



PREPARED FOR THE PLAN COMMISSION

Project Address: 401 and 404 N Sugar Maple Lane and 402 Tawny Elm Parkway
Application Type: Preliminary Plat
Legistar File ID # [92844](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant: Ryan McMurtrie, Arden Property Group, Inc.; 660 W Ridgeview Drive; Appleton.

Property Owners: Herrling Investment I LLC; 660 W Ridgeview Drive; Appleton, and United Herrling Land, LLC; 327 N Roger Street; Kimberly.

Surveyor: Grady Gosser, Trio Engineering; 19035 W Capitol Drive #200; Brookfield.

Requested Actions: Re-approving the preliminary plat of *Herrling Property Subdivision* on property generally addressed as 401 and 404 N Sugar Maple Lane and 402 Tawny Elm Parkway.

Proposal Summary & Review Schedule: The *Herrling Property Subdivision* preliminary plat was first approved in June 2019. However, MGO Section 16.23(4) and Wisconsin Statutes Section 236.12 both generally provide a 36-month effective period for preliminary plats before an approving body can require a new preliminary plat approval to guide implementation of a subdivision. The applicant submitted for re-approval of preliminary plat on January 8, 2024 but withdrew that application on April 24, 2024.

The current preliminary plat was submitted for review with the April 20, 2026 application deadline. The State’s subdivision statute, Wis. Stats. 236, requires that a preliminary plat be approved, conditionally approved, or rejected (with stated reasons) within 90 days of submittal unless the time is extended by agreement with the applicant. If no action is taken within 90 days and no extension granted, the plat is deemed approved. The 90-day review period for the preliminary plat would require the City to act on this preliminary plat application by July 19, 2026.

The preliminary plat will guide the future subdivision of the eastern 84.9 acres of the original 141.8-acre overall Herrling parcel into 25 lots and eight outlots. Seventeen (17) of the lots will be developed with a variety of multi-family dwelling types in the SR-V2 (Suburban Residential–Varied 2), TR-V2 (Traditional Residential–Varied 2), or TR-U1 (Traditional Residential–Urban 1) zoning districts. The future multi-family development may require subsequent conditional use approval prior to issuance of building permits for those lots. According to the applicant, the remaining eight lots will be developed with single-family dwellings in the SR-C3 (Suburban Residential–Consistent 3) and TR-C3 (Traditional Residential–Consistent 3) zoning districts.

The letter of intent does not contain a timeline for when development of the 84.9-acre subject site will commence but suggests that it will likely start in the southeastern corner of the property adjacent to Mineral Point Road.

Applicable Regulations & Standards: The subdivision process is outlined in Section 16.23(4) of the Subdivision Regulations.

Review Required By: Plan Commission and Common Council.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward re-approval of the preliminary plat of the *Herrling Property Subdivision* generally addressed as 401 and 404 N Sugar Maple Lane and 402 Tawny Elm Parkway to the Common Council with a recommendation of **approval** subject to input at the public hearing and the conditions from reviewing agencies beginning on **page 7** of this report.

Background Information

Parcel Location: Approximately 84.9 acres of land located on the north side of Mineral Point Road approximately a quarter mile east of Pioneer Road; Alder District 9 (Pritchett); Middleton-Cross Plains Area School District.

Existing Conditions and Land Use: Undeveloped agricultural land, zoned TR-C3 (Traditional Residential–Consistent 3 District), SR-C3 (Suburban Residential–Consistent 3 District), SR-V2 (Suburban Residential–Varied 2 District), TR-V2 (Traditional Residential–Varied 2 District), or TR-U1 (Traditional Residential–Urban 1 District) consistent with 2019 zoning approvals.

Surrounding Land Use and Zoning:

North: Existing and future single-family residences in the *Eagle Trace* subdivision, zoned TR-C3 (Traditional Residential–Consistent 3 District);

South: Grand Arbor Reserve Apartments, zoned TR-U1 (Traditional Residential–Urban 1 District) and single-family residences in the *Birchwood Point* subdivision in the City, zoned TR-C3; single-family residences on large parcels and undeveloped land on the south side of Mineral Point Road in the Town of Middleton;

East: Undeveloped land, zoned A (Agricultural District); and

West: Existing and future single-family residences in the *Westwind* subdivision on the east side of Pioneer Road in the City of Madison, zoned TR-C3; single-family residence and agricultural land on the east side of Pioneer Road and the West Middleton Lutheran Church cemetery located on a one-acre parcel at the northeastern corner of Mineral Point and Pioneer Roads, both in the Town of Middleton.

Adopted Land Use Plan: The 2018 [Elderberry Neighborhood Development Plan](#) recommends a range of residential uses for the subject site. A large area of Residential Housing Mix 3 (HM3) is recommended to surround a public park in the southeastern quadrant of the site. Development in HM3 is recommended between 20-40 units per acre. The HM3 district is surrounded on the north and west by a smaller area of Residential Housing Mix 2 (HM2), which is generally recommended for development between 8-20 units per acre. The remainder of the subject property is recommended for Residential Housing Mix 1 (HM1), including adjacent to the Eagle Trace subdivision to the north, and the western edge of the subject site. In general, development in HM1 is recommended not to exceed eight units per acre. However, any portion of the subject site located within a quarter mile of Pioneer Road is restricted to a maximum density of four (4) units per acre pursuant to the 2003 *Final City of Madison and Town of Middleton Cooperative Plan*, which established a transition zone along Pioneer where City densities transition down approaching the lower-density development in the Town. More information on the housing types and design recommendations for the residential land use districts is included in the 'Analysis' section of this report.

The subdivision is recommended in the [Comprehensive Plan](#) as amended through 2024 for a mix of Low Residential (density up to 15 units per acre), Low-Medium Residential (7-30 units per acre), Medium Residential

(20-90 units per acre), and Park and Open Space consistent with the land use polygons in the Elderberry Neighborhood Development Plan.

Environmental Corridor Status: The environmental corridor map shows the general location of the stormwater management and parkland parcels planned for the subject site within mapped environmental corridor.

Public Utilities and Services: The site will be served by a full range of urban services as it develops. However, Metro Transit does not currently provide service west of Pleasant View Road. Per Metro’s comments: “The proposed development is outside Metro Transit’s paratransit service area. The closest bus stop with regularly scheduled bus service is roughly one and three-quarter miles walking distance, and the parcels would be greater than the three-quarter mile regulatory distance from all day scheduled service for passengers who might be eligible for door-to-door paratransit service”

Zoning Summary: The proposed multi-family lots are zoned SR-V2 (Suburban Residential–Varied 2 District), TR-V2 (Traditional Residential–Varied 2 District), or TR-U1 (Traditional Residential–Urban 1 District) pursuant to 2019 zoning approvals. Each of those districts have different bulk requirements based on the type of residential building proposed following recording of the plat. Compliance with the minimum bulk standards for each development will be determined as part of the subsequent land use and site plan approvals required prior to the issuance of building permits.

The future single-family lots will be zoned SR-C3 (Suburban Residential–Consistent 3 District) or TR-C3 (Traditional Residential–Consistent 3 District) depending on their location in the development. SR-C3 zoning requires a minimum of 50 feet of width and 5,000 square feet of area per new lot developed with a single- or two-family dwelling. TR-C3 zoning requires a minimum of 30 feet of width and 3,000 square feet of area per new lot developed with a single- or two-family dwelling. It appears that the eight such lots proposed will comply with these requirements.

Other Critical Zoning Items	
Yes:	Utility Easements (to be established with final plat)
No:	Urban Design, Wellhead Protection, Floodplain, Landmarks, Waterfront Development, Adjacent to Parkland
<i>Prepared by: Tim Parks, Planning Division, and Jenny Kirchgatter, Assistant Zoning Administrator</i>	

Previous Approvals and Requests

The overall Herrling property was attached to the City of Madison from the Town of Middleton in December 2018.

On June 11, 2019, the Common Council approved a request to rezone approximately 141.8 acres of land generally addressed as 10250 Mineral Point Road from Temporary A (Agricultural District) to SR-C2 (Suburban Residential–Consistent 2 District), SR-V2 (Suburban Residential–Varied 2 District), TR-V2 (Traditional Residential–Varied 2 District), TR-U1 (Traditional Residential–Urban 1 District), and PR (Parks and Recreation District); and approved the preliminary plat of *Herrling Property Subdivision*, creating 129 lots for single-family detached residences, seven lots for future townhouse/rowhouse development, ten lots for the future apartment development, one outlot to be dedicated to the public for parkland, and 11 outlots for public stormwater management.

On April 22, 2020, a Certified Survey Map (CSM) to create two outlots for future development from the 141.8-acre Herrling property was administratively approved by the Secretary of the Plan Commission. The Common

Council approved a resolution for the CSM on April 21, 2020. Approval of the two-outlot CSM was conditioned on the outlots being subdivided and developed in accordance with the preliminary plat of *Herrling Property Subdivision* and any conditions of its approval, including all dedications to the public required to serve the future development. The land division was recorded as CSM 15568 on December 23, 2020.

On August 3, 2021, the Common Council approved the final plat of *Westwind*, creating 70 single-family lots, four outlots dedicated to the public for stormwater management, and one outlot for future development on land generally addressed as 10554 Mineral Point Road (the western half of the Herrling preliminary plat). The final plat was re-approved by the Common Council on November 22, 2022; the final plat was recorded on May 8, 2023. Implementation of the recorded subdivision is ongoing. On May 6, 2025, the Common Council approved a request by the developer of *Westwind* to rezone the lots in that plat from SR-C2 (Suburban Residential–Consistent 2 District) to TR-C3 (Traditional Residential–Consistent 3 District).

On March 11, 2024, the Plan Commission approved a CSM of 10252 Mineral Point Road to create three outlots for future development. The Common Council adopted a resolution approving the CSM on March 19, 2024. The land division was recorded as CSM 16502 on May 28, 2024.

On May 21, 2024, the Common Council placed a request to re-approve the preliminary plat of *Herrling Property Subdivision* on file without prejudice at the request of the applicant.

Project Description

The applicant, Arden Property Group, is requesting re-approval of the preliminary plat of *Herrling Property Subdivision*. The re-approved preliminary plat will guide development of the unplatted eastern, approximately 84.9 acres of the original 141.8-acre overall Herrling property located in the northeastern quadrant of Mineral Point Road and Pioneer Road. The western approximately 52.4 acres of the original preliminary plat property is now the *Westwind* subdivision, which is shown for reference but is no longer part of the Herrling subdivision.

The site includes 1,415 feet of frontage along Mineral Point Road. The grade of the property generally falls towards Mineral Point Road from the northern, western and eastern property lines, including approximately 60 feet of grade change from north to south. There is no significant tree cover present on the property and no structures.

The proposed preliminary plat for the eastern 84.9 acres is largely unchanged from the preliminary plat for that portion of the property first approved in 2019 concurrent with the zoning map amendment that assigned permanent zoning to the overall 141.8 acres. Access to the subdivision will be provided by the extensions of N Sugar Maple Lane and Tawny Elm Parkway from their current platted ends in the Eagle Trace subdivision north of the site south to Mineral Point Road. Emerald Elm Road, which was platted to provide access to the Westwind subdivision from Pioneer Road, will be extended to Tawny Elm Parkway with this preliminary plat. Additionally, Elderberry Road will be platted across the northern tier of the site. Elderberry Road currently ends as a through street at Burnt Sienna Drive east of the subject property, where it provides access to the Schewe Multi-Use Path that extends between the Autumn Ridge Reserve and Eagle Trace subdivisions. Elderberry Road will eventually cross the undeveloped property owned by the Town of Middleton immediately east of the Herrling property as well as the 20-acre farm and residence to the west to create a consistent east-west collector street across the entire Elderberry neighborhood planning area.

The preliminary plat proposes a total of 25 lots for future development. Seventeen (17) of the lots will be developed with a variety of multi-family dwelling types in the SR-V2 (Suburban Residential–Varied 2), TR-V2 (Traditional Residential–Varied 2), or TR-U1 (Traditional Residential–Urban 1) zoning districts. The anticipated use of those lots is summarized in the letter of intent that accompanies the application. The application materials do not, however, indicate the exact number or design of the future multi-family buildings to be developed on the 17 lots or the total number of dwelling units to be developed on each lot or overall. Final details on how each of the 17 lots will be developed will follow re-approval of the preliminary plat and the subsequent approval and recording of a final plat or plats of the subdivision. Each lot will be required to obtain the necessary zoning approvals prior to the issuance of building permits. The remaining eight lots will be developed with single-family dwellings in the SR-C3 (Suburban Residential–Consistent 3) (Lots 10 and 11) and TR-C3 (Traditional Residential–Consistent 3) zoning districts (20-25).

In addition to the residential lots proposed, the *Herrling Property Subdivision* will also create eight outlots as shown on the proposed preliminary plat and referenced in the letter of intent. Outlot 6 is proposed as a 7.38-acre outlot to be dedicated to the City for parkland. The remaining outlots will vary in size and configuration and will be dedicated to or acquired by the City for stormwater management and greenways.

Analysis

Consistency with Adopted Plans

Detailed land use and circulation recommendations for the subject site are included in the 2018 [Elderberry Neighborhood Development Plan](#). The Planning Division believes that the layout of the proposed *Herrling Property Subdivision* is largely consistent with the street layout included in the neighborhood development plan, which recommends that the subject site be developed with residential uses in the Residential Housing Mix (HM) 1, HM2, and HM3 housing type districts. A public park is recommended on the Future Land Use and Street Plan on the west side of N Sugar Maple Lane, with a stormwater greenway corridor extending through the center of the subject site.

As noted on the preliminary plat, the western edge of the subject property is also subject to the provisions in Section 13.04 of the *Final City of Madison and Town of Middleton Cooperative Plan*, which was established to create a transition area located a quarter mile on either side of the centerline of Pioneer Road from Old Sauk Road south to Valley View Road. The intent of the transition area is to establish compatible land uses east and west of the permanent boundary between the Town and the City at Pioneer Road. Within this area:

- Development shall be limited to residential land uses and associated improvements, including roads, utilities, parkland and other governmental uses.
- Residential densities shall be limited to four (4) units per net acre of development.
- The number of units in an attached multi-family residential structure shall be limited to four than four (4) dwelling units.
- The height of residential structures shall be limited to 35 feet as measured from the finished grade on the street side of the building.
- Private driveway access to new development shall be prohibited from Pioneer Road unless approved by both the Town and City, and instead shall be provided by new public streets, which shall be allowed to

intersect Pioneer Road. It is the Town and City's intent to align streets as four-way intersections with Pioneer Road to the extent possible.

- Any subdivision in the transition area both east and west of Pioneer Road, an 80-foot wide landscaped building setback shall be provided as a condition of any development approval.

The applicant's intent to develop most of the western portion of the site with single-family lots is consistent with the HM1 land use recommendation for that portion of the site in the neighborhood development plan and the transition area requirements of the cooperative plan. However, future development of Lot 16 will need to be carefully reviewed at the time of final zoning approvals to confirm compliance with the above as a lot for multi-family development within the quarter-mile transition area.

Subdivision Design

As noted earlier in this report, the preliminary plat is largely unchanged from the one approved in June 2019, which followed the street type recommendations in the 2018 Elderberry Neighborhood Development Plan and conformed to the street design requirements of the Subdivision Regulations in effect at that time.

However, the City repealed and recreated its Subdivision Regulations in Section 16.23 of Madison General Ordinances on July 25, 2023 (Ordinance 23-00075 (ID 78130)). Among the changes to those regulations, which previously dated back to 1960, was to implement the Complete Green Streets Guide adopted by the Common Council in January 2023. The 11 street types established by the Complete Green Streets Guide have been incorporated by reference into the new Subdivision Regulations, which defer to the Guide for the implementation of those streets when proposed in a new subdivision or land division.

As with any preliminary plat submitted since August 1, 2023 when the new regulations took effect, re-approval of the *Herrling Property Subdivision* preliminary plat is required to follow the requirements in the new Subdivision Regulations, including consistency with the Complete Green Streets Guide. Staff from the Traffic Engineering Division have reviewed the Herrling preliminary plat and recommend that Elderberry Road and N Sugar Maple Lane be classified as **Community Connectors** per the current Complete Green Streets Guide, with a total travel way between 26-36 feet, an 18- to 30-foot overall flex zone, and a typical right of way width of 80 feet. All of the other streets on the proposed preliminary plat have been classified as **Neighborhood Streets** per the Guide, with a travel way between 18 to 22 feet, a 20- to 30-foot overall flex zone, and a typical right of way width of 64 feet. Consistent with the requirements on most other plats and Certified Survey Maps approved since the Guide and new Subdivision Regulations were adopted, the City Traffic Engineer is requesting that sufficient right of way be dedicated with this subdivision to allow for minimum eight (8)-foot wide terraces on all streets in this plat.

In addition to the recommended changes to the plat to reflect the requirements in the Complete Green Streets Guide, the unplatted portions of the Herrling subdivision will also be subject to the current stormwater management and erosion control requirements in MGO Chapter 37, which were codified in 2020 after the original preliminary plat was approved in 2019. The current requirements for stormwater management and erosion control are reflected in the conditions of approval contained in the final section of this report. The City has also codified a Transportation Demand Management (TDM) program in MGO Section 16.03 that will not affect approval of the preliminary plat and subsequent final plat(s) but may apply to the future development of any of the proposed lots that will contain 10 or more dwelling units.

Conclusion

Both Section 236.12 of Wisconsin Statutes and MGO Section 16.23 both afford 36 months from the date of final approval of a preliminary plat for the subdivision to be final platted. If not, a final plat or CSM submitted beyond 36 months is not entitled to approval even if it substantially conforms to the approved preliminary plat. The applicant is requesting re-approval of the *Herrling Property Subdivision* to facilitate the future subdivision of the property by final plat and development of the proposed lots with a wide range of residential uses. The subdivision will also create outlots to be dedicated to or acquired by the City for parkland and stormwater management.

The Planning Division believes that the proposed preliminary plat of *Herrling Property Subdivision* is consistent with the recommendations for the site in the 2018 Elderberry Neighborhood Development Plan. The proposed street layout, public park, and locations for stormwater management are consistent with the adopted plan, as are the location and anticipated density of most of the lots proposed for higher-density housing. As noted, the western portions of the 84.9-acre site are also subject to the development restrictions in the *Final City of Madison and Town of Middleton Cooperative Plan*; final compliance with those restrictions will be determined at the time of final platting of the affected lots and the issuance of permits for future development.

City ordinances and policies have changed since the original *Herrling Property Subdivision* preliminary plat was first approved in 2019. Most notably, the Complete Green Streets Guide was adopted in early 2023 to guide how streets in new developments are designed and used, with the subsequent enshrinement of that policy through the repeal and re-creation of the Subdivision Regulations (MGO Section 16.23) effective August 1, 2023. Substantive changes to the City's stormwater management and erosion control ordinance (MGO Chapter 37) were also adopted since the original 2019 approval. As a result, the Herrling preliminary plat will need to comply with the ordinances and policies now in effect, which are reflected in the recommended conditions of approval that follow.

Recommendation

Planning Division Recommendation (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission forward re-approval of the preliminary plat of the *Herrling Property Subdivision* generally addressed as 401 and 404 N Sugar Maple Lane and 402 Tawny Elm Parkway to the Common Council with a recommendation of **approval** subject to input at the public hearing and the conditions that follow.

Recommended Conditions of Approval Major/Non-Standard Conditions are Shaded

Planning Division

1. Future development of Lot 16 shall of the preliminary plat shall comply with the density and building restrictions in Section 13.04 of the *Final City of Madison and Town of Middleton Cooperative Plan*.
2. Prior to final approval and recording of the final plat of this subdivision, the applicant shall work with the Planning Division and Capital Area Regional Planning Commission (CARPC) to revise the environmental corridor map to reflect the dedications to the public for stormwater management and parkland approved with the final plat.

3. Note: The *Westwind* subdivision is not part of this preliminary plat. Prior to or concurrent with submittal of a final plat to further subdivide Outlot 2 of *Westwind*, the future subdivider shall receive approval of a preliminary plat for the remainder of that subdivision.

The following conditions of approval have been submitted by reviewing agencies:

City Engineering Division (Contact Kathleen Kane, (608) 266-4098)

4. A Phase 1 Environmental Site Assessment (ESA) (per ASTM E1527-21), is required for lands dedicated to the City. The City will accept the previously submitted Phase 1 ESA prepared by Vierbicher dated October 11, 2017. If a more recent Phase 1 ESA is available or if there have been any environmental investigations completed on the property, please submit the report(s) to Environmental Review staff at environmentalreview@cityofmadison.com.
5. The applicant shall work with the City Engineering Division to dedicate additional lands needed for stormwater management and shall work with City Engineering on a purchase agreement for said lands.
6. The subject property is subject to fees related the Capitol Area Regional Planning Commission (CARPC) Urban Service Area (CUSA) amendments: CUSA Madison–Schewe Road and CUSA Elderberry Neighborhood. Please contact Mark Moder at mmoder@cityofmadison.com for the fee amounts. Payment is due as a condition for plat approval.
7. 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. Allow 4-6 weeks to obtain agreement.
8. The developer shall construct Madison standard street, multi-use path, and sidewalk improvements for all lands dedicated to the public as right of way.
9. The developer shall construct sidewalk/multi-use path and terrace along the north side of Mineral Point Road adjacent to the plat as required by the City Engineer.
10. The developer shall construct north-south multi-use path within the plat as indicated in the Elderberry Neighborhood Development Plan. Final location and construction of the multi-use path shall be per plans approved by the City Engineer.
11. The developer shall make improvements to Mineral Point Road in order to facilitate ingress and egress to the development as required by the City Traffic Engineer and the City Engineer. Improvements are required for the connections of Tawny Elm Parkway and N Sugar Maple Lane. The applicant shall be aware that Mineral Point Road (CTH S) is under the jurisdiction of the Dane County Highway and Transportation Department and that any construction work within said road will require a County permit, which the applicant is responsible to apply for and obtain.
12. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat.

13. This development is subject to impact fees for the Lower Badger Mill Creek Sanitary Sewer & Stormwater Management Impact Fee (\$92.87/1,000 square feet (Sanitary (2026 rate))), Lower Badger Mill Creek Sanitary Sewer and Stormwater Management Impact Fee (\$207.30/1,000 square feet (Storm (2026 rate))), West Elderberry Neighborhood Sanitary Sewer Improvement Impact Fee \$138.77/1,000 square feet (Sanitary (2026 rate)) Districts. All impact fees are due and payable at the time building permits are issued per MGO Ch 20. Add the following note on the face of the plans: "Lots/ buildings within this development are subject to impact fees that are due and payable at the time building permit(s) are issued."
14. All outstanding Madison Metropolitan Sewerage District (MMSD) are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Mark Moder ((608) 261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
15. An Erosion Control Permit is required for this project.
16. A Storm Water Management Report and Storm Water Management Permit are required for this project.
17. 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 at 273-5612 of the WDNR to discuss this requirement. The applicant is notified that the City of Madison is an approved agent of the Department of Safety and Professional Services (DSPS) and no separate submittal to this agency or Capital Area Regional Planning Commission (CARPC) is required for this project to proceed.
18. Confirm that minimum Intersection Sight Distance is provided where public streets intersect per AASHTO's "A Policy on Geometric Design of Highways and Streets 7th Edition, Section 9.5." This condition is applicable for all public street intersections within the plat and along the plat boundary. If minimum sight distance does not exist at intersections along the plat boundary, change the location of the street intersection, or agree to make improvements to the existing roadways such that the minimum required sight distance is achieved, or make the mitigating improvements as required by the City Engineer and City Traffic Engineer.
19. 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 nine (9) feet below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer.
20. Property is subject to fees related to MMSD annexation–Herrling. Please contact Mark Moder at mmoder@cityofmadison.com for the fee amounts. Payment is due as a condition for plat approval.
21. Provide calculations for the 500-year storm event, as identified in MGO Chapter 37, as part of the plat design and stormwater management plan. The flows from this design storm event will be routed through the

development and used to determine an anticipated safe top of concrete foundation elevation for future buildings in critical areas.

22. Submit proposed lot corner grades with the stormwater management plan as these two items must be reviewed together to properly determine stormwater overflow conditions. Prior to the issuance of building permits, submit a master stormwater drainage plan with final as-built lot corner grades. These grades may be modified from the originally proposed grades provided they continue to meet design tolerances. No building permits shall be issued prior to City Engineering's final approval of this plan.
23. Install a property boundary witness markers along the boundary of lands dedicated for public stormwater purposes at property corners or in locations that are mutually agreeable to the applicant and Engineering Division.
24. This project will disturb 20,000 square feet or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.
25. Demonstrate compliance with MGO Section 37.07 and 37.08 regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year.
26. Complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by MGO Chapter 37.
27. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Stormwater Management Permit application can be found on City Engineering's website. The Storm Water Management Plan & Report shall include compliance with the following:
 - Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.
 - Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. If calculations are done by hand or are not available electronically, the hand copies or printed output shall be scanned to a PDF file and provided to City Engineering.
 - Detain the 2-, 5-, 10-, 100-, and 200-year storm events, matching post-development rates to pre-development rates and using the design storms identified in MGO Chapter 37.
 - Provide infiltration of 90% of the pre-development infiltration volume.
 - Reduce TSS by 80% (control the 5-micron particle) off of newly developed areas compared to no controls.
 - Provide substantial thermal control to reduce runoff temperature in cold water community or trout stream watersheds.

Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project.

The applicant shall demonstrate that stormwater can leave the site and reach the public right of way without impacting structures during a 100-year event storm. This analysis shall include reviewing overflow elevations and unintended storage occurring on site when the storm system has reached capacity.

28. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West).

City Engineering Division – Mapping Section (Contact Jeff Quamme, (608) 266-4097)

29. Coordinate with the City Engineering Division and Office of Real Estate Services on the configuration and conveyance of the area(s) required by the City of Madison for regional storm water management. The outlot(s) shall be conveyed to the City of Madison subsequent to the recording of the plat in accordance with an agreement between the developer and the City. The preliminary plat shall correctly show and designate the required outlot(s) for regional storm water management. Also, note that this may require coordination of areas of regional detention within the Westwind development to the west of this preliminary plat.
30. The proposed public stormwater drainage easements and outlots dedicated for stormwater management that are also treating storm water from the private development areas shall be subject to a separate Stormwater Management Agreement between the City and the adjacent lots setting forth the terms and responsibilities of the adjacent property owners and the City of Madison for the construction, maintenance and repair of the stormwater management facilities. Coordinate the agreement(s) with the final plat.
31. Show and label the existing Permanent Limited Easement for Street Right-of-Way Purposes per Document No. 5849301.
32. Contact Jeff Quamme (jrquamme@cityofmadison.com) for required language for all public easements for the public storm water management and drainage and public pedestrian and bike path to be placed on the final plat.
33. Label the Public Sanitary Sewer Easement area per Document No. 4451162 located within the southern portion of Outlot 3.
34. Show and label the existing Permanent Limited Easement areas for Public Sanitary Sewer Purposes per Document No. 5849302.
35. Add a note that all of the lands within this preliminary plat are subject to Declaration of Conditions, Covenants and Restrictions per Document No. 5678222.
36. Add a note that all of the lands within this preliminary plat are subject to Declaration of Conditions, Covenants and Restrictions Pertaining to Stormwater Facilities per Document No. 5756921.

37. Show and label the existing Temporary Limited Easement for Grading and Storm Water Drainage Purposes per Document No. 5849304.
38. Show and label the existing Permanent Limited Easement for Public Water Main Purposes per Document No. 5849303.
39. Grant separate public sidewalk and bike path easement areas from the public storm water management and drainage easement areas to avoid conflicting terms and needs.
40. 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.
41. As required by Ordinance, for the non-multi-family lots within this subdivision, provide private easements or private outlots to accommodate the current USPS required centralized delivery of mail using Cluster Box Units (CBUs). Coordinate the locations of the CBUs with the USPS Development Coordinator, City Engineering, and City Traffic Engineering staff and in accordance with the Policies for Cluster Box Units as adopted by the City of Madison Board of Public Works. CBUs serving this subdivision will not be permitted within any publicly owned or dedicated lands. The developer shall construct the CBUs in accordance with the specifications approved by the Board of Public Works.
42. Add a note that lands within this preliminary plat are subject to an Agreement Regarding Easements and Responsibility for Installation, Maintenance and Repair Costs per Document No. 5901028.
43. Add a note that lands within this preliminary plat are subject to Cooperation Agreement per Document No. 5756922 as amended by Document No. 5997124.
44. Lush Woods Place is incorrect. The platted name is Lush Woods Trail. Please correct the spelling for the adjacent plat as well as what will be dedicated on this plat.
45. Show the connecting street pavements and utilities within Eagle Trace subdivision within the now improved street ends.
46. Label the length of all radii on the preliminary plat.
47. Submit proposed street names for Streets "E" and "H" to Lori Zenchenko(LZenchenko@cityofmadison.com) for review and approval.

Traffic Engineering Division (Contact Bill Putnam, (608) 267-8713)

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| 48. The applicant shall work with Dane County, City Traffic Engineering Division and City Engineering Division on determining the final right of way dedication required for Mineral Point Road (CTH S). |
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49. The applicant shall provide a minimum 150-foot centerline radius and a minimum 100-foot tangent between curves on all public right of ways in this plat per MGO Section 16.23(6)(a)(11).

50. The applicant shall add a note to the Plat stating no driveway shall be constructed that interferes with the orderly operation of the pedestrian walkway. This will require all pedestrian ramps to be constructed separate from driveway entrances; a curb-head of no less than six (6) inches in width shall be constructed between all pedestrian ramps and driveway entrances. This is especially important at 'T' intersections where lot and building layout become critical; to prevent interference with the pedestrian ramp, lots intersecting or adjacent 'T' intersection may require a shared driveway and access.
51. The following streets shall be classified as Community Connectors as defined by the current Complete Green Streets Guide: N Sugar Maple Lane and Elderberry Road.
52. The following streets shall be classified as Neighborhood Streets as defined by the current Complete Green Streets Guide: Wisteria Street, Emerald Elm Road, Red Pine Drive, Golden Eagle Drive, Hydrangea Road, Blue Indigo Street, Clear Pond Way, Lush Woods Place, Wilrich Street, and Street "E".
53. The applicant shall dedicate sufficient right of way to allow for minimum eight (8)-foot terraces on all streets in this plat. Any variances to this requirement shall be approved by the City Traffic Engineer.
54. Prior to final sign-off, the applicant shall work with to record the necessary easements for streetlights the Traffic Engineering Division Electrical Section to record the necessary easements for streetlights. Typically, Traffic Engineering requires a 12-foot easement between lots and 6-foot easements on corner lots where streetlights are needed.
55. The applicant shall execute and return a declaration of conditions and covenants (DCC) for streetlights and traffic signals prior to sign off of the final plat.

Parking Division (Trent W. Schultz, (608) 246-5806)

The agency reviewed this project and determined a Transportation Demand Management (TDM) Plan is not required as part of subdivision review. As development progresses in the subdivision, residential uses with 10 or more dwelling units and other applicable uses in MGO Section 16.03 will be subject to TDM Plan review.

Fire Department (Contact Matt Hamilton, (608) 266-4457)

This agency has reviewed this request and recommended no conditions of approval.

Zoning Administrator (Contact Jenny Kirchgatter, (608) 266-4429)

This agency has reviewed this request and recommended no conditions of approval.

Water Utility (Contact Jeff Belshaw, (608) 261-9835)

56. The developer shall construct the public water distribution system and services required to serve the proposed subdivision plat per MGO Section 16.23(7)(d)(3).
57. 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.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not provide conditions of approval for this request.

Parks Division (Contact Izzy Wilde (608) 261-9671)

58. 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(6)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the West Park-Infrastructure Impact Fee district. The Park Impact Fee ID# for this project is 24003.
59. Outlot 6 provides parkland dedication of 7.38 acres. This dedication will be applied only to new residential development within the plat of the Herrling Property unless otherwise agreed upon. This plat is expected to be under-dedicated based on the proposed zoning districts and lot areas. Credit for parkland dedication will be applied to new residential units within the plat of the Herrling Property Subdivision on a first come-first served basis unless otherwise agreed upon. Park-Land Impact Fees In-Lieu of parkland dedication required per MGO Sec. 16.23(6)(f) and MGO Sec. 20.08(2) is required for all residential units not receiving parkland dedication credit.
60. The following note should be included on the final plat: "Lots within this subdivision are subject to impact fees that are due and payable at the time building permit(s) are issued." The Parks Division shall be required to sign off on the final plat.
61. Prior to sign-off on the final plat, the applicant shall execute a declaration of conditions and covenants along with an impact fee schedule for the park impact fees for this development. This document will be recorded at the Register of Deeds. The applicant shall be responsible for all recording fees.
62. No farming or use of lands to be dedicated to the public for park purposes shall be allowed unless specifically approved by the Parks Superintendent and permitted under a farm lease administered through the City of Madison Office of Real Estate Services.
63. The applicant shall prominently stake all boundaries and property irons for lands to be dedicated for park purposes.
64. The developer shall provide soil borings within any land to be dedicated as parkland.
65. Lands that are dedicated for park purposes to fulfill the parkland dedication shall be suitable for park development. The applicant shall provide proposed grading plans prior approval of the area of dedicated public parklands. General guidelines for park development include:
 - a.) Areas within a park to be used for open space for active and passive recreation shall be graded at 1-2% for the area where fields are proposed.
 - b.) No side slopes within the park dedication area shall exceed 4:1.
 - c.) The applicant shall provide proposed grading plans prior to approval of the area for dedicated public park lands.

- d.) No proposed utilities will be allowed on public parkland without prior approval by the Parks Superintendent or his designee.
- e.) Areas that are wetlands shall not be dedicated as public parkland.

66. The applicant shall complete a tree inventory and health assessment for the trees located on the proposed expanded outlot dedicated for park purposes. The applicant shall include all existing trees, which are not all currently shown on the preliminary plat. The tree inventory and health assessment should be completed by an arborist and provided to the Parks Division with the final plat application.
67. Once dedicated to the public, the developer shall not use park property for construction staging, stockpiling material, or any other purpose.

City Forestry Section (Zachary Eckberg, zeckberg@cityofmadison.com)

68. As defined by MGO Section 10.10, City Forestry will assess the full cost of the street tree installation to the adjacent property owner. City Forestry will determine street tree planting sites and tree species type. Street tree planting will be scheduled after there is substantial completion of the new plat development along the street segment.

Office of Real Estate Services (Lance Vest, (608) 245-5794)

69. As of June 5, 2026, the 2025 real estate taxes are paid for the subject property. Under 236.21(3) Wis. Stats. and MGO Section 16.23(4), the property owner shall pay all real estate taxes and special assessments that are accrued or delinquent for all parcels within the plat boundary prior to 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; checks are payable to: City of Madison Treasurer; 210 Martin Luther King, Jr. Blvd.; Madison, WI 53701.
70. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish to Lance Vest (lvest@cityofmadison.com) in the City's Office of Real Estate Services (ORES), as well as the surveyor preparing the final plat, an updated title report covering the period between the date of the initial title report (March 16, 2026) and the date when sign-off of the final plat 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. ORES reserves the right to impose additional conditions of approval in the event the title update contains changes that warrant revisions to the plat.
71. The following revisions shall be made on the final plat prior to final approval and recording:
- a) Accurately reflect the contents of the title report in the proposed plat.
 - b) Depict, name, and identify by document number on the proposed plat all existing easements cited in record title.
 - c) Record satisfactions or releases for all recorded instruments that encumber or benefit the subject lands, if all interested parties agree that the purpose for such instrument is no longer necessary or relevant for the purposes of the subdivision.

- d) No farming or use of lands to be dedicated to the public for Park purposes shall be allowed unless specifically approved by the Parks Superintendent and permitted under a farm lease administered by ORES. If the lands within the Plat boundary are farmed agricultural lands, the applicant shall enter into a lease with the City for those lands to be dedicated and/or conveyed to the City through Plat recording. Please contact a Real Estate Specialist in ORES to discuss the potential lease terms. Said leases are authorized by Resolution 13-00247 (ID 29183), adopted April 16, 2013.
- e) Include the following sentence with the dedicated utility easements depiction in the plat 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."