

**PLANNING DIVISION REPORT
DEPARTMENT OF PLANNING AND COMMUNITY
AND ECONOMIC DEVELOPMENT
Of April 30, 2008**

RE: I.D. # 09713: Zoning Map Amendment ID 3345 & 3346, Rezoning 5898 N. Sherman Avenue from Temp. A to R1 and Conservancy and I.D. #10173, Approval of the Preliminary and Final Plats of Fifth Addition to Cherokee Park

1. Requested Actions: Approval of a request to rezone approximately 45.2 acres located at 5898 N. Sherman Avenue from Temp. A (Agriculture District) to R1 (Single-Family Residence District) and C (Conservancy District) and approval of a preliminary and final plat creating 47 single-family lots and two private outlots for stormwater management and a public pedestrian, bicycle and utility access.
2. Applicable Regulations: Section 28.12 (9) provides the process for zoning map amendments; Section 28.07 (6) of the Zoning Ordinance provides the requirements and framework for Planned Unit Developments. The subdivision process is outlined in Section 16.23 (5)(b) of the Subdivision Regulations.
3. Report Prepared By: Timothy M. Parks, Planner.

GENERAL INFORMATION

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

Surveyor: Patrick Cowell, Birrenkott Surveying, Inc.; 1677 N. Bristol Street; Sun Prairie.
2. Development Schedule: The applicant wishes to begin construction of the subdivision as soon as all regulatory approvals have been granted, with infrastructure completion later this year. The developer anticipates completion of the 47 single-family homes by 2015.
3. Location: Approximately 45.2 acres of land generally located three-quarters of a mile north of Wheeler Road on the west side of N. Sherman Avenue, Aldermanic District 18; Waunakee School District.
4. Existing Conditions: Undeveloped land, zoned Temp. A (Agriculture District).
5. Proposed Land Use: 47 single-family lots and 2 private outlots on approximately 26 acres to be zoned R1 (Single-Family Residence District); the remaining 19.2 acres of land are in the process of being purchased by the City of Madison for conservation purposes and will be rezoned to C (Conservancy District).

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6. Surrounding Land Use and Zoning:
North: Cherokee Marsh Conservation Park;

South: Cherokee Country Club in the Town of Westport;

East: Undeveloped lands in the Town of Burke, including future City of Madison conservation lands;

West: Future single-family residences at the northerly end of Burning Wood Way, zoned PUD-SIP; Cherokee Country Club in the Town of Westport.
7. Adopted Land Use Plan: The Cherokee Special Area Plan identifies the subject site as part of the "Fifth Addition" planning sub-area with future low-density residential uses up to eight dwelling units per acre, and park, open space and stormwater management uses.
8. Environmental Corridor Status: The proposed single-family subdivision is generally not located within the mapped environmental corridor, with the exception of a small area of wetlands that may extend into the northeasterly and southerly portions of the plat. The corridor map also shows the presence of woodlands through the center of the subdivision. The corridor will need to be modified consistent with the adopted Cherokee Special Area Plan in this area. The remainder of the 45.2 acres is shown as proposed public lands consistent with the City's planned purchase of 19.2 acres of conservation lands along the northern edge of the subject property, which contain wetlands and woodlands.
9. Public Utilities & Services: The property is located within the Central Urban Service Area. The proposed development will eventually be served by a full range of urban services pending the extension of sanitary sewer and water service to the site from the west and south, respectively. The Cherokee Special Area Plan calls for the water service through the proposed subdivision to be looped from the area of the Cherokee Country Club clubhouse at N. Sherman Avenue and Golf Parkway up through the proposed plat and through future City property west of the site to connect existing an existing main on Burning Wood Way.

STANDARDS FOR REVIEW

This application is subject to the standards for zoning map amendments and preliminary and final plats.

PLAT REVIEW

The applicant, Cherokee Park, Inc., is requesting approval of a zoning map amendment and subdivision plat to create 47 single-family lots and 2 outlots in the R1 single-family residential zoning district on a recently annexed 26-acre parcel located on the west side of N. Sherman Avenue, approximately three-quarters of a mile north of Wheeler Road. A concurrent rezoning of a 19.2-acre outlot annexed with the proposed subdivision lands to the Conservancy zoning district is also requested. The 19.2-acre parcel will be purchased later this year by the City of Madison as an addition to Cherokee Marsh Conservation Park as called for in the memorandum of understanding between Cherokee Park, Inc. and the City. The overall 45.2-acre site was annexed into the City from the Town of Westport on February 26, 2008.

The 45.2-acre site is generally characterized by a rolling terrain that includes a modest ridge that runs north to south along the western portion of the property and a smaller hill on the eastern portion of the proposed subdivision land. An approximately 25-foot tall fill stockpile is also located on the eastern portion of the 45.2 acres on the boundary between the proposed plat and the future City lands. The stockpile, which the applicant indicates was created during the construction of earlier Cherokee developments, will be graded down and distributed across the proposed subdivision as part of its grading plan. The subject site also contains two areas of wetlands, including a long, narrow delineated area that extends along the length of the southern edge of the site generally following a narrow pond feature related to the adjacent golf course and a second wetland area in the northeastern corner of the overall site on the lands to be purchased by the City and zoned C. A 75-foot wetland buffer is shown around both wetlands. A 100-year floodplain has also been identified along the southern edge of the subject site, which also follows the golf water feature. Both the wetland area and floodplain along the southern edge of the site will be located on a privately maintained outlot for stormwater management. A woodland area extends primarily through the center of the 45.2-acre site and includes approximately 60 trees. A tree survey submitted with the application indicates that most of the trees present on the site are mature oak trees that are largely in good condition. A tree preservation plan provided by the developer indicates that slightly more than half of these trees will be located within the plat area, with some opportunity for tree preservation on the edges of the subdivision.

The subject site is generally bounded on the west and south by Cherokee Country Club, which is located in the Town of Westport, by City-owned Cherokee Marsh Conservation Park on the north and by undeveloped future City open space located to the east across N. Sherman Avenue. In addition, three single-family homes will be constructed on a 3.4-acre parcel located west of the country club on lands located at the northerly end of Burning Wood Way adjacent to single-family homes in the Fourth Addition to Cherokee Park subdivision.

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The subject site was identified in the Cherokee Special Area Plan as part of the "Fifth Addition" planning sub-area (attached). In the plan, a public street is shown extending west from N. Sherman Avenue before terminating in a loop street at the western end of the planning area. A non-vehicular connection is shown between this portion of the planning area and the western portion of the area, which was previously approved for small-scale low-density residential development at the northerly end of Burning Wood Way in the Fourth Addition area. The low-density residential development was envisioned with a maximum density of eight units per acre, with a more specific density range of 5-7 units identified in a combination of single-family and attached dwelling units. The plan Cherokee Special Area Plan recommends that buildings in this planning sub-area not exceed two-stories in height and that vegetative buffers be provided between the residential and permanent open space uses that comprise the rest of the sub-area.

As recommended in the Cherokee Special Area Plan, the proposed subdivision calls for a public street to be extended west from N. Sherman Avenue approximately 1,100 feet into the site before forming the loop shown in the neighborhood plan. Fourteen lots will front onto the south side of the primary east-west street, shown on the plat as Marsh View Lane, with 11 lots to front onto its northern side east of the first street intersection. Another 12 lots will front onto the outside of the loop street, with the remaining 10 lots proposed to be located on the loop's interior. Lots in the plat will exceed the 65-foot minimum lot width and 8,000 square-foot minimum lot area required in the requested R1 single-family zoning classification, with no lot proposed under 10,000 square feet in area. In addition, the 14 lots located on the south side of the primary east-west street will comply with the 100-foot minimum lot width and 15,000 square-foot minimum lot area required by shoreland zoning, which applies to any lots located within 300 feet of a shoreland as defined in State Statutes. A note will be added to the final plat limiting building coverage on these 14 lots to 30% of the lot area, as also required by shoreland zoning.

Two outlots will be created with the proposed plat, including a 7.2-acre tract that will be retained for private stormwater management along the southern edge of the subdivision, which will also contain the aforementioned wetland and floodplain areas. The second, smaller outlot will be created in the northwestern corner of the plat, over which a public water, sewer and bike path easement will be dedicated. The public easement will be a continuation of a similar easement dedicated with the residential development approved last year at the northerly end of Burning Wood Way and will allow the extension of a public water main through the Fifth Addition sub-area to eventually connect to water service further to the south, creating a loop in the Cherokee area. The easement will also allow for the continuation of the public bike path called for in the Cherokee Special Area Plan through the Fifth Addition to connect to N. Sherman Avenue via on-street bike lanes through the subject site. The off-street bike path being constructed through the Fifth Addition sub-area will also be designed for use by the Fire Department as a secondary means of emergency access.

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While the 47 single-family lots proposed will be developed in the R1 zoning classification, which contains no zoning-specified design guidelines like those provided in other single-family districts such as R2T, the developer has included general private design guidelines that will govern the build-out of the subdivision. These guidelines include an emphasis on the use of natural and recycled materials, preventing the planting of invasive plant species and encouraging native vegetation, and creating energy efficient homes. To that end, the applicant has also provided a checklist of construction features each new residence constructed in the plat will include, which is derived from a new home checklist issued by the Wisconsin Environment Initiative. These guidelines will be incorporated into the privately enforced restrictive covenants for the subdivision, which will be reviewed by City staff prior to recording primarily to ensure that the private stormwater management outlot will be properly established and managed.

A stormwater management plan was submitted with the subdivision that calls for detention in two wetland basins within the private outlot along the southern edge of the plat. The developer is also proposing the creation of rain gardens in the public street terrace on the south side of the primary east-west street as well as rain gardens that will be located in the rear yards of three single-family lots. A copy of the stormwater management plan has been provided with your packets. In addition, the plan has been reviewed by the City Engineering Division, whose plat comments are attached.

Inclusionary Zoning: The applicant has submitted an Inclusionary Dwelling Unit Plan requesting consideration of a waiver for the proposed single-family development. An analysis of this request will be provided by the Community Development Block Grant Office for your consideration at the meeting.

ANALYSIS & CONCLUSION

The Planning Division finds both the proposed rezoning and subdivision to be in keeping with the recommendations of the Cherokee Special Area Plan and the provisions of the Memorandum of Understanding between the City and Cherokee Park, Inc. The 47 single-family lots and resulting density of 3.24 units per acre conform to the low-density residential recommendation contained in the Cherokee SAP for the Fifth Addition planning sub-area, which allows a maximum of eight units an acre. Meanwhile, the proposed City purchase of the 19.2-acre outlot created by earlier Certified Survey Map and its proposed rezoning to the Conservancy District continues the implementation of public land acquisition in the Fifth Addition planning sub-area as called for in the City-Cherokee MOU. The Fifth Addition plat also provides a key non-vehicular connection to the previously approved development at the northerly end of Burning Wood Way for continuous pedestrian and bicycle access from N. Sherman Avenue to existing

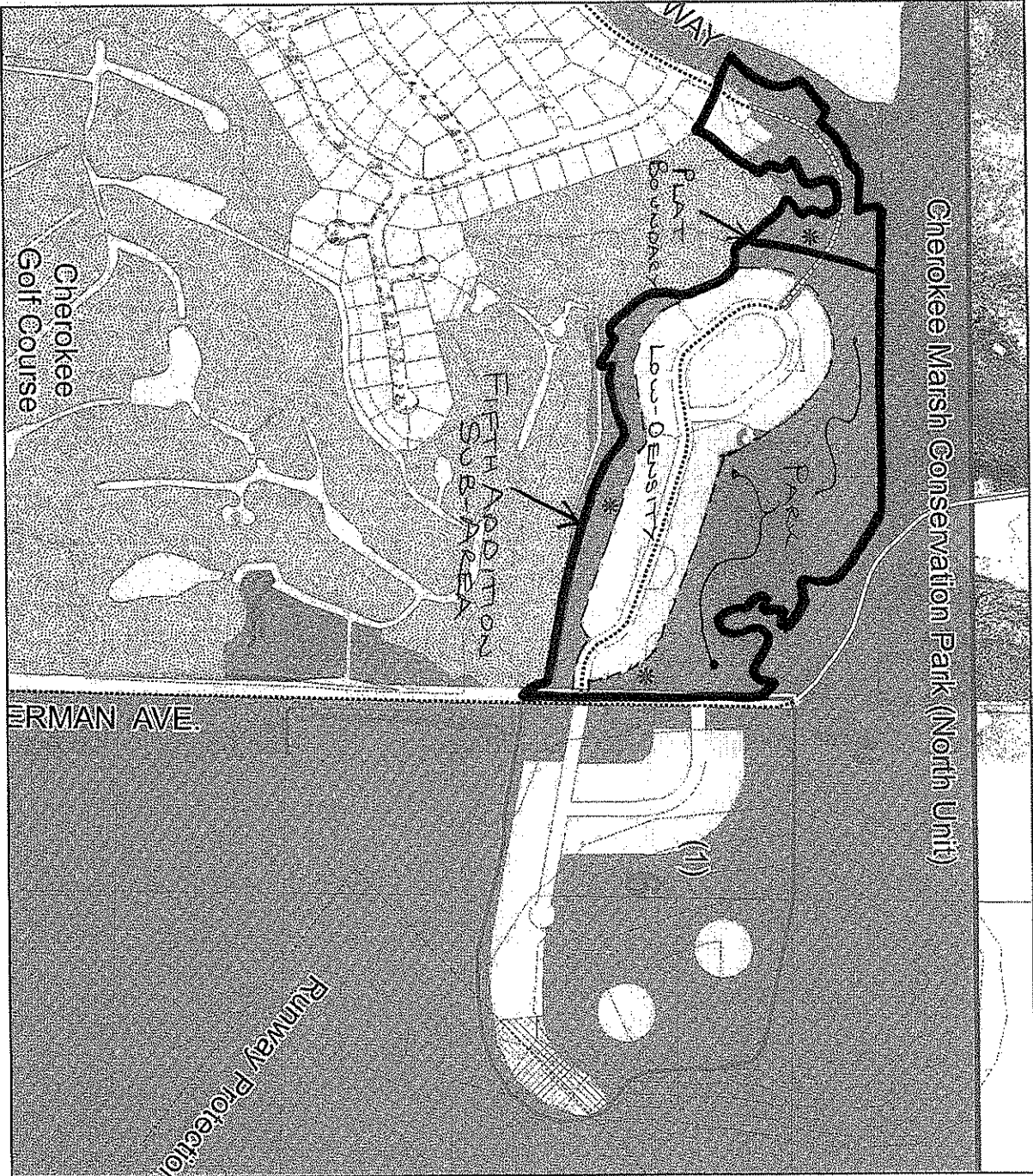
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parklands along the Yahara River, as well as public utility and safety facilities to serve the larger planning area.

RECOMMENDATIONS

The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 3345-3346, rezoning 5898 N. Sherman Avenue from Temp. A (Agriculture District) to R1 (Single-Family Residence District) and C (Conservancy District), and the preliminary and final plats of Fifth Addition to Cherokee Park to the Common Council with recommendations of **approval**, subject to input at the public hearing and the following conditions:

1. Comments from reviewing agencies.
2. That the applicant receive approval from staff of the Capital Area Regional Planning Commission of any alterations to the environmental corridor maps necessary for the implementation of the proposed development prior to final signoff of the final plat for recording and construction.
3. That a note be placed on the final plat restricting building coverage on Lots 284-297 to a maximum of 30% of lot area as required by shoreland zoning requirements.
4. That the final plat be revised to note the outlot designations for the subject site and adjacent future City-owned parcel per Certified Survey Map 12439.
5. That the applicant submit to the Planning Division two copies of the private subdivision covenants, conditions and restrictions that govern the organizational structure, use, maintenance and continued protection of the development and any common services, open areas or other facilities to serve the proposed subdivision. These documents shall be approved by Planning staff and the City Attorney's Office prior to final approval of the plat for recording.
6. That the applicant record a Land Use Restriction Agreement and Inclusionary Dwelling Unit Plan for this subdivision as required by the Community Development Block Grant Office and Planning Division prior to final approval and recording of the plat.



DRAFT

Map 9C
**RECOMMENDED
 LAND USE**
 Cherokee Special Area Plan
 November 2006

STUDY AREA

CORE PLANNING SUB-AREAS

RESIDENTIAL
 Low Density Residential
 Density Range: (<8 du/ha sq)
 Density Range: (8-15 du/ha sq)

Medium Density Residential (16-25 du/ha sq)
 COMMERCIAL EMPLOYMENT/MIXED USE
 Neighborhood Mixed Use
 Industrial

INSTITUTIONAL
 Employment
 Cherokee County Club

PARK, OPEN SPACE AND STORMWATER MANAGEMENT
 Park Drainage and Open Space
 Golf Course

POTENTIAL FUTURE DEVELOPMENT AREA
 * Proposed Stormwater Detention

LAND USE NOTES
 (1) The recommended land use plan is based on the best available information and is subject to change as more information becomes available. It is intended to provide a general guide for future development and is not intended to be used as a legal document. It is intended to be used as a guide for future development and is not intended to be used as a legal document. It is intended to be used as a guide for future development and is not intended to be used as a legal document.

STREET ROW (Public and Private)

SPECIAL FEATURES
 Runway Protection
 Railroad Realignment
 Cherokee Marsh Core, Park Access Road
 Trail/Signage Access Road
 Existing Bear Haven
 Proposed Fences/Baths and Traps

Data Source:
 City of Madison, Dept. of Planning and Development
 City of Madison, Dept. of Planning and Development, Planning Unit

1:200
 0 50 100 Feet

City of Madison
 Dept. of Planning and Development, Planning Unit
 Last edited: November 14, 2006

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Department of Public Works
City Engineering Division

608 266 4751

Larry D. Nelson, P.E.
City Engineer

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

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

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

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

Operations Manager
Kathleen M. Cryan

Hydrogeologist
Joseph L. DeMorett, P.G.

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

Financial Officer
Steven B. Danner-Rivers

DATE: April 18, 2008

TO: Plan Commission

FROM: Larry D. Nelson, P.E., City Engineer

SUBJECT: 5898 North Sherman Avenue Preliminary/Final Plat, Rezoning, and Inclusionary Zoning

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

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

1. Marsh View Drive is not an acceptable street name due to existing use of Marsh View elsewhere in the City. Two different street names are required for this plat. Submit proposed street names to Engineering Mapping (izenchenko@cityofmadison.com) for approval.
2. The "Provisional" FEMA flood plain boundary and elevation shall be shown on the plan set.
3. Wetland/Flood plain setbacks and lot sizes in accordance with NR-115 shall be discussed with Planning.
4. Proposed Detention Basins shall be within a dedicated "public easement for stormwater management". Revise design if proposed for public maintenance (4:1 sideslopes, 10-foot top of berm, no plantings). If proposed for private maintenance, an agreement must be recorded.
5. Proposed rural street section and terrace rain gardens, subject to the approval of the City Engineer (Street Design Section) and the Board of Public Works.
6. City Engineering and MMSD shall review the Developer proposal for sewer service. Any modifications required at existing lift station (Cherokee #2) shall be the Developer's responsibility. Further, if approved, the Developer shall provide an access road and easement to allow maintenance vehicles access to the station.
7. Proposed gravity main to City lift station shall require an easement to the City for public sanitary sewer. Said sewer may require a WDNR Chapter 30 permit for crossing wetlands. Any sewer installed by boring must be approved by the City Engineer and must meet all applicable requirements of a public sewer.

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GENERAL OR STANDARD REVIEW COMMENTS

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

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

Name: 5898 North Sherman Avenue Preliminary/Final Plat, Rezoning, and Inclusionary Zoning

General

- 1.1 The Developer shall enter into a City / Developer agreement for the installation of public improvements required to serve this plat/csm. The developer shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The developer shall meet with the City Engineer to schedule preparation of the plans and the agreement. The City Engineer will not sign off on this plat/csm without the agreement executed by the developer.
- 1.2 Two weeks prior to recording the final plat, a soil boring report prepared by a Professional Engineer, shall be submitted to the City Engineering Division indicating a ground water table and rock conditions in the area. If the report indicates a ground water table or rock condition less than 9' below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer.
- 1.3 The Developer is required to pay Impact Fees for the _____ Impact Fee District for Lot(s) _____ of the _____ Plat/CSM. The current rate is \$ _____/1000SF for a total of \$ _____. The Developer shall select one of the following two options for payment of these fees:
 - 1) Impact Fees shall be paid in full prior to Engineering sign-off of the plat/csm.
 - 2) The Developer has elected to defer the payments until such time as the building permits are applied for, in which case the owner(s) shall have fourteen (14) days after receiving the invoices to pay the outstanding impact fees. The following shall be required prior to plat sign off;
 - a) The Developer shall supply an Excel spreadsheet with lot numbers, lot areas, and number of dwelling units per lot. The Developer shall supply a CADD file of the proposed FINAL plat, in a format compatible with Microstation J. This information shall be required to calculate the Impact Fees, which will then be recorded at the Register of Deeds against each lot in the subdivision..
 - b) All information shall transmitted to Janet Dailey by e-mail at Jdailey@cityofmadison.com, or on a CD to:

Janet Dailey
City of Madison Engineering Division
210 Martin Luther King Jr. Blvd
Room 115
Madison, WI 53703
 - c) A minimum of three (3) weeks shall be required for staff to calculate the Impact Fees and record the documents prior to plat sign-off.

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).

Right of Way / Easements

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

Are the following requirements met?

- * Streets Intersect at right angles.
- * A 15 foot minimum tangent at intersections from PC of curve to property line.

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- * Arterial intersection spacing generally greater than 1200 feet.
- * Jogs are avoided at intersections. Arterial streets shall be adjusted to align if spacing less than 300 feet.
- * Spacing of intersections on local streets shall be greater than 300 feet.
- * Cul-de-sacs shall be less than 1000 feet long.
- * 100 foot tangents between curves.

- 2.5 _____

- 2.6 Property lines at intersections shall be rounded with a 15 foot radius on _____

- 2.7 Property lines at intersections shall be rounded with a 25 foot radius on _____

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

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

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

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

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

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

Streets and Sidewalks

- 3.1 The Developer shall construct Madison Standard street improvements for all streets within the plat/csm.
- 3.2 The developer shall show a 30 40 (*Strike one, 30 collector, 40 Arterial*) foot building setback line on the plat/csm adjacent to [Roadway Name] _____ for all lots in the plat/csm adjacent to said roadway.
- Note: No buffer strip shall be dedicated to the City as the City does not want the maintenance.*
- 3.3 Extensive grading may be required due to steep roadway grades.
- 3.4 The developer shall note that City funds for park frontage are limited and will be determined at the sole discretion of the City.
- 3.5 The developer shall construct sidewalk and record a waiver of their right to notice and hearings for the assessments for the improvement of [roadway] _____ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO. Said sidewalk constructed in front of and waiver recorded to Lot(s) _____.
- 3.6 The Developer shall make the following improvement to [Roadway Name] _____. The Developer shall construct sidewalk and _____ feet of a future _____ foot roadway including curb and gutter on the _____ side of the roadway.

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- 3.7 The Developer shall construct sidewalk to a plan approved by the City Engineer and complete ditching as required by the City Engineer along [Roadway Name]_____.
- 3.8 The Developer shall grade the right of way line to a grade established by the City Engineer and complete ditching along the roadway as specified by the city engineer along [Roadway Name]_____.
- 3.9 **Value of sidewalk installation over \$5000.** The Applicant shall Construct Sidewalk to a plan approved by the City Engineer along Sherman Avenue. Also require the City / Developer agreement line 1.1)
- 3.10 **Value of sidewalk installation under \$5000.** The Applicant shall install public sidewalk along_____. The Applicant shall obtain a Street Excavation Permit for the sidewalk work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. All work must be completed within six months or the succeeding June 1, whichever is later. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 3.11 The Applicant shall execute a waiver of their right to notice and hearings on the assessments for the installation of sidewalk along [roadway] ___ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and section 4.09 of the MGO.
- 3.12 The Applicant shall grade the property line along _____ to a grade established by the City Engineer. The grading shall be suitable to allow the installation of sidewalk in the future without the need to grade beyond the property line. The Applicant shall obtain a Street Excavation permit prior to the City Engineer signing off on this development. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 3.13 Developer shall make improvements to [Roadway Name]_____ considered temporary to facilitate ingress and egress to the plat/csm until such time as the ultimate improvement of the roadway is undertaken by the city.
- 3.14 The Developer shall make improvements to [Roadway Name] Sherman Avenue to facilitate ingress and egress to the plat/csm.

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

- The above improvement will consist of acceleration and deceleration tapers.
- The above improvement consists of rights turn lanes.
- The above improvement will consist of passing lanes.
- The above improvement will consist of median openings.
- Caution – The improvements indicated above may require right of way outside of the plat/csm. See comment 2.3 to require additional right of way for this purpose.*
- 3.15 The developer shall note the AASHTO design standards for intersection sight distance will be applied during the design of the streets within this plat/csm.
- 3.16 The developer shall confirm that adequate sight distance exists on _____ where public streets intersect. If adequate sight distance does not exist, the developer shall change the location of the street intersection or agree to make improvements to the roadways such that the sight distance is achieved or make other mitigating improvements as required by the City.
- 3.17 All proposed street names shall be approved by the City Engineer. Applicant shall contact Lori Zenchenko (608-266-5952) with street name requests.
- 3.18 Installation of "Private" street signage in accordance with 10.34 MGO is required.
- 3.19 Coordinate all necessary new interior addresses associated with this proposed development with City Engineering Program Specialist Lori Zenchenko lzenchenko@cityofmadison.com or (608) 266-5952

Storm Water Management

- 4.1 An erosion control plan and land disturbing activity permit shall be submitted to the Engineering Division for review and approval prior to grading or any other construction activities. The Preconstruction Meeting for Public Improvements shall not be scheduled prior to issuance of this permit. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
- 4.2 The following notes shall be included on the final plat:
 - a. All lots within this plat are subject to public easements for drainage purposes which shall be a minimum of 6-feet in width measured from the property line to the interior of each lot except that the easements shall be 12-feet in width on the perimeter of the plat. For purposes of two (2) or more lots combined for a single development site, or where two (2) or more lots have a shared driveway agreement, the public easement for drainage purposes shall be a minimum of six (6) feet in width and shall be measured only from the exterior property lines of the combined lots that create a single development site, or have a shared driveway agreement, except that the easement shall be twelve (12) feet in width along the perimeter of the plat. Easements shall not be required on property lines shared with greenways or public streets. No buildings, driveways, or retaining walls shall be placed in any easement for drainage purposes. Fences may be placed in the easement only if they do not impede the

anticipated flow of water.

NOTE: IN THE EVENT OF A CITY OF MADISON PLAN COMMISSION AND/OR COMMON COUNCIL APPROVED REDIVISION OF A PREVIOUSLY SUBDIVIDED PROPERTY, THE UNDERLYING PUBLIC EASEMENTS FOR DRAINAGE PURPOSES ARE RELEASED AND REPLACED BY THOSE REQUIRED AND CREATED BY THE CURRENT APPROVED SUBDIVISION.

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

Information to Surveyor's: In addition to notes such as this, WI State Plat Review now enforces the requirement that easements or other reference lines/areas be graphically shown, dimensioned and tied when they represent fixed locations. They will accept a "typical detail" when the easement or restriction can be effectively described and retraced from the typical detail.

- 4.3 Arrows shall be added to the certified survey map indicating the direction of drainage for each property line not fronting on a public street. In addition, the certified survey map shall include lot corner elevations, for all lot corners, to the nearest 0.25-foot. The following notes shall be added to the certified survey map.
- a. Arrows indicate the direction of surface drainage swale at individual property lines. Said drainage swale shall be graded with the construction of each principal structure and maintained by the lot owner unless modified with the approval of the City Engineer. Elevations given are for property corners at ground level and shall be maintained by the lot owner.
- b. All lots within this certified survey are subject to public easements for drainage purposes which shall be a minimum of 6-feet in width measured from the property line to the interior of each lot except that the easements shall be 12-feet in width on the perimeter of the certified survey. For purposes of two (2) or more lots combined for a single development site, or where two (2) or more lots have a shared driveway agreement, the public easement for drainage purposes shall be a minimum of six (6) feet in width and shall be measured only from the exterior property lines of the combined lots that create a single development site, or have a shared driveway agreement, except that the easement shall be twelve (12) feet in width along the perimeter of the certified survey. Easements shall not be required on property lines shared with greenways or public streets. No buildings, driveways, or retaining walls shall be placed in any easement for drainage purposes. Fences may be placed in the easement only if they do not impede the anticipated flow of water.

NOTE: IN THE EVENT OF A CITY OF MADISON PLAN COMMISSION AND/OR COMMON COUNCIL APPROVED REDIVISION OF A PREVIOUSLY SUBDIVIDED PROPERTY, THE UNDERLYING PUBLIC EASEMENTS FOR DRAINAGE PURPOSES ARE RELEASED AND REPLACED BY THOSE REQUIRED AND CREATED BY THE CURRENT APPROVED SUBDIVISION.

Information to Surveyor's: In addition to notes such as this, WI State Plat Review now enforces the requirement that easements or other reference lines/areas be graphically shown, dimensioned and tied when they represent fixed locations. They will accept a "typical detail" when the easement or restriction can be effectively described and retraced from the typical detail.

- 4.4 Prior to the issuance of building permits, the Developer shall submit a master stormwater drainage plan to the City Engineering Division for review and approval which shows lot corner elevations to the nearest 0.25-foot. For purposes of the plan, it shall be assumed that grading shall be done on a straight line grade between points unless other information is provided. The proposed slope between points shall always be greater than or equal to .0075 ft/ft. If a break in grade is required between lot corners a shot shall be taken at that break in grade to provide the Engineer with enough information to interpret the plan. The Developer shall also show proposed drainage arrows on the plan to indicate the proposed direction of drainage.

The master storm water drainage plan shall be submitted to City Engineering in digital format with elevations/grades/contours shown on the recorded plat map of the development. The digital record shall be provided using the state plane coordinate system – NAD 27.

The following note shall accompany the master storm water drainage plan:

- a. For purposes of this plan, it is assumed that grading shall be a straight line grade between points unless otherwise indicated. All slopes shall be 0.75% or steeper. Grade breaks between lot corners are shown by elevation or through the use of drainage arrows.

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

- 4.5 If the lots within this certified survey map are inter-dependent upon one another for storm water runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the certified survey map and recorded at the Dane Co Register of Deeds.
- 4.6 The following note shall be added to the certified survey map. "All lots created by this certified survey map are individually responsible for compliance with Chapter 37 of the Madison General Ordinances in regard to storm water management at the time they develop."
- 4.7 This plat/csm could affect a flood plain, wetland or other sensitive areas. As such, it shall be reviewed by the Commission on the Environment. Contact Mike Dailey at 266-4058 for further details. The proposed plat/csm may be considered a major change to the environmental corridor and be subject to a public hearing and approval of the Dane County Regional Plan Commission.

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- 4.8 A portion of this plat/csm may come under the jurisdiction of the US Army Corp of Engineers and Wisconsin Department of Natural Resources for wetland or flood plain issues or navigable waterway. A permit for those matters may be required prior to construction on any of the lots currently within the plat/csm. Contact the WDNR & USACOE for a jurisdictional determination.
- 4.9 Prior to recording the plat/csm, the applicant shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to:
 - Detain the 2 & 10-year storm events.
 - Detain the 2, 10, & 100-year storm events.
 - Control 40% TSS (20 micron particle).
 - Control 80% TSS (5 micron particle).
 - Provide infiltration in accordance with NR-151.
 - Provide substantial thermal control.
 - Provide oil & grease control from the first 1/2" of runoff from parking areas.

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

- 4.10 This site is greater than one (1) acre and the applicant is required by State Statute to obtain a Notice of Intent Permit (NOI) from the Wisconsin Department of Natural Resources. Contact Jim Bertolacini of the WDNR at 275-3201 to discuss this requirement. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 4.11 NR-151 of the Wisconsin Administrative Code will be effective on October 1, 2004. Future phases of this project shall comply with NR 151 in effect when work commences. Specifically, any phases not covered by a Notice of Intent (NOI) received from the WDNR under NR-216 prior to October 1, 2004 shall be responsible for compliance with all requirements of NR-151 Subchapter III. As most of the requirements of NR-151 are currently implemented in Chapter 37 of the Madison General Ordinances, the most significant additional requirement shall be that of infiltration.

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

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

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

- 4.12 A minimum of two (2) working days prior to requesting City Engineering signoff on the plat/csm the applicant shall contact Janet Dailey (608-261-9688) to obtain the final stormwater utility charges that are due and payable prior to sub-division of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service. All charges shall be cleared prior to the land division (and subsequent obsolesces of the existing parcel).

Sanitary Sewer

- 5.1 All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (608-261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
- 5.2 Each unit of a duplex building shall be served by a separate and independent sanitary sewer lateral.
- 5.3 This land division contains or is adjacent to facilities of MMSD. Prior to approval, applicant shall provide evidence that MMSD has reviewed and approved the proposed land division.

Mapping / Land Records

- 6.1 Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The Developer's Surveyor and/or Applicant must submit copies of required tie sheets or condition reports for all monuments, including center of sections of record, used in this survey, to Eric Pederson, City Engineering. If a new tie sheet is not required under A-E 7.08, Engineering requests a copy of the latest tie sheet on record with Dane County Surveyor's office. The Applicant shall identify monument types on all PLS corners included on the Plat or CSM. **Note: Land tie to two PLS corners required.**
- 6.2 In accordance with Section s. 236.18(8), Wisconsin Statutes, the Applicant shall reference **City of Madison WCCS Dane Zone, 1997Coordinates** on all PLS corners on the Plat or Certified Survey Map in areas where this control exists. The Surveyor shall identify any deviation from City Master Control with recorded and measured designations. City of Madison has established WCCS, Dane Zone Coordinates on all PLS corners within its corporate boundary. Visit the City of Madison Engineering Division web address http://gis.ci.madison.wi.us/Madison_PLSS/PLSS_TieSheets.html for current tie sheets and control data. If a surveyor encounters an area without a published WCCS Dane Zone 1997 value, contact Engineering Division for this information.
- 6.3 The Applicant shall submit to Eric Pederson, prior to Engineering sign-off of the subject plat, two (2) digital and one

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(1) hard copy of the final plat/CSM to the Mapping/GIS Section of the Engineering Division. The digital copies shall be submitted in both NAD27 & WIDOT County Coordinate System, Dane County Zone datums in either Auto CAD Version 2001 or older, MicroStation Version J or older or Universal DXF Formats and contain the minimum of the following, each on a separate layer name/level number:

- a. Right-of-Way lines (public and private)
- b. Lot lines
- c. Lot numbers
- d. Lot/Plat dimensions
- e. Street names
- f. Easement lines (i.e. street, sanitary, storm (including wetland & floodplain boundaries) water, pedestrian/bike/walkway, or any public and/or private interest easement except local service for Cable TV, gas, electric and fiber optics).

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

NOTE: New electronic final plat transmittals and notification of changes which occur to the final plat during the time the Engineering Division signs off and receives the digital copies of said plat and the recording thereof, are the responsibility of the Developer/Surveyor.

- 6.4 In accordance with Section s.236.34(1) (c) which says a CSM shall be prepared in accordance with s.236.20(2) (c) & (f), Wisconsin Statutes, the Applicant must show type, location and width of any and all easements. Clearly identify the difference between existing easements (cite Register of Deeds recording data) and easements which are being conveyed by the Plat/CSM. Identify the owner and/or benefiting interest of all easements.
- 6.5 Prior to Engineering final sign-off by main office for Certified Survey Maps (CSM), final CSM must be submitted to Engineering Division Surveyor / Land Records Coordinator for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off. Electronic mail submittal of the FINAL CSM in PDF form is preferred. Transmit to epederson@cityofmadison.com

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Date: April 17, 2008

To: The Plan Commission

From: Larry D. Nelson P.E., Interim General Manager

Subject: FINAL PLAT, PRELIMINARY PLAT, – Cherokee 5th Addition
REZONING

The Madison Water Utility has reviewed this proposed preliminary plat, final plat, and rezoning, and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS

In addition to the public water mains within the plat, the developer shall extend public water main on North Sherman Avenue from the end of the existing main to the north plat line, either by private contract, or by standard City of Madison Assessment Reimbursement Agreement.

GENERAL OR STANDARD REVIEW COMMENTS

All public water mains and water service laterals within the plat shall be installed by standard City of Madison 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.

This property is not in a Wellhead Protection District.

Final plans shall be submitted to City Engineering (Janet Dailey) for verification of compliance with these comments.

The Water Utility will not need to sign off the final plans, but will need a copy of the approved plans.

Larry D. Nelson, P.E.

cc: Janet Dailey



Traffic Engineering and Parking Divisions

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

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

April 24, 2008

TO: Plan Commission
FROM: David C. Dryer, P.E., City Traffic Engineer and Parking Manager
SUBJECT: **5898 North Sherman Avenue – Preliminary and Final Plat / Rezoning – Town of Westport Sec. 24 / Temp A to R1**

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

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

1. 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 final sign-off may be delayed until the transportation impact fees are negotiated or approved by the Council.

PEDESTRIAN AND BICYCLE TRANSPORTATION REVIEW COMMENTS

None

GENERAL OR STANDARD REVIEW COMMENTS

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

- 2. The applicant shall execute and return the attached declaration of conditions and covenants for streetlights & traffic signals prior to sign off. The applicant will need to provide a deposit for their reasonable and proportionate share of traffic signal costs.
- 3. Utility easements shall be provided as follows:

Between Lots	Between Lots	Between Lots
297 & 298	312 & 313	328 & 329
301 & O.L. 11	315 & 316	
308 & 309	318 & 319	
310 & 311	323 & 324	

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4. The applicant shall show a detail drawing of the 12 ft. utility easement dimensions and lot lines on the face of the plat.
5. 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 Dan J. McCormick, P.E., City Traffic Engineering at 266-4761 if you have questions regarding the above items.

Contact Person: Patrick Cowell
Fax: 608-241-8909
Email: birrenkott@spwl.net

DCD:DJM:dm

**CITY OF MADISON
INTERDEPARTMENTAL
CORRESPONDENCE**

Date: May 5th, 2008

To: Plan Commission
From: Patrick Anderson, Assistant Zoning Administrator
Subject: 5898 N. Sherman Ave.

Present Zoning District: Temp. Ag.

Proposed Use: Cherokee 5th addition – 47 single family lots, 2 outlots.

Requested Zoning District: R-1

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

GENERAL OR STANDARD REVIEW COMMENTS

1. Lots 284 – 297 shall be subject to Sections 28.04 (20) and Section 28.105 (regulations on development in or near the mapped floodplain) of the City of Madison General Ordinance.
2. Section 28.04(3)(o), Shoreland Zoning requirements, apply to this plat. These requirements appear to be satisfied by this plat.

ZONING CRITERIA

Bulk Requirements	Required	Proposed
Lot Area	8,000 sq. ft.	10,000+ to 28,000± sq. ft.
Lot width	65'	69' – 126'
Usable open space	1,300 sq. ft.	
Front yard	30'	
Side yards	6 each side, 7' for 2 story	
Rear yard	40'	
Floor area ratio	N/a	N/a
Building height	2 stories/35'	To be reviewed at each Bldg Permit application.

5898 N. Sherman Ave.

Page 2

Site Design	Required	Proposed
Number parking stalls	N/A	
Accessible stalls	N/A	
Loading	N/A	
Number bike parking stalls	N/A	
Landscaping	Yes	
Lighting	No	

Other Critical Zoning Items	
Urban Design	No
Flood plain/Shoreland	Yes (1,2)
Utility easements	Yes
Water front development	No
Adjacent to park	No

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



Department of Public Works
Parks Division

City-County Building, Room 104
210 Martin Luther King, Jr. Boulevard
P.O. Box 2987
Madison, Wisconsin 53701-2987
PH: 608 266 4711
TTY/Textnet: 866 704 2315
FAX: 608 267 1162

April 30, 2008

TO: Plan Commission
FROM: Simon Widstrand, Parks Development Manager
SUBJECT: Cherokee Fifth Addition

S.W.

1. The park dedication will be met outside this plat, as specified in the annexation agreement
2. The grading and stormwater management plans appear to meet the concerns that were expressed during the neighborhood planning process. The stormwater all drains to the south rather than into high quality wetlands north in the Conservation Park.
3. The stockpile of fill material on and north of lots 316-320 shall be removed and reseeded with prairie grass.
4. To prevent encroachment and indiscriminate access, the developer shall build a 5' tall continuous chain link fence (no gates) on the park property line behind lots 302-320, with that expense counted against the park development fees. With Parks staff approval, the developer may choose to upgrade the fence at his expense.
5. On outlot 11, the developer shall complete the path construction to connect to Burning Wood Way.
6. To protect trees, the developer shall relocate utility easements where they pose a significant additional threat to trees being preserved.
7. The developer shall pay \$40,537.03 for park development fees. The developer must select a method for payment of park fees before signoff on the final plat.

Park development fees = (47sf lots @ \$862.49) = \$40,537.03

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.

Please contact Simon Widstrand at 266-4714 or swidstrand@cityofmadison.com if you have questions regarding the above items.

Standard Park Fees and Payments:

Parkland Dedication Requirement is 1100 square feet per single family or duplex unit, 700 square feet per multifamily unit, 350 square feet per elderly unit or single room occupancy.

Fee in Lieu of Dedication is required when City does not take all actual land dedication. The fee is based on current property values up to a **maximum of \$1.91/square foot** for 2008.

Max fee in lieu per unit: SF = 1100 sq.ft. @ \$1.91 = \$2101.
MF = 700 sq.ft. @ \$1.91 = \$1337.
E-SRO= 350 sq.ft. @ \$1.91 = \$ 668.50.

Total combined fees: SF = **\$2,963.49**
 MF = **\$1,891.45**
 E-SRO = **\$945.73**

Parkland impact fees and park development impact fees shall be paid for this project. Payment checks shall be payable to the City of Madison Treasurer. All questions, payments and deliveries shall be made to the office of the Madison Parks Division. Prior to City signoff on this project, the developer shall select one of the following options for paying these fees:

1. Payment of all fees in a lump sum prior to City signoff on the project.
2. When fees exceed \$20,000, the developer may pay half the fees and provide a two-year letter of credit at no interest for the remaining half of the fees, both prior to City signoff.
3. When fees exceed \$50,000 for plats being built with phased subdivision improvement contracts, the developer may pay the fees due for the number of units in each contract phase, paid at the time of contract execution, and at the fee rates then in effect. Under this option, the fees shall be calculated and prorated to each lot on the development, and the developer shall record a notice of the outstanding impact fees for each lot prior to receiving City signoff for the project.
4. The Developer has elected to defer the payments until such time as the building permits are applied for, in which case the owner(s) shall have fourteen (14) days after receiving the invoices to pay the outstanding impact fees. The following shall be required prior to plat sign off:
 - a) The Developer shall supply an Excel spreadsheet with lot numbers, lot areas, and number of dwelling units per lot. The Developer shall supply a Cadd file of the proposed FINAL plat, in a format compatible with Microstation J. This information shall be required to calculate the Impact Fees, which will then be recorded at the Register of Deeds against each lot in the subdivision.
 - b) All information shall be transmitted to Janet Dailey by e-mail at Jdailey@cityofmadison.com, or on a CD to:
Janet Dailey
City of Madison Engineering Division
210 Martin Luther King Jr. Blvd
Room 115
Madison, WI 53703
 - c) A minimum of three (3) weeks shall be required for staff to calculate the Impact Fees and record the documents prior to plat sign-off.
 - d) 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).



CITY OF MADISON FIRE DEPARTMENT

Fire Prevention Division

325 W. Johnson St., Madison, WI 53703-2295
Phone: 608-266-4484 • FAX: 608-267-1153

DATE: April 24, 2008
TO: Plan Commission
FROM: Edwin J. Ruckriegel, Fire Marshal
SUBJECT: **5898 North Sherman Ave.**

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

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

1. None

GENERAL OR STANDARD REVIEW COMMENTS

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

2. As required by MGO 10.34 and IFC 505.1, all residential and commercial buildings must have the approved address posted. The address numbers shall be 4 inches in height, numbers shall be in contrast to the background and visible from the street.
3. 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.

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

cc: Bill Sullivan

Tim: A111



Department of Planning & Community & Economic Development
Planning Division

Website: www.cityofmadison.com

Madison Municipal Building, Suite LL100
215 Martin Luther King, Jr. Boulevard
P.O. Box 2985
Madison, Wisconsin 53701-2985
TTY/TEXTNET 866 704 2318
FAX 608 266-8739
PH 608 266-4635

April 1, 2008

Mr. Thomas G. Wilson
Attorney/Administrator/Clerk-Treasurer
Town of Westport
5387 Mary Lake Road
Waunakee, WI 53597

Dear Tom:

Thank you for the comments on the development of Cherokee's Fifth Addition.

The City will be requiring an emergency service path connection between the fifth addition and the end of Burning Wood Way.

Concerning the stormwater management plan for the Fifth Addition and the Town's new stormwater management standard, I have forwarded the standards to the City Engineer for their review. The review of the subdivision plat will include the stormwater management recommendations from the City Engineer.

Thanks again for sharing your comments with us.

Sincerely,

Bradley J. Murphy, Planning Division Director

- C: Larry D. Nelson, City Engineer
- Ray Harmon, Mayor's Office
- Tim Parks, Planning Division

Town Board

John A. Van Dinter, Chair
Terry Enge
Kenneth R. Sipsma
Brad G. Robinson
William B. von Rutenberg



Kennedy Administration Building
5387 Mary Lake Road
Waunakee, WI 53597
Office: (608)849-4372 * Fax: (608)849-9657
www.townofwestport.org

Thomas G. Wilson
Attorney/Administrator/Clerk-Treasurer

Robert C. Anderson
Utility, Finance & IS Manager

Debra J. Flynn
Executive Assistant

March 24, 2008

Brad Murphy
City of Madison Planning Unit Director
215 Martin Luther King Jr. Blvd
Rm. LL-100, Municipal Bldg.
Madison, WI 53703-3352



RE: Cherokee 5th Addition Review

Dear Brad,

Thank you for sending us the Cherokee Annexation information for our review and comments. We do have just a couple of comments for the City to consider.

First, please consider the requirement of a road or at least an emergency services connection to Burning Wood Way for this plat. Without this connection, there will be only one way in and out of two fairly large developments in the City. A connection would allow for two accesses to both developments, and a much safer situation.

Second, I wish to share the Town's stormwater management standard with you for consideration as the standard to follow in this development.

Stormwater Management. All management plans shall meet a standard of zero runoff in a 100 year storm, meaning that the plan must provide to infiltrate 100% of the increased post-development runoff volume from the 100-year, 24-hour design storm with type-II distribution (as compared to the runoff volume from the pre-development 100-year, 24-hour design storm with type-II distribution). Separate curve numbers for pervious and impervious surfaces shall be used to calculate runoff volumes and not composite curve numbers as defined in TR-55.

Please contact me with any questions you may having regarding these items. Thank you for your consideration.

Thank you.

Very truly yours,

Thomas G. Wilson
Attorney/Administrator/Clerk-Treasurer
TGW/df

cc: John Van Dinter, Town Board Chair
Bob Anderson, Utility, Finance & I.S. Manager

Friends of Cherokee Marsh

"To protect, preserve, and restore the beauty, value, and health of the Cherokee Marsh and Upper Yahara river watershed."

Directors

Jon Becker
President

Muriel Simms
Vice President

Aaron Stephenson
Treasurer

Jan Axelson
Secretary

Don Hammes
non-voting advisor

Dorothy Wheeler
non-voting advisor

Advisor

Janet Battista

Friends of
Cherokee Marsh, Inc.
P. O. Box 3390
Madison, WI 53704

info@cherokeemarsh.org

www.CherokeeMarsh.org

Craig Makela
Dennis Tiziani
Cherokee Park, Inc.
Cherokee Country Club
5000 N. Sherman Ave.
Madison, Wisconsin 53704

14 March 2008

Dear Craig and Dennis:

This letter is being sent to follow-up on the Friends letter and enclosure of December 14, and a subsequent email communication from Craig:

- o *As for the Parks department being involved in the process of approving stormwater management, FOCM should understand that we are not willing to be involved in changing City Policy, and plan on our plan being approved by the current agencies.*
- o *Porous pavement- I don't recall taking on the task of contacting Jeremy Balousek?*
- o *'Solar Ready' research as discussed is limited to the cost ramifications of additional dead load required on the engineered roof trusses.*
- o *Hornung Woods is still planned for development, although not necessarily in 2008.*
- o *To my knowledge, CPI has never planned to restrict development to 55+ demographic.*
- o *Total impervious surface: one-lane road idea has not been a favorable idea with city engineering, to date.*

The above points have been incorporated into the draft document that summarized the Friends' understanding in December of CPI's plans as those relate to the Friends' priorities (enclosed). We hope that this final revision proves useful as the current proposals move through the formal City review process.

Responding to Craig's points here:

The Friends earlier this year provided to Craig some contacts and information regarding use, availability, and cost of porous pavement Dane County. Beside some local installations that were provided then (Outback restaurant on East Washington being the nearest), yesterday we learned that the Unitarian Church (off University Drive) will employ porous pavement in their parking lot, as part of an overall effort to make the church's new addition as "green" as possible.

It is our understanding that mayoral staffer Ray Harmon will be in touch with CPI soon regarding the *LEED® for Neighborhood Development* program, following up on interest expressed at our November meeting. The Friends have asked the City to provide all possible support for enrollment of CPI's forthcoming developments near the marsh in this program. The Friends have also notified the City of CPI's concern regarding additional expenses that might result from third party certification fees. While noting recent reports of reduced weight for the newest solar arrays, which may simplify construction for solar-readiness to proper building orientation and roof design, we hope that the City will also discuss with CPI any additional costs resulting from provision of solar-ready roofs.

As we wrote in December, there may be many positive aspects to CPI's development plans, especially those that have demonstrated awareness of the important issues of storm-water runoff and infiltration.

The Friends would again like to emphasize that CPI's sale of conservation lands to the City of Madison, as specified in the Memorandum of Understanding, remains the most important aspect of CPI's development in the Cherokee Marsh. We will continue to speak in support of conservation funding for these land sales.

Sincerely,

signed/hardmailed

Jon Becker

cc: R Harmon, City of Madison

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FOCM PRIORITIES FOR CPI DEVELOPMENT OF SUBAREA 5 PHASE II)
Summary Of 20 NOV 2007 Meeting (CPI/Friends of Cherokee Marsh) v14MAR08

Overall: *Minimize development impacts to Cherokee Marsh and Upper Yahara River Watershed*

FROM SPECIAL AREA PLAN (SAP)

1. Limit development in the 5th Addition

- o maximum of 53 additional DUs

CPI: Proposed 50 DUs in draft site map shared with City (+/- 2 DUs possible). [Since the meeting, CPI has provided the Friends with a PDF of the draft site map that was exhibited at the meeting; some concerns related to the number of DUs are being discussed.]

2. Maximize on-site infiltration of precipitation to groundwater; minimize construction and development stormwater runoff

- o obtain stormwater management approvals from Madison Engineering and Parks departments, then make available for public review well prior to Plan Commission hearings

- o CPI: Expects its plans to be approved by the current agencies, and is not willing to be involved in changing City Policy.

- o during construction, use BMP stormwater runoff management and erosion control

CPI: Already preparing to meet BMP requirements per City ordinances/inspection; will check out county stormwater/erosion manual PDF (danewater.com); will contact Dave Simon (Green Tier Charter Group) or Dane County about Veridian's "total site mulching."

- o design for 100% recharge replacement

CPI: 100% is a goal, but is not guaranteed (CPI will maintain Subarea 5 raingardens OR detention areas)

- o to fullest extent possible, use conservation-area appropriate and sustainable approaches (e.g., raingardens, with native plants), rather than detention facilities

CPI: This is a goal. In draft site map, Subarea 5/Phase II lotting/road has been located further south in the acreage to allow additional open space area on the north end of the developer's acreage for rain garden stormwater runoff control approach.

- o minimize total impervious surface area

- minimize building footprints
- maintain approved 10' width for emergency / access trail from Burning Wood Way to Fifth Addition Phase II
- minimize road widths; reduce to one lane whenever allowed by Engineering department
- minimize impervious sidewalk and driveway surface areas
- maximize use of pervious surface materials

CPI: Aware of DNR 10% shoreline proposal; interested in suggestion of using that goal as a "green marketing" tool; will check on feasibility of extending the 10% footprint achieved in Subarea 5/Phase I (Burning Wood Way) to Phase II.

The 10' trail width is in draft site map.

City engineering dept. to date has not been favorable to the one-lane road concept.

FOCM will provide porous pavement specific to Dane County

3. Protect conservation-park experience and values

- o guard park users' viewshed from visual impact of new development

- obtain Parks Department approval of sightlines before City review
- screen or berm park entry route
- maximum 2-story height
- employ other typical view shed protection design/build measures, such as earth-tone materials and finishes
- incorporate "dark skies" design/build measures

- o minimize sound and other sensory impacts

CPI: Maximum 2-story height is planned. Will provide sightline rotation across entire area of Cherokee Marsh conservation park, for review by Parks.

Dark skies design elements will be considered.

Subarea 5/Phase II draft site plan calls for additional raingarden area to north, which will better buffer park from development.

4. Incorporate conservation-appropriate landscaping across entire development

CPI: Plan calls for minimal turf; will consider eliminating nonnative plants/grass.

OTHER

1. Provide first-right-of-refusal (option-to-purchase), especially for lots to the west along the golf course.

CPI: Not considering sale of any CPI land at present and, contrary to recent rumors, no land was offered for sale in recent weeks. (Friends expressed continued interest in further protection of the marsh through land acquisition, including SubArea 1, Hornung Woods, and Wheeler Triangle; also expressed interest in west and south areas of SubArea 1/ Phase II, i.e., along golf course, should non-City funds become available to the Friends.)

2. Construct sustainable buildings, certified by third-party

- LEED Neighborhood Development pilot program (or LEED for Homes for each DU), to silver level (minimum)
- use solar orientation, with solar-ready roof as detailed in Green Built certification guidelines
- provide offsets for construction-generated global warming (greenhouse) gasses

CPI: During post-approval meetings with City staff, Subarea 5/Phase I (Burning Wood Way condos) lots were better aligned for solar. Proposed Phase II lotting has already been laid out by CPI for maximized solar orientation. CPI is researching 'Solar Ready' construction with regard to cost ramifications of additional dead load required on engineered roof trusses. CPI expressed tentative interest in LEED® for Neighborhood Development but was concerned about certification costs.

[There was not time to discuss carbon offsets. The Friends ask CPI to consider providing the necessary number of native tree saplings for planting by City Parks in or near Cherokee Marsh, absorbing this cost while enjoying the consequent "green" marketing advantages (or passing the added cost through to DU buyers).]

3. Minimize water use

- *Indoor Examples:* utilize "green" plumbing, toward water usage less than current lowest Madison residential g/p/d; individual DU water metering/billing; cisterns; etc.
- *Outdoor Examples:* rainbarrels, graywater re-use, cisterns, etc.

CPI: Will consider.

4. Support marsh/park education for residents

- Provide support for Cherokee Marsh Conservation Park restoration and management or educational programs, as public and condo owner amenity
- Provide support for Park naturalist; consider providing housing

CPI: Already providing funding for school technology programs and other community programs.

ADDITIONAL TOPICS DISCUSSED DURING MEETING

1. Why proposing development in both Subarea 5/ Phase II (5th Addition) and Subarea 2 (Hornung Woods & Fields)? Timeline?

CPI: Planning to build in Hornung Woods, but not necessarily in 2008.

2. Confirm proposed marketing of DUs to persons 55 or older.

CPI: Market forces likely will draw that demographic to the proposed housing approach.

3. Subarea 5/ Phase II (Burning Wood Way houses) final approved design? Trail location and widths?

CPI: Approved final site design mostly the same, except detention pond discharge changed and lotting solar orientation enhanced. The 10' width recommended for the trail/emergency road has been retained. [Since the meeting, CPI has provided the Friends with a PDF of the approved final site design.]

NOTE: The Friends have not yet seen the latest site design for this area, which recently is reported to have been changed from 3 condo duplexes to 3 single family houses.