

## PLANNING DIVISION STAFF REPORT

January 12, 2015

PREPARED FOR THE PLAN COMMISSION



**Project Address:** 403 and 404 Schewe Road  
**Application Type:** Final Plat  
**Legistar File ID #** [36297](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted

### Summary

**Applicant & Property Owner:** Chad Wuebben, Encore Investments, LLC; 6840 Schneider Road; Middleton.

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

**Requested Action:** Approval of a final plat creating 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 final 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 May 2015 following approval and recording of a final plat, with completion of subdivision improvements anticipated this summer.

**Applicable Regulations & Standards:** 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 final plat be approved or rejected (with stated reasons) within 60 days of submittal unless the time is extended by agreement with the applicant. If no action is taken within 60 days and no extension granted, the plat is deemed approved. The proposed final plat was submitted to the City on November 19, 2014.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission forward the final plat of Autumn Ridge Reserve at 403 and 404 Schewe Road to the Common Council with recommendations of **approval** subject to input at the public hearing and the conditions from reviewing agencies beginning on page 3 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 SR-C2 (Suburban Residential-Consistent 2 District) pursuant to 2014 rezoning and preliminary plat approvals.

**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	
Prepared by: Pat Anderson, Assistant Zoning Administrator		

**Environmental Corridor Status:** The subject site was part of a recent amendment of the Central Urban Service Area (CUSA) approved by the Capital Area Regional Planning Commission on September 11, 2014 pending final approval by the Wisconsin Department of Natural Resources. The CUSA amendment proposed the inclusion of 2 portions of the site in a mapped environmental corridor, including areas of steep slope (greater than 12%) and woodlands with greater than 80% canopy present on the western edge of the property, which encompass proposed Outlots 1 and 2; and Outlot 3, which will be dedicated to the City for stormwater management at the southeastern corner of the subdivision.

**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.

## Previous Approval

On May 20, 2014, the Common Council approved a request to rezone 403 and 404 Schewe Road from Temp. A (Agricultural District) to SR-C2 (Suburban Residential-Consistent 2 District) and approved the preliminary plat of Autumn Ridge Reserve to allow the future creation of 51 single-family lots and 3 outlots to be dedicated to the City for stormwater management and greenway purposes.

The subject site was attached to the City from the Town of Middleton on February 4, 2014.

## Project Description, Analysis & Conclusion

The applicant is requesting approval of the final plat of Autumn Ridge Reserve, creating 51 single-family lots in the SR-C2 residential zoning district to be developed on an undeveloped, 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. In addition to the proposed residential lots, 3 outlots will be dedicated to the City with the plat, including 2 outlots for stormwater management (Outlots 1 and 3) to be located on either side of a ridge that extends north-south through the center of the site, and an outlot for a future north-south greenway and multi-purpose path corridor that will parallel Schewe Road (Outlot 2).

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 that is recommended for park, drainage and open space uses and is intended to convey stormwater in the western half of the Elderberry planning area south to Mineral Point Road. 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 density and general layout of the subdivision was determined with the preliminary plat to be consistent with the recommendations in the neighborhood development plan as well as 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 recorded Paragon Place mixed-density residential subdivision.

In closing, the Planning Division believes that the proposed final plat of Autumn Ridge Reserve is in substantial conformance to the approved preliminary plat of the subdivision approved in May 2014. Final approval and recording of the final plat shall not occur until such time as the Central Urban Service Area amendment that includes the property has received final approval by the Wisconsin Department of Natural Resources (pending).

## Recommendation

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

The Planning Division recommends that the Plan Commission forward the final plat of Autumn Ridge Reserve at 403 and 404 Schewe Road to the Common Council with recommendations of **approval** subject to input at the public hearing, final addition of the subject property to the Central Urban Service Area, and the following conditions submitted by reviewing agencies:

### Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

1. The developer shall establish a 30-foot building setback line adjacent to Elderberry Road for Lots 1, 42 and 43.

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

2. The applicant shall coordinate with Lori Zenchenko of Engineering Mapping and Planning staff to properly name the streets within this subdivision to avoid any conflicts.

3. Prior to recording the plat, applicant shall grant the proposed Temporary Public Street Easement over proposed Outlot 1 and 2. The easement shall have the width and proper alignment approved by City Engineering and Traffic Engineering staff, over proposed Outlots 1 and 2. Upon the verification of width and alignment, applicant shall provide a map exhibit and legal description and required \$500 fees to the City Treasurer for the City's Office of Real Estate Services to draft and record the easement document. Upon recording the document number and document title shall be noted on the final plat prior to final plat signoff.
4. The portion of the Town Road Highway per Page 169 of the County Highway Book, lying outside of Elderberry Road within Outlots 1 and 2 shall be discontinued/ vacated by the City, prior to the recording of the final plat. The applicant shall provide a legal description and map exhibit to Jeff Quamme of Engineering Mapping (266-4097) for review and use of the exhibits in the resolution to discontinue the road. The discontinuance shall not be effective and shall be conditioned upon the recording of the Temporary Public Street Easement. With the discontinuance the right of way shown over Outlots 1 and 2 shall be removed from the plat.
5. Provide the line type and reference to the language to note 4 on Sheet 2 for the Public Utility Easements set forth by the plat.
6. The applicant shall 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.
7. Note "LANDS" and the recently recorded plat of Paragon Place lying south of Elderberry Road.
8. "Modify the access note along Elderberry Road: "Hatch Indicates No Vehicular Access to Elderberry Road".
9. Contact Jeff Quamme (jrquamme@cityofmadison.com) in City Engineering to receive the appropriate easement terms/ conditions language for inclusion on the final plat for the Public Drainage Easement(s) (between Lots 12 and 13) and any Public Storm Sewer Easement(s) proposed to be dedicated and conveyed by the final plat.
10. Remove the reference to Dane County Ordinances within the Owner's Certificate.
11. Remove Notes 5, 8, 9 and 10. Notes 6 and 7 shall be updated or removed to reflect the current final plat submittal and associated materials, such as updated title work.
12. The bearing of the north line of the Northwest Quarter of Section 21, to tie to the Northwest Corner of Section 21, the tie from the northeast corner of the plat north to the North line of the Northwest Quarter of Section 21, and the tie to the Center of Section 21 are not correctly referenced to the Wisconsin County Coordinate System. Correct the bearings as necessary and check for any other discrepancies within the plat document.
13. The legal description under the Surveyor's Certificate shall be corrected to be in the City of Madison, not the Town of Middleton.

14. A note shall be added under all the street names labeled and to be dedicated on the plat, "Dedicated to the Public" as required by Wis. Stats. 236.20(4)(b).
  15. Show the current south right of way of Elderberry Road on the final plat.
  16. The bearing reference shall be referenced to a quarter line of the section in which this plat resides.
  17. Remove the statement of the center of section monument being 0.38 feet north of the east-west quarter line from the monument label on the face of the plat map. The legal description for the plat calls out the line as shown as being the south line of the Northwest Quarter.
  18. Label the existing southern portion of Elderberry Road right of way with a dashed underline as required by statute.
  19. Add a Dane County Treasurer's Certificate to the plat as required by statute.
  20. 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.
  21. 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.
  22. 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 staff.
  23. 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.
  24. 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.
  25. The developer shall note that park frontage reimbursements funds are limited and will be determined at the sole discretion of the City. The City may elect to enter into a cost sharing agreement for portions of the work on Elderberry Road adjacent to Outlot 3 to offset this reimbursement.
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26. 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.
  27. 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.

28. 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."
29. The developer shall construct Madison standard street and sidewalk improvements for all streets within the plat.
30. The developer shall make improvements to Elderberry Road to facilitate ingress and egress to the plat.
31. 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.
32. 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.

33. 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.”

34. 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; 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.
35. Per NR-151 of the Wisconsin Administrative Code, effective 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.

36. 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).

37. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat.
38. 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.
39. 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.
40. The applicant shall submit to Jeff Quamme, prior to Engineering sign-off of the subject plat, two (2) digital and one (1) hard copy of the final plat to the Mapping/GIS Section of the Engineering Division. The digital copies shall be submitted in both NAD27 & WIDOT County Coordinate System, Dane County Zone datums in either Auto CAD Version 2001 or older, MicroStation Version J or older or Universal DXF Formats and contain the minimum of the following, each on a separate layer name/level number: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; easement lines (i.e. street, sanitary, storm (including wetland & floodplain boundaries) water, pedestrian/bike/walkway, or any public and/or private interest easement except local service for Cable TV, gas, electric and fiber optics).

\*This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes.

\*New electronic final plat transmittals and notification of changes which occur to the final plat during the time the Engineering Division signs off and receives the digital copies of said plat and the recording thereof, are the responsibility of the Developer/Surveyor.

41. 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.
42. 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](mailto:bbemis@cityofmadison.com)) for further review.



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

43. 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.
44. 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	Between Lots	Between Lots	Between Lots	Between Lots
1-2	18-19	26-27	38-39	46-47
9-10	22-23	34-35	41-42	50-51

45. 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)

46. For setback purposes, Pressed Flower Street shall be the front yard for Lot 20, and Bronze Leaf Lane shall be the front yard for Lot 28. Please place a note on the final plat to this effect prior to presenting the plat for final sign-off and recording.
47. The 10-foot public drainage easement proposed on Lot 13 shall also be labeled as a building setback line, with a zoning hold to be placed on it upon recording of the plat.

**Fire Department** (Contact Bill Sullivan, 261-9658)

48. 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)

49. All public water mains and water service laterals shall be installed by a standard City of Madison Contract for Subdivision Improvements. The Water Utility will not need to sign off the final plans, but will need a copy of the approved plans.
50. 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)

51. 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. [Note: 2015 Park Impact Fees are now in effect.]

52. 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)

53. 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.

54. A certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate(s) on the final plat and executed prior to final sign-off.

55. Add the City of Madison Treasurer's name, David Gawenda, to that certificate.

56. Include a certificate for the Dane County Treasurer, Adam Gallagher, which shall appear similar to City of Madison Treasurer Certificate.

57. A signature block for the City Plan Commission is not required but would be appreciated.

58. An Environmental Site Assessment is required because of the public dedications.

59. 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. [This includes 2014 tax bills, which have been levied.] Receipts are to be provided on or before sign-off of the final plat.

60. The following revisions shall be made to 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.) Create and record, or show as being dedicated in the proposed plat, easements for utility and drainage rights of way where necessary, with the depiction of said easements shown in the legend.
- 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.