



Department of Planning & Community & Economic Development
Planning Division

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May 21, 2008

Craig Makela
Cherokee Park, Inc.
5000 N. Sherman Avenue
Madison, Wisconsin 53704

RE: Approval of a request to rezone approximately 45.2 acres located at 5898 N. Sherman Avenue from Temp. A (Agriculture District) to R1 (Single-Family Residence District) and C (Conservancy District) and approval of a preliminary and final plat creating 47 single-family lots and two private outlots for stormwater management and a public pedestrian, bicycle and utility access.

Dear Mr. Makela:

At its May 20, 2008 meeting, the Common Council **approved** your company's rezoning, preliminary plat and final plat for the "Fifth Addition to Cherokee Park" subdivision subject to the following conditions of approval from reviewing agencies:

Please contact Janet Dailey, City Engineering, at 261-9688 if you have questions regarding the following twenty-two (22) items:

1. "Marsh View Drive" is not an acceptable street name due to existing use of Marsh View elsewhere in the City. Two different street names are required for this plat. Submit proposed street names to Engineering Mapping (lzenchenko@cityofmadison.com) for approval.
2. The "Provisional" FEMA flood plain boundary and elevation shall be shown on the plan set.
3. Wetland/floodplain setbacks and lot sizes in accordance with NR-115 shall be discussed with Planning.
4. Proposed detention basins shall be within a dedicated "public easement for stormwater management". Revise design if proposed for public maintenance (4:1 sideslopes, 10-foot top of berm, no plantings). If proposed for private maintenance, an agreement must be recorded.
5. Proposed rural street section and terrace rain gardens, subject to the approval of the City Engineer (Street Design Section) and the Board of Public Works.
6. City Engineering and MMSD shall review the developer proposal for sewer service. Any modifications required at existing lift station (Cherokee #2) shall be the Developer's responsibility. Further, if approved, the Developer shall provide an access road and easement to allow maintenance vehicles access to the station.
7. Proposed gravity main to City lift station shall require an easement to the City for public sanitary sewer. Said sewer may require a Wisconsin Department of Natural Resources Chapter 30 permit for crossing wetlands. Any sewer installed by boring must be approved by the City Engineer and must meet all applicable requirements of a public sewer.

8. 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.
9. Two weeks prior to recording the final plat, a soil boring report prepared by a Professional Engineer, shall be submitted to the City Engineering Division indicating a ground water table and rock conditions in the area. If the report indicates a ground water table or rock condition less than 9' below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer.
10. The developer shall construct Madison standard street improvements for all streets within the plat.
11. The applicant shall construct sidewalk along N. Sherman Avenue to a plan approved by the City Engineer.
12. The developer shall make improvements to N. Sherman Avenue to facilitate ingress and egress to the plat.
13. 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 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.
14. 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.

Note: In the event of a City Of Madison Plan Commission and/or Common Council approved re-division of a previously subdivided property, the underlying public easements for drainage purposes are released and replaced by those required and created by the current approved subdivision.
 - 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.

Note: In addition to notes such as this, Wisconsin State Plat Review now enforces the requirement that easements or other reference lines/areas be graphically shown, dimensioned and tied when they represent fixed locations. They will accept a "typical

detail” when the easement or restriction can be effectively described and retraced from the typical detail.

15. 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.

16. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to detain the 2 & 10-year storm events; control 80% TSS (5 micron particle), and; provide infiltration in accordance with NR-151.
17. 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. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
18. A minimum of two working days prior to requesting City Engineering signoff on the plat the applicant shall contact Janet Dailey (261-9688) 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).
19. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of two working days prior to requesting City Engineering signoff.
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 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.
21. In accordance with Section s.236.18(8), Wisconsin Statutes, the applicant shall reference City of Madison WCCS Dane Zone, 1997 Coordinates on all PLS corners on the Plat in areas where this control

exists. The surveyor shall identify any deviation from City Master Control with recorded and measured designations. The City of Madison has established WCCS, Dane Zone Coordinates on all PLS corners within its corporate boundary. Please visit the City of Madison Engineering Division web address http://gis.ci.madison.wi.us/Madison_PLSS/PLSS_TieSheets.html for current tie sheets and control data. If a surveyor encounters an area without a published WCCS Dane Zone 1997 value, contact the Engineering Division for this information.

- 22. 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 in either Auto CAD Version 2001 or older, MicroStation Version J or older or Universal DXF Formats 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 Engineering Streets Section 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.

Please contact John Leach, Traffic Engineering, at 267-8755 if you have questions about the following four items:

- 23. The developer shall put the following note on the face of the plat: “All the lots within this subdivision are subject to impact fees that are due and payable within fourteen days of the issuance of building permit(s).”
Note: The development may be delayed until the Council approves the transportation impacts fees.
- 24. The applicant shall execute and return the attached declaration of conditions and covenants for streetlights and traffic signals prior to sign off. The applicant will need to provide a deposit for their reasonable and proportionate share of traffic signal costs.
- 25. The applicant shall show a detail drawing of the 12-foot utility easement dimensions and lot lines on the face of the plat. Utility easements shall be provided as follows:

Between Lots	Between Lots	Between Lots
297 & 298	310 & 311	318 & 319
301 & OL 11	312 & 313	323 & 324
308 & 309	315 & 316	328 & 329

- 26. 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 Dennis Cawley, Madison Water Utility, at 261-9243 if you have any questions regarding the following two items:

- 27. In addition to the public water mains within the plat, the developer shall extend public water main on N. Sherman Avenue from the end of the existing main to the north plat line, either by private contract, or by standard City of Madison Assessment Reimbursement Agreement.

28. All public water mains and water service laterals shall be installed by a standard City subdivision contract. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. The Water Utility will not need to sign off on the final plans, but will need a copy of the approved plans.

Please contact Barb Constans, Community Development Block Grant Office, at 267-0740 if you have questions about the following item:

29. A payment of \$70,000 in lieu of providing affordable dwelling units under the Inclusionary Zoning section of the Zoning Ordinance will be required prior to final staff approval and recording of the final plat based on the waiver granted to this project.

Please contact Pat Anderson, Assistant Zoning Administrator, at 266-5978 if you have any questions regarding the following two items:

30. Lots 284 – 297 shall be subject to Sections 28.04 (19), 28.04 (20) and Section 28.105 of the City of Madison General Ordinance.

31. Note: Section 28.04(3)(o), Shoreland Zoning requirements, apply to this plat. These requirements appear to be satisfied by this plat.

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

32. The park dedication will be met outside this plat, as specified in the annexation agreement.

33. The grading and stormwater management plans appear to meet the concerns that were expressed during the neighborhood planning process. The stormwater all drains to the south rather than into high quality wetlands north in the Conservation Park.

34. The stockpile of fill material on and north of lots 316-320 shall be removed and reseeded with prairie grass.

35. To prevent encroachment and indiscriminate access, the developer shall build a 5' tall continuous chain link fence (no gates) on the park property line behind lots 302-320, with that expense counted against the park development fees. With Parks staff approval, the developer may choose to upgrade the fence at his expense.

36. On Outlot 11, the developer shall complete the path construction to connect to Burning Wood Way.

37. To protect trees, the developer shall relocate utility easements where they pose a significant additional threat to trees being preserved.

38. The developer shall pay \$40,537.03 for park development fees (47 single-family lots X \$862.49 per lot). The developer must select a method for payment of park fees before signoff on the final plat.

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

39. That the applicant receive approval from staff of the Capital Area Regional Planning Commission of any alterations to the environmental corridor maps necessary for the implementation of the proposed development prior to final signoff of the final plat for recording and construction.

40. That a note be place on the final plat restricting building coverage on Lots 284-297 to a maximum of 30% of lot area as required by shoreland zoning requirements.
41. That the final plat be revised to note the outlot designations for the subject site and adjacent future City-owned parcel per Certified Survey Map 12439.
42. That the applicant submit to the Planning Division two copies of the private subdivision covenants, conditions and restrictions that govern the organizational structure, use, maintenance and continued protection of the development and any common services, open areas or other facilities to serve the proposed subdivision. These documents shall be approved by Planning staff and the City Attorney's Office prior to final approval of the plat for recording.
43. That the applicant record a Land Use Restriction Agreement and Inclusionary Dwelling Unit Plan for this subdivision as required by the Community Development Block Grant Office and Planning Division prior to final approval and recording of the plat.

Please note that approval of this project is conditioned upon implementation of the "Stormwater Management Plan for the Fifth Addition to Cherokee Neighborhood" prepared by Montgomery Associates and dated March 2008.

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.

Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right-of-way. Permission for such activities must be obtained from the City Forester, 266-4816.

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: Janet Dailey, City Engineering
John Leach, Traffic Engineering
Dennis Cawley, Madison Water Utility
Si Widstrand, Parks Division
Barb Constans, CDBG Office
Pat Anderson, Assistant Zoning Administrator
Jeff Ekola, Office of Real Estate Services
Norb Scribner, Dane County Land Records and Regulations