



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

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September 15, 2020

Merlin Schoenherr
Schoenherr Design & Drafting Services
6723 Winding Way Court
Deforest, WI 53532

RE: Legistar #61671; Accela ID: 'LNDUSE-2020-00083' – Approval of a conditional use to construct an accessory building on a lakefront parcel in the Traditional Residential – Consistent 2 (TR-C2) Zoning District at 5120 Spring Court.

Dear Ms. Schoenherr;

At its September 14 2020 meeting, the Plan Commission, meeting in regular session, found the standards met and approved your conditional use request to construct an accessory building on a lakefront parcel in the Traditional Residential – Consistent 2 (TR-C2) Zoning District at 5120 Spring Court. In order to receive final approval of the conditional use, and for any permits to be issued for your project, the following conditions shall be met:

Please contact my office at sprusak@cityofmadison.com if you have any questions regarding the following item:

1. The following information is provided for the reference of the applicant as many lakefront properties are associated with locations of Native effigy mounds and archaeological sites.

Burial Sites Preservation (§ 157.70):

(2r) Site Disturbance Prohibited. Except as provided under subs (4) and (5) and State Statute 157.111 and 157.112, no person may intentionally cause or permit the disturbance of a burial site or catalogued land contiguous to a catalogued burial site.

(3) Report of Disturbed Burial Sites. (a) Except as provided under s. 979.01, a person shall immediately notify the Wisconsin Historical Society (608-264-6502) if the person knows or has reasonable grounds to believe that a burial site or the catalogued land contiguous to a catalogued burial site is being disturbed or may be disturbed contrary to the requirements of subs. (4) and (5).

Many lakefront properties are associated with locations of Native American effigy mounds and archeological sites. This site is known to be associated with archeological and historic resources.

The Burial Sites Preservation statute requires that the property owner contact the Wisconsin Historical Society to discuss the location of the proposed project and any possible disturbance of an archaeological or historic resource before the work commences. During the construction work, if a burial site disturbance occurs, the work shall stop immediately until the Wisconsin Historical Society is able to assess the site.

Please contact Tim Troester of the Engineering Division at (608) 267-1995 if you have any questions regarding the following six (6) items:

2. The City has a sanitary sewer main in close proximity to garage. Applicant shall confirm with survey of manholes that the proposed garage is not closer than 7.5' to the center of the existing sewer main. If it is closer than 7.5', applicant will need to request a consent to occupy easement. Improving the sewer (replacement with PVC, or installing a liner inside of the sewer) may be conditions of the consent to occupy sewer agreement. The City contact to coordinate the easement document is Jeff Quamme (jrquamme@cityofmadison.com).
3. Current plan shows less than 4,000 sf disturbed area. If plans are not revised, no Erosion Control or Storm Water Management Permits will be required.
4. Revise plan to show the location of all rain gutter down spout discharge locations, if any are proposed. All drainage should be directed to the rear of the lot and not to the adjacent property. (POLICY)
5. Revise plan set to show more information on proposed drainage for the site. Use either spot elevations and drainage arrows or proposed contours to show the required drainage information. 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. (POLICY)
6. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
7. 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 (East) or ttroester@cityofmadison.com (West).

Please contact Sean Malloy of the Traffic Engineering Division at (608) 266-5987 if you have any questions regarding the following item:

8. Developer shall provide a recorded copy of any joint driveway ingress/egress and crossing easements and shall be noted on face of plan.

Please contact Jenny Kirchgatter, the Assistant Zoning Administrator, at (608) 266-4429 if you have any questions regarding the following three (3) items:

9. Update the site plan to accurately show the lot lines per Engineering Mapping comments.

10. The applicant proposes a detached garage complying with the Zoning Code requirements of Section 28.131(1)(g) Side and Rear Yard Garage Replacement.
11. Verify the height of the existing garage. The height of the proposed replacement garage shall not be more than two (2) feet greater than the height of the existing garage to be demolished.

Please contact Bill Sullivan of the Fire Department at (608) 261-9658 if you have any questions regarding the following item:

12. Provide fire separation distance/rating from property line as required.

Please contact Jeff Quamme of the Engineering Division – Mapping Section at (608) 266-4097 if you have any questions regarding the following item:

13. Owner shall grant a 15' Wide Public Sanitary Sewer Easement centered on the two existing public sanitary sewers that run southwesterly across this site and also in a northerly - southerly direction within the 16' wide portion of the parcel that connects to Spring Court. The easement shall permit the existing pavements to remain and the City would replace in the event of excavation to replace or maintain the sewer.
14. The new garage shall be constructed outside of the easement. If the Owner would like to pursue construction of a portion of the garage within the easement to be granted, the easement document shall include terms for a Consent to Occupy Agreement allowing the garage to be within the easement. Terms would include, but not be limited any required removal of any part of the garage required for the City to maintain or replace the sewer in the future would be at the owner's expense.
15. Standard easement conditions would include:
 - a. No new above-ground improvements shall be allowed other than sanitary sewer related improvements shall be allowed in the Public Sanitary Sewer Easement Area(s) by the City or the property owner. (pavement and/or concrete for driveway or sidewalk purposes shall be permitted.)
 - b. Plantings and landscaping within the Public Sanitary Sewer Easement Area(s) shall be permitted with conditions.
 - c. 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.

Contact Jeff Quamme of Engineering Mapping (jrquamme@cityofmadison.com) for the required map exhibits and descriptions to allow the set up of a City of Madison Real Estate Project to administer the easement.

16. Show and label the Ingress Egress Easement per Doc No 3240924 that exists over the 16' Wide portion of Lot 29 out to Spring Court that is shared with the parcel at 5122 Spring Court.
17. The site plan shall be revised to acknowledge the ownership of a 16' wide part of Lot 29 out to Spring Court conveyed to the owners of this site per Document No 3240923.

Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency.

Please now follow the procedures listed below for obtaining your conditional use:

1. After the plans have been revised per the above conditions, please resubmit a PDF copy of the complete, fully dimensioned, and to-scale plans, the appropriate site plan review application and fee pursuant to Section 28.206 of the Zoning Code, and any other documentation requested herein with the Zoning Administrator (zoning@cityofmadison.com). Note that the 20MB email limit still applies. Please mail the check, made out to "City Treasurer", for the site plan review fee to the following address: City of Madison Building Inspection P.O. Box 2984 Madison, WI 53701-2984. Include a cover page with the check, which includes the project address, brief description of the project, and contact information.
2. This property is not located within a wellhead protection district. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.
3. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting conditional use approval.
4. A conditional use approval is valid for two (2) years from the date of the Plan Commission approval. During this time, the applicant must either lawfully commence the use or obtain a building permit and begin erecting the building. If the applicant obtains a valid building permit, construction must commence within six (6) months of the date of issuance. The building permit shall not be renewed unless construction has commenced as is being diligently prosecuted. Where the plans have not been altered from the Plan Commission's approval, and the conditional use has expired, the Director of Planning and Community and Economic Development may, after consultation with the Alderperson of the District, approve an extension for up to twelve (12) months from the expiration date.
5. Any alteration in plans for a proposed alternative use shall require Plan Commission approval, except for minor alterations. The Zoning Administrator may issue permits for minor alterations or additions which are approved by the Director of Planning and Community and Economic Development and are compatible with the concept approved by the City Plan Commission and the conditional use approval standards.
6. The Plan Commission retains continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses.

If you have any questions regarding obtaining your conditional use or building permits, please contact the Zoning Administrator at (608) 266-4551. If you have any questions or if I may be of any further assistance, please do not hesitate to contact my office at sprusak@cityofmadison.com.

Sincerely,



Sydney Prusak, AICP
Planner

cc: Tim Troester, Engineering
Sean Malloy, Traffic Engineering
Jenny Kirchgatter, Zoning
Bill Sullivan, Fire Department
Jeff Quamme, Engineering-Mapping

I hereby acknowledge that I understand and will comply with the above conditions of approval for the conditional use permit.

Signature of Applicant

Signature of Property Owner (if not the applicant)

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (Prusak)	<input checked="" type="checkbox"/>	Engineering Mapping Sec.
<input checked="" type="checkbox"/>	Zoning Administrator	<input type="checkbox"/>	Parks Division
<input checked="" type="checkbox"/>	City Engineering	<input type="checkbox"/>	Urban Design Commission
<input checked="" type="checkbox"/>	Traffic Engineering	<input type="checkbox"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input type="checkbox"/>	Metro Transit
<input type="checkbox"/>	Water Utility		