



PREPARED FOR THE PLAN COMMISSION

Project Address: 403 and 404 Schewe Road
Application Type: Zoning Map Amendment and Preliminary Plat
Legistar File ID # [33592](#) and [33671](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted
Reviewed By: Michael Waidelich, Principal Planner

Summary

Applicant: Chad Wuebben, Encore Investments, LLC; 6840 Schneider Road; Madison.

Property Owner: Elderberry Associates, LLC; 101 E. Main Street; Mount Horeb.

Surveyor: Michelle L. Burse, Burse Surveying & Engineering, Inc.; 1400 E. Washington Ave.; Suite 158; Madison.

Requested Action: Approval of a request to rezone 403 and 404 Schewe Road from Temp. A (Agricultural District) to SR-C2 (Suburban Residential-Consistent 2 District) and approval of a preliminary plat for the future creation of 51 single-family lots and 3 outlots to be dedicated to the City for stormwater management and greenway purposes.

Proposal Summary: The applicant is requesting approval of the preliminary plat of "Autumn Ridge Reserve", which will include 51 street-loaded single-family lots, 2 outlots for public stormwater management, and 1 outlot for greenway and multi-purpose path purposes. Implementation of the subdivision will begin in August 2014 following approval and recording of a final plat, with completion of subdivision improvements anticipated later this year.

Applicable Regulations & Standards: Section 28.182 of the Zoning Code provides the process for zoning map amendments. 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. 236, requires that a preliminary plat be approved, conditionally approved, or rejected (with stated reasons) within 90 days of submittal unless the time is extended by agreement with the applicant. If no action is taken within 90 days and no extension granted, the plat is deemed approved. The proposed preliminary plat application was submitted to the City on April 2, 2014. Therefore, the 90-day review period for this plat will end circa July 2, 2014.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022-00119, rezoning 403 and 404 Schewe Road from Temp. A to SR-C2, and the preliminary plat of Autumn Ridge Reserve to the Common Council with recommendations of **approval** subject to input at the public hearing, the addition of the subject property to the Central Urban Service Area, and the conditions from reviewing agencies beginning on page 4 of this report.

Background Information

Parcel Location: An approximately 20.7-acre parcel generally located on the north side of Elderberry Road at Schewe Road; Aldermanic District 9 (Skidmore); Middleton-Cross Plains Area School District.

Existing Conditions and Land Use: Undeveloped land, zoned Temp. A (Agricultural District).

Surrounding Land Use and Zoning:

North: Undeveloped agricultural land in the Town of Middleton;

South: Undeveloped land in the City of Madison, zoned A (Agricultural District);

East: Undeveloped agricultural land in the Town of Middleton; Sauk Heights single-family subdivision in the City of Madison; zoned SR-C2 (Suburban Residential-Consistent 2 District);

West: Undeveloped agricultural land in the Town of Middleton.

Adopted Land Use Plan: The [Elderberry Neighborhood Development Plan](#) identifies the subject site for low-density residential uses up to 8 units an acre with the exception of a drainage corridor located along the western edge of the site adjacent to Schewe Road, which is recommended for park, drainage and open space uses.

Zoning Summary: The following bulk requirements apply in SR-C2 (Suburban Residential-Consistent 2 District):

	Required	Proposed
Lot Area (sq. ft.)	6,000 sq. ft per lot	All proposed lots will exceed
Lot Width	50'	All proposed lots will exceed
Front yard setback	30'	TBD at permitting
Side yard setback	One story: 6' / two story: 7'	TBD at permitting
Rear yard	Lesser of 30% lot depth or 35'	TBD at permitting
Maximum lot coverage	75%	TBD at permitting
Maximum building height.	2 stories/35'	TBD at permitting
Usable open space (sq. ft. per unit)	1,000	TBD at permitting; See Zoning Condition
Other Critical Zoning Items		
Yes:	Utility Easements (to be established with final plat)	
No:	Urban Design, Wellhead Protection, Floodplain, Landmarks, Waterfront Development, Adjacent to Parkland	
<i>Prepared by: Pat Anderson, Assistant Zoning Administrator</i>		

Environmental Corridor Status: The subject site is currently not located in the Central Urban Service Area and is not therefore located within a mapped environmental corridor. However, Map A8 identifies areas of steep slope (greater than 12%) and woodlands with greater than 80% canopy present on the western edge of the property.

Public Utilities and Services: The site will be served by a full range of urban services as it develops with the exception of Metro Transit, which does not currently provide service west of Junction Road.

Project Description

The applicant is requesting approval of a zoning map amendment and preliminary plat for an approximately 20.7-acre parcel located on the north side of Elderberry Road where it curves to become Schewe Road in the western half of the Elderberry neighborhood. The proposed subdivision calls for 51 future single-family lots to be developed in the SR-C2 residential zoning district. Three outlots will be dedicated to the City with the plat, including 2 outlots for stormwater management and 1 outlot for a greenway and future north-south multi-purpose path corridor.

The subject property is currently undeveloped agricultural land that was recently attached to the City from the Town of Middleton. Most of the site is characterized by rolling terrain that falls to the west and east from a ridge located near the center of the property. The westernmost edge of the property is characterized by a limestone ridge and woodlands located adjacent to western edge of Schewe Road. The grades on the western half of the site fall towards a north-south drainage corridor that parallels Schewe Road and a low point at the southwestern corner of the site across Schewe Road from the rest of the property. At present, Schewe Road exists outside of a 49.5-foot wide highway easement that extends north-south across the western quarter of the site.

The subject site is located within the boundaries of the 2002 [Elderberry Neighborhood Development Plan](#), which recommends that the subject site be developed with low-density residential uses up to 8 units an acre with the exception of the drainage corridor that parallels Schewe Road along the western edge of the site, which is recommended for park, drainage and open space uses. The drainage corridor is identified in the plan as part of a major drainageway that conveys stormwater in the western half of the Elderberry planning area south to Mineral Point Road.

At present, the subject site is not located within the Central Urban Service Area (CUSA). A request to amend the CUSA to add portions of the western Elderberry neighborhood, including the subject site, has been submitted to Capital Area Regional Planning Commission (CARPC) and Wisconsin Department of Natural Resources (WDNR) for approval concurrent with the Plan Commission and Common Council review of the proposed rezoning and preliminary plat. A condition of approval of the preliminary plat will restrict final approval and recording of the final plat of the proposed subdivision until such time as the amendment including the site in the CUSA has been approved by the CARPC and WDNR.

Access to the 51 future single-family lots will be provided by the dedication and construction of "Burnt Sienna Drive" and "Straw Harvest Lane" north from Elderberry Road through the proposed plat. The applicant has worked with Planning, City Engineering and Traffic Engineering staff to implement a street plan in this portion of the Elderberry planning area that calls for the eventual discontinuance of Schewe Road through the subject site. As this portion of the Elderberry neighborhood develops, the Schewe Road corridor that currently winds between Elderberry and Old Sauk roads will largely be replaced by a series of local streets to provide north-south vehicular circulation through the subject site and neighboring properties located east of the existing road alignment. Upon the extension of Burnt Sienna Drive further to the north as part of the future subdivision of neighboring properties, staff envisions that the section of Schewe Road through the subject site will be converted to a public greenway (Outlot 1 of the preliminary plat), which will contain a future multi-purpose path to be constructed by the City through this portion of the Elderberry neighborhood.

In addition to the proposed greenway outlot, the preliminary plat identifies 2 outlots to be dedicated to the City with the final plat for stormwater management along the western and southern edges of the site (Outlots 2 and 3, respectively).

Analysis & Conclusion

The Planning Division believes that the proposed rezoning of the 20.7-acre subject site to SR-C2 and the preliminary plat creating 51 future single-family lots conforms to the applicable lot design standards in the Zoning Code and Subdivision Regulations and to the land use and street pattern recommended for the site by the Elderberry Neighborhood Development Plan. The proposed realignment of the planned local streets within and in the vicinity of this subdivision and the eventual discontinuance of Schewe Road through the subject site will provide comparable or better connectivity while minimizing the potential for environmental damage compared to the existing street plan for this portion of the neighborhood. The proposed street realignment will also provide a better corridor for the planned pedestrian-bicycle path through this portion of the neighborhood compared to the alignments currently shown in the Elderberry Neighborhood Development Plan.

The proposed subdivision will have a net density of approximately 5.11-units per acre based on 51 single-family units on approximately 10 net acres of development (non-inclusive of proposed public outlots and street rights of way). The proposed density is well within the density recommendations in the neighborhood development plan, which recommends that low-density residential development not exceed 8 units an acre. The proposed Autumn Ridge Reserve subdivision follows the development pattern that has emerged gradually from east to west across the Elderberry neighborhood over the last 10 years, including the Sauk Heights and Woodstone single-family subdivisions, Blackhawk Church Town Center mixed-use planned development, and recently approved Paragon Place (formerly Highlands Community) medium-density residential subdivision.

Recommendation

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

The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022–00119, rezoning 403 and 404 Schewe Road from Temp. A to SR-C2, and the preliminary plat of Autumn Ridge Reserve to the Common Council with recommendations of **approval** subject to input at the public hearing, the addition of the subject property to the Central Urban Service Area, and the following conditions:

Recommended Conditions of Approval Major/Non-Standard Conditions are Shaded

1. That final approval and recording of the final plat of the Autumn Ridge Reserve subdivision not occur until such time as the subject site has been added to the Central Urban Service Area.

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

City Engineering Division (Contact Janet Schmidt, 261-9688)

2. Contact Engineering (Jeff Quamme – jrquamme@cityofmadison.com) to receive the appropriate easement terms/conditions language for inclusion on the final plat for the Public Drainage Easement(s) and the Public Storm Sewer Easement(s) proposed to be dedicated and conveyed by the future final plat.
3. Provide ‘recorded as’ data from the deed of record on the external boundary of the plat. Also, provide a bearing and distance on the plat for the south property line.

4. Prior to recording the plat, applicant shall grant a Public Street Easement of adequate width and proper alignment, as determined by City Engineering and City Traffic Engineering staff, over proposed Outlots 1 and 2. Upon the determination of width and alignment, the applicant shall provide a map exhibit and legal description and required fees for City of Madison Office of Real Estate Services to draft and record the easement document.
5. The applicant shall dedicate the full width of the existing 49.5-foot road easement per Page 169 of the County Highway book as part of Elderberry Road.
6. The preliminary plat shall show and denote the current City of Madison Corporate Boundary.
7. The preliminary plat as mapped does not include any lands in the Northwest Quarter of the Southwest Quarter. This forty shall be removed from the location statement under the preliminary plat title.
8. "No vehicular access" shall be noted and shown from Lots 1, 42 and 43 to Elderberry Road on the final plat.
9. The proposed use designation for Outlot 1 shall be revised to be "Dedicated to the Public for Public Storm Water Management and Public Walkways & Bike Paths."
10. The applicant shall be responsible for construction of Elderberry Road adjacent to the plat, including all grading, base course, curb, gutter, sidewalk, pavement and any necessary utilities to serve the development. The final roadway shall consist of a half- street with shoulder and ditch along the south side of Elderberry Road.
11. It is understood that an application has been made to add this property to the Central Urban Service Area (CUSA). The CUSA amendment shall be approved prior to the approval of the final plat.
12. This property shall provide matching runoff rates that allow for the 10-year post development runoff volume to match the predevelopment 10-year runoff volume.
13. Off-plat sanitary sewer facilities shall be extended by the developer at their cost to serve the development. Coordinate the extension of the public sanitary sewer system with City Engineering Division staff.
14. Due to the proposed realignment of existing public streets adjacent to and within this development, the western portion of the plat may not be able to be constructed until Schewe Road and/or Elderberry Road are relocated into their future locations.
15. Elderberry Road and Schewe Road are currently maintained by the Town of Middleton. Any improvements to the roadways will require permitting and approval by the Town.
16. The developer shall enter into a City/Developer agreement for the installation of public improvements required to serve this plat/ CSM. The developer shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The developer shall meet with the City Engineer to schedule preparation of the plans and the agreement. The City Engineer will not sign off on this plat without the agreement executed by the developer.

17. 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 9 feet below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer.
18. This development is subject to impact fees for the Elderberry Neighborhood Sanitary Sewer Impact Fee District and the Lower Badger Mill Creek Stormwater Impact Fee District. All impact fees are due and payable at the time building permits are issued. The following note shall be put the face of the plat: "Lots/buildings within this subdivision are subject to impact fees that are due and payable at the time building permit(s) are issued."
19. The applicant shall dedicate a 49.5 foot wide strip of right of way along Elderberry Road.
20. The developer shall construct Madison standard street and sidewalk improvements for all streets within the plat.
21. The developer shall establish a 30-foot building setback line for all lots on the plat adjacent to Elderberry Road.
22. The developer shall note that City funds for park frontage are limited and will be determined at the sole discretion of the City.
23. The developer shall make improvements to Elderberry Road to facilitate ingress and egress to the plat.
24. An erosion control plan and land disturbing activity permit shall be submitted to the City Engineering Division for review and approval prior to grading or any other construction activities. The Preconstruction Meeting for Public Improvements shall not be scheduled prior to issuance of this permit. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of 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.
25. The following notes shall be included on the final plat:
 - a.) All lots within this plat are subject to public easements for drainage purposes which shall be a minimum of 6-feet in width measured from the property line to the interior of each lot except that the easements shall be 12-feet in width on the perimeter of the plat. For purposes of two (2) or more lots combined for a single development site, or where two (2) or more lots have a shared driveway agreement, the public easement for drainage purposes shall be a minimum of six (6) feet in width and shall be measured only from the exterior property lines of the combined lots that create a single development site, or have a shared driveway agreement, except that the easement shall be twelve (12) feet in width along the perimeter of the plat. Easements shall not be required on property lines shared with greenways or public streets. No buildings, driveways, or retaining walls shall be placed in any easement for drainage purposes. Fences may be placed in the easement only if they do not impede the anticipated flow of water.
 - b.) The intra-block drainage easements shall be graded with the construction of each principle structure in accordance with the approved storm water drainage plan on file with the City Engineer and the Zoning Administrator, as amended in accordance with the Madison General Ordinances.

NOTE: In the event of a City of Madison Plan Commission and/or Common Council approved re-division of a previously subdivided property, the underlying public easements for drainage purposes are released and replaced by those required and created by the current approved subdivision.

Information to Surveyor's: In addition to notes such as this, WI State Plat Review now enforces the requirement that easements or other reference lines/areas be graphically shown, dimensioned and tied when they represent fixed locations. They will accept a "typical detail" when the easement or restriction can be effectively described and retraced from the typical detail.

26. Prior to the issuance of building permits, the developer shall submit a master stormwater drainage plan to the City Engineering Division for review and approval which shows lot corner elevations to the nearest 0.25-foot. For purposes of the plan, it shall be assumed that grading shall be done on a straight-line grade between points unless other information is provided. The proposed slope between points shall always be greater than or equal to .0075 ft/ft. If a break in grade is required between lot corners a shot shall be taken at that break in grade to provide the Engineer with enough information to interpret the plan. The developer shall also show proposed drainage arrows on the plan to indicate the proposed direction of drainage.

The master storm water drainage plan shall be submitted to City Engineering in digital format with elevations/grades/contours shown on the recorded plat map of the development. The digital record shall be provided using the state plane coordinate system – NAD 27. Note: It is required that this plan shall be stamped by and Registered Land Surveyor.

The following note shall accompany the master stormwater drainage plan: "For purposes of this plan, it is assumed that grading shall be a straight-line grade between points unless otherwise indicated. All slopes shall be 0.75% or steeper. Grade breaks between lot corners are shown by elevation or through the use of drainage arrows. No building permits shall be issued prior to the City Engineering Division's approval of this plan."

27. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to: detain the 2-, 10- and 100-year storm events; control 80% TSS (5 micron particle) off of new paved surfaces; provide infiltration in accordance with Chapter 37 of Madison General Ordinances; provide substantial thermal control, and; complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by Chapter 37 MGO.
28. A minimum of 2 working days prior to requesting City Engineering signoff on the plat, the applicant shall contact Janet Schmidt (261-9688) to obtain the final stormwater utility charges that are due and payable prior to subdivision 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).
29. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat.
30. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to City Engineering Division sign-off, unless otherwise

collected with a Developer's/ Subdivision Contract. Contact Janet Schmidt (261-9688) to obtain the final MMSD billing a minimum of 2 working days prior to requesting City Engineering signoff.

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 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. Note: Land tie to two PLS corners required.
32. 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 plat in areas where this control exists. The surveyor shall identify any deviation from City Master Control with recorded and measured designations. The City has established WCCS, Dane Zone Coordinates on all PLS corners within its corporate boundary. Visit the City Engineering Division website for current tie sheets and control data (http://gis.ci.madison.wi.us/Madison_PLSS/PLSS_TieSheets.html). If a surveyor encounters an area without a published WCCS Dane Zone 1997 value, contact the City Engineering Division for this information.
33. In accordance with Section s.236.20(2)(c)&(f), Wisconsin Statutes, the applicant must show type, location and width of any and all easements. Clearly identify the difference between existing easements (cite Register of Deeds recording data) and easements which are being conveyed by the plat. Identify the owner and/or benefiting interest of all easements.
34. City of Madison Environmental Projects staff have reviewed the subject site and determined that a Phase I ESA **will** be required of the applicant. The applicant shall provide 1 digital and 2 hard copies of an ASTM Phase I ESA prepared by an environmental professional. Staff review of this Phase I ESA will determine if a further investigative Phase II ESA is also required. Please submit any relevant Phase I and Phase II ESAs to Brynn Bemis (267-1986, bbemis@cityofmadison.com) for further review.

Traffic Engineering Division (Contact Eric Halvorson, 266-6527)

35. A declaration of conditions and covenant for streetlights and traffic signals shall be executed and returned prior to signoff of the final plat. The applicant will need to provide a deposit for their reasonable and proportionate share of traffic signal costs.
36. Utility easements shall be provided on the final plat between the lots in the following table. The applicant shall show a detail drawing of the 12-foot utility easement dimensions and lot lines on the face of the final plat.

| Between Lots |
|--------------|--------------|--------------|--------------|--------------|
| 1-2 | 18-19 | 26-27 | 38-39 | 46-47 |
| 9-10 | 22-23 | 34-35 | 41-42 | 50-51 |

37. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Zoning Administrator (Contact Pat Anderson, 266-5978)

38. Identify qualifying usable open space areas as required in the requested zoning district, specifically Lots 1-8. 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 ten percent (10%). Usable open space shall be outside of a required front or corner side yard, as extended to the rear lot line, which is available to all occupants for outdoor use. 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 in usable open space.

Fire Department (Contact Bill Sullivan, 261-9658)

39. Provide the following information to the buyer of each individual lot: "The Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D and SPS 382.40(3)(e)."

Water Utility (Contact Dennis Cawley, 261-9243)

40. The proposed plat is not adjacent to a public water main. Public water main shall be extended to this plat either by a standard City of Madison Subdivision Contract, or a standard City of Madison Assessment Reimbursement Contract.

41. All public water mains and water service laterals shall be installed by a 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.

42. All operating private wells shall be identified and permitted by the Madison Water Utility and all unused private wells shall be abandoned in accordance with MGO Sec. 13.21.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not provide comments for this request.

Parks Division (Contact Kay Rutledge, 266-4714)

43. The Elderberry Neighborhood Development Plan does not identify parkland within this area; nearby parks include Sauk Heights Park to the northeast as well as future parkland dedications to the northwest and southwest of this development according to the neighborhood plan. Park impact fees (comprised of the Park Development Impact Fee per MGO Sec. 20.08(2) and the Parkland Impact Fee in lieu of land dedication per MGO Sec. 16.23(8)(f) and 20.08(6)) will be required for all new residential development in this subdivision. The developer must select a method for payment of park fees before signoff on the final plat. This development is within the Far West park impact fee district (SI30). Please reference ID# 14121 when contacting Parks Division staff about this project.

44. Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right of way. Permission for such activities must be obtained from the City Forester, 266-4816.

Office of Real Estate Services (Jenny Frese, 267-8719)

45. Owner's Certificates shall be included and 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 on the final plat.
46. A certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate(s) on the final plat.
47. All consents and certifications required for the owner and any holder of interests in the subject lands shall be included on the final plat in a manner that is in conformance with Wis. Stats. Section 236.21(2) and 236.29, i.e., include language "...surveyed, divided, mapped and dedicated..."
48. When submitted, the final plat shall include current Dane County Treasurer, Dane County Register of Deeds, City of Madison Common Council, City of Madison Treasurer certificates. A signature block for the City Plan Commission is not required but would be appreciated.
49. An Environmental Site Assessment is required because of the public dedications.
50. Per Chapter 236.21(3) of 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 the subject properties prior to final approval of the final plat for recording.
51. The following revisions shall be made to the final plat prior to final approval and recording:
 - a.) Accurately reflect the contents of the title report in the proposed plat.
 - b.) Create and record, or show as being dedicated in the proposed plat, easements for utility and drainage rights of way.
 - c.) Include the following sentence with the dedicated utility easements depiction in the Legend: Utility Easements as herein set forth are for the use of public bodies, as well as private utilities having the right to serve the area.