

PLANNING UNIT REPORT
DEPARTMENT OF PLANNING AND DEVELOPMENT
June 6, 2005

RE: ID# 01144: Zoning Map Amendment I.D. 3098, rezoning 5402-5434 Commercial Avenue from Temp. A to R1, and ID# 01343, approval of the preliminary plat and final plat of "Eagle Crest Subdivision."

1. Requested Actions: Approval of a request to rezone 18.9 acres located at 5402-5434 Commercial Avenue from Temporary A (Agriculture District) to R1 (Single-Family Residence District) and approval of a preliminary plat and final plat creating lots nine single-family lots, one institutional lot for a church, three outlots for landscaping and signage and one outlot for public stormwater detention.
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 Drafted By: Timothy M. Parks, Planner

GENERAL INFORMATION

1. Applicant & Property owner: William Ziegler, Eagle Aerie, LLC; 3726 Fairview Drive; Madison, Wisconsin 53704.

Surveyor: Francis Thousand, Arnold & O'Sheridan, Inc.; 1111 Deming Way; Madison, Wisconsin 53717
2. Development Schedule: Development of the subdivision will commence in summer 2005.
3. Parcel Location: Approximately 18.9 acres located in the northwest quadrant of Commercial Avenue (CTH T) and Interstate 39/90/94, in Aldermanic District 17; Madison Metropolitan School District.
4. Existing Conditions: Single-family residence on large lot and undeveloped lands located in the City of Madison in Temp. A zoning.
5. Proposed Land Use: Nine single-family lots with seven new single-family residences and one institutional lot for a church, zoned R1.
6. Surrounding Land Use and Zoning:
North: Single-family residences in the Ridgewood, The Glacier Addition subdivision, zoned PUD-SIP;
South: Calvary Baptist Church, zoned R1 (Single-Family Residence District);
West: Single-family residences along Vernon Road in the City of Madison, zoned R2

(Single-Family Residence District) and in the Town of Burke;

East: Single-family residence in the Town of Burke; Interstate 39/90/94.

7. Adopted Land Use Plan: The East Towne – Burke Heights Neighborhood Development Plan recommends the site for “low-density residential” uses at a density of approximately four units per acre.
8. Environmental Corridor Status: The subject site is not located in a mapped environmental corridor.
9. Public Utilities & Services: The property will be served by a full range of urban services.

STANDARDS FOR REVIEW

This application is subject to the standards for zoning map amendments and the standards for preliminary and final plats.

ANALYSIS AND EVALUATION

The applicants are requesting approval of a zoning map amendment to rezone two parcels totaling 18.9 acres addressed 5402 and 5434 Commercial Avenue (CTH T) from Temp. A (Agriculture District) to R1 (Single-Family Residence District) and approval of a preliminary plat and final plat creating nine single-family lots, one lot for a future church, three outlots for landscaping and signage and one outlot for stormwater detention. Two of the proposed lots will be occupied by existing residences, with new residences to be constructed on the remaining seven lots. The subject site was annexed into the City of Madison in March 2004.

Background

The first of the two existing residences, addressed 5402 Commercial Avenue, is located on an approximately 17,000 square-foot (0.39 acre) parcel located in the southwestern corner of the subject site. Access to the two-story ranch home is provided by a private driveway that extends north from Fairview Drive, a public street in the Town of Burke that varies in width and generally parallels Commercial Avenue. The second residence and the remaining site acreage are addressed 5434 Commercial Avenue. The larger property has approximately 230 feet of frontage along Commercial Avenue and surrounds on three sides a parcel in the Town that is developed with the Eagle Crest Bar. In addition to the residence, the larger site includes a barn and three garages and sheds. The residence at 5434 has a driveway from Commercial Avenue and also shares cross-access with the neighboring tavern, which has its own driveway to Commercial Avenue. Though the subject site abuts the Commercial Avenue right of way, which is controlled by Dane County, it is separated from the thoroughfare by an approximately 70-foot wide Town of Burke peninsula that parallels the street. The street surface and the southern half of the right of way are located in the City.

The subject site was annexed into the City of Madison in March 2004. Prior to annexation into the City, a portion of the subject site containing the eastern residence and barn had County commercial zoning and was used for a landscaping business.

Most of the subject site north of the two residences is used for agriculture and rolls slightly from the northwestern corner of the site towards to the south. The site is devoid of vegetation save for modest groupings of mature trees located on the perimeter of the site. The southbound lanes of the Interstate 39/90/94 corridor form most of the eastern property line of the overall site and have considerable visibility from the property. The highway corridor is generally located above the elevation of the site, increasing from north to south as interstate traffic rises to cross Commercial Avenue and enters the “Badger” interchange with State Route 30.

The remainder of the eastern property line is shared with a single-family residence in the Town of Burke that abuts the interstate corridor on the north side of Commercial Avenue. The property is surrounded to the north and west by single-family residences located in both the City of Madison and the Town of Burke. Calvary Baptist Church is located south of the site across Commercial Avenue. With the exception of the Eagle Crest Bar, the surrounding land uses generally reflect the land uses recommended by the East Towne – Burke Heights Neighborhood Development Plan, which recommends “low-density residential” development for lands on the north side of Commercial Avenue west of the interstate corridor and “institutional” land uses for the church property to the south.

Zoning Map Amendment and Plat Review

Access to the proposed Eagle Crest subdivision will be provided by the construction of a loop street that will extend north from the current terminus of Fairview Drive a distance of 350 feet before curving east a distance of 500 feet before curving to the south to connect to Commercial Avenue. The eastern terminus of the street will extend through most of the eastern peninsula of the site that extends between the tavern and neighboring residence to the east. The applicant proposes to name the eastern approach from Commercial Avenue and the east-west section of the new street as “Holy Cross Way” in reference to the future occupant of the proposed institutional lot, Holy Cross Lutheran Church. The church, which is presently located in the Union Corners neighborhood of the City on Milwaukee Street, proposes to relocate its church and school to Lot 10 of the proposed subdivision. The church and school will be conditional uses in the proposed R1 zoning and will be subject to further Plan Commission review prior to construction of those uses.

The remaining lands south of Holy Cross Way and the proposed church lot will be subdivided into nine lots, with Lots 2-9 to be zoned R1. Lot 1, containing the eastern single-family residence, barn and garages, is not included with the zoning map amendment and will remain zoned Temp. A pending discussions with the applicant regarding a mutually acceptable zoning for this lot prior to the recording of the final plat. As noted above, a portion of this property had commercial zoning in the County prior to annexation to the City.

Lots 1 and 2 will be occupied by the existing residences, while Lots 3-9 will be available for new single-family homes. Because the subdivision will result in the development of fewer than ten

new dwelling units, inclusionary zoning provisions do not apply. The seven vacant residential lots include an average width of 75 feet and range in size from 10,022 square feet to 10,589 square feet, exceeding the minimum 65-foot lot width and 8,000 square-foot lot area required in R1 zoning. One of the sheds on Lot 1 will need to be removed or relocated in order to comply with yard requirements for accessory buildings.

The subdivision will also create a total of four outlots. Outlot 1 is a narrow, six-foot wide strip that extends along the west side of Holy Cross Way along the length of the common property line with the Eagle Crest Bar. The final plat indicates that this outlot will be created for landscaping purposes; the surveyor indicates that the church may be interested in purchasing this tract in order to install landscaping and screening for patrons approaching the church. Outlots 2 and 4 have been created to provide street frontage to the unplatted adjacent town properties. The Planning Unit feels that the outlots will aid in the provision of more appropriate lots for future development. The remaining outlot, Outlot 3, will be dedicated to the City for stormwater management purposes.

The plat also will dedicate right of way for a cul-de-sac for Tony Drive, which currently terminates at the northern property line in the northeastern corner of the site. The street was dedicated with the Ridgewood, The Glacier Addition single-family subdivision to the north and was originally planned in the East Towne – Burke Heights NDP to extend south parallel to the interstate corridor to connect to Commercial Avenue. The Planning Unit requests that a note be placed on the final plat requiring that primary access to the future church-school site on Lot 10 be provided from Holy Cross Way to the south, and that only secondary, part-time access be provided from Tony Drive to reduce the amount of church-related traffic in the low-density neighborhoods to the north. Staff will review any future conditional use requests for the church site to ensure that the plat condition is met and most of the traffic from Lot 10 flows to the south.

The proposed subdivision will result in the continuation of an unusual situation for three landlocked undeveloped parcels in the Town of Burke located adjacent to the northwestern quadrant of the subdivision. All three of the parcels are owned by the owners of adjacent single-family parcels to their west on the east side of Vernon Road, who have indicated to the applicant no interest in developing these back lots. While staff would prefer that Fairview Drive be extended to provide access to these three parcels, the cost of providing access to lots that may not develop would be prohibitive for the applicant.

The Subdivision Regulations require that subdivisions adjacent to state or federal highways comply with State Trans. 405 highway noise abatement provisions, which mandate that any outdoor recreational space serving a residential or institutional use be located outside of the 67-decibel noise contour for the highway, in this case the Interstate 39/90/94 corridor. The Subdivision Regulations also require that any residential or institutional structures located within an identified noise contour be constructed to limit highway noise on the building's interior to 52 decibels. The applicant submitted a study to the City Traffic Engineer that indicated that the church and school buildings will be sited to shield the outdoor recreation areas for the school from highway noise in order to meet the 67-decibel threshold. The remainder of the subdivision will be buffered from highway noise through the construction of a six to eight-foot tall landscaped berm that will extend along the length of the eastern property line. The study

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indicates that all of the required open space for the new single-family residences will be located outside the 67-decibel contour. The northern end of the berm will abut the southern end of a berm in the Ridgewood subdivision to the north. The noise study notes that the berm in the Ridgewood subdivision was built lower than the height approved with that development's noise study, which may result in highway noise encroaching into that subdivision, though not as a result of this proposed subdivision.

In the event that the church or school buildings move significantly on proposed Lot 10 from the preliminary concept that was incorporated into the noise abatement model, the applicant may be required to modify the study and the noise attenuation measures to ensure that the 67-decibel noise limitation is being abided by for any outdoor recreation facilities.

CONCLUSION

The proposed subdivision and the introduction of the church use represent a deviation from the land uses and street pattern recommended for the site in the East Towne – Burke Heights Neighborhood Development Plan, which recommended the entire site for low-density residential uses and called for the extension of Tony Drive south to connect to Commercial Avenue. Despite these deviations, the Planning Unit is recommending approval of the requested rezoning and plat. Staff believes that the location of the church and school on the site are appropriate given the size of the tract they will occupy provided that the primary access to these uses is from the south and not from the single-family subdivision located to the north. The discontinuation of Tony Drive at the northern property line should have little impact on future traffic flow in the area north of the site, as the street has been dead-ended since the development of the Ridgewood, the Glacier Addition subdivision. Traffic from the north will continue to channel west to Eagle Crest Drive, which is located one and a half blocks west of the property. Without the development of additional dwelling units on the subject site, the Planning Unit believes that the continuation of Tony Drive as recommended on the neighborhood plan is unnecessary.

The rezoning of Lot 1 will be a condition of approval of the final plat pending a discussion with the property owner regarding a mutually acceptable zoning district for this lot. Although the eastern of the two residences and accessory buildings were zoned commercially in the County for a landscaping business that formerly occupied the site, the Planning Unit does not believe that the site is appropriate for continued commercial usage given the size of the parcel and the low-density residential land use recommended by the neighborhood development plan. The lot will need to be rezoned prior to the release of the final plat by the City for recording.

RECOMMENDATIONS

The Planning Unit recommends that the Plan Commission forward Zoning Map Amendment LD. 3098, rezoning approximately 18 acres located at 5402-5434 Commercial Avenue from Temp. A (Agriculture) to R1 (Single-Family Residence District) to the Common Council with a recommendation of **approval**, subject to input at the public hearing and comments from reviewing agencies.

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The Planning Unit also recommends that the Plan Commission forward the **Preliminary Plat** and **Final Plat** of **Eagle Crest Subdivision** to the Common Council with a recommendation of **approval**, subject to input at the public hearing and the following conditions:

1. Comments from reviewing agencies.
2. That the applicant submit an application to rezone proposed Lot 1 from Temp. A to a mutually agreeable zoning district prior to the final plat being released for recording.
3. That the applicant provide a detailed landscaping plan for the proposed berm, including sections, and that the plan specify the species and size of landscape materials to be planted. Said plan shall be made part of the Subdivision Improvement Contract for this development.
4. That the final plat be revised per Planning Unit approval as follows:
 - a.) show a building envelope for Lot 9;
 - b.) include a note on the plat that primary access to future uses on Lot 10 shall be provided from Holy Cross Way; secondary access for those uses from Tony Drive may be considered as part of any future City approval of those uses;
 - c.) include a note on the plat indicating that the owner of Lot 10 shall be the owner of and be responsible for the maintenance of Outlot 3;
 - d.) include the following note on the plat and in the subdivision declarations and covenants:

“The owners and occupants of the lots contained on this plat acknowledge the presence of high levels of existing noise resulting from the adjacent highway and shall hold harmless the City of Madison from any impacts on the use, enjoyment or value of these properties resulting from existing or future highway noise.”
 - e.) include a 30-foot setback line along the eastern property line and the following note on the face of the plat:

“This strip reserved for noise abatement facilities. The building of buildings hereon is prohibited and any bermed area shall not be counted as any required yard. Maintenance of this strip and any facilities thereon is the responsibility of the owner.”

**CITY OF MADISON
INTERDEPARTMENTAL
CORRESPONDENCE**

Date: May 26, 2005

To: Bill Roberts, Planner III
From: Kathy Voeck, Assistant Zoning Administrator
Subject: **EAGLE CREST SUBDIVISION Preliminary, Final Plat, Noise Abatement and Rezoning, 5402 Commercial Avenue**

Present Zoning District: Temp. Ag.

Proposed Use: 9 single family lots, 1 institutional lot and 4 outlots

Requested Zoning District: R-1

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).

GENERAL OR STANDARD REVIEW COMMENTS

1. In the noise study of Lot 9 (Lot 8 on noise abatement documents) of the plat, the building orientation does not meet the rear setback requirement. Note: this is a reverse corner lot. Contact zoning to for an example of corner lot setbacks. Minimum lot depth is 100' so the front yard will be on the end of the lot that is the most narrow on Lot 9 (Lot 8 of noise abatement documents). The outdoor living area, as shown may change with the revised building orientation. Revise the noise abatement plan to reflect the corrected outdoor living area. The amount of usable open space required for a single family home in an R-1 is 1,300 sq. ft. The rear yard will be directly opposite the front yard and parallel to the front. Note: Lot 4 is also a corner lot.

2. The outbuilding partially on Lot 2 shall be shown "to be removed" on the plat.

ZONING CRITERIA

Bulk Requirements	Required	Proposed
Lot Area	8,000 sq. ft.	10,022 sq. ft. +
Lot width	65'	72' +
Usable open space	1,300 sq. ft.	adequate All lots
Front yard	30'	adequate Lot 1
Side yards	6' 1 story, 7' 2 story	adequate Lot 1
Rear yard	40'	adequate Lot 1.
Building height	2 stories/35'	

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Site Design	Required	Proposed
Number parking stalls	1 per unit res. future church to be determined	at development
Accessible stalls	Yes, future church	
Loading	Depends on size of church	
Number bike parking stalls	Dep. on capacity of church	
Landscaping	Yes, church development	
Lighting	If provided at future dev.	must meet code levels

Other Critical Zoning Items	
Urban Design	No
Historic District	No
Landmark building	No
Flood plain	No
Utility easements	None shown
Water front development	No
Adjacent to park	No
Barrier free (ILHR 69)	No (future church development – yes)

With the above conditions, the proposed project does comply with all of the above requirements.

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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
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David L. Benzschawel, P.E.
Gregory T. Fries, P.E.

Operations Supervisor
Kathleen M. Cryan

Hydrogeologist
Joseph L. DeMorett, P.G.

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

DATE: May 24, 2005
TO: Plan Commission
FROM: Larry D. Nelson, P.E., City Engineer 
SUBJECT: Eagle Crest Subdivision Preliminary and Final Plat

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. The Developer shall construct Fairview Drive to a point approximately 150-feet east of Vernon Road easterly into the proposed plat.
2. This development is required to control 80% total suspended solids removal, 1 + 10 year stormwater detention, and infiltration in accordance with NR-151.
3. If Lot 9 is a commercial lot the developer may choose to meet stormwater requirements for that lot on that site. If so, a note will be added to the plat stating that.
4. Proposed noise berm adjacent to Outlot 3 shall not be a part of Outlot 3 unless outlot shall remain private.
5. Outlot 2 shall be eliminated and made part of the right-of-way.
6. Preliminary plat does not show how noise berm will terminate on the south end of plat. It cannot occupy any portion of the storm basin, if the basin is public.
7. This development shall require extending storm sewer off plat and along County Highway T.
8. Applicant shall submit a check payable to the Town of Burke in the amount of \$3,142.98 for the Eagle Crest Interceptor.
9. Applicant shall submit a check payable to the City of Madison in the amount of \$5,836.10 for the City of Madison sewer area fees.
10. Vernon Road "GAP" dedication must be recorded before this plat. Refer to City Real Estate Project No. 8136.
11. Fairview Drive street name must change at its east terminus to Holy Cross Way. Proposed Lot 1 will require an address change from its existing 54023 Fairview Drive to a new Holy Cross Way address.

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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: Eagle Crest Subdivision Preliminary and Final Plat

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.

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.
- * 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.

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- 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.

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.
- 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.
- 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.
- 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.

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- 3.14 The Developer shall make improvements to CTH "T" 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.

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.
- 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.

- 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.

- 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 detention 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, this plat/csm shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Contact Greg Fries at 267-1199 to discuss these requirements.
- 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.
- 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 dedicate 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.

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 connection to the public sewerage system.
- 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 NAD 1927 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 NAD 1927 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 NAD 1927 value, contact Engineering Division for this information.

9-10

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 Bob Arseneau 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 (site 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.

9-10



CITY OF MADISON FIRE DEPARTMENT

Fire Prevention Division

325 W. Johnson St., Madison, WI 53703-2295

Phone: 608-266-4484 ♦ FAX: 608-267-1153

DATE: 5/24/05
TO: Plan Commission
FROM: Edwin J. Ruckriegel, Fire Marshal
SUBJECT: **5402 – 5434 Commercial Ave. (Prelim & Rezoning)**

The City of Madison Fire Department (MFD) 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. None..

GENERAL OR STANDARD REVIEW COMMENTS

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

2. All portions of the exterior walls of newly constructed public buildings and places of employment and open storage of combustible materials shall be within 500-feet of at least TWO fire hydrants. Distances are measured along the path **traveled by the fire truck as the hose lays off the truck**. See MGO 34.20 for additional information.
3. All portions of the exterior walls of newly constructed one- and two-family dwellings shall be within 500-feet of at least one fire hydrant. Distances are measured along the path **traveled by the fire truck as the hose lays off the truck**. See MGO 34.20 for additional information.
4. Additional comments and/or requirements may be noted upon review of future construction documents. No building layout or size shown on plans. Depending on building size and layout, Fire Dept. access may need to be located on site vs. from street.

Please contact John Lippitt, MFD Fire Protection Engineer, at 608-261-9658 if you have questions regarding the above items.

cc: John Lippitt

**CITY OF MADISON
 MADISON WATER UTILITY
 523 E. MAIN ST.
 266-4651**

MEMORANDUM

Date: May 4, 2005

To: Bill Roberts - Planning & Development

From: Dennis M. Cawley, Engineer IV - Water Utility

Subject: FINAL PLAT – Eagle Crest Subdivision – 5402-5434 Commercial Avenue

The Madison Water Utility has reviewed this final plat and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS

None

GENERAL OR STANDARD REVIEW COMMENTS

All public water mains and water service laterals shall be installed by standard City of Madison subdivision contract. All private wells shall be abandoned or permitted in accordance with Madison General Ordinance 13.21.

The Water Utility will not need to sign off the final plans, but will need a copy of the approved plans.

Dennis M. Cawley



Traffic Engineering Division

David C. Dryer, City Traffic Engineer

Madison Municipal Building
 215 Martin Luther King, Jr. Boulevard
 P.O. Box 2986
 Madison, Wisconsin 53701-2986
 PH 608/266-4761
 TTY 608/267-9623
 FAX 608/267-1158

May 27, 2005

TO: Plan Commission

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

SUBJECT: **5402 & 5432 Commercial Avenue –Final Plat – Eagle Crest Subdivision**

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.)

- | |
|---|
| <p>1. The applicant shall enter into a subdivision contract and make access improvements to Commercial Ave to serve the plat, based on plans and specifications from the City Engineer and City Traffic Engineer.</p> |
|---|

GENERAL OR STANDARD REVIEW COMMENTS

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

- The applicant shall execute and return the attached declaration of conditions and covenants for streetlights & traffic signals prior to sign off.
- The applicant shall contact the Department of Planning and Development to comply with M.G. O. Sec. 16.23(3)(d)--Highway Noise Land Use Provisions policies and ordinances.

4. Utility easements shall be provided as follows:

Between Lots	Between Lots	Between Lots
2 & 3	8 & O.L. 1	
5 & 6		

- The applicant shall show a detail drawing of the 12 ft. utility easement dimensions and lot lines on the face of the plat.
- 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 questions.

Contact Person: Francis Thousand
 Fax: 608-821-8501
 Email: fthousand@arnoldandosheridan.com

DCD:DJM:dm

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