



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

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June 13, 2019

Ryan McMurtrie
United Financial Group
660 W. Ridgeview Drive
Appleton, Wisconsin 54911

RE: Approval of a request to rezone 9703 Paragon Street from A (Agricultural District) to SR-V2 (Suburban Residential–Varied 2 District); and approval of the preliminary plat and final plat of *Paragon Place Addition No. 1*, creating eight lots for the future multi-family development on land addressed as 9703 Paragon Street, 303 Bear Claw Way and 304 Bear Claw Way. [ID 55536 and 55184; LNDSP-2019-00005]

Dear Mr. McMurtrie;

At its June 11, 2019 meeting, the Common Council **approved** the zoning map amendment, preliminary plat and final plat of “Paragon Place Addition No. 1” subject to the conditions of approval in the following sections, which shall be addressed prior to final approval and recording of the final plat.

Please contact Tim Troester of the City Engineering Division at (608) 267-1995 if you have questions regarding the following fourteen (14) items:

1. The construction of this project will require that the applicant shall enter into a City/ Developer agreement for the required infrastructure improvements. The applicant shall contact City Engineering to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. Note: Obtaining a developer’s agreement generally takes approximately 4-6 weeks, minimum.
2. 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 put the face of the plat: “Lots/buildings within this subdivision/development are subject to impact fees that are due and payable at the time building permit(s) are issued.”
3. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat.
4. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to City Engineering Division sign-off, unless otherwise

collected with a Developer's/ Subdivision Contract. Contact Mark Moder (261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.

5. A Phase 1 environmental site assessment (Phase 1 ESA), compliant with ASTM E1527-13, is required for the project area. The applicant shall provide one (1) digital copy and a paper copy only if specifically requested. Staff review of this Phase 1 ESA will determine if a Phase 2 ESA is also required. Please submit report(s) to Brynn Bemis (608-267-1986, bbemis@cityofmadison.com) for review.
6. This site appears to disturb over one (1) acre of land and requires a permit from the Wisconsin Department of Natural Resources (WDNR) for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR-216 and NR-151. However, a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement.
7. 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 5.0 tons per acre per year.
8. 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 Madison General Ordinances.
9. 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 nine (9) feet below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer.
10. The developer shall construct Madison standard street and sidewalk improvements for all streets within the plat.
11. The developer shall note the AASHTO design standards for intersection sight distance will be applied during the design of the streets within this plat.
12. The developer shall confirm that adequate sight distance exists 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.
13. The developer shall construct four (4) feet of pavement, curb and gutter, terrace, and sidewalk on Elderberry Road along the extent of the plat as required by the City Engineer.

14. The developer shall construct half of Wilrich Street from Chaska Drive to Veritas Drive. The developer shall construct sidewalk on north side of Wilrich Street along these limits.

Please contact Jeff Quamme of the City Engineering Division–Mapping Section at (608) 266-4097 if you have any questions regarding the following thirteen (13) items:

15. The portion(s) of the existing public utility easements that lie within Wilrich Street, Spirit Street, Chaska Drive, and Lakota Lane shall be released by the utilities serving this plat and by separate document prepared by the City's Office of Real Estate Services. Contact Jeff Quamme of Engineering Mapping (jrquamme@cityofmadison.com, 608-266-4097) to coordinate the Real Estate project, and associated information and fees required. The releases shall be noted by document number on the face of the final plat.
16. The quarter lines referenced on the final plat show bearings and distances that differ from what is shown as record coordinates at the section corners. The plat shall include the measured as values for the existing section corners.
17. Outlots 2 and 4 are currently owned by Ziegler at Elderberry II LLC. A second Owners Certificate shall be added to the final plat. Also, the Warranty Deed per Document No. 5099197 incorrectly included Outlot 3, which was dedicated to the public. A correction instrument shall be recorded to correct this error.
18. The area conveyed for public right of way per Document No 5403224 shall be shown and labeled on the face of the final plat.
19. The street suffix for Lakota Lane shall be changed to either Way, Drive or Road.
20. A note shall be added that lots within this plat are subject to Declaration of Conditions, Covenants and Restrictions per Document Nos. 5101073, 5101074, 5101077 and 5101078.
21. A note shall be added that lots within this plat are subject to Declaration of Conditions and Covenants recorded as Document Nos. 5391496 and 5391497.
22. 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 monument condition reports for all monuments, including center of sections of record, used in this survey, to Jeff Quamme, City Engineering (jrquamme@cityofmadison.com). 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 and shall be attached to a signed and sealed monument condition report.
23. The applicant shall submit to Jeff Quamme, prior to final Engineering sign-off of the subject plat, one (1) digital CADD drawing and one (1) signed copy of the final plat to the Mapping/GIS Section of the Engineering Division either as hard copy or Adobe PDF format. The digital CADD file shall be submitted in the WisDOT County Coordinate System, Dane County Zone datum in either Auto CAD Version

compatible with MicroStation Version V8i, MicroStation Version V8i or older or Universal DXF Formats. The digital CADD file(s) shall contain the minimum of the items stated below, each on a separate layer name/level number. All line work shall be void of gaps and overlaps that would cause any parcel, street or easement to not properly close. All line work orientation and geometrics shall match the dimensioning as labeled on the final recorded plat: 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 Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat, electronic data and a written notification to Engineering Mapping for any changes to the plat which occur subsequent to any original submittal of data and prior to final sign off.

24. Prior to Engineering final sign-off by main office for plats, the final Plat must be submitted to Engineering Division Surveyor/Land Records Coordinator for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off. Electronic mail submittal of the final plat in PDF form is preferred. Transmit to jrquamme@cityofmadison.com.
25. The final plat shall be completed and recorded with the Dane County Register of Deeds (ROD) prior to issuance of any building permits for new construction. When the recorded CSM image is available from the ROD, the Assessor's Office can then create the new Address-Parcel-Owner (APO) data in the parcel database so that the permitting system can upload this data and permit issuance made available for this new land record.
26. Additional right of way has been dedicated for Bear Claw way at the intersection of Wilrich Street and Bear Claw Way by Document No. 5068699. The linework shall be updated to reflect this at that location.
27. It is anticipated that each of these lots shall have mail delivery needs contained internally within each lot for use by their respective units. If this is not the case, applicant shall provide private Easements or Outlots on the plat to accommodate the now USPS required centralized delivery of mail using Cluster Box Units (CBUs). The applicant shall coordinate with the USPS Development Coordinator and City Engineering and Traffic Staff the required locations for the CBUs. CBUs serving this plat will not be permitted within any publicly owned or dedicated lands. If the Developer is not able to determine the final locations prior to recording the final plat, the final placement of the CBUs shall be determined and all documents recorded for the placement of the CBUs (after City review and approval) prior to construction of each phase. A recorded CBU owner's agreement shall be required prior to execution of the development agreement and prior to final sign-off of the plat.

Please contact Sean Malloy of the Traffic Engineering Division at (608) 266-5987 if you have any questions regarding the following four (4) items:

28. The applicant shall dedicate 80 feet of right of way for Wilrich Street.
29. The applicant shall work with Traffic Engineering and City Engineering staff to determine a location for an east-west multi-use path connection.
30. The applicant shall execute and return a declaration of conditions and covenants (DCC) for streetlights and traffic signals prior to sign off of the final plat.
31. The applicant shall add a note to the final plat stating no driveway shall be constructed that interferes with the orderly operation of the pedestrian walkway. This will require all pedestrian ramps to be constructed separate from driveway entrances; a curb-head of no less than six (6) inches in width shall be constructed between all pedestrian ramps and driveway entrances. This is especially important at 'T' intersections where lot and building layout become critical; to prevent interference with the pedestrian ramp, lots intersecting or adjacent 'T' intersection may require a shared driveway and access.

Please contact Adam Wiederhoeft of the Madison Water Utility at (608) 266-9121 if you have any questions regarding the following two (2) items:

32. The developer shall construct the public water distribution system and services required to serve the proposed subdivision plat
33. All public water mains and water service laterals shall be installed by a standard City subdivision contract/ City-Developer agreement. The applicant shall contact the City Engineering Division to schedule the development of plans and the agreement. See Engineering Division comments for additional information.

Please contact Sarah Lerner of the Parks Division at (608) 261-4281 if you have any questions regarding the following four (4) items:

34. The neighborhood plan does not show a neighborhood park in this area. Therefore, Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the West Park-Infrastructure Impact Fee district. The developer must select a method for payment of park impact fees prior to signoff of the final plat. Please reference ID# 113117.2 when contacting Parks Division staff about this project.
35. Prior to sign off on the final plat the applicant shall execute a declaration of conditions and covenants along with an impact fee schedule for the Park Impact Fees for this development. This document will be recorded at the Register of Deeds. The applicant shall be responsible for all recording fees.

36. Pursuant to MGO Section 20.08 (2)(c)2.d., the park impact fee may be reduced for multi-family dwelling units that are limited to occupancy by persons 55 years of age or older by appropriated recorded restriction for a period of not less than thirty (30) years.
37. The following note should be included on the subdivision: "Lots within this subdivision are subject to impact fees that are due and payable at the time building permit(s) are issued."

Please contact Brad Hofmann of the Forestry Section at (608) 267-4908 if you have any questions regarding the following item:

38. City Forestry will evaluate the terrace for new street tree plantings upon completion of the project. If there is space for new trees, City Forestry will schedule planting and assess the cost of the initial planting to the property owner.

Please contact Heidi Radlinger of the Office of Real Estate Services at (608) 266-6558 if you have any questions regarding the following five (5) items:

39. Prior to final plat approval sign-off, the Owner's Certificate(s) on the Final Plat shall be executed by all parties having an interest in the property, pursuant to Wis. Stats. 236.21(2)(a). Certificates shall be prepared with the ownership interests consistent with the most recent title report. The executed original hard stock recordable plat shall be presented at the time of plat approval sign-off.
40. Note: Natalie Erdman is no longer Secretary of the Plan Commission; Nan Fey is the Interim Secretary of the Plan Commission.
41. As of the date of this report, there are no special assessments reported for the parcels within the plat boundary, and the 2018 real estate taxes have been paid. Under 236.21(3) Wis. Stats. and MGO Section 16.23(5)(g)(1), the property owner shall pay all real estate taxes and special assessments that are accrued or delinquent for all parcels within the plat boundary prior to recording. This includes property tax bills for the prior year that are distributed at the beginning of the year. Receipts are to be provided on or before sign-off; checks are payable to: City of Madison Treasurer; 210 Martin Luther King, Jr. Blvd.; Madison, WI 53701. Real estate taxes for 2018 are paid for the subject property, and there are special assessments reported for the parcel within the plat boundary.
42. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish to Heidi Radlinger in the City's Office of Real Estate Services (hradlinger@cityofmadison.com) as well as the surveyor preparing the plat, an updated title report covering the period between the date of the initial title report (March 4, 2019) and the date when sign-off approval is requested. A title commitment may be provided, but will only be considered as supplementary information to the title report update. The surveyor shall update the plat with the most recent information available in the title report update.
43. If the lands within the Plat boundary are farmed agricultural lands, the applicant shall enter into a lease with the City for those lands to be dedicated and/or conveyed to the City through Plat recording. Please contact Heidi Fischer at 264-9297 to discuss the potential lease terms. Said leases are authorized by Resolution 13-00247 (ID 29183), adopted April 16, 2013.

Please contact my office at (608) 261-9632 if you have questions about the following two (2) items:

44. The final plat shall establish a 30-foot building setback line parallel to Elderberry Road on Lots 2, 3 and 9.
45. Note: Approval of the subdivision by the Plan Commission and Common Council does not constitute approval of future development on the proposed lots. Prior to the issuance of building permits for each lot, the applicant or successor shall obtain conditional use approval from the Plan Commission pursuant to the processes in Section 28.183 of the Zoning Code and the applicable bulk and design requirements of the Zoning Code, including the general provisions for residential districts in Section 28.031 and the building form standards in Section 28.172.

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

Prior to Engineering final sign-off by main office for plats, the final Plat shall be submitted to Engineering Division Surveyor / Land Records Coordinator for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off. Electronic mail submittal of the FINAL plat in PDF form is preferred. Please transmit to jrquamme@cityofmadison.com.

Any appeal regarding the plat, including the conditions of approval related thereto, 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: Tim Troester, City Engineering Division
Jeff Quamme, City Engineering Division – Mapping Section
Sean Malloy, Traffic Engineering Division
Bill Sullivan, Madison Fire Department
Adam Wiederhoeft, Madison Water Utility
Sarah Lerner, Parks Division
Jenny Kirchgatter, Assistant Zoning Administrator
Heidi Radlinger, Office of Real Estate Services