



Memorandum to the Plan Commission

March 22, 2010

Legistar I.D. #17828
12003 Mineral Point Road
Re-Approval of Tormey Ridge Final Plat

Report Prepared By:
Kevin Firchow, AICP
Planning Division

The applicant for the Tormey Ridge subdivision requests re-approval of the final plat, originally approved by the Common Council on April 22, 2008. This request and the corresponding resolution are attached. Please note that a public hearing is not required prior to taking action on this request.

State statute requires that a final plat be offered for recording within 24 months of the approval of that plat. Due to current market conditions, the applicant has indicated it would not be prudent to proceed with recording at this time. This approval would provide a two-year extension for the applicant to record the final plat.

No changes are proposed to what was previously approved. The previously approved plat along with the approval letter and staff report are also attached. (Please note there is a typographical error in the body of the approval letter that references an approval date of April 2007).

The Planning Division recommends that the Plan Commission forward the final plat of Tormey Ridge to the Common Council with a recommendation of **approval**, subject to the previously approved conditions noted in the April, 28 2008 approval letter.



City of Madison

Legislative File Number 17828 (version 1)

Title

Approving the final plat of Tormey Ridge located at 12003 Mineral Point Road. 9th Ald. Dist.

Body

WHEREAS the final plat of Tormey Ridge was approved by the Common Council on April 22, 2008 as RES-08-00428 (ID 09776), and

WHEREAS Wis. Stat. 236.25(2)(b) requires that a final plat be offered for recording within 24 months of the approval of the plat, and

WHEREAS the developer of Tormey Ridge has requested in writing an extension of an additional two years to allow them to construct the project once market conditions improve and subject to the conditions of the 2008 rezoning and subdivision approval,

NOW THEREFORE BE IT RESOLVED that a final plat known as Tormey Ridge located at 12003 Mineral Point Road, Dane County, Wisconsin, which has been duly filed for approval of the Madison Common Council, be and the same is hereby re-approved subject to all conditions as required by the reviewing City departments as required by Section 16.23 of the ordinances of the City of Madison, subject to the conditions noted in the Plan Commission files, and shall be recorded with the Dane County Register of Deeds.

BE IT FURTHER RESOLVED that the said plat is hereby added to the official map and the street grades for said plat on file in the City Engineer's Office are hereby approved.

BE IT FURTHER RESOLVED that all dedications included in this plat or required as a condition of approval of this plat be and are hereby accepted by the City of Madison.

BE IT FURTHER RESOLVED that the Planning Division is authorized to reflect the recorded subdivision in the Comprehensive Plan and any applicable neighborhood plans.

BE IT FURTHER RESOLVED that the Mayor and City Clerk of the City of Madison are hereby authorized to sign the plat, bond and subdivision contract, subsequent affidavits of corrections, parkland acquisition documents, easement or right-of-way release or procurement documents or any other related document or documents as deemed necessary by the Secretary of the Plan Commission in accordance with the approved plat. If found necessary by the City Engineer, in consultation with Planning Division staff, if wetland or environmental corridor boundaries need to be altered as a result of this subdivision, the Common Council recognizes and adopts the revised boundaries for any wetland or environmental corridor within the Central Service Area as it relates to this subdivision.

Fiscal Note

No appropriation is required to approve this plat.



Department of Planning & Community & Economic Development
Planning Division

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April 28, 2008

Craig Enzenroth
Mineral Point Road Holdings, LLC.
8500 Greenway Blvd. Suite 200
Middleton, WI 53562

RE: Approval of a final plat creating 162 single-family lots, three (3) multi-family lots and five (5) outlots at
12003 Mineral Point Road

Dear Mr. Enzenroth:

At its April 22, 2007 meeting, the Common Council **approved** your final plat of the "Tormey Ridge" subdivision subject to the following conditions of approval from reviewing agencies:

Please contact Janet Dailey, City Engineering, at 261-9688 if you have questions regarding the following twenty-two (22) items:

1. The Developer shall construct a path and dedicate a 20-ft. wide pedestrian / bike easement along the south line of Lot 27 and connect with the intersection of "F" Avenue and "C" Street as required by the City Engineer.
2. Note on Lot 27 of Sheet 1 is incorrect. Revise prior to approval.
3. A detailed public stormwater easement agreement for Lot 165 shall be provided to, reviewed, revised (if needed), and approved by City Engineering prior to plat sign-off.
4. The Developer will be responsible for payments of the Lower Badger Mill Sanitary Sewer and Stormwater Management Impact Fee District.
5. The City does not currently have sanitary sewer capacity to serve this development and will not until the Lower Badger Mill Sanitary sewer is built.
6. A portion of the plat shall be responsible for payment of sewer area charges for the South Point Road Lift Station.
7. Reference City Real Estate Project No. 8918. The Owner/Developer shall secure the necessary off-plat public storm sewer easement on the adjacent Lot 10, Silicon Prairie Welton-owned lands prior to recording the final plat.
8. Street names provided on final plat are approved.
9. There are potential adverse possession and/or City of Madison corporate limits discrepancies along the north line of Lot 27 which may need resolve prior to final plat recording.

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.

17. Prior to recording the plat, the applicant shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to a) detain the 2, 10, & 100-year storm events, b) control 80% TSS (5 micron particle), c) provide infiltration in accordance with NR-151, and d) provide substantial thermal control.
18. 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. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
19. A minimum of two (2) working days prior to requesting City Engineering signoff on the plat, the applicant shall contact Janet Dailey (608-261-9688) 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).
20. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (608-261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
21. 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.
22. 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 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: right-of-way lines (public and private), lot lines, lot numbers, lot/plat dimensions, street names, 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 Engineering Streets Section for design purposes.

Total combined fees: SF = \$2,843.45
 MF = \$1,814.93
 E-SRO = \$907.47

Payments: Parkland impact fees and park development impact fees shall be paid for this project. Payment checks shall be payable to the City of Madison Treasurer. All questions, payments and deliveries shall be made to the office of the Madison Parks Division. Prior to City signoff on this project, the developer shall select one of the following options for paying these fees:

1. Payment of all fees in a lump sum prior to City signoff on the project.
2. When fees exceed \$20,000, the developer may pay half the fees and provide a two-year letter of credit at no interest for the remaining half of the fees, both prior to City signoff.
3. When fees exceed \$50,000 for plats being built with phased subdivision improvement contracts, the developer may pay the fees due for the number of units in each contract phase, paid at the time of contract execution, and at the fee rates then in effect. Under this option, the fees shall be calculated and prorated to each lot on the development, and the developer shall record a notice of the outstanding impact fees for each lot prior to receiving City signoff for the project.
4. The Developer has elected to defer the payments until such time as the building permits are applied for, in which case the owner(s) shall have fourteen (14) days after receiving the invoices to pay the outstanding impact fees. The following shall be required prior to plat sign off:
 - a) The Developer shall supply an Excel spreadsheet with lot numbers, lot areas, and number of dwelling units per lot. The Developer shall supply a Cadd file of the proposed FINAL plat, in a format compatible with Microstation J. This information shall be required to calculate the Impact Fees, which will then be recorded at the Register of Deeds against each lot in the subdivision.
 - b) All information shall be transmitted to Janet Dailey by e-mail at Jdailey@cityofmadison.com, or on a CD to:

Janet Dailey
City of Madison Engineering Division
210 Martin Luther King Jr. Blvd
Room 115
Madison, WI 53703
 - c) A minimum of three (3) weeks shall be required for staff to calculate the Impact Fees and record the documents prior to plat sign-off.
 - d) The Developer shall put the following note on the face of the plat: ALL THE LOTS WITHIN THIS SUBDIVISION ARE SUBJECT TO IMPACT FEES THAT ARE DUE AND PAYABLE WITHIN FOURTEEN DAYS OF THE ISSUANCE OF BUILDING PERMIT(S).

Please contact Dan McCormick, Traffic Engineering, at 266-4761 if you have questions about the following seven (7) items:

30. The Developer shall put the following note on the face of the plat: "ALL THE LOTS WITHIN THIS SUBDIVISION ARE SUBJECT TO IMPACT FEES THAT ARE DUE AND PAYABLE WITHIN FOURTEEN DAYS OF THE ISSUANCE OF BUILDING PERMIT (S)." Note: The final sign-off may be delayed until the transportation impact fees are negotiated or approved by the Council.
31. The applicant shall enter into the Developer's Agreement include building the "Public Bike / Pedestrian facilities at the same time of other improvements.

Please contact Dennis Cawley, Madison Water Utility, at 266-4651 if you have any questions regarding the following five (5) items:

40. At this time there is no public water main adjacent to this plat. The only proposed watermain that will be available to serve this plat is that proposed for Silicon Prairie Parkway. Provisions shall be made for the installation of this water main before development can occur within this plat.
41. All public water mains and water service laterals shall be installed by standard City of Madison Subdivision Contract.
42. All operating private wells shall be identified and permitted by the Water Utility in accordance with Madison General Ordinance 13.21.
43. All unused private wells shall be abandoned in accordance with Madison General Ordinance 13.21.
44. The Water Utility will not need to sign off the final plans, but will need a copy of the approved plans.

Please contact Matt Tucker, Zoning Administrator, at 266-4551 if you have questions regarding the compliance with the City Zoning Ordinance.

Please contact Barb Constans, Community Development Block Grant Office, at 267-0740 if you have questions regarding compliance with the following condition or other questions regarding compliance with the inclusionary housing requirements.

45. An inclusionary zoning package of five (5) single-family inclusionary dwelling units and a payment of \$246,935 in lieu of the onsite inclusionary dwelling units has been approved per ordinance for the single-family lots. The developer is also required to execute an IZ Land Use Restriction Agreement LURA for each of the three (3) multifamily lots that would require the developer to submit an IZ Plan and go through the off-set review process for each individual multi-family lot at the time the time development of these parcels moves forward.

Please contact my office at 261-9632 if you have questions about the following five (5) items, including item #50, added by the Plan Commission.

46. Final approval of the Inclusionary Dwelling Unit Plan and Land Use Restriction Agreement (LURA) as required by the Community Development Block Grant Office.
47. That the final plat be revised per Planning Division approval as follows:
 - a. Plat shall show a 40-foot building line and landscape buffer strip, free of any structure, along the northern property edge of Lot 27. A note on the plat shall indicate that berm design and landscaping materials must be approved by Planning Division staff, prior to the approval of development on this property.
 - b. That the typographical error on Sheet 1 (adjacent to lot 27) be corrected to note that: "15' wide private stormwater management easement to be maintained by the owner of Lot 27" (not 127 as indicated on the submitted final plat.)
48. That the applicant submit the "final" version of the tree preservation plan for approval by Planning and Park Division prior to staff sign off of the final plat.

PLANNING DIVISION REPORT
DEPARTMENT OF PLANNING AND COMMUNITY
AND ECONOMIC DEVELOPMENT
April 7, 2008

RE: ID#09776, Approval of the final plat of "Tormey Ridge"

1. Requested Actions: Approval of a final plat creating 162 single-family lots, three (3) multi-family lots and five (5) outlots at 12003 Mineral Point Road
2. Applicable Regulations: The subdivision process is outlined in Section 16.23 (5)(b) of the Subdivision Regulations.
3. Report Prepared By: Kevin Firchow, AICP, Planner

GENERAL INFORMATION

1. Applicant: Joseph Gallina, Mineral Point Road Holdings, LLC., 8500 Greenway Blvd. Suite 200, Middleton, WI 53562

Project Contact: Craig Enzenroth, Mineral Point Road Holdings, LLC., 8500 Greenway Blvd. Suite 200, Middleton, WI 53562

Surveyor: Michelle L. Burse, Burse Surveying and Engineering, Inc., 1400 E, Washington Avenue. Suite 158, Madison, WI 53703

2. Development Schedule: Development of this subdivision is planned to commence in Fall 2008 with an estimated completion of Fall 2011.
3. Parcel Location: The final plat area encompasses approximately 81 acres south of Mineral Point Road and west of Silicon Prairie Business Park, Aldermanic District 9; Middleton-Cross Plains Area School District.
4. Existing Conditions: The site is currently vacant/undeveloped.
5. Proposed Land Uses: 162 single-family residential lots, three multi-family lots, and five outlots for detention and park purposes.
6. Surrounding Land Use and Zoning:

North: Several large rural residential lots, currently in the Town of Middleton, are located adjacent to the northeast corner of the subject property. Unplatted agricultural lands zoned A-1 by Dane County are located north of Mineral Point Road in the Town of Middleton.

South: Undeveloped agricultural land in the Town of Middleton, currently zoned A-1 by Dane County.

East: Silicon Prairie Business Park, currently under development. The property is zoned SM (Specific Manufacturing) and RPSM (Research Park Specialized Manufacturing).

West: Vacant land, currently zoned A-1 by Dane County, in the Town of Middleton.

7. Adopted Land Use Plan: The Pioneer Neighborhood Development Plan recommends a combination of low-density residential, low-medium density residential, and public park for this property.
8. Environmental Corridor Status: The site of this plat is not located in a mapped environmental corridor.
9. Public Utilities & Services: The property will be served by a full range of urban services, however, not all services are immediately available. This condition was detailed in a previous staff report from the City Engineer.

STANDARDS FOR REVIEW

This application is subject to the standards for final plats.

PREVIOUS APPROVAL

On January 8, 2008 the Common Council approved a request to rezone 81.26 acres located at 12003 Mineral Point Road from Temporary Agriculture to R1 (Single-Family Residence District) and R4 (General Residence District). The Council also approved the corresponding preliminary plat for the "Tormey Ridge" subdivision creating 162 single-family lots, three (3) multi-family lots and five (5) outlots.

FINAL PLAT REVIEW

The final plat of Tormey Ridge is bounded on the north by Mineral Point Road and several rural residences. The area north of Mineral Point Road is within the planned Elderberry Neighborhood and is currently undeveloped. The Silicon Prairie Business Park lies directly to the east of the subject property but most lots are still unimproved at this time. Undeveloped lands are found to the west and south of the property. Primary access to the site is from Mineral Point Road from the north and Silicon Prairie Parkway from the east.

The proposed street and block layout substantially matches that of the preliminary plat and the recommendations in the Pioneer Neighborhood Development Plan. The proposed final plat identifies "Sugar Maple Lane" as a north-south collector street. This street will eventually connect to the portion of Sugar Maple Lane currently terminating at Valley View Road, over 3,000 feet southeast of the Tormey property. Portions of this collector south of Silicon Parkway are identified as potential future transit routes. There are limited direct east-west connections across the property, primarily due to the steep ridge at the middle of the site. This condition was

anticipated in the neighborhood development plan, which shows similar limitations for east-west connectivity. All local streets are proposed with a right-of-way width of 60 feet, with the exception of "Tourmaday Terrace" that has a proposed right-of-way of 66 feet.

A majority of the site is reserved for single-family residential development, zoned R1 (Single-Family Residence District). A total of 162 lots on roughly 38 acres are proposed (not including rights-of-way and outlots), with a net density of 4.2 units per acre. Proposed lot sizes have some variation with most lots falling between 9,000 and 12,000 square feet in area.

Three large multi-family lots are proposed as a transition between the Silicon Prairie Business Park and the single-family residences located on the remainder of the property. These properties are zoned R4 (General Residence District). The final plat includes a notation that multi-family Lots 165 and 35 shall not exceed a combined density of 17.66 units per acre. Lot 27 is adjacent to several existing single-family residences in the Town of Middleton, and the plat notes the lot's density shall not exceed eight (8) units per acre. As required with the previous approval, the applicant has prepared multiple concept plans showing how development could be oriented on this parcel. In terms of setbacks, the R4 zoning district requires a minimum 40-foot side yard. The applicant has previously agreed to both a 40-foot buffer and to construct a berm between Lot 27 and properties to the north. This should be noted on the final plat. Any multi-family development would require separate conditional use approval and would need to comply with the standards for R4 development. Finally, the applicant has committed to the surrounding neighbors that the project would be condominiums and not apartments, as owner-occupied development is preferred at this location.

The plat includes five outlots dedicated to the public and identified for park, pedestrian, bicycle, or stormwater purposes. Outlot 1, at the far northwestern corner of the plat, is identified as a greenway for pedestrian and bicycle access. Park and Engineering staff have noted some concerns with the feasibility of the potential Mineral Point Road underpass noted on the plat. Outlot 2 is adjacent to Outlot 1 and is proposed for stormwater detention purposes. Outlot 3 is a 20-foot wide dedication providing a pedestrian and bicycle connection between Sugar Maple Lane and Kadenwood Drive. Outlot 4, in the far southwestern corner of the plat, includes over 7.7 acres for public park purposes. Under this plat, the park has only 209 feet of frontage along "Tarmigan Drive". The neighborhood development plan shows larger areas of street access will be required on the adjacent Chang Property. Outlot 5 is located adjacent to Outlot 4 and proposed for detention purposes.

As noted during the preliminary plat review, the southern portion of the site is primarily wooded and contains slopes in excess of 12 percent. The applicant previously submitted a preliminary tree inventory and preservation plan. That document identifies 49 trees that should be preserved and 31 that should be replaced. These are noted on an exhibit in the applicant's materials. The applicant's consulting arborist generally concludes that the property includes valuable trees scattered among several less desirable trees.

Specifically, the consultant's report divides the property into four zones, labeled zones "A-D" on the attached map. Zone A includes a row of trees at the northeast portion of the plat which

includes a sparse collection of cherry, mulberry, buckthorn, boxelder, hackberry, at the north with a few larger oaks towards the south. Zone B includes the ridge area at the south-central portion of the plat. The arborist notes that the larger oaks on the periphery of this zone should be the focus of preservation and that the higher elevation knoll does not contain high value trees. Zone C includes a sparse collection of cherry, buckthorn, boxelder, with a group of mature bur oaks at the south end, noted as being "remarkable" by the consulting arborist. Zone D along the southern fence line includes a collection of cherry, mulberry, buckthorn, hackberry trees, with a scattering of larger bur and white oak. While it is expected many trees will be removed, staff note that many of the mature trees described as "remarkable" or "desirable" in the consultant's report are within areas dedicated for park purposes. As the plans submitted to the Planning Division are marked "preliminary", staff recommend that the final tree preservation plan be submitted for review by the City Forester and Planning Division.

The applicant has worked with Engineering, Traffic Engineering, and the Parks Division to identify the most feasible bicycle connections across this site, recognizing both the site's topographical challenges and the importance of providing connections between residential areas and likely destinations such as the community park or Silicon Prairie Business Park. Such connections are located on easements or outlot dedications south of Lot 27 (at the center of the plat) south of Lot 165 (south end of plat), between Lots 163 and 164 (providing access to the park) and the previously noted connection between Sugar Maple Lane and Kadenwood Drive.

Inclusionary Zoning: The applicant has previously submitted an Inclusionary Dwelling Unit Plan (IDUP) indicating his intent to comply with the Inclusionary Zoning provisions of the Zoning Ordinance. The applicant proposes a total of 388 units on 54 net acres (not including outlots and rights-of-way). This includes 162 single-family detached units on 38.3 acres. This results in a net density of 7.19 units per acre for the site and 4.2 units per acre for the proposed R1 component. Units would be dispersed per the plan previously reviewed by the Plan Commission and approved by the CDBG office. The applicant will be required to execute a Land Use Restriction Agreement (LURA) prior to the recording of this final plat. See the report from the CDBG office for additional information

In conclusion, the Planning Division believes the final plat of Tormey Ridge to be in substantial conformance with the approved preliminary plat.

RECOMMENDATION

The Planning Division recommends that the Plan Commission forward the final plat of Tormey Ridge 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. Final approval of the Inclusionary Dwelling Unit Plan and Land Use Restriction Agreement (LURA) as required by the Community Development Block Grant Office.

3. That the final plat be revised per Planning Division approval as follows:
 - a. Plat shall show a 40-foot building line and landscape buffer strip, free of any structure, along the northern property edge of Lot 27. A note on the plat shall indicate that berm design and landscaping materials must be approved by Planning Division staff, prior to the approval of development on this property.
 - b. That the typographical error on Sheet 1 (adjacent to lot 27) be corrected to note that: "15' wide private stormwater management easement to be maintained by the owner of Lot 27" (not 127 as indicated on the submitted final plat.)
4. That the applicant submit the "final" version of the tree preservation plan for approval by Planning and Park Division prior to staff sign off of the final plat.
5. The applicant has committed to the neighboring property owners that development on Lot 27 would be condominiums.