



PREPARED FOR THE PLAN COMMISSION

Project Address: 10252-10554 Mineral Point Road
Application Type: Preliminary Plat Re-Approval
Legistar File ID # [81562](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant: Ryan McMurtrie, United Herrling Land, LLC; 660 W. Ridgeview Drive; Appleton.

Property Owners: Westwind Madison, Inc.; 9201 Waterside Street; Madison and United Herrling Land, LLC.

Surveyor: Grady Gosser, Trio Engineering; 4100 N Calhoun Road, Suite 300; Brookfield.

Requested Actions: Re-approving the preliminary plat of *Herrling Property Subdivision* on property generally addressed as 10252-10554 Mineral Point Road.

Proposal Summary & Review Schedule: The *Herrling Property Subdivision* preliminary plat was first approved in June 2019. However, MGO Section 16.23 and Wisconsin Statutes Section 236.12 both generally provide a 36-month effective period for preliminary plats before an approving body can require a new preliminary plat approval to guide implementation of a subdivision. The applicant submitted for re-approval of preliminary plat on January 8, 2024. However, an error providing the mailed notices to property owners within 200 feet of the overall subdivision at least ten (10) days prior to the March 11, 2024 Plan Commission meeting as required by MGO Section 16.23(4) caused the preliminary plat to be referred to March 25, 2024.

The State’s subdivision statute, Wis. Stats. 236, requires that a preliminary plat be approved, conditionally approved, or rejected (with stated reasons) within 90 days of submittal unless the time is extended by agreement with the applicant. If no action is taken within 90 days and no extension granted, the plat is deemed approved. The 90-day review period for the preliminary plat would require the City to act on the preliminary plat by April 7, 2024. However, the subdivider has granted an extension to the 90-day limit to allow review of the preliminary plat to continue beyond the April 7 deadline.

The preliminary plat will subdivide the remaining approximately 109 acres of the original 141.8-acre overall parcel into approximately 60 lots for future single-family residences in SR-C2 (Suburban Residential–Consistent 2 District) and SR-C3 (Suburban Residential–Consistent 3 District) zoning, and 17 lots to be developed with a variety of multi-family dwelling types in the SR-V2 (Suburban Residential–Varied 2), TR-V2 (Traditional Residential–Varied 2), or TR-U1 (Traditional Residential–Urban 1) zoning districts. The future multi-family development may require subsequent conditional use approval prior to issuance of building permits for those lots. The preliminary plat includes lots and outlots in the future phase of the *Westwind* subdivision on the portion of the subject site addressed as 10554 Mineral Point Road/149 Wisteria Street.

Development of the *Westwind* subdivision is ongoing. The letter of intent does not contain a timeline for when development of the portion of the property addressed as 10252 Mineral Point Road will commence, but suggests that it will likely commence at the southern end of the property adjacent to Mineral Point Road.

Applicable Regulations & Standards: The subdivision process is outlined in Section 16.23(4) of the Subdivision Regulations.

Review Required By: Plan Commission and Common Council.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward re-approval of the preliminary plat of the *Herrling Property Subdivision* at 10252-10554 Mineral Point Road to the Common Council with a recommendation of **approval** subject to input at the public hearing and the conditions from reviewing agencies beginning on page 8 of this report.

Background Information

Parcel Location: Approximately 141.8 acres of land located in the northeastern quadrant of Mineral Point Road and Pioneer Road; Alder District 9 (Conklin); Middleton-Cross Plains Area School District.

Existing Conditions and Land Use: Most of the site is undeveloped agricultural land, zoned SR-C2 (Suburban Residential–Consistent 2 District), SR-C3 (Suburban Residential–Consistent 3 District), SR-V2 (Suburban Residential–Varied 2 District), TR-V2 (Traditional Residential–Varied 2 District), or TR-U1 (Traditional Residential–Urban 1 District) consistent with 2019 zoning approvals. The northwestern quadrant of the site is currently being developed with the first phase of the *Westwind* subdivision, which was approved in 2021, with the final plat recorded creating the first 70 single-family lots from the western half of the Herrling site on May 8, 2023.

Surrounding Land Use and Zoning:

North: Existing and future single-family residences in the Eagle Trace subdivision, zoned TR-C3 (Traditional Residential–Consistent 3 District);

South: Grand Arbor Reserve Apartments, zoned TR-U1 (Traditional Residential–Urban 1 District) and single-family residences in the Birchwood Point subdivision in the City, zoned TR-C3; single-family residences on large parcels and undeveloped land on the south side of Mineral Point Road in the Town of Middleton;

East: Undeveloped land, zoned A (Agricultural District);

West: Single-family residences in the Spruce Hollow subdivision and West Middleton Lutheran Church across Pioneer Road; single-family residence and agricultural land on the east side of Pioneer Road; West Middleton Lutheran Church cemetery on a one-acre parcel located at the northeastern corner of Mineral Point and Pioneer Roads, all in the Town of Middleton.

Adopted Land Use Plan: The 2018 [Elderberry Neighborhood Development Plan](#) recommends a range of residential uses for the subject site. A large area of Residential Housing Mix 3 (HM3) is recommended to surround a public park in the southeastern quadrant of the site. Development in HM3 is recommended between 20-40 units per acre. The HM3 district is surrounded on the north and west by a smaller area of Residential Housing Mix 2 (HM2), which is generally recommended for development between 8-20 units per acre. The remainder of the subject property is recommended for Residential Housing Mix 1 (HM1), including adjacent to the Eagle Trace subdivision to the north, and the westernmost 1,300 feet of the site closest to Pioneer Road, which is restricted to a maximum density of four units per acre pursuant to the 2003 *Final City of Madison and Town of Middleton Cooperative Plan*. In general, development in HM1 is recommended not to exceed eight units per acre. More information on the housing types and design recommendations for the residential land use districts are included in the 'Analysis' section of this report.

The subdivision is recommended in the 2023 Comprehensive Plan for a mix of Low Residential (density up to 15 units per acre), Low-Medium Residential (7-30 units per acre), Medium Residential (20-90 units per acre), and Park and Open Space consistent with the land use polygons in the Elderberry Neighborhood Development Plan.

Environmental Corridor Status: The environmental corridor map shows the general location of the stormwater management and parkland parcels planned for the subject site within mapped environmental corridor.

Public Utilities and Services: The site will be served by a full range of urban services as it develops. However, Metro Transit does not currently provide service west of Pleasant View Road. Per Metro’s comments: “The proposed development is outside Metro Transit's paratransit service area. The closest bus stop with scheduled bus service is over 1.5 miles walking distance, and the units would be greater than the three-quarters of a mile regulatory distance from all day service for passengers who might be eligible for door-to-door paratransit service”

Zoning Summary: The proposed multi-family lots are zoned SR-V2 (Suburban Residential–Varied 2 District), TR-V2 (Traditional Residential–Varied 2 District), or TR-U1 (Traditional Residential–Urban 1 District) pursuant to 2019 zoning approvals. Each of those districts have different bulk requirements based on the type of residential building proposed following recording of the plat. Compliance with the minimum bulk standards for each development will be determined as part of the subsequent land use and site plan approvals required prior to the issuance of building permits.

The future single-family lots will be zoned SR-C2 (Suburban Residential–Consistent 2 District) and SR-C3 (Suburban Residential–Consistent 3 District):

Single-Family Detached	Required	Proposed
Lot Area (sq. ft.)	6,000 sq. ft. per lot	All proposed lots will exceed
Lot Width	50’	All proposed lots will exceed
Front yard setback	25’	To be determined at permitting
Side yard setback	One-story: 5’ Two-story: 6’	To be determined at permitting
Reversed corner side yard setback	15’	To be determined at permitting
Rear yard	Lesser of 30% of lot depth or 35’	To be determined at permitting
Maximum lot coverage	60%	To be determined at permitting
Maximum building height.	2 stories/35’	To be determined at permitting
Usable open space (sq. ft. per unit)	750	To be determined at permitting
Other Critical Zoning Items		
Yes:	Utility Easements (to be established with final plat)	
No:	Urban Design, Wellhead Protection, Floodplain, Landmarks, Waterfront Development, Adjacent to Parkland	
<i>Prepared by: Tim Parks, Planning Division, and Jenny Kirchgatter, Assistant Zoning Administrator</i>		

Previous Approvals

The overall Herrling property was attached to the City of Madison from the Town of Middleton in December 2018.

On June 11, 2019, the Common Council approved a request to rezone approximately 141.8 acres of land generally addressed as 10250 Mineral Point Road from Temp. A (Agricultural District) to SR-C2 (Suburban Residential–Consistent 2 District), SR-V2 (Suburban Residential–Varied 2 District), TR-V2 (Traditional Residential–Varied 2

District), TR-U1 (Traditional Residential–Urban 1 District), and PR (Parks and Recreation District); and approved the preliminary plat of *Herrling Property Subdivision*, creating 129 lots for single-family detached residences, seven lots for future townhouse/rowhouse development, ten lots for the future apartment development, one outlot to be dedicated to the public for parkland, and 11 outlots for public stormwater management.

On April 22, 2020, a Certified Survey Map to create two outlots for future development from the 141.8-acre Herrling property was administratively approved by the Secretary of the Plan Commission. The Common Council approved a resolution for the CSM on April 21, 2020. Approval of the two-outlot CSM was conditioned on the outlots being subdivided and developed in accordance with the preliminary plat of *Herrling Property Subdivision* and any conditions of its approval, including all dedications to the public required to serve the future development. The land division was recorded as CSM 15568 on December 23, 2020.

On August 3, 2021, the Common Council approved the final plat of *Westwind*, creating 70 single-family lots, four outlots dedicated to the public for stormwater management, and one outlot for future development on land generally addressed as 10554 Mineral Point Road (the western half of the Herrling preliminary plat). The final plat was re-approved by the Common Council on November 22, 2022; the final plat was recorded on May 8, 2023.

On March 11, 2024, the Plan Commission approved a Certified Survey Map of 10252 Mineral Point Road to create three outlots for future development. The Common Council adopted a resolution approving the CSM on March 19, 2024.

Project Description

The applicant, United Financial Group, is requesting re-approval of the preliminary plat of the *Herrling Property Subdivision*. The preliminary plat will guide development of the remaining approximately 109 acres of the original 141.8-acre overall parcel into approximately 60 lots for future single-family residences in SR-C2 (Suburban Residential–Consistent 2 District) and SR-C3 (Suburban Residential–Consistent 3 District) zoning and 17 lots to be developed with a variety of multi-family dwelling types in the SR-V2 (Suburban Residential–Varied 2), TR-V2 (Traditional Residential–Varied 2), or TR-U1 (Traditional Residential–Urban 1) zoning districts. The preliminary plat includes lots and outlots in the future phase of the *Westwind* subdivision on the portion of the subject site addressed as 10554 Mineral Point Road/149 Wisteria Street.

The site includes 2,480 feet of frontage along Mineral Point Road and 1,076 feet of frontage along Pioneer Road. The Pioneer Road frontage is located between two parcels still located in the Town of Middleton, including a cemetery associated with a nearby church. The grade of the property generally falls towards Mineral Point Road from the northern, western and eastern property lines, including approximately 60 feet of grade change from north to south. There is no significant tree cover present on the property.

The current preliminary plat is largely unchanged from the preliminary plat first approved for the property in 2019 along with a zoning map amendment to assign permanent zoning. Access to the subdivision will be primarily provided by the extensions of N Sugar Maple Lane, Tawny Elm Parkway and Clear Pond Way from their current platted ends in the Eagle Trace subdivision north of the site south to Mineral Point Road. Emerald Elm Road was platted to provide access to the *Westwind* subdivision from Pioneer Road; a second east-west local street, Street “H”, will also extend into the site from Pioneer Road. Additionally, Elderberry Road will be platted across the northern tier of the subdivision. Elderberry Road currently ends as a through street at Burnt Sienna Drive near the northeastern corner of the subject property, where it temporarily extends to the new Schewe multi-use path that

extends between the Autumn Ridge Reserve and Eagle Trace subdivisions. Elderberry Road will eventually cross the undeveloped property owned by the Town of Middleton adjacent on the east of the Herrling property as well as the 20-acre farm and residence that borders a portion of the property on the west to create a consistent east-west collector street across the Elderberry neighborhood.

All but two of the lots proposed single-family detached housing in the Herrling Property Subdivision will be located on Outlot 2 of Westwind, a 24.14-acre remnant at the southwestern corner of the overall preliminary plat. The southern phase(s) of Westwind calls for 58 lots for single-family detached residences in SR-C2 zoning. Two outlots for stormwater management will also be platted, shown as Outlots 9 and 10 on the preliminary plat. All of the single-family lots will exceed the 50-foot minimum lot width and 6,000 square-foot minimum lot area required by the SR-C2 district.

The eastern 84.9 acres of the subdivision will be developed with the 17 lots proposed for future multi-family development. Eight of the proposed lots will be developed in TR-U1 (Traditional Residential–Urban 1 District) zoning, including Lots 134-138 and 140-142 of the preliminary plat. Seven of which will have frontage along the extension of N Sugar Maple Lane through the plat, with the eighth lot located on the east side of Tawny Elm Parkway. All eight lots will be located south of Elderberry Road. Seven lots will be developed in TR-V2 (Traditional Residential–Varied 2 District) zoning, include Lots 128-131 and 144-146. The remaining two lots for future multi-family development are zoned SR-V2 (Suburban Residential–Varied 2 District), and will include Lot 139 on the east side of Tawny Elm Parkway just north of Mineral Point Road, and Lot 143 on the west side of Tawny Elm at Elderberry Road. The remaining two lots planned for single-family houses are Lots 132 and 133 located in the northeastern corner of the overall site, which are zoned SR-C3 (which allows single- and two-family residences).

The application materials do not indicate the exact type, number or design of the future multi-family buildings to be developed on the 17 lots or the total number of dwelling units to be developed on each lot or overall. Final details on how each of the 17 lots will be developed will follow re-approval of the preliminary plat and the subsequent approval and recording of a final plat or plats of the subdivision, with each lot required to obtain the necessary zoning approvals prior to the issuance of building permits.

In addition to the residential lots proposed, the *Herrling Property Subdivision* also proposes to dedicate a 7.33-acre outlot to the City for parkland and outlots of varying size and configuration to be dedicated for stormwater management and greenways, as shown on the proposed preliminary plat.

Analysis

Consistency with Adopted Plans

Detailed land use and circulation recommendations for the subject site are included in the 2018 Elderberry Neighborhood Development Plan. The Planning Division believes that the layout of the proposed *Herrling Property Subdivision* is largely consistent with the street layout included in the neighborhood development plan, which recommends that the subject site be developed with residential uses in the Residential Housing Mix (HM) 1, HM2, and HM3 housing type districts. A public park is recommended on the Future Land Use and Street Plan on the west side of N Sugar Maple Lane, with a stormwater greenway corridor extending through the center of the subject site.

The western approximately 60 acres of the subject property is also subject to the provisions in Section 13.04 of the *Final City of Madison and Town of Middleton Cooperative Plan*, which was established to create a transition area located a quarter mile on either side of the centerline of Pioneer Road from Old Sauk Road south to Valley View Road. The intent of the transition area is to establish compatible land uses east and west of the permanent boundary between the Town and the City at Pioneer Road. Within this area:

- Development shall be limited to residential land uses and associated improvements, including roads, utilities, parkland and other governmental uses.
- Residential densities shall be limited to four (4) units per net acre of development.
- The number of units in an attached multi-family residential structure shall be limited to four than four (4) dwelling units.
- The height of residential structures shall be limited to 35 feet as measured from the finished grade on the street side of the building.
- Private driveway access to new development shall be prohibited from Pioneer Road unless approved by both the Town and City, and instead shall be provided by new public streets, which shall be allowed to intersect Pioneer Road. It is the Town and City's intent to align streets as four-way intersections with Pioneer Road to the extent possible.
- Any subdivision in the transition area both east and west of Pioneer Road, an 80-foot wide landscaped building setback shall be provided as a condition of any development approval.

The applicant's intent to develop most of the western portion of the site with single-family lots is consistent with the HM1 land use recommendation for that portion of the site in the neighborhood development plan and the transition area requirements of the cooperative plan. However, future development of Lot 146 will need to be carefully reviewed at the time of final zoning approvals to confirm compliance with the above as a lot for multi-family development within the quarter-mile transition area.

Subdivision Design

As noted earlier in this report, the preliminary plat is largely unchanged from the one approved in June 2019, which followed the street type recommendations in the 2018 Elderberry Neighborhood Development Plan and conformed to the street design requirements of the Subdivision Regulations in effect at that time.

However, the City repealed and recreated its Subdivision Regulations in Section 16.23 of Madison General Ordinances on July 25, 2023 (Ordinance 23-00075 (ID 78130)). Among the changes to those regulations, which previously dated back to 1960, was to implement the [Complete Green Streets Guide](#) adopted by the Common Council in January 2023.

The adopted Complete Green Streets Guide incorporates a more nuanced, equity-based approach to the design of streets that prioritizes pedestrians, transit, and bicycles over motor vehicles and parking compared to how streets have been designed since about 1950. The Guide intends to design and operate the entire right of way to prioritize safety, connectivity for people traveling whether they are walking, taking transit, biking, or driving, and to ensure the green infrastructure needs of the City. The Guide identifies 11 street types and specifies for each (see pages 58-61 of the Guide) the minimum and preferred walkway width; minimum and preferred "flex zone" width (including curb, gutter, terrace, and on-street parking (if present)); minimum, maximum, and preferred travel way width (including for a typical two-way street all travel lanes, transit lanes, on-street bike lanes, center

turn lanes, and medians, but not on-street parking); and the minimum and maximum width of the overall right of way. The design parameters for each street type includes a “typical average daily trips (ADT),” which informs how new streets are determined. The 11 street types have been incorporated into the Subdivision Regulations, which defer to the Guide for the implementation of those streets when proposed in a new subdivision or land division.

As with any preliminary plat submitted since August 1, 2023, re-approval of the *Herrling Property Subdivision* preliminary plat is required to follow the requirements in the new Subdivision Regulations, including consistency with the Complete Green Streets Guide. Staff from the Traffic Engineering Division, City Engineering Division, and Planning Division have reviewed the Herrling preliminary plat and recommend the following changes to the proposed rights of way for the unplatted portions of the subdivision:

- The following streets shall be classified as **Neighborhood Yield Streets** per the Complete Green Streets Guide, with a maximum travel way of 16 feet, a 20- to 34-foot overall flex zone, and a typical right of way width of 62 feet:
 - Clear Pond Way
 - Hydrangea Road, Street “C”/Red Pine Drive
 - Street “D”/Emerald Elm Road
 - Street “F”/Wisteria Street
 - Street “H”
 - Lush Woods Place
- The following streets shall be classified as **Neighborhood Streets** per the Complete Green Streets Guide, with a travel way between 18 to 22 feet, a 20- to 30-foot overall flex zone, and a typical right of way width of 64 feet:
 - Tawny Elm Parkway
 - Wilrich Street
 - Street “A”/Golden Eagle Drive between Street “B”/Blue Indigo Street and N Sugar Maple Lane
 - Street “B”/Blue Indigo Street
 - Street “E” between Tawny Elm Parkway and the eastern plat boundary
- The following streets shall be classified as **Community Connectors** per the current Complete Green Streets Guide, with a total travel way between 26-36 feet, an 18- to 30-foot overall flex zone, and a typical right of way width of 80 feet:
 - N Sugar Maple Lane
 - Elderberry Road

Staff is recommending that all of the above streets be dedicated with at least the typical right of way width for those street types (62, 64, and 80 feet, respectively). Additionally, streets that will have parking on both sides shall be a minimum of 62 feet of right of way.

In addition to the recommended changes to the plat to reflect the requirements in the Complete Green Streets Guide, the unplatted portions of the Herrling subdivision will also be subject to the current stormwater management and erosion control requirements in MGO Chapter 37, which were codified in 2020 after the original preliminary plat was approved in 2019. The current requirements for stormwater management and erosion control are reflected in the conditions of approval contained in the final section of this report. The City has also codified a Transportation Demand Management (TDM) program in MGO Section 16.03 that will not affect approval of the preliminary plat and subsequent final plats but may apply to the future development of any of the proposed lots that will contain 10 or more dwelling units.

Conclusion

Both Section 236.12 of Wisconsin Statutes and MGO Section 16.23 both afford 36 months from the date of final approval of a preliminary plat for the subdivision to be final platted. If not, a final plat or CSM submitted beyond 36 months is not entitled to approval even if it substantially conforms to the approved preliminary plat. The applicant is requesting re-approval of the *Herrling Property Subdivision* to allow implementation of it to continue, including the portions of the 141.8-acre site being developed as *Westwind*.

The Planning Division believes that the proposed preliminary plat of *Herrling Property Subdivision* is consistent with the recommendations for the site in the 2018 Elderberry Neighborhood Development Plan. The proposed street layout, public park, and locations for stormwater management are consistent with the adopted plan, as are the location and anticipated density of most of the lots proposed for higher-density housing. The portions of the subdivision subject to the development restrictions in the *Final City of Madison and Town of Middleton Cooperative Plan* also appear to be consistent with those requirements at this stage.

The proposed preliminary plat is largely the same as the one approved in 2019. However, City ordinances and policies have changed since the original preliminary plat was approved, most notably with the adoption of the Complete Green Streets Guide to guide how streets in new developments are designed and used and the enshrinement of that policy in the subdivision process through the repeal and re-creation of Section 16.23 last year. As a result, certain details of the Herrling subdivision will need to be revised as a condition of the preliminary plat re-approval to reflect the new ordinances and policies; the new requirements are reflected in the recommended conditions of approval that follow.

Recommendation

Planning Division Recommendation (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission forward re-approval of the preliminary plat of the *Herrling Property Subdivision* at 10252-10554 Mineral Point Road to the Common Council with a recommendation of **approval** subject to input at the public hearing and the conditions that follow.

Recommended Conditions of Approval Major/Non-Standard Conditions are Shaded

Planning Division

1. Future development of Lot 146 shall comply with the density and building restrictions in Section 13.04 of the *Final City of Madison and Town of Middleton Cooperative Plan*.

2. That a "No Vehicular Access" restriction be shown graphically and noted on the final plat for Lots 17-24 adjacent to Pioneer Road consistent with the City-Town cooperative plan.
3. The applicant shall submit a grading plan and landscaping plan (with cross-sections) for approval by the Planning Division with the final plat that provides a landscaped buffer for the western 80 feet of Lots 17-24 adjacent to Pioneer Road consistent with the City-Town cooperative plan. The planting area/ buffer strip adjacent to Pioneer Road shall be reserved for the planting and maintenance of trees or shrubs by the respective lot owners or an association, and the building of buildings within the 80-foot setback shall be prohibited. The final plat shall include a note identifying the rights and responsibilities of the owners of the affected lots and/or any association to install and maintain this 80-foot buffer.
4. Prior to final approval and recording of each final plat of this subdivision, the applicant shall work with the Planning Division and Capital Area Regional Planning Commission (CARPC) to revise the environmental corridor map to reflect the approved final plats.

The following conditions of approval have been submitted by reviewing agencies:

City Engineering Division (Contact Tim Troester, (608) 267-1995)

5. A Phase 1 environmental site assessment (per ASTM E1527-13), is required for lands dedicated to the City. Provide one digital copy and staff review will determine if a Phase 2 ESA is also required. Submit report(s) to Brynn Bemis ((608) 267-1986, bbemis@cityofmadison.com).
6. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Stormwater Management Permit application can be found on City Engineering's website. The Storm Water Management Plan & Report shall include compliance with the following:
 - Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.
 - Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. 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 to City Engineering.
 - Detain the 2-, 5-, 10-, 100-, and 200-year storm events, matching post-development rates to pre-development rates and using the design storms identified in MGO Chapter 37.
 - Provide infiltration of 90% of the pre-development infiltration volume.
 - Reduce TSS by 80% (control the 5-micron particle) off of newly developed areas compared to no controls.
 - Provide substantial thermal control to reduce runoff temperature in cold water community or trout stream watersheds.

Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project.

The developer shall work with City Engineering to provide additional stormwater detention area/volume as required to comply with the Lower Badger Mill Creek Watershed plan.

7. This development is subject to review fees from both Capital Area Regional Plan Commission (CARPC) and Madison Metropolitan Sewerage District (MMSD). Those fees have been prepaid by the City of Madison as a condition of bring this area into the Central Urban Service Area (CUSA). The proportional share of those fees shall be charged to this development prior to approval.
8. The construction of this project will require that the applicant shall enter into a City/ Developer agreement for the required infrastructure improvements. The applicant shall contact City Engineering to schedule the development of the plans and the agreement. Allow 4-6 weeks to obtain agreement.
9. The developer shall construct Madison standard street, multi-use path, and sidewalk improvements for all streets within the plat.
10. The developer shall construct curb, gutter, and up to 10 feet of pavement and along Mineral Point Road and Pioneer Road as required by the City Engineer.
11. The developer shall construct a 10-foot wide public multi-use path along the north side of Mineral Point Road as required by the City Engineer.
12. The developer shall construct 10-foot wide public multi-use path along the greenway corridor as required by the City Engineer.
13. The developer shall make improvements to Mineral Point Road and Pioneer Road in order to facilitate ingress and egress to the development as required by City Traffic Engineer.
14. Confirm that adequate sight distance exists where public streets intersect per AASHTO design standards for intersection sight distance. If adequate sight distance does not exist, 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. Caution: The improvements indicated may require right of way outside of the plat.
15. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat.
16. This development is subject to impact fees for the West Elderberry Sanitary Sewer Improvement Impact Fee District and Lower Badger Mill Creek Sanitary Sewer and Stormwater Management Impact Fee District. All impact fees are due and payable at the time building permits are issued. The following note shall put on the face of the plans: "Lots/ buildings within this development are subject to impact fees that are due and payable at the time building permit(s) are issued."

17. All outstanding Madison Metropolitan Sewerage District (MMSD) are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Mark Moder ((608) 261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
18. An Erosion Control Permit is required for this project.
19. A Storm Water Management Report and Storm Water Management Permit is required for this project.
20. A Storm Water Maintenance Agreement (SWMA) is required for this project.
21. This site appears to disturb over one (1) acre of land and requires a permit from the Wisconsin Department of Natural Resources (WDNR) for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR-216 and NR-151 however a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. The applicant is notified that the City of Madison is an approved agent of the Department of Safety and Professional Services (DSPS) and no separate submittal to this agency or Capital Area Regional Planning Commission (CARPC) is required for this project to proceed.
22. 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 nine (9) feet below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer.
23. This project will disturb 4,000 square feet or more of land area and require an Erosion Control Permit. Submit the Erosion Control Permit Application (with USLE calculations and associated fee) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.
24. This project will disturb 20,000 square feet or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.
25. Demonstrate compliance with MGO Section 37.07 and 37.08 regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year.
26. Complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by MGO Chapter 37.
27. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West).

28. The header, legal description and the map of the preliminary plat shall clearly show and denote the Lots and Outlots that have been divided by CSM 15568 and the plat of Westwind. Show the actual platted lots and numbers where Westwind has been platted, official street names, easements, public utilities constructed. Show and label the current multiple recorded easements that encumber the future areas to be platted and everything required by Ordinance. Ordinances require the preliminary plat to show all existing conditions.

29. Add a note that lands within this preliminary plat are subject to the Declaration of Conditions, Covenants and Restrictions per Document No 5678222.

30. Add a note that lands within this preliminary plat are subject to Declaration of Conditions, Covenants and Restrictions Pertaining to Stormwater Facilities per Document No. 5756921.

31. Add a note that lands within this preliminary plat are subject to Cooperation Agreement per Document No. 5756922.

32. Add a note that lands within this preliminary plat are subject to Agreement Regarding Easements and Responsibility for Installation, Maintenance and Repair Costs Agreement per Document No. 5901028.

33. This plat requires a 30-foot wide Public Sanitary Sewer Easement along the north right of way of Mineral Point Road. Any other public utility easements required along Mineral Point Road shall be granted outside of the sanitary sewer easement areas. Contact Engineering (Jeff Quamme - jrquamme@cityofmadison.com) to receive the appropriate easement terms/conditions language for inclusion on the final plat.

34. The owner of Outlot 2 of Westwind shall be included as a developer of the preliminary plat.

35. The Surveyor's Certificate shall have a new revision date added.

36. Correct the street name of Lush Woods Place to the official street name of Lush Woods Trail and its extension into the proposed plat. Correct the street name of Velvet Willow Way to the official street name of Velvet Willow Road.

37. Provide street name suggestions to Lori Zenchenko (LZenchenko@cityofmadison.com) for review and approval.

38. The Traffic Engineering Division has provided requirements for street right of way widths. Update the street widths accordingly on the preliminary plat. Note: If Blue Indigo Street is required to be widened, the existing public street easement shall be amended to accommodate the additional width.

Zoning Administrator (Contact Jenny Kirchgatter, (608) 266-4429)

This agency reviewed this request and has recommended no conditions of approval.

Traffic Engineering Division (Contact Sean Malloy, (608) 266-5987)

39. The applicant shall provide a minimum 150-foot centerline radius and a minimum 100-foot tangent between curves on all public right of ways in this plat per MGO Section 16.23(6)(a)(11).

40. The applicant shall work with Traffic Engineering staff on finalizing the alignment of the N Sugar Maple Lane and Elderberry Road intersection to be more perpendicular on all approaches.
 41. The applicant shall work with Traffic Engineering staff on finalizing the alignment of the Tawny Elm Parkway and Street "E" intersection to be more perpendicular on all approaches.
 42. The following streets shall be classified as Neighborhood Yield Streets as defined by the current Complete Green Streets Guide: Clear Pond Way; Hydrangea Road; Street "C"/Red Pine Drive; Street "D"/Emerald Elm Road; Street "F"/Wisteria Street; Street "H"; Lush Woods Trail; Street "E" between Clear Pond Way and Tawny Elm Parkway; and Street "A"/Golden Eagle Drive between Street "B"/Blue Indigo Street and western boundary. The applicant shall dedicate, at minimum, the typical right of way widths for this street classification as provided in the guide.
 43. The following streets shall be classified as Neighborhood Streets as defined by the current Complete Green Streets Guide: Tawny Elm Parkway, Wilrich Street, Street "B"/Blue Indigo Street; Street "E" between Tawny Elm Parkway and eastern boundary; and Street "A"/Golden Eagle Drive between Street "B"/Blue Indigo Street and N Sugar Maple Lane. The applicant shall dedicate, at minimum, the typical right of way widths for this street classification as provided in the guide.
 44. The following streets shall be classified as Community Connectors as defined by the current Complete Green Streets Guide: N Sugar Maple Lane and Elderberry Road. The applicant shall dedicate, at minimum, the typical right of way widths for this street classification as provided in the guide.
 45. If the applicant wishes to provide parking on both sides of their streets classified as Neighborhood Streets as defined by the Complete Green Streets Guide, they shall dedicate a minimum 62-foot right of way.
46. Prior to final sign-off, the applicant shall work with to record the necessary easements for streetlights the Traffic Engineering Division Electrical Section to record the necessary easements for streetlights. Typically, Traffic Engineering requires a 12-foot wide easement between lots and 6-foot easements on corner lots where streetlights are needed. Easements needed between Lots: 2-3, 11-12, 25-26, 27-28, 30-31, 33-34, 36-37, 39-40, 42-43, 49-50, 53-54, 55-56, 66-67, 70-71, 81-82, 84-85, 93-94, 96-Outlot 2, 102-103, 105-106, 109-110, 112-113, 121-122, 124-125, 127-128, and 129-Outlot 4. Easements are needed on the corner of Lots 1, 5, 8, 13, 16, 18, 24, 46, 47, 58, 73, 129, 130, 133, 144, 145, Outlot 9, and Outlot 11.
 47. The applicant shall execute and return a declaration of conditions and covenants (DCC) for streetlights and traffic signals prior to sign off of the final plat.
 48. The applicant shall add a note to the Plat stating no driveway shall be constructed that interferes with the orderly operation of the pedestrian walkway. This will require all pedestrian ramps to be constructed separate from driveway entrances; a curb-head of no less than six (6) inches in width shall be constructed between all pedestrian ramps and driveway entrances. This is especially important at 'T' intersections where lot and building layout become critical; to prevent interference with the pedestrian ramp, lots intersecting or adjacent 'T' intersection may require a shared driveway and access.
 49. Note: The applicant shall submit a deposit of \$30,000 for the installation of a Rapid Rectangular Flashing Beacon at the Mineral Point Road/Tawny Elm Parkway intersection at the time that phase is constructed.

Fire Department (Contact Matt Hamilton, (608) 266-4457)

50. Note: Future buildings will need to comply with fire department access and aerial access, if required, in accordance with Madison General Ordinances, International Building Code, and International Fire Code.

Water Utility (Contact Jeff Belshaw, (608) 261-9835)

51. The developer shall construct the public water distribution system and services required to serve the proposed subdivision plat per MGO Section 16.23(7)(d)(3).

52. All public water mains and water service laterals shall be installed by a standard City of Madison Subdivision Contract. The applicant shall contact City Engineering Division to schedule the development of plans and the agreement. See Engineering Division comments for additional information.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not provide conditions of approval for this request.

Parks Division (Contact Ann Freiwald (608) 243-2848)

53. The future park outlot shall be dedicated to the public for park purposes and shall exclude the greenway corridor. Any widening of the greenway required by City Engineering shall not decrease the proposed 7.33 acres of property to be dedicated to the public for park purposes.

54. Park Impact Fees (comprised of the Park-Infrastructure Impact Fee, per MGO Sec. 20.08(2), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(6)) will be required for all new residential development associated with this project. This development is within the West Park-Infrastructure Impact Fee district.

55. Prior to sign off on the final plat the applicant shall execute a declaration of conditions and covenants along with an impact fee schedule for the Park Impact Fees for this development. This document will be recorded at the Register of Deeds. The applicant shall be responsible for all recording fees.

56. No farming or use of lands to be dedicated to the public for park purposes shall be allowed unless specifically approved by the Parks Superintendent and permitted under a farm lease administered through the City of Madison Office of Real Estate Services.

57. The applicant shall prominently stake all boundaries and property irons for lands to be dedicated for park purposes.

58. The developer shall provide soil borings within any lands to be dedicated as parkland.

59. The applicant shall complete a tree inventory and health assessment for the trees located on the proposed expanded outlot dedicated for park purposes. The applicant shall include all existing trees, which are not all currently shown on the preliminary plat. The tree inventory and health assessment should be completed by an arborist and provided to the Parks Division with the final plat application.

60. The following note should be included on the subdivision: "Lots within this subdivision are subject to impact fees that are due and payable at the time building permit(s) are issued." The Parks Division shall be required to sign off on final plats of this subdivision.
61. The applicant shall install a fence along the boundary of lands dedicated for public park purposes at the sole expense of the applicant. The fence shall be installed on private property to a design that is mutually agreeable to the applicant and Parks Division. The cost of the fence shall not be eligible for Park–Infrastructure Impact Fee credits. The applicant shall execute a deed restriction that would require the fence to be perpetually maintained by the property owners for any lots that are adjacent to publicly dedicated park lands.
62. Lands that are dedicated for park purposes to fulfill the parkland dedication shall be suitable for park development. The applicant shall provide proposed grading plans prior approval of the area of dedicated public parklands. General guidelines for park development include:
- a.) Areas within a park to be used for open space for active and passive recreation shall be graded at 1-2% for the area where fields are proposed.
 - b.) No side slopes within the park dedication area shall exceed 4:1.
 - c.) The applicant shall provide proposed grading plans prior to approval of the area for dedicated public park lands.
 - d.) No proposed utilities will be allowed on public parkland without prior approval by the Parks Superintendent or his designee.
 - e.) Areas that are wetlands shall not be dedicated as public parkland.

City Forestry Section (Brandon Sly, (608) 266-4816)

63. As defined by MGO Section 10.10, City Forestry will assess the full cost of the street tree installation to the adjacent property owner. City Forestry will determine street tree planting sites and tree species type. Street tree planting will be scheduled after there is substantial completion of the new plat development along the street segment.

Parking Division (Trent W. Schultz, (608) 246-5806)

The agency reviewed this project and determined a Transportation Demand Management (TDM) Plan is not required at this time. As development progresses in the subdivision, residential uses with 10 or more dwelling units and other applicable uses in MGO Section 16.03 will be subject to TDM Plan review.

Office of Real Estate Services (Lance Vest, (608) 245-5794)

64. Prior to approval sign-off by the Office of Real Estate Services ("ORES"), all parties having an interest in the property, pursuant to Wis. Stats 236.21(2)(a), shall execute the Owner's Certificate on the plat. Certificates shall be prepared with the ownership interests consistent with the most recent title report. Signatories shall provide documentation that proves legal authority to sign the Owner's Certificate. When possible, the executed original hard stock recordable plat shall be presented at the time of ORES approval sign-off. If not, the City and the Register of Deeds are now accepting electronic signatures. A PDF of the plat containing electronic signatures shall be provided to ORES to obtain approval sign-off.

65. A certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate(s) and executed prior to final plat sign-off.
66. All consents and certifications for any holder of interests in the subject lands shall conform with Wis. Stats. 236.21(2) and 236.29, i.e., to include the language "...surveyed, divided, mapped and dedicated..."
67. The final plat shall include all of the necessary certificates and signature blocks for the Plan Commission, Common Council, Dane County Register of Deeds, City Treasurer, and Dane County Treasurer.
68. Under 236.21(3) Wis. Stats. and MGO Section 16.23(5)(g)(1), the property owner shall pay all real estate taxes and special assessments that are accrued or delinquent for all parcels within the plat boundary prior to recording. This includes property tax bills for the prior year that are distributed at the beginning of the year. Receipts are to be provided on or before sign-off; checks are payable to: City of Madison Treasurer; 210 Martin Luther King, Jr. Blvd.; Madison, WI 53701.
69. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish to Lance Vest (lvest@cityofmadison.com) in the City's Office of Real Estate Services (ORES), as well as the surveyor preparing the final plat, an updated title report covering the period between the date of the initial title report (December 29, 2023) and the date when sign-off of the final plat is requested. A title commitment may be provided, but will only be considered as supplementary information to the title report update. The surveyor shall update the plat with the most recent information available in the title report update. ORES reserves the right to impose additional conditions of approval in the event the title update contains changes that warrant revisions to the plat.
70. The following revisions shall be made on the final plat prior to final approval and recording:
 - a) Accurately reflect the contents of the title report in the proposed plat.
 - b) Depict, name, and identify by document number on the proposed plat all existing easements cited in record title.
 - c) Include on the proposed plat a complete and accurate legal description of the lands that are to be included in the proposed plat. The legal description shall be reconciled with the legal description of said lands in record title.
 - d) If the lands within the Plat boundary are farmed agricultural lands, the applicant shall enter into a lease with the City for those lands to be dedicated and/or conveyed to the City through Plat recording. Please contact Heidi Fischer at 264-9297 to discuss the potential lease terms. Said leases are authorized by Resolution 13-00247 (ID 29183), adopted April 16, 2013.
 - e) Include the following sentence with the dedicated utility easements depiction in the plat Legend: Utility Easements as herein set forth are for the use of public bodies, as well as private utilities having the right to serve the area.