



PREPARED FOR THE PLAN COMMISSION

Project Address: 130 E. Gilman Street
Application Type: Certified Survey Map (CSM) Referral
Legistar File ID # [42553](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant & Property Owner: University of Wisconsin-Madison; 610 Walnut Street; Madison; Gary Brown, representative.

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

Requested Action: Consideration of a Certified Survey Map (CSM) of property owned by the University of Wisconsin Board of Regents located at 130 E. Gilman Street, creating two lots.

Proposal Summary: The University of Wisconsin-Madison wishes to subdivide the property by CSM to create separate lots for the former Executive Residence/ Knapp House and UW Lifesaving Station. The University 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 16.23(3)(a)4 of the Subdivision Regulations requires that land divisions and subdivision plats of landmark sites and properties in local historic districts be approved by the Landmarks Commission under Section 41.18(4). That section states: "The [Landmarks C]ommission shall approve a certificate of appropriateness for land divisions, combinations, and subdivision plats of landmark sites and properties in historic districts, unless it finds that the proposed lot sizes adversely impact the historic character or significance of a landmark, are incompatible with adjacent lot sizes, or fail to maintain the general lot size pattern of the historic district."

Section 28.135(3) of the Zoning Code provides the requirements for the creation of deep residential lots (see page 3 of this report).

Review Required By: Landmarks Commission and Plan Commission.

Review Schedule: The State's subdivision statute, Wis. Stats. Chapter 236, requires that action be taken on a Certified Survey Map within 90 days of submittal unless a written extension is granted by the applicant. If no action is taken within 90 days and no extension granted, the CSM is deemed approved. The proposed CSM application was previously submitted to the City on May 8, 2013 and referred indefinitely at the written request of the applicant on June 17, 2013. The land division was resubmitted on April 13, 2016. Therefore, the 90-day review period for this CSM will now end circa July 13, 2016.

Summary Recommendation: The Planning Division recommends that the Plan Commission find the standards for land divisions and deep residential lots met with this request and **approve** a Certified Survey Map of property located at 130 E. Gilman Street 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 1.36 acres of land located on the northerly side of E. Gilman Street between N. Pinckney and N. Butler streets; Aldermanic District 2 (Zellers); Mansion Hill Historic District; Madison Metropolitan School District.

Existing Conditions and Land Use: The southerly half of the site is developed with the former Executive Residence (also known more recently as the Knapp House), which, in addition to being located in the Mansion Hill Local Historic District, was designated a local landmark in 1972. The northerly half of the site closest to Lake Mendota is developed with the University’s Lifesaving Station (Lake Mendota Rescue Service). Both buildings share a driveway from E. Gilman Street located along the easterly side property line. The entire site is zoned DR-1 (Downtown Residential–1 District).

Surrounding Land Use and Zoning:

North: Lake Mendota;

South: Two-family residences and multi-family residential buildings and surface parking lot, zoned DR-1 (Downtown Residential–1 District);

East: Verex Plaza office building (Fiore Companies, Inc.; Foley Lardner, LP; Coyne, Schultz, Becker & Bauer, SC, etc.), zoned UOR (Urban Office-Residential District);

West: Multi-family residential buildings, zoned DR-1.

Adopted Land Use Plan: The Comprehensive Plan includes the subject property in the Mansion Hill Residential Sub-District, which allows multi-unit high-density residential uses with densities generally of up to 60 units per acre, and institutional uses. Buildings in this sub-district should be at least two-stories tall, with the maximum heights to be established by underlying zoning. Historic preservation is a key consideration within the Mansion Hill Sub-District, which contains a number of locally designated landmarks and most of the Mansion Hill Local Historic District.

The Downtown Plan includes the subject site and surrounding properties in the Mansion Hill Neighborhood/District, with a predominant residential generalized future land use and a maximum recommended building height of 5 stories.

Zoning Summary: The property is zoned DR-1 (Downtown Residential–1 District):

Requirements	Required	Proposed
Lot Area	3,000 sq. ft.	Proposed lots will comply
Lot Width	30’ for 1-, 2- & 3-family; 40’ otherwise	Proposed lots will comply
Front Yard	15’ unless designated on Zoning Map	Lot 1: 26.1’ Lot 2: 140’
Side Yards	5’	Adequate for proposed lots
Rear Yard	Lesser of 20% of lot depth or 30’	Lot 1: 103’ Lot 2: 4.5’ (existing)
Minimum building height	2 stories	Existing buildings comply
Maximum building height	5 stories	Existing buildings comply
No. of Parking Stalls	No minimum – Central Area	Existing; no changes proposed
No. of Accessible Parking Stalls	N/A	---
Maximum Lot Coverage	75%	Proposed lots will comply

Requirements	Required	Proposed
No. Bike Parking Stalls	Determined by Zoning Administrator	---
Building Form	Single-Family Detached Institutional	Existing; complies with requirements
Other Critical Zoning Items		
Yes:	Landmarks (Local Landmark & Mansion Hill Local Historic District), Floodplain, Utility Easements	
No:	Urban Design, Wellhead Protection, Waterfront Development, Barrier Free	
<i>Prepared by: Jenny Kirchgatter, Asst. Zoning Administrator</i>		

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

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

Additional Requirements

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

(3) Development of Deep Residential Lots.

- (a) Statement of Purpose. This subsection is established to allow the intensive development of certain deep residential lots which could not otherwise be fully developed under this or any other development control ordinance. The intensive development of a deep lot is not a matter of right but instead a privilege granted to the developer by the City when the Plan Commission makes a finding that such development is in the public interest.
- (b) General Regulations. The Plan Commission may allow, after a public hearing and notice as set forth in Sec. 28.183 and consideration of the [conditional use] standards set forth in Sec. 28.183(6), the development of a deep residential zoning lot into not more than four (4) zoning lots, provided that :
 - 1. The front lot(s) shall have a width not less than that required in the district in which it is located.
 - 2. The rear lot shall have frontage onto an improved public street for a width not less than 30 feet.
 - 3. The strip of land of land between the improved public street and the remainder of the rear lot shall not contain any buildings or structures and said strip of land shall not be used to satisfy any area, yard, or usable open space requirement for the rear lot.
 - 4. All of the lots proposed shall have the minimum required lot area.
 - 5. The house numbers for all lots shall be on a sign visible from the public street.
- (c) A building permit for residential construction shall be issued for any zoning lot legally created, pursuant to this section, prior to the effective date of this ordinance.

Project Description

The University of Wisconsin-Madison is requesting approval of a Certified Survey Map (CSM) to subdivide their approximately 1.36-acre property at 130 E. Gilman Street into two lots. The site is developed with the UW Lifesaving Station on the northerly portion of the property adjacent to Lake Mendota, and the former Executive Residence/ Knapp House on the southerly portion of the site closer to E. Gilman Street. Both structures share access from a driveway from E. Gilman Street that extends along the easterly side property line, with a separate driveway and parking area are located adjacent to the southwestern corner of the residence.

The residence was built in 1855 and served as the governor's residence from approximately 1883-1949. From 1950 until recently, the residence was used as housing for the University's Knapp Scholars program. The residence was designated a City landmark in 1972 and was listed on the National Register of Historic Places in 1973. The entire property is also located in the Mansion Hill Local Historic District. In addition to the historic residence, the site is characterized by the large lawn that slopes down to Lake Mendota, which is considered a contributing feature of the landmark property.

Lot 1 of the proposed CSM was submitted as an approximately 135-foot wide, 214.84-foot deep parcel (0.67 acres) containing the residence, which the letter of intent indicates will be offered to other University of Wisconsin system campuses/ functions prior to being offered for sale. Lot 2 is proposed as a 0.69-acre parcel that will contain the Lifesaving Station, which will be connected to E. Gilman Street by a 30-foot wide strip of land extending along the easterly property line, which will include the existing driveway. The University will retain ownership of Lot 2 and continue to operate the Lifesaving Station. No additional development of Lot 2 is proposed at the present time. A joint driveway easement is shown along a portion of the 30-foot wide strip connecting Lot 2 to the street to allow the driveway serving the residence on proposed Lot 1 to remain.

Analysis and Conclusion

The Planning Division generally believes that the proposed land division to create separate lots for the existing buildings on the 1.36-acre parcel can meet the standards for approval, including the conditional use standards in Section 28.183(6), the criteria for the creation of deep residential lots in Section 28.135(3), and the general lot design criteria in Section 16.23. The Landmarks Commission approved a Certificate of Appropriateness for the proposed division of the landmark site on May 2, 2016 (see ID [42481](#)). The staff report of the City's Preservation Planner, Amy Scanlon, and the report of the Landmarks Commission are attached at the end of this report.

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 130 E. Gilman Street creating a deep residential lot, subject to input at the hearing and the following conditions:

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

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

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

1. The applicant shall determine where the sanitary sewer lateral is located serving the proposed Lot 1. If the lateral crosses proposed Lot 2, the applicant shall dedicate a private sanitary sewer easement on the proposed CSM.
2. A minimum of 2 working days prior to requesting City Engineering signoff on the CSM, the applicant shall contact Brenda Stanley at 261-9127 (bstanley@cityofmadison.com) to obtain the final stormwater utility charges that are due and payable prior to sub-division of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service. All charges shall be cleared prior to recording the land division (and subsequent obsolesces of the existing parcel).

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

3. 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.
4. The dimensions for the Sanitary Sewer Easement per Document No. 1365657 shall be revised to be to and along the centerline of the easement on the detail Sheet 2 to correlate to the description of record. Also provide dimensions from each end of the easement along the property lines to the right of way of E. Gilman Street.
5. Add to the header of each street and to the legal description that the CSM is within Government Lot 1 of Section 14.
6. Provide the Dane County Coordinates of the two meander corners and also the Southeast corner of Section 14.
7. Provide coordinates of record for any coordinate that is different from those published by the City of Madison.
8. Provide recorded information for any deviation of bearing or distance along the section line ties.
9. The legal description under the Surveyor's Certificate shall begin at the Southeast corner of Section 14 as required by Statute.
10. Add more or less designations for the distances from the meander corners to the water's edge and also for the overall distances of each side of the CSM to the water's edge.
11. The dimensions for the Sanitary License for Public Walkway per Document No. 1608871 shall be revised to be to and along the centerline of the easement on the detail Sheet 2 to correlate to the description of record. Also provide dimensions from each end of the easement along the property lines to the right of way of E. Gilman Street. Per the document, this should be one continuous centerline. Show any deviations from recorded distances.
12. Label the Ordinary High Water Elevation of Lake Mendota of 850.7. Also label the stone breakwater jutting out into Lake Mendota.
13. It is assumed that Lot 2 is the beneficiary of the electric easement, gas easement, water service easement and telephone easement and should be labeled as such. Also, if the utilities are to be underground, that should also be noted.
14. The lots within this certified survey map are inter-dependent upon one another for stormwater runoff conveyance. An agreement shall be provided for the rights and responsibilities of all lot owners. Said

agreement shall be reviewed and placed on file by the City Engineer, referenced on the Certified Survey Map, and recorded at the Dane County Register of Deeds.

15. Add the dimension from Gilman Street to the meander corner along the southwest side of the CSM. Add an adjoiner to the last course of the legal description that it is along the northeasterly line of said Lot 9. Also add a statement at the end of the description to include the lands between the meander line and the Ordinary High Water Mark lying between the northeasterly and southwesterly lines of the CSM extended northwesterly to the Ordinary High Water Mark.
16. 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.
17. In accordance with Section s. 236.18(8), Wisconsin Statutes, the Applicant shall reference City of Madison WCCS Dane Zone, 1997 Coordinates on all PLS corners on the Certified Survey Map in areas where this control exists. The Surveyor shall identify any deviation from City Master Control with recorded and measured designations. City of Madison has established WCCS, Dane Zone Coordinates on all PLS corners within its corporate boundary. Visit the Dane County Surveyor's Office web address for current tie sheets and control data that has been provided by the City of Madison. If a surveyor encounters an area without a published WCCS Dane Zone 1997 value, contact the City Engineering Division for this information.

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

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

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

This agency did not submit a response for this request.

Parks Division (Contact Janet Schmidt, 261-9688)

The agency reviewed this request and has recommended no conditions or approval.

Fire Department (Contact Bill Sullivan, 261-9658)

18. Due to the distance from the public street to the UW Life Saving Station, the address shall be posted on a monument, pole or other sign or means in order to locate the structure.

Water Utility (Contact Dennis Cawley, 261-9243)

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

Office of Real Estate Services (Jenny Frese, 267-8719)

20. Signature block certifications shall be executed by all parties of interest, pursuant to Wis. Stats. 236.21(2)(a). All signatory parties shall provide documentation that proves said signatories have legal authority to sign the Owner's Certificate. The title of each certificate shall be consistent with the ownership interest reported in the most recent title report. The executed original hard stock recordable CSM shall be presented at the time of sign-off.

21. A certificate of consent for all mortgagees shall be executed if any mortgagees are obtained prior to CSM approval sign-off.

22. A Consent of Lessee shall be included for all tenant interests in excess of one year, recorded or unrecorded, and executed prior to CSM sign-off.

23. Revise the City of Madison Plan Commission Certificate to include the current Secretary for the City of Madison Plan Commission, Natalie Erdman.

24. Real estate taxes are exempt, but special assessments are reported in the amount of \$608.58. All known special assessments are due and payable prior to CSM approval sign-off.

25. Please coordinate with Tim Troester (267-1995) or Brenda Stanley (261-9127) in the City Engineering Division to obtain any outstanding storm water management fees from the City of Madison Water Utility. Receipts for the payment of the prorated fee shall be presented prior to CSM approval sign-off.

26. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish an updated title report to Jenny Frese in City's Office of Real Estate Services (jfrese@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 1, 2016) 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.

27. Revise the CSM prior to final sign-off as follows:

- a.) Revise Note #5 on Sheet 3 to include the date of most recent title report used for preparation of the CSM.
- b.) Revise the label for the walkway per Doc. No. 1608871 to License instead of Easement.

- c.) Satisfactions or releases for all liens, judgments, or other instruments that encumber the lands or ownership within the CSM boundary shall be recorded prior to CSM approval sign-off, particularly item #7 of the title report.
- d.) Label the gas, electric, water, telephone and driveway easements being created as private.
- e.) Include a Note on Sheet 3 that designates Lot 2 as the benefitting party to the gas, electric, water, and telephone easements, with assignment rights for the various utility providers.
- f.) A separate recorded document defining terms of the private joint driveway easement is recommended.