



Department of Planning & Community & Economic Development

## Planning Division

Heather Stouder, Director

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

January 27, 2022

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

RE: Approval of a request to rezone land generally addressed as 9304-9332 Tawny Acorn Drive, 560-580 Redan Drive, et al from TR-C3 (Traditional Residential–Consistent 3 District) to TR-P (Traditional Residential–Planned District); approval of an amendment to the TR-P Master Plan for the Acacia Ridge subdivision; and approval of the preliminary plat and final plat of *Acacia Ridge Replat No. 2*, replatting 100 single-family lots into 104 single-family lots and replatting two outlots for public alleys. (Chris Ehlers, East South Point, LLC/ Veridian Homes). [ID 68646 and 68206; LNDSP-2021-00008]

Dear Brett and Dan;

At its January 18, 2022 meeting, the Common Council **approved** the rezoning, zoning master plan amendment, preliminary plat, and final plat of *Acacia Ridge Replat No. 2* 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 ten (10) items:**

1. Provide documentation that the new proposed development is still consistent with the stormwater management plan and the routing of the 100- and 500-year storms through the proposed development.
2. 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.
3. The developer shall construct Madison Standard street, multi-purpose path, and sidewalk improvements for all streets fronting the plat.
4. The developer shall construct the north side of Valley View Road adjacent to the plat, including any transitions to existing pavement beyond the plat as determined by the City Engineer and City Traffic Engineer. The work in Valley View Road will include, but is not limited to, sidewalk, curb and gutter, storm sewer, and pedestrian islands to facilitate pedestrian crossings.

5. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat
6. 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."
7. 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).
8. 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).
9. 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 nine (9) feet below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer.
10. 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 other mitigating improvements as required by the City. Note: The improvements indicated may require right- of-way outside of the plat.

**Please contact Jeff Quamme of the City Engineering Division—Mapping Section at (608) 266-4097 if you have any questions regarding the following six (6) items:**

11. This replat requires the vacation/discontinuance of several platted public right of ways: Lost Deer Run, Turning Oak Lane, White Sky Pass and White Sky-Redan public alleys located within Outlots 21 and 22, Acacia Ridge. The applicant's consultant shall provide the required map exhibits and descriptions for each of those respective areas. The public ways shall be discontinued by separate resolution by the City of Madison under s.66.1003 (4) of the Wisconsin Statutes. The discontinuances shall be introduced to the Common Council upon the receipt and approval of the required map exhibits and legal descriptions. The final recording and validation of the vacation shall be conditioned upon the conditions of approval for the development being met to the satisfaction of the City of Madison Engineer.

12. 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.
13. The plat depicts creation of various segments of private landscaping easements along Valley View Road, depicted as "30' WIDE PRIVATE LANDSCAPING EASEMENT GRANTED TO THE ACACIA RIDGE HOMEOWNERS ASSOCIATION, ITS HEIRS AND ASSIGNS". Include specific easement terms/conditions for such private landscape easement segments (preferably in tabular note form) on the final plat prior to recording with the Register of Deeds.
14. 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.
15. Reconcile variations in legal descriptions with the subdivision plat and supplemental street vacation/discontinuance documents. The legal description headers below the plat name on both plat pages, and Surveyor's Certificate, indicate only a portion of Lost Deer Run being vacated, yet the supplemental street vacation/discontinuance map and legal description exhibits appear to depict all of Lost Deer Run. Also reconcile Surveyor's Certificate legal description on subdivision plat that does not include vacated White Sky Pass.
16. 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 two (2) items:**

17. 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 the following lots: 480-481, 485-486, 461-562, 565-566, 569-570, 560-

561, 531-532, 539-540, 574-575, 507-508, and 500-501. Easements are needed on the corner of the following lots: 476, 487, 569, 570, 576.

18. 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 Bill Sullivan of the Madison Fire Department at (608) 261-9658 if you have any questions regarding the following item:**

19. 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:**

20. 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. Please reference ID 17140.3 when contacting Parks Division staff about this project.
21. 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.
22. 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 Brad Hofmann of the City Forestry Section at (608) 267-4908 if you have any questions regarding the following item:**

23. 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 Jeff Belshaw of the Madison Water Utility at (608) 261-9835 if you have any questions regarding the following two (2) items:**

24. 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).
25. 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 Lance Vest of the Office of Real Estate Services at (608) 245-5794 if you have any questions regarding the following six (6) items:**

26. 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.
27. A certificate of consent for all mortgagees/vendors shall be included following the Owner’s Certificate(s) and executed prior to plat approval sign-off.
28. As of December 3, 2021, the 2020 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
29. As of December 3, 2021, 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.
30. 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](mailto: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 (October 12, 2021) 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.

31. 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.

**Please contact my office at 261-9632 if you have questions about the following five (5) items:**

32. No vehicular access to Valley View Road shall be granted for Lots 487-488 and 559-569 of the final plat. This access restriction shall be depicted graphically and as a note on the final plat.
33. The developer shall propose a new street name for Lost Deer Run in the proposed replat, as the existing section platted west of Redan Drive is now proposed to be disconnected from the section proposed with the replat between relocated White Sky Pass and Lone Oak Lane. Final approval of street name changes associated with the replat shall be granted by the City Engineer prior to recording.
34. The TR-P master plan and related restrictive covenants on file with the Zoning Administrator shall be revised to include the area to be added with the subject replat prior to final approval and recording of the final plat.
35. The applicant shall submit to the Planning Division two copies of revised private subdivision covenants, conditions and restrictions that 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. 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.
36. The applicant shall submit a grading plan and landscaping plan (with cross-sections) for the southern 30 feet of Lots 559-568 for approval by the Planning Division prior to recording of the final plat. The 30-foot buffer strip shall provide a landscaped buffer adjacent to Valley View Road. The following note shall be included on the final plat: "The 30-foot landscaped buffer/planting shall be reserved for the planting of trees or shrubs by the owner; the building of buildings hereon is prohibited, and the rear 30-feet of the strip shall not be counted as any required yard. Maintenance of this strip is the responsibility of the lot owner or homeowner's association." The approved landscaping shall be installed as a condition of building permit approval for Lots 559-568.

**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 261-9632.

ID # 68646 & 68206  
Acacia Ridge Replat No. 2: TR-P Zoning,  
Preliminary Plat and Final Plat  
9304-9332 Tawny Acorn Drive,  
560-580 Redan Drive, et al  
January 27, 2022  
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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  
Brad Hofmann, City Forestry Section  
Lance Vest, Office of Real Estate Services