



Department of Planning & Community & Economic Development

## Planning Division

Heather Stouder, Director

---

Madison Municipal Building, Suite 017  
215 Martin Luther King Jr. Boulevard  
Madison, Wisconsin 53703  
Phone: (608) 266-4635  
[www.cityofmadison.com](http://www.cityofmadison.com)

June 12, 2019

Ryan McMurtrie  
United Financial Group  
660 W. Ridgeview Drive  
Appleton, Wisconsin 54911

RE: Approval of a request to rezone land generally addressed as 10250 Mineral Point Road from A (Agricultural District) to SR-C3 (Suburban Residential–Consistent 3 District), SR-V2 (Suburban Residential–Varied 2 District), TR-V2 (Traditional Residential–Varied 2 District), TR-U1 (Traditional Residential–Urban 1 District), and PR (Parks and Recreation District); and approval of the preliminary plat of *Herrling Property Subdivision*, creating 129 lots for single-family detached residences, seven lots for future townhouse/rowhouse development, ten lots for the future apartment development, one outlot to be dedicated to the public for parkland, and 11 outlots for public stormwater management. [ID 55574 and 55182; LNDSP-2019-00004]

Dear Mr. McMurtrie;

At its June 11, 2019 meeting, the Common Council **approved** the zoning map amendment and preliminary plat of the “Herrling Property Subdivision” subject to the conditions of approval in the following sections, which shall be addressed prior to final approval and recording of a final plat of the subdivision.

**Please contact Tim Troester of the City Engineering Division at (608) 267-1995 if you have questions regarding the following nineteen (19) items:**

1. The plat as submitted provides for a 75-foot wide greenway, this may not prove sufficient - it is likely a 100-foot wide greenway shall be required. Calculations of 500-year flow through this corridor shall be completed to determine if 75 feet is sufficient to handle the design flow.
2. For lots backing up and discharging runoff to unplatted lands to the West, stormwater volume control features will be required (rain gardens, stone cribs...) that provide control of the 10-year discharge to the site from the lots to pre-development levels.
3. 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.
4. 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 nine (9) feet below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer.

5. This development is subject to impact fees for the West Elderberry Sanitary Sewer Improvement 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."
6. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat.
7. 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.
8. 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.
9. 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.
10. 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.
11. Prior to the issuance of building permits, the developer shall submit a master stormwater drainage plan to the City Engineering Division for review and approval which shows lot corner elevations to the nearest 0.25-foot. For purposes of the plan, it shall be assumed that grading shall be done on a straight-line grade between points unless other information is provided. The proposed slope between points shall always be greater than or equal to .0075 ft/ft. If a break in grade is required between lot corners a shot shall be taken at that break in grade to provide the Engineer with enough information to interpret the plan. The developer shall also show proposed drainage arrows on the plan to indicate the proposed direction of drainage.

The master 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.”

12. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to: detain the 2-, 10-, and 100-year storm events, matching post development rates to predevelopment rates; reduce TSS by 80% (control the 5 micron particle) off of newly developed areas compared to no controls; 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 MGO Chapter 37.
13. The developer shall construct Madison standard street and sidewalk improvements for all streets within the plat.
14. The developer shall note the AASHTO design standards for intersection sight distance will be applied during the design of the streets within this plat.
15. 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.
16. The developer shall make improvements to Mineral Point Road and Pioneer Road to facilitate ingress and egress to the plat as required by the City Engineer, including the construction of acceleration and deceleration tapers and turn lanes. These improvements may require dedication of right of way outside of the limits of the plat.
17. The developer shall construct curb, gutter and four (4) feet of pavement and along Mineral Point Road and Pioneer Road as required by the City Engineer.
18. The developer shall construct a 10-foot wide public multi-use path along the north side of Mineral Point Road as required by the City Engineer.
19. The developer shall construct 10-foot wide public multi-use path along the greenway corridor as required by the City Engineer.

**Please contact Jeff Quamme of the City Engineering Division–Mapping Section at (608) 266-4097 if you have any questions regarding the following fourteen (14) items:**

20. This plat requires a 30-foot wide Public Sanitary Sewer Easement along the north right of way of Mineral Point Road. Any other public utility easements required along Mineral Point Road shall be granted outside of the sanitary sewer easement areas. Contact Engineering (Jeff Quamme - jrquamme@cityofmadison.com) to receive the appropriate easement terms/conditions language for inclusion on the final plat.
21. Outlot 8 is being dedicated to the public. The designated Public Stormwater Drainage easements within Outlot 8 are unnecessary and shall be removed. Combine Outlots 9 and 10, as they are to be dedicated for the same public use for public storm water management.
22. The path shown through Outlot 141 within the public drainage easement shall have a separate easement for a public pedestrian and bike path granted on the final plat, or the entire easement shall designated as an easement for both public drainage and path uses.
23. Contact Jeff Quamme (jrquamme@cityofmadison.com) for required language for all public easements for storm sewer and drainage, sanitary sewer and bike/pedestrian paths to be placed on the final plat.
24. Provide private Easements or Outlots to accommodate the now USPS required centralized delivery of mail using Cluster Box Units (CBUs). The applicant shall coordinate with the USPS Development Coordinator and City Engineering and Traffic staff the required locations for the CBUs. CBUs serving this plat will not be permitted within any publicly owned or dedicated lands. If the Developer is not able to determine the final locations prior to recording the final plat, the final placement of the CBUs shall be determined and all documents recorded for the placement of the CBUs (after City review and approval) prior to construction of each phase. A recorded CBU owner's agreement shall be required prior to execution of the development agreement and prior to final sign-off of the plat.
25. The dedication text for Outlot 5 and Outlot 6 shall be revised to be dedicated to the public for public storm water drainage, stormwater management and public bike and pedestrian path purposes.
26. Coordinate and request from the utility companies serving this area the easements required to serve this development. Those easements shall be properly shown, dimensioned and labeled on the final plat.
27. Outlot numbering will need to be revised on the final plat to be consistent with the route of the lot numbering.
28. The final plat shall show and label the Public Sanitary Sewer Easements per Document Nos. 4451162 and 5483522.
29. The final plat shall have a "No Vehicular Access Permitted" restriction placed on all lots abutting Pioneer Road and Mineral Point Road (Lots 17-24 and Lot 137).

30. Based upon neighborhood development plans, "G" Street is an extension of Wilrich Street. Update G Street to Wilrich Street.
31. Show the areas outside of the plat to be dedicated to the public for public right of way and note that the dedication shall be by separate instrument.
32. Specify that there are No Buildings Permitted within the wetland setback areas shown on the plat.
33. Submit suggested street names to Lori Zenchenko (LZenchenko@cityofmadison.com) for review and approval.

**Please contact Sean Malloy of the Traffic Engineering Division at (608) 266-5987 if you have any questions regarding the following seven (7) items:**

34. The applicant shall dedicate 66 feet of right of way for Clear Pond Way between Elderberry Road and Mineral Point Road.
35. The applicant shall construct a multi-use path connection from the Tawny Elm Parkway/Street "A" intersection to the multi-use path in Outlot 6.
36. Note: The applicant shall submit a deposit of \$30,000 for the installation of a Rapid Rectangular Flashing Beacon at the Mineral Point Road/Tawny Elm Parkway intersection at the time the phase is constructed.
37. The applicant shall dedicate 80 feet of right of way for "G" Street [western end of Wilrich Street].
38. Prior to final sign-off, the applicant shall work with to record the necessary easements for streetlights the Traffic Engineering Division Electrical Section to record the necessary easements for streetlights. Typically, Traffic Engineering requires a 12-foot wide easement between lots and 6-foot easements on corner lots where streetlights are needed. Easements needed between lots: 2-3, 11-12, 25-26, 27-28, 30-31, 33-34, 36-37, 39-40, 42-43, 49-50, 53-54, 55-56, 66-67, 70-71, 81-82, 84-85, 93-94, 96-Outlot 2, 102-103, 105-106, 109-110, 112-113, 121-122, 124-125, 127-128, 129-Outlot 4. Easements are needed on the corner of Lots 1, 5, 8, 13, 16, 18, 24, 46, 47, 58, 73, 129, 130, 133, 144, 145, Outlot 9, and Outlot 11.
39. The applicant shall execute and return a declaration of conditions and covenants (DCC) for streetlights and traffic signals prior to sign off of the final plat.
40. The applicant shall add a note to the final plat stating no driveway shall be constructed that interferes with the orderly operation of the pedestrian walkway. This will require all pedestrian ramps to be constructed separate from driveway entrances; a curb-head of no less than six (6) inches in width shall be constructed between all pedestrian ramps and driveway entrances. This is especially important at 'T' intersections where lot and building layout become critical; to prevent interference with the pedestrian ramp, lots intersecting or adjacent 'T' intersection may require a shared driveway and access.

**Please contact Adam Wiederhoeft of the Madison Water Utility at (608) 266-9121 if you have any questions regarding the following two (2) items:**

41. 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).
42. 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.

**Please contact Bill Sullivan of the Madison Fire Department at (608) 261-9658 if you have any questions regarding the following item:**

43. The Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D. Additional information is available at the Home Fire Sprinkler Coalition website. An upgrade to include a fire sprinkler system with a cost estimate shall be made available for all initial single- or two-family home sales.

**Please contact Sarah Lerner of the Parks Division at (608) 261-4281 if you have any questions regarding the following thirteen (13) items:**

44. The preliminary plat, as currently proposed includes 129 single-family units and 20 lots for multi-family development. The parkland dedication requirement for a single-family and duplex is 1,081 square feet and the dedication requirement for a multi-family unit is 734 square feet per MGO Sec. 16.23(8)(f) and 20.08(2). The total dedication requirement for single-family units is 3.2 acres. The total dedication for the multi-family lots will be determined based on the number of future multi-family units.
45. On the preliminary plat submitted March 20, 2019, the applicant proposes to dedicate approximately 7.33 acres of public park, identified as Outlot 7, the location of which is generally consistent with the Elderberry Neighborhood Development Plan. The proposed public park is slightly smaller than the parkland shown in the neighborhood plan.
46. Outlot 7 shall be dedicated to the public for park purposes and shall exclude the greenway corridor.
47. Park Impact Fees (comprised of the Park-Infrastructure Impact Fee, per MGO Sec. 20.08(2), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(6)) will be required for all new residential development associated with this project. This development is within the West Park-Infrastructure Impact Fee district. Please reference ID# 19022 when contacting Parks Division staff about this project.
48. The plat as submitted provides for a 75-foot wide greenway. Any widening of the greenway required by City Engineering shall not decrease the proposed 7.33 acres of property to be dedicated to the public for park purposes.

49. 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.) All off-site drainage that is routed through the park shall be reviewed and approved by Parks Division staff as part of the grading plan review.
  - e.) No proposed utilities will be allowed on public parkland without prior approval by the Parks Superintendent or his designee.
  - f.) Areas that are wetlands shall not be dedicated as public parkland.
50. The applicant shall complete a tree inventory and health assessment for the trees located on the proposed expanded outlot dedicated for park purposes. The tree inventory and health assessment should be completed by an arborist and provided to the Parks Division with the final plat application.
51. 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.
52. The applicant shall prominently stake all boundaries and property irons for lands to be dedicated for park purposes.
53. 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."
54. 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.
55. The developer shall provide soil borings within any lands to be dedicated as parkland.
56. Pursuant to MGO Section 20.08 (2)(c)2.d., the park impact fee may be reduced for multi-family dwelling units that are limited to occupancy by persons 55 years of age or older by appropriated recorded restriction for a period of not less than thirty (30) years.

**Please contact Brad Hofmann of the Forestry Section at (608) 267-4908 if you have any questions regarding the following item:**

57. City Forestry will evaluate the terrace for new street tree plantings upon completion of the project. If there is space for new trees, City Forestry will schedule planting and assess the cost of the initial planting to the property owner.

**Please contact my office at (608) 261-9632 if you have any questions regarding the following eight (8) items:**

58. Lots 1-127 shall be rezoned to the SR-C2 (Suburban Residential–Consistent 2) district instead of the requested SR-C3 district to ensure that those lots are developed at a density consistent with the maximum density allowed by the *City of Madison and Town of Middleton Cooperative Plan*. In the event that the requirements of the SR-C2 district are too restrictive, the applicant may request rezoning of those future lots to another district that allows only single-family detached residences but with less restrictive bulk requirements with the final plat.
59. Future development of Lot 146 shall comply with the density and building restrictions in Section 13.04 of the City-Town cooperative plan.
60. That a “No Vehicular Access” restriction be shown graphically and noted on the final plat for Lots 17-24 adjacent to Pioneer Road consistent with the City-Town cooperative plan.
61. That a “No Vehicular Access” restriction be shown graphically and noted on the final plat for Lot 137 adjacent to Mineral Point Road.
62. Prior to final approval and recording of a final plat of this subdivision, the applicant shall work with the Planning Division and Capital Area Regional Planning Commission (CARPC) to revise the environmental corridor map to reflect the approved subdivision.
63. Streets “A”, “B”, “C”, “D,” “E,” “F” and “H” 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.
64. 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 17-24 adjacent to 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.
65. A phasing plan for the overall subdivision shall be submitted for approval with the final plat. The phasing plan shall outline when the streets and utilities serving the plat will be implemented to ensure



that there is adequate access and circulation, etc. to serve all phases of the development as they are implemented.

**Please contact Lance Vest of the Office of Real Estate Services at (608) 245-5794 if you have any questions regarding the following nine (9) items:**

66. Prior to final plat approval 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 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. The executed original hard stock recordable plat shall be presented at the time of plat approval sign-off.
67. A certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate(s) and executed prior to final plat 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.
68. 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.
69. 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..."
70. An Environmental Site Assessment is required for the lands to be dedicated by the final plat, to be reviewed by Brynn Bemis in City Engineering ([bbemis@cityofmadison.com](mailto:bbemis@cityofmadison.com)).
71. The final plat shall include all of the necessary certificates and signature blocks for the Plan Commission, Common Council, Dane County Register of Deeds, City Treasurer, and Dane County Treasurer.
72. As of May 10, 2019, there are no 2018 real estate taxes or special assessments reported as due or owing. Under 236.21(3) 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 all parcels within the plat boundary prior to recording. This includes property tax bills for the prior year that are distributed at the beginning of the year. Receipts are to be provided on or before sign-off; checks are payable to: City of Madison Treasurer; 210 Martin Luther King, Jr. Blvd.; Madison, WI 53701.
73. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish to Lance Vest ([lvest@cityofmadison.com](mailto:lvest@cityofmadison.com)) in 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 (February 6, 2019) and the date when sign-off approval 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.

74. The following revisions shall be made on the final plat prior to final approval and recording:

- a.) Depict, name, and identify by document number on the proposed plat all existing easements cited in record title. In particular, depict the easements described in Document Nos. 2062181, 4451162, and 5483522.
- b.) 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.
- c.) 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.
- d.) If the lands within the Plat boundary are farmed agricultural lands, the applicant shall enter into a lease with the City for those lands to be dedicated and/or conveyed to the City through Plat recording. Please contact Heidi Fischer at 264-9297 to discuss the potential lease terms. Said leases are authorized by Resolution 13-00247 (ID 29183), adopted April 16, 2013.

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

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. If I may be of any further assistance, please do not hesitate to contact me at 261-9632.

Sincerely,

Timothy M. Parks  
Planner

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