



PREPARED FOR THE PLAN COMMISSION

Project Address: 3600 Portage Road
Application Type: Zoning Map Amendment and Preliminary Plat
Legistar File ID # [52536](#) and [52219](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant & Property Owner: Koua Vang; 2919 Vang Road; Sun Prairie.

Surveyor: Michelle Burse, Burse Surveying and Engineering, Inc.; 2801 International Lane, Suite 101; Madison.

Requested Actions: Approval of a request to rezone land generally addressed as 3600 Portage Road from A (Agricultural District) to SR-C3 (Suburban Residential–Consistent 3 District) and approval of the preliminary plat of *Vang Homesites*, creating 14 lots for future two-family residences, one outlot to be dedicated to the public for stormwater management, and one outlot for private gardens.

Proposal Summary: The applicant is requesting approval of the “Vang Homesites” subdivision, which will include 14 lots to be developed with two-family twin homes (28 units) in SR-C3 zoning. Development of the subdivision will commence in May 2019 following approval and recording of a final plat. No completion date is indicated for the subdivision or the residences to be built on the proposed lots.

Applicable Regulations & Standards: Section 28.182 of the Zoning Code provides the process for zoning map amendments. The subdivision process is outlined in Section 16.23(5)(b) of the Subdivision Regulations. Separate subsequent applications to the Plan Commission for conditional use approval of two-family dwellings not meeting dispersion requirements in the SR-C3 district would be required following recording of a final subdivision plat and prior to the issuance of building permits for individual units.

Review Required By: Plan Commission and Common Council.

Review Schedule: The State’s subdivision statute, Wis. Stats. 236, requires that a preliminary plat be approved, conditionally approved, or rejected (with stated reasons) within 90 days of submittal unless the time is extended by agreement with the applicant. If no action is taken within 90 days and no extension granted, the plat is deemed approved. The proposed preliminary plat was accepted for review on June 20, 2018. Therefore, the 90-day review period for the preliminary plat is scheduled to expire circa September 20, 2018.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022–00340, rezoning 3600 Portage Road from A to SR-C3, and the preliminary plat of the *Vang Homesites* subdivision to the Common Council with recommendations of **approval** subject to input at the public hearing and the conditions from reviewing agencies beginning on page 5 of this report.

Background Information

Parcel Location: The subject site is a 4.95-acre parcel with approximately 1,390 feet of frontage along the northwest side of Portage Road extending southwest from Hayes Road; Aldermanic District 17 (Baldeh); Madison Metropolitan School District.

Existing Conditions and Land Use: Undeveloped land, zoned A (Agricultural District).

Surrounding Land Uses and Zoning:

North: Single-family residences, Starkweather Creek and open space, zoned SR-C1 (Suburban Residential–Consistent 1 District);

West: Undeveloped land, City of Madison greenway, zoned CN (Conservancy District); single-family residences in the Westchester Park subdivision, zoned SR-C1;

East: Two-family residences on the east side of Portage Road, zoned SR-C3 (Suburban Residential–Consistent 3 District); Village Green Apartments and two-family residences, zoned SR-V2 (Suburban Residential–Varied 2 District).

Adopted Land Use Plans: The 2006 Comprehensive Plan recommends that the site for Low-Density Residential and Park and Open Space uses.

The Hanson Road Neighborhood Development Plan recommends that the southwestern half of the site be developed with low- to medium-density residential uses, with the rest of the site recommended for park, drainage and open space uses consistent with the floodplain and wetlands present on and near the property. The neighborhood development plan also recommends park, drainage and open space uses for the undeveloped land to the west of the site.

Environmental Corridor Status: The upper west branch of Starkweather Creek extends through the northeasterly half of the property before crossing Portage Road at Hayes Road. Accordingly, most of the northeasterly half of the property is located in a mapped environmental corridor, including the 100-year floodplain associated with the creek. An area of wetlands extends north and south of the creek.

Public Utilities and Services: The overall site is served by a full range of urban services, including seven-day Metro Transit service along Portage Road and Hayes Road.

Zoning Summary: The proposed lots will be SR-C3 (Suburban Residential–Consistent 3 District) with this request.

Requirements	Required: Single-Family Detached	Proposed: Single-Family Detached	Required: Two-Family Twin	Proposed: Two-Family Twin
Lot Area (sq. ft.)	6,000 sq. ft.	6,000 sq. ft. (see conditions_	4,000 sq. ft. per dwelling unit	8,000 sq. ft. (See conditions)
Lot Width	50'	50' or more	25' per dwelling unit	50' or more
Front Yard Setback	25'	To be determined at permitting	25'	To be determined at permitting
Side Yard Setback	One-story: 5' Two-story: 6'		One-story: 5' Two-story: 6' (outer side wall)	

Reverse Corner Side Yard Setback	15'	To be determined at permitting	15'	To be determined at permitting
Rear Yard Setback	Lesser of 30% lot depth or 35'		Lesser of 30% lot depth or 35'	
Usable Open Space	750 sq. ft.		750 sq. ft./ d.u.	
Maximum Lot Coverage	60%		60%	
Maximum Bldg. Height	2 stories/ 35'		2 stories/ 35'	
Other Critical Zoning Items				
Yes:	Floodplain, Wetlands, Barrier Free, Utility Easements			
No:	Urban Design, Wellhead Protection, Landmarks, Waterfront Development; Adjacent to Park			
<i>Prepared by: Jenny Kirchgatter, Assistant Zoning Administrator</i>				

Project Description

The applicant is seeking approval of a zoning map amendment and a preliminary plat to allow development of a 4.95-acre parcel located at 3600 Portage Road with the “Vang Homesites” subdivision. The proposed subdivision calls for the creation of 14 residential lots fronting onto the northwesterly side of Portage Road, as well as an outlot for private gardens and dedication of an outlot for stormwater management to the City.

The subject site is currently undeveloped land zoned A (Agricultural District). The property is characterized by approximately 1,390 feet of frontage along the northwest side of Portage Road, occupying most of the frontage between Hayes Road on the northeast and Old Gate Road on the southwest. Surrounding land is characterized by single-family homes to the north and southwest, a combination of two-family twin homes and apartments to the east across Portage Road, and undeveloped land and permanent open space to the west of the site.

The northern half of the property is located in a mapped environmental corridor due to the upper west branch of Starkweather Creek crossing east-west through the site. The mapped corridor includes 100-year floodplain associated with the creek as well as areas of wetland to its north and south. The northern portion of the property is also identified as a future public greenway on the City’s Official Map; most of the area on the Official Map will be dedicated to the City as part of the proposed Outlot 1 stormwater management tract.

The proposed plat calls for the 14 lots to front onto Portage Road, with lots ranging in width from 62 to 70 feet, with the exception of Lots 1 and 14, which will be wider to account for shallower depths for those lots. Due to the shallowness of those lots, an exception to the 100-foot minimum lot depth stipulated by the Subdivision Regulations will be required as a condition of preliminary plat approval.

The applicant is requesting to rezone the site to the SR-C3 residential zoning district to support the proposed subdivision. The SR-C3 district allows single-family detached residences and two types of two-family residences, two-family two-unit dwellings (stacked flats) and two-family twin homes (side-by-side/ ranch duplexes). Any two-family twin home within 300 feet of another two-family twin home (as measured from the perimeter of each zoning lot) requires conditional use approval by the Plan Commission, while single-family residences and two-family two-unit residences have no such dispersion requirement and are permitted on the proposed lots subject to compliance with SR-C3 bulk standards. All of the proposed lots are large enough to support single-family dwellings per the minimum requirements in SR-C3 zoning, and 13 of the 14 lots are large enough for two-family dwellings (containing 8,000 square feet lot area, minimum). All of the proposed lots are within 300 feet of existing

two-family twin homes located across Portage Road, thereby requiring that conditional use approval be granted for any two-family twin home proposed on those 13 qualifying lots.

In addition to the 14 residential lots and outlot to be dedicated to the City for stormwater management, the applicant proposes to create a second outlot for private gardens to be located northwest of the Outlot 1 tract and southeast of three single-family lots created by Certified Survey Map earlier this year, which front onto Bellgrove Lane. The applicant does not indicate whether this garden will be a "community garden," which is defined in the Zoning Code as *"An area of land or space managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members."* Additional information on the use of the proposed garden will be required prior to final plat approval. Community gardens are permitted uses in both the existing A zoning district and proposed SR-C3 district. Additionally, the proposed Outlot 2 garden tract does not appear to have frontage onto a public street to provide access; the applicant shall obtain a private access by easement to the outlot that does not require the access to cross the adjacent stormwater drainage way and Starkweather Creek. The area of Outlot 2 may also be combined with Outlot 1 and dedicated to the City for greenway.

Analysis and Conclusion

The Planning Division believes that the preliminary plat of Vang Homesites is generally consistent with the low- to medium-density land uses recommended for the site in the [Hanson Neighborhood Development Plan](#), which was adopted in 2000. The neighborhood development plan recommends that the southwesterly half of the subject site be developed with small-lot single-family development, duplexes, townhouses, and small apartment buildings at a density of 8-11 units an acre. The northeasterly half of the site is recommended for park, drainage, and open space uses consistent with Starkweather Creek and its associated floodplain and wetlands.

Staff feels that the proposed SR-C3 zoning and 14 residential lots reflect the development pattern envisioned for the site in the neighborhood development plan, although we encourage the applicant to consider development of the proposed residential lots with a mix of single-family and two-family units. Such a mix of housing types could result in a development pattern that reflects both the single-family homes adjacent to the southwestern corner of the site as well as the two-family homes across Portage Road, and would be consistent with a recommendation in the [Hanson Neighborhood Development Plan](#) that new development in the residential area of the plan unify the portions on either side of Portage Road and promote a sense of neighborhood. The plan also recommends that residential structures be oriented toward the street and that street frontages not be dominated by garages protruding from the front of the house.

However, while staff believes that the development of the southwestern half of the site with residential uses in SR-C3 zoning can be found consistent with the [Hanson Neighborhood Development Plan](#), the applicant will need to modify the proposed subdivision to address the environmental constraints that impact the property. As noted earlier in this report, the northeasterly half of the site is crossed by the upper west branch of Starkweather Creek. While none of the proposed lots appear to be affected by the floodway of the creek, some of proposed Lot 14 appears to be located within the 100-year floodplain, which could limit the final configuration of that lot.

Furthermore, the plat identifies delineated wetland on proposed Lots 9 and 10, and adjacent to the northerly line of Lot 14. A 25-foot setback from that wetland is proposed, which affects at least those three lots and perhaps

corners of one or two other proposed lots. However, the Dane County Water Quality Plan administered by the Capital Area Regional Planning Commission (CARPC) requires a **75-foot** setback from the navigable waterway and wetlands on or adjacent to the property. A 75-foot wetland setback would render Lots 9, 10 and 14 unbuildable as proposed, and would curtail where buildings could be constructed on Lots 8, 11 and 13 when the 25-foot minimum front yard setback of the SR-C3 zoning district is also applied. In order for the 25-foot wetland setback to be established on the proposed lots, a major amendment to the Environmental Corridor Map would need to be approved by CARPC prior to approval of a final plat of the subdivision. The amendment/ appeal request would be made by the City by CARPC rule; however, the subdivider would be required to reimburse the City's expenses for submitting that request.

The applicant has not provided evidence to support his request to reduce the regulatory setback from 75 feet to 25 feet. At this time, staff cannot support the proposed reduction in the absence of a strong rationale for a 66 percent reduction in the minimum required setback, and a strategy for mitigating impacts from the residential development on the wetlands and Starkweather Creek that would meet or exceed the purpose of the 75-foot setback, which is intended to reduce contaminants in surface water from entering the wetland or waterway.

Recommendation

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

The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022-00340, rezoning 3600 Portage Road from A to SR-C3, and the preliminary plat of the *Vang Homesites* subdivision to the Common Council with recommendations of **approval** subject to input at the public hearing and the conditions that follow.

Recommended Conditions of Approval Major/Non-Standard Conditions are Shaded

Planning Division

1. The applicant shall provide a copy of the current wetland delineation and show the 75-foot setback from Starkweather Creek and adjacent wetlands on the final plat in accordance with the Dane County Water Quality Plan. The layout of the subdivision and proposed lots shall be adjusted to accommodate the 75-foot setback. The buildable area (envelope) of Lots 1, 8, 9, 10, 13 and 14 shall be shown on the final plat, which shall account for the minimum zoning setbacks and the location of any delineated wetlands and their required setback.
2. That a variance to the 100-foot minimum lot depth required in Section 16.23(8)(d)3 of the Subdivision Regulations is hereby granted for Lots 1 and 14 of the preliminary plat.
3. Pertaining to the proposed "private garden" on Outlot 2, the applicant shall submit to the Planning Division two copies of the private subdivision covenants, conditions and restrictions that govern the organizational structure, use, maintenance and continued protection of the development and any common services, open areas or other facilities to serve the proposed subdivision, including the common elements and contracted services requirements proposed to serve certain lots within the plat. In the alternative, the applicant shall demonstrate how the proposed garden will comply with the Zoning Code definition of community gardens. These documents shall be approved by the Planning Division in consultation with the City Attorney's Office and Zoning Administrator prior to final approval of the plat for recording.

4. Note: Approval of the zoning map amendment and subdivision by the Plan Commission and Common Council does not constitute approval of or support for any future conditional uses required to develop the proposed lots. The applicant or successor shall be required to submit applications to the Plan Commission for conditional use approval pursuant to the processes in Section 28.183 of the Zoning Code. Future development of those lots shall comply with the applicable bulk and design requirements of the Zoning Code, including the general provisions for residential districts in Section 28.031 and the building form standards in Section 28.172.

City Engineering Division (Contact Brenda Stanley, 261-9127)

5. This area will require work to address **floodway** issues that exists in the immediate area of the proposed plat. Additionally, as hydric soils exist in this area a wetland determination will be required for the site.
6. Provide preliminary grading plan and utility plan to determine if additional easements are required.
7. The applicant shall be aware that in accord with Capital Area Regional Plan Commission (CARPC) requirements there will be a 75-foot setback required from the navigable waterway and the wetlands that exist on the back (west) side of the property. The applicant may request that the City of Madison appeal these requirements on behalf of the applicant to CARPC. CARPC requires a fee of approximately \$4,000.00 to hear that appeal. That fee is the responsibility of the applicant.
8. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat.
9. The applicant shall install sanitary sewer to serve the lots of this plat as required by the City Engineer.
10. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Mark Moder (261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
11. All outstanding City of Madison sanitary sewer connection charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. This property is subject to Sanitary Connection charges for the Portage Avenue Interceptor District.
12. The construction of this project will require that the applicant shall enter into a City/ Developer agreement for the required infrastructure improvements. The applicant shall contact City Engineering to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. Note: Obtaining a developer's agreement generally takes approximately 4-6 weeks, minimum.
13. The applicant shall construct a 12-foot wide sanitary sewer access path for the sanitary sewer serving the development. Construct access path in conformance with City of Madison Standard Specifications for Public Works Construction Standard Detail Drawing 5.1.3, 5.1.4 or 5.1.4A. Access Path is required where there is no hard surface above sanitary sewer (concrete, asphalt). Native ground is not considered a hard surface.

14. 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.
15. 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 Sections 37.07 and 37.08 of Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year.
16. This site appears to disturb over one (1) acre of land and requires a permit from the Wisconsin Department of Natural Resources (WDNR) for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR-216 and NR-151; however, a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt of the WDNR at 273-5612 to discuss this requirement.
17. A minimum of two (2) working days prior to requesting City Engineering signoff on the plat, the applicant shall contact either Tim Troester at 261-1995 (ttroester@cityofmadison.com) or Brenda Stanley at 261-9127 (bstanley@cityofmadison.com) to obtain the final stormwater utility charges that are due and payable prior to sub-division of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service. All charges shall be cleared prior to the land division (and subsequent obsolesces of the existing parcel).
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 stormwater 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 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.” No building permits shall be issued prior to City Engineering’s approval of this plan.
19. This plat will require a Storm Water Management Permit. Please submit the Storm Water Management Permit Application (and associated fee) to City Engineering, for approval.

20. The applicant shall repair the street and curb and gutter, and construct sidewalk on the northwesterly side of Portage Road according to a plan approved by the City.
21. The following notes shall be included on the final plat per MGO Section 16.23(9)(d)2. (a. & b.):
 - 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, without the approval of the City Engineer at the time of site plan review. 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 stormwater drainage plan on file with the City Engineer and the Zoning Administrator, as amended in accordance with the Madison General Ordinances. 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.

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

22. The plat shall grant an additional 2.5 feet in width along the northwest side of the existing Sanitary Sewer Easement per Document No. 2247962 and also additional Public Sanitary Sewer Easement area shall be granted filling the gap area between the existing easement and Portage Road right of way for the portion of the easement running along the southeast sides of proposed Lots 12-14 and Outlot 1. Additionally, a 15-foot wide outlot shall be dedicated to the public for Public Sanitary Sewer, Public Drainage and Public Access Purposes between Lots 11 and 12, centered on the existing sanitary sewer easement.
23. Outlot 2 as proposed is landlocked for a private use. The applicant shall provide or obtain a private access by easement(s) to the outlot that does not require the access to cross the adjacent stormwater drainage way.
24. The Existing Public Sanitary Sewer Easement per Document No. 2246622 is mislabeled. That document is a lis pendens. The easement was granted by Document No. 2247962. This shall be changed on the plat and properly noted on the future title report for the final plat.
25. An additional 7 feet in width shall be dedicated to the public for public street purposes adjacent to the existing right of way of Portage Road.

26. The area that encompasses the Public Street and Sidewalk Easement per Document No. 3563669 shall be included in the area dedicated to the public for public street purposes.
27. The dedication language for Outlot 1 shall be revised to read: "Dedicated to the Public for Public Storm Water Management Purposes."
28. The floodplain shall be accurately shown and the 100-year flood elevation labeled on the plat.
29. The lands to the northwest are now part of Certified Survey Map 14783. This shall be acknowledged on the plat. Also, the northwestern and the western boundaries of this plat do not match the boundaries of adjacent CSM 14783. The discrepancy between the boundaries shall be rectified.
30. The radius for Curve 2 on the plat matches the description, but does not correlate as a concentric curve to the radii for the right of way as set forth on the plat of Village Green East. This discrepancy shall be rectified.
31. The preliminary plat does not contemplate any private Easements or Outlots to accommodate the now USPS required centralized delivery of mail using Cluster Box Units (CBUs). The applicant shall coordinate with the USPS Development Coordinator and City Engineering, Planning and Traffic Engineering staff any required locations for the CBUs. CBUs serving this plat will not be permitted within any publicly owned or dedicated lands.
32. The exterior boundary shall show all recorded as information for the parcel and adjacent parcels as required by statute. The legal description shall make calls along lines where appropriate.
33. Remove listed items of title under the note that do not encumber or effect this plat. Those items shall be removed from the title report provided for the final plat.
34. Any required wetland setback restricting buildings or improvements on any lot on the final plat shall be fully dimensioned to allow proper placement on the lot(s).
35. The applicant shall coordinate and request from the utility companies serving this area the easements required to serve this development. Those easements shall be properly shown, dimensioned and labeled on the final plat.
36. Standard Note for Public Utility Easements: "Public Utility Easements as herein set forth are for the use by Public Bodies and Private Public Utilities having to right to serve the area."
37. The applicant shall reference City of Madison WCCS Dane Zone, 1997 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.

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

38. An additional 7 feet in width shall be dedicated to the public for public street purposes adjacent to the existing right of way of Portage Road.

39. The applicant shall execute and return a declaration of conditions and covenants (DCC) for streetlights and traffic signals prior to sign off.

40. The developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, streetlighting, signing, pavement marking and conduit/handholes, the developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.

41. The City Traffic Engineer may require public signing and marking related to the development; the Developer shall be financially responsible for such signing and marking.

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

42. In the letter of intent submitted with the application, the applicant proposes that the lots are intended to allow two-unit twin dwellings. Proposed Lot 13 is less than 8,000 square feet in lot area. The proposed lot size will accommodate a single-family residence, but it does not meet the lot area requirement for a two-family two-unit or two-family twin dwelling.

43. Lots 9 and 10 are located within the wetland overlay. Provisions of Section 28.103 will apply to portions of these lots.

44. Section 28.037(2)(a) provides that no two-family twin dwelling shall be constructed or converted within 300 feet of a zoning lot containing another two-family twin building, as measured from the perimeter of each zoning lot, unless approved by conditional use within the SR-C3 zoning district.

Fire Department (Contact Bill Sullivan, 261-9658)

45. Provide the following information to the buyer of each individual lot: "The Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D and SPS 382.40(3)(e)." An upgrade to include a fire sprinkler system with a cost estimate shall be made available for all initial single- or two-family home sales.

Water Utility (Contact Adam Wiederhoeft, 266-9121)

46. The developer shall construct the public water distribution system and services required to serve the proposed subdivision plat per MGO 16.23(9)(d)(3).

47. All public water mains and water service laterals shall be installed by a standard City of Madison Subdivision Contract. The applicant shall contact City Engineering Division to schedule the development of plans and the agreement. See Engineering Division comments for additional information.

Metro Transit (Contact Tim Sobota, 261-4289)

48. In coordination with public works improvements, the applicant shall install public sidewalk along the north side of Portage Road, adjacent Lots 1 through Outlot 1 (Hayes Road).
49. In coordination with public works improvements, the applicant shall maintain or replace existing curb ramp and concrete bus boarding pad improvements on the north side of Portage Road generally opposite the Village Lane intersection (Lots 6 and 7). The applicant shall include the location of these transit amenities on the final documents filed with their permit application so that Metro Transit may review and approve the design.

Parks Division (Contact Kathleen Kane, 261-9671)

50. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(6) will be required for all new residential development associated with this project. This development is within the North Park-Infrastructure Impact Fee district. Please reference ID# 18143 when contacting Parks Division staff about this project.
51. The following note should be included on the subdivision: "Lots within this subdivision are subject to impact fees that are due and payable at the time building permit(s) are issued."
52. Existing street trees shall be protected. Please include the following note on the site plan: "The 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 prior to the start of construction. Tree protection specifications can be found in Section 107.13 of City of Madison Standard Specifications for Public Works Construction. Any tree removals that are required for construction after the development plan is approved will require at least a 72-hour wait period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan."
53. City Forestry will evaluate the terrace for new street tree plantings upon completion of the project. If there is space for new trees, City Forestry will schedule planting and assess the cost of the initial planting to the property owner.

Office of Real Estate Services (Lance Vest, 245-5794)

54. Prior to approval sign-off, the Owner's Certificate on the final plat shall be executed by all parties having an interest in the property, pursuant to Wis. Stats. 236.21(2)(a). Certificate shall be prepared with the ownership interests consistent with the most recent title report. Signatories shall provide documentation that proves legal authority to sign the Owner's Certificate. The executed original hard stock recordable plat shall be presented at the time of sign-off.

- 55. A certificate of consent for all mortgagees/vendors shall be included following the Owner’s Certificate(s) and executed prior to plat approval sign-off. If mortgages of record are paid off prior to plat approval, a copy of the recorded satisfaction for said mortgage shall be provided prior to sign-off.
- 56. All consents and certifications for any holder of interests in the subject lands shall conform with Wis. Stats. 236.21(2) and 236.29, i.e., to include the language “...surveyed, divided, mapped and dedicated...”
- 57. For parcels located within the City of Madison, a Madison Common Council Certificate shall appear as follows on the final plat:

Resolved that this plat known as _____ located in the City of Madison was hereby approved by Enactment Number _____, File ID Number _____, adopted on the ____ day of _____, 20____, and that said enactment further provided for the acceptance of those lands dedicated and rights conveyed by said plat to the City of Madison for public use.

Dated this ____ day of _____, 20____

Maribeth L. Witzel-Behl, City Clerk
City of Madison, Dane County, Wisconsin

- 58. The following City of Madison Treasurer Certificate shall appear on the final plat:

I, _____, being the duly appointed, qualified and acting Treasurer of the City of Madison, Dane County, Wisconsin, do hereby certify that, in accordance with the records in my office, there are no unpaid taxes or unpaid special assessments as of this _____ day of _____, 20____ on any of the lands included in the plat of _____.

David Gawenda, City Treasurer
City of Madison, Dane County, Wisconsin

- 59. A certificate for the Dane County Treasurer similar to the City of Madison Treasurer Certificate above shall appear on the final plat.
- 60. A certificate for the Dane County Register of Deeds to enter time, date and recording information shall appear on the final plat.
- 61. An Environmental Site Assessment is required for any areas dedicated to the public. Please provide this material to Brynn Bemis in City Engineering for review (bbemis@cityofmadison.com).
- 62. As of July 25, 2018, the 2017 real estate taxes are paid for the subject property. Under Section 236.21(3) Wis. Stats. and MGO Section 16.23(5)(g)(1), the property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to Plat recording. This includes property tax bills for the prior year

that are distributed at the beginning of the year. Receipts are to be provided on or before sign-off and checks are payable to: City of Madison Treasurer; 210 Martin Luther King, Jr. Blvd.; Madison, WI 53701.

63. As of July 25, 2018, no special assessments are reported for the parcels within the plat boundary. Pursuant to MGO Section 16.23(5)(e)1 and Wis. Stats. 236.21(3), all special assessments, including accrued interest in the case of delinquencies, shall be paid by the owner prior to plat approval sign off.
64. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall provide to Lance Vest in the City's Office of Real Estate Services (lvest@cityofmadison.com), as well as the surveyor preparing the plat, an updated title report covering the period between the date of the initial title report (March 6, 2018) and the date when sign-off approval is requested. A title commitment may be provided, but will only be considered as supplementary information to the title report update. The surveyor shall update the plat with the most recent information available in the title report update.
65. Revise the plat as follows:
 - a.) Include the following sentence with the dedicated utility easements depiction in the Legend: "Utility Easements as herein set forth are for the use of public bodies, as well as private utilities having the right to serve the area."
 - b.) When the final plat is prepared, please include as many pages and detail areas necessary to ensure legibility at the time of recording.
 - c.) Add detail to clearly differentiate between the easement per Document No. 3563669 and the public dedication area.
 - d.) Include the purpose of any public dedication areas on the plat.
 - e.) Remove reference in Lot 1 and Lot 7 to Apparent Easements and show only those easements of record. Research the potential for easements in these areas.
 - f.) It appears that the Public Sanitary Sewer Easement Document No. 3563670 does not apply to lands within the plat boundary. Ask the title company to remove from title update if that is found to be the case.
 - g.) Change reference for 10' Sanitary Sewer Easement from Document No. 2246622 to Document No. 2247962. Document No. 2246622 is the Lis Pendens Notice, whereas Document No. 2247962 is the instrument that acquired the easement interest.
 - h.) It appears that the Order Levying Assessments recorded as Document No. 2210789 encumbers the lands within the plat boundary. Please ask the title company to include this document in the title update if that is found to be the case.
 - i.) It appears that the Public Utility Easement recorded as Document No. 2256767 encumbers the lands within the plat boundary. Please ask the title company to include this document in the title update if that is found to be the case.

- j.) When the title update is prepared, please include the correct document reference to Ordinance No. 13003.