



Department of Planning & Community & Economic Development
Planning Division

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March 18, 2009

Jason Valerius
MSA Professional Services
2901 International Lane
Madison, Wisconsin 53704

RE: Approval of a request to rezone approximately 38.8 acres located at 9305-9347 Elderberry Road from R2T (Single-Family Residence District) and Planned Unit Development, General Development Plan (PUD-GDP) to R2T and PUD-GDP; approval of a demolition permit to allow three single-family residences to be razed, and; approval of a preliminary and final plat creating 104 residential lots and 2 outlots for stormwater management. (Dan Heffron)

Dear Mr. Valerius;

At its March 17, 2009 meeting, the Common Council **approved** your client's rezoning, preliminary plat and final plat for the "Woodstone" subdivision subject to the following conditions of approval from reviewing agencies:

Please contact Janet Dailey, City Engineering Division, at 261-9688 if you have questions regarding the following nineteen items:

1. This development will require offsite sanitary sewer through the University of Wisconsin owned farmland for which Impact Fees will be due (Elderberry Neighborhood Sewer Improvement Impact Fee).
2. The developer shall provide evidence that they have met with or otherwise advised the downstream landowner of the proposed storm water management plan and its discharge onto said owner's land. If a meeting is established, City Engineering requests participation.
3. The temporary easement locations and respective geometry proposed at the public street ends along the east side of the plat shall be approved by the City Engineer and Traffic Engineer. Include approved termination language in the plat notes to prevent the need to release these easement encumbrances in the future.
4. Any additional public easements, within or adjacent to this proposed plat, necessary to develop the public infrastructure for the same, shall be created by the plat or by separate conveyance for lands outside the plat. The owner/developer is required to negotiate necessary off-plat public land interests. If negotiations are not successful, the City of Madison can assist with condemnation of these necessary rights at the sole cost to the owner/developer with an expected 6-8 month condemnation time schedule.
5. Lots 11, 12 and 104 may not be developable until adjacent lands are platted. The City of Madison typically requires all frontages of lots to be improved prior to sale. Because only one half the street

is dedicated adjacent to these lots, fully improving the street is impossible. If the lots are allowed to be developed and sold, special deed restrictions may be required in order to protect the new owner.

6. Stoneywood Boulevard is a short local street and is proposed to be 92 feet wide. The developer is proposing to construct a grass median. The developer shall be required to secure the private maintenance of this section of grass median or shall revise the street width to the standard width of 60 feet.
7. The developer shall enter into a City/Developer agreement for the installation of public improvements required to serve this plat. The developer shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The developer shall meet with the City Engineer to schedule preparation of the plans and the agreement. The City Engineer will not sign off on this plat without the agreement executed by the developer.
8. 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.
9. The developer shall construct Madison standard street improvements for all streets within the plat.
10. The developer shall make improvements to Elderberry Road, including curb, gutter, sidewalk, pavement and storm sewers.
11. The developer shall construct sidewalk to a plan approved by the City Engineer and complete ditching as required by the City Engineer along Wilrich Road.
12. The developer shall make improvements to Wilrich Road and Elderberry Road to facilitate ingress and egress to the plat.
13. An erosion control plan and land disturbing activity permit shall be submitted to the City Engineering Division for review and approval prior to grading or any other construction activities. The Pre-construction Meeting for Public Improvements shall not be scheduled prior to issuance of this permit. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
14. 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 re-division of a previously subdivided property, the underlying public easements for drainage purposes are released and replaced by those required and created by the current approved subdivision.

- b.) The intra-block drainage easements shall be graded with the construction of each principle structure in accordance with the approved storm water drainage plan on file with the City Engineer and the Zoning Administrator, as amended in accordance with the Madison General Ordinances.

Note: In addition to notes such as this, Wisconsin 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.

15. 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. No building permits shall be issued prior to City Engineering's approval of this plan.

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."

16. 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 & 100-year storm events; control 80% TSS (5 micron particle), and; provide infiltration in accordance with NR-151.
17. This site is greater than one acre and the applicant is required by State Statute to obtain a Notice of Intent Permit (NOI) from the Wisconsin Department of Natural Resources.
18. A minimum of two working days prior to requesting City Engineering signoff on the plat, the applicant shall contact Janet Dailey 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).

19. 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 (261-9688) to obtain the final MMSD billing a minimum of two working days prior to requesting City Engineering signoff.

NOTE: City Engineering Division permit applications are available online at:
<http://www.cityofmadison.com/engineering/permits.cfm>.

Please contact John Leach, Traffic Engineering Division, at 267-8755 if you have questions about the following eight items, including the revised language in #22 approved by the Plan Commission, which is underlined:

20. The developer shall put the following note on the face of the plat: "All the lots within this subdivision are subject to impact fees that are due and payable within fourteen days of the issuance of building permit(s)." Note: The development may be delayed until the Council approves the transportation impacts fees.

21. The final plat's right of way will need to reviewed and approved prior to final signoff.

22. The street improvements may require traffic calming features to be determined by the City Traffic Engineer and the installation of speed limit signs along Elderberry Road within the City of Madison as previously approved.

23. The applicant shall execute and return the attached declaration of conditions and covenants for streetlights and traffic signals prior to sign off. The applicant will need to provide a deposit for their reasonable and proportionate share of traffic signal costs.

24. The applicant shall show a detail drawing of the 12-foot utility easement dimensions and lot lines on the face of the plat. Utility easements shall be provided as follows:

Between Lots	Between Lots	Between Lots
Westerly 6' of Lot 1	44 & 45	Easterly 6' of Lot 80
4 & 5	57 & 58	83 & 84
8 & 9	60 & 61	92 & 93
13 & 14	64 & 65	96 & 99
18 & 19	66 & 67	101 & 102
22 & 23	69 & 70	
24 & 25	71 & 72	
28 & 29	73 & 74	
35 & 36	76 & 77	
40 & 41	Easterly 6' of Lot 79	

25. The developer will need to demonstrate/provide how private streetlights will be installed and maintained in the public alleys. The plat shall provide the following note on the face of the plat: "The City will not install lighting in the alleys, but the developer or property owners may request the City to approve a private light(s) in the alley right-of-way. Such private light(s) to be operated and maintained by private interests."

26. The applicant shall add to the Zoning Text "Maintenance of Traffic" Measures section with the following:

MAINTENANCE OF TRAFFIC MEASURES

Several streets within the GDP and plat include special traffic islands and traffic calming measures within the public right-of-way. The _____ (Association) shall be responsible, at the Association's sole cost and expense, for the maintenance and upkeep of such physical traffic measures. Such maintenance and upkeep shall be performed at the discretion of the Association except to the extent required by the City of Madison and shall include landscaping. If the landscaping is not maintained, the City will give notice to the _____ (Association) that it is not being maintained. If the Association does not respond to the notice within 60 days, the physical traffic measures will be topped with an asphalt pavement.

The _____ (Association) and persons involved with the maintenance and upkeep of the special traffic measures shall indemnify and hold harmless the City of Madison and its Boards and Commission and their officers, agent and employees from and against all claims, demands, loss of liability of any kind or nature for any possible injury incurred during maintenance and upkeep.

27. 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 Dennis Cawley, Madison Water Utility, at 261-9243 if you have any questions regarding the following item:

28. All public water mains and water service laterals shall be installed by a standard City subdivision contract. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. The Water Utility will not need to sign off on the final plans, but will need a copy of the approved plans.

Please contact Pat Anderson, Assistant Zoning Administrator, at 266-5978 if you have any questions regarding the following four items:

29. In the zoning text, include the definition of family and information regarding the conventional zoning districts.
30. Provide a grading plan of the plat to show that usable open space requirements can be met on the lots per the comparable zoning district requirements. Usable open space shall be in a compact area of not less than 800 square feet and having no dimensions less than 10 feet and having a slope no greater than 10 percent. Front yards do not count toward usable open space.
31. All existing structure shall be removed before final approval of the final plat.
32. Provide a reuse/recycling plan, to be reviewed and approved by the City's Recycling Coordinator, George Dreckmann, prior to any demolition permits being issued.

Please contact Tom Maglio, Parks Division, at 266-4711 if you have questions about the following item:

33. The developer shall pay park development fees of \$343,491.50 for the single family and duplex lots north of Cobalt Street, and must pay additional fees in the future for the multi-family units proposed south of Cobalt Street. The developer must select a method for payment of park fees for the lots north of Cobalt Street before signoff on the final plat.

Park Dedication required for the single-family and duplex units north of Cobalt Street= 110 units at 1,100 square feet per unit = 121,000 square feet. The Fee in Lieu of Dedication is based on current property values up to \$2.01 per square foot for 2009 = \$243,210. Park development fees = (110sf/dp units X \$911.65 per unit) = \$100,281.50.

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

34. That the final plat be revised per Planning Division approval prior to final approval for recording as follows:
- a.) identify the lots proposed for secondary dwelling units on the face of the final plat and include the following note: "All secondary dwelling units shall be subject to the requirements contained in Section 28 of the Madison General Ordinances."
 - b.) show a 30-foot building setback line for all lots abutting Elderberry Road.
35. That the general development plan be revised per Planning Division approval as follows:
- a.) provide a dimensioned building envelope for each two-family site located north of Cobalt Street that depicts the yards proposed with the zoning text;
 - b.) provide for the unified use and programming of the open space shown on Lots 10-12 and 103-104 as part of the specific implementation plan(s) for those projects.

The approval of these zoning map amendments and the preliminary plat of Woodstone will be null and void unless a final plat of all or a portion of the subdivision is recorded within 24 months of the date of Common Council approval of the rezoning and preliminary plat approvals.

The applicant is also required to satisfy the conditions of approval of the Urban Design Commission prior to the final staff approval of the project and the issuance of building permits. Please contact Al Martin, Urban Design Commission Secretary, at 267-8740 if you have any questions about those conditions.

The applicant should also contact Scott Strassburg, Madison Fire Department, at 261-9843 to review Fire Code conformance issues related to this project.

Please note that the City Real Estate Office is reviewing the report of title provided with this plat and may have comments. That office will send any comments to you by fax. If you have any questions, please contact Jeff Ekola at 267-8719 for more information.

Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right of way. Permission for such activities must be obtained from the City Forester, 266-4816.

After the planned unit development has been changed as per the above conditions, please file **nine (9) sets** of the revised, complete site plans, building elevations, floor plans and any other documentation requested herein with the Zoning Administrator, Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard. The sets of final revised plans or documents will be circulated by the Zoning staff to the City department staff listed above for their signature of final approval.

Upon receipt of the aforementioned plans, documents and fees, and upon determining that they are complete, the Zoning Administrator shall record them with the Dane County Register of Deeds Office. The recorded originals will be returned to the applicant, with the recording information noted, when the Register of Deeds has completed the recording process.

If this plan is not recorded within one year of the date of approval by the Common Council, the approval shall be null and void. No construction or alteration of the property included in this application shall be permitted until a Specific Implementation Plan (SIP) has been approved and recorded.

Within thirty-six (36) months of Common Council approval of the general development plan, the basic right of use for the areas, when in conformity with the approved specific implementation plan, shall lapse and be null and void unless 1) the project, as approved, is commenced by the issuance of a building permit, or 2) if an application for an extension is filed at least thirty (30) days prior to the expiration of the thirty-six (36) month period and the Plan Commission, after a public hearing pursuant to Sec. 28.12(10)(e), determines that no changes in the surrounding area or neighborhood since approval of the general development plan render the project incompatible with current conditions and grants an extension of up to twenty-four (24) months in which to obtain a building permit. In no case shall an extension allow a building permit to be issued more than sixty (60) months after approval of the general development plan by the Common Council. If a new building permit is required pursuant to sec. 29.06(4), Madison General Ordinances, a new petition and approval process shall be required to obtain general development plan approval and specific implementation plan approval.

Any appeal regarding the plat, including the conditions of approval, must be filed with the Circuit Court within thirty (30) days from the date of this letter. If I may be of any further assistance, do not hesitate to contact me at 261-9632.

Sincerely,

Timothy M. Parks
Planner

cc: Janet Dailey, City Engineering Division
John Leach, Traffic Engineering Division
Dennis Cawley, Madison Water Utility
Tom Maglio, Parks Division
Scott Strassburg, Madison Fire Department
Pat Anderson, Asst. Zoning Administrator
Jeff Ekola, Office of Real Estate Services
Norb Scribner, Dane County Land Records and Regulations

For Official Use Only, Re: Final PUD-GDP Routing			
<input checked="" type="checkbox"/>	Planning Div. (T. Parks)	<input type="checkbox"/>	CDBG
<input checked="" type="checkbox"/>	Zoning Administrator	<input type="checkbox"/>	Parks Div. (see final plat)
<input checked="" type="checkbox"/>	City Engineering	<input checked="" type="checkbox"/>	Urban Design Commission
<input checked="" type="checkbox"/>	Traffic Engineering	<input checked="" type="checkbox"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input type="checkbox"/>	Other:
<input checked="" type="checkbox"/>	Engineer. Mapping Sec.	<input type="checkbox"/>	Other: