



Department of Planning & Community & Economic Development
Planning Division

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May 24, 2013

David Nelson
Ruedebusch Development and Construction, Inc.
4605 Dovetail Dr.
Madison, Wisconsin 53704

RE: Approval of a request to rezone 32.9 acres of property located at 310-402 Cottage Grove Road and 904 Dempsey Road from A (Agriculture District) to TE (Traditional Employment District), TR-U1 (Traditional Residential–Urban 2 District), and TR-C3 (Traditional Residential–Consistent 3 District), and approval of a preliminary and final plat proposing 4 lots for employment uses, 51 lots for single-family residential development and 3 lots for multifamily residential development, and 3 outlots for greenspace and stormwater management.

Dear Mr. Nelson;

At its May 21, 2013 meeting, the Common Council **conditionally approved** your zoning map amendment and the preliminary and final plat for the Royster Clark subdivision, subject to the following conditions of approval:

Please contact my office at (608) 266-5974 if you have questions regarding the following two items:

1. On the final plat submitted for staff review and approval, “Street A” between its intersection with Royster Avenue and its northern approach to the traffic circle shall be narrowed from a 66-foot right of way to maximum 60-foot right of way, as this street will be designed as a local street to deter cut-through traffic. Details for this change shall be coordinated with City Engineering and Traffic Engineering staff prior to submittal of the plat for recording.

Note: When designed, the curb-to-curb pavement width of this street will likely be between 30 and 32 feet, with room for on-street parking, a public terrace, and a public sidewalk on both sides.

2. Lot 3 and Lot 5 shall be rezoned into the Traditional Residential-Urban 2 (TR-U2) District as proposed, but development will be limited to the maximum density allowable in the Traditional Residential-Urban 1 (TR-U1) District.

Note: This condition was revised by the Plan Commission on May 6 to the above.

Please contact the City Engineering Division at (608) 266-4751 if you have questions regarding the following thirty (30) items:

3. The location of monitoring wells must be overlain onto the approved plat map and provided to the City. Monitoring wells may only remain in the public right of way subject to City of Madison approval and will require a privilege in streets agreement.

4. Zones of residual soil contamination and groundwater plumes above the NR 140 ES must be overlain onto the approved plat map and provided to the City.
5. The City is still investigating how residual groundwater contamination will impact potential dewatering of site buildings. Dewatering may be required to go to the sanitary sewer.
6. Contaminated soil encountered during site construction must be handled and disposed of in compliance with all WDNR regulations.
7. Per MGO, the following note shall be placed on the face of the plat:

"Subsoil information indicates that the basement of structures on all the lots within this plat are to be at elevation 851 or higher or that a structural plan of the structure's foundation shall be submitted to the Director of the Building Inspection Division for approval with the application for a building permit as required information."

The elevation of the basement, as described in the paragraph to be placed on the plat, shall be a minimum of two (2) feet higher than the elevation of the ground water table.
8. The proposed sanitary sewer is shown as being connected to the City's existing 21-inch diameter sewer and the plan calls for the connection at the invert of the manhole. Connection of proposed sewer will need to be raised 21 inches (1.75ft). This revision will likely have impacts on the proposed utility improvements.
9. The Applicant shall enter into a maintenance agreement for the maintenance of the roundabout landscaping and median landscaping.
10. Define the use of Outlot 1 and 3 on the face of the plat. Define if these lots are intended to be private or public ownership.
11. The cul-de-sac on Royster Ave shall terminate in a circular turnaround having a minimum right-of-way diameter of one hundred (100) feet and minimum outside curb diameter of seventy-two (72) feet in residential areas. The reverse curve on a cul-de-sac shall have a fifty (50) foot minimum radius when the bulb is centered on the street and a one hundred (100) foot minimum radius when the bulb is offset.
12. The Developer shall continue to coordinate the right of way needs for Cottage Grove Road and the interior A Street with City Engineering, Traffic Engineering and Planning. The Developer shall revise and dedicate the right of way on Cottage Grove Road as required by the City Engineer.
13. The driveway location on Lot 57 may be difficult due to the proximity of the proposed roundabout. It is suggested that the lot layout be modified to provide more room from the splitter islands to allow for a reasonable drive apron.
14. Depending on the timing of the construction the City may construct the public improvements for the plat in 2013 or 2014. This work would be constructed as an assessable project with all costs associated with the construction, permitting, engineering and other activities related to the public improvements being assessed 100% back to the Developer. Construction of the proposed improvements on Cottage Grove Road would likely be constructed and assessed under a separate construction contract and would be assessed in accordance with the City's Assessment Policy.
15. If the City constructs the public improvements for this development the Developer shall provide for temporary limited easement over all lots within the plat. The temporary easements shall expire upon completion of the construction of the streets and infrastructure improvements and the completion of the warranty period for said improvements.

16. The Developer shall be responsible for the installation and the construction coordination of the private utilities, including but not limited to gas, telephone, and electric and/or fiber optic. The Developer's Contractor shall coordinate and work cooperatively with the City's contractor during the construction of the private utility, grading and public works infrastructure construction.
17. The Developer shall hire a consultant to design the proposed public stormwater management / drainage facility within the plat. The Developer shall provide the design for review and approval prior to the City signing off on the plat. The City shall construct and assess the public stormwater management / drainage facility with the assessable project.
18. The Developer shall be responsible to obtain all applicable permits for crossing the rail line with public improvements. Alternatively, if the City obtains permits, the Developer shall be required to pay for all City expenses for time and costs associated with obtaining the permits.
19. The Developer shall pay all MMSD charges prior to the City signing off on the plat.
20. The Developer shall execute a waiver of hearing and notice for the proposed infrastructure improvements on Cottage Grove Road and the streets interior to the plat prior to the sign off of the plat.
21. The Developer shall enter into a City/Developer agreement for the installation of public improvements required to serve this plat. The developer shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The developer shall meet with the City Engineer to schedule preparation of the plans and the agreement. The City Engineer will not sign off on this plat without the agreement executed by the developer (MGO 16.23(9)c).
22. Two weeks prior to recording the final plat, a soil boring report prepared by a Professional Engineer shall be submitted to the City Engineering Division indicating a ground water table and rock conditions in the area. If the report indicates a ground water table or rock condition less than 9' below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer (MGO 16.23(9)(d)(2) and 16.23(7)(a)(13)).
23. The Developer shall construct Madison Standard street and sidewalk improvements for all streets within the plat (MGO 16.23(9)(d)6).
24. All proposed street names shall be approved by the City Engineer. Applicant shall contact Lori Zenchenko (608-266-5952) with street name requests (MGO 16.23(8)(a)12).
25. An erosion control plan and land disturbing activity permit shall be submitted to the Engineering Division for review and approval prior to grading or any other construction activities. The Preconstruction Meeting for Public Improvements shall not be scheduled prior to issuance of this permit. The applicant shall demonstrate compliance with MGO Section 37.07 and 37.08 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 7.5-tons per acre per year.
26. The following notes shall be included on the final plat (MGO 16.23(8)(9)(b)2):
 - a) All lots within this plat are subject to public easements for drainage purposes which shall be a minimum of 6-feet in width measured from the property line to the interior of each lot except that the easements shall be 12-feet in width on the perimeter of the plat. For purposes of two (2) or more lots combined for a single development site, or where two (2) or more lots have a shared driveway agreement, the public easement for drainage purposes shall be a minimum of six (6) feet in width and shall be measured only from the exterior property lines of the combined lots that create a single development site, or have a shared driveway agreement, except that the easement shall be twelve (12) feet in width along the

perimeter of the plat. Easements shall not be required on property lines shared with greenways or public streets. No buildings, driveways, or retaining walls shall be placed in any easement for drainage purposes. Fences may be placed in the easement only if they do not impede the anticipated flow of water.

NOTE: IN THE EVENT OF A CITY OF MADISON PLAN COMMISSION AND/OR COMMON COUNCIL APPROVED REDIVISION OF A PREVIOUSLY SUBDIVIDED PROPERTY, THE UNDERLYING PUBLIC EASEMENTS FOR DRAINAGE PURPOSES ARE RELEASED AND REPLACED BY THOSE REQUIRED AND CREATED BY THE CURRENT APPROVED SUBDIVISION.

- b) The intra-block drainage easements shall be graded with the construction of each principle structure in accordance with the approved storm water drainage plan on file with the City Engineer and the Zoning Administrator, as amended in accordance with the Madison General Ordinances.

Information to Surveyors: In addition to notes such as this, WI State Plat Review now enforces the requirement that easements or other reference lines/areas be graphically shown, dimensioned and tied when they represent fixed locations. They will accept a "typical detail" when the easement or restriction can be effectively described and retraced from the typical detail.

Note for Engineering Staff: Verify zoning setbacks and drainage easements are not in conflict.

- 27. Prior to the issuance of building permits, the Developer shall submit a master stormwater drainage plan to the City Engineering Division for review and approval which shows lot corner elevations to the nearest 0.25-foot. For purposes of the plan, it shall be assumed that grading shall be done on a straight-line grade between points unless other information is provided. The proposed slope between points shall always be greater than or equal to .0075 ft/ft. If a break in grade is required between lot corners a shot shall be taken at that break in grade to provide the Engineer with enough information to interpret the plan. The Developer shall also show proposed drainage arrows on the plan to indicate the proposed direction of drainage (MGO 16.23(9)(D)).

The master storm water drainage plan shall be submitted to City Engineering in digital format with elevations/grades/contours shown on the recorded plat map of the development. The digital record shall be provided using the state plane coordinate system – NAD 27. NOTE: It is required that this plan shall be stamped by and Registered Land Surveyor.

The following note shall accompany the master storm water drainage plan:

For purposes of this plan, it is assumed that grading shall be a straight-line grade between points unless otherwise indicated. All slopes shall be 0.75% or steeper. Grade breaks between lot corners are shown by elevation or through the use of drainage arrows.

No building permits shall be issued prior to City Engineering's approval of this plan.

- 28. Prior to approval, this project shall comply with MGO Chapter 37 regarding stormwater management. Specifically, this development is required to:
 - a) Reduce TSS off of the proposed development by 80% when compared with the existing site.
 - b) Provide oil & grease control from the first 1/2" of runoff from parking areas.
 - c) 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 MGO Ch. 37.

Stormwater management plans shall be submitted and approved by City Engineering prior to signoff

- 29. Effective January 1, 2010 The Department of Commerce's authority to permit commercial sites for stormwater and erosion control has been transferred to the Department of Natural Resources. As this site is

greater than one (1) acre, the applicant is required by State Statute to obtain a Water Resources Application for Project Permits (WRAPP) from the Wisconsin Department of Natural Resources, prior to beginning construction. This permit was previously known as a Notice of Intent Permit (NOI). 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 City of Madison cannot issue an erosion control and stormwater management permit until concurrence is obtained from the WDNR (NOTIFICATION).

30. A minimum of two (2) working days prior to requesting City Engineering signoff on the plat the applicant shall contact Janet Dailey (608-261-9688) to obtain the final stormwater utility charges that are due and payable prior to sub-division of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service. All charges shall be cleared prior to the land division (and subsequent obsolesces of the existing parcel) (POLICY).
31. The Developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat (MGO 16.23(9)(d)).
32. All outstanding Madison Metropolitan Sewerage District (MMSD) and 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. Contact Janet Dailey (608-261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff (MGO 16.23(9)(d)(4))

Please contact Eric Halvorson of the Traffic Engineering Division at (608) 266-6527 if you have questions about the following two (2) items:

33. The Traffic Signal and Street Light declaration of conditions and covenants shall be executed and returned to City Traffic Engineering.
34. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Please contact Pat Anderson, Assistant Zoning Administrator at (608)266-5978 if you have questions about the following item:

35. Proposed lots shall be subject to the General Provisions for Residential Districts Section 28.031 as well as usable open space Section 28.140 of the Madison General Ordinances.

Please contact Bill Sullivan of the Madison Fire Department at (608) 261-9658 if you have any questions regarding the following item:

36. Provide the following information to the buyer of each individual one- or two-family lot: Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D and SPS 382.40(3)(e). Additional information is available at the Home Fire Sprinkler Coalition website: <http://www.homefiresprinkler.org/Consumer/ConsHome.html>.

Please contact Kay Rutledge of the Parks Division at (608) 266-4714 if you have any questions regarding the following four (4) items:

37. The developer shall pay \$188,085.96 for park dedication and development fees for the new 51 SF units shown in the plat (see below). The fees for the MF units identified for lots 3, 4 and 5, and any others, will be assessed when the multi-family residential development is proposed and approved. The park dedication requirement for a multi-family unit equals 700 square feet per dwelling unit. The fee in lieu of parkland dedication for multi-family units is \$1,708.00 per unit in 2013. The park development fee for a multi-family unit in 2013 is \$645.40 per dwelling unit. Park impact fees are adjusted on January 1 of each calendar year, and the park impact fees due at the time of building permit issuance may be higher than the amounts stated above to reflect these annual adjustments.

Fees in lieu of dedication = (51 SF @ \$2,684.00) = \$136,884.00
<u>Park development fees = (51 SF @ \$1,003.96) = \$51,201.96</u>
Total fees = \$188,085.96

38. The developer must select a method for payment of park fees before signoff on this approval. This development is within the Olbrich park impact fee district (SI25). Please reference ID# 13123 when contacting Parks Division staff about this project.
39. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Please submit an existing inventory of trees (location, species, & DBH) and a tree removal plan (in PDF format) to Dean Kahl – dkahl@cityofmadison.com or 266-4816. Approval and permitting of street tree removals shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan.
40. Existing street trees shall be protected. Please include the following note on the site plan: Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266-4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry. Tree protection specifications can be found in section 107.13 of *City of Madison Standard Specifications for Public Works Construction* - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part1.pdf>

Please contact Dennis Cawley of the Madison Water Utility at (608) 261-9243 if you have any questions regarding the following item:

41. All operating private wells shall be identified and permitted by the Water Utility in accordance with MGO 13.21. All unused private wells shall be abandoned in accordance with MGO 13.21. This property is not in a Wellhead Protection Zone.

Please contact Jenny Frese, City Real Estate, at (608)267-8719 if you have questions about the following item:

42. City Real Estate staff may have additional comments for the applicant following review of the complete title report for the property.

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

Additional Note: AT&T has proposed a six foot utility easement for the perimeter of several of the new lots (please see attached map) Please contact Marquis Young, Contract Support Engineer at 608-252-2448 with questions about this proposal.

As soon as the comments and conditions have been satisfied as verified with a completed affidavit form (attached), the original along with the revised final plat, with all signatures and approvals from the reviewing agencies, shall be brought to this office for final signoff. You or your client may then record the final plat at the Dane County Register of Deeds. For information on recording procedures and fees, contact the Register of Deeds at 266-4141.

Any appeal regarding the plat, including the conditions of approval related thereto, must be filed with the Circuit Court within thirty (30) days from the date of this letter. **The approval of this plat shall be null and void if not recorded in twelve (12) months from the date of this letter.**

If I may be of any further assistance, do not hesitate to contact me at 266-5974.

Sincerely,

Heather Stouder, AICP
Planner

cc: Janet Dailey, City Engineering Division
Eric Halvorson, Traffic Engineering Division
Dennis Cawley, Madison Water Utility
Bill Sullivan, Madison Fire Department
Pat Anderson, Assistant Zoning Administrator
Jenny Frese, Office of Real Estate Services
Kay Rutledge, Parks Division
Dan Everson, Dane County Planning & Development