



PREPARED FOR THE PLAN COMMISSION

Project Address: 6602 Commercial Avenue
Application Type: Final Plat
Legistar File ID # [63758](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant: Jon Sopher, Northern States Development Group, LLC; 6417 Odana Road, Suite 20; Madison.

Property Owner: Walz Development, LLC; 3071 Sunnyside Street; Stoughton.

Surveyor: Mike Calkins and Eric Lindaas, Snyder & Associates, Inc.; 5010 Voges Road; Madison.

Requested Actions: Approval of the final plat of *Eastwood Springs*, creating six lots for future multi-family development, one lot for future mixed-use development, one outlot for future development, one outlot to be dedicated for public parkland, and one outlot to be dedicated for public stormwater management.

Proposal Summary: The overall plat of *Eastwood Springs* will subdivide a 75.6-acre parcel into 40 single-family lots in TR-C3 (Traditional Residential–Consistent 3 District) zoning, seven lots to be developed in the future with multi-family housing in TR-U1 (Traditional Residential–Urban 1 District) zoning, and one lot for future mixed-use development in CC-T (Commercial Corridor–Transitional District) zoning. The approved preliminary plat included three outlots for public stormwater management and one outlot to be dedicated to the public for parkland.

The current final plat creates six lots for future multi-family development, one lot for future mixed-use development, one outlot for future development, one outlot for public parkland, and one outlot for public stormwater management; the remaining lots and outlots will be created by a subsequent final plat(s). The applicant wishes to start construction on one of the lots along Reiner Road in the summer of 2021. Development on the east side of the plat requires extension of a City sanitary sewer interceptor, which is scheduled for construction in 2022.

The future multi-family and mixed-use development may require subsequent conditional use approval prior to issuance of building permits for those lots.

Applicable Regulations & Standards: 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. Ch. 236, requires that a final plat be submitted within 36 months after the last required approval of the preliminary plat, or any approving authority may refuse to approve the final plat or may extend the time for submission of the final plat. A final plat that conforms substantially to the approved preliminary plat shall be approved, conditionally approved, or rejected (with stated reasons) within 60 days of submittal unless the time is extended by agreement with the applicant. If no action is taken within 60 days and no extension granted, the plat is deemed approved. The final plat application was submitted to the City on January 6, 2021. Therefore, the 60-day review period for this plat will end circa March 6, 2021.

Summary Recommendation: The Planning Division recommends that the Plan Commission find the final plat of the Eastwood Springs subdivision does not substantially conform to the approved preliminary plat for same and forward the final plat to the Common Council with a recommendation to **place it on file without prejudice**.

However, if the Plan Commission can find that the final plat does substantially conform to the approved preliminary plat, it recommends that any approval of the final plat be subject to input at the public hearing and the conditions from reviewing agencies beginning on page 6 of this report.

Background Information

Parcel Location: An approximately 75.6-acre parcel extending approximately a half-mile along the east side of Reiner Road from Commercial Avenue (CTH T) north; Aldermanic District 3 (Lemmer); Sun Prairie Area School Dist.

Existing Conditions and Land Use: The site is mostly undeveloped agricultural land with the exception of a single-family residence in the southwestern corner of the site, which is addressed as 609 Reiner Road. The site is zoned TR-C3 (Traditional Residential–Consistent 3 District), TR-U1 (Traditional Residential–Urban 1 District), and CC-T (Commercial Corridor–Transitional District) consistent with the zoning approved with the preliminary plat.

Surrounding Land Use and Zoning: The subject site is mostly surrounded by undeveloped land located in the City of Madison in A (Agricultural District) zoning, with scattered single-family residences located on parcels to the west and southeast of the site. The southeastern corner of the Woods Farm subdivision is located across Reiner Road from the northwestern corner of the site in TR-C3 (Traditional Residential–Consistent 3 District) zoning.

Adopted Land Use Plan: The subject site is located within the boundaries of the [Northeast Neighborhoods Development Plan](#) adopted in 2009. Beginning along the southern edge of the site at Commercial Avenue, the plan recommends the southwestern corner of the property for Community Mixed-Use development as part of a larger mixed-use node planned at the intersection of Reiner Road and Commercial Avenue. Land to the north and east of the site recommended for mixed-use is recommended for high-density residential development in Housing Mix 4 (HM4), with the potential for additional mixed-use development possible on the north side of the public street proposed one block north of Commercial Avenue. The HM4 district is surrounded on the north and east by the medium-density HM3 district, with decreasing density and intensity of development planned continuing north along Reiner Road, with HM2 and HM1 recommended. Two neighborhood parks are recommended on the northern and southern halves of the subject site, while most of the eastern property line is recommended for open space and stormwater management.

The land use polygons on the 2018 [Comprehensive Plan](#) generally follow the land use recommendations in the neighborhood development plan, with Community Mixed-Use development recommended at the northeastern corner of the Reiner Road-Commercial Avenue intersection, which is surrounded on the north and east by Medium Residential, which allows development between 20-90 units per acre. Low Residential (up to 15 units an acre) and Low-Medium Residential (7-30 units per acre) are recommended for the northernmost portions of the site, while the eastern edge is recommended for Park and Open Space.

Environmental Corridor Status: The environmental corridor map shows the general location of the stormwater management and parkland parcels planned for the subject site within mapped environmental corridor. The

mapped corridor also includes a short section of Door Creek, which crosses the eastern edge of the site and an adjacent area of wetlands.

Public Utilities and Services: The site will be served by a full range of urban services as it develops. However, Metro Transit submitted the following comment: “The proposed development is outside Metro Transit’s paratransit service area. The closest bus stop with scheduled bus service is over 1.5 miles walking distance, 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”.

Zoning Summary: The proposed lots and outlots are zoned TR-U1 and CC-T and will be reviewed in the following sections.

Other Critical Zoning Items	
Yes:	Wetlands, Utility Easements
No:	Urban Design, Wellhead Protection, Floodplain, Landmarks, Waterfront Dev., Adjacent to Parkland
<i>Prepared by: Tim Parks, Planning Division and Jenny Kirchgatter, Assistant Zoning Administrator</i>	

Previous Approval

On June 11, 2019, the Common Council approved a request to rezone land generally addressed as 6602 Commercial Avenue from A (Agricultural District) to TR-C3 (Traditional Residential–Consistent 3 District), TR-U1 (Traditional Residential–Urban 1 District), and CC-T (Commercial Corridor–Transitional District); and approval of the preliminary plat of *Eastwood Springs*, creating 40 lots for single-family detached residences, seven lots for the future multi-family development, one lot for future mixed-use development, one outlot to be dedicated to the public for parkland, and three outlots for public stormwater management.

Project Description

The applicant is requesting approval of the first final plat of the “Eastwood Springs” subdivision for an approximately 76-acre parcel of land located at the northeastern corner of Reiner Road and Commercial Avenue (CTH T). The property is mostly undeveloped with the exception of a single-family residence in the southwestern corner of the site.

The proposed final plat will create six lots for future multi-family development (Lots 1-3 and 5-7) in TR-U1 zoning and one lot for future mixed-use development in CC-T zoning adjacent to the Reiner-Commercial intersection (Lot 4). Details on how the seven lots will be developed will follow approval and recording of the final plat, with each lot required to obtain any necessary zoning approvals prior to the issuance of building permits.

Access to the overall Eastwood Springs subdivision will be provided by six east-west streets that will extend into the site from Reiner Road and one north-south street that will bisect the site from Commercial Avenue to the northern boundary of the plat. Three of the east-west streets and the southern section of the north-south street, Summers Day Parkway, will be dedicated with this plat, as will a 20-foot wide easement for a 10-foot multi-purpose path along the north side of proposed Blissful Avenue, which will extend across the entire site.

The first final plat also includes a 4.93-acre outlot in the southeastern corner of the plat to be dedicated for stormwater management (Outlot 3) and an 18.53-acre outlot east of Summers Day Parkway and generally north of Blissful Avenue to be dedicated for public parkland (Outlot 2). The remaining 18.93 acres of the overall 76-acre subject site will comprise Outlot 1 of the final plat and represents land to be platted in a subsequent phase of the development. The 40 single-family lots shown on the approved preliminary plat, the remaining lot for multi-family development, a second outlot for stormwater management located in the northeasternmost corner of the subdivision, and the remaining streets providing access to the development are located on the land comprising Outlot 1 of this final plat.

Analysis and Conclusion

Basis for Approval

When reviewing a final plat, the Plan Commission is charged by both Wis. Stats. Section 236.11 and the City's Subdivision Regulations (MGO Section 16.23(5)(d)) with determining whether the final plat conforms substantially to the approved preliminary plat. The Plan Commission shall review the final plat as to its conformance with the preliminary plat, the requirements set forth in this ordinance, and with any other ordinances, administrative rules and regulations, and plans which may affect it; and shall recommend approval, conditional approval or rejection of the plat. The final plat may constitute only that portion of the approved preliminary plat which the subdivider proposes to record at that time, as is the case with the current final plat. A professional engineer, planner, or another person charged with the responsibility to review plats shall provide the Plan Commission with a recommendation on approval of the final plat based on a determination whether the final plat.

Additionally, MGO Section 16.23(8)(f)5. states that the Plan Commission, after recommendation of the Park Superintendent or Board of Park Commissioners, shall determine that any land to be dedicated for parkland shall be reasonably adaptable to meet desirable on-site facilities as outlined in the Park and Open Space Plan, and shall so recommend to the Common Council. Factors used in evaluating the adequacy of proposed park and recreation areas shall include size and shape, topography, geology, tree and other plant cover, access, and location.

Review of Proposed Final Plat

The overall Eastwood Springs site is characterized by approximately 35-40 feet of grade that falls from west to east towards Door Creek, which briefly crosses the eastern property line. A wetland exists along the western bank of the creek, which was noted on the preliminary plat. Most of the site has been cleared of vegetation for agricultural purposes. However, a large grove of mature trees is located along the eastern property line, for which the property owner submitted a detailed inventory prepared by a certified arborist with the preliminary plat. A small spring has also been observed near the wooded area on the eastern half of the site.

Among the conditions of approval of the 2019 zoning map amendment and preliminary plat, the developer was required to provide a wetland delineation for the site with the final plat. Consistent with Capital Area Regional Planning Commission (CARPC) standards, the condition noted that a 75-foot setback will be required from any delineated wetland boundary shown on the final plat. The proposed final plat includes two wetland areas and corresponding 75-foot buffers based on a delineation prepared in July 2019.

The scope of the wetlands shown has impacts on the layout of the final plat and its conformance with the approved preliminary plat. Staff from the Planning Division, Parks Division, City Engineering Division, and Traffic Engineering Division have noted the following inconsistencies between the approved preliminary plat and the proposed final plat:

- In addition to the area of wetlands along the eastern property line in the vicinity of where Door Creek crosses onto the site that was generally known at the time that the preliminary plat was reviewed, a second area of wetlands extends east-west across the land to be dedicated for park. Parks Division staff has indicated that it will not give credit for parkland dedication for the two wetlands or for the 30-foot portion of the 75-foot buffer closest to the wetland in which grading or land disturbance is generally prohibited by the Dane County Water Quality Plan.
- An outlot shown on the preliminary plat to be dedicated to the public for stormwater management along the eastern property line is not shown on the final plat, with that land instead proposed to be included in the parkland outlot.
- In order to avoid the 75-foot buffer for the western wetland area on proposed Outlot 2, the future eastern right of way for Summers Day Parkway now contains a jog that is not shown on the street alignment on the approved preliminary plat. While the right of way for Summers Day Parkway is only dedicated to the northern line of proposed Lot 7 of the final plat, the eastern line of the right of way is also the western line of the park outlot. On the preliminary plat, the alignment of Summers Day Parkway (then shown as Eastwood Springs Parkway) remains parallel to Reiner Road through the northern half of the 76-acre site to the northern plat limits. The proposed alignment, which curves to avoid the wetland setback, does not meet the centerline radii and tangent requirements in City ordinances. Staff believes that the proposed “jog” also raises concerns about whether the remaining multi-family lot and 40 single-family lots approved further north between Summer Day Parkway and Reiner Road can be platted consistent with the approved preliminary plat, particularly once the alignment of Summers Day Parkway is revised to comply with the centerline radii and tangent requirements in MGO.
- The configuration of proposed Lot 1 (Lot 48 of the preliminary plat) has also changed from the lot shown on the preliminary plat. While the relative size of the lot is similar (1.56 acre on the final plat compared to 1.72 acres on the preliminary plat), the 270-foot deep trapezoidal shape of Lot 48 has been revised to be a rectangular Lot 1 that will be 180 feet deep. In reviewing the proposed final plat, Parks Division staff noted that the long, rectangular configuration of the proposed lot will have multiple impacts on the adjacent park dedication on Outlot 2, including a smaller, more confined park space at the corner of Summers Day Parkway and Blissful Avenue with a less generous opening into that portion of the park than the more sweeping western edge of Lot 48 approved with the preliminary plat. Staff is also concerned that future development on Lot 1 could “wall-off” that portion of the park and give the impression that the adjacent parkland is not indeed public space.

Parks staff also noted that, prior to final approval of the plat, additional information is needed on the proposed northern boundary of Outlot 2 vis a vis an outlot for stormwater management approved in the northeastern corner of the overall 76-acre site, which will be dedicated to the City with a subsequent final plat (and is part of the outlot proposed for future development). Since the parkland and future stormwater management dedications are shown adjacent to each other, a final determination of the land proposed for parkland dedication will be made after the final stormwater master plan is approved by the City Engineer. A condition to this effect was included with the conditions of preliminary plat approval.

While it is staff's opinion that "substantial conformance" may allow for minor adjustments in the layout of a subdivision between a final plat and an approved preliminary plat to account for information that may come to light between the time that a preliminary plat is approved and a final plat is submitted, the degree of variation between the preliminary and final plats should be minimal. Both State statutes and City ordinances bind the City to approve a final plat that substantially conforms to an approved preliminary plat and the conditions thereof (which are based on the requirements in effect at the time of preliminary plat approval). However, those same requirements afford the City the opportunity to reject a final plat that it deems too inconsistent with the approved preliminary plat to allow the subdivision to meet the development requirements in its ordinances or implement its plans.

In this case, City staff feels that the items enumerated above will not implement the subdivision reflected on the approved preliminary plat. In particular, the amount of wetlands present on the site are greater than the amount of wetlands known at the time of preliminary plat approval, which will impact the amount, quality, and layout of public parkland approved on the preliminary plat. As noted above, the second, westerly area of wetlands also causes a change in the alignment of the only north-south street through the development, which impacts the configuration of the parkland abutting it and will likely impact the layout of the lots and streets between Summers Day Parkway and Reiner Road compared to the layout shown on the approved preliminary plat, especially once the new alignment is revised to comply with street design requirements.

In closing, staff does not believe that the proposed final plat substantially conforms to the approved preliminary plat. The applicant has the option to submit a final plat that more substantially conforms to the approved preliminary plat in 2019, or to submit a new/revised preliminary plat for review that reflects the additional topographical considerations that have come to light since the 2019 preliminary plat approval, which are reflected on the proposed final plat. Such a new, revised preliminary plat would then be reviewed for its conformance to City ordinances and adopted plans. If the applicant so chooses, the Subdivision Regulations allow for the concurrent review of a preliminary plat and final plat if all of the information required for each is submitted for review.

Recommendation

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

The Planning Division recommends that the Plan Commission find the final plat of the Eastwood Springs subdivision does not substantially conform to the approved preliminary plat for same and forward the final plat to the Common Council with a recommendation to **place it on file without prejudice**.

However, if the Plan Commission can find that the final plat does substantially conform to the approved preliminary plat, it recommends that any approval of the final plat be 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. A copy of the 2019 wetland delineation prepared by a certified delineator and noted on the final plat shall be provided to the City Engineer.

2. That the alignment of Summers Day Parkway be revised to comply with the centerline radii and tangent requirements in MGO, as approved by the City Engineer and City Traffic Engineer prior to final approval and recording of the final plat.
 3. The demolition or removal of the single-family residence at 609 Reiner Road shall require Plan Commission approval of a demolition permit prior to the issuance of wrecking or building permits for proposed Lot 4. The structures in that portion of the site shall be shown and dimensioned on the final plat if not approved for demolition prior to final approval and recording of the plat.
 4. Consistent with the condition of preliminary plat approval, that prior to recording the final plat, the applicant work with City Engineering and Planning staff to explore “distributed infiltration” practices as part of the means to meet the infiltration requirements identified under Chapter 37, MGO, the Northeast Neighborhood Development Plan, and those recommended in the 2010 CARPC CUSA amendment approval resolution. These methods could include but not be limited to: rain gardens installed to serve a “block of lots”, pervious pavement, depressed terraces, rain barrels and/or other methods. These “distributed” practices would be used in coordination with regional, plat-level practices.
5. Prior to final approval and recording of the final plat, 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.

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

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

6. A Phase 1 environmental site assessment (per ASTM E1527-13), is required for lands dedicated to the City. Provide one (1) digital copy and staff review will determine if a Phase 2 ESA is also required. Submit report(s) to Brynn Bemis (608-267-1986, bbemis@cityofmadison.com).
 7. The developer may be required to enter into an agreement for guarantee of payment of the Northeast Neighborhood- Gaston Road Extension Impact fee for a percentage of lots within a set time frame of the sewer being available as a conditional for development.
 8. This plat is in an area known to the City Engineer to be flood prone, and may be required to provide additional stormwater management so as to not increase downstream flooding.
9. The construction of this project will require that the applicant shall enter into a City/ Developer agreement for the required infrastructure improvements. The City Engineer will not sign off on this project without the agreement executed by the developer. Allow 4-6 weeks to obtain this agreement. Contact City Engineering to schedule the development and approval of the plans and the agreement.
10. The developer shall construct Madison standard street, multi-use path, and sidewalk improvements for all streets within the plat.

11. Make improvements to Reiner Road and Commercial Avenue in order to facilitate ingress and egress to the development as required by the City Engineer and the City Traffic Engineer.
12. Construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat.
13. This development is subject to impact fees for the Northeast Neighborhood–Gaston Road Extension Impact Fee District. All impact fees are due and payable at the time building permits are issued (MGO Chapter 20). 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.”
14. Provide proof of septic system abandonment from Public Health–Madison and Dane County as a condition of plan approval.
15. An Erosion Control Permit is required for this project.
16. A Storm Water Management Report and Storm Water Management Permit is required for this project.
17. 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 of Madison is an approved agent of the Department of Safety and Professional Services (DSPS) and no separate submittal to this agency or Capital Area Regional Planning Commission (CARPC) is required for this project to proceed.
18. A portion of this plat may come under the jurisdiction of the US Army Corp of Engineers (USACOE) 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.
19. The approval of this subdivision does not include the approval of the changes to roadways, sidewalks or utilities. 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.
20. 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.
21. Confirm that adequate sight distance exists where public streets intersect per AASHTO design standards for intersection sight distance. If adequate sight distance does not exist, 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. Caution - The improvements indicated may require right of way outside of the plat.

22. Construct a multi-use path along Blissful Avenue through from Reiner Road to east plat limit according to plans approved by the City Engineer.
23. Construct four (4) feet of pavement, curb and gutter, terrace and sidewalk/multi-use path along Commercial Avenue and Reiner Road limits of plat as required by City Engineer. If the four feet of pavement is not possible due to timing of ultimate street improvements not being ready, that amount can be applied to cost share city owed portions along the new park.
24. 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.
25. 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-inch copy of an erosion control plan (PDF copy preferred) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.
26. Demonstrate compliance with MGO Section 37.07 and 37.08 regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year.
27. This project will 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, Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit.
28. This project appears to require fire system testing that can result in significant amounts of water to be discharged to the project grade. The Contractor shall coordinate this testing with the erosion control measures and notify City Engineering at 266-4751 prior to completing the test to document that appropriate measures have been taken to prevent erosion as a result of this testing.
29. 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.
30. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Stormwater Management Permit application can be found on City Engineering's website. The Storm Water Management Plan & Report shall include compliance with the following:

Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.

Electronic Data Files: Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. 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 to City Engineering.

Detain the 2-, 10-, 100- and 200-year storm events, matching post development rates to predevelopment rates and using the design storms identified in MGO Chapter 37.

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.

Provide onsite volumetric control limiting the post construction volumetric discharge to the predevelopment discharge volume as calculated using the 10-year storm event.

31. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
32. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or tstroester@cityofmadison.com (West).

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

33. The Public Utility Easement along the north side of Blissful Avenue shall be separated from the easement for Public Sidewalk and Bike Path Easement purposes.
34. The 20-foot wide Permanent Limited Easement for Pedestrian/Bicycle Path Purposes shall be retitled to Public Sidewalk and Bike Path Easement. Contact Jeff Quamme (jrquamme@cityofmadison.com) for the language containing the terms of the easement to be placed on the face of the plat.
35. Grant a 10-foot Permanent Limited Easement for grading and sloping along the east right of way of Reiner Road. Contact Jeff Quamme of Engineering Mapping (jrquamme@cityofmadison.com, 266-4097) for easement language.
36. The lots being platted by the final plat are for multifamily and mixed-use development and will coordinate USPS mail delivery internally. The applicant shall note that future residential development within Outlot 1 will require, by Ordinance, the developer to provide private easements or private outlots to accommodate the then USPS required centralized delivery of mail using Cluster Box Units (CBUs). With any future replatting of Outlot 1, coordinate the locations with of Outlot 1 of the CBUs with the USPS Development Coordinator, City Engineering and City Traffic Engineering Staff and in accordance with the Policies for Cluster Box Units as adopted by the City of Madison Board of Public Works. CBUs will not be permitted within any publicly owned or dedicated lands.

37. Outlot 2 for public storm water management per the preliminary plat has been eliminated from the final plat. Also wetlands have been added and shown on the final plat changing the future alignment of Summers Day Parkway and the boundary of the proposed park. The applicant shall coordinate with City Engineering and Park staff all areas of dedication that will be accepted for public storm water management versus public park dedications.
38. Add text to the label for the 13-foot Wide Gas Easement that it is a 13-foot wide Gas Easement to Madison Gas & Electric as per Document No. 1087083.
39. The public utility easements being granted by this plat shall be more frequently labeled on the face of the plat. Minimally at least 1 to 2 labels shall be provided within any lot or outlot.
40. The text for the 34-foot wide Electric Line easement shall be changed to Electric Line Easement per Document No 2105232, assigned to ATC per Document No. 4202339. Construction of fences and buildings and the planting of trees are prohibited within this easement per its terms. Also fully dimension its location as it crosses each outlot and easement.
41. Since the Temporary Limited Easement along Reiner Road terminates upon the recording of this plat, remove the representation of the easement from the map portion of plat, but Note No. 1 shall remain on the plat as it currently exists.
42. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The developer's surveyor and/or applicant must submit copies of required tie sheets or monument condition reports for all monuments, including center of sections of record, used in this survey, to Jeff Quamme, City Engineering (jrquamme@cityofmadison.com). If a new tie sheet is not required under A-E 7.08, Engineering requests a copy of the latest tie sheet on record with Dane County Surveyor's office and shall be attached to a signed and sealed monument condition report. The applicant shall identify monument types on all PLS corners included on the plat.
43. The bearing reference refers to an incorrect line and also shall state that bearings are also referenced to the Wisconsin County Coordinate System Dane County Zone.
44. Fully Dimension the No Vehicular Access and the restriction shall be noted that it is per Certified Survey Map 1099.
45. Provide a tie on the map from the SW corner of Section 36 north to the corner of the plat along the west line of Section 36.
46. Memory Lane will extend west in the future. The suffix for the street Memory Lane shall be changed to Way, Drive, Street, or Road.
47. Prior to City Engineering Division final sign-off by the main office for plats, the final plat must be submitted to Engineering Division Surveyor/ Land Records Coordinator for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off. Electronic

mail submittal of the **final** version of the plat in PDF form is preferred. Transmit the final plat to jrquamme@cityofmadison.com.

48. The applicant shall submit to Jeff Quamme, prior to final Engineering 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: a) Right-of-Way lines (public and private); b) Lot lines; c) Lot numbers; d) Lot/Plat dimensions; e) street names; and f) easement lines (i.e. all shown on the plat including wetland and floodplain boundaries.) *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 Jenny Kirchgatter, 266-4429)

49. The demolition or removal of the single-family residence located on Lot 4 shall require Plan Commission approval of a demotion permit prior to the issuance of a raze permit or development of Lot 4.

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

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

Fire Department (Contact Bill Sullivan, 261-9658)

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

Water Utility (Contact Jeff Belshaw, 261-9835)

50. 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).

51. 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)

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

Forestry Section (Contact Jeffrey Heinecke, 266-4890)

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

Parks Division (Contact Sarah Lerner, 261-4281)

52. On the final plat dated 1-6-2021, the applicant proposes to dedicate approximately 18.5 acres of public park, identified as Outlot 2, the location of which is generally consistent with the Northeast Neighborhoods Development Plan.

53. The final plat, as currently proposed includes residential development on Lots 1-7. 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 as proposed is approximately 18.53 acres.
54. Areas of delineated wetlands and the 30-foot portion of the 75-foot wetland buffer where grading and land disturbance are not permitted shall not be included in the calculation of lands dedicated to the public for park purposes for the subdivision. The amount of wetland acreage and the amount of acreage with the 30-foot no-grading zone in the wetland buffer shall be reflected on the final plat.
55. The preliminary plat showed lands that were to be dedicated to the public for stormwater purposes as Outlot 4, which are shown on the final plat as dedicated to the public for park purposes. Since the stormwater management and parkland dedications are shown adjacent to each other, a final determination of the parkland area proposed for parkland dedication will be determined after the final stormwater master plan is completed.
56. Park-Infrastructure Impact Fees, per MGO Sec. 20.08(2), will be required for all new residential development associated with this subdivision. This development is within the East Park-Infrastructure Impact Fee district. Please reference ID# 19021 when contacting Parks Division staff about this project. The applicant may enter into a development agreement for the park infrastructure improvements in lieu of paying park impact fees.
57. Prior to sign off on the final plat, the boundaries of Outlot 3 shall be revised so that proposed regional multi-purpose paths along Summers Day Parkway and Blissful Avenue shall be dedicated as separate outlots.
58. 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.
59. 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."
60. 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.
61. 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.
62. The applicant shall prominently stake all boundaries and property irons for lands to be dedicated for park purposes.

63. 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.

Office of Real Estate Services (Andy Miller, 261-9983)

64. Prior to approval sign-off by the Office of Real Estate Services (“ORES”), all parties having an interest in the property, pursuant to Wis. Stats 236.21(2)(a), shall execute the Owner’s Certificate on the plat. 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. When possible, the executed original hard stock recordable plat shall be presented at the time of ORES approval sign-off. If not, the City and the Register of Deeds are now accepting electronic signatures. A PDF of the plat containing electronic signatures shall be provided to ORES to obtain approval sign-off.
65. Prior to final plat sign-off, an executed and notarized or authenticated certificate of consent for all mortgagees/vendors shall be included following the Owner’s Certificate(s). If no mortgages exist at the time of sign-off, the Consent of Mortgagee can be removed.
66. 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.
67. Remove reference to the WOODS FARM plat from the certificate, and correct the certificate to read “City of Madison Common Council Certificate”.
68. Include a City of Madison Plan Commission Certificate, to read as follows:

Approved for recording per the Secretary of the City of Madison Plan Commission.

By: _____ Date: _____
Matthew Wachter, Secretary of the Plan Commission

69. As of February 11, 2021, the 2020 real estate taxes are not paid for the subject property. Under 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. 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.

70. As of February 11, 2021, there are special assessments due for the parcels within the plat boundary. Pursuant to MGO Section 16.23(5)(e)1 and Wis. Stats. 236.21(3), all special assessments, including accrued interest in the case of delinquencies, shall be paid by the owner prior to plat approval sign off. Receipts for payment shall be provided to the City's Office of Real Estate Services in advance of plat approval sign-off.
71. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish to Andy Miller (acmiller@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 (December 8, 2020) 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. ORES reserves the right to impose additional conditions of approval in the event the title update contains changes that warrant revisions to the plat.
72. The following revisions shall be made on the final plat prior to final approval and recording:
- a.) Create and record, or show as being dedicated in the proposed plat, easements for utility and drainage rights of way when the utility or drainage physically exists, but no document for it exists in record title.
 - b.) Record satisfactions or releases for all recorded instruments that encumber or benefit the subject lands, if all interested parties agree that the purpose for such instrument is no longer necessary or relevant for the purposes of the land division.
 - c.) Initiate requests to all applicable utilities to record releases of their interests in utility easements in underlying plats or CSMs, if this proposed plat is a re-division of existing plats or CSMs with utility easements that will no longer be applicable; and, prior to requesting sign-off, place a note in the proposed plat citing the recording data for the City's recorded release of same.
 - d.) For properties not connected to municipal utility services, consider whether or not well abandonment ref. NR-141 needs to be addressed.
 - e.) 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 by ORES. 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 Andy Miller in ORES to discuss the potential lease terms. Said leases are authorized by Resolution 13-00247 (ID 29183), adopted April 16, 2013.