



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 8839-8947 Ancient Oak Lane  
**Application Type:** Final Plat and Demolition Permit  
**Legistar File ID #** [34166](#) and [34338](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted

## Summary

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

**Surveyor:** Anthony Kasper, Birrenkott Surveying, Inc.; 1677 N. Bristol Street; Sun Prairie

**Requested Action:** Approval of a final plat creating 5 single-family lots following the demolition of an existing single-family residence.

**Proposal Summary:** The applicant is requesting approval of the final plat of “First Addition to Ripp Addition to Linden Park” to allow the westernmost portion of the subject property to be subdivided into 5 single-family lots following the demolition of the existing single-family residence at 8839 Ancient Oak Lane. 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. Section 28.185 provides the process and standards for the approval of demolition and removal permits.

**Review Required By:** Plan Commission and Common Council.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission forward the final plat of the First Addition to Ripp Addition to Linden Park to the Common Council with a recommendation of **approval** and find the standards met and **approve** a demolition permit for 8839 Ancient Oak Lane 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 1.0-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 developed with a two-story single-family residence and detached accessory building in TR-C1 (Traditional Residential–Consistent 1 District) zoning.

### Surrounding Land Use and Zoning:

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

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

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

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

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

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

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

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

## Previous Approvals

On May 6, 2014, the Common Council approved the final plat of Ripp Addition to Linden Park, creating 25 single-family lots and 1 outlot for stormwater management on land addressed as 8839 Ancient Oak Lane.

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

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

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

## Project Description

The applicant is requesting approval of a final plat to create the remaining 5 lots of the 29 TR-C1-zoned single-family lots approved earlier this year on the preliminary plat of the Ripp Addition to Linden Park subdivision. The 24 other new lots were approved on the first final plat of the Ripp Addition development at the April 28 Plan Commission meeting and May 6 Common Council meeting (a 25<sup>th</sup> lot for the existing house to remain in the interim was also included). The 5 lots proposed will be located on either side of Color Peak Road, which will be extended one block south from existing Ancient Oak Lane to intersect Pine Hollow Place, which will be platted

and constructed as part of the implementation of the first final plat. In order to implement the remainder of the approved subdivision, the applicant is requesting to raze a two-story log cabin-influenced residence that sits partially within the right of way of extended Color Peak Road.

## Analysis & Conclusion

The lots proposed on the final plat are consistent with the same lots shown on the approved preliminary plat and are similar in character to the lots located north and west of the subject site in the Linden Park subdivision. All of the lots appear to meet the lot width and area requirements of the TR-C1 zoning district. The proposed final plat also will complete implementation of the approved preliminary plat, including the second north-south street connection through the site as generally recommended by the street layout and land use plan in the Mid-Town Neighborhood Development Plan, which secondarily ensures that the length of blocks in the portion of the Linden Park neighborhood comply with Subdivision Regulation requirements for the same.

Staff also believes that the demolition permit standards can be met to allow the existing residence to be razed to accommodate the proposed subdivision. The applicant indicates that the house is in need of major repairs despite being relatively new construction (the applicant indicates the house is approximately 25 years old; the City has no records of its construction in the Town of Middleton prior to annexation). Staff does not have any information that would suggest that the demolition standards could not be met with the request to raze it. The existing two-story residence is larger than most of the other residences that have been developed around it, and its unique footprint and placement on the site likely makes implementation of the approved preliminary plat more difficult to achieve. Staff believes that demolition of the house to accommodate the platting of 3 new homes sites similar in character to those surrounding would be more economically productive than preserving the house onsite. The Landmarks Commission informally reviewed the demolition of the house on September 16, 2013 and noted that the structure had no known historic value.

## Recommendation

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

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

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

Major/Non-Standard Conditions are Shaded

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

1. A revised preliminary plat addressing comments from the January 14, 2014 conditional approval letter for the preliminary plat shall be submitted addressing the appropriate comments.
2. Remove Lot 1 CSM 12934 from the title work when the revised final plat is submitted for sign off.
3. Remove the drainage easements and associated notes shown on the perimeter of the plat, per Document No. 4139208. The language within notes 14 and 15 release and replace these easements with this plat. Note

that the applicant shall verify that the required zoning setbacks and the widths of the drainage easements are not in conflict.

4. Coordinate with all of the utilities companies and place on the final plat all required public utility easements required to properly serve the development. Add a detail to the legend for the public utility easements and the language required to create the public utility easements.
5. The vision corner limits that would encumber Lots 26 and 27 shall be shown and dimensioned on each lot. Add language to the plat defining the restrictions of the vision triangle.
6. Complete the document number in note 13 on the plat to Document No. 4710072.
7. Revise "preliminary plat" to "final plat" in note 2. Also remove the word "Preliminary" from the plat title. This is a final plat submittal.
8. The description header under the plat name shall be revised to be Lot 2 of CSM 12934 and also include Lot 21, Ripp Addition To Linden Park.
9. Extend the 6-foot Wide Public Utility Easement per Document No. 4139208 over the northerly portion of proposed Lot 26.
10. Remove any unnecessary lot dimensioning and curve table shown within the plat of Ripp Addition to Linden Park.
11. If the temporary cul de sac improvements located in Pine Hollow Place have not been removed prior to the final recording of this plat, the plat shall show denote the Temporary Turnaround Easement created by CSM 12934.
12. The exterior plat boundary shall have found monuments shown or the required monuments shown as placed.
13. Provide an overall bearing and distance for the east sides of Lots 27 and 28 as required. The overall distance of the west right of way of Color Peak Road is incorrect. An overall distance for the north line of Lot 30 shall be noted. Clarify the 53.98 dimension shown on the north side of Lot 26.
14. Chords shall be shown on all curves.
15. Revise the lot numbering to comply with the state statutes. Lots are required to be consecutively numbered within each block.
16. The fourth line from the bottom of the legal description has a bearing error: Change N0002'28"W to N0005'55"W. Also add a semicolon after the course ending in "Map No. 12934".
17. Provide all required Treasurer's, Register of Deeds and City of Madison Plan Commission certificates as required.
18. Include Lot 2 of CSM 12934 in note 8.

19. This plat anticipates the demolition of the existing home within the boundary of this plat. If the home is not demolished prior to the recording of the final plat, the house shall be shown on the plat.
20. Lot 14 will need to be provided sanitary sewer service from an off-plat location (University Research Park – Pioneer First Addition or north through Outlot 3 of Linden Park. Otherwise, Lot 14 will not be considered buildable and will not be allowed to be sold or transferred until sewer is available.
21. 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.
22. 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.
23. 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.”
24. The developer shall construct Madison standard street and sidewalk improvements for all streets within the plat.
25. 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.
26. 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.

27. 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."

28. 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.
29. NR-151 of the Wisconsin Administrative Code is effective as of 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 MGO, the most significant additional requirement shall be that of infiltration. NR-151 requires infiltration in accord with the following criteria: 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.

30. 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).
31. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat.
32. 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.
33. 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.
34. The applicant shall submit to Eric Pederson, prior to Engineering sign-off of the subject plat, two (2) digital and one (1) hard copy of the final plat to the Mapping/GIS Section of the Engineering Division. The digital copies shall be submitted in both NAD27 & WIDOT County Coordinate System, Dane County Zone datums in either Auto CAD Version 2001 or older, MicroStation Version J or older or Universal DXF Formats and contain the minimum of the following, each on a separate layer name/level number: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; easement lines (i.e. street, sanitary, storm (including wetland & floodplain boundaries) water, pedestrian/bike/walkway, or any public and/or private interest easement except local service for Cable TV, gas, electric and fiber optics).  
  
\*This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes.  
  
\*New electronic final plat transmittals and notification of changes which occur to the final plat during the time the Engineering Division signs off and receives the digital copies of said plat and the recording thereof, are the responsibility of the Developer/Surveyor.
35. In accordance with Section s.236.20(2)(c)&(f), Wisconsin Statutes, the applicant must show type, location and width of any and all easements. Clearly identify the difference between existing easements (cite Register of Deeds recording data) and easements which are being conveyed by the plat. Identify the owner and/or benefiting interest of all easements.
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. The applicant shall execute and return a declaration of conditions and covenants for streetlights and traffic signals prior to sign off. The applicant will need to provide a deposit for their reasonable and proportionate share of traffic signal costs.
38. Utility easements shall be provided between Lots 2 and 3, 6 and 7, and 11 and 12 of the Ripp Addition to Linden Park plats. The applicant shall show a detail drawing of the 12-foot utility easement dimensions and lot lines on the face of the final plat.
39. 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)

40. Prior to recording, the applicant shall work with Zoning and City Engineering staff to confirm that the building side yard setbacks match proposed utility and drainage easements.

41. Provide a reuse/recycling plan, to be reviewed and approved by the City's Recycling Coordinator, George Dreckmann, prior to a demolition permit being issued. Section 28.185(7)(a)5. of the Zoning Ordinance requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan. Please note, the owner must submit documentation of recycling and reuse within 60 days of completion of demolition.

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

42. 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)

43. 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.
44. All operating private wells shall be identified and permitted by the Madison Water Utility and all unused private wells shall be abandoned in accordance with MGO Section 13.21.

**Metro Transit** (Contact Tim Sobota, 261-4289)

This agency did not provide comments for this request.



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

45. Park impact fees (comprised of the Park Development Impact Fee per MGO Sec. 20.08(2) and the Parkland Impact Fee in lieu of land dedication per MGO Sec. 16.23(8)(f) and 20.08(6)) will be required for all new residential development in this subdivision. The developer must select a method for payment of park fees before signoff on the final plat. This development is within the Elver Park impact fee district (SI30). Please reference ID# 13163.1 when contacting the Parks Division about this project.

46. 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)

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