

CITY OF MADISON, WISCONSIN

REPORT OF: City Attorney	PRESENTED _____ REFERRED _____	Plan Comm. 5/2/05 <u>Plan Comm. 5/16/05</u>
TITLE: Approval of Preliminary Plat of Meadow Estates, Town of Middleton--ETJ	REREFERRED _____ _____ REPORTED BACK _____ _____	Plan Comm. 6/6/05 _____
AUTHOR: James M. Voss Assistant City Attorney	ADOPTED _____ POF _____ RULES SUSPENDED _____ ID NUMBER <u>01107</u>	_____ _____
DATED: May 18, 2005		

TO THE PLAN COMMISSION, MAYOR AND COMMON COUNCIL:

This Preliminary Plat of Meadow Estates, located in the SW ¼ of the NE ¼ of Section 32, Town of Middleton, is within the City's extraterritorial plat approval jurisdiction for only one limited purpose--the establishment of a realigned highway connection between Pioneer and Meadow Roads. The City's agricultural or non-agricultural land division criteria for extraterritorial plats are not applicable west of the Boundary Line established by the State approved Final City of Madison and Town of Middleton Cooperative Plan. The Boundary Line in this area is currently located at Meadow Road. The following language from the Plan is controlling for this subdivision plat and perhaps one or two others north of it located in the W ½ of the NE ¼ of section 32:

13.02 Development of Town Territory West of Boundary Line. The rules applicable to development in the Town territory West of the Boundary Line are as follows:

- (a) Except as otherwise provided in paragraphs (b) and (c) of this subsection, the City shall exercise no extraterritorial jurisdiction West of the Boundary Line for zoning, subdivision, official mapping or otherwise.
- (b) (not applicable)
- (c) The City may exercise its official map authority and extraterritorial subdivision jurisdiction for purposes of establishing a highway connection between Pioneer Road and Meadow Road through the W ½ of the NE ¼ of section 32. The Town shall not take any action inconsistent with the City's exercise of authority under the preceding sentence. If and when such highway is permanently established by the dedication of any portion thereof, the Boundary Line shall be moved to the centerline of such highway. (emphasis supplied)

The Cooperative Plan recognizes a two-step process to permanently establish the Pioneer/Meadow Road connection as the Town and City deemed to be in the public interest. First, official mapping of the proposed right-of-way designated the location of the new connector segment on the City's Official Map. Contrary to statements made at the Plan Commission meeting of May 16, the Official Map amendment did not "establish" the highway connection, and it does not reestablish or move the Boundary Line.

Second, as the highlighted language suggests, the highway is "permanently established" by the dedication of any portion thereof. That dedication is typically accomplished by such extraterritorial plats which are only before the Plan Commission "for purposes of establishing" the new highway connection between Pioneer and Meadow Roads. The agricultural or non-agricultural extra-territorial plat approval

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criteria do not apply to this plat, by virtue of the limited scope of the extraterritorial plat approval jurisdiction set forth in the Cooperative Plan. The criteria are generally not applicable to the limited purpose of these plat approvals for dedication of highway right-of-way under the Plan. The pertinent question before the Plan Commission should be whether the new Pioneer highway right-of-way connector is properly placed on these plats for dedication to the public (Town and City).

Because the Boundary Line remains at Meadow Road until the highway creating the Pioneer Road-Meadow Road connection is established by dedication, the City of Madison's ETJ review authority at this time does not encompass the other lands within the plat on either side of that proposed road alignment. Notwithstanding, the preliminary plat of Meadow Estates only proposes the creation of two non-buildable outlots north and east of the proposed road. Once the final plat is approved and the roadway dedicated, any additional subdivision or development on these outlot lands east of the new Boundary Line will be subject to the City's ETJ review authority and other authority established by the Cooperative Plan.

Cooperative Plans under Section 66.0307, Wisconsin Statutes, such as the City of Madison and Town of Middleton Cooperative Plan, permit the City and Town to cooperatively resolve boundary line issues and disputes in a non-adversarial format which, when approved by the Wisconsin Department of Administration, Division of Intergovernmental Relations, will determine when, where and how boundaries between the parties are to be changed and/or maintained. Rather than to engage in recurring disputes over annexations to the City and extraterritorial plats in the Town, the parties mutually agreed to alter those relationships in a manner that each can accept. The State approval of the Cooperative Plan effectively alters statutory and local law in this regard that would otherwise apply to boundary adjustments and development approvals in the absence of such a Plan.

At the time that the underlying Intergovernmental Agreement which formed the basis for this Cooperative Plan was negotiated and signed in March, 2002, the exact location of the Pioneer/Meadow Road connection had not been determined by the City Engineer. Therefore, the parties agreed to a two-step process that would legally locate it on the City's Official Map and create or establish the connection by dedication(s). Upon dedication (by plat or other means) of the new highway right-of-way, the Boundary Line is to be adjusted accordingly. That process to achieve the dual purposes of establishing a north-south connection between Pioneer and Meadow Roads, and to thereby alter the Boundary Line, was incorporated unchanged into the final Cooperative Plan approved by the State. This is a relatively unique and limited use of our extraterritorial plat approval authority for the principal and limited purpose of establishing the new realigned roadway and, subsequently, the realigned Boundary Line under the terms of the state approved Cooperative Plan.

PLANNING UNIT REPORT
DEPARTMENT OF PLANNING AND DEVELOPMENT
May 16, 2005

RE: ID# 01107: Approval of the preliminary plat of "Meadow Estates"– Town of Middleton, in the City's Extraterritorial Plat Approval Jurisdiction

1. Requested Action: Consideration of the preliminary plat of "Meadow Estates," creating 11 single-family lots and three outlots in the northeast quarter of the northeast quarter of Section 32, Township 7 N, Range 8 E, Town of Middleton, Dane County, Wisconsin within the City of Madison's Extraterritorial Jurisdiction.
2. Applicable Regulations: Section 16.23, Land Subdivision Regulations, Madison General Ordinances provides the requirements for subdivisions located within the corporate limits of the City of Madison or within the Extraterritorial Plat Approval Jurisdiction.
3. Report Drafted By: Timothy M. Parks, Planner

GENERAL INFORMATION

1. Property Owner: Tim Cornet; PO Box 45410; Madison, Wisconsin 53744.

Land Surveyor: Dan Frick, Mayo Corporation; 600 Grand Canyon Drive; Madison, Wisconsin 53719
2. Requested Action: Approval of a preliminary plat to allow creation of 11 single-family lots and three outlots on approximately 26.3 acres.
3. Parcel Location: Generally located on the west side of Meadow Road, a half-mile south of Valley View Road, in the Town of Middleton; Middleton-Cross Plains School District.
4. Existing Zoning: County R-3 (Residence District)
5. Existing Land Use: Undeveloped with the exception of a stand alone shed in the southeastern quadrant of the site.
6. Proposed Land Use: 11 single-family lots, one outlot for private stormwater management and two lots for future development in the City of Madison in county R-1 and A-1 zoning.
7. Surrounding Land Use and Zoning: The subject site is primarily surrounded by undeveloped lands in County A-1 (Agriculture) zoning with the exception of a scattering of single-family residences on large lots located generally to the south along Meadow Road.
8. Basis for Referral: Criteria for non-agricultural subdivision.

9. Environmental Corridor Status: There are no mapped environmental corridors located on the subject property.
10. Public Utilities & Services:
Water: Property is not served by municipal water
Sewer: Property is not served by municipal sewer
Fire protection: Middleton Fire Department
Emergency medical services: Middleton Fire Department
Police services: Dane County Sheriff – District W3
School District: Middleton-Cross Plains School District

ANALYSIS AND EVALUATION

Proposed Subdivision: The applicant is requesting approval of a preliminary plat to allow a 26.3-acre parcel of land located approximately a half-mile south of Valley View Road on the west side of Meadow Road to be subdivided into 11 single-family and three outlots. The property is undeveloped with the exception of a shed located in the southeastern quadrant of the site. An asphalt driveway crosses the southern tier of the property leading to a single-family residence located on a large parcel located south of the subject site. The topography of the site falls gradually approximately 40 feet from the northwestern corner of the property to the south and east towards low-lying areas located in the southeastern corner of the site and on lands to the south. The property is largely devoid of significant vegetation and is in agricultural use at this time.

The 11 single-family lots will be located west of the future alignment of the southern portion of Pioneer Road, which will be established by this subdivision. At present, Pioneer Road terminates at Valley View Road, approximately a half-mile north of the site, while Meadow Road extends from Valley View Road south to Midtown Road. The City of Madison and the Town of Middleton entered into a cooperative agreement on March 28, 2002 that establishes the future western boundary of the City as Pioneer and Meadow Roads. The cooperative plan includes a provision for the realignment of Pioneer Road southeast into Meadow Road to create a continuous north-south route extending from Old Sauk Road on the north to Midtown Road on the south. The realigned roadway will be known as Pioneer Road. The cooperative agreement anticipated that development on the west side of Pioneer Road would occur in the Town and development east of Pioneer Road would occur in the City.

The 11 single-family lots will be developed in the Town of Middleton in County R-1 zoning and will range in size from 0.75 acres to 1.19 acres, with an average size of 0.92 acres per lot. Six of the proposed lots will abut realigned Pioneer Road, with the remaining lots to front either a new east-west street that will extend west from Pioneer Road or a short north-south street that will extend south from the east-west street. An outlot will be dedicated adjacent to the southern property line next to Pioneer Road to serve as a stormwater management tract for the 11

residential lots. The remaining 10.15 acres will be platted as two outlots that will be reserved for future development in the City of Madison once the necessary infrastructure has been extended to serve this area. The residences proposed west of Pioneer Road will be served by individual septic systems. The lots proposed should conform to Dane County zoning requirements for unsewered lots, which are required to have a minimum of 20,000 square feet of lot area. The two outlots east of Pioneer Road will remain zoned County A-1.

The property is not located in an identified environmental corridor.

Approval of the preliminary plat by the Town of Middleton and Dane County: Section 236.10 (b) of the Wisconsin State Statutes requires that subdivisions in the City's Extraterritorial Plat Approval Jurisdiction receive approval from the town of record and Dane County prior to consideration of the request by the Plan Commission.

The Middleton Town Board approved the proposed subdivision on September 13, 2004. Dane County granted conditional approval of the proposed land division as outlined in a letter dated May 10, 2005 from Norbert Scribner, Land Division Review, Dane County Department of Planning and Development.

City of Madison Land Use Plan: The subject site is not located within the boundaries of an adopted neighborhood development plan and the 1988 Land Use Plan. The property is located in zone W6 of the 1990 Peripheral Area Development Plan, which was identified as a "transition reserve" zone due to the presence of low-density residential development that had begun to encroach upon the agricultural nature of the area in 1990 and the opportunity for planned development expansion into portions of this area. The forthcoming Comprehensive Plan includes a draft recommendation of "low-density residential" for the area east of Pioneer Road, though more detailed neighborhood planning will first be required before development could proceed.

Land Division Criteria: The Subdivision Regulations provide two criteria for consideration of land divisions in the City's extraterritorial plat approval jurisdiction:

Agricultural Land Division Criteria: The Plan Commission may grant approval of a land division subdividing portions of agricultural lands provided that the Commission shall determine that the proposed land division will assist and assure the continuation of the agricultural use.

Non-Agricultural Land Division Criteria: In the case of nonagricultural lands, the Plan Commission may recommend approval of a subdivision to the Common Council or may grant approval of a land division provided that the Plan Commission shall determine that the proposed subdivision or land division complies with each of the following four criteria:

- a. The proposed subdivision or land division shall be compatible with adjacent land uses and shall maintain the general land use pattern of the area in question.

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- b. The proposed subdivision or land division shall result in a development pattern that is compatible with surrounding developments and land uses. Measures of compatibility shall consider lot sizes, traffic generation, access, noise and visual features.
- c. The proposed subdivision or land division and the resulting development shall not demonstrably adversely affect the City's ability to provide public services, install public improvements or accomplish future annexations. The Plan Commission may consider annexation agreements with the property owner in order to comply with this requirement. The Plan Commission may also consider whether the City and Town(s) have reached an agreement on necessary public improvements and public services facilities required to serve the development.
- d. The proposed subdivision or land division shall comply with one of the following:
 - i. The proposed subdivision or land division shall represent infilling of vacant land. Infilling is defined as a subdivision or land division which will accommodate the development of vacant land located such that surrounding existing land uses render the land impractical for any but similar uses.
 - ii. The proposed subdivision or land division shall provide permanent open space lands for use by the general public in conformance with the adopted Parks and Open Space Plan for Dane County, Wisconsin, the City of Madison adopted Parks and Open Space Plan or the City's other adopted Master Plan elements, including the Peripheral Area Development Plan. The permanent open space lands shall be accessible and open for use by the general public. The open space lands shall be exclusive from, and in addition to, lands required for dedication to comply with applicable public parks and open space dedication requirements and shall be provided at a ratio of two acres of permanent open space lands for every one-acre of developed lands, including street rights of way. For the purpose of this provision, wetlands, flood plain lands, steep slopes, or other lands which are not developable because of sensitive environmental features shall not be counted as permanent open space lands in calculating the ratio of permanent open space lands provided versus developed lands. Steep slopes shall include lands which have grades of twenty percent (20%) or more.

As this is not an agricultural site, the CSM will be reviewed as a non-agricultural land division. The abovementioned agreement between the City of Madison and the Town of Middleton reestablished the City's extraterritorial plat approval jurisdiction. Under State statute, a City may review subdivisions within three miles of its borders but may establish an extraterritorial boundary less than that by resolution of its governing body. Pursuant to the City-Town agreement, the City's extraterritorial jurisdiction was generally limited on the west to Pioneer and

Meadow Roads with the exception of land west of Meadow Road in the northeast quarter of Section 32 of the Town of Middleton. Lands in this area are included in the Madison's extraterritorial jurisdiction to allow the City to review subdivisions for the purposes of establishing the correct alignment of future Pioneer Road. Upon the establishment of the new Pioneer Road right of way, the extraterritorial jurisdiction line will revert to the centerline of the new road.

In reviewing the proposed land division against the non-agricultural standards above, the Planning Unit believes that all such standards are met. The eleven single-family lots west of Pioneer Road appear consistent with the development pattern present in the Town of Middleton of large, unsewered single-family lots, including lots located to the northwest of the site on Hickory Hill Road. Staff finds the proposed realignment of Pioneer Road to be consistent with the alignment recommended for this property by the City Engineer.

CONCLUSION

The applicant is requesting approval of a preliminary plat creating 11 single-family lots and one stormwater outlot west of realigned Pioneer Road and two outlots for future development east of Pioneer Road. The subdivision creates lots that are generally in keeping with lots located elsewhere in the Town of Middleton and that appear to conform to County R-1 zoning requirements. The proposed subdivision complies with the requirements of the City of Madison-Town of Middleton agreement and cooperative plan for the establishment of the new alignment of Pioneer Road and concludes that the non-agricultural land division standards have been met. The Planning Unit strongly supports this project since it will implement the objectives of the cooperative agreement and secure the alignment of relocated Pioneer/Meadow Road.

RECOMMENDATION

The Planning Unit also recommends that the Plan Commission forward **The Preliminary Plat of Meadow Estates** to the Common Council with a recommendation of **approval**, subject to input at the public hearing and the following conditions:

1. Comments from reviewing agencies.
2. That the developer submit a final plat for approval in accordance with the Section 16.23 (5)(c) of the Subdivision Regulations.



Department of Public Works
City Engineering Division

608 266 4751

Larry D. Nelson, P.E.
City Engineer

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608 264 9275 FAX
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David L. Benzschawel, P.E.
Gregory T. Fries, P.E.

Operations Supervisor
Kathleen M. Cryan

Hydrogeologist
Joseph L. DeMorett, P.G.

GIS Manager
David A. Davis, R.L.S.

DATE: April 22, 2005
TO: Plan Commission
FROM: Larry D. Nelson, P.E., City Engineer
SUBJECT: Meadow Estates (Extraterritorial) Preliminary Plat

The City Engineering Division has reviewed the subject development and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. The Developer shall dedicate right-of-way for future connection of Meadow Road to Pioneer Road as well as right-of-way for the temporary condition which will have Meadow Road intersecting Pioneer Road at 90-degrees. The Developer shall meet with City Engineering and City Traffic Engineering to finalize the location.
2. The Applicant shall submit a Stormwater Management Plan for review and approval by the City Engineer. This plan shall provide 100 year stormwater detention, 80% total suspended solids control, thermal control, and infiltration.
3. This development is subject to fees as part of the Lower Badger Mill Creek Impact Fee District.
4. The drainage plan does not appear to adequately protect Lot 7 from the upstream discharge of the watershed.
5. Revise preliminary plat to existing culvert under Meadow Road. Drainage plan shall show how drainage gets to culvert as well as discharge rates.

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

Engineering Division Review of Plats (Pre-Preliminary, Preliminary, Final)
and Certified Survey Maps

Name: Meadow Estates (Extraterritorial) Preliminary Plat

General

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- 1.1 The Developer shall enter into a City / Developer agreement for the installation of public improvements required to serve this plat/csm. 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/csm without the agreement executed by the developer.
- 1.2 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.

Right of Way / Easements

- 2.1 The Applicant shall Dedicate a _____ foot wide strip of Right of Way along _____.
- 2.2 The Applicant shall Dedicate a Permanent Limited Easement for drainage grading and sloping 10- feet wide along Pioneer Road.
- 2.3 It is anticipated that the improvements on [roadway name] _____ required to facilitate ingress and egress to the plat/csm will require additional right of way and/or grading easements located outside the plat/csm 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.
- 2.4 The Developer shall petition for the street vacation of (roadway name) _____ and provide a legal description and sketch of the right of way to be vacated after consultation with the City Engineer.

Are the following requirements met?

- * Streets Intersect at right angles.
- * A 15 foot minimum tangent at intersections from PC of curve to property line.
- * Arterial intersection spacing generally greater than 1200 feet.
- * Jogs are avoided at intersections. Arterial streets shall be adjusted to align if spacing less than 300 feet.
- * Spacing of intersections on local streets shall be greater than 300 feet.
- * Cul-de-sacs shall be less than 1000 feet long.
- * 100 foot tangents between curves.

- 2.5 _____

- 2.6 Property lines at intersections shall be rounded with a 15 foot radius on _____

- 2.7 Property lines at intersections shall be rounded with a 25 foot radius on _____

- 2.8 The right of way width on _____ shall be _____ feet, on
_____ shall be _____ feet and on _____ shall be
_____ feet.
- 2.9 _____ shall have a minimum centerline radius of _____ feet and _____
shall have a minimum centerline radius of _____ feet and _____ shall have a minimum centerline radius of
_____ feet.
- 2.10 The cul-de-sac on _____ shall have a minimum radius of _____ feet with a
minimum reverse curve radius of _____ feet.
- 2.11 The plat/csm shall show a temporary limited easement for a temporary cul-de-sac on the north end of Pioneer Road offset to the east having a radius of 50-feet and a reverse curve radius of 100- feet. The easement(s) shall expire when the streets are extended.
- 2.12 The developer shall show on the plat/csm a 40 foot utility easement adjacent to [roadway name] _____
The easement wording shall be approved by the City Engineer. The intent of the easement is to allow for the relocation of a major transmission line. The actual poles would remain on the right of way however major transmission lines require an easement beyond the space occupied by the poles for safety.
- 2.13 The City Engineer has reviewed the need for pedestrian and bicycle connections through the development and finds that no connections are required.

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- 2.14 The Developer shall Dedicate a Permanent Limited Easement for a pedestrian / bicycle easement _____ feet wide from _____ to _____.
- 2.15 The Developer shall provide a private easement for public pedestrian and bicycle use through the property running from _____ to _____. The developer shall be responsible for the ongoing construction and maintenance of a path within the easement. The maintenance responsibilities shall include, but not be limited to, paving, repaving, repairing, marking and plowing. The developer shall work with the City of Madison Real Estate Staff to administer this easement. Applicable fees shall apply.

Streets and Sidewalks

- 3.1 The Developer shall construct Madison Standard street improvements for all streets within the plat/csm.
- 3.2 The developer shall show a 30 40 (*Strike one, 30 collector, 40 Arterial*) foot building setback line on the plat/csm adjacent to [Roadway Name] _____ for all lots in the plat/csm adjacent to said roadway.
- Note: No buffer strip shall be dedicated to the City as the City does not want the maintenance.*
- 3.3 Extensive grading may be required due to steep roadway grades.
- 3.4 The developer shall note that City funds for park frontage are limited and will be determined at the sole discretion of the City.
- 3.5 The developer shall construct sidewalk and record a waiver of their right to notice and hearings for the assessments for the improvement of [roadway] _____ in accordance _____ with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO. Said sidewalk constructed in front of and waiver recorded to Lot(s) _____.
- 3.6 The Developer shall make the following improvement to [Roadway Name] _____. The Developer shall construct sidewalk and _____ feet of a future _____ foot roadway including curb and gutter on the _____ side of the roadway.
- 3.7 The Developer shall construct sidewalk to a plan approved by the City Engineer and complete ditching as required by the City Engineer along [Roadway Name] _____.
- 3.8 The Developer shall grade the right of way line to a grade established by the City Engineer and complete ditching along the roadway as specified by the city engineer along [Roadway Name] _____.
- 3.9 **Value of sidewalk installation over \$5000.** The Applicant shall Construct Sidewalk to a plan approved by the City Engineer along _____. (*Also require the City / Developer agreement line 1.1*)
- 3.10 **Value of sidewalk installation under \$5000.** The Applicant shall install public sidewalk along _____. The Applicant shall obtain a Street Excavation Permit for the sidewalk work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. All work must be completed within six months or the succeeding June 1, whichever is later.
- 3.11 The Applicant shall execute a waiver of their right to notice and hearings on the assessments for the installation of sidewalk along [roadway] ___ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and section 4.09 of the MGO.
- 3.12 The Applicant shall grade the property line along _____ to a grade established by the City Engineer. The grading shall be suitable to allow the installation of sidewalk in the future without the need to grade beyond the property line. The Applicant shall obtain a Street Excavation permit prior to the City Engineer signing off on this development.
- 3.13 Developer shall make improvements to [Roadway Name] _____ considered temporary to facilitate ingress and egress to the plat/csm until such time as the ultimate improvement of the roadway is undertaken by the city.
- 3.14 The Developer shall make improvements to [Roadway Name] _____ to facilitate ingress and egress to the plat/csm.

[Select one of the below comments for either of the above or leave general]

- The above improvement will consist of acceleration and deceleration tapers.
- The above improvement consists of rights turn lanes.
- The above improvement will consist of passing lanes.
- The above improvement will consist of median openings.
- Caution – The improvements indicated above may require right of way outside of the plat/csm. See comment 2.3 to require additional right of way for this purpose.*

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- 3.15 The developer shall note the AASHTO design standards for intersection sight distance will be applied during the design of the streets within this plat/csm.
- 3.16 The developer shall confirm that adequate sight distance exists on _____ 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.

Storm Water Management

- 4.1 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 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.
- 4.2 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.
- 4.3 Arrows shall be added to the certified survey map indicating the direction of drainage for each property line not fronting on a public street. In addition, the certified survey map shall include lot corner elevations, for all lot corners, to the nearest 0.25-foot. The following notes shall be added to the certified survey map.
 - a. Arrows indicate the direction of surface drainage swale at individual property lines. Said drainage swale shall be graded with the construction of each principal structure and maintained by the lot owner unless modified with the approval of the City Engineer. Elevations given are for property corners at ground level and shall be maintained by the lot owner.
 - b. All lots within this certified survey 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 certified survey. 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 certified survey. 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.
- 4.4 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.

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

- a. 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.

- 4.5 If the lots within this certified survey map are inter-dependent upon one another for storm water runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the certified survey map and recorded at the Dane Co Register of Deeds. 11

- 4.6 The following note shall be added to the certified survey map. "All lots created by this certified survey map are individually responsible for compliance with Chapter 37 of the Madison General Ordinances in regard to storm water detention at the time they develop."
- 4.7 This plat/csm could affect a flood plain, wetland or other sensitive areas. As such, it shall be reviewed by the Commission on the Environment. Contact Mike Dailey at 266-4058 for further details. The proposed plat/csm may be considered a major change to the environmental corridor and be subject to a public hearing and approval of the Dane County Regional Plan Commission.
- 4.8 A portion of this plat/csm may come under the jurisdiction of the US Army Corp of Engineers and Wisconsin Department of Natural Resources for wetland or flood plain issues or navigable waterway. A permit for those matters may be required prior to construction on any of the lots currently within the plat/csm. Contact the WDNR & USACOE for a jurisdictional determination.
- 4.9 Prior to recording, this plat/csm shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Contact Greg Fries at 267-1199 to discuss these requirements.
- 4.10 This site is greater than one (1) acre and the applicant is required by State Statute to obtain a Notice of Intent Permit (NOI) from the Wisconsin Department of Natural Resources. Contact Jim Bertolacini of the WDNR at 275-3201 to discuss this requirement.
- 4.11 NR-151 of the Wisconsin Administrative Code will be effective on October 1, 2004. Future phases of this project shall comply with NR 151 in effect when work commences. Specifically, any phases not covered by a Notice of Intent (NOI) received from the WDNR under NR-216 prior to October 1, 2004 shall be responsible for compliance with all requirements of NR-151 Subchapter III. As most of the requirements of NR-151 are currently implemented in Chapter 37 of the Madison General Ordinances, the most significant additional requirement shall be that of infiltration.

NR-151 requires infiltration in accord with the following criteria. For the type of development, the site shall comply with one of the three (3) options provided below:

Residential developments shall infiltrate 90% of the predevelopment infiltration amount, 25% of the runoff from the 2-year post development storm or dedicated a maximum of 1% of the site area to active infiltration practices.

Commercial development shall infiltrate 60% of the predevelopment infiltration amount, 10% of the runoff from the 2-year post development storm or dedicate a maximum of 2% of the site area to active infiltration practices.

Sanitary Sewer

- 5.1 All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to connection to the public sewerage system.
- 5.2 Each unit of a duplex building shall be served by a separate and independent sanitary sewer lateral.

Mapping / Land Records

- 6.1 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 condition reports for all monuments, including center of sections of record, used in this survey, to Eric Pederson, City Engineering. If a new tie sheet is not required under A-E 7.08, Engineering requests a copy of the latest tie sheet on record with Dane County Surveyor's office. The Applicant shall identify monument types on all PLS corners included on the Plat or CSM. **Note: Land tie to two PLS corners required.**
- 6.2 In accordance with Section s. 236.18(8), Wisconsin Statutes, the Applicant shall reference **City of Madison NAD 1927 Coordinates** on all PLS corners on the Plat or Certified Survey Map in areas where this control exists. The Surveyor shall identify any deviation from City Master Control with recorded and measured designations. City of Madison has established NAD 1927 Coordinates on all PLS corners within its corporate boundary. Visit the City of Madison Engineering Division web address http://gis.ci.madison.wi.us/Madison_PLSS/PLSS_TieSheets.html for current tie sheets and control data. If a surveyor encounters an area without a published NAD 1927 value, contact Engineering Division for this information.
- 6.3. The Applicant shall submit to Eric Pederson, prior to Engineering sign-off of the subject plat, two (2) digital and one (1) hard copy of the **final plat/CSM** to the Mapping/GIS Section of the Engineering Division. **The digital copies shall be submitted in both NAD27 & WIDOT County Coordinate System, Dane County Zone datums in either Auto CAD Version 2001 or older, MicroStation Version J or older or Universal DXF Formats and contain the minimum of the following, each on a separate layer name/level number:**
 - a. Right-of-Way lines (public and private)
 - b. Lot lines
 - c. Lot numbers
 - d. Lot/Plat dimensions
 - e. Street names
 - f. Easement lines (i.e. street, sanitary, storm (including wetland & floodplain boundaries) water, pedestrian/bike/walkway, or any public and/or private interest easement except local service for Cable TV, gas, electric and fiber optics).

NOTE: This transmittal is a separate requirement than the required submittals to Bob Arseneau for design purposes.

NOTE: New electronic final plat transmittals and notification of changes which occur to the final plat during the

time the Engineering Division signs off and receives the digital copies of said plat and the recording thereof, are the responsibility of the Developer/Surveyor.

- 6.4 In accordance with Section s.236.34(1) (c) which says a CSM shall be prepared in accordance with s.236.20(2) (c) & (f), Wisconsin Statutes, the Applicant must show type, location and width of any and all easements. Clearly identify the difference between existing easements (site Register of Deeds recording data) and easements which are being conveyed by the Plat/CSM. Identify the owner and/or benefiting interest of all easements.

W



CITY OF MADISON FIRE DEPARTMENT

Fire Prevention Division

325 W. Johnson St., Madison, WI 53703-2295
Phone: 608-266-4484 ♦ FAX: 608-267-1153

DATE: 4/25/05
TO: Plan Commission
FROM: Edwin J. Ruckriegel, Fire Marshal
SUBJECT: **Meadow Road**

The City of Madison Fire Department (MFD) has reviewed the subject development and has the following comments:

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. None.

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

2. All portions of the exterior walls of newly constructed one- and two-family dwellings shall be within 500-feet of at least one fire hydrant. Distances are measured along the path traveled by the fire truck as the hose lays off the truck. See MGO 34.20 for additional information.
3. Note: No fire hydrants were shown on the plans submitted, provide hydrants per MGO 34.20 and all other applicable codes and standards.

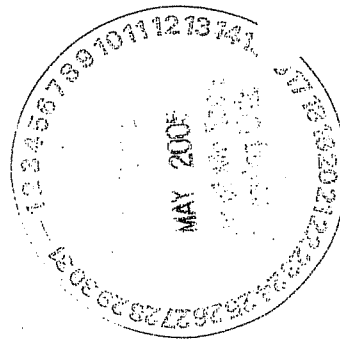
Please contact John Lippitt, MFD Fire Protection Engineer, at 608-261-9658 if you have questions regarding the above items.

cc: John Lippitt

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MURPHY DESMOND SC

L A W Y E R S



Manchester Place
2 East Mifflin Street, Suite 800
Madison, Wisconsin 53703-4217

Mailing Address:
P.O. Box 2038
Madison, Wisconsin 53701-2038

Telephone (608) 257-7181
www.murphydesmond.com

Ronald M. Trachtenberg
Direct Line (608) 268-5575
Facsimile (608) 257-2508
rtrachtenberg@murphydesmond.com

29 April 2005

Mr. Tim Parks
Planner
Dept. of Planning and Development
City of Madison
215 Martin Luther King, Jr. Blvd.
Madison, WI 53703

Re: Cornett Homes
Development of Lot 1, CSM 10312, Town of Middleton

Dear Mr. Parks:

This will confirm our telephone conference of Thursday, April 28, 2005, in which you advised us that the preliminary plat submitted by Cornett Homes for the development of Lot 1, CSM 10312, Town of Middleton, will not be on the City of Madison Plan Commission agenda for Monday, May 2, 2005, because the preliminary plat has not yet been approved by Dane County. You advised us that the Zoning and Land Regulation Committee was waiting for the return of Norb Scribner, County Land Records, who is returning on May 2, 2005. We would note that the next working session of the ZLR is May 10, 2005.

After the County has acted, would you please provide us notice as to when the preliminary plat will be on the City of Madison Plan Commission and City of Madison Common Council agendas. Also, would you please provide us a copy of the staff reports as soon as same are available for release.

Very truly yours,

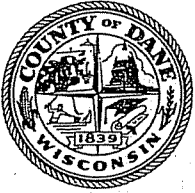
Ronald M. Trachtenberg

RMT:srp
221703

parks 042905

cc: Cornett Homes, Inc.
Attn.: Mr. Tim Cornett
Mayo Corporation
Attn.: Mr. Gus Vander Wegen
Attorney Daniel J. Lipman

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Dane County Planning & Development

Room 116, City-County Building, Madison, Wisconsin 53703-3342

Land Division Review
608/266-9086

May 11, 2005

Mayo Corporation
600 Grand Canyon Drive
Madison, Wisconsin 53719-1044

Re: MEADOW ESTATES
NE1/4 S32 T7N R8E
Town of Middleton
Dane County

Gentlepeople:

The Dane County Zoning and Land Regulation Committee, at its meeting of May 10, 2005, considered the above-named preliminary plat proposal.

Staff recommended approval, subject to 14 conditions.

The Committee approved the plat, subject to the following conditions:

1. Compliance with S.75.19(1)(i), Dane County Code of Ordinances is to be established (angle of intersection).
2. Compliance with S.14.45, Dane County Code of Ordinances is to be established.
3. Compliance with S.14.46, Dane County Code of Ordinances is to be established.
4. Utility easements are to be provided.
5. All public land dedications are to be clearly designated "dedicated to the public."
6. Town of Middleton approval is to be obtained.
7. City of Madison approval is to be obtained (extraterritorial jurisdiction).
8. The public park land appropriation requirement is to be satisfied (private park land does not satisfy this requirement).
9. All lots and outlots are to meet the minimum area and width requirements of the zoning districts that are applicable.
10. The outlots are to be numbered consecutively, beginning with the number 1.
11. Street names, consistent with Chapter 76, Dane County Code of Ordinances, are to be assigned. Dane County Zoning Division approval is to be obtained.
12. All references to "Dane County Zoning and Natural Resources Committee" are to be changed to "Dane County Zoning and Land Regulation Committee."
13. The highway right-of-way widths from centerline are to be dimensioned.
14. The residual portion of Certified Survey Map # 10312, being established with this subdivision, is to be included as a lot within the plat or as a lot within a recordable certified survey map.

Sincerely,


Norbert Scribner, Land Division Review

cc: Cornett Homes
Attorney Ronald M. Trachtenberg
Clerk, Town of Middleton
City of Madison Planning Department
Dane County Land Conservation Department

Enclosure:





Department of Planning & Development
Planning Unit

Madison Municipal Building
215 Martin Luther King, Jr. Boulevard
P.O. Box 2985
Madison, Wisconsin 53701-2985
TDD: 608 266 4747
FAX: 608 267 8739
PH: 608 266 4635

February 18, 2005

Norb Scribner
Dane County Register of Deeds
Room 116, City County Building
Madison, Wisconsin 53703

RE: Skaar Trust CSM, Section 33, Town of Cottage Grove
Bennett's Point Subdivision, Section 19, Town of Middleton
Meadow Estates Subdivision, Section 32, Town of Middleton

Dear Mr. Scribner:

This letter will describe the extraterritorial status of the three above mentioned subdivisions:

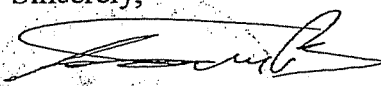
Skaar Trust CSM – This property is located within the City of Madison's extraterritorial plat jurisdiction. As a result, the applicant will be required to submit their request to the City of Madison for review as provided under the City's Subdivision Regulations (Section 16.23 MGO).

Bennett's Point plat – This property is not located within the City of Madison's extra-territorial plat jurisdiction, pursuant to an agreement between the Town of Middleton and the City, dated March 28, 2002. The City's approval of the proposed subdivision is not required.

Meadow Estates plat – This property is located within the City of Madison's extraterritorial plat jurisdiction. As a result, the applicant will be required to submit their plat to the City of Madison for review as provided under the City's Subdivision Regulations (Section 16.23 MGO). [Note: Upon recording of a final plat of this subdivision and the establishment of a new right of way alignment for Pioneer Road, the boundary of the City's extraterritorial jurisdiction will revert to the centerline of that road.]

If you or your applicants should have any questions regarding these matters, please do not hesitate to contact my office at (608) 261-9632.

Sincerely,


Timothy M. Parks
Planner

