



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

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April 11, 2018

Brian Munson
Vandewalle & Associates
120 E. Lakeside Street
Madison, Wisconsin 53715

Dan Day
D'Onofrio Kottke & Associates
7530 Westward Way
Madison, Wisconsin 53717

RE: Approval of the revised preliminary plat and final of *Eagle Trace*, creating 243 single-family lots, one outlot to be dedicated for a public park, one outlot for future development, one outlot to be dedicated for public sidewalk purposes, and four outlots to be dedicated to the public for stormwater management (Veridian Homes). [ID 50678; LNDSP-2018-00002]

Gentlemen;

At its April 10, 2018 meeting, the Common Council **approved** the revised preliminary plat and final plat of "Eagle Trace" subject to the conditions of approval in the following sections, which shall be addressed prior to final approval and recording of the final plat.

Please contact Tim Troester of the City Engineering Division at 267-1995 if you have questions regarding the following twenty-two (22) items:

1. The proposed development requires construction of public works in adjacent Town of Middleton right of way. The developer shall set up and lead a coordination meeting between City of Madison staff and Town staff. This meeting shall be held in advance of sign off of the development. The construction may require the developer to obtain a permit from the Town for construction in the Town right of way. City plans will not be released for construction until this permit is obtained by the developer and provided to the City of Madison.
2. Per MGO Section 37.09(3)(d)7., this plat shall match the existing volumetric discharges from the property to lands not under their control in storm events including the one-, two-, five- and ten-year storm events.
3. The developer shall install roadway tapers beyond the plat along Schewe Road.
4. The developer shall construct bike path improvements as required by the City Engineer on Outlots 2 and 4.

5. The developer shall construct pavement, curb and gutter as required by City Engineer on Pioneer Road.
6. The developer shall construct full street and sidewalk improvements along White Fox Lane and Schewe Road along Lots 1, 2, and 3, and Outlots 1 and 2.
7. The developer shall remove Outlot 3 from plat. The sidewalk connection will require City maintenance and is redundant to sidewalk located on Tawny Elm Parkway close by.
8. 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.
9. This development is subject to impact fees for the Lower Badger Mill Creek Sanitary Sewer and Stormwater Management Impact Fee District. All impact fees are due and payable at the time building permits are issued. The following note shall put on the face of the plans: "Lots/ buildings within this development are subject to impact fees that are due and payable at the time building permit(s) are issued."
10. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat.
11. 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.
12. The applicant shall provide proof of septic system abandonment from Public Health- Madison and Dane County as a condition of plan approval. Septic System abandonment application is available online at <http://www.publichealthmdc.com/environmental/septage/>
13. 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.
14. 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 at 273-5612 of the WDNR to discuss this requirement.

15. A Phase 1 environmental site assessment (Phase 1 ESA), compliant with ASTM E1527-13, is required for the project area. The applicant shall provide one (1) digital copy and a paper copy only if specifically requested. Staff review of this Phase 1 ESA will determine if a Phase 2 ESA is also required. Please submit report(s) to Brynn Bemis (608-267-1986, bbemis@cityofmadison.com) for review.
16. 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).
17. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to: reduce TSS by 80% (control the 5 micron particle) off of newly developed areas compared to no controls; detain the 2-, 10-, and 100-year storm events, matching post development rates to predevelopment rates; provide substantial thermal control; provide infiltration in accordance with MGO Chapter 37; and, complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by Chapter 37 of Madison General Ordinances.
18. 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.
19. The developer shall construct Madison Standard street, bike path and sidewalk improvements for all streets within the plat.
20. The developer shall make improvements to Pioneer Road to facilitate ingress and egress to the plat, including the construction of acceleration and deceleration tapers, right-turn lanes, passing lanes, and median openings. These improvements may require dedication of right of way outside of the limits of the plat.
21. The developer shall note the AASHTO design standards for intersection sight distance will be applied during the design of the streets within this plat.
22. The developer shall confirm that adequate sight distance exists 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.

Please contact Jeff Quamme of the City Engineering Division–Mapping Section at 266-4097 if you have any questions regarding the following eleven (11) items:

23. The portion of the existing Schewe Road shown on the preliminary plat shall be discontinued by the City of Madison and a public road easement retained over those areas until the public road improvements have been constructed and accepted to the satisfaction of the City Engineer. The applicant shall provide the map and description of the areas to be discontinued and vacated and coordinate with Engineering Mapping.
24. There currently is shown a gap between lands within this proposed plat and several parcels lying to the north. The noted conveyance for public street purposes (White Fox Lane) shall be recorded and the same area attached to the City of Madison prior to final plat sign off. The applicant shall provide a solution addressing the remainder of the property gap that remains to the west of this area along the northerly side of this plat.
25. The applicant shall submit a petition to attach to the City of Madison the lands to be conveyed for White Fox Lane in northeasterly corner of the plat. The attachment shall be completed per the procedure set forth by the Intergovernmental Agreement between the Town of Middleton and the City of Madison.
26. The plat requires new public (sanitary sewer, storm sewer, storm drainage, water main, bike pedestrian path) easements to be granted on the face of the land division. Contact Engineering (Jeff Quamme - jrquamme@cityofmadison.com) to receive the appropriate easement terms/conditions language for inclusion on this plat.
27. If any off-site improvements or grading would become necessary for development, the developer is responsible to acquire any necessary easements or right of ways as required by the City, at the developer's expense. In the event that the developer would be unable to obtain those rights, the City would proceed with the acquisitions. The developer would reimburse the City for all costs associated with the acquisition, including attorney's fees and any and all costs associated with court ordered awards. The developer would provide a deposit at the time of contract execution to cover the estimated City staff expenses and easement cost for the acquisition. The developer shall note that separate, additional surety in an amount estimated to cover any potential court ordered awards would be retained by the City until such time as appeal rights have expired. The additional surety shall be provided prior to the City making an offer for the easement or right of way.
28. The applicant shall dedicate a 10-foot wide Permanent Limited Easement for grading and sloping along Pioneer Road.
29. 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 monument condition reports for all monuments, including center of sections of record, used in this survey, to Jeff Quamme, City Engineering (jrquamme@cityofmadison.com). 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 and shall be attached to a signed and sealed monument condition report. The applicant shall identify monument types on all PLS corners included on the plat.

30. 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.
31. The applicant shall submit to Jeff Quamme, prior to final Engineering sign-off of the subject plat, one (1) digital CADD drawing and one (1) signed copy of the final plat to the Mapping/GIS Section of the Engineering Division either as hard copy or Adobe PDF format. The digital CADD file shall be submitted in the WisDOT County Coordinate System, Dane County Zone datum in either Auto CAD Version compatible with MicroStation Version V8i, MicroStation Version V8i or older or Universal DXF Formats. The digital CADD file(s) shall contain the minimum of the items stated below, each on a separate layer name/level number. All line work shall be void of gaps and overlaps that would cause any parcel, street or easement to not properly close. All line work orientation and geometrics shall match the dimensioning as labeled on the final recorded plat: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; 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).

*This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat, electronic data and a written notification to Engineering Mapping for any changes to the plat which occur subsequent to any original submittal of data and prior to final sign off.
32. The preliminary plat shall be revised to clearly denote and show the corporate boundary of the City of Madison.
33. Revise the following street names prior to recording: Jaggy Pine Lane to Jagged Pine Drive; Hollow Aspen Run to Hollow Aspen Lane; Velvet Willow Way to Velvet Willow Road; Quiet Leaf Point to Quiet Leaf Drive; Ivory Dove Way to Ivory Dove Trail; Silent Wind Place to Silent Wind Road, and; Lush Woods Place to Lush Woods Trail.

Please contact Eric Halvorson of the Traffic Engineering Division at 266-6527 if you have any questions regarding the following two (2) items:

34. The applicant shall execute and return a declaration of conditions and covenants (DCC) 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. If the DCC is not executed the applicant shall pay a \$30.00 fee which is payable to the City of Madison Treasurer to be delivered or mailed to Attention Eric Halvorson, Traffic Engineering, Madison Municipal Building, Suite 100, 215 Martin Luther King Jr. Blvd., P.O. Box 2986, Madison, Wisconsin 53701-2986.
35. Prior to final sign-off, the applicant shall work with the Traffic Engineering Division Electrical Section to record the necessary easements for streetlights.

Please contact Jenny Kirchgatter, Assistant Zoning Administrator, at 266-4429 if you have any questions regarding the following item:

36. Identify qualifying usable open space areas as required in the requested TR-C3 zoning district, specifically Lots 136-137 and Lots 142-144. A minimum of 500 sq. ft. of useable open space is required per single-family dwelling unit. Usable open space shall be at ground level in a compact area of not less than two hundred (200) square feet, with no dimension less than eight (8) feet and no slope grade greater than ten percent (10%). Usable open space shall be outside of a required front or corner side yard, as extended to the rear lot line. Usable open space shall not include areas occupied by buildings, driveways, drive aisles, off-street parking, paving and sidewalks, except that paved paths no wider than five (5) feet and pervious pavement may be included as usable open space.

Please contact Adam Wiederhoeft of the Madison Water Utility at 266-9121 if you have any questions regarding the following three (3) items:

37. 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).

38. 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.

39. All operating private wells shall be identified and permitted by the Water Utility and all unused private wells shall be abandoned in accordance with MGO Section 13.21.

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

40. A fire apparatus access road that is longer than 150-feet shall terminate in a turnaround. Provide an approved turnaround (cul-de-sac, 45-degree wye, 90-degree tee) at the end of the fire apparatus access road. This turnaround shall be constructed of concrete or asphalt only, and be designed to support a minimum load of 85,000 lbs. Ensure project phasing does not create long dead end streets without an adequate turnaround.

41. 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)."

Please contact Sarah Lerner of the Parks Division at 261-4281 if you have any questions regarding the following fourteen (14) items:

42. On the revised preliminary plat dated February 14, 2018, the applicant proposes to dedicate approximately 9.6 acres of public park, identified as Outlot 4, which location is generally consistent with the Elderberry Neighborhood Development Plan.

43. The preliminary plat, as currently proposed, includes 243 single-family units with credit for one single-family unit home. Credit for the existing single family home will be credited to Lot 21 of the proposed plat. The parkland dedication requirement for a single-family and duplex unit is 1,081 square feet per MGO Sec. 16.23(8)(f) and 20.08(2). The total dedication requirement as proposed is approximately

6.0 acres. As proposed, Outlot 4 exceeds the required land dedication, no Park-Land Impact Fees will be due for this proposed subdivision.

44. Park-Infrastructure Impact Fee, per MGO Sec. 20.08(2), will be required for all new residential development associated with this subdivision. The applicant may enter into a development agreement for the park infrastructure improvements in lieu of paying Park impact fees.
45. Prior to sign off on the final plat the applicant shall execute a declaration of conditions and covenants along with an impact fee schedule for the Park Impact Fees for this development. This document will be recorded at the Register of Deeds. The applicant shall be responsible for all recording fees.
46. Lands that are dedicated for park purposes to fulfill the parkland dedication shall be suitable for park development. The applicant shall provide proposed grading plans prior approval of the area of dedicated public parklands. General guidelines for park development include:
 - a. Areas within a park to be used for open space for active and passive recreation shall be graded at 1-2% for the area where fields are proposed.
 - b. No side slopes within the park dedication area shall exceed 4:1.
 - c. Large or excessive retaining walls shall not be allowed on public parklands to meet the grading requirements.
 - d. The applicant shall provide a proposed bike path grading plan to show any potential impacts to the trees within the proposed park.
 - e. No propose utilities will be allowed on public park land without prior approval by the Parks Superintendent or his designee.
47. The applicant shall be required to fully remove the existing well in the proposed park. The existing well will need to be abandoned with proof of proper abandonment provided prior to the demolition of the existing house.
48. The applicant shall complete a tree inventory and health assessment for the trees located on the proposed public park. The applicant shall include the existing trees located on the existing residence, which are not all currently shown on the preliminary plat. The tree inventory and health assessment should be completed by an arborist and provided to the Parks Division with the final plat application. It should be noted that the existing tree at the northerly plat limits adjacent to Schewe Road right of way appears to be a large-diameter oak, and efforts should be made during the street and utility design to avoid impacts to the tree. Grading near existing trees adjacent to Lots 59-62 should be limited and stay outside of the drip line to preserve these trees.
49. The applicant shall enter into a maintenance agreement for the perpetual maintenance of the medians and private Outlots within the plat, specifically the proposed roundabout "F" Street. The applicant shall work with City Engineering or City Traffic Engineering on the approval of any plantings within the median(s)..
50. The applicant shall install a fence along the boundary of lands dedicated for public park purposes at the sole expense of the applicant. The fence shall be installed on private property to a design that is mutually agreeable to the applicant and Parks Division. The cost of the fence shall not be eligible for Park-Infrastructure Impact Fee credits. The applicant shall execute a deed restriction that would

require the fence to be perpetually maintained by the property owners for any lots that are adjacent to publicly dedicated park lands.

51. No farming or use of lands to be dedicated to the public for park purposes shall be allowed unless specifically approved by the Parks Superintendent and permitted under a farm lease administered through the City of Madison Office of Real Estate Services.
52. The applicant shall prominently stake all boundaries and property irons for lands to be dedicated for park purposes.
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.
54. 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.”
55. The developer shall provide soil borings within any lands to be dedicated as parkland.

Please contact my office at 261-9632 if you have any questions regarding the following thirteen (13) items, including the condition added by the Plan Commission on January 8, 2018 (#71):

56. That prior to final approval and recording of the final plat, the applicant shall work with the Planning Division and Capital Area Regional Planning Commission to revise the environmental corridor map to reflect the approved subdivision, including modifications to reflect the final location of the public park and the proposed stormwater management greenways/outlots.
57. That a “No Vehicular Access” restriction be shown graphically and noted on the final plat for Lots 196-200 and 236-241 backing onto Pioneer Road, consistent with the City-Town cooperative plan.
58. A revised phasing plan for the subdivision shall be provided to the Planning Division and City Engineer. The phasing plan for the subdivision shall show the construction of White Fox Lane to Pioneer Road no later than subdivision improvements for approximately 100 lots to ensure that two means of ingress and egress are provided for the subdivision as early as possible. In the alternative, this second means of access may be satisfied by construction of any street within this subdivision to connect to an existing public roadway.
59. The applicant shall submit a grading plan and landscaping plan (with cross-sections) for approval by the Planning Division prior to recording of the final plat that provides a landscaped buffer for the western 80 feet of Lots 196-200 and 236-241 backing onto Pioneer Road consistent with the City-Town cooperative plan. The planting area/ buffer strip adjacent to Pioneer Road shall be reserved for the planting and maintenance of trees or shrubs by the respective lot owners or an association, and the building of buildings within the 80-foot setback shall be prohibited. The final plat shall include a note identifying the rights and responsibilities of the owners of the affected lots and/or any association to install and maintain this 80-foot buffer.

Please contact Lance Vest of the Office of Real Estate Services at 245-5794 if you have any questions regarding the following thirteen (13) items:

60. 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.
61. A Consent of Lessee certificate shall be included on the plat for any tenancy in excess of one year, recorded or unrecorded, and executed by said tenant prior to agency 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.
62. An Environmental Site Assessment is required because of the public dedications.
63. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish 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 (September 26, 2017) and the date when sign-off of the final plat 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.
64. The following revisions shall be made to the final plat prior to final approval and recording:
 - a.) If in existence, depict and dimension all improvements including, but not limited to: buildings, drives, parking lots, encroachments, wells, septic systems, etc. associated with the lands described for the proposed plat.
 - a.) Record satisfactions or releases for all recorded instruments that encumber or benefit the subject lands, if all interested parties agree that the purpose for such instrument is no longer necessary or relevant for the purposes of the land division.

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

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, please do not hesitate to contact me at 261-9632.

Sincerely,

Timothy M. Parks
Planner

Eagle Trace – Revised
Preliminary Plat and Final Plat
566 Schewe Road
April 11, 2018
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cc: Tim Troester, City Engineering Division
John Sapp, City Engineering Division
Jeff Quamme, City Engineering Division – Mapping Section
Sarah Lerner, Parks Division
Eric Halvorson, Traffic Engineering Division
Jenny Kirchgatter, Zoning Administrator
Bill Sullivan, Madison Fire Department
Adam Wiederhoeft, Madison Water Utility
Lance Vest, Office of Real Estate Services