



PREPARED FOR THE PLAN COMMISSION

Project Address: 10250 Mineral Point Road
Application Type: Zoning Map Amendment and Preliminary Plat
Legistar File ID # [55574](#) and [55182](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant: Ryan McMurtrie, United Financial Group; 660 W. Ridgeview Drive; Appleton.

Property Owner: Herrling Family, LP; 3991 Barlow Road; Cross Plains.

Surveyor: Grady Gosser, Trio Engineering; 12660 W. North Avenue, Building D; Brookfield.

Requested Actions: Approval of a request to rezone land generally addressed as 10250 Mineral Point Road from A (Agricultural District) to SR-C3 (Suburban Residential–Consistent 3 District), SR-V2 (Suburban Residential–Varied 2 District), TR-V2 (Traditional Residential–Varied 2 District), TR-U1 (Traditional Residential–Urban 1 District), and PR (Parks and Recreation District); and approval of the preliminary plat of *Herrling Property Subdivision*, creating 129 lots for single-family detached residences, seven lots for future townhouse/rowhouse development, ten lots for the future apartment development, one outlot to be dedicated to the public for parkland, and 11 outlots for public stormwater management.

Proposal Summary: The proposed *Herrling Property Subdivision* will subdivide a 141.8-acre parcel attached to the City of Madison from the Town of Middleton effective December 10, 2018 following Common Council approval on December 4, 2018. The proposed *Herrling Property Subdivision* includes 129 single-family lots and 17 lots to be developed with a variety of multi-family dwelling types, including some that will be targeted to seniors 55 years of age and older. The future multi-family development will require subsequent conditional use approval prior to issuance of building permits for those lots. The application materials do not indicate when development of the subdivision will commence, or when completion is anticipated.

Applicable Regulations & Standards: Section 28.182 of the Zoning Code provides the process for zoning map amendments. The subdivision process is outlined in Section 16.23(5)(b) of the Subdivision Regulations.

Review Required By: Plan Commission and Common Council.

Review Schedule: The State’s subdivision statute, Wis. Stats. 236, requires that a preliminary plat 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 is deemed approved. The proposed preliminary plat application was submitted to the City for the March 20, 2019 application deadline. Therefore, the 90-day review period for this plat is scheduled to expire circa June 20, 2019.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward Zoning Map Amendment IDs 28.022–00380, 28.022–00381, 28.022–00382, 28.022–00383 and 28.022–00384, rezoning 10250 Mineral Point Road from A to SR-C3, SR-V2, TR-V2, TR-U1 and PR, and the preliminary plat of the Herrling Property

Subdivision to the Common Council with recommendations of **approval**, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 8 of this report.

Background Information

Parcel Location: Approximately 141.8 acres of land located in the northeastern quadrant of Mineral Point Road and Pioneer Road; Aldermanic District 9 (Skidmore); Middleton-Cross Plains Area School District.

Existing Conditions and Land Use: The site is undeveloped agricultural land, zoned A (Agricultural District).

Surrounding Land Use and Zoning:

North: Existing and future single-family residences in the Eagle Trace subdivision, zoned TR-C3 (Traditional Residential–Consistent 3 District);

South: Grand Arbor Reserve Apartments, zoned TR-U1 (Traditional Residential–Urban 1 District) and single-family residences in the Birchwood Point subdivision in the City, zoned TR-C3; single-family residences on large parcels on the south side of Mineral Point Road east of Sugar Maple Lane in the Town of Middleton;

East: Undeveloped land, zoned A (Agricultural District);

West: Single-family residences in the Spruce Hollow subdivision and West Middleton Lutheran Church across Pioneer Road; single-family residence and agricultural land on the east side of Pioneer Road; West Middleton Lutheran Church cemetery on a one-acre parcel located at the northeastern corner of Mineral Point and Pioneer Roads, all in the Town of Middleton.

Adopted Land Use Plan: The 2018 [Elderberry Neighborhood Development Plan](#) recommends a range of residential uses for the subject site. A large area of Residential Housing Mix 3 (HM3) is recommended to surround a public park in the southeastern quadrant of the site. Development in HM3 is recommended between 20-40 units per acre. The HM3 district is surrounded on the north and west by a smaller area of Residential Housing Mix 2 (HM 2), which is generally recommended for development between 8-20 units per acre. The remainder of the subject property is recommended for Residential Housing Mix 1 (HM1), including adjacent to the Eagle Trace subdivision to the north, and the westernmost 1,300 feet of the site closest to Pioneer Road, which is restricted to a maximum density of four units per acre pursuant to the 2003 *Final City of Madison and Town of Middleton Cooperative Plan*. In general, development in HM1 is recommended not to exceed eight units per acre. More information on the housing types and design recommendations for the residential land use districts are included in the 'Analysis' section of this report.

The subdivision is recommended in the 2018 [Comprehensive Plan](#) for a mix of Low Residential (density up to 15 units per acre), Low-Medium Residential (7-30 units per acre), Medium Residential (20-90 units per acre), and Park and Open Space consistent with the land use polygons in the Elderberry Neighborhood Development Plan.

Environmental Corridor Status: The environmental corridor map shows the general location of the stormwater management and parkland parcels planned for the subject site within mapped environmental corridor.

Public Utilities and Services: The site will be served by a full range of urban services as it develops. 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 paratransit service area. The closest bus stop with scheduled bus service is over 1.5 miles walking distance, and the units would be greater than the three-quarters of a mile regulatory distance from all day service for passengers who might be eligible for door-to-door paratransit service”

Zoning Summary: The proposed multi-family lots will be zoned SR-V2 (Suburban Residential–Varied 2 District), TR-V2 (Traditional Residential–Varied 2 District), or TR-U1 (Traditional Residential–Urban 1 District). Each of those districts have different bulk requirements based on the type of residential building proposed following recording of the plat. Compliance with the minimum bulk standards for each development will be determined as part of the subsequent land use and site plan approvals required prior to the issuance of building permits.

The proposed single-family lots will be zoned SR-C3 (Suburban Residential–Consistent 3 District):

Single-Family Detached	Required	Proposed
Lot Area (sq. ft.)	6,000 sq. ft. per lot	All proposed lots will exceed
Lot Width	50'	All proposed lots will exceed
Front yard setback	25'	To be determined at permitting
Side yard setback	One-story: 5' Two-story: 6'	To be determined at permitting
Reversed corner side yard setback	15'	To be determined at permitting
Rear yard	Lesser of 30% of lot depth or 35'	To be determined at permitting
Maximum lot coverage	60%	To be determined at permitting
Maximum building height.	2 stories/35'	To be determined at permitting
Usable open space (sq. ft. per unit)	750	To be determined at permitting
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: Tim Parks, Planning Division, and Jenny Kirchgatter, Assistant Zoning Administrator</i>		

Project Description

The applicant, United Financial Group, is requesting approval of a zoning map amendment and preliminary plat of the “Herrling Property Subdivision” to create 129 single-family lots and 17 lots to be developed with a variety of multi-family dwelling types.

The subject site is a 141.8-acre parcel located in the northeastern quadrant of the Mineral Point Road-Pioneer Road intersection, which was attached to the City from the Town of Middleton in December 2018. The site includes 2,480 feet of frontage along Mineral Point Road and 1,076 feet of frontage along Pioneer Road. The Pioneer Road frontage is located between two parcels still located in the Town of Middleton, including a cemetery associated with a nearby church. The grade of the property generally falls towards Mineral Point Road from the northern, western and eastern property lines, including approximately 60 feet of grade change from north to south. Almost the entire site is actively farmed, with no significant tree cover present on the property.

Access to the Herrling Property Subdivision will be primarily provided by the extensions of N. Sugar Maple Lane, Tawny Elm Parkway and Clear Pond Way from their current platted ends in the Eagle Trace subdivision south to Mineral Point Road. Two local streets will also extend into the site from Pioneer Road. Additionally, Elderberry

Road will be platted across the northern tier of the subdivision. Elderberry Road currently ends as a through street at Burnt Sienna Drive near the northeastern corner of the subject property, where it temporarily extends to the new Schewe multi-use path, which extends between the Autumn Ridge Reserve and Eagle Trace subdivisions. Elderberry Road will eventually cross the undeveloped property owned by the Town of Middleton adjacent on the east of the Herrling property as well as the 20-acre farm and residence that borders a portion of the property on the west to create a consistent east-west collector street across the Elderberry neighborhood.

All but two of the 129 lots proposed single-family detached housing in the Herrling Property Subdivision will be located on the western approximately 60 acres of the 141.8-acre site. The applicant is requesting SR-C3 zoning for all 129 of the proposed single-family residential lots. Lots 1-127 will be located on a grid of mostly 56-foot wide local streets proposed on the western half of the subdivision. Section 16.23(8)(a)8.a.iv.B. of the Subdivision Regulations allows narrower local streets in the design of subdivisions if the abutting density does not exceed 5.44 units per acre, which coincides with 8,008 square-foot or larger single-family lots. All of the proposed lots appear to comply with the density standards for narrower streets, with lots ranging in size from 9,150 square feet to approximately 25,000 square feet closer to Pioneer Road. The Traffic Engineering Division, however, is recommending that Clear Pond Way be increased in width from 56 feet to 66 feet from Elderberry Road south. All 129 single-family lots will exceed the 50-foot minimum lot width and 6,000 square-foot minimum lot area required by the proposed SR-C3 district.

The eastern approximately 80 acres of the subdivision will be developed with 16 of the 17 lots proposed for future multi-family development. The Plan Commission should refer to the color-coded zoning graphic provided with the application materials for the requested district, anticipated multi-family housing type, and general location of the 17 lots, which are summarized as follows:

- The applicant is requesting TR-U1 (Traditional Residential–Urban 1 District) zoning for eight of those lots, which the letter of intent indicates will be developed in the future with a mix of age-restricted (55 and older) and non-restricted “rental residences.” Seven of which will have frontage along the extension of N. Sugar Maple Lane through the plat, with the eighth lot located on the east side of Tawny Elm Parkway. All eight lots will be located south of Elderberry Road.
- Seven lots will be zoned TR-V2 (Traditional Residential–Varied 2 District), which the application materials indicate will be developed in the future with age-restricted townhouses and non-restricted rowhouses. The TR-V2 lots will include four lots located on the north side of Elderberry Road, two lots on the west side of Tawny Elm, and one lot proposed on the east side of “B” Street, which located within the transition zone located a quarter-mile from Pioneer Road (see ‘Analysis’ section for more information).
- The remaining two lots for future multi-family development will be zoned SR-V2 (Suburban Residential–Varied 2 District), and will include Lot 139 on the east side of Tawny Elm Parkway just north of Mineral Point Road, and Lot 143 on the west side of Tawny Elm at Elderberry Road.

The application materials do not indicate the exact type, number or design of the future multi-family buildings to be developed on the 17 lots or the total number of dwelling units to be developed on each lot or overall. Final details on how each of the 17 lots will be developed will follow approval of the proposed zoning map amendments and preliminary plat and the subsequent approval and recording of a final plat or plats of the subdivision, with each lot required to obtain conditional use approval from the Plan Commission prior to the issuance of building permits.

In addition to the 146 residential lots proposed, the proposed subdivision also proposes to dedicate a 7.33-acre outlot to the City for parkland, which will be zoned PR (Parks and Recreation District), and 11 outlots of varying size and configuration to be dedicated for stormwater management and greenways.

Analysis

Detailed land use and circulation recommendations for the subject site are included in the adopted 2018 update to the Elderberry Neighborhood Development Plan. The Planning Division believes that the layout of the proposed Herrling Property Subdivision is largely consistent with the street layout included in the neighborhood development plan. However, staff believes that some elements of the requested zoning districts require additional consideration for their consistency with the neighborhood development plan and the 2003 *Final City of Madison and Town of Middleton Cooperative Plan*, which governs development activities on the western half of the site.

The Elderberry Neighborhood Development Plan recommends that the subject site be developed with residential uses in the Residential Housing Mix (HM) 1, HM2, and HM3 housing type districts. A public park is recommended on the Future Land Use and Street Plan on the west side of N. Sugar Maple Lane (formerly extended Schewe Road), with a stormwater greenway corridor extending through the center of the subject site. In general, the western half of the subject site is recommended for development in HM1, with HM1 also recommended on the north side of Elderberry Road on the eastern half of the site. The neighborhood development plan recommends that the future park be surrounded by HM3, with a zone of HM2 to surround the HM3 areas on the north and west.

The three Residential Housing Mix districts are summarized as follows:

- The predominant housing type in HM1 is recommended to be detached single-family housing on individual lots, although limited areas may be developed with other lower-density housing types such as duplexes or townhouses at appropriate locations, including areas recommended for HM2. Individual developments should be less than eight (8) dwelling units per net acre, and buildings are recommended to be up to two stories in height. Within a quarter-mile of Pioneer Road, the net density shall not exceed four (4) units per acre consistent with the provisions of the 2003 *Final City of Madison and Town of Middleton Cooperative Plan*.
- HM2 is also recommended to be a predominately single-family district, although homes should be on smaller lots. A greater share of other housing types compatible with single-family homes are also allowed in the district, including duplexes, four-units, townhouses and small-scale apartment buildings. Densities in HM2 are recommended to be 8-20 units per net acre. Buildings may be up to three stories tall and should be located on lots with front, side and rear yards. Dwelling unit types in the HM2 District should be varied, and large areas of one housing unit type should be avoided.
- HM3 is recommended to consist of a mix of townhouses and apartment buildings. The district is recommended to include duplexes, four units, townhouses, and apartment buildings in larger buildings than those in the HM2 district, with smaller side yards when buildings are located along standard streets. Buildings in HM3 are recommended to be two to four stories in height, with densities between 20-40 dwelling units per acre recommended for individual development. Apartment buildings in HM3 may be larger and closer together than similar buildings in HM2. Single-family detached housing is not recommended in HM3 since the intent of the district is to encourage higher-density uses. Buildings in HM3

should be oriented to and front on adjacent streets and be designed to help define and enhance the public realm along the street edge, with an urban character of design and architecture recommended. Parking should be provided behind or beneath the buildings, minimizing its visual impact on the neighborhood. Building heights in HM3 should generally be three stories, but heights may vary depending on the context, size, and scale of surrounding developments. Multi-unit developments should include a mix of unit sizes, including larger two- and three-bedroom units suitable for families with children.

The western approximately 60 acres of the subject property is also subject to the provisions in Section 13.04 of the *Final City of Madison and Town of Middleton Cooperative Plan*, which was established to create a transition area located a quarter-mile on either side of the centerline of Pioneer Road from Old Sauk Road south to Valley View Road. The intent of the transition area is to establish compatible land uses east and west of the permanent boundary between the Town and the City at Pioneer Road. Within this area:

- Development shall be limited to residential land uses and associated improvements, including roads, utilities, parkland and other governmental uses.
- Residential densities shall be limited to four (4) units per net acre of development.
- The number of units in an attached multi-family residential structure shall be limited to four than four (4) dwelling units.
- The height of residential structures shall be limited to 35 feet as measured from the finished grade on the street side of the building.
- Private driveway access to new development shall be prohibited from Pioneer Road unless approved by both the Town and City, and instead shall be provided by new public streets, which shall be allowed to intersect Pioneer Road. It is the Town and City's intent to align streets as four-way intersections with Pioneer Road to the extent possible.
- Any subdivision in the transition area both east and west of Pioneer Road, an 80-foot wide landscaped building setback shall be provided as a condition of any development approval.

The applicant's intent to develop the western portion of the site with 127 single-family lots is consistent with the HM1 land use recommendation for that portion of the site in the neighborhood development plan and the transition area requirements of the cooperative plan. However, staff does not believe that the requested SR-C3 zoning district is the most appropriate zoning district to achieve these plan provisions. While single-family detached residences are permitted in the SR-C3 district on lots exceeding 50 feet in width and 6,000 square feet of area, the district also allows two-family dwellings on 8,000 square-foot or larger lots. All 127 of the lots proposed within the transition area will exceed 8,000 square feet, which could allow two-family dwellings to be introduced over the build-out of the development, resulting in the density of the subdivision within a quarter-mile of Pioneer Road exceeding the four units per net acre of development allowed by the cooperative plan. A note on the preliminary plat indicates that 148 dwelling units will be developed on the portion of the property located within a quarter-mile of Pioneer Road, which includes up to 21 future units to be developed on the TR-V2-zoned Lot 146. The 148 units results in a density of 3.99 units per net acre of development, which does not include lands to be dedicated for right of way or stormwater management on that portion of the site.

Staff has observed limited success over time restricting the use of lots intended for single- or two-family dwellings on the face of a plat, and does not otherwise support the use of separate documents such as restrictive covenants

to restrict the use of property. Instead, staff recommends that Lots 1-127 of the plat be zoned to the *SR-C2 (Suburban Residential–Consistent 2 District)* at this time. Like the SR-C3 district requested by the applicant, the SR-C2 district allows single-family detached residences on lots that are a minimum of 50 feet in width and 6,000 square feet in area. However, the permitted uses in SR-C2 are limited to single-family detached residences, which staff believes will allow the resulting development of those 127 lots to be fully consistent with the density limits contained in both plans.

Staff acknowledges that the SR-C2 district has slightly more restrictive bulk requirements for single-family residences than the SR-C3 district. In the event that those bulk requirements are inconsistent with the future development of the lots envisioned by the applicant, staff would support a subsequent rezoning request to another district that only allows single-family residences but with less restrictive bulk requirements concurrent with the final plat.

The Plan Commission should also carefully consider the zoning and intended development suggested by the applicant for Lots 134 and 142 of the preliminary plat, which the applicant is requesting be zoned TR-U1, and Lot 143, which the applicant is requesting be zoned SR-V2. All three proposed lots are identified on the applicant's color-coded zoning graphic for age-restricted housing of undetermined type and density. Lots 134 and 142 are recommended in the Elderberry Neighborhood Development Plan for development in HM2, which generally limits the maximum density of development to 20 units per acre, whereas the proposed TR-U1 district allows up to 43 units per acre. Lot 143 is recommended for development in HM1, which is recommended for up to eight (8) units per acre. SR-V2 zoning allows development up to 21.7 units per acre, with a wide range of residential uses allowed.

As noted in the letter of intent, Lots 134, 142 and 143 were the subject of a request by the applicant in June 2018 during the amendment process for the Elderberry Neighborhood Development Plan to change the residential land use designation for those three lots to HM3. The requested change to the land use plan was not supported by the Plan Commission or ultimately adopted by the Common Council. The Planning Division does not believe that the current rezoning process is an appropriate time to reconsider that recent planning decision, and in the absence of a formal request to amend the neighborhood development plan, staff recommends that the current land use recommendations be implemented.

In this case, the Commission has a couple of options to ensure future consistency with the adopted neighborhood development plan. First, it may choose to restrict the future number of units or allowed density of the three lots in question to the maximum density recommended for the respective HM district. While use restrictions on plats for single- and two-family dwellings have not been consistently implemented with success in the past, the future development of the three lots will require subsequent conditional use review by the Plan Commission, which staff feels will afford another opportunity to ensure that a density restriction placed on these three lots is implemented.

In the alternative, like with the zoning of Lots 1-127, the Plan Commission may recommend a more restrictive zoning district to the Common Council. In that case, staff believes that Lots 134 and 142 could be zoned *TR-V2 (Traditional Residential–Varied 2 District)* instead of TR-U1, while Lot 143 could be zoned *SR-V1 (Suburban Residential–Varied 1 District)* instead of SR-V2. SR-V1 zoning has similar density limits to the SR-V2 district, but more restrictively limits the number of dwellings allowed per lot (TR-V1 zoning would also be appropriate). In the case of Lot 143, staff believes that it may be better to allow the SR-V2 zoning requested by the applicant with a restriction on density, since residential building complexes (multiple residential buildings developed on a lot under common ownership) are allowed in SR-V2 (and TR-V2) zoning but are not allowed in SR-V1 or TR-V1.

The Planning Division believes that the requested zoning districts and intended development of the other lots in the subdivision are consistent with the recommendations in the Elderberry Neighborhood Development Plan, including the TR-V2 and SR-C3 zoning proposed along the north side of Elderberry Road (Lots 128-133).

Conclusion

The Planning Division believes that the many aspects of the proposed zoning map amendment and preliminary plat of Herrling Property Subdivision are consistent with the recommendations for the site in the adopted 2018 update to the Elderberry Neighborhood Development Plan. The proposed street layout, public park, and locations for stormwater management are consistent with the adopted plan, as are the location and anticipated density of most of the lots proposed for higher-density housing.

The proposal to develop most of the westernmost 60 acres of the site with single-family residences is also consistent with the neighborhood development plan and *Final City of Madison and Town of Middleton Cooperative Plan*, although staff believes that a more restrictive zoning district than the proposed SR-C3 zoning should be applied. Consistent with the neighborhood development plan, staff is also recommending that three of the lots proposed for future multi-family development either be restricted on the face of the final plat to the maximum density recommended for those lots, or that the lots be zoned to a more restrictive district than the ones requested by the applicant.

Recommendation

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

The Planning Division recommends that the Plan Commission forward Zoning Map Amendment IDs 28.022–00380, 28.022–00381, 28.022–00382, 28.022–00383 and 28.022–00384, rezoning 10250 Mineral Point Road from A to SR-C3, SR-V2, TR-V2, TR-U1 and PR, and the preliminary plat of the Herrling Property Subdivision to the Common Council with recommendations of **approval**, subject to input at the public hearing and the conditions that follow. [The recommended changes to the requested zoning districts may require that a substitute ordinance be moved.]

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

Planning Division

1. Lots 1-127 shall be rezoned to the SR-C2 (Suburban Residential–Consistent 2) district instead of the requested SR-C3 district to ensure that those lots are developed at a density consistent with the maximum density allowed by the *City of Madison and Town of Middleton Cooperative Plan*. In the event that the requirements of the SR-C2 district are too restrictive, the applicant may request rezoning of those future lots to another district that allows only single-family detached residences but with less restrictive bulk requirements with the final plat.
2. Lots 134 and 142 shall be restricted to future development with a density not to exceed 20 units per net acre OR the lots shall be rezoned to the TR-V2 (Traditional Residential–Varied 2) district instead of the requested TR-U1 to ensure consistency with the adopted 2018 Elderberry Neighborhood Development Plan.

3. Lot 143 shall be restricted to future development with a density not to exceed 8 units per net acre OR the lot shall be rezoned to the SR-V1 or TR-V1 (Suburban/Traditional Residential–Varied 1) district instead of the requested SR-V2 to ensure consistency with the Elderberry Neighborhood Development Plan.
4. Future development of Lot 146 shall comply with the density and building restrictions in Section 13.04 of the City-Town cooperative plan.
5. That a “No Vehicular Access” restriction be shown graphically and noted on the final plat for Lots 17-24 adjacent to Pioneer Road consistent with the City-Town cooperative plan.
6. That a “No Vehicular Access” restriction be shown graphically and noted on the final plat for Lot 137 adjacent to Mineral Point Road.
7. Prior to final approval and recording of a final plat of this subdivision, the applicant shall work with the Planning Division and Capital Area Regional Planning Commission (CARPC) to revise the environmental corridor map to reflect the approved subdivision.
8. Streets “A”, “B”, “C”, “D,” “E,” “F” and “H” appear to qualify for a 56-foot wide local street right of way width (28 feet of pavement curb to curb) per Section 16.23(8)(a)8.a.iv.B. of the Subdivision Regulations.
9. The applicant shall submit a grading plan and landscaping plan (with cross-sections) for approval by the Planning Division with the final plat that provides a landscaped buffer for the western 80 feet of Lots 17-24 adjacent to Pioneer Road consistent with the City-Town cooperative plan. The planting area/ buffer strip adjacent to Pioneer Road shall be reserved for the planting and maintenance of trees or shrubs by the respective lot owners or an association, and the building of buildings within the 80-foot setback shall be prohibited. The final plat shall include a note identifying the rights and responsibilities of the owners of the affected lots and/or any association to install and maintain this 80-foot buffer.
10. A phasing plan for the overall subdivision shall be submitted for approval with the final plat. The phasing plan shall outline when the streets and utilities serving the plat will be implemented to ensure that there is adequate access and circulation, etc. to serve all phases of the development as they are implemented.

The following conditions of approval have been submitted by reviewing agencies:

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

11. The plat as submitted provides for a 75-foot wide greenway, this may not prove sufficient - it is likely a 100-foot wide greenway shall be required. Calculations of 500-year flow through this corridor shall be completed to determine if 75 feet is sufficient to handle the design flow.
12. For lots backing up and discharging runoff to unplatted lands to the West, stormwater volume control features will be required (rain gardens, stone cribs...) that provide control of the 10-year discharge to the site from the lots to pre-development levels.

13. The developer shall extend Elderberry Road by constructing 26 feet of pavement, curb and gutter, and sidewalk on the north side from the east plat limits to existing Elderberry Road at Burnt Sienna Drive (approximately 400 feet). These improvements will require right of way outside of the plat boundaries.
14. 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.
15. 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.
16. This development is subject to impact fees for the West Elderberry 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 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."
17. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat.
18. 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.
19. 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.
20. 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.
21. 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.

22. 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. 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 the City Engineering Division’s approval of this plan.”

23. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to: detain the 2-, 10-, and 100-year storm events, matching post development rates to predevelopment rates; reduce TSS by 80% (control the 5 micron particle) off of newly developed areas compared to no controls; provide infiltration in accordance with MGO Chapter 37; and 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 MGO Chapter 37.
24. The developer shall construct Madison standard street and sidewalk improvements for all streets within the plat.
25. The developer shall note the AASHTO design standards for intersection sight distance will be applied during the design of the streets within this plat.
26. 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.
27. The developer shall make improvements to Mineral Point Road and Pioneer Road to facilitate ingress and egress to the plat as required by the City Engineer, including the construction of acceleration and deceleration

tapers and turn lanes. These improvements may require dedication of right of way outside of the limits of the plat.

28. The developer shall construct curb, gutter and four (4) feet of pavement and along Mineral Point Road and Pioneer Road as required by the City Engineer.
29. The developer shall construct a 10-foot wide public multi-use path along the north side of Mineral Point Road as required by the City Engineer.
30. The developer shall construct 10-foot wide public multi-use path along the greenway corridor as required by the City Engineer.

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

31. This plat requires a 30-foot wide Public Sanitary Sewer Easement along the north right of way of Mineral Point Road. Any other public utility easements required along Mineral Point Road shall be granted outside of the sanitary sewer easement areas. Contact Engineering (Jeff Quamme - jrquamme@cityofmadison.com) to receive the appropriate easement terms/conditions language for inclusion on the final plat.
32. Outlot 8 is being dedicated to the public. The designated Public Stormwater Drainage easements within Outlot 8 are unnecessary and shall be removed. Combine Outlots 9 and 10, as they are to be dedicated for the same public use for public storm water management.
33. The path shown through Outlot 141 within the public drainage easement shall have a separate easement for a public pedestrian and bike path granted on the final plat, or the entire easement shall designated as an easement for both public drainage and path uses.
34. Contact Jeff Quamme (jrquamme@cityofmadison.com) for required language for all public easements for storm sewer and drainage, sanitary sewer and bike/pedestrian paths to be placed on the final plat.
35. Provide private Easements or Outlots 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.
36. The dedication text for Outlot 5 and Outlot 6 shall be revised to be dedicated to the public for public storm water drainage, stormwater management and public bike and pedestrian path purposes.
37. 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.

38. Public right of way is necessary for the Elderberry Road connection lying east, beyond the boundary of this plat, to serve a phase of this proposed plat. The developer shall acquire the right of way and/or easements as required by the City at the developer's expense. The lands lying east of this plat are owned by the Town of Middleton; therefore the City cannot exercise eminent domain powers to acquire any lands for any public use within that property.
39. Outlot numbering will need to be revised on the final plat to be consistent with the route of the lot numbering.
40. The final plat shall show and label the Public Sanitary Sewer Easements per Document Nos. 4451162 and 5483522.
41. The final plat shall have a "No Vehicular Access Permitted" restriction placed on all lots abutting Pioneer Road and Mineral Point Road (Lots 17-24 and Lot 137).
42. Based upon neighborhood development plans, "G" Street is an extension of Wilrich Street. Update G Street to Wilrich Street.
43. Show the areas outside of the plat to be dedicated to the public for public right of way and note that the dedication shall be by separate instrument.
44. Specify that there are No Buildings Permitted within the wetland setback areas shown on the plat.
45. Submit suggested street names to Lori Zenchenko (LZenchenko@cityofmadison.com) for review and approval.

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

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

Traffic Engineering Division (Contact Sean Malloy, 266-5987)

46. The applicant shall dedicate 66 feet of right of way for Clear Pond Way between Elderberry Road and Mineral Point Road.
47. The applicant shall construct a multi-use path connection from the Tawny Elm Parkway/Street "A" intersection to the multi-use path in Outlot 6.
48. Note: The applicant shall submit a deposit of \$30,000 for the installation of a Rapid Rectangular Flashing Beacon at the Mineral Point Road/Tawny Elm Parkway intersection at the time the phase is constructed.
49. The applicant shall dedicate 80 feet of right of way for "G" Street [western end of Wilrich Street].

50. Prior to final sign-off, the applicant shall work with to record the necessary easements for streetlights the Traffic Engineering Division Electrical Section to record the necessary easements for streetlights. Typically, Traffic Engineering requires a 12-foot wide easement between lots and 6-foot easements on corner lots where streetlights are needed. Easements needed between lots: 2-3, 11-12, 25-26, 27-28, 30-31, 33-34, 36-37, 39-

40, 42-43, 49-50, 53-54, 55-56, 66-67, 70-71, 81-82, 84-85, 93-94, 96-Outlot 2, 102-103, 105-106, 109-110, 112-113, 121-122, 124-125, 127-128, 129-Outlot 4. Easements are needed on the corner of Lots 1, 5, 8, 13, 16, 18, 24, 46, 47, 58, 73, 129, 130, 133, 144, 145, Outlot 9, and Outlot 11.

51. 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.
52. 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.

Fire Department (Contact Bill Sullivan, 261-9658)

53. The Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D. Additional information is available at the Home Fire Sprinkler Coalition website. 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)

54. 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).
55. 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.

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)

56. The preliminary plat, as currently proposed includes 129 single-family units and 20 lots for multi-family development. The parkland dedication requirement for a single-family and duplex is 1,081 square feet and the dedication requirement for a multi-family unit is 734 square feet per MGO Sec. 16.23(8)(f) and 20.08(2). The total dedication requirement for single-family units is 3.2 acres. The total dedication for the multi-family lots will be determined based on the number of future multi-family units.
57. On the preliminary plat submitted March 20, 2019, the applicant proposes to dedicate approximately 7.33 acres of public park, identified as Outlot 7, the location of which is generally consistent with the Elderberry

Neighborhood Development Plan. The proposed public park is slightly smaller than the parkland shown in the neighborhood plan.

58. Outlot 7 shall be dedicated to the public for park purposes and shall exclude the greenway corridor.

59. 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. This development is within the West Park-Infrastructure Impact Fee district. Please reference ID# 19022 when contacting Parks Division staff about this project.

60. The plat as submitted provides for a 75-foot wide greenway. Any widening of the greenway required by City Engineering shall not decrease the proposed 7.33 acres of property to be dedicated to the public for park purposes.

61. Lands that are dedicated for park purposes to fulfill the parkland dedication shall be suitable for park development. The applicant shall provide proposed grading plans prior approval of the area of dedicated public parklands. General guidelines for park development include:

- a.) Areas within a park to be used for open space for active and passive recreation shall be graded at 1-2% for the area where fields are proposed.
- b.) No side slopes within the park dedication area shall exceed 4:1.
- c.) Large or excessive retaining walls shall not be allowed on public parklands to meet the grading requirements.
- d.) All off-site drainage that is routed through the park shall be reviewed and approved by Parks Division staff as part of the grading plan review.
- e.) No proposed utilities will be allowed on public parkland without prior approval by the Parks Superintendent or his designee.
- f.) Areas that are wetlands shall not be dedicated as public parkland.

62. The applicant shall complete a tree inventory and health assessment for the trees located on the proposed expanded outlot dedicated for park purposes. The tree inventory and health assessment should be completed by an arborist and provided to the Parks Division with the final plat application.

63. No farming or use of lands to be dedicated to the public for park purposes shall be allowed unless specifically approved by the Parks Superintendent and permitted under a farm lease administered through the City of Madison Office of Real Estate Services.

64. The applicant shall prominently stake all boundaries and property irons for lands to be dedicated for park purposes.

65. 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."

66. 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.
67. The developer shall provide soil borings within any lands to be dedicated as parkland.
68. 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.

City Forestry Section (Brad Hofmann, 267-4908)

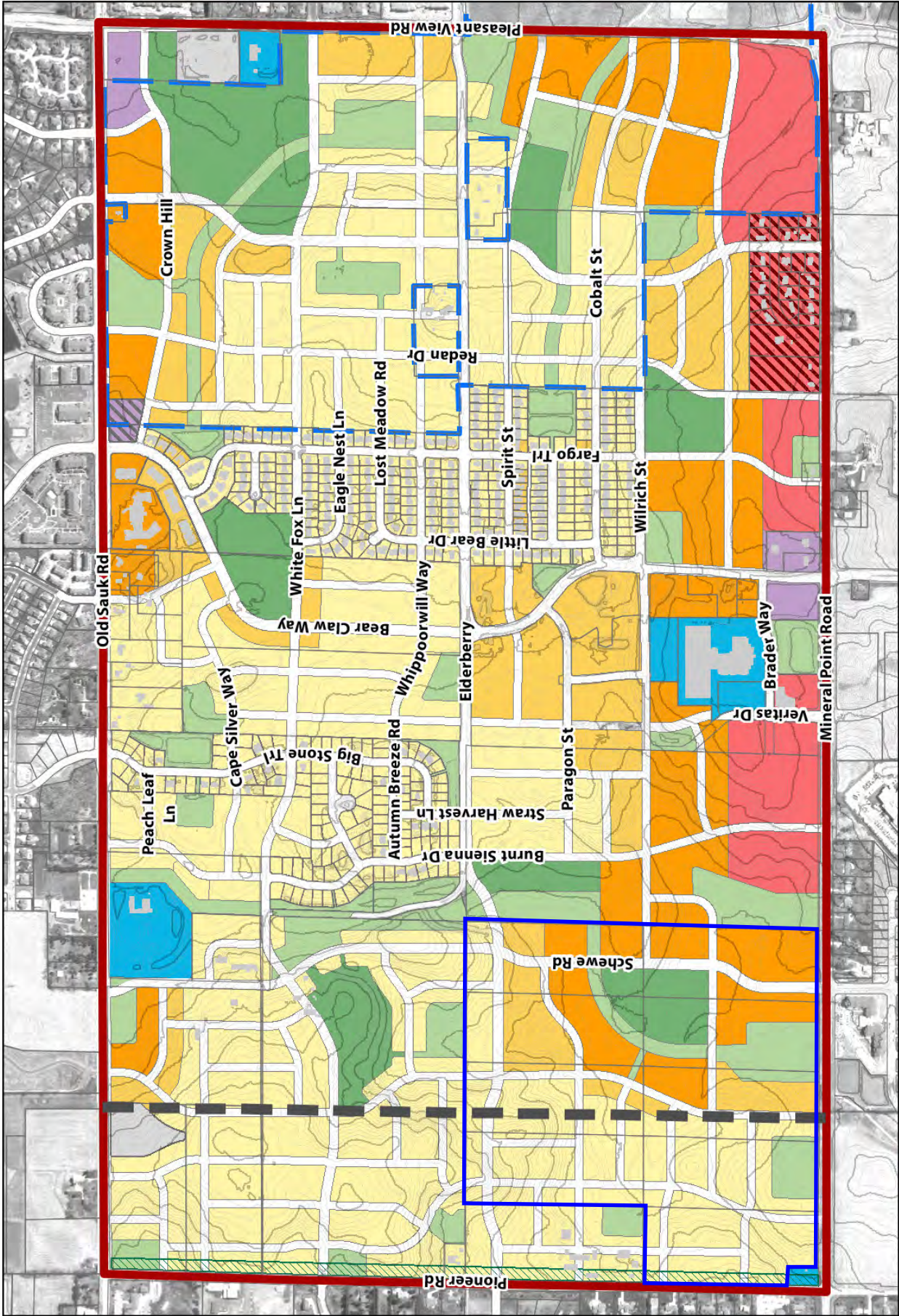
69. City Forestry will evaluate the terrace for new street tree plantings upon completion of the project. If there is space for new trees, City Forestry will schedule planting and assess the cost of the initial planting to the property owner.

Office of Real Estate Services (Lance Vest, 245-5794)

70. 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. 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 plat approval sign-off.
71. A certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate(s) and executed prior to final plat 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.
72. A Consent of Lessee certificate shall be included on the plat for any tenancy in excess of one year, recorded or unrecorded, and executed by said tenant prior to agency plat approval sign-off.
73. 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..."
74. An Environmental Site Assessment is required for the lands to be dedicated by the final plat, to be reviewed by Brynn Bemis in City Engineering (bbemis@cityofmadison.com).
75. The final plat shall include all of the necessary certificates and signature blocks for the Plan Commission, Common Council, Dane County Register of Deeds, City Treasurer, and Dane County Treasurer.
76. As of May 10, 2019, there are no 2018 real estate taxes or special assessments reported as due or owing. 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.

77. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish to Lance Vest (lvest@cityofmadison.com) in 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 (February 6, 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.
78. The following revisions shall be made on the final plat prior to final approval and recording:
- a.) Depict, name, and identify by document number on the proposed plat all existing easements cited in record title. In particular, depict the easements described in Document Nos. 2062181, 4451162, and 5483522.
 - b.) Include on the proposed plat a complete and accurate legal description of the lands that are to be included in the proposed plat. The legal description shall be reconciled with the legal description of said lands in record title.
 - c.) Include the following sentence with the dedicated utility easements depiction in the Legend: Utility Easements as herein set forth are for the use of public bodies, as well as private utilities having the right to serve the area.
 - d.) 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.



Map 7: Future Land Use and Street Plan
 Eldsbury Neighborhood
 Development Plan Amendment
 July 2018
 City of Madison Planning Division
 Author: JPM

Planning Area [Red dashed line]

West Madison Ag Research Station [Blue hatched area]

80' Landscape Buffer [Blue dashed line]

Transition Area Boundary (4 du/ac net max west of line) [Black dashed line]

Housing Mix 1 (< 8 du/ac)	Neighborhood Mixed Use	Utilities	Parks
Housing Mix 2 (8-20 du/ac)	Employment Overlay	Other Open Space and Stormwater Management	
Housing Mix 3 (20-40 du/ac)	Employment Overlay		
Neighborhood Mixed Use	Institutional		

		Herring Property	Scale
			0 100 200 Feet
			DWM P1805 - 7/20/18