



Department of Planning & Development  
**Planning Unit**

Website: [www.cityofmadison.com](http://www.cityofmadison.com)

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May 18, 2005

Tim R. McKenzie and Jim Weber  
7704 Terrace Avenue  
Middleton, Wisconsin 53562

RE: Approval of a request to rezone 8.63 acres located at 9503 Midtown Road from Temporary A (Agriculture District) to R1 and R2T (Single-Family Residence District) and approval of a preliminary plat creating lots 33 single-family lots and one outlot for public stormwater detention.

Dear Sirs:

At its May 17, 2005 meeting, the Common Council **conditionally approved** your rezoning and preliminary plat for the "Hawks Meadow" 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-two (22) items:**

1. Stormwater Management requirements include 100 year detention, thermal control, infiltration and 80% TSS Control.
2. This development is subject to fees associated with the Lower Badger Mill Creek Impact Fee District. Prior to approval, Developer shall execute a Waiver of Assessments for these costs. These charges are for regional storm water improvements and regional sanitary sewer improvements.
3. Temporary sanitary sewer service is available in the Hawks Landing Lift Station. Connection charges for the temporary use of this lift station are approximately \$10.00 per 1000 square feet of net area.
4. 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.
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' below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer.
6. The Applicant shall dedicate a 47-foot wide strip of right of way along Midtown Road south of the section line (94 feet south of Hawks Landing Golf Club).
7. The right of way width for Silverstone Lane shall be 60 feet.

8. The developer shall construct Madison Standard street improvements for all streets within the plat.
9. The developer shall show a 40-foot building setback line on the plat adjacent to Midtown Road for all lots on the plat adjacent to said roadway. No buffer strip shall be dedicated to the City, as the City does not want the maintenance.
10. The developer shall construct sidewalk and record a waiver of their right to notice and hearings for the assessments for the improvement of Midtown Road in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.
11. The Developer shall construct sidewalk and 16 feet of a future roadway including curb and gutter on the east side of Woods Road.
12. 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.
13. 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.
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 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.

15. 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.
16. 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.
17. This project shall comply with NR 151 in effect when work commences. Specifically, any phases not covered by a Notice of Intent (NOI) received from the WDNR under NR-216 prior to October 1, 2004 shall be responsible for compliance with all requirements of NR-151 Subchapter III. As most of the requirements of NR-151 are currently implemented in Chapter 37 of the Madison General Ordinances, the most significant additional requirement shall be that of infiltration.

NR-151 requires infiltration in accord with the following criteria. For the type of development, the site shall comply with one of the three (3) options provided below:

Residential developments shall infiltrate 90% of the predevelopment infiltration amount, 25% of the runoff from the 2-year post development storm or dedicated a maximum of 1% of the site area to active infiltration practices.

Commercial development shall infiltrate 60% of the predevelopment infiltration amount, 10% of the runoff from the 2-year post development storm or dedicate a maximum of 2% of the site area to active infiltration practices.

18. 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.
19. 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.
20. 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.

21. 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.

22. 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 eight items:**

23. The plat shall be revised to dedicate 40 feet of right of way along Woods Road, unless otherwise approved by the Traffic Engineer.
24. 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.
25. The applicant shall execute and return the attached declaration of conditions and covenants for streetlights & traffic signals prior to sign off. The applicant will need to provide a deposit for their reasonable and proportionate share of future area traffic signals and associated intersection changes.
26. The applicant shall enter into a subdivision contract for street and intersection improvements along Woods Road and Midtown Road to provide safe and adequate ingress and egress to the plat. The improvements shall be designed to provide adequate sight distances and safe operations at the intersections. The design, plans and specifications shall be reviewed and approved by the Traffic Engineer.
27. The internal streets may include special design or traffic calming treatments, at key locations. The developer shall execute some type of covenants and restrictions for the maintenance of such devices. The applicant shall modify the right-of-way at key locations to accommodate traffic calming treatments as determined by the Traffic Engineer.

28. Utility easements shall be provided on the final plat as follows:

Between Lots	Between Lots	Between Lots
1 & 2	17 & 18	30 & 31
14 & 15	26 & 27	

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

30. 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 item:**

31. 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.

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

32. 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 item:**

33. Park dedication required for this project is 36,300 square feet based on 1100 square feet per lot. The required dedication shall be paid as a fee in lieu of land, based on the actual value of the acreage up to a maximum of \$1.65 per square foot. The value is determined by the Real Estate Unit and is based on the land value prior to development approval. The maximum fee would be \$59,895.00. Park Development Fees are \$25,723.50 (33 lots X \$779.50 per lot).  
→ Total estimated park fees: \$85,618.50

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.

Current plans do not indicate any recreational facilities or improvements that would qualify for IZ credits.

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

34. The developer must build the units such that they meet the terms of the Zoning Ordinance for bedroom mix and minimum size and dispersion, or arrange for builders purchasing the lots to meet those requirements.

35. The land use restriction document as indicated a modified in the application has not been approved and accepted by the City Attorney's Office.

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

36. That the preliminary plat be revised per Planning Unit approval prior to submittal of a final plat as follows:
  - a.) relocate the inclusionary dwelling unit designation from either Lot 9 or Lot 12 to Lots 14-17;
  - b.) increase the 20-foot buffer strip along Midtown Road to 30 feet and include standard language from the Subdivision Regulations regarding responsibility for maintenance of the strip;
  - c.) revise the preliminary plat to prohibit direct vehicular access from Lots 1 and 33 to Woods Road.
37. That the developer submit a detailed screening plan (with sections) to be included in the Subdivision Improvement Contract for Planning Unit approval prior to submittal of a final plat. The plan should include a variety of landscape materials, berming and fencing for the buffer strip and the adjacent stormwater management facility.
38. That the developer submit a final plat for approval in accordance with the Section 16.23 (5)(c) of the Subdivision Regulations.
39. That the applicant submit a completed Inclusionary Dwelling Unit Plan for approval and recording with the final plat of the subdivision.
40. That the applicant work with City Engineering and Planning staff to workout right of way and subdivision buffer issues prior to the submittal of a final plat.

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