

**PLANNING DIVISION REPORT  
DEPARTMENT OF PLANNING AND COMMUNITY  
AND ECONOMIC DEVELOPMENT**

**October 3, 2008**

**RE: I.D. #11788: Zoning Map Amendment I.D. 3387, Rezoning of 1421 MacArthur Road from R1 to R2**

1. Requested Actions: Approval to rezone the property from R1 (Single-family Residential) to R2 (Single-family Residential) to allow for the division of the lot into two.
2. Applicable Regulations: Section 28.12 (9) provides the process for zoning map amendments. Section 28.08 of the Zoning Ordinance provides the requirements and framework for Residential Zoning Districts.
3. Report Prepared By: Heather Stouder, AICP, Planner

**GENERAL INFORMATION**

1. Applicant: Mark Tyler Wood; 2618 Pleasant View Road; Middleton, WI 53562  
Agent: Richard Palmer; Royal Oak Engineering; 15610 Medical Circle, Ste. 6; Madison, WI 53719
2. Development Schedule: The applicant is seeking a rezoning with the intent to construct a new single-family home on the newly created lot once all approvals are received.
3. Location: Approximately 16,200 square foot (0.37 acre) lot on the northeast side of MacArthur Road between East Washington Avenue and MacArthur Court; Aldermanic District 17; Madison Metropolitan School District.
4. Existing Conditions: The site is developed with one 640 square foot single family home and a detached garage, both in the southwestern half of the parcel.
5. Proposed Land Use: The applicant proposes to rezone and divide the existing lot into two lots of roughly equal size to accommodate a new single family home on the new northwestern lot in the near future. The existing home would remain on the southeastern lot.
6. Surrounding Land Use and Zoning: Current zoning and land use are summarized as follows:  
**North:** Single-family homes, zoned R1 (Single-family residential district)  
**South:** Across MacArthur Road, surface parking lots and commercial buildings zoned C2 (General Commercial District), including "The Community Living Alliance", a nonprofit entity providing resources to people with physical disabilities  
**East:** A two-family home on the adjacent lot, and single-family homes, zoned R1 (Single-family residential district)  
**West:** Single-family homes, zoned R1 (Single-family residential district)
7. Adopted Land Use Plans: The Comprehensive Plan includes the subject property within the "Low Density Residential" land use category. The Carpenter-Hawthorne-Ridgeway-Sycamore-Truax Neighborhood Plan, adopted in 2001, does not list nor show a more specific plan for this parcel.
8. Environmental Corridor Status: The property is not located within a mapped environmental corridor.
9. Public Utilities & Services: The property is served by a full range of urban services.

**ANALYSIS, EVALUATION AND CONCLUSION:**

The applicant is requesting approval for a rezoning of a single lot from R1 to R2 in order to subdivide the lot to accommodate an additional single-family home in the near future. Under R1 zoning, the minimum lot width is 65 feet, while under R2 zoning, minimum lot width is 50 feet. The applicant has elected not to submit a Certified Survey Map at this time in conjunction with the rezoning application to describe the subdivision, but the Plan Commission can assume that if subdivided, each of the two new lots would be between 50 and 60 feet wide.

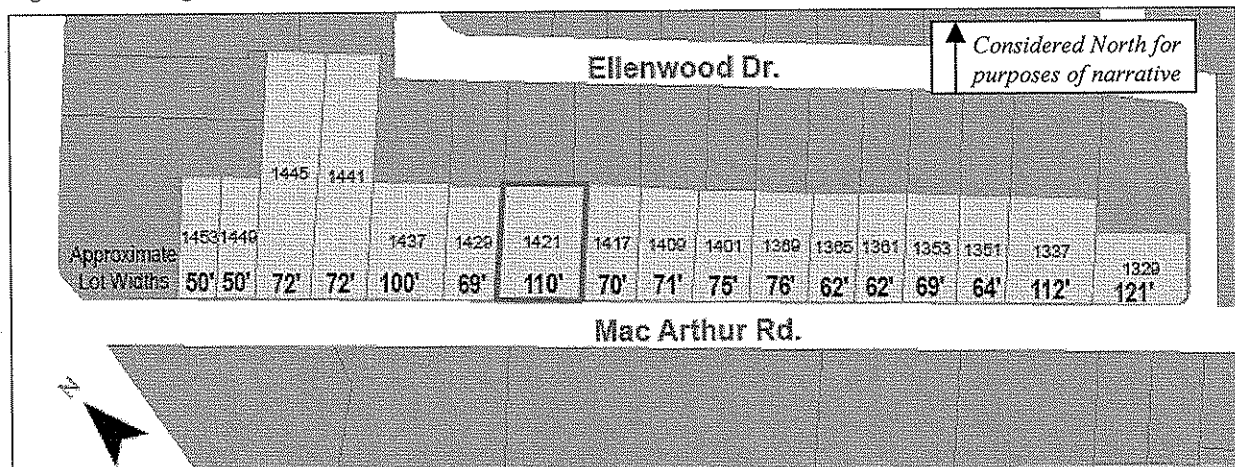
*Existing Conditions*

The subject site is 1421 MacArthur Road, located on the northeast side of MacArthur Road between East Washington Avenue and MacArthur Court in R1 Single-Family Residence district zoning. The property is an approximately 16,200 square-foot (0.37 acre) site with an existing 640 square-foot single-family home constructed in 1937 and a small detached garage. The home lies in the southeastern half of the lot, while the northwestern half is greenspace with trees. The immediately adjacent property to the east has a two-family home, but the subject property is otherwise surrounded by single-family homes to the north, west, and east. Across Mac Arthur Road to the south is a collection of commercial buildings and surface parking lots zoned C2, General Commercial District.

*Impacts of Rezoning on the Neighborhood*

The subject lot is wider than most residential lots in the immediate area. The thirty R1 lots on this block of Mac Arthur Rd. and Ellenwood Dr. to the north are approximately 11,800 square feet on average, ranging from 7,900 square feet (0.18 acres) to 24,000 square feet (0.55 acres). Only one is of sufficient size and width to be subdivided under the existing R1 zoning, and only five are adequately wide to accommodate a subdivision if they were zoned R2. As shown in Figure 1, single-family lots with frontage on the 1300 and 1400 blocks of Mac Arthur Road have an average width of 77 feet, and range in width from 50 feet to 121 feet (five of the lots on these blocks do not conform to R1 zoning due to lot widths less than 65 feet).

**Figure 1: Existing lot widths for single family homes along the 1300 and 1400 blocks of Mac Arthur Road**



At approximately 110 feet wide, the subdivision of 1421 Mac Arthur Road would create two lots narrower than most of the others on the block. However, as long as a single-family home built on the new lot in the future generally conforms to others in the area, it might not significantly affect the rhythm of the block or the overall character of the neighborhood. Unfortunately, the applicant has not formally submitted a certified survey map or plans for a new single-family home for the Plan Commission to consider at this time. While indicating that they intend to construct an 800-1,200 square-foot home at some point in the future, it is difficult to assess the tangible impacts of the rezoning without knowing the dimensions of the new lot and exactly what is proposed on the new lot.

Staff has not received written comments about this project from area residents or the Mayfair Park Neighborhood Association. However, one nearby property owner called to express concern that if the rezoning were approved, the property owner may build a small home of poor construction quality to be utilized as a rental property.

#### *Conformance with Existing Plans*

Assuming the rezoning would lead to a lot division and new single-family home in the future, the properties would still conform to the Comprehensive Plan recommendation for low-density residential (LDR) as the land use in this area. The current residential density on the lot is 2.7 units/acre, while the future residential density on the two lots would be 5.4 units/acre, both of which are well below the 16-unit/acre upper limit for developments in LDR Districts articulated in the Comprehensive Plan. The Carpenter-Hawthorne-Ridgeway-Sycamore-Truax Neighborhood Plan, adopted in 2001, does not recommend a more specific future use for this parcel.

#### *Consideration of the Public Interest*

Aside from an assessment of conformance with plans and the potential affects on the neighborhood of the rezoning, the Plan Commission must also consider whether the creation of a very small R2 district within a larger R1 district conveys a sufficient public benefit rather than simply benefiting the property owner. The rezoning of this property alone would undeniably be an instance of "spot zoning", and it would be difficult to make the case that it is not primarily of benefit to the property owner.

On the other hand, the property is considerably larger than the immediately adjacent lots (one of which is occupied by a duplex), and the Plan Commission *could* consider the future accommodation of an additional household on this lot as a relatively benign example of infill development that would not significantly impact the larger neighborhood. The existing house on the lot is sufficiently small and oriented such that an additional modest home on the lot would not appear crowded from the street.

#### *Procedural Issues*

Regardless of the Plan Commission decision, staff suggests that in order to even consider a rezoning for this property, there should be a non-speculative reason to do so that can be clearly evaluated. Thus far, the applicant has only provided an informal concept for a lot division that could occur under R2 zoning, and no Certified Survey Map has been submitted. In the absence

of Certified Survey Map meeting all relevant regulations, there is no compelling reason for the Plan Commission to approve a rezoning of this property. Staff suggests that if the Plan Commission is inclined to favorably consider the rezoning request, they defer action until a specific lot division CSM is also submitted for concurrent consideration.

### **RECOMMENDATION**

The Planning Division neither supports nor opposes this application, but asks that the Plan Commission consider carefully whether the rezoning meets applicable standards, particularly with regard to meeting the public interest rather than just the interest of the property owner. If, after reviewing the comments of reviewing agencies, comments from neighborhood residents, and testimony provided at the public hearing, the Plan Commission can find that the standards are met, staff suggests one of the following options:

- A. The Plan Commission refer this case until a certified survey map has been prepared in order for the Plan Commission to consider it in conjunction with the rezoning request.
- B. The Plan Commission recommend that the Common Council approve the rezoning request subject to the following conditions:
  1. Comments from reviewing agencies.
  2. That the rezoning from R1 to R2 will not take effect until a Certified Survey Map showing a subdivision into two conforming lots has been prepared, approved by the Plan Commission, and recorded.
  3. That, prior to obtaining a building permit, the property owner will submit the plans for a new residential structure on the lot for review by Planning Division Staff. Any new residential structure must uphold the general character of the neighborhood.



Department of Public Works  
City Engineering Division

608 266 4751

Larry D. Nelson, P.E.  
City Engineer

City-County Building, Room 115  
210 Martin Luther King, Jr. Boulevard  
Madison, Wisconsin 53703  
608 264 9275 FAX  
1 866 704 2315 Textnet

**Deputy City Engineer**  
Robert F. Phillips, P.E.

**Principal Engineers**  
Michael R. Dalley, P.E.  
Christina M. Bachmann, P.E.  
John S. Fahrney, P.E.  
Gregory T. Fries, P.E.

**Facilities & Sustainability**  
Jeanne E. Hoffman, Manager  
James C. Whitney, A.I.A.

**Operations Manager**  
Kathleen M. Cryan

**Hydrogeologist**  
Joseph L. DeMorett, P.G.

**GIS Manager**  
David A. Davis, R.L.S.

**Financial Officer**  
Steven B. Danner-Rivers

DATE: September 15, 2008  
TO: Plan Commission  
FROM: Larry D. Nelson, P.E., City Engineer  
SUBJECT: 1421 MacArthur Road Rezoning

The City Engineering Division has reviewed the subject development and has the following comments.

**MAJOR OR NON-STANDARD REVIEW COMMENTS** (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. Each lot shall be served by a separate sanitary sewer lateral.
2. If this proposed rezoning request is approved, the applicant must submit a Certified Survey Map for City of Madison approval, and record with the Dane County Register of Deeds, to legally create the two individual proposed parcels prior to issuance of any building permits.

**GENERAL OR STANDARD REVIEW COMMENTS**

In addition, we offer the following General or Standard Review Comments:

**Engineering Division Review of Planned Community Developments, Planned Unit Developments and Conditional Use Applications.**

Name: 1421 MacArthur Road Rezoning

**General**

- 1.1 The construction of this building will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City / Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project.
- 1.2 The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
- 1.3 The site plan shall include all lot/ownership lines, existing building locations, proposed building additions, demolitions, parking stalls, driveways, sidewalks (public and/or private), existing and proposed signage, existing and proposed utility locations and landscaping.
- 1.4 The site plan shall identify the difference between existing and proposed impervious areas.
- 1.5 The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.

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- 1.6 Submit a PDF of all floor plans to Lori Zenchenko [izenchenko@cityofmadison.com](mailto:izenchenko@cityofmadison.com) so that a preliminary interior addressing plan can be developed. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during, or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal.
- 1.7 The site plan shall include a full and complete legal description of the site or property being subjected to this application.
- 1.8 The Developer is required to pay Impact Fees for this development. The Developer shall indicate the method of payment as provided below:
  - 1) Impact Fees shall be paid in full prior to Engineering sign-off of the plat/csm.
  - 2) The Developer has elected to defer the payments until such time as the building permits are applied for, in which case the owner(s) shall receive the invoices to pay the outstanding impact fees at the time of permit issuance. The following shall be required prior to plat sign off;
    - a) The Developer shall supply an Excel spreadsheet with lot numbers, lot areas, and number of dwelling units per lot. The Developer shall supply a CADD file of the proposed FINAL plat, in a format compatible with Microstation J. This information shall be required to calculate the Impact Fees, which will then be recorded at the Register of Deeds against each lot in the subdivision..
    - b) All information shall transmitted to Janet Dailey by e-mail at [Jdailey@cityofmadison.com](mailto:Jdailey@cityofmadison.com), or on a CD to:
 

Janet Dailey  
City of Madison Engineering Division  
210 Martin Luther King Jr. Blvd  
Room 115  
Madison, WI 53703
    - c) A minimum of three (3) weeks shall be required for staff to calculate the Impact Fees and record the documents prior to plat sign-off.

The Developer shall put the following note on the face of the plat:

**LOTS / BUILDINGS WITHIN THIS SUBDIVISION / DEVELOPMENT ARE SUBJECT TO IMPACT FEES THAT ARE DUE AND PAYABLE AT THE TIME BUILDING PERMIT(S) ARE ISSUED.**

**Right of Way / Easements**

- 2.1 The Applicant shall Dedicate a \_\_\_\_\_ foot wide strip of Right of Way along \_\_\_\_\_.
- 2.2 The Applicant shall Dedicate a \_\_\_\_\_ foot wide strip of Right of Way along \_\_\_\_\_.
- 2.3 The Applicant shall Dedicate a Permanent Limited Easement for grading and sloping \_\_\_\_\_ feet wide along \_\_\_\_\_.
- 2.4 The City Engineer has reviewed the need for pedestrian and bicycle connections through the development and finds that no connections are required.
- 2.5 The Applicant shall Dedicate a Permanent Limited Easement for a pedestrian / bicycle easement \_\_\_\_\_ feet wide from \_\_\_\_\_ to \_\_\_\_\_.
- 2.6 The Developer shall provide a private easement for public pedestrian and bicycle use through the property running from \_\_\_\_\_ to \_\_\_\_\_.
- 2.7 The developer shall be responsible for the ongoing construction and maintenance of a path within the easement. The maintenance responsibilities shall include, but not be limited to, paving, repaving, repairing, marking and plowing. The developer shall work with the City of Madison Real Estate Staff to administer this easement. Applicable fees shall apply.
- 2.8 The Public Sanitary Sewer Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
  - a. The property owner reserves the right to use and occupy the Public Sanitary Sewer Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public sanitary sewer facilities.

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- b. No above-ground improvements shall be located in the Public Sanitary Sewer Easement Area(s) by the City or the property owner, with the exception that grates, sewer access structure (SAS) covers, and other access points to the public sanitary sewer facilities shall be permitted at grade level. (Optional: and with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
- c. Plantings and landscaping within the Public Sanitary Sewer Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
- d. The property owner shall not change the grade of the Public Sanitary Sewer Easement Area(s) without the prior written approval of the City's Engineering Division.
- e. The Public Sanitary Sewer Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.

- 2.9 The Public Sidewalk Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
  - a. The property owner reserves the right to use and occupy the Public Sidewalk Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public sidewalk improvements.
  - b. No above-ground improvements will be allowed in the Public Sidewalk Easement Area(s) by the property owner. (Optional: with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
  - c. Plantings and landscaping within the Public Sidewalk Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
  - d. The property owner shall not change the grade of the Public Sidewalk Easement Area(s) without the prior written approval of the City's Engineering Division.
  - e. The Public Sidewalk Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.

- 2.10 The Public Storm Sewer Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
  - a. The property owner reserves the right to use and occupy the Public Storm Sewer Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public storm sewer facilities.
  - b. No above-ground improvements shall be located in the Public Storm Sewer Easement Area(s) by the City or the property owner, with the exception that grates, sewer access structure (SAS) covers, and other access points to the public storm sewer facilities shall be permitted at grade level. (Optional: and with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
  - c. Plantings and landscaping within the Public Storm Sewer Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
  - d. The property owner shall not change the grade of the Public Storm Sewer Easement Area(s) without the prior written approval of the City's Engineering Division. The Public Storm Sewer Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.

- 2.11 The Public Water Main Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
  - a. The property owner reserves the right to use and occupy the Public Water Main Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public water main facilities.
  - b. No above-ground improvements will be allowed in the Public Water Main Easement Area(s) by the property owner. (Optional: with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
  - c. Plantings and landscaping within the Public Water Main Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
  - d. The property owner shall not change the grade of the Public Water Main Easement Area(s) without the prior written approval of the City's Engineering Division.
  - e. The Public Water Main Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.

**Streets and Sidewalks**

- 3.1 The Applicant shall execute a waiver of notice and hearing on the assessments for the improvement of [roadway] \_\_\_\_\_ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.
- 3.2 **Value of sidewalk installation over \$5000.** The Applicant shall Construct Sidewalk to a plan approved by the City Engineer along \_\_\_\_\_.
- 3.3 **Value of sidewalk installation under \$5000.** The Applicant shall install public sidewalk along \_\_\_\_\_. The Applicant shall obtain a Street Excavation Permit for the sidewalk work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. All work

must be completed within six months or the succeeding June 1, whichever is later. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

- 3.4 The Applicant shall execute a waiver of their right to notice and hearings on the assessments for the installation of sidewalk along [roadway] \_\_\_\_\_ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.
- 3.5 The Applicant shall grade the property line along \_\_\_\_\_ to a grade established by the City Engineer. The grading shall be suitable to allow the installation of sidewalk in the future without the need to grade beyond the property line. The Applicant shall obtain a Street Excavation permit prior to the City Engineer signing off on this development. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 3.6 The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
- 3.7 **Value of the restoration work less than \$5,000. When computing the value, do not include a cost for driveways. Do not include the restoration required to facilitate a utility lateral installation.** The Applicant's project requires the minor restoration of the street and sidewalk. The Applicant shall obtain a Street Excavation Permit for the street restoration work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 3.8 The Applicant shall make improvements to \_\_\_\_\_ in order to facilitate ingress and egress to the development. The improvement shall include a (Describe what the work involves or strike this part of the comment.) \_\_\_\_\_
- 3.9 The Applicant shall make improvements to \_\_\_\_\_. The improvements shall consist of \_\_\_\_\_.
- 3.10 The approval of this Conditional Use does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester.
- 3.11 The Applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The Applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The Applicant shall provide the City Engineer the proposed grade of the building entrances. The City Engineer shall approve the grade of the entrances prior to signing off on this development.
- 3.12 The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction.
- 3.13 The Applicant shall obtain a privilege in streets agreement for any encroachments inside the public right of way. The approval of this development does not constitute or guarantee approval of the encroachments.
- 3.14 The Applicant shall provide the City Engineer with the proposed soil retention system to accommodate the restoration. The soil retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system.
- 3.15 The Applicant shall complete work on exposed aggregate sidewalk in accordance with specifications provided by the city. The stone used for the exposed aggregate shall be approved by the City. The Construction Engineer shall be notified prior to beginning construction. Any work that does not match the adjacent work or which the City Construction Engineer finds is unacceptable shall be removed and replaced.
- 3.16 All work in the public right-of-way shall be performed by a City licensed contractor.
- 3.17 Installation of "Private" street signage in accordance with 10.34 MGO is required.
- 3.18. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl, of the City Parks Department - [dkahl@cityofmadison.com](mailto:dkahl@cityofmadison.com) or 266-4816.

#### Storm Water Management

- 4.1 The site plans shall be revised to show the location of all rain gutter down spout discharges.
- 4.2 Storm sewer to serve this development has been designed and constructed. The site plans shall be revised to identify the location of this storm sewer and to show connection of an internal drainage system to the existing public storm sewer.
- 4.3 The plan set shall be revised to show a proposed private internal drainage system on the site. This information



shall include the depths and locations of structures and the type of pipe to be used.

- 4.4 The applicant shall show storm water "overflow" paths that will safely route runoff when the storm sewer is at capacity.
- 4.5 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.
- 4.6 The City of Madison is an approved agent of the Department of Commerce. This proposal contains a commercial building and as such, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required.
- 4.7 This development includes multiple building permits within a single lot. The City Engineer and/or the Director of the Inspection Unit may require individual control plans and measures for each building.
- 4.8 If the lots within this site plan are inter-dependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the site plan and recorded at the Dane Co Register of Deeds.
- 4.9 Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to:
  - Detain the 2 & 10-year storm events.
  - Detain the 2, 10, & 100-year storm events.
  - Control 40% TSS (20 micron particle) off of new paved surfaces
  - Control 80% TSS (5 micron particle) off of new paved surfaces
  - Provide infiltration in accordance with Chapter 37 of the Madison General Ordinances
  - Provide substantial thermal control.
  - Provide oil & grease control from the first 1/2" of runoff from parking areas.
  - 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 of the Madison General Ordinances.

Stormwater management plans shall be submitted and approved by City Engineering prior to signoff.

- 4.10 The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement.
- 4.11 A portion of this project comes under the jurisdiction of the US Army Corp of Engineers and WDNR for wetland or flood plain issues. A permit for those matters shall be required prior to construction on any of the lots currently within the jurisdictional flood plain.
- 4.12 The Applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number:
  - a) Building Footprints
  - b) Internal Walkway Areas
  - c) Internal Site Parking Areas
  - d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
  - e) Right-of-Way lines (public and private)
  - f) All Underlying Lot lines or parcel lines if unplatted
  - g) Lot numbers or the words "unplatted"
  - h) Lot/Plat dimensions
  - i) Street names

All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred [lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file.

- 4.13 NR-151 of the Wisconsin Administrative Code will be effective on October 1, 2004. Future phases of this project shall comply with NR 151 in effect when work commences. Specifically, any phases not covered by a Notice of Intent (NOI) received from the WDNR under NR-216 prior to October 1, 2004 shall be responsible for compliance with all requirements of NR-151 Subchapter III. As most of the requirements of NR-151 are currently implemented in Chapter 37 of the Madison General Ordinances, the most significant additional requirement shall be that of

infiltration.

NR-151 requires infiltration in accord with the following criteria. For the type of development, the site shall comply with one of the three (3) options provided below:

Residential developments shall infiltrate 90% of the predevelopment infiltration amount, 25% of the runoff from the 2-year post development storm or dedicated a maximum of 1% of the site area to active infiltration practices.

Commercial development shall infiltrate 60% of the predevelopment infiltration amount, 10% of the runoff from the 2-year post development storm or dedicate a maximum of 2% of the site area to active infiltration practices.

- 4.14 The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set.  
  
PDF submittals shall contain the following information:
  - a) Building footprints.
  - b) Internal walkway areas.
  - c) Internal site parking areas.
  - d) Lot lines and right-of-way lines.
  - e) Street names.
  - f) Stormwater Management Facilities.
  - g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
- 4.15 The Applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including:
  - a) SLAMM DAT files.
  - b) RECARGA files.
  - c) TR-55/HYDROCAD/Etc...
  - d) Sediment loading calculations  
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.
- 4.16 The area adjacent to this proposed development has a known flooding risk. All entrances shall be 2-feet above the adjacent sidewalk elevation or 1-foot above the 100-year regional flood elevation (whichever is greater). This includes garage entrances.

#### Utilities General

- 5.1 The Applicant shall obtain a Street Excavation permit for the installation of utilities required to serve this project. The Applicant shall pay the permit fee, inspection fee and street degradation fee as applicable and shall comply with all the conditions of the permit. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 5.2 The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 5.3 All proposed and existing utilities including gas, electric, phone, steam, chilled water, etc shall be shown on the plan.
- 5.4 The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 5.5 The site plans shall be revised to show the location of existing utilities, including depth, type, and size in the adjacent right-of-way.
- 5.6 The developer shall provide information on how the Department of Commerce's requirements regarding treatment of storm water runoff, from parking structures, shall satisfied prior to discharge to the public sewer system. Additionally, information shall be provided on which system (storm or sanitary) the pipe shall be connected to.

#### Sanitary Sewer

- 6.1 Prior to approval of the conditional use application, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1). \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2). \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 6.2 All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's /

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Subdivision Contract. Contact Janet Dailey (608-261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.

- 6.3 Each unit of a duplex building shall be served by a separate and independent sanitary sewer lateral.
- 6.4 The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service.

**CITY OF MADISON  
INTERDEPARTMENTAL  
CORRESPONDENCE**

**Date:** October 6, 2008

**To:** Plan Commission

**From:** Patrick Anderson, Assistant Zoning Administrator

**Subject:** 1421 MacArthur Road

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**Present Zoning District:** R-1

**Proposed Use:** Rezone to allow future creation of two lots from existing Single-Family parcel.

**Requested Zoning District:** R-2

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project). **NONE.**

GENERAL OR STANDARD REVIEW COMMENTS

1. Show addresses on the final plans. Contact Lori Zenchenko of City Engineering to obtain the addresses at 266-4711.

**R2 ZONING CRITERIA**

<b>Bulk Requirements</b>	<b>Required</b>	<b>Proposed</b>
Lot Area	6,000 sq. ft.	7,672 sq. ft. +
Lot width	50'	53' & 54'
Usable open space	1,000 sq. ft.	TBD
Front yard	30'	TBD
Side yards	6' each side	TBD
Rear yard	40'	TBD
Building height	2 stories	TBD

<b>Site Design</b>	<b>Required</b>	<b>Proposed</b>
Number parking stalls	1	TBD

<b>Other Critical Zoning Items</b>	
Urban Design	No
Flood plain	No
Utility easements	No

With the above conditions, the proposed project **does** comply with all of the above requirements.

**CITY OF MADISON  
MADISON WATER UTILITY  
119 E. Olin Avenue  
266-4651**

**MEMORANDUM**

**Date:** September 18, 2008

**To:** The Plan Commission  
**From:** Dennis M. Cawley, Engineer 4 - Water Utility  
**Subject:** LOT DIVISION – 159-171 Proudfit Street & 701-737 Lorillard Court

The Madison Water Utility has reviewed this lot division and has the following comments.

**MAJOR OR NON-STANDARD REVIEW COMMENTS**

None

**GENERAL OR STANDARD REVIEW COMMENTS**

It is unclear from Water Utility records whether the service to Lot 2 crosses Lot 1. If it does a private water service lateral easement will be needed.

All operating private wells shall be identified and permitted by the Water Utility in accordance with Madison General Ordinance 13.21. All unused private wells shall be abandoned in accordance with Madison General Ordinance 13.21.

This property is not in a Wellhead Protection District.

The Water Utility will not need to sign off the final plans, but will need a copy of the approved plans.

Dennis M. Cawley

**CITY OF MADISON  
MADISON WATER UTILITY  
119 E. Olin Avenue  
266-4651**

**MEMORANDUM**

**Date:** September 18, 2008

**To:** The Plan Commission  
**From:** Dennis M. Cawley, Engineer 4 - Water Utility  
**Subject:** LOT DIVISION – 6901 Littlemore Drive & 249-251 East Hill Parkway

The Madison Water Utility has reviewed this lot division and has the following comments.

**MAJOR OR NON-STANDARD REVIEW COMMENTS**

None

**GENERAL OR STANDARD REVIEW COMMENTS**

Each lot shall have a separate water service lateral connected to a public water main.

All operating private wells shall be identified and permitted by the Water Utility in accordance with Madison General Ordinance 13.21. All unused private wells shall be abandoned in accordance with Madison General Ordinance 13.21.

This property is not in a Wellhead Protection District.

The Water Utility will not need to sign off the final plans, but will need a copy of the approved plans.

Dennis M. Cawley

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