



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 3840 Maple Grove Drive  
**Application Type:** Zoning Map Amendment, Revised Preliminary Plat and Final Plat  
**Legistar File ID #** [54503](#) and [57120](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted

## Summary

**Applicant:** Paul Schmitter, Fiduciary Real Estate Development, Inc.; 789 N. Water Street; Milwaukee.

**Property Owners:** Schmitt Family Trust, et al., c/o Thomas Schmitt; 113 N. Main Street; Verona.

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

**Requested Actions:** Approval of a revised request to rezone land generally addressed as 3840 Maple Grove Drive from Temp. A (Agricultural District) to TR-C3 (Traditional Residential–Consistent 3 District), TR-U1 (Traditional Residential–Urban 1 District), CN (Conservancy District) and PR (Parks and Recreation District); and approval of the revised preliminary plat and final plat of *FRED Maple Grove Drive*, creating three lots for the future multi-family development, one outlot to be dedicated to the public for parkland, two outlots to be dedicated to the public for stormwater management, two outlot to be dedicated to the public for greenway, and one outlot to be created for future development. [The substitute zoning map amendment ordinance reflects minor revisions to the area and legal descriptions of the four districts requested.]

**Proposal Summary:** The proposed *FRED Maple Grove Drive* subdivision calls for the creation of three lots to be developed with a variety of multi-family housing types in TR-U1 zoning. Future development of Lots 1-3 will require conditional use approval prior to issuance of building permits on those lots. The plat also dedicates an approximately 5.11-acre addition to the City for adjacent Country Grove Park, two outlots to be dedicated for stormwater management, and two outlots to be dedicated for a greenway that will contain Badger Mill Creek, which crosses the site. Additionally, the plat creates one outlot for the likely future development of single-family residences in TR-C3 zoning in the southwestern corner of the site, and dedicates rights of way to the City to complete the street network in this portion of the Cross Country neighborhood planning area, including the extension of Rockstream Drive through the site to Maple Grove Drive.

Development of the subdivision will commence in March 2020. The construction of the Rockstream Drive extension through the site, including the section across the Cesar Chavez Elementary School property adjacent to the northern edge of the subject site, will be completed as a City of Madison public works project no sooner than the 2020 budget year.

**Applicable Regulations & Standards:** Section 28.182 of the Zoning Code provides the process for zoning map amendments. 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 revised preliminary plat application was submitted to the City on August 14, 2019. Therefore, the 90-day review period for this plat is scheduled to expire circa November 14, 2019.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission forward [Substitute] Zoning Map Amendment IDs 28.022–00364, 28.022–00365, 28.022–00366 and 28.022–00367, rezoning 3840 Maple Grove Drive from Temp. A to TR-C3, TR-U1, CN and PR, and the revised preliminary plat and final plat of the *FRED Maple Grove Drive* subdivision to the Common Council with recommendations of **approval** subject to input at the public hearing and the conditions from reviewing agencies beginning on page 7 of this report.

## Background Information

**Parcel Location:** Approximately 35.9 acres of land located on the west side of Maple Grove Drive, approximately a half-mile south of McKee Road (CTH PD) and a quarter-mile north of Cross Country Road; Aldermanic District 7 (Moreland); future Madison Metropolitan School Dist.

**Existing Conditions and Land Use:** Undeveloped agricultural land, zoned Temp. A (Agricultural District) and Badger Mill Creek.

### Surrounding Land Use and Zoning:

**North:** Cesar Chavez Elementary School (Madison Metropolitan School District), zoned SR-C1 (Suburban Residential–Consistent 1 District); Country Grove Park, zoned PR (Parks and Recreation District); Country Grove-Chavez Path;

**South:** Multi-family residences, including Country Grove Condominiums, Copper Creek Apartments, zoned PD; Badger Mill Creek greenway, zoned CN (Conservancy District); single-family residences in the First Addition to Nesbitt Valley subdivision, zoned SR-C2 (Suburban Residential–Consistent 2 District);

**East:** Multi-family residences located along the east side of Maple Grove Drive, zoned SR-V2 (Suburban Residential–Varied 2 District); Capitoland Christian Center, zoned SR-C2;

**West:** Badger Mill Creek greenway, zoned CN; Country Grove Park, zoned PR; single-family residences in The Crossing subdivision, zoned SR-C2.

**Adopted Land Use Plans:** The 1993 [Cross Country Neighborhood Development Plan](#), as amended, recommends most of the subject site east of Badger Mill Creek for medium-density residential uses. The creek and small addition to Country Grove Park are recommended for park, drainage and open spaces uses, while the southwestern corner of the site is recommended for low-density residential uses. The neighborhood development plan also calls for the extension of Rockstream Drive through the site to connect to Maple Grove Drive, the extension of Manchester Road into the site across Maple Grove, and for Fairhaven Road to continue through the site to connect to the partially platted but unbuilt street along the southern edge of the Chavez School property.

The 2018 [Comprehensive Plan](#) recommends that the portion of the site located east of Badger Mill Creek be developed with Low-Medium Residential (LMR) uses. Development in LMR districts is generally recommended to have a density of 7-30 dwelling units per acre. LMR areas should be characterized by a walkable, connected street network. Development in the LMR districts may include one- to three-story structures comprised of small-lot

single-family development, two- and three-unit buildings, rowhouses, and small multi-family buildings According to the Comprehensive Plan, LMR areas should help meet the growing demand for walkable urban living and provide a transition from more intense development to lower intensity areas comprised primarily of single-family development. The portion of the site west of the creek is recommended for Low Residential development.

**Environmental Corridor Status:** Badger Mill Creek extends diagonally from northwest to southeast across the western half of the subject site, with attendant wetlands and floodplain parallel; all of those features are located within or adjacent to mapped environmental corridor. Additionally, a small wetland exists on the eastern edge of the site adjacent to the Manchester Road intersection, which is not located in the mapped corridor.

**Public Utilities and Services:** The site will be served by a full range of urban services as it develops with the exception of Metro Transit, which does not currently provide service adjacent to the site. The proposed development is outside Metro Transit's paratransit service area. The closest bus stop with scheduled bus service is a quarter-mile walking distance (Maple Grove Drive and Westin Drive), and the units would be greater than the three-quarters of a mile regulatory distance from all-day service for passengers who might be eligible for door-to-door paratransit service. The all-day service is located at on McKenna Boulevard at Carnwood Drive (north of McKee Road), which measures approximately one mile travel distance. However, Metro Transit anticipates operating new transit service along Manchester Road and Rockstream Drive, between Maple Grove Drive and the Stonebridge Drive/East Pass intersection area.

**Zoning Summary:** Lots 1-3 will be zoned TR-U1 (Traditional Residential–Urban 1 District) with this request. Compliance with the bulk and area requirements of the TR-U1 district will be determined during review of the individual conditional use requests required for those lots prior to construction.

Other Critical Zoning Items	
Yes:	Floodplain, Utility Easements, Adjacent to Parkland
No:	Barrier Free, Urban Design, Wellhead Protection, Landmarks, Waterfront Development
<i>Prepared by: Tim Parks, Planning Division and Jacob Moskowitz, Assistant Zoning Administrator</i>	

## Previous Approvals

On April 10, 2018, the Common Council approved annexation from the Town of Verona of 36.5 acres of land owned by the Schmitt Family Trust, other Schmitt family members and the City of Madison. The annexation included a 10-foot wide strip of City-owned greenway, which existed to connect the development site to the rest of the Town.

On March 11, 2019, the Plan Commission recommended approval of request to rezone 3840 Maple Grove Drive from Temp. A (Agricultural District) to TR-C3 (Traditional Residential–Consistent 3 District), TR-U1 (Traditional Residential–Urban 1 District), CN (Conservancy District) and PR (Parks and Recreation District), and the preliminary plat of *FRED Maple Grove Drive* to create three lots for future multi-family development, one outlot to be dedicated to the public for parkland, three outlots to be dedicated to the public for stormwater management, and three outlots for future residential development. To date, the rezoning and preliminary plat have not been considered by the Common Council at the request of the applicants.

## Project Description

The applicant, Fiduciary Real Estate Development, Inc., is requesting approval of a revised zoning map amendment and a modestly revised “FRED Maple Grove Drive” subdivision. The subject site is an undeveloped 35.9-acre parcel located on the west side of Maple Grove Drive, approximately a half-mile south of McKee Road (CTH PD) and a quarter-mile north of Cross Country Road. The property was annexed to the City from the Town of Verona in April 2018.

The subject property is primarily characterized by rolling terrain that falls in all directions from a high point located near the center of the site. Badger Mill Creek crosses the site diagonally from northwest to southeast across the western half of the property. The creek on the subject site is buffeted by sections of the creek to the northwest and south, which are located in engineered greenways created when the adjacent properties were subdivided over the last 25 years. The portion of the site crossed by the creek is characterized by wetlands located on both sides of the floodway and a broad floodplain. A small wetland is also located adjacent to Maple Grove Drive where drainage from the unimproved road frontage collected. Most of the southern and eastern edges of the parcel are lined with mature trees, with a few mature trees also located along the northern property line shared with Cesar Chavez Elementary School. The subject parcel is otherwise surrounded by residential development and Country Grove Park.

Access to the proposed FRED Maple Grove Drive subdivision will be provided primarily by two public streets to be extended west from Maple Grove Drive. Manchester Drive will be extended across Maple Grove from the Stone Meadows neighborhood to the east as an 80-foot collector street right of way, while Rockstream Drive is proposed to extend along the northern property line as the southern half of the east-west street partially platted when the Chavez School property was created by the Cross Country School plat in 2000 prior to construction of the school. Rockstream will be a 70-foot right of way to accommodate the public street, which will serve the school and multi-family development envisioned on Lot 1 of the proposed plat. Currently, access to the southern parking lot and pick-up/drop-off lanes for the school is provided from driveways located in the platted but unimproved 33 feet of right of way on the school side, which will be reconfigured as driveways intersecting Rockstream. Country Grove-Chavez Path will also be formally extended to Maple Grove Drive as part of the construction of Rockstream Drive.

West of the school, Rockstream Drive will turn south and extend through the center of the development before turning westerly to connect to the section of Rockstream platted in The Crossing residential subdivision. Additionally, the proposed plat will dedicate extensions of Ambleside Drive and Fairhaven Drive, which currently terminate adjacent to the southern edge of the site.

The proposed subdivision will primarily create three parcels to be developed with various multi-family housing types in the TR-U1 zoning district. Lot 1 of the plat is proposed as a 4.56-acre parcel that will be bounded by Rockstream Drive on the north and west, Maple Grove Drive on the east, and Manchester Road on the south. A concept plan submitted with the application materials indicates that Lot 1 will be developed with approximately 54 townhouse units to be located in eight buildings across the lot, as well as a pool and clubhouse, which will be located along the Maple Grove Drive frontage. Lot 2 will be platted as a 4.84-acre block formed by Maple Grove, Manchester and Fairhaven, on which the applicant proposes to construct four three-story, L-shaped apartment buildings. Lot 3 is proposed as a 1.63-acre parcel with frontage on Rockstream, Fairhaven, and Manchester, on which three “stacked flats” buildings are conceptually proposed. The future multi-family development proposed

for Lots 1-3 will require subsequent conditional use approval by the Plan Commission prior to issuance of building permits for those lots.

In addition to the lots proposed for multi-family development, the plat proposes dedication of an approximately 5.11-acre addition to Country Grove Park (Outlot 6), which will be located on the west side of Rockstream Drive opposite the western end of extended Manchester Road in PR zoning. Two outlots, 1 and 2, will be dedicated to the City for stormwater management for the development, while Badger Mill Creek will be located in two outlots, 3 and 5, all of which will be zoned CN. Outlot 4 will be reserved for future development in the southwestern corner of the property in TR-C3 zoning.

## Analysis

The Cross Country Neighborhood Development Plan was first approved by the Common Council in 1993 to provide land use, utility, and circulation recommendations for the portion of the City located south of McKee Road (CTH PD) generally between the cities of Verona and Fitchburg and north of Cross Country Road and Badger Prairie County Park. The plan recommends that most of the subject site east of Badger Mill Creek be developed with medium-density residential uses averaging 16 units per acre. The creek and small addition to Country Grove Park are generally recommended for park, drainage and open spaces uses, while the southwestern corner of the site is recommended for low-density residential uses around four (4) units per acre. The neighborhood development plan also calls for the extension of Rockstream Drive through the site to connect to Maple Grove Drive, the extension of Manchester Road into the site across Maple Grove, and for Fairhaven Road to continue through the site to connect to the partially platted but unbuilt street along the southern edge of the Chavez School property.

The 2018 Comprehensive Plan recommends that the portion of the site located east of Badger Mill Creek be developed with Low-Medium Residential (LMR) uses. LMR areas should be characterized by a walkable, connected street network, and the 2018 Generalized Future Land Use Plan incorporates future street connections across the site similar to those shown on the Cross Country Neighborhood Development Plan. Development in LMR districts is recommended to have a general density of 7-30 dwelling units per net acre and may include one- to three-story structures comprised of small-lot single-family development, two- and three-unit buildings, rowhouses, and small multi-family buildings. In some cases, larger multi-family buildings may be developed at densities of up to 70 units per acre primarily along arterial streets in the LMR district. According to the Comprehensive Plan, LMR areas should help meet the growing demand for walkable urban living and provide a transition from more intense development to lower intensity areas comprised primarily of single-family development. The current LMR land use recommendation for the site more closely mirrors the density recommendations of the neighborhood plan than the 2006 Comprehensive Plan, which recommended the site for Medium-Density Residential with a density range of 16-40 units per acre.

Planning staff believes that the zoning request and proposed FRED Maple Grove Drive subdivision is generally consistent with the recommendations for the site in the Cross Country Neighborhood Development Plan and 2018 Comprehensive Plan.

The three lots to be developed in the TR-U1 district will implement the medium-density residential and LMR land use recommendations of the adopted plans. The TR-U1 district generally requires a minimum of 1,000 square feet of lot area per multi-family dwelling unit, for a density of 43 units per acre, although the mix of small apartment/

stacked flats buildings, townhouses and large apartment buildings will likely result in a lower density across the three lots consistent with the planned density recommendation. The mix of building types is also generally consistent with the variety of housing types recommended by the adopted plans, particularly the LMR recommendation in the Comprehensive Plan. Staff further feels that the proposed transition in density from east to west across the site from Maple Grove Drive to the proposed addition to Country Grove Park will provide an appropriate transition to the single-family residences located west of the creek. As noted, additional details about the development of Lots 1-3 will be provided with the subsequent conditional use approvals that will be required for each lot prior to issuance of building permits, including the final density of each lot, which will be a factor in the ultimate development of those three lots.

The proposed FRED Maple Grove Drive subdivision will also implement many non-use-related recommendations in the City's adopted plans, which once constructed, will result in a more complete neighborhood along and west of Maple Grove Drive. These plat-related improvements include widening of Maple Grove Drive past the site with sidewalks and a southbound bike lane, continuation of the greenway that contains Badger Mill Creek elsewhere throughout the Cross Country neighborhood, including in the subdivisions located to the northwest and south of the subject site, and expansion of Country Grove Park across the creek, which should make more of the park accessible to more residents in the neighborhood.

Subdivision of the Schmitt Family property will also allow the street network envisioned in the Cross Country Neighborhood Development Plan to be completed. When the neighborhood was first planned over 25 years ago, two streets were proposed to cross Badger Mill Creek to link the western portion of the planning area to Maple Grove Drive between McKee Road and Cross Country Road. The northern of the two connections was platted and built as East Pass, a neighborhood collector street that intersects Maple Grove a quarter-mile north of the site and eventually winds west and south to intersect Cross Country Road. The second connection was planned as a local street that would link East Pass to Maple Grove through the southern half of the planning area and subject Schmitt Farm property. Copies of the 1993 and current neighborhood development plan are attached to this report for reference.

Considerable time has passed since most of the properties surrounding the Schmitt Farm were developed, which has led to unplanned pressure on the street network due to most of the vehicle trips to and from the areas west of Maple Grove Drive relying on East Pass to provide access. The proposed extension of Rockstream Drive across the creek to intersect Maple Grove adjacent to Chavez Elementary School should better distribute traffic through the neighborhood by providing an access point from Maple Grove for vehicles destined for properties located south of Country Grove Park and the school. Rockstream Drive was built as a 32-foot wide street in a 60-foot right of way to the southwestern corner of the site.

At this time, the street extension through the plat is planned as a City project that will be assessed to abutting properties, including the school district's parcel. Initial plans for extended Rockstream Drive envision a local street cross-section from the creek to the west plat limits, and a slightly wider cross-section east of the creek to provide opportunities for on-street parking primarily to serve the park. A wide sidewalk is envisioned on the north and west sides of the street extension to provide an ample pedestrian environment for residents west of the creek traveling to the expanded park and school. Additionally, Metro Transit has updated their comments from earlier this year to require bus stop pads in anticipation that the Rockstream Drive connection may facilitate extension of bus service deeper into the Cross Country neighborhood from the current closest stops located a quarter-mile to the north. The subdivision will also complete Ambleside Drive and Fairhaven Road.

## Conclusion

The Planning Division believes that the proposed zoning map amendment and FRED Maple Grove Drive subdivision are generally consistent with the recommendations for the site in the Cross Country Neighborhood Development Plan and 2018 Comprehensive Plan as well as the applicable standards for approval. Implementation of the subdivision and future development of Lots 1-3 should result in the range of housing options recommended for the site, albeit at densities that may be somewhat higher than the density ranges envisioned. The proposed subdivision will also provide a greenway for Badger Mill Creek, provide important street connections to complete the neighborhood, and expand a community park.

## Recommendation

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

The Planning Division recommends that the Plan Commission forward [Substitute] Zoning Map Amendment IDs 28.022-00364, 28.022-00365, 28.022-00366 and 28.022-00367, rezoning 3840 Maple Grove Drive from Temp. A to TR-C3, TR-U1, CN and PR, and the preliminary plat and final plat of the *FRED Maple Grove Drive* subdivision to the Common Council with recommendations of **approval** 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. All delineated wetlands shall be shown on the plat. If a delineated wetland will be located on any developable lot, a 75-foot wetland setbacks shall be provided.
2. 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.
3. Note: Approval of the subdivision by the Plan Commission and Common Council does not constitute approval of future development on Lots 1-3. Based on the concept plan submitted with the zoning and plat requests, the plans for those lots would be considered “residential building complexes” as defined and regulated by the Zoning Code, which are a conditional use in the proposed TR-U1 zoning. Prior to the issuance of building permits for each of those lots, the applicant or successor shall obtain conditional use approval from the Plan Commission pursuant to the processes in Section 28.183 of the Zoning Code following a recommendation by the Urban Design Commission. Development of Lots 1-3 shall comply with the applicable bulk and design requirements of the Zoning Code, including the general provisions for residential districts in Section 28.031 and the building form standards in Section 28.172.

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

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

4. Submit a soil boring report that has been prepared by a Professional Engineer two weeks prior to recording the final plat to the City Engineering Division indicating the 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. The culvert crossing of future Rockstream Drive shall be required to safely pass the 100-year storm. The developer shall be responsible to pay for all costs equivalent to the installation of two (2) 4-foot by 8-foot box culverts and box culvert wingwalls. The City shall be responsible for the remaining cost. The City will need to budget for this work and may have to construct under a separate contract. Budgeting and construction of the improvements may take over a year to complete.
6. The stormwater management plan is required to demonstrate how to safely pass a 100-year storm event in the public right of way and easements, and safely pass a 500-year storm event without damage to any buildings or structures.
7. The applicant will be required to record a deed restriction against lots that are identified to have critical flood elevations. The deed restriction will restrict the minimum building opening elevation to help mitigate against potential flooding.
8. Any streets that are designed to have enclosed depressions must be able to pass the 100-year design storm either by pipe or with a safe overland flow.
9. The developer shall grade roadway crossing of greenway to subgrade elevation.
10. A portion of this project comes under the jurisdiction of the US Army Corp of Engineers and Wisconsin Department of Natural Resources (WDNR) for wetland or floodplain issues. A permit for those matters shall be required prior to construction on any of the lots currently within the jurisdictional floodplain.
11. The City shall lead a project to construct Rockstream Drive from east plat limits to west plat limits and assess adjacent property owners. The applicant shall execute a waiver of notice and hearing on the assessments for the improvement of Rockstream Drive for the properties adjacent to the street improvement project.
12. The applicant is notified that permitting and construction, to City design, of the greenway through/adjacent to the plat is the financial responsibility of the developer.
13. FEMA-delineated floodways are identified on this plat. Any lots designated for future development with wetlands or floodway or floodplain shall require dedication or public easement for stormwater and drainage purposes over the wetlands or floodway/floodplain.
14. A flood study is required to redefine the floodway/plain through this plat which the developer is financially responsible for as part of the land subdivision. Until the flood study is completed and approved, the developer shall abide by the boundaries of the floodplain and floodway as currently established by FEMA.



15. The applicant may be required to obtain Temporary Limited Easements for Grading and Construction purposes for the extension of Fairhaven Road that abuts the development on the southeastern corner of the plat. Additional street construction may be required to accommodate the abrupt change in geometry of Fairhaven Road at the south plat line.
16. It is anticipated that the improvements on Fairhaven Road required to facilitate ingress and egress to the plat may require additional right of way and/or grading easements located outside the plat boundary. The developer shall acquire the right of way and/or sloping easements as required by the City at the developer's expense. In the event that the developer is unable to acquire the right of way and/or sloping easements required, the City shall assist the developer in acquiring the property and the developer shall pay the City for all costs associated with the acquisition.
17. 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.
18. The developer shall construct pavement, curb and gutter, terrace, and sidewalk on Maple Grove Drive along the extent of the plat as required by the City Engineer.
19. The developer shall construct Madison standard street, multi-purpose path, and sidewalk improvements for all streets within the plat.
20. The developer shall be entirely responsible to construct southern 380 feet of Fairhaven Road that fronts the Outlot 2 stormwater parcel and existing apartments located at 3848 Maple Grove Drive as required by the City Engineer.
21. The developer shall construct a Type IV sidewalk (maintained by adjacent property owner) along the southern plat limits from Maple Grove Drive to Fairhaven Road across Lot 2 and from Fairhaven Road to Rockstream Drive.
22. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat.
23. 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.
24. This site appears to disturb over one (1) acre of land and requires a permit from the 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. The applicant is notified that the City is an approved agent of the Department of Safety and Professional Services (DSPS) and no separate submittal to this agency or CARPC is required for this project to proceed.

25. 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.
26. A portion of this plat may come under the jurisdiction of the United States Army Corp of Engineers and WDNR for wetland, floodplain, or navigable waterway issues. A permit for these items may be required prior to construction. Contact the WDNR and USACOE for a jurisdictional determination.
27. The developer shall note the AASHTO design standards for intersection sight distance will be applied during the design of the streets within this plat.
28. 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.
29. The applicant shall show storm water "overflow" paths that will safely route runoff during the 100-year, 24-hour design storm when the storm sewer is at capacity.
30. Provide calculations for the 10-year storm event, as identified in MGO Chapter 37, as part of the plat design and stormwater management plan. The flows from this design storm event will be routed through the development and used to determine an anticipated safe top of concrete foundation elevation for future buildings in critical areas.
31. Provide calculations for the 500-year storm event, as identified in MGO Chapter 37, as part of the plat design and stormwater management plan. The flows from this design storm event will be routed through the development and used to determine an anticipated safe top of concrete foundation elevation for future buildings in critical areas.
32. Include calculations in the stormwater management report that show how a 500-year storm event, as identified in MGO Chapter 37, would be handled by the proposed site design. These calculations are required to show that the proposed building does not flood during this design storm event using the site grades proposed.
33. Submit proposed lot corner grades with the stormwater management plan as these two items must be reviewed together to properly determine stormwater overflow conditions. Prior to the issuance of building permits, submit a master stormwater drainage plan with final as-built lot corner grades. These grades may be modified from the originally proposed grades provided they continue to meet design tolerances. No building permits shall be issued prior to the City Engineering Division's final approval of this plan.

34. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE. The project will be expected to meet a higher standard of erosion control than the minimum standards set by the WDNR in order to comply with TMDL limits.
35. This project will disturb 20,000 square feet or more of land area and require an Erosion Control Plan. Please submit an 11 X 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.
36. The applicant shall demonstrate compliance with Section 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.
37. The specific buildings within the plat may require a concrete management plan and a construction dewatering plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. If contaminated soil or groundwater conditions exist on or adjacent to this project additional WDNR, Madison-Dane County Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit.
38. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to: submit a Storm Water Management Permit application, associated permit fee, and Stormwater Management Plan, and Storm Water Management Report stamped by a P.E. registered in the State of Wisconsin to the City Engineering Division; submit 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; detain the 2-, 10-, and 100-year storm events, matching post development rates to predevelopment rates; provide infiltration of 90% of the pre-development infiltration volume; reduce TSS by 80% (control the 5-micron particle) off of newly developed areas compared to no controls; treat the first 1/2 inch of runoff over the proposed parking facility; Provide onsite volumetric control limiting the post construction volumetric discharge to the predevelopment discharge volume as calculated using the 10-year storm event; provide substantial thermal control to reduce runoff temperature in cold water community or trout stream watersheds; submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any best management practices (BMP) used to meet stormwater management requirements on this project; 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.
39. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the City Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
40. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the City Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or troester@cityofmadison.com (West).

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

41. It is anticipated that the improvements on Fairhaven Road required to facilitate ingress and egress to the plat may require additional right of way and/or construction and grading easements located outside the plat boundary. The developer shall acquire the right of way and/or grading and construction easements as required by the City at the developer's expense. In the event that the developer is unable to acquire the right of way and/or easements required, the City shall proceed to acquire the easements. The developer shall 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 shall 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 shall be retained by the City until such time as appeal rights have expired. The additional surety shall be provided prior to the City making an offer for the acquisition or easement.
42. The applicant shall be responsible to coordinate with the Madison Metropolitan School District access provisions necessary for the school during the construction of the public street and utilities within B Street.
43. Grant a new Public Sidewalk and Bike Path easements over the entirety of all outlots that are to be dedicated to the public on the face of the plat. Please contact Jeff Quamme of Engineering Mapping (jrquamme@cityofmadison.com, 266-4097) to receive the appropriate easement terms/conditions language for inclusion on this Plat.
44. Visible boundary markers shall be installed by the developer along the perimeter of all public stormwater management outlots to clearly define the boundary between public and private property.
45. Remove the 15-foot wide Public Pedestrian Access Easement from Outlot 2.
46. There is an un-named portion of a dedicated street right of way per the plat of Cross Country School adjacent to this plat. The City of Madison shall run a separate resolution naming this un-named right of way to match the name of the adjacent right of way dedicated by this plat.
47. Remove the "Open Space" use statement from all outlots being dedicated for storm water management.
48. 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 (with current tie sheet attached) for all monuments, including center of sections of record, used in this survey, to Jeff Quamme, City Engineering (jrquamme@cityofmadison.com)
49. Prior to City Engineering final sign-off by main office for plats, the final plat in PDF format shall be submitted by email transmittal to Engineering Land Records Coordinator Jeff Quamme (jrquamme@cityofmadison.com) for final technical review and approval. This submittal must occur a minimum of two (2) working days prior to final City Engineering Division sign-off.

50. The applicant/consultant is required to accurately track all subsequent edits to the plat. Edits made to any document without notification of City of Madison staff reviewing the land division may inadvertently void the City approval of the final subdivision. All subsequent submittals shall provide a written and/ or visual synopsis of the changes made to the document.
51. The floodway limits shall be shown on the final plat.
52. Correct the section corners shown on the Preliminary Plat from Section 13 to Section 12.
53. Add the width of the half of Rockstream Drive lying north of the plat boundary. Also, add a width varies note to Fairhaven Road for the area that transitions from 78 feet in width to 66 feet in width.
54. Provide a benchmark on the plat that is used to determine elevations provided on the face of the plat.
55. Submit to Jeff Quamme, prior to City Engineering Division sign-off of the subject plat, one (1) digital CADD drawing in a format compatible with AutoCAD. The digital CADD file(s) shall be referenced to the Dane County Coordinate System and shall contain, at minimum, the list of items stated below, each on a separate layer/level name. The line work shall be void of gaps and overlaps and match the final recorded plat: Right-of-Way lines (public and private); Lot lines; Lot numbers; Lot/Plat dimensions; Street names; and Easement lines (i.e. all shown on the plat including wetland and floodplain boundaries.) Note: This Transmittal is a separate requirement from the required Engineering Streets Section for design purposes. The developer/surveyor shall submit new updated final plat, electronic data for any changes subsequent to any submittal.

**Zoning Administrator** (Contact Jacob Moskowitz, 266-4560)

The agency reviewed this request and has recommended no conditions of approval.

**Traffic Engineering Division** (Contact Sean Malloy, 266-5987)

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| <p>56. The developer shall construct a Type IV sidewalk (adjacent property owner maintained) along southern plat limits from Maple Grove Road to Fairhaven Road and from Fairhaven Road to Rockstream Drive.</p> |
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57. Prior to final sign-off, the applicant shall work with 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.
  58. The applicant shall execute and return a declaration of conditions and covenants for streetlights and traffic signals prior to sign off of the final plat.
  59. The applicant may be required to obtain Temporary Limited Easements for Grading and Construction purposes for the extension of Fairhaven Road that abuts the development on the southeastern corner of the plat. Additional street construction may be required to accommodate the abrupt change in geometry of Fairhaven Road at the south plat line.

- 60. The developer shall construct Madison Standard street and sidewalk improvements for all streets within the plat.
- 61. The developer shall construct pavement, curb and gutter, terrace, and sidewalk on Maple Grove Drive along the extent of the plat as required by the City Engineer.

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

The agency reviewed this request and has recommended no conditions of approval.

**Water Utility** (Contact Adam Wiederhoeft, 266-9121)

- 62. 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).
- 63. 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.

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

- 64. In coordination with any public works improvements, the applicant shall install and maintain a wheelchair accessible concrete bus boarding pad surface at the planned Metro bus stop on the north side of Manchester Road, west of Maple Grove Drive.
- 65. In coordination with any public works improvements, the applicant shall install and maintain a wheelchair accessible concrete bus boarding pad surface at the planned Metro bus stop on the north side of Rockstream Drive, west of Ambleside Drive.
- 66. In coordination with any public works improvements, the applicant shall install and maintain a wheelchair accessible concrete bus boarding pad surface at the planned Metro bus stop on the south side of Rockstream Drive, east of Ambleside Drive.

- 67. Wheelchair accessible concrete bus boarding pad surfaces should generally measure ten feet wide, parallel to the street, and sit flush between the top of curb and top of sidewalk. The ten foot width should fall at least 50 feet through 60 feet beyond the crosswalk marking/curb ramp locations, but typically no more than 70 feet through 80 feet beyond these pedestrian features at an intersection. The applicant shall include the location of these transit amenities on the final documents filed with their permit application so that Metro Transit may review the design.

**Parks Division** (Contact Sarah Lerner, 261-4281)

68. On the preliminary plat dated August 14, 2019, the applicant proposes to dedicate approximately 5.11 acres of public park, identified as Outlot 6, which location is generally consistent with the Cross Country Neighborhood Development Plan.
69. Prior to sign off of the final plat, the boundaries of Outlot 6 shall be revised so that all public sidewalk along Rockstream Drive shall be within road right of way.
70. The preliminary plat, as currently proposed, includes three lots for future multi-family units. The parkland dedication requirement for a multifamily unit is 734 square feet per MGO Sec. 16.23(8)(f) and 20.08(2). The total dedication requirement as proposed is approximately 5.11 acres. Final unit counts will determine final Park-Land impact fees. Outlot 6 currently meets the required dedication for 303 multi-family units.
71. 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. This development is within the West Park-Infrastructure Impact Fee district. The developer must select a method for payment of park impact fees prior to signoff of the final plat. Please reference ID# 19015 when contacting Parks Division staff about this project.
72. As determined by the flood study, Outlot 6 public parkland shall be located outside of the floodway.
73. 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.
74. 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.) No proposed utilities will be allowed on public parkland without prior approval by the Parks Superintendent or his designee.
75. 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 parklands.

76. 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.
77. The applicant shall prominently stake all boundaries and property irons for lands to be dedicated for park purposes.
78. 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."
79. 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.
80. The applicant shall provide soil borings for the expanded outlot dedicated for park purposes.
81. Since the stormwater management and parkland dedications are shown adjacent to each other, a final determination of the parkland area that will be proposed for parkland dedication cannot be calculated until after the final stormwater master plan is completed.

**City Forestry Section** (Brad Hofmann, 267-4908)

82. 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.

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

83. 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. The executed original hard stock recordable plat shall be presented at the time of plat approval sign-off.
84. 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.
85. 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..."
86. The final plat shall include all of the necessary certificates and signature blocks for the City of Madison Common Council, Dane County Register of Deeds, City Treasurer, and Dane County Treasurer.
87. 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. Real estate taxes for 2018 are paid for the subject property, and there are special assessments reported for the parcel within the plat boundary.

88. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish to Heidi Radlinger in the City's Office of Real Estate Services ([hradlinger@cityofmadison.com](mailto:hradlinger@cityofmadison.com)) as well as the surveyor preparing the plat, an updated title report covering the period between the date of the initial title report (January 4, 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.
89. 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.