

**PLANNING DIVISION REPORT
DEPARTMENT OF PLANNING AND COMMUNITY
AND ECONOMIC DEVELOPMENT
Of March 5, 2008**

RE: I.D. #09438, Certified Survey Map – 205 N. Prospect Avenue

1. Requested Action: Consideration of a two-lot Certified Survey Map of property owned by Harvey & Gertrude Barash located at 205 N. Prospect Avenue.
2. Applicable Regulations: Section 16.23, Land Subdivision Regulations, Madison General Ordinances provides the requirements for land divisions.
3. Report Prepared By: Timothy M. Parks, Planner

GENERAL INFORMATION:

1. Applicant & Property Owner: Harvey & Gertrude Barash; 205 N. Prospect Avenue; Madison.

Surveyor: Noa Prieve & Ron Williamson, Williamson Surveying, LLC; 104A W. Main Street; Waunakee.
2. Development Schedule: The applicant wishes to record the Certified Survey Map as soon as all regulatory approvals have been granted.
3. Parcel Location: An approximately 0.56-acre parcel located one lot east of N. Spooner Street on the easterly side of N. Prospect Avenue; University Heights Historic District; Aldermanic District 5; Madison Metropolitan School District.
4. Existing Conditions: The site is currently developed with a single-family residence located on the southwesterly half of the property, zoned R2 (Single-Family Residence District).
5. Proposed Use: The applicant is requesting approval of a land division creating a new single-family lot.
6. Surrounding Land Use and Zoning: The subject site is generally surrounded by other single-family residences in R2 (Single-Family Residence District) zoning in the University Heights area.
7. Adopted Land Use Plan: The Comprehensive Plan identifies this area for low-density residential uses.
8. Environmental Corridor Status: This property is not located within a mapped environmental corridor.
9. Public Utilities & Services: This property is served by a full range of urban services.

STANDARDS FOR REVIEW:

This application is subject to the standards for Certified Survey Maps.

ANALYSIS, EVALUATION AND CONCLUSION

The applicants are requesting approval of a Certified Survey Map to divide a .56-acre parcel located one lot east of N. Spooner Street on the easterly side of N. Prospect Avenue into two single-family lots. The site and surrounding residential properties are zoned R2 (Single-Family Residence District) and are located in the University Heights Local Historic District, which includes all of the properties generally bounded by University Avenue, Breese Terrace, N. Allen Street and Regent Street.

The subject site is developed with the 2.5-story Ely House, which was constructed in 1896 and is designated as an individual local landmark in addition to being located within the historic district. Designed by regionally important architect Charles Frost of Chicago, the Ely house is a late Victorian version of a Georgian Revival structure and is one of the first such styled homes to be built in Madison. Professor Ely was a nationally known progressive economist at the University of Wisconsin in the late Nineteenth Century.

The single-family residence sits on the southwestern half of the irregularly shaped property near the top of a secondary hill in the University Heights neighborhood. The landmark structure stands prominently in this portion of the neighborhood, with approximately 6-16 feet of grade change from the subject property down to the adjacent properties on N. Spooner Street, N. Prospect Avenue and Summit Avenue. In addition to the slopes present on the subject site, the undeveloped northeasterly portion of the property is characterized by a variety of mature trees of varying condition. An approximately 550 square-foot detached two-car garage sits in the southerly tip of the site, with a driveway serving the property extending along the southwesterly side property line.

The subject property will be divided to create a 10,763 square-foot parcel, shown as Lot 2 on the draft Certified Survey Map, which will consist of the undeveloped northerly portion of the site. The existing residence will occupy Lot 1 of the Certified Survey, with a 9.9-foot side yard proposed between a one-story screened porch located along the easterly side wall of the residence and the proposed common lot line created by this survey. A detached modular shed located along the southeasterly rear lot line will sit 12.5 feet from the proposed common line. These yards appear to conform to the required side yards for this property under the underlying R2 zoning. The proposed division will not otherwise impact the other required yards for the existing structure. In all, both lots proposed will provide the minimum 6,000 square feet of lot area required for parcels in the R2 district. The lot widths provided also comply with the minimum 50 feet of frontage required under R2 zoning. Lot 1 will have approximately 113 feet of lot frontage along N. Prospect Avenue, while proposed Lot 2 will have 51.8 feet of frontage as measured from the back of the required 30-foot front yard line as depicted on the survey. While there are a number of design-related provisions that apply to this site under the University Heights Historic District, there are no provisions for lot area or frontage that would apply to this request.

Ordinarily, a land division request such as the one proposed would be reviewed administratively by staff to ensure conformance with various City regulations, including but not limited to the Zoning Ordinance and Subdivision Regulations. However, the Planning Division felt that, given the prominence of the existing landmark structure on the property and its location in the University Heights Historic District, this land division request should be referred to the Plan Commission for review as provided for in the Subdivision Regulations. Public hearing notices were sent to the applicants and to property owners within 200 feet of the property in advance of this hearing.

In reviewing a Certified Survey Map, Section 16.23 (5)(g)3 of the Subdivision Regulations stipulate that:

“The map 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 provisions of the ordinances and for the possible effect of the proposed division on any plans as set forth in the master plan, the official map or neighborhood unit development studies.”

There are no adopted neighborhood plans for the University Heights neighborhood at this time. The Comprehensive Plan identifies the site and surrounding area for low-density residential uses and generally encourages infill development to be “compatible with established neighborhood character.” Additionally, the Comprehensive Plan generally recommends that redevelopment and infill projects be compatible with and compliment existing historic resources and characteristics of an area (Objective 3, Section 8, Volume II, page 8-4).

Planning Division staff does not believe that the proposed division of the Barash property runs counter to the above recommendations. Additionally, Kitty Rankin, the City’s preservation planner, informally shared the proposed land division of the Barash property with the Landmarks Commission at its meeting on February 25, 2008. The Landmarks Commission will be required to review and approve any new construction on proposed Lot 2 following a public hearing, as required by the Landmarks Commission ordinance, Section 33.19. Due to the division of land from the existing landmark property, staff recommends that a note be placed on the Certified Survey Map stating that any new construction on proposed Lot 2 will be subject to the criteria and standards for alterations and new construction on landmark properties as set forth in the Landmarks Commission ordinance. Staff believes that the landmark-specific standards are more specific than the standards that apply to the University Heights Historic District overall and will allow the Landmarks Commission to ensure that any new structure on Lot 2 is approved with careful consideration to the landmark Ely House as well as the historic district in general. Staff also recommends that a tree survey and tree preservation plan be submitted for approval when plans are presented for Lot 2.

In closing, the Planning Division believes that the proposed division of the Barash property can meet the R2 zoning requirements and the standards for approval for Certified Survey Maps in the Subdivision Regulations. However, in determining whether to approve the land division, the Plan

Commission should give due consideration to the impact the proposed division may have on the intent of the University Heights Historic District and surrounding properties within the district. To ensure that the proposal meets the intent of the district, the Commission may require specific conditions related to the land division, including the provision of a specific building envelope in excess of the minimum R2-required yards to ensure that a future structure on Lot 2 maintains the character and rhythm of this block of N. Prospect Avenue.

RECOMMENDATION

The Planning Division recommends that the Plan Commission find that the standards for land divisions met with this request and **approve** the two-lot Certified Survey Map of property located at 205 N. Prospect Avenue subject to input at the hearing and the following conditions:

1. Comments from reviewing agencies.
2. That the following notes be placed on the Certified Survey Map:
 - a.) Any new construction on proposed Lot 2 will be subject to the criteria and standards for alterations and new construction on landmark properties as set forth in the Landmarks Commission ordinance, Section 33.19 of the Madison General Ordinances;
 - b.) A tree survey and tree preservation plan shall be submitted as part of any plans for new construction on Lot 2 and shall be approved by Planning Division staff and the Landmarks Commission.



Department of Public Works
City Engineering Division

608 266 4751

Larry D. Nelson, P.E.
City Engineer

City-County Building, Room 115
210 Martin Luther King, Jr. Boulevard
Madison, Wisconsin 53703
608 264 9275 FAX
1 866 704 2315 Textnet

Deputy City Engineer
Robert F. Phillips, P.E.

Principal Engineers
Michael R. Dalley, P.E.
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Gregory T. Fries, P.E.

Facilities & Sustainability
Jeanne E. Hoffman, Manager
James C. Whitney, A.I.A.

Operations Manager
Kathleen M. Cryan

Hydrogeologist
Joseph L. DeMorett, P.G.

GIS Manager
David A. Davis, R.L.S.

Financial Officer
Steven B. Danner-Rivers

DATE: February 22, 2008
TO: Plan Commission
FROM: Larry D. Nelson, P.E., City Engineer
SUBJECT: 205 North Prospect Certified Survey Map

The City Engineering Division has reviewed the subject development and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. Revise the existing erroneous street names referenced on the proposed CSM to read N. Prospect Avenue and N. Spooner Street respectively.
2. Revise all erroneous Range 8 East references made in various areas throughout the CSM to reflect the correct Range 9 East.
3. It is suggested to include all the underlying University Heights platted lots, and portions thereof, within the description headers on the top of each page to avoid confusion and potential Register of Deeds indexing errors.
4. Each lot shall have a separate sanitary sewer lateral. Provide location of existing lateral serving existing house.

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

**Engineering Division Review of Plats (Pre-Preliminary, Preliminary, Final)
and Certified Survey Maps**

Name: 205 North Prospect Certified Survey Map

General

- 1.1 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/csm without the agreement executed by the developer.
- 1.2 Two weeks prior to recording the final plat, a soil boring report prepared by a Professional Engineer, shall be

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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' below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer.

1.3 The Developer is required to pay Impact Fees for the _____ Impact Fee District for Lot(s) _____ of the _____ Plat/CSM. The current rate is \$ _____ /1000SF for a total of \$ _____. The Developer shall select one of the following two options for payment of these fees:

- 1) Impact Fees shall be paid in full prior to Engineering sign-off of the plat/csm.
- 2) The Developer has elected to defer the payments until such time as the building permits are applied for, in which case the owner(s) shall have fourteen (14) days after receiving the invoices to pay the outstanding impact fees. The following shall be required prior to plat sign off;
 - a) The Developer shall supply an Excel spreadsheet with lot numbers, lot areas, and number of dwelling units per lot. The Developer shall supply a CADD file of the proposed FINAL plat, in a format compatible with Microstation J. This information shall be required to calculate the Impact Fees, which will then be recorded at the Register of Deeds against each lot in the subdivision..
 - b) All information shall transmitted to Janet Dailey by e-mail at Jdailey@cityofmadison.com, or on a CD to:

Janet Dailey
City of Madison Engineering Division
210 Martin Luther King Jr. Blvd
Room 115
Madison, WI 53703
 - c) A minimum of three (3) weeks shall be required for staff to calculate the Impact Fees and record the documents prior to plat sign-off.

The Developer shall put the following note on the face of the plat:

ALL THE LOTS WITHIN THIS SUBDIVISION ARE SUBJECT TO IMPACT FEES THAT ARE DUE AND PAYABLE WITHIN FOURTEEN DAYS OF THE ISSUANCE OF BUILDING PERMIT(S).

Right of Way / Easements

- 2.1 The Applicant shall Dedicate a _____ foot wide strip of Right of Way along _____.
- 2.2 The Applicant shall Dedicate a Permanent Limited Easement for grading and sloping _____ feet wide along _____.
- 2.3 It is anticipated that the improvements on [roadway name] _____ required to facilitate ingress and egress to the plat/csm will require additional right of way and/or grading easements located outside the plat/csm boundary. The developer shall acquire the right of way and/or sloping easements as required by the City at the developer's expense. In the event that the developer is unable to acquire the right of way and/or sloping easements required, the City shall assist the developer in acquiring the property and the developer shall pay the City for all costs associated with the acquisition.
- 2.4 The Developer shall petition for the street vacation of (roadway name) _____ and provide a legal description and sketch of the right of way to be vacated after consultation with the City Engineer.

Are the following requirements met?

- * Streets Intersect at right angles.
- * A 15 foot minimum tangent at intersections from PC of curve to property line.
- * Arterial intersection spacing generally greater than 1200 feet.
- * Jogs are avoided at intersections. Arterial streets shall be adjusted to align if spacing less than 300 feet.
- * Spacing of intersections on local streets shall be greater than 300 feet.
- * Cul-de-sacs shall be less than 1000 feet long.
- * 100 foot tangents between curves.

- 2.5 _____

- 2.6 Property lines at intersections shall be rounded with a 15 foot radius on _____

- 2.7 Property lines at intersections shall be rounded with a 25 foot radius on _____

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- 2.8 The right of way width on _____ shall be _____ feet, on _____ shall be _____ feet and on _____ shall be _____ feet.
- 2.9 _____ shall have a minimum centerline radius of _____ feet and _____ shall have a minimum centerline radius of _____ feet and _____ shall have a minimum centerline radius of _____ feet.
- 2.10 The cul-de-sac on _____ shall have a minimum radius of _____ feet with a minimum reverse curve radius of _____ feet.
- 2.11 The plat/csm shall show a temporary limited easement for a temporary cul-de-sac on _____ having a radius of _____ feet and a reverse curve radius of _____ feet. The easement(s) shall expire when the streets are extended.
- 2.12 The developer shall show on the plat/csm a 40 foot utility easement adjacent to [roadway name] _____. The easement wording shall be approved by the City Engineer. The intent of the easement is to allow for the relocation of a major transmission line. The actual poles would remain on the right of way however major transmission lines require an easement beyond the space occupied by the poles for safety.
- 2.13 The City Engineer has reviewed the need for pedestrian and bicycle connections through the development and finds that no connections are required.
- 2.14 The Developer shall Dedicate a Permanent Limited Easement for a pedestrian / bicycle easement _____ feet wide from _____ to _____.
- 2.15 The Developer shall provide a private easement for public pedestrian and bicycle use through the property running from _____ to _____. The developer shall be responsible for the ongoing construction and maintenance of a path within the easement. The maintenance responsibilities shall include, but not be limited to, paving, repaving, repairing, marking and plowing. The developer shall work with the City of Madison Real Estate Staff to administer this easement. Applicable fees shall apply.
- 2.16 Public Sanitary Sewer Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- a. The property owner reserves the right to use and occupy the Public Sanitary Sewer Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public sanitary sewer facilities.
 - b. No above-ground improvements shall be located in the Public Sanitary Sewer Easement Area(s) by the City or the property owner, with the exception that grates, sewer access structure (SAS) covers, and other access points to the public sanitary sewer facilities shall be permitted at grade level. (Optional: and with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
 - c. Plantings and landscaping within the Public Sanitary Sewer Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
 - d. The property owner shall not change the grade of the Public Sanitary Sewer Easement Area(s) without the prior written approval of the City's Engineering Division.
 - e. The Public Sanitary Sewer Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.
- 2.17 The Public Sidewalk Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- a. The property owner reserves the right to use and occupy the Public Sidewalk Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public sidewalk improvements.
 - b. No above-ground improvements will be allowed in the Public Sidewalk Easement Area(s) by the property owner. (Optional: with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
 - c. Plantings and landscaping within the Public Sidewalk Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
 - d. The property owner shall not change the grade of the Public Sidewalk Easement Area(s) without the prior written approval of the City's Engineering Division.
 - e. The Public Sidewalk Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.
- 2.18 The Public Storm Sewer Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- a. The property owner reserves the right to use and occupy the Public Storm Sewer Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public storm sewer facilities.

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- b. No above-ground improvements shall be located in the Public Storm Sewer Easement Area(s) by the City or the property owner, with the exception that grates, sewer access structure (SAS) covers, and other access points to the public storm sewer facilities shall be permitted at grade level. (Optional: and with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
- c. Plantings and landscaping within the Public Storm Sewer Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
- d. The property owner shall not change the grade of the Public Storm Sewer Easement Area(s) without the prior written approval of the City's Engineering Division.
The Public Storm Sewer Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.

2.19 The Public Water Main Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:

- a. The property owner reserves the right to use and occupy the Public Water Main Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public water main facilities.
- b. No above-ground improvements will be allowed in the Public Water Main Easement Area(s) by the property owner. (Optional: with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
- c. Plantings and landscaping within the Public Water Main Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
- d. The property owner shall not change the grade of the Public Water Main Easement Area(s) without the prior written approval of the City's Engineering Division.
- e. The Public Water Main Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.

Streets and Sidewalks

- 3.1 The Developer shall construct Madison Standard street improvements for all streets within the plat/csm.
- 3.2 The developer shall show a 30 40 (*Strike one, 30 collector, 40 Arterial*) foot building setback line on the plat/csm adjacent to [Roadway Name] _____ for all lots in the plat/csm adjacent to said roadway.
- Note: No buffer strip shall be dedicated to the City as the City does not want the maintenance.*
- 3.3 Extensive grading may be required due to steep roadway grades.
- 3.4 The developer shall note that City funds for park frontage are limited and will be determined at the sole discretion of the City.
- 3.5 The developer shall construct sidewalk and record a waiver of their right to notice and hearings for the assessments for the improvement of [roadway] _____ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO. Said sidewalk constructed in front of and waiver recorded to Lot(s) _____.
- 3.6 The Developer shall make the following improvement to [Roadway Name] _____. The Developer shall construct sidewalk and _____ feet of a future _____ foot roadway including curb and gutter on the _____ side of the roadway.
- 3.7 The Developer shall construct sidewalk to a plan approved by the City Engineer and complete ditching as required by the City Engineer along [Roadway Name] _____.
- 3.8 The Developer shall grade the right of way line to a grade established by the City Engineer and complete ditching along the roadway as specified by the city engineer along [Roadway Name] _____.
- 3.9 **Value of sidewalk installation over \$5000.** The Applicant shall Construct Sidewalk to a plan approved by the City Engineer along _____. (Also require the City / Developer agreement line 1.1)
- 3.10 **Value of sidewalk installation under \$5000.** The Applicant shall install public sidewalk along _____. The Applicant shall obtain a Street Excavation Permit for the sidewalk work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. All work must be completed within six months or the succeeding June 1, whichever is later. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 3.11 The Applicant shall execute a waiver of their right to notice and hearings on the assessments for the installation of sidewalk along [roadway] ___ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and section 4.09 of the MGO.
- 3.12 The Applicant shall grade the property line along _____ to a grade established by the City Engineer. The grading shall be suitable to allow the installation of sidewalk in the future without the need to grade beyond the property line. The Applicant shall obtain a Street Excavation permit prior to the City Engineer signing off on this development. This

permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

- 3.13 Developer shall make improvements to [Roadway Name] _____ considered temporary to facilitate ingress and egress to the plat/csm until such time as the ultimate improvement of the roadway is undertaken by the city.
- 3.14 The Developer shall make improvements to [Roadway Name] _____ to facilitate ingress and egress to the plat/csm.

[Select one of the below comments for either of the above or leave general]

- The above improvement will consist of acceleration and deceleration tapers.
 - The above improvement consists of rights turn lanes.
 - The above improvement will consist of passing lanes.
 - The above improvement will consist of median openings.
 - Caution – The improvements indicated above may require right of way outside of the plat/csm. See comment 2.3 to require additional right of way for this purpose.*
- 3.15 The developer shall note the AASHTO design standards for intersection sight distance will be applied during the design of the streets within this plat/csm.
 - 3.16 The developer shall confirm that adequate sight distance exists on _____ where public streets intersect. If adequate sight distance does not exist, the developer shall change the location of the street intersection or agree to make improvements to the roadways such that the sight distance is achieved or make other mitigating improvements as required by the City.
 - 3.17 All proposed street names shall be approved by the City Engineer. Applicant shall contact Lori Zenchenko (608-266-5952) with street name requests.
 - 3.18 Installation of "Private" street signage in accordance with 10.34 MGO is required.
 - 3.19 Coordinate all necessary new interior addresses associated with this proposed development with City Engineering Program Specialist Lori Zenchenko lzenchenko@cityofmadison.com or (608) 266-5952

Storm Water Management

- 4.1 An erosion control plan and land disturbing activity permit shall be submitted to the 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.
- 4.2 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.
NOTE: IN THE EVENT OF A CITY OF MADISON PLAN COMMISSION AND/OR COMMON COUNCIL APPROVED REDIVISION 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.
 - 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.

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.

- 4.3 Arrows shall be added to the certified survey map indicating the direction of drainage for each property line not fronting on a public street. In addition, the certified survey map shall include lot corner elevations, for all lot corners, to the nearest 0.25-foot. The following notes shall be added to the certified survey map.

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- a. Arrows indicate the direction of surface drainage swale at individual property lines. Said drainage swale shall be graded with the construction of each principal structure and maintained by the lot owner unless modified with the approval of the City Engineer. Elevations given are for property corners at ground level and shall be maintained by the lot owner.
- b. All lots within this certified survey 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 certified survey. 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 certified survey. 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.

NOTE: IN THE EVENT OF A CITY OF MADISON PLAN COMMISSION AND/OR COMMON COUNCIL APPROVED REDIVISION 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.

- 4.4 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.

The following note shall accompany the master storm water drainage plan:

- a. 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 City Engineering's approval of this plan.

- 4.5 If the lots within this certified survey map are inter-dependent upon one another for storm water 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 Co Register of Deeds.
- 4.6 The following note shall be added to the certified survey map. "All lots created by this certified survey map are individually responsible for compliance with Chapter 37 of the Madison General Ordinances in regard to storm water management at the time they develop."
- 4.7 This plat/csm could affect a flood plain, wetland or other sensitive areas. As such, it shall be reviewed by the Commission on the Environment. Contact Mike Dailey at 266-4058 for further details. The proposed plat/csm may be considered a major change to the environmental corridor and be subject to a public hearing and approval of the Dane County Regional Plan Commission.
- 4.8 A portion of this plat/csm may come under the jurisdiction of the US Army Corp of Engineers and Wisconsin Department of Natural Resources for wetland or flood plain issues or navigable waterway. A permit for those matters may be required prior to construction on any of the lots currently within the plat/csm. Contact the WDNR & USACOE for a jurisdictional determination.
- 4.9 Prior to recording the plat/csm, the applicant shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to:
 - Detain the 2 & 10-year storm events.
 - Detain the 2, 10, & 100-year storm events.
 - Control 40% TSS (20 micron particle).
 - Control 80% TSS (5 micron particle).
 - Provide infiltration in accordance with NR-151.
 - Provide substantial thermal control.
 - Provide oil & grease control from the first 1/2" of runoff from parking areas.

Stormwater management plans shall be submitted and approved by City Engineering prior to signoff.

- 4.10 This site is greater than one (1) acre and the applicant is required by State Statute to obtain a Notice of Intent Permit (NOI) from the Wisconsin Department of Natural Resources. Contact Jim Bertolacini of the WDNR at 275-3201 to discuss this requirement. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 4.11 NR-151 of the Wisconsin Administrative Code will be effective on 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 the Madison General Ordinances, the most significant additional requirement shall be that of infiltration.

NR-151 requires infiltration in accord with the following criteria. For the type of development, the site shall comply with one of the three (3) options provided below:

Residential developments shall infiltrate 90% of the predevelopment infiltration amount, 25% of the runoff from the 2-year post development storm or dedicate a maximum of 1% of the site area to active infiltration practices.

Commercial development shall infiltrate 60% of the predevelopment infiltration amount, 10% of the runoff from the 2-year post development storm or dedicate a maximum of 2% of the site area to active infiltration practices.
- 4.12 A minimum of two (2) working days prior to requesting City Engineering signoff on the plat/csm the applicant shall contact Janet Dailey (608-261-9688) 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 the land division (and subsequent obsolesces of the existing parcel).

Sanitary Sewer

- 5.1 All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (608-261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
- 5.2 Each unit of a duplex building shall be served by a separate and independent sanitary sewer lateral.
- 5.3 This land division contains or is adjacent to facilities of MMSD. Prior to approval, applicant shall provide evidence that MMSD has reviewed and approved the proposed land division.

Mapping / Land Records

- 6.1 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 or CSM. **Note: Land tie to two PLS corners required.**
- 6.2 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 Plat or 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 City of Madison Engineering Division web address http://gis.ci.madison.wi.us/Madison_PLSS/PLSS_TieSheets.html for current tie sheets and control data. If a surveyor encounters an area without a published WCCS Dane Zone 1997 value, contact Engineering Division for this information.
- 6.3. 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/CSM** 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:**
 - a. Right-of-Way lines (public and private)
 - b. Lot lines
 - c. Lot numbers
 - d. Lot/Plat dimensions
 - e. Street names
 - f. 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).

NOTE: This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes.

NOTE: 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.

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- 6.4 In accordance with Section s.236.34(1) (c) which says a CSM shall be prepared in accordance with 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/CSM. Identify the owner and/or benefiting interest of all easements.
- 6.5 Prior to Engineering final sign-off by main office for Certified Survey Maps (CSM), final CSM must be submitted to Engineering Division Surveyor / Land Records Coordinator for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off. Electronic mail submittal of the FINAL CSM in PDF form is preferred. Transmit to epederson@cityofmadison.com

**CITY OF MADISON
INTERDEPARTMENTAL
CORRESPONDENCE**

Date: March 10th 2008

To: Plan Commission
From: Patrick Anderson, Assistant Zoning Administrator
Subject: 205 N. Prospect Ave CSM

Present Zoning District: HIS-L R-2
Proposed Use: Consideration of a two lot Certified Survey Map (CSM).
 creating a deep residential lot.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project). **NONE.**

GENERAL OR STANDARD REVIEW COMMENTS

1. Provide setback distance from garage to SE lot stake on Lot 1 nearest the garage.
2. Lot width on Lot 2 is 51.8 feet at the front building setback line.

ZONING CRITERIA

| Bulk Requirements | Required | Proposed |
|--------------------------|---|--|
| Lot Area | 6,000 sq. ft. | Lot 1 – 13,723 sq. ft. Lot 2 – 10,763 sq. ft. |
| Lot width | 50' | Adequate (2) |
| Usable open space | 1,000 sq. ft. per lot | Adequate |
| Front yard | 30' minimum | Adequate |
| Side yards | 6' each side for 1 story, 7' each side for 2 story | Adequate |
| Rear yard | 40' minimum | Adequate (1) |
| Building height | 2 stories/35' | Adequate |

| Other Critical Zoning Items | |
|------------------------------------|-----|
| Urban Design | No |
| Historic District | Yes |
| Landmark building | Yes |
| Flood plain | No |
| Utility easements | Yes |
| Barrier free (ILHR 69) | No |

With the above conditions, the proposed project **does** comply with all of the above requirements.

To: The City of Madison Planning Commission
Re: Application to Subdivide 205 N. Prospect St
Meeting Date: March 10, 2008

Some of us fortunate to live in one of the gracious old homes in the historic neighborhood of University Heights joke that we're just the "current occupants". These houses were here before most of us and will be there long after we move on. The Barashes have one of the loveliest houses in our neighborhood and one of the largest. They chose to have their home listed on the national registry of historic places. The house itself is wonderful, but the setting also enhances its special charm. Now that they no longer have a large family in residence to enjoy what was their side yard, they would like the option to build on that space. While respectful of owners' rights generally, the fact is, we all gave some of that up to live here. These houses will go on long after we do. Thus there is the general notion of preserving the character of the home itself as well as its place in an historic neighborhood to consider in entertaining the "current occupants'" request to subdivide.

The unique five-sided block we share with them holds parcels of various shapes and sizes. The general layout with respect to one another has been in place for many, many years. Our yards look out upon one another. Homes are sited to afford privacy but also to offer a bit of greenspace and natural lighting in an otherwise urban setting.

While the Landmarks Commission would review whatever construction might occur on this parcel, the reality is the

siting of a new home will effectively be in several of our backyards, a keyhole project, if you will. Furthermore, given the disastrous results of the project approved by the Landmarks Commission at the corner of Lathrop and Summit, the Planning Commission might understand our concern as to how sensitive any project might be to the rest of us and to the historic district in general.

Aldo Leopold lived in this neighborhood for more than 20 years. He wrote often about a sense of place and stewardship. Those concepts seem quite relevant to the notion of the preservation of an historic home, including the land on which it sits. Infill may be all the rage, but it must be tempered by keeping intact what we all in University Heights pay extra to preserve.

Should the Barashes wish to subdivide yet not allow for a new building on that parcel, we would not object. In other words, if they wished to donate development rights or allow the city to purchase it for a park or permit another neighbor to purchase it to maintain the greenspace, we would not object. But we must object to a subdivision that leaves open the possibility of new construction. We hope you and our neighbors the Barashes can understand our position.

Joan M. Knoebel and Michael J. Cullenward
1712 Summit Ave
Madison, WI 53726
233-4079

210 Lathrop Street
Madison, WI
53726

March 5, 2008

Planning Division
City of Madison
215 Martin Luther King Blvd.
PO Box 2985
Madison, WI
53701

To Whom It May Concern:

We write with regard to the public hearing that will occur on Monday, March 10, 2008 concerning the property on 205 North Prospect Avenue. We live at 210 Lathrop Street, which is northeast of the property in question. We will not be able to attend the public hearing. Hence we would like to communicate with the Planning Commission by written letter.

We oppose the proposed subdivision of the property at 205 North Prospect, and thus we cannot in good conscience support passage of the proposal. Our reason is simple: we have lost complete confidence in the City of Madison and its agencies as well as the Regent Street Neighborhood to safeguard the integrity and character of the University Heights neighborhood.

About three years ago, a series of decisions made by the Landmarks Commission, the Zoning Board, and the Department of Planning allowed an ugly, inappropriate, and historically insensitive large addition to be placed on the property next door to ours (at 234 Lathrop Street). For the past two years and several months, the project has been an eyesore, and today the project not only remains unfinished but has been abandoned. No one lives there. The property has been for sale since August of 2007, but in its current state the property is effectively unsalable. As a result, we have been living next to an unfinished and now abandoned construction site. Having invested significantly in our own home, we wake every morning to a wall of white Tyvek and an insecure property. Even if the project is eventually finished, the addition will be an embarrassment to the beautiful, historic University Heights neighborhood.

The City of Madison and its various agencies have shown extremely poor judgment and no accountability in the 234 Lathrop Street debacle. As a result, we cannot in good conscience support any further changes that might continue to undermine the quality of the neighborhood.

Should you have any further questions, you may contact us at (608) 233 9396.

Sincerely,

Sara Guyer and Scott Straus

Parks, Timothy

From: Joy Drummond [jmp4joy2003@yahoo.com]
Sent: Thursday, March 06, 2008 8:19 AM
To: Parks, Timothy
Subject: Barash Property-205 N. Prospect

Tim,

We are sorry that we are unable to attend the hearing due to prior commitments. We oppose subdivision of the property for the purpose of future construction of another residential unit.

There have been many changes to the properties in this block since we purchased our home in 1991. New owners have added garages, additions, and auxiliary buildings to their properties in compliance with current zoning and historic district requirements. The changes have substantially decreased green space and natural light. Another residence would remove a much larger amount of green space including mature trees. In addition, because of the elevated terrain of the proposed subdivision, a new residence would prevent sunlight from reaching a large area to the north of the property.

Our concerns are also related to the layout of this historic block. It is unique in that it is one of only two 5-sided blocks in Madison (as far as we know). It has irregularly shaped lots designed to fit this template. We abut the Barash property on our west and their east lot line. Our lot is pie shaped, we are 75 feet wide at the front (Lathrop St) and 38 feet at the rear(Barash) with diagonal borders.

Presently, the Barash property abuts seven properties in this unique block. We would support donation of the property by the Barash family to the Madison Community to be used as a pocket park, the option to purchase land collectively by neighbors for green space and/or purchase of part of the land by individual owners to increase the size of smaller properties on the block. However, we oppose subdividing the land to build another residence.

Dave and Joy Drummond
208 Lathrop St
Madison, WI 53726
608 233-3334