

PLANNING DIVISION REPORT
DEPARTMENT OF PLANNING AND COMMUNITY
AND ECONOMIC DEVELOPMENT
Of July 18, 2007

RE: I.D. # 06830: Zoning Map Amendment I.D. 3276 & 3277, rezoning 1507 Burning Wood Way from Temp. A to PUD-GDP-SIP and I.D. #07041, Approval of a Two-Lot Certified Survey Map of the Same

1. Requested Actions: Approval of a request to rezone 1507 Burning Wood Way from Temporary A (Agriculture District) to Planned Unit Development, General Development, Specific Implementation Plan (PUD-GDP-SIP) allow construction of three two-family condominium buildings, and approval of a Certified Survey Map creating two lots.
2. Applicable Regulations: Section 28.12 (9) provides the process for zoning map amendments; Section 28.07 (6) of the Zoning Ordinance provides the requirements and framework for Planned Unit Developments. The subdivision process is outlined in Section 16.23 (5)(b) of the Subdivision Regulations.
3. Report Prepared By: Timothy M. Parks, Planner.

GENERAL INFORMATION

1. Applicant & Property Owner: Cherokee Park, Inc.; 5000 N. Sherman Avenue; Madison; Craig Makela, representative.

Surveyor: Daniel V. Birrenkott, Birrenkott Surveying, Inc.; 1677 N. Bristol Street; Sun Prairie.
2. Development Schedule: The applicant wishes to begin construction once all regulatory approvals have been granted, with completion anticipated in early 2008.
3. Location: Approximately 7.4 acres of land located adjacent to the northern end of Burning Wood Way; Aldermanic District 18; Madison Metropolitan School District.
4. Existing Conditions: The subject site is undeveloped.
5. Proposed Land Use: The subject site will be divided into two parcels, with the City of Madison purchasing the western 3.98 acres adjacent to the Yahara River for public park and open space purposes. The applicants will construct three two-family condominiums on the remaining property.
6. Surrounding Land Use and Zoning:
North: Cherokee Marsh Conservation Park;

South: Single-family residences in the Fourth Addition to Cherokee Park subdivision, zoned R1 (Single-Family Residence District);

West: Yahara River (Cherokee Lake);

East: Cherokee Country Club in the Town of Westport.

7. Adopted Land Use Plan: The Cherokee Special Area Plan identifies the subject site as part of the "Fifth Addition" planning sub-area with future low-density residential uses up to eight dwelling units per acre, and park, open space and stormwater management uses.
8. Environmental Corridor Status: The area where the three duplex buildings are proposed to be built are not located within the mapped environmental corridor. The corridor will need to be modified consistent with the adopted Cherokee Special Area Plan.
9. Public Utilities & Services: The property will be served by a full range of urban services.

STANDARDS FOR REVIEW

This application is subject to the standards for Planned Unit Development Districts and Certified Survey Maps.

PREVIOUS MATTERS

On January 16, 2007, the Common Council adopted the Cherokee Special Area Plan as a land use supplement to the Comprehensive Plan for an area located west of the Dane County Regional Airport, north of portions of the Whitetail Ridge and Sherman Village subdivisions, east of Yahara River and south of the Cherokee Conservation Park and adjacent Cherokee Marshlands.

On the same night, the Council approved a Memorandum of Understanding between the City and Cherokee Park, Inc. providing for the purchase of lands owned by Cherokee and the purchase of conservation easements over other lands owned by Cherokee and an annexation agreement. One of the agreed upon purchases included lands involves within the subject site (see attached map).

PLAN REVIEW

Cherokee Park, Inc. is requesting approval of a rezoning of approximately 3.4 acres of land from Temporary A (Agriculture District) to PUD-GDP-SIP to allow construction of three two-family residential condominium buildings to be located along the east side of a private road that will

extend north from the northern terminus of Burning Wood Way. The three duplexes will occupy Lot 1 of a proposed Certified Survey Map (CSM) that will divide the overall 7.39-acre site into two parcels, with the remaining 3.98 acres of the site to be designated as Outlot 1. The outlot will comprise the western half of the site adjacent to the Yahara River and will be purchased by the City of Madison for park and open space purposes in accordance with a memorandum of understanding between the City and the developer, which was approved earlier this year. The overall 7.39-acre site was annexed into the City from the Town of Westport on June 19, 2007.

In addition to abutting the river on the west, the 7.39-acre parcel is generally bounded by the Cherokee Country Club on the east in the Town of Westport, City-owned Cherokee Marsh on the north and single-family homes in the Fourth Addition to Cherokee Park subdivision to the south. In addition, the City also owns Cherokee Park, a conservancy park located between the river and Burning Wood Way in the Fourth Addition that, when combined with the 3.98 acres to be purchased following approval of the CSM, will give the City a continuous conservancy space along the river from Cherokee Marsh Conservation Park south to Wheeler Road.

The subject site was identified in the recently adopted Cherokee Special Area Plan as part of the "Fifth Addition" planning sub-area (attached). In the plan, Burning Wood Way is proposed to extend an additional 200 feet north from its current stub end in the Fourth Addition into a cul-de-sac to serve proposed low-density residential uses east of the City greenspace. The low-density residential development was envisioned with a maximum density of eight units per acre, with a more specific density range of 5-7 units identified in a combination of single-family and attached dwelling units.

The 7.39-acre site is characterized by significant woodlands and mapped wetlands adjacent to the Yahara River. The riverside wetlands continue along the northern edge of the site adjacent to Cherokee Marsh Conservation Park, while a second area of wetlands is identified in the northeastern corner of the lot to be developed with the three duplex condominiums. The proposed CSM identifies the required 75-foot setbacks for both wetlands, with the boundary between the proposed development lot and future City-owned outlot generally proposed to follow the 75-foot wetland setback line parallel to the larger wetland adjoining the river and marsh. The western portion of the 7.39-acre site to be purchased by the City is characterized by a heavily wooded slope that falls from a ridgeline that follows the northerly prolongation of Burning Wood Way down to the waterline of the river. The portion of the site to be developed is characterized by gently rolling terrain that is largely devoid of significant vegetation.

The site plan developed for the duplex condominiums proposes three buildings arrayed at different setbacks from a 20-foot wide private access drive that will extend north from the existing dead-end of Burning Wood Way. Under plans developed by the City, the existing public sidewalks on the west side of Burning Wood Way will be continued onto the condominium site

on west side of the 20-foot wide private drive. The private drive and public sidewalk will end at a small turnaround, with a 10-foot wide public bike path to continue to the east to ultimately connect to future phases of development in the Fifth Addition planning sub-area off of N. Sherman Avenue. All three condominium buildings and driveways will be located outside of the 75-foot wetland setback.

Each of the proposed two-family units will contain two bedrooms and baths on the first floor, with a total of 2,720 square feet of space identified on the first floor of each unit. An additional 1,210 square feet of mostly undefined finished floor area will be provided in partial second floor spaces for each unit. Each unit will be provided with a side-facing two-car garage accessed from a shared driveway leading to the 20-foot wide private drive as well as full unfinished walk-out basements. The exterior of the three buildings are similar and are designed in a prairie motif that will include brick veneer across most of the first floor and basement elevations, with stucco to be used on the remainder of the facades. The buildings will be topped with low-profile hip roofs that are customary to prairie-style buildings.

Landscaping for the condominium development will primarily feature the planting of evergreen trees and a variety of coniferous and deciduous shrubs primarily in the side and rear yards of the three buildings. Rain gardens will be installed in the courtyards located between the units in each building. Native planting areas will be installed on each side of the three shared driveways and in a strip along the rear edge of the three buildings. Crushed stone shoulders will also be provided on each side of the driveways to enhance stormwater infiltration.

The Urban Design Commission has reviewed the planned unit development for the three two-family condominiums and recommended initial approval of the project on July 11, 2007 (see attached report). In granting initial approval, the Commission noted the need for additional work on the elevations of the three buildings and the landscaping plan prior to final approval being granted.

ANALYSIS & CONCLUSION

The applicant is requesting approval of a request to divide a recently annexed 7.39-acre parcel located at the northern end of Burning Wood Way into two lots. The western of the two lots will be a 3.98-acre outlot to be purchased by the City of Madison that contains a heavily wooded slope down to the waterline of the Yahara River as well as mapped wetlands. The remaining land will be a developable lot that the applicant is requesting approval of planned unit development zoning to allow three two-family condominium buildings accessed from the south by a 20-foot wide private drive to be constructed. The private access drive will continue further east as a 10-foot wide public bike path that will link these six units and the Fourth Addition to Cherokee Park

to future low-density residential development to be constructed off of N. Sherman Avenue in a future phase.

While final aesthetic details of the three residential buildings require final approval by the Urban Design Commission, the Planning Division finds both the proposed Certified Survey Map and rezoning to be in keeping with the recommendations of the Cherokee Special Area Plan and the provisions of the Memorandum of Understanding between the City and Cherokee Park, Inc. The three duplex residential buildings and resulting density of less than two units per acre (1.77 U/A) conform to the low-density residential recommendation contained in the Cherokee SAP for the lands directly east of the park and open space adjacent to the river. The low-density residential recommendation allows a maximum of up to eight units an acre in such designated areas, with a more specific density of 5-7 units per acre in a combination of single-family residences and attached dwelling units, such as duplexes, in the Fifth Addition planning sub-area. Meanwhile, the proposed outlot and the subsequent City purchase will begin the implementation of land acquisitions in the Fifth Addition planning sub-area as called for in the City-Cherokee MOU.

Shoreland zoning requires that any lot within 300 feet of a shoreland as defined in State Statutes, in this case the Yahara River, be a minimum of 100 feet wide and 15,000 square feet in area, with development not to exceed 30% lot coverage. In this case, proposed Lot 1 significantly exceeds the lot width and area requirements, while the Planning Division has determined that the lot coverage of the three proposed buildings does not exceed 15% of the 3.4-acre lot.

In closing, the Planning Division believes that the proposed land division and six-unit planned unit development can meet the standards for approval for Certified Survey Maps and Planned Unit Developments in City ordinances.

RECOMMENDATION

The Planning Division recommends that the Plan Commission forward Zoning Map Amendments 3276 & 3277, rezoning 1507 Burning Wood Way from Temp. A to PUD-GDP-SIP, to the Common Council with a recommendation of **approval**, and approve a Certified Survey Map creating two lots, both subject to input at the public hearing and the following conditions:

1. Comments from reviewing agencies.
2. That the zoning text be revised per Planning Division and Zoning approval as follows:
 - a.) the floor area ratio shall be noted "as shown on the approved plans;"
 - b.) the size of the subject site shall be revised in the statement of purpose based on the final Certified Survey Map of the property;

- c.) uses for this project shall be listed as: "Two-family residences as shown on the attached plans and any accessory uses related thereto;"
 - d.) signage is limited to the maximum permitted in the adjacent R1 zoning district and as approved by the Urban Design Commission and Zoning Administrator.
3. That the applicant revise the Certified Survey Map to include any public pedestrian easements necessary to provide public access to and maintenance of the public sidewalks proposed on each side of the 20-foot access drive shown on the development plans, as well as the 10-foot wide public bike path. Adequate fire department access to the three residential buildings and the public bike path shall also be provided on the face of the CSM. A gate shall be placed at the end of the private access drive just north of the last duplex building to prevent non-emergency vehicular traffic from traveling on the path.
 4. That the applicant receive approval from the Capital Area Regional Planning Commission of any alterations to the 75-foot wetland setback and environmental corridor necessary for the implementation of the proposed development prior to final signoff of the planned unit development for recording and construction.



Department of Public Works
City Engineering Division

608 266 4751

Larry D. Nelson, P.E.
City Engineer

City-County Building, Room 115
210 Martin Luther King, Jr. Boulevard
Madison, Wisconsin 53703
608 264 9275 FAX
1 866 704 2315 Textnet

Deputy City Engineer
Robert F. Phillips, P.E.

Principal Engineers
Michael R. Dailey, P.E.
Christina M. Bachmann, P.E.
John S. Fahrney, P.E.
Gregory T. Fries, P.E.

Facilities & Sustainability
Jeanne E. Hoffman, Manager
James C. Whitney, A.I.A.

Operations Supervisor
Kathleen M. Cryan

Hydrogeologist
Joseph L. DeMorett, P.G.

GIS Manager
David A. Davis, R.L.S.

DATE: July 19, 2007
TO: Plan Commission
FROM: Larry D. Nelson, P.E., City Engineer
SUBJECT: *for* 1507 Burning Wood Way Certified Survey Map

The City Engineering Division has reviewed the subject development and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. The site plan and CSM for this project do not show the public right of way of Burning Wood Way extended into the proposed development. The intent of the development is to construct a private roadway to provide access to the six dwelling units proposed on lot one. The private road is to be maintained by a property owners association. The public will have a right to use the private road for a bike and pedestrian path. It is the intent to extend a bike and pedestrian path from the end of the private road easterly to a new public street that would provide a connection to Sherman Avenue. The following comments shall be satisfied in order to provide for the above intent.
 - A. The Developer shall show a pedestrian bike path easement over Lot 1.
 - B. The Developer shall record a maintenance document that provides for the future maintenance of the private roadway by a Property Owners Association as required by the City Engineer. The recorded document shall also provide the Public with the right to use the private roadway in the event of an emergency.
 - C. The Developer shall keep the private roadway outside of the 75-foot wetland buffer and entirely within Lot 1. If these conditions are not possible, other conditions will need to be applied.
 - D. The Developer shall dedicate Sanitary Sewer and Water Main Easements over Lot 1 and Outlot 1 for all portions of those systems that are public.
2. The Developer shall make improvements to the north end of Burning Wood Way as required by the City Engineer to properly terminate the existing street.
3. The Developer shall enter into a City / Developer agreement for construction of the termination of Burning Wood Way, for the construction of a bike / pedestrian path and for the construction of public utilities required to serve the development.

6-7



4. The Applicant shall show the limits of the "provisional" FEMA floodplain on the CSM, this will be done by survey using the regulatory elevation and locating that elevation on the property.
5. Portions of the proposed development including the sidewalk and the pedestrian / bike path encroach into the 75 foot wetland buffer (Setback). This constitutes a Minor Change to the Environmental Corridor and must be approved by the City prior to the approval of this development.
6. City Engineering will not sign off on the site plan until the CSM for this development has been recorded.
7. Define and monument a meander line boundary a safe distance from the waters edge along the western boundary of the proposed CSM and include net and gross land area calculations.

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

**Engineering Division Review of Plats (Pre-Preliminary, Preliminary, Final)
and Certified Survey Maps**

Name: 1507 Burning Wood Way Certified Survey Map

General

- 1.1 The Developer shall enter into a City / Developer agreement for the installation of public improvements required to serve this plat/csm. 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/csm without the agreement executed by the developer.
- 1.2 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.

Right of Way / Easements

- 2.1 The Applicant shall Dedicate a _____ foot wide strip of Right of Way along _____.
- 2.2 The Applicant shall Dedicate a Permanent Limited Easement for grading and sloping _____ feet wide along _____.
- 2.3 It is anticipated that the improvements on [roadway name] _____ required to facilitate ingress and egress to the plat/csm will require additional right of way and/or grading easements located outside the plat/csm boundary. The developer shall acquire the right of way and/or sloping easements as required by the City at the developer's expense. In the event that the developer is unable to acquire the right of way and/or sloping easements required, the City shall assist the developer in acquiring the property and the developer shall pay the City for all costs associated with the acquisition.
- 2.4 The Developer shall petition for the street vacation of (roadway name) _____ and provide a legal description and sketch of the right of way to be vacated after consultation with the City Engineer.

Are the following requirements met?

- * Streets Intersect at right angles.
- * A 15 foot minimum tangent at intersections from PC of curve to property line.
- * Arterial intersection spacing generally greater than 1200 feet.
- * Jogs are avoided at intersections. Arterial streets shall be adjusted to align if spacing less than 300 feet.
- * Spacing of intersections on local streets shall be greater than 300 feet.
- * Cul-de-sacs shall be less than 1000 feet long.
- * 100 foot tangents between curves.

- 2.5 _____

6-7

- _____
- 2.6 Property lines at intersections shall be rounded with a 15 foot radius on _____
- _____
- 2.7 Property lines at intersections shall be rounded with a 25 foot radius on _____
- _____
- 2.8 The right of way width on _____ shall be _____ feet, on _____ shall be _____ feet and on _____ shall be _____ feet.
- 2.9 _____ shall have a minimum centerline radius of _____ feet and _____ shall have a minimum centerline radius of _____ feet.
- 2.10 The cul-de-sac on _____ shall have a minimum radius of _____ feet with a minimum reverse curve radius of _____ feet.
- 2.11 The plat/csm shall show a temporary limited easement for a temporary cul-de-sac on _____ having a radius of _____ feet and a reverse curve radius of _____ feet. The easement(s) shall expire when the streets are extended.
- 2.12 The developer shall show on the plat/csm a 40 foot utility easement adjacent to [roadway name] _____. The easement wording shall be approved by the City Engineer. The intent of the easement is to allow for the relocation of a major transmission line. The actual poles would remain on the right of way however major transmission lines require an easement beyond the space occupied by the poles for safety.
- 2.13 The City Engineer has reviewed the need for pedestrian and bicycle connections through the development and finds that no connections are required.
- 2.14 The Developer shall Dedicate a Permanent Limited Easement for a pedestrian / bicycle easement _____ feet wide from _____ to _____.
- 2.15 The Developer shall provide a private easement for public pedestrian and bicycle use through the property running from _____ to _____. The developer shall be responsible for the ongoing construction and maintenance of a path within the easement. The maintenance responsibilities shall include, but not be limited to, paving, repaving, repairing, marking and plowing. The developer shall work with the City of Madison Real Estate Staff to administer this easement. Applicable fees shall apply.
- 2.16 Public Sanitary Sewer Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- a. The property owner reserves the right to use and occupy the Public Sanitary Sewer Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public sanitary sewer facilities.
 - b. No above-ground improvements shall be located in the Public Sanitary Sewer Easement Area(s) by the City or the property owner, with the exception that grates, sewer access structure (SAS) covers, and other access points to the public sanitary sewer facilities shall be permitted at grade level. (Optional: and with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
 - c. Plantings and landscaping within the Public Sanitary Sewer Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
 - d. The property owner shall not change the grade of the Public Sanitary Sewer Easement Area(s) without the prior written approval of the City's Engineering Division.
 - e. The Public Sanitary Sewer Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.
- 2.17 The Public Sidewalk Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- a. The property owner reserves the right to use and occupy the Public Sidewalk Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public sidewalk improvements.
 - b. No above-ground improvements will be allowed in the Public Sidewalk Easement Area(s) by the property owner. (Optional: with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
 - c. Plantings and landscaping within the Public Sidewalk Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
 - d. The property owner shall not change the grade of the Public Sidewalk Easement Area(s) without the prior written approval

6-7

of the City's Engineering Division.

- e. The Public Sidewalk Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.

2.18 The Public Storm Sewer Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:

- a. The property owner reserves the right to use and occupy the Public Storm Sewer Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public storm sewer facilities.
- b. No above-ground improvements shall be located in the Public Storm Sewer Easement Area(s) by the City or the property owner, with the exception that grates, sewer access structure (SAS) covers, and other access points to the public storm sewer facilities shall be permitted at grade level. (Optional: and with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
- c. Plantings and landscaping within the Public Storm Sewer Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
- d. The property owner shall not change the grade of the Public Storm Sewer Easement Area(s) without the prior written approval of the City's Engineering Division.
The Public Storm Sewer Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.

2.19 The Public Water Main Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:

- a. The property owner reserves the right to use and occupy the Public Water Main Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public water main facilities.
- b. No above-ground improvements will be allowed in the Public Water Main Easement Area(s) by the property owner. (Optional: with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
- c. Plantings and landscaping within the Public Water Main Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
- d. The property owner shall not change the grade of the Public Water Main Easement Area(s) without the prior written approval of the City's Engineering Division.
- e. The Public Water Main Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.

Streets and Sidewalks

3.1 The Developer shall construct Madison Standard street improvements for all streets within the plat/csm.

3.2 The developer shall show a 30 40 (*Strike one, 30 collector, 40 Arterial*) foot building setback line on the plat/csm adjacent to [Roadway Name] _____ for all lots in the plat/csm adjacent to said roadway.

Note: No buffer strip shall be dedicated to the City as the City does not want the maintenance.

3.3 Extensive grading may be required due to steep roadway grades.

3.4 The developer shall note that City funds for park frontage are limited and will be determined at the sole discretion of the City.

3.5 The developer shall construct sidewalk and record a waiver of their right to notice and hearings for the assessments for the improvement of [roadway] _____ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO. Said sidewalk constructed in front of and waiver recorded to Lot(s) _____.

3.6 The Developer shall make the following improvement to [Roadway Name] _____. The Developer shall construct sidewalk and _____ feet of a future _____ foot roadway including curb and gutter on the _____ side of the roadway.

3.7 The Developer shall construct sidewalk to a plan approved by the City Engineer and complete ditching as required by the City Engineer along [Roadway Name] _____.

3.8 The Developer shall grade the right of way line to a grade established by the City Engineer and complete ditching along the roadway as specified by the city engineer along [Roadway Name] _____.

3.9 **Value of sidewalk installation over \$5000.** The Applicant shall Construct Sidewalk to a plan approved by the City Engineer along _____. (Also require the City / Developer agreement line 1.1)

3.10 **Value of sidewalk installation under \$5000.** The Applicant shall install public sidewalk along _____. The Applicant shall

6-7

obtain a Street Excavation Permit for the sidewalk work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. All work must be completed within six months or the succeeding June 1, whichever is later. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

- 3.11 The Applicant shall execute a waiver of their right to notice and hearings on the assessments for the installation of sidewalk along [roadway] ___ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and section 4.09 of the MGO.
- 3.12 The Applicant shall grade the property line along _____ to a grade established by the City Engineer. The grading shall be suitable to allow the installation of sidewalk in the future without the need to grade beyond the property line. The Applicant shall obtain a Street Excavation permit prior to the City Engineer signing off on this development. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 3.13 Developer shall make improvements to [Roadway Name] _____ considered temporary to facilitate ingress and egress to the plat/csm until such time as the ultimate improvement of the roadway is undertaken by the city.
- 3.14 The Developer shall make improvements to [Roadway Name] _____ to facilitate ingress and egress to the plat/csm.

[Select one of the below comments for either of the above or leave general]

- The above improvement will consist of acceleration and deceleration tapers.
- The above improvement consists of rights turn lanes.
- The above improvement will consist of passing lanes.
- The above improvement will consist of median openings.

- Caution – The improvements indicated above may require right of way outside of the plat/csm. See comment 2.3 to require additional right of way for this purpose.*

- 3.15 The developer shall note the AASHTO design standards for intersection sight distance will be applied during the design of the streets within this plat/csm.
- 3.16 The developer shall confirm that adequate sight distance exists on _____ 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.
- 3.17 All proposed street names shall be approved by the City Engineer. Applicant shall contact Lori Zenchenko (608-266-5952) with street name requests.
- 3.18 Installation of "Private" street signage in accordance with 10.34 MGO is required.
- 3.19 Coordinate all necessary new interior addresses associated with this proposed development with City Engineering Program Specialist Lori Zenchenko lzenchenko@cityofmadison.com or (608) 266-5952

Storm Water Management

- 4.1 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 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.
- 4.2 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

67

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.

- 4.3 Arrows shall be added to the certified survey map indicating the direction of drainage for each property line not fronting on a public street. In addition, the certified survey map shall include lot corner elevations, for all lot corners, to the nearest 0.25-foot. The following notes shall be added to the certified survey map.
- Arrows indicate the direction of surface drainage swale at individual property lines. Said drainage swale shall be graded with the construction of each principal structure and maintained by the lot owner unless modified with the approval of the City Engineer. Elevations given are for property corners at ground level and shall be maintained by the lot owner.
 - All lots within this certified survey 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 certified survey. 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 certified survey. 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.

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.

- 4.4 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.

- 4.5 If the lots within this certified survey map are inter-dependent upon one another for storm water runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the certified survey map and recorded at the Dane Co Register of Deeds.
- 4.6 The following note shall be added to the certified survey map. "All lots created by this certified survey map are individually responsible for compliance with Chapter 37 of the Madison General Ordinances in regard to storm water detention at the time they develop."
- 4.7 This plat/csm could affect a flood plain, wetland or other sensitive areas. As such, it shall be reviewed by the Commission on the Environment. Contact Mike Dailey at 266-4058 for further details. The proposed plat/csm may be considered a major change to the environmental corridor and be subject to a public hearing and approval of the Dane County Regional Plan Commission.
- 4.8 A portion of this plat/csm may come under the jurisdiction of the US Army Corp of Engineers and Wisconsin Department of Natural Resources for wetland or flood plain issues or navigable waterway. A permit for those matters may be required prior to construction on any of the lots currently within the plat/csm. Contact the WDNR & USACOE for a jurisdictional determination.
- 4.9 Prior to recording the plat/csm, the applicant shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to:
- Detain the 2 & 10-year storm events.
 - Detain the 2, 10, & 100-year storm events.

6-7

- Control 40% TSS (20 micron particle).
- Control 80% TSS (5 micron particle).
- Provide infiltration in accordance with NR-151.
- Provide substantial thermal control.
- Provide oil & grease control from the first 1/2" of runoff from parking areas.

Stormwater management plans shall be submitted and approved by City Engineering prior to signoff.

- 4.10 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>.
- 4.11 NR-151 of the Wisconsin Administrative Code will be effective on October 1, 2004. Future phases of this project shall comply with NR 151 in effect when work commences. Specifically, any phases not covered by a Notice of Intent (NOI) received from the WDNR under NR-216 prior to October 1, 2004 shall be responsible for compliance with all requirements of NR-151 Subchapter III. As most of the requirements of NR-151 are currently implemented in Chapter 37 of the Madison General Ordinances, the most significant additional requirement shall be that of infiltration.

NR-151 requires infiltration in accord with the following criteria. For the type of development, the site shall comply with one of the three (3) options provided below:

Residential developments shall infiltrate 90% of the predevelopment infiltration amount, 25% of the runoff from the 2-year post development storm or dedicate a maximum of 1% of the site area to active infiltration practices.

Commercial development shall infiltrate 60% of the predevelopment infiltration amount, 10% of the runoff from the 2-year post development storm or dedicate a maximum of 2% of the site area to active infiltration practices.

- 4.12 A minimum of two (2) working days prior to requesting City Engineering signoff on the plat/csm 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).

Sanitary Sewer

- 5.1 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.
- 5.2 Each unit of a duplex building shall be served by a separate and independent sanitary sewer lateral.
- 5.3 This land division contains or is adjacent to facilities of MMSD. Prior to approval, applicant shall provide evidence that MMSD has reviewed and approved the proposed land division.

Mapping / Land Records

- 6.1 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.**
- 6.2 In accordance with Section s. 236.18(8), Wisconsin Statutes, 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. City of Madison has established WCCS, Dane Zone Coordinates on all PLS corners within its corporate boundary. Visit the City of Madison Engineering Division web address http://gis.ci.madison.wi.us/Madison_PLSS/PLSS_TieSheets.html for current tie sheets and control data. If a surveyor encounters an area without a published WCCS Dane Zone 1997 value, contact Engineering Division for this information.
- 6.3. 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/CSM 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:**
 - a. Right-of-Way lines (public and private)
 - b. Lot lines
 - c. Lot numbers
 - d. Lot/Plat dimensions
 - e. Street names

6-7

- f. 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.

- 6.4 In accordance with Section s.236.34(1) (c) which says a CSM 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 (cite Register of Deeds recording data) and easements which are being conveyed by the Plat/CSM. Identify the owner and/or benefiting interest of all easements.
- 6.5 Prior to Engineering final sign-off by main office for Certified Survey Maps (CSM), final CSM must be submitted to Engineering Division Surveyor / Land Records Coordinator for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off. Electronic mail submittal of the FINAL CSM in PDF form is preferred. Transmit to epederson@cityofmadison.com



Department of Public Works
City Engineering Division

608 266 4751

Larry D. Nelson, P.E.
City Engineer

City-County Building, Room 115
210 Martin Luther King, Jr. Boulevard
Madison, Wisconsin 53703
608 264 9275 FAX
1 866 704 2315 Textnet

Deputy City Engineer
Robert F. Phillips, P.E.

Principal Engineers
Michael R. Dailey, P.E.
Christina M. Bachmann, P.E.
John S. Fahrney, P.E.
Gregory T. Fries, P.E.

Facilities & Sustainability
Jeanne E. Hoffman, Manager
James C. Whitney, A.I.A.

Operations Supervisor
Kathleen M. Cryan

Hydrogeologist
Joseph L. DeMorett, P.G.

GIS Manager
David A. Davis, R.L.S.

DATE: July 19, 2007
TO: Plan Commission
FROM: Larry D. Nelson, P.E., City Engineer
SUBJECT: *for* 1507 Burning Wood Way Rezoning

The City Engineering Division has reviewed the subject development and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. The site plan and CSM for this project do not show the public right of way of Burning Wood Way extended into the proposed development. The intent of the development is to construct a private roadway to provide access to the six dwelling units proposed on lot one. The private road is to be maintained by a property owners association. The public will have a right to use the private road for a bike and pedestrian path. It is the intent to extend a bike and pedestrian path from the end of the private road easterly to a new public street that would provide a connection to Sherman Avenue. The following comments shall be satisfied in order to provide for the above intent.
 - A. The Developer shall show a pedestrian bike path easement over Lot 1.
 - B. The Developer shall record a maintenance document that provides for the future maintenance of the private roadway by a Property Owners Association as required by the City Engineer. The recorded document shall also provide the Public with the right to use the private roadway in the event of an emergency.
 - C. The Developer shall keep the private roadway outside of the 75-foot wetland buffer and entirely within Lot 1. If these conditions are not possible, other conditions will need to be applied.
 - D. The Developer shall dedicate Sanitary Sewer and Water Main Easements over Lot 1 and Outlot 1 for all portions of those systems that are public.
2. The Developer shall make improvements to the north end of Burning Wood Way as required by the City Engineer to properly terminate the existing street.
3. The Developer shall enter into a City / Developer agreement for construction of the termination of Burning Wood Way, for the construction of a bike / pedestrian path and for the construction of public utilities required to serve the development.
4. The Applicant shall show the limits of the "provisional" FEMA floodplain on the CSM, this will be done by survey using the regulatory elevation and locating that elevation on the property.
5. Portions of the proposed development including the sidewalk and the pedestrian / bike path encroach into the 75 foot wetland buffer (Setback). This constitutes a Minor Change to the Environmental Corridor and must be approved by the City prior to the approval of this development.

6-7



6. City Engineering will not sign off on the site plan until the CSM for this development has been recorded.
7. Coordinate address plan for this development with City Engineering, Lori Zenchenko lzenchenko@cityofmadison.com or 266-5952.

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

Engineering Division Review of Planned Community Developments, Planned Unit Developments and Conditional Use Applications.

Name: 1507 Burning Wood Way Rezoning

General

- 1.1 The construction of this building will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City / Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer 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. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project.
- 1.2 The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
- 1.3 The site plan shall include all lot/ownership lines, existing building locations, proposed building additions, demolitions, parking stalls, driveways, sidewalks (public and/or private), existing and proposed signage, existing and proposed utility locations and landscaping.
- 1.4 The site plan shall identify the difference between existing and proposed impervious areas.
- 1.5 The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.
- 1.6 Coordinate all necessary new interior addresses associated with this proposed development with City Engineering Program Specialist Lori Zenchenko lzenchenko@cityofmadison.com or (608) 266-5952
- 1.7 The site plan shall include a full and complete legal description of the site or property being subjected to this application.

Right of Way / Easements

- 2.1 The Applicant shall Dedicate a _____ foot wide strip of Right of Way along _____.
- 2.2 The Applicant shall Dedicate a _____ foot wide strip of Right of Way along _____.
- 2.3 The Applicant shall Dedicate a Permanent Limited Easement for grading and sloping _____ feet wide along _____.
- 2.4 The City Engineer has reviewed the need for pedestrian and bicycle connections through the development and finds that no connections are required.
- 2.5 The Applicant shall Dedicate a Permanent Limited Easement for a pedestrian / bicycle easement _____ feet wide from _____ to _____.
- 2.6 The Developer shall provide a private easement for public pedestrian and bicycle use through the property running from _____ to _____.
- 2.7 The developer shall be responsible for the ongoing construction and maintenance of a path within the easement. The maintenance responsibilities shall include, but not be limited to, paving, repaving, repairing, marking and plowing. The developer shall work with the City of Madison Real Estate Staff to administer this easement. Applicable fees shall apply.

6-7

- 2.8 The Public Sanitary Sewer Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- a. The property owner reserves the right to use and occupy the Public Sanitary Sewer Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public sanitary sewer facilities.
 - b. No above-ground improvements shall be located in the Public Sanitary Sewer Easement Area(s) by the City or the property owner, with the exception that grates, sewer access structure (SAS) covers, and other access points to the public sanitary sewer facilities shall be permitted at grade level. **(Optional:** and with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
 - c. Plantings and landscaping within the Public Sanitary Sewer Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
 - d. The property owner shall not change the grade of the Public Sanitary Sewer Easement Area(s) without the prior written approval of the City's Engineering Division.
 - e. The Public Sanitary Sewer Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.
- 2.9 The Public Sidewalk Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- a. The property owner reserves the right to use and occupy the Public Sidewalk Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public sidewalk improvements.
 - b. No above-ground improvements will be allowed in the Public Sidewalk Easement Area(s) by the property owner. **(Optional:** with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
 - c. Plantings and landscaping within the Public Sidewalk Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
 - d. The property owner shall not change the grade of the Public Sidewalk Easement Area(s) without the prior written approval of the City's Engineering Division.
 - e. The Public Sidewalk Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.
- 2.10 The Public Storm Sewer Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- a. The property owner reserves the right to use and occupy the Public Storm Sewer Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public storm sewer facilities.
 - b. No above-ground improvements shall be located in the Public Storm Sewer Easement Area(s) by the City or the property owner, with the exception that grates, sewer access structure (SAS) covers, and other access points to the public storm sewer facilities shall be permitted at grade level. **(Optional:** and with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
 - c. Plantings and landscaping within the Public Storm Sewer Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
 - d. The property owner shall not change the grade of the Public Storm Sewer Easement Area(s) without the prior written approval of the City's Engineering Division.
The Public Storm Sewer Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.
- 2.11 The Public Water Main Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- a. The property owner reserves the right to use and occupy the Public Water Main Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public water main facilities.
 - b. No above-ground improvements will be allowed in the Public Water Main Easement Area(s) by the property owner. **(Optional:** with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
 - c. Plantings and landscaping within the Public Water Main Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
 - d. The property owner shall not change the grade of the Public Water Main Easement Area(s) without the prior written approval of the City's Engineering Division.
 - e. The Public Water Main Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.

Streets and Sidewalks

- 3.1 The Applicant shall execute a waiver of notice and hearing on the assessments for the improvement of [roadway] _____ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.

6-7

- 3.2 **Value of sidewalk installation over \$5000.** The Applicant shall Construct Sidewalk to a plan approved by the City Engineer along _____.
- 3.3 **Value of sidewalk installation under \$5000.** The Applicant shall install public sidewalk along _____. The Applicant shall obtain a Street Excavation Permit for the sidewalk work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. All work must be completed within six months or the succeeding June 1, whichever is later. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 3.4 The Applicant shall execute a waiver of their right to notice and hearings on the assessments for the installation of sidewalk along [roadway] _____ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.
- 3.5 The Applicant shall grade the property line along ____ to a grade established by the City Engineer. The grading shall be suitable to allow the installation of sidewalk in the future without the need to grade beyond the property line. The Applicant shall obtain a Street Excavation permit prior to the City Engineer signing off on this development. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 3.6 The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
- 3.7 **Value of the restoration work less than \$5,000. When computing the value, do not include a cost for driveways. Do not include the restoration required to facilitate a utility lateral installation.** The Applicant's project requires the minor restoration of the street and sidewalk. The Applicant shall obtain a Street Excavation Permit for the street restoration work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 3.8 The Applicant shall make improvements to _____ in order to facilitate ingress and egress to the development. The improvement shall include a (Describe what the work involves or strike this part of the comment.) _____.
- 3.9 The Applicant shall make improvements to _____. The improvements shall consist of _____.
- 3.10 The approval of this Conditional Use does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester.
- 3.11 The Applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The Applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The Applicant shall provide the City Engineer the proposed grade of the building entrances. The City Engineer shall approve the grade of the entrances prior to signing off on this development.
- 3.12 The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction.
- 3.13 The Applicant shall obtain a privilege in streets agreement for any encroachments inside the public right of way. The approval of this development does not constitute or guarantee approval of the encroachments.
- 3.14 The Applicant shall provide the City Engineer with the proposed soil retention system to accommodate the restoration. The soil retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system.
- 3.15 The Applicant shall complete work on exposed aggregate sidewalk in accordance with specifications provided by the city. The stone used for the exposed aggregate shall be approved by the City. The Construction Engineer shall be notified prior to beginning construction. Any work that does not match the adjacent work or which the City Construction Engineer finds is unacceptable shall be removed and replaced.
- 3.16 All work in the public right-of-way shall be performed by a City licensed contractor.
- 3.17 Installation of "Private" street signage in accordance with 10.34 MGO is required.

Storm Water Management

- 4.1 The site plans shall be revised to show the location of all rain gutter down spout discharges.
- 4.2 Storm sewer to serve this development has been designed and constructed. The site plans shall be revised to identify the location of this storm sewer and to show connection of an internal drainage system to the existing public

storm sewer.

- 4.3 The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used.
- 4.4 The applicant shall show storm water "overflow" paths that will safely route runoff when the storm sewer is at capacity.
- 4.5 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.
- 4.6 The City of Madison is an approved agent of the Department of Commerce. This proposal contains a commercial building and as such, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required.
- 4.7 This development includes multiple building permits within a single lot. The City Engineer and/or the Director of the Inspection Unit may require individual control plans and measures for each building.
- 4.8 If the lots within this site plan are inter-dependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the site plan and recorded at the Dane Co Register of Deeds.
- 4.9 Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to:
 - Detain the 2 & 10-year storm events.
 - Detain the 2, 10, & 100-year storm events.
 - Control 40% TSS (20 micron particle).
 - Control 80% TSS (5 micron particle).
 - Provide infiltration in accordance with NR-151.
 - Provide substantial thermal control.
 - Provide oil & grease control from the first 1/2" of runoff from parking areas.

Stormwater management plans shall be submitted and approved by City Engineering prior to sign-off.

- 4.10 The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement.
- 4.11 A portion of this project comes under the jurisdiction of the US Army Corp of Engineers and WDNR for wetland or flood plain issues. A permit for those matters shall be required prior to construction on any of the lots currently within the jurisdictional flood plain.
- 4.12 The Applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain the following data, each on a separate layer name/level number:
 - a) Building Footprints
 - b) Internal Walkway Areas
 - c) Internal Site Parking Areas
 - d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
 - e) Right-of-Way lines (public and private)
 - f) Lot lines
 - g) Lot numbers
 - h) Lot/Plat dimensions
 - i) Street names

NOTE: Email file transmissions preferred lzenchenko@cityofmadison.com. Include the site address in this transmittal.

- 4.13 NR-151 of the Wisconsin Administrative Code will be effective on October 1, 2004. Future phases of this project shall comply with NR 151 in effect when work commences. Specifically, any phases not covered by a Notice of Intent (NOI) received from the WDNR under NR-216 prior to October 1, 2004 shall be responsible for compliance with all requirements of NR-151 Subchapter III. As most of the requirements of NR-151 are currently implemented in Chapter 37 of the Madison General Ordinances, the most significant additional requirement shall be that of infiltration.

NR-151 requires infiltration in accord with the following criteria. For the type of development, the site shall comply with one of the three (3) options provided below:

6-7

Residential developments shall infiltrate 90% of the predevelopment infiltration amount, 25% of the runoff from the 2-year post development storm or dedicated a maximum of 1% of the site area to active infiltration practices.

Commercial development shall infiltrate 60% of the predevelopment infiltration amount, 10% of the runoff from the 2-year post development storm or dedicate a maximum of 2% of the site area to active infiltration practices.

- 4.14 The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set.
- PDF submittals shall contain the following information:
- a) Building footprints.
 - b) Internal walkway areas.
 - c) Internal site parking areas.
 - d) Lot lines and right-of-way lines.
 - e) Street names.
 - f) Stormwater Management Facilities.
 - g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
- 4.15 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.
- 4.16 The area adjacent to this proposed development has a known flooding risk. All entrances shall be 2-feet above the adjacent sidewalk elevation or 1-foot above the 100-year regional flood elevation (whichever is greater). This includes garage entrances.

Utilities General

- 5.1 The Applicant shall obtain a Street Excavation permit for the installation of utilities required to serve this project. The Applicant shall pay the permit fee, inspection fee and street degradation fee as applicable and shall comply with all the conditions of the permit. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 5.2 The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 5.3 All proposed and existing utilities including gas, electric, phone, steam, chilled water, etc shall be shown on the plan.
- 5.4 The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 5.5 The site plans shall be revised to show the location of existing utilities, including depth, type, and size in the adjacent right-of-way.
- 5.6 The developer shall provide information on how the Department of Commerce's requirements regarding treatment of storm water runoff, from parking structures, shall satisfied prior to discharge to the public sewer system. Additionally, information shall be provided on which system (storm or sanitary) the pipe shall be connected to.

Sanitary Sewer

- 6.1 Prior to approval of the conditional use application, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1). \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2). \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 6.2 All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior 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.
- 6.3 Each unit of a duplex building shall be served by a separate and independent sanitary sewer lateral.

6-7

- ☒ 6.4 The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service.



Traffic Engineering and Parking Divisions

David C. Dryer, P.E., City Traffic Engineer and Parking Manager

Suite 100
215 Martin Luther King, Jr. Boulevard
P.O. Box 2986
Madison, Wisconsin 53701-2986
PH 608 266 4761
TTY 866-704-2315
FAX 608 267 1158

July 12, 2007

TO: Plan Commission

FROM: David C. Dryer, P.E., City Traffic Engineer and Parking Manager

SUBJECT: **1507 Burning Wood Way – Rezoning – Temp A to PUD (GDP - SIP) – 6 Unit Condominium Development**

The City Traffic Engineering Division has reviewed the subject development and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. None

PEDESTRIAN AND BICYCLE TRANSPORTATION REVIEW COMMENTS

2. None

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

3. When the applicant submits final plans for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.
4. The applicant shall design and dimensions driveways, backup, etc according to M.G.O.
5. The Developer shall post a deposit and reimburse the City for all costs associated with any modifications to Traffic Signals, Street Lighting, Signing and Pavement Marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.

6. 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 John Leach, City Traffic Engineering at 267-8755 if you have questions regarding the above items:

Contact Person: Craig Makela
Fax: 608-241-8909
Email: cmakela@cherokeecountryclub.net

DCD: DJM: dm



Traffic Engineering and Parking Divisions

David C. Dryer, P.E., City Traffic Engineer and Parking Manager

Suite 100
215 Martin Luther King, Jr. Boulevard
P.O. Box 2986
Madison, Wisconsin 53701-2986
PH 608 266 4761
TTY 866-704-2315
FAX 608 267 1158

July 18, 2007

TO: Plan Commission

FROM: David C. Dryer, P.E., City Traffic Engineer and Parking Manager

SUBJECT: **1507 Burning Wood Way - Town of Westport Sec. 24 - Certified Survey (Lot Division)**

The City Traffic Engineering Division has reviewed the subject development and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. None

PEDESTRIAN AND BICYCLE TRANSPORTATION REVIEW COMMENTS

2. None

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

3. 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.

Please contact John Leach, City Traffic Engineering at 267-8755 if you have questions regarding the above items:

Contact Person: Daniel V. Birrenkott
Fax: 608-837-1081
Email: birrenkott@spwl.net

DCD:DJM:dm

**CITY OF MADISON
INTERDEPARTMENTAL
CORRESPONDENCE**

Date: July 5, 2007

To: Plan Commission
From: Kathy Voeck, Assistant Zoning Administrator
Subject: 1507 Burningwood Way, CSM and rezoning to PUD(GDP-SIP)
BURNINGWOOD PROJECT

Present Zoning District: Ag

Proposed Use: Create one Lot (for 3 duplex buildings, total of 6 units) and one outlot

Requested Zoning District: PUD(GDP-SIP)

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project). **NONE.**

GENERAL OR STANDARD REVIEW COMMENTS

1. Provide a site plan to a smaller scale that will fit the entire site on one sheet showing the location of buildings, property lines, drives, and wetland etc. Note: Plans with colored and shaded sheets are not recordable. Please label with words instead of colors or shades.
2. The driveway (and any other improvements) in the 75' wetland setback area shall be approved by Regional Planning and City Engineering.
3. Show addresses on the buildings on the final site plan.
4. In the Zoning Text, signage shall meet requirements per Chapter 31 of the Madison General Ordinances per the R-3 district and as approved by the Urban Design Commission.

ZONING CRITERIA

Bulk Requirements	Required	Proposed
Lot Area	24,000 6 units in R-3 (1.5 acres PRD min.)	154,274 sq. ft. 3.5416 acres
Lot width	50'	60'
Usable open space	4,500 sq. ft.	8,920 sq. ft. +
Front yard	25'	adequate
Side yards	6'	adequate
Rear yard	40'	adequate
Building height	2 stories/35'	2 stories

1507 Burning Wood Way
 July 5, 2007
 Page 2

Site Design	Required	Proposed
Number parking stalls	2 per unit	12 (6 units)

Other Critical Zoning Items	
Urban Design	Yes
Flood plain	No
Utility easements	None shown
Barrier free (ILHR 69)	No

With the above conditions, the proposed project **does** comply with all of the above requirements.

* Since this project is being rezoned to the **(PUD)** district, and there are no predetermined bulk requirements, we are reviewing it based on the criteria for the **R-3 (PRD)** district, because of the surrounding land uses.



CITY OF MADISON FIRE DEPARTMENT

Fire Prevention Division

325 W. Johnson St., Madison, WI 53703-2295

Phone: 608-266-4484 ♦ FAX: 608-267-1153

DATE: July 11, 2007
TO: Plan Commission
FROM: Edwin J. Ruckriegel, Fire Marshal
SUBJECT: **1507 Burning Wood Way**

The City of Madison Fire Department (MFD) has reviewed the subject development and has the following comments:

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. None.

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

2. 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.
3. 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.

Please contact Scott Strassburg, New Construction Inspector at 608-261-9843 if you have questions regarding the above items.

cc: Bill Sullivan

6-7

City of Madison, Wisconsin

REPORT OF: URBAN DESIGN COMMISSION**PRESENTED:** July 11, 2007**TITLE:** 1500 Block of Burningwood Way -
PUD(GDP-SIP) for 3 Duplex
Buildings. 18th Ald. Dist. (06226)**REFERRED:****REREFERRED:****REPORTED BACK:****AUTHOR:** Alan J. Martin, Secretary**ADOPTED:****POF:****DATED:** July 11, 2007**ID NUMBER:**

Members present were: Paul Wagner, Lou Host-Jablonski, Richard Slayton, Todd Barnett, Michael Barrett, Joan Bachleitner, Marsha Rummel and Bruce Woods.

SUMMARY:

At its meeting of July 11, 2007, the Urban Design Commission **GRANTED FINAL APPROVAL** for a PUD(GDP-SIP) located in the 1500 Block of Burningwood Way. Appearing on behalf of the project were Craig Makela, Dan Murray, Bill White, Ann-Marie Kirsch and Ald. Michael Schumacher. Appearing neither in support nor opposition were Jean Cowden, David Kaul and Jon Becker. The revised plans as presented reflect the following:

- Numerous revisions to the landscape plan to reflect the utilization of native species, including infiltration issues such as:
 - Move rain gardens down slope at the front of the duplex structures and at the rear, in combination with adequately sizing of the detention area located to the rear of the duplex structures, including increasing size of drainage swales, an increase in vegetative buffers in coordination with the City Engineer, the Wisconsin Department of Natural Resources (WDNR) and the Capital Area Regional Planning Commission (CARPC) (Cameron Mesba). The provisions also include additional rain gardens relocated toward the back of the duplex structures adjacent to the detention area.
 - Relevant to the architecture of the building, revised renderings were provided that still required the removal of the dutch gable elements feature a hip roof with a decrease in pitch, in combination with an increase in soffit overhang, in addition to the incorporation of foundation plantings within the rendering. It was further noted by the applicant that they require flexibility relative to the extent and amount of rain gardens and infiltration area shown on the current version of the plan based on input from City Engineering, the WDNR, as well as the CARPC.

Jean Cowden spoke regarding an issue with the development of condominiums on the site versus single-family lots as previously represented by the developer, in addition to concern with stormwater run-off based on the size of the condo structures. John Becker representing the Friends of Cherokee Marsh noted concerns with the amount of turf, grass, as well as concerns with the view shed into the park, lack of solar orientation. David Kaul spoke to concerns with the overall scale of development as being out of context with the neighborhood, the need for smaller scale development, as well as a reduction in stormwater run-off.

Following the presentation the Commission noted the following:

- The 8-foot wide vegetative buffers shown adjacent to and on both sides of each proposed duplex shall be modified to undulate reducing the amount of grass as dictated by the contours and incorporating an organic shape.
- The changes are all good but the stoop entries to the duplex units needs more work. Columns appear thin, need more mass and guts to meet the scale of the building; double in size where the overall building scale still appears a bit over.
- The applicant needs to warrant that the physical location of plant materials is maintained.
- Appreciate meeting with neighborhood association as well as the Friends of Cherokee Marsh. Would also like more dense and diverse land use other than single-family.

ACTION:

On a motion by Barnett, seconded by Slayton, the Urban Design Commission **GRANTED FINAL APPROVAL**. The motion was passed on a vote of (6-0-1) with Wagner abstaining. The motion required the following:

- Minimum of 9" x 9" columns at the entries.
- Confirmation that native areas be more organic and to be no less than the extent and amount shown on the plans as presented following input from City Engineering, the WDNR and the CARPC to be reviewed and approved by staff.

After the Commission acts on an application, individual Commissioners rate the overall design on a scale of 1 to 10, including any changes required by the Commission. The ratings are for information only. They are not used to decide whether the project should be approved. The scale is 1 = complete failure; 2 = critically bad; 3 = very poor; 4 = poor; 5 = fair; 6 = good; 7 = very good; 8 = excellent; 9 = superior; and 10 = outstanding. The overall ratings for this project are 4, 5, 5, 6, 6 and 6.

URBAN DESIGN COMMISSION PROJECT RATING FOR: 1500 Block Burningwood Way

	Site Plan	Architecture	Landscape Plan	Site Amenities, Lighting, Etc.	Signs	Circulation (Pedestrian, Vehicular)	Urban Context	Overall Rating
Member Ratings	5	5	5	-	-	-	-	5
	4	4	6	5	-	5	4	4
	5	5	6	-	-	-	5	5
	5	5	7	6	-	6	6	6
	Abstain							
	6	6	6	6	-	6	5	6
								6

General Comments:

- For future – context plans, aerial views, meet w/ CPNA & adjacent neighbors, quantifiable landscape plan. Context plan would help us understand whether scale is appropriate. Don't make it so difficult next time.
- Again, premium site, average architecture.
- Building/mass on verge of too large.
- Approvable, however, these buildings are really on the upper reach of size. Subsequent development, when it occurs, will be much more approvable if less in bulk.

July 18, 2007

Bonnie Carlson
1433 Burning Wood Way
Madison, WI 53704

Brad Murphy
Planning and Community and Economic Development Commission
City of Madison
215 Martin Luther King Jr. Blvd. Room 201
Madison, WI

RE: Cherokee Neighborhood: Proposed Rezoning of Burning Wood Way Lot

Dear Mr. Murphy and Planning Commission:

We live on the corner of Burning Wood Way and Comanche Way, one house away from the proposed development, and within the 200 foot notification zone. Unfortunately, my husband is out of town, and unable to speak at the meeting July 23rd. He was employed by John Fox, and Cherokee Development approximately 40 years ago during the beginning construction of the housing development, and has a wealth of information to share about the history and original intent of the development. He has helped me, via the telephone, develop the following points that we wish to share with you in objection to the development of condominiums in this area.

We would like to add that the first we heard about the condominium development was in an email through our homeowner association on July 7th, mentioning the Design Commission review and vote on July 11th, which did not give us time to review and respond to the proposed development. During a neighborhood meeting with Cherokee Parks on July 16th, Mr. Tiziani mentioned that he had emailed all affected parties, written letters, and made personal phone calls, none of which we received. Therefore, my husband was unable to find the documentation for your review before he left town.

1. When the Cherokee Homeowners first bought and built homes in Cherokee, they signed waivers that they understood that condos would be at the entrance to the housing development, but the remainder of the area would be developed as single-family homes. My husband thinks he has copies of these original documents, but would need to be here to find them. We do NOT feel that condominiums should be built at this end of the development in violation of that original agreement. Plus, condominiums do not fit in the neighborhood design in this end of the development.
2. We are very concerned that the access road may be developed into a street at a later date. If it is built, we want it documented in **absolute** language that it will **NEVER** be widened into a street. We see no reason to build this access road. We

have lived here 18 years, and have never had need of it. It will disrupt fragile wetlands, and bring foot traffic and bicycles into an area that is already endangered.

3. The storm drain for this area is right in front of our house. When we have a heavy rainfall, the rain backs up into our yard. The current dead end of Burning Wood Way slants downwards to the storm drain. If you add additional streets, driveways, and more runoff to this storm drain, I am concerned that water will back up into **OUR** house. I want a guarantee that this will NOT happen.
4. During the meeting it was asked where guest parking for the condominium units will be, since none was showing on the map. There is no guest parking, except in the condo driveways. That leaves guest parking in front of my house for 6 condominium units. In a recent memo, it was stated that guests could park on the shoulder of the 20 ft wide street, which will put them into the setback for the wetlands, and will narrow the street to an unsafe width. This is poor planning. Plus, parking has been eliminated in front of Shabaz's house across the street from us, also putting their guest parking in front of, or on the side of our house. At the present time, we enjoy a quiet street, with a beautiful view. It appears that we will be losing this to provide a parking lot for the condos and our poor neighbors who are losing their parking. This is not acceptable to us in the least.
5. Finally, we are very concerned about the fragile wetlands that exist at this end of Cherokee Marsh. We commend the City for protecting this area, and ask that you continue to do so. We have had the pleasure of enjoying cranes, geese, and migrating birds through the years, and hope that future generations will continue to do so.

Thank you for your time, and for serving on this commission.

Respectfully submitted,

Bonnie Carlson
1433 Burning Wood Way
Madison, WI 53704

608-244-7565

July 18, 2007

5629 Comanche Way
Madison, WI 53704

Brad Murphy
Planning and Community and Economic Development Commission
City of Madison
215 Martin Luther King Jr. Blvd. Room 201
Madison, WI

RE: Cherokee Neighborhood -- Proposed Rezoning of Burning Wood Way Lot

I applaud Cherokee Park Development and Dennis Tizani for their intent to bring new luxury housing to the north side of Madison. As you know, this is the lowest income quadrant of the city and our retail efforts are struggling. That said, the city planning commission is in its efforts to increase density will undermine a flourishing family neighborhood if you allow duplex condominiums to be built at the end of Burningwood Way.

I live in the last house on the right side of Comanche Way. My lot backs up to the proposed addition. My home is located one mile from the nearest multiple family unit, a location I chose when I built 18 years ago. Never had multiple family housing been mentioned when future development of the area behind me was discussed.

I am also very concerned about the mass of the proposed buildings. We currently have a problem with storm water drainage. Twice in the past few years my basement and the basements of my neighbors have flooded from water coming up through the floor. Sump pumps, drainage tile and gravel do not handle the heavy runoff. The impact of such large proposed buildings will further complicate this problem. Montgomery & Associates have been hired by the developer to design a water management plan for the new construction. It has not taken into account the current issues with the existing homes.

I urge you and members of the commission to come out and visit the site. You will see that multiple family housing units are inappropriate in a neighborhood of more than 300 single family homes. You will also see the proximity of the marsh and wetlands to the proposed development and gain an understanding of water management issues we face in the neighborhood. You will see that the size of the proposed buildings overwhelm the neighboring homes.

Please do not approve this request for rezoning into multi-family condominium units.

Jean Cowden
244-3407

6-7

Murphy, Brad

From: Michael Rewey [hiwayman@chorus.net]
Sent: Thursday, July 19, 2007 11:42 AM
To: Murphy, Brad
Cc: Schumacher, Michael; cherokeemarsh@gmail.com; hiwayman@chorus.net
Subject: Burning Wood Way Development

Brad, please pass my comments on to the Planning Commssion. I have been a supporter of the new Cherokee developmet, but strongly feel that the transportation and access component of this first phase needs to be improved over what I first saw.

My comments are attached to what was proposed by earlier Alder Schumacher.

Thanks, Brad

Mike Rewey
Comanche Way
Madison

Thanks! This proposal is much better than what I saw earlier.

I would like to add couple of clarifications and/or additions.

* The 5-foot wide sidewalk along Burningwood Way should be extended along the private 20-foot road until it connects to the 10-path. Keep the pedestrians separate. The sidewalk should also be 5-foot wide.

Bikes would use the 20-foot road, just as they use Burningwood Way and Commanche Way now.

Do NOT allow the path to be any wider than a 10-foot paved width. This would be coupled with 2-foot sod shoulders underlaid by base course. This overall 14-foot width is more than enough for emergency vehicles. Keep in mind that Cherokee Park has survived very nicely and safely for 35 years without an alternative emergency access. Plus the new development accessing Sherman Avenue is extremely small compared with the existing development so an alternative emergency access is really not even necessary. Hold tight and do not the the Fire Department coerce you into a paved surface wider than 10 feet. Their largest vehicle wheel track is less than 10 feet (closer to 8 feet).

Thanks Alder Schumacher and stay true to this good design.

Mike Rewey
Comanche Way

Hi everyone

Today I met with the department heads from Public Works, Planning, Traffic, and Fire to discuss your concerns (gates, road construction, traffic) with the following consensus:

- * There will be no gate at the entrance to the new development. Instead, the gate, or some removable barrier, will be placed at the end of the road (near the third duplex).
- * The road (about 20 feet wide) will end at the third duplex with a mini cull-de-sac.
- * The road will also be moved out of the 75 foot wetlands setback by curving it towards the duplexes.
- * At the end of the road a bike/pedestrian path (about 10 feet wide) will continue that could serve eventually as an access for emergency vehicles coming from Sherman (5th corridor development).
- * There will be no thru-traffic at any time.
- * At the corner of Comanche and Burning Wood a slight elevation will be created (like a driveway) to indicate that the new road is only for the duplexes.

We also requested from CPI an updated map reflecting these changes as well as those made

by the Urban Design Commission.

Should any of these changes not meet your needs, or you have more questions, please contact me as soon as you can.

Again, the next step is the July 23rd Plan Commission meeting. While I get the impression that City staff believe that they cannot force CPI to build single family homes (he is within the allotted density permitted by the Special Area Plan), you have an opportunity to share your objections and concerns. This is also a time to bring up the location of the first duplex (shorter driveway). Perhaps CPI can resolve this issue during the Monday meeting.

See you on Monday (July 16). The more, the merrier.

Michael (Schumacher)