



Department of Planning & Community & Economic Development
Planning Division

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April 19, 2010

Craig Enzenroth
Mineral Point Road Holdings, LLC.
8500 Greenway Blvd. Suite 200
Middleton, WI 53562

RE: Re-approval of a final plat creating 162 single-family lots, three (3) multi-family lots and five (5) outlots at 12003 Mineral Point Road

Dear Mr. Enzenroth:

At its April 13, 2010 meeting, the Common Council re-**approved** your final plat of the "Tormey Ridge" subdivision subject to the following conditions of approval from reviewing agencies:

Please contact Janet Dailey, City Engineering, at 261-9688 if you have questions regarding the following twenty-two (22) items:

1. The Developer shall construct a path and dedicate a 20-ft. wide pedestrian / bike easement along the south line of Lot 27 and connect with the intersection of "F" Avenue and "C" Street as required by the City Engineer.
2. Note on Lot 27 of Sheet 1 is incorrect. Revise prior to approval.
3. A detailed public stormwater easement agreement for Lot 165 shall be provided to, reviewed, revised (if needed), and approved by City Engineering prior to plat sign-off.
4. The Developer will be responsible for payments of the Lower Badger Mill Sanitary Sewer and Stormwater Management Impact Fee District.
5. The City does not currently have sanitary sewer capacity to serve this development and will not until the Lower Badger Mill Sanitary sewer is built.
6. A portion of the plat shall be responsible for payment of sewer area charges for the South Point Road Lift Station.
7. Reference City Real Estate Project No. 8918. The Owner/Developer shall secure the necessary off-plat public storm sewer easement on the adjacent Lot 10, Silicon Prairie Welton-owned lands prior to recording the final plat.
8. Street names provided on final plat are approved.
9. There are potential adverse possession and/or City of Madison corporate limits discrepancies along the north line of Lot 27 which may need resolve prior to final plat recording.
10. 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.

11. The Developer shall construct Madison Standard street improvements for all streets within the plat.
12. Value of sidewalk installation over \$5000. The Applicant shall Construct Sidewalk to a plan approved by the City Engineer along Mineral Point Road. (Also require the City / Developer agreement line 1.1)
13. The Developer shall make improvements to Mineral Point Road to facilitate ingress and egress to the plat.
14. 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 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.
15. 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 REDIVISION OF A PREVIOUSLY SUBDIVIDED PROPERTY, THE UNDERLYING PUBLIC EASEMENTS FOR DRAINAGE PURPOSES ARE RELEASED AND REPLACED BY THOSE REQUIRED AND CREATED BY THE CURRENT APPROVED SUBDIVISION.
 - b. The intra-block drainage easements shall be graded with the construction of each principle structure in accordance with the approved storm water drainage plan on file with the City Engineer and the Zoning Administrator, as amended in accordance with the Madison General Ordinances.
16. 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.

17. Prior to recording the plat, the applicant shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to a) detain the 2, 10, & 100-year storm events, b) control 80% TSS (5 micron particle), c) provide infiltration in accordance with NR-151, and d) provide substantial thermal control.
18. 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. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
19. A minimum of two (2) working days prior to requesting City Engineering signoff on the plat, the applicant shall contact Janet Dailey (608-261-9688) to obtain the final stormwater utility charges that are due and payable prior to sub-division of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service. All charges shall be cleared prior to the land division (and subsequent obsolesces of the existing parcel).
20. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (608-261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
21. 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.
22. 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 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: right-of-way lines (public and private), lot lines, lot numbers, lot/plat dimensions, street names, 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 Engineering Streets Section 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.

Please contact Kay Rutledge, Parks Division, at 266-4717 if you have questions about the following seven (7) items:

23. The location of the park dedication is acceptable.
24. The tree inventory and preservation plan has answered many of the questions regarding tree impacts. It is unfortunate that the location of F Avenue at the south end of the plat is likely to remove both large oaks at that location. The developer shall work with Parks and Engineering staff to determine if a slight shift in the roadway can preserve one of the trees.
25. The revised stormwater basin meets the concern about preserving trees. The grading plan for the detention basin shall provide adequate space for a bike path behind lots 161-163. The path will be immediately behind those three lots, then cut across the slope parallel to lots 155-161.
26. To prevent encroachment and indiscriminate access down the steep slope, the developer shall build a 4' tall continuous chain link fence (no gates) on the park property line behind lots 155-162, with that expense counted against the park development fees.
27. On the bike path easement on lot 165, the developer shall grade for the future path, which will be built when future corridor is obtained from future plats to the south.
28. To protect trees, no underground utility easements shall be located along the south edge of the plat, or anywhere along the park perimeter unless approved by the Parks Division. The developer will not receive park dedication credit for the stormwater utility easement behind lots 153-161. This may result in a small amount of fees paid in lieu of dedication if all densities remain the same.
29. The developer shall pay approximately [\$270,000] for park development fees. The developer must select a method for payment of park fees before signoff on the final plat. [Please note, the estimated fee is based on the 2007 fees, calculated as part of the original approval. This figure may change as fees will be calculated at the time the plat is recorded or at the time building permits are applied for, as noted below.]

Park development fees = (237 mf units @ \$540.93) + (162 sf lots @ \$841.45) = \$264,515.31

Standard Park Fees and Payments:

Parkland Dedication Requirement is 1100 square feet per single family or duplex unit, 700 square feet per multifamily unit, 350 square feet per elderly unit or single room occupancy.

Fee in Lieu of Dedication is required when City does not take all actual land dedication. The fee is based on current property values up to a maximum of \$1.82/square foot for 2007.

Max fee in lieu per unit: SF = 1100 sq.ft. @ \$1.82 = \$2002.
 MF = 700 sq.ft. @ \$1.82 = \$1274.
 E-SRO= 350 sq.ft. @ \$1.82 = \$ 637.

The Park Development Impact Fees for 2007 are:

 SF single family or duplex unit \$841.45
 MF multifamily unit \$540.93
 E-SRO elderly or rooming house unit \$270.47

Total combined fees: SF = \$2,843.45
 MF = \$1,814.93
 E-SRO = \$907.47

Payments: Parkland impact fees and park development impact fees shall be paid for this project. Payment checks shall be payable to the City of Madison Treasurer. All questions, payments and deliveries shall be made to the office of the Madison Parks Division.

Prior to City signoff on this project, the developer shall select one of the following options for paying these fees:

1. Payment of all fees in a lump sum prior to City signoff on the project.
2. When fees exceed \$20,000, the developer may pay half the fees and provide a two-year letter of credit at no interest for the remaining half of the fees, both prior to City signoff.
3. When fees exceed \$50,000 for plats being built with phased subdivision improvement contracts, the developer may pay the fees due for the number of units in each contract phase, paid at the time of contract execution, and at the fee rates then in effect. Under this option, the fees shall be calculated and prorated to each lot on the development, and the developer shall record a notice of the outstanding impact fees for each lot prior to receiving City signoff for the project.
4. The Developer has elected to defer the payments until such time as the building permits are applied for, in which case the owner(s) shall have fourteen (14) days after receiving the invoices to pay the outstanding impact fees. The following shall be required prior to plat sign off:
 - a) The Developer shall supply an Excel spreadsheet with lot numbers, lot areas, and number of dwelling units per lot. The Developer shall supply a Cadd file of the proposed FINAL plat, in a format compatible with Microstation J. This information shall be required to calculate the Impact Fees, which will then be recorded at the Register of Deeds against each lot in the subdivision.
 - b) All information shall transmitted to Janet Dailey by e-mail at Jdailey@cityofmadison.com, or on a CD to:

Janet Dailey
City of Madison Engineering Division
210 Martin Luther King Jr. Blvd
Room 115
Madison, WI 53703
 - c) A minimum of three (3) weeks shall be required for staff to calculate the Impact Fees and record the documents prior to plat sign-off.
 - d) 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 WITHIN FOURTEEN DAYS OF THE ISSUANCE OF BUILDING PERMIT(S).

Please contact Dan McCormick, Traffic Engineering, at 266-4761 if you have questions about the following seven (7) items:

30. 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 WITHIN FOURTEEN DAYS OF THE ISSUANCE OF BUILDING PERMIT (S)." Note: The final sign-off may be delayed until the transportation impact fees are negotiated or approved by the Council.
31. The applicant shall enter into the Developer's Agreement include building the "Public Bike / Pedestrian facilities at the same time of other improvements.
32. The applicant shall execute and return the attached declaration of conditions and covenants for streetlights & traffic signals prior to sign off. The applicant will need to provide a deposit for their reasonable and proportionate share of traffic signal costs.

33. Utility easements shall be provided as follows:

Between Lots	Between Lots	Between Lots
2 & 3	67 & 68	120 & 121
6 & 7	70 & 71	128 & OL 3
19 & 20	82 & 83	139 & 140
	87 & 88	143 & 144
27 & 28	89 & 138	146 & 147
36 & 37	96 & 97	151 & 152
38 & 39	100 & 101	155 & 156
40 & 41	102 & 103	South 12 ft of 163
42 & 43	106 & 107	
44 & 58	108 & OL 3	
53 & 54	110 & 111	
56 & 57	113 & 114	
59 & 72	117 & 118	
65 & 66		

34. The applicant shall show a detail drawing of the 12 ft. utility easement dimensions and lot lines on the face of the plat.

35. There will be access restrictions for this final plat and shall be noted on the face of the plat as follows:

- a. No Access shall be granted along the southerly right-of-way line of Mineral Point Road.

36. 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 Scott Strassburg, Madison Fire Department, at 261-9643 if you have questions about the following three (3) comments:

37. All options for lot 27 would require posting of fire lanes.

38. As required by MGO 10.34 and IFC 505.1, all residential and commercial buildings must have the approved address posted. The address numbers shall be 4 inches in height, numbers shall be in contrast to the background and visible from the street.

39. 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.

Please contact Dennis Cawley, Madison Water Utility, at 266-4651 if you have any questions regarding the following five (5) items:

40. At this time there is no public water main adjacent to this plat. The only proposed watermain that will be available to serve this plat is that proposed for Silicon Prairie Parkway. Provisions shall be made for the installation of this water main before development can occur within this plat.

41. All public water mains and water service laterals shall be installed by standard City of Madison Subdivision Contract.

42. All operating private wells shall be identified and permitted by the Water Utility in accordance with Madison General Ordinance 13.21.

43. All unused private wells shall be abandoned in accordance with Madison General Ordinance 13.21.
44. The Water Utility will not need to sign off the final plans, but will need a copy of the approved plans.

Please contact Matt Tucker, Zoning Administrator, at 266-4551 if you have questions regarding the compliance with the City Zoning Ordinance.

Please contact Barb Constans, Community Development Block Grant Office, at 267-0740 if you have questions regarding compliance with the following condition or other questions regarding compliance with the inclusionary housing requirements.

45. An inclusionary zoning package of five (5) single-family inclusionary dwelling units and a payment of \$246,935 in lieu of the onsite inclusionary dwelling units has been approved per ordinance for the single-family lots. The developer is also required to execute an IZ Land Use Restriction Agreement LURA for each of the three (3) multifamily lots that would require the developer to submit an IZ Plan and go through the off-set review process for each individual multi-family lot at the time the time development of these parcels moves forward.

Please contact my office at 261-9632 if you have questions about the following five (5) items, including item #50, added by the Plan Commission.

46. Final approval of the Inclusionary Dwelling Unit Plan and Land Use Restriction Agreement (LURA) as required by the Community Development Block Grant Office.
47. That the final plat be revised per Planning Division approval as follows:
- a. Plat shall show a 40-foot building line and landscape buffer strip, free of any structure, along the northern property edge of Lot 27. A note on the plat shall indicate that berm design and landscaping materials must be approved by Planning Division staff, prior to the approval of development on this property.
 - b. That the typographical error on Sheet 1 (adjacent to lot 27) be corrected to note that: "15' wide private stormwater management easement to be maintained by the owner of Lot 27" (not 127 as indicated on the submitted final plat.)
48. That the applicant submit the "final" version of the tree preservation plan for approval by Planning and Park Division prior to staff sign off of the final plat.
49. The applicant has committed to the neighboring property owners that development on Lot 27 would be condominiums.
50. That "Tarmigan Drive" be correctly spelled as "Ptarmigan Drive."

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.

Please note that Captain Jay Lengfeld, Madison Police Department has asked that the enclosed document (Previously Provided) regarding construction theft be provided to the applicant to share with future builders on site. Please call Captain Lengfeld at 243-0503 with questions.

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.

The approval of this plat shall be null and void if not recorded in two years from the date of the Common Council approval. Specific questions regarding comments or conditions should be directed to the commenting agency. Any appeal regarding the plat, including the conditions of approval, 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 267-1150.

Sincerely,

Kevin Firchow, AICP
Planner

CC: Janet Dailey, City Engineering
John Leach, Traffic Engineering
Kay Rutledge, Parks Division
Scott Strassburg, Madison Fire Department
Matt Tucker, Zoning Administrator
Dennis Cawley, Madison Water Utility
Jeff Ekola, Real Estate Unit
Barb Constans, CDBG Office
Dan Everson, Dane County Land Records and Regulations