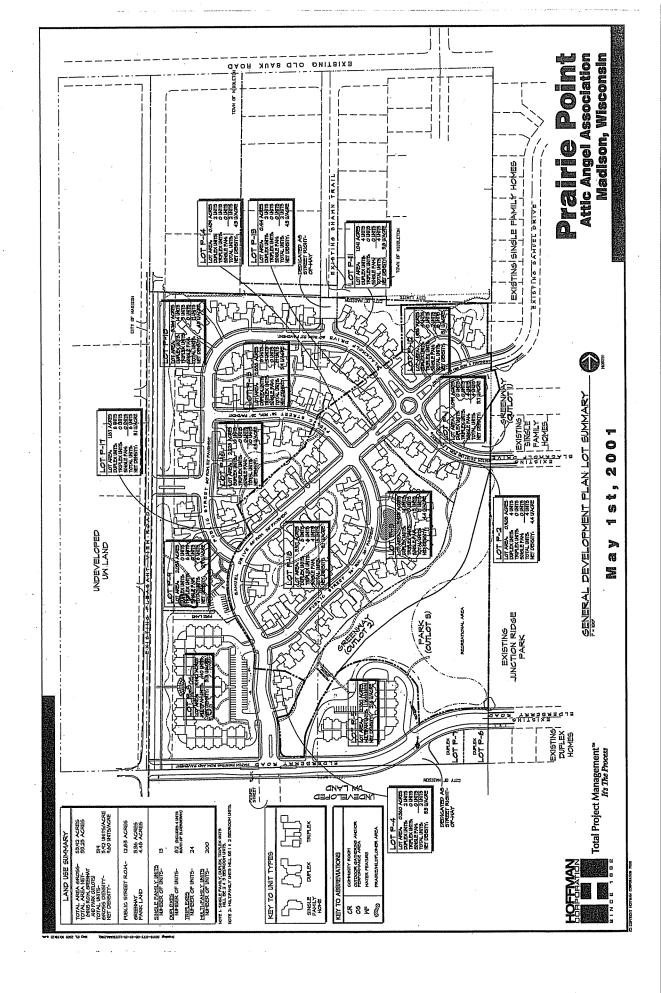


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#### Department of Planning & Development Planning Unit

2001 Approval Letter

February 22, 2001

RECEIVED FEB 2 6 2001

Madison Municipal Building 215 Martin Luther King, Jr. Boulevard P.O. Box 2985 Madison, WI 53701-2985 TDD (608) 266-4747 FAX (608) 267-8739 PH (608) 266-4635

Mr. Mark Boehlke Hoffman Corporation P.O. Box 8034 Appleton, WI 54912-8034

SUBJECT: Prairie Point, Preliminary Plat and PUD-GDP

Dear Mr. Boehlke:

The Common Council, at its February 20, 2001 meeting, conditionally approved your application for rezoning from Temporary A Agriculture District to PUD-GDP and preliminary plat called "Prairie Point" for property located at 401 Pleasant View Road.

The Plan Commission at its February 5, 2001 meeting recommended conditional approval of the preliminary plat and rezoning.

The conditions of approval are:

### Please contact Gary Dallmann, City Engineering, at 266-4751 if you have questions regarding the following twenty-seven items:

- 1. The Developer shall enter into a City / Developer agreement for the installation of public improvements required to serve this plat/csm. The developer shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The developer shall meet with the City Engineer to schedule preparation of the plans and the agreement. The City Engineer will not sign off on this plat/csm without the agreement executed by the Developer.
- 2. The Developer shall be responsible for obtaining all necessary permits issued by other municipalities and shall be responsible for complying with any requirements imposed by other jurisdictions. If any of the requirements imposed by any other jurisdictions conflicts with a plan approved by the City of Madison it shall be the Applicants responsibility to resolve such conflicts and submit a revised plan to the City of Madison.
- 3. Two weeks prior to recording the final plat, a soil boring report prepared by a Professional Engineer, shall be submitted to the City Engineering Division indicating a ground water table and rock conditions in the area. If the report indicates a ground water table or rock condition less than 9' below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer.
- 4. The Applicant shall dedicate a Permanent Limited Easement for grading and sloping 15-feet wide along Elderberry Road.

- 5. It is anticipated that the improvements on Elderberry Road will require additional right of way and grading easements located outside the plat/csm boundary. The developer shall acquire the right of way and sloping easements as required by the City at the developer's expense. In the event that the developer is unable to acquire the right of way and sloping easements required, the City shall assist the developer in acquiring the property and the developer shall pay the City for all costs associated with the acquisition.
- 6. Property lines at intersections shall be rounded with 15-foot radii on Blackwolf Drive.
- 7. The developer shall show on the plat/csm a 40-foot utility easement adjacent to Pleasant View Road. The easement wording shall be approved by the City Engineer. The intent of the easement is to allow for the relocation of a major transmission line. The actual poles would remain on the right of way however major transmission lines require an easement beyond the space occupied by the poles for safety.
- 8. The Developer shall construct Madison Standard street improvements for all streets within the plat/csm.
- 9. The developer shall show a 40-foot building setback line on the plat/csm adjacent to Pleasant View Road for all lots in the plat/csm adjacent to said roadway.
- 10. The developer shall note that City funds for park frontage are limited and will be determined at the sole discretion of the City.
- 11. The developer shall construct sidewalk and record a waiver of their right to notice and hearings for the assessments for the improvement of Pleasant View Road in accordance with Section 66.60(18) Wisconsin Statutes and section 4.09 of the MGO. Said sidewalk constructed in front of and waiver recorded to lot(s) 6, 7, and 8.
- 12. Developer shall make improvements to Pleasant View Road considered temporary to facilitate ingress and egress to the plat/csm until such time as the ultimate improvement of the roadway is undertaken by the city
- 13. The developer shall note the AASHTO design standards for intersection sight distance will be applied during the design of the streets within this plat/csm.
- 14. The developer shall confirm that adequate sight distance exists on Pleasant View Road 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.
- 15. An erosion control plan and land disturbing activity permit shall be submitted to the Engineering Division for review and approval prior to recording the final plat/csm. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
- 16. Prior to the issuance of building permits, the Developer shall submit a master storm water drainage plan to the City Engineering Division for review and approval which shows lot corner elevations to the nearest 0.25-foot. For purposes of the plan, it shall be assumed that grading shall be done on a straight-line grade between points unless other information is provided. The proposed slope between points shall always be greater than or equal to .0075

ft/ft. If a break in grade is required between lot corners a shot shall be taken at that break in grade to provide the Engineer with enough information to interpret the plan. The Developer shall also show proposed drainage arrows on the plan to indicate the proposed direction of drainage.

The master storm water drainage plan shall be submitted to City Engineering in digital format with elevations/grades/contours shown on the recorded plat map of the development. The digital record shall be provided using the state plane coordinate system – NAD 27. The following note shall accompany the master storm water drainage plan:

a. For purposes of this plan, it is assumed that grading shall be a straight-line grade between points unless otherwise indicated. All slopes shall be 0.75% or steeper. Grade breaks between lot corners are shown by elevation or through the use of drainage arrows.

No building permits shall be issued prior to City Engineering's approval of this plan.

- 17. The following notes shall be included on the final plat:
  - a. All lots within this plat are subject to a non-exclusive easement for drainage purposes which shall be a minimum of 6-feet in width measured from the property line to the interior of each lot except that the easement shall be 12-feet in width on the perimeter of this plat. Easements shall not be required on property lines shared with greenways or public streets.
  - b. The intra-block drainage easements shall be graded with the construction of each principle structure in accordance with the approved storm water drainage plan on file with the City Engineer and the Zoning Administrator, as amended in accordance with the Madison General Ordinances.
- 18. A portion of this plat/csm may come under the jurisdiction of the US Army Corp of Engineers and Wisconsin Department of Natural Resources for wetland or flood plain issues or navigable waterway. A permit for those matters may be required prior to construction on any of the lots currently within the plat/csm. Contact the WDNR & USACOE for a jurisdictional determination. All permits, if any, shall be the responsibility of the developer.
- 19. Prior to recording, this plat/csm shall comply with Chapter 37 of the Madison General Ordinances regarding onsite detention. Please contact Greg Fries at 267-1199 to discuss this requirement.
- 20. This site is greater than five (5) acres 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 266-7078 to discuss this requirement.
- 21. The intersection of Elderberry and Samuel occurs directly over the greenway. This cannot be constructed without grading and drainage improvements within UW lands to the south. The Developer shall obtain the necessary rights of entry and undertake this construction as a condition of the plat/csm.
- 22. All outstanding Madison Metropolitan Sewerage District (MMSD) sanitary sewer connection charges are due and payable prior to connection to the public sewerage system.
- 23. Each unit of a duplex building shall be served by a separate and independent sanitary sewer lateral.

- 24. 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 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.**
- 25. In accordance with Section s. 236.18(8), Wisconsin Statutes, the Applicant shall reference <u>City of Madison NAD 1927 Coordinates</u> on all PLS corners on the Plat or Certified Survey Map in areas where this control exists. The Applicant shall identify any deviation from City Master Control with recorded and measured designations. City of Madison has established NAD 1927 Coordinates on all PLS corners within its corporate boundary. If a surveyor encounters an area without a published NAD 1927 value, contact Engineering Division for this information.
- 26. The Applicant shall submit, at the time of recording, a digital and hard copy of the final plat/CSM to the Mapping/GIS Section of the Engineering Division. The digital copy shall be consistent with previous formats delivered to the City by the Applicant and contain the minimum of the following, each on a separate layer name/level number:
  - a. Right-of-Way lines (public and private)
  - b. Lot lines
  - c. Lot numbers
  - d. Lot/Plat dimensions
  - e. Street names
  - f. Easement lines (i.e. street, sanitary, storm (including wetland & floodplain boundaries) water, pedestrian/bike/walkway, or any public and/or private interest easement except **local service** for Cable TV, gas, electric and fiber optics).
- 27. In accordance with Section s.236.34 (1) (c) which says a CSM shall be prepared in accordance with s.236.20 (3) (c) & (f), Wisconsin Statutes, the Applicant must show type, location and width of any and all easements.

### Please contact John Leach, City Traffic Engineering, at 266-4761 if you have questions regarding the following twenty items:

- 28. The developer is proposing a system of off-street pedestrian bicycle paths. These are expected to be privately owned, built and maintained. The layout and interface of these paths with the public streets and other public infrastructure shall be reviewed and approved by the City Traffic Engineer. This shall include the sidewalk along Pleasant View Road which may become a standard public sidewalk. Changes to the plat and GDP may be required.
- 29. The location of Black Wolf Drive as it intersects with Pleasant View Road shall be relocated to the south to provide a continuous connection on Blackwolf Drive across Pleasant View Road in the now being planned Elderberry Neighborhood Development plan. The developer's proposed plan has Elderberry running straight across from an existing building and parking lot so that this extension would not be possible. This issue has been relayed to the developer prior to these Plan Commission comments being made.

- 30. The final rights-of-way in the plats and GDP, including street widths, shall need to be reviewed and approved by the Traffic Engineer. Some streets are being proposed at certain street widths and right-of-way which may not be adequate or approve under the City's Design Standards and Special Skinny Street resolution. The development shall need to provide information to the City Traffic Engineer in order to have the 56 ft. right-of-way and 28 ft. streets approve according to the City's Skinny Street Resolution.
- 31. The right-of-way dedication on Pleasant View Road is expected to be 60 feet from the centerline. Additional ROW may be required if there are special design needs such as poor sight distance. The applicant shall provide a vertical profile of Pleasant View Road prior to preliminary plat and GDP approval.
- 32. Intersection improvements at the Elderberry and Blackwolf Drive on Pleasant View Road shall be installed by the developer per the plans and specifications of the City Engineer and City Traffic Engineer to provide adequate ingress and egress to the plat and development. These improvements may include left-turn lands, medians, right-turn lanes and bike lane provisions.
- 33. The developers shall be responsible for obtaining the land required for Elderberry Road, to be dedicated and aligned with Elderberry Road on the west side of Pleasant View Road. The developers shall also be responsible for installing Elderberry Road at such time as either of the two multi-family structures are constructed.
- 34. The plat and GDP shall be revised to provide for dedication of Outlot 4 and Outlot 5.
- 35. The final-right-of-way for the intersection of Blackwolf Drive and Samuel Drive shall be reviewed and approved by the Traffic Engineer. A special design feature here called a roundabout is planned to be designed and installed at this location.
- 36. The final right-of-way and street design of Blackwolf Drive should be reviewed and approved by the Traffic Engineer. This is a bike route that connects the Beltline Overpass to Junction Road to Blackwolf and points further west as a redundant route to Old Sauk Road. As such, the street may be required to be at least 32 ft. wide on a 60 ft. right-of-way.
- 37. The applicant shall execute and return the attached declarations of conditions and covenants for streetlights prior to approval of the preliminary plat and GDP.
- 38. The internal streets may include special design or traffic calming treatments, at key locations. The developer shall execute some type of covenants and restrictions for the maintenance of such devices. The applicant shall modify the right-of-way at key locations to accommodate traffic calming treatments as determined by the City Traffic Engineer.
- 39. The applicant shall execute a waiver of notice and hearing on special assessments for the future traffic signal and associated street improvements at the intersections the City plans to signalize. The traffic signal waiver shall also require a deposit for future area traffic signals and associated intersection changes.
- 40. Utility easements for streetlights are required of any plat. In this case, because of the lot dimensions and layout of the plat/GDP, utility easements are not as straight forward, but will still need to be provided. The developer will need to meet with staff and Alliant Energy Company to further determine this requirement and location of utility easements. Changes to the GDP and plat may be required. The developer shall prior to approval of the preliminary plat and GDP, provide utility easements as required at no cost to the City in order to facilitate

- installation of underground street light power distribution from Utility power sources to any and all street lights locations as determined by the City Traffic Engineer. (The exact location and requirements shall be reviewed and approved by Mr. Brian Smith, Traffic Engineer at 261-9625, prior to submittal of final plat).
- 41. The developer may be required to install streetlights along Pleasant View Road at the determination of the City Traffic Engineer.
- 42. In the event lands be required dedicated to the public, for any public use, the owner of said lands shall provide to the **City Real Estate Section** a copy of a Phase I Environmental Site Assessment Report. In cases where a Phase I assessment reveals contaminants, subsequent site assessment may be required.
- 43. The final access provisions for the plat and GDP shall be reviewed and approved by the City Traffic Engineer.
- 44. The applicant shall note on the face of the plat the following:
  - No Access shall be granted along the easterly right-of-way line of Pleasant View Road.
  - No Access shall be granted along the northerly right-of-way line of Elderberry Road from Samuel Drive westerly to Pleasant View Road.
- 45. The developer may, at the determination of the City Engineer and City Traffic Engineer, be required to enter into a subdivision contract and make improvements considered temporary until such time as the ultimate improvement of public roadways is undertaken. The plans shall be reviewed and approved by the City Traffic Engineer.
- 46. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible. The Traffic Engineer may have additional comments and/or requirements upon review of the final plat. This proposed plat shall comply with all applicable Madison General Ordinances and Policies.

### Please contact Kathy Voeck, the Assistant Zoning Administrator, at 266-4551 if you have questions regarding the following two items:

- 47. The PUD/GDP zoning text shall be separate from the letter of intent. The permitted uses shall be listed "lot" specific including general information on the proposed community room, its function and operation. Please use our sample zoning text and work with Zoning to make an acceptable zoning text.
- 48. Modify the letter of intent accordingly.

### Please contact the Madison Water Utility at 266-4651 if you have questions regarding the following three items:

- 49. Water mains and water service laterals shall be installed by Private Contract except the water mains on Pleasant View Road may be installed by Assessment Reimbursement Contract.
- 50. All unused private wells shall be abandoned in accordance with Section 13.21 Madison General Ordinance.
- 51. The Water Utility will not need to sign off on the final plans, but will need a copy of the approved plans.

## Please contact Si Widstrand, City Parks Division, at 266-4711 if you have questions regarding the following item:

52. The lands proposed for dedication are acceptable for meeting the park expansion needs according to the neighborhood development plan.

The developer shall pay park fees for all units not deed restricted to elderly occupancy. The dedication and fee requirements for unrestricted units are:

#### Dedication

For single family and duplex, 96 units x 1100 square feet = 105,600 square feet.

For multifamily, 197 units x 700 square feet

= 137,900 square feet.

Total dedication required is

243,500 square feet.

Dedication provided is 203,425 square feet Shortage of 40,075 square feet is the equivalent

of dedication from 57.25 mf units.

This will review a fee in lieu of dedication of 57.25 x \$190 = \$10,877,50

#### Park Development Fee

96 single family/duplex x \$180 = \$17,280

plus 197 multi-family x \$115 = \$22,655

total Park Development Fees = \$39,935

These fees would be reduced or eliminated if some or all of the units are deed restricted

# Please contact Al Martin of the Planning Unit staff at 266-4635 if you have questions regarding the following eighteen items:

- 53. The zoning text, letter of intent, and plans shall be modified to provide adequate information on the function, operation and purpose of the community room and outdoor gathering and/or performance areas.
- 54. The design of the crescent-shaped fifteen stall surface parking lot adjacent to the community room building shall be reviewed at the SIP stage and possibly modified to be directly accessible and interconnected to the proposed surface parking lot for the 140-unit building on proposed Lot 6. The applicant shall consider eliminating direct access to Samuel Drive with additional landscaping and screening provided to buffer the reconfigured surface parking area from the Samuel Drive right-of-way.
- 55. An additional concept plan shall be provided that overlays all proposed lots over the conceptual master development plan as a base and references the range and number of single-family, duplex, triplex, and multi-family units on each lot as well as the total number of dwelling units.
- 56. The application refers to the reservation of Outlot 5 to provide for the future connection to Shawn Trail. The zoning text, preliminary plat and future final plat shall be modified to indicate the dedication of Outlot 5 in order to provide a connection to the existing Shawn Trail right-of-way.

- 57. The application indicates the reservation of proposed Outlot 4 to provide a future right-of-way connection across the University Research Farm land to the south. The zoning text, final form of the preliminary plat and future final plat shall provide for the dedication of Outlot 4 as public right-of-way. As an alternative to the dedication of Outlot 4, the applicant, as part of the ongoing negotiations with the University of Wisconsin, may consider a land trade with the University of Wisconsin to exchange proposed Outlot 4 and Lots 4 and 5 with lands abutting the southerly boundary of the development (owned by the University of Wisconsin) in order to provide for the full improvement and extension of Elderberry Road. Based on this alternative, options for a relocated future southerly public right-of-way connection across the University Research Farm lands may be considered.
- 58. In accordance with the adopted Neighborhood Development Plan, the preliminary plat and the General Development Plan shall be modified to show a location of Elderberry Road consistent with the adopted plan, or in the alternative, suitable guarantees shall be provided by the applicant and the University of Wisconsin (owner of the property to the south), including performance bonds, if required by the City Engineer and the Traffic Engineer, in order to guarantee that Elderberry Road can be constructed when requested by the City of Madison.
- 59. Details on the proposed use of a "life-lease occupancy" provisions within Prairie Point shall be clarified; any necessary use of a modified condominium declaration to be required to be placed individually or collectively across all of the proposed lots shall be provided for review and approval combined with any necessary changes to the preliminary plat to create additional lots, expand or reconfigure proposed lots.
- 60. The conceptual landscape plan shall be modified to include details of the proposed berm along the Pleasant View Road right-of-way as presented to the Urban Design Commission as part of the SIP for this phase of the development.
- 61. The applicant is placed on notice that proposed scale of multi-family housing on Lots 3 and 6 may be required to be reduced in order to develop multi-story structures that are compatible with improved adjacent developed lots. As a result, a reduction in densities on proposed Lots 3 and 6 may also be required.
- 62. The zoning text shall be corrected to clarify the height of the proposed sixty-unit building on Lot 3 as three stories as indicated on the face of the plan versus four stories as indicated within the zoning text.
- 63. The zoning text shall be modified to provide more specific details as to the range of residential land uses and accessory uses proposed within the Prairie Point development, to include such information as a statement of purpose, yard requirements, usable open space, parking and loading data, signage, and alterations and provisions as part of the first SIP. Please contact Kathy Voeck, Assistant Zoning Administrator, regarding this matter.
- 64. Any private improvement or use of the proposed dedicated right-of-way may require approval by the Privilege in Streets Committee, the execution of the encroachment agreements, and authorization of the Forestry Section of the Parks Department.
- 65. Attic Angels will provide demand responsive para-transit services, either through its own voluntary service related provider, or by contracting for trips at full cost with private providers of such service. This condition will be removed at such time as public transit services are available.

- 66. The Plan Commission cannot find that all of the criteria for approval have been met, in particular criteria 28.07 (6)(d)1c and 2. The Plan Commission finds that insufficient information has been presented to adequately address these criteria. Further, the applicant has stated that they do not know what the tax status of the property will be but have applied for tax-exempt status. Therefore the Plan Commission recommends that an additional condition be attached to the GDP which includes the above findings and which requires the submittal of adequate information as part of all specific implementation plans and an amended GDP for the entire property which adequately addresses both of these criteria. The approval of the GDP shall give the applicant an approval of the general development density and layout for the purpose of developing specific implementation plans which adequately address these issues but shall give the applicant no inherent right to the approval of any SIP until these criteria are adequately addressed.
- 67. If the entire area is not platted at one time, the preliminary plat shall be revised to reflect all of the above conditions and eight copies submitted with any partial final plat of the lands shown within the preliminary plat boundaries.
- 68. The plat shall be approved by the State Department of Development, Administration
- 69. Final Urban Design Commission approval and modification of all plans to address any request requirements prior to request for final sign off.
- 70. Please contact either Jerry Lund at 267-8718 or Jeff Ekola at 267-8719 regarding the conditions and requirements of the Real Estate Unit on the preliminary plat and report of title.

When these conditions have been satisfied, bring in the revised plan originals (Mylar or reproducible) to obtain signatures on the cover sheet from the following reviewing departments: City Engineering, Traffic Engineering, Zoning and Planning. After this is accomplished, submit the final plans and documents for recording to the Zoning Administrator, Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard.

Upon receipt of the aforementioned plans, documents and fees, and upon determining that they are complete, the Zoning Administrator shall record them with the Dane County Register of Deeds Office. The recorded originals will be returned to the applicant, with the recording information noted, when the Register of Deeds has completed the recording process.

If this plan is not recorded within one year of the date of approval by the Common Council, the approval shall be null and void.

No construction or alteration of the property included in this application shall be permitted until a Specific Implementation Plan (SIP) has been approved and recorded.

Within thirty (30) months of Common Council approval of the General Development Plan or within eighteen (18) months of the recording of the Specific Implementation Plan, whichever is less, the basis right of use for the areas, when in conformity with the approved Specific Implementation Plan, shall lapse and be null and void unless the project, as approved, is commenced by the issuance of a building permit. If a new building permit is required pursuant to Sec. 28.06(4), Madison General Ordinances, a new petition and approval process shall be required to obtain Specific Implementation Plan approval.

Any appeal from the action, including the conditions of approval relevant to the preliminary plat, must be filed with the Circuit Court within thirty days from the date of this letter. Upon receipt

M. Boehlke February 22, 2001 Page 10

of this letter, please contact Al Martin at 266-4957, regarding the pending submittal of a final plat on these lands and the specific application requirements.

If you have any questions regarding recording this plan or obtaining permits, please call George Carran, Zoning Administrator, at 266-4551.

Sincerely,

Alan J. Martin Planner II

cc:

Zoning Administrator

City Engineering Traffic Engineering

Ms. Mary Ann Drescher, Attic Angels Association

Mr. Mike Calkins, Calkins Engineering, LLC

Ms. Michele Burse, Burse Surveying

Atty. Ron Trachtenberg, Murphy & Desmond, S.C.