



PREPARED FOR THE PLAN COMMISSION

Project Address: 702-734 Crimson Leaf Lane
Application Type: Preliminary Plat and Final Plat
Legistar File ID # [53867](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant & Property Owner: Chris Ehlers, VH1000 Oaks, 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 of *1000 Oaks Replat No. 1*, replatting nine single-family lots to create a new east-west public street to serve future neighborhood development.

Proposal Summary: “1000 Oaks Replat No. 1” calls for Lots 4-12 in the First Addition to 1000 Oaks subdivision to be recreated as nine nominally narrower single-family lots to allow a new 56-foot wide east-west public street, “Noble Pine Way,” to be dedicated to serve future residential development on a large residential property west of the 1000 Oaks subdivision in the Town of Middleton. Dedication and construction of Noble Pines Way to serve future development west of the site is being proposed by the applicant to address circulation concerns in this portion of the Pioneer neighborhood raised by City staff in response to a forthcoming proposal to subdivide the nearby Reynolds property as the “Western Addition to 1000 Oaks” (scheduled for zoning and preliminary plat review on January 28, 2019). Development of the 1000 Oaks 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 preliminary plat and final plat application was submitted to the City on November 14, 2018. Therefore, the 90-day review period for this plat was scheduled to expire circa February 14, 2019.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward the preliminary plat and final plat of the *1000 Oaks Replat No. 1* subdivision at 702-734 Crimson Leaf Lane 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 subject site contains approximately 1.24 acres of land located extending along the west side of platted Crimson Leaf Lane generally from Watts Road on the north to Sunny Spring Drive on the south; Aldermanic District 9 (Skidmore); Madison Metropolitan School District.

Existing Conditions and Land Use: Undeveloped single-family lots in the First Addition to 1000 Oaks subdivision, zoned TR-C3 (Traditional Residential–Consistent 3 District).

Surrounding Land Uses and Zoning:

North: Latitude 43 Apartments, zoned TR-U1 (Traditional Residential–Urban 1 District);

South: Stormwater management greenway and undeveloped single-family lots in the First Addition to 1000 Oaks subdivision, zoned TR-C3 (Traditional Residential–Consistent 3 District);

West: Single-family residence and undeveloped land in the Town of Middleton;

East: Stormwater management greenway and single-family lots in the First Addition to 1000 Oaks along and east of Crimson Leaf Lane, zoned TR-C3.

Adopted Land Use Plans: The 2018 amendment to the [Pioneer Neighborhood Development Plan](#) identifies the subject lots for low-density residential uses in Housing Mix 1 at a density of up to eight units an acre.

Environmental Corridor Status: The property is located in the Central Urban Service Area; the adjacent stormwater management greenways south and east of the replat are located in mapped environmental corridors.

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 currently does not provide service west of Pleasant View Road.

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

	Required	Proposed
Lot Area (sq. ft.)	3,000 sq. ft. per lot	All proposed lots will exceed
Lot Width	30'	All proposed lots will exceed
Front yard setback	15'	To be determined at permitting
Maximum front yard setback	30' or up to 20% greater than average	To be determined at permitting
Side yard setback	5'	To be determined at permitting
Rear yard	20'	To be determined at permitting
Maximum lot coverage	75%	To be determined at permitting
Maximum building height.	2 stories/35'	To be determined at permitting
Usable open space (sq. ft. per unit)	500	To be determined at permitting

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
<i>Prepared by: Jenny Kirchgatter, Assistant Zoning Administrator</i>	

Previous Approval

On April 8, 2014, the Common Council approved a request to rezone land generally addressed as 702 South Point Road from A (Agricultural District), TR-C3 (Traditional Residential–Consistent 3 District) and PD (Planned Development District) to TR-P (Traditional Residential–Planned District), TR-C3, and CN (Conservancy District), and conditionally approved the preliminary plat and final plat of *First Addition to 1000 Oaks*, creating 259 single-family lots, eleven lots for two-family-twin residences, and nine outlots for public park and stormwater management and private open space. The final plat of the First Addition to 1000 Oaks was recorded on April 20, 2016.

Project Description, Analysis and Conclusion

The applicant, Veridian Homes, is requesting approval of the preliminary plat and final plat of “1000 Oaks Replat No. 1” to replat nine single-family lots in the First Addition to 1000 Oaks subdivision to allow dedication of a new 56-foot wide east-west public street, “Noble Pine Way,” to serve future residential development on a large residential property west of the 1000 Oaks subdivision in the Town of Middleton. The 1.24-acre subject site extends along the west side of Crimson Leaf Lane generally from Watts Road on the north to Sunny Spring Drive on the south, with a City-owned stormwater greenway forming the southern edge of the replat and other single-family home sites located to the east across Crimson Leaf Lane.

Lots 4-12 of First Addition to 1000 Oaks were generally platted as 65-foot wide lots. The proposed replat calls for those nine lots to be recreated as one 51-foot lot, six 59-foot wide lots, and two 64-foot wide corner lots at Watts Road and Noble Pines Way. All of the proposed lots will comply with the minimum 30-foot lot width and 3,000 square-foot lot area required in the existing TR-C3 zoning district.

The applicant is dedicating and constructing Noble Pines Way to serve future development of the adjacent Ronald May-Catherine Moore property in the Town of Middleton to address circulation concerns in this portion of the Pioneer neighborhood raised by City staff in response to a forthcoming proposal to subdivide the nearby Reynolds property as the “Western Addition to 1000 Oaks,” which is scheduled for zoning and preliminary plat review on January 28, 2019. [A second replat, “1000 Oaks Replat No. 2,” is also related to future development of the Reynolds property and will be considered at the January 14 Plan Commission meeting.] The circulation concerns stem from how Sugar Maple Lane, which is planned in the Pioneer Neighborhood Development Plan to extend as a collector street from Valley View Road on the south to Mineral Point Road, will cross the Reynolds property and the likely location of the stormwater management needed to serve the May-Moore parcel if it is developed in the future. In order to reduce block lengths and promote connectivity between the various subdivisions in this portion of the Pioneer neighborhood, staff recommended to the applicant that either a north-south connection be made between the Reynolds and May-Moore properties or an east-west connection be made between the May-Moore property and the northerly portion of 1000 Oaks.

The applicant has chosen the latter option to address the connectivity and block length concerns, which staff supports. It appears that the future extension of Noble Pines Way with the proposed replat will align with Hazy Sky Parkway west of the May-Moore property in the Birchwood Point subdivision, which would create an east-west connection through this portion of the neighborhood consistent with the street network recommended in the Pioneer Neighborhood Development Plan.

Recommendation

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

The Planning Division recommends that the Plan Commission forward the preliminary plat and final plat of the *1000 Oaks Replat No. 1* subdivision at 702-734 Crimson Leaf Lane 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. Reconcile the numbering of the proposed lots between the preliminary and final plats prior to final approval and recording of the replat.

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

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

2. The stormwater management plan shall demonstrate passing the 100-year storm event without having public water leave the city drainage system or right of way. The stormwater management plan shall also demonstrate safe passage of the 500-year event without damage to building structures.
3. 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 Mark Moder (261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
4. Each lot shall have a separate sanitary sewer lateral.
5. The following notes shall be included on the final plat per MGO Section 16.23(9)(d)2:
 - 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 five (5) 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, without the approval of the City Engineer at the time of site plan review. Fences may be placed in the easement only if they do not impede the anticipated flow of water. 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.

- 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. Information to Surveyor's: In addition to notes such as this, Wisconsin 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.
6. This development is subject to impact fees for the Lower Badger Mill Creek 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 plans: "Lots/ buildings within this development are subject to impact fees that are due and payable at the time building permit(s) are issued."
7. 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. (MGO 16.23(9)(D)) The master stormwater 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 Engineer's approval of this plan.

8. 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 273-5612 of the WDNR to discuss this requirement.

9. The applicant shall submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West). The digital copies shall be to scale, and shall have a scale bar on the plan set. The PDF submittals shall contain the following information: a) Building Footprints; b) Internal Walkway Areas; c) Internal Site Parking Areas; d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.); e) Right-of-Way lines (public and private); f) Lot lines or parcel lines if unplatted; g) Lot numbers or the words unplatted; h) Lot/Plat dimensions; i) Street names; j) Stormwater Management Facilities; and k) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
10. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including: a) SLAMM .DAT files; b) RECARGA files; c) TR-55/HYDROCAD/Etc., and; d) Sediment loading calculations. If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided.
11. 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, matching post development rates to predevelopment rates.
12. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to reduce TSS by 80% (control the 5 micron particle) off of newly developed areas compared to no controls.
13. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to provide infiltration in accordance with Chapter 37 of MGO.
14. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this site shall provide substantial thermal control.
15. 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 of Madison General Ordinances.
16. The applicant shall verify that zoning side yard setbacks coincide with non-exclusive drainage easement widths.
17. The construction of this project will require that the applicant shall enter into a City/ Developer agreement for the required infrastructure improvements. The applicant shall contact City Engineering to schedule the

development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. Note: Obtaining a developer's agreement generally takes approximately 4-6 weeks, minimum.

18. The developer shall construct Madison Standard street and sidewalk improvements for all streets within the plat.

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

19. The public utility easements that are required to be released shall be released by separate document prepared by City Office of Real Estate Services. The applicant shall prepare any necessary legal descriptions and scale map exhibits for the portions to be released and provide to Engineering Land Records Coordinator Jeff Quamme for review. Upon approval of the exhibits, Engineering will create the necessary Office of Real Estate Services (ORES) Project. ORES staff will then administer the release document(s) and record with the Dane County Register of Deeds. The applicant is responsible to obtain releases of the easements by the other Utility companies serving the area. The releases shall be required to be completed prior to final sign off and recording of the final plat. Acknowledgement of the release and document number shall be noted on the face of the plat.

20. The street name Noble Pine Way has been replaced and is now Garden Lily Way.

21. Label the adjacent gap area quit claim deed Document No.5225338.

22. Clearly label on the map the new Public Utility Easements being granted by this plat.

23. 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.

24. The applicant shall submit to Jeff Quamme, prior to final Engineering sign-off of the subject plat, one (1) digital CADD drawing and one (1) signed copy of the final plat to the Mapping/GIS Section of the Engineering Division either as hard copy or Adobe PDF format. The digital CADD file shall be submitted in the WisDOT County Coordinate System, Dane County Zone datum in either Auto CAD Version compatible with MicroStation Version V8i, MicroStation Version V8i or older or Universal DXF Formats. The digital CADD file(s) shall contain the minimum of the items stated below, each on a separate layer name/level number. All line work shall be void of gaps and overlaps that would cause any parcel, street or easement to not properly close. All line work orientation and geometrics shall match the dimensioning as labeled on the final recorded plat: 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. The Developer/Surveyor shall submit new updated final plat, electronic data and a written notification to Engineering Mapping for any changes to the plat which occur subsequent to any original submittal of data and prior to final sign off.

25. 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 jrquamme@cityofmadison.com.

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

26. The applicant shall execute and return a declaration of conditions and covenants (DCC) for streetlights and traffic signals prior to sign off.

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

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

Fire Department (Contact Bill Sullivan, 261-9658)

27. 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 Adam Wiederhoeft, 266-9121)

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

Metro Transit (Contact Tim Sobota, 261-4289)

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

Parks Division (Contact Sarah Lerner, 261-4281)

28. Reconcile the numbering of the proposed lots between the preliminary and final plats.

29. 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)) requirements have been met. No additional park fees are required for this replat.

30. City Forestry will evaluate the terrace for new street tree plantings upon completion of the project. If there is space for new trees, City Forestry will schedule planting and assess the cost of the initial planting to the property owner.

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

31. Include an Owner's Certificate for Jim and Sue Investment, LLC. Prior to approval sign-off, the Owner's Certificate(s) on the final plat shall be executed by all parties having an interest in the property, pursuant to Wis. Stats. 236.21(2)(a). 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. The executed original hard stock recordable plat shall be presented at the time of sign-off.
32. The signature block should indicate whether the signatory is a member or manager of the LLC rather than officer. If more than one member of the LLC is required to sign, please include additional notary blocks with the names of the signatories in addition to the name of the LLC.
33. Include a Mortgagee's Certificate for McFarland State Bank. 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. If mortgages of record are paid off prior to plat approval, a copy of the recorded satisfaction for said mortgage shall be provided prior to sign-off.
34. Under 236.21(3) Wis. Stats. and MGO Section 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. 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, WI 53701.
35. 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 (October 19, 2018) and the date when sign-off of the final plat 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.
36. The following revisions shall be made to the final plat prior to final approval and recording:
 - a.) Initiate requests to all applicable utilities to record releases of their interests in utility easements in underlying plats or CSM's, if this proposed plat is a re-division of existing plats or CSMs 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.
 - b.) 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

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contact Heidi Fischer at 264-9297 to discuss the potential lease terms. Said leases are authorized by Resolution File ID 29183, Resolution 13-00247, adopted April 16, 2013.