

May 4, 2005

Michael S. Marty
Burse Surveying & Engineering, Inc.
1400 E. Washington Avenue, Suite 158
Madison, Wisconsin 53703

RE: Approval of a request to rezone 38.9 acres located at 4949 Meinders Road from Temporary A (Agriculture District) to R2S (Single-Family Residence District) R3 (Single and Two-Family Residence District) and R4 (General Residence District) and approval of a preliminary plat creating lots 73 single-family lots, 16 two-family lots, four lots for four-unit townhomes, and tracts for public parkland and stormwater detention.

Dear Mr. Marty:

At its May 3, 2005 meeting, the Common Council **conditionally approved** your client's rezoning and preliminary plat for the "Owl Creek" subdivision subject to the following conditions of approval from reviewing agencies:

Please contact Gary Dallmann, City Engineering, at 266-4751 if you have questions regarding the following twenty-four (24) items:

1. All street names are subject to approval by the City Engineer. Street "D" needs a different name at the common line of Lots 15 & 16 extended.
2. The area dedicated for stormwater management is adjacent to a known wetland. Lands used to meet the requirements of Chapter 37 MGO shall not be provided in wetlands. The applicant shall provide a current delineation of the wetlands within the borders of this plat.
3. The plat proposes to dedicate all stormwater management areas on the north side of the development. To get all the stormwater to these locations will require large amounts of storm pipe. All stormwater must be treated prior to discharge to the greenway system.
4. The applicant must meet the requirements of NR-151.
5. All lots adjacent to the proposed greenway/stormwater management areas shall have rear lot corners at elevation 15.00 or higher. The plat or a recorded deed restriction shall provide for no grading or structures below this elevation. This restriction may require significant filling of Lots 1 through 8 and portions of proposed Street "B".
6. There may be an issue with sanitary sewer service for Lots 81-96. The sanitary sewer on Valor Way does not have adequate clearance to cross Koch pipeline. The bottom of the pipe has an elevation of 12.7 and the City sewer has an invert of 10.15. Koch pipe requires two feet of clearance. The City sewer is an 8-inch main as is the Koch pipeline. If Koch will not permit crossing, the applicant shall

propose alternate route for sanitary sewer service. Koch pipeline contact is Marvin DeJear (651) 458-4876.

7. Provide a 75-foot buffer/setback to platted lot lines from the delineated wetland line (environmental corridor).
8. Lot 22 appears un-buildable as it is bisected by a gas main.
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 plat without the agreement executed by the developer.
10. 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.
11. The developer shall construct Madison Standard street improvements for all streets within the plat.
12. The Developer shall construct sidewalk and 21 feet of a future 42-foot roadway including curb and gutter on the west side of Owl Creek Drive.
13. 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 Pre-construction 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.
14. 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.

15. 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:

“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.

16. A portion of this plat 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. Contact the WDNR & USACOE for a jurisdictional determination.
17. Prior to recording, this plat shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Please contact Greg Fries at 267-1199 to discuss these requirements.
18. 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. Please contact Jim Bertolacini of the WDNR at 275-3201 to discuss this requirement.
19. 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.
20. A separate and independent sanitary sewer lateral shall serve each unit of a duplex building.
21. 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.
22. In accordance with Section s. 236.18(8), Wisconsin Statutes, the Applicant shall reference City of Madison NAD 1927 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 NAD 1927 Coordinates on all

PLS corners within its corporate boundary. Visit the City of Madison Engineering Division web address site for current tie sheets and control data. If a surveyor encounters an area without a published NAD 1927 value, contact Engineering Division for this information.

23. 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 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 and be consistent with previous formats delivered to the City by the Applicant and contain the minimum of the following, each on a separate layer name/level number: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; 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).

*This transmittal is a separate requirement than the required submittals to Bob Arseneau for design purposes.

*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.

24. In accordance with Section s.236.34(1) (c) which says a plat 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 that are being conveyed by the plat. Identify the owner and/or benefiting interest of all easements.

Please contact John Leach, Traffic Engineering, at 267-8755 if you have questions about the following five items:

25. The plat may include special design traffic calming on the street design for which the developer shall be responsible. The applicant shall contact Traffic Engineering prior to submittal of a final plat to accommodate the traffic calming design.
26. The applicant shall execute and return a declaration of conditions and covenants for streetlights & traffic signals prior to sign off.
27. Utility easements shall be provided on the final plat as follows:

Between Lots	Between Lots	Between Lots
11 & 12	38 & 39	65 & 66
27 & 28	43 & 44	69 & 70
28 & 29	47 & 48	76 & 77
30 & 31	51 & 52	83 & 84
33 & 34	57 & 58	88 & 89
35 & 36	59 & 60	91 & 92

28. The applicant shall show a detail drawing of the 12-foot utility easement dimensions and lot lines on the face of the plat.

29. 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 Kathy Voeck, the Acting Zoning Administrator, at 266-4551 if you have questions regarding the following three items:

30. Section 28.04(24) provides that Inclusionary Zoning requirements shall be complied with as part of the approval process. Submit to Zoning, a copy of the approved plan for recording prior to zoning sign off of the plat.

31. Put a note on the plat at the buildings to be removed. Buildings that will remain shall be shown with setbacks from the property lines that meet the setbacks for the zoning district that they will be located in. Buildings that may be made nonconforming with the creation of the plat need to be addressed, ie moving a lot line, variance, moving or removal.

32. The following lots, including but not limited to, may not meet grades that provide the required usable open space (Lots 35, 41, 50, 51, 58, 59, 60, 79 and 80). Provide a grading plan of the plat to show that usable open space requirements can be met on all of the lots in the amount of 800 square feet per lot for the R-2S, 750 square feet per lot for the R-3 and 500 square feet per unit for the R-4. 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 front yard and street side yards do not count toward usable open space.

Please contact John Lippitt, Madison Fire Department, at 261-9658 if you have questions about the following item:

33. All portions of the exterior wall of newly constructed one and two-family dwellings shall be within 500 feet of at least one fire hydrant. Distances measured along the path traveled by the fire truck as the hose lay off the truck. See Section 34.20 of the Madison General Ordinances for more information.

Please contact Si Widstrand, Parks Division, at 266-4711 if you have questions about the following four items:

34. Park dedication will be required for the woodland in the northwest corner of the plat. Several additional lots will be required as dedication to protect the woodland as indicated on the adopted neighborhood development plan. The amount of additional land and lot configurations cannot be determined until the developer provides a tree inventory (species, sizes and surveyed locations) for proposed Lots 6-12 plus a 50-foot buffer as part of the final plat submittal. A fee does in lieu of dedication will be required if the actual land required for dedication does not meet the requirement of approximately 2.8 acres.

35. Several issues cannot be resolved until the wetland boundary is officially delineated, so any approvals are conditioned on compliance with the final delineation.

36. Utility easements shall not be allowed across parkland without prior approval of the Parks Division.

37. Park development fees in the amount of \$80,000 shall be paid for the proposed lots prior to signoff of the final plat.

Please contact Alan Larson, Madison Water Utility, at 266-4653 if you have any questions regarding the following three items:

38. All operating private wells shall be identified and permitted by the Water Utility in accordance with Madison General Ordinance Section 13.21.
39. All unused wells shall be abandoned in accordance with Section 13.21, MGO.
40. All public water mains and service laterals shall be installed by a standard City subdivision contract. MWU will not need to sign off on final copies of the plat but requests an approved copy for their files.

Please contact Hickory Hurie or Barb Constans, Community Development Block Grant Office, at 267-0740 if you have questions about the following two items:

41. The single inclusionary units are more concentrated in the southeast quadrant of the development. There are no inclusionary units abutting the parkland or greenway on the northwestern quadrant. Developer should alter at least one least inclusionary unit designation to the to the northeastern or northwestern quadrant to better disperse the units per the ordinance.
42. The developer identifies which of the 70% inclusionary units would be allocated to the duplex or four-plex properties. Developer should designate the two single-family units that will be the inclusionary units in the 70% range.

Please contact my office at 261-9632 if you have questions about the following six items:

43. That the preliminary plat be revised prior to submittal of a final plat to include the following:
 - a) identify the proposed affordable dwelling lots;
 - b) show the required 75-foot wetland setback;
 - c) identify which portions of the site have previously been zoned W (Wetlands);
 - d) provide a traffic circle or other acceptable traffic calming measure per the approval of Traffic Engineering and the Planning Unit at one of the two Meinders Road intersections within the subdivision.
45. That the developer submit a final plat for approval in accordance with the Section 16.23 (5)(c) of the Subdivision Regulations.
46. That the applicant submit an application to rezone the proposed public parkland and stormwater management outlots along the northern tier of the property to Conservancy zoning as part of any application for final plat approval.
47. That the applicant be granted non-City provision of street landscape planting with this project subject to the approval of this incentive by the Parks Division.
48. That the applicant submit a completed Inclusionary Dwelling Unit Plan for approval and recording with the final plat of the subdivision.
49. That all lots within 10 feet of the water table be deed restricted to require that all basements on those lots be constructed with drain tiles and sump pumps.

Owl Creek
May 4, 2005
Page 7

Please note that the City Real Estate Office is reviewing the report of title provided with this plat and may have comments. That office will send any comments to you by fax. If you have any questions, please contact Jeff Ekola at 267-8719 for more information.

Specific questions regarding comments or conditions should be directed to the commenting agency. Any appeal regarding the plat, including the conditions of approval, must be filed with the Circuit Court within thirty (30) days from the date of this letter. If I may be of any further assistance, please do not hesitate to contact me at 261-9632.

Sincerely,

Timothy M. Parks
Planner

cc: Gary Dallman, City Engineering
John Leach, Traffic Engineering
Si Widstrand, Parks Division
Alan Larson, Madison Water Utility
John Lippitt, Madison Fire Department
Kathy Voeck, Acting Zoning Administrator
Jeff Ekola, Real Estate Unit
Norb Scribner, Dane County Land Records and Regulations