



## Report to the Plan Commission

December 3, 2012

**Legistar I.D. #28094 & 28467  
1-15 and 2-8 River Birch Court  
and 809 Big Stone Trail  
CSM Referral & Street Vacation**

Report Prepared By:  
Timothy M. Parks, Planner  
Planning Division

### Requested Actions:

- ID 28094 – Vacation/ discontinuance of River Birch Court from Trappers Trail/ Big Stone Trail to its eastern terminus as platted in the Eighth Addition to Blackhawk subdivision, and;
- ID 28467 – Consideration of a Certified Survey Map (CSM) of property owned by John McKenzie, McKenzie 300 Corporation located at 1-15 and 2-8 River Birch Court and 809 Big Stone Trail combining 7 existing single-family lots and the proposed vacated right of way of River Birch Court into 2 single-family residential lots.

**Applicable Regulations & Standards:** Section 16.23, Land Subdivision Regulations, Madison General Ordinances provides the requirements for land divisions.

Section 16.01 of MGO generally states that the Common Council shall refer any question concerning the location of any public building, the location, extension or widening of any street, park or other public grounds within the City to the Plan Commission for its consideration and report before final action is taken thereon by the Council. Further, the Plan Commission is required to provide a recommendation to the Council on the acquisition of public land for the establishment or enlarging of streets, parks, playgrounds, sites for public buildings, and reservations pertaining to the same, and the conveyance of any surplus real estate not needed for these purposes with reservations concerning the future use and occupation of such real estate, so as to protect the public works of the City, and to preserve the view, appearance, light, air and usefulness of such public works, and to promote the public health and welfare as recommended in adopted plans and policies.

As the CSM and street vacation are related to one another, staff feels that it is best that the two items be considered together.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission recommend **approval** of the vacation of River Birch Court and find the standards for land divisions met with this request and **approve** a Certified Survey Map of property located at 1-15 and 2-8 River Birch Court and 809 Big Stone Trail, subject to input at the hearing and the conditions from reviewing agencies beginning on page 4 of this report.

### Background Information

**Applicant & Property Owner:** John McKenzie, McKenzie 300 Corporation; 9201 Waterside Street; Middleton.

**Surveyor:** Sean Walsh, Mead & Hunt; 6501 Watts Road; Madison.

**Proposal:** The applicant proposes to create 2 large single-family lots from 7 existing single-family lots that generally surround River Birch Court, which is proposed to be vacated. The applicant wishes to record the Certified Survey Map as soon as all regulatory approvals have been granted.

**Review Schedule:** The State’s subdivision statute, WS 236, requires that action be taken on a Certified Survey Map within 90 days of submittal unless a written extension is granted by the applicant. If no action is taken within 90 days and no extension granted, the CSM is deemed approved. The proposed CSM application was submitted to the City on October 17, 2012. Therefore, the 90-day review period for this CSM will end circa January 17, 2013.

**Parcel Location:** An approximately 3.8-acre parcel surrounding River Birch Court located on the east side of Big Stone Trail and Trappers Trail in the Eighth Addition to Blackhawk subdivision generally north of Old Sauk Road; Aldermanic District 9 (Skidmore); Middleton-Cross Plains School District.

**Existing Conditions:** The site is undeveloped in R1 (Single-Family Residence District) zoning.

**Surrounding Land Use and Zoning:** The subject site is generally surrounded by a combination of developed and undeveloped single-family residential lots located in the Blackhawk and Greystone subdivisions, all zoned R1 (Single-Family Residence District).

**Adopted Land Use Plan:** The Blackhawk Neighborhood Development Plan identifies the subject site and surrounding properties for low-density residential uses.

**Environmental Corridor Status:** This property is not located within a mapped environmental corridor.

**Public Utilities and Services:** The subject property is served by a full range of urban services.

**Zoning Summary:** Existing R1 (Single-Family Residence District).

Bulk Requirements	Required	Proposed
Lot Area	8,000 sq. ft.	Both proposed lots will exceed
Lot width	65'	Both proposed lots will exceed
Usable open space	1,300 sq. ft. per lot	To be determined prior to const.
Front yard	30'	To be determined prior to const.
Side yards	6' – 1-story   7' - 2-story res.	To be determined prior to const.
Rear yard	35' generally	To be determined prior to const.
Floor area ratio	N/A	---
Building height	2 stories, 35'	To be determined prior to const.
<b>Other Critical Zoning Items</b>		
Yes:	Utility Easements	
No:	Urban Design, Floodplain, Wellhead Protection; Landmark; Adjacent to Park, Barrier Free	
<i>Prepared by: Pat Anderson, Asst. Zoning Administrator</i>		

**Previous Approvals**

On February 19, 2004, the Common Council approved the final plat of Eighth Addition to Blackhawk, creating 61 single-family lots. The final plat was recorded on August 11, 2006. Implementation of the larger Blackhawk subdivision, which extends east to N. Pleasant View Road, commenced in 1995.

## **Project Review, Analysis & Conclusion**

---

The applicant is requesting approval of a Certified Survey Map (CSM) to re-divide an approximately 3.8-acre parcel comprised of 7 single-family lots platted in the Eighth Addition to Blackhawk subdivision into 2 large lots for future single-family residential development.

The 7 lots to be combined with this proposal generally surround River Birch Court, a 275-foot long platted but unconstructed right of way created with the same final plat. The subject site is currently undeveloped. Nearby properties to the north, west and east of the subject site are generally developed with single-family residences in the Blackhawk and Greystone subdivisions, while land to the south is platted for additional single-family construction but is currently undeveloped. The subject site and surrounding properties are zoned R1 (Single-Family Residence District). The site of the 2 proposed lots slopes from east to west from a modest, tree-covered ridge that extends along the eastern edge of the property. Most of the remaining site is devoid of significant tree cover.

Lot 1 of the proposed CSM will be a 1.4-acre parcel comprised of Lots 466 and 467 of the Eighth Addition final plat and the northern half of the right of way proposed for vacation, while Lot 2 is proposed as an approximately 2.4-acre parcel that will be comprised of the southern half of the right of way to be vacated and platted Lots 468-472.

The existing lots to be combined with the proposed CSM range in size from 15,282 square feet (Lot 472) to 27,836 square feet (Lot 466), which is consistent with the predominant development pattern present in the Blackhawk and Greystone subdivisions. Both developments are comprised of lots that greatly exceed the 8,000 square-foot minimum lot area required in R1 zoning.

While the two proposed lots will be significantly larger than the predominant development pattern present in the surrounding area, the Planning Division believes that the proposed lots can meet the design standards in Section 16.23(8)(d) of the Subdivision Regulations, which generally recommend that the size, shape and orientation of the lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated and be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated. The proposed lots are located in the western portion of the Blackhawk subdivision in a manner that staff believes will not adversely impact the orderly implementation of the rest of the subdivision as it was originally platted.

Staff further believes that the proposed re-division is consistent with the low-density residential land use recommendations recommended for the site in the Blackhawk Neighborhood Development Plan. The introduction of the larger lots proposed is also generally consistent with a recommendation in the Comprehensive Plan that areas designated for Low-Density Residential development such as the site and larger Blackhawk subdivision include different housing types and tenancies, and that single-family housing include a variety of lot sizes in order to provide a range of housing choices for households of different sizes, ages, incomes and lifestyles (Volume II, page 2-80). While it is unusual to have lots of this size in a new City subdivision, staff points to the established Highlands community west of Old Middleton Road as an example of an area with many larger lots and homes like the lots proposed. Staff believes that it is important for the City to be able to accommodate homes of all sizes and to retain households of all income levels and lifestyles within the City limits.

## **Recommendations and Proposed Conditions of Approval**

Major/Non-Standard Conditions are shaded

---

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

The Planning Division recommends that the Plan Commission recommend **approval** of the vacation of River Birch Court and find the standards for land divisions met with this request and **approve** a Certified Survey Map of property located at 1-15 and 2-8 River Birch Court and 809 Big Stone Trail, subject to input at the hearing and the following conditions:

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

1. The CSM shall provide a 20-foot wide sanitary sewer easement where the City's existing sanitary sewer extends into the two-lot CSM. If the developer wishes to remove the public facilities from proposed Lot 2, modifications to the public sanitary sewer may be required at the developer's expense.
  2. Madison Metropolitan Sewerage District fees shall be due for any unpaid areas including the vacated right of way converted to developable lands.
  3. The developer shall be required to amend the original subdivision contract (City Contract Number 2187) to accommodate the modifications that are proposed for the public infrastructure related to the vacation of River Birch Court. Additional deposits and surety may be required. This work includes street, curb, and sidewalk modifications to Big Stone Trail and Trappers Trail, reconfiguration of the storm sewer and water main and hydrant on existing River Birch Court and potential modifications to the existing sanitary sewer. The amended subdivision contract shall be completed prior to the approval of the CSM and related site plans.
  4. The pending city of Madison Resolution ID 28094 pertaining to the proposed vacation/discontinuance of River Birch Court shall be adopted by the Common Council, recorded with the Register of Deeds and referenced on the final CSM prior to final approval and recording of the CSM.
5. The developer shall enter into a City/Developer agreement for the installation of public improvements required to serve this plat. 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 CSM without the agreement executed by the developer.
  6. The following notes shall be included on the final CSM:
    - a.) All lots within this CSM 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 CSM. 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.

Note: In addition to notes such as this, 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.

7. The following note shall be placed on the CSM: "No changes in drainage patterns associated with development on any or all lots within this CSM shall be allowed without prior approval of the City Engineer."
8. 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 the 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 storm water 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.

9. Prior to recording the CSM, the applicant shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to provide infiltration in accordance with NR-151. (MGO 37.09)
10. A minimum of 2 working days prior to requesting City Engineering Division signoff on the final plat, the applicant shall contact Janet Dailey (261-9688) to obtain the final stormwater utility charges that are due and payable prior to sub-division of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service. All charges shall be cleared prior to the subdivision (and subsequent obsolesces of the existing parcel).
11. 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 or CSM. Note: Land tie to two PLS corners required.

**Traffic Engineering Division** (Contact Dan McCormick, 267-1969)

This agency did not submit a response for this request.

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

This agency did not submit a response for this request.

**Parks Division** (Contact Kay Rutledge, 266-4714)

Park fees were paid for the 7 existing lots prior to the recording of the final plat of the Eighth Addition to Blackhawk and no additional fees are due for the proposed lots on the CSM.

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

This agency submitted a response with no comments or conditions for this request.

**Water Utility** (Contact Dennis Cawley, 261-9243)

12. The existing public water main in River Birch Court shall be abandoned in accordance with plans prepared by the Madison Water Utility. New water service laterals shall be installed with a standard City of Madison subdivision contract.

13. In accordance with MGO 13.21, all operating wells shall be identified and permitted by the Water Utility and all unused private wells shall be abandoned.

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

14. Prior to requesting final approval prior to recording, executed signature block certifications shall be included for all parties of interest, pursuant to MGO Section 16.23(5)(g)4 and Wis. Stats. 236.21(2)(a). The title of each certificate shall be consistent with the ownership interest reported in the most recent title report. Please update the notary acknowledgement under the owner's certificate to say "persons".

15. A certificate of consent by the mortgagee/vendor shall be included following the Owner's Certificate(s) for each of the mortgagees/vendors listed in the most recent title report.

16. As of November 14, 2012, the 2011 real estate taxes are paid, there are no special assessments owed and the stormwater fees have been paid. Note: Once 2012 real estate taxes are levied, those taxes will need to be paid in full prior to requesting final approval of this CSM for recording.

17. The following CSM revisions shall be made:

- a.) Await approval of Resolution ID 28094 prior to CSM recording, so the vacation of River Birch Court has been accomplished and consistent with the legal description on the proposed CSM.
- b.) Update the note on Sheet 3 to "Declaration of Conditions, Covenants and Restrictions", with regard to Document No. 4266849.
- c.) Add a note to Sheet 3 addressing Document No. 4232451.
- d.) Add notes to Sheet 3 that define and address Annexation Document Nos. 2622713, 2648319 and 3514998.