



Department of Planning & Community & Economic Development

Planning Division

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June 7, 2018

Randy Kolinske & Michael S. Marty
Vierbicher Associates, Inc.
999 Fourier Drive, Suite 201
Madison, Wisconsin 53717

RE: Approval of a request to rezone land generally addressed as 9563 Blackhawk Road and 9550 Sandhill Road from Temp. A (Agricultural District) to SR-C1 (Suburban Residential—Consistent 1 District); and approval of the preliminary plat and final plat of *Ninth Addition to Blackhawk*, creating 14 single-family lots (John McKenzie, The McKenzie Apartment Company/ BHTOO, LLC). [ID 51168 and 50993; LNDSP-2018-00003]

Gentlemen;

At its June 5, 2018 meeting, the Common Council **approved** the zoning map amendment, preliminary plat and final plat for “Ninth Addition to Blackhawk Subdivision” 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 nineteen (19) items, including the condition (#1) modified by the Plan Commission at its May 21, 2018 meeting (*highlighted below*):

1. The stormwater easement between Lots 500 and 501 shall be changed to an outlot dedicated to the public, ***unless staff and the applicant agree on an alternate arrangement, including varying the width of the outlot or different easement language.*** Further, the neighborhood or homeowners association shall be responsible for maintenance of all three (3) bio-retention systems to be located in the rear yards on public easements."
2. Rain gardens in the public right of way shall be the responsibility of the adjacent homeowner and each lot shall have a maintenance agreement recorded with the deed to this affect.
3. 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.
4. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat.

5. 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.
6. The applicant shall provide proof of septic system abandonment from Public Health-Madison and Dane County as a condition of plat approval.
7. A Phase 1 environmental site assessment (Phase 1 ESA), compliant with ASTM E1527-13, is required for the project area. Please submit report(s) to Brynn Bemis (608-267-1986, bbemis@cityofmadison.com) for review.
8. 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.
9. This site appears to disturb over one (1) acre of land and requires a permit from the 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.
10. 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).
11. 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 the City Engineering Division’s approval of this plan.”

12. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including: a) SLAMM DAT files; b) RECARGA files; c) TR-55/HYDROCAD/Etc.; d) Sediment loading calculations. If calculations are done by hand or are not available electronically, the hand copies or printed output shall be scanned to a PDF file and provided.
13. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to detain the 2-, 10-, and 100-year storm events, matching post development rates to predevelopment rates.
14. 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.
15. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to provide infiltration in accordance with Chapter 37 of Madison General Ordinances.
16. The developer shall construct Madison standard street and sidewalk improvements for all streets within the plat.
17. The developer shall note the AASHTO design standards for intersection sight distance will be applied during the design of the streets within this plat.
18. 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.
19. The developer shall construct sidewalk along Blackhawk Road as required by the City Engineer.

Please contact Jeff Quamme of the City Engineering Division—Mapping Section at 266-4097 if you have any questions regarding the following twelve (12) items:

20. The proposed stormwater management facility along the south sides of Lots 500-503 will discharge to the east. Currently there are 12-foot wide intra-block drainage easements that exist to convey stormwater at current rates. If the discharge exceeds allowed rate of stormwater discharge to the

east, all the costs for any acquisition of easement rights and associated administration of downstream public drainage or storm sewer easements would be the responsibility of the developer.

21. The developer shall enter into a maintenance agreement drafted, administered and recorded by the City of Madison for any required and approved stormwater infiltration facilities proposed to be constructed within any public right of way. The maintenance and repair of the facilities shall be the responsibility of the adjacent property owners and/or the Homeowners Association for this development.
22. A Public Utility Easement is proposed over the southerly 12 feet of the Public Storm Water Drainage Easement along the south side of Lots 500-502, east side of Lots 497-499 and the west side of Lots 506-508. The Utility easements shall be moved outside of the Public Drainage Easement or all shall be subject to a condition noted on the plat that the Utilities are subservient to the principal uses for the Public Drainage Easements. Contact Jeff Quamme for the required language if the Public Utility Easements remain within the Public Drainage Easements.
23. The titles for the easements shall match between the labels on the face of the plat to the easement text contained on sheet 2. All notes on the plat map for easements shall refer to the corresponding text on sheet 2.
24. The drainage easement text shall also include public storm sewer as part of the permitted public improvements.
25. The Public Drainage Easement behind Lot 508 shall be modified to adequately include the storm sewer discharge pipe to the northeast.
26. Label the Sixth Addition to Blackhawk to the west of this plat.
27. 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."
28. 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.

29. Insert the standard drainage easement language pre MGO 16.23(9)(d)2.a. verbatim.
30. Quail Drive is a duplicate street name and therefore not approved. Submit alternative street name suggestions to Lori Zenchenko, LZenchenko@cityofmadison.com

Please contact Eric Halvorson of the Traffic Engineering Division at 266-6527 if you have any questions regarding the following item:

31. Prior to final sign-off, the applicant shall work with the Traffic Engineering Division Electrical Section to record the necessary easements for streetlights. Easements are required on the corner of Lots 500, 504, 508, and between Lots 505-506.

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

32. Identify qualifying usable open space areas as required in the requested SR-C1 zoning district, specifically Lots 502 and 503. Usable open space shall be at ground level in a compact area of not less than 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 four (4) items:

33. The private well(s) currently serving the parcels included in this demolition application must be properly abandoned according to Wisconsin Administrative Code NR-812 and MGO Section 13.21 prior to the demolition of the property. Please contact Water Utility staff at (608) 266-4654 for additional information regarding well abandonment procedures and potential well abandonment reimbursement programs.
34. 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).
35. 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.
36. The developer shall loop water main to the west from the north end of proposed Quail Drive. The existing water main connection point is located at approximately the northwest end of plat limits. Coordinate connection with Madison Water Utility. The Madison Water Utility will be required to sign

the Subdivision Certification prior to recording and the issuance of building permits for the proposed development.

Please contact Bill Sullivan of the Madison Fire Department at 261-9658 if you have any questions regarding the following item:

37. The Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D and SPS 382.40(3)(e). Additional information is available at the Home Fire Sprinkler Coalition website: <https://homefiresprinkler.org/building-residential-fire-sprinklers>. 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.

Please contact Sarah Lerner of the Parks Division at 261-4281 if you have any questions regarding the following five (5) items:

38. 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(2) will be required for all new residential development associated with this project. This development is within the West Park-Infrastructure Impact Fee district. Please reference ID# 18121 when contacting Parks Division staff about this project.

39. The plat, as currently proposed, includes 14 single-family units with credit for one single-family unit home. Credit for the demolished single family home will be credited to Lot 497 of the proposed plat.

40. 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.

41. 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.

42. 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."

Please contact Lance Vest of the Office of Real Estate Services at 245-5794 if you have any questions regarding the following nine (9) items:

43. Please modify the owner's certificate to reflect the following format, as appropriate:

"BHTOO, LLC, a Wisconsin limited liability company, as owner, does hereby certify that said company caused the lands described on this plat to be surveyed, divided, mapped and dedicated as represented on this plat. BHTOO, LLC does further certify that this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection:

Department of Administration
Common Council, City of Madison

Dane County Zoning and Land Regulation Committee

WITNESS the hand and seal of said owner this _____ day of _____, 2018.

BHTOO, LLC, a Wisconsin Limited Liability Company”

Prior to approval sign-off, the Owner’s Certificate(s) on the FP shall be executed by all parties having an interest in the property, pursuant to Wis. Stats. 236.21(2)(a). Certificates 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.

44. 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.
45. An Environmental Site Assessment is required for the dedication areas. Please provide this material to Brynn Bemis in City Engineering for review (bbemis@cityofmadison.com).
46. Under 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
47. 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. If assessments are levied prior to final plat sign-off, they shall be payable at that time.
48. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish to Lance Vest (lvest@cityofmadison.com) in the City’s Office of Real Estate Services (ORES), as well as the surveyor preparing the plat, an updated title report covering the period between the date of the initial title report (March 27, 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.
49. The following revisions shall be made to the final plat prior to final approval and recording:
 - a.) Depict and dimension all existing improvements including, but not limited to: buildings, drives, parking lots, encroachments, wells, septic systems, etc. associated with the lands described for the proposed plat. If the home and garage improvements still exist on the subject property please depict these buildings. The Office of Real Estate Services does not have information related to confirm the existence or razing of buildings on the subject property.
 - b.) For properties not connected to municipal utility services, consider whether or not well abandonment ref. NR 141 needs to be addressed.

- c.) 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. In particular, the Private Sewer System Covenant recorded as Document No. 3057131.
- d.) It appears CSM number 3073 recorded as Document No. 1604836 set forth a 10-foot utility easement along the easterly boundary of the plat. Please depict and dimension the easement if it has not been released otherwise.

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

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