



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 815 Big Stone Trail  
**Application Type:** Conditional Use  
**Legistar File ID #** [56544](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted.

**Summary**

**Applicant:** Justin Temple, Temple Builders, LLC; 2501 W. Beltline Highway; Madison.

**Property Owner:** Paul & Tamara Berns; 9906 Fallen Leaf Drive; Madison.

**Requested Action:** Approval of a conditional use to allow construction of a building (single-family residence) with floor area in excess of 10,000 square feet at 815 Big Stone Trail.

**Proposal Summary:** The applicant proposes to construct a two-story single-family residence with 9,257 square feet of finished floor area, 2,245 square feet of unfinished basement space, and 2,898 square feet of attached and partially attached garage space with parking for six autos. The proposed residence will contain approximately 14,400 square feet of finished and unfinished floor area inclusive of the garages. The applicant also proposes to construct a one-story, 638 square-foot detached poolhouse adjacent to an in-ground pool and deck proposed in the rear yard. Construction of the new residence and accessory building will begin as soon as all regulatory approvals have been granted, with completion anticipated by September 1, 2020.

**Applicable Regulations & Standards:** Table 28-C1 in Section 28.032(1) of the Zoning Code identifies buildings or structures with floor area exceeding 10,000 square feet as a conditional use in all residential zoning districts subject to Supplemental Regulations in Section 28.151. Those supplemental regulations state that the building floor area, bulk, height and massing may be limited as part of the conditional use approval in order to ensure compatibility with surrounding uses, and that an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood. Section 28.183 provides the process and standards for the approval of conditional use permits.

“Floor area” is defined in Section 28.211 of the Zoning Code as “the sum of all gross horizontal areas under the roof of a building, including, but not limited to: basement floor space; elevator shafts and stairwells at each floor; floor space used for mechanical equipment, except equipment, open or enclosed, located on the roof; penthouses, attic space used for human occupancy, interior balconies and mezzanines; enclosed porches; floor area devoted to accessory uses, and; areas used for grade-level parking.”

**Review Required By:** Plan Commission

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use for a single-family residence with floor area in excess of 10,000 square feet at 815 Big Stone Trail subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

## Background Information

**Parcel Location:** An approximately 2.4-acre parcel in the Eighth Addition to Blackhawk subdivision located north of Old Sauk Road on the east side of Big Stone Trail as it curves to become Trappers Trail at River Birch Road; Aldermanic District 9 (Skidmore); Middleton-Cross Plains School District.

**Existing Conditions and Land Use:** Undeveloped land, zoned SR-C1 (Suburban Residential–Consistent 1 District).

**Surrounding Land Use and Zoning:** The subject site is generally surrounded by a combination of developed and undeveloped single-family residential lots located in the Blackhawk and Greystone subdivisions, all zoned SR-C1.

**Adopted Land Use Plan:** The 1994 [Blackhawk Neighborhood Development Plan](#) identifies the subject site and surrounding properties for low-density residential uses.

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

Principal Building Requirements	Required	Proposed
Lot Area	8,000 sq. ft.	105,460.69 sq. ft.
Lot Width	60'	255.47'
Front Yard	30'	136'
Side Yards	7' for two-story	43' north   30' south
Rear Yard	35'	198'
Usable Open Space	1,300 sq. ft.	Adequate
Maximum Lot Coverage	50%	Less than 50%
Maximum Building Height	Two stories and 35'	(See conditions)
Building Forms	Single-family detached dwelling	Will comply
<b>Other Critical Zoning Items:</b> Utility Easements		
<i>Prepared by: Jacob Moskowitz, Assistant Zoning Administrator</i>		

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

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

## Previous Requests

On December 11, 2012, the Common Council approved the vacation of River Birch Court and approved a Certified Survey Map of property located at 1-15 and 2-8 River Birch Court and 809 Big Stone Trail to combine seven single-family lots platted in the Eighth Addition to Blackhawk subdivision into two larger lots for future single-family residential development. CSM 13474 was recorded on March 22, 2013.

On April 4, 2016, the Plan Commission approved a conditional use to allow construction of a building (single-family residence) with 16,249 square feet of floor area at 9809 Trappers Trail on the lot adjacent to 815 Big Stone Trail.

On June 4, 2018, the Plan Commission approved a conditional use to allow construction of a building (single-family residence) with 20,808 square feet of floor area on the subject site.

## **Project Description**

The applicant is requesting approval of a conditional use for a structure exceeding 10,000 square feet of floor area to allow construction of a single-family residence with approximately 14,400 square feet of floor area on an undeveloped 2.4-acre lot located at 815 Big Stone Trail in the Blackhawk subdivision.

The subject site is characterized by a modest slope that falls from east to west from a ridge that extends along the eastern edge of the subject property and the adjacent 1.4-acre property to the north at 9809 Trappers Trail. The subject parcel and 9809 Trappers Trail were created by the CSM referenced in the preceding section of the report. The 2.4-acre subject site is devoid of significant tree cover. The surrounding properties include other single-family residences located in the Blackhawk and Greystone subdivisions.

The proposed residence will be a two-story structure that faces west that will include a lower level exposed along portions of the southern wall. The first floor of the residence will contain 4,396 square feet of finished interior space. The second floor above grade will contain 2,711 square feet of finished floor area, while the lower level will contain 2,151 square feet of finished floor area and 2,245 square feet of unfinished floor area. Two three-car garages will be attached to the residence off the northern side wall, with a covered portico connecting the two garages. The interior room layout of the new residence is depicted on the floorplans included with the application materials. According to the applicant, the residence will have 9,257 square feet of finished space on the three levels. The total space located within the walls of the residence is approximately 14,400 square feet of floor area inclusive of unfinished basement space and 2,898 square feet in the attached garages.

In addition to the residence, the applicant also proposes to construct a one-story, 638 square-foot detached poolhouse adjacent to an in-ground pool and deck proposed in the rear yard.

## **Analysis and Conclusion**

Any building or structure with floor area exceeding 10,000 square feet is a conditional use in all residential zoning districts. The calculation of floor area effectively encompasses any area under the roof, including unfinished spaces for mechanical equipment, and parking located at-grade. In the case of the proposed residence, this includes both the attached and partially attached garages and the unfinished space in the basement as well as the 9,257 square feet of finished area on three levels.

Staff believes that the Plan Commission may find the standards for conditional use approval and the supplemental regulations for buildings exceeding 10,000 square feet of floor area in residential zoning districts met with this request. Although the proposed single-family residence will be larger than the relatively large single-family residences located elsewhere throughout the surrounding Blackhawk and Greystone subdivisions, staff does not believe that the proposed residence will have a negative impact on the uses, values and enjoyment or the normal and orderly development of surrounding properties or the larger neighborhood. As noted in the 'Previous Requests' section of this report, a substantially larger residence was approved for the subject site by the Plan Commission just over a year ago.

As of the drafting of this report, staff has received no correspondence for the record about the proposal from area residents and property owners.

## Recommendation

### Planning Division Recommendation (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use for a single-family residence with floor area in excess of 10,000 square feet at 815 Big Stone Trail 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, 267-1995)

1. The drainage plan shall demonstrate that runoff from the property will be safely directed to the public way and will not be allowed to drain onto the adjacent properties.
2. If there is greater than 10,000 square feet of impervious area proposed on the property, the owner may be required to extend and connect to public storm sewer on Big Stone Trail.
3. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE. The project will be expected to meet a higher standard of erosion control than the minimum standards set by the Wisconsin Department of Natural Resources (WDNR) in order to comply with TMDL limits.
4. The site plans shall be revised to show the location of all rain gutter down spout discharges.
5. The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right of way. It may be necessary to provide information off the site to fully meet this requirement.
6. The applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the City Engineering Division (Storm/Sanitary Section) with any private storm and sanitary sewer utilities. The digital CAD file shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the only the following data, each on a separate layer name/level number. The digital copies shall be drawn to scale and represent final construction including: building footprints; internal walkway areas; internal site parking areas; other miscellaneous impervious areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.); right-of-way lines (public and private); plat name and lot lines (metes & bounds parcel lines if unplatted); platted lot numbers (noted "unplatted lands" if not platted); lot/plat property dimensions; street names; private on-site sanitary sewer utilities (including all connections to public sanitary); private on-site storm sewer utilities (including all connections to public storm). All other levels (contours, elevations, etc) are not to be included with this file submittal. E-mail CAD file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement, private on-site sanitary sewer utilities, or private on-site storm sewer utilities during construction will require a new CAD file.

7. The applicant shall submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: [bstanley@cityofmadison.com](mailto:bstanley@cityofmadison.com) (East) or [tstroester@cityofmadison.com](mailto:tstroester@cityofmadison.com) (West). The digital copies shall be to scale, and shall have a scale bar on the plan set. The PDF submittals shall contain the following information: a) Building Footprints; b) Internal Walkway Areas; c) Internal Site Parking Areas; d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.); e) Right-of-Way lines (public and private); f) Lot lines or parcel lines if unplatted; g) Lot numbers or the words unplatted; h) Lot/Plat dimensions; i) Street names; j) Stormwater Management Facilities; and k) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
8. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including: a) SLAMM .DAT files; b) RECARGA files; c) TR-55/HYDROCAD/Etc., and; d) Sediment loading calculations. If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided.
9. Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project. Include copies of all stormwater, utility, and detail plan sheets that contain stormwater practices on 8.5x14-inch paper in the draft document. These drawings do not need to be to scale as they are for informational purposes only. Once City Engineering staff have reviewed the draft document and approved it with any required revisions submit a signed and notarized original copy to City Engineering. Include a check for \$30.00 made out to Dane County Register of Deeds for the recording fee. City Engineering will forward the document and fee for recording at the time of issuance of the stormwater management permit. Draft document can be emailed to Tim Troester (west) at [tstroester@cityofmadison.com](mailto:tstroester@cityofmadison.com), or Daniel Olivares at [DAOlivares@cityofmadison.com](mailto:DAOlivares@cityofmadison.com) final document and fee should be submitted to City Engineering.
10. The applicant shall demonstrate compliance with MGO Section 37.07 and 37.08 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 5.0 tons per acre per year.
11. This site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR-216 and NR-151. However, a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement.
12. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to: detain the 2-, 10-, and 100-year storm events, matching post development rates to predevelopment rates; reduce TSS by 80% (control the 5-micron particle) off of newly developed areas compared to no controls; provide infiltration in accordance with MGO Chapter 37; provide onsite volumetric control limiting the post construction volumetric discharge to the predevelopment discharge volume as calculated using the 10-year storm event; and complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by Chapter 37 of Madison General Ordinances.

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

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

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

13. Note: The Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D. Additional information is available from the Home Fire Sprinkler Coalition.

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

14. Show the height of the proposed building on all elevations. The maximum height is 35 feet. Height is the average of the height of all building facades. For each facade, height is measured from the midpoint of the existing grade to the highest point on the roof of the building or structure. No individual facade shall be more than fifteen percent (15%) higher than the maximum height of the zoning district.

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

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

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

15. If proposed water service connects to existing two-inch lateral stub located at the southwest corner of the lot, the following applies: A Water Meter Application Form and fees must be submitted before connecting to the existing water lateral. Provide at least two working days' notice between the application submittal and the scheduled lateral connection/ extension. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumberscontractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E. Olin Avenue. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. If you have questions regarding water service applications, please contact the Madison Water Utility at 266-4646.

16. If the proposed water service is a new connection in Big Stone Trail, the following applies: A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days' notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumberscontractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E. Olin Avenue. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. A Water Meter Application Form will subsequently be required to size and obtain a water meter establish a Water Utility customer account and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact the Madison Water Utility at 266-4646.

**Parks Division** (Contact Sarah Lerner, 261-4281)

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

**Parks Division – Forestry Section** (Contact Brad Hofmann, 267-4908)

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

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

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