



PREPARED FOR THE PLAN COMMISSION

Project Address: 9202-9252 Rustic Pine Road
Application Type: Preliminary Plat and Final Plat
Legistar File ID # [76312](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant & Property Owner: Matt Brink, East South Point, LLC/ Veridian Homes; 6801 South Towne Drive; Madison.

Surveyor: Brett Stoffregan and Dan Day, D’Onofrio Kottke & Associates; 7530 Westward Way; Madison.

Requested Actions: Approval of the preliminary plat and final plat of *Acacia Ridge Replat No. 3*, replatting nine (9) single-family lots located at 9202-9252 Rustic Pine Road into 10 single-family lots.

Proposal Summary: The applicant is requesting preliminary plat and final plat approval of *Acacia Ridge Replat No. 3* to replat Lots 313-321 of the recorded Acacia Ridge subdivision into 10 single-family lots in TR-C3 (Traditional Residential–Consistent 3 District) zoning. Development of the Acacia Ridge subdivision is ongoing, with completion of the subdivision anticipated based on market demand for units.

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 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 application for preliminary plat and final plat approval was submitted to the City on February 13, 2023. Therefore, the 90-day review period for this plat was scheduled to expire circa May 14, 2023.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward the preliminary plat and final plat of *Acacia Ridge Replat No. 3* to the Common Council with a recommendation of **approval** subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

Background Information

Parcel Location: The proposed replat comprises approximately 1.43 acres of land located on the north side of Rustic Pine Road between Redan Drive and Lone Oak Lane; Alder District 1 (Harrington-McKinney); Madison Metropolitan School District.

Existing Conditions and Land Use: Undeveloped land zoned TR-C3 (Traditional Residential–Consistent 3 District).

Surrounding Land Uses and Zoning:

North: Acacia Ridge Park and land owned by the Madison Metropolitan School District (MMSD) for a future school site, zoned TR-C3 (Traditional Residential–Consistent 3 District);

South: Future single-family residences in the Acacia Ridge subdivision, zoned TR-P (Traditional Residential–Planned District);

West: Future single-family residences in Acacia Ridge, zoned TR-P and TR-C3; single-family residences in the Town of Middleton;

East: MMSD school property and future single-family residences in Acacia Ridge, zoned TR-P and TR-C3.

Adopted Land Use Plan: The subject site is located within the boundaries of the 2018 [Pioneer Neighborhood Development Plan](#), which recommends that the area of the replat be developed with low-density residential uses up to eight units an acre in Residential Housing Mix 1.

Zoning Summary: The proposed lots will be zoned TR-C3 (Traditional Residential–Consistent 3 District).

	Requirements	Proposed Lots
Lot Area	3,000 sq. ft. per lot	All lots exceed
Lot Width	30'	All lots exceed
Minimum Front Yard	15'	To be determined at permitting
Maximum Front Yard Setback	30' or up to 20% greater than block average	
Side Yards	5'	
Reverse Corner Side Yard Setback	8' (10' for garage)	
Rear Yard	Street-accessed: 20'	
Maximum Lot Coverage	75%	
Maximum Building Height	Two stories and 35'	
Usable Open Space	500 sq. ft.	
Building Forms	Single-family detached dwelling	
Other Critical Zoning Items		
Yes	Utility Easements	
No:	Barrier Free, Urban Design, Wellhead Protection, Floodplain, Landmarks, Waterfront Development	
<i>Prepared by: Planning and Zoning Staff</i>		

Environmental Corridor Status: There are no mapped environmental corridors within the area of the replat. The adjacent park property is located in a mapped corridor.

Public Utilities and Services: The subject site will be served by a full range of urban services as it develops with the exception of Metro Transit, which currently does not provide service west of S Pleasant View Road. Following initiation of the new Metro service network this June, the closest service will be located on Junction Road south of Mineral Point Road (at the site of the Bus Rapid Transit west terminal).

Previous Approvals

On October 31, 2017, the Common Council approved a request to rezone 645-703 South Point Road from Temp. A (Agricultural District) to TR-P (Traditional Residential–Planned District), TR-C3 (Traditional Residential–Consistent 3 District) and CC-T (Commercial Corridor–Transitional District), and; approval of the preliminary plat of *Acacia Ridge*, creating 406 single-family lots, six lots for three (3) two-family-twin dwellings, one lot for future multi-family development, one lot for future mixed-use development, one outlot for a public park, one lot for a future public school, four outlots for private open space, and outlots to be dedicated to the public for stormwater management, alleys, and sidewalks.

On June 19, 2018 meeting, the Common Council approved a request to amend the TR-P master plan for the Acacia Ridge subdivision to add six single-family residences to the approved planned district and release a condition of the previous approval, and; approval of a revised preliminary plat and the final plat of *Acacia Ridge*, creating 412 single-family lots, six lots for three (3) two-family-twin dwellings, one lot for future multi-family development, one lot for future mixed-use development, one outlot for a public park, one lot for a future public school, four outlots for private open space, and outlots to be dedicated to the public for stormwater management, alleys, and sidewalks. The final plat was recorded on February 25, 2019.

Project Description, Analysis and Conclusion

The applicant, Veridian Homes, is requesting approval of the preliminary plat and final plat of *Acacia Ridge Replat No. 3* to replat Lots 313-321 of the recorded Acacia Ridge subdivision into 10 single-family lots in TR-C3. The lots being replatted are located along the north side of Rustic Pine Road between Redan Drive and Lone Oak Lane and back onto both Acacia Ridge Park and an 8.0-acre parcel owned by the Madison Metropolitan School District that was acquired for a future school. The additional lot proposed will be created by reducing the width of the existing lots from 69 feet to between 59-65 feet. No changes to the platted street is proposed, and no public or private outlots in the subdivision will be impacted by the proposed replat.

Staff believes that the Plan Commission may find the standards for subdivision approval met with the proposed replat. All of the proposed lots meet the minimum lot width and area requirements in the TR-C3 district, and staff believes that the proposal is consistent with the Residential Housing Mix (HM) 1 recommended for the site in the Pioneer Neighborhood Development Plan. HM1 in the Pioneer neighborhood is primarily recommended for the development of detached single-family housing on individual lots, though limited areas of development with other lower-density housing types such as duplexes or townhouses may also be appropriate. Development in HM1 should include a mix of housing types and lot sizes at a density of up to eight (8) units per acre. The slight increase in density proposed with this replat will result in a density below the 8 unit per acre maximum recommended while providing a more diverse mix of housing types and lot sizes. The slight increase in units on the block should also have no discernable impact on the development of surrounding properties, including the adjacent park and future school site.

Recommendation

Planning Division Recommendation (Contact Timothy M. Parks, (608) 261-9632)

The Planning Division recommends that the Plan Commission forward the preliminary plat and final plat of *Acacia Ridge Replat No. 3* at 9202-9252 Rustic Pine Road to the Common Council with a recommendation of **approval** subject to input at the public hearing and the conditions that follow.

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

City Engineering Division (Contact Tim Troester, (608) 267-1995)

1. Each proposed lot shall have a separate sanitary sewer laterals.
2. The stormwater report needs to be reviewed and an amendment submitted to show that the existing storm system is sufficient to address the additional runoff from the new impervious area.
3. Enter into a City / Developer agreement for the required infrastructure improvements. The agreement shall be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact the City Engineering Division to schedule the development and approval of the plans and the agreement.
4. The developer shall construct Madison Standard street, multi-purpose path, and sidewalk improvements for all streets fronting the plat.
5. This development is subject to impact fees for the Lower Badger Mill Creek Sanitary Sewer and Stormwater Management Impact Fee District. All impact fees are due and payable at the time building permits are issued. The following note shall put on the face of the plat: "Lots/ buildings within this development are subject to impact fees that are due and payable at the time building permit(s) are issued."

City Engineering Division – Mapping Section (Contact Jeff Quamme, (608) 266-4097)

6. The two existing utility easements between Lots 319 and 320 and also Lots 315 and 316 of Acacia Ridge shall be released by the Utilities and the City of Madison. Real Estate project No. 12757 has been set up for the City's releases. Provide the other Utility releases prior to the City releasing its rights. All shall be released prior to final sign off.
7. As required by ordinance, provide private easements or private outlots to accommodate the current USPS required centralized delivery of mail using Cluster Box Units (CBUs). Coordinate the locations of the CBUs with the USPS Development Coordinator, City Engineering and City Traffic Engineering Staff and in accordance with the Policies for Cluster Box Units as adopted by the City of Madison Board of Public Works. CBUs serving this land division will not be permitted within any publicly owned or dedicated lands.

If the developer is not able to determine the final locations of the CBUs prior to recording the final plat, the final placement of CBUs for each phase of development within this land division shall be determined prior to construction. The locations for each phase shall as required by Ordinance, in accordance with the Policies for Cluster Box Units as adopted by the City of Madison Board of Public Works and in compliance with United States Postal Service requirements.

The required CBU documents shall be recorded prior to the start of construction of the public improvements serving any lot or outlot.

Construct the CBUs in accordance with the specifications approved by the Board of Public Works.

8. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The developer's surveyor and/or applicant must submit copies of required tie sheets or monument condition reports for all monuments, including center of sections of record, used in this survey, to Jeff Quamme, City Engineering (jrquamme@cityofmadison.com). 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 and shall be attached to a signed and sealed monument condition report. The applicant shall identify monument types on all PLS corners included on the plat. Note: Land tie to two PLS corners required.
9. Prior to City Engineering Division final sign-off by main office for final plats, the final Plat shall be submitted in PDF format by email transmittal to Engineering Land Records Coordinator Jeff Quamme (jrquamme@cityofmadison.com) for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off.
10. The pending plat application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD), the new parcel data created by the Assessor's Office, and the parcel data available to Zoning and Building Inspection staff prior to issuance of building permits for new construction or early start.
11. The applicant shall submit to Jeff Quamme, prior to final Engineering sign-off of the subject plat one (1) digital CADD drawing in a format compatible with AutoCAD. The digital CADD file(s) shall be referenced to the Dane County Coordinate System and shall contain, at minimum, the list of items stated below, each on a separate layer/level name. The line work shall be void of gaps and overlaps and match the final recorded plat: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; easement lines (including wetland and floodplain boundaries).

*This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat and electronic data for any changes to the plat which occur subsequent to any submittal.

Traffic Engineering Division (Contact Sean Malloy, (608) 266-5987)

12. Prior to final sign-off, the applicant shall work with the Traffic Engineering Division Electrical Section to record the necessary easements for streetlights. Typically, Traffic Engineering requires a 12-foot easement between lots and 6-foot easements on corner lots where street lights are needed.
13. The applicant shall add a note to the Plat stating no driveway shall be constructed that interferes with the orderly operation of the pedestrian walkway. This will require all pedestrian ramps to be constructed separate from driveway entrances; a curb-head of no less than six (6) inches in width shall be constructed between all pedestrian ramps and driveway entrances. This is especially important at 'T' intersections where lot and building layout become critical; to prevent interference with the pedestrian ramp, lots intersecting or adjacent 'T' intersection may require a shared driveway and access.

Zoning Administrator (Contact Jenny Kirchgatter, (608) 266-4429)

This agency has reviewed this request and recommended no conditions of approval.

Fire Department (Contact Bill Sullivan, (608) 261-9658)

14. The Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D. An upgrade to include a fire sprinkler system with a cost estimate shall be made available for all initial single- or two-family home sales.

Water Utility (Contact Jeff Belshaw, (608) 261-9835)

15. Upon development, a separate water service lateral and water meter will be required to serve each parcel. The water laterals shall be directly connected to the public water main with the shut-off valve located in the public right of way (per PSC 185.52 (2)). A water lateral is not required if the parcel remains undeveloped.

Metro Transit (Contact Tim Sobota, (608) 261-4289)

This agency has reviewed this request and recommended no conditions of approval.

Parks Division (Contact Ann Freiwald (608) 243-2848)

16. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sections 16.23(8)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the West Park-Infrastructure Impact Fee district.
17. Prior to sign off on the final plat, the applicant shall execute a declaration of conditions and covenants along with an impact fee schedule for the Park Impact Fees for this development. This document will be recorded at the Register of Deeds. The applicant shall be responsible for all recording fees.
18. The following note shall be included on the subdivision: "Lots within this subdivision are subject to impact fees that are due and payable at the time building permit(s) are issued."
19. Consistent with the previous Acacia Ridge plat approval, the applicant shall install a fence along the boundary of the adjacent public park at the sole expense of the applicant. The fence shall be installed on private property to a design that is mutually agreeable to the applicant and Parks Division. The cost of the fence shall not be eligible for Park-Infrastructure Impact Fee credits. The applicant shall execute a deed restriction that would require the fence to be perpetually maintained by the property owners for any lots that are adjacent to publicly dedicated park lands.

City Forestry Section (Brandon Sly, (608) 266-4816)

This agency has reviewed this request and recommended no conditions of approval.

Office of Real Estate Services (Lance Vest, (608) 245-5794)

20. Prior to approval sign-off by the Office of Real Estate Services ("ORES"), all parties having an interest in the property, pursuant to Wis. Stats 236.21(2)(a), shall execute the Owner's Certificate on the plat. Certificates shall be prepared with the ownership interests consistent with the most recent title report. Signatories shall provide documentation that proves legal authority to sign the Owner's Certificate. When possible, the

executed original hard stock recordable plat shall be presented at the time of ORES approval sign-off. If not possible, the City and the Register of Deeds are now accepting electronic signatures. A PDF of the plat containing electronic signatures shall be provided to ORES prior to obtaining approval sign-off.

21. Prior to plat approval sign-off, an executed and notarized or authenticated certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate(s).
22. As of March 29, 2023, the 2022 real estate taxes are paid for the subject property. Per Section 236.21(3) Wis. Stats. and MGO 16.23(5)(g)(1), the property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to plat recording, including property tax bills for the prior year that are distributed at the beginning of the year. Receipts are to be provided on or before sign-off and checks are payable to: City of Madison Treasurer; 210 Martin Luther King, Jr. Blvd.; Madison, Wisconsin 53701
23. As of March 29, 2023, there are **no** special assessments reported for the parcels within the plat boundary. Pursuant to MGO Section 16.23(5)(e)1 and Wis. Stats. 236.21(3), all special assessments, including accrued interest in the case of delinquencies, shall be paid by the owner prior to plat approval sign off. Receipts for payment shall be provided to ORES in advance of final plat approval sign-off.
24. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish to Lance Vest in the City's Office of Real Estate Services (lvest@cityofmadison.com), as well as the surveyor preparing the plat, an updated title report covering the period between the date of the initial title report (January 18, 2023) and the date when sign-off approval is requested. A title commitment may be provided, but will only be considered as supplementary information to the title report update. The surveyor shall update the plat with the most recent information available in the title report update. Staff reserves the right to impose additional conditions of approval in the event the title update contains changes that warrant revisions to the plat.
25. Initiate requests to all applicable utilities to record releases of their interests in utility easements in underlying plats, if this proposed plat is a re-division of existing plats with utility easements that will no longer be applicable; and, prior to requesting sign-off, place a note in the proposed plat citing the recording data for the City's recorded release of same.