

PLANNING DIVISION STAFF REPORT

September 19, 2022



PREPARED FOR THE PLAN COMMISSION

Project Address: 2121-2157 Waterfall Way
Application Type: Preliminary Plat and Final Plat
Legistar File ID # [72784](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant & Property Owner: Matt Brink, VAL, LLC, dba 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 *Village at Autumn Lake Replat No. 6*, replatting 10 single-family lots into 12 single-family lots. [The parcels affected by this replat are listed in Appendix A beginning on page 9 at the end of this report.]

Proposal Summary: The proposed “Village at Autumn Lake Replat No. 6” subdivision calls for Lots 1138-1147 of the Village at Autumn Lake Replat No. 5 subdivision to be replatted into 12 single-family lots. The lots in this part of the development are planned for street-accessed single-family detached dwellings. As a condition of approval, the applicant will need final approval of an alteration to the approved TR-P master plan to reflect the revised housing types and lots proposed with the replat. Development of the Village at Autumn Lake 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. The requirements and process for the TR-P zoning district are outlined in Section 28.053 of the Zoning Code.

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 July 18, 2022. Therefore, the 90-day review period for this plat was scheduled to expire circa October 17, 2022.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward the preliminary plat and final plat of *Village at Autumn Lake Replat No. 6* on land addressed as 2121-2157 Waterfall Way 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: Replat No. 6 comprises 2.59-acre of land located on the east side of Waterfall Way between Autumn Lake Parkway and Sanctuary Drive; Aldermanic District 17; Sun Prairie Area School District.

Existing Conditions and Land Use: Undeveloped land, zoned TR-P (Traditional Residential–Planned District).

Surrounding Land Uses and Zoning:

North: Future two-family residences in the Village at Autumn Lake subdivision, zoned TR-P (Traditional Residential–Planned District);

South: Existing and future single-family residences in the Village at Autumn Lake subdivision, zoned TR-P;

West: Future single- and two-family residences and private parkland in the Village at Autumn Lake subdivision, zoned TR-P; and

East: Felland Road; single-family residence in the Town of Burke; private open space for the Village at Autumn Lake subdivision across Felland Road in the City of Madison, zoned TR-C3 (Traditional Residential–Consistent 3 District).

Adopted Land Use Plans: The 2002 Felland Neighborhood Development Plan recommends development of this portion of the Village at Autumn Lake subdivision with low-density residential uses up to eight (8) units per acre. In general, the neighborhood development plan contemplates a mix of housing types, lot sizes, and unit prices in the low- to medium-density ranges, with an emphasis on traditional neighborhood development forms.

Environmental Corridor Status: The land subject to the proposed replat is not located in a mapped environmental corridor.

Public Utilities and Services: The subject site will be served by a full range of urban services as it develops. The nearest Metro Transit service is located one mile west of the subject site at Lien Road and N. Thompson Drive.

Zoning Summary: The proposed lots are zoned TR-P (Traditional Residential–Planned District).

Requirements		Required	Proposed
Lot Area		2,900 sq. ft. per dwelling unit	All lots exceed
Lot Width		37 per dwelling unit	Will comply
Minimum Front Yard		15'	To be determined at permitting
Max. Front Yard Setback		30' or up to 20% greater than block average	To be determined at permitting
Side Yards		5'	To be determined at permitting
Reverse Corner Side Yard Setback		8' (10' for garage)	To be determined at permitting
Rear Yard		Street-accessed: 20'	To be determined at permitting
Usable Open Space		N/A	---
Maximum Lot Coverage		75%	To be determined at permitting
Maximum Building Height		Three stories and 35'	To be determined at permitting
Building Forms		Single-family detached dwelling	To be determined at permitting
Other Critical Zoning Items			
Yes	Utility Easements		
No:	Barrier Free, Urban Design, Wellhead Protection, Floodplain, Landmarks, Waterfront Development		
		Prepared by: Planning and Zoning Staff	

Previous Approvals

On May 19, 2015, the Common Council approved a request to rezone numerous parcels in the Village at Autumn Lake subdivision generally addressed as 1710 Ariel Spring Trail from TR-C3 (Traditional Residential–Consistent 3 District), PD (Planned Development District), and CN (Conservancy District) to TR-P (Traditional Residential–Planned District) and TR-C3; and approved the preliminary plat and final plat of the *Village of Autumn Lake Replat*, creating lots for 542 single-family units; 22 two-family-twin units, 8 four-unit dwellings, 48 townhouses, and 332 multi-family units, including 36 in a mixed-use node; 16 outlots dedicated to the public; and 12 outlots to be private. The Plan Commission approved a demolition permit to allow a single-family residence at 5825 Sanctuary Lane and 2009 Expedition Trail to be razed as part of the proposed replat at its May 4, 2015 meeting.

On May 3, 2016, the Common Council approved the preliminary plat and final plat of *Village at Autumn Lake Replat No. 2* to create nine lots for single-family attached housing and one outlot for a private drive on land generally addressed as 5703 Summer Shine Drive.

On June 19, 2018, the Common Council approved a request to amend the TR-P (Traditional Residential–Planned District) master plan for the Village at Autumn Lake subdivision to allow construction of twelve (12) two-family twin homes; and the preliminary plat and final plat of *Village at Autumn Lake Replat No. 3* to create 24 lots for the future twin homes and one outlot for private open space and access from Lot 649 of the Village at Autumn Lake Replat, 5802 Lien Road. Lot 649 had previously been identified for the future construction of 24 townhouse units.

On February 4, 2020, the Common Council approved the preliminary plat and final plat of *Village at Autumn Lake Replat No. 4*, replatting six single-family lots and two lots to be developed with a two-family twin home (1802-1830 Twin Fawn Trail) into 10 single-family lots.

On October 20, 2020, the Common Council approved Ordinance 20-00096 (ID [61871](#)) to amend the dimensional requirements for single-family detached residences and two-family twin home units in the TR-P (Traditional Residential–Planned District), and to eliminate the usable open space requirement throughout the district.

On November 17, 2020, the Common Council approved the preliminary plat and final plat of *Village at Autumn Lake Replat No. 5*, replatting 104 lots approved for 98 future single-family residences and three two-family dwellings on six lots into 86 single-family lots, 48 lots for 24 two-family twin home dwellings, and three outlots for private open space. The Plan Commission approved an amended TR-P (Traditional Residential–Planned District) Master Plan for the Village at Autumn Lake subdivision and recommended approval of the preliminary plat and final plat of *Replat No. 5* at its November 9, 2020 meeting.

Project Description, Analysis and Conclusion

The applicant, Veridian Homes, is requesting approval of the preliminary plat and final plat of *Village at Autumn Lake Replat No. 6* to replat 10 single-family lots in the Village at Autumn Lakes subdivision into 12 single-family lots. The lots are located along the east side of Waterfall Way generally between Autumn Lake Parkway and Sanctuary Drive. The eastern, rear lot line of the lots backs onto Felland Road, which are governed by an existing platted vehicular access restriction and 30-foot rear yard setback line established with the *Village of Autumn Lake Replat* (2015) and rear yard planting strip established with the *Village of Autumn Lake Replat No. 5* (2021).

Proposed *Replat No. 6* will yield narrower lots for single-family detached residences compared to those previously platted for the block. Presently, lot in the block are generally 65 feet wide but will be reduced to between 51 and 59 feet of width with the replat. No changes to the platted streets are 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-P district, and staff believes that the proposal is consistent with the low-density residential recommendations for the site in the Felland Neighborhood Development Plan, which calls for the development of this portion of the Village at Autumn Lake development with a mix of housing types and lot sizes at a density up to eight (8) units per acre. The modest change in unit types on this block should result in the diverse mix of housing types and lot sizes as generally recommended for the larger subdivision, and the slight increase in units on the block should also have no discernable impact on the development of surrounding properties.

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 *Village at Autumn Lake Replat No. 6* on land addressed as 2121-2157 Waterfall Way 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

Planning Division

1. The applicant shall receive approval of an alteration to the approved TR-P Master Plan for the Village at Autumn Lake subdivision to reflect the revised housing types and lots proposed with this replat prior to final approval of the final plat for recording. The amended TR-P master plan shall include a current running count of dwelling units in the TR-P-zoned portion of the subdivision by type.
2. The screening plan previously approved for the 30-foot rear setback for the Felland Road frontage shall be revised to reflect the replat. The plantings on the approved buffer plan shall be shown on the site plans submitted with building permit applications submitted for each lot.

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

City Engineering Division (Contact Brenda Stanley, (608) 261-9127)

3. All conditional approval requirements from original plat approval shall remain as required.
4. 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.
5. The developer shall construct Madison Standard street and sidewalk improvements for all streets fronting the plat.

6. The developer shall construct path, terrace, curb and gutter, and four (4) feet of pavement along Felland Road according to a plan approved by City Engineer.
7. Note: The City will be reconstructing Felland Road in 2023 and a portion of the work associated with this replat may be constructed by the City and assessed to adjacent lots or developer.
8. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat.
9. This development is subject to impact fees for the Felland Road Neighborhood Sanitary Sewer Improvement 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."
10. Madison Metropolitan Sewerage District (MMSD) connection charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Mark Moder (261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
11. An Erosion Control Permit is required for this project.
12. A Storm Water Management Report (SWMR) and Storm Water Management Permit exists for this site. A revision to the existing SWMR will be required to show that this replat does not affect the calculations for the original plat.
13. This site appears to disturb over one (1) acre of land and requires a permit from the Wisconsin Department of Natural Resources (WDNR) for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR-216 and NR-151; however, a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt of the WDNR at (608) 273-5612 to discuss this requirement. The applicant is notified that the City of Madison is an approved agent of the Department of Safety and Professional Services (DSPS) and no separate submittal to this agency or Capital Area Regional Planning Commission (CARPC) is required for this project to proceed.
14. Submit proposed lot corner grades with the stormwater management plan as these two items must be reviewed together to properly determine stormwater overflow conditions. Prior to the issuance of building permits, submit a master stormwater drainage plan with final as-built lot corner grades. These grades may be modified from the originally proposed grades provided they continue to meet design tolerances. No building permits shall be issued prior to City Engineering's final approval of this plan.
15. A minimum of two (2) working days prior to requesting City Engineering signoff on the plat the applicant shall contact either Tim Troester at 261-1995 (ttroester@cityofmadison.com) or Brenda Stanley at 261-9127 (bstanley@cityofmadison.com) to obtain the final stormwater utility charges that are due and payable prior to sub-division of the properties. The stormwater utility charges (as all utility charges) are due for the

previous months of service. All charges shall be cleared prior to the land division (and subsequent obsolesces of the existing parcel).

16. This project will disturb 20,000 square feet or more of land area and require an Erosion Control Plan. Please submit an 11- by 17-inch copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.
17. Demonstrate compliance with MGO Sections 37.07 and 37.08 regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year.
18. Complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by MGO Chapter 37.

City Engineering Division – Mapping Section (Contact Julius Smith, (608) 264-9276)

19. Prepare an exhibit and description to release the portion of 10-foot wide utility easement as shown on the preliminary plat in proposed Lot 1268. Any portion(s) of a public easement that is intended to be released shall be released by separate document prepared by City Office of Real Estate Services. Contact Julius Smith of Engineering Mapping (jsmith4@cityofmadison.com, 608 (264-9276)) to coordinate the Real Estate project, and associated information and fees required. If any release is required prior to recording of the plat, acknowledgement of the release and document number shall be noted on the face of the plat.
20. File an affidavit of correction (AOC) to remove the no vehicular access restriction at Felland Road on Outlot 69 of the Village of Autumn Lake Replat No. 5 prior to recording this final plat. Contact Julius Smith at Jsmith4@cityofmadison.com for specific AOC language to use.
21. Supply title documents listed in report.
22. For the preliminary plat, show the underlying lot lines and numbers.
23. For the preliminary plat, show and label the limits of the Town of Burke.
24. Add recording information to caption on both sheets, as was done on Village of Autumn Lake Replat No. 5.
25. For the preliminary plat, per MGO 16.23(7)(a) 9: Location, size and invert elevation of any existing sanitary or storm sewers, culverts or drain pipes and the location and size of any existing water and gas mains on and adjacent to the preliminary plat and proposed to be used in the development. If sewers and water mains are not on or adjacent to the preliminary plat the direction and distance to and size of the nearest ones, showing invert elevations of sewers shall be indicated. Show the existing public utilities (storm and water) along the south side of Sanctuary Drive.
26. 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.

27. Prior to City Engineering Division final sign-off by main office for the plat, the final plat must be submitted to the Engineering Division Surveyor/ Land Records Coordinator for final technical review and approval. This submittal must occur a minimum of two (2) working days prior to final Engineering Division sign-off. Electronic mail submittal of the FINAL plat in PDF form is preferred. Transmit to jsmith4@cityofmadison.com.
28. 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 of data.

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

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

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

29. A minor alteration to the TR-P Master Plan is required.

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

30. 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)

31. The developer shall construct the public water distribution system and services required to serve the proposed subdivision plat per MGO Section 16.23(9)(d)(3).
32. All public water mains and water service laterals shall be installed by a standard City subdivision contract / City-Developer agreement. The applicant shall contact the City Engineering Division to schedule the development of plans and the agreement.

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

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

Parks Division (Contact Kathleen Kane, (608) 261-9671)

33. Park Impact Fees (comprised of the Park-Infrastructure Impact Fee, per MGO Sec. 20.08(2), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(6) will be required for all new residential development associated with this project. This development is within the North Park-Infrastructure Impact Fee district. Please reference ID #12118.5 when contacting Parks Division staff about this project. The Parks Division will be required to sign off on this subdivision.
34. The following note should be included on the subdivision: "Lots within this plat are subject to impact fees that are due and payable at the time building permit(s) are issued." The Parks Division shall be required to sign off on this replat.

City Forestry Section (Jeffrey Heinecke, (608) 266-4890)

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

Office of Real Estate Services (Heidi Radlinger, (608) 266-6558)

35. Prior to approval sign-off, the Owner's Certificate on the final plat shall be executed by all parties having an interest in the property, pursuant to Wis. Stats. 236.21(2)(a). Certificate shall be prepared with the ownership interests consistent with the most recent title report. The executed original hard stock recordable plat shall be presented at the time of sign-off.
36. Under 236.21(3) Wis. Stats. and 16.23(5)(g)(1) Madison General Ordinances, the property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to plat recording. This includes 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
37. 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 the City's Office of Real Estate Services in advance of plat approval sign-off. In lieu of this requirement, the owner may present written documentation from the City's Board of Public Works that the special assessments may be continued to be paid on the installment basis authorized by the Board of Public Works.
38. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish to Heidi Radlinger in the City's Office of Real Estate Services (hradlinger@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 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.
39. The owner shall email the document number of the recorded plat Heidi Radlinger in the Office of Real Estate Services as soon as it is available.

40. No farming or use of lands to be dedicated to the public for Park purposes shall be allowed unless specifically approved by the Parks Superintendent and permitted under a farm lease administered by ORES. If the lands within the plat boundary are farmed agricultural lands, the applicant shall enter into a lease with the City for those lands to be dedicated and/or conveyed to the City through Plat recording. Please contact an ORES real estate specialist to discuss the potential lease terms. Said leases are authorized by Resolution 13-00247 (ID 29183), adopted April 16, 2013.
41. Please note that the City's Office of Real Estate Services is reviewing the report of title provided with this plat and may have additional comments. That office will send any comments separately. If you have any questions, please contact Heidi Radlinger at (608) 266-6558 for more information.

Appendix A – Affected Parcels

The proposed *Village at Autumn Lake Replat No. 6* includes the following parcels:

Lot 1147 - 2121-Waterfall-Way - 0810-263-7024-7
Lot 1146 - 2125-Waterfall-Way - 0810-263-7023-9
Lot 1145 - 2129-Waterfall-Way - 0810-263-7022-1
Lot 1144 - 2133-Waterfall-Way - 0810-263-7021-3
Lot 1143 - 2137-Waterfall-Way - 0810-263-7020-5
Lot 1142 - 2141-Waterfall-Way - 0810-263-7019-8
Lot 1141 - 2145-Waterfall-Way - 0810-263-7018-0
Lot 1140 - 2149-Waterfall-Way - 0810-263-7017-2
Lot 1139 - 2153-Waterfall-Way - 0810-263-7016-4
Lot 1138 - 2157-Waterfall-Way - 0810-263-7015-6