



PREPARED FOR THE PLAN COMMISSION

Project Address: 9951 Old Sauk Road
Application Type: Final Plat
Legistar File ID # [52194](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant: Chad Wuebben, Chapel View Land Company, LLC; 6840 Schneider Road; Middleton.

Surveyor: Wade Wyse and Julius Smith, Wyser Engineering; 312 E. Main Street; Mount Horeb.

Property Owners: Middleton Community Church; 645 Schewe Road; Madison, and Francois and Jackie Luyet c/o Damien Luyet; 705 Chapman Street; Madison.

Requested Actions: Approval of the final plat of *Chapel View*, creating 43 lots for future single-family detached residences, two lots for the future development of single-family cottage condominiums, one lot for a future daycare center, and three outlots to be dedicated to the public for stormwater management.

Proposal Summary: The applicant is seeking final plat approval for the “Chapel View” subdivision, which creates 43 lots for single-family detached residences, two lots for the future development of single-family cottage condominiums, and one lot for a future “intergenerational” daycare center, which will combine daycare services for the elderly and preschool-aged children. All of the proposed lots are zoned TR-C3. Development of the single-family lots will commence in 2018 following approval and recording of the final plat, with completion of the subdivision to be based on market demand for units. Separate approvals by the Plan Commission will be required prior to the issuance of permits for the daycare and cottage condominium development proposals.

Applicable Regulations & Standards: 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. Ch. 236, requires that a final plat that conforms substantially to the approved preliminary plat be approved, conditionally approved, or rejected (with stated reasons) within 60 days of submittal unless the time is extended by agreement with the applicant. If no action is taken within 60 days and no extension granted, the plat is deemed approved. The final plat application was submitted to the City on June 20, 2018. Therefore, the 60-day review period for this plat will end circa September 20, 2018.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward the final plat of the Chapel View subdivision located at 9951 Old Sauk Road to the Common Council with recommendations of **approval** subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

Background Information

Parcel Location: The proposed subdivision will occupy approximately 23.73 acres of land located on the south side of Old Sauk Road, approximately 900 feet east of Schewe Road; Aldermanic District 9 (Skidmore); Middleton-Cross Plains School District.

Existing Conditions and Land Use: The land subject to the final plat is undeveloped and zoned TR-C3 (Traditional Residential–Consistent 3 District).

Surrounding Land Uses and Zoning:

North: Single-family residences across Old Sauk Road in the Town of Middleton;

South: Single-family residence and agricultural buildings in the Town of Middleton; existing and future single-family residences in the Autumn Ridge Reserve and The Willows subdivisions, zoned TR-C1 (Traditional Residential–Consistent 1 District) and SR-C1 (Suburban Residential–Consistent 1 District);

West: Middleton Community Church, zoned TR-C3 (Traditional Residential–Consistent 3 District); single-family residence and agricultural land in the Town of Middleton;

East: Single-family residences in The Willows subdivision, zoned SR-C1.

Adopted Land Use Plans: The 2002 [Elderberry Neighborhood Development Plan](#) recommends the lands subject to the final plat for low-density residential uses between four and eight units an acre.

Note: The [Elderberry Neighborhood Development Plan](#) was amended by Resolution 18-00525 (ID [51567](#)) on July 10, 2018 as part of a joint plan amendment process with the Pioneer and Junction neighborhood development plans. However, the review of this subdivision is based on the adopted plan from 2002, which was in effect when the zoning and preliminary plat of the Chapel View development was reviewed and approved.

Environmental Corridor Status: The property is located in the Central Urban Service Area; there are no environmental corridors on the subject site.

Public Utilities and Services: The site will be served by a full range of urban services as it develops once it is added to the CUSA. 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 service area. The closest bus stop with scheduled bus service is no less than 1.25 miles walking distance, and the property would be greater than the three-quarters of a mile regulatory distance from all day scheduled bus service, which disqualifies any trips in this subdivision for passengers who might otherwise be eligible for door-to-door paratransit service. The pedestrian access between this site and the scheduled bus service, located on Old Sauk Road at Heartland Trail (east of Pleasant View Road), includes approximately a half-mile of travel along the unimproved shoulder of Old Sauk Road (posted 35 mph).”

Zoning Summary: The proposed lots are zoned TR-C3 (Traditional Residential–Consistent 3 District):

	Required: Single-Family Detached	Proposed: Single-Family Detached	Required: Nonresidential	Proposed: Nonresidential
Lot Area (sq. ft.)	3,000 sq. ft.	All lots will exceed	4,000 sq. ft.	Lot will exceed

Lot Width	30'	All lots will exceed	40'	Lot will exceed
Front Yard Setback	15'	To be determined	15'	To be determined
Max. Front Yard Setback	30' or up to 20% greater than block average	To be determined	N/A	To be determined
Side Yard Setback	5' Lot width less than 50': 10% lot width	To be determined	One-story: 5' Two-story: 6'	To be determined
Reverse Corner Side Yard Setback	8' (10' for garage)	To be determined	15'	To be determined
Rear Yard Setback	20' Alley-accessed: 2'	To be determined	Equal to building height but at least 20'	To be determined
Usable Open Space	500 sq. ft.	To be determined	N/A	To be determined
Maximum Lot Coverage	75%	To be determined	75%	To be determined
Maximum Building Coverage	N/A	To be determined	65%	To be determined
Maximum Building Height	2 stories/ 35'	To be determined	35'	To be determined
Other Critical Zoning Items				
Yes:	Utility Easements			
No:	Urban Design, Wellhead Protection, Floodplain, Landmarks, Waterfront Development, Adjacent to Parkland			
Prepared by: Jenny Kirchgatter, Assistant Zoning Administrator				

Previous Approvals

On March 20, 2018, the Common Council adopted Ordinance 18-00038 to attach the 15.21-acre Luyet property generally located at 9951 Old Sauk Road to the City of Madison from the Town of Middleton and assign Temp. A (Agricultural District) zoning to the property.

On June 5, 2018, the Common Council approved a request to rezone land generally addressed as 645 Schewe Road and 9951 Old Sauk Road from Temporary A (Agricultural District) and SR-C1 (Suburban Residential–Consistent 1 District) to TR-C3 (Traditional Residential–Consistent 3 District); approved the preliminary plat of *Chapel View*, creating 43 lots for future single-family detached residences, two lots for the future development of single-family cottage condominiums, one lot for a future daycare center, and three outlots to be dedicated to the public for stormwater management; and approved a Certified Survey Map creating one lot for Middleton Community Church and one outlot for the future development of the Chapel View subdivision. Recording of the CSM is pending.

Project Description, Analysis and Conclusion

The applicant is requesting approval of the final plat of “Chapel View” subdivision to create 43 single-family lots, two lots for the future development of single-family cottage condominiums, and one lot for a future “intergenerational” daycare center from a 23.73-acre parcel located on the south side of Old Sauk Road, approximately 900 feet east of Schewe Road in the western half of the Elderberry neighborhood. The proposed lots are zoned TR-C3 (Traditional Residential-Consistent 3 District).

Access into the proposed Chapel View subdivision will primarily be provided by the extension of Burnt Sienna Drive from its current terminus at White Fox Lane north to Old Sauk Road as a 60-foot wide local street right of way. A short section of White Oak Lane will also be extended across the southern extent of the subdivision as a 70-foot wide collector street right of way consistent with the platting of the street elsewhere in the Elderberry neighborhood. Otherwise, existing local streets located to the east and south in The Willows subdivisions will be completed with the proposed Chapel View plat.

The 43 lots for future single-family detached residences (Lots 2-44) will mostly range in width from 70 to 75 feet and 7,284 to 12,000 square feet of area. All of the proposed lots will exceed the minimum requirements of the TR-C3 zoning district.

The plat also includes three larger lots located on both sides of Burnt Sienna Drive immediately south of Old Sauk Road. The applicant indicates that Lots 1 and 45 are proposed for the future development of single-family cottage homes, which were described in the preliminary plat letter of intent as “small footprint condominium properties that will be free-standing.” An “intergenerational” daycare center for the elderly and preschool-age children is envisioned for Lot 46. Details of the projects for Lots 1, 45 and 46 will be presented to the Plan Commission for zoning approvals separately from the approval of the subdivision.

Staff believes that the final plat of Chapel View conforms substantially to the preliminary plat as conditionally approved, which was found to be consistent with the land use and circulation recommendations of the 2002 Elderberry Neighborhood Development Plan. The Chapel View subdivision is also consistent with the development pattern that has emerged gradually from east to west across the Elderberry neighborhood over the last 10 years, including The Willows, Sauk Heights, Autumn Ridge Reserve, Woodstone, and future Eagle Trace single-family subdivisions. The density of the proposed subdivision is consistent with the recommendations in the neighborhood plan, which call for most of the subject site to be developed with low-density residential uses between four and eight units an acre.

Recommendation

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

The Planning Division recommends that the Plan Commission forward the final plat of the Chapel View subdivision located at 9951 Old Sauk Road to the Common Council with recommendations of **approval** subject to input at the public hearing and the conditions that follow.

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

Planning Division

1. Provide a taper for the westerly right of way of Burnt Sienna Drive where it transitions from 66 feet to 60 feet adjacent to the future daycare center on Lot 46.
2. Note: Approval of this final plat confers no approval or endorsement of the future single-family cottage home or daycare uses on Lots 1, 45 and 46, which require separate approvals prior to issuance of building permits.

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

3. This plat has an extremely limited capacity for stormwater discharge rate in any and all storms. The maximum discharge rate has been set by Capital Area Regional Planning Commission (CARPC) resolution on a CFS/ACRE rate. The developer shall be aware of this limitation and shall be required to comply with this limitation.
4. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat.
5. 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.
6. The developer will be required to extend sewer on Old Sauk Road to the western plat limits.
7. 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.
8. 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 feet below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer.
9. A Phase 1 environmental site assessment (Phase 1 ESA), compliant with ASTM E1527-13, is required for the project area. Staff review of report will determine if a Phase 2 ESA is also required. Please submit report(s) to Brynn Bemis ((608) 267-1986, bbemis@cityofmadison.com).
10. 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.
11. 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.

12. A minimum of two (2) working days prior to requesting City Engineering signoff on the plat, the applicant shall contact either Tim Troester at 261-1995 (ttroester@cityofmadison.com) or Brenda Stanley at 261-9127 (bstanley@cityofmadison.com) 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).
13. 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 stormwater 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 City Engineering's approval of this plan.

14. This site will require a Storm Water Management Permit and Storm Water Management Report. The report shall be submitted to City Engineering prior to plat recording.
15. Modify all public storm sewer easements on the plat to be 15 feet wide (versus 10 feet wide), specifically between Lots 2 and 3, Lots 40 and 41, and Lots 44 and 45. Provide for a 20-foot wide outlot between Lot 18 and the east plat line.
16. The developer shall construct Madison Standard street and sidewalk improvements for all streets within the plat.
17. In accordance with MGO 37.09(3)(d), the developer shall be required to pass the 100-year storm event safely through the plat in public right of way or easements. The developer shall dedicate additional right of way, outlots, or easements as required by the City Engineer in the event that the plat, as proposed, is unable to meet this criteria.
18. The developer shall confirm that adequate sight distance exists where public streets intersect per AASHTO design standards for intersection sight distance. 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.

19. The developer shall install sidewalk and street improvements along Old Sauk Road as required by City Engineer. Street improvements include 4 feet of pavement, curb and gutter, sidewalk, and ingress and egress lanes or equivalent.
20. The developer shall construct a 10-foot wide pedestrian and bike path through Outlot 3.

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

21. Outlot 3 shall be "Dedicated to the Public for Public Storm Water Management Purposes" only. A note then shall be added to the Outlot granting over its entirety a Public Sidewalk and Bike Path Easement The easement language that shall be added to sheet 2. Contact Jeff Quamme for the required language.
22. All blank references to the pending CSM to be recorded shall be filled in on the plat upon the recording of the CSM.
23. The Restrictive Covenant Document No. 3209046 and the land division restriction per CSM 9672 shall be released for the lands within Outlot 2 of the proposed Certified Survey Map prior to recording the proposed CSM (area to be included in this plat). Coordinate with Jeff Quamme for the setup of the Madison Real Estate Project and associated fees to draft, administer and record the release.
24. The Building Setback line on Lots 1 and 2 of CSM 6407 shall be released by separate document prepared by City Office of Real Estate Services as prior to recording the pending Certified Survey Map. Coordinate with Jeff Quamme for the setup of the Madison Real Estate Project and associated fees to draft, administer and record the release.
25. The pending Certified Survey Map application for this property shall be completed and recorded prior to sign off of the final plat of Chapel View. Also, all required conditions for the Certified Survey Map shall be completed prior to final plat sign off.
26. The Schewe Road note, road configuration and adjoining references for lands southwest of this plat will likely require revisions. The plat of Eagle Trace is anticipated to be recorded prior to the recording of this final plat.
27. The note restricting access to Old Sauk Road shall be revised to read: "No Vehicular Access Permitted to Old Sauk Road."
28. Remove the 20-foot Bike and Pedestrian Easement along the west side of Outlot 3. A requirement of the same easement over the entirety of Outlot 3 removes the need for this specific easement area.
29. Revise the text of the existing Public Storm Water Easement along the west side of Lots 45 and 46 to be a Public Storm Water Drainage Easement.
30. The text for all of the notes on sheet 2 in reference to the Public Easements for Drainage Purposes shall have the following string removed: "PER MADISON GENERAL ORDINANCES 16.23(9)(d)2.a" The ordinance is subject to change and the language on the plat will set forth the current easement requirements.

31. 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 must submit copies of required tie sheets or monument condition reports for all monuments, including center of sections of record, used in this survey, to Jeff Quamme, City Engineering (jrquamme@cityofmadison.com). 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 and shall be attached to a signed and sealed monument condition report.
32. The applicant shall submit to Jeff Quamme, prior to Engineering sign-off of the subject CSM, one (1) digital CADD drawing and one (1) signed copy of the final CSM to the Mapping/GIS Section of the Engineering Division either as hard copy or Adobe PDF format. The digital CADD file shall be submitted in the WISDOT County Coordinate System, Dane County Zone datum in either Auto CAD Version compatible with MicroStation Version V8i, MicroStation Version V8i or older or Universal DXF Formats. The digital CADD file(s) shall contain the minimum of the items stated below, each on a separate layer name/level number. All line work shall be void of gaps and overlaps that would cause any parcel, street or easement to not properly close. All line work orientation and geometrics shall match the dimensioning as labeled on the final recorded plat: 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. The Developer/Surveyor shall submit new updated final plat, electronic data and a written notification to Engineering Mapping for any changes to the plat, which occur subsequent to any original submittal of data and prior to final sign off.

33. Prior to City Engineering final sign-off by main office for plats or Certified Survey Maps (CSM), the final plat or CSM shall be submitted to Engineering Division Surveyor/ Land Records Coordinator for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off. Electronic mail submittal of the FINAL plat in PDF form is preferred. Transmit to jrquamme@cityofmadison.com.

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

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

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

34. Prior to final plat recording, the applicant shall work with the Traffic Engineering Division Electrical Section to record the necessary easements for streetlights. Easements are needed at the corner of Lot: 1, 2, 5, 26, 37, and Outlot 2, and between Lots 4-5, 7-8, 10-11, 12-13, 15-16, and 37-38.
35. The applicant shall execute and return a declaration of conditions and covenants (DCC) for streetlights and traffic signals prior to sign off.
36. The applicant shall add a note to the plat stating that 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)

37. Provide the following information to the buyer of each individual lot: "The Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D and SPS 382.40(3)(e)." 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)

38. 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).
39. 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.
40. All operating private wells shall be identified and permitted by the Water Utility and all unused private wells shall be abandoned in accordance with MGO Section 13.21.

Metro Transit (Contact Tim Sobota, 261-4289)

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

Parks Division (Contact Kathleen Kane, 261-9671)

41. 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. The applicant shall identify the lots proposed for single-family cottages. This development is within the West Park-Infrastructure Impact Fee district. Please reference ID# 18120 when contacting Parks Division staff about this project.
42. On the preliminary plat application submitted March 21, 2018, the applicant did not identify any land to be dedicated to the public for park purposes. The Elderberry Neighborhood Development Plan does not show any proposed parkland in this area, but shows drainage/other open space in the general area identified as Outlot 3 on the preliminary plat.
43. 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.
44. 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."

45. 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 (Heidi Radlinger, 266-6558)

46. Prior to approval sign-off, the Owner's Certificate on the final plat shall be executed by all parties having an interest in the property, pursuant to Wis. Stats. 236.21(2)(a). Certificate shall be prepared with the ownership interests consistent with the most recent title report.
47. A certificate of consent for all mortgagees shall be included following the Owner's Certificate(s) and executed prior to plat approval 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
48. The 2017 real estate taxes are paid for the subject property. There are no special assessments reported for the parcels within the plat boundary. Under 236.21(3) Wis. Stats. and 16.23(5)(g)(1) Madison General Ordinances, the property owner shall pay all real estate taxes and special assessments that are accrued or delinquent for the subject property prior to plat recording. This includes property tax bills for the prior year that are distributed at the beginning of the year.
49. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish to 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 (June 19, 2018) 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.