



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

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****BY E-MAIL ONLY****

December 1, 2020

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 540-550 Redan Drive and 804-836 and 809-837 Seven Winds Trail, et al from TR-C3 (Traditional Residential–Consistent 3 District) to TR-P (Traditional Residential–Planned District); 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. 1*, replatting 39 lots approved for single-family residences into 53 single-family lots (VH Acacia, LLC dba Veridian Homes). [ID 62396 and 62097; LNDSP-2020-00006]

Gentlemen;

At its November 17, 2020 meeting, the Common Council **approved** the rezoning, zoning master plan amendment, preliminary plat, and final plat of *Acacia Ridge Replat No. 1* 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 267-1995 if you have questions regarding the following eleven (11) items:

1. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Storm Water Management Plan & Report shall include compliance with the following:

Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.

Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. 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 to City Engineering.

Given that the replat increases the density of the development and the associated CN, thus increasing the amount of water running off. The applicant shall provide revised stormwater management

calculations showing that the existing stormwater facilities can accept this increase and/or proposing revisions to the plan/design to accommodate this increase.

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, and sidewalk improvements for all streets fronting the plat.
4. 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."
5. 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).
6. An Erosion Control Permit is required for this project.
7. 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. The applicant is notified that the City of Madison is an approved agent of the Department of Safety and Professional Services (DSPS) and no separate submittal to this agency or the Capital Area Regional Planning Commission (CARPC) is required for this project to proceed.
8. This project will disturb 20,000 square feet or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" 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.
9. Demonstrate compliance with MGO Section 37.07 and 37.08 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.

10. This project will require a concrete management plan and a construction dewatering plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. If contaminated soil or groundwater conditions exist on or adjacent to this project additional WDNR, Madison-Dane County Public Health, and/or City Engineering Division approvals may be required prior to the issuance of the required Erosion Control Permit.
11. 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.

Please contact Jeff Quamme of the City Engineering Division—Mapping Section at 266-4097 if you have any questions regarding the following seven (7) items:

12. Any portion(s) of a public utility easement that is intended to be released shall be released by separate document prepared by City Office of Real Estate Services prior to final sign off. Contact Jeff Quamme of Engineering Mapping (jrquamme@cityofmadison.com, 266-4097) to coordinate the Real Estate project, and associated information and fees required. Applicant shall be responsible to obtain releases from the Public Private Utilities serving this plat prior to the City of Madison releasing any rights. Acknowledgement of the release and document number(s) shall be noted on the face of the plat.
13. The building setback lines over Lots 122-130 and 146-153 shall released by separate document prepared by City Office of Real Estate Services prior to final sign off. Contact Jeff Quamme of Engineering Mapping (jrquamme@cityofmadison.com, 266-4097) to coordinate the Real Estate project, and associated information and fees required. Acknowledgement of the setback releases and document number shall be noted on the face of the plat.
14. 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.
15. Provide private Easements or Outlots to accommodate the current United States Postal Service (USPS) required centralized delivery of mail using Cluster Box Units (CBUs). Applicant shall coordinate with the USPS Development Coordinator, City Engineering and Traffic Staff the required locations for the CBUs. CBUs serving this plat will not be permitted within any publicly owned or dedicated lands. A recorded CBU owner's agreement shall be required prior to execution of the development agreement and prior to final sign-off of the plat. If the Developer is not able to determine the final locations prior to recording the final plat, the final placement of the CBUs shall be determined and all documents recorded for the placement of the CBUs (after City review and approval) prior to construction of each phase.
16. 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.

17. 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.

18. 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.

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

19. Update the existing and proposed Acacia Ridge Master Plan exhibits to incorporate the approved TR-P Amendments for 603 South Point Road, 604 Feather Sound Drive, and 9506 Watts Road.

Please contact Bill Sullivan of the Madison Fire Department at 261-9658 if you have any questions regarding the following item:

20. 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 Sarah Lerner of the Parks Division at 261-4281 if you have any questions regarding the following six (6) items:

21. On the 2019 Acacia Ridge final plat, the applicant dedicated approximately 10.21 acres of public park, identified as Outlot 22, which location is generally consistent with the Pioneer Neighborhood Plan.
22. Acacia Ridge Replat No. 1, along with previous approval for [9506 Watts Road], changes the total unit count of the Acacia Ridge subdivision to 432 single-family/duplex units and 189 multi-family units,

with credit for one single-family unit that exists on the proposed Lot 16. The parkland dedication requirement for a single-family and duplex unit is 1,081 square feet, and the dedication requirement for a multifamily lot is 734 square feet, per MGO Sections 16.23(8)(f) and 20.08(6). The total dedication requirement as proposed is approximately 13.9 acres. As proposed, Outlot 22 is insufficient in size to fully meet the parkland dedication requirements.

23. The applicant has not met the requirements of MGO Section 16.23(8)(f)(8) for private open space; this will still be insufficient to meet the parkland dedication requirements for the Acacia Ridge subdivision.
24. 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 17140.2 when contacting Parks Division staff about this project.
25. 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.
26. 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 267-4908 if you have any questions regarding the following item:

27. 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 261-9835 if you have any questions regarding the following two (2) items:

28. 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).
29. 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 245-5794 if you have any questions regarding the following eight (8) items:

30. 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.
31. 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 the plat is signed electronically, a PDF of the plat containing electronic signatures shall be provided to ORES to obtain approval sign-off.
32. 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.
33. 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.
34. As of October 30, 2020, real estate taxes are paid for the subject property. Should taxes become due prior to plat recording, under 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. 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
35. As of October 30, 2020, there are no special assessments reported for the parcels within the plat boundary. Pursuant to Madison City Ordinance 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.
36. 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 (July 9, 2020) 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.
37. The following revisions shall be made to the final plat prior to final approval and recording:

- a) Depict, name, and identify by document number on the proposed plat all existing easements cited in record title.
- b) Provide proof of satisfaction or release for all liens and/or judgments of record prior to plat approval sign-off.
- c) 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.

Please contact my office at 261-9632 if you have questions about the following item:

38. The TR-P master plan and related restrictive covenants shall be revised to include the area to be added with the subject replat. Any revisions to address the narrow single-family dwelling types being introduced with the proposed TR-P master plan amendment shall be approved by the Planning Division prior to recording of the final plat.

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.

Sincerely,

Timothy M Parks

Timothy M. Parks
Planner

cc: Tim Troester, City Engineering Division
Jeff Quamme, City Engineering Division – Mapping Section
Jenny Kirchgatter, Assistant Zoning Administrator
Bill Sullivan, Madison Fire Department
Sarah Lerner, Parks Division
Brad Hofmann, City Forestry Section
Lance Vest, Office of Real Estate Services