



Department of Planning & Development  
**Planning Unit**

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October 19, 2005

Tim McKenzie  
B & H Madison, LLC  
7704 Terrace Avenue  
Middleton, Wisconsin 53562

RE: Approval of a request to rezone 24.5 acres located at 9201 Midtown Road from Temporary A (Agriculture District) to R1 (Single-Family Residence District) and R5 (General Residence District); approval of a demolition permit to allow demolition of a farmhouse, and; approval of a preliminary plat creating lots 33 single-family lots, two lots for future multi-family development and one outlot for public stormwater detention.

Dear Mr. McKenzie:

At its October 18, 2005 meeting, the Common Council **conditionally approved** your rezoning and preliminary plat for the "Hawks Ridge Estates" subdivision subject to the following conditions of approval from reviewing agencies:

**Please contact Gary Dallmann, City Engineering, at 266-4751 if you have questions regarding the following twenty-five (25) items:**

1. The location of the streets within the plat shall be coordinated with adjacent plats which are now also in the platting process.
2. Stormwater Management shall provide for 1, 10, 100-year detention, sediment control, 80% infiltration in accordance with NR-151, and thermal control.
3. This plat drains both to the Upper and Lower Badger Mill Creek watersheds. Development in either of these watersheds is subject to a stormwater impact fee. This fee shall be paid prior to City Engineering signoff.
4. Stormwater management may require some off-site improvements to accommodate the concentrated discharge.
5. A portion of the plat must be served by sanitary sewer from the west. These lots cannot be developed until sewer is extended by others. Additionally these lots shall be subject to sanitary sewer impact fees for the Lower Badger Mill Creek and possibly connection charges for temporary use of the lift station of Hawks Landing.
6. The portion of the plat served by sanitary sewer from the east shall require off-site extension of public sanitary sewer, which may be entirely at the expense of the developer.

7. The developer shall be required to provide surety or a deposit for the developer's share of the cost to reconstruct Midtown Road.
8. The Developer shall coordinate the right-of-way configuration of Hawks Ridge Drive with the city and shall revise the right of way dedication if required by the City Engineer.
9. 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.
10. 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' below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer.
11. The right of way width on Midtown Road shall be 106 feet at Hawks Ridge Drive.
12. The developer shall construct Madison Standard street improvements for all streets within the plat.
13. The developer shall show a 40-foot building setback line on the plat adjacent to Midtown Road for all lots on the plat adjacent to said roadway. No buffer strip shall be dedicated to the City, as the City does not want the maintenance.
14. The applicant shall construct sidewalk along Midtown Road to a plan approved by the City Engineer.
15. The developer shall make improvements to Midtown Road to facilitate ingress and egress to the plat.
16. 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.
17. 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.

- 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.

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 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:

*“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. Prior to recording, this plat shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Please contact Greg Fries at 267-1199 to discuss these requirements.
20. 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. Please contact Jim Bertolacini of the WDNR at 275-3201 to discuss this requirement.
21. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to connection to the public sewerage system.
22. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor’s office. The Developer’s Surveyor and/or Applicant must submit copies of required tie sheets or condition reports for all monuments, including center of sections of record, used in this survey, to Eric Pederson, City Engineering. If a new tie sheet is not required under A-E 7.08, Engineering requests a copy of the latest tie sheet on record with Dane County Surveyor’s office. The Applicant shall identify monument types on all PLS corners included on the Plat or CSM. Note: Land tie to two PLS corners required.
23. In accordance with Section s. 236.18(8), Wisconsin Statutes, the Applicant shall reference City of Madison NAD 1927 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. City of Madison has established NAD 1927 Coordinates on all PLS corners within its corporate boundary. Visit the City of Madison Engineering Division web address site for current tie sheets and control data. If a surveyor encounters an area without a published NAD 1927 value, contact Engineering Division for this information.

24. 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 and be consistent with previous formats delivered to the City by the Applicant 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, 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 Bob Arseneau for design purposes.

\*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.

25. In accordance with Section s.236.34(1) (c) which says a plat shall be prepared in accordance with s.236.20(2) (c) & (f), Wisconsin Statutes, the Applicant must show type, location and width of any and all easements. Clearly identify the difference between existing easements (site Register of Deeds recording data) and easements that are being conveyed by the plat. Identify the owner and/or benefiting interest of all easements.

**Please contact John Leach, Traffic Engineering, at 267-8755 if you have questions about the following nine items:**

26. The plat is subject to impact fees for traffic signals and associated intersection improvements based on Council adopted resolutions. These shall be cleared prior to final plat or development approval.

27. The plat shall provide a deposit for future traffic signals and associated intersection changes at the intersections the City plans to signalize. The proportional share of the cost is based on a parcel's daily trips generated as defined by the industry standard known as the Institute of Transportation Engineers' Trip Generation Manual. As of 2004, the City is assessing approximately \$30 per trip for the capital cost of improvements for this area. The deposit may be paid in development phases.

28. The applicant shall execute and return the attached declaration of conditions and covenants for streetlights prior to sign off.

29. The final right of way dedications along Midtown Road shall be reviewed and approved after further consultation with the Traffic Engineer and City Engineer.

30. The applicant shall enter into a subdivision contract for infrastructure elements required to serve the plat, including interim or temporary improvements to serve the plat, according to the City's plans and specifications. These plans include traffic calming measures to be designed by the City.

31. There will be access restrictions on plat for development of this final plat and shall be noted on the face of the plat as follows: *"No Access shall be granted along the southerly right of way line of Midtown Road."*

32. Utility easements shall be provided on the final plat as follows:

Between Lots	Between Lots	Between Lots	Between Lots
4 & 5	10 & 11	15 & 16	33 & 34
8 & 9	12 & 13	18 & 19	

33. The applicant shall show a detail drawing of the 12-foot utility easement dimensions and lot lines on the face of the final plat.
34. 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 Kathy Voeck, the Assistant Zoning Administrator, at 266-4551 if you have questions regarding the following two items:**

35. Section 28.04(24) provides that Inclusionary Zoning requirements shall be complied with as part of the approval process. Submit a copy of the approved plan for recording prior to Zoning sign off of the plat.
36. Note: Lot 12 is a corner lot.

**Please contact John Lippitt, Madison Fire Department, at 261-9658 if you have questions about the following two items:**

37. All portions of the exterior wall of newly constructed one and two-family dwellings shall be within 500 feet of at least one fire hydrant. Distances measured along the path traveled by the fire truck as the hose lay off the truck. See Section 34.20 of the Madison General Ordinances for more information.
38. The temporary cul-de-sacs shall be constructed of concrete or asphalt only and designed to support 80,000 pounds.

**Please contact Si Widstrand, Parks Division, at 266-4711 if you have questions about the following item:**

39. Park dedication required for this project is 150,500 square feet based on 1100 square feet per single-family lot and 700 square feet per multi-family unit (amount based on 160 multi-family units, see below). The required dedication shall be paid as a fee in lieu of land, based on the actual value of the acreage up to a maximum of \$1.65 per square foot. The value is determined by the Real Estate Unit and is based on the land value prior to development approval. The fee would be \$248,325.00. Park Development Fees will be \$779.50 per single-family and \$501.11 per multi-family unit.

→ Total estimated park fees will be at least \$355,785.10 [Author's note: Estimated cost based on single-family lots plus 160 multi-family units, with the total to likely be higher due to the Common Council approval of a higher multi-family unit count ceiling (maximum R4 densities).]

Half the fees shall be paid prior to signoff on the final plat, with a letter of credit provided to cover the remainder. Fee payments may also be phased with plat construction phases.

Current plans do not indicate any recreational facilities or improvements that would qualify for IZ credits.

**Please contact Hickory Hurie or Barb Constans, Community Development Block Grant Office, at 267-0740 if you have questions about the following two items:**

40. The developer must identify which lots will be three and four bedroom affordable units (IZ lots) prior to submittal of the final plat.
41. That the applicant amend the Inclusionary Dwelling Unit Plan to include at least 5% of the proposed units at 70% AMI as required by the Inclusionary Zoning requirements of the Zoning Ordinance.

**Please contact Alan Larson, Madison Water Utility, at 266-4653 if you have any questions regarding the following three items:**

42. All public water mains and water service laterals shall be installed by a standard City subdivision contract.
43. All operating private wells shall be identified and permitted and all unused private wells shall be abandoned by the Water Utility in accordance with Madison General Ordinance 13.21.
44. The owner shall sign a waiver of notice and hearing for water main assessments on Midtown Road. The Water Utility will not need to sign off on the final plans, but will need a copy of the approved plans.

**Please contact my office at 261-9632 if you have questions about the following three items:**

45. When submitted, the final plat shall include the following:
  - a.) a 40-foot building line and landscape buffer strip parallel to Midtown Road;
  - b.) a note restricting the total density of multi-family Lots 1 and 2 to the maximum density permitted in R4 zoning (21.78 units per acre);
  - c.) a note prohibiting direct vehicular access to Midtown Road from Lots 1 and 2.
46. That the developer submit a final plat for approval in accordance with the Section 16.23 (5)(c) of the Subdivision Regulations.
47. That the applicant submit a completed Inclusionary Dwelling Unit Plan for approval and recording with the final plat of the subdivision that includes a deed restriction requiring compliance with the affordable housing provisions of the Zoning Ordinance for the two proposed multi-family lots.

**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.**

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 261-9632.

Sincerely,

Timothy M. Parks  
Planner

cc: Gary Dallman, City Engineering  
John Leach, Traffic Engineering  
Si Widstrand, Parks Division  
John Lippitt, Madison Fire Department  
Kathy Voeck, Assistant Zoning Administrator  
Alan Larson, Madison Water Utility  
Jeff Ekola, Real Estate Unit  
Norb Scribner, Dane County Land Records and Regulations