



Department of Planning & Community & Economic Development

## Planning Division

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March 21, 2014

Bob Zoelle  
Ziegler at Elderberry, LLC  
660 W. Ridgeview Drive  
Appleton, Wisconsin 54911

RE: Approval of a revised preliminary plat proposing 7 lots for future residential development with up to 390 dwelling units, 1 outlot for future development, and 1 outlot for public stormwater management, and approval of a final plat creating 2 lots for residential development and the outlot for public stormwater management.

Dear Mr. Zoelle;

At its March 18, 2014 meeting, the Common Council **conditionally approved** the revised preliminary plat and final plat of Paragon Place subject to the following conditions of approval to be addressed prior to recording of the final plat:

**Please contact Janet Dailey of the City Engineering Division at 261-9688 if you have questions regarding the following thirty-six (36) items:**

1. The final plat comprises only a portion of the preliminary plat. The remnant parcels shown on the final plat shall be platted as outlots to include all of the property in the final plat. The remnant parcels shown will have areas of less than 40 acres. All parcels created as a result of any new land division are required, by ordinance, to be included in a land division/subdivision. The outlots shall be restricted from development until the time they are further divided by a City of Madison approved and recorded land division/subdivision. Revise all affected portions of the final plat document accordingly.
2. The label for the Stormwater Drainage Easement over Lot 6 of the preliminary plat and Lot 2 of the final plat shall be relabeled to "Public Stormwater Drainage Easement". Additional easement language shall be placed on the face of the plat for the easement area. Contact Jeff Quamme of the City Engineering Division ([jrquamme@cityofmadison.com](mailto:jrquamme@cityofmadison.com)) to receive the appropriate easement terms/conditions language for inclusion on this subdivision plat.
3. Outlot 1 of the preliminary and final plats shall be relabeled "Dedicated to the Public for Storm Sewer and Storm Water Management Purposes".
4. The description of the section corner monuments differ between the preliminary and final plats. Please correct on the respective documents where appropriate.

5. The final plat shall label, as required by statute, all of the "recorded as" date as shown on the preliminary plat.
6. Prior to final sign-off, the updated title work shall provide proof of ownership of the lands by Ziegler at Elderberry LLC as per the Owner's Certificate on the final plat.
7. Prior to City Engineering Division sign-off for final plat, the applicant shall coordinate with the Public Bodies and Private Public Utilities serving this plat as to the location and width of all easements required to adequately serve the plat. All of the easements shall be properly shown and noted on the face of the final plat. Contact Jeff Quamme of the City Engineering Division (jrquamme@cityofmadison.com) to receive the appropriate easement terms/conditions language for inclusion on this subdivision plat.
8. The final plat shall provide a legend to satisfy lot monumentation requirements of the Wisconsin Statutes.
9. The applicant shall coordinate the final stormwater management design with the design of the final phases of the adjacent Woodstone plat.
10. This development is dependent on off-site sanitary sewer being built to the intersection of Cobalt Street and Bear Claw Way, which is planned to be constructed with the final phases of the Woodstone development.
11. The developer shall construct sidewalk, curb and gutter, asphalt pavement, asphalt tapers, shoulders, ditching, and storm sewer on Elderberry Road, in accordance with the plans approved by the City Engineer and City Traffic Engineer.
12. The developer shall coordinate the necessary right of way dedication on Elderberry Road and on Bear Claw Way as determined by the City Engineering, Traffic Engineering and the Planning divisions.
13. The developer shall be responsible for the construction of Wilrich Street to allow for a minimum of half of a street and the necessary utilities necessary to serve Lot 1 of the final plat.
14. The City may construct Bear Claw Way from Cobalt Street to the south in the summer of 2014 as an assessable public works project.
15. The developer shall enter into a City/Developer agreement for the installation of public improvements required to serve this plat. 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 without the agreement executed by the developer.
16. 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.

17. This development is subject to impact fees for the Elderberry Neighborhood Sanitary Sewer Improvement Impact Fee District. All impact fees are due and payable at the time building permits are issued. The following note shall be put the face of the plat/CSM: **"Lots/ buildings within this subdivision are subject to impact fees that are due and payable at the time building permit(s) are issued."**
18. The developer shall construct Madison Standard street and sidewalk improvements for all streets within the plat.
19. The developer shall note that City funds for outlot frontage are limited and will be determined at the sole discretion of the City.
20. The developer shall make improvements to Elderberry Road to facilitate ingress and egress to the plat.
21. All proposed street names shall be approved by the City Engineer. The applicant shall contact Lori Zenchenko ((608) 266-5952) with street name requests.
22. An erosion control plan and land disturbing activity permit shall be submitted to the City Engineering Division for review and approval prior to grading or any other construction activities. The Preconstruction Meeting for Public Improvements shall not be scheduled prior to issuance of this permit. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
23. The following notes shall be included on the final plat:
  - a.) All lots within this plat are subject to public easements for drainage purposes which shall be a minimum of 6-feet in width measured from the property line to the interior of each lot except that the easements shall be 12-feet in width on the perimeter of the plat. For purposes of two (2) or more lots combined for a single development site, or where two (2) or more lots have a shared driveway agreement, the public easement for drainage purposes shall be a minimum of six (6) feet in width and shall be measured only from the exterior property lines of the combined lots that create a single development site, or have a shared driveway agreement, except that the easement shall be twelve (12) feet in width along the perimeter of the plat. Easements shall not be required on property lines shared with greenways or public streets. No buildings, driveways, or retaining walls shall be placed in any easement for drainage purposes. Fences may be placed in the easement only if they do not impede the anticipated flow of water.
  - b.) The intra-block drainage easements shall be graded with the construction of each principle structure in accordance with the approved storm water drainage plan on file with the City Engineer and the Zoning Administrator, as amended in accordance with the Madison General Ordinances.

NOTE: In the event of a City of Madison Plan Commission and/or Common Council approved re-division of a previously subdivided property, the underlying public easements for drainage purposes are released and replaced by those required and created by the current approved subdivision.

Information to Surveyor's: In addition to notes such as this, WI State Plat Review now enforces the requirement that easements or other reference lines/areas be graphically shown, dimensioned and tied when they represent fixed locations. They will accept a "typical detail" when the easement or restriction can be effectively described and retraced from the typical detail.

24. Prior to the issuance of building permits, the developer shall submit a master stormwater drainage plan to the City Engineering Division for review and approval which shows lot corner elevations to the nearest 0.25-foot. For purposes of the plan, it shall be assumed that grading shall be done on a straight-line grade between points unless other information is provided. The proposed slope between points shall always be greater than or equal to .0075 ft/ft. If a break in grade is required between lot corners a shot shall be taken at that break in grade to provide the Engineer with enough information to interpret the plan. The developer shall also show proposed drainage arrows on the plan to indicate the proposed direction of drainage.

The master storm water drainage plan shall be submitted to City Engineering in digital format with elevations/grades/contours shown on the recorded plat map of the development. The digital record shall be provided using the state plane coordinate system – NAD 27. 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 the City Engineering Division's approval of this plan."

25. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to detain the 2, 10 & 100-year storm events; control 80% TSS (5 micron particle), provide infiltration in accordance with Chapter 37 of MGO, and; complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by Chapter 37 of MGO.
26. Effective January 1, 2010, the Wisconsin Department of Commerce's authority to permit commercial sites for stormwater and erosion control has been transferred to the Wisconsin Department of Natural Resources (WDNR). As this site is greater than one acre, the applicant is required by State Statute to obtain a Water Resources Application for Project Permits (WRAPP) from the WDNR prior to beginning construction. This permit was previously known as a Notice of Intent Permit (NOI). Contact Eric Rortvedt of the WDNR at 273-5612 to discuss this requirement. The City of Madison cannot issue an erosion control and stormwater management permit until concurrence is obtained from the WDNR.

27. A minimum of 2 working days prior to requesting City Engineering signoff on the plat, the applicant shall contact Janet Dailey (261-9688) to obtain the final stormwater utility charges that are due and payable prior to subdivision 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).
28. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat.
29. 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 (261-9688) to obtain the final MMSD billing a minimum of two working days prior to requesting City Engineering signoff.
30. Note: Each unit of a future duplex building shall be served by a separate and independent sanitary sewer lateral or an ownership/maintenance agreement (recorded) shall be in place prior to [future] CSM approval.
31. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
32. 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. Note: Land tie to two PLS corners required.
33. 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, and; 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).

\*This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes.

\*New electronic final plat transmittals and notification of changes which occur to the final plat during the time the Engineering Division signs off and receives the digital copies of said plat and the recording thereof, are the responsibility of the Developer/Surveyor.

34. In accordance with Section s.236.20(2)(c)&(f), Wisconsin Statutes, the applicant must show type, location and width of any and all easements. Clearly identify the difference between existing easements (cite Register of Deeds recording data) and easements which are being conveyed by the plat. Identify the owner and/or benefiting interest of all easements.
35. In accordance with Section s. 236.18(8), Wisconsin Statutes, the Applicant shall reference **City of Madison WCCS Dane Zone, 1997Coordinates** on all PLS corners on the Plat or Certified Survey Map in areas where this control exists. The Surveyor shall identify any deviation from City Master Control with recorded and measured designations. City of Madison has established WCCS, Dane Zone Coordinates on all PLS corners within its corporate boundary. Visit the City of Madison Engineering Division web address [http://gis.ci.madison.wi.us/Madison\\_PLSS/PLSS\\_TieSheets.html](http://gis.ci.madison.wi.us/Madison_PLSS/PLSS_TieSheets.html) for current tie sheets and control data. If a surveyor encounters an area without a published WCCS Dane Zone 1997 value, contact the City Engineering Division for this information.
36. City of Madison Environmental Projects Staff have reviewed the subject site and determined that a Phase I ESA **will** be required of the applicant. The applicant shall provide 1 digital and 2 hard copies of an ASTM Phase I ESA prepared by an environmental professional. Staff review of this Phase I ESA will determine if a further investigative Phase II ESA is also required. Please submit any relevant Phase I and Phase II ESAs to Brynn Bemis (267-1986, [bbemis@cityofmadison.com](mailto:bbemis@cityofmadison.com)) for further review.

**Please contact Eric Halvorson of the Traffic Engineering Division at (608) 266-6527 if you have any questions regarding the following three (3) items:**

37. The applicant shall revise the final plat to dedicate right of way for the future construction of a roundabout at Elderberry Road and Bear Claw Way as designed by the Traffic Engineering Division.
38. The applicant shall execute and return a declaration of conditions and covenants for streetlights and traffic signals prior to sign off.
39. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

**Please contact Dennis Cawley of the Madison Water Utility at (608) 261-9243 if you have any questions regarding the following two (2) items:**

40. Public water mains will be designed by the Madison Water Utility and shall be installed by standard City of Madison Subdivision Contract.
41. All operating private wells shall be identified and permitted by the Madison Water Utility and all unused private wells shall be abandoned in accordance with MGO Sec. 13.21.

**Please contact Kay Rutledge of the Parks Division at (608) 266-4714 if you have any questions regarding the following two (2) items:**

42. The neighborhood plan does not show a neighborhood park in this area. Therefore, park impact fees (comprised of the Park Development Impact Fee per MGO Sec. 20.08(2) and the Parkland Impact

Fee in lieu of land dedication per MGO Sec. 16.23(8)(f) and 20.08(6)) will be required for all new residential development in this subdivision. Park impact fees will be determined when subsequent plans are submitted for review and approval for each of these lots. The developer must select a method for payment of future park impact fees prior to signoff of the final plat. This development is within the Elver Park impact fee district (SI29). Please reference ID# 13117 when contacting Parks Division staff about this project.

43. Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right of way. Permission for such activities must be obtained from the City Forester, 266-4816.

**Please contact Jenny Frese of the Office of Real Estate Services at (608) 267-8719 if you have any questions regarding the following five (5) items:**

44. Prior to final sign-off, the Owner's Certificate(s) on the final plat shall be executed by all parties having an interest in the property, pursuant to MGO Section 16.23(5)(g)4 and Wis. Stats. 236.21(2)(a). Certificates 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.
45. Certificates of consent from all mortgagees/vendors shall be included on the final plat following the Owner's Certificate(s).
46. An Environmental Site Assessment will be required because of the public dedications.
47. Per Chapter 236.21(3) of Wis. Stats. and MGO Section 16.23(5)(g)(1), the property owner shall pay all real estate taxes and special assessments that are accrued or delinquent for the subject properties prior to final approval of the plat for recording. As of March 5, 2014, the 2013 real estate taxes are paid for the subject property and there are no special assessments reported.
48. The following revisions shall be made to the final plat prior to final approval and recording:
- a.) Research the location of the Easement to Wisconsin Power and Light, recorded as Document No. 487866, and if it lies within the plat boundary, please label and depict it on the final plat.
  - b.) Insert a certificate for the Secretary of the Plan Commission.
  - c.) Depict easements for utility and drainage rights of way to be created by the final plat.

**Please contact my office at (608) 261-9632 if you have any questions about the three (3) items:**

49. That a 30-foot building setback line be established along Elderberry Road on Lots 2 and 3 of the preliminary plat at the time of final plat approval, as would be consistent with the same restriction to the east on the adjacent Woodstone plat.
50. In order to be consistent with the proposed preliminary plat, Lot 1 of the final plat be relabeled as an outlot for future development; further subdivision of this outlot shall follow the lot and street

pattern for this portion of the site shown on the revised preliminary plat (including preliminary plat Lots 1, 2, 5 and 7, Street "A", the remaining block of Street "C" and the extension of Spirit Street).

51. That at such time as Outlot 2 of the preliminary plat is further subdivided, the applicant shall work with the Planning Division to explore the connection of Street "A" to Veritas Drive. If it is determined that the connection of Street "A" to Veritas Drive is the most favorable alignment for implementing the recommendations of the Elderberry Neighborhood Development Plan, the further subdivision of Outlot 2 to create a developable lot shall be conditioned on the dedication and construction of said connection.

**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 have been satisfied for the final plat as verified with a completed affidavit form (attached), the original along with the revised final plat, 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 final plat at the Dane County Register of Deeds. For information on recording procedures and fees, contact the Register of Deeds at 266-4141.

Any appeal regarding the plat, including the conditions of approval related thereto, must be filed with the Circuit Court within thirty (30) days from the date of this letter. The approval of this final plat shall be null and void if not recorded in twelve (12) months from the date of this letter. If I may be of any further assistance, please do not hesitate to contact me at 261-9632.

Sincerely,

Timothy M. Parks  
Planner

cc: Janet Dailey, City Engineering Division  
Eric Halvorson, Traffic Engineering Division  
Kay Rutledge, Parks Division  
Pat Anderson, Assistant Zoning Administrator  
Bill Sullivan, Madison Fire Department  
Dennis Cawley, Madison Water Utility  
Jennifer Frese, Office of Real Estate Services  
Dan Everson, Dane County Planning & Development