family development on Lots 1-3 will require subsequent conditional use approval by the Plan Commission prior to issuance of building permits for those lots.

In addition to the lots proposed for multi-family development, the plat proposes dedication of an approximately five-acre addition to Country Grove Park (Outlot 6), which will be located on the west side of B Street opposite the western end of extended Manchester Road in PR zoning. Three outlots (1, 2 and 7) will be dedicated to the City for stormwater management, while Badger Mill Creek will be reconfigured into two approximately 220-foot wide greenway outlots (3 and 8), which will be zoned CN.

The plat also creates three lots for future development in the southwestern corner of the property, which will be zoned TR-C3. Outlots 4, 5 and 9 will be located on both sides of extended Rockstream Drive and Ambleside Drive, and staff anticipates that the three outlots will be further subdivided into lots for single-family residences similar to those in the adjacent Nesbitt Valley and Crossing subdivisions once that portion of the property is regraded out of the floodplain. A revised preliminary plat and final plat will require separate approval to create those lots in the future.

## Analysis

The Cross Country Neighborhood Development Plan was first approved by the Common Council in 1993 to provide land use, utility and circulation recommendations for the portion of the City located south of McKee Road (CTH PD) generally between the cities of Verona and Fitchburg and north of Cross Country Road and Badger Prairie County Park. The plan recommends that most of the subject site east of Badger Mill Creek be developed with medium-density residential uses averaging 16 units per acre. The creek and small addition to Country Grove Park are generally recommended for park, drainage and open spaces uses, while the southwestern corner of the site is recommended for low-density residential uses around four (4) units per acre. The neighborhood development plan also calls for the extension of Rockstream Drive through the site to connect to Maple Grove Drive, the extension of Manchester Road into the site across Maple Grove, and for Fairhaven Road to continue through the site to connect to the partially platted but unbuilt street along the southern edge of the Chavez School property.

The 2018 Comprehensive Plan recommends that the portion of the site located east of Badger Mill Creek be developed with Low-Medium Residential (LMR) uses. LMR areas should be characterized by a walkable, connected street network, and the 2018 Generalized Future Land Use Plan incorporates future street connections across the site similar to those shown on the Cross Country Neighborhood Development Plan. Development in LMR districts is recommended to have a general density of 7-30 dwelling units per net acre and may include one- to three-story structures comprised of small-lot single-family development, two- and three-unit buildings, rowhouses, and small multi-family buildings. In some cases, larger multi-family buildings may be developed at densities of up to 70 units per acre primarily along arterial streets in the LMR district. According to the Comprehensive Plan, LMR areas should help meet the growing demand for walkable urban living and provide a transition from more intense development to lower intensity areas comprised primarily of single-family development. The current LMR land use recommendation for the site more closely mirrors the density recommendations of the neighborhood plan than the 2006 Comprehensive Plan, which recommended the site for Medium-Density Residential with a density range of 16-40 units per acre.

Planning staff believes that the zoning request and preliminary plat for the proposed FRED Maple Grove Drive subdivision is generally consistent with the recommendations for the site in the Cross Country Neighborhood Development Plan and 2018 Comprehensive Plan.

The three lots to be developed in the TR-U1 district will implement the medium-density residential and LMR land use recommendations of the adopted plans. The TR-U1 district generally requires a minimum of 1,000 square feet of lot area per multi-family dwelling unit, for a density of 43 units per acre. Based on the concept plan submitted with the zoning map amendment, the applicant proposes to develop 299 dwelling units on the 11.68 acres of land that comprises the three lots, for an overall net density of 25.6 units per acre. The mix of small apartment/ stacked flats buildings, townhouses and large apartment buildings is generally consistent with the variety of housing types recommended by the adopted plans, particularly the LMR recommendation in the Comprehensive Plan. The 210 units envisioned for Lot 2 will result in that lot being developed to the maximum density allowed in the TR-U1 district of 43 units per acre. Staff feels the proposed density of Lot 2 is appropriate despite being denser than recommended due to the presence of similarly scaled and moderately dense apartments and condominiums located on the neighboring lot to the south, as well as the lot's frontage along Maple Grove Drive. Staff further feels that the transition in density from east to west across the site from Maple Grove to the proposed addition to Country Grove Park will provide an appropriate transition to the single-family residences located west of the creek. As noted, additional details about the development of Lots 1-3 will be provided with the subsequent conditional use approvals that will be required for each lot prior to issuance of building permits.

The proposed FRED Maple Grove Drive subdivision will also implement many non-use-related recommendations in the City's adopted plans, which once constructed, will result in a more complete neighborhood along and west of Maple Grove Drive. These plat-related improvements include completion of Maple Grove Drive past the site, continuation of the greenway that contains Badger Mill Creek elsewhere throughout the Cross Country neighborhoods, including in the subdivisions located to the northwest and south of the subject site, and expansion of Country Grove Park across the creek, which should make more of the park accessible to more residents in the neighborhood.

Subdivision of the Schmitt Family property will also allow the street network envisioned in the Cross Country Neighborhood Development Plan to be completed. When the neighborhood was first planned over 25 years ago, two streets were proposed to cross Badger Mill Creek to link the western portion of the planning area to Maple Grove Drive between McKee Road and Cross Country Road. The northern of the two connections was platted and built as East Pass, a neighborhood collector street that intersects Maple Grove a quarter-mile north of the site and eventually winds west and south to intersect Cross Country Road. The second connection was planned as a local street that would link East Pass to Maple Grove through the southern half of the planning area through the subject Schmitt Farm property. Copies of the 1993 and current neighborhood development plan are attached to this report for reference.

Considerable time has passed since most of the properties surrounding the Schmitt Farm were developed, which has led to unplanned pressure on the street network due to most of the vehicle trips to and from the areas west of Maple Grove Drive relying on East Pass to provide access. The proposed extension of Rockstream Drive/ "B" Street across the creek to intersect Maple Grove adjacent to Chavez Elementary School should better distribute traffic through the neighborhood by providing an access point from Maple Grove Drive for vehicles destined for properties located south of Country Grove Park and the school. Rockstream Drive is a 32-foot wide street in a 60-

foot right of way at the southwestern corner of the site. At this time, the street extension through the plat is planned as a City project that will be assessed to abutting properties, including the school district's parcel. Initial plans for extended Rockstream Drive envision a local street cross-section from the creek to the west plat limits, and a slightly wider cross-section east of the creek to provide opportunities for on-street parking primarily to serve the park. A wide sidewalk is envisioned on the north and west sides of the street extension to provide an ample pedestrian environment for residents west of the creek traveling to the expanded park and school. The FRED plat will also facilitate completion of Ambleside Drive and Fairhaven Road.

## Conclusion

The Planning Division believes that the proposed zoning map amendment and preliminary plat of the FRED Maple Grove Drive subdivision are generally consistent with the recommendations for the site in the Cross Country Neighborhood Development Plan and 2018 Comprehensive Plan as well as the applicable standards for approval. Implementation of the subdivision and future development of Lots 1-3 should result in the range of housing options recommended for the site, albeit at densities that are somewhat higher than the density ranges envisioned. The proposed plat will also provide an engineered greenway for Badger Mill Creek, provide important street connections to complete the neighborhood, and expand a community park.

## Recommendation

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

The Planning Division recommends that the Plan Commission forward Zoning Map Amendment IDs 28.022-00364, 28.022-00365, 28.022-00366 and 28.022-00367, rezoning 3840 Maple Grove Drive from Temp. A to TR-C3, TR-U1, CN and PR, and the preliminary plat of the *FRED Maple Grove Drive* subdivision 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. Prior to final approval and recording of a final plat of this subdivision, the applicant shall work with the Planning Division and Capital Area Regional Planning Commission (CARPC) to revise the environmental corridor map to reflect the approved subdivision.
2. Note: Approval of the preliminary plat by the Plan Commission and Common Council does not constitute approval of future development on Lots 1-3. Based on the concept plan submitted with the zoning and preliminary plat requests, the plans for those lots would be considered "residential building complexes" as defined and regulated by the Zoning Code, which are a conditional use in the proposed TR-U1 zoning. Prior to the issuance of building permits for each of those lots, the applicant or successor shall obtain conditional use approval from the Plan Commission pursuant to the processes in Section 28.183 of the Zoning Code following a recommendation by the Urban Design Commission. Development of Lots 1-3 shall comply with the applicable bulk and design requirements of the Zoning Code, including the general provisions for residential districts in Section 28.031 and the building form standards in Section 28.172.

3. Note: Future development of Outlots 4, 5, and 9 shall require approval of a revised preliminary plat and final plat to create buildable lots.

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

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

4. The lot numbering on the preliminary plat does not match the lot numbering in the zoning documents. Reconciliation of the comments between the preliminary and final plats should be expected by the applicant.
5. FEMA delineated floodways are identified on Outlots 2-4 and 6-9. Of those Outlots 4 and 9 are identified for future development. Any lots designated for future development with wetlands or floodway or floodplain shall require dedication or public easement for stormwater and drainage purposes over the wetlands or floodway/flood plain. Outlots 2 and 7 are identified for public stormwater management. The ponds as shown in the zoning application nor any other stormwater management will be allowed in the floodway/flood plain.
6. A flood study is required to redefine the floodway/plain through this plat which the developer is financially responsible for as part of the land subdivision. Until the flood study is completed and approved, the developer shall abide by the boundaries of the floodplain and floodway as currently established by FEMA.
7. The applicant shall verify if Madison Metropolitan Sewerage District annexation fees are due with this proposal.
8. The applicant may be required to obtain Temporary Limited Easements for Grading and Construction purposes for the extension of Fairhaven Road that abuts the development on the southeastern corner of the plat. Additional street construction may be required to accommodate the abrupt change in geometry of Fairhaven Road at the south plat line.
9. The culvert crossing of future B Street (Rockstream Drive) shall be required to safely pass the 100-year storm. The developer shall be responsible to pay for all costs equivalent to the installation of two (2) 4x8-foot box culverts and box culvert wingwalls. The City shall be responsible for the remaining cost. The City would need to budget for this work and may have to construct under a separate contract. Budgeting and construction of the improvements may take over one year to complete.
10. The stormwater management plan is required to demonstrate how to safely pass a 100-year storm event in the public right of way and easements, and safely pass a 500-year storm event without damage to any buildings or structures.
11. The applicant will be required to record a deed restriction against lots that are identified to have critical flood elevations. The deed restriction will restrict the minimum building opening elevation to help mitigate against potential flooding.

12. Boundary markers will be installed on all public stormwater management properties to clearly define the property line between public and private property. The applicant will be responsible for the installation of the boundary markers.
  13. Any streets that are designed to have enclosed depressions must be able to pass the 100-year design storm either by pipe or with a safe overland flow.
  14. The City shall lead a project to construct Rockstream Drive (B Street) from east plat limits to west plat limits and assess adjacent property owners. The applicant shall execute a waiver of notice and hearing on the assessments for the improvement of Rockstream Drive for Lots 1 and 3 and Outlot 4, 5, and 9 [outlots for future development].
  15. The applicant is notified that permitting and construction, to City design, of the greenway through/adjacent to the plat is the financial responsibility of the developer.
  16. It is anticipated that the improvements on Fairhaven Road required to facilitate ingress and egress to the plat may require additional right of way and/or grading easements located outside the plat boundary. The developer shall acquire the right of way and/or sloping easements as required by the City at the developer's expense. In the event that the developer is unable to acquire the right of way and/or sloping easements required, the City shall assist the developer in acquiring the property and the developer shall pay the City for all costs associated with the acquisition.
17. The construction of this project will require that the applicant shall enter into a City/ Developer agreement for the required infrastructure improvements. The applicant shall contact City Engineering to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. Note: Obtaining a developer's agreement generally takes approximately 4-6 weeks, minimum.
  18. Two weeks prior to recording the final plat, a soil boring report prepared by a Professional Engineer, shall be submitted to the City Engineering Division indicating a ground water table and rock conditions in the area. If the report indicates a ground water table or rock condition less than nine (9) feet below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer.
  19. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat.
  20. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer 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 Phase 1 environmental site assessment (Phase 1 ESA), compliant with ASTM E1527-13, is required for the project area. The applicant shall provide one (1) digital copy and a paper copy only if specifically requested.

Staff review of this Phase 1 ESA will determine if a Phase 2 ESA is also required. Please submit report(s) to Brynn Bemis (608-267-1986, [bbemis@cityofmadison.com](mailto:bbemis@cityofmadison.com)) for review.

22. A portion of this project comes under the jurisdiction of the US Army Corp of Engineers and WDNR for wetland or flood plain issues. A permit for those matters shall be required prior to construction on any of the lots currently within the jurisdictional flood plain.
23. 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 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.
24. A minimum of two (2) working days prior to requesting City Engineering signoff on the final plat, the applicant shall contact either Tim Troester at 261-1995 ([ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com)) or Brenda Stanley at 261-9127 ([bstanley@cityofmadison.com](mailto: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. All charges shall be cleared prior to the land division (and subsequent obsolesces of the existing parcel).
25. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE. The project will be expected to meet a higher standard of erosion control than the minimum standards set by the WDNR in order to comply with TMDL limits.
26. The applicant shall submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: [bstanley@cityofmadison.com](mailto:bstanley@cityofmadison.com) (East) or [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com) (West). The digital copies shall be to scale, and shall have a scale bar on the plan set. The PDF submittals shall contain the following information: a) Building Footprints; b) Internal Walkway Areas; c) Internal Site Parking Areas; d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.); e) Right-of-Way lines (public and private); f) Lot lines or parcel lines if unplatted; g) Lot numbers or the words unplatted; h) Lot/Plat dimensions; i) Street names; j) Stormwater Management Facilities; and k) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
27. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including: a) SLAMM .DAT files; b) RECARGA files; c) TR-55/HYDROCAD/Etc., and; d) Sediment loading calculations. 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.
28. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year.

29. This development includes multiple building permits within a single lot. The City Engineer and/or the Director of the Building Inspection Division may require individual control plans and measures for each building.
30. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to: detain the 2-, 10-, and 100-year storm events, matching post development rates to predevelopment rates; reduce TSS by 80% (control the 5-micron particle) off of newly developed areas compared to no controls; provide infiltration in accordance with MGO Chapter 37; and complete an erosion control plan and 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 Madison General Ordinances.
31. The developer shall construct Madison standard street and sidewalk improvements for all streets within the plat.
32. The developer shall note the AASHTO design standards for intersection sight distance will be applied during the design of the streets within this plat.
33. The developer shall confirm that adequate sight distance exists where public streets intersect. If adequate sight distance does not exist, the developer shall change the location of the street intersection or agree to make improvements to the roadways such that the sight distance is achieved or make other mitigating improvements as required by the City.
34. The developer shall construct pavement, curb and gutter, terrace, and sidewalk on Maple Grove Drive along the extent of the plat as required by the City Engineer.
35. The developer shall be entirely responsible to construct southern 380 feet of Fairhaven Road that fronts the Outlot 2 stormwater parcel and existing apartments located at 3848 Maple Grove Drive as required by the City Engineer.
36. The developer shall grade the roadway crossing of the greenway to subgrade elevation.
37. The developer shall construct a Type IV sidewalk (maintained by adjacent property owner) along the southern plat limits from Maple Grove Drive to Fairhaven Road across Lot 2 and from Fairhaven Road to "B" Street across Lot 3.

**City Engineering Division – Mapping Section** (Contact Jeff Quamme, 266-4097)

38. All delineated wetlands shall be shown on the plat along with any required wetland setbacks for improvements within any developable lot.
39. The applicant shall be responsible to coordinate with the Madison Metropolitan School District access provisions necessary for the school during the construction of the public street and utilities within B Street.

40. Remove Parcel B from the title work prior to submittal of the final plat. Outlot 10 of Nesbitt Valley is not within the lands included in this proposed subdivision.
41. There is an unnamed portion of a dedicated street right of way per the plat of Cross Country School adjacent to this plat. The future resolution by the City of Madison for the approval of the final plat shall include language officially naming this un-named right of way to match the approved name of B Street.
42. There is a bend in Fairhaven Road at the south line of this plat. There shall be adequate right of way dedicated to accommodate a centerline street radius that complies with the street/ road design standards required by the City's Subdivision Ordinance.
43. Correct the section corners shown on the Preliminary Plat from Section 13 to Section 12.
44. A Public Storm Water Drainage Easement shall be provided over Outlots 3, 4, 8 and 9; the configuration shall be approved by the City Engineer.
45. The final plat shall include recorded as information along the exterior boundary as required by statute.
46. Any waters determined to be navigable shall be shown on the plat and the approximate high water elevation noted as required by statute.
47. The applicant shall be responsible to acquire sloping and grading easements over the adjacent Country Grove Condominiums as necessary for the construction of Fairhaven Road.
48. "A" Street is a continuation of Manchester Road.
49. The curvature of B Street maintains the appropriate odd/even address numbering. Therefore, the full length of B Street will be a continuation of Rockstream Drive.

**Zoning Administrator** (Contact Jacob Moskowitz, 266-4560)

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

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

50. The applicant shall dedicate an additional four (4) feet of right of way on "B" Street adjacent Outlots 6-9 to accommodate a widened sidewalk on the north and west sides of the street.
51. The applicant shall construct and provide a public access easement for a 10-foot wide pedestrian path to connect Maple Grove Drive to "B" Street along the southern edge of the plat.
52. The City shall lead a project to construct Rockstream Drive (B Street) from east plat limits to west plat limits and assess adjacent property owners. The applicant shall execute a waiver of notice and hearing on the assessments for the improvement of Rockstream Drive for Lots 1 and 3 and Outlot 3, 4 and 7.

53. 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.
54. The applicant shall execute and return a declaration of conditions and covenants (DCC) for streetlights and traffic signals prior to sign off of the final plat.
55. The applicant may be required to obtain Temporary Limited Easements for Grading and Construction purposes for the extension of Fairhaven Road that abuts the development on the southeastern corner of the plat. Additional street construction may be required to accommodate the abrupt change in geometry of Fairhaven Road at the south plat line.
56. The developer shall construct Madison Standard street and sidewalk improvements for all streets within the plat.
57. The developer shall be entirely responsible to construct southern 380 feet of Fairhaven Road that fronts the stormwater parcel and the existing apartments located at 3848 Maple Grove Road.
58. The developer shall construct pavement, curb and gutter, terrace, and sidewalk on Maple Grove Drive along the extent of the plat as required by the City Engineer.

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

59. Note: All multi-family residential lots shall comply with MGO Section 34 and all other applicable building and fire codes.

**Water Utility** (Contact Adam Wiederhoeft, 266-9121)

60. The developer shall construct the public water distribution system and services required to serve the proposed subdivision plat per MGO 16.23(9)(d)(3).
61. All public water mains and water service laterals shall be installed by a standard City of Madison Subdivision Contract. The applicant shall contact City Engineering Division to schedule the development of plans and the agreement. See Engineering Division comments for additional information.

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

This agency did not provide conditions of approval for this request.

**Parks Division** (Contact Sarah Lerner, 261-4281)

62. On the preliminary plat dated January 9, 2019, the applicant proposes to dedicate approximately five (5) acres of public park, identified as Outlot 5, the location of which is generally consistent with the Cross Country Neighborhood Development Plan.

63. The preliminary plat, as currently proposed, includes 299 multi-family units. The parkland dedication requirement for a multifamily unit is 734 square feet per MGO Sec. 16.23(8)(f) and 20.08(2). The total dedication requirement as proposed is approximately 5.05 acres. As proposed Outlot 5 is sufficient in size to fully meet the parkland dedication requirements.
64. Prior to sign off of the final plat, the boundaries of Outlot 5 will be revised so that none of the property dedicated for public parkland will be located within the floodway. FEMA delineated floodways are identified on Outlot 5. A flood study is required to redefine the floodway/plain through this plat, which the developer is financially responsible for as part of the land subdivision. Until the flood study is completed and approved, the developer shall abide by the boundaries of the floodplain and floodway as currently established by FEMA.
65. Prior to sign off of the final plat, the boundaries of Outlot 5 shall be revised so that all public sidewalk along "B" street shall be within roadright of way.
66. Since the stormwater management and park land dedications are shown adjacent to each other, a final determination of the parkland area that will be proposed for parkland dedication cannot be calculated until after the final stormwater master plan is completed.
67. Park-Infrastructure Impact Fee, per MGO Sec. 20.08(2), will be required for all new residential development associated with this subdivision. The applicant may enter into a development agreement for the park infrastructure improvements in lieu of paying Park impact fees. This development is within the West Park-Infrastructure Impact Fee district. The developer must select a method for payment of park impact fees prior to signoff of the final plat. Please reference ID# 19015 when contacting Parks Division staff about this project.
68. 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.
69. Lands that are dedicated for park purposes to fulfill the parkland dedication shall be suitable for park development. The applicant shall provide proposed grading plans prior approval of the area of dedicated public parklands. General guidelines for park development include:
- a.) Areas within a park to be used for open space for active and passive recreation shall be graded at 1-2% for the area where fields are proposed.
  - 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 proposed utilities will be allowed on public parkland without prior approval by the Parks Superintendent or his designee.
70. 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 parklands.

71. 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.
72. The applicant shall prominently stake all boundaries and property irons for lands to be dedicated for park purposes.
73. 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."
74. The applicant shall complete a tree inventory and health assessment for the trees located on the proposed expanded outlot dedicated for park purposes. The tree inventory and health assessment should be completed by an arborist and provided to the Parks Division with the final plat application.
75. The applicant shall provide soil borings for the expanded outlot dedicated for park purposes.

**City Forestry Section** (Brad Hofmann, 267-4908)

76. City Forestry will evaluate the terrace for new street tree plantings upon completion of the project. If there is space for new trees, City Forestry will schedule planting and assess the cost of the initial planting to the property owner.

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

77. Prior to final plat approval sign-off, the Owner's Certificate(s) on the Final Plat shall be executed by all parties having an interest in the property, pursuant to Wis. Stats. 236.21(2)(a). Certificates shall be prepared with the ownership interests consistent with the most recent title report. The executed original hard stock recordable plat shall be presented at the time of plat approval sign-off.
78. 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.
79. 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..."
80. The final plat shall include all of the necessary certificates and signature blocks for the City of Madison Common Council, Dane County Register of Deeds, City Treasurer, and Dane County Treasurer.
81. Under 236.21(3) Wis. Stats. and MGO Section 16.23(5)(g)(1), the property owner shall pay all real estate taxes and special assessments that are accrued or delinquent for all parcels within the plat boundary prior to 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; checks are payable to: City of Madison Treasurer; 210 Martin

Luther King, Jr. Blvd.; Madison, WI 53701. Real estate taxes for 2018 are paid for the subject property, and there are special assessments reported for the parcel within the plat boundary.

82. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish to Heidi Radlinger in the City's Office of Real Estate Services ([hradlinger@cityofmadison.com](mailto:hradlinger@cityofmadison.com)) as well as the surveyor preparing the plat, an updated title report covering the period between the date of the initial title report (January 4, 2019) 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.
83. 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 Heidi Fischer at 264-9297 to discuss the potential lease terms. Said leases are authorized by Resolution 13-00247 (ID 29183), adopted April 16, 2013.



# Cross Country Neighborhood Development Plan

As Adopted January 1993, Amended October 1998 and implemented through subdivision and zoning approvals

