



Department of Planning & Community & Economic Development

## Planning Division

Heather Stouder, Director

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September 10, 2018

Michelle Burse  
Burse Surveying and Engineering, Inc.  
2801 International Lane, Suite 101  
Madison, Wisconsin 53704

RE: Approval of a request to rezone land generally addressed as 3600 Portage Road from A (Agricultural District) to SR-C3 (Suburban Residential–Consistent 3 District) and approval of the preliminary plat of *Vang Homesites*, creating 14 lots for future two-family residences, one outlot to be dedicated to the public for stormwater management, and one outlot for private gardens (Koua Vang). [ID 52536 and 52219; LNDSP-2018-00009]

Dear Ms. Burse;

At its September 4, 2018 meeting, the Common Council **approved** the zoning map amendment and preliminary plat for “Vang Homesites” subject to the conditions of approval in the following sections, which shall be addressed prior to final approval and recording of a final plat.

**Please contact Brenda Stanley of the City Engineering Division at 261-9127 if you have questions regarding the following seventeen (17) items:**

1. This area will require work to address **floodway** issues that exists in the immediate area of the proposed plat. Additionally, as hydric soils exist in this area a wetland determination will be required for the site.
2. Provide preliminary grading plan and utility plan to determine if additional easements are required.
3. The applicant shall be aware that in accord with Capital Area Regional Plan Commission (CARPC) requirements there will be a 75-foot setback required from the navigable waterway and the wetlands that exist on the back (west) side of the property. The applicant may request that the City of Madison appeal these requirements on behalf of the applicant to CARPC. CARPC requires a fee of approximately \$4,000.00 to hear that appeal. That fee is the responsibility of the applicant.
4. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat.
5. The applicant shall install sanitary sewer to serve the lots of this plat as required by the City Engineer.
6. 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 Mark Moder (261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.

7. All outstanding 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. This property is subject to Sanitary Connection charges for the Portage Avenue Interceptor District.
8. The construction of this project will require that the applicant shall enter into a City/ Developer agreement for the required infrastructure improvements. The applicant shall contact City Engineering to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. Note: Obtaining a developer's agreement generally takes approximately 4-6 weeks, minimum.
9. The applicant shall construct a 12-foot wide sanitary sewer access path for the sanitary sewer serving the development. Construct access path in conformance with City of Madison Standard Specifications for Public Works Construction Standard Detail Drawing 5.1.3, 5.1.4 or 5.1.4A. Access Path is required where there is no hard surface above sanitary sewer (concrete, asphalt). Native ground is not considered a hard surface.
10. 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 feet below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer.
11. 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 Sections 37.07 and 37.08 of 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 5.0 tons per acre per year.
12. This site appears to disturb over one (1) acre of land and requires a permit from the Wisconsin Department of Natural Resources (WDNR) for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR-216 and NR-151; however, a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt of the WDNR at 273-5612 to discuss this requirement.
13. A minimum of two (2) working days prior to requesting City Engineering signoff on the plat, the applicant shall contact either Tim Troester at 261-1995 (ttroester@cityofmadison.com) or Brenda Stanley at 261-9127 (bstanley@cityofmadison.com) to obtain the final stormwater utility charges that are due and payable prior to sub-division of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service. All charges shall be cleared prior to the land division (and subsequent obsolesces of the existing parcel).

14. Prior to the issuance of building permits, the developer shall submit a master stormwater drainage plan to the City Engineering Division for review and approval which shows lot corner elevations to the nearest 0.25-foot. For purposes of the plan, it shall be assumed that grading shall be done on a straight-line grade between points unless other information is provided. The proposed slope between points shall always be greater than or equal to .0075 ft/ft. If a break in grade is required between lot corners a shot shall be taken at that break in grade to provide the Engineer with enough information to interpret the plan. The Developer shall also show proposed drainage arrows on the plan to indicate the proposed direction of drainage. The master stormwater drainage plan shall be submitted to City Engineering in digital format with elevations/grades/contours shown on the recorded plat map of the development. The digital record shall be provided using the state plane coordinate system – NAD 27. 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 City Engineering’s approval of this plan.

15. This plat will require a Storm Water Management Permit. Please submit the Storm Water Management Permit Application (and associated fee) to City Engineering, for approval.
16. The applicant shall repair the street and curb and gutter, and construct sidewalk on the northwesterly side of Portage Road according to a plan approved by the City.
17. The following notes shall be included on the final plat per MGO Section 16.23(9)(d)2. (a. & b.):
  - 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, without the approval of the City Engineer at the time of site plan review. 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 stormwater 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.

**Please contact Jeff Quamme of the City Engineering Division–Mapping Section at 266-4097 if you have any questions regarding the following sixteen (16) items:**

18. The plat shall grant an additional 2.5 feet in width along the northwest side of the existing Sanitary Sewer Easement per Document No. 2247962 and also additional Public Sanitary Sewer Easement area shall be granted filling the gap area between the existing easement and Portage Road right of way for the portion of the easement running along the southeast sides of proposed Lots 12-14 and Outlot 1. Additionally, a 15-foot wide outlot shall be dedicated to the public for Public Sanitary Sewer, Public Drainage and Public Access Purposes between Lots 11 and 12, centered on the existing sanitary sewer easement.
19. Outlot 2 as proposed is landlocked for a private use. The applicant shall provide or obtain a private access by easement(s) to the outlot that does not require the access to cross the adjacent stormwater drainage way.
20. The Existing Public Sanitary Sewer Easement per Document No. 2246622 is mislabeled. That document is a *lis pendens*. The easement was granted by Document No. 2247962. This shall be changed on the plat and properly noted on the future title report for the final plat.
21. An additional 7 feet in width shall be dedicated to the public for public street purposes adjacent to the existing right of way of Portage Road.
22. The area that encompasses the Public Street and Sidewalk Easement per Document No. 3563669 shall be included in the area dedicated to the public for public street purposes.
23. The dedication language for Outlot 1 shall be revised to read: "Dedicated to the Public for Public Storm Water Management Purposes."
24. The floodplain shall be accurately shown and the 100-year flood elevation labeled on the plat.
25. The lands to the northwest are now part of Certified Survey Map 14783. This shall be acknowledged on the plat. Also, the northwestern and the western boundaries of this plat do not match the boundaries of adjacent CSM 14783. The discrepancy between the boundaries shall be rectified.
26. The radius for Curve 2 on the plat matches the description, but does not correlate as a concentric curve to the radii for the right of way as set forth on the plat of Village Green East. This discrepancy shall be rectified.
27. The preliminary plat does not contemplate any private Easements or Outlots to accommodate the now USPS required centralized delivery of mail using Cluster Box Units (CBUs). The applicant shall coordinate with the USPS Development Coordinator and City Engineering, Planning and Traffic

Engineering staff any required locations for the CBU. CBUs serving this plat will not be permitted within any publicly owned or dedicated lands.

28. The exterior boundary shall show all recorded as information for the parcel and adjacent parcels as required by statute. The legal description shall make calls along lines where appropriate.
29. Remove listed items of title under the note that do not encumber or effect this plat. Those items shall be removed from the title report provided for the final plat.
30. Any required wetland setback restricting buildings or improvements on any lot on the final plat shall be fully dimensioned to allow proper placement on the lot(s).
31. The applicant shall coordinate and request from the utility companies serving this area the easements required to serve this development. Those easements shall be properly shown, dimensioned and labeled on the final plat.
32. Standard Note for Public Utility Easements: "Public Utility Easements as herein set forth are for the use by Public Bodies and Private Public Utilities having to right to serve the area."
33. 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.

**Please contact Sean Malloy of the Traffic Engineering Division at 266-5987 if you have any questions regarding the following four (4) items:**

34. An additional 7 feet in width shall be dedicated to the public for public street purposes adjacent to the existing right of way of Portage Road.
35. The applicant shall execute and return a declaration of conditions and covenants (DCC) for streetlights and traffic signals prior to sign off.
36. The developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, streetlighting, signing, pavement marking and conduit/handholes, the developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.
37. The City Traffic Engineer may require public signing and marking related to the development; the Developer shall be financially responsible for such signing and marking.

**Please contact Jenny Kirchgatter, Assistant Zoning Administrator, at 266-4429 if you have any questions regarding the following three (3) items:**

38. In the letter of intent submitted with the application, the applicant proposes that the lots are intended to allow two-unit twin dwellings. Proposed Lot 13 is less than 8,000 square feet in lot area. The

proposed lot size will accommodate a single-family residence, but it does not meet the lot area requirement for a two-family two-unit or two-family twin dwelling.

39. Lots 9 and 10 are located within the wetland overlay. Provisions of Section 28.103 will apply to portions of these lots.
40. Section 28.037(2)(a) provides that no two-family twin dwelling shall be constructed or converted within 300 feet of a zoning lot containing another two-family twin building, as measured from the perimeter of each zoning lot, unless approved by conditional use within the SR-C3 zoning district.

**Please contact Adam Wiederhoeft of the Madison Water Utility at 266-9121 if you have any questions regarding the following two (2) items:**

41. The developer shall construct the public water distribution system and services required to serve the proposed subdivision plat per MGO 16.23(9)(d)(3).
42. All public water mains and water service laterals shall be installed by a standard City of Madison Subdivision Contract. The applicant shall contact City Engineering Division to schedule the development of plans and the agreement. See Engineering Division comments for additional information.

**Please contact Tim Sobota of the Metro Transit at 261-4289 if you have any questions regarding the following two (2) comments:**

43. In coordination with public works improvements, the applicant shall install public sidewalk along the north side of Portage Road, adjacent Lots 1 through Outlot 1 (Hayes Road).
44. In coordination with public works improvements, the applicant shall maintain or replace existing curb ramp and concrete bus boarding pad improvements on the north side of Portage Road generally opposite the Village Lane intersection (Lots 6 and 7). The applicant shall include the location of these transit amenities on the final documents filed with their permit application so that Metro Transit may review and approve the design.

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

45. Provide the following information to the buyer of each individual lot: "The Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D and SPS 382.40(3)(e)." An upgrade to include a fire sprinkler system with a cost estimate shall be made available for all initial single- or two-family home sales.

**Please contact Kathleen Kane of the Parks Division at 261-9671 if you have any questions regarding the following four (4) items:**

46. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(6) will be required for all new residential development associated with this project. This development is within the North Park-Infrastructure Impact Fee district. Please reference ID# 18143 when contacting Parks Division staff about this project.
47. The following note should be included on the subdivision: "Lots within this subdivision are subject to impact fees that are due and payable at the time building permit(s) are issued."
48. Existing street trees shall be protected. Please include the following note on the site plan: "The contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266- 4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry prior to the start of construction. Tree protection specifications can be found in Section 107.13 of City of Madison Standard Specifications for Public Works Construction. Any tree removals that are required for construction after the development plan is approved will require at least a 72-hour wait period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan."
49. City Forestry will evaluate the terrace for new street tree plantings upon completion of the project. If there is space for new trees, City Forestry will schedule planting and assess the cost of the initial planting to the property owner.

**Please contact my office at 261-9632 if you have any questions about the following four (4) items:**

50. The applicant shall provide a copy of the current wetland delineation and show the 75-foot setback from Starkweather Creek and adjacent wetlands on the final plat in accordance with the Dane County Water Quality Plan. The layout of the subdivision and proposed lots shall be adjusted to accommodate the 75-foot setback. The buildable area (envelope) of Lots 1, 8, 9, 10, 13 and 14 shall be shown on the final plat, which shall account for the minimum zoning setbacks and the location of any delineated wetlands and their required setback.
51. That a variance to the 100-foot minimum lot depth required in Section 16.23(8)(d)3 of the Subdivision Regulations is hereby granted for Lots 1 and 14 of the preliminary plat.
52. Pertaining to the proposed "private garden" on Outlot 2, the applicant shall submit to the Planning Division two copies of the private subdivision covenants, conditions and restrictions that govern the organizational structure, use, maintenance and continued protection of the development and any common services, open areas or other facilities to serve the proposed subdivision, including the common elements and contracted services requirements proposed to serve certain lots within the plat. In the alternative, the applicant shall demonstrate how the proposed garden will comply with the Zoning Code definition of community gardens. These documents shall be approved by the

Planning Division in consultation with the City Attorney's Office and Zoning Administrator prior to final approval of the plat for recording.

53. Note: Approval of the zoning map amendment and subdivision by the Plan Commission and Common Council does not constitute approval of or support for any future conditional uses required to develop the proposed lots. The applicant or successor shall be required to submit applications to the Plan Commission for conditional use approval pursuant to the processes in Section 28.183 of the Zoning Code. Future development of those lots shall comply with the applicable bulk and design requirements of the Zoning Code, including the general provisions for residential districts in Section 28.031 and the building form standards in Section 28.172.

**Please contact Lance Vest of the Office of Real Estate Services at 245-5794 if you have any questions regarding the following eleven (11) items:**

54. Prior to approval sign-off, the Owner's Certificate on the final plat shall be executed by all parties having an interest in the property, pursuant to Wis. Stats. 236.21(2)(a). Certificate shall be prepared with the ownership interests consistent with the most recent title report. Signatories shall provide documentation that proves legal authority to sign the Owner's Certificate. The executed original hard stock recordable plat shall be presented at the time of sign-off.
55. A certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate(s) and executed prior to plat approval sign-off. If mortgages of record are paid off prior to plat approval, a copy of the recorded satisfaction for said mortgage shall be provided prior to sign-off.
56. All consents and certifications for any holder of interests in the subject lands shall conform with Wis. Stats. 236.21(2) and 236.29, i.e., to include the language "...surveyed, divided, mapped and dedicated..."
57. For parcels located within the City of Madison, a Madison Common Council Certificate shall appear as follows on the final plat:

Resolved that this plat known as \_\_\_\_\_ located in the City of Madison was hereby approved by Enactment Number \_\_\_\_\_, File ID Number \_\_\_\_\_, adopted on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and that said enactment further provided for the acceptance of those lands dedicated and rights conveyed by said plat to the City of Madison for public use.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Maribeth L. Witzel-Behl, City Clerk  
City of Madison, Dane County, Wisconsin

58. The following City of Madison Treasurer Certificate shall appear on the final plat:



I, \_\_\_\_\_, being the duly appointed, qualified and acting Treasurer of the City of Madison, Dane County, Wisconsin, do hereby certify that, in accordance with the records in my office, there are no unpaid taxes or unpaid special assessments as of this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ on any of the lands included in the plat of \_\_\_\_\_ .

\_\_\_\_\_  
David Gawenda, City Treasurer  
City of Madison, Dane County, Wisconsin

59. A certificate for the Dane County Treasurer similar to the City of Madison Treasurer Certificate above shall appear on the final plat.
60. A certificate for the Dane County Register of Deeds to enter time, date and recording information shall appear on the final plat.
61. An Environmental Site Assessment is required for any areas dedicated to the public. Please provide this material to Brynn Bemis in City Engineering for review ([bbemis@cityofmadison.com](mailto:bbemis@cityofmadison.com)).
62. As of July 25, 2018, the 2017 real estate taxes are paid for the subject property. Under Section 236.21(3) Wis. Stats. and MGO Section 16.23(5)(g)(1), the property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to Plat recording. This includes property tax bills for the prior year that are distributed at the beginning of the year. Receipts are to be provided on or before sign-off and checks are payable to: City of Madison Treasurer; 210 Martin Luther King, Jr. Blvd.; Madison, WI 53701.
63. As of July 25, 2018, no special assessments are reported for the parcels within the plat boundary. Pursuant to MGO Section 16.23(5)(e)1 and Wis. Stats. 236.21(3), all special assessments, including accrued interest in the case of delinquencies, shall be paid by the owner prior to plat approval sign off.
64. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall provide to Lance Vest in the City's Office of Real Estate Services ([lvest@cityofmadison.com](mailto:lvest@cityofmadison.com)), as well as the surveyor preparing the plat, an updated title report covering the period between the date of the initial title report (March 6, 2018) and the date when sign-off approval is requested. A title commitment may be provided, but will only be considered as supplementary information to the title report update. The surveyor shall update the plat with the most recent information available in the title report update.
65. Revise the plat as follows:
  - a.) Include the following sentence with the dedicated utility easements depiction in the Legend: "Utility Easements as herein set forth are for the use of public bodies, as well as private utilities having the right to serve the area."
  - b.) When the final plat is prepared, please include as many pages and detail areas necessary to ensure legibility at the time of recording.

- c.) Add detail to clearly differentiate between the easement per Document No. 3563669 and the public dedication area.
- d.) Include the purpose of any public dedication areas on the plat.
- e.) Remove reference in Lot 1 and Lot 7 to Apparent Easements and show only those easements of record. Research the potential for easements in these areas.
- f.) It appears that the Public Sanitary Sewer Easement Document No. 3563670 does not apply to lands within the plat boundary. Ask the title company to remove from title update if that is found to be the case.
- g.) Change reference for 10' Sanitary Sewer Easement from Document No. 2246622 to Document No. 2247962. Document No. 2246622 is the Lis Pendens Notice, whereas Document No. 2247962 is the instrument that acquired the easement interest.
- h.) It appears that the Order Levying Assessments recorded as Document No. 2210789 encumbers the lands within the plat boundary. Please ask the title company to include this document in the title update if that is found to be the case.
- i.) It appears that the Public Utility Easement recorded as Document No. 2256767 encumbers the lands within the plat boundary. Please ask the title company to include this document in the title update if that is found to be the case.
- j.) When the title update is prepared, please include the correct document reference to Ordinance No. 13003.

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

Any appeal regarding the plat, including the conditions of approval related thereto, must be filed with the Circuit Court within thirty (30) days from the date of this letter. If I may be of any further assistance, please do not hesitate to contact me at 261-9632.

Sincerely,

Timothy M. Parks  
Planner

cc: Brenda Stanley, City Engineering Division  
John Sapp, City Engineering Division  
Jeff Quamme, City Engineering Division – Mapping Section  
Sean Malloy, Traffic Engineering Division  
Jenny Kirchgatter, Zoning Administrator  
Bill Sullivan, Madison Fire Department  
Kathleen Kane, Parks Division  
Adam Wiederhoeft, Madison Water Utility  
Lance Vest, Office of Real Estate Services