



## Report to the Plan Commission

March 8, 2010

**Legistar I.D. #17049 & 17656**  
**8839 Ancient Oak Lane**  
**Rezoning & Certified Survey Map**

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

**Requested Action:** Approval of a request to rezone approximately 6.09 acres located at 8839 Ancient Oak Lane from A (Agriculture District) to R1 and R2T (Single-Family Residence Districts), and; approval of a three-lot Certified Survey Map creating 2 new single-family residential lots and 1 lot for an existing single-family residence and future development.

**Applicable Regulations & Standards:** Section 28.12 (9) provides the process for zoning map amendments. The subdivision process is outlined in Section 16.23 of the Subdivision Regulations.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission forward Zoning Map Amendments 3470 and 3477 and the three-lot Certified Survey Map of property at 8839 Ancient Oak Lane to the Common Council with recommendations of **approval**, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

### Background Information

**Applicants & Property Owner:** Brandon J. Ripp; 8839 Ancient Oak Lane; Madison.

**Surveyor:** Dan Day, D'Onofrio, Kottke & Associates; 7530 Westward Way; Madison.

**Proposal & Existing Conditions:** The applicant wishes to create 2 additional single-family residential lots from the subject site, which contains a single-family residence and detached accessory building, zoned A (Agriculture District). The remainder of the property would be reserved for future residential development. The CSM will be recorded as soon as all regulatory approvals have been granted.

**Parcel Location:** Approximately 6.09 acres of land generally located 500 feet east of Lone Oak Lane and 4 blocks south of Valley View Road on the south side of Ancient Oak Lane, Aldermanic District 1; Madison Metropolitan School District.

### Surrounding Land Use and Zoning:

North: Existing and future single-family residences in the Linden Park subdivision, zoned R2T, R2Y and R2Z (Single-Family Residence Districts);

South: Existing and future duplexes, four- and six-unit residences and multi-family condominium buildings to be developed in the Bentley Green development on Lot 117 of Hawks Landing Golf Club, zoned R4 (General Residence District);

East: Undeveloped land in the Town of Middleton;

West: Existing and future single-family residences in the Linden Park subdivision, zoned R2T.

**Adopted Land Use Plan:** The Mid-Town Road Neighborhood Development Plan recommends the subject site for low- to medium-density residential uses.

**Environmental Corridor Status:** The subject site is not located in a mapped environmental corridor. The wooded area on the east side of the subject parcel is identified as woodlands on the corridor map.

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

**Zoning Summary:** Proposed R2T (Single-Family Residence District) zoning for Lots 1 and 2 of CSM:

Requirements	Required	Proposed
Lot Area	5,000 square feet	5,041 sq. ft. & 5,560 sq. ft.
Lot Width	44	49' & 54'
Usable open space	800 square feet	To be determined at construction
Front Yard	20'	To be determined at construction
Side Yards	5' one-story/ 6' two-story	To be determined at construction
Rear Yard	20'	To be determined at construction
Floor Area Ratio	--	N/A
Building Height	2 stories/ 35 feet	To be determined at construction
No. Parking Stalls	1	To be determined at construction

Proposed R1 (Single-Family Residence District) zoning for Lot 3 of CSM:

Requirements	Required	Proposed
Lot Area	8,000 square feet	254,504 sq. ft. (5.84 acres)
Lot Width	65	671.6
Usable open space	1,300 square feet	Adequate
Front Yard	30'	Approx. 108'
Side Yards	6' one-story/ 7' two-story	Approx. 55'   525'
Rear Yard	20'	Approx. 205'
Floor Area Ratio	--	N/A
Building Height	2 stories/ 35 feet	Existing
No. Parking Stalls	1	Existing

*Prepared by: Pat Anderson, Asst. Zoning Administrator & Tim Parks, Planning Division*

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## Previous Approval

On February 1, 2005, the Common Council approved a request to rezone 86.2 acres located on the south side of Valley View Road at Lone Oak Lane from Temp. A (Agriculture District) to A, R2T, R2Y, R2Z (Single-Family Residence Districts) and C (Conservancy District) and approved the preliminary and final plats of Linden Park, creating 261 single-family lots, 1 outlot for the future Olson Elementary School and various outlots for public parkland and stormwater management. The final plat was recorded on December 5, 2005.

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## Project Review

The applicant and property owner is requesting approval of a request to rezone a 6.09-acre site from A (Agriculture District) to R1 and R2T (Single-Family Residence Districts) to facilitate the creation of 2

new single-family lots in the northwestern corner of the property. The property, Outlot 4 of the Linden Park plat, is developed with a single-family residence located near the center of the parcel and an approximately 3,300 square-foot detached accessory building located 30 feet from the southern, rear property line. The house is currently served by a septic field located south of the house and by a well located in front of the house. The remainder of the property east of the house and detached garage is currently heavily wooded. At the time the Linden Park subdivision was approved in 2005, the subject house was one of two residences on the property identified to remain as part of the platting of the 261-lot single-family subdivision. The outlot, which has 774.6 feet of frontage along Ancient Oak Lane, was zoned permanent A zoning concurrent with the zoning of the remainder of the development, though the earlier approval acknowledged the potential for further development and rezoning of the subject site in the future.

The current proposal calls for the creation of two single-family lots in R2T zoning on the western 98 feet of Outlot 4's Ancient Oak Lane frontage. Lot 1 of the CSM will be a 5,041 square-foot lot with 49 feet of frontage along Ancient Oak Lane, while Lot 2 will include 5,560 square feet of lot area and approximately 54 feet of lot frontage. Both lots will be approximately 103 feet deep. Both proposed lots appear to conform to R2T zoning requirements, which require a 44-foot minimum lot frontage and 5,000 square feet of lot area. The general size and shape of proposed Lots 1 and 2 are also similar to the single-family lots platted to the west and north of the subject site in the Linden Park development. Both lots can be served by existing City water and sewer mains located in Ancient Oak Lane.

The remainder of the 6.09-acre subject site, including the existing residence and detached accessory building, will be zoned R1 and will comprise a 5.84-acre parcel shown as Lot 3 on the proposed CSM. The applicant indicates that he intends to further develop and/or subdivide Lot 3 in the future, though no specific plans for the site have been proposed to date. The original application for the subject rezoning requested to maintain the existing A zoning of the site for Lot 3. However, staff determined that the existing house would not meet the side yards required in A zoning as measured from the southeastern corner of proposed Lot 2, therefore requiring the revised zoning request to R1 zoning for proposed Lot 3 in order to allow the rezoning and CSM to proceed. The detached accessory building at the rear of the lot greatly exceeds the 800 square-foot maximum floor area permitted for individual accessory buildings in the R1 zoning district. However, the building will be allowed to remain as an existing conditional use as defined in the Zoning Ordinance.

The eastern line of Lot 2 is proposed to align with the western right of way line of Color Peak Road, a 56-foot wide residential street located across Ancient Oak Lane from the site, which will allow that street to be extended south should the future development plans for Lot 3 call for such an extension. As a condition of this CSM approval, staff is requesting that a 15-foot turning radius be reserved at the northeastern corner of Lot 2 to allow a standard intersection to be constructed should Color Peak Road be extended south of Ancient Oak Lane as part of the future development of Lot 3. An existing platted temporary cul-de-sac easement for Pine Hollow Place located along the western property line of the subject site will be preserved with the proposed CSM. The termination of that easement will occur should Pine Hollow Place be extended onto proposed Lot 3 as part of the future development of that parcel.

## **Analysis & Conclusion**

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The Planning Division has reviewed the proposed zoning map amendments and three-lot CSM and believes that the standards for approval for each can be met despite what could be considered an incremental approach to developing the subject parcel. However, staff believes that the creation of the

two R2T-zoned lots at the northwestern corner of the 6.09-acre site can be supported despite a plan for the remaining property given that the proposed lots will fit into the character of the Linden Park subdivision being developed to the north and west of the subject site while not appearing to negatively affect the ability for the remainder of the subject property to be developed in an urban fashion in the future. Staff would caution however, that a similar incremental subdivision approach would likely not be supported again in the absence of a plan for the entire property that shows how the balance of the property will be developed in the future.

Staff also believes that the creation of the two lots to generally be consistent with the Mid-Town Road Neighborhood Development Plan, which recommends the subject site for low- to medium-density residential uses at a density of 10-12 units per acre. The neighborhood development plan also calls for the connection of Pine Hollow Place to Ancient Oak Lane opposite Color Peak Road. Staff believes that the proposed land division will not impede such an extension as part of future plans for Lot 3. To this end, staff is requesting that a 15-foot turning radius be reserved at the northeastern corner of Lot 2 to allow a standard street intersection to be constructed in the future, as well as a 10-foot building line adjacent to the eastern property line to ensure an adequate side yard for the new house on Lot 2 from a potential future street extension.

### **Staff Recommendations, Conditions of Approval & General Ordinance Requirements**

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 forward Zoning Map Amendments 3470 and 3477, rezoning 8839 Ancient Oak Lane from A (Agriculture District) to R1 and R2T (Single-Family Residence Districts), and a Certified Survey Map creating three lots, to the Common Council with recommendations of **approval**, subject to input at the public hearing and the following conditions:

1. That the Certified Survey Map (CSM) be revised prior to final staff approval as follows:
  - 1a. show the reservation of a 15-foot turning radius at the northeastern corner of that lot at Ancient Oak Lane opposite Color Peak Road with the following CSM note: "In the event that future development of Lot 3 calls for the extension of Color Peak Road south of Ancient Oak Lane, the owner of Lot 2 shall dedicate the reserved 15-foot turning radius to the City at no cost to the City to allow for the provision of standard turning radii at that intersection. In the event that no such extension occurs in the future, the owner of Lot 2 may petition the City to release the reservation after a development plan or a subdivision of Lot 3 is approved by the City that does not show the Color Peak extension."
  - 1b. include a note on the face of the CSM acknowledging that Color Peak Road/ Pine Hollow Place may be extended adjacent to Lot 2 at the time Lot 3 further develops and that the cost of the entire street extension shall be borne by the future developer of Lot 3;
  - 1c. show a 10-foot building line parallel to the entire eastern property line of proposed Lot 2 to provide an adequate side yard adjacent to the possible extension of a public street along that property line;
  - 1d. show the square footage of the detached accessory building and the number of stories of the existing house on Lot 3;
  - 1e. show the setback from the existing house on Lot 3 to the southeastern corner of Lot 2 and the setback of the detached accessory building from the southern property line.

The following conditions have been submitted by reviewing agencies:

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

2. Stormwater management for development on Lots 1 and 2 may be addressed with the development of Lot 3 at the time of future development. This shall require that a note to this effect be placed on the CSM.
  3. Each lot shall be served by a separate sanitary sewer lateral when the lots develop.
  4. Lots 1 and 2 of the proposed CSM will have Madison Metropolitan Sewerage District (MMSD) fees due as a condition of CSM approval. Lot 3 of the CSM will have MMSD fees due when it develops.
5. This development is subject to impact fees for the Upper Badger Mill Creek Stormwater Impact Fee District and Valley View Road Stormwater and Sanitary Impact Fee District. All impact fees are due and payable at the time building permits are issued. (MGO Sec. 20)
6. The applicant shall dedicate a 10-foot wide Permanent Limited Easement for grading and sloping along the east line of Lot 2. (MGO Sec. 16.23 (5)(g)1)
7. 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.
- 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 survey are subject to a public easement 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 easement shall be 12-feet in width on the perimeter of the certified survey map. Easements shall not be required on property lines shared with green ways or public streets. No structures may be constructed within said easement and no other obstructions to drainage, including landscaping are permitted without the prior written approval of the City Engineer.
- Note: In the event of the City of Madison Plan Commission and/or Common Council approve re-division 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.
8. 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. No building permits shall be issued prior to City Engineering's approval of this plan. (MGO Sec. 16.23(9)(d))

The following note shall accompany the master stormwater drainage plan:

*"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."*

9. If the lots within this site plan are inter-dependent upon one another for stormwater 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 site plan and recorded at the Dane County Register of Deeds.
10. 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 stormwater management at the time they develop."
11. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to: detain the 2, 10, & 100-year storm events; control 80% TSS (5 micron particle) off of new paved surfaces; provide infiltration in accordance with Chapter 37 of the Madison General Ordinances, and; provide substantial thermal control.
12. A minimum of 2 working days prior to requesting City Engineering Division signoff on the CSM the applicant shall contact Janet Dailey (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).
13. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to City Engineering Division signoff, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of 2 working days prior to requesting City Engineering Division signoff. (MGO Sec. 16.23(9)(d)(4))
14. 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 CSM. Note: Land tie to two PLS corners required.
15. Prior to Engineering final sign-off by main office for Certified Survey Maps (CSM), the final CSM must be submitted to the 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. Please transmit to [epederson@cityofmadison.com](mailto:epederson@cityofmadison.com)

**Traffic Engineering Division** (Contact John Leach, 267-8755)

16. The applicant shall confirm street connections as part of the neighborhood plan with Planning Division.

17. The applicants shall execute and return the attached declaration of conditions and covenants for streetlights and traffic signals prior to sign off.

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

18. Provide a grading plan of the plat to show that usable open space requirements can be met on the lots per the comparable zoning district requirements, which is 800 square feet for the R2T zoning district. Usable open space shall be in a compact area of not less than 200 square feet and having no dimensions less than 10 feet and having a slope no greater than 10 percent. Front yards do not count toward usable open space.

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

19. The developer shall pay \$6,485.36 in park dedication and development fees for 2 additional single-family units. The developer must select a method for payment of park fees before signoff on the rezoning. This development is within the Elver Park impact fee district.

Park Dedication required for single-family units = 1,100 square feet per unit. The Fee in Lieu of Dedication is based on current property values up to \$2.11 per square foot for 2010 = \$2,321+Park development fees of \$921.68 per single-family unit = \$3,242.68 per unit.

**Fire Department** (Contact Scott Strassburg, 261-9843)

This agency submitted a response with no conditions of approval for this request.

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

20. All operating private wells shall be identified and permitted by the Water Utility in accordance with MGO 13.21. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. All unused private wells shall be abandoned in accordance with Madison General Ordinance 13.21. The Water Utility will not need to sign off the final plans, but will need a copy of the approved plans.

21. The proposed lots do not have water service laterals. Each lot shall have a separate water service lateral connected to a public water main.

As Adopted August 1999, Amended May 2001, July 2004

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Department of Planning & Community & Economic Development  
Planning/Neighborhood Preservation & Inspection/Economic & Community Development  
Mark A. Olinger, Director

Bradley J. Murphy  
Planning Division  
215 Martin Luther King, Jr. Boulevard  
P.O. Box 2985  
Madison, WI 53701-2985  
(608) 266-4635

**REVIEW REQUEST FOR:**

- ☐ PRELIMINARY PLAT
- ☐ FINAL PLAT
- ☒ LOT DIVISION/CSM
- ☐ CONDITIONAL USE
- ☐ DEMOLITION
- ☐ REZONING
- ☐ INCLUSIONARY ZONING
- ☐ OTHER

Ripp CSM : Section 34 Town of Middleton  
8839 Ancient Oak Lane  
Create 2 Single-Family Lots and 1 Lot for Future Development  
Brandon J. Ripp/Wayne Barsness - D'Onofrio, Kottke & Associates, Inc.

**PLANNING DIVISION CONTACT:** Tim Parks

**RETURN COMMENTS BY:** 11 February 2010

**PLEASE ALSO EMAIL OR FAX ANY COMMENTS TO THE APPLICANT:**

Applicant E-mail: wbarsness@donofrio.cc Fax: 833-1089

Date Submitted: 14 December 2009 Plan Commission: 22 February 2010

Date Circulated: 23 December 2009 Common Council: 22 February 2010

**CIRCULATED TO:**

- ☐ ZONING
- ☐ FIRE DEPARTMENT
- ☐ PARKS DIVISION
- ☐ TRAFFIC ENG.
- ☐ CITY ENG. - DAILEY
- ☐ CITY ENG. - MAPPING & ENV.
- ☐ WATER UTILITY
- ☐ CDBG - CONSTANS
- ☐ REAL ESTATE - EKOLA

- ☐ DISABILITY RIGHTS
- ☐ POLICE DEPT. - CHANDLER
- ☐ CITY ASSESSOR - M. RICHARDS
- ☐ MADISON METRO - SOBOTA
- ☐ MMSD BOARD, C/O SUPT.
- ☐ PUBLIC HEALTH - SCHLENKER
- ☐ NEIGHBORHOOD ORGANIZATION

- ☒ ALD. Sanborn DIST. 1
- ☐ MADISON GAS & ELECTRIC
- ☐ ALLIANT ENERGY
- ☐ A T & T
- ☐ T D S
- ☐ MT. VERNON TELE

☐ Review the above as per time schedule set in Chapter 16.23(5)(b)2; 16.23(5)(3)3; or Chapter 28, City of Madison Ordinance; OR your agency's comments cannot be considered prior to action.

☐ One copy for your files; one copy for file of appropriate telephone company; PLEASE RETURN one copy with joint comments.

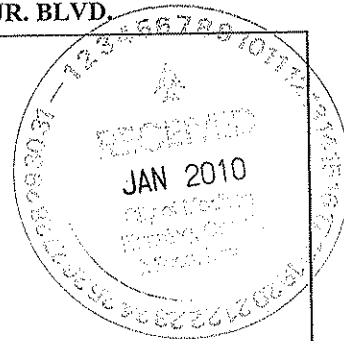
☒ The above is located in your district. A copy is on file in the Planning Division Office for review. If you have any questions or comments, contact our office at 266-4635.

☐ The above is located within or near the limits of your neighborhood organization. A copy is on file in the Planning Division Office for review. If you have any questions or comments, contact our office at 266-4635.

**RETURN COMMENTS TO: PLANNING DIVISION, DEPT. OF PLANNING & COMMUNITY & ECONOMIC DEVELOPMENT, ROOM LL100 MMB, 215 MARTIN LUTHER KING JR. BLVD.**

**NO COMMENTS YOUR COMMENTS:**

*Josh Sah*



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