Department of Planning & Community & Economic Development
Planning Division
Heather Stouder, Director

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June 14, 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: Consideration 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. 4 subdivision; consideration of the preliminary plat and final plat of *Acacia Ridge Replat No. 4*, replatting 54 single-family lots and an outlot for a public alley into 66 lots for single-family and two-family dwellings, and one outlot for private open space, and; consideration of a conditional use in the TR-P District for a residential building complex with 10 single-family detached dwellings on two lots in the future *Acacia Ridge Replat No. 4*, all located on the north side of Valley View Road and west of Lone Oak Lane (Chris Ehlers, East South Point, LLC/ Veridian Homes). [ID 76506, 76508, and 76589; LNDSPP-2023-00002]

All;

At its June 6, 2023 meeting, the Common Council **approved** the preliminary plat and final plat of *Acacia Ridge Replat No. 4.* On May 22, 2023, the Plan Commission **approved** an amendment to the TR-P District master plan for Acacia Ridge to reflect the proposed Acacia Ridge Replat No. 4 subdivision and **approved** a conditional use–residential building complex. The approvals are subject to the conditions of approval in the following sections, which shall be addressed prior to final approval and recording of the final plat and issuance of permits for the residential building complex.

Please contact Tim Troester of the City Engineering Division at (608) 267-1995 if you have questions regarding the following fourteen (14) items:

1. Proposed Lots 613 and 614 will be served by private sanitary sewers that will require an ownership/ maintenance agreement (recorded) for the private sewer main prior to plan approval for these two lots.

2. The stormwater management plan will need to be updated to show that the increased density that is being proposed can be accommodated by the existing stormwater features.

3. Enter into a City / Developer agreement for the required infrastructure improvements. The agreement shall be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact the City Engineering Division to schedule the development and approval of the plans and the agreement.

4. The developer shall be responsible for the construction of 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. Make improvements to Valley View Road in order to facilitate ingress and egress to the development.

6. The developer shall construct Madison standard street, multi-purpose path, and sidewalk improvements for all streets fronting the plat.

7. 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. The developer shall be required to cost share in regrading Valley View Road east of Lone Oak Lane.

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 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 timebuilding permit(s) are issued.”

10. 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) toobtain 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).

11. An Erosion Control Permit is required for this project.

12. This project will disturb 20,000 square feet or more of land area and requires 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.

13. Demonstrate compliance with Sections 37.07 and 37.08 of Madison General Ordinances 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.

14. 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.

Please contact Jeff Quamme of the City Engineering Division–Mapping Section at (608) 266-4097 if you have any questions regarding the following twelve (12) items:

15. City Engineering Sewer staff will not permit the future condominium units within Lots 613 and 614 to be served from public sanitary sewer within adjacent Outlot 27 due to access issues. Also Lots 615-624 are to be served from the proposed public alley of Turning Oak Lane. Remove the public sanitary sewer easement from Outlot 27 and provide a private sanitary sewer easement as necessary to serve Lots 613 and 614 referring to a separately recorded document that sets forth the conditions for construction, maintenance, repair and replacement of the private sanitary sewer. Provide the separate document for review prior to final sign off.

16. This replat requires the vacation/discontinuance of Turning Oak Lane. Provide to the City of Madison Engineer, copied to Jeff Quamme, Manager of the Land Information Official Map, a petition signed by all adjacent property owners of the area to be vacated along with the legal description, map exhibit of the right of way to be vacated and a recorded copy of the Lis Pendens as required by Wis. Stat 66.1003(9). The public ways shall be discontinued by separate resolution by the City of Madison under s.66.1003 (2) of the Wisconsin Statutes. The discontinuances shall be introduced to the Common Council upon the receipt and approval of the required petition, map exhibits and legal descriptions. The final recording and effective date 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.

17. 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.

18. The existing 30-foot wide Private Landscaping Easement adjacent to Valley View Road per Document No. 5883303 shall be released by separate document prior to recording of the plat and acknowledgement of the release and document number shall be noted on the face of the plat. Correct the last sentence of Note 8 to 5883303, as 5471585 has already been released by 5877907.

19. 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.

20. 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.

21. The Private Sidewalk, Private Water Main, Private Parking and Landscaping, Private Sanitary Sewer Easements shall all include the Lots that are to be beneficiaries of each easement. The text shall also note to see a separately recorded instrument setting forth terms for use, construction, maintenance, repair and replacement of the associated facilities.

22. The alley dedication of Turning Oak Lane shall be modified to include Public Storm Sewer and Drainage Uses.

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. Note: Land tie to two PLS corners required.

24. 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.

25. 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.

26. 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:

27. The applicant shall provide turning movement diagrams to be approved by the Streets and Traffic Engineering Divisions for Turning Oak Lane prior to sign-off.

28. 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.

29. 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 seven (7) items:

30. The applicant proposes south side yard setbacks of 5.5 feet. The minimum required side yard setback for a residential building complex is 10 feet. The setback requirements may be reduced as part of the conditional use approval, provided that equivalent open space areas are provided.

31. Provide a calculation for lot coverage for both residential building complex lots with the final plan submittal. The lot coverage maximum is 75%. Lot coverage is defined as the total area of all buildings, measured at grade, all accessory structures including pools, patios, etc., and all paved areas as a percentage of the total area of the lot, with the following exceptions: sidewalks or paved paths no wider than five (5) feet, pervious pavement, green roofs and decks.

32. Show the height of the proposed single-family houses on the elevations. The maximum height is three (3) stories and 35 feet. Height is the average of the height of all building facades. For each facade, height is measured from the midpoint of the existing grade to the highest point on the roof of the building or structure. No individual facade shall be more than 15% higher than the maximum height of the zoning district.

33. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than 10,000 square feet in size must be prepared by a registered landscape architect.

34. Identify the building color schemes for the various houses within the residential building complexes.

35. Verify whether new parking lot lighting will be installed for the visitor or guest parking stalls. New parking lot lighting must comply with MGO Section 29.36 outdoor lighting standards. If parking lot site lighting is provided, submit a lighting photometric plan and fixture cut sheets with the final plan submittal.

36. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.

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

37. Provide details on the turning radii onto Turning Oak Lane and the ability to comply with all fire access lane requirements.

38. 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:

39. 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.

40. 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.

41. 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 two (2) items:

42. 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).

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 Jenny Frese of the Office of Real Estate Services at (608) 267-8719 if you have any questions regarding the following nine (9) items:

44. 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.

45. 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).

46. 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.

47. Disclose any farm leases for the upcoming 2023 season.

48. 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.

49. 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

50. 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.

51. 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.

52. Please revise the final plat as follows:

    a. The following document numbers referenced in the second line under Note #8 of the plat are not shown in the title report: 5474970, as modified. Please either remove said note or provide evidence that the documents encumber the subject lands.

    b. Describe the Public Water Easements on Sheet 1 as Public Water Main Easements.

    c. For properties not connected to municipal utility services, consider whether or not well abandonment ref. NR-141 needs to be addressed.

    d. 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. In particular, the 30' private landscaping easement per the prior replat.

    e. Initiate requests to all applicable utilities to record releases of their interests in utility easements in underlying plats or CS's, if this proposed plat is a re-division of existing plats or CSMs with utility easements that will no longer be applicable.

    f. Create notes that define the purpose of and the ownership of (whether public or private) all outlots. The note for an outlot dedicated to the public shall say: "Dedicated to the public for _____ purposes."

    g. 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 five (5) items:

53. 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 driveways. 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.

54. 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 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.

55. The width of pavement, corner radii, and right of way width for Turning Leaf Lane shall be approved by the City Engineer, Fire Marshal and Streets Superintendent prior to final approval and recording of the final plat.

56. The width of pavement and shared access easements serving the future residences on Lots 606-614 and 625-632 shall be approved by the approved by the Fire Marshal and plans for the shared driveways and parking lots shall be part of the final plans on file with the Zoning Administrator.

57. 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
Jenny Frese, Office of Real Estate Services
Jessica Vaughn, Urban Design Commission