

PLANNING DIVISION STAFF REPORT

April 28, 2014



PREPARED FOR THE PLAN COMMISSION

Project Address: 8839 Ancient Oak Lane
Application Type: Final Plat
Legistar File ID # [33465](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted
Reviewed By: Michael Waidelich, Principal Planner

Summary

Applicant & Property Owner: Brandon J. Ripp; 8839 Ancient Oak Lane; Madison.

Surveyor: Mark Pynnonen, Birrenkott Surveying, Inc.; 1677 N. Bristol Street; Sun Prairie

Requested Action: Approval of a final plat creating 25 single-family lots and 1 outlot for stormwater management.

Proposal Summary: The applicant is requesting approval of the final plat of "Ripp Addition to Linden Park" to allow the subject property to be subdivided into 25 single-family lots, including 1 lot for an existing single-family residence, and 1 outlot for stormwater management in the existing TR-C1 (Traditional Residential–Consistent 1 District) zoning district. Implementation of the subdivision will occur in 2014, with no completion date indicated.

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.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward the final plat of the Ripp Addition to Linden Park 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: An approximately 5.84-acre parcel generally located 500 feet east of Lone Oak Lane and 4 blocks south of Valley View Road on the south side of Ancient Oak Lane; Aldermanic District 1 (Subeck); Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site is developed with a single-family residence and detached accessory building in TR-C1 (Traditional Residential–Consistent 1 District) zoning.

Surrounding Land Use and Zoning:

North: Single-family residences in the Linden Park subdivision, zoned TR-C3 (Traditional Residential–Consistent 3 District);

South: Existing and future duplexes, four- and six-unit residences in the Bentley Green development, zoned SR-V2 (Suburban Residential–Varied 2 District);

East: Future University Research Park 2 – Pioneer Addition, zoned EC (Employment Campus District);

West: Single-family residences in the Linden Park subdivision, zoned TR-C3.

Adopted Land Use Plan: The Mid-Town Neighborhood Development Plan recommends the subject site for low-to medium-density residential uses generally in Housing Mix 2.

Zoning Summary: See the ‘Project Review’ section below. Zoning staff indicates that there are no “Critical Zoning Items” other than utility easements affecting the subject site.

Environmental Corridor Status: The subject site is not located in a mapped environmental corridor. The wooded area on the east side of the subject parcel is identified as woodlands on the corridor map.

Public Utilities and Services: The property is served by a full range of urban services, with the exception of Metro Transit, which currently does not provide service west of S. Junction Road and south of Watts Road.

Previous Approvals

On January 7, 2014, the Common Council approved a preliminary plat of Ripp Addition to Linden Park creating 29 future single-family residential lots and 1 outlot to be dedicated to the public for stormwater management in the TR-C1 and TR-C3 (Traditional Residential–Consistent) districts at 8839-8947 Ancient Oak Lane. As part of the preliminary plat approval, a variance to the 100-foot minimum lot depth required in Section 16.23(8)(d)3 of the Subdivision Regulations was granted for Lots 3-11 of the preliminary plat (Lots 1-9 of the proposed final plat).

On March 16, 2010, the Common Council approved a request to rezone approximately 6.09 acres located at 8839 Ancient Oak Lane from A (Agriculture District) to R1 and R2T (Single-Family Residence Districts) [1966 Zoning Code], and; approval of a three-lot Certified Survey Map creating 2 new single-family residential lots and 1 lot for an existing single-family residence and future development. The CSM was recorded on July 13, 2010.

On February 1, 2005, the Common Council approved a request to rezone 86.2 acres located on the south side of Valley View Road at Lone Oak Lane from Temp. A (Agriculture District) to A, R2T, R2Y, R2Z (Single-Family Residence Districts) and C (Conservancy District) and approved the preliminary and final plats of Linden Park, creating 261 single-family lots, 1 outlot for the future Olson Elementary School and various outlots for public parkland and stormwater management. The subject site was Outlot 4 of the plat and was identified for future development. The final plat was recorded on December 5, 2005.

Project Description

The applicant is requesting approval of a final plat to allow the subdivision of a 5.84-acre property located on the south side of Ancient Oak Lane on the eastern edge of the Linden Park subdivision into 25 single-family lots in the existing TR-C1 zoning of the site. The subject site is developed with a single-family residence located near the center of the parcel and an approximately 3,300 square-foot detached accessory building located 30 feet from the southern, rear property line. Lot 21 of the final plat will contain the existing single-family residence, which is proposed to remain in the interim, while the accessory building and the home’s septic field will be removed prior to recording of the final plat, as both are located in one of the proposed street rights of way.

The final plat calls for the extension of Pine Hollow Place east through the subject site from its current terminus in the Linden Park subdivision to connect with a southern extension of Sundance Drive south of Ancient Oak Lane. Both streets on the final plat will be 56-foot wide rights of way. Eighteen of the 25 lots to be created by the final plat will front onto these streets, with 6 other lots to front onto the south side of Ancient Oak Lane.

Analysis & Conclusion

The lots proposed on the final plat are consistent with the same lots shown on the approved preliminary plat and are similar in character to the lots located north and west of the subject site in the Linden Park subdivision. All of the lots appear to meet the lot width and area requirements of the existing TR-C1 zoning district. Additionally, a variance to the requirement in Section 16.23(8)(d)3 of the Subdivision Regulations that new lots have a minimum average depth of 100 feet [in TR-C1 zoning] was granted for Lots 1-9 of the final plat with the approval of the preliminary plat. The proposed subdivision is also generally consistent with the low- to medium-density residential land uses and housing mix recommended for the subject site in the Mid-Town Neighborhood Development Plan, which includes single-family housing on relatively small lots as one of the uses recommended.

The final plat submitted differs slightly from the approved preliminary plat with regard to phasing. The applicant now proposes to plat the subdivision in two phases, whereas the preliminary plat did not suggest phasing of the project. The current final plat does not create Lots 1, 2, 23, 24 and 25 of the preliminary plat (attached for reference) and does not dedicate Color Peak Road at this time. Instead, the applicant indicates that the existing residence will remain at least temporarily and that a second final plat will be submitted at some unspecified time in the future to create the 5 remaining lots and dedicate the street shown on the preliminary plat concurrent with a request to demolish the existing house per Section 28.185 of the Zoning Code.

Planning staff can accept the proposed phasing of the Ripp Addition subdivision to allow the eastern two-thirds of the project to proceed while the existing residence remains in use. Planning and Zoning staff have reviewed the location of the residence in relation to the proposed lot lines to the east and north and determined that it can meet the setback requirements of the TR-C1 zoning district. Once available, the residence is required by ordinance to connect to municipal water and sewer, with the well and septic field to be abandoned. Staff is recommending a condition of approval that a note be included on this final plat that any future development of Lot 21 shall be in accordance with the approved preliminary plat (including the dedication and construction of Color Peak Road) unless a revised preliminary plat is approved for the subdivision that proposes a different layout for Lot 21.

Recommendation

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

The Planning Division recommends that the Plan Commission forward the final plat of the Ripp Addition to Linden Park at 8839 Ancient Oak Lane to the Common Council with a recommendation of **approval** subject to input at the public hearing and the following conditions:

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

1. That a note be placed on the final plat that any future development or subdivision of Lot 21 shall be in accordance with the approved preliminary plat of Ripp Addition to Linden Park, including the dedication and construction of the extension of Color Peak Road. Any approval of development on Lot 21 that includes demolition or removal of the existing residence shall also require approval of a demolition permit by the Plan Commission pursuant to Section 28.185 of the Zoning Code. In the alternative, the applicant may present a revised preliminary plat for approval by the Plan Commission and Common Council that proposes a different subdivision layout for Lot 21 of this plat.
2. Prior to final approval of the final plat for recording, the applicant shall work with Planning Division in consultation with the City Engineering Division and Parks Division to explore opportunities to preserve the existing mature tree cover present on the eastern half of the property. Implementation of any tree preservation strategies identified may be a condition of final approval of the final plat, including tree preservation, tree replanting and any protective measures related thereto (including tree preservation easements, building lines/ envelopes, and alternative utility locations).

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

City Engineering Division (Contact Janet Schmidt, 261-9688)

3. Lot 14 will not be able to be served by gravity sanitary unless offsite sewer is built on the plat development located east of the property.
4. The existing house on Lot 21 of the final plat shall connect to the public sanitary sewer as a condition of the plat recording. The developer acknowledges that in accordance with MGO Section 35.02, this property shall be required to connect to public sewer once services are available to the property. The developer shall construct a sanitary sewer lateral as part of the phase 1 construction. The owner may connect at that time or upon 60 days of receipt on an official notice by the City of Madison. Any applicable impact fees, assessments or other related costs for the connection, including permitting and abandonment of the septic system, shall be the sole responsibility of the owner.
5. A revised preliminary plat addressing comments from the January 14, 2014 conditional approval letter for the preliminary plat shall be submitted addressing the appropriate comments.
6. The final plat as submitted anticipates the platting of the property in two phases. The current final plat does not subdivide Lots 1, 2, 23, 24 and 25 (preliminary plat) and does not dedicate Color Peak Road. The street reservation at the northeast corner of Lot 2 of CSM 12934, as set out by the recorded CSM, shall be shown and noted on the final plat.
7. Remove Lots 1 and 2 of CSM 12934 from the title work when the revised plat is submitted for final sign off.
8. Remove the drainage easements and associated notes shown on the perimeter of the plat, per Document Nos. 4671680 and 4139208. The language within notes 14 and 15 release and replace these easements with this plat. Note that the applicant shall verify that the required zoning setbacks and the widths of the drainage easements are not in conflict.

9. Coordinate with all of the utilities companies and place on the final plat all required public utility easements required to properly serve the development. Add a detail to the legend for the public utility easements and the language required to create the public utility easements.
 10. The vision corner limits that would encumber Lots 15 and 16 shall be shown and dimensioned on each lot. Add language to the plat defining the restrictions of the vision triangle.
 11. Complete the document number in note 13 on the plat to Document No. 4710072.
 12. Add a note on the plat to Outlot 1 as follows: "Dedicated to the Public for Stormwater Management Purposes".
 13. A note stating "To Be Abandoned" shall be added to the existing septic system drain field shown on the plat. The existing building over Lots 4 and 5 shall be noted "To Be Demolished".
 14. The 20-foot wide "Utility and Drainage Easement" between Lots 10 and 11 shall be revised to be a "Public Storm Sewer and Public Storm Water Drainage Easement." Please contact Jeff Quamme at 266-4097 or jrquamme@cityofmadison.com for the required easement language that is to be placed on the plat.
 15. Revise "preliminary plat" to "final plat" in note 2.
 16. Provide all required Treasurer's, Register of Deeds and City of Madison Plan Commission certificates as required.
 17. Include Lot 2 of CSM 12934 in note 6.
 18. If Pine Hollow Place is not constructed in its entirety the Developer shall construct a temporary turn around, in accordance with the plans approved by the City Engineer, and provide for a temporary turn around easement that will terminate upon the completion of the roadway construction.
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19. The developer shall enter into a City/Developer agreement for the installation of public improvements required to serve this plat/ CSM. The developer shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The developer shall meet with the City Engineer to schedule preparation of the plans and the agreement. The City Engineer will not sign off on this plat without the agreement executed by the developer.
 20. Two weeks prior to recording the final plat, a soil boring report prepared by a Professional Engineer, shall be submitted to the City Engineering Division indicating a ground water table and rock conditions in the area. If the report indicates a ground water table or rock condition less than 9 feet below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer.
 21. This development is subject to impact fees for the Valley View Road Sanitary Sewer and Stormwater Impact Fee District and the Upper Badger Mill Creek Stormwater Impact Fee District. All impact fees are due and payable at the time building permits are issued. The following note shall be put the face of the plat: "Lots/ buildings within this subdivision are subject to impact fees that are due and payable at the time building permit(s) are issued."

22. The developer shall construct Madison standard street and sidewalk improvements for all streets within the plat.
23. An erosion control plan and land disturbing activity permit shall be submitted to the City Engineering Division for review and approval prior to grading or any other construction activities. The Preconstruction Meeting for Public Improvements shall not be scheduled prior to issuance of this permit. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
24. The following notes shall be included on the final plat:
- 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 six (6) 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. Fences may be placed in the easement only if they do not impede the anticipated flow of water.
 - 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.

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.

Information to Surveyor's: In addition to notes such as this, WI 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.

25. 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.

The master storm water 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 Engineering Division’s approval of this plan.”

26. 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; control 80% TSS (5 micron particle) off of new paved surfaces; provide infiltration in accordance with Chapter 37 of Madison General Ordinances; provide substantial thermal control, and; 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 MGO.
27. A minimum of 2 working days prior to requesting City Engineering signoff on the plat, the applicant shall contact Janet Dailey (261-9688) to obtain the final stormwater utility charges that are due and payable prior to subdivision 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).
28. 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 Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of 2 working days prior to requesting City Engineering signoff.
29. 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 condition reports for all monuments, including center of sections of record, used in this survey, to Eric Pederson, City Engineering. 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. The Applicant shall identify monument types on all PLS corners included on the Plat. Note: Land tie to two PLS corners required.
30. The applicant shall submit to Eric Pederson, prior to Engineering sign-off of the subject plat, two (2) digital and one (1) hard copy of the final plat to the Mapping/GIS Section of the Engineering Division. The digital copies shall be submitted in both NAD27 & WIDOT County Coordinate System, Dane County Zone datums in either Auto CAD Version 2001 or older, MicroStation Version J or older or Universal DXF Formats and contain the minimum of the following, each on a separate layer name/level number: 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.

*New electronic final plat transmittals and notification of changes which occur to the final plat during the time the Engineering Division signs off and receives the digital copies of said plat and the recording thereof, are the responsibility of the Developer/Surveyor.

31. In accordance with Section s.236.20(2)(c)&(f), Wisconsin Statutes, the applicant must show type, location and width of any and all easements. Clearly identify the difference between existing easements (cite Register of Deeds recording data) and easements which are being conveyed by the plat. Identify the owner and/or benefiting interest of all easements.
32. City of Madison Environmental Projects Staff have reviewed the subject site and determined that a Phase I ESA **will** be required of the applicant. The applicant shall provide 1 digital and 2 hard copies of an ASTM Phase I ESA prepared by an environmental professional. Staff review of this Phase I ESA will determine if a further investigative Phase II ESA is also required. Please submit any relevant Phase I and Phase II ESAs to Brynn Bemis (267-1986, bbemis@cityofmadison.com) for further review.

Traffic Engineering Division (Contact Eric Halvorson, 266-6527)

33. Utility easements shall be provided on the final plat between Lots 2 and 3, 6 and 7, and 11 and 12. The applicant shall show a detail drawing of the 12-foot utility easement dimensions and lot lines on the face of the final plat.
34. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Zoning Administrator (Contact Pat Anderson, 266-5978)

35. Provide building setback lines/ envelopes on Lots 10 and 11 to assure building side yard setbacks match proposed utility and drainage easement.

Fire Department (Contact Bill Sullivan, 261-9658)

36. 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 Dennis Cawley, 261-9243)

37. All public water mains and water service laterals shall be installed by a standard City of Madison Subdivision Contract. The Water Utility will not need to sign off the final plans, but will need a copy of the approved plans.
38. All operating private wells shall be identified and permitted by the Madison Water Utility and all unused private wells shall be abandoned in accordance with MGO Section 13.21.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not provide comments for this request.

Parks Division (Contact Kay Rutledge, 266-4714)

39. Park impact fees (comprised of the Park Development Impact Fee per MGO Sec. 20.08(2) and the Parkland Impact Fee in lieu of land dedication per MGO Sec. 16.23(8)(f) and 20.08(6)) will be required for all new residential development in this subdivision. The developer must select a method for payment of park fees before signoff on the final plat. This development is within the Elver Park impact fee district (SI30). Please reference ID# 13163 when contacting the Parks Division about this project.

40. Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right of way. Permission for such activities must be obtained from the City Forester, 266-4816.

Office of Real Estate Services (Jenny Frese, 267-8719)

41. In order for the final plat to receive final staff approval prior to recording, the plat shall include executed owner and consent of mortgagee certificates to match an updated title report to be submitted for the property; all taxes and special assessments shall be paid in full (including receipts for any payments not reflected in the updated title report); all stormwater fees shall be paid; and the final plat revised to include any revisions identified by Office of Real Estate Services staff based on a review of the updated title report.