



Department of Planning & Community & Economic Development  
**Planning Division**

Website: [www.cityofmadison.com](http://www.cityofmadison.com)

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May 21, 2008

Jason Valerius  
MSA Professional Services  
2901 International Lane  
Madison, Wisconsin 53704

RE: Approval of a request to rezone approximately 38.8 acres located at 9305-9347 Elderberry Road from Temp. A (Agriculture District) to R2T (Single-Family Residence District) and Planned Unit Development, General Development Plan (PUD-GDP); approval of a demolition permit to allow three single-family residences to be razed, and; approval of a preliminary and final plat creating 105 residential lots and 2 outlots for stormwater management.

Dear Mr. Valerius:

At its May 20, 2008 meeting, the Common Council **approved** your client's demolition permit, rezoning, preliminary plat and final plat for the "Woodstone" subdivision subject to the following conditions of approval from reviewing agencies:

**Please contact Janet Dailey, City Engineering, at 261-9688 if you have questions regarding the following thirty (30) items:**

1. Outlot 1 shall be clearly designated as "Dedicated to the Public for Stormwater Conveyance Purposes" or designated as public easement, whichever is applicable.
2. Outlot 2 location and off-plat stormwater discharge issues shall be resolved to the satisfaction of the City Engineer. If and when approved, the Outlot shall be clearly designated as "Dedicated to the Public for Stormwater Detention Pond Purposes".
3. The City Engineer and Traffic Engineer shall approve the temporary easement locations and respective geometry proposed at the public street ends along the east side of the plat. Include approved termination language in the plat notes to prevent the need to release these easement encumbrances in the future.
4. Any additional public easements, within or adjacent to this proposed plat, necessary to develop the public infrastructure for the same, shall be created by the plat or by separate conveyance for lands outside the plat. The owner/developer is required to negotiate necessary off-plat public land interests. If negotiations are not successful, the City of Madison can assist with condemnation of these necessary rights at the sole cost to the owner/developer with an expected 6 to 8-month condemnation time schedule.
5. Lots 11, 12 and 104 may not be developable until adjacent lands are platted. The City of Madison typically requires all frontages of lots to be improved prior to sale. Because only one half the street is dedicated adjacent to these lots, fully improving the street is impossible. If the lots are allowed to be developed and sold, special deed restrictions may be required in order to protect the new owner.

6. Fireside Boulevard is a short local street and is proposed to be 92 feet wide. The developer is proposing to construct a grass median. The developer shall be required to secure the private maintenance of this section of grass median or shall revise the street width to the standard width of 60 feet.
7. The City of Madison has no right or authority to discharge storm water onto property owned by the UW Regents. The applicant shall obtain such easements/permission or shall match volumetric discharge to the existing conditions for storms including the 1-, 2-, 5- and 10-year events.
8. The developer shall complete and erosion control plan and complete weekly self-inspections of the site and post the inspections to the City website in accord with Madison General Ordinance Chapter 37.
9. Revise plat to provide sufficient right-of-way or easement to allow for storm sewer installation along Bear Claw Way, from Wilrich Road to Azur Avenue.
10. Off-site sanitary sewer is required for this development to take place for which there will be City of Madison sewer impact fee area charges. The City is in the planning stages for the sanitary sewer extension to serve this development – “Elderberry Sewer Extension”. Depending on the selected route for the sanitary sewer, easements may need to be acquired by the City of Madison within the adjacent University-owned Lands.
11. If the developer proposes to plat lands prior to establishment of the Sewer Impact Fee District, the developer shall execute and record a waiver of assessments for said Impact Fees.
12. The City may not be able to accommodate the developer’s proposed schedule. Construction of homes cannot begin until the City has an approved sewer extension project, bid and schedule for construction.
13. The developer shall be responsible for installation of public sanitary sewer within all streets including Wilrich Road.
14. Public sanitary sewer easements shall be required along the east side of all lots along the eastern boundary of the plat.
15. 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.
16. Two weeks prior to recording the final plat, a soil boring report prepared by a Professional Engineer, shall be submitted to the City Engineering Division indicating a ground water table and rock conditions in the area. If the report indicates a ground water table or rock condition less than 9’ below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer.
17. The applicant shall dedicate an 18-foot wide Permanent Limited Easement for grading and sloping along Wilrich Road and the future street adjacent to Lot 11.
18. The developer shall construct Madison standard street improvements for all streets within the plat.
19. The developer shall make improvements to Elderberry Road, including curb, gutter, sidewalk, pavement and storm sewers.

20. The applicant shall execute a waiver of their right to notice and hearings on the assessments for the installation of street improvements along Wilrich Road in accordance with Section 66.0703(7)(b), Wisconsin Statutes and Section 4.09, MGO.
21. 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.
22. 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 re-division 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.

Note: In addition to notes such as this, Wisconsin 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.
23. 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:

*“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.

24. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to detain the 2 & 10-year storm events; control 80% TSS (5 micron particle), and; provide infiltration in accordance with NR-151.
25. 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. Please 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>.
26. A minimum of two working days prior to requesting City Engineering signoff on the plat the applicant shall contact Janet Dailey (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).
27. 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 (261-9688) to obtain the final MMSD billing a minimum of two working days prior to requesting City Engineering signoff.
28. A separate and independent sanitary sewer lateral shall serve each unit of a duplex building.
29. 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.
30. 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 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: 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.

\*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.

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

- 31. 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).”  
 Note: The development may be delayed until the Council approves the transportation impacts fees.
- 32. The final plat’s right of way will need to reviewed and approved prior to final signoff.
- 33. The street improvements may require traffic calming features to be determined by the City Traffic Engineering.
- 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 and 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. The applicant shall show a detail drawing of the 12-foot utility easement dimensions and lot lines on the face of the plat. Utility easements shall be provided as follows:

Between Lots	Between Lots	Between Lots
Westerly 6 ft of Lot 1	61 & 62	Easterly <b>6 ft</b> of Lot 80
4 & 5	65 & 66	Easterly <b>12 ft</b> of Lot 81
9 & OL 1	67 & 68	84 & 85
14 & 15	70 & 71	93 & 94
19 & 20	72 & 73	99 & 100
36 & 37	74 & 75	102 & 103
58 & 59	77 & 78	

- 37. The developer will need to demonstrate/provide how private streetlights will be installed and maintained in the public alleys. The plat shall provide the following note on the face of the plat: "The City will not install lighting in the alleys, but the developer or property owners may request the City to approve a private light(s) in the alley right-of-way. Such private light(s) to be operated and maintained by private interests."
- 38. The applicant shall add to the Zoning Text “Maintenance of Traffic” Measures section with the following:

**MAINTENANCE OF TRAFFIC MEASURES**

Several streets within the GDP and plat include special traffic islands and traffic calming measures within the public right-of-way. The \_\_\_\_\_ (Association) shall be responsible, at the Association’s sole cost and expense, for the maintenance and upkeep of such physical traffic measures. Such maintenance and upkeep shall be performed at the discretion of the Association except to the extent required by the City of Madison and shall include landscaping. If the landscaping is not maintained, the City will give notice to the \_\_\_\_\_ (Association) that it is not being maintained. If the Association does not respond to the notice within 60 days, the physical traffic measures will be topped with an asphalt pavement.

The \_\_\_\_\_ (Association) and persons involved with the maintenance and upkeep of the special traffic measures shall indemnify and hold harmless the City of Madison and its Boards and Commission and their officers, agent and employees from and against all claims, demands, loss of liability of any kind or nature for any possible injury incurred during maintenance and upkeep.

39. 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 Dennis Cawley, Madison Water Utility, at 261-9243 if you have any questions regarding the following item:**

40. All public water mains and water service laterals shall be installed by a standard City subdivision contract. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. The Water Utility will not need to sign off on the final plans, but will need a copy of the approved plans.

**Please contact Si Widstrand, Parks Division, at 266-4711 if you have questions about the following two items:**

41. The neighborhood plan does not call for park dedication on this property, so the requirement shall all be met as a fee in lieu of dedication.
42. The developer shall pay park development fees of \$325,983.90 for the single family and duplex lots, and must pay additional fees in the future for the multi-family units.

Park Dedication required for the single-family and duplex units = 110 units at 1,100 square feet per unit = 121,000 square feet. The Fee in Lieu of Dedication is based on current property values up to \$1.91 per square foot for 2008 = \$231,110. Park development fees = (110sf/dp units X \$862.49 per unit) = \$94,873.90.

Prior to City signoff on the final plat, the developer shall select one of the following options for paying these fees:

- Payment of all fees in a lump sum prior to City signoff on the project;
- For projects being built with phased subdivision improvement contracts, the developer may pay the fees due for the number of units in each contract, paid at the time of contract execution, and at the fee rates then in effect;
- When fees exceed \$20,000, the developer may pay half the fees and provide a two-year letter of credit at no interest for the remaining half of the fees, both prior to City signoff, or;
- The fee payment may be paid within fourteen days of issuance of any zoning, conditional use or building permit. No certificate of occupancy may be issued for buildings on any parcel for which there are unpaid impact fees. Under this option, the fees shall be calculated and prorated to each lot on the development, and the developer shall record a notice of the outstanding impact fees for each lot prior to receiving City signoff for the project. All fees shall be paid at the rate in effect at the time of payment.

**Please contact my office at 261-9632 if you have questions about the following five items, including the condition of approval added by the Plan Commission regarding approval of the project's Inclusionary Dwelling Unit Plan:**

43. That the general development plan be revised per Planning Division approval as follows:
- a.) provide a dimensioned building envelope for each two-family site located north of Azur Avenue that depicts the yards proposed with the zoning text;

- b.) provide for the unified use and programming of the open space shown on Lots 10-12 and 103-104 as part of the specific implementation plan(s) for those projects.

44. That the zoning text be revised per Planning Division approval as follows:

- a.) that the statement of purpose be revised to only read as follows: “This zoning district is established to allow for the construction of 40 duplex units, 32 townhouse units, and 30 apartment units on 16 lots within the proposed Plat of Woodstone, as shown on the attached plans.” [The remaining information is best located in the letter of intent.]
- b.) the permitted uses shall be listed as follows:
  - single-family residences, attached and detached;
  - two-family residences;
  - multi-family residences
  - [accessory uses as currently listed].
- c.) in lieu of the table, the front yards shall be listed as follows: “In general, a 15-foot yard shall be provided adjacent to any public street, except along Bear Claw Way and Wilrich Road, where a 25-foot yard shall be provided, and along Elderberry Road, where a 30-foot yard shall be provided.” [A note may be added compelling all or a portion of the street-side walls to be located at the street-side yard line if desired by the developer.]
- d.) the family definition shall be as follows:
  - the family definition for all of the two-family homes shall coincide with the R3 zoning district;
  - the family definition for all of the townhouse and apartment units shall coincide with the R4 zoning district.
- e.) signage shall be limited to the maximum permitted in the R4 zoning district for the two-family and townhouse condominiums and apartment building; signage shall be limited for the two-family homes north of Azur Avenue to the signage permitted in the R2 zoning district; all signage shall be approved by the Urban Design Commission and Zoning Administrator;
- f.) parking shall only be noted “as shown on approved specific implementation plans.” [Suggested parking ratios may be noted in a revised letter of intent prior to recording of the general development plan.]

45. That the final plat be revised per Planning Division approval prior to final approval for recording as follows:

- a.) that the lots proposed for secondary dwelling units be identified on the face of the plat, which shall also include the following note: “All secondary dwelling units shall be subject to the requirements contained in Section 28 of the Madison General Ordinances.”
- b.) that a 30-foot building setback line be provided for all lots abutting future Elderberry Road.

46. That the applicant submit a final Land Use Restriction Agreement(s) and Inclusionary Dwelling Unit Plan for this subdivision prior to recording as required by the Planning Division and Community Development Block Grant Office.

47. That the Plan Commission approve final inclusionary dwelling unit plan, gap analysis, and waiver upon forthcoming recommendation from the Community Development Block Grant office prior to final approval for recording of the final plat.

**The applicant is also required to satisfy the conditions of approval of the Urban Design Commission prior to the final approval of the planned unit development for recording. Please contact Al Martin, Urban Design Commission Secretary, at 267-8740 if you have any questions about those conditions.**

**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.**

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.

A reuse and recycling plan approved by the Recycling Coordinator is required by ordinance prior to the issuance of wrecking permits for the three single-family residences. The reuse and recycling plan shall be submitted along with the resubmittal of site plans for forwarding to the Recycling Coordinator.

After the planned unit development has been changed as per the above conditions, please file **nine (9) sets** of the revised, complete site plans, building elevations, floor plans and any other documentation requested herein with the Zoning Administrator, Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard. The sets of final revised plans or documents will be circulated by the Zoning staff to the City department staff listed above for their signature of final approval.

Upon receipt of the aforementioned plans, documents and fees, and upon determining that they are complete, the Zoning Administrator shall record them with the Dane County Register of Deeds Office. The recorded originals will be returned to the applicant, with the recording information noted, when the Register of Deeds has completed the recording process.

If this plan is not recorded within one year of the date of approval by the Common Council, the approval shall be null and void. No construction or alteration of the property included in this application shall be permitted until a Specific Implementation Plan (SIP) has been approved and recorded.

Within thirty-six (36) months of Common Council approval of the general development plan, the basic right of use for the areas, when in conformity with the approved specific implementation plan, shall lapse and be null and void unless 1) the project, as approved, is commenced by the issuance of a building permit, or 2) if an application for an extension is filed at least thirty (30) days prior to the expiration of the thirty-six (36) month period and the Plan Commission, after a public hearing pursuant to Sec. 28.12(10)(e), determines that no changes in the surrounding area or neighborhood since approval of the general development plan render the project incompatible with current conditions and grants an extension of up to twenty-four (24) months in which to obtain a building permit. In no case shall an extension allow a building permit to be issued more than sixty (60) months after approval of the general development plan by the Common Council. If a new building permit is required pursuant to sec. 29.06(4), Madison General Ordinances, a new petition and approval process shall be required to obtain general development plan approval and specific implementation plan approval.

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 261-9632.

Sincerely,

Timothy M. Parks  
Planner



cc: Janet Dailey, City Engineering  
John Leach, Traffic Engineering  
Dennis Cawley, Madison Water Utility  
Si Widstrand, Parks Division  
Barb Constans, CDBG Office  
Pat Anderson, Assistant Zoning Administrator  
Jeff Ekola, Office of Real Estate Services  
Norb Scribner, Dane County Land Records and Regulations

<b>For Official Use Only, Re: Final PUD-GDP Routing/ Demolition</b>			
<input checked="" type="checkbox"/>	Planning Div. (T. Parks)	<input checked="" type="checkbox"/>	CDBG
<input checked="" type="checkbox"/>	Zoning Administrator	<input checked="" type="checkbox"/>	Parks Division (for Park fees)
<input checked="" type="checkbox"/>	City Engineering	<input checked="" type="checkbox"/>	Urban Design Commission
<input checked="" type="checkbox"/>	Traffic Engineering	<input checked="" type="checkbox"/>	Recycling Coordinator (R&R)
<input type="checkbox"/>	Fire Department	<input type="checkbox"/>	Other: