



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

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****BY E-MAIL ONLY****

June 23, 2021

Janice Faga and Aaron Otto
Hawthorn and Stone Construction and Development
7601 Ganser Way, Suite 200
Madison, Wisconsin 53717

RE: Approval of a request to rezone land generally addressed as 621 Pioneer Road from Temporary A (Agricultural District) to TR-C3 (Traditional Residential–Consistent 3 District); and approval of the preliminary plat and final plat of *Fox Knoll*, creating 39 lots for single-family detached residences and four outlots to be dedicated to the public for stormwater management. [ID 65512 and 64918; LNDSP-2021-00002]

Dear Janice and Aaron;

At its June 15, 2021 meeting, the Common Council **approved** the rezoning and preliminary and final plat of *Fox Knoll* 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 Tim Troester of the City Engineering Division at 267-1995 if you have questions regarding the following twenty-two (22) items:

1. 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 (695-1385, bbemis@cityofmadison.com).
2. This plat discharges runoff to the Town of Middleton and lands over which the City has no easement or control. As a result, the requirement is that in addition to all normal requirements of MGO Chapter 37 this plat shall match the 10-year volumetric peaks from post to pre development.
3. The construction of this project will require that the applicant shall enter into a City/ Developer agreement for the required infrastructure improvements. The applicant shall contact City Engineering to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. Note: Obtaining a developer's agreement generally takes approximately 4-6 weeks, minimum.
4. The developer shall construct Madison standard street, multi-use path, and sidewalk improvements for all streets within the plat.

5. Outlots 1 and 2 are platted in a way that creates excess street frontage. The developer shall be responsible for fullwidth street and sidewalk construction of the Fox Knoll Drive and Clear Pond Way frontages of Outlot 2.
6. The developer shall make improvements to Pioneer Road to facilitate ingress and egress to the plat as required by the City Traffic Engineer.
7. This development is subject to impact fees for the Lower Badger Mill Creek Sanitary Sewer and Stormwater Management Impact Fee District, and the West Elderberry Neighborhood Sanitary Sewer Improvement Impact Fee. All impact fees are due and payable at the time building permits are issued. Add the following note on the face of the plat: "Lots / buildings within this development are subject to impact fees that are due and payable at the time building permit(s) are issued."
8. All outstanding Madison Metropolitan Sewerage District (MMSD) 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.
9. An Erosion Control Permit is required for this project.
10. A Storm Water Management Report and Storm Water Management Permit is required for this project.
11. 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.
12. 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 the mitigating improvements as required by the City. Caution: The improvements indicated may require right of way outside of the plat limits.
13. The applicant shall demonstrate that water can leave the site and reach the public right of way without impacting structures during a 100-year event storm. This analysis shall include reviewing overflow elevations and unintended storage occurring on site when the storm system has reached capacity.
14. Provide calculations for the 500-year storm event, as identified in Madison General Ordinance 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.
15. 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 City Engineering's final approval of this plan.

16. Install a property boundary witness markers along the boundary of lands dedicated for public stormwater purposes at property corners or in locations that are mutually agreeable to the applicant and Engineering Division.
17. This project will disturb 20,000 square feet or more of land area and require an Erosion Control Plan. Please submit an 11" by 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.
18. 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.
19. 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.
20. 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 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.
 - 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.
 - Rate Control: 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.
 - Provide substantial thermal control to reduce runoff temperature in cold water community or trout stream watersheds.

21. 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.
22. 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 ttroester@cityofmadison.com (West).

Please contact Jeff Quamme of the City Engineering Division–Mapping Section at 266-4097 if you have any questions regarding the following seventeen (17) items:

23. The 30-foot landscaping easement shall identify the beneficiary of the easement and include the terms and conditions including the installation and maintenance of the easement area or provide a draft of a document that will contain the additional terms and conditions to be recorded separately from the plat. The easements shall also be removed from any outlot dedicated to the public for stormwater management purposes.
24. All public storm sewer easement(s) to the City on the face of this plat shall be separately defined and dimensioned on the plat.
25. If planned storm water management improvements do not satisfy volumetric control requirements for drainage discharged over adjacent lands to the north and east, the developer will be required to acquire offsite drainage easements as necessary by the City at the developer's expense. In the event that the developer is unable to acquire any offsite easements required, the City shall proceed to acquire the easements. The Developer would be required to reimburse the City for all costs associated with any acquisition, including attorney's fees and any and all costs associated with court ordered awards. The developer is required to provide a deposit at the time of contract execution to cover the estimated City staff expenses and easement cost for the acquisition. The Developer shall note that separate, additional surety in an amount estimated to cover any potential court ordered awards would be retained by the City until such time as appeal rights have expired. The additional surety would be provided prior to the City making an offer for the easement.
26. Public storm sewer easements shall be granted only for areas where there will be storm sewer constructed. The intra-block drainage easements that are required per MGO Section 16.23(9)(d)2 shall be separately defined and any easement detail shall only define those drainage easements.
27. Coordinate and request from the utility companies serving this area the easements required to serve this development. Those easements shall be properly shown, dimensioned and labeled on the final plat with line types that are distinctly different from other easements and clearly defined in a legend.
28. Insert standard language pre MGO Section 16.23(9)(d)2.a. verbatim in note 1 on sheet 2. The language modifying the widths to 5 feet and if they are shown otherwise on the face of the plat can be incorporated into the language.
29. All public utility easements within an outlot being dedicated for public storm water management and drainage purposes shall be subject to the City's right of reasonable use and occupation of the easements. Contact Jeff Quamme for the required language to be added to the plat.

30. Correct the width to 33 feet for the roadway easements per deeds recorded as Document Nos. 4661408 and 4679765 along the west side of this plat.
31. 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.
32. Prior to final City Engineering Division sign-off by main office for the plat, the final plat must be submitted in pdf format 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 working days prior to final City Engineering Division sign-off.
33. Show and label and dimension, similar to the plat of Eagle Trace, the previous centerline of Pioneer Road that was established by several previous land divisions along Pioneer Road.
34. Label the west 40 feet of Pioneer Road as have being dedicated by the Town of Middleton per Document No. 4395125.
35. Remove the calls in the legal description referencing the Corporate Boundary. The north line shall reference that it is the north line of a Quit Claim Deed Document No. 5604529 and the 562.07-foot line on the east side shall reference the west line of Document No. 5594761.
36. Several words are misspelled in note 1 and shall be corrected.
37. Correct the Secretary of the Plan Commission to Matthew Wachter.
38. Label the parcel along the east side of the plat per Document No. 5594761 on the map.
39. Submit to Jeff Quamme, prior to 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.

Please contact Jenny Kirchgatter, Assistant Zoning Administrator, at 266-4429 if you have any questions regarding the following item:

40. Identify qualifying usable open space areas as required in the requested TR-C3 zoning district, specifically Lots 23 and 24 and 31 through 34. A minimum of 500 square feet of usable open space is required. Usable open space shall be at ground level in a compact area of not less than 200 square feet, with no dimension less than 8 feet and no slope grade greater than 10%. Usable open space shall be outside of a required front or corner side yard, as extended to the rear lot line. Usable open space shall not include areas occupied by buildings, driveways, drive aisles, off-street parking, paving and sidewalks, except that paved paths no wider than 5 feet and pervious pavement may be included as usable open space.

Please contact Sean Malloy of the Traffic Engineering Division at 266-5987 if you have any questions regarding the following three (3) items:

41. 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.
42. 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.
43. The applicant shall add a note to the final plat stating no driveway shall be constructed that interferes with the orderly operation of the pedestrian walkway. This will require all pedestrian ramps to be constructed separate from driveway entrances; a curb-head of no less than six (6) inches in width shall be constructed between all pedestrian ramps and driveway entrances. This is especially important at 'T' intersections where lot and building layout become critical; to prevent interference with the pedestrian ramp, lots intersecting or adjacent 'T' intersection may require a shared driveway and access.

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

44. The Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D. 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 Ann Freiwald of the Parks Division at 243-2848 if you have any questions regarding the following three (3) items:

45. 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 West Park-Infrastructure Impact Fee district. Please reference project ID 21009 when contacting Parks Division staff about this project.

46. 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.
47. 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." The Parks Division shall be required to sign off on this plat.

Please contact Jeff Belshaw of the Madison Water Utility at 261-9835 if you have any questions regarding the following two (2) items:

48. 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).
49. All public water mains and water service laterals shall be installed by a standard City of Madison Subdivision Contract. The applicant shall contact City Engineering Division to schedule the development of plans and the agreement. See Engineering Division comments for additional information.

Please contact Heidi Radlinger of the Office of Real Estate Services at 26-6558 if you have any questions regarding the following nine (9) items:

50. 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. 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 final sign-off.
51. Per title there is no mortgagee; remove the Mortgagee Certificate.
52. 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.
53. If any portion of the lands within the plat boundary are subject to an Option to Purchase or other Option interest please include a Certificate of Consent for the option holder and executed prior to approval sign-off.
54. The City of Madison Treasurer is Craig Franklin.
55. The City of Madison Plan Commission Secretary is Matthew Wachter.
56. 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.

57. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish to Heidi Radlinger (hradlinger@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 (March 29, 2021) 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.

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

- a) 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 an ORES real estate specialist to discuss the potential lease terms. Said leases are authorized by Resolution 13-00247 (ID 29183), adopted April 16, 2013.
- b) In Note 1, correct the spelling of Minimum, Driveways, and Re-division.

Please contact my office at 261-9632 if you have questions about the following two (2) items:

59. The final land area to be developed with single-family residential lots shall not be less than 9.75 acres of land consistent with the maximum density limits in the *Final City of Madison and Town of Middleton Cooperative Plan*. Prior to final approval and recording of the final plat, the final areas of the site to be developed with residential uses and the portions of the site to be dedicated to the public shall be adjusted in consultation with the City Engineering Division to comply with this requirement; if the areas to be developed and dedicated cannot be adjusted, the plat shall be revised to reduce the number of proposed lots to comply with the density limit.

60. The final plat shall be revised to remove the landscaping easement from the outlots to be dedicated to the public.

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

ID # 6 #65512 & 64918
Fox Knoll Subdivision
621 Pioneer Road I
June 23, 2021
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cc: Tim Troester, City Engineering Division
John Sapp, City Engineering Division
Jeff Quamme, City Engineering Division – Mapping Section
Jenny Kirchgatter, Assistant Zoning Administrator
Sean Malloy, Traffic Engineering Division
Bill Sullivan, Madison Fire Department
Ann Freiwald, Parks Division
Jeff Belshaw, Madison Water Utility
Heidi Radlinger, Office of Real Estate Services