

**PLANNING DIVISION REPORT
DEPARTMENT OF PLANNING AND COMMUNITY
AND ECONOMIC DEVELOPMENT
Of July 1, 2008**

RE: I.D. # 10651: Zoning Map Amendment ID 3371, Rezoning 9114 Ancient Oak Lane from R2T, R2Y & R2Z to R2T; I.D. #11131, Approval of the Preliminary Plat and Final Plat of First Addition to Linden Park, and; I.D. 10507, Various Vacations Related to the Replat

1. Requested Actions: Approval of a request to rezone approximately 10.7 acres generally located at 9114 Ancient Oak Lane from R2T, R2Y, R2Z (Single-Family Residence Districts) to R2T; approval of the preliminary and final plats of First Addition to Linden Park, replatting 57 single-family lots and 1 outlot for public stormwater management. ID 10507 is a related item that calls for the vacation of one platted street right of way, various public alley outlots and utility easements if the proposed replat is approved.
2. Applicable Regulations: Section 28.12 (9) provides the process for zoning map amendments; The subdivision process is outlined in Section 16.23 (5)(b) of the Subdivision Regulations.
3. Report Prepared By: Timothy M. Parks, Planner.

GENERAL INFORMATION

1. Applicants & Property Owners: Don Esposito, Great Neighborhoods West, LLC/ Veridian Homes; 6801 South Towne Drive; Madison.

Agent: Brian Munson, Vandewalle & Associates; 120 E. Lakeside Street; Madison.

Surveyor: Wayne Barsness, D'Onofrio Kottke & Associates; 7530 Westward Way; Madison.
2. Development Schedule: Implementation of the approved Linden Park subdivision is ongoing. A timeline for when implementation of the replat area would occur has not been determined.
3. Location: Approximately 10.7 acres located in the western half of the Linden Park subdivision south of Valley View Road on both sides of Redan Drive, Aldermanic District 1; Madison Metropolitan School District.
4. Existing Conditions: The replat area is currently undeveloped, though some grading of the site and utility extension has occurred. The current R2T, R2Y and R2Z zoning of the site reflects the zoning and subdivision approvals granted the Linden Park development in 2005.

5. Proposed Land Use: 57 single-family lots, zoned R2T (Single-Family Residence District) and 1 outlot for public stormwater management.
6. Surrounding Land Use and Zoning: The replat area is generally surrounded by single-family lots in the Linden Park and Pine Hill Farms subdivisions, zoned R2S, R2T, R2Y and R2Z (Single-Family Residence Districts). The future site of Olson Elementary School is located at the southeast corner of Redan Drive and Ancient Oak Lane in C (Conservancy District) zoning.
7. Adopted Land Use Plan: The Mid Town Neighborhood Development Plan identifies the replat area and most of the Linden Park and adjacent Pine Hill Farms subdivisions for low-density residential uses, with the exception of the property located at the southeast corner of Redan Drive and Ancient Oak Lane, which is identified for institutional uses corresponding to the Olson Elementary School site. The subject site was also included in the Pioneer Neighborhood Development Plan and was also identified for low-density development in that plan.
8. Environmental Corridor Status: The property is not located within a mapped environmental corridor.
9. Public Utilities & Services: The proposed development will be served by a full range of urban services.

STANDARDS FOR REVIEW

This application is subject to the standards for zoning map amendments, preliminary plats and final plats. If the proposed replat is approved, the Plan Commission is also asked to recommend approval of the vacation of the various public rights of way and utility easements to the Board of Public Works and the Common Council (ID 10507).

PREVIOUS APPROVALS

On February 1, 2005, the Common Council approved a request to rezone the subject 86.2 acres from Temp. A (Agriculture District) to R2T, R2Y, R2Z (Single-Family Residence Districts) and C (Conservancy District) and approved the preliminary and final plats of Linden Park, creating 261 single-family lots, 1 outlot for the future Olson Elementary School and various outlots for public parkland and stormwater management. The final plat was recorded on December 5, 2005.

One of the 261 lots, Lot 55, was further subdivided in 2006 following the demolition of a single-

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family residence on that parcel. The resulting four-lot land division raised the overall unit count in Linden Park to 264 single-family lots.

PLAT REVIEW

The applicants, Great Neighborhoods West, LLC/Veridian Homes, are requesting approval to replat 74 platted but undeveloped single-family residential lots in the Linden Park subdivision into 57 lots and to rezone the existing lots from a mix of R2T, R2Y and R2Z single-family zoning to all R2T zoning. Of the lots to be rezoned, 36 are currently zoned R2Y and 30 are zoned R2Z. The replat will also result in an approximately 200 square-foot increase in the size of a public stormwater management outlot located along the western edge of the Linden Park plat west of Moonlight Trail and south of Ancient Oak Lane. Overall, the proposed replat will affect about four and a half blocks located in the western half of the Linden Park development on both sides of Redan Drive and to the north and west of the soon-to-open Paul Olson Elementary School.

The proposed replat will also necessitate the vacation of the platted right of way of Moonlight Trail and four mid-block public alley rights of way originally intended to serve the alley-loaded residences on the R2Y- and R2Z-zoned lots previously established. None of the rights of way to be vacated have been constructed, and the replat proposes to reestablish Moonlight Trail on a slightly varied alignment. A number of previously platted utility easements will also be released, with new utility easements proposed in their place as part of the replat.

The applicants indicate that the replat is in response to market conditions on the west side of the City, where alley-loaded single-family homes are not as in high demand as they are in other areas, as well as a desire to rebalance the mix of lot types they have available in the market. The R2T, R2Y and R2Z single-family zoning districts differ in regard to the minimum required lot area and lot width and in the design and location of garages to the serve the residences. The 57 R2T-zoned lots proposed will be developed with single-family residences containing attached garages facing the public street. R2T zoning requires that a ground-floor entry face the street and that front-loaded garages be recessed two feet from the front façade, with no more than 50% of the width of the front facade occupied by the garage.

The proposed replat of the four and a half blocks of the Linden Park subdivision will reduce the overall density of the 86.2-acre subdivision from 264 single-family lots and 8.3 units an acre to 247 lots and 7.7 units an acre. Of the 247 lots now proposed, 108 have been developed or are in some stage of development in Phases 1-5. The replat area is included in portions of Phases 6, 8, 9 and 10 based on a revised phasing plan included with the application materials.

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Inclusionary Zoning

The applicants have submitted an Inclusionary Dwelling Unit Plan (IDUP) for the replatted portion of the larger Linden Park plat that proposes 8 of the 57 lots (14.0%) to be developed as affordable units. The applicants contend that the provision of inclusionary dwelling units within the replat area should be taken in context with the inclusionary zoning requirements of the larger Linden Park subdivision. While the replat area is deficient one inclusionary dwelling unit (15% of 57 equals 8.55, which rounds up to 9), the applicants indicate that when the larger subdivision is factored, the project provides the required number of affordable units. The Linden Park subdivision following the proposed replat would contain 247 dwelling units, which in turn would require approximately 37 inclusionary dwelling units. In addition to the 8 affordable units in the replat, the developer has provided 29 affordable units elsewhere in the subdivision, which equals the 37 inclusionary dwelling units required.

The larger questions related to inclusionary zoning are the results of the gap analysis and subsequent waiver analysis being conducted by the Community Development Block Grant Office whether these analyses should apply to the entire 247-lot Linden Park plat or just the areas subject to the rezoning and replat. Staff believes that the First Addition to Linden Park subdivision may need to stand on its own from the larger Linden Park subdivision because the latter was approved under the inclusionary zoning regulations of Sec. 28.04 (25). The proposed replat and IDUP, however, involves a separate rezoning request subsequent to the earlier application and will need to be considered under the more recent inclusionary zoning provisions of Sec. 28.04 (26) adopted in July 2006. As a result, the project is short one affordable unit. The 8 units that have been provided are well dispersed throughout the replat area and staff will work with the developer on the location of the ninth unit prior to the recording of a Land Use Restriction Agreement for the replat area.

Staff has determined that the rezoning and replat will not be receiving a density bonus. The 57 lots will occupy 9.36 net acres of land, which results in a density of 6.09 units an acre. The threshold for determining base density in the replat defers to the existing R2T, R2Y and R2Z zoning of the properties, which have a base density range of 8.72, 10.89 and 12.45 units an acre, respectively.

A report from the Community Development Block Grant Office regarding the proposed IDUP's compliance with the Inclusionary Zoning Ordinance will be provided for the Plan Commission to consider at its meeting.

EVALUATION & CONCLUSION

The Planning Division does not object to the proposed replat, which will result in a slightly lower density overall for the Linden Park subdivision and less diversity in single-family housing types within the development. However, staff feels that there is still an acceptable variety of lots both within the Linden Park plat in the areas outside the proposed replat and in the neighborhoods generally surrounding Linden Park. Staff believes that the 247-lot subdivision that will result from the proposed replat will continue to conform to the land use and density recommendations of the Pioneer and Mid Town Neighborhood Development Plans.

RECOMMENDATIONS

The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 3371, rezoning 9114 Ancient Oak Lane from R2T, R2Y and R2Z (Single-Family Residence Districts) to R2T, and the preliminary and final plats of First Addition to Linden Park to the Common Council with recommendations of **approval** subject to input at the public hearing and the following conditions:

1. Comments from reviewing agencies.
2. That the applicant submit a final Land Use Restriction Agreement(s) and Inclusionary Dwelling Unit Plan for the proposed replat prior to recording of the final plat as required by the Planning Division and Community Development Block Grant Office. If a ninth lot is required for the replat area, the location of that lot shall be subject to approval by the Planning Division and Community Development Block Grant Office.

If the Plan Commission recommends approval of the above zoning map amendment and replat to the Common Council, it should also recommend **approval** to the Board of Public Works of ID 10507, vacating Moonlight Trail, 4 public alley outlots and various public utility easements related to the existing Linden Park subdivision.



Department of Public Works
City Engineering Division

608 266 4751

Larry D. Nelson, P.E.
City Engineer

City-County Building, Room 115
210 Martin Luther King, Jr. Boulevard
Madison, Wisconsin 53703
608 264 9275 FAX
1 866 704 2315 Textnet

Deputy City Engineer
Robert F. Phillips, P.E.

Principal Engineers
Michael R. Dalley, P.E.
Christina M. Bachmann, P.E.
John S. Fahrney, P.E.
Gregory T. Fries, P.E.

Facilities & Sustainability
Jeanne E. Hoffman, Manager
James C. Whitney, A.I.A.

Operations Manager
Kathleen M. Cryan

Hydrogeologist
Joseph L. DeMorett, P.G.

GIS Manager
David A. Davis, R.L.S.

Financial Officer
Steven B. Danner-Rivers

DATE: June 23, 2008

TO: Plan Commission

FROM: *for* Larry D. Nelson, P.E., City Engineer *Robert Phillips*

SUBJECT: 9114 Ancient Oak Lane - "First Addition to Linden Park" Plat/Rezoning/Inclusionary Zoning

The City Engineering Division has reviewed the subject development and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. This proposed plat requires the vacation/discontinuance of several public right-of-ways. Moonlight Trail and public alley Outlots 14, 15, 16 and 21, Linden Park are scheduled to be vacated by City Resolution File I.D. No. 10507 after a Common Council public hearing on July 15, 2008. If approved, the City Clerk shall record the adopted Resolution with the Dane County Register of Deeds and reference to that recorded document shall be made to the final plat prior to recording.
2. There are also required public utility easement releases that shall be recorded prior to the recording of this proposed final plat. Recorded utility company releases shall be provided to the City of Madison Real Estate Unit, which is currently administering this easement release under Real Estate Project No. 8962. The City will then record a final release.
3. The following note shall be placed on the face of the plat:

Lots within this subdivision are subject to impact fees that are due and payable at the time of issuance of building permit(s).
4. Stormwater Management Plan previously approved as density has decreased no changes required.
5. Development will be subject to Lower Badger Mill Creek Impact Fee (storm and sanitary) and Upper Badger Mill Impact Fee (storm).

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GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

Engineering Division Review of Plats (Pre-Preliminary, Preliminary, Final) and Certified Survey Maps

Name: 9114 Ancient Oak Lane Plat/Rezoning/Inclusionary Zoning

General

- 1.1 The Developer shall enter into a City / Developer agreement for the installation of public improvements required to serve this plat/csm. 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/csm without the agreement executed by the developer.
- 1.2 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.
- 1.3 The Developer is required to pay Impact Fees for the _____ Impact Fee District for Lot(s) _____ of the _____ Plat/CSM. The current rate is \$ _____ /1000SF for a total of \$ _____. The Developer shall select one of the following two options for payment of these fees:
 - 1) Impact Fees shall be paid in full prior to Engineering sign-off of the plat/csm.
 - 2) The Developer has elected to defer the payments until such time as the building permits are applied for, in which case the owner(s) shall have fourteen (14) days after receiving the invoices to pay the outstanding impact fees. The following shall be required prior to plat sign off;
 - a) The Developer shall supply an Excel spreadsheet with lot numbers, lot areas, and number of dwelling units per lot. The Developer shall supply a CADD file of the proposed FINAL plat, in a format compatible with Microstation J. This information shall be required to calculate the Impact Fees, which will then be recorded at the Register of Deeds against each lot in the subdivision..
 - b) All information shall transmitted to Janet Dailey by e-mail at Jdailey@cityofmadison.com, or on a CD to:

Janet Dailey
City of Madison Engineering Division
210 Martin Luther King Jr. Blvd
Room 115
Madison, WI 53703
 - c) A minimum of three (3) weeks shall be required for staff to calculate the Impact Fees and record the documents prior to plat sign-off.

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 WITHIN FOURTEEN DAYS OF THE ISSUANCE OF BUILDING PERMIT(S).

Right of Way / Easements

- 2.1 The Applicant shall Dedicate a _____ foot wide strip of Right of Way along _____.
- 2.2 The Applicant shall Dedicate a Permanent Limited Easement for grading and sloping _____ feet wide along _____.
- 2.3 It is anticipated that the improvements on [roadway name] _____ required to facilitate ingress and egress to the plat/csm will require additional right of way and/or grading easements located outside the plat/csm 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.
- 2.4 The Developer shall petition for the street vacation of (roadway name) _____ and provide a legal description and sketch of the right of way to be vacated after consultation with the City Engineer.

Are the following requirements met?

- * Streets Intersect at right angles.
- * A 15 foot minimum tangent at intersections from PC of curve to property line.

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- * Arterial intersection spacing generally greater than 1200 feet.
- * Jogs are avoided at intersections. Arterial streets shall be adjusted to align if spacing less than 300 feet.
- * Spacing of intersections on local streets shall be greater than 300 feet.
- * Cul-de-sacs shall be less than 1000 feet long.
- * 100 foot tangents between curves.

- 2.5 _____

- 2.6 Property lines at intersections shall be rounded with a 15 foot radius on _____

- 2.7 Property lines at intersections shall be rounded with a 25 foot radius on _____

- 2.8 The right of way width on _____ shall be _____ feet, on
_____ shall be _____ feet and on _____ shall be
_____ feet.
- 2.9 _____ shall have a minimum centerline radius of _____ feet and _____
shall have a minimum centerline radius of _____ feet and _____ shall have a minimum centerline radius of
_____ feet.
- 2.10 The cul-de-sac on _____ shall have a minimum radius of _____ feet with a
minimum reverse curve radius of _____ feet.
- 2.11 The plat/csm shall show a temporary limited easement for a temporary cul-de-sac on _____
having a radius of _____ feet and a reverse curve radius of _____ feet. The easement(s) shall
expire when the streets are extended.
- 2.12 The developer shall show on the plat/csm a 40 foot utility easement adjacent to [roadway name] _____
The easement wording shall be approved by the City Engineer. The intent of the easement is to allow for the
relocation of a major transmission line. The actual poles would remain on the right of way however major
transmission lines require an easement beyond the space occupied by the poles for safety.
- 2.13 The City Engineer has reviewed the need for pedestrian and bicycle connections through the development and
finds that no connections are required.
- 2.14 The Developer shall Dedicate a Permanent Limited Easement for a pedestrian / bicycle easement _____ feet wide
from _____ to _____.
- 2.15 The Developer shall provide a private easement for public pedestrian and bicycle use through the property running from
_____ to _____. The developer shall be responsible for the
ongoing construction and maintenance of a path within the easement. The maintenance responsibilities shall include, but not be limited
to, paving, repaving, repairing, marking and plowing. The developer shall work with the City of Madison Real Estate Staff to administer
this easement. Applicable fees shall apply.
- 2.16 Public Sanitary Sewer Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat
is/are subject to the following conditions:
 - a. The property owner reserves the right to use and occupy the Public Sanitary Sewer Easement Area(s) in a manner consistent
with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation,
operation, maintenance, repair, replacement and/or modification of the public sanitary sewer facilities.
 - b. No above-ground improvements shall be located in the Public Sanitary Sewer Easement Area(s) by the City or the property
owner, with the exception that grates, sewer access structure (SAS) covers, and other access points to the public sanitary sewer
facilities shall be permitted at grade level. (Optional: and with the exception that pavement and/or concrete for driveway
purposes shall be permitted.)
 - c. Plantings and landscaping within the Public Sanitary Sewer Easement Area(s) shall not obstruct routine maintenance by the
City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or
compensation to the property owner.
 - d. The property owner shall not change the grade of the Public Sanitary Sewer Easement Area(s) without the prior written approval
of the City's Engineering Division.
 - e. The Public Sanitary Sewer Easement(s) may not be amended, modified, terminated, or released without the written consent of
all the parties hereto, or their respective successors-in-interest.
- 2.17 The Public Sidewalk Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey
Map or Subdivision Plat is/are subject to the following conditions:

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- a. The property owner reserves the right to use and occupy the Public Sidewalk Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public sidewalk improvements.
- b. No above-ground improvements will be allowed in the Public Sidewalk Easement Area(s) by the property owner. **(Optional:** with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
- c. Plantings and landscaping within the Public Sidewalk Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
- d. The property owner shall not change the grade of the Public Sidewalk Easement Area(s) without the prior written approval of the City's Engineering Division.
- e. The Public Sidewalk Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.

2.18 The Public Storm Sewer Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:

- a. The property owner reserves the right to use and occupy the Public Storm Sewer Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public storm sewer facilities.
- b. No above-ground improvements shall be located in the Public Storm Sewer Easement Area(s) by the City or the property owner, with the exception that grates, sewer access structure (SAS) covers, and other access points to the public storm sewer facilities shall be permitted at grade level. **(Optional:** and with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
- c. Plantings and landscaping within the Public Storm Sewer Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
- d. The property owner shall not change the grade of the Public Storm Sewer Easement Area(s) without the prior written approval of the City's Engineering Division.
The Public Storm Sewer Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.

2.19 The Public Water Main Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:

- a. The property owner reserves the right to use and occupy the Public Water Main Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public water main facilities.
- b. No above-ground improvements will be allowed in the Public Water Main Easement Area(s) by the property owner. **(Optional:** with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
- c. Plantings and landscaping within the Public Water Main Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
- d. The property owner shall not change the grade of the Public Water Main Easement Area(s) without the prior written approval of the City's Engineering Division.
- e. The Public Water Main Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.

Streets and Sidewalks

- 3.1 The Developer shall construct Madison Standard street improvements for all streets within the plat/csm.
- 3.2 The developer shall show a 30 40 (*Strike one, 30 collector, 40 Arterial*) foot building setback line on the plat/csm adjacent to [Roadway Name] _____ for all lots in the plat/csm adjacent to said roadway.
- Note: No buffer strip shall be dedicated to the City as the City does not want the maintenance.*
- 3.3 Extensive grading may be required due to steep roadway grades.
- 3.4 The developer shall note that City funds for park frontage are limited and will be determined at the sole discretion of the City.
- 3.5 The developer shall construct sidewalk and record a waiver of their right to notice and hearings for the assessments for the improvement of [roadway] _____ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO. Said sidewalk constructed in front of and waiver recorded to Lot(s) _____.
- 3.6 The Developer shall make the following improvement to [Roadway Name] _____. The Developer shall construct sidewalk and _____ feet of a future _____ foot roadway including curb and gutter on the _____ side of the roadway.

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- 3.7 The Developer shall construct sidewalk to a plan approved by the City Engineer and complete ditching as required by the City Engineer along [Roadway Name]_____.
- 3.8 The Developer shall grade the right of way line to a grade established by the City Engineer and complete ditching along the roadway as specified by the city engineer along [Roadway Name]_____.
- 3.9 **Value of sidewalk installation over \$5000.** The Applicant shall Construct Sidewalk to a plan approved by the City Engineer along _____. (Also require the City / Developer agreement line 1.1)
- 3.10 **Value of sidewalk installation under \$5000.** The Applicant shall install public sidewalk along_____. The Applicant shall obtain a Street Excavation Permit for the sidewalk work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. All work must be completed within six months or the succeeding June 1, whichever is later. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 3.11 The Applicant shall execute a waiver of their right to notice and hearings on the assessments for the installation of sidewalk along [roadway] __ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and section 4.09 of the MGO.
- 3.12 The Applicant shall grade the property line along _____ to a grade established by the City Engineer. The grading shall be suitable to allow the installation of sidewalk in the future without the need to grade beyond the property line. The Applicant shall obtain a Street Excavation permit prior to the City Engineer signing off on this development. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 3.13 Developer shall make improvements to [Roadway Name] _____ considered temporary to facilitate ingress and egress to the plat/csm until such time as the ultimate improvement of the roadway is undertaken by the city.
- 3.14 The Developer shall make improvements to [Roadway Name] _____ to facilitate ingress and egress to the plat/csm.

[Select one of the below comments for either of the above or leave general]

- The above improvement will consist of acceleration and deceleration tapers.
- The above improvement consists of rights turn lanes.
- The above improvement will consist of passing lanes.
- The above improvement will consist of median openings.
- Caution – The improvements indicated above may require right of way outside of the plat/csm. See comment 2.3 to require additional right of way for this purpose.*
- 3.15 The developer shall note the AASHTO design standards for intersection sight distance will be applied during the design of the streets within this plat/csm.
- 3.16 The developer shall confirm that adequate sight distance exists on _____ where public streets intersect. 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.
- 3.17 All proposed street names shall be approved by the City Engineer. Applicant shall contact Lori Zenchenko (608-266-5952) with street name requests.
- 3.18 Installation of "Private" street signage in accordance with 10.34 MGO is required.
- 3.19 Coordinate all necessary new interior addresses associated with this proposed development with City Engineering Program Specialist Lori Zenchenko lzenchenko@cityofmadison.com or (608) 266-5952

Storm Water Management

- 4.1 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.
- 4.2 The following notes shall be included on the final plat:
 - a. All lots within this plat are subject to public easements for drainage purposes which shall be a minimum of 6-feet in width measured from the property line to the interior of each lot except that the easements shall be 12-feet in width on the perimeter of the plat. For purposes of two (2) or more lots combined for a single development site, or where two (2) or more lots have a shared driveway agreement, the public easement for drainage purposes shall be a minimum of six (6) feet in width and shall be measured only from the exterior property lines of the combined lots that create a single development site, or have a shared driveway agreement, except that the easement shall be twelve (12) feet in width along the perimeter of the plat. Easements shall not be required on property lines shared with greenways or public streets. No buildings, driveways, or retaining walls shall

be placed in any easement for drainage purposes. Fences may be placed in the easement only if they do not impede the anticipated flow of water.

NOTE: IN THE EVENT OF A CITY OF MADISON PLAN COMMISSION AND/OR COMMON COUNCIL APPROVED REDIVISION OF A PREVIOUSLY SUBDIVIDED PROPERTY, THE UNDERLYING PUBLIC EASEMENTS FOR DRAINAGE PURPOSES ARE RELEASED AND REPLACED BY THOSE REQUIRED AND CREATED BY THE CURRENT APPROVED SUBDIVISION.

- b. The intra-block drainage easements shall be graded with the construction of each principle structure in accordance with the approved storm water drainage plan on file with the City Engineer and the Zoning Administrator, as amended in accordance with the Madison General Ordinances.

Information to Surveyor's: In addition to notes such as this, WI State Plat Review now enforces the requirement that easements or other reference lines/areas be graphically shown, dimensioned and tied when they represent fixed locations. They will accept a "typical detail" when the easement or restriction can be effectively described and retraced from the typical detail.

- 4.3 Arrows shall be added to the certified survey map indicating the direction of drainage for each property line not fronting on a public street. In addition, the certified survey map shall include lot corner elevations, for all lot corners, to the nearest 0.25-foot. The following notes shall be added to the certified survey map.
 - a. Arrows indicate the direction of surface drainage swale at individual property lines. Said drainage swale shall be graded with the construction of each principal structure and maintained by the lot owner unless modified with the approval of the City Engineer. Elevations given are for property corners at ground level and shall be maintained by the lot owner.
 - b. All lots within this certified survey are subject to public easements for drainage purposes which shall be a minimum of 6-feet in width measured from the property line to the interior of each lot except that the easements shall be 12-feet in width on the perimeter of the certified survey. For purposes of two (2) or more lots combined for a single development site, or where two (2) or more lots have a shared driveway agreement, the public easement for drainage purposes shall be a minimum of six (6) feet in width and shall be measured only from the exterior property lines of the combined lots that create a single development site, or have a shared driveway agreement, except that the easement shall be twelve (12) feet in width along the perimeter of the certified survey. Easements shall not be required on property lines shared with greenways or public streets. No buildings, driveways, or retaining walls shall be placed in any easement for drainage purposes. Fences may be placed in the easement only if they do not impede the anticipated flow of water.

NOTE: IN THE EVENT OF A CITY OF MADISON PLAN COMMISSION AND/OR COMMON COUNCIL APPROVED REDIVISION OF A PREVIOUSLY SUBDIVIDED PROPERTY, THE UNDERLYING PUBLIC EASEMENTS FOR DRAINAGE PURPOSES ARE RELEASED AND REPLACED BY THOSE REQUIRED AND CREATED BY THE CURRENT APPROVED SUBDIVISION.

Information to Surveyor's: In addition to notes such as this, WI State Plat Review now enforces the requirement that easements or other reference lines/areas be graphically shown, dimensioned and tied when they represent fixed locations. They will accept a "typical detail" when the easement or restriction can be effectively described and retraced from the typical detail.

- 4.4 Prior to the issuance of building permits, the Developer shall submit a master stormwater drainage plan to the City Engineering Division for review and approval which shows lot corner elevations to the nearest 0.25-foot. For purposes of the plan, it shall be assumed that grading shall be done on a straight line grade between points unless other information is provided. The proposed slope between points shall always be greater than or equal to .0075 ft/ft. If a break in grade is required between lot corners a shot shall be taken at that break in grade to provide the Engineer with enough information to interpret the plan. The Developer shall also show proposed drainage arrows on the plan to indicate the proposed direction of drainage.

The master storm water drainage plan shall be submitted to City Engineering in digital format with elevations/grades/contours shown on the recorded plat map of the development. The digital record shall be provided using the state plane coordinate system – NAD 27.

The following note shall accompany the master storm water drainage plan:

- a. 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.

- 4.5 If the lots within this certified survey map are inter-dependent upon one another for storm water runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the certified survey map and recorded at the Dane Co Register of Deeds.
- 4.6 The following note shall be added to the certified survey map. "All lots created by this certified survey map are individually responsible for compliance with Chapter 37 of the Madison General Ordinances in regard to storm water management at the time they develop."
- 4.7 This plat/csm could affect a flood plain, wetland or other sensitive areas. As such, it shall be reviewed by the Commission on the Environment. Contact Mike Dailey at 266-4058 for further details. The proposed plat/csm may be considered a major change to the environmental corridor and be subject to a public hearing and approval of the Dane County Regional Plan Commission.

- 4.8 A portion of this plat/csm may come under the jurisdiction of the US Army Corp of Engineers and Wisconsin Department of Natural Resources for wetland or flood plain issues or navigable waterway. A permit for those matters may be required prior to construction on any of the lots currently within the plat/csm. Contact the WDNR & USACOE for a jurisdictional determination.
- 4.9 Prior to recording the plat/csm, the applicant shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to:
 - Detain the 2 & 10-year storm events.
 - Detain the 2, 10, & 100-year storm events.
 - Control 40% TSS (20 micron particle).
 - Control 80% TSS (5 micron particle).
 - Provide infiltration in accordance with NR-151.
 - Provide substantial thermal control.
 - Provide oil & grease control from the first 1/2" of runoff from parking areas.

Stormwater management plans shall be submitted and approved by City Engineering prior to signoff.

- 4.10 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>.
- 4.11 NR-151 of the Wisconsin Administrative Code will be effective on October 1, 2004. Future phases of this project shall comply with NR 151 in effect when work commences. Specifically, any phases not covered by a Notice of Intent (NOI) received from the WDNR under NR-216 prior to October 1, 2004 shall be responsible for compliance with all requirements of NR-151 Subchapter III. As most of the requirements of NR-151 are currently implemented in Chapter 37 of the Madison General Ordinances, the most significant additional requirement shall be that of infiltration.

NR-151 requires infiltration in accord with the following criteria. For the type of development, the site shall comply with one of the three (3) options provided below:

Residential developments shall infiltrate 90% of the predevelopment infiltration amount, 25% of the runoff from the 2-year post development storm or dedicated a maximum of 1% of the site area to active infiltration practices.

Commercial development shall infiltrate 60% of the predevelopment infiltration amount, 10% of the runoff from the 2-year post development storm or dedicate a maximum of 2% of the site area to active infiltration practices.

- 4.12 A minimum of two (2) working days prior to requesting City Engineering signoff on the plat/csm the applicant shall contact Janet Dailey (608-261-9688) 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).

Sanitary Sewer

- 5.1 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.
- 5.2 Each unit of a duplex building shall be served by a separate and independent sanitary sewer lateral.
- 5.3 This land division contains or is adjacent to facilities of MMSD. Prior to approval, applicant shall provide evidence that MMSD has reviewed and approved the proposed land division.

Mapping / Land Records

- 6.1 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.**
- 6.2 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 Engineering Division for this information.

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- 6.3. 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/CSM** to the Mapping/GIS Section of the Engineering Division. **The digital copies shall be submitted in both NAD27 & WIDOT County Coordinate System, Dane County Zone datums 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:**
- a. Right-of-Way lines (public and private)
 - b. Lot lines
 - c. Lot numbers
 - d. Lot/Plat dimensions
 - e. Street names
 - f. 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.
- 6.4 In accordance with Section s.236.34(1) (c) which says a CSM shall be prepared in accordance with s.236.20(2) (c) & (f), Wisconsin Statutes, the Applicant must show type, location and width of any and all easements. Clearly identify the difference between existing easements (cite Register of Deeds recording data) and easements which are being conveyed by the Plat/CSM. Identify the owner and/or benefiting interest of all easements.
- 6.5 Prior to Engineering final sign-off by main office for Certified Survey Maps (CSM), final CSM must 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 CSM in PDF form is preferred. Transmit to epederson@cityofmadison.com

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Traffic Engineering and Parking Divisions

David C. Dryer, P.E., City Traffic Engineer and Parking Manager

Suite 100
 215 Martin Luther King, Jr. Boulevard
 P.O. Box 2986
 Madison, Wisconsin 53701-2986
 PH 608 266 4761
 TTY 866-704-2315
 FAX 608 267 1158

June 26, 2008

TO: Plan Commission

FROM: David C. Dryer, P.E., City Traffic Engineer and Parking Manager

SUBJECT: **9114 Ancient Oak Lane – Preliminary and Final Plat / Rezoning – First Addition to Linden park - Town of Middleton Sec. 33**

The City Traffic Engineering Division has reviewed the subject development and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. 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 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.

PEDESTRIAN AND BICYCLE TRANSPORTATION REVIEW COMMENTS

2. None

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

3. 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.

4. Utility easements shall be provided as follows:

Between Lots	Between Lots	Between Lots
263 & 264	290 & 291	
265 & 266	293 & 294	
277 & 278	299 & 300	
279 & 280	302 & 303	
282 & 283		

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5. The applicant shall show a detail drawing of the 12 ft. utility easement dimensions and lot lines on the face of the plat.
6. The applicant shall graphically show the "No Access Restriction" along the southerly righth-of-way of Valley View Rd on the face of the plat map.
7. 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 Dan J. McCormick, P.E., City Traffic Engineering at 266-4761 if you have questions regarding the above items.

Contact Person: Wayne Barsness
Fax: 608-833-1089
Email: wbarsness@donofrio.cc

DCD:DJM:dm

CITY OF MADISON
OFFICE OF THE CITY ATTORNEY
Room 401, CCB
266-4511

Date: July 2, 2008

MEMORANDUM

TO: Barb Constans

FROM: Katherine C. Noonan, Assistant City Attorney

RE: Application of the Inclusionary Zoning Ordinance to Replats

Sec. 28.04(26) applies to applications for approval for development that provides ten (10) or more owner-occupied units. If an application is for replat approval of lands that previously have been platted, the ordinance applies to as much of the land in the original plat that is subject to the replat request. The ordinance does not reach lands for which no application has been submitted.