



Department of Planning & Community & Economic Development
Planning Division

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September 20, 2007

Jeff DeLaura
Studio 801
801 Bear Claw Way
Madison, Wisconsin 53717

Francis Thousand
Arnold & O'Sheridan, Inc.
111 Deming Way, Suite 200
Madison, Wisconsin 53717

RE: Approval of a request to rezone 9.33 acres located at 9401 Mid Town Road from Temp. A (Agriculture District) to Planned Unit Development, General Development Plan (PUD-GDP) and Planned Unit Development, General Development Plan, Specific Implementation Plan (PUD-GDP-SIP), and; approval of the final plat of "Hawks Ridge" creating five lots and one outlot for public stormwater detention to serve the proposed development. (Keuler)

Gentlemen:

At its September 18, 2007 meeting, the Common Council **approved** your client's request to rezone 9401 Mid Town Road from Temp. A to PUD-GDP and PUD-GDP-SIP subject to the following conditions of approval from reviewing agencies. The final plat of "Hawks Ridge" is scheduled for approval by the Common Council on October 2, 2007. The below conditions of approval shall be satisfied prior to final approval and recording of the planned unit development and final plat. In the event the Common Council should modify any of the conditions of approval related to the final plat, a letter containing the modified conditions shall be provided.

Please contact Janet Dailey, City Engineering, at 261-9688 if you have questions regarding the following thirty-one (31) items on the PUD and Final Plat:

1. The applicant shall note that when final PUD-GDP and PUD-SIP plans are submitted for approval, City Engineering will require final review and approval of the address plan for this development.
2. The applicant shall note that the submittal of the combined preliminary/ final plat of Hawks Ridge is noted to require an additional street name in place of Dregers Way so that the MGO 10.34 non-conforming duplicate intersection names do not occur. The street name change will occur at the center of the curve North of the Silverstone Lane intersection adjacent to proposed Lots 1 and 4.
3. This development is within the proposed Lower Badger Mill Creek Stormwater Management and Sanitary Sewer Impact Fee District. The developer shall execute a waiver of assessments for these charges prior to plat recordation.
4. Revise proposed Unit 28 to provide an encumbered 15-foot wide public sanitary sewer easement. Center of said easement to align with the property line between Lots 20 and 21 of Hawks Ridge.

5. Sanitary lateral to serve Lot 5 across Lot 4 will be required to have a recorded private easement across Lot 4.
6. Revise the name of "Mid Town" Road as shown to read "Mid Town" Road as that is the official street name used in the City of Madison.
7. Revise plat to provide a 20-foot public sanitary sewer easement on Lot 3, centered on the extended lot line between Lots 20 & 21 of the adjacent plat.
8. The developer shall construct curb and gutter and 14-inches of asphaltic pavement on Mid Town Road adjacent to the plat or shall pay the City of Madison for the cost to construct the developers portion of Mid Town Road as determined by the City Engineer. The developer's responsibility shall include restoration, topsoil, seed, a portion of the storm sewer, street lighting, and other incidentals as required to complete the work.
9. The applicant shall provide evidence of proper permitting from the Dane County Department of Health for septic system removal or abandonment.
10. 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, including the CSM.
11. Two weeks prior to recording the final plat, a soil boring report prepared by a Professional Engineer, shall be submitted to the City Engineering Division indicating a ground water table and rock conditions in the area. If the report indicates a ground water table or rock condition less than 9 feet below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer.
12. The applicant shall dedicate a 7-foot wide strip of right of way along Mid Town Road as required by the City Engineer.
13. The applicant shall replace all sidewalk and curb and gutter that abuts the property, which is damaged by the construction or any sidewalk and curb and gutter that 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.
14. A City licensed contractor shall perform all work in the public right of way.
15. The developer shall construct Madison standard street improvements for all streets within the plat.
16. The developer shall construct sidewalk along Mid Town Road to a plan approved by the City Engineer and complete ditching as required by the City Engineer.
17. 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.

18. 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.

19. 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.

20. 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.

21. 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, provide substantial thermal control, control 80% TSS (5 micron particle) and provide infiltration in accordance with NR-151.
22. This site is greater than one (1) acre and the applicant is required by State Statute to obtain a Notice of Intent Permit (NOI) from the Wisconsin Department of Natural Resources. Please contact Jim Bertolacini of the WDNR at 275-3201 to discuss this requirement.

This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

23. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the Engineering Division (Lori Zenchenko) lzenchenko@cityofmadison.com. The digital copies shall be drawn to scale and represent final construction, including: building footprints, internal walkway areas, internal site parking areas, lot lines/ numbers/ dimensions, street names, and other miscellaneous impervious areas. Email file transmissions preferred. Please include the site address in this transmittal. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format.
24. 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, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
25. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management File including: SLAMM DAT files; RECARGA files; TR-55/HYDROCAD/etc. and; 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.
26. 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>.

27. A minimum of two working days prior to requesting City Engineering signoff on the plat the applicant shall contact Janet Dailey (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).
28. 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 (261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.

29. A separate and independent sanitary sewer lateral shall serve each unit of a duplex building.
30. 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.
31. The applicant shall submit to Eric Pederson, prior to Engineering sign-off of the subject plat, two (2) digital and one (1) hard copy of the final plat to the Mapping/GIS Section of the Engineering Division. The digital copies shall be submitted in both NAD27 & WIDOT County Coordinate System, Dane County Zone datums 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: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; easement lines (i.e. street, sanitary, storm (including wetland & floodplain boundaries) water, pedestrian/bike/walkway, or any public and/or private interest easement except **local service** for Cable TV, gas, electric and fiber optics).

*This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes.

*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.

Please contact John Leach, Traffic Engineering, at 267-8755 if you have questions about the following eight items on the PUD and Final Plat:

32. 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)."
33. The final right of way dedications along Mid Town Road shall be reviewed and approved after further consultation with the Traffic Engineer and City Engineer. It appears that the right of way of Mid Town Rd needs to be widened from 40 feet to 47 feet. The right of way for Hawks Ridge Drive will also have to be modified to make the street work for a planned mid-block pedestrian crossing of Mid Town Road (see comments below).
34. The applicant shall provide a 20-foot wide "Public Pedestrian and Bike Easement" between Outlot 1 and Lot 4.
35. The applicant shall dedicate an additional five feet to the proposed seven feet along Mid Town Rd, properly the northerly property line of Outlot 1, Lot 4 and 5, for a widened public pedestrian and bicycle path to accommodate a pedestrian and bicycle mid block crossing of Mid Town Road at a point opposite the pedestrian bicycle path to be built through Kingswood Park on the north side of Mid Town Road. The dedication shall be noted on the face of the plat.
36. The applicant shall be responsible for constructing the pedestrian-bicycle paths indicated in the conditions 34 and 35 above and designing these to City specifications. In addition, the applicant shall be financially responsible for the cost of construction of the pedestrian refuge island connection on Mid Town Road.
37. The applicant shall execute and return a declaration of conditions and covenants for streetlights and traffic signals available from the Traffic Engineering Division prior to sign off. The applicant will need to provide a deposit for their reasonable and proportionate share of traffic signal costs.

38. Utility easements shall be provided 12 feet in width along the westerly line of Outlot 1. The applicant shall show a detail drawing of the 12-foot utility easement dimensions and lot lines on the face of the plat.
39. 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 Scott Strassburg, Madison Fire Department, at 261-9643 if you have questions about the following four items:

40. 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.
41. All portions of the exterior walls of newly constructed public buildings and places of employment and open storage of combustible materials shall be within 500 feet of at least two fire hydrants. 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.
42. 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 four inches in height, numbers shall be in contrast to the background and visible from the street.
43. Provide fire apparatus access as required by Comm. 62.0509 and MGO 34.19, as follows (*commercial structures only*):
 - a.) The site plans shall clearly identify the location of all fire lanes.
 - b.) A dead-end fire lane that is longer than 150 feet shall terminate in a turnaround. Provide an approved turnaround (cul-de-sac, 45 degree wye, 90 degree tee) at the end of a fire lane that is more than 150 feet in length for multi-family site.

Please contact Dennis Cawley, Madison Water Utility, at 266-4651 if you have any questions regarding the following two items:

44. There is an unassessed water main adjacent to this property on Mid Town Road. All public water mains and laterals shall be installed by standard City of Madison Subdivision Contract. The Water Utility will not need to sign off the final plans, but will need a copy of the approved plans.
45. All operating private wells shall be identified and permitted by the Water Utility in accordance with Madison General Ordinance 13.21. All unused private wells shall be abandoned in accordance with MGO 13.21.

Please contact my office at 261-9632 if you have questions about the following four Planning Division conditions and one Plan Commission condition of approval:

46. That the final plat be revised to include a 30-foot building line and landscape buffer strip and maintenance note parallel to Mid Town Road for Lots 4 and 5. The construction of buildings or other site improvements shall not be permitted within this strip. A detailed landscaping plan for the landscaping buffer on Lot 4 shall be submitted for Planning Division approval prior to the recording of the final plat. A detailed landscaping plan for that portion of the buffer strip on Lot 5 shall be addressed as part of the specific implementation plan review for that lot.

47. That the final plat be revised to remove references to the former single-family residence and accessory buildings on the property if they have previously been demolished.
48. That the zoning text be revised per Planning Division approval as follows:
- a.) the permitted uses shall be one, two and multi-family residential units as shown on the attached plans and any uses accessory related thereto;
 - b.) signage on Lots 1-4 shall be limited to the maximum permitted in the R1 zoning district, as approved by the Urban Design Commission and Zoning Administrator;
 - c.) the height regulations for Lots 1-4 shall be noted as a maximum of 2 stories and 35 feet;
 - d.) parking for Lots 1-4 shall be provided as set forth in Sec. 28.11 (3)(1)2 for the R1 zoning district and as shown on the attached plans;
 - e.) the family definition shall be R3 for Lots 1-4 and R4 for Lot 5.
49. That the applicant receive final approval of the waiver request and Inclusionary Dwelling Unit Plan based on the Community Development Block Grant Office's recommendation.
50. That the applicant pay \$80,000 toward the IZ Special Revenue Fund in lieu of providing on-site inclusionary dwelling units.

Note that any applicable park fees may be payable prior to the recording of the PUD or within 14 days of the issuance of building permits. Please contact Si Widstrand at 266-4711 for information on any fees due and the process for paying them.

Please contact Barb Constans or Hickory Hurie in the Community Development Block Grant Office at 267-0740 for information on the inclusionary zoning-related documents required to be executed by you and the City prior to final approval and recording of the planned unit development.

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

Specific questions regarding comments or conditions should be directed to the commenting agency.

After the plans have 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 from the approval of the final plat, including the conditions of approval, must be filed with the Circuit Court within thirty (30) days from the date of this letter. The approval of the final plat shall be null and void if not recorded in **six (6) months** from the date of the approving resolution. If you have any questions or if may be of any further assistance, please do not hesitate to contact my office at 261-9632.

Sincerely,

Timothy M. Parks
 Planner

- cc: Janet Dailey, City Engineering
 John Leach, Traffic Engineering
 Si Widstrand, Parks Division
 Barb Constans, CDBG Office
 Scott Strassburg, Madison Fire Department
 Matt Tucker, Zoning Administrator
 Dennis Cawley, Madison Water Utility
 Jeff Ekola, Real Estate Unit
 Norb Scribner, Dane County Land Records and Regulations

For Official Use Only, Re: Site Plan Routing for PUD			
<input checked="" type="checkbox"/>	Planning Div. (T. Parks)	<input checked="" type="checkbox"/>	CDBG
<input checked="" type="checkbox"/>	Zoning Administrator	<input checked="" type="checkbox"/>	Parks Division (park fees)
<input checked="" type="checkbox"/>	City Engineering	<input checked="" type="checkbox"/>	Urban Design Comm. Staff
<input checked="" type="checkbox"/>	Traffic Engineering	<input type="checkbox"/>	Recycling Coordinator (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input type="checkbox"/>	Other: