



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

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215 Martin Luther King Jr. Boulevard
Madison, Wisconsin 53703
Phone: (608) 266-4635
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March 6, 2023

Janice Faga
Fox Knoll, LLC
7601 Ganser Way, Suite 200
Madison, Wisconsin 53717

RE: Approval of a revised preliminary plat and final plat of *Fox Knoll*, creating 74 lots for single-family detached residences, one lot for an aerial reservoir, and two outlots to be dedicated to the public for stormwater management from 10451 Old Sauk Road and 621 Pioneer Road. [ID 75244; LNDSP-2022-00006]

Dear Janice:

At its February 28, 2023 meeting, the Common Council **approved** the revised preliminary and final plat of *Fox Knoll* subject to the conditions of approval in the following sections, which shall be addressed prior to final approval and recording of the final plat.

Please contact Tim Troester of the City Engineering Division at (608) 267-1995 if you have questions regarding the following twenty-two (22) items:

1. A Phase 1 environmental site assessment (per ASTM E1527-13), is required for lands dedicated to the City. Provide one (1) digital copy and staff review will determine if a Phase 2 ESA is also required. Submit report(s) to Brynn Bemis (608) 267-1986, bbemis@cityofmadison.com).
2. Offsite sanitary sewer improvements are required to serve the proposed development as a condition of development, on Old Sauk Road or on Clear Pond Way.
3. The construction of this project will require that the applicant shall enter into a City/ Developer agreement for the required infrastructure improvements. The agreement shall be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact City Engineering to schedule the development and approval of the plans and the agreement.
4. The developer shall construct Madison standard street, multi-use path, and sidewalk improvements for all streets within the plat.
5. The developer shall construct sidewalk, terrace, curb and gutter, and four (4) feet of pavement along Old Sauk Road. Construct terrace, curb and gutter, and four (4) feet of pavement along Pioneer Road.
6. The developer shall make improvements to Old Sauk Road and Pioneer Road to facilitate ingress and egress to the plat as required by the City Traffic Engineer.

7. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat
8. This development is subject to impact fees for the Lower Badger Mill Creek Sanitary Sewer and Stormwater Management Impact Fee District, and the West Elderberry Neighborhood Sanitary Sewer Improvement Impact Fee. All impact fees are due and payable at the time building permits are issued. Add the following note on the face of the plat: "Lots / buildings within this development are subject to impact fees that are due and payable at the time building permit(s) are issued."
9. Madison Metropolitan Sewerage District (MMSD) 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.
10. A minimum of two (2) working days prior to requesting City Engineering signoff on the plat/csm contact either Tim Troester (West) at 261-1995 (ttroester@cityofmadison.com) or Brenda Stanley (East) at 608-261-9127 (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 and must be cleared prior to the land division (and subsequent obsolesces of the existing parcel).
11. An Erosion Control Permit is required for this project.
12. A Storm Water Management Report and Storm Water Management Permit is required for this project.
13. 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 the Capital Area Regional Planning Commission (CARPC) is required for this project to proceed.
14. Submit a soil boring report that has been prepared by a Professional Engineer two weeks prior to recording the final plat to the City Engineering Division indicating the 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.
15. 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, change the location of the street intersection or agree to make improvements to the roadways such that the sight distance

is achieved or make the mitigating improvements as required by the City. Caution: The improvements indicated may require right of way outside of the plat limits.

16. Outlots 1 and 2 are platted in a way that creates excess street frontage. The developer shall be responsible for full width street and sidewalk construction of the Tawny Elm Parkway and Clear Pond Way frontages of Outlot 2. The developer shall be responsible for construction of sidewalk, terrace, curb and gutter, and four (4) feet of pavement on Old Sauk Road fronting Outlot 1.
17. Provide calculations for the 500-year storm event, as identified in Madison General Ordinance 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.
18. This project will disturb 20,000 square feet or more of land area and require an Erosion Control Plan. Please submit an 11" by 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.
19. 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.
20. 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.
21. 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 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 predevelopment 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 area as compared to no controls.

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

22. 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 Jeff Quamme of the City Engineering Division–Mapping Section at (608) 266-4097 if you have any questions regarding the following five (5) items:

23. There is required grading for the construction of Tawny Elm Parkway over adjacent lands to the east. Also, if required by design requirements, public street improvements at the intersection of Tawny Elm Parkway with Old Sauk Road over adjacent lands to the east. The developer will be required to acquire any required off-site grading/construction easements and public street dedication/ easement as determined necessary by the City at the developer's expense. In the event that the developer is unable to acquire any offsite dedication or easements required, the City shall proceed to acquire the easements. The developer would be required to reimburse the City for all costs associated with any acquisition, including attorney's fees and any and all costs associated with court ordered awards. The developer is required to provide a deposit at the time of contract execution to cover the estimated City staff expenses and easement cost for the acquisition. The developer shall note that separate, additional surety in an amount estimated to cover any potential court ordered awards would be retained by the City until such time as appeal rights have expired. The additional surety would be provided prior to the City making an offer for the easement or fee title acquisition.
24. The USPS Cluster Box Unit Easements are shown on the plat. Provide written confirmation of the locations being approved by the USPS and Traffic Engineering. Also provide the draft agreements for the maintenance, repair and replacement of the CBU improvements for review. The agreements shall be recorded immediately after the plat. No building permits shall be issued until the agreements have been recorded and copies provided to Jeff Quamme (jrquamme@cityofmadison.com)
25. A significant portion of the lands within this plat are owned by the City of Madison (Water Utility). The future update of the title report shall include any subsequent conveyances to the developer.
26. Add a note 2 to the Typical Public Easement for Drainage Purposes detail at the bottom of sheet 2 to avoid a setback conflict: "The Public Easement for Drainage Purposes along the south side of Lots 1, 10, 11, 20, 21, 30 and 31 along the south boundary of this plat shall be 6 feet in width."
27. Submit to Jeff Quamme, prior to Engineering sign-off of the subject plat, one (1) digital CADD drawing in a format compatible with AutoCAD. The digital CADD file(s) shall be referenced to the Dane County Coordinate System and shall contain, at minimum, the list of items stated below, each on a separate layer/level name. The line work shall be void of gaps and overlaps and match the final recorded plat:
a) right-of-way lines (public and private); b) lot lines; c) lot numbers; d) lot/plat dimensions; e) street names; and f) easement lines (i.e. all shown on the plat including wetland and floodplain boundaries.).

This transmittal is a separate requirement from the required Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat, electronic data for any changes subsequent to any submittal.

Please contact Sean Malloy of the Traffic Engineering Division at (608) 266-5987 if you have any questions regarding the following three (3) items:

28. The applicant shall execute and return a declaration of conditions and covenants for streetlights prior to sign off of the final plat.
29. The applicant shall add a note to the final 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.
30. Prior to final sign-off, the applicant shall work with the Traffic Engineering Division Electrical Section to record the necessary easements for streetlights. Typically, Traffic Engineering requires a 12-foot wide easement between lots and 6-foot easements on corner lots where streetlights are needed.

Please contact Jenny Kirchgatter, Assistant Zoning Administrator, at (608) 266-4429 if you have any questions regarding the following two (2) items:

31. Submit the survey or site plan for the water tower site, Lot 75.
32. Note a minimum of 500 square feet of usable open space is required. Usable open space shall be at ground level in a compact area of not less than 200 square feet, with no dimension less than 8 feet and no slope grade greater than 10%. Usable open space shall be outside of a required front or corner side yard, as extended to the rear lot line. Usable open space shall not include areas occupied by buildings, driveways, drive aisles, off-street parking, paving and sidewalks, except that paved paths no wider than 5 feet and pervious pavement may be included as usable open space.

Please contact Bill Sullivan of the Madison Fire Department at (608) 261-9658 if you have any questions regarding the following item:

33. 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.

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

34. The developer shall construct the public water distribution system and services required to serve the proposed subdivision plat per MGO Section 16.23(9)(d)(3).

35. 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 Ann Freiwald of the Parks Division at (608) 243-2848 if you have any questions regarding the following three (3) items:

36. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sections 16.23(8)(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. Please reference ID 21009 when contacting Parks Division staff about this project.

37. 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.

38. 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." The Parks Division shall be required to sign off on this plat.

Please contact Heidi Radlinger of the Office of Real Estate Services at (608) 266-6558 if you have any questions regarding the following six (6) items:

39. Prior to approval sign-off by the Office of Real Estate Services ("ORES"), all parties having an interest in the property, pursuant to Wis. Stats 236.21(2)(a), shall execute the Owner's Certificate on the plat. Certificates shall be prepared with the ownership interests consistent with the most recent title report. When possible, the executed original hard stock recordable plat shall be presented at the time of ORES approval sign-off. If not, the City and the Register of Deeds are now accepting electronic signatures. A PDF of the plat containing electronic signatures shall be provided to ORES to obtain final sign-off.

40. If a mortgage or other financial instrument is reported in record title but has been satisfied or no longer encumbers the lands or ownership within the plat boundary, a copy of a recorded satisfaction or release document for said instrument shall be provided prior to plat approval sign-off.

41. 2022 real estate taxes are outstanding for the subject property. Under 236.21(3) Wis. Stats. and MGO Section 16.23(5)(g)(1), the property owner shall pay all real estate taxes 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. Receipts are to be provided before sign-off and checks are payable to: City of Madison Treasurer; 210 Martin Luther King, Jr. Blvd.; Madison, WI 53701.

42. There are no special assessments reported for the parcels within the plat boundary. Pursuant to MGO Section 16.23(5)(e)1 and Wis. Stats. 236.21(3), all special assessments levied prior to plat approval sign off shall be paid in full in advance of plat approval sign-off.

43. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish to Heidi Radlinger (hradlinger@cityofmadison.com) in 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 (November 17, 2021) and the date when sign-off approval 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.
44. The owner shall email the document number of the recorded plat to ORES via email to Heidi Radlinger when the recording information is available.

Please contact my office at (608) 261-9632 if you have questions about the following five (5) items:

45. The final land area to be developed with the 74 single-family residential lots shall not be less than 18.5 acres of land consistent with the maximum density limits in the *Final City of Madison and Town of Middleton Cooperative Plan (2003)*.
46. The final plat shall establish an 80-foot building setback line for Lots 31-37 backing onto Pioneer Road consistent with the City-Town cooperative plan. The applicant shall submit a grading plan and landscaping plan (with cross-sections) for approval by the Planning Division prior to recording of the final plat that provides a landscaped buffer adjacent to Pioneer Road consistent with the City-Town cooperative plan. The planting area/buffer strip adjacent to Pioneer Road shall be reserved for the planting and maintenance of trees or shrubs by the respective lot owners or an association, and the building of buildings within the 80-foot setback shall be prohibited. The final plat shall include a note identifying the rights and responsibilities of the owners of the affected lots and/or any association to install and maintain this 80-foot buffer.
47. The final plat shall establish a 30-foot building setback line for Lots 44-49 backing adjacent to Old Sauk Road. The applicant shall submit a grading plan and landscaping plan (with cross-sections) with the final plat for approval by the Planning Division that provides a landscaped buffer for the northern 30 feet of Lots 44-49. The planting area/buffer strip adjacent to Old Sauk Road shall be reserved for the planting of trees or shrubs by the owner; the building of buildings hereon is prohibited. The final plat shall include a note identifying the rights and responsibilities of the owners of the affected lots and/or any association to install and maintain this 30-foot buffer.
48. A phasing plan for the subdivision shall be provided to the Planning Division and City Engineer, which shows how the two phases indicated in the letter of intent will be constructed. The phasing plan shall ensure that adequate access and utilities will be provided to the first phase while the second phase of subdivision improvements is completed.
49. Note: Water reservoirs are a conditional use in the TR-C3 zoning district. Future modifications to the water tower parcel following recording of the plat may require approval of a conditional use by the Plan Commission.

ID #75244
Fox Knoll Subdivision
10451 Old Sauk Road
& 621 Pioneer Road
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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

cc: Tim Troester, City Engineering Division
Fadi El Musa Gonzalez, City Engineering Division
Jeff Quamme, City Engineering Division – Mapping Section
Sean Malloy, Traffic Engineering Division
Jenny Kirchgatter, Assistant Zoning Administrator
Bill Sullivan, Madison Fire Department
Ann Freiwald, Parks Division
Jeff Belshaw, Madison Water Utility
Heidi Radlinger, Office of Real Estate Services