



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

September 5, 2019

Michelle L. Burse
Burse Surveying and Engineering, Inc
2801 International Lane, Suite 101
Madison, Wisconsin 53704

RE: Approval of the final plat of Vang Homesites, creating 11 lots to be developed with two-family twin homes, one outlot dedicated to the public for public sanitary sewer, drainage and access purposes, one outlot dedicated to the public for stormwater management and one outlot for private gardens on land located at 3600 Portage Road (Koua Vang). [ID 56942; LNSDPP-2019-00008]

Dear Ms. Burse;

At its September 3, 2019 meeting, the Common Council **approved** the final plat of "Vang Homesites" subject to the conditions of approval in the following sections, which shall be addressed prior to final approval and recording of the final plat.

Please contact Brenda Stanley of the City Engineering Division at 261-9127 if you have questions regarding the following twenty-four (24) items:

1. A Phase 1 environmental site assessment (Phase 1 ESA), compliant with ASTM E1527-13, is required for the land dedicated to the City. The applicant shall provide one (1) digital copy. 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) for review.
2. Verify with Zoning if Lot 9 will be a developable lot.
3. Correct typo (Flood Pain vs Flood Plain).
4. This area will require work to address floodway issues that exists in the immediate area of the proposed plat. Additionally, provide a digital copy of the wetland delineation to City Engineering.
5. Provide a copy of the preliminary grading and utility plan to City Engineering prior to final plat sign off to ensure no additional easements are required.
6. The stormwater management plan is required to demonstrate how to safely pass the 100-year storm event in public right of way and easements, and safely pass the 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 elevations. The deed restriction will restrict the minimum building opening elevation to help mitigate against potential flooding.
8. 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.
9. 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.
10. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat.
11. 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 sign-off.
12. The applicant shall construct 7" thick sidewalk along Portage Road adjacent to the plat to support sanitary sewer maintenance vehicles.
13. All outstanding City of Madison sanitary sewer connection charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. This property is subject to sanitary connection charges for the Portage Avenue Sanitary Interceptor District.
14. 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 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.
15. The Applicant shall submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division with any private storm and sanitary sewer utilities. The digital CAD file shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the only the following data, each on a separate layer name/level number:

- a) Building Footprints
- b) Internal Walkway Areas
- c) Internal Site Parking Areas
- d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
- e) Right-of-Way lines (public and private)
- f) Lot lines or parcel lines if unplatted
- g) Lot numbers or the words unplatted
- h) Lot/Plat dimensions
- i) Street names
- j) Private on-site sanitary sewer utilities (including all connections to public sanitary)
- k) Private on-site storm sewer utilities (including all connections to public storm)

All other levels (contours, elevations, etc.) are not to be included with this file submittal.

Note: Email CAD file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement, private on-site sanitary sewer utilities, or private on-site storm sewer utilities during construction will require a new CAD file.

16. 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.
17. A minimum of two (2) working days prior to requesting City Engineering signoff on the plat/csm 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).
18. The following notes shall be included on the final plat:
 - A) All lots within this plat are subject to public easements for drainage purposes which shall be a minimum of 6 feet in width measured from the property line to the interior of each lot except that the easements shall be 12 feet in width on the perimeter of the plat. For purposes of two (2) or more lots combined for a single development site, or where two (2) or more lots have a shared driveway agreement, the public easement for drainage purposes shall be a minimum of six (6) feet in width and

shall be measured only from the exterior property lines of the combined lots that create a single development site, or have a shared driveway agreement, except that the easement shall be twelve (12) feet in width along the perimeter of the plat. Easements shall not be required on property lines shared with greenways or public streets. No buildings, driveways, or retaining walls shall be placed in any easement for drainage purposes, without the approval of the City Engineer at the time of site plan review. Fences may be placed in the easement only if they do not impede the anticipated flow of water. NOTE: In the event of a City of Madison Plan Commission and/or Common Council-approved re-division of a previously subdivided property, the underlying public easements for drainage purposes are released and replaced by those required and created by the current approved subdivision.

B) The intra-block drainage easements shall be graded with the construction of each principle structure in accordance with the approved storm water drainage plan on file with the City Engineer and the Zoning Administrator, as amended in accordance with the Madison General Ordinances. Information to Surveyor's: In addition to notes such as this, WI State Plat Review now enforces the requirement that easements or other reference lines/areas be graphically shown, dimensioned and tied when they represent fixed locations. They will accept a "typical detail" when the easement or restriction can be effectively described and retraced from the typical detail.

19. 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.
20. The area adjacent to this proposed development has a known flooding risk. All entrances shall be two (2) feet above the adjacent sidewalk elevation or one (1) foot above the 100-year regional flood elevation (whichever is greater). This includes garage entrances.
21. 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; 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, and; provide infiltration in accordance with MGO Chapter 37.
22. The approval of this plat does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer.
23. The developer shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The applicant shall provide the City Engineer the proposed grade of the building entrances. The City Engineer shall approve the grade of the entrances prior to signing off on this development.

24. The developer shall construct sidewalk along Portage Road according to a plan approved by the City Engineer.

Please contact Jeff Quamme of the City Engineering Division–Mapping Section at 266-4097 if you have any questions regarding the following eighteen (18) items:

25. Additional text setting forth terms and conditions for the new Public Sanitary Sewer Easement areas and the existing Public Sanitary Sewer Easement per Document No. 2247962 shall be added as note 5 on the plat and all labels for the sanitary sewer easements shall state to see Note 5 on Sheet 2.

26. The limits of the Existing Sanitary Sewer easement per Document No. 2247962 shall be fully dimensioned (bearings and distances and ties to corners) to permit accurate location by the plat.

27. Considering the depth of the Utility Easements into the lots, Note 3 for Public Utility Easements shall be modified. Contact Jeff Quamme for the required language. Also, all labels on the map shall have text referring to see Note 3 on Sheet 2.

28. The 100 year Floodplain Elevation shall be noted on the plat and a benchmark with a datum reference provided on the plat. Also, correct the spelling of floodplain on the map.

29. Delineate and label an additional sanitary sewer easement area

30. The proposed Pedestrian Access through Outlot 2 cannot be approved as proposed. Any designated access route through a public stormwater management outlot shall include provisions of improvements that would permit a safe access route through a stormwater drainage area, none of which have been proposed or provided. Ultimately, an adequate easement providing maintenance and private pedestrian access to Outlot 3 shall be provided, within or outside of the plat, and approved by the City Engineer. The applicant shall then provide for review the document or language on the plat setting forth the terms of any easement prior to final plat sign off.

31. Modify the new right of way at the easterly end of the plat at the intersection of Hayes Road and Portage Road. Extend the 25-foot corner radius of Hayes Road per the plat of Churchill Heights to intersect with the new right of way of Portage Road. Show and label correctly the existing Street and Easement Area per Document No. 3563669 within the new dedicated area.

32. An easement has been provided on the plat to accommodate the USPS required centralized delivery of mail using Cluster Box Units (CBU's). The applicant shall provide documentation of the coordination with the USPS Development Coordinator. Also, City Engineering and Traffic Engineering staff shall approve the location proposed for the CBU. A draft of the CBU owner's agreement including lots in this plat shall be provided prior to execution of the development agreement and prior to final sign-off of the plat and recorded immediately after the plat recording.

33. Dimensions shall be added to the 75-foot wetland setback Lines such that the setback area within each individual lot can be determined and a closed figure calculated within each lot.

34. Add a note that Buildings or impervious surfaces are prohibited within the Wetland Setback Areas.

35. Provide curve data for Lot 8 and Lot 9 individually for the boundary of the Public Storm Water Management, Storm Water Drainage and Storm Sewer Easement crossing the lots.
36. Revise the title of the Public Stormwater Management and Public Storm Sewer Easement to Public Stormwater Management, Storm Water Drainage and Storm Sewer Easement. Contact Jeff Quamme for the required easement text to be placed in the notes and referenced on all of the labels on the face of the plat.
37. The legal description shall have calls added to the description wherever it is following an adjacent plat, Certified Survey Map or Document No.5039067 (church parcel).
38. The location of the proposed Public Utility Easement within Outlot 2 shall be coordinated with City Engineering Stormwater Staff to determine the best location of the easement and terms and conditions for placement of any new utilities within the Outlot.
39. Correct the adjoiner to the west to First Addition to Westchester Park.
40. 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 Division (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.
41. The applicant shall submit to Jeff Quamme, prior to final Engineering sign-off of the subject plat, one (1) digital CADD drawing and one (1) signed copy of the final plat to the Mapping/GIS Section of the Engineering Division either as hard copy or Adobe PDF format. The digital CADD file shall be submitted in the WisDOT County Coordinate System, Dane County Zone datum in either Auto CAD Version compatible with MicroStation Version V8i, MicroStation Version V8i or older or Universal DXF Formats. The digital CADD file(s) shall contain the minimum of the items stated below, each on a separate layer name/level number. All line work shall be void of gaps and overlaps that would cause any parcel, street or easement to not properly close. All line work orientation and geometrics shall match the dimensioning as labeled on 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. street, sanitary, storm (including wetland & floodplain boundaries) water, pedestrian/bike/walkway, or any public and/or private interest easement except local service for Cable TV, gas, electric and fiber optics)

*This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat, electronic data and a written notification to Engineering Mapping for any changes to the plat which occur subsequent to any original submittal of data and prior to final sign off.

42. Prior to City Engineering final sign-off by main office for plats, the final Plat shall be submitted to Engineering Division Surveyor / Land Records Coordinator for final technical review and approval. This submittal must occur a minimum of two (2) working days prior to final Engineering Division sign-off. E-mail submittal of the **final** plat in PDF form is preferred. Transmit to jrquamme@cityofmadison.com.

Please contact Sean Malloy of the Traffic Engineering Division at 266-5987 if you have any questions regarding the following two (2) items:

43. The applicant shall add a note to the 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.
44. The applicant shall construct sidewalk along Portage Road according to City issued plan.

Please contact Jenny Kirchgatter, Assistant Zoning Administrator, at 266-4429 if you have any questions regarding the following three (3) items:

45. In the letter of intent submitted by the application, the applicant proposes that the lots are intended to allow two-unit twin dwellings. Proposed Lot 10 is less than 8,000 sq. ft. in lot area. The proposed lot size will accommodate a single-family residence, but it does not meet the lot area requirement for a two-family two-unit or two-family twin dwelling.
46. Lots 8, 9, 10, and 11 are located within the wetland overlay and the 75-foot wetland setback. Provisions of Section 28.103 will apply to portions of these lots.
47. Section 28.037(2)(a) provides that no two-family twin dwelling shall be constructed or converted within 300 feet of a zoning lot containing another two-family twin building, as measured from the perimeter of each zoning lot, unless approved by conditional use within the SR-C3 zoning district.

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

48. 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)." 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 Adam Wiederhoeft of the Madison Water Utility at 266-9121 if you have any questions regarding the following item:

49. Upon development, a separate water service lateral and water meter will be required to serve each parcel. The water laterals shall be directly connected to the public water main with the shut-off valve

located in the public right-of-way (per PSC 185.52 (2)). A water lateral is not required if the parcel remains undeveloped.

Please contact Kathleen Kane of the Parks Division at 261-9671 if you have any questions regarding the following three (3) items:

50. 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(2) will be required for all new residential development associated with this project. This development is within the North Park-Infrastructure Impact Fee district. Please reference ID# 18143 when contacting Parks Division staff about this project.
51. 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.
52. 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." Parks Division will be required to sign off on this subdivision.

Please contact Brad Hoffman of the Parks Division–Forestry Section at 267-4908 if you have any questions regarding the following three (3) items:

53. 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.
54. An existing inventory of trees (location, species, & DBH) and any tree removal plans (in PDF format) shall be submitted to the plans and Brad Hofmann – bhofmann@cityofmadison.com or 266-4816. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Approval and permitting of street tree removals shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan.
55. Existing street trees shall be protected. Please include the following note on the site plan: Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266-4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry prior to the start of construction. Tree protection specifications can be found in Section 107.13 of *City of Madison Standard Specifications for Public Works Construction*. Any tree removals that are required for construction after the development plan is approved will require at least a 72-hour wait period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan.

Please contact Tim Sobota of Metro Transit at 261-4289 if you have any questions regarding the following item:

56. In coordination with any public works improvements, the applicant shall maintain or replace the concrete boarding pad and curb ramp at the existing Metro bus stop on the west side of Portage Road, south of Village Lane (#9132). 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.

Please contact my office at 261-9632 if you have questions about the following four (4) items:

57. The buildable area (envelope) of Lots 1, 8, 9, 10 and 11 shall be shown on the final plat, which shall account for the minimum zoning setbacks and the location of any delineated wetlands and their required 75-foot setback.

58. Prior to final approval and recording of the plat, the applicant shall provide evidence of legal access to Outlot 3 (landlocked). The plat cannot be recorded creating the outlot without this legal access.

59. Prior to final approval and recording of the plat, the applicant shall provide more information on the use and operation of Outlot 3. If owned by an association, the applicant shall submit to the Planning Division two copies of the private subdivision covenants, conditions and restrictions that govern the organizational structure, use, maintenance and continued protection of the development and any common services, open areas or other facilities to serve the proposed subdivision, including the common elements and contracted services requirements proposed to serve certain lots within the plat. In the alternative, the applicant shall demonstrate how the proposed garden will comply with the Zoning Code definition of community gardens. These documents shall be approved by the Planning Division in consultation with the City Attorney's Office and Zoning Administrator prior to final approval of the plat for recording.

60. Note: Approval of the zoning map amendment and subdivision by the Plan Commission and Common Council does not constitute approval of or support for any future conditional uses required to develop the proposed lots. The applicant or successor shall be required to submit applications to the Plan Commission for conditional use approval pursuant to the processes in Section 28.183 of the Zoning Code. Future development of those lots 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.

Please contact Lance Vest of the Office of Real Estate Services at 245-5794 if you have any questions regarding the following five (5) items:

61. 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). 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 sign-off.

62. A certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate(s) and executed prior to plat approval sign-off.

63. As of August 16, 2019, there are no 2018 real estate taxes or special assessments reported as due or owing. Per 236.21(3) Wis. Stats. and MGO Section 16.23(5)(g)(1), 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.
64. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish to Lance Vest in the City's Office of Real Estate Services (lvest@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 (July 10, 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.
65. The following revisions shall be made to the final plat prior to final approval and recording:
- a.) Include terms and conditions for any new easement areas dedicated on the plat.
 - b.) Reference and depict the Perpetual Easement for Public Street & Sidewalk Purposes recorded as Document No. 3563669.
 - c.) Provide proof of satisfaction or release for all liens and/or judgments of record prior to plat approval sign-off.
 - d.) It appears that the Public Sanitary Sewer Easement Document No. 3563670 does not apply to lands within the plat boundary. Ask the title company to remove from title update if that is found to be the case.
 - e.) It appears that the Order Levying Assessments recorded as Document No. 2210789 encumbers the lands within the plat boundary. Please ask the title company to include this document in the title update if that is found to be the case.
 - f.) It appears that the Public Utility Easement recorded as Document No. 2256767 encumbers the lands within the plat boundary. Please ask the title company to include this document in the title update if that is found to be the case.
 - g.) When the title update is prepared, please include the correct document reference to Ordinance No. 13003 (Document No. 3511646).

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: Brenda Stanley, City Engineering Division
Jeff Quamme, City Engineering Division – Mapping Section
Sean Malloy, Traffic Engineering Division
Bill Sullivan, Madison Fire Department
Adam Wiederhoeft, Madison Water Utility
Kathleen Kane, Parks Division
Jenny Kirchgatter, Assistant Zoning Administrator
Lance Vest, Office of Real Estate Services