



Department of Planning & Community & Economic Development
Planning Division

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October 3, 2013

John McKenzie
732 Bear Claw Way
Madison, Wisconsin 53717

RE: Approval of a request to amend the Pioneer Neighborhood Development Plan to change the recommended land use for approximately 10 acres of land generally addressed as 9414 Silicon Prairie Parkway from Employment to Medium-Density Residential; rezone the same 10 acres from A (Agricultural District) to TR-U1 (Traditional Residential–Urban 1 District) for future residential development, and; approval of two-lot Certified Survey Map (CSM) creating a lot for the future residential development and an outlot for unspecified future development to remain zoned A in the interim.

Dear Mr. McKenzie;

At its August 6, 2013 meeting, the Common Council **approved** your neighborhood plan amendment and **conditionally approved** your zoning map amendment to TR-U1. On October 1, 2013, the Common Council **conditionally approved** the CSM of the Welton/ NEW WEI, LLC property. Approval of the rezoning and land division is subject to the following conditions of approval, which shall be satisfied before final approval and recording of the CSM:

Please contact the City Engineering Division at 266-4751 if you have questions regarding the following thirty-three (33) items:

1. Coordinate any necessary private street names with Engineering Mapping. Lori Zenchenko can be reached at 266-5952 or lzenchenko@cityofmadison.com.
2. A directional bearing is missing on the sheet 1 map and on the topographical informational sheet and the seconds symbol looks like a minutes symbol (the east line of Outlot 16 and the Town parcel reads N0°32'48'-226.32').
3. The concurrent CSM shall be approved, recorded and all new parcel land records information completed in appropriate City databases prior to issuance of building permits.
4. These properties will be subject to City Sanitary Sewer Area Charges for the Westside Side Industrial Sewer interceptor, the South Point Lift Station, and South Point Gravity Sewer.
5. This property is subject to assessments for the South Point Road Streetlight Assessment District and assessments for the Westside Industrial Park Water Main Assessment District.

6. The developer shall construct Silicon Prairie Parkway from the existing easterly end of the street to the easterly CSM limits. A temporary turnaround may be required at the end of the street based to accommodate Fire Department access needs. If a temporary turnaround is required, the applicant may be required to dedicate additional easement on Lot 1 to accommodate the construction of the turnaround.
7. The applicant shall dedicate a 20-foot grading and sloping easements adjacent to Lot 1 and the proposed public streets to facilitate the public infrastructure construction.
8. The applicant shall sign a waiver of hearing and notice for the future street and public infrastructure improvements and assessments for the north-south street to be located between Mineral Point Road and the proposed east-west street.
9. The developer shall enter into a City/Developer agreement for the installation of public improvements required to serve this plat. The developer shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The developer shall meet with the City Engineer to schedule preparation of the plans and the agreement. The City Engineer will not sign off on this CSM without the agreement executed by the developer.
10. This development is subject to impact fees for the Lower Badger Mill Creek Sanitary Sewer and Stormwater Impact Fee District. All impact fees are due and payable at the time building permits are issued. The following note shall put the face of the CSM: "Lots / buildings within this subdivision / development are subject to impact fees that are due and payable at the time building permit(s) are issued."
11. This property has deferred assessments for the County Highway M and S Assessment District (Mineral Point Road & Junction Road intersection reconstruction) assessment district that shall be paid in full as a condition of the subdivision approval.
12. Per MGO 16.23(9)(d)(6), the approval of this development does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester.
13. The applicant shall replace all sidewalk and curb and gutter abutting the property, which is damaged by the construction, or any sidewalk and curb and gutter that the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction.
14. All work in the public right of way shall be performed by a City-licensed contractor.
15. Per MGO 16.23(9)(d)(6), the developer shall construct Madison Standard street and sidewalk improvements for all streets within the CSM.
16. All damage to the pavement on Silicon Prairie Parkway adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.

17. The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used.
18. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of 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.
19. Per MGO 16.23(9)(d)(2) and 16.23(7)(a)(13), two weeks prior to recording the CSM, a soil boring report prepared by a Professional Engineer, shall be submitted to the City Engineering Division indicating a ground water table and rock conditions in the area. If the report indicates a ground water table or rock condition less than 9 feet below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer.
20. If the lots within this certified survey map are interdependent upon one another for stormwater 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 County Register of Deeds.
21. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to: provide infiltration in accordance with Chapter 37 of MGO; provide substantial thermal control; provide oil and grease control from the first 1/2" of runoff from parking areas, and; complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by Chapter 37 of MGO.
22. Effective January 1, 2010, the Wisconsin Department of Commerce's authority to permit commercial sites for stormwater and erosion control has been transferred to the Wisconsin Department of Natural Resources (WDNR). As this site is greater than one acre, the applicant is required by State Statute to obtain a Water Resources Application for Project Permits (WRAPP) from the WDNR prior to beginning construction. This permit was previously known as a Notice of Intent Permit (NOI). Contact Eric Rortvedt of the WDNR at 273-5612 to discuss this requirement. The City of Madison cannot issue an erosion control and stormwater management permit until concurrence is obtained from the WDNR.
23. The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement.
24. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the City Engineering Division. (Lori Zenchenko) lzenchenko@cityofmadison.com. The digital copies shall be drawn to scale and represent final construction including: building footprints, internal walkway areas, internal site parking areas, lot lines/ numbers/ dimensions, street names, and other miscellaneous impervious areas. All other levels (contours, elevations, etc.) are not to be included with this file submittal. E-mail file transmissions are preferred. The digital CAD file shall be to scale and represent final construction. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older,

MicroStation (dgn) Version J or older, or Universal (dxf) format. Please include the site address in this transmittal.

25. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management File including: SLAMM DAT files; RECARGA files; TR-55/HYDROCAD/etc., and; sediment loading calculations. If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided.
26. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
27. All proposed and existing utilities including gas, electric, phone, steam, chilled water, etc. shall be shown on the plan.
28. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.
29. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service.
30. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the CSM.
31. A minimum of 2 working days prior to requesting City Engineering signoff on the plat, the applicant shall contact Janet Dailey (261-9688) to obtain the final stormwater utility charges that are due and payable prior to subdivision 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).
32. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of two working days prior to requesting City Engineering signoff.
33. 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 CSM. Note: Land tie to two PLS corners is required.

Please contact Eric Halvorson of the Traffic Engineering Division at 266-6527 if you have questions about the following four (4) items:

34. The applicant shall execute and return a declaration of conditions and covenants for streetlights and traffic signals prior to sign off.
35. When the applicant submits plans for approval, the applicant shall show the following on one contiguous plan: existing items in the terrace (e.g., signs and street light poles), type of surfaces, percent of slope, existing and proposed property lines, addresses, all easements, all pavement markings, building placement, adjacent driveway approaches to lots on either side and across the street, signage, semitrailer movements and vehicle routes, dimensions of radii, aisles, driveways, parking stall dimensions including the 2 feet overhang on a scaled drawing at 1" = 20'. Contact the Traffic Engineering Division if you have questions.
36. The developer shall post a deposit and reimburse the City for all costs associated with any modifications to traffic signals, street lighting, signing and pavement marking, and conduit/ handholes, including labor, engineering and materials for both temporary and permanent installations.
37. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Please contact Dennis Cawley of the Madison Water Utility at 261-9243 if you have any questions regarding the following item:

38. All operating private wells shall be identified and permitted by the Madison Water Utility and all unused private wells shall be abandoned in accordance with MGO Sec. 13.21.

Please contact Kay Rutledge of the Parks Division at 266-4714 if you have any questions regarding the following two (2) items:

39. The developer shall pay approximately \$583,643.20 for park dedication and development fees for the future 248-unit multi-family development (four 38-unit bldgs and three 32-unit buildings). This development is within the Elver park impact fee district (SI31). Please reference ID# 13137 when contacting Parks Division staff about this project. Fees in lieu of parkland dedication in 2013 are \$1,708.00 per multi-family unit. Park development fees in 2013 are \$645.40 per multi-family unit. Park impact fees are adjusted on January 1 of each calendar year, and the park impact fees due at the time of building permit issuance may be higher than the amounts stated above to reflect these annual adjustments.
40. 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 my office at 261-9632 if you have questions regarding the following four (4) items:

41. As required by the Department of Planning and Community and Economic Development, City Engineering Division and Traffic Engineering Division, the applicant shall revise the Certified Survey Map to dedicate and construct as public streets across this property as shown on [the] amended Pioneer Neighborhood Development Plan. These public streets shall include the following:

- a.) Dedication of a 66-foot wide right of way and construction of the northerly extension of Cross Oak Drive to a proposed east-west street adjacent to the northerly line of proposed Lot 1;
 - b.) Dedication of a 66-foot wide right of way and construction of an east-west street from the extension of Cross Oak Drive to the easternmost property line of the CSM;
 - c.) Dedication of an 40-foot wide right of way extending along the easternmost edge of Outlot 1 from Mineral Point Road to the proposed east-west street;
 - d.) Dedication of a temporary turnaround easement on Outlot 1 and construction of the temporary turnaround;
 - e.) That a note be included on the final Certified Survey Map stating that future roads may be required at the time Outlot 1 is further developed or rezoned.
42. The developer shall enter into a City/Developer agreement for the installation of public improvements, including street, sidewalk, curb and gutter, pavement, street lighting and public utilities required to serve this CSM. The developer shall be required to provide deposits to cover City costs including design costs, testing, labor, and materials. The developer shall provide 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 Department of Planning and Community and Economic Development, City Engineering Division and Traffic Engineering Division will not sign off on this CSM without the agreement executed by the developer. The requirements to be included in the Development Agreement will be reduced if the City constructs and assesses a portion of the required improvements. The entire cost of the construction of the streets required in conditions #41a and 41b shall be assessed to Welton Enterprises, the current property owner, over a period of 8 years.
43. That the CSM be revised to restrict the future development of Lot 1 to no more than 25 dwelling units an acre. This restriction could also be recorded as part of a restrictive covenant on Lot 1 to be approved by the Planning Division and executed by the applicant prior to final approval of the CSM for recording.
44. That the TR-U1 zoning of Lot 1 expire within 12 months of the Common Council approval of the zoning map amendment unless the CSM has been recorded and a conditional use for multi-family residential development has been approved by the Plan Commission.

Please contact Jenny Frese of the Office of Real Estate Services at 267-8719 if you have any questions regarding the following six (6) items:

- 45. Prior to requesting approval sign-off of the CSM, executed signature block certifications shall be included for all parties of interest, pursuant to MGO Section 16.23(5)(g)4 and Wis. Stats. Section 236.21(2)(a). All signatory parties shall provide documentation that proves said signatories have legal authority to sign the Owner's Certificate.
- 46. A certificate of consent by all mortgagees/vendors as shown on the report of title and update shall be included following the Owner(s) Certificate and shall be executed prior to final sign-off.
- 47. Although not delinquent until after July 31, 2013, the second installment of 2012 real estate taxes is owed for the subject property. Under Section 236.21(3) Wis. Stats. and MGO Section 16.23(5)(g)4, the property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to CSM recording and provide staff with proof of payment.

48. Per MGO Section 16.23(5)(g)4, the property owner shall pay all special assessments levied against the subject property prior to CSM recording and provide staff with proof of payment. The following street-lighting and street improvement assessments are due:

SPECIAL ASSESSMENTS (Source: City website)			
Charge	Year	Type	Amount
URD-UCD Street Lighting	2011	Preliminary	\$18,946.93
Street Improvement	2012	Final	\$24,744.37
Street Improvement - Deferred	2013	Preliminary	\$11,439.83
Total			\$55,131.13

49. Please verify that stormwater management charges are paid in full by contacting Janet Dailey with City Engineering (261-9688) or Sharon Pounders with the Madison Water Utility (266-4641).

50. The following CSM revisions shall be made:

- a.) Create and record, or show as being dedicated in the proposed CSM, easements for utility and drainage rights of way when the utility or drainage physically exists, but no document for it exists in record title.
- b.) Create notes that define the purpose of and the ownership of (whether public or private) all outlots. The note for an outlot dedicated to the public shall say: "Dedicated to the public for _____ purposes."
- c.) Carry forward all applicable Notes from the prior Cardinal Glenn Plat, in particular Note #3 and how it relates to Note #4 on Sheet 1 of the proposed CSM.

Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency.

As soon as the comments and conditions have been satisfied as verified with a completed affidavit form (attached), the original along with the revised Certified Survey Map, with all signatures and approvals from the reviewing agencies, shall be brought to this office for final signoff. You or your client may then record the certified survey at the Dane County Register of Deeds. For information on recording procedures and fees, contact the Register of Deeds at 266-4141.

Prior to City Engineering final sign-off by the main office of the CSM, the final CSM shall be submitted to the 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 signoff. E-mail submittal of the final CSM in PDF form is preferred. Transmit to epederson@cityofmadison.com.

The owner shall furnish to the Office of Real Estate Services and the survey firm preparing the CSM an updated title report covering the period between the date of the initial title report and the date when final signoff is requested. The surveyor shall update the CSM with the most recent information reported in the title update.

Upon acceptance and recording of the certified survey map by the Dane County Register of Deeds, please transfer the recorded volume, document number, and page numbers to the copies and forward a copy to this office for our records. The original survey map with the recording information is permanently kept on file in the Dane County Register of Deeds Office. A copy of the recorded document can be obtained from the Register of

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Deeds Office, Room 110, City-County Building or the Real Estate Office in the Madison Department of Planning and Development.

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

Sincerely,

Timothy M. Parks
Planner

cc: Janet Dailey, City Engineering Division
Eric Halvorson, Traffic Engineering Division
Dennis Cawley, Madison Water Utility
Kay Rutledge, Parks Division
Jenny Frese, Office of Real Estate Services
Dan Everson, Dane County Planning & Development