



Department of Planning & Community & Economic Development  
**Planning Division**

Website: [www.cityofmadison.com](http://www.cityofmadison.com)

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May 23, 2013

Bob Zoelle  
United Financial Group, Inc.  
660 W. Ridgeview Drive  
Appleton, Wisconsin 54911

RE: Approval of an amended request to rezone 33.2 acres of property located at 9601 Elderberry Road from A (Agriculture District) to TR-U1 (Traditional Residential–Urban 1 District), SR-V2 (Suburban Residential–Varied 2 District) and TR-V2 (Traditional Residential–Varied 2 District), and approval of a preliminary plat proposing 6 lots for future residential development with up to 390 dwelling units, 1 lot for unspecified future development, and 2 outlots for stormwater management.

Dear Mr. Zoelle;

At its May 21, 2013 meeting, the Common Council **conditionally approved** your zoning map amendment (as amended) and the preliminary plat of the Highlands Community subject to the following conditions of approval:

**Please contact the City Engineering Division at (608) 266-4751 if you have questions regarding the following twenty-four (24) items:**

1. The development of Lot 7 is reliant on the future extension of public storm sewer and sanitary sewer facilities from the south. Lot 7 may be subject to impact fees for the Lower Badger Mill Creek Sanitary and Stormwater Management Impact Fee District.
2. The applicant shall coordinate the final stormwater management design with the design of the final phases of the adjacent Woodstone plat.
3. This development is dependent on off-site sanitary sewer being built to the intersection of Cobalt Street and Bear Claw Way, which is planned to be constructed in the summer of 2013 with the final phases of the Woodstone development.
4. Duplex properties shall have either two separate sanitary sewer laterals or an ownership agreement, which shall be recorded at the Dane County Register of Deeds.
5. The developer shall construct sidewalk along Elderberry Road and shall construct asphalt tapers, shoulders and ditching on Elderberry Road to the west of the plat.
6. The developer shall construct sidewalk, curb and gutter, asphalt pavement, asphalt tapers, shoulders, ditching, and storm sewer on Elderberry Road, in accordance with the plans approved by the City Engineer and City Traffic Engineer.

7. The developer shall coordinate the necessary right of way dedication on Elderberry Road and on Bear Claw Way as determined by the City Engineering, Traffic Engineering and the Planning divisions.
8. The developer shall be responsible for the construction of Wilrich Street to allow for a minimum of half of a street and the utilities necessary to serve Lot 6 and 7.
9. 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.
10. 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 feet below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer.
11. This development is subject to impact fees for the Elderberry Neighborhood Sanitary Sewer Improvement Impact Fee District. All impact fees are due and payable at the time building permits are issued. The following note shall be put the face of the plat: "Lots/ buildings within this subdivision are subject to impact fees that are due and payable at the time building permit(s) are issued."
12. The developer shall construct Madison Standard street and sidewalk improvements for all streets within the plat.
13. The developer shall note that City funds for outlot frontage are limited and will be determined at the sole discretion of the City.
14. The developer shall make improvements to Elderberry Road to facilitate ingress and egress to the plat.
15. All proposed street names shall be approved by the City Engineer. The applicant shall contact Lori Zenchenko ((608) 266-5952) with street name requests.
16. An erosion control plan and land disturbing activity permit shall be submitted to the City 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 Section 37.07 and 37.08 of the 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 7.5-tons per acre per year.
17. The following notes shall be included on the final plat:
  - 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.

- 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.

NOTE: In the event of a City of Madison Plan Commission and/or Common Council approved re-division 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.

Information to Surveyor's: 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.

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

The following note shall accompany the master stormwater 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."*

19. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to detain the 2, 10 & 100-year storm events; control 80% TSS (5 micron particle), provide infiltration in accordance with Chapter 37 of MGO, 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 MGO.
20. Effective January 1, 2010, the Wisconsin Department of Commerce's authority to permit commercial sites for stormwater and erosion control has been transferred to the Wisconsin Department of Natural Resources (WDNR). As this site is greater than one acre, the applicant is required by State Statute to obtain a Water

Resources Application for Project Permits (WRAPP) from the WDNR prior to beginning construction. This permit was previously known as a Notice of Intent Permit (NOI). Contact Eric Rortvedt of the WDNR at 273-5612 to discuss this requirement. The City of Madison cannot issue an erosion control and stormwater management permit until concurrence is obtained from the WDNR.

21. A minimum of 2 working days prior to requesting City Engineering signoff on the plat, the applicant shall contact Janet Dailey (261-9688) to obtain the final stormwater utility charges that are due and payable prior to subdivision 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).
22. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat.
23. 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 working days prior to requesting City Engineering signoff.
24. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).

**Please contact Eric Halvorson of the Traffic Engineering Division at (608) 266-6527 if you have questions about the following five (5) items:**

25. The applicant shall dedicate 62 feet of right of way for Spirit Street from Bear Claw Way to Street A and Street B from Bear Claw Way to the westerly extent of the plat.
26. The applicant shall dedicate right of way for the future construction of a roundabout at Elderberry Road and Bear Claw Way.
27. Additional bicycle facilities shall be provided along Bear Claw Way to connect neighborhood to the future regional shared-use path along Mineral Point Road.
28. The applicant shall execute and return a declaration of conditions and covenants for streetlights and traffic signals prior to sign off.
29. 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 Dennis Cawley of the Madison Water Utility at (608) 261-9243 if you have any questions regarding the following two (2) items:**

30. Public water mains will be designed by the Madison Water Utility and shall be installed by standard City of Madison Subdivision Contract. PVC is not an acceptable material for public water mains in the City of Madison.
31. All operating private wells shall be identified and permitted by the Madison Water Utility and all unused private wells shall be abandoned in accordance with MGO Sec. 13.21.

**Please contact Bill Sullivan of the Madison Fire Department at (608) 261-9658 if you have any questions regarding the following two (2) items:**

32. Provide fire apparatus access as required by IFC 503 2009 edition, MGO Section 34.503, as follows and as approved by the Fire Department:
  - a. The site plans for all future buildings shall clearly identify the location of all fire lanes.
  - b. IFC 503 Appendix D105, Provide an aerial apparatus access fire lane that is at least 26 feet wide, with the near edge of the fire lane within 30 feet and not closer than 15 feet from the structure, and parallel to one entire side of the structure, if any part of a future building is over 30 feet in height.
  - c. Provide a fire lane that extends to within 150 feet of all exterior portions of the structure, or it can be extended to within 250 feet if the building is fully sprinklered.
  - d. Provide a minimum unobstructed width of 26 feet for at least 20 feet on each side of a fire hydrant.
  - e. Fire lanes shall be constructed of concrete or asphalt only, and designed to support a minimum load of 85,000 lbs.
  - f. Where there is a change in the direction of a fire lane, the minimum inside turning radius shall be at least 28 feet.
  - g. Provide a fire lane with the minimum clear unobstructed width of 20 feet.
  - h. Provide a completed MFD "Fire Apparatus Access and Fire Hydrant Worksheet" with any future site plan submittal; the form is available at [www.madisonfire.org](http://www.madisonfire.org)
33. Occupants shall be capable of self preservation without physical assistance or additional life safety features will be required to assist with the extended evacuation that would be required.

**Please contact Kay Rutledge of the Parks Division at (608) 266-4714 if you have any questions regarding the following three (3) items:**

34. The developer shall pay \$928,502.48 in park dedication and development fees for the development consisting of 8 single- or two-family units and 382 multi-family units. This development is within the Elver park impact fee district (S131). Please reference ID# 13117 when contacting Parks Division staff about this project.

Fees in lieu of parkland dedication in 2013 are \$2,684.00 per single- or two-family unit and \$1,708.00 per multi-family unit. Park development fees in 2013 are \$1,003.96 per single- or two-family unit and \$645.40 per multi-family 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.

35. Lots 1 and 2 are targeted for seniors (55 and over). The calculation of the park impact fees for these lots can be further reduced if this development will be deed-restricted to persons 55 years of age or older. In accordance with MGO Section 16.23(8)(f)4, "... where a multi-family development in whole or part will be limited to occupancy by persons fifty-five (55) years of age or older by appropriate recorded restriction for a period of not less than thirty (30) years, ...", a restriction that remains in effect for 30 years limiting these units to persons 55 years of age or older must be recorded. Please contact Kay Rutledge for appropriate deed language.
36. Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right of way. Permission for such activities must be obtained from the City Forester, 266-4816.

**Please contact my office at 261-9632 if you have questions regarding the following three (3) items:**

37. That a revised preliminary plat be submitted with the first final plat of the Highlands Community subdivision that includes the following revisions to the overall development:
- a. Outlot 2 shall be reoriented to not parallel Bear Claw Way; Planning and City Engineering staff believe that the stormwater outlot could be turned perpendicularly into proposed Lot 6 to allow future buildings on that lot to be placed closer to Bear Claw Way without impacting the stormwater management requirements for the development;
  - b. That the applicant explore the connection of Street A to Veritas Drive across proposed Lot 7;
  - c. Street C shall be extended north from Street B to at least Spirit Street;
38. The final plat of the property shall establish a 30-foot building setback line along Elderberry Road for Lots 1-3, as would be consistent with the same restriction to the east on the adjacent Woodstone plat.
39. That Lot 7 of the preliminary plat be submitted as an outlot for future development with the final plat of the property.

**The Office of Real Estate Services did not provide specific comments on the preliminary plat but will have comments at such time as a final plat is submitted for the property; those comments will need to be addressed prior to final approval and recording of the final plat. Please contact Jenny Frese of at 267-8719 for more information.**

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

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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. If I may be of any further assistance, do not hesitate to contact me at 261-9632.

Sincerely,

Timothy M. Parks  
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