

January 21, 2005

Brian Munson  
Vandewalle & Associates  
120 East Lakeside Street  
Madison, Wisconsin 53715

RE: Approval of a request to rezone 74.9 acres located at 9201 Mineral Point Road and 501 South Point Road from Temporary A to A, C, R2T, R2Y, R2Z and PUD-GDP and approval of a preliminary plat and a final plat creating lots for single-family, two-family and multi-family residential uses, tracts for public parkland and stormwater detention, and tracts for future commercial development.

Dear Mr. Munson:

At its January 18, 2005 meeting, the Common Council **conditionally approved** your client's planned unit development, rezoning, preliminary plat and final plat for the Liberty Station 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-seven (27) items:**

1. Change the street named Sunswept Drive. It sounds like "Sunset" which is an existing street in the City of Madison. Change the street named Cross Oak Ridge because it exceeds the maximum number of letters allowed on a standard street sign. Engineering suggests changing Ridge to a designation that can be abbreviated. Change Golden Hue "Parkway" to "Boulevard".
2. Outlot 5 and Outlot 6 are indicated as an outlot for a pedestrian path. The City Engineer recommends that these outlots be deleted. The walkway is located 382 feet from the intersection of Pine Lawn Parkway and therefore it would not be difficult to walk around in the absence of the pathway. No accesses to parks or schools are affected. The pathway would require winter maintenance. No funds exist for the maintenance effort and very few people will ever use the pathway. As an alternative, the maintenance could be private.
3. A temporary public street connection will be required on the east end of Golden Hue Parkway (City proposes Golden Hue Boulevard) across the public greenway. This crossing shall be located so that off-plat easement interests (i.e. storm sewer, storm water drainage, grading, public street, etc.) are not required, or be aware that if the crossing location shifts to near the east plat line, necessary off-plat easements must be negotiated with the adjoining

landowner. In the alternative, the City may elect to use its condemnation powers for this acquisition, but be aware this could be a 12-month process.

4. Stormwater management required includes: a) 100 year storm water detention; b) 80% TSS Control; c) Thermal control, and; d) Infiltration. The applicant shall comply with Chapter 37 MGO and State Administrative Code NR-151.
5. This Development shall be subject to stormwater charges for the Lower Badger Mill Creek Impact Fee District. Establishment of the District and charges are in process and to be determined.
6. Existing sewer is 950-feet south of Cross Oak Ridge.
7. City of Madison Sewer Area Charges as of 11/1/04 are \$166,124.61 for Westside Industrial Park.
8. A portion of this proposed plat requires attachment to the City of Madison. [Author's note: Confirm with City Engineer, but this attachment may have been satisfied by the attachment of property on South Point Road on December 14, 2004 by Ordinance 13760.]
9. The developer shall enter into a City/ Developer agreement for the installation of public improvements required to serve this plat. The developer shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The developer shall meet with the City Engineer to schedule preparation of the plans and the agreement. The City Engineer will not sign off on this plat without the agreement executed by the developer.
10. The developer shall dedicate a 15-foot wide permanent limited easement for grading and sloping wide along Mineral Point Road.
11. The developer shall dedicate a 40-foot wide permanent limited easement for a pedestrian/ bicycle easement along Mineral Point Road.
12. The developer shall construct Madison Standard street improvements for all streets within the plat.
13. The developer shall show a 30 foot building setback line on the plat adjacent South Point Road for all lots in the plat adjacent to said roadway. No buffer strip shall be dedicated to the City, as the City does not want the maintenance.
14. The developer shall note that City funds for park frontage are limited and will be determined at the sole discretion of the City.
15. The developer shall construct sidewalk and record a waiver of their right to notice and hearings for the assessments for the improvement of South Point Road in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO. Said sidewalk

constructed in front of and waiver recorded to Lot(s) P-121, P-143, P-144, OL 11, OL 12, P-149 and OL 15.

16. The Developer shall make improvements to South Point Road to facilitate ingress and egress to the plat.
17. 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.
18. Arrows shall be added to the certified survey map indicating the direction of drainage for each property line not fronting on a public street. In addition, the certified survey map shall include lot corner elevations, for all lot corners, to the nearest 0.25-foot. The following notes shall be added to the certified survey map.
  - a. Arrows indicate the direction of surface drainage swale at individual property lines. Said drainage swale shall be graded with the construction of each principal structure and maintained by the lot owner unless modified with the approval of the City Engineer. Elevations given are for property corners at ground level and shall be maintained by the lot owner.
  - b. All lots within this survey are subject to a public easement 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 easement shall be 12-feet in width on the perimeter of the certified survey map. Easements shall not be required on property lines shared with green ways or public streets. No structures may be constructed within said easement and no other obstructions to drainage, including landscaping are permitted without the prior written approval of the City Engineer.
19. 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.

20. 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.
21. 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.
22. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to connection to the public sewerage system.
23. A separate and independent sanitary sewer lateral shall serve each unit of a duplex building.
24. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor’s office. The Developer’s Surveyor and/or Applicant must submit copies of required tie sheets or condition reports for all monuments, including center of sections of record, used in this survey, to Eric Pederson, City Engineering. If a new tie sheet is not required under A-E 7.08, Engineering requests a copy of the latest tie sheet on record with Dane County Surveyor’s office. The Applicant shall identify monument types on all PLS corners included on the Plat or CSM. Note: Land tie to two PLS corners required.
25. In accordance with Section s. 236.18(8), Wisconsin Statutes, the Applicant shall reference City of Madison NAD 1927 Coordinates on all PLS corners on the Plat or Certified Survey Map in areas where this control exists. The Surveyor shall identify any deviation from City Master Control with recorded and measured designations. City of Madison has established NAD 1927 Coordinates on all PLS corners within its corporate boundary. Visit the City of Madison Engineering Division web address site for current tie sheets and control data. If a surveyor encounters an area without a published NAD 1927 value, contact Engineering Division for this information.
26. The Applicant shall submit to Eric Pederson, prior to Engineering sign-off of the subject plat, two (2) digital and one (1) hard copy of the final plat to the Mapping/GIS Section of the Engineering Division. The digital copies shall be submitted in both NAD27 & WIDOT County Coordinate System, Dane County Zone datums and be consistent with previous formats delivered to the City by the Applicant and contain the minimum of the following, each on a separate layer name/level number: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; easement lines (i.e. street, sanitary, storm

(including wetland & floodplain boundaries) water, pedestrian/bike/walkway, or any public and/or private interest easement except **local service** for Cable TV, gas, electric and fiber optics).

\*This transmittal is a separate requirement than the required submittals to Bob Arseneau for design purposes.

\*New electronic final plat transmittals and notification of changes which occur to the final plat during the time the Engineering Division signs off and receives the digital copies of said plat and the recording thereof, are the responsibility of the Developer/Surveyor.

27. In accordance with Section s.236.34(1) (c) which says a plat shall be prepared in accordance with s.236.20(2) (c) & (f), Wisconsin Statutes, the Applicant must show type, location and width of any and all easements. Clearly identify the difference between existing easements (site Register of Deeds recording data) and easements that are being conveyed by the plat. Identify the owner and/or benefiting interest of all easements.

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

28. The applicant shall execute a waiver of notice and hearing on special assessments for the future traffic signal and associated street improvements at the intersections the City plans to signalize. The traffic signal waiver shall also require a deposit for future area traffic signals and associated intersection changes.
29. The applicant shall execute and return a declaration of conditions and covenants for streetlights & traffic signals prior to sign off.
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.
31. The developer will need to demonstrate/provide how private streetlights will be installed and maintained in the public alleys. The plat shall provide the following note on the face of the plat: "The City will not install lighting in the alleys, but the developer or property owners may request the City to approve a private light(s) in the alley right-of-way. Such private light(s) to be operated and maintained by private interests."
32. Utility easements shall be provided as follows:

Between Lots	Between Lots	Between Lots
1 & 2	71 & 72	119 & 120
9 & 10	74 & 75	121 & 120
22 & 23	79 & 80	122 & 124
27 & 28	84 & OL 4	123 & 124
33 & 34	85 & OL 9	139 & 140
38 & 39	89 & 90	142 & 143
40 & 41	93 & 94	148 & OL 13
45 & 56	95 & 96	153 & 154

48 & 49	100 & 101	155 & 156
52 & 53	106 & 107	158 & 159

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

**Please contact Kathy Voeck, the Acting Zoning Administrator, at 266-4551 if you have questions regarding the following item:**

34. Include the “family definition” in the zoning text for the PUD-GDP. The family definition shall coincide with the definition in Section 28.03 (2) of the Zoning Ordinance as it applies to the R4 zoning district.

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

35. All portions of the exterior wall of newly constructed public buildings, places of employment and open storage of combustible materials shall be within 500 feet of at least two fire hydrants. Distances measured along the path of the hoselay. See Section 34.20 of the Madison General Ordinances for more information.

36. 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 three items:**

37. Park dedication required for this project is 213,100 square feet based on 1100 square feet per single and two-family lot and 700 square feet per multi-family unit. Park dedication provided equals 203,477 square feet, thereby requiring an additional 9,523 square feet of dedication of payment in lieu thereof.

38. The park/detention lines shall be revised to provide a more natural fit with the topography and accommodate the park design. The property line, dedication and fee issues shall be resolved with Parks Division staff.

39. Park development fees shall be paid for the proposed lots prior to signoff of the final plat. Credits for park construction will be considered as provided under inclusionary zoning policies and City ordinances. Park fee payments may be phased with plat construction phases.

→ Park Development Fee: \$140,281.40

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

40. The owner will be required to pay for a portion of a water pressure-reducing station required in this neighborhood.
41. All operating private wells shall be identified and permitted by the Water Utility in accordance with Madison General Ordinance Section 13.21.
42. All public water mains and service laterals shall be installed by private contract. MWU will not need to sign off on final copies of the plat but requests an approved copy for their files.

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

43. The developer needs to identify specific bedroom sizes and pricing in order to comply with the [Inclusionary Zoning] ordinance as well as consider more dispersion of units in the area of the park.

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

44. That the zoning map amendment request be amended as follows:
  - a.) That the number of R2Z zoned lots in this project not exceed 25 percent of the total number of single-family lots in the Liberty Station development; this required two of the R2Z lots to be zoned R2Y. Staff recommend that lots 19 and 27 be rezoned R2Y.
  - b.) That all maps and references in the Zoning Application document be revised accordingly to reflect the changes requested above.
45. That the preliminary and final plats be revised as follows:
  - a) Include notes stating “That Outlot 15 shall have no direct vehicular access to Mineral Point Road (CTH S)”;
  - b) Revise the lot width and areas for any current R2Z lots that will be zoned R2Y per condition #2a (above);
  - c) Include notes regarding the proposed use and maintenance of Outlots 3 and 8; and
  - d) That the name of the subdivision be revised to not include “Liberty” in the name, as that name has previously been used in the Liberty Place subdivision located on Siggelkow Road; the City wishes to avoid confusion between the names of the two developments.
46. Final staff sign off and recording of the land use restriction agreement and the Inclusionary Dwelling Unit Plan (IDUP). The agreement and plan shall note that the final IDUP for the rental units and areas covered by PUD-GDP zoning shall be subject to further review and approval of future SIPs or other zoning map amendments.
47. The Madison Police Department (Captain John Davenport) requests that speed bumps or other traffic calming devices be incorporated into the designs of Pine Lawn Parkway and Silicon Prairie Parkway.

**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.**

After the Planned Unit Development been changed as per the above conditions, please file five (5) sets of the revised, complete site plans, building elevation and floor plans with the Zoning Administrator, Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard. The sets of final revised plans or documents will be circulated by the Zoning staff to the City department staff listed above for their signature of final approval.

Upon receipt of the aforementioned plans, documents and fees, and upon determining that they are complete, the Zoning Administrator shall record them with the Dane County Register of Deeds Office. The recorded originals will be returned to the applicant, with the recording information noted, when the Register of Deeds has completed the recording process.

If this plan is not recorded within one year of the date of approval by the Common Council, the approval shall be null and void. No construction or alteration of the property included in this application shall be permitted until a Specific Implementation Plan (SIP) has been approved and recorded.

Any appeal regarding the final plat, including the conditions of approval, must be filed with the Circuit Court within thirty (30) days from the date of this letter. The approval of this final plat shall be null and void if not recorded in two years from the date of this letter.

If you have any questions regarding recording this plan or obtaining permits, please call Kathy Voeck, Acting Zoning Administrator, at 266-5978. If I may be of any further assistance, please 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  
Alan Larson, Madison Water Utility  
John Lippitt, Madison Fire Department  
Kathy Voeck, Acting Zoning Administrator  
Jeff Ekola, Real Estate Unit  
Norb Scribner, Dane County Land Records and Regulations