



Department of Planning & Community & Economic Development
Planning Division

Website: www.cityofmadison.com

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August 17, 2007

Craig Makela
Cherokee Park, Inc.
5000 N. Sherman Avenue
Madison, Wisconsin 53704

RE: Approval of a request to rezone 1507 Burning Wood Way from Temporary A (Agriculture District) to Planned Unit Development, General Development, Specific Implementation Plan (PUD-GDP-SIP) allow construction of three two-family condominium buildings, and approval of a Certified Survey Map creating two lots.

Dear Mr. Makela:

At its August 7, 2007 meeting, the Common Council **approved** your request to rezone 1507 Burning Wood Way from Temp. A to PUD-GDP-SIP and a two-lot Certified Survey Map of the same, subject to the following conditions of approval from reviewing agencies. The following conditions of approval shall be satisfied prior to final approval and recording of the planned unit development and Certified Survey Map:

Please contact Janet Dailey, City Engineering, at 261-9688 if you have questions regarding the following twenty-five (25) items on the PUD and CSM:

1. The site plan and CSM for this project do not show the public right of way of Burning Wood Way extended into the proposed development. The intent of the development is to construct a private roadway to provide access to the six dwelling units proposed on lot one. The private road is to be maintained by a property owners association. The public will have a right to use the private road for a bike and pedestrian path. It is the intent to extend a bike and pedestrian path from the end of the private road easterly to a new public street that would provide a connection to Sherman Avenue. The following comments shall be satisfied in order to provide for the above intent:
 - a.) The developer shall show a pedestrian bike path easement over Lot 1.
 - b.) The developer shall record a maintenance document that provides for the future maintenance of the private roadway by a Property Owners Association as required by the City Engineer. The recorded document shall also provide the Public with the right to use the private roadway in the event of an emergency.
 - c.) The developer shall keep the private roadway outside of the 75-foot wetland buffer and entirely within Lot 1. If these conditions are not possible, other conditions will need to be applied.
 - d.) The developer shall dedicate Sanitary Sewer and Water Main Easements over Lot 1 and Outlot 1 for all portions of those systems that are public.
2. The developer shall make improvements to the north end of Burning Wood Way as required by the City Engineer to properly terminate the existing street.

3. The developer shall enter into a City/ Developer agreement for construction of the termination of Burning Wood Way, for the construction of a bike / pedestrian path and for the construction of public utilities required to serve the development.
4. The Applicant shall show the limits of the "provisional" FEMA floodplain on the CSM, this will be done by survey using the regulatory elevation and locating that elevation on the property.
5. Portions of the proposed development including the sidewalk and the pedestrian/ bike path encroach into the 75-foot wetland buffer (setback). This constitutes a Minor Change to the Environmental Corridor and must be approved by the City prior to the approval of this development.
6. City Engineering will not sign off on the PUD until the CSM for this development has been recorded.
7. Define and monument a meander line boundary a safe distance from the waters edge along the western boundary of the proposed CSM and include net and gross land area calculations.
8. Please coordinate address plan for this development with Lori Zenchenko in City Engineering.
9. The construction of this building will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City/ Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer 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. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project, including the CSM.
10. A City licensed contractor shall perform all work in the public right of way.
11. The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used.
12. The following note shall be added to the certified survey map: "All lots created by this certified survey map are individually responsible for compliance with Chapter 37 of the Madison General Ordinances in regard to storm water detention at the time they develop."
13. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
14. The City of Madison is an approved agent of the Department of Commerce. This proposal contains a commercial building and as such, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the Wisconsin Department of Natural Resources is required.
15. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to detain the 2, 10, & 100-year storm events, control 80% TSS (5 micron particle) and provide infiltration in accordance with NR-151.
16. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the Engineering Division (Lori Zenchenko). The digital copies shall be drawn to scale and represent final

construction, including: building footprints, internal walkway areas, internal site parking areas, lot lines/ numbers/ dimensions, street names, other miscellaneous impervious areas.

17. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
18. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management File including: SLAMM DAT files; RECARGA files; TR-55/HYDROCAD/etc. and; sediment loading calculations. If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided.
19. A minimum of two working days prior to requesting City Engineering signoff on the CSM, the applicant shall contact Janet Dailey (261-9688) to obtain the final stormwater utility charges that are due and payable prior to sub-division of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service. All charges shall be cleared prior to the land division (and subsequent obsolesces of the existing parcel).
20. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
21. A separate and independent sanitary sewer lateral shall serve each unit of a duplex building.
22. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service.
23. 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 condition reports for all monuments, including center of sections of record, used in this survey, to Eric Pederson, City Engineering. 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. The Applicant shall identify monument types on all PLS corners included on the Plat or CSM. Note: Land tie to two PLS corners required.
24. In accordance with Section s.236.18(8), Wisconsin Statutes, the applicant shall reference City of Madison WCCS Dane Zone, 1997Coordinates on all PLS corners on the Certified Survey Map in areas where this control exists. The surveyor shall identify any deviation from City Master Control with recorded and measured designations. City of Madison has established WCCS, Dane Zone Coordinates on all PLS corners within its corporate boundary. Visit the City of Madison Engineering Division website http://gis.ci.madison.wi.us/Madison_PLSS/PLSS_TieSheets.html for current tie sheets and control data. If a surveyor encounters an area without a published WCCS Dane Zone 1997 value, contact Engineering Division for this information.
25. Prior to Engineering final sign-off by main office for final plats, the 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. E-mail submittal of the final plat in PDF form is preferred. Transmit to epederson@cityofmadison.com.

Please contact John Leach, Traffic Engineering, at 267-8755 if you have questions about the following five items on the PUD and CSM:

26. When the applicant submits final plans for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), adjacent driveway approaches to lots on either side and across the street, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.
27. The applicant shall design and dimension driveways, backup, etc. according to Madison General Ordinances.
28. The developer shall post a deposit and reimburse the City for all costs associated with any modifications to traffic signals, street lighting, signing and pavement marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.
29. The applicant shall execute and return a declaration of conditions and covenants for streetlights and traffic signals available from the Traffic Engineering Division prior to sign off. The applicant will need to provide a deposit for their reasonable and proportionate share of traffic signal costs.
30. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Please contact Scott Strassburg, Madison Fire Department, at 261-9643 if you have questions about the following two items:

31. All portions of the exterior walls of newly constructed one- and two-family dwellings shall be within 500 feet of at least one fire hydrant. Distances are measured along the path traveled by the fire truck as the hose lays off the truck. See MGO 34.20 for additional information.
32. As required by MGO 10.34 and IFC 505.1, all residential and commercial buildings must have the approved address posted. The address numbers shall be four inches in height, numbers shall be in contrast to the background and visible from the street.

Please contact Dennis Cawley, Madison Water Utility, at 266-4651 if you have any questions regarding the following item:

33. This project shall include the installation of a public water main to allow for a future connection to N. Sherman Avenue. When Lot 1 is developed, a public water main easement shall be dedicated to allow for a future connection to N. Sherman Avenue. All public water mains and laterals shall be installed by standard City of Madison Subdivision Contract. The Water Utility will not need to sign off the final plans, but will need a copy of the approved plans.

Please contact Matt Tucker, Zoning Administrator, at 266-4551 if you have questions regarding the following four items:

34. Provide a site plan to a smaller scale that will fit the entire site on one sheet showing the location of buildings, property lines, drives, and wetland etc. Note: Plans with colored and shaded sheets are not recordable. Please label with words instead of colors or shades.

35. The driveway (and any other improvements) in the 75-foot wetland setback area shall be approved by Regional Planning and City Engineering.
36. Show addresses on the buildings on the final site plan.
37. In the Zoning Text, signage shall meet requirements per Chapter 31 of the Madison General Ordinances per the R3 district and as approved by the Urban Design Commission. [Superseded by Planning Division condition #40d, requiring R1 signage.]

Please contact Si Widstrand, Parks Division, at 266-4711 if you have questions about the following two items:

38. The developer shall pay approximately \$5,048.70 for park development fees (\$841.45 per unit). The developer must select a method for payment of park fees before signoff on the PUD-GDP-SIP. Prior to City signoff on this project, the developer shall select one of the following options for paying these fees:
 - Payment of all fees in a lump sum prior to City signoff on the project;
 - When fees exceed \$20,000, the developer may pay half the fees and provide a two-year letter of credit at no interest for the remaining half of the fees, both prior to City signoff;
 - When fees exceed \$50,000 for plats being built with phased subdivision improvement contracts, the developer may pay the fees due for the number of units in each contract phase, paid at the time of contract execution, and at the fee rates then in effect. Under this option, the fees shall be calculated and prorated to each lot on the development, and the developer shall record a notice of the outstanding impact fees for each lot prior to receiving City signoff for the project.
 - The developer has elected to defer the payments until such time as the building permits are applied for, in which case the owner(s) shall have fourteen (14) days after receiving the invoices to pay the outstanding impact fees. The following shall be required prior to project sign off:
 - a) The developer shall supply an Excel spreadsheet with lot numbers, lot areas, and number of dwelling units per lot. The Developer shall supply a Cadd file of the proposed FINAL plat, in a format compatible with Microstation J. This information shall be required to calculate the Impact Fees, which will then be recorded at the Register of Deeds against each lot in the subdivision.
 - b) All information shall be transmitted to Janet Dailey by e-mail at Jdailey@cityofmadison.com, or on a CD to:
Janet Dailey, City of Madison Engineering Division; 210 Martin Luther King Jr. Blvd., Room 115; Madison, WI 53703
 - c) A minimum of three (3) weeks shall be required for staff to calculate the Impact Fees and record the documents prior to plat sign-off.
 - d) The developer shall put the following note on the face of the plat: "All the lots within this subdivision are subject to impact fees that are due and payable within fourteen days of the issuance of building permit(s)."
39. The park dedication requirement is 6,600 square feet based on 1,100 square feet per unit. Based on the annexation agreement, this dedication shall be included in a dedication land bank at the Wheeler Road/Delaware Boulevard location. The dedication land bank agreement shall be drafted and provided for City adoption and approved by staff prior to signoff on the PUD-GDP-SIP.

Please contact my office at 261-9632 if you have questions about the following three Planning Division conditions or the four conditions of approval added by the Plan Commission and Common Council:

40. That the zoning text and site plans be revised per Planning Division and Zoning approval as follows:
 - a.) the floor area ratio shall be noted "as shown on the approved plans;"

- b.) the size of the subject site shall be revised in the statement of purpose based on the final Certified Survey Map of the property;
 - c.) uses for this project shall be listed as: "Two-family residences as shown on the attached plans and any accessory uses related thereto;"
 - d.) no building shall occur within the 75-foot wetland setback;
 - e.) signage is limited to the maximum permitted in the adjacent R1 zoning district and as approved by the Urban Design Commission and Zoning Administrator.
41. That the applicant revise the Certified Survey Map to include any public pedestrian easements necessary to provide public access to and maintenance of the public sidewalks proposed on each side of the 20-foot access drive shown on the development plans, as well as the 10-foot wide public bike path. Adequate fire department access to the three residential buildings and the public bike path shall also be provided on the face of the CSM. A gate shall be placed at the end of the private access drive just north of the last duplex building to prevent non-emergency vehicular traffic from traveling on the path.
42. That the applicant receive approval from the Capital Area Regional Planning Commission of any alterations to the 75-foot wetland setback and environmental corridor necessary for the implementation of the proposed development prior to final signoff of the planned unit development for recording and construction.
43. Madison Gas & Electric is requesting a six-foot utility easement along the southern and eastern lines of Lot 1.
44. That the private drive be relocated off Outlot 1, or that an easement be granted to the City of Madison for that portion of the drive on the future City-owned property as part of the final approved CSM.
45. That the applicant work with the City Engineer's Office to keep the 20-foot wide drive aisle out of the 75-foot wetland setback.
46. That a gate be placed where the sidewalk meets the bike path.
47. That the bike path be only ten feet wide [past the end of the 20-foot drive aisle].
48. That the southernmost duplex be located no closer than fifteen (15) feet of the south property line.

Please note that the City Real Estate Office is reviewing the report of title provided with this survey and may have comments. That office will send any comments to you by fax. If you have any questions, please contact Jeff Ekola at 267-8719 for more information.

Specific questions regarding comments or conditions should be directed to the commenting agency.

After the plans have been changed as per the above conditions, please file **eight (8) sets** of the revised, complete site plans, building elevations, floor plans and any other documentation requested herein with the Zoning Administrator, Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard. The sets of final revised plans or documents will be circulated by the Zoning staff to the City department staff listed above for their signature of final approval.

Upon receipt of the aforementioned plans, documents and fees, and upon determining that they are complete, the Zoning Administrator shall record them with the Dane County Register of Deeds Office. The recorded originals will be returned to the applicant, with the recording information noted, when the Register of Deeds has completed the recording process.

If this plan is not recorded within one year of the date of approval by the Common Council, the approval shall be null and void. No construction or alteration of the property included in this application shall be permitted until a Specific Implementation Plan (SIP) has been approved and recorded.

Within thirty-six (36) months of Common Council approval of the general development plan, the basic right of use for the areas, when in conformity with the approved specific implementation plan, shall lapse and be null and void unless 1) the project, as approved, is commenced by the issuance of a building permit, or 2) if an application for an extension is filed at least thirty (30) days prior to the expiration of the thirty-six (36) month period and the Plan Commission, after a public hearing pursuant to Sec. 28.12(10)(e), determines that no changes in the surrounding area or neighborhood since approval of the general development plan render the project incompatible with current conditions and grants an extension of up to twenty-four (24) months in which to obtain a building permit. In no case shall an extension allow a building permit to be issued more than sixty (60) months after approval of the general development plan by the Common Council. If a new building permit is required pursuant to sec. 29.06(4), Madison General Ordinances, a new petition and approval process shall be required to obtain general development plan approval and specific implementation plan approval.

As soon as the comments and conditions for the Certified Survey Map have been satisfied as verified with a completed affidavit form (enclosed), the original along with the revised Certified Survey Map, with all signatures and approvals from the reviewing agencies, shall be brought to this office for final signoff. You or your client may then record the certified survey at the Dane County Register of Deeds. For information on recording procedures and fees, contact the Register of Deeds at 266-4141.

Upon acceptance and recording of the certified survey map by the Dane County Register of Deeds, please transfer the recorded volume, document number, and page numbers to the copies and forward a copy to this office for our records. The original survey map with the recording information is permanently kept on file in the Dane County Register of Deeds Office. A copy of the recorded document can be obtained from the Register of Deeds Office, Room 110, City-County Building or the Real Estate Office in the Madison Department of Planning and Development.

Any appeal from this action, including the conditions of approval, must be filed with the Circuit Court within thirty (30) days from the date of this letter. The approval of this CSM shall be null and void if not recorded in **six (6) months** from the date of the approving resolution. If you have any questions or if may be of any further assistance, please do not hesitate to contact my office at 261-9632.

Sincerely,

Timothy M. Parks
 Planner

For Official Use Only, Re: Site Plan Routing for PUD			
<input checked="" type="checkbox"/>	Planning Div. (T. Parks)	<input type="checkbox"/>	CDBG
<input checked="" type="checkbox"/>	Zoning Administrator	<input checked="" type="checkbox"/>	Parks Division (park fees)
<input checked="" type="checkbox"/>	City Engineering	<input checked="" type="checkbox"/>	Urban Design Comm. Staff
<input checked="" type="checkbox"/>	Traffic Engineering	<input type="checkbox"/>	Recycling Coordinator (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input type="checkbox"/>	Other:

- cc: Janet Dailey, City Engineering
- John Leach, Traffic Engineering
- Si Widstrand, Parks Division
- Scott Strassburg, Madison Fire Department
- Matt Tucker, Zoning Administrator
- Dennis Cawley, Madison Water Utility
- Jeff Ekola, Real Estate Unit
- Norb Scribner, Dane County Land Records and Regulations