



Department of Planning & Community & Economic Development

Planning Division

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****BY E-MAIL ONLY****

July 3, 2026

Ryan McMurtrie
Arden Property Group, Inc.
660 W Ridgeview Drive
Appleton, Wisconsin 54911

RE: Re-approving the preliminary plat of *Herrling Property Subdivision* on property generally addressed as 401 and 404 N Sugar Maple Lane and 402 Tawny Elm Parkway. [ID 92844; LNDSP-2026-00004]

Dear Brett and Dan,

At its June 23, 2026 meeting, the Common Council **approved** the preliminary plat of *Herrling Property Subdivision* subject to the conditions of approval in the following sections, which shall be addressed through implementation of the subdivision through final platting.

Please contact Kathleen Kane of the City Engineering Division at (608) 266-4098 if you have questions regarding the following twenty-five (25) items:

1. A Phase 1 Environmental Site Assessment (ESA) (per ASTM E1527-21), is required for lands dedicated to the City. The City will accept the previously submitted Phase 1 ESA prepared by Vierbicher dated October 11, 2017. If a more recent Phase 1 ESA is available or if there have been any environmental investigations completed on the property, please submit the report(s) to Environmental Review staff at environmentalreview@cityofmadison.com.
2. The applicant shall work with the City Engineering Division to dedicate additional lands needed for stormwater management and shall work with City Engineering on a purchase agreement for said lands.
3. The subject property is subject to fees related the Capitol Area Regional Planning Commission (CARPC) Urban Service Area (CUSA) amendments: CUSA Madison–Schewe Road and CUSA Elderberry Neighborhood. Please contact Mark Moder at mmoder@cityofmadison.com for the fee amounts. Payment is due as a condition for plat approval.
4. The construction of this project will require that the applicant shall enter into a City/ Developer agreement for the required infrastructure improvements. The applicant shall contact City

Engineering to schedule the development of the plans and the agreement. Allow 4-6 weeks to obtain agreement.

5. The developer shall construct Madison standard street, multi-use path, and sidewalk improvements for all lands dedicated to the public as right of way.
6. The developer shall construct sidewalk/multi-use path and terrace along the north side of Mineral Point Road adjacent to the plat as required by the City Engineer.
7. The developer shall construct north-south multi-use path within the plat as indicated in the Elderberry Neighborhood Development Plan. Final location and construction of the multi-use path shall be per plans approved by the City Engineer.
8. The developer shall make improvements to Mineral Point Road in order to facilitate ingress and egress to the development as required by the City Traffic Engineer and the City Engineer. Improvements are required for the connections of Tawny Elm Parkway and N Sugar Maple Lane. The applicant shall be aware that Mineral Point Road (CTH S) is under the jurisdiction of the Dane County Highway and Transportation Department and that any construction work within said road will require a County permit, which the applicant is responsible to apply for and obtain.
9. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat.
10. This development is subject to impact fees for the Lower Badger Mill Creek Sanitary Sewer & Stormwater Management Impact Fee (\$92.87/1,000 square feet (Sanitary (2026 rate))), Lower Badger Mill Creek Sanitary Sewer and Stormwater Management Impact Fee (\$207.30/1,000 square feet (Storm (2026 rate))), West Elderberry Neighborhood Sanitary Sewer Improvement Impact Fee \$138.77/1,000 square feet (Sanitary (2026 rate))) Districts. All impact fees are due and payable at the time building permits are issued per MGO Ch 20. Add the following note 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."
11. All outstanding Madison Metropolitan Sewerage District (MMSD) are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Mark Moder ((608) 261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
12. An Erosion Control Permit is required for this project.
13. A Storm Water Management Report and Storm Water Management Permit are required for this project.
14. 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. The applicant is notified that the City of Madison is an approved agent of the Department of Safety and Professional Services (DSPS) and no separate submittal to this agency or Capital Area Regional Planning Commission (CARPC) is required for this project to proceed.

15. Confirm that minimum Intersection Sight Distance is provided where public streets intersect per AASHTO's "A Policy on Geometric Design of Highways and Streets 7th Edition, Section 9.5." This condition is applicable for all public street intersections within the plat and along the plat boundary. If minimum sight distance does not exist at intersections along the plat boundary, change the location of the street intersection, or agree to make improvements to the existing roadways such that the minimum required sight distance is achieved, or make the mitigating improvements as required by the City Engineer and City Traffic Engineer.
16. 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.
17. Property is subject to fees related to MMSD annexation–Herrling. Please contact Mark Moder at mmoder@cityofmadison.com for the fee amounts. Payment is due as a condition for plat approval.
18. Provide calculations for the 500-year storm event, as identified in MGO Chapter 37, as part of the plat design and stormwater management plan. The flows from this design storm event will be routed through the development and used to determine an anticipated safe top of concrete foundation elevation for future buildings in critical areas.
19. Submit proposed lot corner grades with the stormwater management plan as these two items must be reviewed together to properly determine stormwater overflow conditions. Prior to the issuance of building permits, submit a master stormwater drainage plan with final as-built lot corner grades. These grades may be modified from the originally proposed grades provided they continue to meet design tolerances. No building permits shall be issued prior to City Engineering's final approval of this plan.
20. Install a property boundary witness markers along the boundary of lands dedicated for public stormwater purposes at property corners or in locations that are mutually agreeable to the applicant and Engineering Division.
21. This project will disturb 20,000 square feet or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred)

to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.

22. Demonstrate compliance with MGO Section 37.07 and 37.08 regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year.
23. 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. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Stormwater Management Permit application can be found on City Engineering's website. The Storm Water Management Plan & Report shall include compliance with the following:

Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.

Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. If calculations are done by hand or are not available electronically, the hand copies or printed output shall be scanned to a PDF file and provided to City Engineering.

Detain the 2-, 5-, 10-, 100-, and 200-year storm events, matching post-development rates to pre-development rates and using the design storms identified in MGO Chapter 37.

Provide infiltration of 90% of the pre-development infiltration volume.

Reduce TSS by 80% (control the 5-micron particle) off of newly developed areas compared to no controls.

Provide substantial thermal control to reduce runoff temperature in cold water community or trout stream watersheds.

Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project.

The applicant shall demonstrate that stormwater can leave the site and reach the public right of way without impacting structures during a 100-year event storm. This analysis shall include reviewing overflow elevations and unintended storage occurring on site when the storm system has reached capacity.

25. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West).

Please contact Jeffrey Quamme of the City Engineering Division–Mapping Section at (608) 266-4097 if you have any questions regarding the following nineteen (19) items:

26. Coordinate with the City Engineering Division and Office of Real Estate Services on the configuration and conveyance of the area(s) required by the City of Madison for regional storm water management. The outlot(s) shall be conveyed to the City of Madison subsequent to the recording of the plat in accordance with an agreement between the developer and the City. The preliminary plat shall correctly show and designate the required outlot(s) for regional storm water management. Also, note that this may require coordination of areas of regional detention within the Westwind development to the west of this preliminary plat.
27. The proposed public stormwater drainage easements and outlots dedicated for stormwater management that are also treating storm water from the private development areas shall be subject to a separate Stormwater Management Agreement between the City and the adjacent lots setting forth the terms and responsibilities of the adjacent property owners and the City of Madison for the construction, maintenance and repair of the stormwater management facilities. Coordinate the agreement(s) with the final plat.
28. Show and label the existing Permanent Limited Easement for Street Right-of-Way Purposes per Document No. 5849301.
29. Contact Jeff Quamme (jrquamme@cityofmadison.com) for required language for all public easements for the public storm water management and drainage and public pedestrian and bike path to be placed on the final plat.
30. Label the Public Sanitary Sewer Easement area per Document No. 4451162 located within the southern portion of Outlot 3.
31. Show and label the existing Permanent Limited Easement areas for Public Sanitary Sewer Purposes per Document No. 5849302.
32. Add a note that all of the lands within this preliminary plat are subject to Declaration of Conditions, Covenants and Restrictions per Document No. 5678222.
33. Add a note that all of the lands within this preliminary plat are subject to Declaration of Conditions, Covenants and Restrictions Pertaining to Stormwater Facilities per Document No. 5756921.
34. Show and label the existing Temporary Limited Easement for Grading and Storm Water Drainage Purposes per Document No. 5849304.
35. Show and label the existing Permanent Limited Easement for Public Water Main Purposes per Document No. 5849303.
36. Grant separate public sidewalk and bike path easement areas from the public storm water management and drainage easement areas to avoid conflicting terms and needs.

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. As required by Ordinance, for the non-multi-family lots within this subdivision, provide private easements or private outlots to accommodate the current USPS required centralized delivery of mail using Cluster Box Units (CBUs). Coordinate the locations of the CBUs with the USPS Development Coordinator, City Engineering, and City Traffic Engineering staff and in accordance with the Policies for Cluster Box Units as adopted by the City of Madison Board of Public Works. CBUs serving this subdivision will not be permitted within any publicly owned or dedicated lands. The developer shall construct the CBUs in accordance with the specifications approved by the Board of Public Works.
39. Add a note that lands within this preliminary plat are subject to an Agreement Regarding Easements and Responsibility for Installation, Maintenance and Repair Costs per Document No. 5901028.
40. Add a note that lands within this preliminary plat are subject to Cooperation Agreement per Document No. 5756922 as amended by Document No. 5997124.
41. Lush Woods Place is incorrect. The platted name is Lush Woods Trail. Please correct the spelling for the adjacent plat as well as what will be dedicated on this plat.
42. Show the connecting street pavements and utilities within Eagle Trace subdivision within the now improved street ends.
43. Label the length of all radii on the preliminary plat.
44. Submit proposed street names for Streets "E" and "H" to Lori Zenchenko(LZenchenko@cityofmadison.com) for review and approval.

Please contact Bill Putnam of the Traffic Engineering Division at (608) 267-8713 if you have any questions regarding the following eight (8) items:

45. The applicant shall work with Dane County, City Traffic Engineering Division and City Engineering Division on determining the final right of way dedication required for Mineral Point Road (CTH S).
46. The applicant shall provide a minimum 150-foot centerline radius and a minimum 100-foot tangent between curves on all public right of ways in this plat per MGO Section 16.23(6)(a)(11).
47. The applicant shall add a note to the 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.

48. The following streets shall be classified as Community Connectors as defined by the current Complete Green Streets Guide: N Sugar Maple Lane and Elderberry Road.
49. The following streets shall be classified as Neighborhood Streets as defined by the current Complete Green Streets Guide: Wisteria Street, Emerald Elm Road, Red Pine Drive, Golden Eagle Drive, Hydrangea Road, Blue Indigo Street, Clear Pond Way, Lush Woods Place, Wilrich Street, and Street "E".
50. The applicant shall dedicate sufficient right of way to allow for minimum eight (8)-foot terraces on all streets in this plat. Any variances to this requirement shall be approved by the City Traffic Engineer.
51. 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 easement between lots and 6-foot easements on corner lots where streetlights are needed.
52. 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.

Please contact Jeff Belshaw of the Madison Water Utility at (608) 261-9835 if you have any questions regarding the following two (2) items:

53. 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).
54. All public water mains and water service laterals shall be installed by a standard City subdivision contract / City- Developer agreement. The applicant shall contact City Engineering Division to schedule the development of plans and the agreement. See Engineering Division comments for additional information.

Please contact Izzy Wilde of the Parks Division at (608) 261-9671 if you have any questions regarding the following ten (10) items:

55. 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(6)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the West Park-Infrastructure Impact Fee district. The Park Impact Fee ID# for this project is 24003.
56. Outlot 6 provides parkland dedication of 7.38 acres. This dedication will be applied only to new residential development within the plat of the Herrling Property unless otherwise agreed upon. This plat is expected to be under-dedicated based on the proposed zoning districts and lot areas. Credit for parkland dedication will be applied to new residential units within the plat of the

Herrling Property Subdivision on a first come-first served basis unless otherwise agreed upon. Park-Land Impact Fees In-Lieu of parkland dedication required per MGO Sec. 16.23(6)(f) and MGO Sec. 20.08(2) is required for all residential units not receiving parkland dedication credit.

57. The following note should be included on the final plat: “Lots within this subdivision are subject to impact fees that are due and payable at the time building permit(s) are issued.” The Parks Division shall be required to sign off on the final plat.
58. 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.
59. 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.
60. The applicant shall prominently stake all boundaries and property irons for lands to be dedicated for park purposes.
61. The developer shall provide soil borings within any land to be dedicated as parkland.
62. 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.) The applicant shall provide proposed grading plans prior to approval of the area for dedicated public park lands.
 - d.) No proposed utilities will be allowed on public parkland without prior approval by the Parks Superintendent or his designee.
 - e.) Areas that are wetlands shall not be dedicated as public parkland.
63. The applicant shall complete a tree inventory and health assessment for the trees located on the proposed expanded outlot dedicated for park purposes. The applicant shall include all existing trees, which are not all currently shown on the preliminary plat. The tree inventory and health assessment should be completed by an arborist and provided to the Parks Division with the final plat application.
64. Once dedicated to the public, the developer shall not use park property for construction staging, stockpiling material, or any other purpose.

Please contact Zachary Eckberg of the Forestry Section at zeckberg@cityofmadison.com if you have any questions about the following item:

65. As defined by MGO Section 10.10, City Forestry will assess the full cost of the street tree installation to the adjacent property owner. City Forestry will determine street tree planting sites and tree species type. Street tree planting will be scheduled after there is substantial completion of the new plat development along the street segment.

Please contact Lance Vest of the Office of Real Estate Services at (608) 245-5794 if you have any questions regarding the following three (3) items:

66. As of June 5, 2026, the 2025 real estate taxes are paid for the subject property. Under 236.21(3) Wis. Stats. and MGO Section 16.23(4), 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.

67. 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 final plat, an updated title report covering the period between the date of the initial title report (March 16, 2026) and the date when sign-off of the final plat is requested. A title commitment may be provided but will only be considered as supplementary information to the title report update. The surveyor shall update the plat with the most recent information available in the title report update. ORES reserves the right to impose additional conditions of approval in the event the title update contains changes that warrant revisions to the plat.

68. The following revisions shall be made on the final plat prior to final approval and recording:

- a) Accurately reflect the contents of the title report in the proposed plat.
- b) Depict, name, and identify by document number on the proposed plat all existing easements cited in record title.
- c) Record satisfactions or releases for all recorded instruments that encumber or benefit the subject lands, if all interested parties agree that the purpose for such instrument is no longer necessary or relevant for the purposes of the subdivision.
- d) 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 by ORES. 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 a Real Estate Specialist in ORES to discuss the potential lease terms. Said leases are authorized by Resolution 13-00247 (ID 29183), adopted April 16, 2013.
- e) Include the following sentence with the dedicated utility easements depiction in the plat 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."

Please contact my office at (608) 261-9632 if you have questions about the following three (3) items:

69. Future development of Lot 16 shall of the preliminary plat shall comply with the density and building restrictions in Section 13.04 of the *Final City of Madison and Town of Middleton Cooperative Plan*.
70. Prior to final approval and recording of the 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 dedications to the public for stormwater management and parkland approved with the final plat.
71. Note: The *Westwind* subdivision is not part of this preliminary plat. Prior to or concurrent with submittal of a final plat to further subdivide Outlot 2 of *Westwind*, the future subdivider shall receive approval of a preliminary plat for the remainder of that subdivision.

Note: The Parking Division reviewed this project and determined a Transportation Demand Management (TDM) Plan is not required as part of subdivision review. As development progresses in the subdivision, residential uses with 10 or more dwelling units and other applicable uses in MGO Section 16.03 will be subject to TDM Plan review.

Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency.

Any appeal regarding the plat, including the conditions of approval related thereto, 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, please do not hesitate to contact me at (608) 261-9632 or tparks@cityofmadison.com.

Sincerely,

Timothy M Parks

Timothy M. Parks
Planner