



Department of Planning & Community & Economic Development

Planning Division

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

August 10, 2021

Jack McKenzie
Westwind Madison, Inc.
9201 Waterside Street
Madison, Wisconsin 53562

RE: Approval of the final plat of *Westwind*, creating 70 single-family lots, four outlots dedicated to the public for stormwater management, and one outlot for future development on land generally addressed as 10554 Mineral Point Road. [ID 65847; LNDSP-2021-00004]

Dear Jack,

At its August 3, 2021 meeting, the Common Council **approved** the final plat of “Westwind” 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-four (24) 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 (267-1986, bbemis@cityofmadison.com).
2. The applicant shall provide calculations that show that the stormwater requirements for this development are fully addressed on the lands dedicated for drainage with this development.
3. Enter into a City / Developer agreement for the required infrastructure improvements. Agreement to be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact City Engineering to schedule the development and approval of the plans and the agreement. (MGO 16.23(9)c)
4. Construct Madison Standard street, multi-use path, and sidewalk improvements for all streets within the plat. (MGO 16.23(9)(d)6)
5. Make improvements to Pioneer Road in order to facilitate ingress and egress to the development as required by City Traffic Engineer.
6. Construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat. (MGO 16.23(9)(d))

7. This development is subject to impact fees for the Lower Badger Mill Creek Sanitary Sewer & Stormwater Management, West Elderberry Neighborhood Sanitary Sewer Improvement Impact Fee District. All impact fees are due and payable at the time building permits are issued (MGO Ch 20). Add the following note 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."
8. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering 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. (MGO 16.23(9)(d)(4))
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. 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 NR216 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. Information on this permit application is available on line: <http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm>.

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 CARPC is required for this project to proceed.
12. 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 9' below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer. (MGO 16.23(9)(d)(2) and 16.23(7) (a)(13))
13. 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.
14. Construct 10-foot Multi Use Path along Mineral Point Road limits of plat.
15. Construct 28 feet of pavement along portions of Elderberry Road, Silver Oak Trail and Sandy Ridge Road where half right of ways are dedicated with the plat. This will require permanent easement off-site of the plat.
16. Construct 4 feet of pavement, curb and gutter and terrace along Mineral Point Road and Pioneer Road limits of plat.

17. Provide calculations for the 100-year event as identified in MGO 37 as part of the plat design and stormwater management plan that shows flows during this design event are confined to the right of way.
18. Provide calculations for the 500-year storm event, as identified in MGO Chapter 37, as part of the plat design and stormwater management plan. The flows from this design storm event will be routed through the development and used to determine an anticipated safe top of concrete foundation elevation for future buildings in critical areas.
19. 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.
20. 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.
21. This project will disturb 20,000 sf or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.

Demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances 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. The WDNR provided workbook to compute USLE rates can be found online at <https://dnr.wi.gov/topic/stormwater/publications.html>

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. (POLICY)

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 608-266-4751 prior to completing the test to document that appropriate measures have been taken to prevent erosion as a result of this testing.

Complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website - as required by Chapter 37 of the Madison General Ordinances.

22. 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:

Report: 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.

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

Infiltration: Provide infiltration of 90% of the pre-development infiltration volume.

TSS New Development: Reduce TSS by 80% (control the 5-micron particle) off of newly developed areas compared to no controls.

Thermal Control: Provide substantial thermal control to reduce runoff temperature in cold water community or trout stream watersheds.

Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project.

23. 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.
24. 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 fifteen (15) items:

25. Off-plat public sanitary sewer improvements are required to the east to serve Westwind plat. This will require owner to acquire additional right of way and/or easements located beyond the plat boundary. The owner shall acquire the right of way and/or easements as required by the City at the developer's expense. Coordinate the required City of Madison Real Estate Project(s) with Eric Pederson (epederson@cityofmadison.com) for the required fees, drafting and administration of the offsite easement(s). In the event that the developer is unable to acquire the right of way and/or easements required, the City shall proceed to acquire the easements. The Developer shall reimburse the City for all costs associated with the acquisition, including attorney's fees and any and all costs associated with court ordered awards. The Developer shall provide a deposit at the time of contract execution to cover the estimated City staff expenses and easement cost for the acquisition. The Developer shall note that separate, additional surety in an amount estimated to cover any potential court ordered awards shall be retained by the City until such time as appeal rights have expired. The additional surety shall be provided prior to the City making an offer for the easement. If City has to acquire via eminent

domain, Owner/developers Surveyor shall provide easement location map and legal description exhibits.

26. Owner shall acquire separate off-plat Public Permanent Limited Easement(s) for public street, drainage, grading and sloping to allow for 28' of pavement and ditching along portions of Elderberry Road, Silver Oak Trail, and Sandy Ridge Road as required by City Engineer. A public drainage easement shall also allow be granted for the discharge of public storm water onto the lands to the east from the Public Outlot(s) for stormwater management within this plat. The developer shall acquire the right of way and/or easements as required by the City at the developer's expense. Coordinate the required City of Madison Real Estate Project(s) with Eric Pederson (epederson@cityofmadison.com) for the required fees, drafting and administration of the easement(s). In the event that the developer is unable to acquire the right of way and/or easements required, the City shall proceed to acquire the easements. The Developer shall reimburse the City for all costs associated with the acquisition, including attorney's fees and any and all costs associated with court ordered awards. The Developer shall provide a deposit at the time of contract execution to cover the estimated City staff expenses and easement cost for the acquisition. The Developer shall note that separate, additional surety in an amount estimated to cover any potential court ordered awards shall be retained by the City until such time as appeal rights have expired. The additional surety shall be provided prior to the City making an offer for the easement.
27. The text for the Public Stormwater Drainage Easement on sheet one shall be removed from the plat. Stormwater management currently is planned within publicly dedicated Outlots that will be controlled and maintained by the City of Madison. Contact Eric Pederson (epederson@cityofmadison.com) for required language for all public easements for any other public storm sewer and drainage, sanitary sewer and bike/pedestrian paths in the event such are necessary for creation by the final plat.
28. Grant a Permanent Limited Easement for grading and sloping 10 feet wide along Pioneer Rd and Mineral Point Rd. Contact Eric Pederson of Engineering Mapping (epederson@cityofmadison.com) for easement language.
29. 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.
30. As required by Ordinance, provide private Easements or private Outlots to accommodate the current USPS required centralized delivery of mail using Cluster Box Units (CBUs). Coordinate the locations 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 serving this land division will not be permitted within any publicly owned or dedicated lands. If the Developer is not able to determine the final locations of the CBUs prior to recording the final plat, the final placement of CBUs for each phase of development within this land division shall be determined prior to construction. The locations for each phase shall as required by Ordinance, in accordance with the Policies for Cluster Box Units as adopted by the City of Madison Board of Public Works and in compliance with United States Postal Service requirements. The required CBU documents shall be recorded prior to the start of construction of the public improvements serving any Lot or Outlot. In the instance of land divisions that do not require the construction of public

improvements or a contract with the developer, the required approved CBU documents shall be recorded simultaneously with the final approved land division. Construct the CBUs in accordance with the specifications approved by the Board of Public Works.

31. Add under general notes provide the language from the first note on Sheet 6 of CSM 15568 modified as necessary to acknowledge that Outlot 2 of this plat shall be subject to the requirements.
32. Outlot 2 shall be restricted from further development. Use the language from the Note on Sheet 1 of Certified Survey Map No 15568.
33. A note shall be added that lands within this subdivision are subject to Declaration of Conditions, Covenants and Restrictions per Document No. 5678222.
34. Add a note and reference to the note within the Outlots as follows: "Additional Condition for public utility easements within Outlots 1, 3, 4 and 5 as granted by this plat. The principal purpose of each Outlot is for public storm water management purposes. All other Public and Private utility facilities installed within said Outlots are hereby subservient to the principal public use of the Outlots for public storm water purposes. The City of Madison ("City") shall have the right of reasonable use and occupation of the Public Utility Easement Areas, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the other Public or Private Utility Facilities. If any reasonable use and occupation of the Easement Area by the City shall necessitate the Public or Private Utilities to remove or relocate their facilities or any part thereof, the Public or Private Utility shall perform such work at such time as the City may approve and without any cost to the City." Also, remove the Public Utility Easements from Outlot 2. Or if they are required for the phase of development, identify and dimension the future portions of the Utility Easements within OL 2 that will be dedicated for streets and public storm water management, those areas of Utility Easements shall also be subject to the same restrictions.
35. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The Developer's Surveyor and/or Applicant must submit copies of required tie sheets or monument condition reports (with current tie sheet attached) for all monuments, including center of sections of record, used in this survey, to Jeff Quamme, City Engineering (jrquamme@cityofmadison.com)
36. Prior to Engineering final sign-off by main office for Plats or Certified Survey Maps (CSM), the final Plat or CSM in pdf format must be submitted by email transmittal to Engineering Land Records Coordinator Jeff Quamme (jrquamme@cityofmadison.com) for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off.
37. Red Pine Drive is approved for a street name. Wisteria is approved as a base street name; however, since it will be longer than 1 block, the suffix will need to be changed. Foxridge Trail, Weeping Willow Way, Silver Oak Trail are duplicate street names within the 911 jurisdiction area. Sandy Ridge Road is a double suffix (Ridge/ Road). Submit replacement street names to Lori Zenchenko (LZenchenko@cityofmadison.com) for review and approval.
38. The General Notes on sheet 1: 1) The Notes shall be numbered. 2) Combine the three notes for the intra-block drainage into one note with three paragraphs. 3) Provide a typical easement detail for the

Utility Easement note. 4) Granting of the Landscape Easement shall be to a legally existing entity, it cannot be to a general homeowner's association that does not exist.

39. 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.

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

40. Prior to final sign-off, the applicant shall work with to record the necessary easements for streetlights the Traffic Engineering Division Electrical Section to record the necessary easements for streetlights. Typically, Traffic Engineering requires a 12-foot wide easement between lots and 6-foot easements on corner lots where streetlights are needed. Easements needed between lots: 64-65, 67-68, 52-53, 45-46, 48-49, 36-37, 11-12, 27-28, 20-21. Easements are needed on lots: 1, 70, 56, 55, 5, 8, 39, 13, 16, 18.
41. The applicant shall execute and return a declaration of conditions and covenants (DCC) for streetlights and traffic signals prior to sign off of the final plat.
42. 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 two (2) items:

43. An upgrade to include a fire sprinkler system shall be offered along with a cost estimate for all initial single- or two-family home sales. Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D. Additional information is available at the Home Fire Sprinkler Coalition website: <https://homefiresprinkler.org/building-residential-fire-sprinklers>
44. Per MGO 34.503: A fire apparatus access road that is longer than 150-feet shall terminate in a turnaround. Provide an approved turnaround (cul-de-sac, 45 degree wye, 90 degree tee) at the end of the fire apparatus access road. This turnaround shall be constructed of concrete or asphalt only, and designed to support a minimum load of 85,000 lbs.

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

45. 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).
46. 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 Ann Freiwald of the Parks Division at 243-2848 if you have any questions regarding the following three (3) items:

47. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(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 21020 when contacting Parks Division staff about this project.
48. 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.
49. 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 Brad Hofmann at 267-4908 if you have any questions regarding the following item:

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

Please contact Lance Vest of the Office of Real Estate Services at 245-5794 if you have any questions regarding the following seven (7) items:

51. 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.
52. Prior to plat approval sign-off, an executed and notarized or authenticated certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate(s).

53. 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.
54. As of July 8, 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.
55. As of July 8, 2021, there are no special assessments due for the parcels within the plat boundary. [The deferred assessment shown on the City Assessor's website was fully paid in 2017.] Pursuant to MGO Section 16.23(5)(e)1 and Wis. Stats. 236.21(3), all special assessments that may become due prior to plat sign-off, 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.
56. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish to Lance Vest (lvest@cityofmadison.com) in the City's Office of Real Estate Services (ORES), as well as the surveyor preparing the plat, when sign-off 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 60-year Report of Title. ORES reserves the right to impose additional conditions of approval in the event the 60-year Report of Title contains changes that warrant revisions to the plat.
57. The following revisions shall be made on the final plat prior to final approval and recording:
 - a.) Depict, name, and identify by document number on the proposed plat all existing easements cited in record title.
 - b.) Provide proof of satisfaction or release for all liens and/or judgments of record prior to plat approval sign-off.

Please contact my office at 261-9632 if you have questions about the following three (3) items:

58. The applicant shall submit a grading plan and landscaping plan (with cross-sections) for approval by the Planning Division prior to recording of the final plat that provides a landscaped buffer for the western 80 feet of Lots 17 and 18 backing onto Pioneer Road consistent with the City-Town cooperative plan. The planting area/ buffer strip adjacent to Pioneer Road shall be reserved for the planting and maintenance of trees or shrubs by the respective lot owners or an association, and the building of buildings within the 80-foot setback shall be prohibited. The final plat shall include a note identifying the rights and responsibilities of the owners of the affected lots and/or any association to install and maintain this 80-foot buffer.
59. Note: Clear Pond Way, Wisteria Lane, Sandy Ridge Road, Red Pine Drive, and Weeping Willow Way qualify for a 56-foot wide local street right of way width (28 feet of pavement curb to curb) per Section 16.23(8)(a)8.a.iv.B. of the Subdivision Regulations, as determined with the preliminary plat approval.

60. Prior to final approval and recording of a final plat of this subdivision, the applicant shall work with the Planning Division and Capital Area Regional Planning Commission (CARPC) to revise the environmental corridor map to reflect the approved subdivision.

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

Timothy M. Parks
Planner

cc: Tim Troester, City Engineering Division
John Sapp, City Engineering Division
Jeff Quamme, City Engineering Division – Mapping Section
Eric Pederson, City Engineering Division – Mapping Section
Sean Malloy, Traffic Engineering Division
Bill Sullivan, Madison Fire Department
Ann Freiwald, Parks Division
Jeff Belshaw, Madison Water Utility
Jenny Kirchgatter, Assistant Zoning Administrator
Bradley Hofmann, Forestry Section
Lance Vest, Office of Real Estate Services