

**PLANNING UNIT REPORT
DEPARTMENT OF PLANNING AND DEVELOPMENT
of June 13, 2006**

RE: ID# 03933: Approval of the final plat of "Badger Mill Creek"

1. Requested Actions: Approval of a final plat creating lots 23 single-family lots, one lot for future multi-family development and one outlot for public stormwater detention.
2. Applicable Regulations: 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: Rick McKy; 702 N. High Point Road, Suite 10; Madison.

Surveyor: Mike Marty, Calkins Engineering, LLC; 5010 Voges Road; Madison.
2. Development Schedule: Development of the subdivision will commence as soon as all necessary regulatory approvals, including the addition of the site to the Central Urban Service Area, have been granted.
3. Parcel Location: Approximately 12.7 acres located at the southern end of Jeffy Trail and the eastern end of Flagstone Drive, in Aldermanic District 1; Verona Area School District.
4. Existing Conditions: Undeveloped lands.
5. Proposed Land Uses: 23 single-family lots, zoned R2T and one multi-family lot, zoned R4.
6. Surrounding Land Use and Zoning:
N & E: Single-family residences on large tracts in the Town of Verona; future phases of Badger Mill Creek subdivision in the City of Madison.

South: Undeveloped agricultural land and single-family residences on large tracts in the Town of Verona;

West: Single-family residences in the Stone Crest Estates subdivision, zoned R2 (Single-Family Residence District); Woodland Fields Apartments, zoned R5 (General Residence District) and Flagstone Park;
7. Adopted Land Use Plan: The High Point-Raymond Neighborhood Development Plan recommends the area north of Flagstone Drive be developed with "low-density residential uses," with "medium-density residential uses" recommended at the southwestern corner of Flagstone Drive and Jeffy Trail. Portions of the southern third of the site are recommended

for “park, open space and drainage uses” with additional low-density residential uses interspersed. A private landscape buffer is required along the southern edges of the medium-density area.

8. Environmental Corridor Status: The site of this final plat is not located in a mapped environmental corridor, though areas of with slopes in excess of 12% are present just east of this plat.
9. Public Utilities & Services: The property will be served by a full range of urban services.

STANDARDS FOR REVIEW

This application is subject to the standards for final plats.

PREVIOUS APPROVAL

On May 16, 2006, the Common Council approved a request to rezone 45.3 acres located at 3120-3160 Jeffy Trail from Temporary A (Agriculture District) to R1 and R2T (Single-Family Residence Districts) and R4 (General Residence District), and; approval of a preliminary plat creating lots 76 single-family lots, two lots for future multi-family development and six outlots for public stormwater detention and parkland and future development. The site is comprised of three lots that were annexed into the City of Madison from the Town of Verona on March 21, 2006.

FINAL PLAT REVIEW

The applicant is requesting approval of first final plat of the Badger Mill Creek subdivision creating 23 single-family lots in R2T zoning, one lot for future multi-family development in R4 zoning and one lot for public stormwater management. The 12.7-acre final plat site is located at the eastern end of Flagstone Drive, which will be extended east from the adjacent Stone Crest Estates subdivision to provide primary access to this plat phase.

The plat also proposes construction of a section of Jeffy Trail to extend north and south of Flagstone Drive to provide street frontage for 14 of the 23 proposed single-family lots in this phase. This section of Jeffy Trail will not connect to the public section of Jeffy Trail in the Town of Verona located further north of this phase. That connection will be made in the second phase of this subdivision, which is scheduled to commence next year. A gated entrance to this plat will be provided for Madison public safety agencies at the northern end of Jeffy Trail to provide a secondary, emergency entrance to this plat until the full road improvement is completed. The rest of the 23 single-family lots in this phase will front onto Ethan Court, which will extend north from Flagstone Drive. The proposed multi-family lot will contain 2.7 acres and will be located in the southwestern corner of the final plat. Future development of this lot will be addressed in a subsequent conditional use review for a planned commercial site. As presented, all of the lots proposed appear to conform to R2T and R4 zoning criteria and the approved preliminary plat.

As noted during the preliminary plat review, the larger subdivision is a heavily wooded, rolling parcel characterized by a significant slope from east to west and south— particularly on the eastern half of the site— from a high point located just to the east of the subject property. A large percentage of the vegetation on the property stems from a dense coniferous tree plantation located on the northern two-thirds of the site. Other tree coverage on areas of the site include a significant stand of deciduous trees that cover most of the steepest slopes on site along the eastern property line, including some slopes that are in excess of 12%. Additional areas of tree cover are found along the southern boundary near Badger Mill Creek and the western boundary backing onto the single-family lots along Mica Road to the west.

The grade of the final plat site is much less severe than the eastern portion to be platted in later phases of the subdivision, though the site does contain a large share of the coniferous tree cover on the overall subdivision. A grading and tree preservation plan submitted with this final plat shows that a substantial effort will be made by the developer to preserve or replace some of the vegetation that will be lost to the implementation of the development. The plan includes four zones, A-D, where grading will be conducted and utilities installed in such a fashion as to allow areas of existing vegetation will be preserved. Zones A and B will be populated primarily with parts of the coniferous tree plantation, while Zones C and D will consist primarily of a variety of deciduous trees that extend along the western property line of the site.

A fifth zone will extend along the rear of lots on the east side of Jeffy Trail (16-24), where the grade of the overall site begins to climb more steadily. While grading on this part of the 12.7-acre site will remove all of the current tree cover, the applicant has submitted a proposal to construct those sites to include a 15-foot tree planting easement along the rear property lines of those lots that will be planted with two 3 to 4-inch native species oak trees per lot. The plan also calls for extensive replanting of the multi-family lot once a final development plan for that site has been approved. Like the lots along the east side of Jeffy Trail, the multi-family will be heavily graded during plat implementation causing existing tree cover to be removed.

The tree preservation plan also calls for a series of steps to be taken during plat development intended to prevent damage to remaining tree cover that staff will work with the developer to have included in the final subdivision documents. Conditions related to the overall implementation of the tree preservation plan are enumerated in the “Recommendation” section that follows.

At present, the subject site is not located within the Madison Central Urban Service Area (CUSA). A request to amend the CUSA to include this site has been submitted to Dane County Community Analysis and Planning Division and to the Wisconsin Department of Natural Resources (DNR) for approval. To date, no action has been taken by those agencies. Final approval and recording of this final plat shall not occur until such time as the CUSA amendment has been approved by the DNR per a condition of approval included as part of the preliminary plat approval.

Inclusionary Zoning: The Inclusionary Dwelling Unit Plan for Badger Mill Creek included designated lots on Lots, 2, 11 and 23 of this final plat, which corresponds to the dispersion plan conditionally approved with the preliminary plat. Depending on ongoing discussions regarding

amendments to the Inclusionary Zoning sections of the Zoning Ordinance, some re-dispersion of affordable units within this development may be necessary with later phases. However, staff feels that the dispersion presented with the final plat is acceptable.

The applicant's attorney has submitted a request for the Plan Commission to consider changes to the dispersion plan for the overall 76-lot single-family phases of the Badger Mill Creek project in conjunction with this final plat. The request comes as a response to the concerns raised by the Commission during consideration of the preliminary plat about the exclusion of inclusionary dwelling units from the eastern tier of lots (Lots 39-50 of the preliminary plat) in the subdivision. The applicant asserts that the dispersion proposed with the preliminary plat that excludes affordable units from these 12 lots meets the general intent of the dispersion clause in the Zoning Ordinance and is consistent with actions taken by the Commission in approving other similar subdivision dispersion plans. Should the Commission not consent to the request of the developer, they would ask to shift one inclusionary dwelling unit from (preliminary plat) Lot 37 to Lot 40. A second, smaller change will also move two lots (24 and 26) onto adjacent lots (25 and 27), which staff has no objections to.

The applicant will be required to execute a Land Use Restriction Agreement (LURA) for three lots prior to the final approval and recording of this final plat. A deed restriction compelling compliance with the Inclusionary Zoning sections of the Zoning Ordinance at the time the multi-family lot develops and a final marketing plan will also be required.

In conclusion, the Planning Unit finds the final plat of Badger Mill Creek to be in substantial conformance with the approved preliminary plat of the same.

RECOMMENDATION

The Planning Unit recommends that the Plan Commission forward the final plat of Badger Mill Creek to the Common Council with a recommendation of **approval**, subject to input at the public hearing and the following conditions:

1. Comments from reviewing agencies.
2. That final approval and recording of the final plat of Badger Mill Creek subdivision not occur until such time as the subject site has been added to the Madison Central Urban Service Area, as approved by the Wisconsin Department of Natural Resources.
3. That the applicant submit a revised preliminary plat for the entire Badger Mill Creek Subdivision showing all mapped or field-located perennial and intermittent streams and environmental corridors affecting this property and all setbacks required there from for approval by the Planning Unit prior to recording of this final plat.
4. That the exterior of all buildings in this subdivision be constructed of materials to match an exterior materials palette to be approved by the Planning Unit prior to the recording of the final plat of Badger Mill Creek and that those materials be detailed on any building permit submittals for these lots.

5. That the applicant submit to the Community Development Block Grant Office a final marketing plan and deed restriction requiring compliance with the inclusionary housing provisions of the Zoning Ordinance for the proposed multi-family lot. The IDUP for the multi-family lot shall establish the nature of the multi-family housing proposed (owner-occupied/ rental), the approximate number of units envisioned, the sale and/ or lease price of those units and a marketing plan for the lot that shall not begin until final development plans for that lot are approved for construction following Plan Commission approval.
6. That the applicant execute a Land Use Restriction Agreement (LURA) for this final plat as required by the Community Development Block Grant Office.
7. That the applicant receive final approval by the Community Development Block Grant Office of an Inclusionary Dwelling Unit Plan for the entire Badger Mill Creek subdivision (as shown on the approved preliminary plat) prior to the recording of this first final plat.
8. That the final plat be graded in accordance with the grading plan dated June 8, 2006 and as approved by the City Engineer and Planning Unit. As part of the grading, tree zones (A-D) shall be preserved per the "Tree Protection Recommendations for Phase I of Badger Mill Creek Subdivision" dated June 1, 2006. The report shall be made part of the Subdivision Improvement Contract for this development. The Planning Unit reserves the right to require remunerative tree planting per staff approval to replace any trees located within the identified zones that are damaged or lost during construction.
9. That the final plat be revised to show the 15-foot area at the rear of Lots 16-24 as a "tree planting and maintenance easement" for the planting of ~~two~~ three to four-inch caliper bur, white, swamp white or Schuettei oak trees per lot within said easement. This requirement shall be noted on the face of the plat, in the subdivision covenants and restrictions to be approved by the Planning Unit prior to recording of the plat and shown on the building plans approved by the Planning and Inspection units prior to the issuance of building permits for Lots 16-24. The planting of these trees shall occur at the time that the final grade of each lot is set and grass is installed on the lot as is customary following construction and within one year of the issuance date of the building permit unless altered by the Planning Unit Director.
10. That the "Action Plan for Tree Protection" section included in the "Tree Protection Recommendations for Phase I of Badger Mill Creek Subdivision" dated June 1, 2006 be incorporated into the Developer's Agreement for this subdivision.
11. That, at the time of development, a detailed landscaping plan for Lot 1 be submitted with any application for land use approval. Said plan shall follow the recommendations for Zone E as noted in the "Tree Protection Recommendations for Phase I of Badger Mill Creek Subdivision" dated June 1, 2006.



Department of Public Works
City Engineering Division

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David A. Davis, R.L.S.

DATE: June 8, 2006
TO: Plan Commission
FROM: Larry D. Nelson, P.E., City Engineer
SUBJECT: Badger Mill Creek - 3120-3160 Jeffy Trail Plat

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. Change the proposed street name from Ethan "Court" to Ethan "Circle".
2. The proposed plat does not conform with existing ownership parcels of record. This plat is "part of" larger parcels and requires submittal of a map and legal description (including land area in square feet) of the remnant lands to City Engineering and Assessor.
3. PLSS land tie references WCCS Dane Zone "1991". Revise "1991" to read "1997".
4. The applicant may be required to acquire additional right-of-way for Jeffy Trail north of this plat to the satisfaction of the City Engineer prior to signoff.
5. The applicant shall be required to make improvements to Jeffy Trail north of this plat consisting of a 22-foot wide asphaltic pavement with shoulders.
6. All wetlands and navigable streams shall be shown on the plat with the statutory setbacks (wetland 75-feet, streams 35-feet) shown on the plat. This shall affect the ability to develop proposed Outlots 1 and 2.
7. Lands within this plat are subject to Storm Water Impact Fees associated with the Upper Badger Mill Creek Storm Water Improvement Impact Fee District.
8. An off-plat sanitary sewer main is required to serve this development. City Engineering recommends serving development to the south and connecting to the MMSD main.
9. These lands are not presently within the Central Urban Service Area and cannot be platted or developed until brought into the CUSA.
10. Stormwater Management Lands are being used but not dedicated to the public (private lands). This requires an easement be dedicated to the City over these lands prior to sign-off.



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: Badger Mill Creek - 3120-3160 Jeffy Trail Plat

General

- 1.1 The Developer shall enter into a City / Developer agreement for the installation of public improvements required to serve this plat/csm. The developer shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The developer shall meet with the City Engineer to schedule preparation of the plans and the agreement. The City Engineer will not sign off on this plat/csm without the agreement executed by the developer.
- 1.2 Two weeks prior to recording the final plat, a soil boring report prepared by a Professional Engineer, shall be submitted to the City Engineering Division indicating a ground water table and rock conditions in the area. If the report indicates a ground water table or rock condition less than 9' below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer.

Right of Way / Easements

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

Are the following requirements met?

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

- 2.5 _____

- 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 the south end of Jeffy Trail.
- 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.

Streets and Sidewalks

- 3.1 The Developer shall construct Madison Standard street improvements for all streets within the plat/csm.
- 3.2 The developer shall show a 30 40 (*Strike one, 30 collector, 40 Arterial*) foot building setback line on the plat/csm adjacent to [Roadway Name] _____ for all lots in the plat/csm adjacent to said roadway.
- Note: No buffer strip shall be dedicated to the City as the City does not want the maintenance.*
- 3.3 Extensive grading may be required due to steep roadway grades.
- 3.4 The developer shall note that City funds for park frontage are limited and will be determined at the sole discretion of the City.
- 3.5 The developer shall construct sidewalk and record a waiver of their right to notice and hearings for the assessments for the improvement of [roadway] _____ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO. Said sidewalk constructed in front of and waiver recorded to Lot(s) _____.
- 3.6 The Developer shall make the following improvement to [Roadway Name] _____. The Developer shall construct sidewalk and _____ feet of a future _____ foot roadway including curb and gutter on the _____ side of the roadway.
- 3.7 The Developer shall construct sidewalk to a plan approved by the City Engineer and complete ditching as required by the City Engineer along [Roadway Name] _____.
- 3.8 The Developer shall grade the right of way line to a grade established by the City Engineer and complete ditching along the roadway as specified by the city engineer along [Roadway Name] _____.
- 3.9 **Value of sidewalk installation over \$5000.** The Applicant shall Construct Sidewalk to a plan approved by the City Engineer along _____. (*Also require the City / Developer agreement line 1.1*)
- 3.10 **Value of sidewalk installation under \$5000.** The Applicant shall install public sidewalk along _____. The Applicant shall 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.
- 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.
- 3.13 Developer shall make improvements to [Roadway Name] Jeffy Trail north of the plat considered temporary to facilitate ingress and egress to the plat/csm until such time as the ultimate improvement of the roadway is undertaken by the city.
- 3.14 The Developer shall make improvements to [Roadway Name] _____ to facilitate ingress and egress to the plat/csm.

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

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

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.
- 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.

- 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 detention at the time they develop."
- 4.7 This plat/csm could affect a flood plain, wetland or other sensitive areas. As such, it shall be reviewed by the Commission on the Environment. Contact Mike Dailey at 266-4058 for further details. The proposed plat/csm may be considered a major change to the environmental corridor and be subject to a public hearing and approval of the Dane County Regional Plan Commission.
- 4.8 A portion of this plat/csm may come under the jurisdiction of the US Army Corp of Engineers and Wisconsin Department of Natural Resources for wetland or flood plain issues or navigable waterway. A permit for those matters may be required prior to construction on any of the lots currently within the plat/csm. Contact the WDNR & USACOE for a jurisdictional determination.
- 4.9 Prior to recording the plat/csm, the applicant shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to:
- Detain the 2 & 10-year storm events.
 - Detain the 2, 10, & 100-year storm events.
 - 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.
- 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 Gebert (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

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- 5.1 All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to connection to the public sewerage system.
- 5.2 Each unit of a duplex building shall be served by a separate and independent sanitary sewer lateral.
- 5.3 This land division contains or is adjacent to facilities of MMSD. Prior to approval, applicant shall provide evidence that MMSD has reviewed and approved the proposed land division.

Mapping / Land Records

- 6.1 Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The Developer's Surveyor and/or Applicant must submit copies of required tie sheets or condition reports for all monuments, including center of sections of record, used in this survey, to Eric Pederson, City Engineering. If a new tie sheet is not required under A-E 7.08, Engineering requests a copy of the latest tie sheet on record with Dane County Surveyor's office. The Applicant shall identify monument types on all PLS corners included on the Plat or CSM. **Note: Land tie to two PLS corners required.**
- 6.2 In accordance with Section s. 236.18(8), Wisconsin Statutes, the Applicant shall reference **City of Madison WCCS Dane Zone, 1997 Coordinates** on all PLS corners on the Plat or Certified Survey Map in areas where this control exists. The Surveyor shall identify any deviation from City Master Control with recorded and measured designations. City of Madison has established WCCS, Dane Zone Coordinates on all PLS corners within its corporate boundary. Visit the City of Madison Engineering Division web address http://gis.ci.madison.wi.us/Madison_PLSS/PLSS_TieSheets.html for current tie sheets and control data. If a surveyor encounters an area without a published WCCS Dane Zone 1997 value, contact Engineering Division for this information.
- 6.3. The Applicant shall submit to Eric Pederson, prior to Engineering sign-off of the subject plat, two (2) digital and one (1) hard copy of the **final plat/CSM** to the Mapping/GIS Section of the Engineering Division. **The digital copies shall be submitted in both NAD27 & WIDOT County Coordinate System, Dane County Zone datums in either Auto CAD Version 2001 or older, MicroStation Version J or older or Universal DXF Formats and contain the minimum of the following, each on a separate layer name/level number:**
 - a. Right-of-Way lines (public and private)
 - b. Lot lines
 - c. Lot numbers
 - d. Lot/Plat dimensions
 - e. Street names
 - 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 Bob Arseneau 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 (site 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.

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**CITY OF MADISON
INTERDEPARTMENTAL
CORRESPONDENCE**

Date: June 6, 2006

To: Plan Commission

From: Kathy Voeck, Assistant Zoning Administrator

Subject: BADGER MILL CREEK, 3120-3160 Jeffy Trail, Final Plat & Rezoning

Present Zoning District: A-1Ex & RH3

Proposed Use: 23 Single family lots, 1 multi-family lot, and 1 outlot (open space lot)

Proposed Zoning District: R-4 and R2T

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

GENERAL OR STANDARD REVIEW COMMENTS

1. Provide a grading plan of the plat to show that usable open space requirements can be met on the lots in the amount of thirteen hundred square feet per R-1 lot, and 800 sq. ft. per R2T lot . Usable open space shall be in a compact area of not less than 200 square feet, having no dimensions less than 10 feet and having a slope no greater than 10 percent. The required front yard and required street side yards do not count toward usable open space. Note: Most of the lots east of Street "B" do not meet grade slopes less than 10% slope in the rear portion of the lot that counts toward usable open space.
2. The face of the plat shall include a statement "Inclusionary Zoning applies to this plat. The restriction is via a separate instrument".
3. Section 28.04(24) provides that Inclusionary Zoning requirements shall be complied with as part of the approval process. Submit, to CDBG, a copy of the approved plan for recording prior to zoning sign off of the plat.

BADGER MILL CREEK, Final Plat

June 6, 2006

Page 2

R2T

ZONING CRITERIA

Bulk Requirements	Required	Proposed
Lot Area	5,000 sq. ft.	8,520 sq. ft.
Lot width	44'	44' at front setback line +
Usable open space	800 sq. ft.	(1)
Front yard	15 (7' exceptions)	
Side yards	5' each side	
Rear yard	20' (1 story gar. 10' except.)	
Building height	2 stories/35'	

Site Design	Required	Proposed
Number parking stalls	1	

R-4 (To be reviewed at Plan Submittal for CU)

ZONING CRITERIA

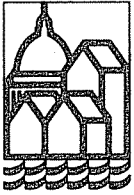
Bulk Requirements	Required	Proposed
Lot Area	2,000 sq. ft. per 2 bdrm unit Min. lot size 6,000 sq. ft.	116,469 sq. ft.
Lot width	50'	adequate
Usable open space	500 per unit	
Front yard	25'	
Side yards	dep. on number of units & building dimensions	
Rear yard	35'	
Building height	2 stories/35' PRD 3 stories	
Site Design	Required	Proposed
Number parking stalls	depends on #bdrms in unit	

Other Critical Zoning Items	
Flood plain	No
Utility easements	Yes
Barrier free (ILHR 69)	No

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

Department of Public Works
Parks Division

City of
Madison



Madison Municipal Building, Room 120
215 Martin Luther King, Jr. Boulevard
P.O. Box 2987
Madison, Wisconsin 53701-2987
PH # 608 266 4711
TDD # 608 267 4980
FAX # 608 267 1162

June 14, 2006

TO: Plan Commission
FROM: Simon Widstrand, Parks Development Manager
SUBJECT: **Badger Creek First Final Plat**

A handwritten signature in black ink, consisting of the initials 'S.W.' in a cursive style.

1. The park dedication along the Ice Age Trail corridor will meet the requirement for the entire preliminary plat, but is not in the first final plat. The proposed park dedication is not owned by the developer, but is under contract to be purchased in 2007. The developer shall provide a legal promise to provide the dedication in the next final plat, secured by bond or letter of credit.
2. A park development fee for the single family lots in the final plat of \$18,753.28 shall be paid prior to plat signoff. Fees for the multifamily lot shall be paid as part of the PUD approval.
3. Utility easements shall not be allowed across parkland or along the boundary of outlot 5 without prior approval of the Parks Division.
4. The development shall meet the Neighborhood Plan requirements for aesthetic management zones and backyard planting buffers.

Dedication / Fee Calculations

Plat includes 23 new single family units. Dedication = (23 @ 1100 square feet) = 25,300 square feet.

The Park Development Fee is (23 @ \$815.36) = \$18,753.28

If you have questions regarding the above items, please contact Simon Widstrand at 266-4714 or awidstrand@cityofmadison.com

(7)



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: 6/8/06
TO: Plan Commission
FROM: Edwin J. Ruckriegel, Fire Marshal
SUBJECT: **3120-3160 Jeffy Trl.**

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

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

1. None.

GENERAL OR STANDARD REVIEW COMMENTS

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

2. All portions of the exterior walls of newly constructed public buildings and places of employment and open storage of combustible materials shall be within 500-feet of at least TWO fire hydrants. Distances are measured along the path **traveled by the fire truck as the hose lays off the truck**. See MGO 34.20 for additional information.
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 John Lippitt, MFD Fire Protection Engineer, at 608-261-9658 if you have questions regarding the above items.

cc: John Lippitt

MURPHY DESMOND^{SC}
L A W Y E R S

Manchester Place
2 East Mifflin Street, Suite 800
Madison, Wisconsin 53703-4217

Mailing Address:
P.O. Box 2038
Madison, Wisconsin 53701-2038

Telephone (608) 257-7181
www.murphydesmond.com

Ronald M. Trachtenberg
Direct Line (608) 268-5575
Facsimile (608) 257-2508
rtrachtenberg@murphydesmond.com

13 June 2006

BY E-MAIL ONLY: bconstans@cityof madison.com

Ms. Barbara Constans
Community Development Block Grant
City of Madison
215 Martin Luther King Jr. Blvd.
Madison, WI 53703.

Re: Badger Mill Creek Final Plat Phase One

Dear Ms. Constans:

This will confirm our discussions of May 12, 2006, regarding the IZ overlay with respect to the Badger Mill Creek Final Plat (Phase 1). The developer is proposing to designate single family lots 2, 11, and 23 of the Final Plat which correspond to lots 76, 67 and 60 respectively of the preliminary plat for Badger Mill Creek) as IZ lots. The developer also proposes to designate lot 1 of the Final Plat (which corresponds to lot 77 of the preliminary plat) for a general multi-family LURA restriction. In that regard, the IZ plan for the Final Plat of Badger Mill Creek (Phase 1) is exactly what was approved for the IZ plan for the preliminary plat of Badger Mill Creek (Phases 1, 2 and 3).

With respect to the remaining portion of the preliminary plat of Badger Mill Creek, the developer is requesting two amendments to what was approved by the Plan Commission and Common Council. All of the affected lots are single family lots.

With respect to the first requested amendment, the developer has realized that he gave an option to the underlying land owner to purchase back lot 24 of the preliminary plat when that lot is final platted. Lot 24 of the preliminary plat, as well as lot 26 of the preliminary plat, were designated as IZ lots. The developers are requesting an administrative amendment to move the IZ designations from lots 24 and 26 of the preliminary plat, to lots 25 and 27 of the preliminary plat.

The second change involves lots 39-50 of the preliminary plat, those being the large lots east of Trevor Way. As you recall, the IZ plan submitted by the developer did not designate any of those lots as IZ lots. The Plan Commission, as part of the IZ approval of the

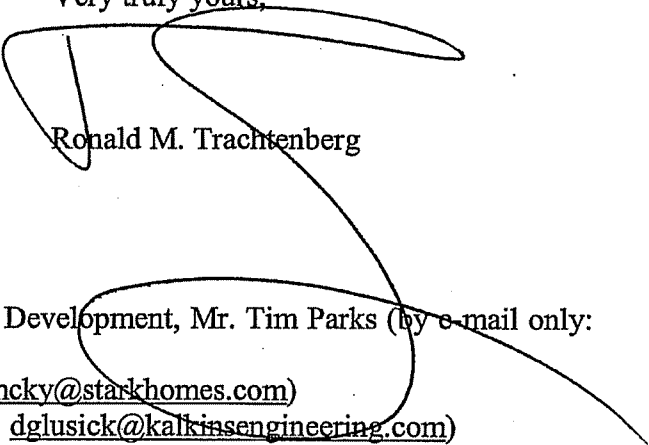
preliminary plat for Badger Mill Creek required the identification of an IZ lot(s) among lots 39-50 (of the preliminary plat) if the IZ ordinance were not amended to allow exclusion of those lots.

We are requesting that the Plan Commission reconsider that issue when it takes up the issue of the Final Plat for Badger Mill Creek (Phase 1) even though that Final Plat does not include any of the subject lots.

The main issue before the Plan Commission, which it did not really deal with at the meeting concerning the preliminary plat for Badger Mill Creek, was whether the Plan Commission has the authority to exclude certain lots from being designated as IZ lots. It is our position that the Plan Commission, in exercising its discretion, does have that authority. The concept of distribution and dispensation is found in Section (g) 6. of the Ordinance which provides "The exclusionary dwelling unit shall be disbursed throughout the development. . ." Neither the Ordinance nor the policies and protocols further define what constitutes "distribution." We would submit to the Plan Commission that what the Ordinance was meant to do was to prevent a clustering of the IZ units that would make the IZ units readily identifiable and thereby stigmatizing the owners of the IZ units. We would submit that the developer's IZ plan does not provide for any such clustering and that the requirement to designate any of lots 39-50 of the preliminary plat are simply undue hardship upon the developer with no countervailing public benefit. We would therefore ask the Plan Commission and Common Council for relief from the requirement of including an IZ lot among lots 39-50 of the preliminary plat. Failing that, we would propose a change in the IZ designation from lot 37 of the preliminary plat to lot 40 of the preliminary plat.

Thank you for consideration of these matters.

Very truly yours,


Ronald M. Trachtenberg

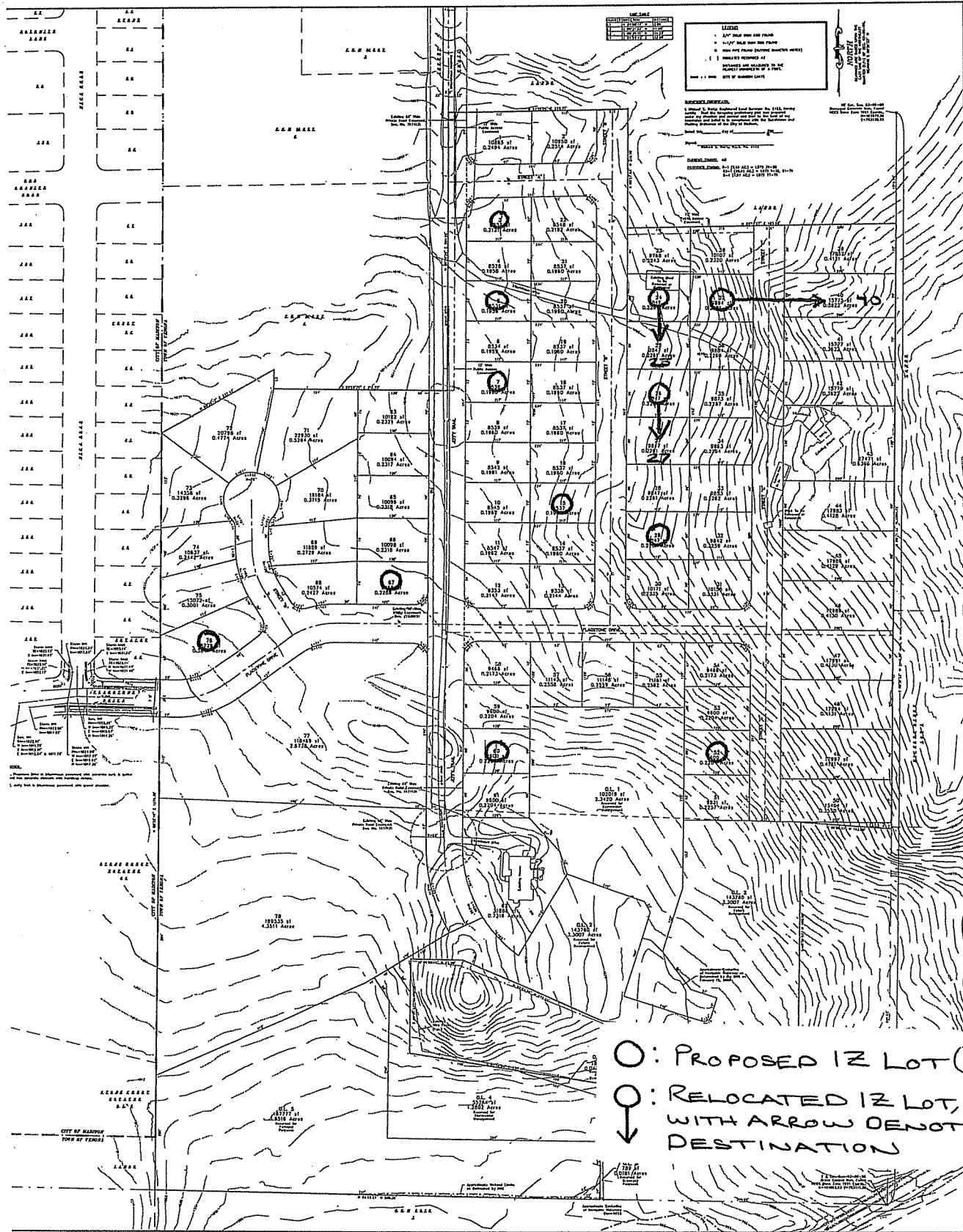
RMT:jlw
051063

Constans 06-13-06

cc: City of Madison, Dept. of Planning & Development, Mr. Tim Parks (by e-mail only:
tparks@cityofmadison.com)

Mr. Rick A. McKy (by e-mail only: rmcky@starkhomes.com)

Mr. David M. Glusick, P.E (by e-mail: dglusick@kalkinsengineering.com)



○ : PROPOSED 1/2 LOT (PRELIM PLAT)

○ : RELOCATED 1/2 LOT, WITH ARROW DENOTING DESTINATION

<p>DRAWN/SURVEYOR: BOB A. VARY 702 NORTH HIGH POINT ROAD SUITE 100 MADISON, WI 53717</p>	<p>PRELIMINARY PLAT OF BADGER MILL CREEK PART OF THE SOUTHEAST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) AND THE NORTHEAST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) OF SECTION 03, TOWNSHIP 06 NORTH, RANGE 08 EAST, CITY OF MADISON, DANE COUNTY, WISCONSIN</p>	<p>DRAWN/SURVEYOR: CALVIN ENGINEERING, LLC 5015 VOICES ROAD MADISON, WI 53718 608-435-0444</p>	<p>TOTAL PLAT AREA - [147.68 SQ. FT. (0.3356 ACRES)] DATE: March 07, 2008</p>
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