



Department of Planning & Community & Economic Development
Planning Division

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April 18, 2013

Jason Valerius
MSA Professional Services
2901 International Lane, Suite 300
Madison, Wisconsin 53704

RE: Approval of a request to rezone 203 Bear Claw Way, 220 Little Bear Drive, 9309, 9330 and 9403 Cobalt Street, 9333 Spirit Street, and 9312 and 9402 Wilrich Street from PD-GDP (Planned Development District-General Development Plan) to TR-C3 (Traditional Residential-Consistent District 3) and approval of a preliminary plat and final plat replatting 6 existing two-family and multi-family residential lots into 36 single-family residential lots. (Dan Heffron, Pheasant Ridge, LLC).

Dear Mr. Valerius;

At its October 16, 2012 meeting, the Common Council **conditionally approved** your client's preliminary and final plat of Woodstone Replat No. 2 subject to the following conditions of approval from reviewing agencies. In order for the final plat to be approved for recording, the following conditions shall be met:

Please contact Janet Dailey of the City Engineering Division at 261-9688 if you have questions regarding the following twenty (20) items:

1. Coordinate the final alignment and dedication of Bear Claw Way with the Traffic Engineering and City Engineering divisions. The developer shall be responsible for the improvement of Bear Claw Way and Wilrich Street within the plat limits.
2. City Engineering may suggest modifications to the public utility and storm water easement symbology and legend designations on the final plat.
3. The stormwater master plan shall be updated to reflect the proposed revisions, which shall be approved by the City Engineering Division.
4. Provide temporary turnaround easements at the end of Cobalt Street and Wilrich Street.
5. The developer may have to phase the construction of lots on the westerly side of the plat near the intersection of Bear Claw Way and Wilrich Street. The Developer's Agreement shall be required to cover all lots within the replat but depending on the timing of the intersection improvements, portions of the streets may not be able to be constructed. If the construction is delayed, the developer shall be required to carry surety on the public improvements until such time as the public infrastructure is constructed and accepted.
6. The developer shall provide temporary easements as part of the subdivision contract to facilitate the future road construction of the perimeter streets in the plat, if required by the City Engineer.
7. 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 CSM without the agreement executed by the developer. (MGO 16.23(9)c)

8. This development is subject to impact fees for the Elderberry Road Neighborhood Sanitary Sewer Impact Fee District. All impact fees are due and payable at the time building permits are issued. The following note shall put the face of the plat:

“Lots/ buildings within this subdivision/ development are subject to impact fees that are due and payable at the time building permit(s) are issued.”

9. The developer shall construct Madison Standard street improvements for all streets within the plat.
10. An erosion control plan and land disturbing activity permit shall be submitted to the City 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.
11. The following notes shall be included on the final plat (MGO 16.23(8)(9)(b)2):

- 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.
- 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 the event of a 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.

Information to Surveyors: 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.

12. 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. Note: It is required that this plan shall be stamped by and Registered Land Surveyor.

The following note shall accompany the master stormwater drainage plan: "For purposes of this plan, it is assumed that grading shall be a straight-line grade between points unless otherwise indicated. All slopes shall be 0.75% or steeper. Grade breaks between lot corners are shown by elevation or through the use of drainage arrows. No building permits shall be issued prior to the City Engineering Division's approval of this plan."

13. The following note shall be added to the plat: "All lots created by this plat are individually responsible for compliance with Chapter 37 of the Madison General Ordinances in regard to storm water management at the time they develop."
14. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by Chapter 37 MGO.
15. A minimum of 2 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 subdivision of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service. All charges shall be cleared prior to the land division (and subsequent obsolesces of the existing parcel).
16. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat.
17. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of 2 working days prior to requesting City Engineering signoff.
18. 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. Note: Land tie to two PLS corners required.
19. 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 in areas where this control exists. The surveyor shall identify any deviation from City Master Control with recorded and measured designations. The City 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 the City Engineering Division for this information.
20. The applicant shall show the 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. Identify the owner and/or benefiting interest of all easements.

Please contact Eric Halvorson of the Traffic Engineering Division at 266-6527 if you have questions about the following two (2) items:

21. Utility easements shall be provided on the plat as follows. The applicant shall show a detail drawing of the 12-foot utility easement dimensions and lot lines on the face of the final plat.

Between Lots	Between Lots	Between Lots
126-147	159-160	172-173
153-154	163-164	176-177
155-156	166-167	Easterly 10 feet of Lot 179

22. 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 of the Madison Water Utility at 261-9243 if you have any questions regarding the following two (2) items:

- 23. All public water mains and water service laterals shall be installed by a standard City subdivision contract.
- 24. All operating private wells shall be identified and permitted by the Madison Water Utility and all unused private wells shall be abandoned in accordance with MGO Sec. 13.21.

Please contact Kay Rutledge of the Parks Division at 266-4714 if you have any questions regarding the following two (2) items:

25. The developer shall pay \$132,766.56 in park dedication and development fees for the 36 single-family lots (Lots 146-181 as shown on the plat). 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. The developer has elected to defer all park impact fees until building permits are pulled; permit holds will be placed on each of the lots accordingly. This development is within the Far West park impact fee district (SI30).

Note: The park dedication requirement for single-family and two-family units equals 1,100 square feet per dwelling unit. The fee in lieu of parkland dedication for single- or two-family units is \$2,684.00 per unit in 2013. The park development fee for a single-family or two-family unit in 2013 is \$1,003.96 per dwelling unit. Park impact fees are adjusted on January 1 of each calendar year, and the park impact fees due at the time of building permit issuance may be higher than the amounts stated above to reflect these annual adjustments.

26. Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right of way. Permission for such activities must be obtained from the City Forester, 266-4816.

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

27. All proposed lots shall be subject to the General Provisions for Residential Districts in Section 28.031 of the Zoning Code as well as usable open space provisions in Section 28.140 of the Zoning Code.

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

28. Bear Claw Way shall be constructed between Cobalt Street and Wilrich Street, as those streets are required in order to provide fire access.

Please contact my office at 261-9632 if you have questions regarding the following item:

29. That there be no vehicular access to Bear Claw Way for Lots 180 and 181. The access restriction shall be shown graphically on the face of the final plat and include a note acknowledging that no vehicular access shall be granted for those lots.

Please contact Jenny Frese of the Office of Real Estate Services at 267-8719 if you have any questions regarding the following seven (7) items:

30. Prior to final sign-off, an Owner's Certificate shall be executed by all parties having an interest in the property, pursuant to MGO Section 16.23(5)(g)4 and Wis. Stats. 236.21(2)(a). The City's Office of Real Estate Services will obtain owner signatures. If the plat boundary remains as currently shown, which includes Wilrich Street as a public road, an Owner's Certificate for the City of Madison will be required.
31. A certificate of consent for each mortgagee/vendor shall be included following the Owner(s)' Certificate.
32. Please update the Plan Commission certificate with Steven Cover's name in place of Tim Parks'.
33. Because of the public street dedication, an Environmental Site Assessment is required.
34. As of March 20, 2013, the 2012 real estate taxes are paid for the subject property and there are no special assessments reported.
35. Prior to final approval, please verify with Janet Dailey in City Engineering (261-9688) or Sharon Pounders at the Water Utility (266-4641) that stormwater management fees are paid in full.
36. The following revisions shall be made to the final plat prior to final approval and recording:
 - a.) Coordinate with City staff regarding the public dedications and plat boundary locations.
 - b.) Please consider labeling the public dedication areas.
 - c.) Depict the Temporary Easement areas shown on the Woodstone Plat, Doc. No. 4651559 and include the associated note shown on Sheet 1 of Woodstone Plat.
 - d.) Carry over the note on Sheet 1 of Woodstone Plat regarding secondary dwelling units, if applicable.
 - e.) Coordinate with City Engineering staff to reconcile the two notes on Sheet 1 that address fencing in the easement areas.
 - f.) Please include a note on the plat that states "Some of the lands within the plat boundary are subject to Attachment Ordinance recorded as Document No. 438143.
 - g.) Please include a Note on the Plat that states "Some of the lands within the plat boundary are subject to Declaration of Conditions, Covenants and Restrictions recorded as Document Nos. 4664181, 4664182 and 4799197.
 - h.) Please include a note on the plat that states "Some of the lands within the plat boundary are subject to Declaration of Conditions and Covenants recorded as Document No. 4710089.
 - i.) Please include a note on the plat that states "Some of the lands within the plat boundary are subject to Declaration of Conditions, Covenants, Restrictions and Easement recorded as Document No. 4858097.
 - j.) Record satisfactions or releases for all mortgages, liens, judgments, or other instruments that encumber the title of the subject lands, but where the purpose for such instrument has been satisfied, fulfilled, or resolved.

Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency.

As soon as the comments and conditions have been satisfied as verified with a completed affidavit form (attached), the original along with the revised final plat, with all signatures and approvals from the reviewing

agencies, shall be brought to this office for final signoff. You or your client may then record the final plat at the Dane County Register of Deeds. For information on recording procedures and fees, contact the Register of Deeds at 266-4141.

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. **The approval of this plat shall be null and void if not recorded in twelve (12) months 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 Division
Eric Halvorson, Traffic Engineering Division
Dennis Cawley, Madison Water Utility
Kay Rutledge, Parks Division
Bill Sullivan, Madison Fire Department
Pat Anderson, Assistant Zoning Administrator
Jenny Frese, Office of Real Estate Services
Dan Everson, Dane County Planning & Development