



PREPARED FOR THE PLAN COMMISSION

Project Address: 645 Schewe Road and 9951 Old Sauk Road
Application Type: Zoning Map Amendment, Preliminary Plat and Certified Survey Map
Legistar File ID # [51169](#) and [50994](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant: Chad Wuebben, Chapel View Land Company, LLC; 6840 Schneider Road; Middleton.

Surveyor: Wade Wyse and Julius Smith, Wyser Engineering; 312 E. Main Street; Mount Horeb.

Property Owners: Middleton Community Church; 645 Schewe Road; Madison, and Francois and Jackie Luyet c/o Damien Luyet; 705 Chapman Street; Madison.

Requested Actions: Approval of a request to rezone land generally addressed as 645 Schewe Road and 9951 Old Sauk Road from Temporary A (Agricultural District) and SR-C1 (Suburban Residential–Consistent 1 District) to TR-C3 (Traditional Residential–Consistent 3 District); approval of the preliminary plat of *Chapel View*, creating 43 lots for future single-family detached residences, two lots for the future development of single-family cottage condominiums, one lot for a future daycare center, and three outlots to be dedicated to the public for stormwater management; and approval of a Certified Survey Map creating one lot for an existing place of worship and one outlot for the future development of the Chapel View subdivision.

Proposal Summary: The applicant and property owners are seeking approval of three related requests. Middleton Community Church is seeking approval of a Certified Survey Map to divide their existing 17.9-acre property into a 9.4-acre lot for their existing place of worship and parking, and an approximately 8.0-acre outlot, which will be sold for future residential development. Chad Wuebben, Chapel View Land Company, LLC, will acquire the church outlot and join it with the recently attached Luyet property as the “Chapel View” subdivision. The preliminary plat of the subdivision calls for 43 lots for future single-family detached residences, two lots for the future development of single-family cottage condominiums, and one lot for a future “intergenerational” daycare center, which will combine daycare services for the elderly and preschool-aged children per the letter of intent. All of the aforementioned development is proposed to occur in the TR-C3 residential zoning district. Development of the subdivision will commence in 2018 following approval and recording of a final plat, with completion of the subdivision to be based on market demand for units.

Applicable Regulations & Standards: Section 28.182 of the Zoning Code provides the process for zoning map amendments. Section 28.185 provides the process and standards for the approval of demolition and removal permits. The subdivision process is outlined in Section 16.23(5)(b) of the Subdivision Regulations. Zoning approvals for the cottage homes and daycare center will be sought separately following approval and commencement of the subdivision.

Review Required By: Plan Commission and Common Council.

Review Schedule: The State’s subdivision statute, Wis. Stats. 236, requires that a preliminary plat and Certified Survey Map be approved, conditionally approved, or rejected (with stated reasons) within 90 days of submittal unless the time is extended by agreement with the applicant. If no action is taken within 90 days and no extension

granted, the plat or CSM are deemed approved. The proposed preliminary plat and CSM were accepted for review on March 21, 2018 following attachment of the Luyet property to the City at the March 20, 2018 Common Council meeting. Therefore, the 90-day review period for the preliminary plat and CSM are scheduled to expire circa June 21, 2018.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022–00329, rezoning 645 Schewe Road and 9951 Old Sauk Road from Temp. A and SR-C1 to TR-C3, the preliminary plat of the Chapel View subdivision, and the two-lot Certified Survey Map to the Common Council with recommendations of **approval** subject to input at the public hearing and the conditions from reviewing agencies beginning on page 6 of this report.

Background Information

Parcel Location: The overall site contains approximately 33.1 acres of land located at the southeastern corner of Old Sauk Road and Schewe Road; Aldermanic District 9 (Skidmore); Middleton-Cross Plains School District.

Existing Conditions and Land Use: Middleton Community Church is zoned SR-C1 (Suburban Residential–Consistent 1 District). The Luyet property is undeveloped in Temp. A (Agricultural District) zoning.

Surrounding Land Uses and Zoning:

North: Single-family residences across Old Sauk Road in the Town of Middleton;

South: Single-family residence and agricultural buildings in the Town of Middleton; existing and future single-family residences in the Autumn Ridge Reserve and The Willows subdivisions, zoned TR-C1 (Traditional Residential–Consistent 1 District) and SR-C1 (Suburban Residential–Consistent 1 District);

West: Single-family residence and undeveloped land in the City of Madison, zoned A (Agricultural District);

East: Single-family residences in The Willows subdivision, zoned SR-C1.

Adopted Land Use Plans: The 2002 [Elderberry Neighborhood Development Plan](#) identifies Middleton Community Church for institutional uses, with a greenway recommended along the east side of the church property. The remainder of the subject site is recommended for low-density residential uses between four and eight units an acre.

Note: The [Elderberry Neighborhood Development Plan](#) is currently undergoing review as part of a joint plan amendment process with the Pioneer and Junction neighborhood development plans to evaluate the recommendations for the three far west side planning areas. The amendment process began in fall 2017; draft recommendations were introduced on May 15, 2018; and adoption by the Common Council is expected this summer. The review of this subdivision is based on the current adopted plan from 2002.

Environmental Corridor Status: The property is located in the Central Urban Service Area; there are no environmental corridors on the subject site.

Public Utilities and Services: The site will be served by a full range of urban services as it develops once it is added to the CUSA. However Metro Transit does not currently provide service west of Pleasant View Road. Per Metro’s comments: “The proposed development is outside Metro Transit’s service area. The closest bus stop with

scheduled bus service is no less than 1.25 miles walking distance, and the property would be greater than the three-quarters of a mile regulatory distance from all day scheduled bus service, which disqualifies any trips in this subdivision for passengers who might otherwise be eligible for door-to-door paratransit service. The pedestrian access between this site and the scheduled bus service, located on Old Sauk Road at Heartland Trail (east of Pleasant View Road), includes approximately a half-mile of travel along the unimproved shoulder of Old Sauk Road (posted 35 mph).”

Zoning Summary: The proposed lots will be zoned TR-C3 (Traditional Residential–Consistent 3 District):

	Required: Single-Family Detached	Proposed: Single-Family Detached	Required: Nonresidential	Proposed: Nonresidential
Lot Area (sq. ft.)	3,000 sq. ft.	All lots will exceed	4,000 sq. ft.	Both lots will exceed
Lot Width	30'	All lots will exceed	40'	Both lots will exceed
Front Yard Setback	15'	To be determined	15'	To be determined
Max. Front Yard Setback	30' or up to 20% greater than block average	To be determined	N/A	To be determined
Side Yard Setback	5' Lot width less than 50': 10% lot width	To be determined	One-story: 5' Two-story: 6'	To be determined
Reverse Corner Side Yard Setback	8' (10' for garage)	To be determined	15'	To be determined
Rear Yard Setback	20' Alley-accessed: 2'	To be determined	Equal to building height but at least 20'	To be determined
Usable Open Space	500 sq. ft.	To be determined	N/A	To be determined
Maximum Lot Coverage	75%	To be determined	75%	To be determined
Maximum Building Coverage	N/A	To be determined	65%	To be determined
Maximum Building Height	2 stories/ 35'	To be determined	35'	To be determined
Other Critical Zoning Items				
Yes:	Utility Easements (to be established with final plat)			
No:	Urban Design, Wellhead Protection, Floodplain, Landmarks, Waterfront Development, Adjacent to Parkland			
<i>Prepared by: Jenny Kirchgatter, Assistant Zoning Administrator</i>				

Previous Approval

On March 20, 2018, the Common Council adopted Ordinance 18-00038 to attach the 15.21-acre Luyet property generally located at 9951 Old Sauk Road to the City of Madison from the Town of Middleton and assign Temp. A (Agricultural District) zoning to the property.

Project Description

The applicant and property owners are seeking approval of three related requests for the 33.1-acre overall site, which is generally located along the south side of Old Sauk Road from Schewe Road and Big Stone Trail:

- Middleton Community Church is seeking approval of a Certified Survey Map to divide their existing 17.9-acre property into a 9.4-acre lot for the existing place of worship and parking, and an approximately 8.0-acre outlot, which will be sold for future residential development.
- Chad Wuebben, Chapel View Land Company, LLC/ Encore Homes, will acquire the church outlot and join it with the recently attached Luyet property generally addressed as 9951 Old Sauk Road to develop the “Chapel View” subdivision. The preliminary plat of the subdivision calls for 43 lots for future single-family detached residences, two lots for the future development of single-family cottage condominiums, and one lot for a future “intergenerational” daycare center, which will combine daycare services for the elderly and preschool-aged children per the letter of intent.
- The entire site will be rezoned from Temp. A and SR-C1 to TR-C3 to facilitate the land division and future residential subdivision.

Certified Survey Map

The existing 17.9-acre church property is an L-shaped parcel with approximately 920 feet of frontage along Old Sauk Road and 600 feet of frontage along Schewe Road. The southernmost portion of the property also has 430 feet of frontage onto White Fox Lane, an east-west collector street recently dedicated and constructed with the adjacent Willows subdivisions to serve this portion of the larger Elderberry neighborhood. The one-story church building is located near the center of the property’s Old Sauk Road frontage, with a parking lot located on the west side of the building and small garage to the east. Access to the property is provided by a driveway from Schewe Road. Most of the remaining property is agricultural in character, with tilled field south and east of the building and gardens and prairie plantings near Schewe Road.

Following the proposed land division, the church will retain a mostly rectangular parcel with approximately 700 feet of frontage along Old Sauk Road and all of the Schewe Road frontage. The proposed outlot will contain the easternmost 208 feet of Old Sauk frontage before widening as it continues south to encompass all of the White Fox Lane frontage. Planning and Zoning staff have reviewed the proposed lot for the church and find that it complies with the minimum requirements of the proposed TR-C3 zoning district.

Preliminary Plat of “Chapel View”

Access into the proposed Chapel View subdivision will primarily be provided by the extension of Burnt Sienna Drive from its current terminus at White Fox Lane north to Old Sauk Road as a 60-foot wide local street right of way. A short section of White Oak Lane stubbed to the Luyet property will also be extended across the southern extent of the subdivision as a 70-foot wide collector street right of way consistent with the platting of the street elsewhere in the Elderberry neighborhood. Otherwise, existing local streets located to the east and south in The Willows subdivisions will be completed with the proposed Chapel View plat.

The 43 lots for future single-family detached residences (Lots 2-44 of the preliminary plat) will mostly range in width from 70 to 75 feet and 7,284 to 12,000 square feet of area. All of the proposed lots will exceed the minimum requirements of the proposed TR-C3 zoning district.

The preliminary plat also includes three larger lots located on both sides of Burnt Sienna Drive immediately south of Old Sauk Road. The applicant indicates that Lots 1 and 45 are proposed for the future development of single-family cottage homes, which are described in the letter of intent as “small footprint condominium properties that will be free-standing.” An “intergenerational” daycare center for the elderly and preschool-age children is envisioned for Lot 46. Details of the projects for Lots 1, 45 and 46 will be presented for zoning approvals separately from the approval of the subdivision.

The plat also proposes to dedicate three outlots for public stormwater management to serve the subdivision, including a northerly extension of the existing greenway that dedicated and constructed west of Burnt Sienna Drive from Elderberry Road to White Fox Lane with the Autumn Ridge Reserve and Willows developments, and which will be expanded to the west as part of the recently approved Eagle Trace subdivision west of Schewe Road. As a condition of approval of the Chapel View subdivision and Middleton Community Church CSM, staff is requesting that the applicants extend the north-south regional multi-purpose path located in the greenway south of White Fox Lane northerly to Old Sauk Road through Outlot 3 of the plat and along the southern and western edges of Lot 1 of the CSM to the corner of Old Sauk and Schewe Road.

Analysis and Conclusion

The Planning Division believes that the preliminary plat to create 43 lots for future single-family detached housing in the proposed Chapel View subdivision conforms to the applicable lot design standards in the proposed TR-C3 zoning district and in the Subdivision Regulations, with all of the proposed lots exceeding the minimum 30 feet of lot frontage and 3,000 square feet of lot area required.

The Chapel View subdivision is also generally consistent with the land uses and street pattern recommended for the site in the adopted 2002 Elderberry Neighborhood Development Plan, and with the development pattern that has emerged gradually from east to west across the Elderberry neighborhood over the last 10 years, including The Willows, Sauk Heights, Autumn Ridge Reserve, Woodstone, and future Eagle Trace single-family subdivisions. The density of the proposed subdivision is consistent with the recommendations in the neighborhood plan, which call for most of the subject site to be developed with low-density residential uses between four and eight units an acre. Although the neighborhood plan identifies the existing church parcel for institutional land uses, the proposed division of that parcel to create an outlot for future residential development by others is generally consistent with the Elderberry plan, which recommends low-density residential development between the eastern edge of the institutional land use polygon and first north-south street east of Schewe Road, which is Burnt Sienna Drive in this case.

The proposed development of a daycare center on Lot 46 at the southwestern corner of Old Sauk Road and Burnt Sienna Drive would also generally be consistent with both the institutional and low-density residential land use districts in the Elderberry Neighborhood Development Plan. (Daycare centers require Plan Commission approval as a conditional use in all residential zoning districts, including TR-C3.) However, approval of this preliminary plat confers no approval or endorsement of the future daycare center use or the single-family cottage homes proposed on Lots 1 and 45. The future development of all three of those sites requires separate zoning approvals prior to issuance of building permits.

Recommendation

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

The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022–00329, rezoning 645 Schewe Road and 9951 Old Sauk Road from Temp. A and SR-C1 to TR-C3, the preliminary plat of the Chapel View subdivision, and the two-lot Certified Survey Map of the Middleton Community Church property to the Common Council with recommendations of **approval** subject to input at the public hearing and the conditions that follow.

Recommended Conditions of Approval Major/Non-Standard Conditions are Shaded

The following conditions of approval have been submitted by reviewing agencies for the Preliminary Plat of “Chapel View”:

Planning Division

1. The right of way of Burnt Sienna Drive shall be widened to 66 feet adjacent to the future daycare center on Lot 46 to provide additional area for on-street parking and unloading for that use consistent with the requirement in Section 16.23(8)(a)8.a.v. of the Subdivision Regulations.
2. That a “No Vehicular Access” restriction be shown graphically and noted on the final plat for Lots 1 and 46 along the Old Sauk Road frontage of both lots.
3. The applicant shall specify on which lots the single-family cottage home and daycare center uses will be constructed prior to approval of a final plat. Approval of this preliminary plat confers no approval or endorsement of the future single-family cottage home or daycare center uses, which require separate zoning approvals prior to issuance of building permits.

City Engineering Division (Contact Tim Troester, 267-1995)

4. 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.
5. 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.
6. This development is subject to impact fees for the Lower Badger Mill Creek Stormwater Management Impact Fee District. All impact fees are due and payable at the time building permits are issued. The following note shall put on the face of the plans: “Lots/ buildings within this development are subject to impact fees that are due and payable at the time building permit(s) are issued.”

7. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat.
8. 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.
9. A Phase 1 environmental site assessment (Phase 1 ESA), compliant with ASTM E1527-13, is required for the project area. Please submit report(s) to Brynn Bemis (267-1986, bbemis@cityofmadison.com) for review.
10. 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 Preconstruction Meeting for Public Improvements shall not be scheduled prior to issuance of this permit. The applicant shall demonstrate compliance with Sections 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.
11. 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.
12. A minimum of two (2) working days prior to requesting City Engineering signoff on the plat, the applicant shall contact either Tim Troester at 261-1995 (ttroester@cityofmadison.com) or Brenda Stanley at 261-9127 (bstanley@cityofmadison.com) 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).
13. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to: reduce TSS by 80% (control the 5-micron particle) off of newly developed areas compared to no controls; detain the 2-, 10-, and 100-year storm events, matching post development rates to predevelopment rates; provide substantial thermal control; and, provide infiltration in accordance with MGO Chapter 37.
14. 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 stormwater

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. NOTE: It is required that this plan shall be stamped by and Registered Land Surveyor.

The following note shall accompany the master stormwater 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.

15. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including: a) SLAMM .DAT files; b) RECARGA files; c) TR-55/HYDROCAD/Etc., and; d) Sediment loading calculations. If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided.
16. The applicant shall add “pedestrian and bike path purposes” to the dedication for Outlot 3.
17. The developer shall construct Madison Standard street and sidewalk improvements for all streets within the plat.
18. The developer shall note the AASHTO design standards for intersection sight distance will be applied during the design of the streets within this plat.
19. 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.
20. The developer shall construct a 10-foot wide pedestrian and bike path through Outlot 3.

City Engineering Division – Mapping Section (Contact Jeff Quamme, 266-4097)

21. The Restrictive Covenant per Document No. 3209046 shall be released within Outlot 1 of the pending CSM, prior to the recording of the final plat of Chapel View.
22. The Building Setback line on Lots 1 and 2 of CSM 6407 shall be released by separate document prepared by City Office of Real Estate Services as part of the Certified Survey Map to be completed prior to the final plat for Chapel View.
23. The pending Certified Survey Map application for this property shall be completed and recorded prior to sign off of the final plat of Chapel View.
24. Provide a 10-foot wide Public Storm Sewer and Drainage easement on the south and west sides of proposed Lot 39.

25. The applicant shall coordinate and request from the utility companies serving this area the easements required to serve this development. Those easements shall be properly shown, dimensioned and labeled on the final plat.

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

26. MGO Section 28.185(7)(a)5. requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Bryan Johnson (608-266-4682). Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(7)(a)5. shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.

27. Approval of the demolition permit will require the removal of all structures including the principal building, accessory buildings, paved areas, and driveway. The driveway apron shall be removed as per City of Madison Engineering Division and Traffic Engineering Division requirements. During demolition and prior to curb and gutter, barriers shall be installed across the driveway to prevent the parking of vehicles. Disturbed areas shall be graded and seeded or sod planted to minimize erosion.

Traffic Engineering Division (Contact Eric Halvorson, 266-6527)

28. Prior to final plat approval, the applicant shall work with the Traffic Engineering Division Electrical Section to record the necessary easements for streetlights. Easements are needed at the corner of Lot: 1, 2, 5, 26, 37, and Outlot 2, and between Lots 4-5, 7-8, 10-11, 12-13, 15-16, and 37-38.

29. The applicant shall add "pedestrian and bike path purposes" to the dedication for Outlot 3.

30. The developer shall construct a 10-foot wide pedestrian and bike path through Outlot 3.

31. The applicant shall execute and return a declaration of conditions and covenants (DCC) for streetlights and traffic signals prior to sign off.

32. The applicant shall add a note to the plat stating that 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.

Fire Department (Contact Bill Sullivan, 261-9658)

33. Provide the following information to the buyer of each individual lot: "The Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D and SPS 382.40(3)(e)." An upgrade to include a fire sprinkler system with a cost estimate shall be made available for all initial single- or two-family home sales.

Water Utility (Contact Adam Wiederhoeft, 261-9121)

34. The developer shall construct the public water distribution system and services required to serve the proposed subdivision plat per MGO 16.23(9)(d)(3).
35. All public water mains and water service laterals shall be installed by a standard City of Madison Subdivision Contract. The applicant shall contact City Engineering Division to schedule the development of plans and the agreement. See Engineering Division comments for additional information.
36. All operating private wells shall be identified and permitted by the Water Utility and all unused private wells shall be abandoned in accordance with MGO Section 13.21.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not provide conditions of approval for this request.

Parks Division (Contact Sarah Lerner, 261-4281)

37. 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(6) will be required for all new residential development associated with this project, including the 43 single family lots and single family "cottages". The applicant shall identify the lots proposed for single-family cottages. This development is within the West Park-Infrastructure Impact Fee district. Please reference ID# 18120 when contacting Parks Division staff about this project.
38. The preliminary plat shall remove reference to "recreational purposes" as part of the outlot dedications for stormwater management.
39. On the preliminary plat application submitted March 21, 2018, the applicant does not identify any land that is dedicated to the public for park purposes. The Elderberry Neighborhood Development Plan does not show any proposed parkland in this area, but shows drainage/other open space in the general area identified as Outlot 3 on the preliminary plat.
40. 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.
41. 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."
42. 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.

Office of Real Estate Services (Heidi Radlinger, 266-6558)

- 43. Prior to approval sign-off, the Owner’s Certificate on the final plat shall be executed by all parties having an interest in the property, pursuant to Wis. Stats. 236.21(2)(a). Certificate shall be prepared with the ownership interests consistent with the most recent title report. Signatories shall provide documentation that proves legal authority to sign the Owner’s Certificate. The executed original hard stock recordable plat shall be presented at the time of sign-off.
- 44. A Consent of Lessee certificate shall be included on the plat for any tenancy in excess of one year– including agricultural leases, recorded or unrecorded, and executed by said tenant prior to agency plat approval sign-off. If mortgages of record are paid off prior to plat approval, a copy of the recorded satisfaction for said mortgage shall be provided prior to sign-off.
- 45. All consents and certifications for any holder of interests in the subject lands shall conform with Wis. Stats. 236.21(2) and 236.29, i.e., to include the language “...surveyed, divided, mapped and dedicated...”
- 46. For parcels located within the City of Madison, a Madison Common Council Certificate shall appear as follows on the final plat:

Resolved that this plat known as _____ located in the City of Madison was hereby approved by Enactment Number _____, File ID Number _____, adopted on the ____ day of _____, 20____, and that said enactment further provided for the acceptance of those lands dedicated and rights conveyed by said plat to the City of Madison for public use.

Dated this ____ day of _____, 20____

Maribeth L. Witzel-Behl, City Clerk
City of Madison, Dane County, Wisconsin

- 47. The following City of Madison Treasurer Certificate shall appear on the final plat:

I, _____, being the duly appointed, qualified and acting Treasurer of the City of Madison, Dane County, Wisconsin, do hereby certify that, in accordance with the records in my office, there are no unpaid taxes or unpaid special assessments as of this _____ day of _____, 20____ on any of the lands included in the plat of _____.

David Gawenda, City Treasurer
City of Madison, Dane County, Wisconsin

- 48. A certificate for the Dane County Treasurer similar to the City of Madison Treasurer Certificate above shall appear on the final plat.

49. A certificate for the Dane County Register of Deeds to enter time, date and recording information shall appear on the final plat.
50. The 2017 real estate taxes are paid for the subject property. There are no special assessments reported for the parcels within the plat boundary. Under 236.21(3) Wis. Stats. and 16.23(5)(g)(1) Madison General Ordinances, the property owner shall pay all real estate taxes and special assessments that are accrued or delinquent for the subject property prior to plat recording. This includes property tax bills for the prior year that are distributed at the beginning of the year.
51. Please coordinate with Tim Troester (608-267-1995) or Brenda Stanley (608-261-9127) in the City Engineering Division to obtain any outstanding storm water management fees from the City of Madison Water Utility. Receipts for the payment of the prorated fee shall be presented prior to plat approval sign-off.
52. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish to the City's Office of Real Estate Services (ORES), as well as the surveyor preparing the plat, an updated title report covering the period between the date of the initial title report (January 4, 2018) and the date when sign-off of the final plat 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.
53. Depict and dimension all existing improvements including, but not limited to: buildings, drives, parking lots and encroachments associated with the lands described for the proposed plat.

The following conditions of approval have been submitted by reviewing agencies for the Certified Survey Map:

City Engineering Division (Contact Tim Troester, 267-1995)

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. Two weeks prior to recording the CSM or 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.
3. This development is subject to impact fees for the Lower Badger Mill Creek Stormwater Management Impact Fee District. All impact fees are due and payable at the time building permits are issued. The following note shall put on the face of the plans: "Lots/ buildings within this development are subject to impact fees that are due and payable at the time building permit(s) are issued."
4. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the CSM.

5. 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.
6. ***The stormwater management-related comments for the preliminary plat of Chapel View shall also apply to this CSM.***
7. The proposed CSM has a note that all lots in the CSM are responsible individually for compliance with MGO Chapter 37 for stormwater rate control (detention). If rate control at the plat level includes all lots in this CSM, then this note should be removed.
8. The developer shall construct sidewalk along Old Sauk Road according to a plan approved by the City Engineer.
9. The developer shall construct a 10-foot pedestrian and bicycle path along Schewe Road and along the southern lot line of Lot 1 in a new easement and western exterior lot line of Outlot 2 in a new easement to the southerly limits of the CSM.
10. The applicant shall dedicate a 10-foot wide Permanent Limited Easement for grading and sloping along Old Sauk Road.
11. The applicant shall execute a waiver of notice and hearing on the assessments for the improvement of Old Sauk Road and Schewe Road in accordance with Section 66.0703(7)(b) Wisconsin Statutes and MGO Section 4.09.

City Engineering Division – Mapping Section (Contact Jeff Quamme, 266-4097)

12. The Building Setback line on Lots 1 and 2 of CSM 6407 shall be released by separate document prepared by City Office of Real Estate Services. The applicant shall provide a legal description, scale map exhibits and \$500 administrative fee for the portions to be released to Jeff Quamme of Engineering mapping for coordination and review.
13. The applicant shall coordinate with the Town of Middleton to have the restriction over the East third of Lot 2 per CSM 9672. Also, the Deed Restriction per Document No. 3209047, as amended by Document No. 3931104, shall also be released by the Town of Middleton.
14. The Restrictive Covenant per Document No. 3209046 shall be referenced on the Certified Survey Map. The restriction under paragraph 6 of the document shall be released within Outlot 1 at a later date, prior to the recording of the final plat of Chapel View.
15. The portion of the 50-foot wide Public Storm Water Management Easement per Document No. 4094619 shall be released by separate document prepared by City Office of Real Estate Services. The applicant shall provide a legal description, scale map exhibits and \$500 administrative fee for the portions to be released to Jeff Quamme of Engineering mapping for coordination and review.

16. The add text to the vision corner label on sheet 2 to refer to sheet 3 for vision corner restrictions.

17. The note for the 50-foot Drainage Easement to remain, change the word "redefined" to "amended". Also better define visually on the map the portion of the easement to be released.
18. Remove the lines and text referring to the City of Madison Corporate Boundary. Also remove the statement of unclear right of way and boundary from the map. This is all currently being addressed as part of the proposed development to the southwest.
19. Place a note within the east-west portion of Schewe Road: Portions of Schewe to be discontinued and realigned by other development.
20. 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. The applicant shall identify monument types on all PLS corners included on the plat.
21. Prior to Engineering final sign-off by main office for Plats or Certified Survey Maps (CSM), the final Plat or CSM 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 or CSM in PDF form is preferred. Transmit to jrquamme@cityofmadison.com.
22. Insert the standard language pre MGO 16.23(9)(d)2.a. verbatim. If this is done, all of the previous non-exclusive easements for drainage easements are released by the previous land division and new drainage easements defined by the current proposed Certified Survey Map. Also, remove the reference on sheet 3 to the non- exclusive drainage easements and any references on the map of release by a separate document.
23. The recorded as data along the east line of the CSM is incorrect and shall be corrected.
24. The owner shall dedicate an additional two (2) feet of right of way along Schewe Road. The Schewe Road right of way shall ultimately have 35 feet of width lying east of the centerline of Schewe Road.
25. The developer shall dedicate a 20-foot wide Permanent Limited Easement for a pedestrian/ bicycle easement along southern lot line of Lot 1 and turning south and extending along western exterior lot line of Outlot 2 to southerly limits of CSM.
26. Add interior distance along west line Lot 1 and part dedicated.
27. The applicant shall submit to Jeff Quamme, prior to Engineering sign-off of the subject CSM, one (1) digital CADD drawing and one (1) signed copy of the final CSM 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.

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

This agency reviewed this request and has recommended no conditions of approval for the CSM.

Traffic Engineering Division (Contact Eric Halvorson, 266-6527)

- 28. The developer shall construct sidewalk along Old Sauk Road according to a plan approved by the City Engineer.
- 29. The developer shall construct a 10-foot pedestrian and bicycle path along Schewe Road and along the southern lot line of Lot 1 in a new easement and along the western exterior lot line of Outlot 2 in a new easement to the southerly limits of CSM.

Fire Department (Contact Bill Sullivan, 261-9658)

This agency reviewed this request and has recommended no conditions of approval for the CSM lots.

Water Utility (Contact Adam Wiederhoeft, 261-9121)

This agency reviewed this request and has recommended no conditions of approval for the CSM lots.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not provide conditions of approval for this request.

Parks Division (Contact Sarah Lerner, 261-4281)

This agency reviewed this request and has recommended no conditions of approval for the CSM.

Office of Real Estate Services (Heidi Radlinger, 266-6558)

- 30. Provide an Environmental Site Assessment to City Engineering for any lands being dedicated for right of way.
- 31. Under 236.21(3) Wis. Stats. and 16.23(5)(g)(1) Madison General Ordinances, the property owner shall pay all real estate taxes and special assessments that are accrued or delinquent for the subject property prior to plat recording. This includes property tax bills for the prior year that are distributed at the beginning of the year. The 2017 real estate taxes are paid for the subject property. As May 4, 2018, there are no special assessments reported.

32. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish to the City's Office of Real Estate Services (ORES), as well as the surveyor preparing the plat, an updated title report covering the period between the date of the initial title report (January 4, 2018) and the date when sign-off of the final plat 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.
33. The owner shall email the document number of the recorded CSM to Heidi Radlinger as soon as the recording information is available.
34. The following revisions shall be made to the final plat prior to final approval and recording:
 - a.) Create notes that define the purpose of and the ownership of (whether public or private) all outlots.
 - b.) Remove Temporary Limited Easement Document No. 5279605 from title, as it expired December 31, 2017.