



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

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October 13, 2023

Brian Munson
Vandewalle & Associates
120 E Lakeside Street
Madison, Wisconsin 53715

Brett Stoffregan and Dan Day
D'Onofrio Kottke & Associates
7530 Westward Way
Madison, Wisconsin 53717

RE: Approval of a request to rezone 606-614 Little Dove Trail and 9205-9229 Silver Maple Drive, et al from TR-C3 (Traditional Residential–Consistent 3 District) to TR-P (Traditional Residential–Planned District); approval of an alteration to an approved Traditional Residential–Planned (TR-P) District master plan for the Acacia Ridge subdivision to reflect the proposed *Acacia Ridge Replat No. 5* subdivision; and approving the preliminary plat and final plat of *Acacia Ridge Replat No. 5* on property generally addressed as 606-614 Little Dove Trail, 9205-9229 Silver Maple Drive, 9206-9242 Gentle Feather Road, et al. (Chris Ehlers, East South Point, LLC/ Veridian Homes). [ID 77207, 77375, and 76590; LNDSP-2023-00003]

All;

At its October 2, 2023 meeting, the Common Council **approved** the rezoning request and the preliminary plat and final plat of *Acacia Ridge Replat No. 5* subject to the conditions of approval in the following sections, which shall be addressed prior to final approval and recording of the final plat.

Please contact Tim Troester of the City Engineering Division at (608) 267-1995 if you have questions regarding the following fifteen (15) items:

1. The stormwater management plan needs to be updated to reflect the higher density proposed by this development and verify that the stormwater management plan still is in compliance with ordinance.
2. The stormwater management plan shall have to be updated to address the increased density of the new development.
3. The text for intra-block drainage easements per (former) MGO Section 16.23(9)(d)2 (a. & b.) shall be included on the final plat.

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, multi-purpose path, and sidewalk improvements for all streets fronting the plat.
6. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat.
7. 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."
8. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Mark Moder ((608) 261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff per MGO Section 16.23(9)(d)(4).
9. A minimum of two (2) working days prior to requesting City Engineering Division signoff on the plat, contact either Tim Troester (West) at (608) 261-1995 (ttroester@cityofmadison.com) or Brenda Stanley (East) at (608) 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 and must be cleared prior to the land division (and subsequent obsolesces of the existing parcel).
10. An Erosion Control Permit is required for this project.
11. 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 at (608) 273-5612 of the WDNR 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 the Capital Area Regional Planning Commission (CARPC) is required for this project to proceed.
12. Submit a soil boring report that has been prepared by a Professional Engineer two weeks prior to recording the final plat to the City Engineering Division indicating the 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.

13. Confirm that adequate sight distance exists where public streets intersect per AASHTO design standards for intersection sight distance. If adequate sight distance does not exist, change the location of the street intersection or agree to make improvements to the roadways such that the sight distance is achieved or make mitigating improvements as required by the City. Note: The improvements indicated may require right of way outside of the plat.
14. The plat will need to be realigned such that alleys are not intersected at 90-degree angles.
15. 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.

Please contact Jeff Quamme of the City Engineering Division—Mapping Section at (608) 266-4097 if you have any questions regarding the following sixteen (16) items:

16. The existing public utility easements within this replat shall be released by separate document by the Utilities serving this area and by document prepared by City Office of Real Estate Services. Contact Jeff Quamme of Engineering Mapping (jrquamme@cityofmadison.com, (608) 266-4097) to coordinate the Real Estate project, and associated information and fees required. The other Utilities shall release the easements prior to the City of Madison recording its release. The easements shall be released prior to recording of the plat, acknowledgement of the release and document number shall be noted on the face of the plat.
17. The public easements for sidewalk and also the public easements for public water main and sanitary sewer within Outlot 17 and Outlot 18 of the plat of Acacia Ridge shall be released by separate document prepared by City Office of Real Estate Services. Contact Jeff Quamme of Engineering-Mapping Section (jrquamme@cityofmadison.com, (608) 266-4097) 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.
18. The applicant shall coordinate the discontinuance of parts of Highland Gate Way, Summer Rain Pass, Long Timber Way, Silver Maple Drive, Little Dove Trail, Turning Pebble Street, Cool Breeze Run, Hidden Fawn Trail, and Gentle Feather Road with City Engineering Mapping staff. Provide a final map exhibit and legal description of the discontinuance areas prepared by a professional land surveyor to Jeff Quamme (jrquamme@cityofmadison.com). A resolution shall then be initiated, Lis Pendens, and public notices by the City under Section 66.1003(4) Wis. Stats. with conditions of the effective date of the discontinuance based upon the development agreement execution and final plat ready for recording.
19. Place a note for the 30-foot wide Private Access Easement behind Lots 719-737 to see a separately recorded instrument setting forth the terms and conditions for the construction, maintenance, repair and uses within the Easement Area. Provide a draft of the document for review prior to final sign-off. The document shall be recorded immediately after the plat.

20. Label and dimension the public drainage easement at its mapped locations on the face of the plat.
21. Add text to the public sidewalk easement that is within Outlot 31 specifying that the owners of lots adjacent to the sidewalk easement are responsible for the removal of snow and ice from the sidewalk adjacent to their respective lots.
22. Either provide the document releasing the Utility Easement per Document No. 5839153 or show and label the easement along the west side of Lot 760.
23. Dedicate the alley area within Outlot 30 as a typical dedication for street or alley purposes. Note: The latest revision to the subdivision ordinance does not allow streets or alleys to be dedicated as an outlot.
24. 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.
25. As required by Ordinance, provide private Easements or private Outlots to accommodate the current United States Postal Service (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 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 subdivision 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. In the instance of land divisions that do not require the construction of public improvements or a contract with the developer, the required approved CBU documents shall be recorded simultaneously with the final approved subdivision. Construct the CBUs in accordance with the specifications approved by the Board of Public Works.

26. Add a portion of Little Dove Trail to the sheet headers and legal description, as it will be partially discontinued as well.
27. 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.

28. Prior to Engineering final sign-off by main office for 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 City Engineering Division sign-off.
29. The pending plat application for this property shall be completed and recorded with the Dane County Register of Deeds, 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.
30. Note: The letter of intent for the rezoning has missing information for Lot 250. It is recommended this exhibit be reviewed for accuracy by the applicant.
31. 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.

Please contact Sean Malloy of the Traffic Engineering Division at (608) 266-5987 if you have any questions regarding the following three (3) items:

32. The applicant shall provide turning movement diagrams to be approved by the Streets and Traffic Engineering Divisions for Cool Breeze Run prior to sign-off.
33. 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. Easements are needed between Lots 723-724, 689-699, 708-709, 684-638, 676-675. Easements are needed on Lots 751, 746, 713, 725, 757, 759, 691, 726, 690, and 673.
34. 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.

Please contact Jenny Kirchgatter, Assistant Zoning Administrator, at (608) 266-4429 if you have any questions regarding the following item:

35. Submit the updated Acacia Ridge Master Plan exhibits for the Amended TR-P Master Plan.

Please contact Bill Sullivan of the Madison Fire Department at (608) 261-9658 if you have any questions regarding the following two (2) items:

36. Provide fire access lanes in accordance with MGO Chapter 34.

37. The Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D and SPS 382.40(3)(e). 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.

Please contact Ann Freiwald of the Parks Division at (608) 243-2848 if you have any questions regarding the following three (3) items:

38. 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.

39. 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.

40. 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."

Please contact Jeff Belshaw of the Madison Water Utility at (608) 261-9835 if you have any questions regarding the following three (3) items:

41. 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.

42. The developer shall construct the public water distribution system and services required to serve the proposed subdivision plat per MGO Section 16.23.

43. All public water mains and water service laterals shall be installed by a standard City subdivision contract / City- Developer agreement. Applicant shall contact City Engineering Division to schedule the development of plans and the agreement. See Engineering Division comments for additional information.

Please contact Brandon Sly of the Forestry Section at (608) 264-4816 if you have any questions regarding the following item:

44. As defined by MGO Section 10.10, City Forestry will assess the full cost of the street tree installation to the adjacent property owner. City Forestry will determine street tree planting sites and tree species type. Street tree planting will be scheduled after there is substantial completion of the new plat development along the street segment.

Please contact Jenny Frese of the Office of Real Estate Services at (608) 267-8719 if you have any questions regarding the following ten (10) items:

45. 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.
46. Prior to plat approval sign-off, an executed and notarized or authenticated certificate of consent for all mortgagees/vendors, if applicable, shall be included following the Owner's Certificate(s).
47. A Consent of Lessee certificate shall be included on the plat for any tenancy in excess of one year, recorded or unrecorded, and executed by said tenant prior to agency plat approval sign-off.
48. Revise the Secretary Plan Commission name to Matthew Wachter.
49. Disclose any farm leases for the upcoming 2023 season.
50. If any portion of the lands within the plat boundary are subject to an Option to Purchase or other option interest, please include a certificate of consent for the option holder and executed prior to approval sign-off.
51. Per the title report dated February 14, 2023, the 2022 real estate taxes are paid for the subject property. If this plat is recorded in 2024, the taxes for 2023 shall be due in full. 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
52. 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.

53. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish to the City's Office of Real Estate Services (jfrese@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 (February 14, 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.

54. Please revise the final plat as follows:

- a. For the three easements to be released from existing Outlots 17 and 18, revise labels to "see Note 6" on Sheet 2.
- b. For properties not connected to municipal utility services, consider whether or not well abandonment ref. NR-141 needs to be addressed.
- c. Record satisfactions or releases for all recorded instruments that encumber or benefit the subject lands, if all interested parties agree that the purpose for such instrument is no longer necessary or relevant for the purposes of the land division.
- d. Initiate requests to all applicable utilities to record releases of their interests in utility easements in underlying plats or CSMs, if this proposed plat is a re-division of existing plats or CSMs with utility easements that will no longer be applicable.
- e. 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 a Real Estate Specialist in ORES to discuss the potential lease terms. Said leases are authorized by Resolution 13-00247 (ID 29183), adopted on April 16, 2013.

Please contact my office at (608) 261-9632 if you have questions about the following four (4) items:

55. The applicant shall submit to the Planning Division two copies of private subdivision covenants, conditions and restrictions, and easements that will govern the organizational structure, use, maintenance and continued protection of the development and any common services, open areas or other facilities to serve the proposed replat, including the shared private access driveway. These documents shall be approved by the Planning Division in consultation with the City Attorney's Office prior to final approval of the plat for recording.
56. That prior to final approval and recording of the final plat, the applicant shall demonstrate compliance with the requirements in Section 16.23(8)(f)8 of the (former) Subdivision Regulations for privately-owned and maintained open space, including the execution of land use restrictions and open space easements in a form acceptable to the Parks Division, Planning Division, and City Attorney's Office.

57. The width of pavement, corner radii, and right of way width for Cool Breeze Run shall be approved by the City Engineer, Fire Marshal and Streets Superintendent prior to final approval and recording of the final plat.
58. The two-family twin dwellings shall have a joint cross-access and maintenance agreement recorded that addresses the shared maintenance of the exterior elements of those units (roof, walls, etc.) consistent with the requirements in Section 28.151 of the Zoning Code.

Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency.

Any appeal regarding the plat, including the conditions of approval related thereto, 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, please do not hesitate to contact me at (608) 261-9632 or tparks@cityofmadison.com.

Sincerely,

Timothy M Parks

Timothy M. Parks
Planner

cc: Tim Troester, City Engineering Division
Jeff Quamme, City Engineering Division – Mapping Section
Sean Malloy, Traffic Engineering Division
Jenny Kirchgatter, Assistant Zoning Administrator
Bill Sullivan, Madison Fire Department
Jeff Belshaw, Madison Water Utility
Ann Freiwald, Parks Division
Brandon Sly, City Forestry Section
Jenny Frese, Office of Real Estate Services