



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 5725 Old Middleton Road  
**Application Type:** Certified Survey Map (CSM) Referral  
**Legistar File ID #** [43586](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted

**Summary**

**Applicant & Property Owner:** Sara Matthews; 5725 Old Middleton Road; Madison; Liz Lauer, representative.

**Surveyor:** Chris Adams, Williamson Surveying & Associates, LLC; 104A W. Main Street; Waunakee.

**Requested Action:** Consideration of a Certified Survey Map (CSM) of property located at 5725 Old Middleton Road to create two residential lots, including a deep residential lot.

**Proposal Summary:** The applicant and property owner wishes to create a new residential lot from a portion of the front yard of her existing single-family residence, which will be marketed for sale for a third party to construct a new residence. The applicant wishes to record the CSM as soon as all regulatory approvals have been granted.

**Applicable Regulations & Standards:** Section 16.23, Land Subdivision Regulations, Madison General Ordinances provides the requirements for land divisions. Section 28.135(3) of the Zoning Code provides the requirements for the creation of deep residential lots (see page 3 of this report).

**Review Required By:** Plan Commission

**Review Schedule:** The State’s subdivision statute, Wis. Stats. Chapter 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 June 28, 2016. Therefore, the 90-day review period for this CSM will end circa September 28, 2016.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the standards for land divisions and deep residential lots met with this request and **approve** a Certified Survey Map of property located at 5725 Old Middleton Road, creating one deep residential lot, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 3 of this report.

**Background Information**

**Parcel Location:** The subject site contains approximately 1.38 acres of land located on the west side of Old Middleton Road between N. Highlands Avenue and S. Highlands Avenue; Aldermanic District 19 (Clear); Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject site is developed with a single-family residence located on the westerly half of the parcel and a tennis court on the easterly half, zoned SR-C1 (Suburban Residential–Consistent 1 District).

**Surrounding Land Use and Zoning:** The subject site is generally surrounded on the south and west by single-family residences in The Highlands subdivision, zoned TR-R (Traditional Residential–Rustic District), and on the north and east by single-family residences in SR-C1 (Suburban Residential–Consistent 1 District) zoning. The northeasterly corner of the site sits across Old Middleton Road from a State of Wisconsin railroad right of way and the southwestern corner of Kettle Park Pond, zoned CN (Conservancy District).

**Adopted Land Use Plan:** The Comprehensive Plan recommends the subject site and surrounding properties for Low-Density Residential development.

**Zoning Summary:** The property is zoned SR-C1 (Suburban Residential–Consistent 1 District):

Requirements	Required	Proposed
Lot Area	8,000 sq. ft.	Proposed lots will comply
Lot Width	60'	Proposed lots will comply
Front Yard	30'	Lot 1: TBD at permit   Lot 2: 53'
Side Yards	6' for one-story   7' for two-story	Lot 1: TBD at permit   Lot 2: Adequate
Rear Yard	Lesser of 30% lot depth or 35'	Lot 1: TBD at permit   Lot 2: 38.6'
Usable Open Space	1,300 sq. ft. per lot	Lot 1: TBD at permit   Lot 2: Adequate
Building Height	2 stories/ 35 feet	Lot 1: TBD at permit   Lot 2: One-story
Maximum Lot Coverage	50%	Lot 1: TBD at permit   Lot 2: Adequate
Building Form	Single-Family Detached	Lot 1: TBD at permit   Lot 2: Existing
<b>Other Critical Zoning Items</b>		
Yes:	Utility Easements	
No:	Landmarks, Urban Design, Wellhead Protection, Waterfront Development, Floodplain, Barrier Free	
<i>Prepared by: Jenny Kirchgatter, Asst. Zoning Administrator</i>		

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

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

## Additional Requirements

Section 28.135(3) of the Zoning Code, entitled “Lot Division, Creation and Access” requires the following for deep residential lots:

(3) Development of Deep Residential Lots.

- (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. The Plan Commission may allow, after a public hearing and notice as set forth in Sec. 28.183 and consideration of the [conditional use] standards set forth in Sec. 28.183(6), the development of a deep residential zoning lot into not more than four (4) zoning lots, provided that :
  1. The front lot(s) shall have a width not less than that required in the district in which it is located.
  2. The rear lot shall have frontage onto an improved public street for a width not less than 30 feet.

3. The strip of land of land between the improved public street and the remainder of the rear lot shall not contain any buildings or structures and said strip of land shall not be used to satisfy any area, yard, or usable open space requirement for the rear lot.
  4. All of the lots proposed shall have the minimum required lot area.
  5. The house numbers for all lots shall be on a sign visible from the public street.
- (c) A building permit for residential construction shall be issued for any zoning lot legally created, pursuant to this section, prior to the effective date of this ordinance.

## Project Description, Analysis and Conclusion

The applicant and property owner is requesting approval of a Certified Survey Map (CSM) to subdivide an approximately 1.38-acre property at 5725 Old Middleton Road into two lots. The site is developed with a one-story, 1,900 square-foot single-family residence located on the westerly half of the parcel. A tennis court is located in the southeastern corner of the property. The property is characterized by approximately 40 feet of grade change from west to east across the site, and substantial tree cover across most of the property.

Lot 1 of the CSM is proposed as an approximately 20,500 square-foot parcel that will extend approximately 245 feet of the parcel's 318 feet of frontage along Old Middleton Road beginning at the southeasterly corner. The proposed lot will include the tennis court, which will be removed per a note on the CSM. The remainder of the 1.38-acre parcel will comprise Lot 2 of the CSM, and will include the existing residence and driveway, which extends parallel to the northerly property line. Lot 2 will contain 39,801 square feet of lot area and 70 feet of frontage along Old Middleton Road. A 53-foot front setback is shown between the residence and proposed line between Lots 1 and 2.

The unique configuration of Lot 2 represents a deep residential lot as described in the Zoning Code, which requires Plan Commission approval following a public hearing and notice as set forth in Section 28.183 and consideration of the conditional use standards set forth in Section 28.183(6) (although the lots and resulting development are not themselves, conditional uses). The Planning Division generally believes that the proposed land division to create an additional residential lot can meet the standards for approval, including the conditional use standards in Section 28.183(6), the criteria for the creation of deep residential lots in Section 28.135(3). The proposed land division is consistent with the development pattern created by the historic division of the larger lots in and around The Highlands subdivision into smaller lots, including the creation of many deep residential lots of a similar configuration as the one proposed with the subject request.

However, while both proposed lots appear to meet the bulk requirements of the SR-C1 zoning district, the depth of Lot 2 will need to be increased to satisfy the 100-foot minimum average lot depth requirement stipulated in Section 16.23(8)(d)3 of the Subdivision Regulations. Staff believes that adequate depth for Lot 2 could be provided by the removal of the bend proposed along the westerly, rear lot line of Lot 1, which would still leave a complying front yard setback for the residence on Lot 2 (30-foot minimum).

## 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 5725 Old Middleton Road creating a deep residential lot, subject to input at the hearing and the following conditions:

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

1. The applicant shall revise the CSM to provide a minimum average lot depth of 100 feet for Lot 1 as required Section 16.23(8)(d)3 of the Subdivision Regulations. Staff recommends that adequate depth for the lot could be provided by the removal of the bend proposed along the westerly, rear lot line of Lot 1, which would still leave a complying front yard setback for the residence on Lot 2 (30-foot minimum per SR-C1).

**Recommended Conditions of Approval** Major/Non-Standard Conditions are Shaded

**City Engineering Division** (Contact Tim Troester, 267-1995)

2. Proposed Lot 1 will contain the sewer lateral serving proposed Lot 2, possibly in conflict with any proposed dwelling unit on Lot 1. Prior to approval, either provide an easement within Lot 1 in the favor of Lot 2, or provide the City Engineer a plan to serve Lot 2 that is not reliant on crossing Lot 1.
3. All outstanding Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Mark Moder (261-9250) to obtain the final MMSD billing a minimum of two working days prior to requesting City Engineering sign-off.
4. Property shall either have two separate sanitary sewer laterals or a recorded ownership/maintenance agreement shall be in place prior to CSM approval
5. A minimum of 2 working days prior to requesting City Engineering signoff on the CSM, the applicant shall contact Brenda Stanley at 261-9127 (bstanley@cityofmadison.com) 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 recording the land division (and subsequent obsolesces of the existing parcel).
6. The lots within this Certified Survey Map are interdependent 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 Certified Survey Map, and recorded at the Dane County Register of Deeds.

**City Engineering Division – Mapping Section** (Contact Jeff Quamme, 266-4097)

7. It appears that sewer and water laterals serving Lot 2 will cross proposed Lot 1. If this is accurate, a private sanitary sewer and water lateral easement in favor of Lot 2 shall be shown, dimensioned and labeled on the CSM. Additionally a separate document shall be drafted setting forth the conditions for the easement along with maintenance and construction requirements. The separate document shall be recorded immediately after the CSM has been recorded.
8. The proposed lots within this CSM are dependent on each other for overland stormwater drainage. A private Storm Drainage Easement/Agreement for all lots within this CSM shall be drafted, executed and recorded immediately after the recording of the CSM.
9. Per the plat of Highlands, there is not a tangent along the right of way along the northeast side of Lot 25. It is a curve (cl = 4 degree curve). Additionally the radius and length of curve 1 is substantially different than

the plat. The surveyor shall evaluate this, make necessary modifications and provide a synopsis of the mythology of determining this right of way.

10. This pending Certified Survey Map application shall be completed and recorded with the Dane County Register of Deeds (ROD) prior to issuance of any building permits for new construction. When the recorded CSM image is available from the ROD, the Assessor's Office can then create the new Address-Parcel-Owner (APO) data in the parcel database so that the permitting system can upload this data and permit issuance made available for this new land record.
11. Provide all recorded-as information along the exterior boundary from the deeds, plat and adjacent CSMs 3318 and 6770, as required by statute.
12. The east right of way of Old Middleton Road does not curve concentrically with the west right of way, it remains as a tangent going northerly. Correct this on the drawing.
13. 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 Jeff Quamme (jrquamme@cityofmadison.com), 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.
14. The applicant shall submit to Jeff Quamme, prior to Engineering sign-off of the subject CSM, one (1) digital CADD drawing and one (1) signed copy of the final CSM to the Mapping/GIS Section of the Engineering Division either as hard copy or Adobe PDF format. The digital CADD file shall be submitted in the WISDOT County Coordinate System, Dane County Zone datum in either Auto CAD Version compatible with MicroStation Version V8i, MicroStation Version V8i or older or Universal DXF Formats. The digital CADD file(s) shall contain the minimum of the items stated below, each on a separate layer name/level number. All line work shall be void of gaps and overlaps that would cause any parcel, street or easement to not properly close. All line work orientation and geometrics shall match the dimensioning as labeled on the final recorded plat: 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.
  - \* The Developer/Surveyor shall submit new updated final plat, electronic data and a written notification to Engineering Mapping for any changes to the plat which occur subsequent to any original submittal of data and prior to final sign off.
15. In accordance with Section s. 236.18(8), Wisconsin Statutes, the Applicant shall reference City of Madison WCCS Dane Zone, 1997 Coordinates on all PLS corners on the Certified Survey Map in areas where this control exists. The Surveyor shall identify any deviation from City Master Control with recorded and measured designations. City of Madison has established WCCS, Dane Zone Coordinates on all PLS corners within its corporate boundary. Visit the Dane County Surveyor's Office web address for current tie sheets

and control data that has been provided by the City of Madison. If a surveyor encounters an area without a published WCCS Dane Zone 1997 value, contact the City Engineering Division for this information.

**Zoning Administrator** (Contact Jenny Kirchgatter, 266-4429)

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

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

This agency did not submit a response for this request.

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

16. Note: 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).

**Parks Division** (Contact Janet Schmidt, 261-9688)

17. 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 Sections 16.23(8)(f) and 20.08(6)) will be required for all new residential development. The developer must select a method for payment of park fees before sign off on the land division. This development is within the Garner impact fee district (SI 29). Please reference ID# 16135 when contacting Parks Division staff about this project.

18. The developer shall put the following note on the face of the CSM: "The lots/ buildings within this subdivision/ development are subject to impact fees that are due and payable at the time building permit(s) are issued."

**Water Utility** (Contact Adam Wiederhoeft, 266-9121)

19. Proposed Lot 1 will contain the water lateral serving proposed Lot 2, possibly in conflict with any proposed dwelling unit on Lot 1. Prior to approval, either provide an easement within Lot 1 in favor of Lot 2 (see City Engineering – Mapping Section comments), or provide Madison Water Utility a plan to serve Lot 2 that is not reliant on crossing Lot 1.

20. All operating private wells shall be identified and permitted by the Water Utility and any unused private wells shall be abandoned in accordance with MGO Section 13.21.

**Office of Real Estate Services** (Heidi Radlinger, 266-6558)

21. The 2015 real estate taxes are paid for the subject property. Per Section 236.21(3) Wis. Stats. and MGO Section 16.23(5)(g)(1), the property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to CSM recording. This includes property tax bills for the prior year that are distributed at the beginning of the year. As of July 27, 2016, there are no special assessments reported. If special assessments are levied against the property they shall be paid in full prior to final sign-off.

22. Please coordinate with Tim Troester (267-1995) or Brenda Stanley (261-9127) in the City Engineering Division to obtain any outstanding storm water management fees from the City of Madison Water Utility. Receipts for the payment of the prorated fee shall be presented prior to CSM approval sign-off.
23. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish an updated title report to the City's Office of Real Estate Services ([hradlinger@cityofmadison.com](mailto:hradlinger@cityofmadison.com)), as well as the survey firm preparing the proposed CSM. The report shall search the period subsequent to the date of the initial title report submitted with the CSM application and include all associated documents that have been recorded since the initial title report. The surveyor shall update the CSM with the most recent information reported in the title update.
24. The owner shall email the document number of the recorded CSM to Heidi Radlinger at the City's Office of Real Estate Services as soon as the recording information is available.