



Department of Planning & Community & Economic Development
Planning Division

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June 4, 2009

Travis Schreiber
Vierbicher Associates
999 Fourier Drive #201
Madison, WI 53717

Tom Wohlleber
Middleton-Cross Plains Area School District
7106 South Avenue
Middleton, WI 53562

RE: Approval of a rezoning from Agriculture to R1 (Single Family Residential) District and a Preliminary Plat to allow for the creation of two lots for the future development of a school, twelve lots for future residential development, and three outlots.

Gentlemen:

At its June 2, 2009 meeting, the Common Council **approved** the rezoning and preliminary plat for the "Pope Farm Estates" subdivision subject to the following conditions of approval from reviewing agencies:

Please contact my office at 266-5974 if you have questions about the following 5 items:

1. Since no development will occur on proposed Lot 2 in the future, the applicant shall rename it as an outlot on the final plat and adjust the enumeration of other lots and outlots accordingly.
2. A note shall be placed on the final plat to indicate the intended ownership of proposed Outlot 3.
3. The applicant acknowledges that as the design for the westward extension of River Birch Road and Shadow Ridge Trail proceeds, City Engineering staff will notify adjoining property owners and make available proposed plans and specifications.
4. The applicant acknowledges that City Engineering and Traffic Engineering staff will review the request to keep streetlights at an elevation not to exceed 1,160 feet and provide a report to the Board of Public Works and the Common Council as part of the review of the Final Plat.
5. Prior to the approval of a Final Plat, this property must be included in the Central Urban Service Area as approved by the Capital Area Regional Plan Commission (approved May 14, 2009) and the Wisconsin Department of Natural Resources.

Please contact Janet Dailey, City Engineering, at 261-9688 if you have questions regarding the following 24 items:

6. The Westerly 30 feet of existing Lot 1, Certified Survey Map 9607 (Brys lands) that lies within the Town of Middleton is reserved for future public right-of-way dedication. The CSM indicates that the municipality with jurisdiction at the time right-of-way is needed shall accept any approved proposed right-of-way dedication. When both the City of Madison and Town of Middleton agree on the geometric alignment for Schewe Road through this proposed Subdivision plat, the developer shall then work with the Town of Middleton and

dedicate the approved right-of-way to the Town. Provide a recorded copy of this right-of-way dedication to Engineering prior to final plat approval.

7. There is probability of additional off-plat public land interests (public easement grants or public right-of-way dedications) to facilitate this proposed Subdivision Plat. Coordination of these potential public land interests shall be made with the appropriate jurisdictional review agencies and secured in title prior to final plat sign off.
8. This area drains to the Lower Badger Mill Creek, however the City has no easements in place south of this development. It is likely additional stormwater infiltration practices will be required beyond those in Chapter 37 of the Madison General Ordinance unless easements are in place or acquired by this Developer south to Mineral Point Road at the time of final platting.
9. The City may not accept dedication of Outlot 1. The small size and triangular configuration may not allow for maintenance to City standards. Review detailed plans for Outlot 1 with the City Engineer prior to final plat submittal.
10. Development within these watersheds are subject to the 100-year detention requirements.
11. This area is not presently within the Central Urban Service Area and cannot be subdivided until included into the Central Urban Service Area.
12. Portions of the proposed plat cannot be served by gravity sanitary sewer.
13. 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.
14. 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.
15. The following note shall be put on the plans: "LOTS / BUILDINGS WITHIN THIS DEVELOPMENT ARE SUBJECT TO IMPACT FEES DUE AND PAYABLE AT THE TIME BUILDING PERMIT(S) ARE ISSUED."
16. It is anticipated that the improvements on Schewe Road will require additional right of way and/or grading easements located outside the plat boundary. The developer shall acquire the right of way and/or sloping easements as required by the City at the developer's expense. In the event that the developer is unable to acquire the right of way and/or sloping easements required, the City shall assist the developer in acquiring the property and the developer shall pay the City for all costs associated with the acquisition.
17. Developer shall construct Madison Standard street improvements for all streets within the plat.
18. The developer shall construct sidewalk and record a waiver of their right to notice and hearings for the assessments for the improvement of Old Sauk Road in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.
19. The Developer shall make improvements to Old Sauk Road and Blackhawk Road to facilitate ingress and egress to the plat.
20. An erosion control plan and land disturbing activity permit shall be submitted to the Engineering Division for review and approval prior to grading or any other construction activities. The Preconstruction Meeting for Public Improvements shall not be scheduled prior to issuance of this permit. The applicant shall demonstrate compliance with 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.

21. 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. 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.

22. Prior to recording the plat, the applicant shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to:
- a) Detain the 2, 10, and 100-year storm events
 - b) Control 80% TSS (5 micron particle)
 - c) Provide infiltration in accordance with NR-151
 - d) Provide substantial thermal control

Stormwater management plans shall be submitted and approved by City Engineering prior to sign-off.

23. 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. 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>
24. A minimum of two (2) working days prior to requesting City Engineering signoff on the plat the applicant shall contact Janet Dailey (608-261-9688) to obtain the final stormwater utility charges that are due and payable prior to subdivision 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).
25. 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 (608-261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
26. 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.

27. 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 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 WCCS, Dane Zone Coordinates on all PLS corners within its corporate boundary. 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 City Engineering for this information.
28. 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 datum 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
 - 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)
- NOTE:** This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes.
- NOTE:** 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.
29. City of Madison Environmental Projects Staff have reviewed the subject site and determined that a Phase I ESA will not be required of the applicant. If there are any changes in the approved land dedications, the applicant shall notify Brynn Bemis (608-267-1986) to determine if a Phase I ESA will be required.

Please contact John Leach, Traffic Engineering, at 267-8755 if you have questions about the following nine (9) items:

30. 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 AT THE ISSUANCE OF BUILDING PERMIT(S).”
- NOTE:** The final sign-off may be delayed until the transportation impact fees are negotiated or approved by the Council.
31. The applicant shall note a 70-foot width of Schewe Road northerly to Blackhawk Road. The applicant may need to note 4 additional feet, “RESERVED FOR FUTURE ROAD RIGHT-OF-WAY.” along the easterly right-of-way line.
32. The applicant shall be required to secure the alignment of Schewe Road south of Old Sauk Road prior to Final Plat approval.
33. The applicant shall enter into a developer’s agreement to provide transportation improvements required to serve the development as determined by the City, prior to Final Plat approval. This includes intersection improvements at Old Sauk Road, Blackhawk Road, and pedestrian crossing treatments along Schewe Road.

34. Prior to approval, the applicant shall prepare and provide a master ped-bike plan for the plat that is consistent with the City's area-wide plans and the plat's specific provisions, to be reviewed and approved by the Traffic Engineer. The applicant may need to modify the right-of-way to accommodate the ped-bike plan.
35. The applicant shall execute and return the attached declaration of conditions and covenants for streetlights & traffic signals prior to sign off. The applicant will need to provide a deposit for their reasonable and proportionate share of traffic signal costs.
36. A utility easement shall be provided between Lot 14 and Outlot 1.
37. The applicant shall show a detail drawing of the 12 ft. utility easement dimensions and lot lines on the face of the plat.
38. 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 Tom Maglio, Parks Division at 266-6518 if you have questions about the following three (3) items:

39. Before signoff on the rezoning and preliminary plat, the developer must select a method for payment of park fees for the 12 single-family residential lots, totaling \$37,471.80 for park dedication and development fees. Fees must be paid for each lot no later than at the time a building permit is requested in any case. Prior to that time, fees may be waived in part or in total by the City of Madison Parks Division as follows:
 - a) Development Fees totaling \$911.65 per residential lot (maximum of \$10,939.80) will be waived if the MCPASD agrees in writing to develop play equipment and at least one athletic field on Lot 1 that are available for public use when not in use by the MCPASD.
 - b) Fees in lieu of dedication totaling \$2,211.00 per residential lot (maximum of \$26,532.00) will be waived if the MCPASD agrees in writing to dedicate proposed Lot 2 for use as a school garden, outdoor learning center, or other open space use in perpetuity.

$$\text{fee in lieu of dedication} = 12 \text{ sf} @ 2211.00 = \$26,532.00$$

$$\text{park development fees} = 12 \text{ sf} @ 911.65 = \$10,939.80$$

$$\text{total fees} = \$37,471.80$$

The applicant shall contact Parks Division staff to arrive at satisfactory language concerning the park development fees and fees in lieu of land dedication, to be approved by the Parks Division. The Parks Division is requested to report to the Planning Division upon completion of this condition.

40. In order to preserve eastward views of Lake Mendota from the Pope Farm Park in the Town of Middleton, the Forestry Section of the City of Madison Parks Division will ensure that street trees planted in the view corridor from Pope Farm Park will not exceed an elevation of 1,160 feet, as per the enclosed May 8, 2009 letter from the Town of Middleton.
41. 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.

Please contact Dennis Cawley, Madison Water Utility, at 261-9243 if you have questions about the following two (2) items:

42. All public water mains and water service laterals shall be installed by standard City of Madison subdivision contract.
43. All operating private wells shall be identified and permitted by the Water Utility in accordance with Madison General Ordinance 13.21. All unused private wells shall be abandoned in accordance with Madison General Ordinance 13.21.

Please contact Pat Anderson, Zoning Administrator, at 266-5978 if you have questions about the following item:

44. The grading plan dated March 18, 2009 appears to provide adequate usable open space on the lots. Some of the lots have limited building envelope areas in order to meet the usable open space requirements. Some additional terracing may be needed on some of the site.

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.

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 266-5974.

Sincerely,

Heather Stouder, AICP
Planner

cc: Janet Dailey, City Engineering
John Leach, Traffic Engineering
Tom Maglio, Parks Division
Dennis Cawley, Water Utility
Pat Anderson, Zoning
Jeff Ekola, Office of Real Estate Services
Norb Scribner, Dane County Land Records and Regulations