



**Project Address:** 8839-8947 Ancient Oak Lane  
**Application Type:** Preliminary Plat  
**Legistar File ID #** [32130](#)  
**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 preliminary plat creating 29 future single-family residential lots and 1 outlot to be dedicated to the public for stormwater management.

**Proposal Summary:** The applicant is requesting approval of a preliminary plat to allow the subject property to be subdivided in the future into 29 single-family lots in the existing TR-C1 and TR-C3 (Traditional Residential–Consistent Districts) zoning districts. 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 preliminary 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 6.0-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 comprised of 2 lots created by Certified Survey Map in 2010. The lot at 8947 Ancient Oak Lane is currently vacant and zoned TR-C3, while the lot addressed as 8839 Ancient Oak Lane is developed with a single-family residence and detached accessory building in TR-C1 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” 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 Junction Road and south of Watts Road.

## Previous Approvals

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 preliminary plat to allow the future subdivision of an approximately 6.0-acre property located on the south side of Ancient Oak Lane on the eastern edge of the Linden Park subdivision into 29 single-family lots in the existing TR-C1 and TR-C3 zoning of the site.

The subject site is comprised of an undeveloped 0.13-acre lot at 8947 Ancient Oak Lane zoned TR-C3 and a 5.84-acre lot at 8839 Ancient Oak Lane zoned TR-C1, which 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. The subject site gradually slopes from west to east, and a portion of the property located east of the house and detached garage is heavily wooded. At the time the Linden Park subdivision was approved in 2005, the house was one of 2 residences identified to remain as part of the platting of the 261-lot single-family subdivision. The subject site has 725.6 feet of frontage along Ancient Oak Lane.

Access to 19 of the 29 proposed residential lots and the outlot to be dedicated to the City for stormwater management will be provided by the extension of 3 existing streets adjacent to the subject site, including Pine Hollow Place, which currently ends in a temporary cul-de-sac on the western edge of the property. All of the streets on the preliminary plat are proposed as 56-foot wide rights of way.

## Analysis & Conclusion

The lots proposed on the preliminary plat will be similar in character to the lots located north and west of the subject site in the Linden Park subdivision, and all of the lots appear to meet the lot width and area requirements of the Zoning Code. 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.

However, Section 16.23(8)(d)3 of the Subdivision Regulations requires that new lots have a minimum average depth of 100 feet, except for lots in the TR-C3 and TR-P (Traditional Residential–Planned) zoning districts, which are allowed a minimum average depth of 80 feet, or lots in an approved Planned Multi-Use Site or Planned Development zoning district, where no depth is specified. The proposed preliminary plat includes 8 lots located on the south side of Pine Hollow Place (Lots 3-11) that will not meet this requirement.

Section 16.23 (10) of the Subdivision Regulations, entitled Variances, states the following:

*“When in the judgment of the Plan Commission it would be inappropriate to apply literally provisions of Subsection (8) of this ordinance...because extraordinary hardship would result, it may waive or vary such provisions so that substantial justice may be done and the public interest secured.”*

In reviewing the proposed subdivision, staff recommends that a variance be granted for the 8 lots that do not meet the 100-foot minimum lot depth in Section 16.23(8)(d)3. The depth of the subject property measured from the existing southern right of way of Ancient Oaks Lane to the southern property line adjacent to the existing Bentley Green development is insufficient to support the subdivision of the property in a manner consistent with the surrounding development pattern to the north and west while providing 100-foot deep lots for the entire subdivision and rights of way of adequate minimum dimension as prescribed elsewhere in the Subdivision Regulations. The affected lots have been platted with additional width to meet the minimum lot area requirements of the existing TR-C1 zoning to compensate for the reduced lot depth.

Finally, the proposed subdivision does not contemplate the preservation of the existing house located on the subject site. However, a formal request to demolish the house was not submitted with the proposed preliminary plat. As a result, no permission to demolish the residence is granted with this plat request. Instead, approval to demolish the building using the demolition standards in Section 28.185 will be required as part of the approval of the final plat. However, staff acknowledges the general intent to demolish this structure as part of the approval of the proposed preliminary plat. The Landmarks Commission informally reviewed the demolition of the house on September 16, 2013 and noted that the structure has no known historic value.

## Recommendation

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

The Planning Division recommends that the Plan Commission forward the preliminary plat of the Ripp Addition to Linden Park at 8839-8947 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 variance to the 100-foot minimum lot depth required in Section 16.23(8)(d)3 of the Subdivision Regulations is hereby granted for Lots 3-11 of the preliminary plat.
2. The approval of this preliminary plat grants no specific authority to demolish or remove the single-family residence at 8839 Ancient Oak Lane. Concurrent with the review of the final plat, the applicant shall receive approval of a demolition permit pursuant to Section 28.185 of the Zoning Code. However, the general intent to demolish this structure is acknowledged as part of the approval of the preliminary plat. The future application to demolish the residence shall include photographs of the interior and exterior of the building as well as a written assessment of its condition and the potential for any buildings to be relocated to other sites.
3. Prior to submittal of the final plat, 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 approval of the final plat.

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

#### **City Engineering Division** (Contact Janet Dailey, 261-9688)

4. Correct the street name "Color Peak Drive" shown adjacent to the plat. The correct street name is "Color Peak Road". Also the 66-foot width of Ancient Oak Lane shall be shown.
5. Add Lot 2 of Certified Survey Map 12934 to the location header under the plat name. Also correct a line of the legal description in the middle of the description as follows – "...right of way line to the East line of Lot 1 of said Certified Survey Map;..." and clarify in the last course of the description that the east line is the East Line of the said NW ¼ of the NW ¼, as there is more than one east line cited in the legal description. Last, rectify the first tie distance from the point of commencement between the map and description and label on the map the bearing and distance of the second course of the tie.
6. The title report for the final plat shall not include Lot 1 of Certified Survey Map 12934.
7. Label the existing temporary turnaround: "50' Radius Temporary Turnaround Easement per Document No. 4139208. The easement terminates upon the extension of Pine Hollow Place to the east.
8. Show the 10-foot wide Permanent Limited Easement for Grading and Sloping and the 10-foot Building Setback Line along the east side of proposed Lot 1 as per Certified Survey Map 12934. (Note: This

preliminary plat conforms to the street reservation over Lot 2 of CSM 12934 requiring the 15-foot radius return at the northeast corner of proposed Lot 1).

9. The 6-foot Utility Easement along Ancient Oak Lane shall be relabeled "6' Wide Public Utility Easement as per Doc. No. 4139208".
10. The width of existing drainage easements shall be dimensioned on all sides of the plat and labeled Public Easement for Drainage Purposes as per Document No. 4671680. (The CSM easements replaced the plat easements per the note on the CSM). The final plat shall use the language for the drainage easements verbatim from the City of Madison Ordinances. This will provide for the existing easements created by the current CSM to be released and replaced by those required on the final plat. Also, add to the map the existing easements along the south and east sides of proposed Lot 1.
11. The preliminary plat shall show the location of any wells or septic systems that currently exist within the preliminary plat.
12. The final plat shall define all public utility easements required for the development by the public bodies and private public utilities having the right to serve the plat.
13. Add "Bentley Green Condominium" to the adjacent lands within Certified Survey Map 12341.
14. Add to the notes: "Per Note 6 of CSM 12934 as Doc. No. 4671680, this plat acknowledges and accepts drainage from Lot 1 of said CSM and shall address the drainage and storm water management requirements for said Lot 1."
15. Add to the notes: "Per Note 7 of CSM 12934 as Doc. No. 4671680, subsoil information indicates that basements of structures within the plat may encounter bedrock. The subsurface conditions report, dated May 10, 2002 is on file with the City Engineer (also as noted on the Linden Park plat)."
16. Add to the notes: "This plat is subject to Declaration of Conditions and Covenants to Linden Park recorded as Document Numbers 4176509 and 4176510."
17. Add to the notes: "This plat is subject to Linden Park, CSM and First Addition to Linden Park Restatement and Amendment of Declaration of Protective Covenants, Conditions and Restrictions per Doc No. 4478968 and First Amendment per Doc. No. 4733924."
18. Add to the notes: "This plat is subject to Declaration of Conditions, Covenants and Restrictions CSM 12934 per Doc. No. 4690886."
19. Add to the notes: "This plat is subject to Declaration of Conditions and Covenants for the Development/Plat of CSM 12934 per Doc. No. 4710072."
20. Add the lot line and dimensions between Lots 12 and 13. Also provide the dimensions for the lots along the right of way.
21. Modify the plat to designate Outlot 1 to be dedicated to the public for stormwater management purposes. Modify the configuration of Outlot 1 to provide an access point to the public street for installation, maintenance and repair of facilities within Outlot 1.

22. Lots 15 and 16 will need to be served by sanitary sewer running through the University Research Park lands east of the proposed plat.
23. The applicant shall verify the required zoning setbacks and match the drainage easement widths accordingly.
24. 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.
25. 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.
26. 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."
27. The developer shall construct Madison standard street and sidewalk improvements for all streets within the plat.
28. 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.
29. 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.

30. 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."

31. 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.
32. 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).
33. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat.

34. 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.
35. 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.
36. 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](mailto:bbemis@cityofmadison.com)) for further review.

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

37. Utility easements shall be provided on the final plat between Lots 4 and 5, 8 and 9, and 13 and 14. The applicant shall show a detail drawing of the 12-foot utility easement dimensions and lot lines on the face of the final plat.
38. 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)

39. That the 10-foot drainage easement along the east side of proposed Lot 15 also be designated as the minimum building setback line on the final plat.

40. Note: Lot 1 will remain zoned TR-C3 as the proposed lot area is 5,512 square feet.

**Fire Department** (Contact Bill Sullivan, 261-9658)

41. 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)

42. 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.



43. 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 Sec. 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)

44. The developer shall pay approximately \$103,262.88 for park dedication and development fees for the 29 single-family lots (a credit is given for the existing single-family residence on the property) based on a fee in lieu of dedication of \$2,684.00 per unit and park development fee of \$1,003.96 per single-family unit. 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. Note: Park impact fees are adjusted on January 1 of each calendar year, and the park impact fees due at the time of building permit issuance may be higher than the amounts stated above to reflect these annual adjustments.

45. 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)

Note: This agency did not provide comments on the preliminary plat but will have comments on the final plat once it is filed.