



Department of Planning & Development  
**Planning Unit**

Website: [www.cityofmadison.com](http://www.cityofmadison.com)

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June 23, 2005

Francis Thousand  
Arnold & O'Sheridan, Inc.  
1111 Deming Way  
Madison, Wisconsin 53717

RE: Approval of a request to rezone 18.9 acres located at 5402-5434 Commercial Avenue from Temporary A (Agriculture District) to R1 (Single-Family Residence District) and approval of a preliminary plat and final plat creating lots nine single-family lots, one institutional lot for a church, three outlots for landscaping and signage and one outlot for public stormwater detention.

Dear Mr. Thousand:

At its June 21, 2005 meeting, the Common Council **conditionally approved** your client's rezoning and subdivision plat for the "Eagle Crest Subdivision" subject to the following conditions of approval from reviewing agencies:

**Please contact Gary Dallmann, City Engineering, at 266-4751 if you have questions regarding the following twenty-four (24) items:**

1. The Developer shall construct Fairview Drive to a point approximately 150 feet east of Vernon Road easterly into the proposed plat.
2. This development is required to control 80% total suspended solids removal, 1+10 year stormwater detention, and infiltration in accordance with NR-151.
3. If Lot 9 is a commercial lot the developer may choose to meet stormwater requirements for that lot on that site. If so, a note will be added to the plat stating that.
4. Proposed noise berm adjacent to Outlot 3 shall not be a part of Outlot 3 unless outlot shall remain private.
5. Outlot 2 shall be eliminated and made part of the right-of-way.
6. Preliminary plat does not show how noise berm will terminate on the south end of plat. It cannot occupy any portion of the storm basin, if the basin is public.
7. This development shall require extending storm sewer off plat and along Commercial Avenue/CTH T.
8. Applicant shall submit a check payable to the Town of Burke in the amount of \$3,142.98 for the Eagle Crest Interceptor.

9. Applicant shall submit a check payable to the City of Madison in the amount of \$5,836.10 for the City of Madison sewer area fees.
10. Vernon Road "GAP" dedication must be recorded before this plat. Refer to City Real Estate Project No. 8136.
11. Fairview Drive street name must change at its east terminus to Holy Cross Way. Proposed Lot 1 will require an address change from its existing 5402 Fairview Drive to a new Holy Cross Way address.
12. The developer shall enter into a City/ Developer agreement for the installation of public improvements required to serve this plat. 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.
13. The developer shall construct Madison Standard street improvements for all streets within the plat.
14. The developer shall make improvements to Commercial Avenue/ CTH T to facilitate ingress and egress to the plat.
15. An erosion control plan and land disturbing activity permit shall be submitted to the Engineering Division for review and approval prior to grading or any other construction activities. The Pre-construction 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.
16. 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.
17. 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.

The following note shall accompany the master storm water 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 City Engineering’s approval of this plan.

18. Prior to recording, this plat shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Please contact Greg Fries at 267-1199 to discuss these requirements.
19. This site is greater than one (1) acre and the applicant is required by State Statute to obtain a Notice of Intent Permit (NOI) from the Wisconsin Department of Natural Resources. Please contact Jim Bertolacini of the WDNR at 275-3201 to discuss this requirement.
20. NR-151 of the Wisconsin Administrative Code will be effective on October 1, 2004. Future phases of this project shall comply with NR 151 in effect when work commences. Specifically, any phases not covered by a Notice of Intent (NOI) received from the WDNR under NR-216 prior to October 1, 2004 shall be responsible for compliance with all requirements of NR-151 Subchapter III. As most of the requirements of NR-151 are currently implemented in Chapter 37 of the Madison General Ordinances, the most significant additional requirement shall be that of infiltration.

NR-151 requires infiltration in accord with the following criteria. For the type of development, the site shall comply with one of the three (3) options provided below:

Residential developments shall infiltrate 90% of the predevelopment infiltration amount, 25% of the runoff from the 2-year post development storm or dedicated a maximum of 1% of the site area to active infiltration practices.

Commercial development shall infiltrate 60% of the predevelopment infiltration amount, 10% of the runoff from the 2-year post development storm or dedicate a maximum of 2% of the site area to active infiltration practices.

21. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to connection to the public sewerage system.
22. 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.
23. In accordance with Section s. 236.18(8), Wisconsin Statutes, the Applicant shall reference City of Madison NAD 1927 Coordinates on all PLS corners on the Plat or 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 NAD 1927 Coordinates on all PLS corners within its corporate boundary. Visit the City of Madison Engineering Division web address site for current tie sheets and control data. If a surveyor encounters an area without a published NAD 1927 value, contact Engineering Division for this information.

24. In accordance with Section s.236.34(1) (c) which says a plat shall be prepared in accordance with 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 (site Register of Deeds recording data) and easements that are being conveyed by the plat. Identify the owner and/or benefiting interest of all easements.

**Please contact Dan McCormick, Traffic Engineering, at 267-1969 if you have questions about the following six items:**

25. The applicant shall enter into a subdivision improvement contract for access improvements along Commercial Avenue/ CTH T to serve the plat. The design, plans and specifications shall be reviewed and approved by the City Engineer and Traffic Engineer.
26. The applicant shall comply with MGO Section 16.23 – Highway Noise and Land Use policies and ordinances.
27. The applicant shall execute and return the attached declaration of conditions and covenants for streetlights & traffic signals prior to sign off.
28. Utility easements shall be provided on the final plat as follows:

Between Lots	Between Lots	Between Lots
2 & 3	5 & 6	8 & OL 1

29. The applicant shall show a detail drawing of the 12-foot utility easement dimensions and lot lines on the face of the plat.
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 Dennis Cawley, Madison Water Utility, at 266-4651 if you have any questions regarding the following two items:**

31. All private wells shall be abandoned or permitted by the Water Utility in accordance with Madison General Ordinance Section 13.21.
32. All public water mains and service laterals shall be installed by a standard City subdivision contract. MWU will not need to sign off on final copies of the plat but requests an approved copy for their files.

**Please contact Kathy Voeck, the Assistant Zoning Administrator, at 266-4551 if you have questions regarding the following two items:**

33. In the noise study of Lot 9 (Lot 8 on noise abatement documents) of the plat, the building orientation does not meet the rear setback requirement. Note: this is a reverse corner lot. Contact zoning to for an example of corner lot setbacks. Minimum lot depth is 100' so the front yard will be on the end of the lot that is the most narrow on Lot 9 (Lot 8 of noise abatement documents). The outdoor living area, as shown may change with the revised building orientation. Revise the noise abatement plan to reflect the corrected outdoor living area.

The amount of usable open space required for a single family home in an R1 is 1,300 square feet. The rear yard will be directly opposite the front yard and parallel to the front. Note: Lot 4 is also a corner lot.

34. The outbuilding partially on Lot 2 shall be shown "to be removed" on the plat.

**Please contact John Lippitt, Madison Fire Department, at 261-9658 if you have questions about the following three items:**

35. All portions of the exterior wall of newly constructed one and two-family dwellings shall be within 500 feet of at least one fire hydrant. Distances measured along the path traveled by the fire truck as the hose lay off the truck. See Section 34.20 of the Madison General Ordinances for more information.

36. All portions of the exterior walls of newly constructed public buildings and places of employment and open storage of combustible materials shall be within 500-feet of at least two fire hydrants. Distances are measured along the path traveled by the fire truck as the hoses lay off the truck. See MGO 34.20 for additional information.

37. Additional comments and/or requirements may be noted upon review of future construction documents. No building layout or size shown on plans. Depending on building size and layout, Fire Department access may need to be located on site versus from street.

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

38. A trail access easement shall be provided from Holy Cross Way across the detention parcel and noise berm to Tony Drive.

39. Park dedication required for this project is 7,700 square feet based on 1100 square feet per lot. The required dedication shall be paid as a fee in lieu of land, based on the actual value of the acreage up to a maximum of \$1.65 per square foot. The value is determined by the Real Estate Unit and is based on the land value prior to development approval. The maximum fee would be \$12,705. Park Development Fees are \$5,456.50 (7 lots X \$779.50 per lot).

→ Total estimated park fees: \$18,161.50

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

40. That the final plat be revised per Planning Unit approval as follows:

- a.) show a building envelope for Lot 9;
- b.) include a note on the plat that primary access to future uses on Lot 10 shall be provided from Holy Cross Way; secondary access for those uses from Tony Drive may be considered as part of any future City approval of those uses;
- c.) include a note on the plat indicating that the owner of Lot 10 shall be the owner of and be responsible for the maintenance of Outlot 1 (*the June 6 report mistakenly said Outlot 3*);
- d.) include the following note on the plat and in the subdivision declarations and covenants:  
*"The owners and occupants of the lots contained on this plat acknowledge the presence of high levels of existing noise resulting from the adjacent highway and shall hold harmless the City of Madison from any impacts on the use, enjoyment or value of these properties resulting from existing or future highway noise."*
- e.) include a 30-foot setback line along the eastern property line and the following note on the face of the plat:

*"This strip reserved for noise abatement facilities. The building of buildings hereon is prohibited and any bermed area shall not be counted as any required yard. Maintenance of this strip and any facilities thereon is the responsibility of the owner."*

41. That the applicant submit an application to rezone proposed Lot 1 from Temp. A to a mutually agreeable zoning district prior to the final plat being released for recording.
42. That the applicant provide a detailed landscaping plan for the proposed berm, including sections, and that the plan specify the species and size of landscape materials to be planted. Said plan shall be made part of the Subdivision Improvement Contract for this development. [Author's note: No plantings need be provided on the portion of the berm located in the proposed public outlot if so requested by the City Engineer's Office.]

**Please note that the City Real Estate Office is reviewing the report of title provided with this plat 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. Any appeal regarding the plat, including the conditions of approval, 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, do not hesitate to contact me at 261-9632.

Sincerely,  
Plan Commission

Timothy M. Parks  
Planner

cc: Gary Dallman, City Engineering  
Dan McCormick, Traffic Engineering  
Si Widstrand, Parks Division  
John Lippitt, Madison Fire Department  
Kathy Voeck, Assistant Zoning Administrator  
Jeff Ekola, Real Estate Unit  
Norb Scribner, Dane County Land Records and Regulations