



Project Address: 9601 Elderberry Road
Application Type: Zoning Map Amendment and Preliminary Plat
Legistar File ID # [29644](#) and [29561](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted.
Reviewed By: Bill Fruhling, Interim Director of the Planning Division and Michael Waidelich, Principal Planner, with input from Steve Cover, Secretary and other members of Planning staff.

Summary

Applicant: Bob Zoelle, United Financial Group, Inc.; 660 W. Ridgeview Drive; Appleton.

Property Owner: Leo A. and Carol K. Ziegler; 5031 Church Road; Middleton.

Surveyor: Josh Pudelko, Trio Engineering; 17700 W. Capitol Drive; Brookfield.

Requested Action: Approval of a request to rezone 9601 Elderberry Road from A (Agriculture District) to TR-U1 (Traditional Residential–Urban 1 District) and approval of a preliminary plat proposing 6 lots for future residential development with up to 390 dwelling units, 1 lot for unspecified future development, and 2 outlots for stormwater management.

Proposal Summary: The applicant is requesting approval to rezone approximately 33.3 acres of the site to the TR-U1 district and to subdivide that acreage into 6 lots for future residential development with up to 390 dwelling units in a variety of single-family attached and multi-family dwelling buildings. A seventh lot is proposed in the southwestern corner of the site, which is reserved for unspecified future development and will remain zoned A pending a future proposal. Two outlots are proposed for stormwater management. Construction of the first phase of “Highlands Community” development is scheduled to commence in 2014.

Applicable Regulations & Standards: Section 28.182 of the Zoning Code provides the process for zoning map amendments. The subdivision process is outlined in Section 16.23(5)(b) of the Subdivision Regulations.

Review Required By: Plan Commission and Common Council.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022–00050 to rezone 9601 Elderberry Road and the preliminary plat of Highlands Community to the Common Council with recommendations of **approval**, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 8 of this report.

Background Information

Parcel Location: The subject site is a 40-acre parcel located on the south side of Elderberry Road, approximately three-quarters of a mile west of N. Pleasant View Road; Aldermanic District 9 (Skidmore); Middleton-Cross Plains Area School District. The southeastern corner of the site is located a quarter-mile north of Mineral Point Road

Existing Conditions and Land Use: Undeveloped land.

Surrounding Land Use and Zoning:

North: Undeveloped land in the Town of Middleton; single-family residences in the Sauk Heights subdivision, zoned SR-C2 (Suburban Residential–Consistent 2 District);

South: Blackhawk Church and Blackhawk Church Town Center, zoned PD-GDP and PD-SIP;

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

West: Undeveloped land in the Town of Middleton.

Adopted Land Use Plan: The Elderberry Neighborhood Development Plan recommends that the subject site be developed with a variety of mostly residential land uses at a variety of densities. The southeastern corner of the site is recommended for medium-density and mixed-density residential uses between 12-16 units an acre, with a ring of low- to medium-density residential uses (8-11 units an acre) surrounding. The remainder of the southern edge of the site closest to Blackhawk Church Town Center is recommended for office-employment uses with a residential transition zone. The northeastern corner of the subject site and a portion of the Elderberry Road frontage are also recommended for low- to medium-density residential uses. The remainder of the site is recommended for low-density residential uses up to 8 units an acre.

Zoning Summary: See the ‘Project Description, ‘Analysis’ and ‘Conclusion’ sections that follow.

Environmental Corridor Status: The property is not located within a mapped environmental corridor (Map A8).

Public Utilities and Services: The site is located in the Central Urban service Area and will be served by a full range of urban services as it develops, with the exception of Metro Transit service, which does not currently provide service west of Junction Road.

Project Description

The applicant is seeking to rezone 33.3 acres of the 40-acre subject site from A to TR-U1 and approval of a preliminary plat to facilitate the future subdivision and development of the “Highlands Community” with up to 390 dwelling units to be constructed in a variety of residential buildings.

The subject site is undeveloped agricultural land characterized by a modest slope that falls from the southern property line and a high point along the western property line towards the eastern edge of the site and the Woodstone subdivision. Vegetative cover on the site is limited to a narrow tree line located along the southern property line shared with that Blackhawk Church Town Center property, though areas of mature tree cover are present on the eastern edge of the undeveloped parcel located to the west of the site in the Town of Middleton.

Access to the proposed Highlands Community subdivision will be provided from Elderberry Road and from the extension of Bear Claw Way across the eastern portion of the site. Currently, Bear Claw Way is partially platted to the southeastern corner of the subject site along the eastern edge of the Blackhawk Church Town Center development. A smaller section of Bear Claw Way was dedicated with the Woodstone subdivision, though only one block of the roadway has been constructed between Mineral Point Road and Brader Way to date. The preliminary plat also calls for the dedication of the northern half of Wilrich Street, which was partially platted in the adjacent Blackhawk Church development and is planned in the Elderberry Neighborhood Development Plan

as a future east-west collector street, and the extension of Spirit Street west from its current terminus in Woodstone.

The six lots proposed for future residential development in TR-U1 zoning will largely be formed by the grid of streets described above. A concept plan submitted for the Highlands Community development calls for the six lots to be developed in the future as follows:

- Lot 1 will be a 1.97-acre parcel to be developed with 24 units in 3 buildings described as “Senior Townhomes” in the application materials.
- Lot 2 will be an approximately 5-acre parcel with 580 feet of frontage along Elderberry Road. The concept plan calls for the development of a 145-unit, helix-shaped building described as “Senior Rental Residences”, which will include a combination of underground and surface parking.
- Lots 3 and 4 will be 2.8- and 1.5- acre parcels, respectively, which will be developed with a mix of two- and four-unit single-family attached condominium buildings totaling 24 units.
- Lot 5 will be a 4.14-acre block located at the center of the residential development, which is proposed for development with 53 dwelling units to be located in a combination of 5-, 7- or 8-unit townhouse buildings. The concept plan calls for the 8 proposed buildings to be oriented to the abutting streets and served by a shared driveway through the center of the block.
- Lot 6 will be a 7.3-acre parcel located in the southeastern corner of the subdivision. The concept plan calls for the development of a market rate apartment complex (“Rental Residences”) comprised of four 36-unit buildings (144 units) and a clubhouse and pool. Parking for this complex will be provided by a combination of underground, surface and garage spaces at a ratio of approximately 2 spaces per dwelling unit.

The applicant proposes to provide stormwater management in 2 outlots to be located in the southeastern quadrant of the subdivision on either side of extended Bear Claw Way. A wet detention pond is proposed on Outlot 2 between Bear Claw Way and proposed Lot 6, which will discharge to an infiltration basin proposed across Bear Claw Way on proposed Outlot 1. The outlet for the infiltration basin is proposed to discharge to the stormwater drainage outlet in the adjacent Woodstone subdivision.

Lot 7 of the preliminary plat in the southwestern corner of the subject site is not proposed to be rezoned at this time and is reserved for future development. This corner of the site is recommended in the [Elderberry Neighborhood Development Plan](#) for office-employment uses with a residential transition zone.

The concept plans submitted with the rezoning and preliminary plat materials include detailed plans for each of the proposed lots, including site plans, landscaping plans, building elevations and floorplans. Copies of these materials are provided with the Plan Commission materials for this meeting. However, staff will note that these plans are for informational purposes only, and that subsequent conditional use applications for multi-family dwellings or multi-family building complexes will be required if the rezoning and subdivision are approved and prior to building permits being issued for individual components of the overall development.

Analysis

The applicant is seeking approval of a rezoning of approximately 33 acres of the 40-acre subject parcel and preliminary plat approval to subdivide the entire property into 7 lots, including 6 lots for future residential

development similar to the conceptual plans submitted as part of the application materials. The applicant indicates that the future residential development will have a net density of 15.5 units an acre.

Planning staff is generally supportive of the development of the 40-acre subject property but is concerned with elements of the proposed development, which it believes should be addressed as part of this zoning and preliminary plat approval.

Subdivision Layout

The layout of the Highlands Community preliminary plat is generally consistent with the conceptual pattern of streets recommended for the site in the Elderberry Neighborhood Development Plan and will continue the street pattern established in the Woodstone and Blackhawk Church Town Center developments.

Of particular note, the proposed development will facilitate the extension of Bear Claw Way north from Mineral Point Road, which will provide an important southern entrance into this part of the Elderberry neighborhood for residents and for the Fire Department, which despite the relative proximity of Fire Station 12 on South Point Road faces a circuitous route to serve the Sauk Heights, Woodstone and Blackhawk developments due to the incomplete street network north of Mineral Point Road and west of N. Pleasant View Road. Construction of Bear Claw Way through the subject site and the separate completion of the road between its current terminus at Brader Way in the Blackhawk Church Town Center plat and Wilrich Street will implement the neighborhood collector street as far north as Elderberry Road. The extension of Bear Claw Way further north from Elderberry Road to its terminus in the Sauk Heights subdivision will depend on the future development of a large agricultural property located in the Town of Middleton. The Traffic Engineering Division is contemplating a future roundabout at Bear Claw Way and Elderberry Road to provide adequate traffic flow at that intersection as the Elderberry neighborhood continues to develop, and is recommending a condition of approval requiring the applicant to dedicate right of way with the proposed final plat for that purpose.

Despite the general consistency of the plat with the existing and planned street network, Planning staff believes that the proposed street network in the proposed subdivision should be refined to shorten some of the proposed blocks and improve pedestrian and vehicular circulation along and west of extended Bear Claw Way.

One area of the plat that should be revisited is the west side of Bear Claw Way adjacent to proposed Outlot 2. As proposed, Outlot 2 will extend nearly 700 feet adjacent to the western right of way of the north-south neighborhood collector street between Wilrich Street and proposed Street B. As a result, the future residential buildings on Lot 6 will be a minimum of 100 feet west of Bear Claw Way across the stormwater detention basin proposed in the outlot, which Planning staff feels limits the ability to orient future buildings on Lot 6 to Bear Claw Way and could also result in an unappealing pedestrian environment along one of the primary streets through the neighborhood. Staff believes that the Outlot 2/ Lot 6 block could be improved by turning the stormwater management tract 90 degrees into proposed Lot 6, which would reduce the inactive frontage along Bear Claw Way and allow future buildings on Lot 6 to be placed closer to the collector street to create stronger street corners.

Staff also recommends that the applicant explore the potential connection of Public Street A along the western edge of the subdivision to Veritas Drive as platted in the Blackhawk Church Town Center development to the south. While not shown on the current street plan in the Elderberry Neighborhood Development Plan, staff feels that this north-south corridor would create additional circulation opportunities as implementation of the subject development and Blackhawk Church development continue. The extension of Street A south of Street B may require Street C to shift slightly to the east, which staff would also support as an opportunity to create a more

compact building site on Lot 6. Staff believes that the current concept for Lot 6 does not befit the types of development anticipated in the TR-U1 zoning district.

Staff also recommends that the applicant extend Street C north between Street B and Spirit Street to reduce the block length currently proposed on Lot 5, which exceeds the 500-foot maximum block width generally recommended in MGO Section 16.23(8)(c)1 of the Subdivision Regulations except in cases of “exceptional topography”.

The applicant presented the concept plans for the residential lots to the Urban Design Commission on February 6, 2013 for feedback prior to filing their rezoning and preliminary plat applications in March. (The project was originally conceived as a possible Planned Development district.). During the informational presentation, the UDC commented on the layout of the proposed subdivision and the design of some aspects of the development, and staff encourages the applicant to consider these comments as the project moves ahead. Among the comments offered by members of the UDC were: concern over the amount of asphalt on some of the residential lots; the relationship of the buildings to the site and a recommendation that a more urban palette and design for the various building types be explored; a recommendation that the landscape plantings proposed be used to create a sense of place; comments about the number and placement of garages along Elderberry Road; a recommendation that building façades be placed closer to the streets to create courtyard spaces and “nice” spaces on the street, which one member commented could create a better pedestrian environment; and a comment that the developer look at “classic new urbanist” developments for guidance in terms of buildings placed close to the street, creation of a walkable neighborhood, use of “urban” building forms and architecture that creates a sense of community, and less prominent garages.

The full report of the UDC informational presentation is attached.

Proposed Zoning

The applicant is requesting uniform TR-U1 zoning for each of the 6 lots proposed for residential development. In reviewing the proposed concept plan for the 6 lots, however, staff believes that it may not be necessary nor advisable to grant such an intensive zoning district for the approximately 33 acres proposed for residential development, and that less intensive zoning classifications should be considered. Section 28.182(5) of the Zoning Code allows the Plan Commission to recommend modifications to a proposed map amendment to change the zoning classification of the property in question to any classification that is more restrictive than that proposed by the applicant, as well as to recommend that a proposed map amendment take effect within an area smaller than the area originally proposed.

The TR-U1 district generally requires 1,000 square feet of lot area and 320 square feet of usable open space for single-family attached and multi-family dwelling units, with 300 additional square feet of lot area required for each multi-family unit containing more than two bedrooms. Staff does not believe that the approximately 43 unit an acre maximum density allowed in TR-U1 is consistent with the densities recommended for the subject property in the Elderberry Neighborhood Development Plan. As noted in the Background Information section, the neighborhood plan recommends that the subject site be developed with a variety of mostly residential land uses at a variety of densities, with none of the densities recommended to exceed 16 units an acre.

Further, while there is no requirement in the Zoning Code that development in the Traditional Residential–Urban (TR-U) zoning districts reflect a particular character or building form, Planning staff believes that it is reasonable to conclude that TR-U1 and TR-U2 zoning suggests a more compact, urban development form consistent with where TR-U1 zoning has been mapped to date. Currently, there is no TR-U1 zoning mapped west

of Midvale Boulevard or east of the Yahara River, and areas zoned TR-U1 include Norris Court, the west side of Breese Terrace and a series of parcels located along University Avenue in the Regent neighborhood.

Staff does not feel the type of development being contemplated for the proposed lots suggests a development pattern similar in character to these other TR-U1-zoned areas. Therefore, as an alternative to zoning the 6 residential lots uniformly to the TR-U1 zoning district, staff recommends a more nuanced approach that more appropriately zones the lots based on the intensity of development proposed and with due consideration of the intensity of development contemplated in the Elderberry Neighborhood Development Plan.

The following table compares the density and bulk requirements of several alternative zoning districts in which the proposed development could be undertaken, provided that the Plan Commission first determines that the type of development contemplated by the applicant is appropriate for the 33.2 acres to be developed residentially at this time.

| Density and Bulk Comparison: | Requested zoning district | | Staff-proposed alternative zoning districts | | | |
|---|--|----------------------------------|---|--------------|---------------------------------------|-------------------------------|
| | TR-U1 District () | | TR-V2 District | | SR-V2 District | |
| | Single-family attached (8 units max.) | Multi-family | Single-family attached (8 units max.) | Multi-family | Single-family attached (8 units max.) | Multi-family |
| Lot Area (sq. ft.) | 1,000/ unit | 1,000/ unit + 300 per bedroom >2 | 2,000/ unit | 2,000/ unit | 2,000/ unit | 2,000/ unit |
| Lot Width | 20/unit | 50 | 20/ unit | 60 | 20/ unit | 60 |
| Front Yard Setback | 15 or average | 15 or average | 20 | 20 | 25 | 25 |
| Maximum Front Yard Setback | No more than 20% greater than block average, up to 30' maximum | | | | 6 (end units) | 10 |
| Side Yard Setback | 8 (end units) | 10 | Two-story: 6 | 10 | 6 (end units) | 10 |
| Reversed Corner Side Yard Setback | 12 | 12 | 12 | 12 | 12 | 12 |
| Rear Yard | Lesser of 25% lot depth or 25' | | | | Lesser of 25% lot depth or 30 | Lesser of 25% lot depth or 30 |
| Maximum height | 3 stories/40 | 5 stories/65 | 3 stories/40 | 3 stories/40 | 3 stories/40 | 4 stories/52 |
| Maximum lot coverage | 75% | 75% | 70% | 70% | 60% | 60% |
| Maximum building coverage | N/A | N/A | N/A | N/A | N/A | N/A |
| Usable open space (sq. ft. per dwelling unit) | 320 | 320 | 500 | 500 | 500 | 500 |

Multi-family [building] complexes, which are defined as “a group of two or more multi-family buildings on a single parcel or tract of land, developed under single ownership and common management” are conditional uses in the requested TR-U1 zoning district as well as the Traditional and Suburban Residential–Varied 2 zoning districts. The TR-V2 and SR-V2 districts are included in the comparison because those districts allow the next greatest intensity of development compared to TR-U1. The 145-unit building proposed on Lot 2 is a conditional use in these three districts. The table includes the density and bulk provisions for single-family attached housing such as the townhouse units proposed on Lot 5 and the multi-family units proposed on Lots 5 and 6, as those are the most prominent building types being contemplated, though other residential building types proposed in the future may have different requirements. It is the opinion of Planning and Zoning staff that all of the development proposed on the six residential lots will require future conditional use approval by the Plan Commission as either a multi-family dwelling with greater than 8 units or as a multi-family building complex.

Staff generally believes that the overall direction of the proposed residential development can be supported if the proposed subdivision and future development proposal are refined to address the issues raised in this report. With that in mind, Planning staff recommends the zoning map amendment request be revised as follows in order to assign zoning to the property that is more consistent with the land use recommendations in the neighborhood plan while recognizing the applicant’s development concept for the subdivision:

| Proposed Lot | Number of Units Per Concept Plan | Proposed Density | Alternate Zoning District |
|---------------------|---|-------------------------|----------------------------------|
| 1 | 24 | 12.2 | SR-V2 |
| 2 | 145 | 29 | None – TR-U1 |
| 3 | 16 | 5.8 | SR-V2 |
| 4 | 8 | 5.4 | SR-V2 |
| 5 | 53 | 12.8 | TR-V2 |
| 6 | 144 | 19.7 | SR-V2 |

Conclusion

The Planning Division generally supports the development of the 40-acre subject property in a fashion similar to what is proposed by the applicant. However, staff believes that a more nuanced approach to the zoning of the property will result in an intensity of development that is more consistent with the land use and density recommendations of the Elderberry Neighborhood Development Plan. Staff also feels that the layout of the subdivision and the concept for the future development of the six proposed residential lots (Lot 7 is not proposed for development at this time and will retain its existing Agriculture zoning) should be refined to shorten some of the proposed blocks and improve pedestrian and vehicular circulation along and west of extended Bear Claw Way. Staff believes that these plan revisions will also create more engaging building sites and result in a more attractive, compact, and walkable neighborhood.

As noted in the above sections, the concept plans submitted with the rezoning and preliminary plat materials include detailed plans for each of the proposed residential lots. These plans were provided for informational purposes only and are not part of the current approvals. Conditional use approvals will be required for any future multi-family dwellings or multi-family building complexes following the approval of the rezoning and subdivision of the property. During the review of those future conditional use requests, the developer may be required to revise their plans to address the design comments contained in this report as well as those offered by the Urban Design Commission during its February 6, 2013 informational review of the development.

Recommendation

Planning Division Recommendation (Contact Timothy M. Parks, (608) 261-9632)

The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022–00050 to rezone 9601 Elderberry Road and the preliminary plat of Highlands Community to the Common Council with recommendations of **approval** subject to input at the public hearing and the following conditions:

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

1. That the zoning map amendment for the 33.2 acres to be rezoned be revised as follows: That Lots 1, 3, 4 and 6 as shown on the preliminary plat of Highlands Community be zoned SR-V2 (Suburban Residential–Varied 2 District), and that Lot 5 of same be zoned TR-V2 (Traditional Residential–Varied 2 District).
2. That a revised preliminary plat be submitted with the first final plat of the Highlands Community subdivision that includes the following revisions to the overall development:
 - 2a. Outlot 2 shall be reoriented to not parallel Bear Claw Way; Planning and City Engineering staff believe that the stormwater outlot could be turned perpendicularly into proposed Lot 6 to allow future buildings on that lot to be placed closer to Bear Claw Way without impacting the stormwater management requirements for the development;
 - 2b. Street A shall be connected to Veritas Drive across proposed Lot 7, which may cause Street C to shift further to the east to create sufficient lot area for future development on the eastern portion of Lot 7;
 - 2c. Street C shall be extended north from Street B to at least Spirit Street;
3. The final plat of the property shall establish a 30-foot building setback line along Elderberry Road for Lots 1-3, as would be consistent with the same restriction to the east on the adjacent Woodstone plat.
4. That Lot 7 of the preliminary plat be submitted as an outlot for future development with the final plat of the property.

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

City Engineering Division (Contact Janet Dailey, (608) 261-9688)

5. The development of Lot 7 is reliant on the future extension of public storm sewer and sanitary sewer facilities from the south. Lot 7 may be subject to impact fees for the Lower Badger Mill Creek Sanitary and Stormwater Management Impact Fee District.
6. The applicant shall coordinate the final stormwater management design with the design of the final phases of the adjacent Woodstone plat.
7. This development is dependent on off-site sanitary sewer being built to the intersection of Cobalt Street and Bear Claw Way, which is planned to be constructed in the summer of 2013 with the final phases of the Woodstone development.
8. Duplex properties shall have either two separate sanitary sewer laterals or an ownership agreement, which shall be recorded at the Dane County Register of Deeds.
9. The developer shall construct sidewalk along Elderberry Road and shall construct asphalt tapers, shoulders and ditching on Elderberry Road to the west of the plat.
10. The developer shall construct sidewalk, curb and gutter, asphalt pavement, asphalt tapers, shoulders, ditching, and storm sewer on Elderberry Road, in accordance with the plans approved by the City Engineer and City Traffic Engineer.

11. The developer shall coordinate the necessary right of way dedication on Elderberry Road and on Bear Claw Way as determined by the City Engineering, Traffic Engineering and the Planning divisions.
12. The developer shall be responsible for the construction of Wilrich Street to allow for a minimum of half of a street and the utilities necessary to serve Lot 6 and 7.
13. 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 plat without the agreement executed by the developer.
14. Two weeks prior to recording the final plat, a soil boring report prepared by a Professional Engineer, shall be submitted to the City Engineering Division indicating a ground water table and rock conditions in the area. If the report indicates a ground water table or rock condition less than 9 feet below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer.
15. This development is subject to impact fees for the Elderberry Neighborhood Sanitary Sewer Improvement Impact Fee District. All impact fees are due and payable at the time building permits are issued. The following note shall be put the face of the plat/CSM: "Lots/ buildings within this subdivision are subject to impact fees that are due and payable at the time building permit(s) are issued."
16. The developer shall construct Madison Standard street and sidewalk improvements for all streets within the plat.
17. The developer shall note that City funds for outlot frontage are limited and will be determined at the sole discretion of the City.
18. The developer shall make improvements to Elderberry Road to facilitate ingress and egress to the plat.
19. All proposed street names shall be approved by the City Engineer. The applicant shall contact Lori Zenchenko ((608) 266-5952) with street name requests.
20. An erosion control plan and land disturbing activity permit shall be submitted to the City 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.
21. 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.

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

NOTE: In the event of a City of Madison Plan Commission and/or Common Council approved re-division of a previously subdivided property, the underlying public easements for drainage purposes are released and replaced by those required and created by the current approved subdivision.

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.

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

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

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

23. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to detain the 2, 10 & 100-year storm events; control 80% TSS (5 micron particle), provide infiltration in accordance with Chapter 37 of MGO, 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.
24. 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.

25. 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).
26. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat.
27. 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.
28. 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).

Traffic Engineering Division (Contact Scott Langer, (608) 266-5987)

29. The applicant shall dedicate 62 feet of right of way for Spirit Street from Bear Claw Way to Street A and Street B from Bear Claw Way to the westerly extent of the plat.
30. The applicant shall dedicate right of way for the future construction of a roundabout at Elderberry Road and Bear Claw Way.
31. Additional bicycle facilities shall be provided along Bear Claw Way to connect neighborhood to the future regional shared-use path along Mineral Point Road.
32. The applicant shall execute and return a declaration of conditions and covenants for streetlights and traffic signals prior to sign off.
33. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Zoning Administrator (Contact Pat Anderson, (608) 266-5978)

This agency did not provide comments for this request.

Fire Department (Contact Bill Sullivan, (608) 261-9658)

34. Provide fire apparatus access as required by IFC 503 2009 edition, MGO Section 34.503, as follows:
 - a.) The site plans for all future buildings shall clearly identify the location of all fire lanes.

- b.) IFC 503 Appendix D105, Provide an aerial apparatus access fire lane that is at least 26 feet wide, with the near edge of the fire lane within 30 feet and not closer than 15 feet from the structure, and parallel to one entire side of the structure, if any part of a future building is over 30 feet in height.
 - c.) Provide a fire lane that extends to within 150 feet of all exterior portions of the structure, or it can be extended to within 250 feet if the building is fully sprinklered.
 - d.) Provide a minimum unobstructed width of 26 feet for at least 20 feet on each side of a fire hydrant.
 - e.) Fire lanes shall be constructed of concrete or asphalt only, and designed to support a minimum load of 85,000 lbs.
 - f.) Where there is a change in the direction of a fire lane, the minimum inside turning radius shall be at least 28 feet.
 - g.) Provide a fire lane with the minimum clear unobstructed width of 20 feet.
 - h.) Provide a completed MFD "Fire Apparatus Access and Fire Hydrant Worksheet" with any future site plan submittal; the form is available at www.madisonfire.org
35. Occupants shall be capable of self preservation without physical assistance or additional life safety features will be required to assist with the extended evacuation that would be required.

Water Utility (Contact Dennis Cawley, (608) 261-9243)

36. Public water mains will be designed by the Madison Water Utility and shall be installed by standard City of Madison Subdivision Contract. PVC is not an acceptable material for public water mains in the City of Madison.

37. 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.

Metro Transit (Contact Tim Sobota, (608) 261-4289)

This agency did not provide comments for this request.

Parks Division (Contact Kay Rutledge, (608) 266-4714)

38. The developer shall pay \$928,502.48 in park dedication and development fees for the development consisting of 8 single- or two-family units and 382 multi-family units. This development is within the Elver park impact fee district (SI31). Please reference ID# 13117 when contacting Parks Division staff about this project.

Fees in lieu of parkland dedication in 2013 are \$2,684.00 per single- or two-family unit and \$1,708.00 per multi-family unit. Park development fees in 2013 are \$1,003.96 per single- or two-family unit and \$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.

39. Lots 1 and 2 are targeted for seniors (55 and over). The calculation of the park impact fees for these lots can be further reduced if this development will be deed-restricted to persons 55 years of age or older. In

accordance with MGO Section 16.23(8)(f)4, "... where a multi-family development in whole or part will be limited to occupancy by persons fifty-five (55) years of age or older by appropriate recorded restriction for a period of not less than thirty (30) years, ...", a restriction that remains in effect for 30 years limiting these units to persons 55 years of age or older must be recorded. Please contact Kay Rutledge for appropriate deed language.

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.

Office of Real Estate Services (Jenny Frese, 267-8719)

This agency did not provide specific comments on the preliminary plat but will have comments at such time as a final plat is submitted for the property; those comments will need to be addressed prior to final approval and recording of the final plat.