



Department of Planning & Community & Economic Development

## Planning Division

Heather Stouder, Director

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June 7, 2018

Wade Wyse & Julius Smith  
Wyser Engineering  
312 E. Main Street  
Mount Horeb, Wisconsin 53572

RE: Approval of a request to rezone land generally addressed as 645 Schewe Road and 9951 Old Sauk Road from Temporary A (Agricultural District) and SR-C1 (Suburban Residential–Consistent 1 District) to TR-C3 (Traditional Residential–Consistent 3 District); approval of the preliminary plat of *Chapel View*, creating 43 lots for future single-family detached residences, two lots for the future development of single-family cottage condominiums, one lot for a future daycare center, and three outlots to be dedicated to the public for stormwater management; and approval of a Certified Survey Map creating one lot for an existing place of worship and one outlot for the future development of the Chapel View subdivision (Chad Wuebben, Chapel View Land Company, LLC and Middleton Community Church). [ID 51169 and 50994; LNDSP-2018-00004 and LNDSCM-2018-00011]

Gentlemen;

At its June 5, 2018 meeting, the Common Council **approved** the zoning map amendment, preliminary plat of “Chapel View,” and Certified Survey Map of 645 Schewe Road subject to the conditions of approval in the following sections.

**Please contact Tim Troester of the City Engineering Division at 267-1995 if you have questions regarding the following seventeen (17) items:**

1. The construction of this project will require that the applicant shall enter into a City/ Developer agreement for the required infrastructure improvements. The applicant shall contact City Engineering to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. Note: Obtaining a developer’s agreement generally takes approximately 4-6 weeks, minimum.
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 feet below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer.

3. This development is subject to impact fees for the Lower Badger Mill Creek Stormwater Management Impact Fee District. All impact fees are due and payable at the time building permits are issued. The following note shall put 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."
4. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat.
5. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Mark Moder (261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
6. A Phase 1 environmental site assessment (Phase 1 ESA), compliant with ASTM E1527-13, is required for the project area. Please submit report(s) to Brynn Bemis (267-1986, [bbemis@cityofmadison.com](mailto:bbemis@cityofmadison.com)) for review.
7. An erosion control plan and land disturbing activity permit shall be submitted to the Engineering Division for review and approval prior to grading or any other construction activities. The Preconstruction Meeting for Public Improvements shall not be scheduled prior to issuance of this permit. The applicant shall demonstrate compliance with Sections 37.07 and 37.08 of Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year.
8. 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.
9. A minimum of two (2) working days prior to requesting City Engineering signoff on the plat, the applicant shall contact either Tim Troester at 261-1995 ([ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com)) or Brenda Stanley at 261-9127 ([bstanley@cityofmadison.com](mailto:bstanley@cityofmadison.com)) to obtain the final stormwater utility charges that are due and payable prior to sub-division of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service. All charges shall be cleared prior to the land division (and subsequent obsolesces of the existing parcel).
10. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to: reduce TSS by 80% (control the 5-micron particle) off of newly developed areas compared to no controls; detain the 2-, 10-, and 100-year storm events, matching post development rates to predevelopment rates; provide substantial thermal control; and, provide infiltration in accordance with MGO Chapter 37.

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

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

12. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including: a) SLAMM .DAT files; b) RECARGA files; c) TR-55/HYDROCAD/Etc., and; d) Sediment loading calculations. 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.
13. The applicant shall add “pedestrian and bike path purposes” to the dedication for Outlot 3.
14. The developer shall construct Madison Standard street and sidewalk improvements for all streets within the plat.
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.
16. The developer shall confirm that adequate sight distance exists 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.
17. The developer shall construct a 10-foot wide pedestrian and bike path through Outlot 3.

**Please contact Jeff Quamme of the City Engineering Division–Mapping Section at 266-4097 if you have any questions regarding the following five (5) items:**

18. The Restrictive Covenant per Document No. 3209046 shall be released within Outlot 1 of the pending CSM, prior to the recording of the final plat of Chapel View.
19. The Building Setback line on Lots 1 and 2 of CSM 6407 shall be released by separate document prepared by City Office of Real Estate Services as part of the Certified Survey Map to be completed prior to the final plat for Chapel View.

20. The pending Certified Survey Map application for this property shall be completed and recorded prior to sign off of the final plat of Chapel View.
21. Provide a 10-foot wide Public Storm Sewer and Drainage easement on the south and west sides of proposed Lot 39.
22. The applicant shall coordinate and request from the utility companies serving this area the easements required to serve this development. Those easements shall be properly shown, dimensioned and labeled on the final plat.

**Please contact Eric Halvorson of the Traffic Engineering Division at 266-6527 if you have any questions regarding the following five (5) items:**

23. Prior to final plat approval, the applicant shall work with the Traffic Engineering Division Electrical Section to record the necessary easements for streetlights. Easements are needed at the corner of Lot: 1, 2, 5, 26, 37, and Outlot 2, and between Lots 4-5, 7-8, 10-11, 12-13, 15-16, and 37-38.
24. The applicant shall add "pedestrian and bike path purposes" to the dedication for Outlot 3.
25. The developer shall construct a 10-foot wide pedestrian and bike path through Outlot 3.
26. The applicant shall execute and return a declaration of conditions and covenants (DCC) for streetlights and traffic signals prior to sign off.
27. The applicant shall add a note to the plat stating that 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.

**Please contact Adam Wiederhoeft of the Madison Water Utility at 266-9121 if you have any questions regarding the following three (3) items:**

28. The developer shall construct the public water distribution system and services required to serve the proposed subdivision plat per MGO 16.23(9)(d)(3).
29. 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.
30. All operating private wells shall be identified and permitted by the Water Utility and all unused private wells shall be abandoned in accordance with MGO Section 13.21.

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

31. The Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D and SPS 382.40(3)(e). Additional information is available at the Home Fire Sprinkler Coalition website: <https://homefiresprinkler.org/building-residential-fire-sprinklers>. An upgrade to include a fire sprinkler system with a cost estimate shall be made available for all initial single- or two-family home sales.

**Please contact Sarah Lerner of the Parks Division at 261-4281 if you have any questions regarding the following six (6) items:**

32. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(6) will be required for all new residential development associated with this project, including the 43 single family lots and single family "cottages". The applicant shall identify the lots proposed for single-family cottages. This development is within the West Park-Infrastructure Impact Fee district. Please reference ID# 18120 when contacting Parks Division staff about this project.
33. The preliminary plat shall remove reference to "recreational purposes" as part of the outlot dedications for stormwater management.
34. On the preliminary plat application submitted March 21, 2018, the applicant does not identify any land that is dedicated to the public for park purposes. The Elderberry Neighborhood Development Plan does not show any proposed parkland in this area, but shows drainage/other open space in the general area identified as Outlot 3 on the preliminary plat.
35. 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.
36. The following note should be included on the subdivision: "Lots within this subdivision are subject to impact fees that are due and payable at the time building permit(s) are issued."
37. City Forestry will evaluate the terrace for new street tree plantings upon completion of the project. If there is space for new trees, City Forestry will schedule planting and assess the cost of the initial planting to the property owner.

**Please contact my office at 261-9632 if you have any questions about the following three (3) items:**

38. The right of way of Burnt Sienna Drive shall be widened to 66 feet adjacent to the future daycare center on Lot 46 to provide additional area for on-street parking and unloading for that use consistent with the requirement in Section 16.23(8)(a)8.a.v. of the Subdivision Regulations.
39. That a "No Vehicular Access" restriction be shown graphically and noted on the final plat for Lots 1 and 46 along the Old Sauk Road frontage of both lots.

40. The applicant shall specify on which lots the single-family cottage home and daycare center uses will be constructed prior to approval of a final plat. Approval of this preliminary plat confers no approval or endorsement of the future single-family cottage home or daycare center uses, which require separate zoning approvals prior to issuance of building permits.

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

41. Prior to approval sign-off, the Owner's Certificate on the final plat shall be executed by all parties having an interest in the property, pursuant to Wis. Stats. 236.21(2)(a). Certificate shall be prepared with the ownership interests consistent with the most recent title report. Signatories shall provide documentation that proves legal authority to sign the Owner's Certificate. The executed original hard stock recordable plat shall be presented at the time of sign-off.
42. A Consent of Lessee certificate shall be included on the plat for any tenancy in excess of one year—including agricultural leases, recorded or unrecorded, and executed by said tenant prior to agency plat approval sign-off. If mortgages of record are paid off prior to plat approval, a copy of the recorded satisfaction for said mortgage shall be provided prior to sign-off.
43. All consents and certifications for any holder of interests in the subject lands shall conform with Wis. Stats. 236.21(2) and 236.29, i.e., to include the language "...surveyed, divided, mapped and dedicated..."
44. For parcels located within the City of Madison, a Madison Common Council Certificate shall appear as follows on the final plat:

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

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

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

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

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

\_\_\_\_\_

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

46. A certificate for the Dane County Treasurer similar to the City of Madison Treasurer Certificate above shall appear on the final plat.
47. A certificate for the Dane County Register of Deeds to enter time, date and recording information shall appear on the final plat.
48. The 2017 real estate taxes are paid for the subject property. There are no special assessments reported for the parcels within the plat boundary. Under 236.21(3) Wis. Stats. and 16.23(5)(g)(1) Madison General Ordinances, the property owner shall pay all real estate taxes and special assessments that are accrued or delinquent for the subject property prior to plat recording. This includes property tax bills for the prior year that are distributed at the beginning of the year.
49. Please coordinate with Tim Troester (608-267-1995) or Brenda Stanley (608-261-9127) in the City Engineering Division to obtain any outstanding stormwater management fees from the City of Madison Water Utility. Receipts for the payment of the prorated fee shall be presented prior to plat approval sign-off.
50. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish to the City's Office of Real Estate Services (ORES), as well as the surveyor preparing the plat, an updated title report covering the period between the date of the initial title report (January 4, 2018) 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.
51. Depict and dimension all existing improvements including, but not limited to: buildings, drives, parking lots and encroachments associated with the lands described for the proposed plat.

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

As soon as the comments and conditions for the Certified Survey Map have been satisfied as verified with a completed affidavit form (attached), the original along with the revised Certified Survey Map, with all signatures and approvals from the reviewing agencies, shall be brought to this office for final signoff. You or your client may then record the certified survey at the Dane County Register of Deeds. For information on recording procedures and fees, contact the Register of Deeds at 266-4141.

Prior to City Engineering final sign-off by the main office of the CSM, the final CSM shall be submitted to the Engineering Division Surveyor/ Land Records Coordinator for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division signoff. E-mail submittal of the final CSM in PDF form is preferred. Transmit to [jrquamme@cityofmadison.com](mailto:jrquamme@cityofmadison.com).

Any appeal regarding the preliminary plat or Certified Survey Map, including the conditions of approval related thereto, must be filed with the Circuit Court within thirty (30) days from the date of this letter.

Chapel View Preliminary Plat,  
Zoning Map Amendment, and CSM  
645 Schewe Road & 9951 Old Sauk Road  
June 7, 2018  
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**The approval of the CSM shall be null and void if not recorded in twelve (12) months from the date of the approving resolution or this letter, whichever is later.**

If you have any questions or if you may be of any further assistance, please do not hesitate to contact my office at 261-9632.

Sincerely,

Timothy M. Parks  
Planner

cc: Tim Troester, City Engineering Division  
John Sapp, City Engineering Division  
Jeff Quamme, City Engineering Division – Mapping Section  
Sarah Lerner, Parks Division  
Eric Halvorson, Traffic Engineering Division  
Jenny Kirchgatter, Zoning Administrator  
Bill Sullivan, Madison Fire Department  
Adam Wiederhoeft, Madison Water Utility  
Lance Vest, Office of Real Estate Services