



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 1123 Merrill Springs Road  
**Application Type:** Certified Survey Map (CSM) Referral  
**Legistar File ID #** [47851](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted

## Summary

**Applicant & Property Owner:** Stephanie Stratton; 1123 Merrill Springs Road; Madison.

**Surveyor:** Michael S. Marty, Vierbicher Associates, Inc.; 999 Fourier Drive, Suite 201; Madison.

**Requested Action:** Consideration of a Certified Survey Map (CSM) of property located at 1123 Merrill Springs Road to create two residential lots, including a deep residential lot.

**Proposal Summary:** The applicant and property owner wishes to create a new lot from land adjacent to her existing single-family residence, on which she proposes 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 pages 2 and 3 of this report).

**Review Required By:** Plan Commission. A resolution approving the land division and any related dedications requires approval by the Common Council.

**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 May 24, 2017 Therefore, the 90-day review period for this CSM will end circa August 24, 2017.

**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 1123 Merrill Springs Road, creating one deep residential lot, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 5 of this report.

## Background Information

**Parcel Location:** The subject site contains approximately 0.73 acres of land located on the east side of Merrill Springs Road, approximately 350 feet south of Lake Mendota Drive; 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 southerly half of the parcel, which is zoned SR-C1 (Suburban Residential–Consistent 1 District).

**Surrounding Land Use and Zoning:** The subject site is surrounded on the north, south and west by single-family residences in the City of Madison in SR-C1 (Suburban Residential–Consistent 1 District) zoning. The eastern edge of the property is bounded by Blackhawk Country Club, which is located in the Village of Shorewood Hills.

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

The subject property is also located within the boundaries of the 2006 Spring Harbor Neighborhood Plan, which does not include specific recommendations for the site or this section of Merrill Springs Road, but generally encourages that the residential character of the neighborhood be enhanced and preserved, and that future residential redevelopment be at a height and scale that is compatible with and is sensitive to the built character of the neighborhood.

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

Requirements	Required	Proposed
Lot Area	8,000 sq. ft.	Lot 1: 17,720 sq ft; Lot 2: 13,864 sq ft
Lot Width	60'	Lot 1: Adequate Lot 2: 87.99'
Front Yard	30'	See conditions. The bulk requirements to the left will be applied to Lot 2 at the time of building permit issuance.
Side Yards	6' for one-story   7' for two-story	
Rear Yard	Lesser of 30% lot depth or 35'	
Usable Open Space	1,300 sq. ft. per lot	
Building Height	2 stories/ 35 feet	
Maximum Lot Coverage	50%	The existing residence on proposed Lot 1 adequately meets these requirements.
Building Form	Single-Family Detached	
<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. Blackhawk Country Club is shown as public land on the corridor maps, which also indicate that there are areas with slopes steeper than 12 percent on the subject property and parcels to the north.

**Public Utilities and Services:** The property is served by a full range of urban services. Sanitary sewers are located in Merrill Springs Road; however, due to the grades present across the site, the sewer service for the existing house is provided from the north via a private sewer easement that connects the subject site to the public main located off Lake Mendota Drive. An extension of the private sewer and easement will be required to serve the existing house if the land division is approved.

## 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 0.73-acre property at 1123 Merrill Springs Road into two lots. The site is developed with a two-story, 1,790 square-foot single-family residence located on the southerly half of the parcel. The property is characterized by approximately 20 feet of grade change from south to north across the site, with mature vegetation present across most of the property. Merrill Springs Road is a partially approved street that extends south from Lake Mendota Drive and is developed with other single-family homes of a similar size and character as the residence on the subject site. The subject parcel and other residences on the east side of Merrill Spring road back up to Blackhawk Country Club in the Village of Shorewood Hills.

Lot 1 of the CSM is proposed as a gore-shaped parcel that will have 12.5 feet of frontage along Merrill Springs Road before opening up into an approximately 17,720 square-foot (0.41-acre) lot, which will include the existing residence. The remaining 13,864 square feet (0.32 acres) of the property will comprise Lot 2 of the CSM, on which the applicant intends to construct a new residence according to the letter of intent that accompanied the land division request. The existing driveway that serves the residence on Lot 1 is proposed to straddle the new lot line. Additionally, an easement is proposed over the northern 15 feet of Lot 1 giving permission to the owner of Lot 2 to cross Lot 1 to access Blackhawk Country Club, which staff is requesting not be shown on the final approved CSM unless permission has been granted by the golf course or Village of Shorewood Hills.

While most deep residential lots reviewed by the Plan Commission are “flag-shaped” parcels that feature a majority of lot area located behind or beside a more conventional single-family lot and connected to the street by a narrow peninsula of land, the Zoning Administrator has determined that the unique configuration of proposed Lot 1 represents a deep residential lot as described in the Zoning Code. In particular, the limited frontage of proposed Lot 1 onto Merrill Springs Road represents a similar condition to the more common flag-shaped configuration common throughout neighborhoods like The Highlands. The proposed gore-shaped deep residential lot 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 from the existing relatively large and deep parcel can meet the standards for approval, including the conditional use standards in Section 28.183(6), and the criteria for the creation of deep residential lots in Section 28.135(3). The proposed land division is generally consistent with the development pattern west of Blackhawk Country Club, which includes a diverse range of both platted and unplatted single-family parcels of varying sizes, configurations and frontages. Approval of the proposed lot to allow construction of a new residence should also not be counter to the general recommendations for new residential development in the Spring Harbor Neighborhood Plan, which encourage that the residential character of the neighborhood be enhanced and preserved, and that future residential redevelopment be at a height and scale that is compatible with and is sensitive to the built character of the neighborhood.

However, in order to comply with the design requirements for a deep residential lot, staff has determined that Lot 1 will need to be reconfigured to comply with the 30 feet of lot frontage at Merrill Springs Road, which is required for all lots, including deep residential lots like the one proposed. Unlike lot width, which the Zoning Code defines as “the horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required structure setback line,” the “front lot line” (or lot frontage) is “the boundary of a lot which abuts an existing, dedicated or officially mapped street or park.” Therefore, the point at which the proposed line between Lots 1 and 2 intersects Merrill Springs Road will need to shift approximately 18 feet further to the northwest in order to comply with the 30-foot minimum. There may be a corresponding shift to where the proposed line intersects the northern line of the property; however, that revised line shall remain continuously straight and roughly perpendicular to the street line.

Finally, the subject site is located approximately 500 feet south of Lake Mendota. As noted in the following section, many lakefront-area properties are associated with locations of Native American effigy mounds and archeological sites. Staff is recommending that an informational note be placed on the final CSM regarding Wis. Stats. Section § 157.70, Burial Sites Preservation, to inform the owner and successors of state law regarding disturbance of effigy mounds and archeological sites in advance of any future construction on the lots.

## 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 1123 Merrill Springs 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. Revise Lots 1 and 2 to provide a minimum of 30 feet of street frontage for Lot 1 on Merrill Springs Road as required by Section 28.135(2) of the Zoning Code.
2. The applicant shall provide proof of formal permission from Blackhawk Country Club or the Village of Shorewood Hills in a form acceptable to the Planning Division (letter, easement) that access onto the golf course from the subject lots is allowed. If not such permission is granted, the 15-foot wide easement over the northern edge of Lot 1 shall be removed prior to final approval of the CSM for recording.

3. The following note shall be placed on the CSM prior to final approval and recording for reference purposes :

“Many lakefront-area properties are associated with locations of Native American effigy mounds and archeological sites. This site is known to be associated with archeological and historic resources. Per Wis. Stats. Section § 157.70, Burial Sites Preservation:

(2r) Site Disturbance Prohibited. Except as provided under subs (4) and (5) and State Statute 157.111 and 157.112, no person may intentionally cause or permit the disturbance of a burial site or catalogued land contiguous to a catalogued burial site.

(3) Report of Disturbed Burial Sites. (a) Except as provided under s. 979.01, a person shall immediately notify the director (*Wisconsin Historical Society Director*) if the person knows or has reasonable grounds to believe that a burial site or the catalogued land contiguous to a catalogued burial site is being disturbed or may be disturbed contrary to the requirements of subs. (4) and (5).

The Burial Sites Preservation statute requires that the property owner contact the Wisconsin Historical Society to discuss the location of the proposed project and any possible disturbance of an archaeological or historic resource before the work commences. During the construction work, if a burial site disturbance occurs, the work shall stop immediately until the Wisconsin Historical Society is able to assess the site. For more information on the application of this statute, please contact the State Historic Preservation Office at (608) 264-6502.”

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

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

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 two working days prior to requesting City Engineering signoff on the CSM, the applicant shall contact Tim Troester at 261-1995 (ttroester@cityofmadison.com) or 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).

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

6. Copies of the agreements for the 10-foot wide Private Sanitary Sewer Easement, 14-foot wide Private Access and Utility Easement and the 15-foot wide Access Easement [to the golf course] shall be provided for review and comment prior to final sign off. These agreements shall be recorded immediately subsequent to the recording of this CSM.

7. The existing 20-foot Sanitary Sewer Easement over adjacent Lot 1 shall be denoted as "Private" and shall be amended with a recorded agreement between all parties encumbered and benefitted by the easement. The agreement shall set forth requirements and restrictions for the construction, maintenance and replacement of the private sanitary sewer facilities within the easement.

8. The headers and legal descriptions shall acknowledge that this CSM also lies within Government Lots 3 for both Sections 17 and 18.

9. The map shall graphically show the section line between Sections 17 and 18 that bisects this CSM.
10. 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.
11. 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.
12. 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 City 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.

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

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

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

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| <ol style="list-style-type: none"><li>13. Revise Lots 1 and 2 to provide a minimum of 30 feet of street frontage for Lot 1. Per Section 28.135(2), every zoning lot shall front on an improved public street, with a minimum of 30 feet of street frontage.</li><li>14. The Zoning Administrator has determined that the rear lot line of Lot 2 Lot is the north lot line. As defined, the rear lot line is that lot line which is opposite and most distant from the front lot line. In the case of an irregular lot, the Zoning Administrator shall select a line or lines generally opposite the front lot line for the</li></ol> |
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purpose of providing a rear lot line across the entirety of the lot. The rear yard setback is the minimum distance by which any building or structure may be separated from the rear lot line. The rear yard area shall be provided across and within the entirety of the lot.

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

15. The Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D.

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

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

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

16. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(6) will be required for all new residential development associated with this project. This development is within the West Park-Infrastructure Impact Fee district. Please reference ID# 17129 when contacting Parks Division staff about this project.

17. 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." The Parks Division will be required to sign off on this subdivision.

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

18. It is not clear how water service will be provided to proposed lot 2. A separate water service lateral and water meter is required to serve each parcel. The water laterals shall be directly connected to the public water main with the shut-off valve located in the public right-of-way (per PSC 185.52 (2)).

19. The existing water service lateral serving Lot 1 does not meet current Wisconsin Department of Natural Resources water service requirements as it appears to be connected directly to a hydrant lead—NR 811.71(6). Contact Madison Water Utility to review service lateral revision options to serve these parcels.

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

20. Pursuant to MGO Section 16.23(5)(e)4 and Wis. Stats. 236.21(2) (a), all CSMs that are subject to the review and approval of the City of Madison shall contain the following certificate of approval:

Approved for recording per the Secretary of the City of Madison Plan Commission.

By: \_\_\_\_\_  
Natalie Erdman, Secretary of the Plan Commission

Date: \_\_\_\_\_

21. The 2016 real estate taxes are paid for the subject property. As of June 30, 2017, there are no special assessments reported. If special assessments are levied against the property before recording the CSM, they shall be paid in full pursuant to MGO Section 16.23(5)(g)1.

22. 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 (April 25, 2017) 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.
23. 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 ([hradlinger@cityofmadison.com](mailto:hradlinger@cityofmadison.com)).