



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 4510-4514 Packers Avenue  
**Application Type:** Zoning Map Amendment and Certified Survey Map (CSM) Referral  
**Legistar File ID #** [80330](#) and [80003](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted

## Summary

**Applicant & Property Owner:** Robert Sands/Sands Revocable Trust/Sands Irrevocable Trust; PO Box 243; Windsor.  
**Surveyor:** Bryan Stueck, Birrenkott Surveying; PO Box 237; 1677 N Bristol Street; Sun Prairie.

**Requested Action:** Consideration of a request to rezone 4501-4514 Packers Avenue from A (Agricultural District) to SR-C3 (Suburban Residential-Consistent 3 District), and consideration of a Certified Survey Map (CSM) to create two residential lots.

**Proposal Summary:** The subject parcel is developed with a split-level single-family residence addressed as 4510 Packers Avenue, which will be located on proposed Lot 2 of the CSM; Lot 1 of the CSM will contain a two-story, two-family residence at 4514 Packers. The CSM will be recorded as soon as all regulatory approvals have been granted.

**Applicable Regulations & Standards:** Section 28.182 of the Zoning Code provides the process for zoning map amendments. The subdivision process is outlined in Section 16.23(5)(b) of the Subdivision Regulations. 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.

**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 September 18, 2023. Therefore, the 90-day review period for this CSM will end circa December 17, 2023.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022-00647, rezoning 4510-4514 Packers Avenue from A to SR-C3, and the Certified Survey Map of the property to the Common Council with recommendations of **approval** subject to input at the public hearing and the comments and conditions from reviewing agencies beginning on page 3 of this report.

## Background Information

**Parcel Location:** The subject site is a 47,088 square feet (1.08-acre) parcel located on the west side of Packers Avenue (CTH CV) between Gulseth Street and Anhalt Drive adjacent to the Whitetail Ridge neighborhood; Alder District 18 (Myadze); Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject site is with a single-family residence (4510 Packers) and two-family residence (4514), zoned A (Agricultural District).

**Surrounding Land Uses and Zoning:** The subject parcel is bordered on the west by a stormwater management outlot dedicated to the City with the Whitetail Ridge subdivision and otherwise surrounded on the north, west, and south by single-family residences, zoned SR-C2 (Suburban Residential–Consistent 2 District). The property across Packers Avenue is undeveloped agricultural land owned by Dane County and located in the Town of Burke.

**Adopted Land Use Plans:** The 2018 [Comprehensive Plan](#) recommends the subject site and surrounding properties for Low Residential (LR). The property across Packers Avenue is recommended for Employment (E) development.

The subject site is also located within the boundaries of the 2007 [Cherokee Special Area Plan](#), which recommends the site for low-density residential uses up to 15 units per acre.

Finally, the site is located within the boundaries of the 2009 [Northport-Warner Park-Sherman Neighborhood Plan](#), which makes no specific land use recommendations for the site.

**Zoning Summary:** The property will be zoned SR-C3 (Suburban Residential–Consistent 3 District).

Requirements	Required – Single-Family	Required – Two-Family	Proposed
Lot Area (sq. ft. per unit)	6,000 sq. ft.	8,000 sq. ft. Total	Both Lots Will Comply
Lot Width	50'	50'	Both Lots Will Comply
Front Yard Setback	25'	25'	Lot 1: 28.6'   Lot 2: 28.5'
Side Yard Setback	One-story: 5'   Two-story: 6'	6'	Both Lots Will Comply
Rear Yard	Lesser of 30% lot depth or 35'	Lesser of 30% lot depth or 35'	Existing
Maximum Lot Coverage	60%	60%	Both Lots Will Comply
Usable Open Space	750 sq. ft.	750 sq. ft. per unit	Both Lots Will Comply
Maximum Building Height	2 stories/ 35'	2 stories/ 35'	Existing
Building Forms	Single-Family Detached	Two-Family Two-Unit	Existing
<b>Other Critical Zoning Items</b>			
Yes:	Utility Easements		
No:	Urban Design, Floodplain, Wellhead Protection, Landmarks, Waterfront Development, Adjacent to Park		
<i>Prepared by: Jacob Moskowitz, Asst. Zoning Administrator</i>			

**Environmental Corridor Status:** The subject property is not located in a mapped environmental corridor. The adjacent stormwater management pond outlot is identified as environmental corridor.

**Public Utilities and Services:** The subject site is served by a full range of urban services, including water and sanitary sewer in Packers Avenue.

## Project Description, Analysis & Conclusion

The applicant and property owner is requesting approval of a Certified Survey Map (CSM) to divide the 1.08-acre subject site, which contains a single-family residence and two-family two-unit residence, into two lots. In order to facilitate the land division to place each of the residences onto its own lot, the applicant is also requesting to

rezone the property from A (Agricultural District) to SR-C3 (Suburban Residential–Consistent 3 District), which is a single- and two-family residential zoning district.

Records indicate that the subject property was annexed to the City of Madison from the Town of Burke on December 16, 1991 at the same time that the land that became the adjacent Whitetail Ridge subdivision was annexed. According to City records, the split-level single-family residence at 4510 Packers Avenue on the southern portion of the parcel was constructed in 1960. The two-story, two-family residence located addressed as 4514 Packers on the northern half of the parcel was constructed in 1946. The property was assigned A (Agriculture District) [1966 Zoning Code] at the time of annexation, which was not changed when the current Zoning Code took effect in January 2013.

The two-family residence will be located on Lot 1 of the proposed CSM, which will be an approximately 75.73-foot wide, 13,853 square-foot parcel. The single-family residence will occupy proposed Lot 2, which will be 119 feet wide and 21,548 square feet in area (the areas indicated on the CSM appear to be reversed). As part of the land division, the applicant will dedicate right of way 60 feet of right of way for Packers Avenue with the CSM.

The Planning Division believes that the standards for approval for zoning map amendments and land divisions can be met with these requests. Both of the proposed lots will meet the minimum width, area, and setback requirements of the SR-C3 zoning district, and staff believes that the proposed SR-C3 zoning classification is consistent with the Low Residential and low-density residential land uses recommended for the site by the Comprehensive Plan and Cherokee Special Area Plan, respectively.

## Recommendation

The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022–00647, rezoning 4510-4514 Packers Avenue from A to SR-C3, and the two-lot Certified Survey Map of the property to the Common Council with recommendations of **approval** subject to input at the public hearing and the following conditions:

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

**Planning Division** (Contact Tim Parks, (608) 261-9632)

1. The Certified Survey Map shall be revised prior to final approval and recording to note the use of each of the proposed lots (i.e. Lot 1 – Two-family residence, Lot 2 – Single-family residence).
2. Revise the area of the proposed lots prior to final approval and recording.

**City Engineering Division** (Contact Brenda Stanley, (608) 261-9127)

3. A minimum of two (2) working days prior to requesting City Engineering signoff on the CSM contact either Tim Troester (West) at 261-1995 (ttroester@cityofmadison.com) or Brenda Stanley (East) at 608-261-9127 (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 and must be cleared prior to the land division (and subsequent obsolesces of the existing parcel).

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

4. The applicant shall dedicate the existing 33 feet of right of way along with an additional 27 feet of right of way along Packers Avenue with the CSM.
5. Grant a 5-foot wide permanent limited easement for grading and sloping along the newly dedicated 60 feet of right of way for Packers Avenue. Contact Jule Smith of Engineering Mapping (jsmith4@cityofmadison.com, (608) 264-9276) for easement language.
6. Show the existing 33 feet of right of way the property is subject to, as set forth in the County Highway Registry for the Town of Burke on Pages 56 and 70.
7. Coordinate and request from the utility companies serving this area the easements required to serve this development. Those easements shall be properly shown, dimensioned and labeled on the final CSM.
8. 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) of City Engineering, Land Information.
9. 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.
10. 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.
11. Move the underlined text for Packers Avenue outside of the area to be "Dedicated to the Public".
12. Show the center/section line as a solid line continuous with and consistent with remainder outer/overall CSM boundary.
13. Verify the areas for Lots 1 and 2; they appear to be transposed.
14. List the Datum and Adjustment and Zone for the County Coordinates used. Example Wisconsin County Coordinates System, Dane Zone or WCCS Dane NAD 83 (91) or (97) or (2011).
15. Correct the last call in the legal description to be SW instead of SE as shown on the map.

16. 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)

17. The applicant shall dedicate 27 feet of right of way along their frontage of Packers Avenue for a total of 60 feet from the centerline.

**Zoning Administrator** (Contact Jacob Moskowitz, (608) 266-4560)

This agency did not submit a response with comments or conditions for this request.

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

This agency did not submit a response with comments or conditions for this request.

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

This agency did not submit a response with comments or conditions for this request.

**Fire Department** (Contact Bill Sullivan, (608) 261-9658)

This agency did not submit a response with comments or conditions for this request.

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

The agency reviewed this project and determined a Transportation Demand Management (TDM) Plan is not required.

**Office of Real Estate Services** (Contact Andy Miller, (608) 261-9983)

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). Said parties shall provide documentation of legal signing authority to the notary or authentication attorney at the time of execution. The title of each certificate shall be consistent with the ownership interest(s) reported in the most recent title report. When possible, the executed original hard stock recordable CSM shall be presented at the time of ORES approval sign-off. If not, the City and the Register of Deeds are now accepting electronic signatures. A PDF of the CSM containing electronic signatures shall be provided to ORES to obtain approval sign-off.

19. Prior to CSM approval sign-off, an executed and notarized or authenticated certificate of consent for all mortgagees/vendors shall be included following the Owner’s Certificate(s). If a mortgage or other financial instrument is reported in record title, but has been satisfied or no longer encumbers the lands or ownership

within the CSM boundary, a copy of a recorded satisfaction or release document for said instrument shall be provided prior to CSM approval sign-off.

20. If any portion of the lands within the CSM boundary are subject to an Option to Purchase or other Option interest, 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. Stats. Sec. 236.34 and Sec. 236.21(2)(a).
21. 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.
22. As of November 3, 2023, the 2023 real estate taxes are paid for the subject property. Per 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. Receipts from the City of Madison Treasurer are to be provided before or at the time of sign-off.
23. As of November 3, 2023, deferred special assessments are reported on the City Assessor's records. ORES will confirm if any balance is owed prior to CSM sign-off. All known special assessments are due and payable prior to CSM approval sign-off. 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 pursuant to MGO Section 16.23(5)(g)1.
24. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish an updated title report via email to Andy Miller in the ORES ([acmiller@cityofmadison.com](mailto:acmiller@cityofmadison.com)), as well as the survey firm preparing the proposed CSM. The report shall search the period subsequent to the initial title report, dated August 18, 2023, submitted with the CSM application and include all associated documents that have been recorded since the initial title report. A copy of the vesting deed shall be included with the updated title report. A title commitment may be provided, but will be considered only as supplementary information to the title report update. The surveyor shall update the CSM with the most recent information reported in the title 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.
25. Revise the CSM to correct the spelling of the "Packers Avenue" label on Sheet 1.