



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 566 Schewe Road  
**Application Type:** Zoning Map Amendment, Demolition Permit, and Preliminary Plat  
**Legistar File ID #** [49707](#), [49533](#), and [49534](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted

**Summary**

**Applicant:** Jeff Rosenberg, VH Acquisitions, LLC d.b.a Veridian Homes; 6801 South Towne Drive; Madison.

**Contact Person:** Brian Munson; Vandewalle & Associates; 120 E. Lakeside Street; Madison.

**Surveyor:** Brett Stoffregan and Dan Day, D’Onofrio Kottke & Associates; 7530 Westward Way; Madison.

**Property Owner:** Schewe Limited Partnership; 10918 Cave Of The Mounds Road; Blue Mounds.

**Requested Actions:** Approval of a request to rezone land generally addressed as 566 Schewe Road from Temporary A (Agricultural District) to TR-C3 (Traditional Residential–Consistent 3 District); approval of a demolition permit to demolish the single-family residence at 566 Schewe Road; and approval of the preliminary plat of *Eagle Trace*, creating 235 single-family lots, one outlot for a public park, one outlot for future development, and four outlots to be dedicated to the public for stormwater management.

**Proposal Summary:** The proposed “Eagle Trace” subdivision calls for 235 single-family lots to extend across most of the 89.35-acre subject site, which was recently attached to the City of Madison from the Town of Middleton. In addition to the single-family lots, the plat includes the dedication of an approximately 8.9-acre public park and four outlots for stormwater management, including two that will contain segments of the regional multi-purpose path network. An existing farmhouse will be demolished in order to facilitate development of the subdivision. Development of the subdivision will occur in phases beginning in 2018 following approval and recording of a final plat, with completion of the subdivision anticipated over a ten-year period based on market demand for units.

**Applicable Regulations & Standards:** Section 28.182 of the Zoning Code provides the process for zoning map amendments. Section 28.185 provides the process and standards for the approval of demolition and removal permits. The subdivision process is outlined in Section 16.23(5)(b) of the Subdivision Regulations.

**Review Required By:** Plan Commission and Common Council.

**Review Schedule:** The State’s subdivision statute, Wis. Stats. 236, requires that a preliminary plat be approved, conditionally approved, or rejected (with stated reasons) within 90 days of submittal unless the time is extended by agreement with the applicant. If no action is taken within 90 days and no extension granted, the plat is deemed approved. The proposed preliminary plat application was submitted to the City on November 8, 2017. Therefore, the 90-day review period for this plat was scheduled to expire circa February 8, 2018.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022–00313, rezoning 566 Schewe Road from Temp. A to TR-C3, and the preliminary plat of the Eagle Trace subdivision to the Common Council with recommendations of **approval**, and find the standards met and **approve** a demolition permit for the existing residence at 566 Schewe Road, all subject to input at the public hearing and the conditions from reviewing agencies beginning on page 7 of this report.

## Background Information

**Parcel Location:** The subject site contains approximately 89.35 acres of land that generally extends between Pioneer Road on the west and existing Schewe Road on the east, north of Elderberry Road; Aldermanic District 9 (Skidmore); Middleton-Cross Plains School District.

**Existing Conditions and Land Use:** A single-family residence, barn, detached garage and three outbuildings are located in the northeastern corner of the parcel. The remainder of the property is otherwise undeveloped farmland. The property was zoned Temporary A (Agricultural District) upon attachment on October 17, 2017.

### Surrounding Land Uses and Zoning:

North: Undeveloped land in the Town of Middleton along Pioneer Road; single-family residence, undeveloped land, and a future City of Madison Water Utility tower and reservoir, zoned A (Agricultural District);

South: Single-family residence and undeveloped land in the Town of Middleton;

West: Single-family residences along Pioneer Road and in the Sauk Prairie Estates subdivision in the Town of Middleton;

East: Single-family residence in the Town of Middleton; Middleton Community Church in the City of Madison, zoned A; single-family residences in The Willows and Autumn Ridge Reserve subdivisions, Schewe multi-purpose path, and stormwater management greenways in the City, zoned SR-C1 (Suburban Residential–Consistent 1 District) and TR-C2 (Traditional Residential–Consistent 2 District).

**Adopted Land Use Plans:** The 2002 [Elderberry Neighborhood Development Plan](#) identifies the subject site for low-density residential uses between four and eight units an acre. A future park is identified along a portion of the northern property line, with a greenway identified along the eastern edge of the site adjacent to Schewe Road.

Note: The Elderberry Neighborhood Development Plan is currently undergoing review as part of a joint plan amendment process with the Pioneer and Junction neighborhood development plans to evaluate the recommendations for the three far west side planning areas. The amendment process began in fall 2017, with draft recommendations anticipated in early 2018 for adoption by the Common Council circa June 2018.

**Environmental Corridor Status:** The site of the proposed subdivision is not currently located in the Central Urban Service Area (CUSA), and there are no adopted environmental corridors at this time. The City recently submitted a request to the Capital Area Regional Planning Commission (CARPC) to include the western portions of the Elderberry neighborhood in the CUSA. As part of its amendment request, the City is requesting that the future park located on all or a portion of the subject site be mapped as environmental corridor.

**Public Utilities and Services:** The site will be served by a full range of urban services as it develops once it is added to the CUSA.

However Metro Transit does not currently provide service west of Pleasant View Road. Per Metro's comments: "The proposed subdivision is no less than two miles walking distance, and the lots would be greater than the three-quarters of a mile regulatory distance from all-day scheduled bus service, which disqualifies any trips in this subdivision for passengers who might otherwise be eligible for door-to-door paratransit service. The pedestrian access between this site and the scheduled bus service, located on Old Sauk Road at Heartland Trail (east of

Pleasant View Road), includes approximately a half-mile of travel along the unimproved shoulder of Old Sauk Road (posted 35 mph).”

**Zoning Summary:** The proposed lots will be zoned TR-C3 (Traditional Residential–Consistent 3 District):

	Required	Proposed
Lot Area (sq. ft.)	3,000 sq. ft. per lot	All proposed lots will exceed
Lot Width	30’	All proposed lots will exceed
Front yard setback	15’	To be determined at permitting
Maximum front yard setback	30’ or up to 20% greater than average	To be determined at permitting
Side yard setback	5’	To be determined at permitting
Rear yard	20’	To be determined at permitting
Maximum lot coverage	75%	To be determined at permitting
Maximum building height.	2 stories/35’	To be determined at permitting
Usable open space (sq. ft. per unit)	500	To be determined at permitting
<b>Other Critical Zoning Items</b>		
Yes:	Utility Easements (to be established with final plat)	
No:	Urban Design, Wellhead Protection, Floodplain, Landmarks, Waterfront Development, Adjacent to Parkland	
<i>Prepared by: Jenny Kirchgatter, Assistant Zoning Administrator</i>		

## Project Description

The applicant, Veridian Homes, is requesting approval of a zoning map amendment, demolition permit, and preliminary plat for the future development of an approximately 89.35-acre parcel generally located between Pioneer Road on the west and existing Schewe Road on the east, north of Elderberry Road. The subject site is the Schewe Limited Partnership property, which was attached to the City from the Town of Middleton on October 17, 2017 and includes a two-story single-family residence, barn, detached garage and outbuildings in the northeastern quadrant of the parcel near where Schewe Road turns east and becomes White Fox Lane. The segment of Schewe Road located along the eastern edge of the subject parcel was recently closed to automobile traffic between White Fox Lane and Elderberry Road; a permanent north-south public multi-purpose path was constructed in place of that segment of road in greenways dedicated to the City as part of the Autumn Ridge Reserve and The Willows II subdivisions.

Following demolition of the existing residence and accessory buildings, the applicant proposes to create 235 single-family lots in TR-C3 zoning across most of the 89.35-acre property. Access into the proposed Eagle Trace subdivision will be provided by the extensions of White Fox Lane and Schewe Road into the parcel from their current terminuses at the northeastern corner of the site. The preliminary plat calls for Schewe Road to continue south through the subdivision parallel to the eastern edge of the site, and approximately 150 feet west of its historic alignment and the new multi-purpose path corridor. White Fox Lane will extend across the subdivision to Pioneer Road as a 70-foot wide collector street, with the intersection of White Fox and Pioneer to align with Heather Knoll Lane across Pioneer Road in the Sauk Prairie Estates subdivision in the Town of Middleton. The alignment of extended White Fox Lane runs through the existing residence and nearby accessory buildings. Extended White Fox Lane will be the first City of Madison street to intersect Pioneer Road from the east between Old Sauk Road and Mineral Point Road, and the timing of when the street extension occurs will be important for insuring that adequate access to and circulation through the subdivision is provided as it builds out.

The future single-family lots in the Eagle Trace subdivision will range in width from 59 to 69 feet and 5,900 to 9,000 square feet of area on the eastern half of the development, to 75 to 90 feet of lot width and 10,800 to 15,000 square feet of lot area on the western half of the development. All of the proposed lots appear to exceed the minimum requirements of the proposed TR-C3 zoning district.

In addition, the future plat will dedicate an approximately 8.9-acre public park and three outlots for stormwater management. The proposed park, shown as Outlot 3 of the preliminary plat, will primarily front onto the south side of White Oak Lane west of Schewe Road extended. Additional access into the park will be provided from "G" Street to the south. Stormwater management will be provided in three outlots located across the proposed subdivision, including Outlot 2, which will extend most of the length of the eastern edge of the subdivision and join the existing greenway tracts dedicated to the City with the adjacent Autumn Ridge Reserve and Willows subdivisions. The combined outlots will create a continuous greenway of varying width for stormwater management for the three subdivisions, as well as a north-south multi-purpose path corridor that will eventually extend across the larger Elderberry neighborhood. An east-west spur is proposed to link the park on Outlot 3 to the north-south regional path across Outlot 2. Outlot 1 will be reserved for future development and will likely be joined with the adjacent parcel to the northeast in the Town of Middleton once it is attached and subdivided.

## Analysis

### Provision of Municipal Services to Serve Subdivision

City of Madison water and sewer services are located adjacent to the subject site and can be extended to serve the proposed subdivision. However, the site is not currently located within the Madison Central Urban Service Area (CUSA) or the service area for the Madison Metropolitan Sewerage District (MMSD). A request to amend the CUSA to include this site and other mostly undeveloped properties located in the westernmost portion of the Elderberry neighborhood was submitted to the Capital Area Regional Planning Commission (CARPC) on December 6, 2017 and is scheduled for consideration by CARPC on January 11, 2018. Following approval of the CUSA amendment by CARPC and the Wisconsin Department of Natural Resources, the property will also need to be annexed into the MMSD service area. Staff is recommending approval of the preliminary plat subject to conditions restricting final approval and recording of the final plat of Eagle Trace subdivision until such time as the CUSA amendment has been approved and the property has been annexed into MMSD. Implementation of the Eagle Trace subdivision cannot occur without these separate CARPC and MMSD approvals.

### Consistency with Adopted Plans

The Planning Division believes that the preliminary plat to create 235 single-family lots conforms to the applicable lot design standards in the proposed TR-C3 zoning district and in the Subdivision Regulations, with all of the proposed lots exceeding the minimum 30 feet of lot frontage and 3,000 square feet of lot area required. The proposed Eagle Trace subdivision is also generally consistent with the land uses and street pattern recommended for the site in the adopted 2002 Elderberry Neighborhood Development Plan, and with the general development pattern that has emerged gradually from east to west across the Elderberry neighborhood over the last 10 years, including The Willows, Sauk Heights, Autumn Ridge Reserve, and Woodstone single-family subdivisions. The density of the proposed development is consistent with the recommendations in the neighborhood plan, which call for low-density residential development between four (4) and eight (8) units an acre on the subject site.

However, staff from the Planning Division, City Engineering Division, Traffic Engineering Division, and Parks Division have identified a series of modest revisions to the proposed Eagle Trace subdivision that will enhance its consistency with the existing adopted Elderberry Neighborhood Development Plan and facilitate implementation

of its recommendations when adjacent properties are developed in the future. The revisions are labeled 1-4 on the exhibit attached to this staff report, and include:

- 1. Removal of proposed Lots 83–86:** As proposed, the four lots on the south side of White Fox Lane will be surrounded on three sides by the proposed public park (Outlot 3), including a stand of existing mature trees located at the corner of “F” Street and White Fox Lane. Staff recommends that these four lots be eliminated or relocated elsewhere in the subdivision to create a more cohesive park and increase the amount of usable/recreation space available.
- 2. Remove the southerly path extension from “G” Street across Outlot 4:** At this time, staff does not anticipate a need for the multi-purpose path proposed to extend from the Outlot 3 park across “G” Street and the Herrling property located to the south of the subject site, and the path will not be included in the public improvements constructed to serve the future subdivision.
- 3. Realign the street network:** Most of the street network shown on the Eagle Trace preliminary plat follows the general street network recommended in the Elderberry Neighborhood Development Plan, as generally shown where the heavy, black lines on the staff graphic overlay the streets on the colored application graphic. However, staff has identified two locations where the proposed street network should be altered to better facilitate development of properties to the north and south of the plat.

The first area where the streets should be realigned is located along the northern edge of the site where the adjacent Schiller and QRS Company properties intersect the northern property line of the site. Staff recommends that “F” and “J” Streets both be shifted west to allow one full-depth lot to be platted on each side of the line separating those properties (on the east and west sides of the respective streets) when those parcels develop. Similarly, in the southwestern corner of the site, where “A” Street intersects the Herrling and Noltner properties to the south, staff recommends that the street shift further to the east to allow one full-depth lot to be platted on the west side of “A” Street when the Herrling property is subdivided in the future. In both cases, staff feels that shifting those streets will better facilitate implementation of the street network recommended in the Elderberry Neighborhood Development Plan than if those streets were left on the common lines of the adjacent properties, which can result in incomplete or difficult-to-construct streets when only one property abutting that line is being developed.

- 4. Recommended collector streets:** The Elderberry Neighborhood Development Plan recommends that an east-west collector street extend across the northern half of the neighborhood roughly midway between Old Sauk and Elderberry roads. This collector street was first established east of the subject site in the Sauk Heights subdivision as White Fox Lane, and was continued further west as part of The Willows and The Willows II subdivisions (also as White Fox Lane) to connect to the historic east-west segment of Schewe Road. Staff believes that the extension of White Fox Lane proposed between Schewe Road and Pioneer Road on the preliminary plat is consistent with the alignment recommended in the neighborhood development plan. In addition, although the plan recommends that collector streets have 80-foot rights of way, City staff believes that the 70-foot right of way proposed for White Fox Lane on the preliminary plat is consistent with the 70-foot right of way segments platted for the same street in the three aforementioned developments east of the subject site.

However, in reviewing phasing of the proposed subdivision, staff recommends that White Fox Lane be constructed to Pioneer Road sooner than the last phase of development as currently proposed (see Exhibit F of the application materials) to ensure that the development is adequately accessible as generally required by the Subdivision Regulations. The proposed subdivision is somewhat unique in that most of its existing road frontage is located on the side of the development site located the furthest from existing development. As proposed, 195 of the 235 proposed lots (Phases 1–5) would be solely accessible from the intersection of

Schewe Road and White Fox Lane until White Fox is extended to Pioneer Road with Phase 6 subdivision improvements, or one of the adjacent properties to the north or south is subdivided and one of the streets in the Eagle Trace subdivision is extended to connect with the public street network off site. To ensure that adequate access exists sooner, staff recommends that the connection of White Fox Lane to Pioneer Road be constructed no later than with Phase 3 (approximately 100 of the 235 proposed lots) to provide two means of public street access as the subdivision develops, or that a second public street access is provided off-site.

In addition to the east-west collector street, the Elderberry Neighborhood Development Plan recommends that a north-south collector street be provided east of Pioneer Road to serve the westernmost portions of the Elderberry neighborhood. The proposed north-south collector is planned to extend from Old Sauk Road to Mineral Point Road and continue south through the Pioneer neighborhood as Sugar Maple Lane. Although this collector was not originally planned to follow the alignment of Schewe Road, Schewe Road has emerged as a viable corridor as City staff has recently started work on broader revisions to the Elderberry Neighborhood Development Plan. The use of Schewe Road as the corridor for this collector street has also been highlighted in early conceptual plans for the future development of the Herrling properties to the south of the site. As such, staff recommends that the right of way width for Schewe Road through the Eagle Trace subdivision be increased from the 66 feet proposed to 70 feet consistent with the width of White Fox Lane. While more right of way width may be needed for this north-south collector closer to Mineral Point Road, staff feels that the 70 feet of right of way for the segment located between Old Sauk Road and the future westerly extension of Elderberry Road (south of the subject site) should be adequate to serve the anticipated transportation needs for what is planned to be mostly low-density residential development in this part of the planning area, including through the subject site.

Consistency with the City of Madison–Town of Middleton Cooperative Plan

The western half of the proposed Eagle Trace subdivision is also subject to the provisions of Section 13.04 of the 2003 *Final City of Madison and Town of Middleton Cooperative Plan*.

The City-Town cooperative plan establishes a transition area located a quarter-mile on either side of the centerline of Pioneer Road from Old Sauk Road south to Valley View Road. The intent of the transition area is to establish compatible land uses east and west of the permanent boundary between the Town and the City at Pioneer Road. Within this area, development shall be limited to residential land uses and associated improvements, including roads, utilities, parkland and other governmental uses. Residential densities shall be limited to four (4) units per net acre of development, and the height of residential structures shall be limited to 35 feet as measured from the finished grade on the street side of the building. Private driveway access to new development shall be prohibited from Pioneer Road unless approved by both the Town and City, and instead shall be provided by new public streets, which shall be allowed to intersect Pioneer Road. It is the Town and City's intent to align streets as four-way intersections with Pioneer Road to the extent possible. In addition, for any subdivision in the transition area both east and west of Pioneer Road, an 80-foot wide landscaped building setback shall be provided as a condition of any development approval.

City staff has reviewed the proposed preliminary plat and believes that it complies with the requirements of the cooperative plan. The net density of development west of the quarter-mile line, which roughly follows the current alignment of "F" Street and includes all or most of the lots proposed along "A", "B", "C", "D" and "E" Streets, appears to be slightly less than the four-unit maximum net density (effectively lots greater than or equal to 10,890 square feet of area not inclusive of outlots or rights of way). Further, the maximum height allowed in the TR-C3 zoning district is 35 feet, which is measured to the highest point on the roof of the building or structure, and which

staff feels is consistent with the height limitation in the cooperative plan. Finally, an 80-foot setback is shown in the rear yards of the lots backing onto Pioneer Road; staff will review a landscaping plan for this buffer concurrent with review of the final plat of the subdivision.

## Conclusion

On December 11, 2017, the Landmarks Commission reviewed the proposed demolition of the existing single-family residence at 566 Schewe Road and recommended to the Plan Commission that it finds that the building “has historic value related to the vernacular context of Madison’s built environment, but the building itself is not historically, architecturally or culturally significant.”

The Planning Division believes that the proposed zoning map amendment and preliminary plat of the Eagle Trace subdivision are generally consistent with the land use, density, and street layout recommended for the 89.35-acre site in the adopted 2002 Elderberry Neighborhood Development Plan, and that approval and implementation of the development is consistent with the development pattern that has emerged over the last ten or so years in the western portions of the Elderberry neighborhood. Staff also believes that the proposed development is consistent with the requirements in the City’s cooperative plan with the Town of Middleton, which regulates how land within a quarter-mile of Pioneer Road may be developed.

However, staff from the Planning, Parks, City Engineering, and Traffic Engineering Divisions have developed a series of revisions to the proposed plat that staff feels will enhance the project’s consistency with the adopted neighborhood development plan and the Subdivision Regulations, and better facilitate implementation of its recommendations when adjacent properties to the north and south are developed in the future. Those include realigning where three streets are proposed to exit the property, moving or eliminating four proposed lots from what will otherwise be the envelope of a proposed public park, and providing a second means of access for the development sooner than is currently proposed.

## Recommendation

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

The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022–00313, rezoning 566 Schewe Road from Temp. A to TR-C3, and the preliminary plat of the Eagle Trace subdivision to the Common Council with recommendations of **approval**, and find the standards met and **approve** a demolition permit for the existing residence at 566 Schewe Road, all subject to input at the public hearing and the conditions that follow.

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

#### Planning Division

1. That final approval and recording of the final plat of the Eagle Trace subdivision not occur until such time as the subject site has been added to the Central Urban Service Area.

2. That final approval and recording of the final plat of the Eagle Trace subdivision not occur until such time as the subject site has been annexed into the Madison Metropolitan Sewerage District following approval of the CUSA amendment that includes the subject site.
3. That prior to final approval and recording of the final plat, the applicant shall work with the Planning Division and Capital Area Regional Planning Commission to revise the environmental corridor map to reflect the approved subdivision, including modifications to reflect the final location of the public park and the proposed stormwater management greenways/outlots.
4. That a revised preliminary plat be submitted with the final plat of Eagle Trace that incorporates the revised street alignments depicted on the attached staff graphic, including the shifting of "A" Street to the east away from the southwestern corner of the property, and the shifting of "F" and "J" Streets west to allow for a block of lots to center on the common line between the Schiller and QRS Company parcels to the north.
5. That proposed Lots 83-86 be eliminated or relocated from the south side of White Fox Lane to create a cohesive park dedication on Outlot 3 along White Fox Lane.
6. The right of way width for Schewe Road shall be 70 feet through the entire plat.
7. That 40 feet of right of way be dedicated from the centerline of Pioneer Road for the entire length of the plat. [i.e. a 33-foot dimension shown near the midpoint of the Pioneer frontage should be deleted.]
8. That a "No Vehicular Access" restriction be shown graphically and noted on the final plat for Lots 192-196 and 229-234 backing onto Pioneer Road, consistent with the City-Town cooperative plan.
9. The right of way for "F" Street may be reduced to 60 feet in consultation with City staff. If the width of that right of way remains 66 feet, the pavement width may be narrowed to create deeper terraces for future street tree planting.
10. Streets "A", "B", "C", "D" and "E" appear to qualify for a 56-foot wide local street right of way width (28 feet of pavement curb to curb) per Section 16.23(8)(a)8.a.iv.B. of the Subdivision Regulations. Where the requirements of that section are not met (lots exceeding 8,008 square feet of area), a 60-foot right of way (32 feet of pavement) shall be provided.
11. The phasing plan for the proposed subdivision shall be revised to show White Fox Lane constructed to Pioneer Road no later than as part of Phase 3 (approximately 100 lots) to ensure that two means of ingress and egress are provided for the subdivision as early as possible. In the alternative, this second means of access may be satisfied by construction of any street within this subdivision to connect to an existing public roadway.
12. The applicant shall submit a grading plan and landscaping plan (with cross-sections) for approval by the Planning Division with the final plat that provides a landscaped buffer for the western 80 feet of Lots 192-196 and 229-234 backing onto Pioneer Road consistent with the City-Town cooperative plan. The planting area/buffer strip adjacent to Pioneer Road shall be reserved for the planting and maintenance of trees or shrubs by the respective lot owners or an association, and the building of buildings within the 80-foot setback shall be prohibited. The final plat shall include a note identifying the rights and responsibilities of the owners of the affected lots and/or any association to install and maintain this 80-foot buffer.



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

**City Engineering Division** (Contact Tim Troester, 267-1995)

13. This land is not yet in the Central Urban Service Area (CUSA). Any requirements regarding drainage and stormwater treatment that are placed upon the lands in this area when brought into the CUSA by Capital Area Regional Planning Commission shall be complied with by the developer.
14. The proposed development requires construction of public works in adjacent Town of Middleton right of way. The developer shall set up and lead a coordination meeting between City of Madison staff and Town staff. This meeting shall be held in advance of sign off of the development. The construction may require the developer to obtain a permit from the Town for construction in the Town right of way. City plans will not be released for construction until this permit is obtained by the developer and provided to the City of Madison.
15. The developer shall install roadway tapers beyond the plat along Schewe Road.
16. The developer shall dedicate 70 feet of right of way for Schewe Road through the subdivision.
17. This development is subject to impact fees for the Lower Badger Mill Creek Sanitary Sewer and 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."
18. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat.
19. 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.
20. A Phase 1 environmental site assessment (Phase 1 ESA), compliant with ASTM E1527-13, is required for the project area. The applicant shall provide one (1) digital copy and a paper copy only if specifically requested. Staff review of this Phase 1 ESA will determine if a Phase 2 ESA is also required. Please submit report(s) to Brynn Bemis (608-267-1986, [bbemis@cityofmadison.com](mailto:bbemis@cityofmadison.com)) for review.
21. The applicant shall provide proof of septic system abandonment from Public Health- Madison and Dane County as a condition of plan approval. Septic System abandonment application is available online at <http://www.publichealthmdc.com/environmental/septage/>
22. 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.

23. 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.
24. 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) or Brenda Stanley at 261-9127 (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).
25. 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; provide infiltration in accordance with MGO Chapter 37; 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 Madison General Ordinances.
26. 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.
27. 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.
28. 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.
29. The developer shall construct Madison Standard street, bike path and sidewalk improvements for all streets within the plat.
30. The developer shall make improvements to Pioneer Road to facilitate ingress and egress to the plat, including the construction of acceleration and deceleration tapers, right-turn lanes, passing lanes, and median openings. These improvements may require dedication of right of way outside of the limits of the plat.
31. The developer shall note the AASHTO design standards for intersection sight distance will be applied during the design of the streets within this plat.

32. 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.
33. The developer shall construct bike path improvements as required by the City Engineer on Outlots 2, 3 and 4.
34. The developer shall construct pavement, curb and gutter as required by City Engineer on Pioneer Road.
35. The developer shall construct full street and sidewalk improvements along White Fox Lane and Schewe Road along Lots 1, 2, 3, and 18.

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

36. The portion of existing Schewe Road right of way north of the intersection with proposed White Fox Lane (in the area of Outlot 1) shall be vacated/discontinued. The applicant shall provide the map and description of the area to be vacated. The area shall be hatched and labeled as follows: "This portion of Schewe Road shall be vacated and discontinued by the City of Madison upon existence of adequate public road connections to White Fox Lane and Schewe Road as determined by the City of Madison Engineer."
37. There currently is shown a gap between lands within this proposed plat and several parcels lying to the north. The applicant and applicant's surveyor shall work with City Engineering Mapping Staff to formulate a solution to address the gap that will permit the development to move forward as planned.
38. The line labeled North/South 1/4 line along the west side is not the surveyed N-S Quarter line per the accepted Center of Section 20. This line represents the "centerline" (former N-S Quarter Line) of Pioneer Road as established by Sauk Prairie Estates, Vinnie's Point, Spruce Hollow and CSM 2519. The new dedicated east right of way of Pioneer Road shall lie 40 feet east of and parallel to this "centerline" to assure there are not any areas of right of way that are short of the required widths. Revise the preliminary plat accordingly.

39. The applicant shall provide proposed street names to Lori Zenchenko (Lzenchenko@cityofmadison.com) of City Engineering Mapping for review and approval prior to submitting the final plat for approval.
40. Outlots 2, 3 and 4 shall have Public Bike and Pedestrian Easements over their entirety. Contact Jeff Quamme for the required language.
41. If any off-site improvements or grading would become necessary for development, the developer is responsible to acquire any necessary easements or right of ways as required by the City, at the developer's expense. In the event that the developer would be unable to obtain those rights, the City would proceed with the acquisitions. The developer would reimburse the City for all costs associated with the acquisition, including attorney's fees and any and all costs associated with court ordered awards. The developer would provide a deposit at the time of contract execution to cover the estimated City staff expenses and easement cost for the acquisition. The developer shall note that separate, additional surety in an amount estimated to cover any potential court ordered awards would be retained by the City until such time.

42. 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 monument condition reports for all monuments, including center of sections of record, used in this survey, to Jeff Quamme, City Engineering (jrquamme@cityofmadison.com). 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 and shall be attached to a signed and sealed monument condition report. The applicant shall identify monument types on all PLS corners included on the plat.
43. The applicant shall dedicate a 10-foot wide Permanent Limited Easement for grading and sloping along Pioneer Road.

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

44. MGO Section 28.185(7)(a)5. requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Bryan Johnson (608-266-4682). Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(7)(a)5. shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
45. Approval of the demolition permit will require the removal of all structures including the principal building, accessory buildings, paved areas, and driveway. The driveway apron shall be removed as per City of Madison Engineering Division and Traffic Engineering Division requirements. During demolition and prior to curb and gutter, barriers shall be installed across the driveway to prevent the parking of vehicles. Disturbed areas shall be graded and seeded or sod planted to minimize erosion.

**Traffic Engineering Division** (Contact Eric Halvorson, 266-6527)

***In addition to the access improvements recommended by the City Engineering Division, the Traffic Engineering Division requests:***

46. Work with Traffic Engineering to create neighborhood access to the park, which shall include but is not limited to creating a walking path from the south between Lots 70 and 71, and a walking path from the north in alignment with "J" Street. Final determination of all neighborhood connections are subject to change with final determinations of street geometry.
47. The applicant shall execute and return a declaration of conditions and covenants (DCC) for streetlights and traffic signals prior to sign off. The applicant will need to provide a deposit for their reasonable and proportionate share of traffic signal costs. If the DCC is not executed the applicant shall pay a \$30.00 fee which is payable to the City of Madison Treasurer to be delivered or mailed to Attention Eric Halvorson, Traffic Engineering, Madison Municipal Building, Suite 100, 215 Martin Luther King Jr. Blvd., P.O. Box 2986, Madison, Wisconsin 53701-2986.
48. Prior to final sign-off, the applicant shall work with the Traffic Engineering Division Electrical Section to record the necessary easements for streetlights.

**Fire Department** (Contact Bill Sullivan, 261-9658)

49. A fire apparatus access road that is longer than 150-feet shall terminate in a turnaround. Provide an approved turnaround (cul-de-sac, 45-degree wye, 90-degree tee) at the end of the fire apparatus access road. This turnaround shall be constructed of concrete or asphalt only, and be designed to support a minimum load of 85,000 lbs. Ensure project phasing does not create long dead end streets without an adequate turnaround.
50. Provide the following information to the buyer of each individual lot: "The Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D and SPS 382.40(3)(e)."
51. Please consider allowing the Madison Fire Department to conduct training sequences prior to demolition. Contact Captain Jerry Buechner at [jbuechner@cityofmadison.com](mailto:jbuechner@cityofmadison.com) or (608)516- 9195 to discuss possibilities.
52. All portions of the exterior walls of newly constructed one- and two-family dwellings shall be within 500 feet of at least one fire hydrant. Distances are measured along the path traveled by the fire truck as the hose lays off the truck. See MGO Section 34.20 for additional information.

**Water Utility** (Contact Adam Wiederhoeft, 261-9121)

53. 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).
54. 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.
55. 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.

**Metro Transit** (Contact Tim Sobota, 261-4289)

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

**Parks Division** (Contact Janet Schmidt, 261-9688)

56. On the preliminary plat dated November 7, 2017, the applicant proposes to dedicate approximately 8.9 acres of public park, identified as Outlot 3, which location is generally consistent with the Elderberry Neighborhood Development Plan.
57. The preliminary plat, as currently proposed, includes 235 single-family units with credit for one single-family unit home. Credit for the existing single family home will be credited to Lot 21 of the proposed plat. The parkland dedication requirement for a single-family and duplex unit is 1,081 square feet per MGO Sec. 16.23(8)(f) and 20.08(2). The total dedication requirement as proposed is approximately 5.8 acres. As proposed Outlot 3 exceeds the required land dedication, no Park-Land Impact Fees will be due for this proposed subdivision.

58. Park-Infrastructure Impact Fee, per MGO Sec. 20.08(2), will be required for all new residential development associated with this subdivision. The applicant may enter into a development agreement for the park infrastructure improvements in lieu of paying Park impact fees.
  59. 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.
  60. Lands that are dedicated for park purposes to fulfill the parkland dedication shall be suitable for park development. The applicant shall provide proposed grading plans prior approval of the area of dedicated public parklands. General guidelines for park development include:
    - a) Areas within a park to be used for open space for active and passive recreation shall be graded at 1-2% for the area where fields are proposed.
    - b) No side slopes within the park dedication area shall exceed 4:1.
    - c) Large or excessive retaining walls shall not be allowed on public parklands to meet the grading requirements.
    - d) The applicant shall provide a proposed bike path grading plan to show any potential impacts to the trees within the proposed park.
    - e) No propose utilities will be allowed on public park land without prior approval by the Parks Superintendent or his designee.
  61. The applicant shall be required to fully remove the existing septic tank in the proposed park. The existing well will need to be abandoned with proof of proper abandonment provided prior to the demolition of the existing house.
62. 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.
  63. The applicant shall enter into a maintenance agreement for the perpetual maintenance of the medians and private Outlots within the plat, specifically the proposed roundabout "F" Street. The applicant shall work with City Engineering or City Traffic Engineering on the approval of any plantings within the median(s)..
  64. The applicant shall install a fence along the boundary of lands dedicated for public park purposes at the sole expense of the applicant. The fence shall be installed on private property to a design that is mutually agreeable to the applicant and Parks Division. The cost of the fence shall not be eligible for Park-Infrastructure Impact Fee credits. The applicant shall execute a deed restriction that would require the fence to be perpetually maintained by the property owners for any lots that are adjacent to publicly dedicated park lands.
  65. No farming or use of lands to be dedicated to the public for park purposes shall be allowed unless specifically approved by the Parks Superintendent and permitted under a farm lease administered through the City of Madison Office of Real Estate Services.
  66. The applicant shall prominently stake all boundaries and property irons for lands to be dedicated for park purposes.

- 67. 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.
- 68. 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."
- 69. The applicant shall complete a tree inventory and health assessment for the trees located on the proposed public park. The applicant shall include the existing trees located on the existing residence, which are not all currently shown on the preliminary plat. The tree inventory and health assessment should be completed by an arborist and provided to the Parks Division with the final plat application. It should be noted that the existing tree at the northerly plat limits adjacent to Schewe Road right of way appears to be a large-diameter oak, and efforts should be made during the street and utility design to avoid impacts to the tree.
- 70. The developer shall provide soil borings within any lands to be dedicated as parkland.

**Office of Real Estate Services** (Heidi Radlinger, 266-6558)

- 71. 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.
- 72. A Consent of Lessee certificate shall be included on the plat for any tenancy in excess of one year, 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.
- 73. A Consent of Lessee certificate shall be included on the plat for any tenancy in excess of one year, (including farm leases) recorded or unrecorded, and executed by said tenant prior to agency plat approval sign-off.
- 74. 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..."
- 75. 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

76. 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

77. A certificate for the Dane County Treasurer similar to the City of Madison Treasurer Certificate above shall appear on the final plat.
78. A certificate for the Dane County Register of Deeds to enter time, date and recording information shall appear on the final plat.
79. An Environmental Site Assessment is required because of the public dedications.
80. Under 236.21(3) Wis. Stats. and 16.23(5)(g)(1) Madison General Ordinances, the property owner shall pay all real estate taxes 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.
81. Pursuant to Madison City Ordinance Section 16.23(5)(e)1 and Wis. Stats. 236.21(3), all special assessments, including accrued interest in the case of delinquencies, shall be paid by the owner prior to final plat approval sign off. Receipts for payment shall be provided to the City's Office of Real Estate Services in advance of plat approval sign-off.
82. 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 (June 20, 2017) 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.
83. The following revisions shall be made to the final plat prior to final approval and recording:
- a.) Include on the proposed plat a complete and accurate legal description of the lands that are to be included in the proposed plat. The legal description shall be reconciled with the legal description of said lands in record title.
  - b.) Include the following sentence with the dedicated utility easements depiction in the Legend: Utility Easements as herein set forth are for the use of public bodies, as well as private utilities having the right to serve the area.