



Department of Planning & Development
Planning Unit

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May 17, 2006

Dave Glusick
Calkins Engineering, LLC
5010 Voges Road
Madison, Wisconsin 53718

RE: Approval of a request to rezone 45.3 acres located at 3120-3160 Jeffy Trail from Temporary A (Agriculture District) to R1 and R2T (Single-Family Residence Districts) and R4 (General Residence District), and; approval of a preliminary plat creating lots 76 single-family lots, two lots for future multi-family development and six outlots for public stormwater detention and parkland and future development. (McKy).

Dear Mr. Glusick:

At its May 16, 2006 meeting, the Common Council **approved** your client's rezoning and preliminary plat for the "Badger Mill Creek" subdivision subject to the following conditions of approval from reviewing agencies:

Please contact Janet Gebert, City Engineering, at 266-4751 if you have questions regarding the following twenty-seven (27) items:

1. A temporary public street easement for temporary turnarounds shall be provided for the southern end of Jeffy Trail and Street "C" and on Lot 38 or 39 for Street "C".
2. Street A is a continuation of Red Granite Road and shall be named accordingly.
3. The developer shall construct Madison standard street improvements for Jeffy Trail.
4. All wetlands and navigable streams shall be shown on the plat with the statutory setbacks (wetland 75-feet, streams 35-feet) shown on the plat. This shall affect the ability to develop proposed Outlots 1 and 2.
5. Lands within this plat are subject to Storm Water Impact Fees associated with the Upper Badger Mill Creek Storm Water Improvement Impact Fee District.
6. An off-plat sanitary sewer main is required to serve this development. City Engineering recommends serving development to the south and connecting to the MMSD main.
7. These lands are not presently within the Central Urban Service Area and cannot be platted or developed until brought into the CUSA.
8. Outlots shall clearly be designated "dedicated to the public" for specific use (park, engineering storm) or private for redevelopment.

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. It is anticipated that the improvements on Jeffy Trail required to facilitate ingress and egress to the plat will require additional right of way and/or grading easements located outside the plat boundary. The developer shall acquire the right of way and/or sloping easements as required by the City at the developer's expense. In the event that the developer is unable to acquire the right of way and/or sloping easements required, the City shall assist the developer in acquiring the property and the developer shall pay the City for all costs associated with the acquisition.
12. Property lines at intersections shall be rounded with a 15-foot radius on all intersections.
13. The developer shall construct Madison standard street improvements for all streets within the plat.
14. All proposed street names shall be approved by the City Engineer. The applicant shall contact Lori Zenchenko (266-5952) with street name requests.
15. 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.
16. 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.

17. 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.

18. This plat could affect a floodplain, wetland or other sensitive areas. As such, the Commission on the Environment shall review it. Contact Mike Dailey at 266-4058 for further details. The proposed plat may be considered a major change to the environmental corridor and be subject to a public hearing and approval of the Dane County Regional Plan Commission.
19. 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 NR-151, and; provide substantial thermal control.
20. 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.
21. A minimum of two (2) working days prior to requesting City Engineering signoff on the plat, the applicant shall contact Randy Whitehead (608-266-4099) to obtain the final stormwater utility charges that are due and payable prior to sub-division of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service. All charges shall be cleared prior to the land division (and subsequent obsolesces of the existing parcel).
22. 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.
23. A separate and independent sanitary sewer lateral shall serve each unit of a duplex building.
24. 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.

25. 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.
26. 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.
27. 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 six items:

28. The plat shall provide a 15 ft wide pedestrian bike easement along the southern edge of Lot 78 from Jeffy Trail to Outlot 5.
29. The plat is subject to special assessments or impact fees for Midtown Road Area-wide Assessment and Impact Fee District for traffic signals and associated intersection improvements based on Council adopted resolutions. These shall be cleared prior to final plat approval.
30. The applicant shall execute and return the attached declaration of conditions and covenants for streetlights and traffic signals prior to sign off. The applicant will need to provide a deposit for their reasonable and proportionate share of traffic signal costs.
31. Utility easements shall be provided on the final plat as follows:

Between Lots	Between Lots	Between Lots	Between Lots
3 & 4	18 & 19	46 & 47	65 & 66
6 & 7	21 & 22	49 & 50	67 & 68
12 & 13	40 & 41	55 & 56	69 & 70
14 & 15	43 & 44	60 & 61	
12 feet along the westerly edge of Lot 76			

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

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

34. Per MGO 34.19, 34.20 and IFC 503.2.5, a fire apparatus access road that is longer than 150 feet shall terminate in a turnaround. Provide an approved turnaround (cul-de-sac, 45-degree wye, 90-degree tee) at the end of the fire apparatus access road. This turnaround shall be constructed of concrete or asphalt only, and designed to support a minimum load of 80,000 lbs. And by Lot 23, 38, & Jeffy Trail.
35. 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 Hickory Hurie or Barb Constans, Community Development Block Grant Office, at 267-0740 if you have questions about the following item:

36. Changes to the Zoning Ordinance regarding dispersion and location of the IZ units would need to be adopted to allow this to conform to the ordinance or a waiver would need to be granted.

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

37. All public water mains and water service laterals shall be installed by a standard City subdivision contract. The Water Utility will not need to sign off on the final plans, but will need a copy of the approved plans.
38. All operating private wells shall be identified and permitted and all unused private wells shall be abandoned by the Water Utility in accordance with Madison General Ordinance 13.21.

Please contact Kathy Voeck, the Assistant Zoning Administrator, at (608) 266-4551 if you have questions regarding the following three items:

39. Provide a grading plan of the plat to show that usable open space requirements can be met on the lots in the amount of thirteen hundred square feet per R1 lot, and 800 square feet per R2T lot. Usable open space shall be in a compact area of not less than 200 square feet, having no dimensions less than 10 feet and having a slope no greater than 10 percent. The required front yard and required street side yards do not count toward usable open space. Note: Most of the lots east of Street "B" do not meet grade slopes less than 10% slope in the rear portion of the lot that counts toward usable open space.
40. The face of the final plat shall include a statement "Inclusionary Zoning applies to this plat. The restriction is via a separate instrument."
41. Section 28.04(24) provides that Inclusionary Zoning requirements shall be complied with as part of the approval process. Submit, to CDBG, a copy of the approved plan for recording prior to zoning sign off of the plat.

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

42. The proposed plat meets the requirements for park dedication along the Ice Age Trail corridor.
43. Utility easements shall not be allowed across parkland or along the boundary of Outlot 5 without the prior approval of the Parks Division.
44. The development shall meet the requirements for aesthetic management zones and backyard planting buffers as required by the High Point-Raymond Neighborhood Development Plan.
45. Park dedication required for this project is 166,200 square feet or 3.82 acres based on 1100 square feet per single-family lot and 700 square feet per multi-family unit (amount based on 118 multi-family units, see below). The developer is proposing to dedicate 3.85 acres, satisfying this requirement. Park Development Fees will be \$815.36 per single-family and \$524.16 per multi-family unit. Estimated park development fees will be at least \$123,818.24

[Author's note: Estimated cost based on 76 single-family lots plus 118 multi-family units, with the final total to be determined by the ultimate number of multi-family units developed.]

Half the fees shall be paid prior to signoff on the final plat, with a letter of credit provided to cover the remainder. Fee payments may also be phased with plat construction phases.

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

46. That the developer submit a final plat for approval in accordance with the Section 16.23 (5)(c) of the Subdivision Regulations.
47. That the final plat shall include a 40-foot landscaping buffer strip along the length of the south lot line of proposed Lot 78 and a tree preservation easement along the eastern 40 feet of Lots 39-50.
48. That the final plat include a 75-foot setback from the ordinary high-water mark of Badger Mill Creek or adjacent wetlands as required by the Planning Unit, Parks Division and City Engineer.
49. That the final plat be submitted with a preliminary grading plan identifying areas of land disturbance throughout the subdivision overlaid on top of a generalized map of the areas of mature vegetation to assist staff in identifying areas where existing vegetation may be preserved. The tree information overlay shall contain a tree inventory showing the size and species for those areas specifically identified in the tree protection plan submitted with the preliminary plat so that opportunities for additional tree preservation easements can be identified and conditioned with the approval of the final plat.
50. That final approval and recording of the final plat of Badger Mill Creek subdivision not occur until such time as the subject site has been added to the Madison Central Urban Service Area.
51. That the final plat be submitted showing the limits of the field-located drainageway extending through Outlots 1 and 2. An environmental corridor amendment to reflect this drainageway and any necessary setbacks there from will be established at the time the final plat is approved.
52. That the exterior of all buildings in this subdivision be constructed of materials to match an exterior materials palette to be approved by the Planning Unit prior to the recording of the final plat of Badger Mill Creek and that those materials be detailed on any building permit submittals for these lots.

53. That a detailed landscaping buffer plan for the south line of Lot 78 be submitted as part of any future land use applications for that lot.
54. That the applicant submit a completed Inclusionary Dwelling Unit Plan for approval and recording with the final plat of the subdivision that includes a complete IDUP, marketing plan and deed restriction requiring compliance with the inclusionary housing provisions of the Zoning Ordinance for the two proposed multi-family lots. The IDUP for the multi-family lots shall establish the nature of the multi-family housing proposed (owner-occupied/ rental), the approximate number of units envisioned and the sale and/ or lease price of those units.
55. The Inclusionary Dwelling Unit Plan may need to be revised to show an amended lot dispersal plan for the single-family component to identify inclusionary lots amongst Lots 39-50 if the Zoning Ordinance is not amended to allow exclusion of those lots.
56. That the applicant work with staff to retain as many trees as possible with information to be provided by the applicant with each final plat.
57. That developer work with staff on a plan to replace trees lost to the grading work for this development.

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, do not hesitate to contact me at 261-9632.

Sincerely,

Timothy M. Parks
Planner

cc: Ronald M. Trachtenberg, Murphy Desmond, SC: 2 E. Mifflin Street, Suite 800; Madison, Wisconsin
53701-2308

Janet Gebert, City Engineering
John Leach, Traffic Engineering
Si Widstrand, Parks Division
John Lippitt, Madison Fire Department
Kathy Voeck, Assistant Zoning Administrator
Alan Larson, Madison Water Utility
Jeff Ekola, Real Estate Unit
Barb Constans, CDBG Office
Norb Scribner, Dane County Land Records and Regulations