



## Report to the Plan Commission

November 5, 2012

**Legistar I.D. #28162**  
**6201 N. Highlands Avenue**  
**Certified Survey Map Referral**

Report Prepared By:  
Timothy M. Parks, Planner  
Planning Division

**Requested Action:** Consideration of a three-lot Certified Survey Map (CSM) of the Mack property located at 6201 N. Highlands Avenue creating a deep residential lot.

**Applicable Regulations & Standards:** Section 16.23, Land Subdivision Regulations, Madison General Ordinances provides the requirements for land divisions.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the standards for land divisions met with this request and **approve** a Certified Survey Map of property located at 6201 N. Highlands Avenue, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

### Background Information

**Applicant & Property Owner:** Eberhard Mack, 6201 N. Highlands Avenue; Madison.

**Surveyor:** Tony Kasper, Birrenkott Surveying, Inc.; PO Box 237; 1677 N. Bristol Street; Sun Prairie.

**Proposal:** The applicant proposes to subdivide the subject property into three lots. The applicant wishes to record the Certified Survey Map as soon as all regulatory approvals have been granted.

**Review Schedule:** The State's subdivision statute, WS 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 submitted to the City on September 19, 2012. Therefore, the 90-day review period for this CSM will end circa December 19, 2012.

**Parcel Location:** A 2.47-acre parcel located on the south side of N. Highlands Avenue approximately midway between Hillside Terrace and Skyline Drive; Aldermanic District 19 (Clear); Madison Metropolitan School District.

**Existing Conditions:** An existing two-story single-family residence, zoned R1-R (Rustic Residence District).

**Surrounding Land Use and Zoning:** The subject site is generally surrounded by other single-family residences located in the Highlands neighborhood, which is zoned R1-R (Rustic Residence District).

**Adopted Land Use Plan:** The Comprehensive Plan identifies the subject site and surrounding area for Low-Density Residential uses.

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

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

**Zoning Summary:** Existing R1-R (Rustic Residence District).

Bulk Requirements	Required	Proposed
Lot Area	0.6 acres	Prop. lots will meet or exceed
Lot width	50 feet	All lots will meet or exceed
Usable open space	N/A	---
Front yard	50'	Ex. house on prop. Lot 3: 60'
Side yards	30'	See cond. 5 on page 4
Rear yard	40'	Adequate for existing house
Floor area ratio	N/A	---
Building height	3 stories	Ex. house on Lot 3: 2 stories
Building Coverage	15%	Ex. house on prop. Lot 3: 7.3%
<i>Prepared by: Pat Anderson, Asst. Zoning Administrator</i>		

## Project Review, Analysis & Conclusion

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The applicant is requesting approval of a Certified Survey Map (CSM) to subdivide a 2.47-acre property located at 6201 N. Highlands Avenue into three total lots. The site is zoned R1-R (Rustic Residence District) zoning and is developed with a two-story, 4,057 square-foot single-family residence per City Assessor records. An asphalt driveway extends along the eastern edge of the property to provide access to an attached 2.5-car garage located along the southern wall of the residence and a detached one-car garage located to the southwest of the residence. A pool is located approximately 40 feet northwest of the residence along the western property line.

The subject site is located in the Highlands neighborhood and is surrounded by a variety of other single-family residences on generally large lots of varying size and configuration in the R1-R zoning district. The site and surrounding properties are generally characterized by rolling terrain and heavy tree cover. The subject parcel itself is characterized by approximately 30 feet of grade change from the southeasterly corner of the property to the northern property line adjacent to the street, with mature tree cover present across most of the site.

The applicant proposes to subdivide the property to create two new parcels that will each be 0.6-acres in area. Lot 1 of the proposed Certified Survey Map will have 119 feet of frontage along N. Highlands Avenue, while Lot 2 will have approximately 156 feet of frontage. Lot 3 of the CSM will be comprised of the remaining 1.27 acres of land and will contain the existing residence, pool and detached garage. Lot 3 will be connected to N. Highlands Avenue by a 50-foot wide strip of property extending along the eastern property line, which will include the existing driveway serving the residence. R1-R zoning requires that new lots contain a minimum of 0.6-acres of lot area, with no prescribed street frontage in the district. The existing residence is required to observe a 50-foot front yard and 30-foot side yards from the proposed lot lines. The Zoning Administrator has determined that the required front and westerly side yards are met with the proposed CSM, but that the 25.4-foot side yard measured from the northeasterly corner of the residence to the southeasterly corner of proposed Lot 2 will need to be revised to provide the requisite 30-foot side yard.

In reviewing the proposed land division, the Planning Division believes that the applicable standards and criteria in the Subdivision Regulations can be met. As submitted, the CSM does not propose a

“deep residential lot” as defined in Section 28.04(11) of the Zoning Code, which is a “flag” lot that provides less than the lot frontage required in the zoning district in which the property is located and is instead connected to the street by an unobstructed strip of land not less than 30 feet in width. In the case of the proposed CSM, proposed Lot 3 will be connected to N. Highlands Avenue by a 50-foot wide strip of land, which is the default minimum lot width in the R1-R zoning district per Section 28.04(9).

The surrounding Highlands neighborhood is generally characterized by a variety of single-family lots of varying sizes and a number of uniquely shaped parcels, including a number of deep residential lots and lots of a character similar to deep residential lots that were created prior to the enactment of the specific deep lot design requirements in 1975. While the development pattern in the Highlands area includes a number of large residences with substantial unobstructed front yards between the homes and the street, there are a number of examples throughout the Highlands of residences constructed in the front yards of other residences similar to the development pattern that will result on the subject site if the CSM request is approved. Such a pattern exists to the immediate east and west of the subject property, where two lots fronting N. Highlands Avenue have been created from parcels that previously were larger. Many of the nearby parcels include residences at the rear of the formerly large parcels and on the smaller lots adjacent to the street. The existence of this lot pattern leads the Planning Division to conclude that approval of the three proposed lots would not be inconsistent with the development pattern present in at least this portion of the neighborhood.

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 is no adopted neighborhood plan for the Highlands. The Comprehensive Plan identifies the site and surrounding area for Low-Density Residential uses, and includes recommendations that generally encourage infill development to be “compatible with established neighborhood character.” Planning Division staff does not believe that the proposed division of the applicant’s property runs counter to these recommendations.

In closing, the Planning Division believes that the proposed division of the subject property can meet the standards for approval for Certified Survey Maps in the Subdivision Regulations and that the lots proposed adhere to the development pattern present elsewhere in the Highlands neighborhood.

[Note: In the event that complying with the Zoning Administrator’s requirement that Lot 3 provide a 30-foot minimum side yard setback causes the width of that lot to drop below 50 feet and therefore become a deep residential lot, the Planning Division believes that the conditional use standards could be met, and that the proposed land division would comply with the provisions in Section 28.04(11) for land divisions creating deep residential lots.]

## **Recommendations and Proposed Conditions of Approval**

**Major/Non-Standard Conditions are shaded**

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

The Planning Division recommends that the Plan Commission find that the standards for land divisions met with this request and **approve** the three-lot Certified Survey Map of property located at 6201 N. Highlands Avenue subject to input at the hearing and the conditions that follow.

In the event that complying with the Zoning Administrator's requirement (Condition 5) to provide a 30-foot side yard for Lot 3 causes the width of that lot to be reduced below 50 feet and for a deep residential lot to therefore be created, the Planning Division recommends that the Commission find the conditional use standards and deep residential lot criteria met and **provisionally approve** the creation of the deep residential lot subject to final approval of the lot configuration by staff prior to final approval of the CSM for recording.

The following conditions have been submitted by reviewing agencies:

### **City Engineering Division** (Contact Janet Dailey, 261-9688)

1. Property shall either have two separate sanitary sewer laterals or an ownership/ maintenance agreement (recorded) shall be in place prior to CSM approval.
2. 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.
3. 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 website for current tie sheets and control data. If a surveyor encounters an area without a published WCCS Dane Zone 1997 value, contact the Engineering Division for this information.
4. 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.

### **Zoning Administrator** (Contact Pat Anderson, 266-5978)

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| <ol style="list-style-type: none"><li>5. Lot 3 provides a less than 30-foot minimum side yard setback. The Certified Survey Map shall be revised to provide the 30-foot minimum setback.</li></ol> |
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6. Work with Zoning staff to provide a building envelopes for the proposed lots on the final CSM.

**Traffic Engineering Division** (Contact Dan McCormick, 267-1969)

This agency did not submit comments for this request.

**Parks Division** (Contact Kay Rutledge, 266-4714)

7. The developer shall pay park dedication and development fees for the additional single-family residences proposed. The developer must select a method for payment of park fees before signoff on the CSM.

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

8. Ensure that the address for Lot 3 is posted and clearly visible from the street.

**Water Utility** (Contact Dennis Cawley, 261-9243)

9. Proposed Lots 1 and 2 will require new water service laterals.

10. In accordance with MGO Section 13.21, all operating wells shall be identified and permitted by the Water Utility and all unused private wells shall be abandoned.

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

11. Prior to requesting final approval prior to recording, executed signature block certifications shall be included for all parties of interest, pursuant to MGO Section 16.23(5)(g)4 and Wis. Stats. 236.21(2)(a). The title of each certificate shall be consistent with the ownership interest reported in the most recent title report. The title report shows the following parties have an ownership interest in the lands within the CSM and shall be signatories on the Owner's Certificate:

- Eberhard A. Mack
- Elisabeth F. Mack

12. A certificate of consent by the mortgagee/vendor shall be included following the Owner's Certificate(s) for each of the mortgagees/vendors listed below:

- M&I Madison Bank

13. Include the following Plan Commission Certificate on the CSM:

**Madison Common Council Certificate:** This certificate is required when dedication of land and the conveyance of rights in land are required. For parcels located within the City of Madison, a Madison Common Council Certificate shall appear as follows:

Resolved that this certified survey map located in the City of Madison was hereby approved by Enactment Number \_\_\_\_\_, File ID Number \_\_\_\_\_, adopted on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, and that said enactment further provided for the acceptance of those lands dedicated and rights conveyed by said Certified Survey Map to the City of Madison for public use.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

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Maribeth L. Witzel-Behl, City Clerk  
City of Madison, Dane County Wisconsin

14. Note: As of October 22, 2012, the real estate taxes are paid, there are no outstanding special assessments, and the stormwater fees have been paid for the subject property.

15. The following CSM revisions shall be made:

- a.) Include a complete and accurate legal description of the lands that are to be included in the proposed CSM. The legal description shall be reconciled with the legal description of said lands in the title report; particularly with reference to Lot 20, Highlands.
- b.) Place a note on the face of the CSM stating that the lands within the CSM boundary are subject to Restrictions and Covenants contained in Warranty Deed recorded February 28, 1918 in Volume 257 of Deeds, Page 224, as Doc. No. 368851.
- c.) Please label and describe the depicted easement from CSM 1118 by use/purpose.
- d.) Create and record, or show as being dedicated in the proposed CSM, easements for utility and drainage rights of way when the utility or drainage physically exists, but no document for it exists in record title.
- e.) Record satisfactions or releases for all mortgages, liens, judgments, or other instruments that encumber the title of the subject lands, but where the purpose for such instrument has been satisfied, fulfilled or resolved.