



Department of Planning & Community & Economic Development
Planning Division

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September 8, 2010

Ron Klaas
D'Onofrio Kottke & Associates
7530 Westward Way
Madison, Wisconsin 53717

RE: Approval of a request to rezone approximately 9.3 acres located at 9401 Mid Town Road from Planned Unit Development-General Development Plan-Specific Implementation Plan (PUD-GDP-SIP) to R1 and R2T (Single-Family Residence Districts) and R5 (General Residence District), and; approval of a preliminary plat and final plat creating 19 single-family residential lots, 1 lot for a future multi-family residential development and 1 outlot for stormwater management.

Dear Mr. Klaas;

At its September 7, 2010 meeting, the Common Council **conditionally approved** your client's zoning map amendment, preliminary plat and final plat of "First Addition to Hawks Ridge Estates" subject to the following conditions of approval from reviewing agencies:

Please contact Janet Dailey, City Engineering Division, at 261-9688 if you have questions regarding the following twenty-three (23) items:

1. Amend the standard non-exclusive storm sewer drainage easement note to correctly dedicate appropriate easement widths, either 6 feet in width on each lot or reduced to 5 feet in width on each lot if the zoning set back is 5 feet.
2. A 15-foot storm water easement shall be provided along the west side of Lot 45 and 54.
3. 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.
4. 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.
5. This development is subject to impact fees for the Lower Badger Mill Creek Sanitary Sewer and Stormwater 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."

6. The applicant shall dedicate an additional 7-foot wide Permanent Limited Easement for grading and sloping along Mid Town Road.
7. The Public Storm Sewer Easement(s) dedicated to the City of Madison ("City") on the face of this plat are subject to the following conditions:
 - a.) The property owner reserves the right to use and occupy the Public Storm Sewer Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public storm sewer facilities.
 - b.) No above-ground improvements shall be located in the Public Storm Sewer Easement Area(s) by the City or the property owner, with the exception that grates, sewer access structure (SAS) covers, and other access points to the public storm sewer facilities shall be permitted at grade level. (Optional: and with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
 - c.) Plantings and landscaping within the Public Storm Sewer Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
 - d.) The property owner shall not change the grade of the Public Storm Sewer Easement Area(s) without the prior written approval of the City's Engineering Division.
 - e.) The Public Storm Sewer Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.
8. The developer shall construct Madison standard street improvements for all streets within the plat.
9. The developer shall construct sidewalk and record a waiver of their right to notice and hearings for the assessments for the improvement of Mid Town Road in accordance with Wisconsin Statutes Section 66.0703(7)(b) and MGO Section 4.09. Said sidewalk constructed in front of and waiver recorded to Lot 55 and Outlot 2.
10. The developer shall construct sidewalk along Mid Town Road to a plan approved by the City Engineer and complete ditching as required by the City Engineer.
11. All proposed street names shall be approved by the City Engineer. The applicant shall contact Lori Zenchenko (266-5952) with street name requests.
12. Coordinate all necessary new interior addresses associated with this proposed development with City Engineering Program Specialist Lori Zenchenko.
13. 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 Pre-construction 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.
14. 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.

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.

- 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 addition to notes such as this, Wisconsin 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.

- 15. 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 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."

- 16. Arrows shall be added to the plat indicating the direction of drainage for each property line not fronting on a public street. In addition, the plat shall include lot corner elevations, for all lot corners, to the nearest 0.25-foot. The following notes shall be added to the plat.
 - 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 survey are subject to a public easement 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 easement shall be 12-feet in width on the perimeter of the certified survey map. Easements shall not be required on property lines shared with green ways or public streets. No structures may be constructed within said easement and no other obstructions to drainage, including landscaping are permitted without the prior written approval of the City Engineer.

Note: In the event of the City of Madison Plan Commission and/or Common Council approve 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.

17. 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 substantial thermal control, and; provide infiltration in accordance with NR-151. Stormwater management plans shall be submitted and approved by the City Engineering Division prior to signoff.
18. This site is greater than one acre and the applicant is required by State Statute to obtain a Notice of Intent Permit (NOI) from the Wisconsin Department of Natural Resources.
19. 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 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. The City of Madison cannot issue an erosion control and stormwater management permit until concurrence is obtained from the WDNR.
20. A minimum of 2 working days prior to requesting City Engineering Division 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 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).
21. 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 (261-9688) to obtain the final MMSD billing a minimum of two working days prior to requesting City Engineering signoff.
22. 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.
23. In accordance with Section s. 236.18(8), Wisconsin Statutes, the Applicant shall reference City of Madison WCCS Dane Zone, 1997Coordinates 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 WCCS, Dane Zone Coordinates on all PLS corners within its corporate boundary. Visit the City of Madison Engineering Division website for current tie sheets and control data. If a surveyor encounters an area without a published WCCS Dane Zone 1997 value, contact the Engineering Division for this information.

Note: City Engineering Division permit applications are available online at:
<http://www.cityofmadison.com/engineering/permits.cfm>.

Please contact John Leach, Traffic Engineering Division, at 267-8755 if you have questions about the following five (5) items:

- 24. The developer shall put the following note on the face of the plat: "All the lots within this subdivision are subject to impact fees that are due and payable at the issuance of building permit(s)." Note: The development may be delayed until the Common Council approves the transportation impacts fees.
- 25. The applicant shall be responsible for constructing pedestrian-bicycle paths and a Mid Town Road pedestrian refuge island connecting to Kingswood Park on the north side of Mid Town. (A similar condition of approval was required with the 2007 development approval for this site.)
- 26. The applicant shall execute and return the attached declaration of conditions and covenants for streetlights and traffic signals prior to sign off. The applicant will need to provide a deposit for their reasonable and proportionate share of traffic signal costs.
- 27. Utility easements shall be provided as follows. The applicant shall show a detail drawing of the 12-foot utility easement dimensions and lot lines on the face of the plat.

Between Lots	Between Lots	Between Lots
37 & 38	42 & 43	52 & 53
40 & 41	49 & 50	Westerly 12 feet of OL 2

- 28. 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, Madison Water Utility, at 261-9243 if you have any questions regarding the following three (3) items:

- 29. There will be water main assessments due for the Mid Town Road frontage of this property.
- 30. All public water mains and water service laterals shall be installed by a standard City subdivision contract.
- 31. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. All operating private wells shall be identified and permitted by the Water Utility in accordance with MGO Section 13.21.

Please contact Kay Rutledge, Parks Division, at 266-4714 if you have any questions regarding the following two (2) items:

- 32. This development is within the Elver Park impact fee district (SI31). The developer shall pay \$58,368.24 in park dedication and development fees for 19 new single-family lots, which is the

remaining amount due after a credit is given for the existing single-family structure on the property. Once the configuration of Lot 55 (the R5 multi-family lot) is determined, additional park impact fees will be assessed for this portion of the development.

Park Dedication required for the 18 new single-family lots = 18 units at 1,100 square feet per unit = 19,800 square feet. The Fee in Lieu of Dedication is based on current property values up to \$2.11 per square foot for 2010 = \$41,778.00. Park development fees = (18 SF lots X \$921.68 per unit) = \$16,590.24.

The applicant must select a method for payment of park fees before signoff on the final plat.

33. The applicant shall be responsible for constructing the Mid Town Road pedestrian refuge island connection to Kingswood Park on the north side in accordance with Traffic Engineering's comments.

Please contact my office at 261-9632 if you have questions about the following two (2) items:

34. That the final plat be revised to show a 30-foot building line along the Mid Town Road frontage of Lot 55.
35. That the applicant submit a separate application for a planned residential development conditional use for Lot 55 for review by the Plan Commission following a recommendation by the Urban Design Commission. Approval of the rezoning of that portion of the subject site to R5 shall not constitute an endorsement of a particular development proposal for that lot that will be submitted subsequently.

Please note that the City Real Estate Office is reviewing the report of title provided with this plat and may have comments. That office will send any comments to you by fax. If you have any questions, please contact Jeff Ekola at 267-8719 for more information.

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.

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
John Leach, Traffic Engineering Division
Dennis Cawley, Madison Water Utility
Pat Anderson, Assistant Zoning Administrator
Jeff Ekola, Office of Real Estate Services
Dan Everson, Dane County Land Records and Regulations