



PREPARED FOR THE PLAN COMMISSION

Project Address: 9602-9646 and 9609-9639 Tawny Acorn Drive, 903-923 Quaking Aspen Road, 9606-9632 and 9722-9740 Winter Basil Drive, and 902-922 Cherry Bark Road

Application Type: Preliminary Plat and Final Plat

Legistar File ID # [58667](#)

Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant: Chris Ehlers, VH1000 Oaks, LLC, dba Veridian Homes; 6801 South Towne Drive; Madison.

Property Owners: VH1000 Oaks, LLC and the City of Madison.

Surveyor: Brett Stoffregan and Dan Day, D’Onofrio Kottke & Associates; 7530 Westward Way; Madison.

Requested Actions: Approval of the preliminary plat and final plat of *1000 Oaks Replat No. 3*, replatting 43 single-family lots into 49 single-family lots. [The parcels affected by this replat are listed in Appendix A beginning on page 8 at the end of this report.]

Proposal Summary: “1000 Oaks Replat No. 3” calls for Lots 168-180, and 191-196, 198-204 and 211-227 in the First Addition to 1000 Oaks subdivision to be reconfigured into 49 single-family lots to “better accommodate market conditions” according to the letter of intent submitted with the application. 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 application for preliminary plat and final plat approval was submitted to the City on December 4, 2019. Therefore, the 90-day review period for this plat was scheduled to expire circa March 4, 2020.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward the preliminary plat and final plat of the *1000 Oaks Replat No. 3* subdivision on land addressed as 9602-9646 and 9609-9639 Tawny Acorn Drive, 903-923 Quaking Aspen Road, 9606-9632 and 9722-9740 Winter Basil Drive, and 902-922 Cherry Bark Road 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 consists of approximately 9.8 acres of land generally located in the southern half of the larger 1000 Oaks subdivision adjacent to South Point Road and north of Valley View Road; Aldermanic District 9 (Skidmore); Madison Metropolitan School District. [The parcels affected by this replat are enumerated in Appendix A beginning on page 8 of this report.]

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: The portion of the subdivision being replatted is generally surrounded by other existing platted lots in the 1000 Oaks development and is roughly bounded by South Point Road on the east, Valley View Road on the south, Sugar Maple Lane on the west, and 1000 Oaks Park on the north.

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; none of the subject land is located in the mapped environmental corridor.

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. The proposed development is also outside Metro Transit's paratransit service area. The closest bus stop with scheduled bus service is approximately two miles walking distance, and the units would be greater than the three-quarters-mile regulatory distance from all day service for passengers who might be eligible for door-to-door paratransit service.

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. The First Addition plat is colloquially referred to in this report as “1000 Oaks” for brevity.

Project Description, Analysis and Conclusion

The applicant, Veridian Homes, is requesting approval of the preliminary plat and final plat of “1000 Oaks Replat No. 3” to replat 43 single-family lots in the First Addition to 1000 Oaks subdivision into 49 single-family lots. The 43 existing lots and 49 proposed lots will be located along both sides of existing platted Tawny Acorn Drive, the west side of Cherry Bark Road, the northerly side of Winter Basil Drive, and east side of Quaking Aspen Road. The replat proposes to narrow the existing lots slightly to accommodate an additional lot on the same block. The applicant indicates that the reconfigured lots are intended to “better accommodate market conditions” according to the letter of intent submitted with the application. No changes to the platted streets are proposed, and no public or private outlots will be impacted by the proposed replat.

Staff believes that the Plan Commission may find the standards for subdivision approval met with the proposed replat. All of the proposed lots will meet the minimum lot width and area requirements in the TR-C3 zoning district, and staff believes that the proposal is consistent with the Residential Housing Mix 1 (HM1) recommendations for the site in the [Pioneer Neighborhood Development Plan](#), which calls for the development of predominantly single-family detached residences up to 8 units per acre. The slight increase in density proposed will still be well below the 8 unit per acre maximum and should result in the mix of housing types and lot sizes generally encouraged in the 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. 3* subdivision on land addressed as 9602-9646 and 9609-9639 Tawny Acorn Drive, 903-923 Quaking Aspen Road, 9606-9632 and 9722-9740 Winter Basil Drive, and 902-922 Cherry Bark Road 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

[Continues on next page >>]

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

1. The existing stormwater management plan on file shall be reviewed and edited if deemed necessary to reflect the replat.
2. Enter into a City / Developer agreement for the required infrastructure improvements to be executed prior to sign off. Please allow 4-6 weeks to obtain agreement. Contact City Engineering to schedule the development and approval of the plans and the agreement.
3. The developer shall construct Madison Standard street and sidewalk improvements for all streets within the plat.
4. The developer shall construct sidewalk along South Point Road along plat limits according to a plan approved by City Engineer.
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 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. Madison Metropolitan Sewerage District (MMSD) 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.
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 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.
10. Install a property boundary witness markers along the boundary of lands dedicated for public stormwater purposes at property corners or in locations that are mutually agreeable to the applicant and Engineering Division.

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

11. All portions of the Public Utility Easements to be released shall be released by separate 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 releases by the City and the Public Private Utilities serving this plat are required prior to recording of the plat. Acknowledgement of the release and document number shall be noted on the face of the plat.
12. A private easement to accommodate the current USPS-required centralized delivery of mail using Cluster Box Units (CBUs) is noted on the plat. The applicant shall coordinate and provide documentation from the USPS Development Coordinator, City Engineering and Traffic Engineering staff confirming the required locations for the CBUs serving this plat. CBUs serving this plat will not be permitted within any publicly owned or dedicated lands. A revised draft of the CBU owner's agreement acknowledging the revised lots shall be required prior to the recording of the final plat. The revised agreement shall be recorded immediately after the final plat has been recorded.
13. Add a note as follows: "The 30-foot wide Private Landscaping Easement on Lots 328, 349 - 355 inclusive, is subject to and subservient to the uses, terms and conditions of the existing Temporary Grading Easements, Public Utility Easements and Public Sanitary Easements as noted on the face of this plat." Add text to the label for the landscaping easement to see the corresponding note.
14. Label on the face of the plat along the lot lines shared with Outlot 8 of First Addition to 1000 Oaks and CSM 13155 that those Lots are subject to the requirements of Document No. 5231816.
15. Add a note that all lots within this plat are subject to Declaration of Conditions, Covenants and Restrictions recorded as Document No. 5231817.
16. Add a note that this plat is subject to Declaration of Conditions and Covenants recorded as Document Nos. 5376979 and 5411904.
17. Label South Point Road on the face of the plat.
18. Retitle the Legal Description on sheet 1 as the Surveyor's Certificate.
19. 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.

20. 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 & 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.

21. 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)

22. 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 streetlights are needed. Easements are needed on: Lots 349, 348, 205, and 364. Easements are needed between lots: Lots 337-336, 333-332, 342-343, 346-347, 373-374, 352-353, 187-186, 183-182, 355-228, 358-357, 362-361, 244-243, and 249-248.

23. 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.

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)

24. 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)." An upgrade to include a fire sprinkler system with a cost estimate shall be made available for all initial single- or two-family home sales.

Water Utility (Contact 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)

25. 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.

City Forestry Section (Brad Hofmann, 267-4908)

26. 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)

27. 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.
28. 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.
29. 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.
30. Revise the County Treasurer certificate to reflect the year 2020.
31. Include a space for recorded page numbers in the Register of Deeds certificate.
32. As of January 10, 2020, 2019 real estate taxes remain due for the subject property. 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.

33. As of January 10, 2020, there are no special assessments reported due 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 the City’s Office of Real Estate Services in advance of plat approval sign-off.
34. 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 (November 15, 2019) 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.
35. 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; 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.
36. 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 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.

Appendix A – Affected Parcels

The proposed 1000 Oaks Replat No. 3 includes the following parcels:

Parcel Address	Tax Parcel No.
9602 Tawny Acorn Drive	251-0708-283-1423-0
9606 Tawny Acorn Drive	251-0708-283-1424-8
9610 Tawny Acorn Drive	251-0708-283-1425-6
9614 Tawny Acorn Drive	251-0708-283-1426-4
9618 Tawny Acorn Drive	251-0708-283-1427-2
9622 Tawny Acorn Drive	251-0708-283-1428-0
9626 Tawny Acorn Drive	251-0708-283-1429-8
9630 Tawny Acorn Drive	251-0708-283-1430-5
9634 Tawny Acorn Drive	251-0708-283-1431-3
9638 Tawny Acorn Drive	251-0708-283-1432-1
9642 Tawny Acorn Drive	251-0708-283-1433-9
9646 Tawny Acorn Drive	251-0708-283-1434-7
923 Quaking Aspen Road	251-0708-283-1636-9
919 Quaking Aspen Road	251-0708-283-1637-7
915 Quaking Aspen Road	251-0708-283-1638-5

911 Quaking Aspen Road	251-0708-283-1639-3
907 Quaking Aspen Road	251-0708-283-1640-0
903 Quaking Aspen Road	251-0708-283-1641-8
902 Cherry Bark Road	251-0708-283-1702-8
906 Cherry Bark Road	251-0708-283-1703-6
910 Cherry Bark Road	251-0708-283-1704-4
914 Cherry Bark Road	251-0708-283-1705-2
918 Cherry Bark Road	251-0708-283-1706-0
922 Cherry Bark Road	251-0708-283-1707-8
9722 Winter Basil Drive	251-0708-283-1708-6
9726 Winter Basil Drive	251-0708-283-1709-4
9730 Winter Basil Drive	251-0708-283-1710-1
9736 Winter Basil Drive	251-0708-283-1711-9
9740 Winter Basil Drive	251-0708-283-1701-0
9639 Tawny Acorn Drive	251-0708-283-1802-6
9633 Tawny Acorn Drive	251-0708-283-1803-4
9629 Tawny Acorn Drive	251-0708-283-1804-2
9623 Tawny Acorn Drive	251-0708-283-1805-0
9619 Tawny Acorn Drive	251-0708-283-1806-8
9615 Tawny Acorn Drive	251-0708-283-1807-6
9609 Tawny Acorn Drive	251-0708-283-1808-4
9606 Winter Basil Drive	251-0708-283-1908-2
9610 Winter Basil Drive	251-0708-283-1909-0
9614 Winter Basil Drive	251-0708-283-1910-7
9618 Winter Basil Drive	251-0708-283-1911-5
9624 Winter Basil Drive	251-0708-283-1912-3
9628 Winter Basil Drive	251-0708-283-1913-1
9632 Winter Basil Drive	251-0708-283-1914-9