



## Report to the Plan Commission

October 15, 2012

**Legistar I.D. #27947**

**9624 Old Sauk Road**

**Deep Residential Lot Certified Survey Map**

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

**Requested Action:** Consideration of a Certified Survey Map (CSM) of property owned by Blanche B. Emerick located at 9624 Old Sauk Road creating 4 single-family residential lots, including 2 deep residential lots.

**Applicable Regulations & Standards:** Section 16.23, Land Subdivision Regulations, Madison General Ordinances provides the requirements for land divisions. Section 28.04(11) stipulates that the Plan Commission may approve the creation of a deep residential lot based on the criteria for such lots and in consideration of the standards and procedures set forth in Section 28.12(11) for conditional uses.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the conditional use standards and deep residential lot criteria met and **approve** a Certified Survey Map of property located at 9624 Old Sauk Road, creating 2 deep residential lots, subject to input at the hearing and the conditions from reviewing agencies beginning on page 6 of this report.

### Background Information

**Applicant & Property Owner:** Blanche B. Emerick; 9624 Old Sauk Road; Madison.

**Surveyor:** Michelle L. Burse, Burse Surveying & Engineering, Inc.; 1400 E. Washington Avenue, Suite 158; Madison.

**Proposal:** The applicant proposes to create four parcels from the subject property, including two deep residential lots. 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 September 5, 2012. Therefore, the 90-day review period for this CSM will end circa December 5, 2012.

**Parcel Location:** An approximately 2-acre parcel located 400 feet west of Cricket Lane on the north side of Old Sauk Road; Aldermanic District 9 (Skidmore); Middleton-Cross Plains School District.

**Existing Conditions:** The site is developed with a single-family residence, zoned R2S (Single-Family Residential District).

### Surrounding Land Use and Zoning:

North: Single-family residences in the Greystone subdivision, zoned R1 (Single-Family Residential District).

South: Single-family residences on a large tracts in the Town of Middleton;

West: Single-family residences in the Town of Middleton;

East: Two-family residence, zoned R3 (Single- and Two-Family Residence District).

**Adopted Land Use Plan:** The Blackhawk Neighborhood Development Plan identifies the subject site and properties to the north, west and immediate east for low-density residential uses.

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

**Public Utilities and Services:** This property can be served by a full range of urban services.

**Zoning Summary:** Existing R2S (Single-Family Residence District).

Bulk Requirements	Required	Proposed
Lot Area	4,000 sq. ft.	All proposed lots will exceed
Lot width	40'   30' for deep residential lot	All proposed lots will exceed
Usable open space	800 sq. ft. per lot	To be determined prior to const.
Front yard	15'	To be determined prior to const.
Side yards	6' for two-story house	To be determined prior to const.
Rear yard	20'	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>		

## Standards for Approval

This application is subject to the conditional use standards of Section 28.12 (11)(g). In addition, Section 28.04 (11) of the Zoning Ordinance includes the following criteria for deep residential lots (excerpted):

- (a) Statement Of Purpose. This subsection is established to allow the intensive development of certain deep residential lots which could not otherwise be fully developed under this or any other development control ordinance. The intensive development of a deep lot is not a matter of right but instead a privilege granted to the developer by the City when the Plan Commission makes a finding that such development is in the public interest.
- (b) General Regulations.
  1. The Plan Commission may allow, after consideration of the standards set forth in Section 28.12(11)(g), the development of a deep residential zoning lot into not more than four (4) zoning lots, provided that the front lot shall have a lot width not less than that required in the district in which it is located, and further provided that the rear lot(s) shall have an access to an improved public street through an unobstructed strip of land not less than thirty (30) feet in width. Such strip of land shall be a part of the rear lot and shall not be used to satisfy any area, yard or usable open space requirement.

## **Previous Approval**

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On March 7, 2006, the Common Council approved a request to rezone the subject site from Temporary A (Agriculture District) to R2S (Single-Family Residence District) and approval of a preliminary plat and final plat of Emerick Oaks, creating lots 6 single-family lots. The property was attached to the City of Madison from the Town of Middleton on December 13, 2005.

## **Project Review**

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The applicant is requesting approval of a Certified Survey Map (CSM) to subdivide an approximately 2-acre parcel located at 9624 Old Sauk Road that was the subject of the 2006 plat approval into 4 total single-family residential lots. The subject site is zoned R2S (Single-Family Residence District) and is developed with a two-story single-family residence located on the northern portion of the property. The site slopes primarily to the north and south from a modest ridge that extends through the center of the property near where the residence is located and is characterized by substantial mature tree cover.

The proposed CSM calls for 4 single-family lots. Moving from east to west, Lot 1 of the proposed land division will be a 10,953 square-foot parcel with 85 feet of frontage onto Old Sauk Road and approximately 129 feet of depth. Lot 2 will be a 16,277 square-foot parcel that will have most of its lot area located north of proposed Lot 1 and will be connected to Old Sauk Road by a 40-foot wide peninsula. The western line of Lot 2 will include a bend proposed 20.7 feet southeast of the existing residence that causes the width of the lot to dip below 40 feet. The largest of the four proposed lots will be Lot 3, which will contain the existing residence and most of an existing horseshoe driveway that is shown to cross some portion of all four proposed lots. Lot 3 will include 41,055 square feet of property and is proposed to surround proposed Lot 4 will two 30-foot wide connections to Old Sauk Road. Lot 4 of the proposed land division will be a 13,777 square-foot parcel with a mostly rectangular layout that includes 109 feet of frontage onto Old Sauk Road. Page 2 of the proposed CSM includes a building detail, which shows that the existing residence will be 31.7 feet from the proposed line between Lots 3 and 4, and between 20.7 and 21.3 feet from the line between Lots 2 and 3.

Staff believes that Lots 2 and 3 of the CSM constitute "deep residential lots" as defined and regulated in the Zoning Ordinance. Deep residential lots are permitted if the Plan Commission concludes that the conditional use standards are met. As described above, a deep residential lot may be created provided that at least one of the lots in the proposed subdivision provides the requisite amount of frontage along a public street per the zoning district. In this case, R2S zoning requires that new lots contain a minimum of 40 feet of lot width and 4,000 square feet of lot area.

In the case of Lot 2, staff believes that while the proposed lot contains 40 feet of lot width at Old Sauk Road, it constitutes a deep residential lot because the 40-foot minimum lot width is not maintained perpendicular to at least one of the side lot lines for the entire depth of the lot. Lot width is defined as "the horizontal distance between the side lot lines of a lot, measured at right angles to the lot depth". The lot width definition states that the measurement may be made at the rear line of the required front yard or, when approved by the Plan Commission, at the required setback line where noted on a plat or CSM if such setback is greater than the required front yard.

Lot 3 of the proposed CSM will cumulatively have 60 feet of frontage onto Old Sauk Road, which is 20 feet more than the 40 feet required in R2S zoning. However, because those 60 proposed feet will be equally split on either side of proposed Lot 4, staff does not believe that Lot 3 meets the prima facie

definitions of lot width or of a front lot line, which the Zoning Ordinance specifies “in the case of a lot abutting upon only one street, shall mean the line separating such lot from such street”. Accordingly, staff believes that Lot 3 should also be approved as a deep residential lot in addition to Lot 2.

## **Analysis & Conclusion**

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The Planning Division generally believes that the conditional use standards can be met in granting approval of the proposed deep residential lots, and that the proposed land division can comply with the provisions in Section 28.04(11) for land divisions creating deep residential lots. Staff, however, believes that the layout of the proposed CSM can be improved to make the proposed lots more uniform, which staff feels will provide the three new home sites and existing residence with a better architectural relationship with one another while potentially reducing opportunities for future discord among the owners of these four unique lots. These proposed adjustments could also cause the proposed lots to no longer be considered deep residential lots.

Staff believes it would be advantageous for Lot 1 of the proposed land division to be reconfigured to reduce its lot width and depth in an attempt to provide a more generous buildable area for Lot 2 to its rear and to lessen or eliminate the jog in the strip of land connecting Lot 2 to Old Sauk Road. While Lot 1 is proposed to be similar in size to many other single-family lots located north of Old Sauk in the Greystone and Blackhawk single-family subdivisions, staff feels that the 85-foot wide, 128-foot deep lot could be reduced slightly to achieve a better layout for Lot 2 while still producing a building site of similar character to others to its north.

Similarly, consideration should be given to reconfiguring Lots 3 and 4 to eliminate the U-shaped arrangement of Lot 3 currently proposed. Staff believes that this could best be accomplished by shifting Lot 4 west to the western edge of the property and potentially reducing its lot width slightly, which would result in more exposure for the existing single-family residence from Old Sauk Road while still providing a generous building site for Lot 4.

(A graphic showing staff’s suggested lot layout revisions will be provided at the back of the Plan Commission packet for this meeting.)

Staff believes that reconfiguration of the lots will allow the proposed land division to better 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. Those standards state that lot width shall “normally be measured at the rear line of the required front yard except that for deep residential lots and for triangular or gore shaped lots where the setback line is noted on the plat and is greater than the required yard. Side lot lines are also required to be as nearly as possible at right angles to straight street lines or radial to curved street lines on which the lots face. If approved, staff will work with the applicant and surveyor to better configure the proposed lots prior to final approval of the CSM for recording.

The Traffic Engineering Division has submitted a condition of approval for the CSM that calls for a maximum of two driveways from Old Sauk Road to serve the entire four-lot CSM. The driveway limitation for this property is recommended because Old Sauk Road is identified on adopted City plans as a future arterial roadway. As such, staff believes that access for all four proposed lots to the existing circle/ horseshoe drive serving the subject site will be required if the driveway is to remain. Alternatively,

the Traffic Engineering Division has requested a joint driveway plan showing how the four lots will share the maximum two driveways to be allowed. Planning staff is recommending in either case that a shared driveway easement be declared to ensure equal access to the two driveways allowed.

The four lots on the subject site will be subject to the design standards included in the R2S zoning district, which are primarily implemented at the building permit stage. The front facades of buildings in R2S zoning are not permitted to consist of a blank wall or a series of garage doors, and one ground floor entry is required to be oriented to the front of the lot on a public or private street. The street to which a ground floor entry is oriented is required to have a sidewalk. Garages accessed from a public street with the garage doors facing the public street are permitted provided that the garage shall not occupy more than 50% of the front façade of the house in width and shall be set back a minimum of 2 feet from the front façade of the building.

Finally, staff recommends that a tree preservation and management plan be developed for approval by the Planning Division prior to final approval of the CSM for recording. The tree preservation and management plan will include an inventory of the mature trees on the property and identify opportunities for the mature trees to be preserved during home construction.

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

Major/Non-Standard Conditions are shaded

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

The Planning Division recommends that the Plan Commission find the conditional use standards and deep residential lot criteria met and **approve** a Certified Survey Map of property located at 9624 Old Sauk Road, creating 2 deep residential lots, subject to input at the hearing and the following conditions:

1. That the CSM be reconfigured as recommended in the Analysis & Conclusion section of this report, including reconfiguring Lot 2 to create a more standardized lot layout and considering shifting Lot 4 west to the western property line.
2. The CSM shall be revised per Planning Division approval to identify a building envelope for Lot 2, with the square-footage of the envelope to be noted on the face of the final CSM. The southern line forming the building envelope shall not be closer than 30 feet from the northern line of Lot 1.
3. The applicant shall receive approval by the Planning Division and Traffic Engineering Division of a driveway easement to benefit all four lots. The approved easement shall be executed prior to receiving final approval of the CSM for recording, and the easement recorded at the Dane County Register of Deeds immediately following recording of the CSM.
4. That a 30-foot building line be placed on the final CSM for Lots 1 and 4 parallel to Old Sauk Road with a note stating that the building of any principal or accessory structure (including pools) shall be constructed or located within the 30-foot setback.
5. That a tree preservation and management plan be developed for approval by the Planning Division prior to final approval of the CSM for recording. The tree preservation and management plan shall include an inventory of the trees on the property and shall identify opportunities for the mature trees to be preserved. The approved tree preservation and management plan shall be noted on the final CSM.

The following conditions have been submitted by reviewing agencies:

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

6. Remove the drainage arrows on the rear (north side) of Lots 2 and 3.
7. If curb and gutter is not installed, all proposed driveways shall install storm culverts.
8. The developer shall extend the existing public sanitary sewer at his/her cost, as designed by the City Engineer, from Cricket Lane, to serve the CSM. The City shall compensate the developer \$4,600 for the sanitary sewer extension.
9. The developer shall construct public sidewalk from the east end of the property, connecting to the existing sidewalk, and extend the sidewalk to the westerly property line of the CSM. This may require additional ditching along Old Sauk Road and grading on the proposed lots to accommodate the sidewalk construction.
10. The drainage plan shall be provided for each lot as it develops. The drainage for proposed Lot 2 should be directed towards Old Sauk Road.

11. 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 plat without the agreement executed by the developer.
12. The applicant shall dedicate a 15-foot wide Permanent Limited Easement for grading and sloping northerly of and parallel with the new Old Sauk Road right of way line.
13. The developer shall record a waiver of their right to notice and hearings for the assessments for the improvement of Old Sauk Road in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.
14. Arrows shall be added to the Certified Survey Map indicating the direction of drainage for each property line not fronting on a public street. In addition, the certified survey map shall include lot corner elevations, for all lot corners, to the nearest 0.25-foot. The following notes shall be added to the CSM:
  - a.) Arrows indicate the direction of surface drainage swale at individual property lines. Said drainage swale shall be graded with the construction of each principal structure and maintained by the lot owner unless modified with the approval of the City Engineer. Elevations given are for property corners at ground level and shall be maintained by the lot owner.
  - b.) All lots within this certified survey 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 certified survey. For purposes of two or more lots combined for a single development site, or where two or more lots have a shared driveway agreement, the public easement for drainage purposes shall be a minimum of six 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 feet in width along the perimeter of the certified survey.

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.

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.

15. If the lots within this certified survey map are inter-dependent upon one another for storm water 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 certified survey map and recorded at the Dane County Register of Deeds.
16. 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."
17. 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).
18. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to Engineering 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 two working days prior to requesting City Engineering signoff.
19. 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)

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| 20. The CSM shall be revised to provide a joint driveway/ joint access plan with a maximum of 2 total driveways to Old Sauk Road. |
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21. The CSM shall be revised to note access restrictions on the face of the CSM consistent or coincidental to the joint driveway/ joint access plan of 2 total driveways to Old Sauk Road, and no access along the remainder of the face of the CSM along Old Sauk Road.

22. The CSM shall be revised to note the dedication of right of way along Old Sauk Road consistent with adjacent properties.

23. When the applicant submits final plans of one contiguous plan for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, showing all easements, all pavement markings, building placement, and stalls, adjacent driveway approaches to lots on either side and across the street, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the 2 feet overhang, and a scaled drawing at 1" = 20'.

24. The developer shall post a deposit and reimburse the City for all costs associated with any modifications to traffic signals, street lighting, signing and pavement marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.

25. 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)  
This agency did not submit a response for this request.

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

26. The developer shall pay \$10,623.99 in park dedication and development fees for the 3 new single family lots. The developer must select a method for payment of park fees before signoff on the CSM. This development is within the Far West park impact fee district (SI30).

Park dedication required=3 units at 1,100 square feet per unit=3,300 square feet. The fee in lieu of dedication is based on current property values up to \$2.33 per square foot for 2012=\$ 7,689.00. Park development fees for a single-family unit in 2012=(3 sf units X \$978.33 per unit)=\$2,934.99.

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

27. Per MGO Sec. 34.503 and IFC 503.2.5, all portions of the exterior walls of newly constructed one- and two-family dwellings shall be within 500 feet of at least one fire hydrant. Distances are measured along the path traveled by the fire truck as the hose lays off the truck. See Sec. MGO 34.20 for additional information

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

28. The owner shall sign a waiver of notice and hearing for existing water main assessments.



29. 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.