



PREPARED FOR THE PLAN COMMISSION

Project Address: 1908 Arlington Place
Application Type: Certified Survey Map (CSM) Referral
Legistar File ID # [81560](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant & Property Owner: Bryan Rieber, 1908 Arlington Place, LLC; 1908 Arlington Place; Madison.

Surveyor: Michelle Burse, Burse Surveying and Engineering, Inc.; 2801 International Lane, Suite 101; Madison.

Requested Action: Approval of a Certified Survey Map (CSM) of property owned by 1908 Arlington Place, LLC located at 1908 Arlington Place, University Heights Historic District.

Proposal Summary: The subject parcel is comprised of parts of three platted lots developed with a two-story single-family residence on the western half the property. The applicant and property owner is requesting approval of a CSM to divide the property to create a lot for a new residence to be constructed on the eastern half of the site. The CSM will be recorded as soon as all regulatory approvals have been granted.

Applicable Regulations & Standards: The subdivision process is outlined in Section 16.23(4) of the Subdivision Regulations. Regarding the review of land divisions and Certified Survey Maps in Section 16.23(4)(f), the Secretary of the Plan Commission or her/his designee may approve, approve conditionally, or refer the CSM to the Plan Commission for its consideration. The Plan Commission and Common Council shall act on the land division within 90 days of the filing of the complete application, unless the time is extended by agreement with the applicant. The Secretary of the Plan Commission has referred the land division to the Plan Commission as allowed by Section 16.23(4)(f)6-7.

If the proposed CSM is approved by the Plan Commission, a resolution approving the survey and accepting the dedications contained therein will be presented to the Common Council for approval at its March 19, 2024 meeting.

The subject site is located in the University Heights Historic District and is subject to the jurisdiction of the Landmarks Commission pursuant to Chapter 41, Madison General Ordinances. The Landmarks Commission granted a Certificate of Appropriateness for the land division at its February 12, 2024 meeting (see ID [81638](#)); however, that decision has been appealed to the Common Council, which is scheduled to review the appeal at its March 19 meeting (see ID [82175](#)).

Review Required By: Plan Commission and Common Council.

Review Schedule: The State's subdivision statute, Wis. Stats. Ch. 236, requires that action be taken on a Certified Survey Map within 90 days of submittal unless an extension is agreed to by the subdivider. If no action is taken within 90 days and no extension granted, the CSM is deemed approved. The application was accepted for review on January 8, 2024. Therefore, the 90-day review period for this CSM will end circa April 7, 2024.

Summary Recommendation: The Planning Division recommends that the Plan Commission **approve** this Certified Survey Map subject to input at the public hearing and the comments and conditions from reviewing agencies beginning on page 4 of this report.

Background Information

Parcel Location: The subject site is a 11,072 square-foot (0.25-acre) parcel located on the north side of Arlington Place between Chamberlain Avenue and Princeton Avenue; University Heights Historic Dist.; Ald. Dist. 5 (Vidaver).

Existing Conditions and Land Use: The subject site is developed with a single-family residence, zoned TR-C2 (Traditional Residential–Consistent 2 District).

Surrounding Land Uses and Zoning: The subject parcel is surrounded by single-family residences in TR-C2 zoning and University Heights Historic District.

Adopted Land Use Plans: The 2023 Comprehensive Plan recommends the subject site and surrounding properties for Low Residential (LR).

Zoning Summary: The property is zoned TR-C2 (Traditional Residential–Consistent 2 District).

Requirements	Required	Proposed
Lot Area (sq. ft. per unit)	4,000	Will comply
Lot Width	40'	Will comply
Minimum Front Yard Setback	20'	16.2'
Maximum Front Yard Setback	30' or up to 20% greater than block average	
Side Yard Setback	One-story: 5' Two-story: 6'	17.4' (West) 6.7' (East)
Rear Yard	Lesser of 30% lot depth or 30'	Existing house will comply
Maximum Lot Coverage	65%	Existing house will comply
Usable Open Space	750 sq. ft. per lot	Existing house will comply
Maximum Building Height	2 stories/ 35'	Existing house will comply
Building Forms	Single-Family Detached Building	Existing house will comply
Note: The future residence to be constructed on Lot 2 will be required to comply with the above bulk requirements of the TR-C2 district at the time of permitting.		
Other Critical Zoning Items		
Yes:	Barrier Free, Utility Easements; Historic Dist. (University Heights)	
No:	Urban Design, Floodplain, Wellhead Protection, Landmarks, Waterfront Development, Adjacent to Park	
<i>Prepared by: Planning and Zoning staff</i>		

Environmental Corridor Status: The subject property is not located in a mapped environmental corridor.

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

Related Approval

Section 16.23(3)(a)6 requires for land divisions and subdivision plats of landmark sites and properties in historic districts, that no land shall be divided or combined without the approval of the Landmarks Commission under MGO Section 41.18(4) of the Historic Preservation ordinance.

The subject site is located in the University Heights Historic District. On February 12, 2024, the Landmarks Commission approved a Certificate of Appropriateness for the proposed land division. The report of the Landmarks Commission is attached to the file for this land division (ID [81560](#)); the recording of the February 12 Landmarks Commission meeting is available [here](#). As noted on page 1 of this report, the Landmarks Commission decision has been appealed to the Common Council, which is scheduled to review the appeal at its March 19 meeting (see ID [82175](#))

Project Description

The applicant and property owner is requesting approval of a Certified Survey Map (CSM) to divide the 0.25-acre parcel located at 1908 Arlington Place into two lots. The subject parcel and surrounding properties are zoned TR-C2.

The subject site is developed with a two-story single-family residence located on the western half of the parcel, with a gravel driveway between the western wall of the residence and western side lot line. The property is characterized by approximately 20 feet of slope from Arlington Place toward the northern lot line and by mature tree cover across most of the site.

The land division proposes to place the existing house on Lot 1 of the CSM, which will contain 6,578 square feet (0.15 acres) of area and approximately 71 feet of frontage along Arlington Place. Lot 2 is proposed as a 4,494 square foot (0.1-acre) lot with approximately 47.6 feet of frontage at the street. The proposed lots comply with the minimum 40-foot lot width and 4,000 square feet of lot area required in the TR-C2 district. The Zoning Administrator has determined that the existing house on Lot 1 will meet the bulk requirements of the district, including the side yard setback required between the structure and proposed lot line.

Analysis & Conclusion

The subdivision process is outlined in Section 16.23(4) of the Subdivision Regulations, with the process for land divisions and Certified Survey Maps outlined in Section 16.23(4)(f).

Procedurally, a CSM shall be reviewed by the Department of Planning and Community and Economic Development, and other City agencies as determined by the Director of Planning and Community and Economic Development for comment concerning matters within their jurisdiction, for conformity with the comprehensive plan and any adopted neighborhood, sub-area and transportation plans, all ordinances, administrative rules and regulations. The comments from agencies are to be submitted to the Secretary of the Plan Commission. Following review under this subsection, the Secretary of the Plan Commission or their designee may administratively approve or approve conditionally the Certified Survey Map, or refer it to the Plan Commission for its consideration. The subdivider shall be notified in writing of any conditions of approval or the reasons for referral to the Plan Commission. If the proposed CSM is approved by the Plan Commission or its Secretary, a resolution approving the survey and accepting the dedications contained therein shall be presented to the

Common Council for approval. The Plan Commission and Common Council shall act on the land division within 90 days of the filing of the complete application, unless the time is extended by agreement with the applicant. If not acted upon within 90 days and the time extended by the applicant, the CSM is deemed approved and is entitled to recording

In this case, the Secretary of the Plan Commission has referred consideration of the proposed land division to the Plan Commission as allowed by Section 16.23(4)(f)6.

The Planning Division has reviewed the proposed CSM and believes that it meets the applicable criteria for approval. Consistent with the standards and criteria in the Subdivision Regulations, the size, shape and orientation of the proposed lots are appropriate for the location and for the type of development and use contemplated, and staff has no information to suggest that the resulting lots will not be aesthetically pleasing building sites or a proper architectural setting for the building contemplated on Lot 2. The proposed lots appear to meet the lot design requirements in the Subdivision Regulations and conform to the minimum requirements in the Zoning Code, which requires a minimum of 40 feet of lot width and 4,000 square feet of area for each lot in the existing TR-C2 zoning. Further, there is no neighborhood or sub-area plan for the site or its surroundings that would suggest the proposed lots should not be approved. Staff has received no conditions of approval from reviewing agencies that would suggest that the land division cannot be approved.

If the land division is approved and the CSM recorded, any future construction on Lot 2 will require approval of a certificate of appropriateness by the Landmarks Commission pursuant to MGO Chapter 41.

Recommendation

The Planning Division believes that the Plan Commission can find the approval criteria met with the proposed land division and recommends that the Plan Commission **approve** the two-lot Certified Survey Map of property located at 1908 Arlington Place subject to input at the public hearing and the following conditions:

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

City Engineering Division (Contact Tim Troester, (608) 267-1995)

1. The applicant shall add the following note to the CSM "Lot 2 of this Certify Survey Map will be required to have a separate sanitary sewer lateral and water service as part of any building permit of said lot."
2. A note shall be added to the face of the CSM stating "At such time as Lot 2 of this CSM is developed, a stormwater drainage and control plan shall be provided to the City Engineer for review and approval. This plan will limit the peak rate and volume of discharge from the site to the undeveloped rates during a 10-year event and discharge points to the north shall be aligned such that the lots to the north are best able to accept it."
3. Madison Metropolitan Sewerage District (MMSD) connection 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 (2) working days prior to requesting City Engineering signoff.

City Engineering Division – Mapping Section (Contact Julius Smith, (608) 264-9276)

4. The title report provided is not current. The current owner of Record is 1908 Arlington Place, LLC, which is not reflected on the title report. Also, the title report makes the statement "outstanding matters of record affecting the Property." The report should include any easements, agreements, or encumbrances recorded against the property in the last 60 years.
5. 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 any required U.S. public land survey monument record provided to the County Surveyor's Office, or, in instances where a public the monuments and witness ties area recovered under A-E 7.08(1g), the surveyor shall provide to the City of Madison monument condition reports (with current tie sheet attached) for all Public Land Survey monuments, including center of sections of record, used in this survey, to Julius Smith (JSmith4@cityofmadison.com), City Engineering Division, Land Information.
6. 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. Visit the Dane County Surveyor's Office for current tie sheets and control data that has been provided by the City of Madison.
7. Prior to Engineering Division final sign-off by main office for Certified Survey Maps, the CSM shall be submitted in PDF format by email transmittal to Engineering Land Records Coordinator Julius Smith (jsmith4@cityofmadison.com) for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off.
8. Correct the label shown outside the CSM boundary from to the Northeast from Lot 10 to Lot 5.
9. Per AE-7.05 (11), state the datum and adjustment use for the County Coordinates Ex. NAD83(91).
10. Darken the fence line; it is almost not visible.
11. Correct the block label on the face of the map from Block 8 to Block 9.
12. Show on-site pavement features and other details along with City sidewalk on CSM (sidewalk, concrete on the west side of the house and east side of the covered porch leading to the Arlington Place, and gravel connection between sidewalk and driveway). If the easterly sidewalk lies over proposed lot line, there may need to be an easement.
13. The applicant shall submit to Julius Smith, prior to final Engineering sign-off of the subject CSM, one (1) digital CADD drawing in a format compatible with AutoCAD. The digital CADD file(s) shall be referenced to the Dane County Coordinate System and shall contain, at minimum, the list of items stated below, each on a separate layer/level name. The line work shall be void of gaps and overlaps and match the final recorded CSM: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; easement lines (including wetland and floodplain boundaries).

*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 submittal.

Traffic Engineering Division (Contact Sean Malloy (608) 266-5987)

This agency has reviewed this request and recommended no conditions of approval.

Zoning Administrator (Contact Jenny Kirchgatter, (608) 266-4429)

This agency has reviewed this request and recommended no conditions of approval.

Parks Division (Contact Ann Freiwald, (608) 243-2848)

14. 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(2) will be required for all new residential development associated with this project. This development is within the Central Park-Infrastructure Impact Fee district. Please reference the address of this property when contacting Parks Division staff about this project.
15. Prior to sign off on the CSM, the applicant shall execute a declaration of conditions and covenants along with an impact fee schedule for the park impact fees for this development. This document will be recorded at the Register of Deeds. The applicant shall be responsible for all recording fees.
16. The following note should be included on the CSM: "Lots within this land division are subject to impact fees that are due and payable at the time building permit(s) are issued." The Parks Division shall be required to sign-off on this land division.

Water Utility (Contact Jeff Belshaw (608) 261-9835)

17. Upon development, a separate water service lateral and water meter will be 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)). A water lateral is not required if the parcel remains undeveloped.

Fire Department (Contact Matt Hamilton, (608) 266-4457)

This agency has reviewed this request and recommended no conditions of approval.

Parking Division (Contact Trent W. Schultz, (608) 246-5806)

This agency has reviewed this request and recommended no conditions of approval.

Metro Transit (Contact Tim Sobota, (608) 261-4289)

This agency has reviewed this request and recommended no conditions of approval.

Office of Real Estate Services (Contact Heidi Radlinger, (608) 266-6558)

18. Prior to approval sign-off by the Office of Real Estate Services ("ORES"), the Owner's Certificate(s) on the CSM shall be executed by all parties of interest having the legal authority to do so, pursuant to Wis. Stats. 236.21(2)(a). The title of each certificate shall be consistent with the ownership interest(s) reported in the

most recent title report. A PDF of the CSM containing electronic signatures shall be provided to ORES to obtain approval sign-off.

19. If any portion of the lands within the CSM boundary are subject to an Option to Purchase or other Option interest please include a Certificate of Consent for the option holder and have it executed prior to CSM sign-off, if said ownership interest meets the criteria set forth by Wis. Stat. Sec. 236.34 and Sec. 236.21(2)(a)
20. A Consent of Lessee certificate shall be included on the CSM for all tenant interests in excess of one year, recorded or unrecorded, and executed prior to CSM sign-off.
21. 2023 real estate taxes are paid in full for the subject property. Per 236.21(3) Wis. Stats., 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.
22. There are no special assessments reported on the subject parcel. If special assessments are levied against the property during the review period and prior to CSM approval sign-off, they shall be paid in full prior to CSM sign-off pursuant to MGO Section 16.23(4)(f)8.
23. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish an updated title report to Heidi Radlinger 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 (October 16, 2023) 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. A title commitment may be provided, but will be considered only as supplementary information to the title report update. ORES reserves the right to impose additional conditions of approval in the event the title update contains changes that warrant revisions to the CSM.
24. The owner shall email the document number of the recorded CSM to Heidi Radlinger as soon as the recording information is available.