

## **An appraisal of the property known as Second Point, 1601 Lake Mendota Drive, Madison, Wisconsin. November 1, 1986**

Landmark Research, Inc.

[s.l.]: [s.n.], November 1, 1986

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AN APPRAISAL OF  
THE PROPERTY KNOWN AS  
SECOND POINT  
1601 LAKE MENDOTA DRIVE  
MADISON, WISCONSIN  
AS OF  
NOVEMBER 1, 1986

Landmark  
Research  
Inc.



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THE PROPERTY KNOWN AS  
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MADISON, WISCONSIN  
AS OF  
NOVEMBER 1, 1986

PREPARED FOR  
FIRST WISCONSIN NATIONAL  
BANK OF MADISON

PREPARED BY  
LANDMARK RESEARCH, INC.

Landmark  
Research  
Inc.

James A. Graaskamp, Ph.D., S.R.E.A., C.R.E.

Jean B. Davis, M.S.

December 15, 1986

Mr. R. Christian Davis  
Trust Officer  
First Wisconsin National Bank of Madison  
Box 7900  
Madison, WI 53707

Dear Mr. Davis:

We are transmitting herewith our analysis and report on the property known as Second Point in Madison, Wisconsin. The street address is 1601 Lake Mendota Drive.

We have identified the highest and best use of the property as a mixture of intense development of about five acres with three condominium towers and dedication of the remaining 12 acres to the University or other public body for preservation. This scenario is the best compromise in meeting the needs and goals of all concerned parties. Specifically, it will:

1. Add substantially to the property tax base thereby easing the tax burden on other Madison property owners,
2. Maximize funds available to the medical foundation heirs thereby furthering the charitable intentions of the deceased, and
3. Permanently preserve in a natural state the most sensitive portions of the site, namely the shoreline and lands adjoining University of Wisconsin property.

First Wisconsin National Bank of Madison, as Trustee is undoubtedly motivated, in the interests of the heirs, to pursue a solution along these lines in order to best fulfill the goals of the heirs and the community.

Because of the controversy likely to result over the marketing and development of the subject property, we believe that two uses in addition to the highest and best use might prevail. The three potential results are summarized below:

1. Without any political action required, the site is marketable as two single-family home lakeside estates. Our report estimates the sale proceeds under this scenario as \$840,000 as of November 1, 1986.

Mr. R. Christian Davis  
Page Two  
December 15, 1986

2. With some political maneuvering and delay, the property could be sold for preservation and park land at prices comparable to other public shoreland purchases on Lake Mendota. Our report estimates the sale proceeds under this scenario as \$960,000 as of November 1, 1986.
3. The most fitting use explained earlier in this letter yields estimated sale proceeds of \$1,490,000 as of November 1, 1986.

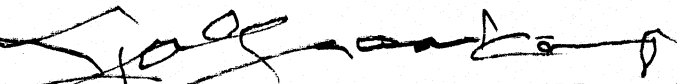
After consideration of the uncertainty of these three alternative outcomes, it is the opinion of the appraiser that most weight should be placed on the single-family home scenario so that the central tendency of value, referred to as Fair Market Value of the subject property as of November 1, 1986, subject to assumptions and limiting conditions presented in the attached report, is:

ONE MILLION THIRTY FIVE THOUSAND DOLLARS

(\$1,035,000)

We are pleased to have been of service and remain available to answer any specific questions you may have regarding this report.

FOR LANDMARK RESEARCH, INC.,



James A. Graaskamp, Ph.D., SREA, CRE  
Urban Land Economist



Paul J. Gleason  
Real Estate Appraiser/Analyst

Enclosures

elm

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## I. PURPOSE OF THE APPRAISAL

### A. The Appraisal Problem

The issue for which this appraisal is sought is to estimate the most probable price which can be obtained for a unique property with significant argument for natural preservation when the Trustee of the estate is expected to maximize the sale dollars available for medical research to be funded by the inheritance. The appraiser must be sensitive to the duties of the fiduciary to advance the interests of the heirs and the eleemosynary intent of medical research. The appraiser must also be cognizant of the fact that highest and best use must respect community goals, plans, and needs for fiscal balance. The appraiser cannot fail to see the latent demand for lakeshore property close to the University and downtown Madison with unique solar, view, and privacy characteristics. The critical issue is determining a highest and best use for the site compatible with all of the above virtues in conflict, with careful argument to persuade and protect the various viewpoints involved. This appraisal was authorized by Mr. R. Christian Davis, Trust Officer for the First Wisconsin National Bank of Madison. First Wisconsin is the Personal Representative of the Estate of Reginald H. Jackson, Jr., Deceased, the titleholder of the property.

The subject is a parcel of real property consisting of about 16.85 acres located in the City of Madison, County of Dane, Wisconsin. The property is mostly wooded and undeveloped with the exception of one large older home, one smaller older cottage, and several accessory structures. It has about 1,538

feet of shoreline on the south shore of Lake Mendota, is surrounded by University of Wisconsin lands, and is within two miles of the main University of Wisconsin campus and four miles of the State Capitol and downtown Madison. (See Exhibit I-1.)

Because of the sensitivity of this shoreline area, a large portion of this report will focus on the regulatory process involved in achieving higher zoning for the property. A buyer's ability to work with the regulatory process in achieving a use higher than that allowed by current agricultural zoning will significantly affect the price he is willing to pay for the property.

B. Identification of the Subject Property and  
the Legal Interest Appraised

1. Subject Property

The subject of this appraisal is a parcel of land known as Second Point in Madison, Wisconsin. The street address is 1601 Lake Mendota Drive. The parcel number and the most recent property tax information are as follows:

Parcel Number	0709-160-0205-2
1985 Assessed Value: (unchanged for 1986)	
Land	\$255,400
Improvements	<u>81,100</u>
Total	\$336,500
1985 Mill Rate	<u>.0263591</u>
1985 Real Property Taxes	\$8,869.85
	=====

Appendix A contains a Report of Title prepared by Dane County Title Company. The Report of Title includes the recorded legal description of the property.

EXHIBIT I-1

LOCATION MAP

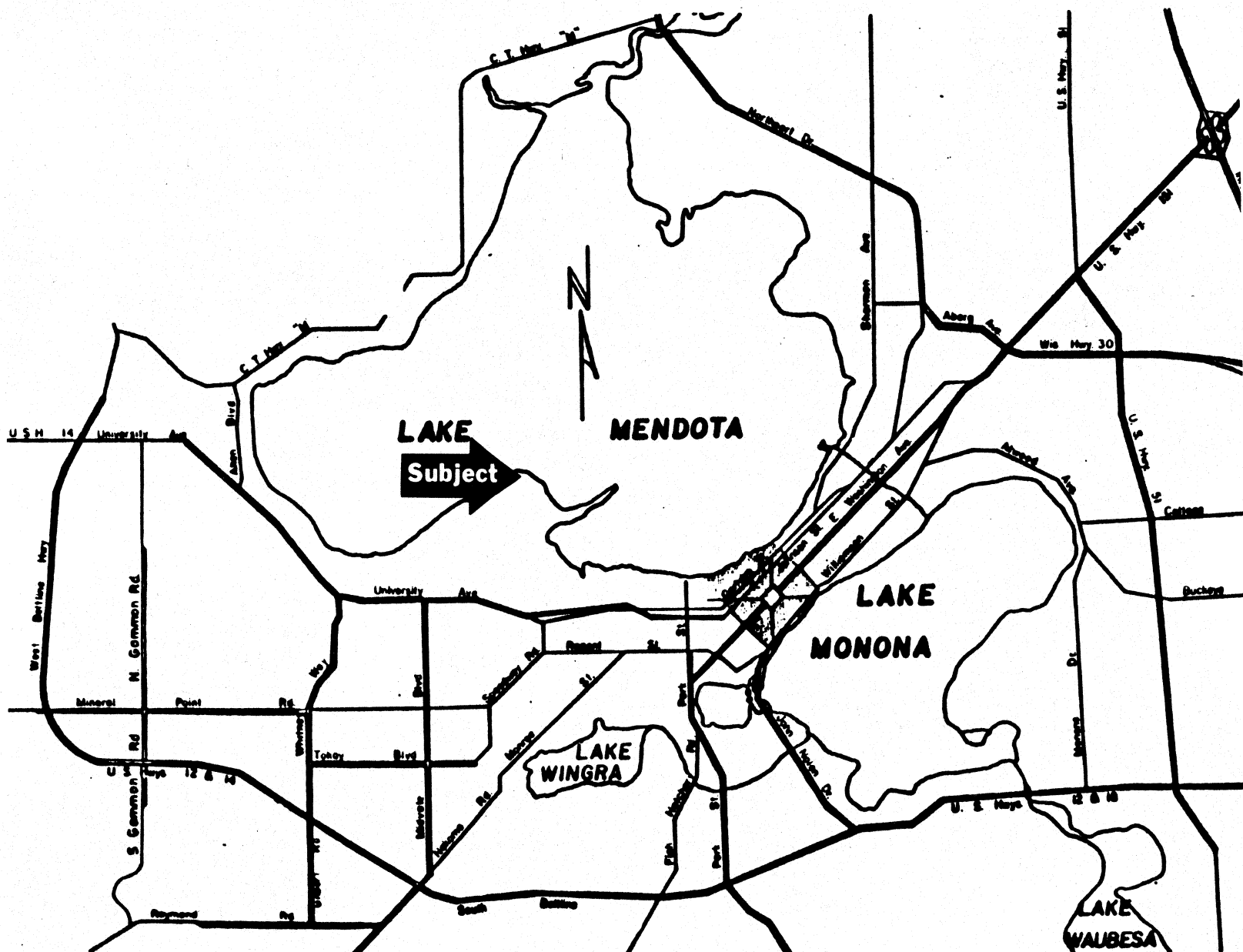


Exhibit I-2 is a Base Map of the property prepared by Mead and Hunt, Inc., Consulting Engineers, for purposes of the appraisal. The Base Map contains the surveyed dimensions of the property as well as the locations of the Lake Mendota Drive right-of-way on the western border of the parcel, existing one-lane drives on the property, existing structures, and the soil borings done by Soils and Engineering Services, Inc., Consulting Civil Engineers. These features will be discussed at greater length later in this report. The subject is zoned agricultural under the City of Madison Zoning Code.

## 2. Legal Interest Appraised

The legal interest appraised is that of fee simple title in the land and real property improvements situated on the land. This appraisal specifically excludes any items of personal property located in any of the structures or elsewhere on the property. The appraisal assumes that the property is unencumbered by liens, mortgages, easements, or other interests unless specifically noted. No legal opinion on title to the property was either made or provided, however, the Report of Title contained in Appendix A did not disclose any encumbrances on title to the property.

### C. Date of Appraisal

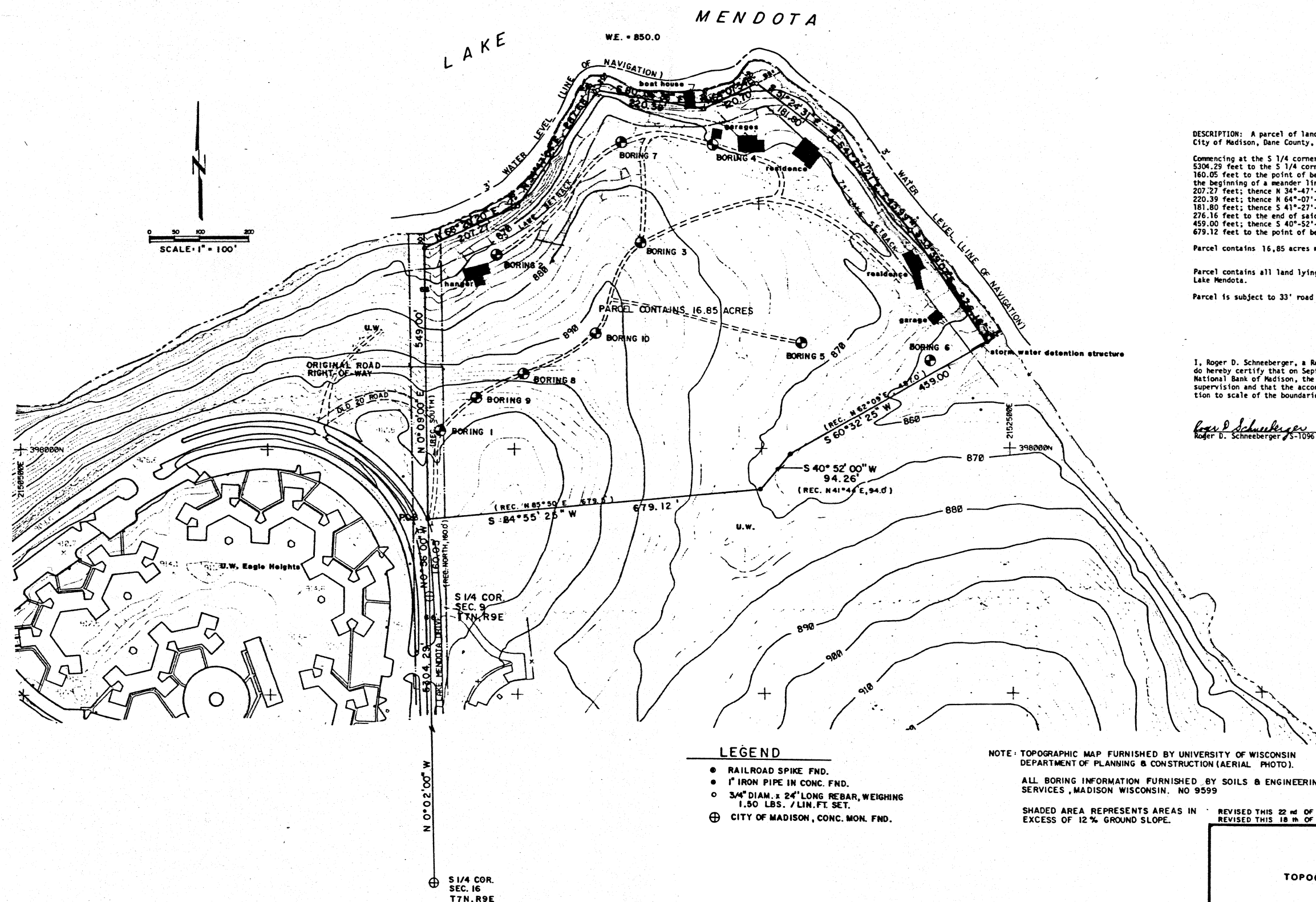
This appraisal is made as of November 1, 1986, and the analysis and conclusions are applicable to that date. The most recent inspection of the property was made on November 5, 1986.

### D. Definition of Value

The definition of market value used in this appraisal is as follows:

Fair Market Value is defined as the most probable price in cash, terms equivalent to cash, or in other precisely revealed terms, for

EXHIBIT I-2  
BASE MAP



DESCRIPTION: A parcel of land located in part of fractional Section 9, T7N, R9E, City of Madison, Dane County, Wisconsin, more fully described as follows:

Commencing at the S 1/4 corner of Section 16, T7N, R9E, thence N 0°-02'-00" W, 5304.29 feet to the S 1/4 corner of said Section 9; thence N 0°-56'-00" W, 160.05 feet to the point of beginning; thence N 0°-09'-00" E, 549.00 feet to the beginning of a meander line along Lake Mendota; thence N 65°-20'-20" E, 207.27 feet; thence N 34°-47'-04" E, 287.68 feet; thence S 80°-06'-33" E, 220.39 feet; thence N 64°-07'-54" E, 120.70 feet; thence S 51°-24'-31" E, 181.80 feet; thence S 41°-27'-27" E, 243.99 feet; thence S 33°-39'-07" E, 276.16 feet to the end of said meander line; thence S 60°-32'-25" W, 459.00 feet; thence S 40°-52'-00" W, 94.26 feet; thence S 84°-55'-25" W, 679.12 feet to the point of beginning.

Parcel contains 16.85 acres more or less, including road right-of-way

Parcel contains all land lying between said meander line and shore line of Lake Mendota.

Parcel is subject to 33' road right-of-way along westerly boundary.

I, Roger D. Schneeberger, a Registered Land Surveyor of the State of Wisconsin, do hereby certify that on September 4, 1986, at the request of First Wisconsin National Bank of Madison, the above-described property was surveyed under my supervision and that the accompanying map is a correctly-dimensioned representation to scale of the boundaries.

*Roger D. Schneeberger*  
Roger D. Schneeberger S-1096



LEGEND

- RAILROAD SPIKE FND.
- 1" IRON PIPE IN CONC. FND.
- 3/4" DIAM. x 24" LONG REBAR, WEIGHING 1.50 LBS. / LIN. FT. SET.
- ⊕ CITY OF MADISON, CONC. MON. FND.

NOTE: TOPOGRAPHIC MAP FURNISHED BY UNIVERSITY OF WISCONSIN DEPARTMENT OF PLANNING & CONSTRUCTION (AERIAL PHOTO).

ALL BORING INFORMATION FURNISHED BY SOILS & ENGINEERING SERVICES, MADISON WISCONSIN, NO 9599

SHADED AREA REPRESENTS AREAS IN EXCESS OF 12% GROUND SLOPE.

REVISED THIS 22<sup>ND</sup> OF OCTOBER, 1986  
REVISED THIS 18<sup>TH</sup> OF SEPTEMBER, 1986

BASE MAP

TOPOGRAPHIC MAP AND BOUNDARY  
OF DR. JACKSON ESTATE

CLIENT: FIRST WISCONSIN NATIONAL BANK OF MADISON  
MR. R. CHRISTIAN DAVIS, TRUST OFFICER  
C/O KENNETH K. CLARK, AICP

DATE: SEPTEMBER 4, 1986

DRAWN: DRP  
CHECKED: RDS  
APPROVED: LCB

MEAD AND HUNT, INC.  
CONSULTING ENGINEERS  
MADISON, WISCONSIN

A7598  
JOB NO. F94-86A

which the appraised property will sell in a competitive market under all conditions requisite to fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self-interest, and assuming that neither is under undue duress.

Fundamental assumptions and conditions presumed in this definition [1] are:

1. Buyer and seller are motivated by self-interest.
2. Buyer and seller are well informed and are acting prudently.
3. The property is exposed for a reasonable time on the open market.
4. Payment is made in cash, its equivalent, or in specified financing terms.
5. Specified financing, if any, may be the financing actually in place or on terms generally available for the property type in its locale on the effective appraisal date.
6. The effect, if any, on the amount of market value of atypical financing, services, or fees shall be clearly and precisely revealed in the appraisal report.

E. Statement of General Assumptions and  
Limiting Conditions

This appraisal is made subject to and is conditioned upon the following General Assumptions and Limiting Conditions.

1. Contributions of Other Professionals

- . Preliminary data was assembled by Madison professionals including Kenneth K. Clark, Planning and Development Consultant; Dane County Title Company; Soils and Engineering Services, Inc., Consulting Civil Engineers; Mead and Hunt, Inc., Consulting Engineers; and Preservation Services, Inc., architectural historians. Information furnished by these and others in the report, while believed to be reliable, is in no sense guaranteed by the appraiser.
- . The appraiser assumes no responsibility for legal matters.

---

[1] American Institute of Real Estate Appraisers, The Appraisal of Real Estate, Eighth Edition, Chicago, IL, 1983, p. 33.

- . All information furnished regarding property for sale or rent, financing, or projections of income and expenses is from sources deemed reliable. No warranty or representation is made regarding the accuracy thereof, and it is submitted subject to errors, omissions, change of price, rental or other conditions, prior sale, lease, financing, or withdrawal without notice.

## 2. Facts and Forecasts Under Conditions of Uncertainty

- . The comparable sales data relied upon in the appraisal is believed to be from reliable sources. Though all the comparables were examined, it was not possible to inspect them all in detail. The value conclusions are subject to the accuracy of said data.
- . Forecasts of the effective demand for space are based upon the best available data concerning the market, but are projected under conditions of uncertainty.
- . Engineering analyses of the subject property were neither provided for use nor made as a part of this appraisal contract. Any representation as to the suitability of the property for uses suggested in this analysis is therefore based only on a rudimentary investigation by the appraiser and the value conclusions are subject to said limitations.
- . Since the projected mathematical models are based on estimates and assumptions, which are inherently subject to uncertainty and variation depending upon evolving events, we do not represent them as results that will actually be achieved.
- . Sketches in the report are included to assist the reader in visualizing the property. These drawings are for illustrative purposes only and do not represent an actual survey of the property.

## 3. Controls on Use of Appraisal

- . Values for various components of the subject parcel as contained within the report are valid only when making a summation and are not to be used independently for any purpose and must be considered invalid if so used.
- . Possession of the report or any copy thereof does not carry with it the right of publication nor may the same be used for any other purpose by anyone without the previous written consent of the appraiser or the applicant and, in any event, only in its entirety.

- . Neither all nor any part of the contents of the report shall be conveyed to the public through advertising, public relations, news, sales, or other media without the written consent and approval of the author, particularly regarding the valuation conclusions and the identity of the appraiser, of the firm with which he is connected, or any of his associates.
- . The report shall not be used in the client's reports or financial statements or in any documents filed with any governmental agency, unless: (1) prior to making any such reference in any report or statement or any document filed with the Securities and Exchange Commission or other governmental agency, the appraiser is allowed to review the text of such reference to determine the accuracy and adequacy of such reference to the appraisal report prepared by the appraiser; (2) in the appraiser's opinion the proposed reference is not untrue or misleading in light of the circumstances under which it is made; and (3) written permission has been obtained by the client from the appraiser for these uses.
- . The appraiser shall not be required to give testimony or to attend any governmental hearing regarding the subject matter of this appraisal without agreement as to additional compensation and without sufficient notice to allow adequate preparation.



## II. DESCRIPTION AND ANALYSIS OF THE SUBJECT PROPERTY

### A. Physical Attributes of the Site

#### 1. Description

The subject site contains approximately 16.85 acres (733,986 square feet) bordered on the northwest, north, and northeast by Lake Mendota for 1,537.99 feet and on the west for 549.00 feet and the south and southeast for 1,232.38 feet by undeveloped University of Wisconsin lands. The property to the southwest across Lake Mendota Drive is the University-owned Eagle Heights housing development. This facility is for family housing only and priority is given to graduate student families. Eagle Heights also contains a number of units reserved for faculty and staff new to the Madison area.

Several features of the site make it highly desirable to a subsequent owner. First, it is a heavily-wooded and secluded haven in the middle of a highly developed urban area. It is one of the last such areas in private ownership in close proximity to the University and downtown areas. Second, its location on a point of land gives it a high ratio of shoreline to land area making it even more desirable to a subsequent owner.

The combination of these factors should make it a highly desirable parcel to individuals looking for a unique personal estate or to developers looking for an unusual and potentially profitable development opportunity. Because it is surrounded by University lands, the University of Wisconsin must also be considered a potential buyer. Exhibit II-1 contains selected photographs of the subject site.

EXHIBIT II-1  
PHOTOS OF THE SUBJECT SITE



Entrance to site from Lake Mendota Drive.



View of Eagle Heights Apartments across Lake Mendota Drive from entrance.



EXHIBIT II-1 (Continued)



Stone gate about 200 feet from Lake Mendota Drive.  
The old Lake Mendota Drive turned left at this point.



Looking east along south property line.



EXHIBIT II-1 (Continued)



Runoff retaining structure on south property line at the lake.

EXHIBIT II-1 (Continued)



Looking northeast from back yard of cottage.



EXHIBIT II-1 (Continued)



Looking down bank in back yard of cottage.

EXHIBIT II-1 (Continued)



Looking southwest from front door of cottage.



EXHIBIT II-1 (Continued)



Looking northeast from back yard of house in early fall.



Looking northeast from back yard of house in late fall.

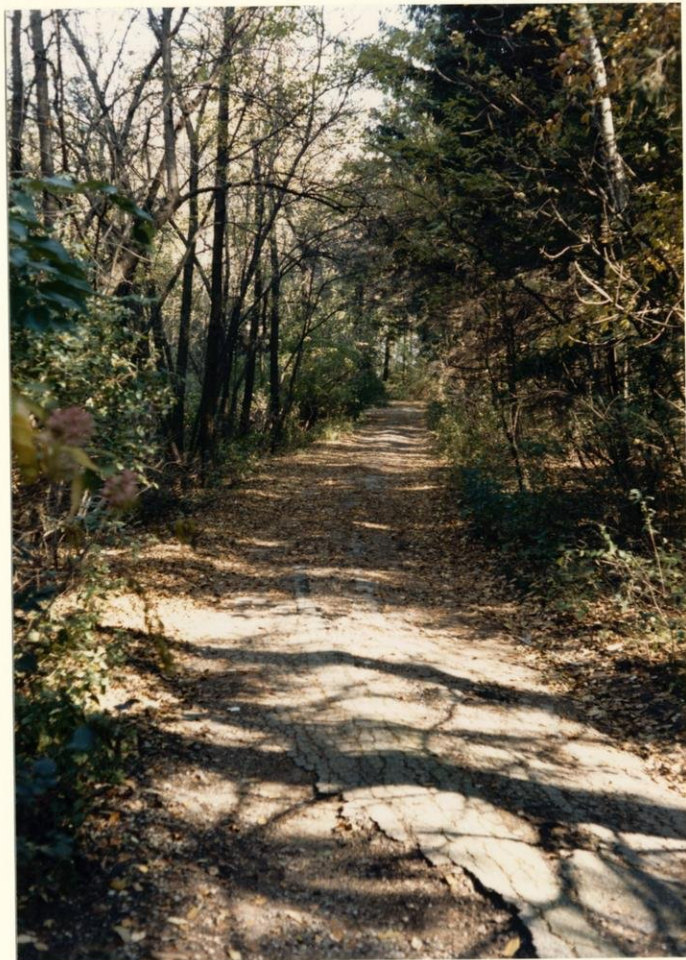


EXHIBIT II-1 (Continued)



Looking east through pines in center of property.

EXHIBIT II-1 (Continued)



Looking down driveway toward house and cottage.

## 2. Drainage and Topography

The site generally slopes downward from the entrance at Lake Mendota Drive at the southwest corner of the property to the lakeshore on the north and northeast property lines. Based on the topographic information displayed on the Base Map (Exhibit I-2) the high point is slightly east of the southwest corner at an elevation of about 915 feet. The lakeshore elevation is at about 858 feet for an overall drop of about 57 feet.

The greatest slope generally occurs in the southwest section immediately after entering the property, leveling to a more gentle slope in the east and northeast sections of the subject. The exception is in the area along the short western boundary (549 feet) where the slope averages about 10 percent. The area close to the shoreline is very steep in the entire western half of the property and moderately steep on the balance of the property. The slope makes access to the waterline difficult at best and near impossible in some locations.

The constant slope would seem to minimize drainage problems. A slight rise splits the property from southwest to northeast and thereby spreads out rainwater runoff, minimizing its potential for concentration into a small area. Careful placement of roads and buildings for any development on the property should easily eliminate any potential drainage problems. A dike and concrete retaining wall have been constructed near the shoreline at the southeast corner of the property, apparently to funnel runoff into the lake and prevent it from reaching University property to the south.

## 3. Soils

As part of their investigation into the property, Mead and Hunt, Inc., engaged the services of Soils and Engineering Services, Inc., Consulting Civil



Engineers, to perform preliminary soils exploration and testing on the subject property. The report issued by Soils and Engineering Services, Inc., is reproduced in full as Appendix B to this appraisal.

The purpose of their investigation was to obtain information concerning the area subsoil and bedrock conditions. The investigation consisted of performing 10 test borings on various parts of the property and evaluating results of the borings and soil samples obtained. A map of boring locations is included in Appendix B as are the results of each boring. The locations are also shown on the Base Map in Exhibit I-2.

The reader should refer to Appendix B for a more comprehensive discussion of the test results. Generally, however, the tests revealed no serious road blocks to future development.

Groundwater was absent in all borings except Boring 6 (located near the shoreline in the southeast corner of the property), indicating that this should not present a serious problem for development. Although groundwater could be a problem for development near the lake, other restrictions discussed later would probably prevent any development activity within 75 feet of the shoreline anyway.

Auger refusal by the bedrock was at depths in excess of 10 feet in all borings except Borings 8 and 9. These borings were located on the entrance road in the higher southwest corner of the property. Because construction in this area would probably consist only of road and trail development, this shallow bedrock should not be a serious problem. Borings elsewhere on the property indicate that bedrock depth is generally sufficient for normal development of footings and foundations.

Appendix B should be reviewed in detail by those interested in the specific results and recommendations from the study. The general conclusion is however, that with proper planning and preparation, the site will generally be suitable for the types of development contemplated by this report.

#### 4. Sanitary Sewer

Although the subject property is in the City of Madison, it is not now served by the Madison Metropolitan Sewerage District (MMSD). Although the use of private septic systems is adequate for the current use, more intensive uses might require hook-up to public sanitary sewer. Mead and Hunt, Inc., was asked to research this area and provide a cost estimate for connection to the Madison Metropolitan Sewerage District system. Copies of their original correspondence dated September 17, 1986, and supplemental correspondence dated October 16, 1986, and October 28, 1986, are attached as Appendix C.

Mead and Hunt, Inc., concluded that the owner of the property would not be allowed to connect to the University sewer system across Lake Mendota Drive without permission. Current University policy prohibits private users from connecting to their system. Although a request could be made, it presumably would be denied.

The alternative is to extend the sewer line south along Lake Mendota Drive and west along University Bay Drive to the nearest MMSD line. The distance is approximately 3,500 feet. Mead and Hunt, Inc., estimates the cost of this alternative at \$134,500. The owner would be responsible for this cost. If permission can be obtained to connect to the University system, the cost is estimated at \$34,500. Additionally, the on-site cost for providing sanitary sewer to development on the site is estimated at \$98,500.

## 5. Municipal Water Service

The existing single-family homes on the property each have a private well to supply water needs. As with sanitary sewer, more intense uses of the subject property would necessitate hook-up to the city water system. Mead and Hunt, Inc., reviewed this problem and their comments are also contained in Appendix C.

The Madison Water Utility operates a pump station on University property south of the subject and east of Lake Mendota Drive. A 20-inch water main runs south from the pump station. To reach the subject property a water line would have to be run west from the pump station to the Lake Mendota Drive right-of-way and then north to the property line. This would require an easement over University property between the pump station and the right-of-way. Clark Solowicz of Mead and Hunt, Inc., was told by Mr. Richard Zach of the University of Wisconsin Department of Planning and Construction that this easement would be granted.

Mead and Hunt, Inc., has estimated the cost of constructing a water line from the pump station to the property line at \$12,000. A letter from Mr. Robert P. Fuller at the City of Madison Water Utility estimated the cost at \$17,000. A copy of the letter is also included in Appendix C. These estimates assume that the necessary easement is granted without cost.

## 6. Utilities

Electric service is currently provided to the property by Madison Gas and Electric (MG&E). MG&E will also provide natural gas service to the property if requested. A gas line currently connects the pump station south of the subject with the Eagle Heights project west of Lake Mendota Drive. This line appears

to be about 300 feet from the southwest corner of the subject and could probably be extended north to the subject.

Charges for connection to the property line are \$7.75 per foot less a credit of \$1,100 per dwelling unit served. The first 85 feet on-site are free with a charge of \$2.00 per foot thereafter. Hook-up to existing buildings would require a satisfactory energy audit by MG&E. An easement over University property could be required if MG&E decided to connect directly to a line in Eagle Heights.

Although the University has no legal basis other than that of a contiguous land owner for interfering in a change in land use, it can be expected that University officials will try to achieve open space without purchase or by purchase at depressed prices by withholding access to sewer, water, and gas easements.

#### 7. Access

The property is surrounded on all sides by Lake Mendota or University-owned lands. Its sole point of public access is from Lake Mendota Drive at the southwest corner of the property. Currently a one-lane drive enters the property at that point. Lake Mendota Drive, where it borders the subject, has one traffic lane in each direction. The traffic lanes are separated by a grass median. Traffic is generally local in nature from people visiting University facilities or people taking the scenic route through the campus and the Village of Shorewood Hills.

There is a median cut at the entrance to allow traffic to enter and exit the site in either direction. Although access could be a problem for high-traffic-volume uses, the appraiser does not believe the uses contemplated

by this appraisal would present such a problem.

A key question relating to any future use is the existence of a public right-of-way bordering the property. If Lake Mendota Drive is considered a private street, some use scenarios are restricted because they require bordering on a public right-of-way. Mead and Hunt, Inc., did extensive research to satisfy themselves as to the existence of a public right-of-way. Their explanation of their findings is also contained in Appendix C.

The conclusion of their research is that the public right-of-way for Lake Mendota Drive did and still does extend along the west property line to the shoreline giving the property 549 feet of right-of-way frontage. They found no recorded vacation of this public right-of-way.

Prior to reconstruction, Lake Mendota Drive extended about 200 feet along what is now the driveway to the property, then made a sharp left turn at the existing stone gate. This stone gate formerly marked the property entrance. At the time of construction of Eagle Heights, this curve was rounded off and about 200 feet of the former street was converted to driveway for the subject property. Nevertheless, Mead and Hunt, Inc., concludes that public right-of-way still exists along the entire 549-foot western boundary to the lakeshore.

#### B. Site Linkages

Lake Mendota Drive is the only street linkage of the site. It makes approximately a 90 degree curve to the west at the entrance to the site. To the west it parallels the shore of Lake Mendota and enters the Village of Shorewood Hills. Shorewood Hills is a small, hilly, wooded residential area on the shores of Lake Mendota. It is generally perceived as a very desirable residential location, particularly for those who work in the University or



downtown areas. Access to the commercial and employment centers of Middleton and west and southwest Madison is difficult at best in this direction.

The nearest main thoroughfare to the site is University Avenue, located about 1.2 miles south of the subject via University Bay Drive. It leads to the City of Middleton to the west and to Madison's downtown and Capitol area about four miles to the east. Once on University Avenue, Madison's southwest and southeast sides can be reached from Mineral Point Road, Odana Road, or the Beltline Highway via Midvale Boulevard, a main north/south route.

The strongest linkage of the subject site is its proximity to the University of Wisconsin campus and facilities. Many people who are not aware of its private ownership probably assume that it is also a part of the campus. Langdon Street at the far eastern edge of the campus is about 2.7 miles from the site via University Bay Drive and Observatory Drive. Therefore, the entire campus is within walking or bicycling distance, a plus for students, faculty, or employees at a school where parking is a scarce and expensive commodity.

In summary, the site has particularly strong linkages to the University and downtown employment centers as well as the cultural and entertainment facilities nearby. Street linkages to the rest of the Madison area are adequate. Bus service is available at the property entrance on Lake Mendota Drive with connections to the entire Madison area. Exhibit II-2 is a street map of the campus and downtown areas.

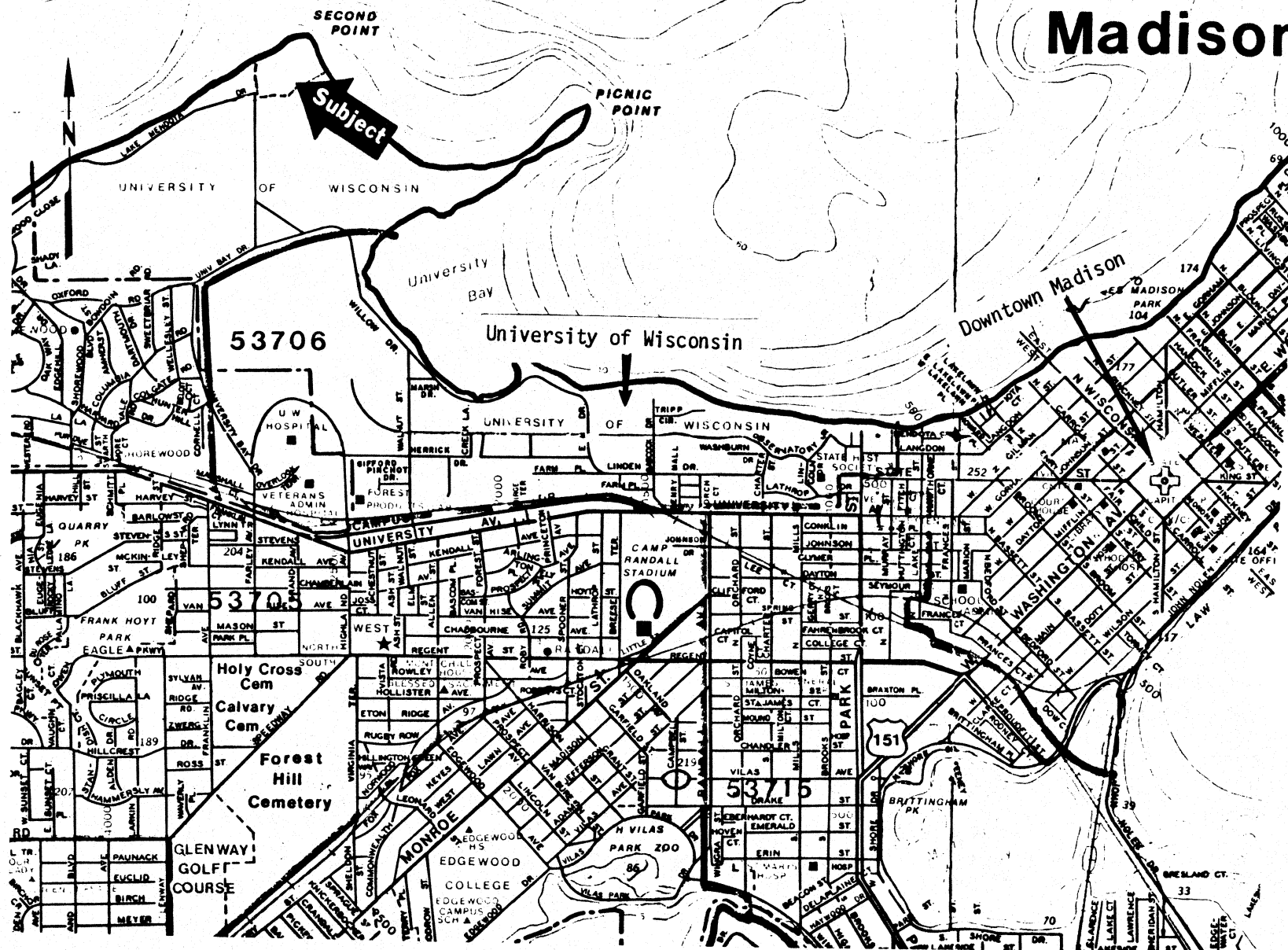
### C. Site Dynamics

The subject site has the potential for being marketed as an exclusive and highly desirable location. Several factors contribute to this potential. First, the long shoreline adds greatly to the appeal of the site. Second, the wooded acreage surrounded by University-owned land creates a park-like setting. Third, the homes on Lake Mendota Drive and elsewhere in Shorewood

# Madison

CAMPUS AND DOWNTOWN MAP

EXHIBIT II-2



Hills lend an exclusive air to the area that carries over to the subject property. The site is perhaps the last significant shoreline development opportunity remaining in close proximity to the Madison Isthmus and, if properly zoned and then marketed, would generate a high level of competitive interest when placed on the market. However, the site dynamics include a well-established constituency for conservation, a precedent for compromise in the Voight case, and a constituency for protecting the Madison tax base from further encroachments by the University. In short, the site dynamics are dominated by a high political silhouette.

#### D. Existing Improvements

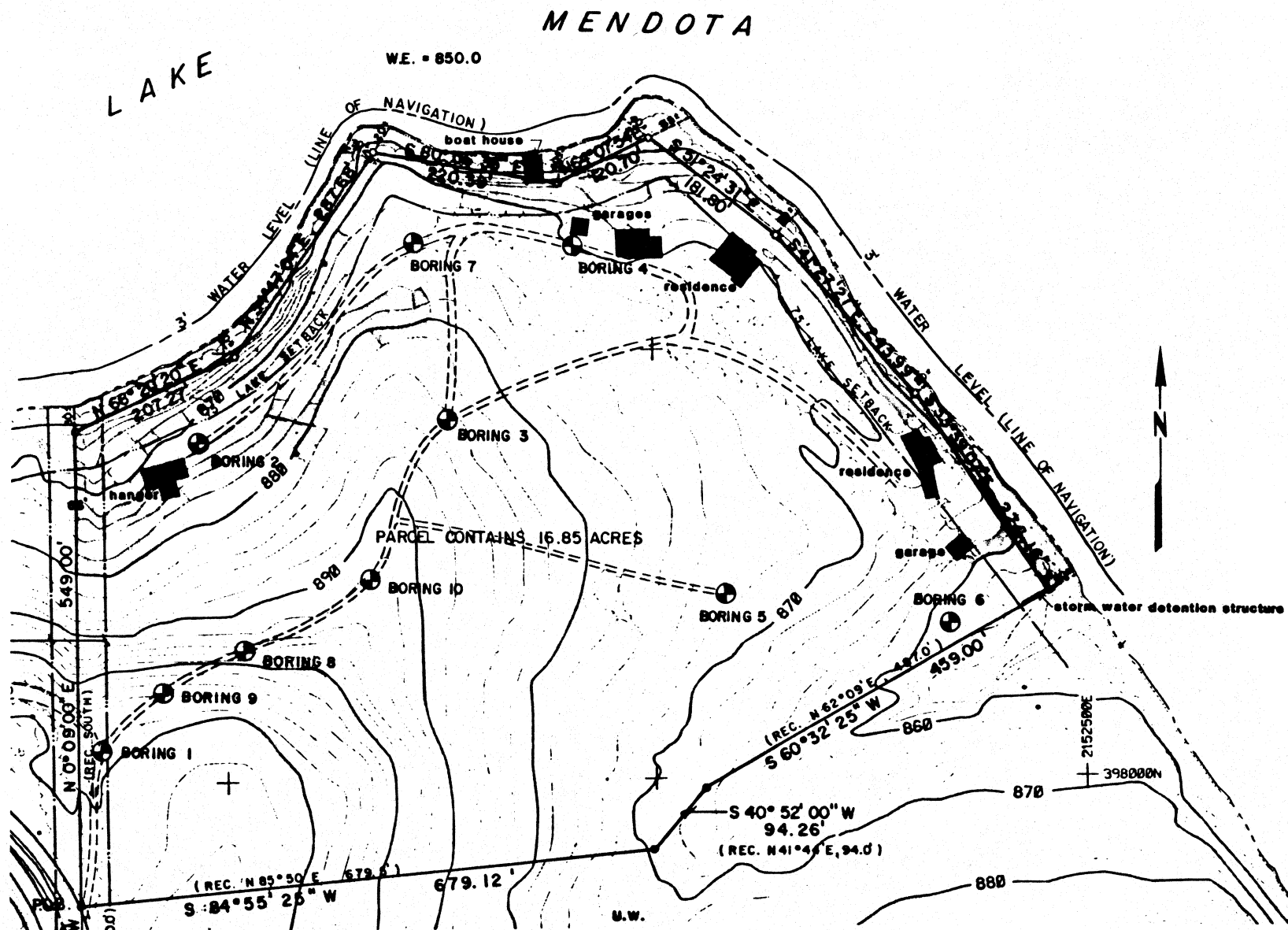
There are currently two houses and five accessory buildings on the subject property. The locations of each are shown on Exhibit II-3. The following discussion deals individually with each structure.

The main house that was occupied by Dr. Jackson is located in the north central portion of the subject site and faces the lakeshore in a northeasterly direction. Although it sits approximately 100 feet from the lakeshore, the dense growth of trees and brush at the shore limits the view considerably. Selective clearing of brush and trees would greatly enhance the view.

The house itself is a large two-story older home that appears to be of normal frame construction with cedar shake siding. The front door opens into a large entry foyer. To the right are two bedrooms with a shared bath between them. Straight ahead are french doors leading to a large screen porch facing the lake. Left of the entry, french doors open into the dining area and a large living room with fireplace. French doors also open onto the porch from the living room. The kitchen, a large pantry, and a small screen porch are located left of the dining area in the west corner of the main level.

EXHIBIT 11-3

LOCATION OF EXISTING STRUCTURES



The second floor contains five bedrooms, three baths, and numerous closets. It has apparently not been used in some years. When viewed by the appraiser, insulation had been spread on the floors to retain heat in the lower level. Exhibit II-4 contains floor plans of the main house. Exhibit II-5 contains photos of the main house and the other structures on the subject property. The main house contains about 3,750 total square feet. There is only a small basement area.

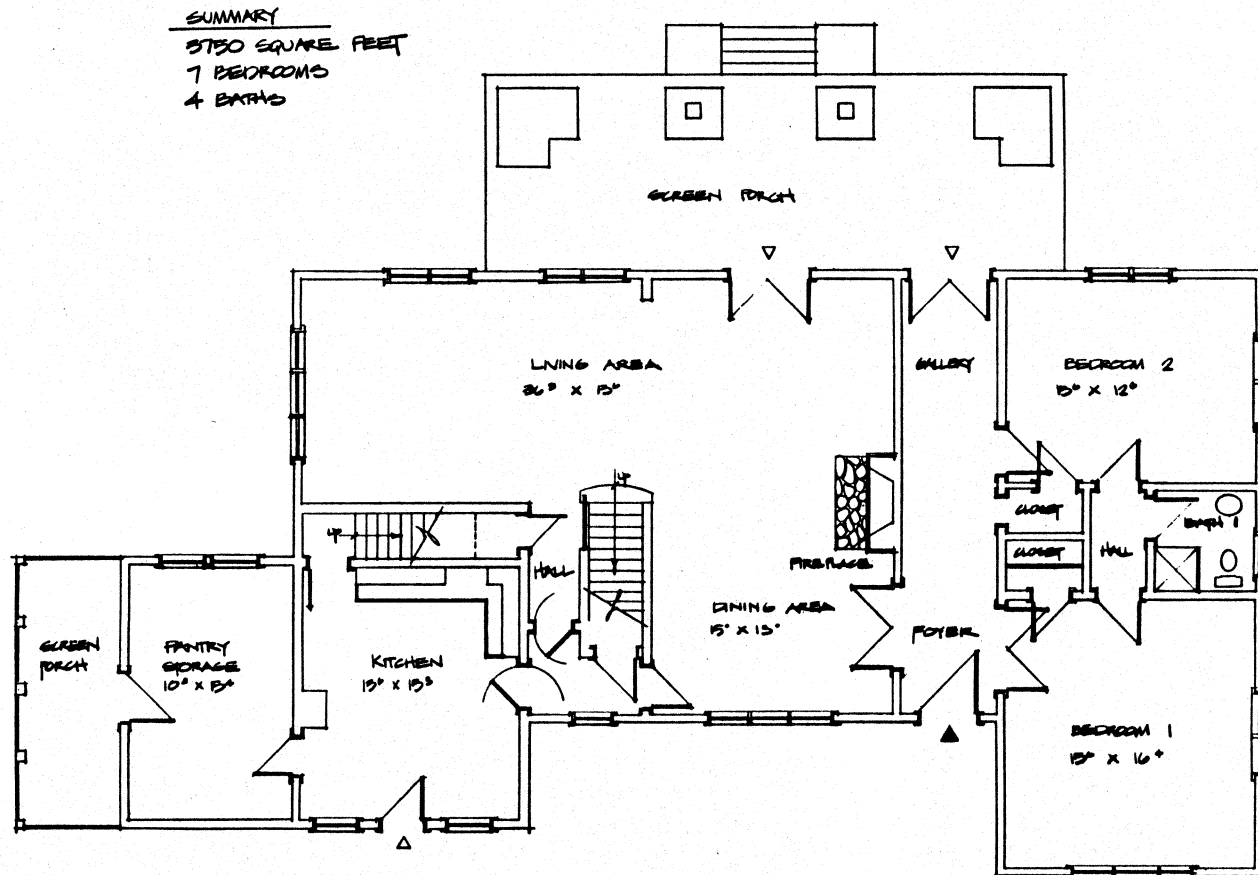
The second structure is a smaller cottage. It is located about 400 feet southeast of the main house and looks out over the lake to the northeast. Most of the structure is located within 75 feet of the shoreline and is therefore a nonconforming use.

Until recently the cottage was occupied by a tenant of long standing. The tenant has stated that the cottage had been built as a summer home only and has no insulation. However, it has been used as a year-round residence for some years with the aid of a wood stove. Its long narrow design gives maximum exposure to the lake views and winter winds; it is inefficient to heat.

Exhibit II-6 is a floor plan of the cottage. The cottage is a single story and contains three bedrooms, one and one half baths, a kitchen, small pantry, and a large living room at the center. The living room has a high cathedral ceiling. A large screen porch faces the lake off the living room and a smaller one is off the bedroom at the southeast end of the structure. The total area is about 1,390 square feet. There is a small basement for mechanicals and limited storage. Photos of the cottage are also contained in Exhibit II-5.

No detailed structural review of either building has been completed or is planned, however, the appraiser is not aware of any major structural problems

EXHIBIT II-4  
FLOOR PLANS OF THE MAIN HOUSE

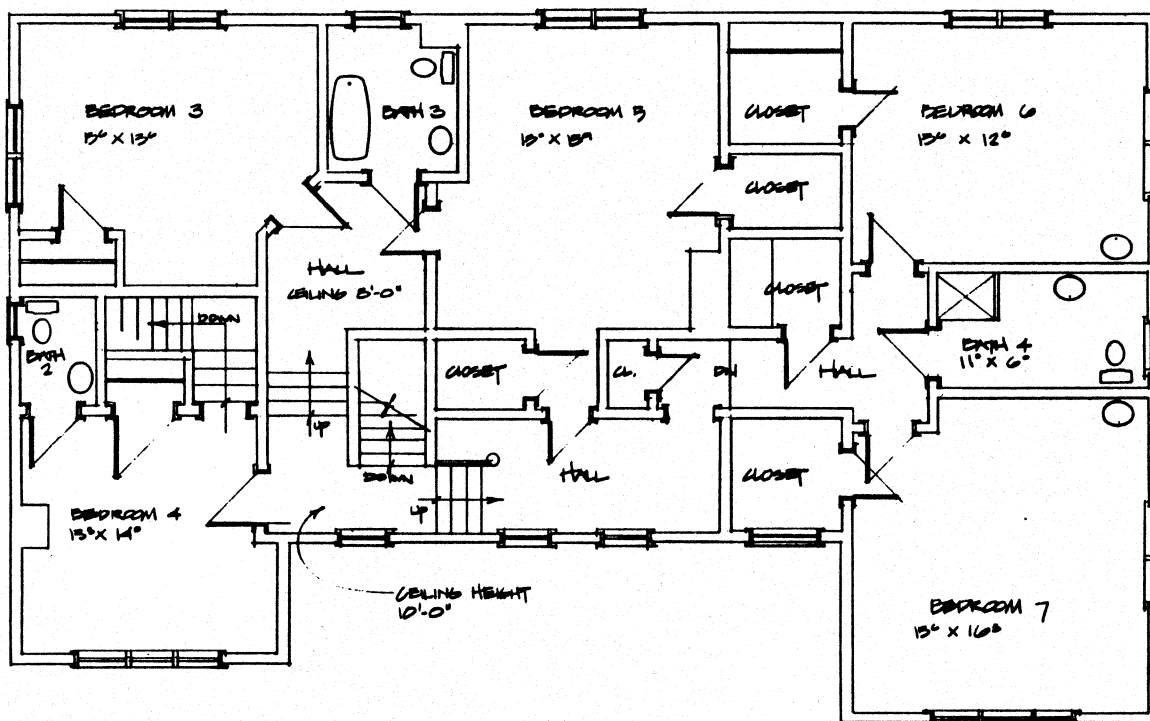


DR. R. JACKSON'S SUMMER HOME  
1601 LAKE MENDOTA DRIVE  
MADISON WI.

FIRST FLOOR PLAN  
1/4" = 1'-0"  
1950 SQ. FT. (+ PORCHES)  
SHEET 1 OF



EXHIBIT II-4 (Continued)



DR. R. JACKSON'S SUMMER HOME  
1601 LAKE MENOTA DRIVE  
MADISON, WI.

SECOND FLOOR PLAN  
1/4" = 1'-0"  
1800 SQ. FT.  
SHEET 2 OF





EXHIBIT II-5

PHOTOS OF STRUCTURES ON SUBJECT PROPERTY



Front view of house.



Porch and rear view of house.



EXHIBIT II-5 (Continued)



Porch on northwest end of house.

EXHIBIT II-5 (Continued)



Looking toward rear porch from front entrance of house.

EXHIBIT II-5 (Continued)



Stone fireplace in living room of house.



Kitchen of house.



EXHIBIT II-5 (Continued)



Looking into living room of house.

EXHIBIT II-5 (Continued)



Primary stairway of house--dining room to left, kitchen to right.



EXHIBIT II-5 (Continued)



Bedroom on second floor of house.



Front of cottage from west.



EXHIBIT II-5 (Continued)



Looking west toward side and rear of cottage.



Stone fireplace in living room of cottage.



EXHIBIT II-5 (Continued)



Base for woodburning stove in cottage. Porch is through french doors to left.



Two-car garage near cottage.



EXHIBIT II-5 (Continued)

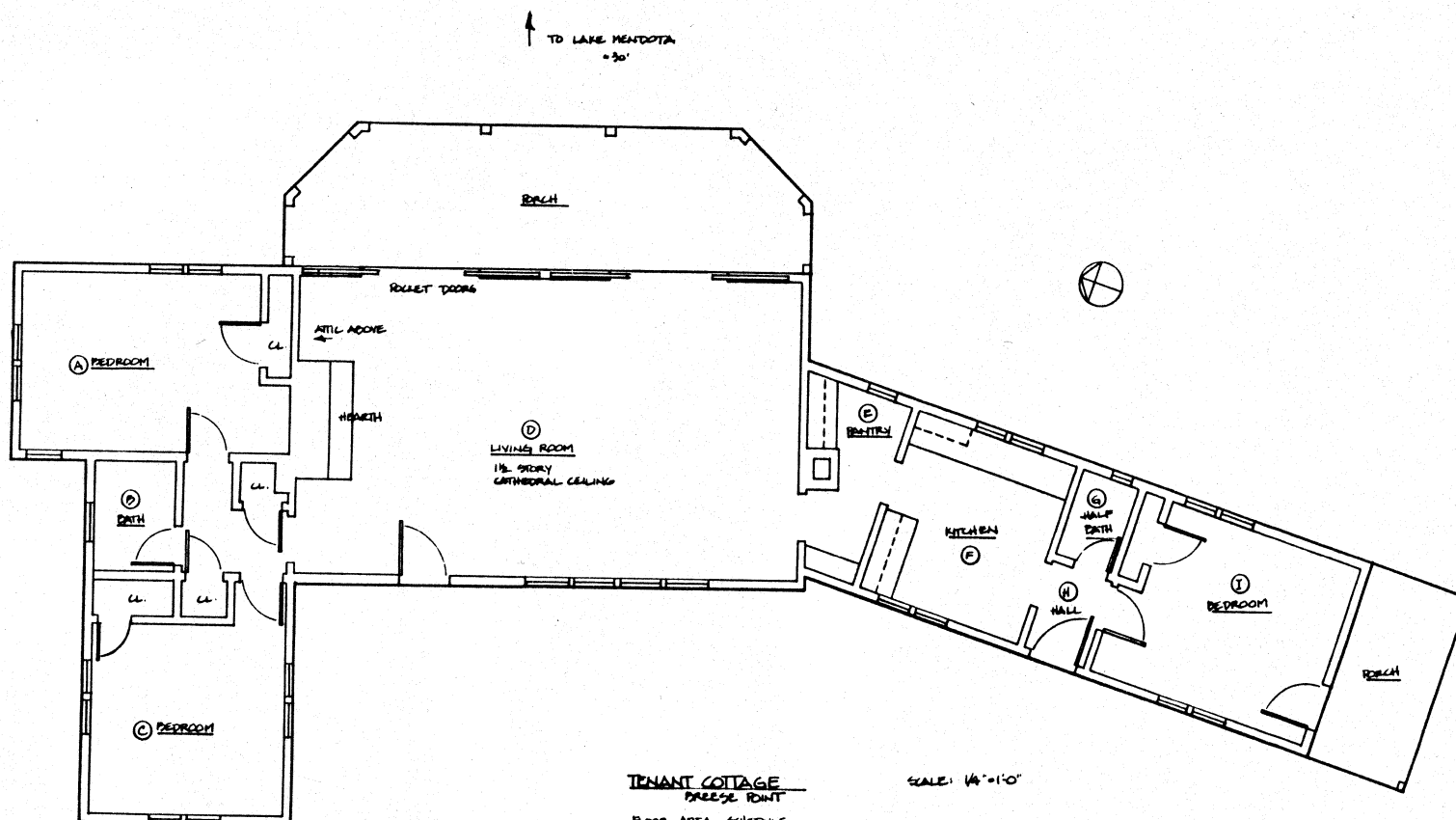


Four-car garage west of house. Collapsed two-car garage  
is in left corner.



Boathouse

EXHIBIT II-6  
FLOOR PLAN OF THE COTTAGE



TENANT COTTAGE  
DRESE POINT

FLOOR AREA SCHEDULE  
(APPROXIMATE)

A	160'	E	54'
B	20'	F	100'
C	145'	G	18'
D	310'	H	16'
		I	145'

TOTAL OVERALL FLOOR AREA  
(EXCEPT PORCHES)

1530'

SCALE: 1/4" = 1'-0"



**PRESERVATION SERVICES, INC.**  
An Alexander Company  
222 Regent Street, Madison, Wisconsin 53715

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with either house. The condition of both houses appears marginally liveable at this time. The locations of the homes are desirable because of their proximity to the shoreline. In the case of the cottage, which is less than 75 feet from the shore, a new structure could not be built there although the current structure can be occupied, renovated, and probably expanded. Although the roofs of both structures appear in fair condition, a plan of major renovation would probably include their replacement. The pantry floor in the main house has sunk considerably and needs rebuilding.

Anyone with the financial means to buy one or both homes for continued use as single-family residences would likely also have the means and desire to substantially renovate and improve the homes. This would include reinsulation and new electrical, plumbing, heating, and air conditioning systems. Renovation costs will greatly exceed the value of the improvements as is. The bulk of the value of the subject property is in the land and not the existing improvements. Because of size, quality, and inefficient design, a buyer might consider tearing down the cottage to build a new home, but only remodeling would permit the house to continue encroaching upon the lakeshore setback corridor.

Both houses currently are served by Madison Gas and Electric with electric service and could receive natural gas service if desired. Both furnaces are oil-burning. Hot water heaters are fueled by LP gas.

Appendix D is the report of Mead and Hunt, Inc., on the well and septic systems. Each house has its own well and septic system. They recommend that both septic systems be replaced. Regarding the wells, well water tested from the main house proved to be unsafe. The water sample from the cottage was bacteriologically safe and could continue to be used. However, a purchaser of either property who was investing substantial money in renovation would want to



seriously consider replacement of both systems as a long-term improvement.

Aside from the two residences, five additional structures in various states of disrepair occupy the property. All are pictured in Exhibit II-5.

The first is a two-car garage near the cottage in the southeast corner of the site. Although run down, it appears useable and is currently occupied by an old car and other miscellaneous items.

The second is a four-car garage located about 50 feet west of the main house. It is currently used as storage for several older cars. With renovation it might be salvaged for continued use. Attached to the west and rear of this structure are several rooms that apparently were once used as living quarters. They are extremely dilapidated and should probably be destroyed. Just west of this structure is another two-car garage that is partially collapsed and should be removed.

Several hundred feet west of the main house and on the shoreline is a boathouse formerly used by Dr. Jackson for boat storage. Mead and Hunt, Inc., has examined the boathouse and their letter of recommendation is contained in Appendix E. It is their opinion that, due to deterioration of the foundation, electrical system, and exterior portions of the roof structure, the boathouse should be destroyed at an estimated cost of \$5,000. If an owner particularly wished to renovate and retain this non-conforming shoreline use, the cost of doing so is estimated at \$25,000.

The last structure is a T-shaped metal shed located on the west end of the property about 100 feet from the shoreline. It was originally used as a seaplane hanger with the plane being hauled into the hanger with a winch on a railing system. The hanger is now completely collapsed and should be removed as a safety hazard.

### III. REGULATORY ENVIRONMENT AND CONTROLS

Use of the subject property, either in its current form as two single-family home sites or in a modified form, could be subject to opposition and control from a variety of sources. First, several land use plans adopted by the University of Wisconsin, City of Madison, and Dane County mention the subject property and the intent of public bodies for its future use. Second, use of the property will likely require some type of approval or permit from governmental bodies. To some degree, the intent stated in the land use plans previously mentioned will influence decisions on these approvals or permits.

Third, private conservation groups and the University (because they own all surrounding land) can be expected to oppose some, if not all, development scenarios for the property. Although they lack actual authority over the property, these groups could withhold cooperation for utility easements or could bring pressure to bear on those bodies that will make decisions with respect to its use.

These potential difficulties are discussed in a report to the appraiser prepared by Kenneth K. Clark, Planning and Development Consultant. His report is attached in Appendix F and should be reviewed thoroughly by the reader. Following is a summary of information presented in his report.

#### A. Applicable Land Use Plans

Land use plans dealing with the subject property have come from three sources--the University of Wisconsin, the City of Madison, and Dane County. University of Wisconsin plans mentioning the property are the 1980 Campus

Development Plan and the June 1984 Campus Development Plan--Ten-Year Plan. The 1980 plan proposes that the University "acquire or support the dedication of the 15-acre Jackson parcel on Second Point as a natural preserve". The 1984 plan repeats the earlier designation as "natural preserve". It also maps the subject property among "properties to be considered for acquisition by the UW-Madison". To the appraiser's knowledge, the University has not actively pursued acquisition since Dr. Jackson's death.

The City has dealt with the property in its Land Use Plan for Madison, Wisconsin, dated November 1983 and its 1984 Parks and Open Space Plan. Both are considered part of the Master Plan for the City of Madison.

The 1983 plan classifies the property into the Special Institutional District. This classification is apparently due to the prior ownership by the University of the surrounding lands and the stated intent of the University to acquire the Jackson property. The 1984 plan, prepared by the City of Madison Parks Division, mapped the property as "having potential for preservation".

Dane County has addressed the property in its 1984 report titled Environmental Corridors and the 1985 Regional Development Guide for Dane County. The 1984 report by the Dane County Regional Planning Commission has also been adopted by Dane County and the City of Madison. The property is mapped within an Environmental Corridor and designated as "Proposed Conservancy Lands". Designation as an Environmental Corridor severely restricts development of the property. Extension of public sanitary sewer for new uses within an Environmental Corridor is prohibited. Properties so designated are intended "to remain generally open and undeveloped". Most development scenarios would require removal of a part of the property from the Environmental Corridor. This process will be discussed later.

The Regional Development Guide affirmed the designation of the subject property as being part of an Environmental Corridor. The City of Madison endorsed the guide in March 1986. However, it should be noted that only the University has publicly considered acquisition.

Except for the designation of the property as being within an Environmental corridor, these plans and reports are not significant for actual restrictions that are placed on use of the subject property. Rather, they are significant for the intent expressed by the public bodies involved. When seeking the approval of City and County regulatory bodies for a particular use scenario, the regulatory body involved is likely to review adopted plans and guides in effect to see if a proposed new use fits within the recommended uses for the site. If it does not, the case to be made for the proposed new use must be strong in order to override the intent of the approved land use plans.

## B. Limitations on Development

### 1. Zoning

The subject property is currently zoned an agriculture district under the City of Madison Zoning Code. The applicable text of the zoning code is contained in Appendix F at pages L.4. to L.6. of the Attachments. The Statement of Purpose for the agriculture district is as follows:

The agriculture district is established to preserve, in agricultural uses, lands suited to future urban development pending proper timing and economical provisions of public utilities and community facilities to ensure compact and orderly land use development. Change of zoning from agriculture to any other zoning district shall be made only when compatible with the comprehensive plan.

Some of the uses permitted in the agriculture district are single-family detached dwellings, churches, convents, monasteries, parks, and schools. Conditional uses in the agriculture district include outdoor recreational



premises. A conditional use permit for the agriculture or any other zoning district can be granted by the City Plan Commission.

Any use other than permitted and conditional uses in the agriculture district would require rezoning of the property. Rezoning would have to be approved by both the City Plan Commission and Common Council. Several of the development scenarios considered in this appraisal would require rezoning of the subject property. The planned unit development district and the R1 single-family residence district are the alternatives considered in this appraisal. Appendix G contains the applicable portions of the zoning code.

In the planned unit development district there are no predetermined permitted or conditional uses, or other predetermined arbitrary restrictions. Rather, the developer must submit a general development plan and later a specific implementation plan for approval by the City. All aspects of a development in a planned unit development district are subject to negotiation by either party. This process is intended to:

encourage and promote improved environmental and aesthetic design in the City of Madison by allowing for greater freedom, imagination and flexibility in the development of land while insuring substantial compliance to the basic intent of the zoning code and the general plan for community development.

The R1 single-family residence district is established primarily to house low-density residential areas. Single-family detached dwellings, churches, fire stations, golf courses, libraries, parks, and schools are among the permitted uses.

Aside from obtaining the necessary zoning or conditional use permit for a proposed use, the zoning code further requires a separate conditional use permit for waterfront development. The applicable text of the zoning code is contained in Appendix F at pages L.1. to L.3. of the attachments. The permit

is required before issuance of a building permit for any new development of a waterfront or shoreland zoning lot. Any building development for habitation under a waterfront permit would require public sanitary sewer. A waterfront development conditional use permit would not be necessary for renovation of the existing structures but would be necessary for additions exceeding 500 square feet and located on the water side..

## 2. Environmental Corridors

The subject property is currently entirely within the boundaries of an Environmental Corridor, as designated by the Dane County Regional Planning Commission and adopted by the Madison Common Council. The primary significance of this designation is that the extension of sanitary sewer facilities for new uses within a corridor is prohibited. Therefore, new uses that require sanitary sewer would necessitate removal of part of the property from the corridor.

Removal from the corridor of that portion of the subject site more than 75 feet from the lakeshore and having a continuous slope to the lakeshore of less than 12 percent would be considered a "minor change". (See Appendix F, Attachment E.) Minor changes require a recommendation from the Dane County Regional Planning Commission and approval by the Madison Common Council. Removal of part of the property from the corridor, thus facilitating some development of the site, should be achievable according to Mr. William Lane of the Dane County Regional Planning Commission.

## 3. Regulation of Land Division

Division of the subject parcel could take place in two forms. The first is a division by certified survey involving four or fewer new parcels. The

second is a subdivision plat creating more than four new parcels or lots. The City has great latitude in determining the suitability of a parcel for division and the requirements to be met.

A division by certified survey must be approved by the Plan Commission. Additionally, if streets are dedicated to the City as part of the division, they must be accepted by the Common Council. In the case of a subdivision plat, Dane County and the Wisconsin Department of Natural Resources must also approve the division. An exception to the need for approval is the creation of less than five parcels for the purpose of transfer by will or court order. Division by court order generally presumes a transfer of assets to the heirs. In this case, maximum cash on sale, the preference of the heirs, may require a court approved division to protect the inheritance from unconscionable waste through political obstruction.

#### 4. Sewer and Water Service

Many potential uses would require extension of sanitary sewer and water services to the site. Extensions of service must be approved by the Common Council through their acceptance of a recommendation by the Madison Board of Public Works. Although this is a potential sticking point, it should be routine if other approvals are received including easements from the University, which is well-represented on the Common Council.

#### 5. Regulation of Boat Mooring Facilities

Piers that are anchored to the shoreline and extend beyond the line of navigation (defined as a three foot water depth) require a public hearing and approval of the Department of Natural Resources. Dusk to dawn lighting is required on piers longer than 149 feet. The text of the regulations are contained in Appendix F, Attachment N. The City does not have regulations

applicable to boat mooring facilities.

C. Opposition from Other Sources

The appraiser believes that the University of Wisconsin and private conservation groups will oppose development on the subject property or, at the least, will try to limit usage of the site. The very reasons that a developer would look favorably on the site as a development opportunity are likely to cause opposition from preservation groups.

The University of Wisconsin will probably want to minimize the impact of development on the site and might oppose additional development altogether. As we pointed out earlier, this is the last significant piece of property in private ownership that is bordered by University-owned property on all sides. We previously stated their intent that it be preserved in its natural state or acquired. If a professional developer develops the property the University will have lost perhaps their last opportunity to acquire the parcel and complete their ownership in the western campus area.

Therefore, the appraiser believes that the University is a potential buyer for the project. At the very least, they will attempt to block any additional improvements to the property, although leaving it in private hands. Alternatively, they could attempt to buy the property before it goes on the market or compete with other buyers for it. Because of the financial resources that may be available to the University through public funds and private contributions, they should be considered a significant player in determining the final use and ownership of the subject. However, University budget problems may discourage the use of public funds or endowment as politically insensitive so that a compromise plan gifting the majority of the site to the University in exchange for a five acre PUD site and utility easements may be possible. The PUD site would need to have a significant cash advantage to the



heirs to justify the negotiation efforts of the Trustee.

Madison is known as a liberal city with strong opinions on environmental and preservation issues. Because the subject site contains a large amount of shoreline and undeveloped woods, any development proposal can be expected to provoke determined opposition from preservationist forces.

The case of a nearby parcel of land recently rezoned from Conservancy to R3 single-family and two-family residence district is illustrative of the problems and opportunities that might be encountered in development of the subject. The parcel in question is about 3.4 acres on Lake Mendota Drive west of the subject and just east of the Cove Condominiums. It has about 686 feet of shoreline. The City had turned down several requests for rezoning until the owner filed suit to force the issue. After review the City Attorney determined that the City would probably lose the lawsuit because the parcel had been taxed as though it had development value, even though Conservancy zoning precluded development. The City then agreed to a rezoning that would create three lots and allow three single-family homes or duplexes.

Only the threat that a judicial settlement would have resulted in more intense development induced the City to settle out of court. In addition, the rezoning was opposed by residents of the nearby Cove Condominiums and a representative of the Madison Audubon Society.

The parcel in question was already adjacent to a major condominium development. In the appraiser's opinion, the subject property is likely to be more controversial than this recent case.

The lot nearest the Cove was ultimately developed with a duplex. The two remaining parcels were reportedly purchased for \$250,000 (\$3.61 per square foot for 69,200 square feet) and \$148,000 (\$3.31 per square foot for 44,720 square

feet) by the Dane County Natural Heritage Foundation for preservation purposes. Thus, after failing to preserve the property in its natural state without the cost of acquisition, the Dane County Natural Heritage Foundation was willing to pay the value of development land in order to preserve the property. This scenario could be replayed in the case of the subject parcel.

#### IV. ALTERNATIVE USE SCENARIOS

##### A. Division Into Two Single-Family Home Sites Utilizing Existing Structures

The first scenario considered by the appraiser is division of the parcel into two parcels of approximately equal size for sale to buyers looking for an exclusive single-family home site. Wooded sites of this size with a location as advantageous as the subject's are nearly impossible to find in Madison.

The parcels could share a common access and driveway. Each parcel would contain one of the existing homes. It is assumed that the buyers would make use of those existing homes and substantially renovate them.

This scenario is probably the least complicated of those considered. Because the homes already exist as single-family dwellings, the regulatory obstructions to this scenario are minimal. A lot division would need to be approved by the City Plan Commission. Normally in the agriculture district, 300 feet of frontage on a public right-of-way is required for each lot; the reader should recall that Mead and Hunt, Inc., indicated 549 feet of public right-of-way exists on the western lot line where the driveway presently begins. This is 51 feet short of the 600 feet required for two lots. To avoid constructing and dedicating the necessary public road with damage to the natural habitat, the Zoning Board of Appeals can grant a variance permitting the division of a lot on which there are two principal detached buildings provided that each resulting lot abuts a public right-of-way for 25 feet. We assume that the division would be approved and the necessary variance granted.

No rezoning or conditional use permit would be required. Extensive renovations of the existing structures would not require the waterfront development conditional use permit. With respect to additions to the existing structures, a waterfront development conditional use permit is required if the addition is in excess of 500 square feet and is located on the water side of the existing building. Additions on the side opposite the shoreline presumably would not require the permit. Sanitary sewer could however, be extended to the existing homes if the owners desired without a change to the environmental corridor. Public sewer and water would not be required however. This division is illustrated in Appendix F at page P.1. of the Attachments.

We are not aware of any sales of single-family homesites with lake frontage in Madison and with five to ten acres of land. However, several sales of smaller building lots can be used as reference points in estimating potential selling prices.

Lots 1 and 2 of Certified Survey Map No. 3861 were sold to the Dane County Natural Heritage Foundation, Inc., in 1984 by Mr. Gerald Welch. These are the controversial lots discussed earlier that are west of the subject parcel. Lot 1 contained 69,200 square feet, had 233 feet of shoreline, and sold for \$250,000. Lot 2 contained 44,720 square feet, had 203 feet of shoreline, and sold for \$148,000. both were zoned for development of a single-family home or duplex. Both sloped steeply to the shoreline from Lake Mendota Drive on their southern boundaries providing excellent lake views. Although bought for conservation purposes, the prices paid reflect their value as prime, buildable parcels.

One of few vacant lots in Shorewood Hills was sold in 1984 from Mary Mack to Jerome and Joan Kuypers. It is located at 3306 Lake Mendota Drive, contains



13,000 square feet, and has 50 feet of frontage on the south shore of Lake Mendota. It slopes moderately to the lake and is less than one mile west of the subject. The selling price was \$97,500. The buyers have since built a single-family home on the site.

Another example is that of a 26,900 square foot lot having 110 feet of frontage on the east shore of Lake Mendota. It is located at 711 Farwell in the Village of Maple Bluff. It sold in 1981 from Heidi Kunsch to Peter and Carol Iwanowski for \$125,000. The same lot, still vacant, was sold again in October 1986 to Robert O'Loughlin, a local businessman, for \$155,000.

Though not directly comparable to the two homesites contemplated by this scenario, they are nevertheless indicative of the range of values that marks the floor for valuing the two sites. Seclusion, large wooded area, and much greater shoreline exposure are advantages that should make these sites considerably more valuable than those discussed above.

Exhibit IV-1 calculates potential sale value of the entire parcel under this scenario for purposes of ranking it against the other scenarios. First, sale prices are estimated for the two parcels. Although approximately equal in area, one will have much more shoreline because of the location of the existing homes. Therefore, the parcel containing the main house is estimated to sell for \$350,000 and that containing the cottage for \$300,000. To adjust for the existing house and cottage a minimal value of \$10 per square foot is added in recognition of their unique non-conforming locations near the shore, despite their need for total renovation. The total sale proceeds for comparison purposes under this scenario are estimated at \$700,000.

Exhibit IV-1 also contains some intuitive justification for this price. Even with substantial renovation of the existing structures and new

EXHIBIT IV-1

NET SALE VALUE FOR RANKING OF SCENARIO 1

Sale of lot with large house		
Land	\$350,000	
Building (3750 sf at \$10)	37,500	\$387,500
<hr/>		
Sale of lot with cottage		
Land	\$300,000	
Building (1390 sf at \$10)	13,900	313,900
<hr/>		
Total sale proceeds		\$701,400
		=====
Round to		\$700,000
		=====

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INTUITIVE JUSTIFICATION FOR SALE PROCEEDS

	LARGE HOUSE	COTTAGE
<hr/>		
Sale price	\$387,500	\$313,900
Renovation of existing structures at \$65 per square foot	243,750	90,350
New construction of 2,500 square feet at \$75 per square foot		187,500
<hr/>		
Total dollars invested in personal estate	\$631,250	\$591,750
=====		

construction, a buyer at the prices suggested could have an eight-acre private estate with lakeshore and a home approaching 4,000 square feet for approximately \$600,000.

As a point of reference, two estates with acreage and lakeshore sold in 1984 and 1985 in the Fox Bluff area of the Town of Westport for 700,000 to 800,000. Though differences exist in size and condition of residence, acreage, and outbuildings present, these sales indicate that there is a market for single-family homes in this price range.

The first such sale was located at 4101 County Highway M and sold November 7, 1984, for \$701,400 from Roy T. Haase to Jay L. and Patricia H. Smith. The property has about 25 acres and 600 feet of frontage on the lake. Improvements include a house of about 5,400 square feet, pool, garage, guest house (about 1,700 square feet), and barn.

The second was located at 4201 County Highway M and sold February 5, 1985, for \$800,000 from the Roman Catholic Diocese of Madison to the Jason Dane Companies, Inc. It has about 26 acres and 600 feet of lake frontage. It was improved with a home of about 5,700 square feet and a two-car garage. It was bought for assemblage of land in connection with a proposed golf course.

Finally, a home at 303 Lakewood Boulevard in the Village of Maple Bluff sold on about October 1, 1986, for \$690,000. The sellers were Douglas and Norma Madsen and the buyers were John and Mary Frautschi. The site contained 4.49 acres and about 275 feet of lakefront. It was improved with a renovated single-family home of 6,140 square feet and a small storage shed.

#### B. Three-Lot Division by Certified Survey

The second scenario considered by the appraiser is division of the parcel into three single-family lots through approval of a certified survey of the

site. Due to location of the existing structures a two-lot division results in a disproportionate allocation of shoreline to the two lots. A three-lot division, with two lots containing the existing homes and the third occupying the western section of the site, more efficiently uses the available shoreline and the five-acre minimum lot size permitted in an agricultural district.

Rezoning would not be required because the area and other requirements of the Agriculture District could still be met. A waterfront development conditional use permit would be required for development of a home on the third lot. Public sanitary sewer would be required to serve the third lot unless waived by the Plan Commission. If not waived, the cost of extending sanitary sewer to serve only one home could entirely negate any financial advantage that the three-lot division has over two lots. If the sanitary sewer requirement was not waived a change to the environmental corridor would also be needed. If waived, the soils are apparently suitable for an absorption field and a permit would be needed from the County Sanitarian. A licensed well-digger could drill the required well without city approval.

Approval by the Plan Commission and Common Council of the certified survey would be required. Also, construction and dedication of about 600 feet of public street would be needed in order to meet the 300-foot frontage requirement per lot in the Agriculture District. It is assumed a septic system would be permitted on the vacant lot to avoid the \$134,000 cost for sewer extension. This division is illustrated in Appendix F at page P.2.(a) of the Attachments.

Exhibit IV-2 calculates net sale value under this scenario for ranking purposes. The procedure is similar to that followed for Scenario 1. The vacant lot is priced higher than the others because of its greater shoreline, even though all have approximately the same acreage. Deduction is made for



## EXHIBIT IV-2

## NET SALE VALUE FOR RANKING OF SCENARIO 2

Sale of lot with large house		
Land	\$250,000	
Building (3750 sf at \$10)	37,500	\$287,500
	-----	
Sale of lot with cottage		
Land	\$250,000	
Building (1390 sf at \$10)	13,900	263,900
	-----	
Sale of vacant lot		
Land		300,000
		-----
Total sale proceeds		\$851,400
Additional legal costs to achieve division		(50,000)
Cost of public road improvements (600 feet at \$200/ft.)		(120,000)
		-----
Net sale proceeds		\$681,400
		=====
Round to		\$680,000
		=====

Assumes requirement for public sanitary sewer service to vacant lot is waived.

legal costs to achieve the division and for costs of the public road improvements.

The net sale proceeds for comparison purposes under this scenario are estimated at \$680,000, assuming the requirement for public sanitary sewer to serve the new development on the vacant lot is waived. The large cost of providing sanitary sewer service (discussed previously) would reduce the net sale proceeds further.

### C. Private Park

The third scenario considered is a private park. Parks are permitted uses in the Agriculture District, therefore no rezoning is required. Many recreational uses would be permitted however the thrust of this scenario is a boat mooring facility. The existing homes could be used for office, restrooms, storage, and caretaker facilities, alleviating the need for a waterfront development permit and change to the environmental corridor. No variances or lot division approvals would be needed. Extension of sanitary sewer and water services would also not be needed.

The illustration of this scenario on page P.3. of the Attachments to Appendix F shows tennis courts and mooring facilities for 300 boats. Maximum capacity using the entire shoreline is about 450 boats on piers extending no more than 149 feet from shore. The Department of Natural Resources would have to approve the piers after a public hearing.

Exhibit IV-3 shows the calculation of land sale proceeds (residual value to land) if the maximum density of 450 slips were chosen. It also assumes that no investment is made in the tennis facilities and instead maximum open space is maintained. The only site improvements are the roadway, parking areas, and dock facilities.

## EXHIBIT IV-3

## NET SALE VALUE FOR RANKING OF SCENARIO 3

Slip rental (450 slips at \$750 per year)		\$337,500
Gross margin on sale of gas and other items ((\$300 per slip at a 20% margin))		27,000
Total revenue		<u>364,500</u>
Expenses		
Manager (\$2,500 per month for 12 months)	\$30,000	
Labor	20,000	
Management fee (5% of total revenue)	18,225	
Annual maintenance	50,000	
Property taxes	15,000	
Other (5% of total revenue)	18,225	151,450
Net operating income		<u>213,050</u>
Improvements cost		
Docks at \$1,800 per slip	\$810,000	
Roads and parking (3,000 lineal feet at \$100 per foot)	300,000	
Building improvements and other	100,000	1,210,000
Debt service with 2.0 debt cover ratio		<u>106,525</u>
Justified debt at 11%, 15 years	781,023	
Improvements funded from equity	<u>428,977</u>	
Cash flow to equity		<u>\$106,525</u>
Capitalized value of cash flow to equity at 15%		\$710,167
Less: Improvements funded from equity		<u>428,977</u>
Land sale proceeds		<u>\$281,190</u>
Round to		<u>\$280,000</u>

Slip rental is assumed to be \$750 per year. This is a significant premium over the \$600 range charged by Mazanet Marina and Skipper Bud's (formerly Russell Marina). However, due to location and shortage of slip space, it might be achievable. Some additional revenue from sale of gas and sundry items is also assumed. After estimated expenses, net operating income is \$213,050.

Capital improvements for docks, roads and parking, and building improvements are estimated at \$1,210,000. A 2.0 debt cover ratio is assumed to determine the debt justified. The cash flow to equity is capitalized at 15 percent to determine total equity. Improvements, funded from equity are then deducted from total equity to determine land sale proceeds. The land sale proceeds under this scenario for comparison purposes are estimated at \$280,000.

This scenario has the advantage of disrupting a relatively small portion of the site. The only new construction is the roads and parking areas. It would also allow use by a relatively large share of the population while keeping the property on the tax rolls. Use would be concentrated during the boating season.

The primary disadvantage is the visibility of the boat docks covering approximately one-third mile of Lake Mendota shoreline. This could cause considerable pressure on the Department of Natural Resources to withhold approval of the project. Protection of boats from the west and north winds could also be a major problem for this scenario. It should also be noted that 450 boat slips were assumed in this scenario in order to maximize residual land value; no assurance can be given that a market exists for that number of slips. The actual number of slips justified by market demand could be considerably less.



#### D. Church

A church is a permitted use in the agriculture district. The scenario illustrated on page P.4. of the Attachments to Appendix F is a high-density facility that includes a 57,000 square foot church/assembly facility, housing for retreats and conferences, substantial parking, day camping facilities, and boat mooring. It would require a waterfront development conditional use permit, sanitary sewer and water service and consequently an environmental corridor change, and approval of the Department of Natural Resources if piers were included. The St. Benedict Center and Yahara Center are examples of this type of facility.

Due to the small number of such facilities, we were unable to locate market evidence of land prices for this type of facility. It is logical however, that a buyer for this type of use would pay no more than the highest price justified by a for-profit enterprise. The location of both St. Benedict Center and Yahara Center in outlying parts of the Madison area might indicate that these facilities prefer to locate where land costs are less. Surplus church facilities in Dane and Rock Counties make construction of another retreat unlikely.

#### E. Outdoor Recreational Premise

Outdoor recreational premises are conditional uses within the agriculture district. The Zoning Administrator has refused to issue an opinion on whether he would classify the private park scenario as a park and thus a permitted use under current zoning. If he classified the use as an outdoor recreational premise, the owner would be required to obtain a conditional use permit granted by the City Plan Commission.

The effect of this classification on the private park scenario would be that additional costs would be incurred and some element of doubt as to ultimate approval would exist. The land value of the private park scenario, if classed as an outdoor recreational premise, will be less than under the park classification because of this risk.

A second possibility is for a more intensive recreational facility. In addition to facilities described in the private park scenario, the development could include a large clubhouse with restaurant, bar, and meeting space, marine service and storage, swimming pool, tennis courts, and jogging/hiking/skiing trails. Page P.5. of the Attachments to Appendix F illustrates such a facility.

A significant portion of the site could still remain undisturbed, though not as much as under the less intense private park use. Traffic would be a greater consideration also, as the greater variety of facilities would generate more traffic on a year-round basis.

In addition to the conditional use permit and Department of Natural Resources approval of piers discussed previously, additional permits and approvals would be needed for this more intense use. A waterfront development conditional use permit would be needed for the construction. Sanitary sewer and public water service would be required to serve the expanded facilities. This would necessitate a change to the environmental corridor.

The variety of approvals needed would provide ample opportunity for opponents to such a use to block the project. One way to minimize opposition might be to affiliate the project with the University, perhaps as a faculty club.

Exhibit IV-4 shows the logic for the comparative ranking of this fifth scenario. We assume that 750 members or patrons contribute through fees and

EXHIBIT IV-4

NET SALE VALUE FOR RANKING OF SCENARIO 5

Land sale proceeds determined in Exhibit IV-3 for the Private Park scenario	\$280,000
Additional revenue allocable to land assuming 750 members/patrons contribute a net/net \$100 annually in member fees/charges	\$75,000
	=====
Capitalized value of additional income to land at 20%	375,000
Land sale proceeds	-----
	\$655,000
	=====
Round to	\$655,000
	=====

charges of \$100 each toward supporting the additional land value justified by the more intense usage. The resulting land sale proceeds for ranking purposes is estimated at \$655,000.

F. Multi-Family Residential Development

This sixth scenario has three alternatives differing in density, building type, and ownership. Each would require a variety of permits, approvals, and services.

Rezoning to a Planned Unit Development District would require approval of the City Plan Commission, and Madison Common Council. Appendix G contains the requirements of this district. A strip of land 100 feet wide on the southern boundary and 67 feet wide on the west would remain in the agriculture district, buffering the neighboring University lands from activity on the subject site and preventing further development. This prevents the University as an adjoining or opposite landowner from being able to file a verified petition in opposition to the rezoning. Such a petition would force a three quarters vote of the Common Council to approve rezoning rather than a simple majority. The Plan Commission would also need to grant a waterfront development conditional use permit. A minor change to the environmental corridor would be needed so that sanitary sewer and city water service could be extended to the site. A boat slip for each residential unit could also be included with appropriate approval by the Department of Natural Resources.

The value of the property to the beneficiaries would be maximized if the First Wisconsin National Bank of Madison as Personal Representative of the Estate rezoned the property prior to sale to a developer. The Personal Representative might also be more successful in this undertaking than an individual developer because of the charitable intent. We therefore assume that the Estate, pursuant to an agreement with a chosen buyer would proceed to



rezone the property prior to sale. The Estate would pay approval costs. After rezoning was approved, the Estate would sell the property at a price reflecting the value of the zoning achieved.

The first alternative is for 128 garden-type units in 16 eight-unit two-story buildings. In keeping with the quality of the site, the units would be large (1,150 to 1,300 square feet) and probably in the \$700 to \$850 rent range. A swimming pool would be included on site. This is about the same density as the Eagle Heights project to the southwest. Page P.6.(a) of the Attachments to Appendix F illustrates this scenario.

In addition to the buffer strip on the west and south, no new buildings are located closer than 180 feet from the shoreline. Except for the buffer strips however, the site is fully utilized. Underground and outdoor parking provides 2.25 parking stalls per unit.

Exhibit IV-5 illustrates the logic for the comparative ranking of Scenario 6a. Apartment land is usually priced on per-unit basis. Two new apartment projects on Madison's west side are known to be near the rent range of the units in this scenario. Land for the Monticello Apartments, a 240-unit project at Sheboygan and Eau Claire Avenues, was acquired in 1984 for \$3,750 per unit, fully improved. The second project is the 90-unit Orchard Village project located on Raymond Road. Its land cost in 1985 was \$4,444 fully improved.

In recognition of the prime location and attractiveness of the subject site, we have chosen a generous value of \$6,000 per unit in a ready-to-build state. Deductions from this gross value are made for on-site and off-site costs for city water and sanitary sewer service in arriving at the sale price to a developer. This is further reduced by costs to achieve the rezoning, resulting in net sale proceeds of the land for ranking purposes of \$395,000 under the garden apartment scenario.

EXHIBIT IV-5

NET SALE VALUE FOR RANKING OF SCENARIO 6a

Value of land at \$6,000/unit for 128 units assumes sanitary sewer and water available	\$768,000
Sanitary sewer service costs (to property line)	(134,500)
Sanitary sewer service costs (on premises)	(98,500)
City water service costs (to property line)	(17,000)
City water service costs (on premises)	(25,000)
Total proceeds of sale to developer	493,000
Legal and other costs to achieve approval	(100,000)
Net sale proceeds	\$393,000
	=====
Round to	\$395,000
	=====

The second alternative (Scenario 6b) includes 42 duplex townhouse units in condominium ownership. Each would contain a two-car garage and over 2,000 square feet of finished living space. The same buffer strips as in the garden unit scenario are present here. The balance of the site is fully utilized. Page P.6.(b) of the Attachments to Appendix F illustrates this scenario.

Two similar high-priced projects known to the appraiser indicate a wide variance in raw land price per unit. Both sites were acquired in the early 1980s. A 55-unit site on Madison's west side had a per-unit price of about \$5,000. A slightly larger project in Middleton had a raw land cost of about \$13,000.

Exhibit IV-6 illustrates the logic for the ranking of Scenario 6b. Recognizing the advantages of the subject site, a high per-unit cost has been chosen at \$18,000, assuming utilities available at the property line. Deductions are made for costs of bringing sewer and water service to the property line. The sale price to a developer is further reduced by expected costs to rezone. The resulting net sale proceeds of land for ranking purposes is \$505,000 under the townhouse condominium scenario.

The third alternative (Scenario 6c) contemplates a condominium development of three eight-story buildings containing 46 units each for a total of 138 units. Many would have lake views. Each building would also contain two parking levels. Existing drives would be used where possible to minimize site disturbance. Though this is the most intense of the multi-family scenarios in terms of number of units, it is the least intense in terms of land usage. About 12 acres would remain open space. No new building would be closer than 300 feet from the shoreline (the same distance as Eagle Heights Apartments). This scenario is illustrated on page P.6.(c) of the Attachments to Appendix F.

EXHIBIT IV-6

NET SALE VALUE FOR RANKING OF SCENARIO 6b

Value of land at \$18,000/unit assumes sanitary sewer and water available at property line	\$756,000
Sanitary sewer service costs (to property line)	(134,500)
City water service costs (to property line)	(17,000)
Total proceeds of sale to developer	604,500
Legal and other costs to achieve approval	(100,000)
Net sale proceeds	\$504,500
	=====
Round to	\$505,000
	=====



The most recently-developed similar units in Madison are the Coventry Condominiums on Segoe Road. The Coventry is a 22-unit 4-story building with units ranging from 1,400 to 1,700 square feet. Asking prices are \$90 to \$100 per square foot. Mr. John Flad, the developer, estimated his land cost at \$10,000 per unit fully improved.

A review of property tax assessment information for the Coventry, the Cove Condominiums (west of the subject on Lake Mendota Drive), and the Camelot Towers and Nichols Station apartment projects indicates a range of land to total assessed value of 7.11 percent to 12.75 percent. The units contemplated in this scenario are assumed to average 1,500 square feet at \$90 per square foot or \$135,000 selling price. Assuming 10 percent is allocated to land, the land cost with utilities available is estimated at \$13,500. Mr. Flad confirmed that he felt \$13,500 to \$15,000 was a reasonable estimate for the site with utilities in.

Exhibit IV-7 illustrates the logic for the ranking of Scenario 6c. Deductions are again made for anticipated costs of achieving needed approvals and costs of extending utilities. The resulting net sale proceeds for ranking purposes of the high-rise scenario is \$1,490,000.

#### G. Single-Family Residential Development

Scenario 7 assumes the platting and subdivision of the subject site into 18 single-family lots. The entire parcel would be utilized except for a 100-foot buffer strip on the south and a 50-foot strip on the west. Nine lots would have lake frontage. The other nine would have lake access and docking facilities in the buffer strip. Each lot would have at least 18,000 square feet of area. The scenario is illustrated at page P.7. of the Attachments to Appendix F.

EXHIBIT IV-7

NET SALE VALUE FOR RANKING OF SCENARIO 6c

Value of land at \$13,500/unit assumes sanitary sewer and water available	\$1,863,000
Sanitary sewer service costs (to property line)	(134,500)
Sanitary sewer service costs (on premises)	(98,500)
City water service costs (to property line)	(17,000)
City water service costs (on premises)	(25,000)
Total proceeds of sale to developer	<u>1,588,000</u>
Legal and other costs to achieve approval	(100,000)
Net sale proceeds	<u>\$1,488,000</u> <u>=====</u>
Round to	<u>\$1,490,000</u> <u>=====</u>

This scenario would require that rezoning to the R1 Single-Family Residence District be approved by the City Plan Commission and Common Council. A waterfront development conditional use permit would be required for each lot. A minor change to the environmental corridor would be needed. Sanitary sewer and water service would also be required. In addition, a subdivision plat would need to be approved by the Common Council, Dane County, and the Department of Natural Resources.

Exhibit IV-8 calculates the net sale value of the land under this scenario by discounting the net flows to the buyer/developer. Initial lot prices are \$125,000 for waterfront lots and \$75,000 for inland lots. Development costs include legal, sewer, water, and road improvements. Development costs are assumed paid up front and financed at 12 percent, with principal due equally over a three-year sellout period. A discount factor of 25 percent is applied to flows to the developer for risk and profit. The resulting net sale value for ranking purposes is \$555,000.

#### H. Court-Ordered Division

The Personal Representative of the Estate could request that the court divide the property in a particular manner. Though the court apparently has great latitude in ordering such a division, it would have to be convinced of the propriety of such an action. It is unlikely that a division would be approved if it was clearly an attempt to circumvent local regulations. An example of this would be division into a number of building lots. It is also not the duty of the court to order a division for the purpose of maximizing value of the property for the heirs.

However, several logical arguments can be made for ordering a split into two single-family parcels. First, the use already exists and the division would merely make it conforming rather than nonconforming. Second, the

## EXHIBIT IV-8

## NET SALE VALUE FOR RANKING OF SCENARIO 7

## ASSUMED REVENUES AND COSTS

Initial retail value of waterfront lots (per lot)	\$125,000
Initial retail value of inland lots (per lot)	\$75,000
Legal costs to achieve approval	(\$150,000)
Sanitary sewer service costs (to property line)	(\$134,500)
Sanitary sewer service costs (on premises)	(\$98,500)
City water service costs (to property line)	(\$12,000)
City water service costs (on premises)	(\$25,000)
Cost of public road improvements (1800 feet at \$200/foot)	(\$360,000)

	Initial Costs	Year One	Year Two	Year Three	Total
Waterfront sales		125,000	131,250	137,813	1,182,188
		125,000	131,250	137,813	
		125,000	131,250	137,813	
Inland sales		75,000	78,750	82,688	709,313
		75,000	78,750	82,688	
		75,000	78,750	82,688	
Main house		37,500			37,500
Cottage		13,900			13,900
Development costs	(780,000)				(780,000)
Net flow	(780,000)	651,400	630,000	661,500	1,162,900
Debt-principal	780,000	(260,000)	(260,000)	(260,000)	0
Debt-interest (12%)		(93,600)	(62,400)	(31,200)	(187,200)
Equity flows	0	297,800	307,600	370,300	975,700
Discount factor at 25%	1.000000	0.750000	0.562500	0.421875	
Discounted present value of net flows	0	223,350	173,025	156,220	
Net sale value					\$552,595
Round to					\$555,000

## ASSUMPTIONS

1. Lot sale prices escalate 5% per year.
2. All development costs are incurred at beginning of period.
3. All development costs are financed by debt at 12%.
4. Discount rate on equity capital is assumed to be 25%.
5. Existing houses are sold for \$10 per square foot.



division would make sale of the property easier than if one larger more expensive piece was being marketed. Third, sufficient local regulation remains to control any change of use on the property. It is the conclusion of the appraiser that a court-ordered division is likely and applicable only in the case of a two-lot division.

#### I. Most Fitting Use

The subject property is a classic example of the difference between the most fitting use of a property and the most probable use. The most fitting use is defined as the optimal reconciliation of ownership interests to maximize market value, government interest to achieve fiscal balance, and public interests to avoid adverse environmental and financial impacts on third parties. The appraiser feels that the Planned Unit Development (PUD) zoning with the condominium towers plus about 12 acres of crucial shoreline dedicated to the University is the most fitting use. It would require that the Trustee of the estate negotiate all approvals and understandings prior to sale of the rezoned land to an acceptable developer and dedication of the balance to the University. This would maximize cash for medical research, preserve a large portion of the site, and add considerably to the tax base.

As suggested in Section IV.F., this most fitting use could net the estate \$13,500 per unit times 138 maximum units less approval and utility costs or approximately \$1,490,000 (Exhibit IV-7). Not only does this result in the maximum value for the estate, but in addition it can be argued that the public acquires at no cost 12 additional acres of highly visible, sensitive shoreland for which it has paid \$50,000 or more per acre in other situations. When this \$600,000 is added to the private proceeds, this scenario clearly meets the

definition of highest and best use in appraisal doctrine of:

that use, from among reasonably probable and legal alternative uses, found to be physically possible, appropriately supported, financially feasible, and which results in highest land value. [2]

Reference to Exhibit IV-9 where each use scenario is summarized indicates that all other possibilities fail because of the bottom line net as well as the improbability of approval by a web of regulatory agencies.

As an alternative to the compromise among vested interests, most probable use recognizes that a single interest may dominate in the short run because of politics, financial constraints, or personality conflicts. The two extreme positions which could dominate would be sale of the property as two private home site estates or outright purchase of the total parcel by a public agency. The appraiser has chosen to estimate the value under each possible outcome and attach a weight to each conclusion to determine the most probable price, or Fair Market Value.

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[2] Byrl N. Boyce, ed., Real Estate Appraisal Terminology, (Cambridge, MA.: Ballinger Publishing Company, 1981). pp. 126-127.

EXHIBIT IV-9  
SUMMARY OF MOST PROBABLE USE SCENARIOS

FACTOR	SCENARIO 1 TWO-LOT DIVISION	SCENARIO 2 THREE-LOT DIVISION	SCENARIO 3 PRIVATE PARK	SCENARIO 4 CHURCH
Rezoning required	Not needed	Not needed	Not needed	Not needed
Conditional use permit required	Not needed	Not needed	Not needed	Not needed
Waterfront development conditional use permit required	Not needed unless renovation/expansion falls outside certain limitations	Needed for vacant lot, not needed for existing homes unless renovation/expansion falls outside certain limitations	Not needed	Yes
Sanitary sewer service required	Not needed	Needed for vacant lot unless waiver received	Not needed	Yes
Municipal water service required	Not needed	Not needed	Not needed	Yes
Environmental corridor change required	Not needed	Needed unless waiver of sewer requirement received	Not needed	Yes
DNR approval of piers required	Not needed	Not needed	Yes	Yes
Variance required	Yes	Not needed	Not needed	Not needed
Lot division approval required	Yes	Yes-certified survey	Not needed	Not needed
Subdivision plat approval required	Not needed	Not needed	Not needed	Not needed
Retained open space	High	High	Moderate	Low
Contribution to tax base	Low	Low	Low	Low
Net sale value for ranking	\$700,000	\$680,000	\$280,000	Not estimated

EXHIBIT IV-9 (Continued)

FACTOR	SCENARIO 5 OUTDOOR RECREATIONAL PREMISE	SCENARIO 6a 128 GARDEN APARTMENTS	SCENARIO 6b 42 TOWNHOUSE CONDOMINIUMS	SCENARIO 6c 138 HIGH-RISE CONDOMINIUMS	SCENARIO 7 SINGLE-FAMILY SUBDIVISION
Rezoning required	Not needed	Yes-Planned Unit Development	Yes-Planned Unit Development	Yes-Planned Unit Development	Yes-R1 Single-Family Residence District
Conditional use permit required	Yes	Not needed	Not needed	Not needed	Not needed
Waterfront development conditional use permit required	Yes	Yes	Yes	Yes	Yes
Sanitary sewer service required	Yes	Yes	Yes	Yes	Yes
Municipal water service required	Yes	Yes	Yes	Yes	Yes
Environmental corridor change required	Yes	Yes	Yes	Yes	Yes
DNR approval of piers required	Yes	Yes	Yes	Yes	Not needed
Variance required	Not needed	Not needed	Not needed	Not needed	Not needed
Lot division approval required	Not needed	Not needed	Not needed	Not needed	Not needed
Subdivision plat approval required	Not needed	Not needed	Not needed	Not needed	Yes
Retained open space	Moderate	Low	Low	Moderate	Low
Contribution to tax base	Low	Moderate	Moderate	High	Moderate
Net sale value for ranking	\$655,000	\$395,000	\$505,000	\$1,490,000	\$555,000

## V. VALUATION OF THE SUBJECT PROPERTY

### A. Valuation Methodology

The three basic methods of valuation are the Cost Approach, the Income Approach, and the Market Comparison Approach. The Cost Approach is normally used in valuing improved property. It consists of adding replacement cost of land to the cost of duplicating the improvements. From this total is subtracted an amount for physical and functional obsolescence of the improvements to arrive at the value by the Cost Approach. Because the improvements on the subject property are of little or no value, this method is not relevant to the problem at hand.

The Income Approach consists of capitalizing the net operating income of the property using an appropriate rate in order to estimate value. This method also is primarily used in valuing improved property where income-producing comparables are readily available for comparison.

The third approach, and the one that will be relied upon here, is the Market Comparison Approach. It consists of locating sales of parcels of land as similar to the subject as possible and, through an orderly process of comparing attributes of the comparables to the subject property, estimating the value of the subject property.

### B. Market Comparison Approach for Sale to a Public Agency

The Market Comparison Approach relies on the ability of the appraiser to locate recent sales of other property that are as similar to the subject as



possible. In the case of single-family homes or vacant residential lots it is usually possible to locate transactions with a great degree of similarity in both property type and time of sale.

For a property as unique as the subject the task of finding meaningful comparable sales is considerably more difficult. After considerable searching, we have determined that three transactions, though taking place several years ago, have many similarities to the subject and are the best available comparable sales to public agencies. Their locations and pertinent data for each are shown in Exhibits V-1 and V-2. A discussion of each transaction follows.

Comparable Sale No. 1, also known as the Mary North Estate, was located on Thorstrand Road at the southwest corner of Lake Mendota in Madison, Wisconsin. It contained about 16.37 acres or 713,077 square feet and about 824 feet of frontage on Lake Mendota. It was bordered on the west by Marshall Park in the City of Madison, on the east by Thorstrand Road and private residences, and on the southwest by Overlook Pass in the City of Middleton. The property was acquired by the City of Madison on December 29, 1978, for expansion of Marshall Park. It has been zoned R1 single-family residential prior to acquisition, but the City agreed to valuation assuming PUD status.

The agreed price for the entire property was \$535,000. By meeting certain contingencies, one of the heirs retained title to 2.06 acres located in the southeast portion of the site in exchange for a reduction in purchase price of \$69,066. However, for purposes of this appraisal, we will assume sale of the entire parcel.

The site contained two large older homes, each with about 7,000 square feet of space, one small cottage, a garage with apartment, and several storage

EXHIBIT V-1

LOCATIONS OF COMPARABLE SALES--SALE TO PUBLIC AGENCY

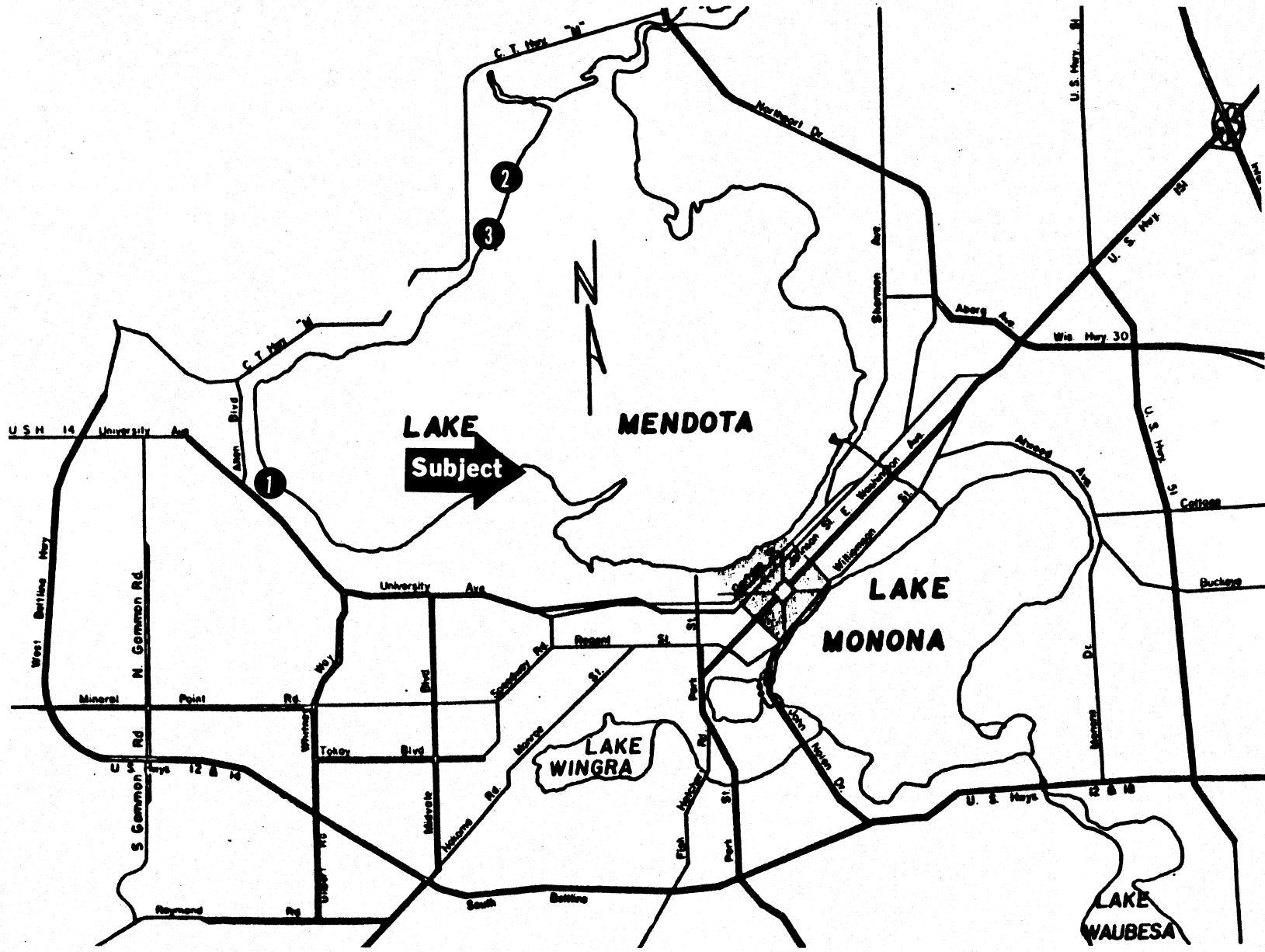


EXHIBIT V-2

COMPARABLE SALE DATA  
FOR SALE TO PUBLIC AGENCY

COMPARABLE SALE NO. 1



LOCATION:	On Thorstrand Road at the southwest corner of Lake Mendota in Madison, Wisconsin, also known as the Mary North Estate
SALE DATE:	December 29, 1978
STATED PRICE:	\$535,000
STATED PRICE PER ACRE:	\$32,682
TIME ADJUSTED PRICE:	Implicit Price Deflator for 1978 = 72.2, for third quarter 1986 = 115.0 (1982 = 100), time adjusted price is \$852,147
TIME ADJUSTED PRICE PER ACRE:	\$52,055
SELLER:	Mary North O'Hare, Jean North Falligant, Suzanne Walser Post
BUYER:	City of Madison

EXHIBIT V-2 (Continued)

COMPARABLE SALE NO. 1 (Continued)

LEGAL DESCRIPTION:	Now known as Lots 1, 2, 3 and 4 of Certified Survey Map No. 3631
RECORDING DATA:	Three separate warranty deeds recorded in Volume 1027, Page 367; Volume 1027, Page 362; and Volume 1027 (page unknown)
SIZE:	16.37 acres, 713,077 square feet
LAKE FRONTAGE:	824 feet
ZONING:	R1 Single-Family Residence District at time of sale
TERMS OF SALE:	Cash, except for a note at the request of one of the sellers for \$82,132.80, principal due in four equal annual installments, interest at 6 percent. The purchase price was not adjusted because the seller could have received cash in full.
OTHER:	By meeting certain contingencies, the seller actually retained title to 2.06 acres and the price was reduced accordingly by \$69,066.39. However, the entire parcel is used as a comparable because the full price was agreed to for the full property by all parties. Two small parcels were leased to the buyers of each of the single-family homes; the balance is now part of Marshall Park.

EXHIBIT V-2 (Continued)

COMPARABLE SALE NO. 1 (Continued)

2557 PAGE 60

CERTIFIED SURVEY

MAP NO. 3631  
DOC. NO. 1551280

CLIENT: City of Madison

This Certified Survey does not create any additional building sites. The intent of this survey is to clarify and show existing conditions; therefore approval are unnecessary.

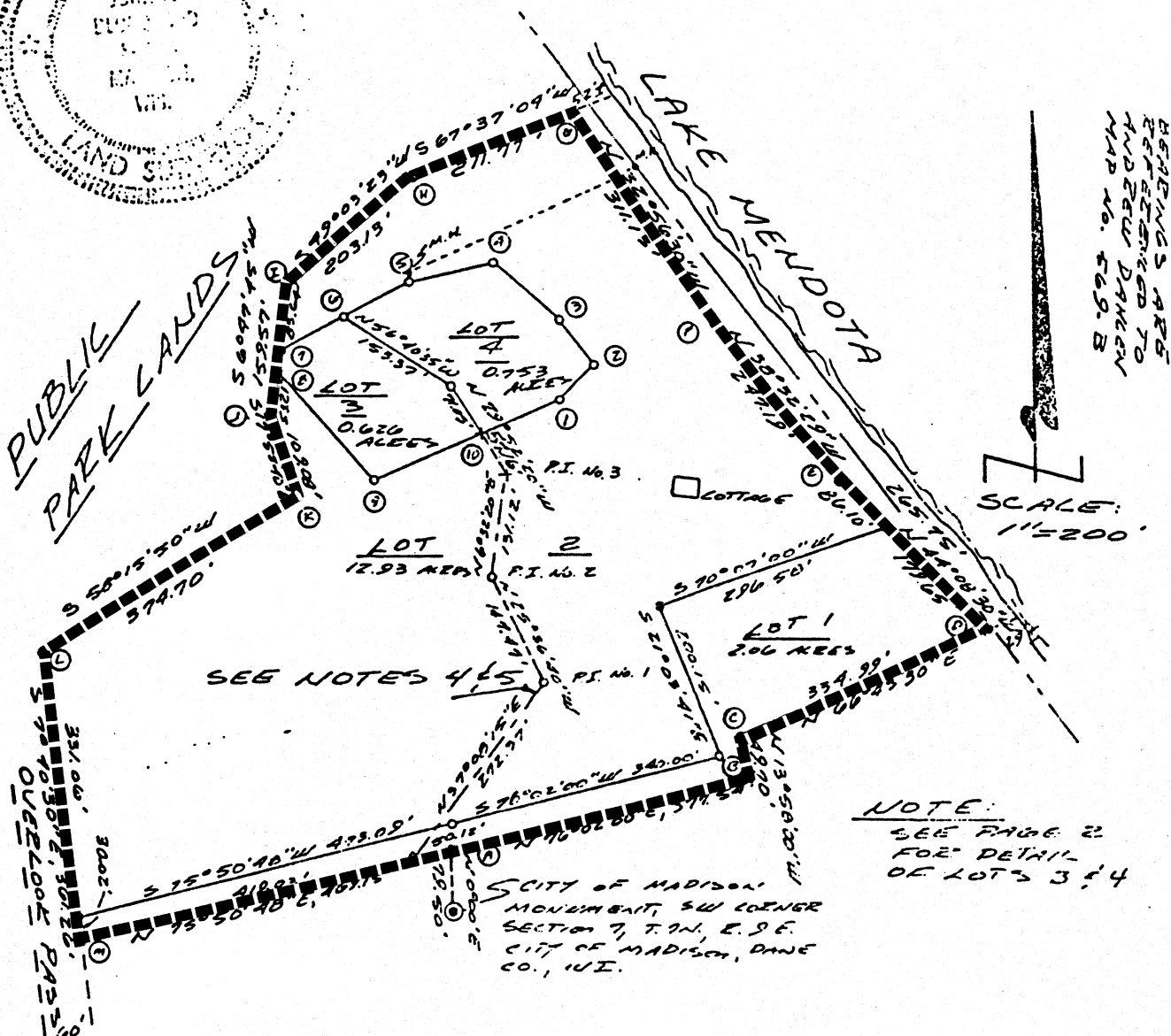
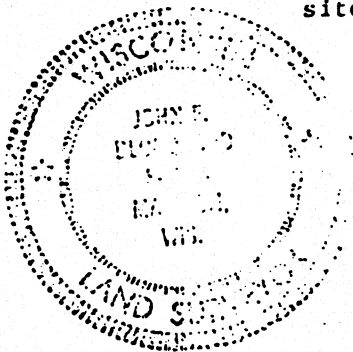




EXHIBIT V-2 (Continued)

COMPARABLE SALE NO. 2



LOCATION:	East of County M off Borchers's Beach Road in the Town of Westport, Dane County, Wisconsin
SALE DATE:	June 5, 1975
STATED PRICE:	\$550,000
STATE PRICE PER ACRE:	\$30,471
TIME ADJUSTED PRICE:	Implicit Price Deflator for 1975 = 125.8 (1972 = 100), 1982 = 207.38 (1972 = 100), therefore, 1975 = 60.67 (1982 = 100); Implicit Price Deflator for third quarter 1986 = 115.00 (1982 = 100), time adjusted price is \$1,042,525
TIME ADJUSTED PRICE PER ACRE:	\$57,758
SELLER:	Haskell M. Woldenberg and others

EXHIBIT V-2 (Continued)

COMPARABLE SALE NO. 2 (Continued)

BUYER:	State of Wisconsin
LEGAL DESCRIPTION:	Lengthy
RECORDING DATA:	Volume 584, Page 435, Warranty Deed
SIZE:	18.05 acres, 786,258 square feet
LAKE FRONTAGE:	1,794 feet
ZONING:	RE1, single-family homes and certain recreational uses permitted
TERMS OF SALE:	Cash
OTHER:	The property was partially platted when acquired by the State as part of a planned state park.

EXHIBIT V-2 (Continued)

COMPARABLE SALE NO. 2 (Continued)

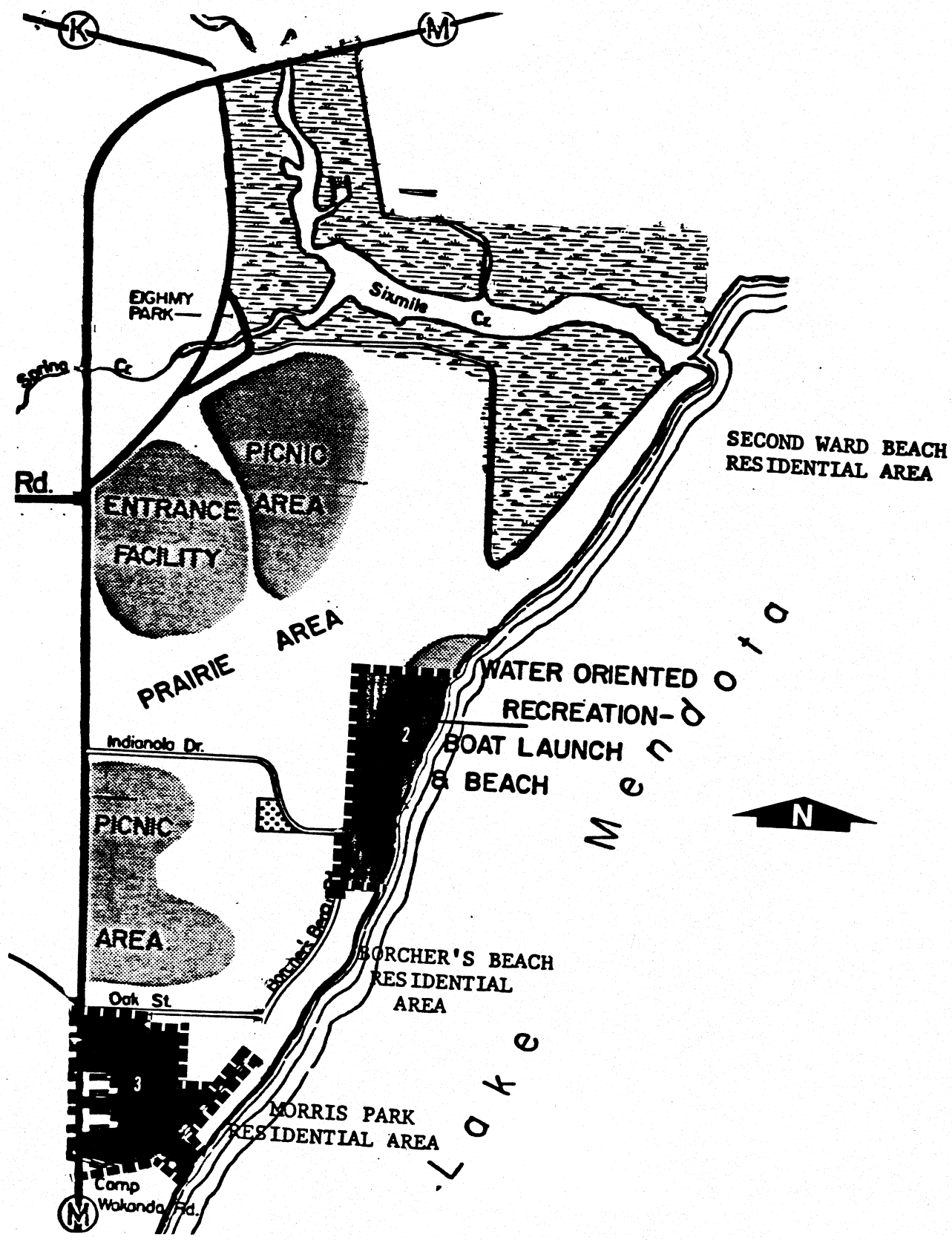




EXHIBIT V-2 (Continued)

COMPARABLE SALE NO. 3



LOCATION:	East of County M off Borchers Beach Road in the Town of Westport, Dane County, Wisconsin
SALE DATE:	May 2, 1975
STATED PRICE:	\$331,000
STATED PRICE PER ACRE:	\$18,379
TIME ADJUSTED PRICE:	Implicit Price Deflator for 1975 = 125.8 (1972 = 100), 1982 = 207.38 (1972 = 100), therefore, 1975 = 60.67 (1982 = 100); Implicit Price Deflator for third quarter 1986 = 115.00 (1982 = 100), time adjusted price is \$627,411
TIME ADJUSTED PRICE PER ACRE:	\$34,837
SELLER:	Madison Young Men's Christian Association
BUYER:	State of Wisconsin

EXHIBIT V-2 (Continued)

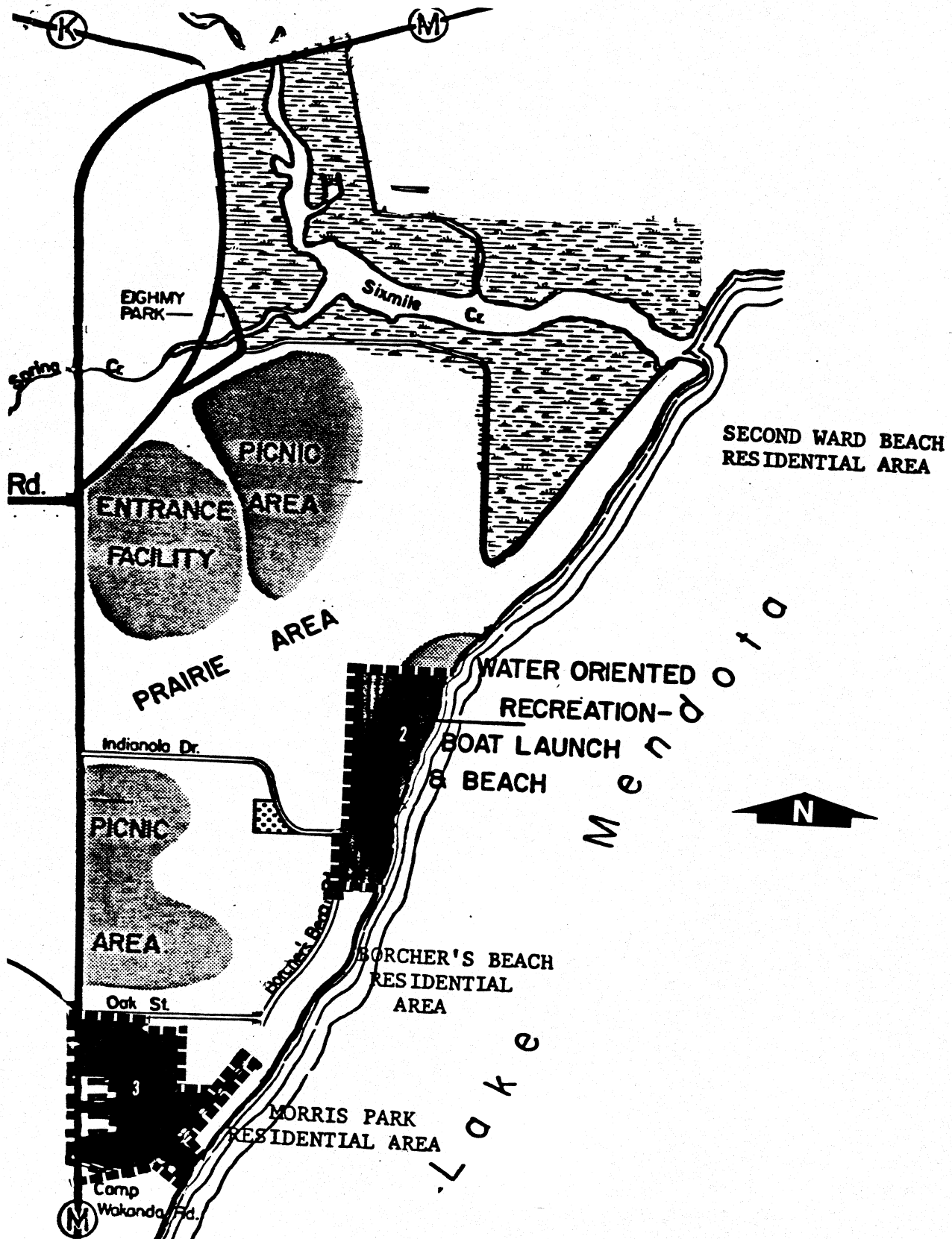
COMPARABLE SALE NO. 3 (Continued)

LEGAL DESCRIPTION:	Lengthy
RECORDING DATA:	Volume 574, Page 86, Warranty Deed
SIZE:	18.01 acres, 784,516 square feet
LAKE FRONTAGE:	252 feet
ZONING:	R3, single-family homes and certain other uses permitted
TERMS OF SALE:	Cash
OTHER:	The property was fully platted when required by the State as part of a planned state park.



EXHIBIT V-2 (Continued)

COMPARABLE SALE NO. 3 (Continued)



sheds. All the buildings were in marginal condition when purchased. The City was purchasing for the land value only and originally intended to demolish all the existing structures. However, the determination that they had some historical significance changed those plans.

The two homes were subsequently sold for \$35,560 and \$28,000 respectively. The buyers were granted long-term ground leases for the land under and around the homes. The balance of the land was added to Marshall Park.

To adjust for time of sale, the stated price is adjusted to a time adjusted price using the Implicit Price Deflator for Gross National Product. The Implicit Price Deflator is considered superior to the Consumer Price Index because it represents an adjustment of the purchasing power of the dollar while the Consumer Price Index includes changes in retail prices caused by factors unrelated to inflation.

Assuming the price paid is fully allocated to land, the time adjusted price is \$852,147. This equates to \$1.20 per square foot, \$52,055 per acre, and \$1,034 per foot of shoreline. The site contained about 50 feet of shoreline per acre. The site is mostly wooded. It slopes moderately to the lakeshore. A major difference between this and the subject is the R1 residential zoning already in place for this property. Additionally, the appraisal on which this purchase was based assumed approval of Planned Community Development (PCD) zoning and a townhouse development.

Comparable Sale No. 2 is the June 1975 purchase of about 18.05 acres by the State of Wisconsin Department of Natural Resources from Haskell M. Woldenberg and other family members. It consists of about 18.05 acres or 786,258 square feet and has about 1,794 square feet of frontage on the northwest shore of Lake Mendota. It is located east of County Highway M

northeast of Middleton in the Town of Westport. The property was acquired as a part of the new state park planned for the site. The price paid for the property was \$550,000.

The property was previously operated as a boys camp called Camp Indianola. This operation was terminated in 1967. The purchase included a single-family home and ten additional structures related to operation of the camp. These structures have since been destroyed. At the time, it was felt that only the residence and some minor land improvements had value.

Nevertheless, the greatest value of the property was believed to be in its development as single-family home sites. Part of the property had already been platted for that purpose. Therefore, the price of the property is assumed to have been paid for land only.

The time adjusted price of \$1,042,525 is \$1.33 per square foot, \$57,758 per acre, and \$581 per foot of shoreline. The site contained about 99 feet of shoreline per acre. It was mostly wooded and overgrown with brush. It is generally flat. At time of sale the site was zoned RE1. Single-family residential or recreational uses are permitted under this classification.

In May 1975, the State of Wisconsin Department of Natural Resources (DNR) purchased from the Madison YMCA a parcel of land located just south of the Woldenberg parcel and also having frontage on Lake Mendota for about 252 feet. This is Comparable Sale No. 3. The fee acquired consisted of 14.57 acres of platted lots. In addition, the vacation of planned road rights-of-way would add 3.44 acres to this for a total acquisition of 18.01 acres of 784,516 square feet. For purposes of comparison to the subject the 18.01 acre figure is used because the seller himself could have re-acquired title to the rights-of-way if he felt it would have increased his selling price. The price paid was \$331,000 based on an appraisal that used the development approach.

This is the former site of the YMCA's Camp Wakanda. The YMCA had, according to a DNR memorandum, been planning for some time to sell the property to a developer to realize the value of the property. Although there were several structures on the property, their intent to sell to a developer and the appraiser's application of the development method in estimating value indicate that the full price of \$331,000 should be allocated to land.

The time adjusted price of \$627,411 is \$0.80 per square foot, \$34,837 per acre, and \$2,490 per foot of shoreline. The site contained about 14 feet of shoreline per acre. The site was flat to slightly rolling and mostly wooded when acquired by the DNR. The land was zoned R3 permitting single-family homes and certain other uses. It was entirely platted in preparation for its development as a single-family subdivision.

In order to arrive at a meaningful value estimate for the subject property, the appraiser must adjust for perceived differences between the comparables and the subject. Those differences are discussed in following paragraphs and summarized in Exhibit V-3.

Property location is the first factor requiring adjustment. The subject is in a prime close-in location and is considered by the appraiser to have a more desirable location than the comparables. Comparable No. 1, located in Middleton, is midway between the subject and Comparables Nos. 2 and 3. Its price per acre is adjusted upward 10 percent to reflect its less desirable location. Comparables Nos. 2 and 3 are adjusted upward 20 percent because they are slightly further out than Comparable No. 1.

The amount of lake frontage per acre is considered to be a major contributor to value. The subject site has 91 feet of frontage per acre. Comparable No. 1, with only 50 feet per acre, is considered inferior to the

# EXHIBIT V-3

## ADJUSTED CURRENT PRICE PER ACRE OF COMPARABLE SALES-- SALE TO PUBLIC AGENCY

	COMPARABLE NUMBER 1 NORTH	COMPARABLE NUMBER 2 WOLDENBERG	COMPARABLE NUMBER 3 YMCA	SUBJECT
PRICE	\$535,000	\$550,000	\$331,000	
DATE OF SALE	DEC/78	JUNE/75	MAY/75	
TIME ADJUSTED PRICE	\$852,147	\$1,042,525	\$627,411	
ACREAGE	16.37	18.05	18.01	16.85
SQUARE FEET	713,077	786,258	784,516	733,986
FEET OF LAKE FRONTAGE	824	1794	252	1538
LAKE FRONTAGE PER ACRE	50	99	14	91
CURRENT PRICE PER ACRE	\$52,055	\$57,758	\$34,837	
CURRENT PRICE PER SQUARE FOOT	\$1.20	\$1.33	\$0.80	
ADJUSTMENTS				
LOCATION	10%	20%	20%	
LAKE FRONTAGE PER ACRE	20%	-5%	40%	
SHAPE/TOPOGRAPHY	0%	-10%	10%	
CURRENT ZONING/POLITICAL CLIMATE	-20%	-10%	-10%	
TOTAL ADJUSTMENTS	10%	-5%	60%	
CURRENT PRICE PER ACRE-- UNADJUSTED	\$52,055	\$57,758	\$34,837	
ADJUSTMENTS	5,206	(2,888)	20,902	
CURRENT PRICE PER ACRE-- ADJUSTED	\$57,261	\$54,870	\$55,739	



subject and is adjusted upward 20 percent accordingly. Comparable No. 2, at 99 feet of frontage per acre, is slightly superior to the subject and is therefore adjusted down 5 percent. Comparable No. 3, at 14 feet of frontage per acre, is greatly inferior to the subject. Its value is therefore adjusted upward 40 percent.

Shape/topography of the site is the next adjustment factor considered. Comparable No. 1 is very similar to the subject and no adjustment is deemed necessary. Comparable No. 2 is relatively flat and roughly rectangular-shaped making it easy to develop. Its price is reduced 10 percent to reflect this advantage over the subject. Comparable No. 3 is wooded and rolling like the subject. Its shape is very irregular, presenting some problems and inefficiencies for development planning. The price is adjusted up 10 percent to achieve comparability.

The last factor for which adjustment is made is the zoning and political climate for development. The subject property is zoned agricultural. Any additional development on the site will be controversial. In contrast, Comparable No. 1, though zoned R1, was purchased at a value that assumed PCD zoning would be approved. It is therefore adjusted down 20 percent to reflect this factor. Comparables No. 2 and 3 are similar in that each was platted and zoned for single-family residences at time of sale. Other homes had already been built in the area. Although a change to a more intense use might provoke opposition, continued single-family development would probably not have been controversial. The appraiser believes a 10 percent reduction is justified for these comparables.

After consideration of the adjustments discussed above, the current price per acre after adjustments for the comparables is as follows: (See Exhibit

V-3.)

Comparable Sale No. 1	\$57,261
Comparable Sale No. 2	\$54,870
Comparable Sale No. 3	\$55,739

Comparable Sale No. 1 is, in the appraiser's opinion, most similar to the subject in location, topography, development potential, and potential for controversy. Its price per acre is therefore deemed to be most indicative of a price to be achieved by the subject property. Therefore, the Fair Market Value assuming a sale to a public agency is estimated to be \$57,000 per acre or:

NINE HUNDRED SIXTY THOUSAND DOLLARS

(\$960,000)

C. Market Comparison Approach for Sale  
as Two Private Estates

Because of the condition of the homes on the subject property, the appraiser would prefer to find recent sales of vacant homesites similar in size and location. Due to the unique nature of the subject, no such comparables were found. We have therefore chosen three sales of estates with substantial homes and attempted to adjust for the value of the improvements. Their locations and pertinent data are shown in Exhibits V-4 and V-5. These sales are discussed in following paragraphs.

Comparable Sale No. 1 is the property located at 4101 County Highway M in the Town of Westport. It was sold November 7, 1984 for \$701,400 from Roy T. Haase to Jay L. and Patricia H. Smith. It was sold on land contract but the land contract was satisfied in less than one year, therefore no financing adjustment has been made.

EXHIBIT V-4

LOCATION OF COMPARABLE SALES--SALE AS TWO PRIVATE ESTATES

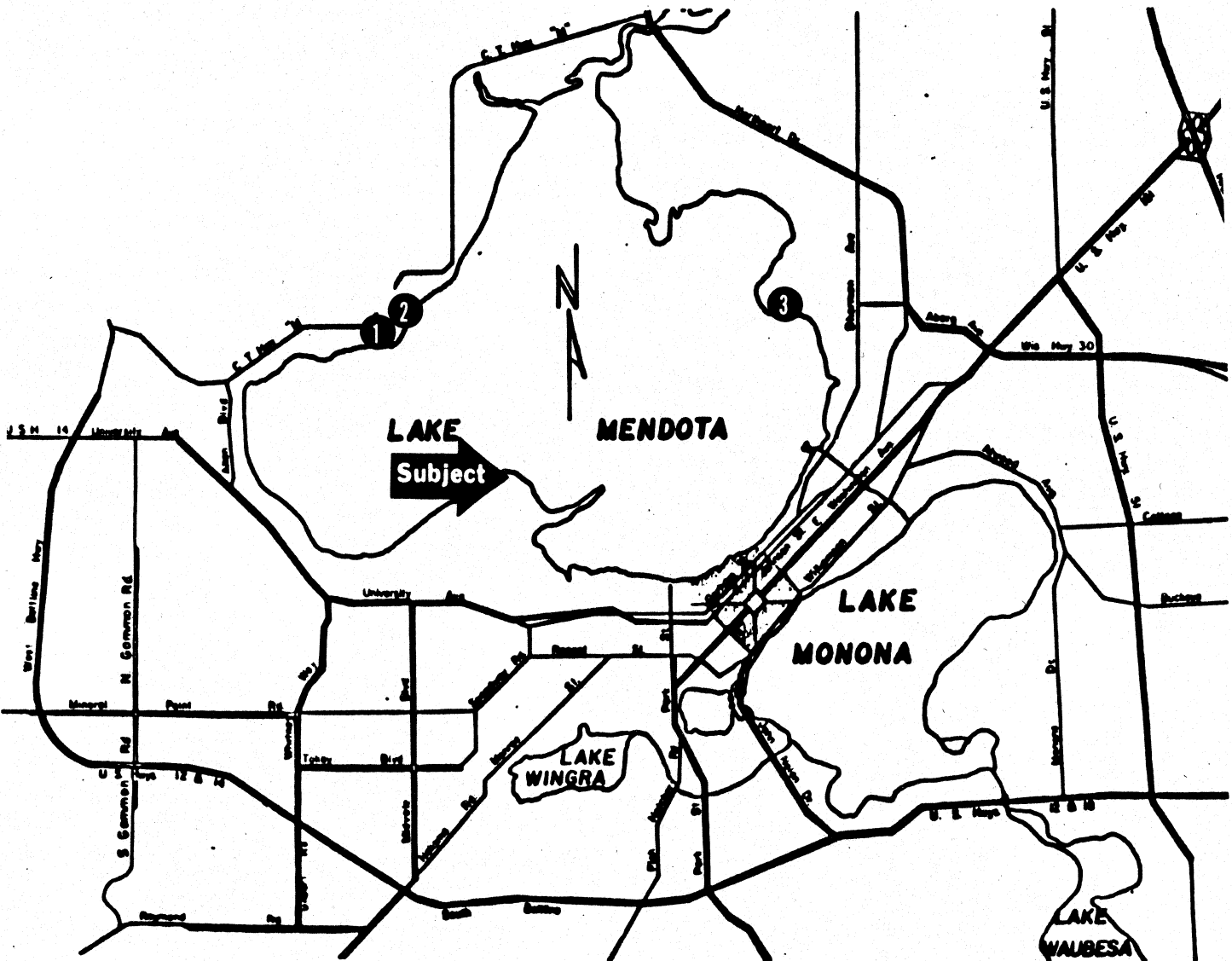


EXHIBIT V-5

COMPARABLE SALE DATA FOR  
SALE AS TWO PRIVATE ESTATES

COMPARABLE SALE NO. 1



LOCATION:	4101 County Highway M, Town of Westport, Dane County, Wisconsin
SALE DATE:	November 7, 1984
STATED PRICE:	\$701,400 (Buyer was required to pay certain liens against the property but would not estimate the amount except to say it was less than \$100,000.)
TIME ADJUSTED PRICE:	Implicit Price Deflator for 4th quarter 1984 = 109.2, for 3rd quarter 1986 = 115.0, therefore time adjusted price = \$738,654
SELLER:	Roy T. Haase
BUYER:	Jay L. and Patricia H. Smith
LEGAL DESCRIPTION:	Outlot 17, Assessor's Plat of Fox Bluff, Town of Westport

EXHIBIT V-5 (Continued)

COMPARABLE SALE NO. 1 (Continued)

RECORDING DATA:	Land Contract recorded on Page 15, Volume 6247, satisfied by Warranty Deed recorded on Page 57, Volume 6434 on November 1, 1985.														
SIZE:	25 acres														
LAKE FRONTAGE:	600 feet														
TERMS OF SALE:	Sold on land contract and satisfied in less than one year														
IMPROVEMENTS:	Improved with house of about 5,400 SF on two stories, pool, garage, guest house of about 1,700 square feet and barn														
ASSESSED VALUE AT JANUARY 1, 1984:	<table border="0"> <tr> <td>Land</td> <td>\$425,000</td> </tr> <tr> <td>Improvements</td> <td><u>183,900</u></td> </tr> <tr> <td>Total</td> <td>\$608,900</td> </tr> <tr> <td></td> <td>=====</td> </tr> </table>	Land	\$425,000	Improvements	<u>183,900</u>	Total	\$608,900		=====						
Land	\$425,000														
Improvements	<u>183,900</u>														
Total	\$608,900														
	=====														
RESIDUAL LAND VALUE:	<table border="0"> <tr> <td>Time Adjusted Price</td> <td>\$738,654</td> </tr> <tr> <td>House (5,400 SF at \$40/SF)</td> <td>(216,000)</td> </tr> <tr> <td>Guest House (1,700 SF at \$40/SF)</td> <td><u>(68,000)</u></td> </tr> <tr> <td>Residual to Land</td> <td>\$454,654</td> </tr> <tr> <td></td> <td>=====</td> </tr> <tr> <td>Rounded to</td> <td>\$455,000</td> </tr> <tr> <td></td> <td>=====</td> </tr> </table>	Time Adjusted Price	\$738,654	House (5,400 SF at \$40/SF)	(216,000)	Guest House (1,700 SF at \$40/SF)	<u>(68,000)</u>	Residual to Land	\$454,654		=====	Rounded to	\$455,000		=====
Time Adjusted Price	\$738,654														
House (5,400 SF at \$40/SF)	(216,000)														
Guest House (1,700 SF at \$40/SF)	<u>(68,000)</u>														
Residual to Land	\$454,654														
	=====														
Rounded to	\$455,000														
	=====														
LAND VALUE BASED ON ASSESSED VALUE:	<table border="0"> <tr> <td>Time Adjusted Price</td> <td>\$738,654</td> </tr> <tr> <td>Percent of Land to Total Assessed Value</td> <td><u>69.8%</u></td> </tr> <tr> <td>Implied Land Value</td> <td>\$515,580</td> </tr> <tr> <td></td> <td>=====</td> </tr> <tr> <td>Rounded to</td> <td>\$515,000</td> </tr> <tr> <td></td> <td>=====</td> </tr> </table>	Time Adjusted Price	\$738,654	Percent of Land to Total Assessed Value	<u>69.8%</u>	Implied Land Value	\$515,580		=====	Rounded to	\$515,000		=====		
Time Adjusted Price	\$738,654														
Percent of Land to Total Assessed Value	<u>69.8%</u>														
Implied Land Value	\$515,580														
	=====														
Rounded to	\$515,000														
	=====														
OTHER:	Extensive remodeling and additions were done after the sale. Improvements were in very poor condition when purchased.														



EXHIBIT V-5 (Continued)

COMPARABLE SALE NO. 2



LOCATION:	4201 County Highway M, Town of Westport, Dane County, Wisconsin
SALE DATE:	February 5, 1985
STATED PRICE:	\$800,000
TIME ADJUSTED PRICE:	Implicit Price Deflator for 1st quarter 1985 = 110.2, for 3rd quarter 1986 = 115.0, therefore time adjusted price = \$834,846
SELLER:	Roman Catholic Diocese of Madison, Wisconsin
BUYER:	Jason Dane Companies, Inc.
LEGAL DESCRIPTION:	Outlot 16, Assessor's Plat of Fox Bluff, Town of Westport
RECORDING DATA:	Warranty Deed recorded on Page 43, Volume 6521.

EXHIBIT V-5 (Continued)

COMPARABLE SALE NO. 2 (Continued)

SIZE: 26 acres  
 LAKE FRONTAGE: 600 feet  
 TERMS OF SALE: Cash  
 IMPROVEMENTS: Improved with house containing about 5,700 SF on two stories and a two-car garage

ASSESSED VALUE AT JANUARY 1, 1986:

Land	\$411,200
Improvements	<u>285,200</u>
Total	\$696,400
	=====

RESIDUAL LAND VALUE:

Time Adjusted Price	\$834,846
House (5,700 SF at \$50/SF)	<u>(285,000)</u>
Residual to Land	\$549,846
	=====
Rounded to	\$550,000
	=====

LAND VALUE BASED ON ASSESSED VALUE:

Time Adjusted Price	\$834,846
Percent of Land to	
Total Assessed Value	<u>59.0%</u>
Implied Land Value	\$492,559
	=====
Rounded to	\$495,000
	=====

OTHER: The property was purchased for assemblage in connection with a proposed golf course.

EXHIBIT V-5 (Continued)

COMPARABLE SALE NO. 3



LOCATION:	303 Lakewood Boulevard, Village of Maple Bluff, Dane County, Wisconsin
SALE DATE:	October 1, 1986
STATED PRICE:	\$690,000
TIME ADJUSTED PRICE:	\$690,000
SELLER:	Douglas and Norma Madsen
BUYER:	John and Mary Frautschi
LEGAL DESCRIPTION:	Lot 12, Block 1, Replat of Lakewood, Village of Maple Bluff
RECORDING DATA:	Volume 8726, Page 58, Warranty Deed
SIZE:	4.49 acres
LAKE FRONTAGE:	275 feet
TERMS OF SALE:	Cash

EXHIBIT V-5 (Continued)

COMPARABLE SALE NO. 3 (Continued)

IMPROVEMENTS:

Improved with single-family home of  
6,140 square feet and small storage  
shed

ASSESSED VALUE AT JANUARY 1, 1986:

Land	\$307,500
Improvements	<u>272,500</u>
Total	\$580,000 =====

RESIDUAL LAND VALUE:

Time Adjusted Price	\$690,000
House-Recently Renovated (6,140 SF at \$60/SF)	<u>(368,400)</u>
Residual to Land	\$321,600 =====
Rounded to	\$320,000 =====

LAND VALUE BASED ON ASSESSED VALUE:

Time Adjusted Price	\$690,000
Percent of Land to Total Assessed Value	<u>53.0%</u>
Implied Land Value	\$365,700 =====
Rounded to	\$365,000 =====

OTHER:

The house was purchased by the  
Madsens in 1981 and substantially  
renovated.



The property contains about 25 acres with 600 feet of Lake Mendota shoreline. It was improved with a large single-family house, guest house, pool, garage, and barn. The buyer extensively remodeled and added to the home.

Comparable Sale No. 2 is located at 4201 County Highway M in the Town of Westport. It was sold February 5, 1985, from the Roman Catholic Diocese of Madison to the Jason Dane Companies, Inc., for \$800,000 cash. The property contains about 26 acres and 600 feet of Lake Mendota shoreline. It was improved with a large house and a two car garage.

Comparable Sale No. 3 is the October 1, 1986 sale of 303 Lakewood Boulevard in the Village of Maple Bluff. It was sold by Douglas and Norma Madsen to John and Mary Frautschi for \$690,000 cash. The property contains 4.49 acres and 275 feet of Lake Mendota shoreline. It was improved with a recently-renovated 6,140 square foot home.

Two methods are used to estimate the portion of the comparable sale prices allocable to land. The first is to reduce the time adjusted price by a value per square foot of improvements. The remainder is the implied land value. The second method assumes that the assessed value accurately represents the proportion of actual land value to actual improvements value. Exhibit V-5 contains these calculations; they are summarized below. It should be noted that the price is stated in terms of an acceptable home site rather than a per-acre price because of the appraiser's belief that the overall site features are more important than the size alone.

	<u>COMPARABLE SALE NO. 1</u>	<u>COMPARABLE SALE NO. 2</u>	<u>COMPARABLE SALE NO. 3</u>
Residual Land Value	\$455,000	\$550,000	\$320,000
Land Value Based on Assessed Value	\$515,000	\$495,000	\$365,000
MEAN	\$485,000	\$522,500	\$342,500



Though this method of estimating the price of land in these transactions is not as desirable as having actual vacant land sales to work with, the appraiser believes these are the best available comparables for the subject site as single-family estates. We have chosen to use the mean of the two previously-described amounts as the base for comparison with the subject.

Exhibits V-6 and V-7 show the factors considered in arriving at a price for the subject assuming it is split and sold to two buyers. Exhibit V-6 shows the adjustments for the 8.2 acres containing the main house and about 1,218 feet of shoreline (the northern parcel). Exhibit V-7 shows the adjustments for the 8.2 acres containing the cottage and about 320 feet shoreline (the southern parcel).

For both parcels, Comparables Nos. 1 and 2 are adjusted up 10 percent to reflect their inferior location compared with the subject. No adjustment is made for Comparable No. 3 because its Maple Bluff location is considered equivalent to the subject.

Also for both parcels, Comparable Nos. 1 and 2 are adjusted down 30 percent because they have considerably more acreage than the subject. Comparable No. 3 has only about 55 percent of the acreage of the subject and is therefore adjusted up 20 percent. Comparable No. 3 is also adjusted down 20 percent in relation to both parcels because of the availability of public utilities.

The last item considered in comparing the comparables to the subject is the amount of lake frontage. Comparables Nos. 1, 2 and 3 have 600, 600, and 275 feet respectively. The northern parcel has 1,218 feet and the southern parcel 320 feet. Comparables Nos. 1 and 2 are therefore adjusted up 15 percent with respect to the northern parcel and down 15 percent with respect to the southern parcel. Comparable No. 3 is adjusted up 30 percent with respect to the

EXHIBIT V-6

ADJUSTED CURRENT PRICE OF COMPARABLE SALES--NORTHERN PARCEL

	COMPARABLE NUMBER 1 SMITH	COMPARABLE NUMBER 2 JDC	COMPARABLE NUMBER 3 FRAUTSCHI	SUBJECT
PRICE	\$485,000	\$522,500	\$342,500	
ACREAGE	25.00	26.00	4.49	8.20
FEET OF LAKE FRONTAGE	600	600	275	1218
ADJUSTMENTS				
LOCATION	10%	10%	0%	
SIZE	-30%	-30%	20%	
UTILITIES	0%	0%	-20%	
LAKE FRONTAGE	15%	15%	30%	
TOTAL ADJUSTMENTS	-5%	-3%	30%	
CURRENT PRICE-UNADJUSTED	\$485,000	\$522,500	\$342,500	
ADJUSTMENTS	(24,250)	(26,125)	102,750	
CURRENT PRICE-ADJUSTED	\$460,750	\$496,375	\$445,250	

# EXHIBIT V-7

## ADJUSTED CURRENT PRICE OF COMPARABLE SALES--SOUTHERN PARCEL

	COMPARABLE NUMBER 1 SMITH	COMPARABLE NUMBER 2 JDC	COMPARABLE NUMBER 3 FRAUTSCHI	SUBJECT
PRICE	\$485,000	\$522,500	\$342,500	
ACREAGE	25.00	26.00	4.49	8.20
FEET OF LAKE FRONTAGE	600	600	275	320
ADJUSTMENTS				
LOCATION	10%	10%	0%	
SIZE	-30%	-30%	20%	
UTILITIES	0%	0%	-20%	
LAKE FRONTAGE	-15%	-15%	0%	
TOTAL ADJUSTMENTS	-35%	-35%	0%	
CURRENT PRICE--UNADJUSTED	\$485,000	\$522,500	\$342,500	
ADJUSTMENTS	(169,750)	(182,875)	0	
CURRENT PRICE--ADJUSTED	\$315,250	\$339,625	\$342,500	

northern parcel but is not adjusted with respect to the southern parcel because they have about the same shoreline.

The following summarizes the adjusted prices for the comparables. (See Exhibits V-6 and V-7.)

	<u>NORTHERN PARCEL</u>	<u>SOUTHERN PARCEL</u>
Comparable No. 1	\$460,750	\$315,250
Comparable No. 2	\$496,375	\$339,625
Comparable No. 3	\$445,250	\$342,500

The appraiser believes that Comparable No. 3, because of its location and size, is most similar to the subject. Its adjusted price is therefore deemed to be most indicative of the price to be achieved for the subject, excluding improvements. The Fair Market Value including improvements is summarized as follows:

	<u>NORTHERN PARCEL</u>	<u>SOUTHERN PARCEL</u>	<u>TOTAL</u>
Land	\$445,250	\$342,500	\$787,750
Building			51,400
3,750 SF at \$10	37,500		
1,390 SF at \$10		13,900	
TOTAL	\$482,750	\$356,400	\$839,150
	=====	=====	=====
ROUNDED TO	\$485,000	\$355,000	\$840,000
	=====	=====	=====

Therefore, the Fair Market Value assuming sale as two single-family home sites is estimated to be:

EIGHT HUNDRED FORTY THOUSAND DOLLARS

(\$840,000)

D. Final Estimate of Fair Market Value

We have previously identified the most fitting use of the subject property as the development of condominium towers within a PUD zone. Recognizing that a variety of opposing interests will likely clash in determining final use, we also identified two alternatives for final disposition of the subject property. They are: 1) sale of the property to two wealthy parties for renovation or construction two private estates, and 2) sale to the University or a conservation group for total preservation.

Recognizing that it is nearly impossible to predict the final outcome in this situation, the appraiser has estimated the probability of each outcome and applied that probability to the estimated price for that use in arriving at the most probable price, or Fair Market Value, for the subject.

<u>USE</u>	<u>PRICE</u>	<u>WEIGHT</u>	<u>WEIGHTED PRICE</u>
Condominium Towers	\$1,490,000	25%	\$ 372,500
Two Estates	\$ 840,000	50%	420,000
Preservation	\$ 960,000	25%	<u>240,000</u>
TOTAL			\$1,032,500
			=====
ROUNDED TO			\$1,035,000
			=====

THEREFORE, THE FAIR MARKET VALUE OF THE SUBJECT PROPERTY AS OF NOVEMBER 1, 1986, IS ESTIMATED TO BE:

ONE MILLION THIRTY FIVE THOUSAND DOLLARS

(\$1,035,000)

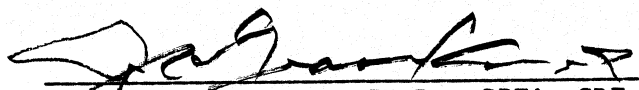



CERTIFICATION OF APPRAISAL

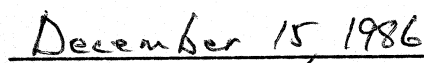
We hereby certify that we have no interest, present or contemplated, in the property and that neither the employment to make the appraisal nor the compensation is contingent on the value of the property. We certify that we have personally inspected the property and that according to our knowledge and belief, all statements and information in the report are true and correct, subject to the underlying assumptions and limiting conditions. Based on the information and subject to the limiting conditions contained in this report, it is our opinion that the Fair Market Value, as defined herein, of the subject property, as of November 1, 1986, is:

ONE MILLION THIRTY FIVE THOUSAND DOLLARS

(\$1,035,000)

  
James A. Graaskamp, Ph.D., SREA, CRE  
Urban Land Economist

  
Paul J. Gleason  
Real Estate Appraiser/Analyst

  
Date

## QUALIFICATIONS OF THE APPRAISERS

J A M E S   A .   G R A A S K A M P

### PROFESSIONAL DESIGNATIONS

SREA, Senior Real Estate Analyst, Society of Real Estate Appraisers

CRE, Counselor of Real Estate, American Society of Real Estate Counselors

CPCU, Certified Property Casualty Underwriter, College of Property Underwriters

### EDUCATION

Ph.D., Urban Land Economics and Risk Management - University of Wisconsin

Master of Business Administration, Security Analysis - Marquette University

Bachelor of Arts - Rollins College

### ACADEMIC AND PROFESSIONAL HONORS

Chairman, Department of Real Estate and Urban Land Economics,  
School of Business, University of Wisconsin

Urban Land Institute Research Fellow

University of Wisconsin Fellow

Omicron Delta Kappa

Lambda Alpha - Ely Chapter

Beta Gamma Sigma

William Kiekhofer Teaching Award (1966)

Larson Teaching Award (1985)

Alfred E. Reirman, Jr. Award - Society of Real Estate Appraisers (1986)

Urban Land Institute Trustee

Research Committee - Pension Real Estate Association (PREA)

Richard T. Ely Real Estate Educator Award from Lambda Alpha

Homer Hoyt Foundation Fellow

### PROFESSIONAL EXPERIENCE

Dr. Graaskamp is the President and founder of Landmark Research, Inc., which was established in 1968. He is also co-founder of a general contracting firm, a land development company, and a farm investment corporation. He is formerly a member of the Board of Directors and treasurer of the Wisconsin Housing Finance Agency. He is currently a member of the Board and Executive Committee of First Asset Realty Advisors, Inc., a subsidiary of First Bank Minneapolis. He is the designer and instructor of the Urban Land Institute (ULI) School of Real Estate Development and the American Bankers Association (ABA) National School of Real Estate Finance. His work includes substantial and varied consulting and valuation assignments such as investment counseling to insurance companies and banks, court testimony as an expert witness and the market/financial analysis of various projects, both nationally and locally, for private and corporate investors and municipalities. Currently is a member of Salomon Brothers Real Estate Advisory Board.

**PAUL J. GLEASON**

**EDUCATION**

**Master of Science - Real Estate appraisal and Investment  
Analysis, University of Wisconsin**

**Bachelor of Business Administration - Comprehensive Public  
Accounting, University of Wisconsin - Eau Claire**

**PROFESSIONAL MEMBERSHIPS**

**Urban Land Institute**

**American and Wisconsin Institutes of Certified Public  
Accountants**

**PROFESSIONAL EXPERIENCE**

**Prior to association with Landmark Research, Inc., Mr.  
Gleason had approximately four years experience in  
analysis, development, and syndication of income properties  
and extensive experience in the practice of public  
accounting.**

APPENDIX A

REPORT OF TITLE

APPENDIX A (Continued)

REPORT OF TITLE

DANE COUNTY TITLE COMPANY  
115 West Doty Street  
Madison, Wisconsin 53703

PHONE: 255-0036

FOR: Mead & Hunt - Attn: Leo Bussan

We have examined the records relative to the premises described in Schedule A below since August 14, 1926 @ 7:00 o'clock A.M. and find that as of the date of this report the record title to said premises subject to the encumbrances and other matters set forth in Schedule B below appears in:

First Wisconsin National Bank of Madison, Personal Representative  
of the Estate of Reginald H. Jackson, Jr., Deceased

According to Interlocutory Judgment, dated August 30, 1960 recorded September 9, 1960 in Volume 837 of Misc., page 209, Document No. 1009745.

AND ACCORDING to Last Will and Testament of Amelia F. Stevens, of Madison, Wisconsin dated December 1, 1959 recorded November 7, 1962 in Volume 90 of Final Judgments, page 34, Document No. 1060858.

AND ACCORDING to Domiciliary Letters, issued to First Wisconsin National Bank of Madison, filed May 7, 1986.

SCHEDULE A

Description of property situated in County of Dane, State of Wisconsin:

Part of fractional Section 9, Township 7 North, Range 9 East, City of Madison, described as follows: Beginning at a point of the West line of the Southeast 1/4 of said Section 9, 160 feet North of the Southwest corner of said Southeast 1/4; thence North 85° 50' East, 679.5 feet; thence North 41° 44' East, 94 feet; thence North 62° 9' East, 487 feet to the shore line of Lake Mendota; thence Northwesterly and Westerly along the shore line of Lake Mendota to a point on said shore line where a line drawn North from the place of beginning would intersect said shore line; thence South on the West line of the Southeast 1/4 of said section 9 to the place of beginning.

SCHEDULE B

1. Mortgages: NONE.

(a) Held by:  
Amount:

2. Construction Liens (for past two years only):

NONE.

3. Land Contracts, Leases, or Notices of Lis Pendens:

NONE.

4. Unpaid real estate taxes up to and including those for 1985.  
(No examination for future installments for special assessments).

NONE.

5. Money-Judgments, Bankruptcy Proceedings, Old Age Assistance Liens,  
Federal Tax Liens, or State Tax Liens:

Reginald H. Jackson, Jr. - NONE.  
First Wisconsin National Bank of Madison, Personal Representative  
of the Estate of Reginald H. Jackson, Jr., Deceased - NONE.

This examination DOES NOT include ~~assessment of encumbrances~~ <sup>see 8/1/86</sup>, zoning and/or ordinances regulating and restricting the use of the land, inheritance taxes, or federal estate taxes, special assessments, and Uniform Commercial Code Filings.

This report does not represent a detailed examination of, or an opinion as to the title to the above described premises. An abstract certified from government entry to date or a Title Insurance Policy and an attorney's opinion should be obtained to determine legal or merchantable title.

Dated August 11, 1986

at 7:00 o'clock A.M.

Order No. 81577  
kac

DANE COUNTY TITLE COMPANY

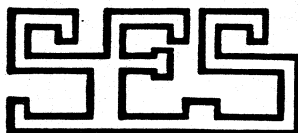
BY:   
Robert C. Carlson



APPENDIX B

REPORT OF SOILS AND ENGINEERING SERVICES, INC.

APPENDIX B (Continued)



**SOILS & ENGINEERING SERVICES, INC.**

CONSULTING CIVIL ENGINEERS

1102 STEWART STREET

MADISON, WISCONSIN 53713

TELEPHONE: 608 • 274-7600

Earl H. Reichel, P.E.  
Octavio Tejeda, P.E.

September 9, 1986

Mead & Hunt, Inc.  
P. O. Box 5247  
2320 University Avenue  
Madison, Wisconsin 53705

9599

Attention: Mr. Leo Bussen

Subject: Preliminary Soils Exploration  
Jackson Estate  
Lake Mendota Drive  
Madison, Wisconsin

**RECEIVED**

SEP 15 1986

MEAD and HUNT, INC.

Gentlemen:

In accordance with your request, we have conducted the subject preliminary soils exploration which has consisted of the performance of eight standard and two auger soil borings. The purpose of the borings is to obtain information concerning the area subsoil and bedrock conditions. It is the intent of this report to evaluate these conditions and offer preliminary recommendations concerning the construction of utilities in the area of the borings as well as construction of light buildings.

The soil borings were located in the field at the locations approximately indicated on a schematic sketch on Drawing 9599-1. The actual boring locations and ground surface elevations are to be surveyed by your office. The Soil Boring Records which depict the subsoil stratification at each boring location are presented on Drawings 9599-2 through 9599-8. A print of each of these drawings is a part of this report.

With the exception of Boring 6, groundwater was absent in all of the borings and should therefore be of little concern for the type of construction proposed. However, because of the proximity of Lake Mendota and possible deep excavations, groundwater control and dewatering may be a very important part of

APPENDIX B (Continued)

Mead & Hunt, Inc.  
Jackson Estate  
September 9, 1986

9599  
Page 2

construction performed near the lake in this site. We expect that the groundwater in the area will be approximately one to two feet above the lake stage.

The generalized stratigraphy consists of some fill materials and/or topsoil over lean clay over silty fine sand and/or fine sand. These soils are underlain by weathered dolomite bedrock. Borings 4 through 7 also encountered layers of silty clay and/or silt. Borings 8 and 9 encountered fill materials directly over the bedrock. The bedrock is in a dense state. Auger refusal by the bedrock was not encountered in Borings 3, 7, and 10. The refusal depth varies between 3'-2" in Boring 9 to 23'-11 1/2" in Boring 6. Borings 7 through 10 were performed to determine more accurately the bedrock profile. The auger refusal depths suggest that the bedrock surface is not uniform. Please refer to the Soil Boring Records for a complete description of soils encountered.

Based on the borings performed we offer the following preliminary comments and recommendations to be considered during the design and construction of the proposed facilities:

1. Site preparations should include the removal of all vegetation, topsoil, and fill materials from under all types of construction. This includes buildings streets, sidewalks, driveways, etcetera.
2. Excavations within the soils encountered should be able to be accomplished with normal excavating equipment for the most part. Excavations extending into the dense weathered portion of the bedrock and/or the most dense granular soils could offer slightly more difficulty than "normal". However, we estimate that all the soils encountered could be excavated with a large backhoe or similar equipment. In the dense portions of the bedrock it may be necessary to utilize a pneumatic hammer or similar equipment. Excavations below auger refusal depth are estimated to be accomplished with pneumatic equipment and/or blasting only. Cobbles and boulders have been encountered within the type of soil formations present in the borings, and provisions should be made to remove the large soil particles when encountered during construction.
3. The soils encountered are generally suitable for the support of utility pipes and lines. Due to the presence of gravel, cobbles, boulders, and bedrock, we recommend that provisions be made to provide sand bedding around the utility lines in the zones where the

## APPENDIX B (Continued)

Mead & Hunt, Inc.  
Jackson Estate  
September 9, 1986

9599  
Page 3

above type of soils are encountered. The natural or Imported sands could be used as bedding material.

4. The borings indicate the soil conditions are satisfactory for the support of spread footing foundations for moderately high loaded buildings. Preliminary general recommendations for the support of low loaded buildings include the placement of footings at least 2.5 feet below existing ground surface and below frost depth. The surficial soils have been loosened by weathering and mechanical actions and are therefore susceptible to consolidation. Moderately loaded structures can be supported on the underlying firm to dense granular soils at allowable bearing pressures in the range of 2000 to 8000 pounds per square foot. Highly loaded buildings could be supported upon the dense granular soils or the bedrock. Allowable soil bearing pressures in the range of 4000 to 10,000 pounds per square foot or more. The bearing pressure to be use in a particular structure will depend on the type of footing, soil or bedrock strength, depth and configuration of foundations, and other variables. We recommend that additional soil borings be performed to finalize recommendations for specific structures.

5. After site preparations and excavations are completed in areas where compacted granular fill and/or trench backfill may be required, we recommend to utilize well-graded imported sand or sand and gravel and/or the natural granular soils providing the large soil particles are removed. The materials should be placed in 8 to 12-inch thick layers. Each layer should be thoroughly compacted to at least 95 percent of the maximum dry density as determined for the materials used in accordance with ASTM Test Designation D1557.

6. Special attention should be paid to the moisture content of the soils at the time of placement in order to achieve the desired compaction results. This is specially important if the natural silty and clayey soils are used. Because of the moderately high moisture content, we estimate that spreading and discing will be necessary to allow the soils to dry before attempting compaction. If these soils are used, we also recommend to limit the layer thickness to six inches maximum and to use a heavy compactor suitable for the type of soil.

APPENDIX B (Continued)

Mead & Hunt, Inc.  
Jackson Estate  
September 9, 1986

9599  
Page 4

The compaction percentage may be relaxed to 90 percent if the soils are well knitted and of high strength after compaction. We recommend to follow the City of Madison specifications for the backfill of utility trenches.

7. All building sites as well as roadways should be graded to provide positive drainage away from the various structures to minimize potential surface water run-off problems, which in many instances are as troublesome as groundwater problems. Consideration should be given to provide drain tile systems for buildings below grade. The drain systems could discharge by gravity to lower elevations.

8. Safety precautions such as the ones required by OSHA should be enforced throughout the entire construction of the various individual projects. These includes, but are not limited to, proper sloping and/or support of excavation walls. Because of the topography of the site and depending upon the configuration and location of the proposed construction support of high excavation walls is possible.

9. Because of the preliminary nature of this exploration, we recommend that additional soil borings be performed for specific structures. Our preliminary recommendations should be reviewed and changed if necessary, once the design of the proposed construction is closer to completion.

The recommendations in this report are based on interpretation of the soils and information given on the Soil Boring Records and may not be based solely on the contents of the drillers field logs.

This report has been prepared for your exclusive use to aid in the evaluation of the subject property and for the intended use described herein. The nature and extent of soil variations between borings may not become evident until the time of construction. If variations are evident at that time, it will be necessary to reevaluate the recommendations given herein.

A geotechnical engineer should review the final design and specification documents for this project to verify that our recommendations regarding the earthwork and foundation system, are implemented as intended. It is further recommended that a



APPENDIX B (Continued)

Mead & Hunt, Inc.  
Jackson Estate  
September 9, 1986

9599  
Page 5

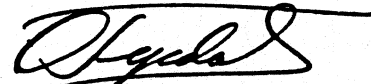
geotechnical engineer be present at the time of excavation and foundation work to observe compliance with the design concepts, specifications, and to modify the design, should subsurface conditions differ from those anticipated prior to construction. It is of extreme importance that soil bearing pressures, other soil parameters, and degree of compaction required be confirmed and/or determined at the time of construction.

This report has been prepared for the subject project in accordance with generally accepted soil and engineering practice at this time. No other warranty, expressed or implied is made.

Please let us know if you have any questions concerning this submittal, or if could be of further assistance to you.

Respectfully submitted,

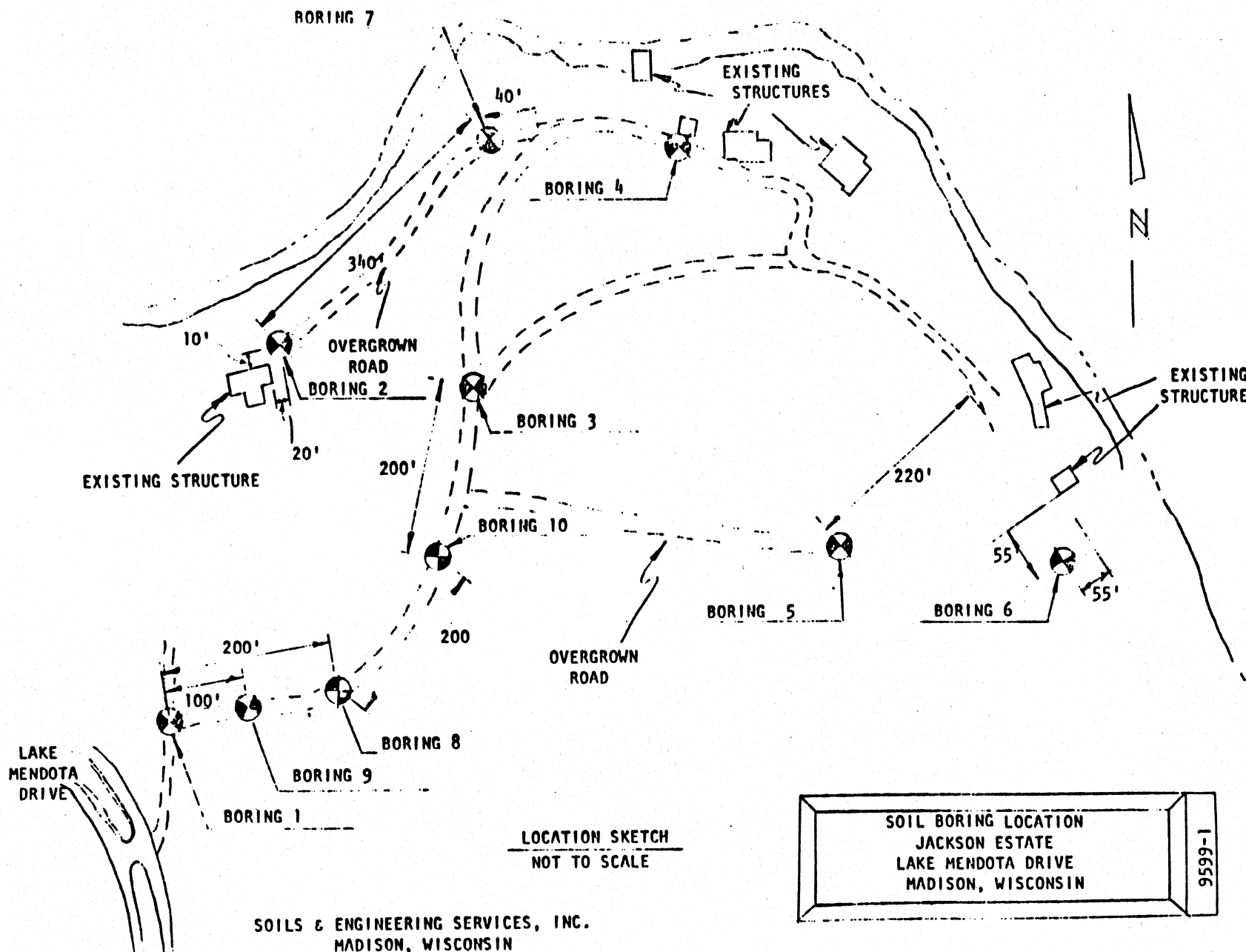
SOILS & ENGINEERING SERVICES, INC.



Octavio Tejeda, P.E.

OT/mdt

APPENDIX B (Continued)



APPENDIX B (Continued)

NOTES

1. Borings 9 and 10 were performed with a 6-inch continuous flight auger and the soils were classified visually.
2. Borings 1 through 8 were performed by standard procedures (A.S.T.M. Test Designation D1586).
3. The number of blows required to drive the 2-inch O.D. Split Spoon Sampler 12 inches with a 140-lb. weight falling 30 inches is recorded on the right hand edge of each boring log. This is the "Standard Penetration Test".
4. Borings 2, 4 through 7 were performed August 20, 1986.  
Borings 1, 3 and 8 through 10 were performed August 21, 1986.
5. Holes filled in after water level check.
6. The boundary lines shown on the Soil Boring Records between different soil strata are approximate and may be gradual. The driller's field logs contain soil conditions, as interpreted by the drilling personnel, of soils between samples based on the equipment performance and the soil cuttings. The Soil Boring Records contain the soil conditions as interpreted by a geotechnical engineer after review of the driller's field logs and soil samples.
7. The Soil Boring Records are a part of the written report. When this information is to be included in bidding or reference documents, the written portion of the report, along with the Soil Boring Records, must be bound together as a separate document or section of the project specifications.

SOILS & ENGINEERING SERVICES, INC.  
MADISON, WISCONSIN

SOIL BORING RECORD  
JACKSON ESTATE  
LAKE MENDOTA DRIVE  
MADISON, WISCONSIN

9599-2

APPENDIX B (Continued)

LEGEND



Fill



Brown Lean Clay (CL)



Tan Fine Sand (SP)



Brown Silty Fine Sand (SM)



Dolomite Bedrock



Topsoil



Brown Silty Clay (CL-ML)



Brown Silt (ML)



Water Level at Time Shown After  
Completion of the Boring.

$q_p$  = Penetrometer Reading; Tons/Sq.Ft.

MOISTURE CONDITION OF SAMPLES

Dry

W - Wet

D - Damp

S - Saturated

M - Moist

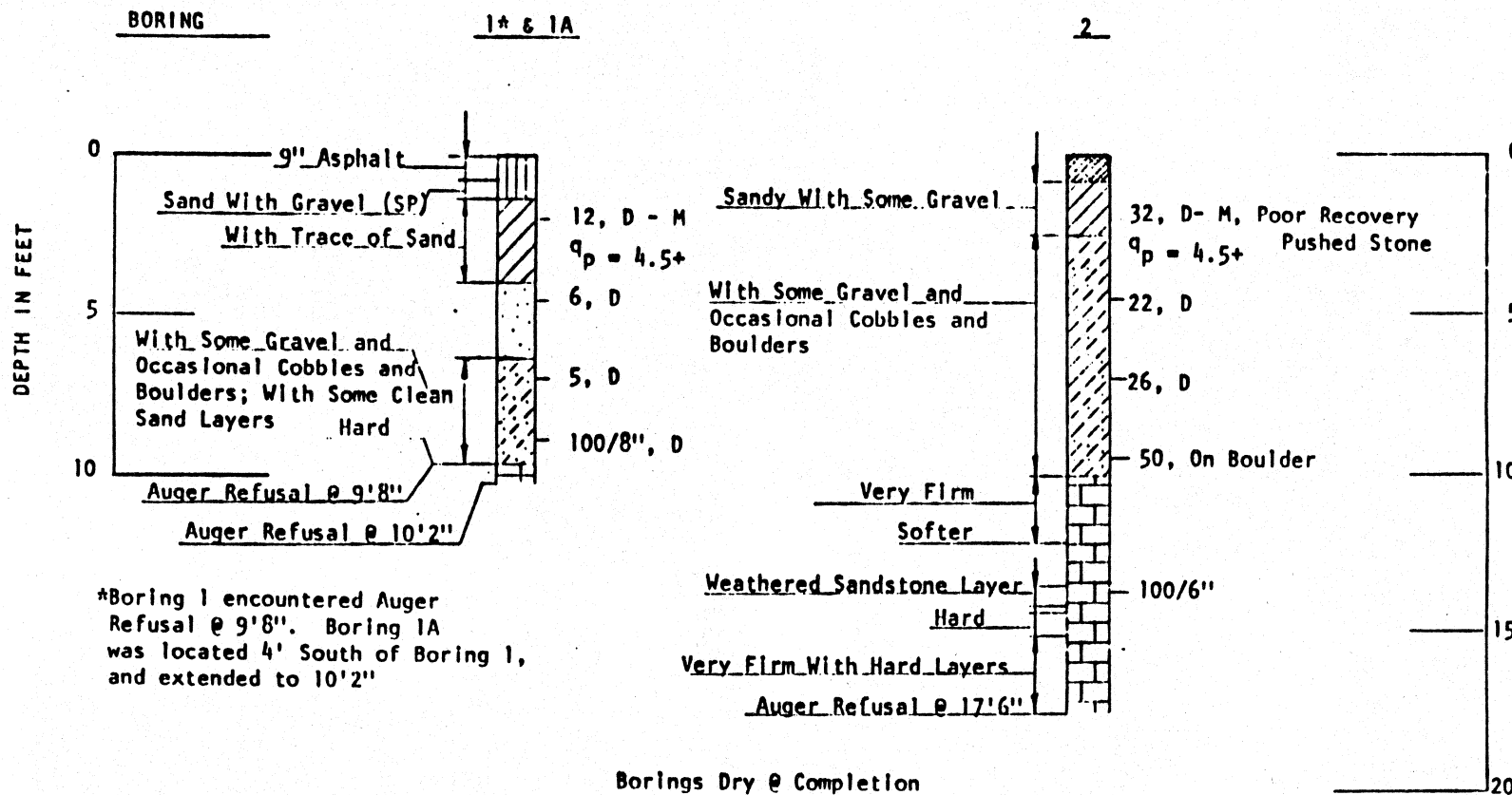
SOILS & ENGINEERING SERVICES, INC.  
MADISON, WISCONSIN

SOIL BORING RECORD  
JACKSON ESTATE  
LAKE MENDOTA DRIVE  
MADISON, WISCONSIN

9599-3

APPENDIX B (Continued)

133F NI HLP30



\*Boring 1 encountered Auger Refusal @ 9'8". Boring 1A was located 4' South of Boring 1, and extended to 10'2"

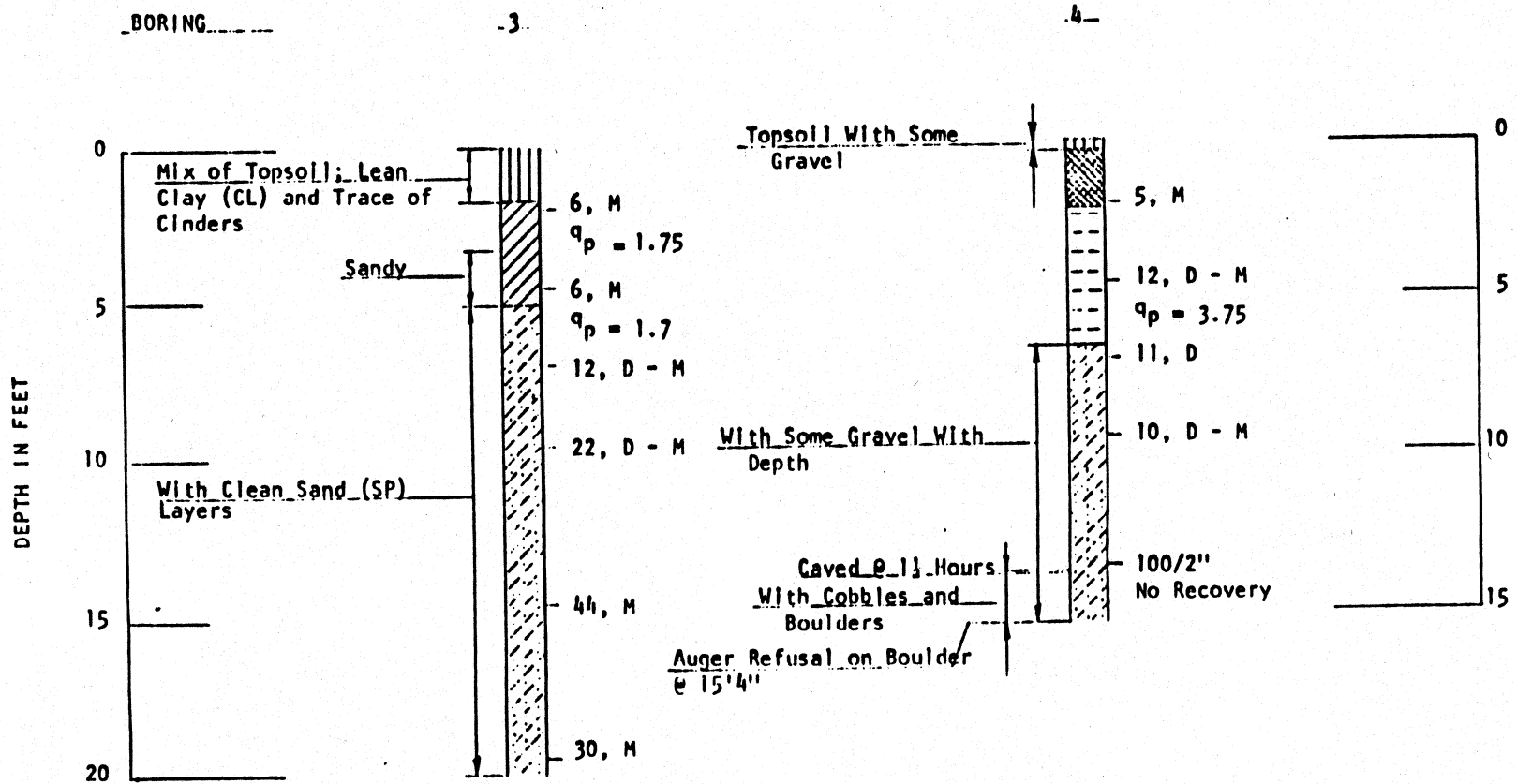
FOR NOTES, SEE DRAWING 9599-2  
FOR LEGEND, SEE DRAWING 9599-3

SOIL BORING RECORD JACKSON ESTATE LAKE MENDOTA DRIVE MADISON, WISCONSIN	4-6656
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SOILS & ENGINEERING SERVICES, INC.  
MADISON, WISCONSIN



126



APPENDIX B (Continued)  
1331 N H13D

FOR NOTES, SEE DRAWING 9599-2  
FOR LEGEND, SEE DRAWING 9599-3

SOIL BORING RECORD  
JACKSON ESTATE  
LAKE MENDOTA DRIVE  
MADISON, WISCONSIN

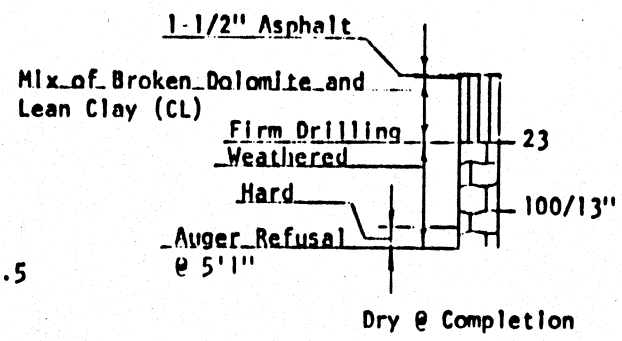
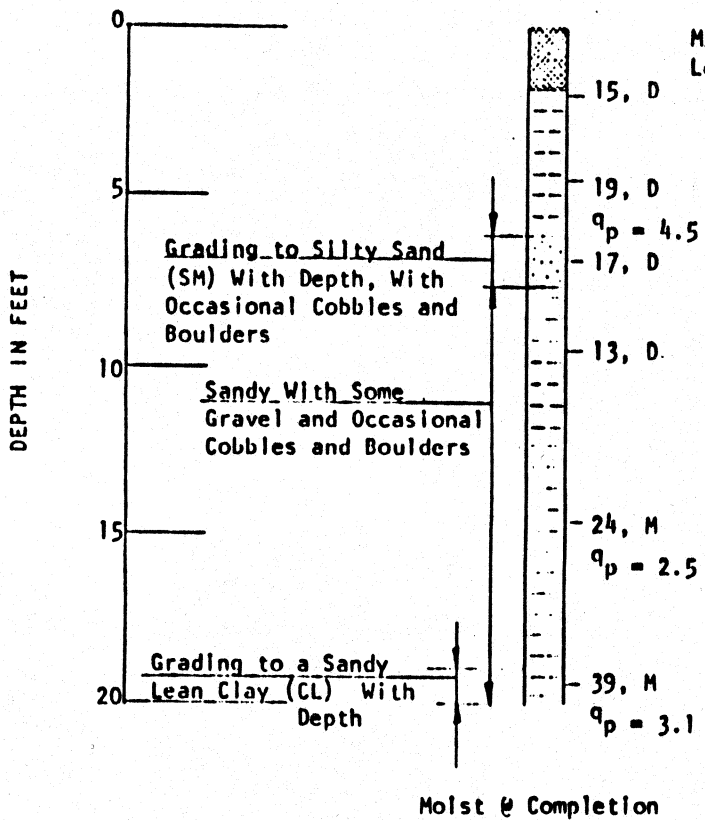
9599-5

SOILS & ENGINEERING SERVICES, INC.  
MADISON, WISCONSIN

BORING \_\_\_\_\_

7

8



DEPTH IN FEET

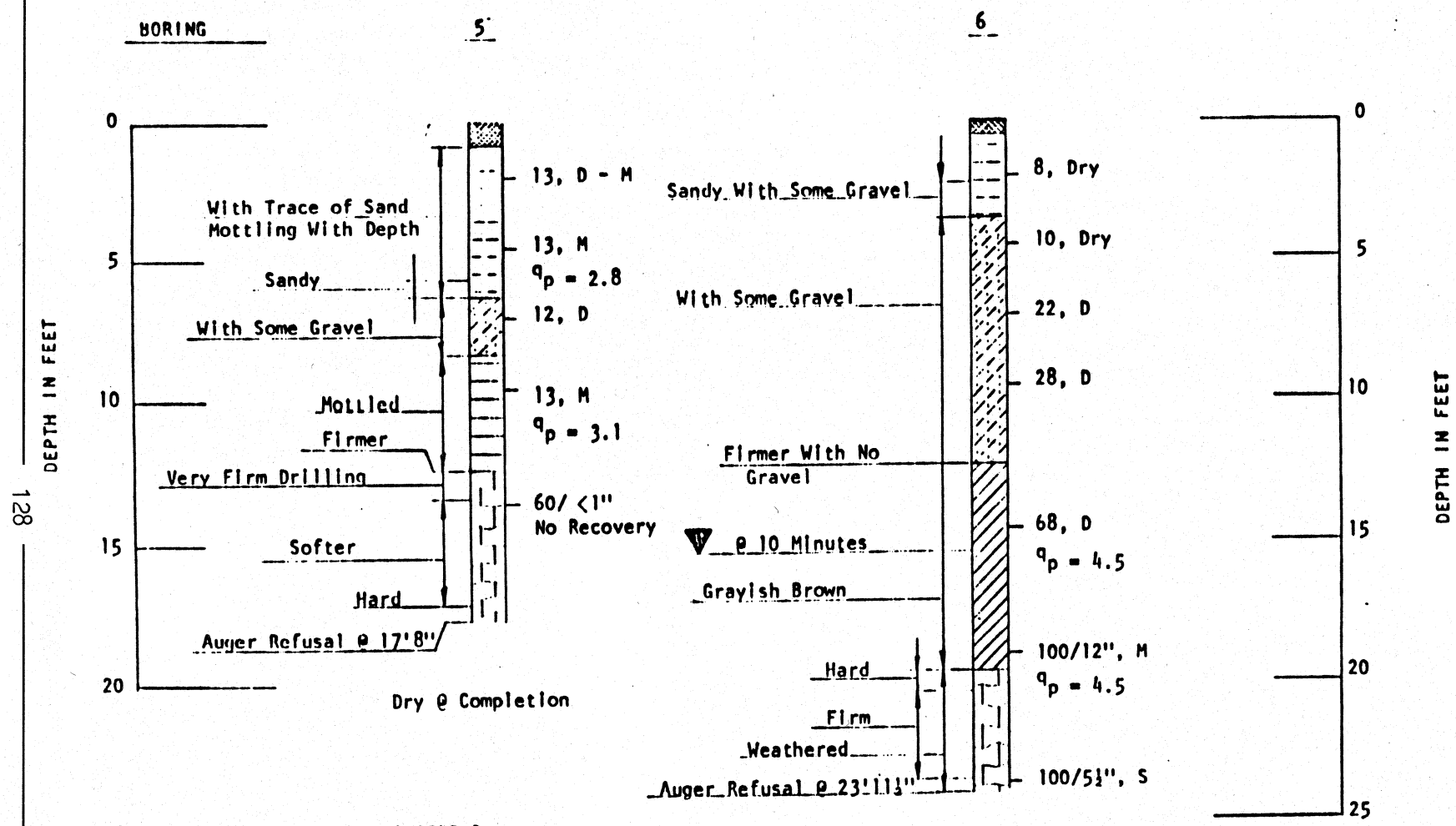
APPENDIX B (Continued)

FOR NOTES, SEE DRAWING 9599-2  
FOR LEGEND, SEE DRAWING 9599-3

SOIL BORING RECORD JACKSON ESTATE LAKE MENDOTA DRIVE MADISON, WISCONSIN	7-6656
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SOILS & ENGINEERING SERVICES, INC.  
MADISON, WISCONSIN

APPENDIX B (Continued)

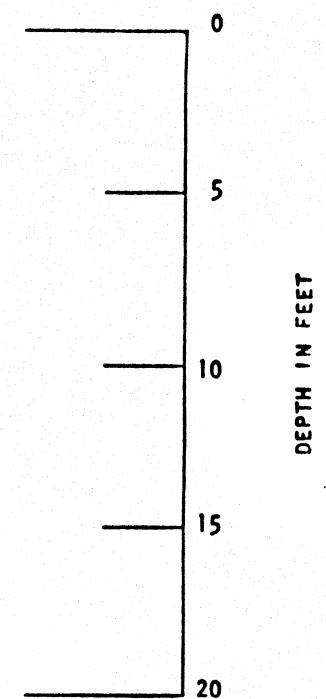
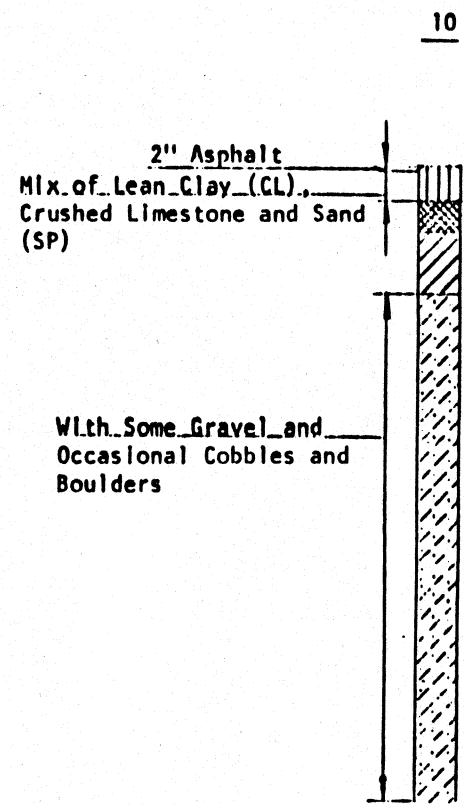
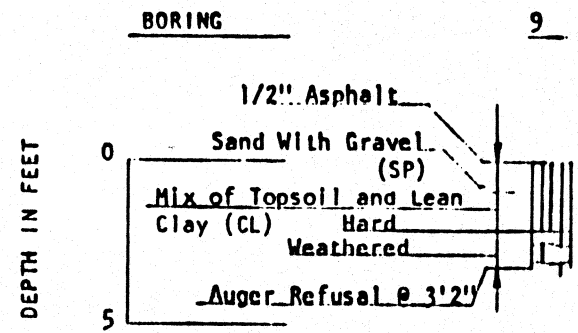


FOR NOTES, SEE DRAWING 9599-2  
FOR LEGEND, SEE DRAWING 9599-3

SOILS & ENGINEERING SERVICES, INC.  
MADISON, WISCONSIN

SOIL BORING RECORD  
JACKSON ESTATE  
LAKE MENDOTA DRIVE  
MADISON, WISCONSIN  
9-6656

APPENDIX B (Continued)



Borings Dry @ Completion

FOR NOTES, SEE DRAWING 9599-2  
FOR LEGEND, SEE DRAWING 9599-3

SOILS & ENGINEERING SERVICES, INC.  
MADISON, WISCONSIN

SOIL BORING RECORD JACKSON ESTATE LAKE MENDOTA DRIVE MADISON, WISCONSIN	8-6656
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APPENDIX C

REPORT OF MEAD AND HUNT, INC., ON PUBLIC UTILITIES



APPENDIX C (Continued)

**MEAD AND HUNT INC.**

*Consulting Engineers*

2320 University Avenue

Post Office Box 5247  
Madison, Wisconsin 53705-5247

608-233-9706

October 28, 1986

F94-86A

Ms. Jean B. Davis  
Landmark Research, Inc.  
4610 University Avenue  
Suite 105  
Madison, Wisconsin 53705

Re: Supplemental Utility and Base Map Work

Dear Ms. Davis:

We have revised the base map as requested in Ken Clark's memo of 9/24/86. The revised base map includes the following:

1. Lake Mendota Drive right-of-way abutting and south of the Jackson estate.
2. Additional internal, unpaved and overgrown drives.
3. The ordinary high water mark for Lake Mendota.
4. A setback line 75 feet from the shore of the lake.
5. A designation of those slopes at or exceeding 12% which are continuous and contiguous to the lake shore setback line.
6. An existing storm detention structure in the southeast corner of the property.
7. The old Lake Mendota Drive roadway, adjacent to the Jackson property, which existed prior to the current road alignment.

Our most difficult task was the verification of the right-of-way for Lake Mendota Drive. A detailed summary of our research is attached for your information. It is our opinion that the right-of-way for Lake Mendota Drive runs along the entire length of the western boundary of the Jackson estate as shown on our base map. It is also our opinion that Lake Mendota Drive is a public road from University Avenue to Lake Mendota.

This fact also has a bearing on the provision of utility services to the Jackson property. The following changes to our previous findings should be noted (see letter from Clark Solowicz, dated 10/15/86).

APPENDIX C (Continued)

Landmark Realty

10/28/86

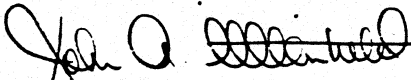
Page 2

1. The City of Madison has a 20-inch water main running from the pump station directly south. City water can be provided to the Jackson property by the Madison Water Utility via the road right-of-way as shown on our utility plan.
2. Sanitary sewer can be run to the MMSD sanitary sewer in the Village of Shorewood Hills within the public right-of-way on Lake Mendota Drive.

I have also attached a breakdown of our water and sewer estimates for your information.

Yours very truly,

MEAD AND HUNT, INC.

  
John A. Lichtenheld

JAL:dhj  
encs.

## APPENDIX C (Continued)

Landmark Realty

10/28/86

Page 3

WATER AND SEWER COST BREAKDOWN  
JACKSON PROPERTY

Water line cost from pump station to Jackson property ----- \$ 12,000

On-site sewer cost (includes MMSD fee at \$15.59/1,000 sq. ft.) ----- \$ 98,500

## Off-site sewer cost:

A. Connection to MMSD system ----- \$134,500

B. Connection to University system ----- \$ 34,500

## APPENDIX C (Continued)

F94-86A

LAKE MENDOTA DRIVE

Lake Mendota Drive was established as a public right-of-way by the Town of Madison on March 31, 1857. The roadway began at University Avenue (known at that time as Madison-Prairie du Sac Road), extended north following the existing alignment (along the north-south 1/4 line of Section 21), circled the marsh to the west before re-establishing itself along the north-south quarter section line of Sections 16 and 9 before ending at what was known as the Fourth Lake (Lake Mendota).

The alignment of the roadway was subsequently changed in February of 1858 and October of 1877. However, both of these changes involved realignment around the marsh and did not alter the alignment of the roadway in the northern portion of Section 16 and Section 9 (the vicinity of the Jackson estate).

The Jackson property was homesteaded in 1883 by M. E. Fuller. Ownership of the property has been passed on through the descendants of the original owner and was eventually inherited by Mr. Jackson. Given that 580 feet of the property's western boundary lies on the north-south quarter section line of Section 9, the original right-of-way for Lake Mendota Drive ran along the entire western property line up to Lake Mendota.

In 1892, the Madison Park and Pleasure Drive Association was formed. From 1892 to 1900, this organization improved and extended Lake Mendota Drive west of the Jackson property so that by 1900 Lake Mendota Drive extended from Park Street to Chamberlain. The Association also maintained the roadway.

In July 1937, the Madison Parks and Pleasure Drive Association conveyed ownership of all its land holdings to the City of Madison. There is no record of any property in the vicinity of the Jackson parcel being conveyed to the City of Madison.

2047M

# APPENDIX C (Continued)

F94-86A

During the early 1900's, the University of Wisconsin began to buy up the property adjacent to and surrounding the Jackson property. In 1911, the U.W. purchased 110 acres west of the Jackson Estate and 40 acres to the southwest. In 1909, additional land was bought to the south. In 1913, a small parcel of land immediately west of the Jackson property and at the end of Lake Mendota Drive was purchased by the U.W.

In 1913, the University began maintaining that portion of Lake Mendota Drive that passed through its grounds.

The 1939 Madison Comprehensive Plan by Ladislav Segoe shows Lake Mendota Drive in the vicinity of the Jackson Estate as an existing parkway to be widened. The existing street width is shown as 20 feet with a right-of-way width of 49.5 - 60 feet. The plan shows the roadway location on its original alignment, except that it curves to the west at the Jackson property rather than proceeding along the quarter section line to the lake. The roadway was proposed to be widened to a 36-foot, four-lane facility with 80 feet of right-of-way.

The improvements to Lake Mendota Drive at Eagle Heights were done at the time that the apartments were constructed. Although there is no record of exactly when this was done, our investigation indicates that it was in the mid-'50's (1954-55). Maps prior to this date show the original sharp bend, while a 1957 USGS map shows the new alignment.

In the process of investigating the location and alignment of Lake Mendota Drive, we contacted Al Besey and Dick Tipple of the University of Wisconsin. They could not find any records of the old or new road right-of-way, street vacation, or any plans for the new roadway. According to them, the University has both ownership and maintenance responsibility for the roadway. The University does not file plats or plans with any local jurisdiction (Madison, Dane County) nor does it need their approval.

2047M



APPENDIX C (Continued)

F94-86A

We also contacted Bill Carpenter of District 1 Wis DOT regarding the designation of this roadway on the State Aid Program (begun in 1947). Roadways shown on the State Aid system qualify for state funding. Mendota Drive was not shown at any time on the State Aid system (nor is ownership).

Based on our investigation, we have come to the following conclusions with regard to public access to the Jackson property:

1. The original public right-of-way for Lake Mendota Drive runs up to and along the entire western boundary of the Jackson property (550 feet). Although the original legal description does not specify a width, we have assumed a width of 4 rods (66 feet) as specified under State Statutes.
2. The old roadway, which deviated from the original right-of-way by turning sharply west at the Jackson property, provided approximately 200 feet of public road frontage for the Jackson property.
3. Unless there exists an unrecorded vacation of public right-of-way for Mendota Drive in Section 9, the Jackson property has frontage and access rights to a public street.

2047M

APPENDIX C (Continued)

F94-86A

RESOURCES

Madison Park and Pleasure Drive Association Annual Reports, 1904-1914.

Comprehensive Plan for Madison, Ladislas Segoe, 1939.

Wisconsin State Planning Board Map, 1941, Wisconsin State Historical Society.

U.S. Coast and Geodetic Survey Maps, 1904 and 1959.

Town of Madison Road Records, 1846-1893, Wisconsin State Historical Society.

2047M

APPENDIX C (Continued)

**MEAD AND HUNT INC.**

*Consulting Engineers*

2320 University Avenue

Post Office Box 5247  
Madison, Wisconsin 53705-5247

608-233-9706

October 16, 1986

F94-86A

Landmark Research, Inc.  
4610 University Avenue, Suite 103  
Madison, Wisconsin 53705

Attention: Ms. Jean B. Davis  
Vice President

Subject: Jackson Estate Appraisal  
Supplement to September 17, 1986 Public Utilities Report

Dear Ms. Davis:

On September 24, 1986 we received a letter requesting two supplemental explanations to our report of September 17, 1986. The following should provide the additional information that you requested.

**2. Utilities Letter**

- A. Supplement with a clear statement of right for subject property to connect to the university sewer system.

We have contacted the Regional Planning Commission, in particular Mr. William Lane. The subject property is classified as an environmental corridor. Before any development can take place, the subject property must be reclassified. Reclassification can be obtained through proper channels at the Department of Natural Resources.

We then contacted the University of Wisconsin/Department of Planning and Construction, in particular Mr. Richard Zach. At the present time, the university sewer system in the subject area is working slightly below capacity. Mr. Zach stated, that at the present time he could not give the subject property the right to connect to the university sewer system without a preliminary land use plan. He also stated that a private user, a property not owned solely by the University of Wisconsin, would have to connect into the MMSD sewer system and could not connect into the university system (see attachment). The solid black border at the bottom corner of the page establishes the closest MMSD service area. Therefore the subject property could:

- a) Extend the sewer line from subject property to MMSD system. This is a distance of 3,500 feet and would involve an added cost to the existing estimate of \$100,000. It is assumed that this sewer could be placed within the existing road right-of-way.
- b) Request permission in writing from the UW/Department of Planning and Construction to connect into the existing university system at Eagle Heights, even though the property is considered a private user by the UW Department of Planning and Construction. According to the University, this request would run contrary to their existing policy.

APPENDIX C (Continued)

Landmark Research, Inc.

10/16/86

Page 2

- B. Supplement with an explanation why an easement is required for water main to be extended to the subject property and over whose land.

Wisconsin Statute Chapter 24 Section 40 determines requirements for easements. We have obtained a map showing the current property owners (see attachment). The University of Wisconsin owns all land around the subject property. The University of Wisconsin/Department of Planning and Construction in conjunction with the City of Madison Water Utilities owns and operates the pump station located on Lake Mendota Drive. The easement would be required for the portion of the line from the pump station to Mendota Drive right-of-way line. An easement for the subject property water line would need to be obtained from the UW/Department of Planning and Construction.

We hope we have clarified all of your supplemental utility needs. Please contact John Lichtenheld if there are any further questions.

Yours very truly,

MEAD & HUNT, INC.

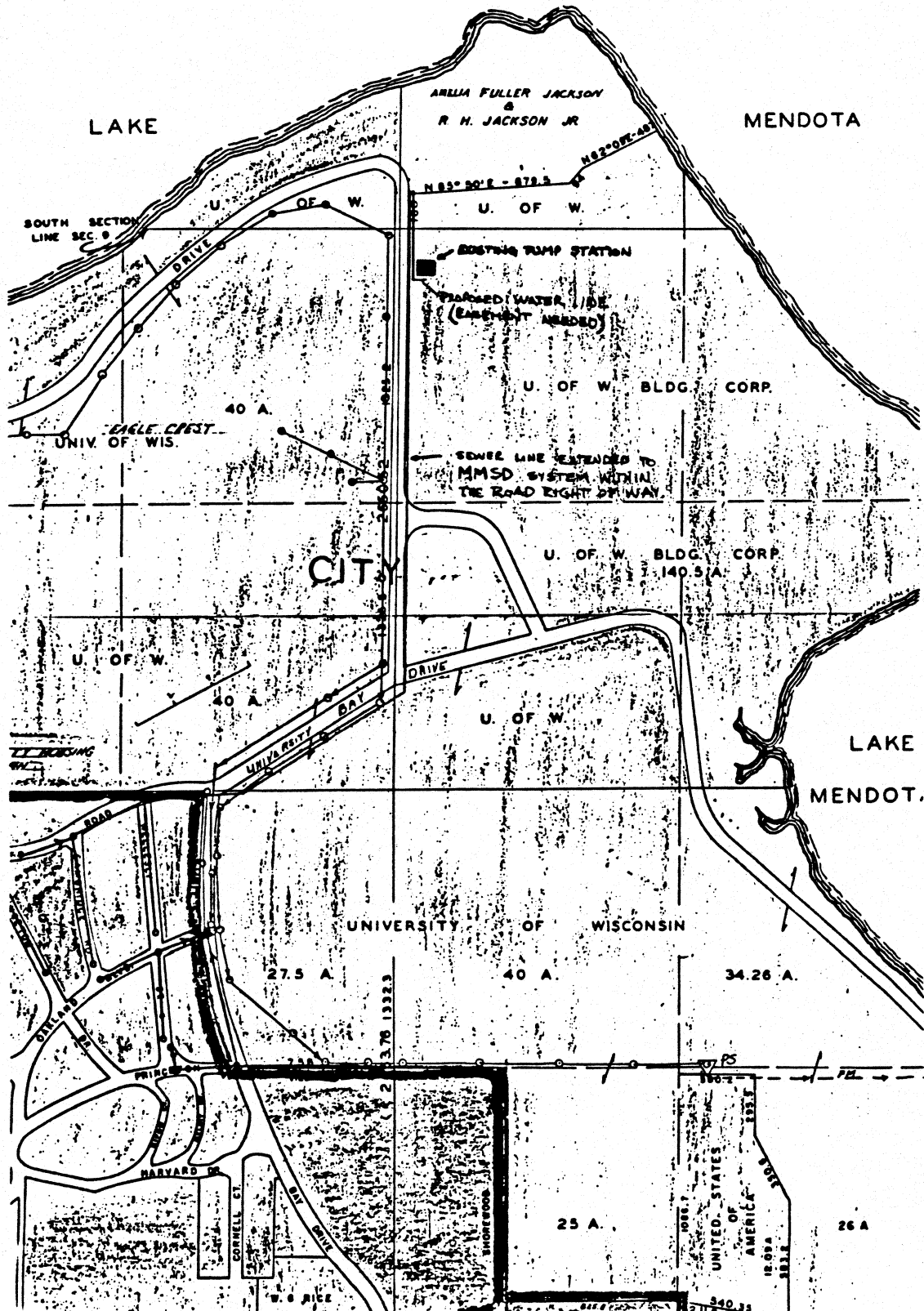
  
Clark J. Solowicz

CJS:csy

APPENDIX C (Continued)

TOWN OF MADISON  
SEC.16 & 9 T.7N. R.9E.

Meed and Hunt  
Consulting Engineers  
2320 University Avenue  
Madison, Wisconsin 53706  
(608) 233-9706





APPENDIX C (Continued)

**MEAD AND HUNT INC.**

*Consulting Engineers*

2320 University Avenue

Post Office Box 5247  
Madison, Wisconsin 53705-5247

608-233-9706

September 17, 1986

First Wisconsin National Bank of Madison  
P.O. Box 7900  
Madison, Wisconsin 53703

Attn: Mr. R. Christian Davis  
Trust Officer

Subj: Jackson Estate Appraisal  
Public Utilities

A preliminary review of a plan for connection of water and sewer utilities has been completed by this office.. This plan was submitted on behalf of Jackson Estate Appraisal by Mead and Hunt, Inc., Madison, Wisconsin. Comments from our review will be presented in this letter. Please see attached drawing.

Water utility connection can be achieved directly south of the property at the Lake Mendota Drive pump station. An eight-inch water line will be connected from the pump station to the southwest corner of Jackson Estate. This proposed water line will adequately service future development of the Jackson Estate Area. An easement for the property directly to the south of Jackson Estate and east of Lake Mendota Drive would have to be obtained before construction.

Sanitary sewer connection to the existing University of Wisconsin system, in Eagle Heights Apartments, is the best alternative based on project cost and area need. We have submitted two possible connection routes. Route 1 utilizes a system within the Jackson Estate property, while Route 2 utilizes both the Jackson Estate and property directly to the west.

It is our opinion that Route 1 would be the best alternative. The connection will consist of a gravity system along the shoreline to service any property development. A pump station will be located at the northwest corner of the property to connect the gravity system of Jackson Estate to the university system. Temporary easement must be obtained for the portion of the line that is not on the Jackson property. Environmental considerations must be taken into account due to the location and topography of the area. Our recommendation will increase the flow on the University's sanitary sewer system. We have contacted MMSD, in particular Mr. Gary Sachs, and the loading will not be enough to warrant change in the University's system. Finally, to develop this plan, the boathouse facility would have to be demolished as recommended in our Boathouse Evaluation. Our cost estimate for the construction of this sewer line and water connection would be about \$145,000 which does not take into account the demolition of the boathouse.

APPENDIX C (Continued)

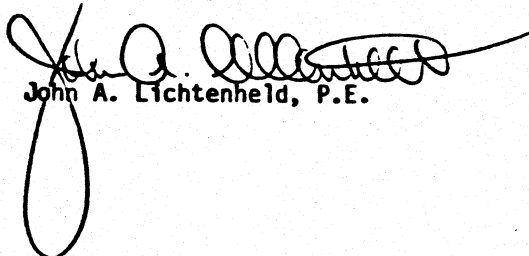
Mr. R. Christian Davis  
Page two  
September 17, 1986

Route 2 connection will consist of a gravity system and pump station exactly the same as Route 1. However, Route 2 will utilize property to the west of Jackson Estate for the pressure line from the pump station to the University system. Permanent easement would have to be obtained from the property owner directly to the west of Jackson Estate, or a possible condemnation of the land may have to be undertaken before start of construction. As in Route 1, environmental, loading and construction considerations would have to be taken into account. Our cost estimate for the construction of Route 2 sewer line and water connection would be approximately \$135,000 which does not take into account the demolition of the boathouse and more importantly, the expense of obtaining a crossing of the property to the west of Jackson Estate. We therefore, recommend Route 1 as the most viable alternative.

We trust the above evaluation will suit your needs. Please contact us if there are any further questions.

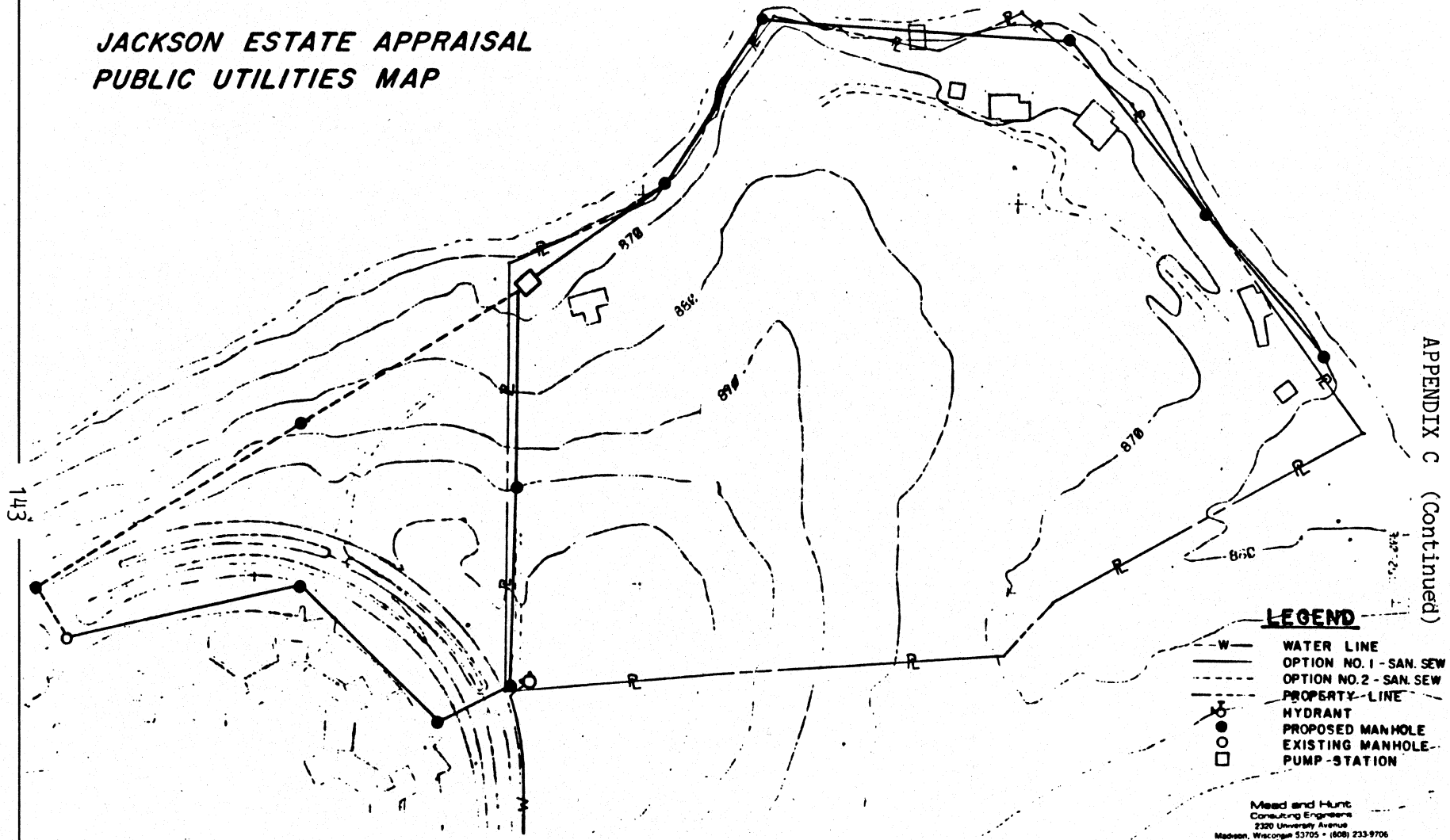
Yours very truly,

MEAD AND HUNT, INC.

  
John A. Lichtenheld, P.E.

JAL:jav

# JACKSON ESTATE APPRAISAL PUBLIC UTILITIES MAP



APPENDIX C (Continued)

Water Utility

City of  
Madison



Gary A. Graham, Manager

November 20, 1986

First Wisconsin National Bank of Madison  
P.O. Box 7900  
Madison, Wisconsin 53707

ATTENTION: R. Christian Davis

Dear Mr. Davis:

This is in response to your letter, dated October 29, 1986, regarding water main extensions to serve the Reginald Jackson Estate. The procedure for extension of water mains to serve this property is as follows:

- 1) The property owner must submit a written request for water mains to be extended to serve the property and agreeing to pay the cost of the extension.
- 2) The Water Utility will then prepare plans and specifications for the extension.
- 3) The Water Utility will introduce a resolution to the Common Council approving the plans and specifications.
- 4) The Water Utility will request a water main easement from the University of Wisconsin.

The cost of extending the water main to the Southwest corner of this property will be approximately \$17,000. This does not include the cost of water mains fronting on or within the site, nor the cost of acquiring a water main easement from the University of Wisconsin.

If you have any further questions on this matter, please call me.

Sincerely,

MADISON WATER UTILITY

Robert P. Fuller  
Assistant Manager

RPF:JRB:sd

523 East Main Street  
Madison, Wisconsin 53703  
608 266 4651

APPENDIX D

REPORT OF MEAD AND HUNT, INC., ON WELL AND SEPTIC SYSTEMS



APPENDIX D (Continued)

**MEAD AND HUNT INC.**

*Consulting Engineers*

2320 University Avenue

Post Office Box 5247  
Madison, Wisconsin 53705-5247

608-233-9706

October 9, 1986

Ms. Jean B. Davis  
Landmark Research, Inc.  
4610 University Ave., Suite 105  
Madison, WI 53705

Re: Well and Septic Investigation  
Jackson Estate

Dear Ms. Davis:

We have completed the work as requested in your letter of September 19, 1986. Our investigation found a well and septic system at each of the two homes on the property. Each of these systems was investigated by a well driller and plumber. Their report is attached. In addition, we had a bacteriological test done at each of the two wells. The results of that test are also enclosed.

In summary, there are two homes on the property, the more westerly home being the oldest. The well and septic system on the westerly home is in the worst shape. The well water is not safe bacteriologically and its questionable construction indicates that a new well should be constructed. Likewise, the septic system at this location is of questionable operation and should be replaced. Soil borings indicate that the soil should be able to support a septic drainfield.

The easterly home has a well which is of unknown construction. However, the bacteriological test indicates it is safe. We would therefore suggest that the well could continue to be used in its present condition. It would appear that a septic drainfield for this home should be constructed. Again, soil borings at this location indicate that the soil can support a standard septic system.

With regard to the locations of the wells and septic systems, in addition to the enclosed drawings, we have also added them to our base map drawing enclosed.

If you have any questions, please contact me.

Yours truly,

MEAD AND HUNT, INC.

  
John A. Lichtenheld

JAL:mlk

APPENDIX D (Continued)



3818 Co. Hwy A-B • Madison, Wisconsin 53704 • 608-222-1730

October 3, 1986

**RECEIVED**

OCT -6 1986

MEAD and HUNT, INC.

Mead & Hunt, Inc.  
2320 University Avenue  
Madison, Wisconsin 53705  
Attn: Arie Dewaal

**RE: SEPTIC & WELL EVALUATION OF PROPERTY**  
**AT 1601 LAKE MENDOTA DRIVE, MADISON, WI**

Dear Mr. Dewaal:

At your request we evaluated the well and septic systems at 1601 Lake Mendota Drive, Madison. There are two residences at this address positioned roughly east & west in respect to each other. The 1st residence we will refer to as the west property. Please find a drawing enclosed showing relative positions and dimensions of well and septic locations as best can be determined.

The well on the west property is in a well pit, the pit appears to be old but well constructed of poured concrete and includes a sump with a sump pump installed. The well is 6" diameter with unknown depth and casing. The well seal is non-complying split type and not properly sealed. There is what appears to be a rain water cistern measuring 12' from well, measured to the center of cistern cover the cistern size is unknown and Wisconsin code calls for a minimum distance of 10' from well to cistern.

The following is reference to septic system on the west property. There is a concrete cover on the westerly side of house which appears to be either a septic tank or grease trap. This container then appears to lead to another concrete cover that is assumed to be either a septic tank or cesspool. There is a vent pipe located 8' from the latter cover. The distance from vent pipe to lake is about 60' measured to the nearest shoreline. The distance between the 1st described concrete cover to the well is 21'. Since the minimum distance between well and septic tank or grease trap is 25'. We believe this system to be obsolete and non-complying with Wisconsin septic code and is of unknown construction.

APPENDIX D (Continued)



3818 Co. Hwy A-B • Madison, Wisconsin 53704 • 608-222-1730

Page 2  
(Well & Septic Evaluation)

**NOTE:** The absence of locking covers on exposed "septic" cover is also a violation of Wisconsin septic code.

**NOTE:** Observed water level in septic tank and cesspool appear to be excessively high, which maybe an indication of complete septic system failure.

**NOTE:** Due to a very small basement area, with extensive crawl space it could not be determined if the various bathrooms throughout the house were joined to a central sewer to fragmented into various disposal methods.

**NOTE:** There are two 4" clay pipes in front yard terminating several inches above ground level. We could not determine the purpose for these.

The well on the east property is non-complying with Wisconsin code as there is a uncased suction line protruding underground. The well is approximately 3" diameter of unknown construction.

The septic system on the east property as follows. The septic tank is approximately 25' from house and 32' to nearest shoreline. No septic cesspool or disposal field was found. This system is of unknown construction and would appear to be non-complying due to the absence of any system vent pipes. Normal water level was observed in septic tank but absence of required septic tank locking device is noted. Size of septic tank was also undetermined.

Respectfully Submitted

A handwritten signature in cursive script, appearing to read "Duane C. Farwell".

Duane C. Farwell  
Pump Installer - #2152

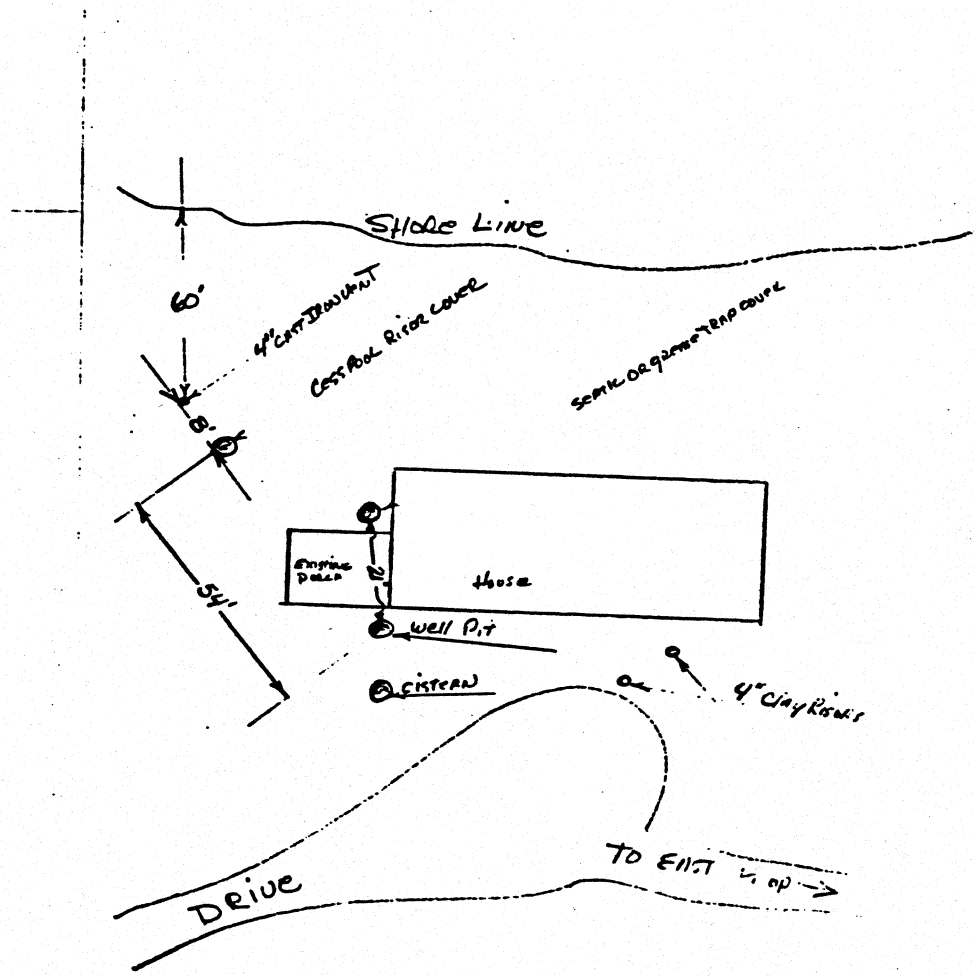
A handwritten signature in cursive script, appearing to read "Coyt R. Farwell".

Coyt R. Farwell  
Master Plumber - MP 4843

Enclosure(s)- (1)

APPENDIX D (Continued)

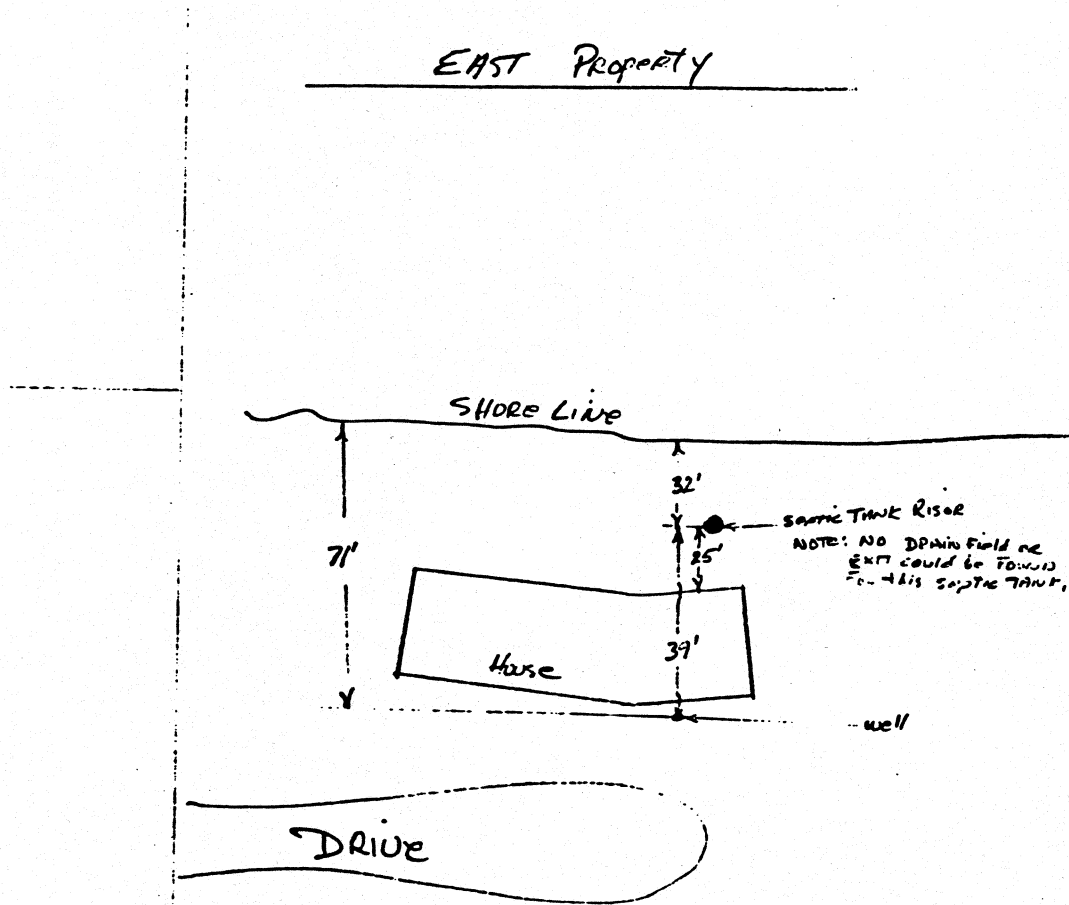
West Property



NO SCALE

APPENDIX D (Continued)

EAST PROPERTY



AS SCALE

## APPENDIX D (Continued)

STATE LABORATORY OF HYGIENE—UNIVERSITY OF WISCONSIN  
465 Henry Mall, Madison, WI 53706

ENVIRONMENTAL SCIENCES

(Please type or print, using a black pen.)

WATER

Date of Collection: OCT 01 1986 5 PM  
Month Day Year Hour

Collected by: DUANE FARWELL

Owner's Name: University of Wis.

Address: MADISON

Mail  
Results  
To:

Mead + Hunt (1000 FRIEDLAND AVE.)  
P.O. Box 5247 2370 University Ave.  
CITY MADISON, WI 53705  
STATE WIS Zip Code

Paid  
4.00  
Per

## WELL DATA

Address of Well: 1601 Lake Mendota  
or Other DR.

Well Location: DANE MADISON  
County Town or City  
West House

Type of Well: Drilled ☒ Driven Point ☐  
Dug ☐ Other ☐

Casing Diameter 6 inches

Casing Depth OK feet

Depth to Water OK feet

Well Depth OK feet

Distance to Septic Tank \_\_\_\_\_ feet

Distance to Tile Field \_\_\_\_\_ feet

Date of Well Construction: \_\_\_\_\_

Well Constructor's Name and Address: \_\_\_\_\_

Pump Installer's Name and Address: OK

## SOURCE OF SAMPLE

Well ☒ Swimming Beach ☐  
Lake or River ☐ Pool ☐

Exact Sample Location:

Sample FAUCET  
(Sampling Faucet, House Tap, Milkhouse, Barn, Etc.)

Reason for Sampling or Other Remarks:

EVALUATION

## TEST REQUEST

Please indicate tests desired; remit \$4.00 for each test requested.

☒ Bacteriology (See explanation of tests on reverse side.)  
☐ Nitrate  
☐ Fluoride

## LABORATORY RESULTS

Coliform Test

Presumptive 24 hours \_\_\_\_\_ /5

Presumptive 48 hours 2 /5

Coliform Group 2 /5 Confirmed

☐ Safe Bacteriologically

☒ Unsafe Bacteriologically

085 Nitrates \_\_\_\_\_ mg/L as N

065 Fluoride \_\_\_\_\_ mg/L

Date Reported

OCT 6 1986 6

Date Received

OCT 24 1986 Lab No. 30598

Wisconsin State Laboratory of Hygiene  
R.H. Laessig, Ph.D., Director  
S.L. Inhorn, M.D., Medical Director  
(608) 262-1293 Form #291



APPENDIX D (Continued)

STATE LABORATORY OF HYGIENE—UNIVERSITY OF WISCONSIN  
465 Henry Mall, Madison, WI 53706

ENVIRONMENTAL SCIENCES

(Please type or print, using a black pen.)

WATER

Date of Collection: OCT 01 1986 5 PM  
Month Day Year Hour

Collected by: Duane FARWELL

Owner's Name: UNIVERSITY OF WIS

Address: MADISON

Mail Results To:	<u>MEAD &amp; HUNT (% REE DEWALL)</u>		Paid 4.00 Post
	<u>P.O. Box 5247 2320 University Ave</u>		
	<u>CITY MADISON,</u>		
	<u>STATE WIS</u>	<u>53705</u> Zip Code	

WELL DATA

Address of Well: 1601 LAKE MEAD DR.  
or Other

Well Location: DANE MADISON  
County Town or City

EAST HOUSE  
1/4 Section Section Township Range

Type of Well: Drilled ☐ Driven Point ☐  
Dug ☐ Other ☐

Casing Diameter \_\_\_\_\_ inches

Casing Depth \_\_\_\_\_ feet

Depth to Water \_\_\_\_\_ feet

Well Depth \_\_\_\_\_ feet

Distance to Septic Tank \_\_\_\_\_ feet

Distance to Tile Field \_\_\_\_\_ feet

Date of Well Construction: \_\_\_\_\_

Well Constructor's Name and Address: \_\_\_\_\_

Pump Installer's Name and Address: \_\_\_\_\_

SOURCE OF SAMPLE

Well ☒ Swimming Beach ☐  
Lake or River ☐ Pool ☐

Exact Sample Location:

OUTSIDE FAUCET  
(Sampling Faucet, House Tap, Milkhouse, Barrel, Etc.)

Reason for Sampling or Other Remarks:

EVALUATION

TEST REQUEST

Please indicate tests desired; remit \$4.00 for each test requested.

☒ Bacteriology (See explanation of tests on reverse side.)  
☐ Nitrate  
☐ Fluoride

LABORATORY RESULTS

Coliform Test

Presumptive 24 hours \_\_\_\_\_ /5

Presumptive 48 hours \_\_\_\_\_ /5

Coliform Group 0 /5 Confirmed

☒ Safe Bacteriologically

☐ Unsafe Bacteriologically

085 Nitrates \_\_\_\_\_ mg/L as N

065 Fluoride \_\_\_\_\_ mg/L

Date Reported

OCT 6 1986 6

Date Received

Lab No.

OCT 2 1986 030997

Wisconsin State Laboratory of Hygiene

R.H. Laessig, Ph.D., Director

S.L. Inhorn, M.D., Medical Director

(608) 262-1293 Form #291

F-9084d

APPENDIX E

REPORT OF MEAD AND HUNT, INC., ON BOATHOUSE CONDITION

APPENDIX E (Continued)

**MEAD AND HUNT INC.**

*Consulting Engineers*

2320 University Avenue

Post Office Box 5247  
Madison, Wisconsin 53705-5247

608-233-9706

September 19, 1986

First Wisconsin National Bank of Madison  
P.O. Box 7900  
Madison, Wisconsin 53703

Attn: Mr. R. Christian Davis

Subj: Jackson Estate Appraisal  
Boathouse Evaluation

Gentlemen:

In accordance with your request, we have investigated the boathouse located on the Jackson Estate along the southern shore of Lake Mendota, and have the following observations and evaluations to make at this time.

The boathouse is a wood frame structure partially supported on a concrete foundation system measuring approximately 18-feet in width by 34-feet in length with the rear portion of the structure being constructed into the slope of the embankment to the lake. The concrete foundation is severely cracked and displaced in many areas along the east and west sidewalls and the earth pressure is pushing the concrete walls toward the lake. The interior wood framing is in reasonably good condition, but is out of plumb and shifted somewhat when it bears on the displaced concrete foundation system.

The roof deck is in reasonably sound condition on the interior portions of the building with severe rotting occurring on the exterior portions of eave and gable overhangs. Electrical service into the boathouse has deteriorated with age. The electrical conductor wires no longer have insulation around them and the junction boxes and switch and power outlets within the boathouse area severely corroded.

It is our opinion that the boathouse facility has seen its useful life and should be scheduled for demolition. Our cost estimate for the demolition work would be about \$5,000 which takes into account difficulty of sight access and the relatively small scale of the project.

APPENDIX E (Continued)

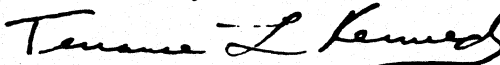
Mr. R. Christian Davis  
Page two  
September 19, 1986

If there was a true desire to rehabilitate this structure by replacing the existing foundation system and reconstructing deteriorated portions of the building, we feel that the cost would probably approach \$25,000.

We trust that the above evaluation will suit your needs. Please contact us if there are any further questions.

Yours very truly,

MEAD AND HUNT, INC.



Terrance L. Kennedy, P.E.

TLK:jav  
3534H

APPENDIX F

REPORT OF KENNETH K. CLARK,  
PLANNING AND DEVELOPMENT CONSULTANT

# KENNETH K. CLARK

PLANNING AND DEVELOPMENT CONSULTANT

3563 UNIVERSITY AVENUE • MADISON, WISCONSIN 53705 • (608)231-4510

November 10, 1986

Mr. R. Christian Davis  
Trust Officer  
First Wisconsin National Bank of Madison  
P.O. Box 7900  
Madison, Wisconsin 53707

Professor James A. Graaskamp  
President, Landmark Research, Inc.  
4610 University Avenue, Suite 105  
Madison, Wisconsin 53705

Mr. Sherman G. Geib  
Geib Realty Group  
119 Monona Avenue  
Madison, Wisconsin 53705

Re: Investigations of the Estate of  
Dr. Reginald Jackson, Second Point,  
Lake Mendota Property

Gentlemen:

This letter summarizes my investigations of the referenced property. A physical inventory of the property consisting of a base map, boundary survey, topographical and hydrographic information, and public water and sanitary sewer investigations has been prepared at my initiation by the firm of Mead and Hunt, Inc., consulting engineers. This information has been provided you separately. This letter includes the results of my investigations of local governmental plans and regulations which currently specify or limit land use or development of the property. Lastly, this letter describes a number of land use and development scenarios for the property.



## PHYSICAL DESCRIPTION

The property is a relatively unimproved, privately owned, wooded parcel surrounded by lands of the University of Wisconsin and located on the south shore of Lake Mendota within the City of Madison. The property has:

- a. Area of 16.85 acres, including the right-of-way of Lake Mendota Drive.
- b. Lake frontage of 1537.99 feet measured at the surveyed meander line.
- c. Structures consisting of two single-family residences, two double car garages (one collapsed), one four-car garage with sleeping quarters, a collapsed seaplane hangar, dog house and boat house.
- d. Site improvements consisting of two lake access stairs, paved driveway, private water supply, private sanitary sewage systems and a storm water detention structure.
- e. Electric power service.
- f. Bedrock underlying the soil two to four feet deep in the northwest portion of the property and high, seasonal water table existing in the southeasterly portion, according to the attached portion of the Soils Survey of Dane County.
- g. Land access from Lake Mendota Drive which abuts the west line of the property.
- h. A continuous slope downward from the southwest high sector of the property north and east toward Lake Mendota.

## LOCAL PLANS

The property is within the local planning jurisdiction of the City of Madison. Additionally, adopted plans of Dane County affect the property, especially when these plans are also adopted by the Madison Common. The University of Wisconsin-Madison also has prepared plans for its lands and environs. These latter plans are significant in impact upon private peripheral lands, especially when they are incorporated into Madison's plans. Identified plans which have impact upon the property are as follows:

1. 1980 Campus Development Plan. This plan prepared by the University of Wisconsin-Madison was adopted by the Board of Regents of the University of Wisconsin System, November 7, 1980. The plan identifies the subject property specifically as land recommended for preservation due to significant biological values of its natural state. The plan on page 42 also contains a proposal to "acquire or support the dedication of the 15-acre Jackson parcel on Second Point as a natural preserve."
2. November 1983 Land Use Plan for Madison. This is part of the Madison master plan. Subdivision platting and rezoning requests are usually evaluated by reviewing authorities by comparison with the master plan components of the City. The Land Use Plan classifies the subject property into a Special Institutional District. The description of the district includes the following statements:

### Special Institutional Districts

This is a special district used to define the location and extent of certain specialized activities. These activities may include:

- a. University and college campuses
- b. Hospitals and related facilities
- c. Cemeteries
- d. Educational facilities
- e. Churches and religious facilities

The purpose of this land use designation is to identify those large or strategically located parcels now occupied, or planned to be occupied, by major institutional uses whose special characteristics would make classifications to one of the other land use categories misleading or inappropriate.

The Special Institution category, applied mainly to major medical, religious, and educational facilities, should create a framework within which the plans of these institutions can be evaluated and coordinated with those of the City.

Earlier versions of this plan also classified the subject property into the same district. The City Plan Commission and Common Council normally rely on this plan and others when considering development or rezoning petitions.

3. 1984 Environmental Corridors. This report with accompanying maps is both a plan and a regulatory limit on development as discussed later in this report. It was adopted by the Dane County Regional Planning Commission (DCRPC), Dane County, and by City. The Jackson property at Second Point is mapped within an Environmental Corridor and designated as "Proposed Conservancy Lands." I am told the basis for inclusion in the corridor was the steep slope of the Lake Mendota shoreline, the woods, and most importantly, the designation as "natural preserve" on the various campus development plans of the University of Wisconsin-Madison.

The Environmental Corridor report states that "the only development intended within the environmental corridor is recreational facilities in parks . . . ."

The significance of land inclusion within a corridor is twofold:

(1) sanitary sewer extension for new development on the land is prohibited, and (2) requests for development approvals, such as rezoning, land division or removal from the corridor designation, are made extremely difficult and time consuming.

Attachments E.1.-E.4. describe minor and major changes or revisions to the corridor designations. Minor changes require action only by the City after recommendation from the staff of the DCRPC. Major revisions require concurring action by the DCRPC and the Wisconsin Department of Natural Resources (DNR).

4. June 1984 Campus Development Plan--Ten-Year Plan. This plan adopted for the University of Wisconsin-Madison repeats the earlier 1980 campus plan designation of the Jackson Second Point property as "natural preserve" and mapped among "properties to be considered for acquisition by the UW-Madison for the development of general academic facilities, multiple use open space and/or related facilities." The plan has no schedule for land acquisition of the subject property through 1994.
5. 1984 Parks & Open Space Plan. This plan is part of the Madison master plan. The plan shows the Jackson Second Point property

among the mapped "areas having potential for preservation." This mapping is believed to mean that the City is not interested in purchasing the various mapped properties nor willing to easily allow their present usage changed. A similar 1983 County Park and Open Space Plan does not include Second Point.

- G. 1985 Regional Development Guide for Dane County. This plan is part of the master plan for Dane County. The Jackson Second Point property has been mapped as part of an Environmental Corridor. Non-development is advocated for purposes of pollution control and resource protection. The City of Madison endorsed this guide in March 1986 "as a general policy framework for planning and development in the Dane County region, which will be used within the framework of the City of Madison Land Use Plan and other elements of the Master Plan as a guide for community planning and development in the area of the City of Madison." This likely means that the City will carefully review any development proposals for the property; afford ample time to the University or others to negotiate a purchase for open space purposes; and, if acquisition fails, approve, probably only under legal pressure, a proposal which least affects the existing character of Second Point and its environs.

This process was enacted over a two and one-half year period ending in 1981 on a similar mapped "natural preserve," private lakeshore property on the Lake Mendota Drive at the northwest corner of the campus. Attachments J.1.-J.4. identify the property

and include newspaper articles. Bradenton Days Inn, Inc., the owner, brought a lawsuit against the city and ultimately was successful in obtaining a rezoning. The similar property then differed from the Jackson Second Point property by consisting of a number of existing lots with full street frontage, having existing public water main and sanitary sewer, being zoned Conservancy, not being completely surrounded by University ownership, and not being within a mapped Environmental Corridor or shown on the County Regional Developmental Guide.

It is reported that the key elements resulting in rezoning for Bradenton Days Inn were the prior existence of lots, a high city assessed value, and a Conservancy zoning classification which severely limited residential use contrary to the value determination by the city assessor.

#### LOCAL GOVERNMENT DEVELOPMENT REGULATIONS

There are a great number of ordinances and regulations affecting property land division; land use type, intensity and quality; and public water and sanitary sewer service. And there are specific regulations permitting or controlling certain uses, activities or development. Because of the number and diversity of these ordinances and regulations, the following discussion is limited to the basic ordinances and regulations affecting Jackson Second Point.



1. City Official Map. The City has not official mapped the property as of July 1986 but could at any time without individual notice to the owner. If a proposed street, highway, park or parkway is official mapped in whole or part, subsequent land division or subdivision of the property would require dedication or reservation of the official mapped land. If mapped, there would be no compensation for new buildings constructed within the mapped area at such time as the City purchased or otherwise acquired the mapped property. I do not expect the City to official map the property, other than the existing Lake Mendota Drive right-of-way, as only the University has expressed official interest in acquisition.
2. Environmental Corridor. As discussed earlier, this designation on the property impacts development potential as sanitary sewer extension for new uses is prohibited. Land may be removed from an environmental corridor as a minor change or a major change. The procedure for change is attached. Mr. William Lane of the Dane County Regional Planning Commission has advised me that in his opinion a minor change would consist of removing the corridor designation from that portion of the property having less than twelve percent continuous slope to the lake and being seventy-five feet or more from the lakeshore. Removing land from the designation having twelve percent or greater continuous slope to the lake would be a major change, in his opinion. Since the statutory and regulatory basis for environmental corridors is water quality, he agrees that there is no legal basis for mapping those lands which are unlikely to damage water quality through the process of

development or changed use. The environmental corridor designation does not prohibit sanitary sewer extension to existing uses such as the two homes on Jackson Second Point.

3. Madison Zoning Code. This City ordinance is intended to achieve multiple public purposes. Among them is listed: "to establish districts of such number, shape and area as may be deemed best suited to carry out the purposes of this ordinance."

The Jackson Second Point is within the Agriculture District. It was so zoned in 1966 after initially being zoned to the Conservancy District as part of a city-wide zoning code and map.

The open lands adjoining to the West and South are owned by the University and are zoned Conservancy District. The University land opposite on Lake Mendota Drive is zoned R-4 General Residence District and is used for medium density residential purposes. I am informed that the University has 1,231 dwelling units located on about 149 acres bounded by Lake Mendota Drive on the East and North, Village of Shorewood Hills on the West, and University Bay Drive on the South. Lake Mendota is zoned Conservancy District.

The Statement of Purpose for the Agriculture District reads as follows:

"The agriculture district is established to preserve, in agricultural uses, lands suited to future urban development

pending proper timing and economical provision of public utilities and community facilities to ensure compact and orderly land use development. Change of zoning from agriculture to any other zoning district shall be made only when compatible with the comprehensive plan."

This district classification offers some possibilities for future rezoning if the proposed use is compatible with the Master Plan. Also rezoning for new use-development of the property would likely require: private expenditures for utilities; a finding that the new use would not cause traffic in excess of the capacity of Lake Mendota Drive; a "minor" change in the Environmental Corridor mapping after lengthy public review and discussion; a determination that the University or others are not to purchase and preserve the property; evidence that there is no legal basis for retaining the property within the Agriculture District; removal of most of the land from the Environmental Corridor; and a development plan drawn to least affect the existing vegetation and shoreline.

A more intensive permitted use under the present Agriculture District classification would be the best development solution, if economic. In inverse order, the R-1 Single-Family Residence District; R-3 Single-Family and Two-Family Residence District; R-4 General Residence District; or Planned Unit Development District are the most appropriate and have more chance to succeed if up-graded zoning is to be sought.

Attached is the Agriculture District portion of the Madison Zoning Code and a portion of the General Provisions section dealing with any Waterfront Development. These attachments describe the

existing permitted uses of the property, parcel dimensions, yard requirements, and the conditional use procedure necessary under the stated circumstances of waterfront development.

The general provisions of the ordinance prohibit more than one principal detached residential building on an Agriculture zoning lot. The property is non-conforming because of the two existing homes. Residential use of them may legally continue provided neither remains vacant for more than a continuous period of one year. Additions or enlargements would be prohibited to the existing home designated as causing the non-conforming use of land.

4. Madison Land Subdivision Regulations. These regulations require City approval of division of the property for purposes of transfer of ownership or building development with some exceptions. One exception, as applied to divisions of less than five parcels, is transfer of interests in land by will or pursuant to court order. A land division may be either a subdivision (more than four new parcels or lots) or a certified survey of lot division (four or less new parcels or lots).

The regulations give great latitude to the City in determining if a given property is suitable for division. The City also determines the adequacy of proposed lots, streets, utilities, land use intensity and virtually any other land or public improvement or service issue which may come to mind. A proposed land division must be in conformity with the master plan. Additionally, the City may

require dedication or reservation of land for current or future public purposes.

State statutes require review of all lake edge subdivisions by the Department of Natural Resources (DNR). They also require provision in all lake edge subdivisions of one sixty-foot wide public lake access every one-half mile along a lake. The State access requirement is met by the existing Lake Mendota Drive right-of-way which runs into the lake.

The County is required to certify any objection to proposed subdivision plats as respects conflicts with specified County plans. It is possible that an objection could be filed against a proposed subdivision of Jackson Second Point because of conflict with the Environmental Corridor classification or the Regional Development Guide, unless a minor change to the Environmental Corridor were simultaneously approved. The County is also asked by the City for comments as respects certified surveys of lot division.

Intensified use of the Jackson Second Point property would be made easier if a subdivision was avoided.

#### LAND USE SCENARIOS

The following discussion deals with a number of alternate land use and development possibilities for the subject property. The degree of probability

of receiving required municipal approvals depends greatly on the number and type of city approvals needed.

For example, new development not requiring rezoning, land division and sanitary sewer and, consequently, not requiring changes to the Environmental Corridors, has more probability than one which requires all of them. The following scenarios have been discussed with the appraisers and arranged generally in order of the number of approvals required. Illustrations of the scenarios are attached.

1. Two-Lot Land Division. This scenario is illustrated in the attached P.1. and assumes a lot division into two equal sized parcels with common driveway access. Each 8.2 acre parcel would have an existing residence upon it. The existing drive could be shared. The land division could occur pursuant to court order, at the request of the Trustee of the estate, negating City approval and the existing zoning requirement of three hundred feet of street frontage. No sanitary sewer would be required unless building development or additions were intended which would be classed as a Waterfront Development (L.1. attached). But, if required, sanitary sewer could be extended to the existing homes, as they are exempt from the Environmental Corridor sewer prohibition. Each parcel would be useable as a single-family estate without zoning change. In the event the lots are not created by court order, the Madison Zoning Administrator has indicated that the Zoning Board of Appeals has the authority to grant a variance permitting a division of a lot on which there are located two principal detached buildings



into two lots regardless of the resultant area or width of the lots, provided each lot abuts a public right-of-way for at least twenty-five feet, contains a principal building and that the purchaser will occupy the dwelling(s). Also, a lot division must be approved in this event. Approval is expected for two lots.

2. Three-Lot Certified Survey of Lot Division. The attached P.2.a. and P.2.b. illustrate two approaches. The first is a conventional lot division. No rezoning would be required, as each new lot would comply with the frontage, width, area and front and side yard requirements of the Agriculture District. Each of the existing homes would be non-conforming as to required rear yard and is assumed to have an existing well and adequate private sewage disposal system. According to the consulting engineer, new wells could be constructed at this time by a licensed well digger without City approval. The third vacant lot has soils noted as suitable for septic tank absorption fields. The City, according to the consulting engineer, does not issue permits for absorption fields. In the event the Plan Commission waives the requirement for public sanitary sewer service for the vacant lot as a Waterfront Development, an absorption field permit would be required from the County Sanitarian. It is assumed, however, that buyers of one or both of the existing homes would intend building development classed as a Waterfront Development and that the Plan Commission would not waive the sewer service requirement. Change to the Environmental Corridor would be required to obtain sanitary sewer.

City approval of the certified survey of a three-lot division would also be required. No lakeshore access or park dedication would be expected or justified due to the number of lots. Public lake access dedication requirements of the State would not apply as there is no subdivision plat involved. A public street dedication and expensive street improvements would be required in order to achieve the zoning requirement of three hundred feet of street frontage per lot.

The second approach (P.2.b.) is a three-lot division, without new public street, assumed to be created by court order to facilitate equal division of the owner's estate between two heirs. Illustrated are three lots of varying size and lake frontage. Each of two lots has an existing home. One of these lots is three acres in area, less than the required five-acre size, and is non-conforming as to lot area and rear yard (bulk) for the existing home. According to the zoning ordinance, ordinary repairs and alterations, including structural alterations, may be made. Also additions and enlargements are allowed provided they are made to conform with the district regulations, and applicable regulations for amount of lot area per dwelling unit, usable open space provided per lot and allowable floor area ratio.

Plan Commission approval is not needed for this court ordered division. Similar to the first approach, sanitary sewer is needed for the vacant lot as it would require additional use approval as a Waterfront Development. Change would be required to the

Environmental Corridor for the vacant lot. Cross easements for drive access and utilities would be needed.

3. Private Park. This scenario is illustrated on attachment P.3. and is expected to require no City approvals, as "parks" are permitted uses in the Agriculture District. Accessory park uses could include such facilities as shelters, toilets, parking, caretaker residence, piers, trails, boat storage, tennis courts and, perhaps, swimming pools. The existing homes could be used as accessory recreation shelter buildings and have potable water and toilet facilities, eliminating the need for sanitary sewer or public water extension and Environmental Corridor change. It is assumed that no construction requiring a Waterfront Development conditional use permit would occur. The private park could be owned as a condominium with all land and improvements commonly owned, or owned by shareholders of a corporation. The general public would not be admitted or served except as guests of owners or shareholders. Illustrated are 300 boat berths on piers and floating moorings. These berths could be arranged differently and could be increased in number by using more of the shoreline. The illustrated piers would require public hearing and approval by DNR as they extend beyond the line of navigation.

Also illustrated are four tennis courts, hiking or running trails and over 300 parking stalls.

The private park would be similar in form and function to the private parks allowed by the City within various Planned Unit Development Districts of the Zoning Code, or to the private parks in subdivision plats as mentioned in Section 16.23(8)(f)8. of the Subdivision Regulations. City parks having similar envisioned facilities, excepting a swimming pool or year-around clubhouse, include Tenney and Brittingham Parks among others.

A private park use would maintain much of the property in its present state and achieve much of the original preservation goal of the University and proponents of Environmental Corridors.

As many as 130 boat slips could be constructed without approval by DNR in this scenario adjacent to piers between the shore and the line of navigation (three foot water depth). I am informed by the Zoning Administrator that the City does not have ordinances limiting or otherwise regulating piers, moorings and boat slips. The City Police issue registration numbers for anchored moors. The Wisconsin Department of Natural Resources (DNR) has regulations controlling all anchored mooring facilities and piers extending beyond the line of navigation. DNR regulations are attached.

Public hearing and DNR approval under NR 326.04(8) are required for piers extending beyond the line of navigation. As many as 450 boat slips could be accommodated on piers of one hundred forty-nine feet in length if the full shoreline were used. Longer piers are possible but dusk to dawn lighting would be required.

In the event of pier extension beyond the navigation line, the private park in this scenario may be considered by DNR to be a "marina" or "similar mooring facility." If so, the marina facilities must be open to the public and berthing of boats conditioned only on the payment of a reasonable fee. This would not otherwise affect the private park use of the envisioned facilities on the Jackson property.

It is also possible that the City Zoning Administrator, who at this time does not wish to issue an opinion, may determine that a private park is not a "park" under the Zoning Code, but an "outdoor recreational premises" instead. This use is a conditional use within the Agriculture District and is discussed later as an additional scenario.

4. Church. A church is a permitted use in the Agriculture District and is illustrated on the Attachment P.4. This scenario envisions a religious facility similar to either of two examples in the Madison urbanized area: St. Benedict Center or Yahara Center.

Public water and sanitary sewer would be required for this use. A minor change to the Environmental Corridor mapping would be needed to obtain sanitary sewer. Boat berths, day camping and hiking/skiing trails could be provided for center users. Possibly the Zoning Administrator would interpret a church use as including the illustrated ninety unit residential, religious assembly facility. The other illustrated major religious structure of over 57,000 square

feet in size could contain worship, study, conference and dining space. All are typical for a church use. The existing homes are assumed to continue as accessory residential structures. A Water-front Development conditional use permit is required. Over 390 parking stalls are illustrated to serve the religious/conference center.

5. Outdoor Recreational Premise. This is a conditional use within the Agriculture District, and two scenarios are possible. One is exactly like the earlier "private park" scenario (P.3. attached) but assumes the Zoning Administrator classes the use as an outdoor recreational premise. An Agricultural District conditional use permit would be required from the City. No sanitary sewer service nor change to the Environmental Corridor would be needed.

The other scenario illustrated on attachment P.5. would be for a more intense facility requiring sanitary sewer to the illustrated clubhouse of over 20,000 square feet in size. A minor change would be needed to the Environmental Corridor map. The facilities provided the general public or to a private club/organization could include the clubhouse, perhaps with a restaurant and bar and conference space; full marine moorage, service and storage; swimming pool; outdoor tennis courts; and jogging/hiking/skiing trails. A large portion of the site could remain undisturbed. Buildings and parking are illustrated on slopes of less than twelve percent slope and more than seventy-five feet from the lakeshore.



Conditional use permits would be required from the City both for the use and for Waterfront Development.

6. Condominium or Rental Apartment Residential Complex. This scenario for a single building parcel has three alternates differing in residential density, building type and ownership. One alternate for the site, rental or condominium owned, is of two-story garden units having basement parking with an average of 1,150 to 1,300 net square feet of building area per dwelling unit (Attachment P.6.a.). A land density comparable but less than the opposite University-owned residential area of 8.2 dwelling units per gross acre is illustrated and results in 128 units. The paired eight-unit buildings and parking are 180 feet or more from the lakeshore. The existing residences are shown as a club house and a guest house. Also shown are piers, swimming pool and parking of 2.25 stalls per unit.

Another site alternate, condominium owned, would be duplex townhouse clusters (Attachment P.6.b.). Illustrated are dwelling units having double car garages, exposed basement living areas and with finished living space of over 2,600 square feet each. Illustrated on an attachment are 42 dwelling units for this scenario.

The third alternate, illustrated on Attachment P.6.c., consists of three buildings of eight stories plus two levels of parking in the basement of each. Existing drives are used where possible to reduce site disturbance. The buildings could contain a total of 138

dwelling units having 1,500 square feet each and a total of 174 interior parking spaces. Illustrated at-grade parking stalls amount to 126. An appropriate 12-acre open space easement preventing additional building construction would be possible completely around the building and parking portion of the site. On the upper floors, three sides of each building would have views of the lake.

For each alternate, a rezoning to Planned Unit Development District would be recommended for all but a one hundred foot strip at the south and a sixty-seven foot strip at the west which would remain as an Agriculture zoned buffer. Public water service and sanitary sewer would be needed. A minor change to the Environmental Corridor mapping would be required. The existing homes could be removed or continued as condominium units or as accessory structures as part of the single, undivided ownership. One or more boat slips per dwelling unit could be constructed. No land division would be involved, but a Waterfront Development conditional use permit would be required. All new buildings on the first two scenarios are shown to be more than 180 feet from the shoreline. This is equivalent to the distance of the Lake Mendota Drive from Lake Mendota slightly west of the subject property. On the third alternate, new buildings are 300 feet from the shoreline as are the U.W. Eagle Heights apartment buildings. I have assumed that boat berths would be concentrated on piers extending beyond the line of navigation and requiring DNR approval.

7. Residential Subdivision Plat. This scenario envisions rezoning of the Jackson Second Point to the R-1 Single-Family Residence District, excepting a buffer at the south and west of unchanged Agriculture zoning; achieving a minor change to the Environmental Corridor map; subdivision platting of the property into lots having one hundred feet of width at the front building setback line; and receiving Waterfront Development conditional use permits for each lakeshore lot. The anticipated difficulties in receiving the necessary approvals have been discussed earlier.

An attached illustration portrays this eighteen lot scenario. Nine of the lots have lake frontage. All are larger than 18,000 square feet. It is assumed that a park and open space fee would instead be paid in lieu of land dedication for city parks. The nine lots not having lake frontage could have exclusive pier use easements over the lake frontage of the illustrated common-owned buffer strips.

The lakeshore lots are nearly comparable in width, if doubled, to the three duplex lots approved by the City in 1981 on the Bradenton Days Inn lakeshore property located adjacent to the University-owned lakeshore farther West on Lake Mendota Drive. The rezoning of these exemplified lots was discussed earlier and are exhibited in an attachment.

If the entire property was rezoned without a buffer, a total of 24 lots results. Ten lots would be lakeshore and the remaining fourteen would share a 100-foot wide outlot on the southeast lakeshore.

The two existing homes would fall on separate lots. All of the lots would be served with public water, sanitary sewer and a fully improved public street. Each lot would have a building area beyond the twelve percent slope area shown.

The following table summarizes the permissions needed for each of the land use scenarios under the assumptions made in this investigation.

=====							
APPROVALS	SCENARIO						
	1	2	3	4	5	6	7
REQUIRED							
Rezoning						PC-CC	PC-CC
Waterfront Development		PC		PC	PC	PC	PC
Conditional Use					PC		
Environmental Corridor							
Change		CC		CC	CC	CC	CC
Piers Beyond Line							
of Navigation			DNR	DNR	DNR	DNR	
Sanitary Sewer Service		CC		CC	CC	CC	CC
Water Main Service				CC	CC	CC	CC
Variance	ZBA						
Lot Division-							
Conventional	PC	PC-CC					
Subdivision Plat							CC-DC-DNR
Code:	PC	Plan Commission					
	CC	Common Council					
	ZBA	Zoning Board of Appeals					
	DC	Dane County					
	DNR	Department of Natural Resources					

Please advise me if clarification or additional information is needed or further investigations are desired.

Respectfully submitted,



Kenneth K. Clark  
Planning and Development Consultant

KKC:qts  
Attachments

## ATTACHMENTS: JACKSON SECOND POINT INVESTIGATION

- A. Aerial Photo
- B. Soils of Jackson Second Point
- C. 1980 Campus Development Plan (excerpts)
- D. 1983 Land Use Plan (excerpts)
- E. 1984 Environmental Corridors (excerpts)
- F. 1984 Campus Development Plan--10-Year Plan (excerpts)
- G. 1984 Park & Open Space Plan Map of Potential Areas for Preservation
- H. 1985 Regional Development Guide for Dane County (excerpts)
- I. City Resolution Adopting Regional Development Guide
- J. 1981 Vicinity Rezoning
- K. 1966 Zoning of Jackson Property
- L. Zoning Code: Waterfront Development; Agriculture District; Conditional Use
- M. Subdivision Regulations: Madison (excerpts) and Dane County (excerpts)
- N. Regulations of Piers: Department of Natural Resources--Chapter NR 326; 1985 Wisconsin Act 243
- O. Property Base Map with Slopes over Twelve Percent Continuous
- P. Land Use & Development Scenario Illustrations



A

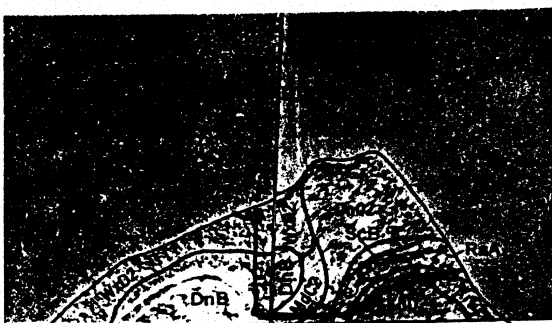




Soils of Jackson Second Point

Source: Soil Survey of Dane County by USDA-SCS

Soils Series	Depth to		Degree & Kind of Limitations for	
	Bedrock	Seasonal Water Table	Dwellings with Basements	Septic Tank Absorption Fields
DnB	5-10	5 plus	slight	slight
DnC <sub>2</sub>	5-10	5 plus	moderate-slope	moderate-slope
MdC <sub>2</sub>	5-10	5 plus	moderate-slope	moderate-slope
RaA	10 plus	1-3	very severe- flooding	very severe- flooding
ScB	10 plus	3-5	slight	moderate-frost
WxD <sub>2</sub>	2-4	5 plus	severe-rock	severe-rock



Because of the overwhelming acceptance, the State has now developed a self-supporting expanded van pool program with a total of 75 vans in operation as of August 1, 1980. Over 200 UW employees use this transportation mode. State van pool drivers are given top parking priority to encourage van pooling participation.

The UW-Madison, by virtue of its various missions and diverse enterprises, imposes a variety of work hours on its faculty, staff and students (see Appendix "O"). This variety of work hours, required to meet the needs of the University, limits the extent car pools and van pools can be effectively utilized. However, to the extent possible, the University intends to:

- (a) Continue to encourage employee participation by assigning high priority to parking assignments for car and van pools;
- (b) Develop parking rate schedules and related policies which discourage individual automobile occupancy and encourage car and van pools; and
- (c) Provide necessary staff support and coordinate with appropriate state agencies in promoting car and van pooling programs.

## 2. Open Space -

### Natural Preserve and Multipurpose Urban Open Space

The natural setting of the University of Wisconsin-Madison is uniquely beautiful and a source of pleasure and pride to students, staff and citizens of the State in general. In protecting the financial investment represented by the campus, it is important to consider not only maintenance of the buildings that house classroom, research and support facilities but also preservation of the natural beauty of the campus.

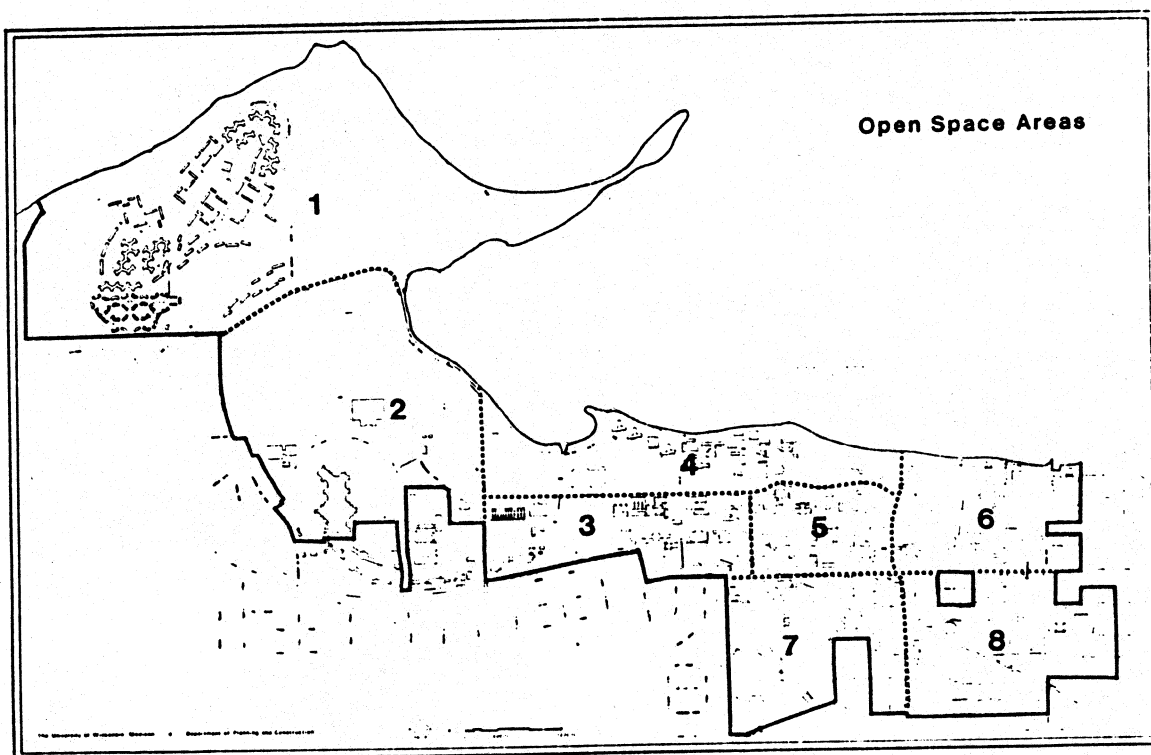
A critical feature of the attractiveness of the Madison campus is, and will continue to be, the presence of adequate green space and natural environments. Picnic Point, the Class of 1918 Marsh, Muir Woods, Bascom and Henry Malls, and the Arboretum are examples. Due to the lack of significant building sites on campus, it is possible that major construction projects already approved or proposed for the near future may reduce existing green and open space on campus. Other anticipated projects such as the widening of sidewalks, construction of overpasses, and the creation of pedestrian and bicycle paths steadily make inroads on campus green space. During the late 1950's and early 1960's, specific unique and critical campus areas were identified by the Campus Biological Areas Committee of the Graduate Biological Division and by the Advisory Committee on Campus Wooded Areas and recommended for preservation (not be considered as building sites) because of their significant biological value. The combined list of areas or principal remnants which have remained essentially intact since their designation

include:

- Area between Elizabeth Waters Hall and the Kronshage Dormitories
- Area directly north of Lathrop Hall
- Area east of Observatory Hill Office Building and south of Elizabeth Waters Hall
- Area south and west of the Birge Hall greenhouses
- Botanical Garden
- Eagle Heights Woods
- Lake Mendota shoreline between the Hydraulics Lab and Picnic Point
- Marsh west of University Bay (Class of 1918 Marsh)
- Muir Woods (Bascom Woods)
- Picnic Point, including the woods west of the entrance and north of Willow Drive
- ✓ Second Point woods and shoreline
- University Bay, including the cattail marsh

These earlier designations, delineated on the map on page 29, should continue to be recognized. Care should be taken to insure that the existing open space network on campus is maintained and that future construction projects do not adversely affect these areas.

To focus attention on the importance of open space, the approximate acreage currently in that category (exclusive of parking lots, building landscapes, street terraces, wetlands, agricultural plots or the Arboretum) has been calculated for the campus (by area as delineated in the following map) and is summarized in the accompanying table.



OPEN SPACE ACREAGE BY AREA AND CLASSIFICATION (1)									
AREA (2)	CLASSIFICATION								
	Natural Preserve		Athletic Fields and Courts		Multipurpose Urban Open Space		Total		
	Existing Acres	Proposed Changes in Acres	Existing Acres	Proposed Changes in Acres "A" (3)	Existing Acres	Proposed Changes in Acres "M" (3)	Existing Acres	Planned Changes	Planned Total
1	162.9 (4)		0		37.2		200.1		200.1
2	5.0		62.2		20.1	+7.0	87.3	+7.0	94.3
3	0		3.8	-3.8	6.0	-1.9	9.8	-5.7	4.1
4	16.7		23.7		12.2		52.6	0	52.6
5	0		0		10.9	-0.2	10.9	-0.2	10.7
6	6.7		0		12.1		18.8	0	18.8
7	0		4.9		5.4		10.3	0	10.3
8	0		4.0	-1.3 (5)	2.1	0.0 (5)	6.1	-1.3 (5)	4.8 (5)
Existing Total	191.3		98.6		106.0		395.9		
Planned Change				-5.1 (5)		+4.9 (5)		-0.2 (5)	
Planned Total	191.3		93.5		110.9				395.7 (5)

(1) Excludes Parking Lots, building landscapes (subjective judgement), street terraces, wetlands, or agricultural plots.

(2) Geographical delineation of individual areas on map entitled "Open Space" (following page).

(3) Refers to Legend Codes on map entitled "Open Space" (following page).

(4) Includes 17.6 acres of private property that the University proposes be preserved in a natural state.

(5) Additional Athletic fields or courts and/or multipurpose urban open space may be developed in this area which will in part undergo joint City-University planning.

With this information, the University will study the establishment of "build/no build" zones as a follow-up to this document, based upon an evaluation of the building program as it relates to possible site locations and the open space network.

Certain areas of the campus currently do not have adequate open space, particularly those parts of the campus south of University Avenue. While it may prove difficult to develop significant amounts of open space in this area, the best opportunity is an area between Park and Frances Streets, south of Dayton Street, in conjunction with the development of the Physical Education/Intramural Recreation Facility. This land has been designated as a joint City-University planning area. Additionally, the potential of developing small parcels of open space south of University Avenue in conjunction with building landscapes should be explored and, similarly, spaces of that nature that do exist should be improved where warranted.

Several additional projects that will increase campus open space are proposed for the planning period. Important to the Lower Campus is the development of a high-intensity use, open space corridor along the Murray Street axis from the Southeast Dorms to Lake Mendota. Included in the redevelopment of the Library Mall, development of pedestrian open space in the visitor parking lot (Lot 1) located on the Lake Mendota shore between the Memorial Union and the Armory, and the conversion of Murray Street between University Avenue and the State Street Mall into a pedestrian mall. In the case of Parking Lot 1, it is proposed that the removal of parking for open space development be dependent on a program to replace the lost parking within the general area. In accord with the University Bay Committee recommendations, approximately one-half of Parking Area 60, along the shore of Lake Mendota, should be redeveloped into open space sometime in the foreseeable future. In the same area, open space to the north and northeast of the WARF Building should continue to be designated as a "no build" area with respect to major structures. It is also proposed that the property immediately north of the Eagle Heights housing units, along the Lake Mendota shore, and the Jackson property, located on Second Point, both be preserved in a natural state.

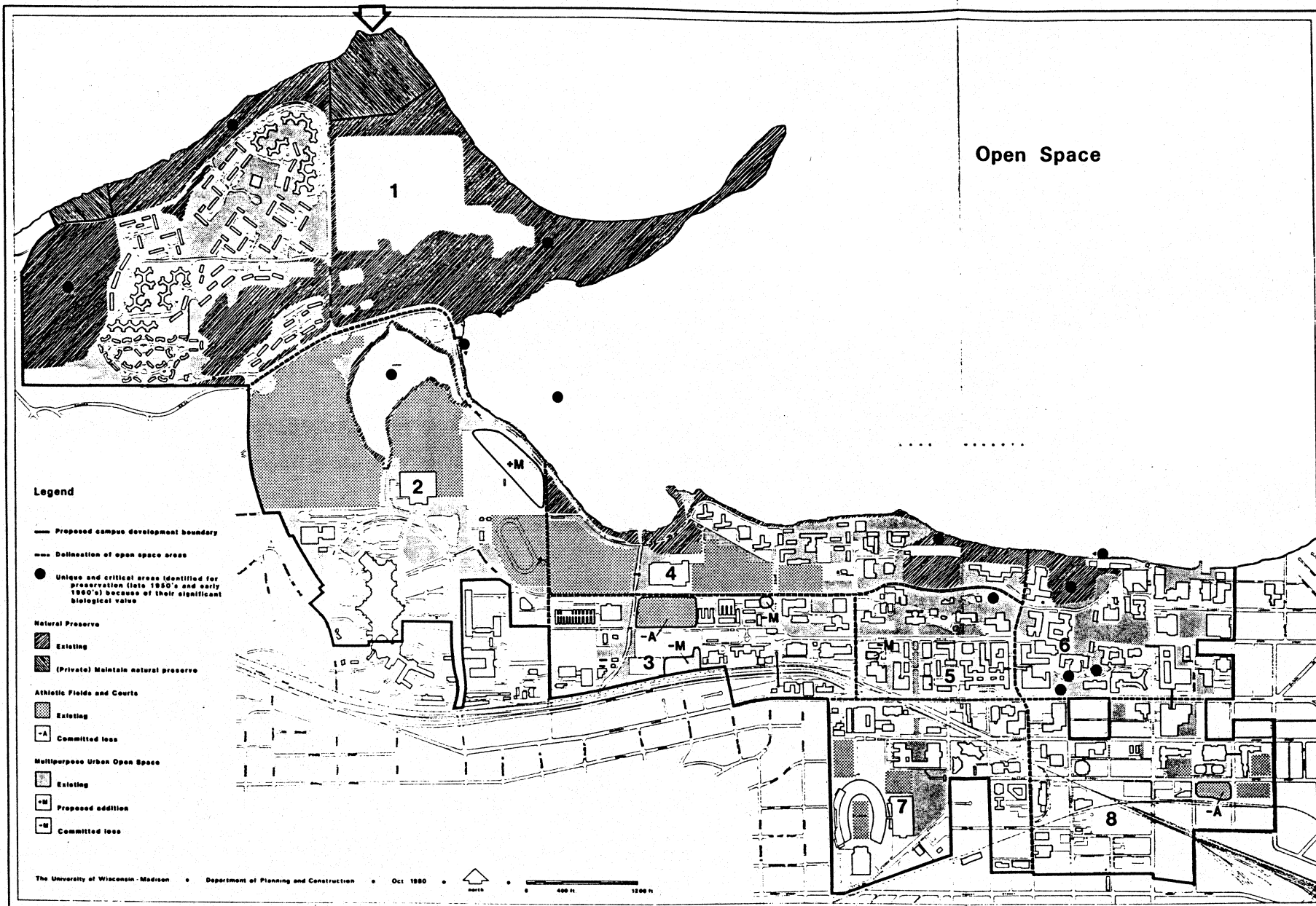
#### Intramural Recreation

A need has been recognized for developing a number of outdoor fields to be located near the proposed Physical Education/Intramural Recreation Facility. The absolute minimum area required should accommodate two football fields, twelve tennis courts and tennis bounding board space. These facilities are essential to support the recreation instructional programs.

A summary inventory of existing open space utilized for the purposes of intramural recreation and physical education is displayed in Appendix "p" along with tabular information pertaining to participation in intramural recreation programs.

#### Intercollegiate Athletic Facilities

The Division of Intercollegiate Athletics is responsible for





# UW-Madison Campus Boundaries and Land Needs

## Legend

- Campus development plan boundary
- - - Proposed boundary changes
- ▨ Properties to be considered for acquisition by UW-Madison for the development of general academic facilities, multiple use open space and/or related service facilities
- ▩ Properties of mixed acquisition to preserve opportunities for housing, multiple use open space and joint development projects
- Properties within campus boundary excluded from active consideration for purchase (street and railroad rights of way not delineated)

The University of Wisconsin - Madison • Department of Planning and Construction

Oct 1980



0 400 ft. 1200 ft.

<u>Issue</u>	<u>Proposal</u>
Housing	<p data-bbox="703 285 1344 352"><u>Make available for potential housing the following areas in the south campus:</u></p> <ul style="list-style-type: none"> <li data-bbox="703 373 1344 478">- South of Monroe Street between Randall Avenue, the intersection of Monroe and Regent Streets, and the ICG Railroad;</li> <li data-bbox="703 499 1425 632">- South of a line running from Spring Street on the east to Capitol Court on the west between Charter Street and Mills Street and north of College Court;</li> <li data-bbox="703 653 1442 720">- South of Spring Street between Mills Street, Gerry Court extended and College Court;</li> <li data-bbox="703 741 1414 846">- South of Dayton Street between Gerry Court extended, Brooks Street and College Court; and</li> <li data-bbox="703 867 1463 934">- South of Johnson Street between Brooks Street, Park Street and College Court.</li> </ul>
Joint Planning Areas	<p data-bbox="711 989 1425 1150"><u>Plan jointly with the City of Madison the development of the 600 block of University Avenue/Johnson Street (bounded by University Avenue, Frances Street, Johnson Street, and Lake Street.)</u></p> <p data-bbox="711 1171 1442 1402"><u>Plan jointly with the City of Madison for the use of the land immediately east, south and west of the Physical Education/Intramural Recreation Building site on Dayton Street (bounded by Frances Street, Frances Court, the C. M. St. P. &amp; P. Railroad, Park Street and Dayton Street).</u></p>
Open Space	<p data-bbox="719 1451 1446 1619"><u>Acquire or support the dedication of a three-acre parcel along the shore of Lake Mendota immediately northwest of the intersection of Eagle Heights Drive and Lake Mendota Drive as a natural preserve.</u> ✓</p> <p data-bbox="719 1640 1425 1738"><u>Acquire or support the dedication of the 15 acre Jackson parcel on Second Point as a natural preserve.</u> ✓</p> <p data-bbox="719 1759 1425 1864"><u>Return approximately seven acres of Parking Area 60 to open space as proposed by the University Bay Committee.</u></p>

# 1983 LAND USE PLAN FOR MADISON, WISCONSIN\*

## STATEMENT OF PURPOSE DISTRICTS

### LEGEND

#### RESIDENTIAL DISTRICTS

- RL LOW DENSITY (less than 8 units/acre)
- RLM LOW-MEDIUM DENSITY (8-16 units/acre)
- RM MEDIUM DENSITY (16-25 units/acre)
- RMH MEDIUM-HIGH DENSITY (26-40 units/acre)
- RH HIGH DENSITY (41-60 units/acre)

- S SINGLE-UNIT DISTRICT
  - X MIXED HOUSING TYPES DISTRICT
  - M MULTI-UNIT HOUSING DISTRICT
- [In addition, the residential districts are labeled with a suffix letter which indicates the recommended mixture of housing types.]

- ND NEIGHBORHOOD DESIGN DISTRICTS [density suffixes may be used with the neighborhood design districts.]

#### COMMERCIAL DISTRICTS

- CN NEIGHBORHOOD COMMERCIAL
- CC COMMUNITY COMMERCIAL
- CR REGIONAL COMMERCIAL
- CH HIGHWAY COMMERCIAL
- CC-X MIXED-USE DISTRICT (suffix "-x")

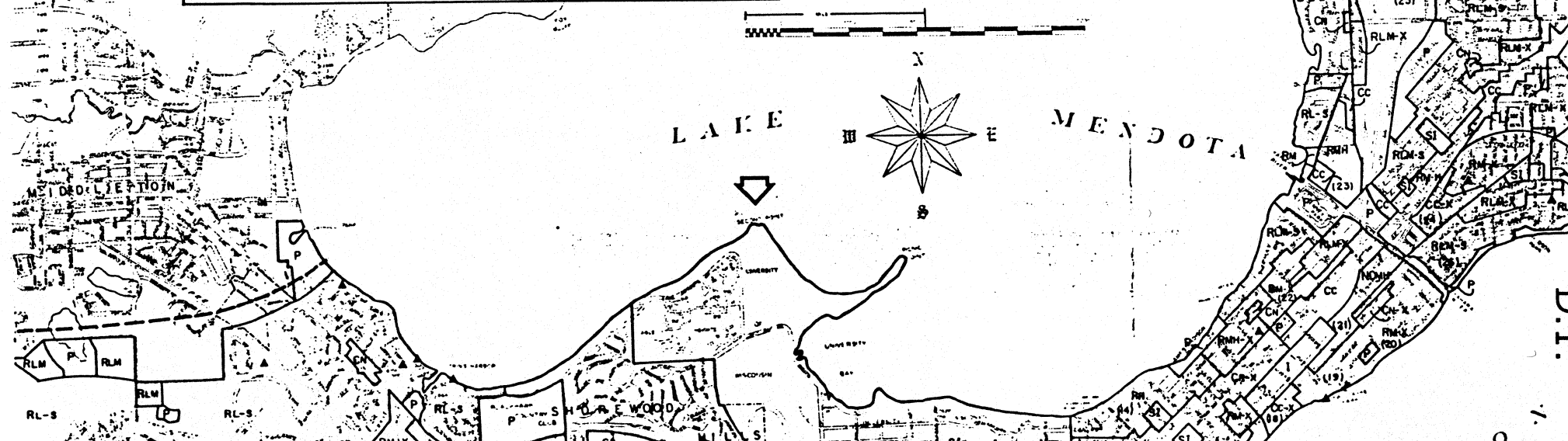
#### I INDUSTRIAL DISTRICTS

#### SI SPECIAL INSTITUTIONAL DISTRICTS

#### P PARKS, RECREATION, OPEN SPACE, and CONSERVANCY

#### OTHER SYMBOLS USED ON MAP

- URBAN SERVICE LINE
- ▲ OTHER PARKS AND RECREATION FACILITIES



D.I.

## 2. Neighborhood Design Districts

The Neighborhood Design districts are used on the Land Use Plan Map to identify those relatively large parcels of undeveloped or re-developable land where special opportunities for flexible and creative planning exist. The Land Use Plan recommends that prior to or as part of initial new development in these areas, the City coordinate the preparation of detailed plans for the entire proposed neighborhood.

Development in these districts would include a variety of housing types and densities (consistent with the overall density recommendation for the district), and certain neighborhood oriented commercial, community, and recreational facilities to serve the residents of the district. Neighborhood plans prepared for the district should be consistent with the general recommendations of the Land Use Plan, and should encourage use of clustered dwellings to maximize public or common open space. Although primarily a "residential" designation, certain ND districts may be appropriate for a limited amount of mixed use development when consistent with City and neighborhood objectives.

## 3. Commercial Districts

### a. Regional Commercial

This designation is used to recognize the four major commercial activity centers recommended in the Plan, in accordance with an adopted City policy that "building size and the intensity of urban activities should be greatest within the central area near the Capitol and the University, with secondary concentrations developing near the Midvale, West Towne and East Towne shopping centers".

These districts are located near major arterial highways and on mass transit routes, and are intended to provide a large segment of the urban area with a wide range of goods and services, including comparison and specialty shopping and business and professional services. The Central Business District should be the primary location for major office facilities.

### b. Community Commercial

These districts are intended to provide a large portion of the City's population with a wide range of goods and services, including certain business and professional offices that are appropriately located throughout the City, such as doctor's offices. These districts should be located on or near major streets.

The size, scale and range of activities included in different community commercial districts can vary greatly. Typically, districts develop that tend to group similar or complementary activities together, such as medical services, business services, retail shops, etc. It may sometimes be appropriate to encourage and protect these more specialized groupings through additional planning or zoning controls.

### c. Neighborhood Commercial

These districts are intended to serve as a centralized convenience shopping and service area for residents of the surrounding neighborhoods.

In the smaller neighborhood commercial districts and those in newer areas of the City, activities will typically be limited to those actually providing convenience goods and services to local residents.

In the older parts of the City, several larger commercial districts exist that serve not only as a convenience shopping area for adjacent neighborhoods, but also as the location for a variety of relatively small scale or specialized businesses which serve much larger geographic markets. In such areas a "neighborhood" designation is intended to recognize such businesses and yet protect the district from activities whose impact (building size or traffic generation, for example) would adversely affect the use and enjoyment of the district for its neighborhood function, rather than to limit uses only to those serving primarily local markets.

### d. Highway Commercial

These districts identify the recommended location for certain commercial activities which because of their size or function require access to major highways and which are not generally compatible with residential or smaller-scale commercial uses. Such activities might include motor vehicle sales and repair, warehousing and extensive retail operations such as lumber yards, as well as businesses serving the through motorist. These districts are located along major highways, or their frontage roads, or at highway interchanges.

### e. Mixed-use District

This designation (indicated with a suffix "x") identifies certain areas located close to relatively high density residential neighborhoods where a mixture of residential and commercial uses within one structure should be encouraged under Planned Unit Development (PUD) controls. The commercial uses and residential densities appropriate in a mixed-use district will depend upon the objectives being sought in the area and the characteristics of adjacent commercial and residential districts.

## 4. Industrial Districts

The industrial districts are the recommended locations for most industrial and manufacturing activities.

## 5. Special Institutional Districts

This is a special district used to define the location and extent of certain specialized activities. These activities may include:

- University and college campuses
- Hospitals and related facilities
- Cemeteries
- Educational facilities
- Churches and religious facilities

The purpose of this land use designation is to identify those large or strategically located parcels now occupied, or planned to be occupied, by major institutional uses whose special characteristics would make classifications to one of the other land use categories misleading or inappropriate.

## 6. Park and Open Space Districts

- The concept of grouping commercial uses in one area, such as in the vicinity of West Towne, is to be encouraged. It is important that these uses be within walking distance of each other, and be designed to encourage pedestrian circulation.

- The Hill Farms area is a good example of a grouping of diverse intensive urban activity centers. Although the State office facilities would have maximized transit usage and minimized sprawl if located in the central business District, they have good access to the downtown area. Large commercial centers nearby are easily accessible to office workers and surrounding neighborhoods. High density housing adjacent to employment provides an opportunity for people to live, work and shop within a few blocks.

- The University of Wisconsin is currently preparing concept and detailed plans for the short and long-range development of the Chasman and Belder Farms to more intensive uses. As indicated by the designation on the Plan Map, development of a residential neighborhood at appropriate urban densities is recommended for the Belder property. On the Chasman property, a variety of uses might be appropriate, including a research park, additional residential development, and office or general commercial use in certain locations. For now, rather than recommend specific alternative uses, the Plan Map continues to show the Chasman Farms as "Special Institutional" to recognize that this is an important property whose development should be carefully coordinated with the City's planning objectives. The City and the University should cooperate in planning for these parcels so that the opportunity for creative and high quality development provided by having a large, strategically located parcel owned by a public institution is realized.

- Several streets in the west area are likely to experience, or continue to experience, traffic problems now usually thought of as unique to central City neighborhoods. The Plan, therefore, recommends new residential development and commercial clustering to support mass transit.

- The area near Britta, DeVolis and Helene Parkway is an excellent example of mixing housing types and providing adequate open space so that multi-unit structures fit well with the overall low density character of the area.

## CENTRAL

- The Special Institution category, applied mainly to major medical, religious, and educational facilities, should create a framework within which the plans of these institutions can be evaluated and coordinated with those of the City.

- New commercial uses may be stimulated by the Medical Center. High density residences are recommended above the commercial uses, thus providing additional housing and potential transit ridership along the University Avenue corridor.

- To increase housing opportunities near the University of Wisconsin, relatively high densities are recommended north of Regent Street and south of Dayton Street, the commercial/manufacturing area north of Prouditt between Park Street and North Shore Drive, and along Breese Terrace and University Avenue. In the latter area, densities would step down as they went into University Heights; that is, the north side of Kendall Avenue and most of Lathrop Street are recommended for medium density zoning.

An area roughly bounded by University Avenue, Breese Terrace, Allen and Regent Streets may be designated a Historic District.

- This area is now characterized by a mixture of commercial and industrial uses and low intensity uses, such as storage and railroad yards. In anticipation of lands surplus to the needs of the Milwaukee Road being sold for private development, the City has been studying reuse possibilities for this area. A mix of offices, housing and community-type commercial development has been supported by the conclusions of a consultant's market research. Preservation of a corridor for rail or other transportation use in the future is also recommended.

In its studies of the West Washington Avenue Rail Corridor, the City is presently considering rezoning land near the University's new gym facility to permit medium-density housing development. Studies are also being conducted in the South Campus Area between Regent Street and Dayton Street to determine the feasibility of residential development there.

- It is recommended that intensive commercial and high density residential uses be developed along Regent Street, and that commercial ground floor uses have residences built above them on Regent and Monroe Streets. This recommendation, coupled with the higher densities proposed in notes 9 and 10, should reduce the pressure for higher density residential development in the Regent, Monroe and Vilas Park neighborhoods.
- Park Street is an example of an existing situation in conflict with the City's commercial location objectives. In the future there should be clustering and better site design in this area. North of Erin, the commercial would be neighborhood-oriented with medium-high density residences above. South of Erin would be community commercial.
- Because of the proximity of this area to residences, commercial uses should be neither disruptive nor polluting. Along interior streets (such as Gilson), establishments should not generate much vehicular traffic.
- Although several large office buildings have been built here, this area is not generally an appropriate location for further non-residential development. Much of the area is also a historic preservation district, subject to special regulations.
- This area is recommended to remain as the primary office and specialty retail center for the region. Mixed use buildings are strongly recommended to provide ground floor retail uses on State Street and the Capitol Concourse and residences and/or offices on higher floors. This, in conjunction with other increases in downtown housing supply should help provide the markets needed to sustain a variety of retail goods and services in the

## WHAT DOES IT MEAN, AND WHAT WILL HAPPEN WHEN ENVIRONMENTAL CORRIDORS ARE MAPPED AND ADOPTED?

As indicated earlier, the RPC is required to identify and map lands (environmental corridors) within urban service areas which are intended to remain generally open and undeveloped, and which are not to receive public sanitary sewer service. Once adopted by the RPC and approved by DNR, these corridors will be used to determine whether or not proposed public sanitary sewer extensions are consistent with the adopted sewer service areas.

Sanitary sewer extensions which are proposed to serve areas outside of urban service areas, or which are proposed to serve new development in environmental corridors inside urban service areas, will not be approved by DNR. (Sanitary sewers will, of course, often be located within environmental corridors, since this is often the logical location for these sewers, but they would not be approved if they are intended to serve new development in the corridors. In addition, there may be existing or proposed park facilities in the corridors which require sanitary sewer service, and extensions will be approved to serve these types of facilities.)

The immediate impact, therefore, of RPC adoption and DNR approval of environmental corridors is that they will be used, along with urban service area boundaries, for review and approval of public sanitary sewer extensions. Urban service area boundaries and environmental considerations have been used now for several years by the RPC and DNR to review and approve public sanitary sewer extensions, so the effect may not appear to be much of a change.

For communities served by the Madison Metropolitan Sewerage District, adoption of environmental corridors by the RPC and approval by the County Board will exempt corridor lands from any future MMSD taxes, assessments or fees. (The corridors would not, however, affect any MMSD taxes, assessments or fees which have already been levied, nor prevent MMSD from charging for providing sewer service to facilities in the corridors.)

It was also indicated earlier that the local community may incorporate environmental corridors into their own plans and utilize the many additional tools available to local communities to protect these areas. The RPC will certainly be urging local communities to do this and will be happy to provide whatever assistance we can, since we believe that the environmental corridors are a sound and practical way for communities to address a number of local needs and concerns. The RPC will also be willing to provide assistance to local communities in meeting state-mandated requirements, such as floodplain and wetland zoning.

## CHANGING THE ENVIRONMENTAL CORRIDORS

It will be necessary to update and revise the environmental corridors and basic resource information on the environmental corridor maps for a variety of reasons: (a) to correct errors or omissions in the original mapped resource information and corridor delineations; (b) to reflect additional, improved or updated background or resource information gained from field reconnaissance, more detailed studies, or detailed site surveys and plans for specific areas; (c) corridor changes which result from detailed site design and review of specific development plans and plats; (d) changes in plans or policies of local units of government regarding intended land use and open space uses; and (e) refined design and resolution of conflicts between utility or transportation systems and environmental corridor delineations for specific sites or projects.

Changes to the environmental corridors can be classified into two major categories: (a) refinements and minor changes to the environmental corridors which would not require prior approval by the Regional Planning Commission or the Department of Natural Resources; and (b) major changes to the corridors which would require concurrence by the Regional Planning Commission and the Department of Natural Resources before these changes would be effective for the purpose of reviewing sanitary sewer extensions. Any change to an environmental corridor, whether major or minor, should be initiated or sponsored by the affected local units of general government (city, village, town), or by the Regional Planning Commission in consultation with the affected local general units of government. It is expected that all changes, major or minor, would be initiated by formal action by the affected local general units of government - adoption by resolution, or approval of a plat or development plan. Procedures and criteria applicable to both types of changes are outlined below.

Refinements and Minor Changes

Refinements and minor changes would not require prior approval of the Regional Planning Commission or the Department of Natural Resources. However, the Regional Planning Commission would have to be informed of the change before it would be effective for the purposes of reviewing public sanitary sewer extensions. The Regional Planning Commission would then be responsible for informing the Department of Natural Resources of the change.



Refinements and minor changes are generally of two types: (1) changes resulting from revised, improved or more detailed background resource information; and (2) minor adjustments or changes which would not seriously affect water quality.

Examples of revisions resulting from changes in basic background resource information include:

- (a) improved or revised DNR-approved floodplain delineations resulting from revised flood studies or availability of more detailed topographic information;
- (b) revised wetland boundaries on the Official Wetland Inventory maps resulting from availability of more detailed information or field checks by regulatory agencies, or resulting from approved rezoning;
- (c) changes in water bodies, woodlands, steep slopes or other resource features resulting from availability of more detailed studies or site maps or from field reconnaissance by regulatory agencies; and
- (d) additions to existing or proposed parks, greenways or conservancy lands resulting from purchase, dedication, zoning changes, official map changes or changes in adopted plans or approved site plans and plats, provided proper statutory procedures have been followed.

Examples of minor changes which would not seriously affect water quality include:

- (a) relocation or shortening of an environmental corridor based solely on shoreland buffer strips along intermittent streams or drainageways;
- (b) adjustment of the width of shoreland buffer strips along intermittent streams or drainageways within the suggested guidelines in Chapter II (generally to a minimum of 75 to 100 ft. total width);
- (c) changes which result from utility or roadway maintenance or construction which meet the criteria set forth in NR 117. It is not the intent of the environmental corridors to prevent or obstruct maintenance, expansion or construction of transportation or utility facilities intended to serve areas outside of the corridors, needed to maintain or improve continuity of those systems, or designed to serve compatible uses in the corridors, such as park shelters or facilities. Facilities intended to serve new sewer residential, commercial or industrial development in the corridors would not be permitted;







- (d) removal of less than two acres of floodfringe (floodplain outside of the floodway) area or wetland buffer strips from the corridors;
- (e) removal of any amount of public or private lands from the corridors which do not include floodplains, wetlands or wetland buffer strips, minimum shoreland buffer strips, or steep slopes adjacent to water bodies (defined as slopes over 12 percent where the base of slope does not have at least 75 feet of vegetated buffer strip between the base of slope and the ordinary high water mark of perennial streams, ponds and lakes).

#### Major Changes

Major changes have the potential for significant impacts on water quality and would generally require the concurrence of the Regional Planning Commission and the Department of Natural Resources before these changes would become effective for the purpose of reviewing sanitary sewer extensions. Examples include:

- (a) removal of any mapped wetland area for sewer development, unless resulting from an activity exempted by state administrative rules governing wetland protection [NR 117.05(2)] or state-approved rezoning of wetlands.
- (b) removal of more than two acres of floodfringe area or wetland buffer strip.
- (c) any change which would reduce a delineated floodway of any navigable stream or river, or which would remove any area below the ordinary high water mark of a navigable stream, pond or lake.
- (d) any change resulting in the total removal or interruption in the continuity of any corridor segment including floodplains, wetlands, shoreland buffer strips or steep slopes adjacent to water bodies. (Relocation or shortening of a corridor based solely on shoreland buffer strips along intermittent drainageways is considered a minor change.)
- (e) any change which would reduce the width of shoreland buffer strips along streams and drainageways below the minimum suggested guidelines in Chapter II. (75 to 100 ft. total width for intermittent streams and drainageways, 200 ft. total width for navigable streams).

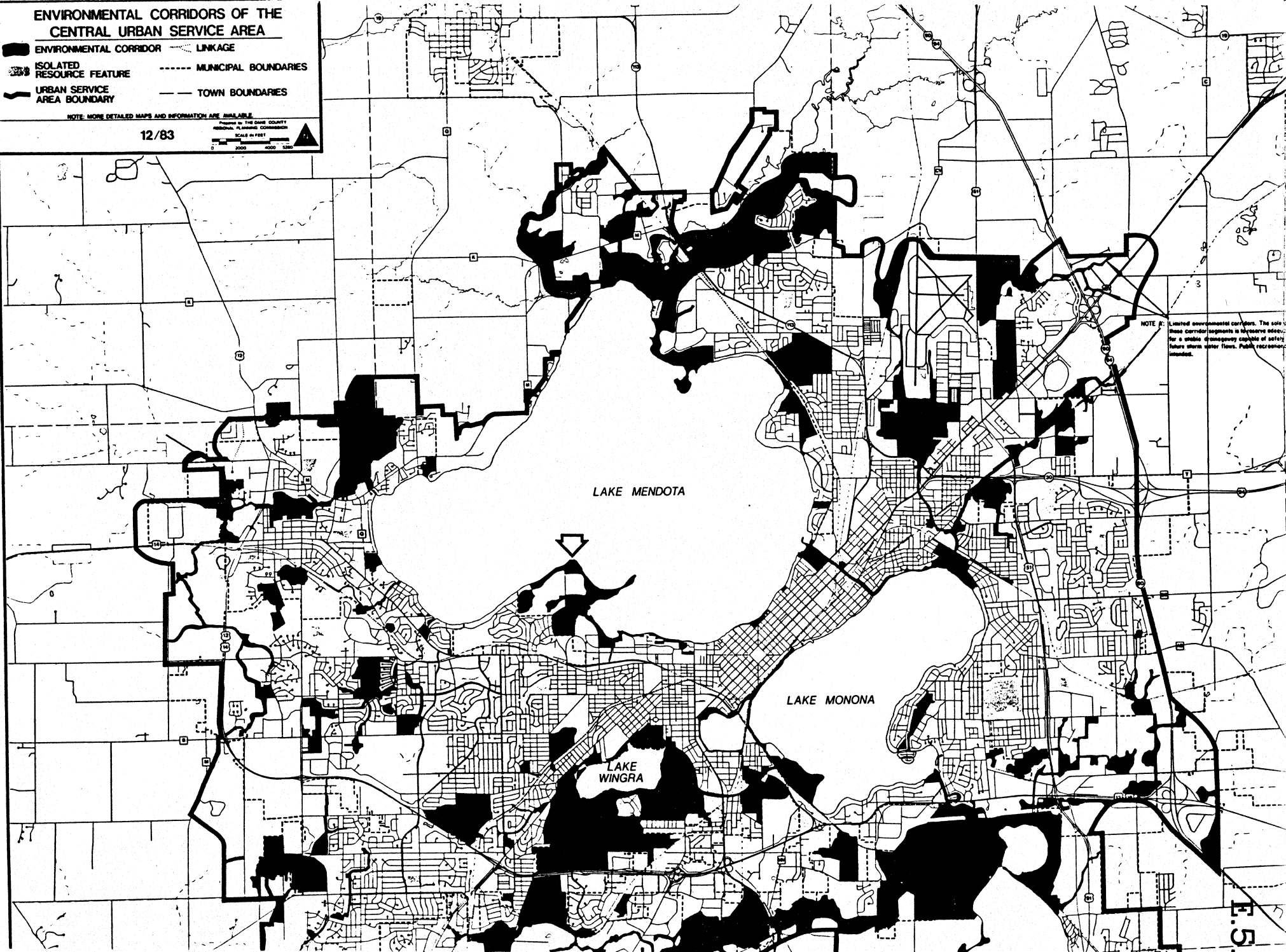
# ENVIRONMENTAL CORRIDORS OF THE CENTRAL URBAN SERVICE AREA

-  ENVIRONMENTAL CORRIDOR
-  LINKAGE
-  ISOLATED RESOURCE FEATURE
-  MUNICIPAL BOUNDARIES
-  URBAN SERVICE AREA BOUNDARY
-  TOWN BOUNDARIES

NOTE: MORE DETAILED MAPS AND INFORMATION ARE AVAILABLE

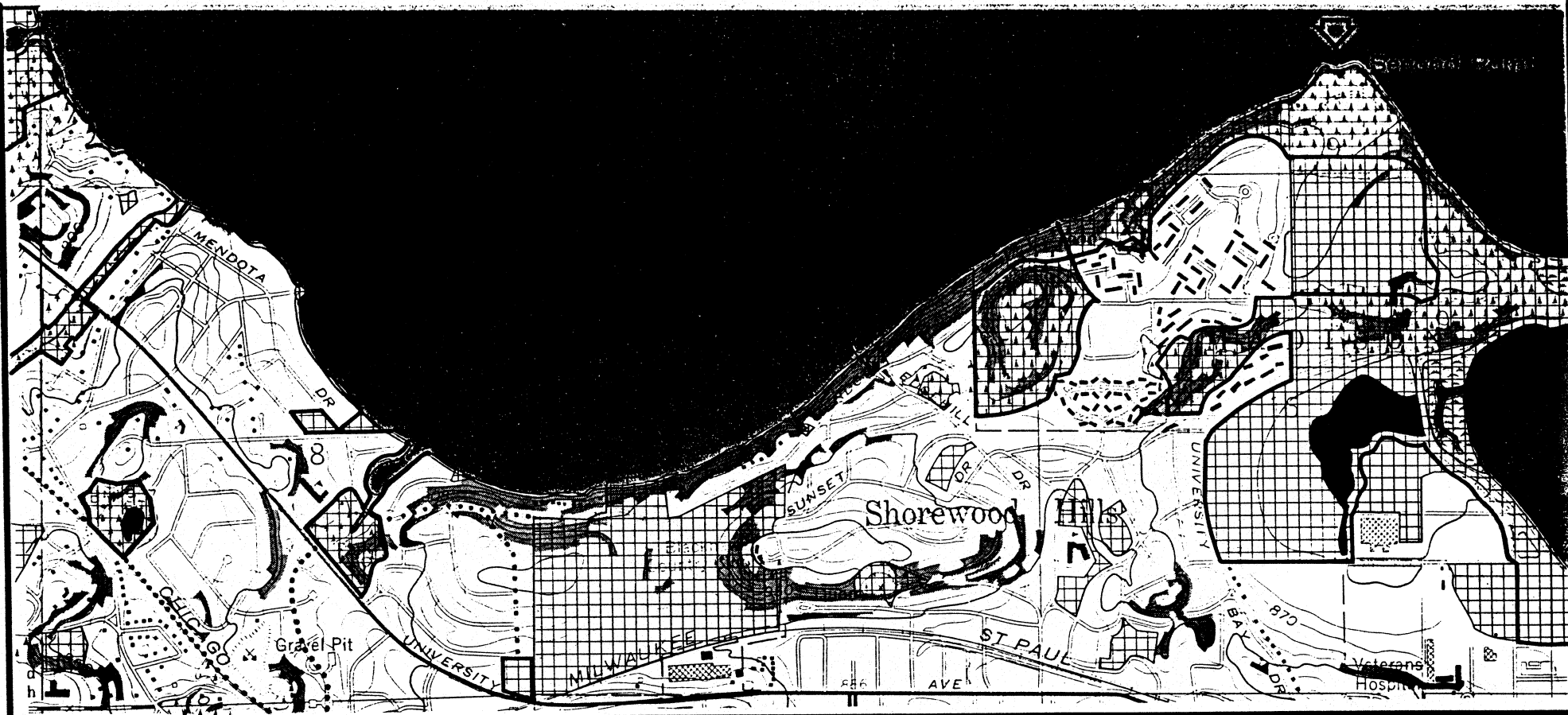
12/83

Prepared by: THE DANE COUNTY  
HEALTH, PLANNING, COMMUNITY  
DEVELOPMENT DEPARTMENT  
SCALE IN FEET  
0 2000 4000 6000



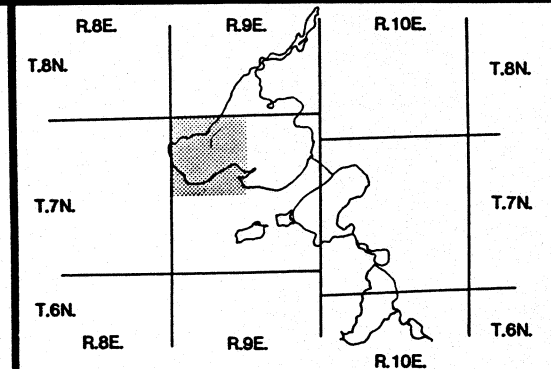
NOTE: Limited environmental corridors. The sole purpose of these corridors is to provide a means of access for a stable, long-term capability of safety for future storm water flows. Public recreation is intended.

E.S.



## ENVIRONMENTAL CORRIDORS OF THE CENTRAL URBAN SERVICE AREA

- |  |  |  |                                     |
|--|--|--|-------------------------------------|
|  | Environmental Corridors                            |  | Perennial Streams                   |
|  | Urban Service Area                                 |  | Intermittent Streams                |
|  | Isolated Resource Features                         |  | Open Channel Drainageways           |
|  | Existing Parks, Greenways, Conservancy Lands       |  | Wetlands                            |
|  | Proposed Parks, Greenways, Conservancy Lands       |  | 100-Year Floodplain                 |
|  | Public Lands, no access                            |  | Woodlands                           |
|  | Lakes (less than 200 acres) and other water bodies |  | Prairie and other Unique Vegetation |
|  |  |  | Steep Slope (greater than 12%)      |
|  |  |  | Potential Linkages                  |



Prepared by:  
THE DANE COUNTY REGIONAL PLANNING COMMISSION  
BASE MAP SOURCE - USGS QUADS (Corporate Boundaries Updated)  
DATE OF MAP PRINTING - 12 83

Scale in feet



MAP NO.

9  
E.C.

## 4.A BACKGROUND

The foundation for the development of the physical facilities portion of this document rests with two previously prepared planning reports for UW-Madison. They are the 1980 Campus Development Plan and the 1982 Campus Transportation Plan. The process preceding the eventual publication and adoption of these two documents was lengthy and involved the participation of many individuals and groups, including university, city, county, state and community. In both instances, the documents culminated in a strong sense of cooperation and dedication toward the continuation of planning for the physical development of the University of Wisconsin-Madison. In this respect, they serve as the two basic references for this current planning process.

### 4.A1 1980 Campus Development Plan

The 1980 Campus Development Plan was adopted during the fall of 1980 by the UW-Madison Campus Planning Committee, the Board of Regents of the University of Wisconsin System and the Higher Education Subcommittee of the Wisconsin State Building Commission. The general scope of the document's major conclusions have not changed substantially during the intervening four years. While some minor modifications are certainly necessary in order to express present conditions and future needs, the 1980 conclusions will likely continue to serve as a basic guide for the development of the UW-Madison campus into the mid-1990s. Major conclusions as reflected in the 1980 document are as follows:

While undergraduate enrollments will decline somewhat during the next decade and then begin to increase again, this temporary reduction in undergraduate enrollment will not impact significantly on the facility development needs of the University. Professional and graduate training programs will be stable or will grow modestly throughout the period; research programs will likely expand.

The building program for the next decade will focus primarily on the need to remodel and upgrade the existing plant and to selectively add program and service space which is necessary to complement existing programs.

The parking program is to be stabilized at the existing level of spaces; however, adjustments among geographic areas of the campus and reallocation among the several user groups will be needed.

Considerable emphasis will have to be placed on alternate modes of transportation, including bus, car and van pooling, bicycles and walking, in order to accommodate the needs of the University's faculty, staff, students and visitors.

The University has a strong commitment to maintaining open space designated for various compatible uses. ✓

The University is committed to working closely with the City of Madison and the private sector in resolving the identified need for student housing in the immediate vicinity of the campus. A first step has already been accomplished through agreement on a long range land use plan for the south campus area.

The boundaries of the campus are not changed dramatically from those which have been in existence since 1959. The principal modifications are in the south campus area, where land use designations for housing, academic

programs and services have been made, and near the present railroad corridor where a joint planning area has been identified. Modest land acquisition will be considered to meet programmatic needs.

#### 4.A2 1982 Campus Transportation Plan

During the spring of 1982, the 1982 Campus Transportation Plan was adopted by the UW-Madison's Parking and Transportation Board and Campus Planning Committee and by the Board of Regents of the University of Wisconsin System. The document was based upon broad transportation concepts developed during the 1980 planning process and an extensive set of objectives (both developed for this plan and derived from other plans) which were guiding both the campus and community wide transportation systems. The combination of these developed objectives and data obtained through several transportation surveys served as the basis for the 1982 transportation program recommendations for UW-Madison.

Since 1982, two additional campus transportation surveys have been conducted, confirming some trends identified earlier and noting modest changes in trends elsewhere. A number of the program recommendations have already been implemented, while certain others (particularly those of greater magnitude and cost) are still pending. Many of these proposals, however, are still appropriate and should continue to be carried forth as program recommendations for possible implementation within the next decade. It is on these premises that the 1982 Campus Transportation Plan continues to serve as a basic resource for transportation planning for the UW-Madison.

### 4.B CAMPUS BOUNDARIES AND LAND NEEDS

#### 4.B1 Campus Development Plan Boundaries and University Properties

The contiguous UW-Madison campus is delineated on the map that follows. The adjacent map illustrates the existing development plan boundary, recommended changes in the boundary and property currently owned by the University. One boundary change is recommended, this reduction of the boundary at the far northwest corner of the campus along the Lake Mendota shore involves a parcel of land not owned by the University and currently being developed by a private party for a duplex. ✓

Any additional changes in the development plan boundary during the next decade are most likely to occur in the south campus area in those locations currently designated primarily for housing development. Major non-university development in these areas will likely result in an appropriate adjustment of the development plan boundary. Any other boundary changes which may occur within the next decade would most likely be quite limited and would be tied to the acquisition of adjacent properties for specific uses. No such uses or properties have been designated at this time.

#### 4.B2 Campus Land Needs

Property acquisition by UW-Madison for the development of general academic facilities, open space and related service facilities within the development boundary will continue to take place over the next decade and beyond based upon program needs. ✓  
Similarly, property acquisition involving the University, City of Madison and private interests in areas proposed for housing, open space or yet-to-be-identified joint development projects will take place as specific projects are identified and implemented. ✓  
In such instances (particularly in the south campus area) there may be property purchases, trades ✓



or sales among several parties, dependent upon whether the developer of the particular project is the University, City or private interests. Also within the campus development boundary are certain properties which are excluded from active consideration for purchase, such as street and railroad rights of way, and several commercial, religious, service or State-owned properties.

The status of non-University properties within the campus development plan boundary is illustrated in the map that follows. During the next decade it is expected that the University will move forward in selectively purchasing property it currently needs within its development boundary. Similarly it can be expected that properties of mixed acquisition (UW/City/private) will be assembled for the purpose of housing or other development during the next decade. Most of the property will be acquired by the University only when the owner expresses an interest in selling. ✓

## 4.C NON-CONTIGUOUS PROPERTIES

Properties owned by the UW-Madison and not contiguous to the main campus have been categorized into three principal groups, those properties administered by 1) the Arboretum, 2) the College of Agricultural and Life Sciences and 3) various other colleges, departments or administrative units. The two maps which follow locate geographically the properties within or outside the Madison metropolitan area.

### 4.C1 Arboretum Administered Properties

The Arboretum administers 13 separate properties totaling approximately 2,900 acres. Arboretum properties provide outdoor laboratories for teaching and research involving natural plant communities of Wisconsin. The main arboretum in Madison also includes an area of horticultural plantings used in teaching and research. In addition to research projects carried out by staff and students, many University students from a variety of classes use the Arboretum on field trips and laboratory assignments. Public education is also a major purpose of the Arboretum. Thousands of elementary and high school students, as well as adults, annually receive instruction in ecology, natural history and the environment through participation in guided tours and programs conducted by the Arboretum staff.

Outlying properties are used for faculty and graduate student research involving natural plant communities, and a number of classes visit the properties on field trips. Because of a lack of funds for adequate supervision, protection and maintenance, public access has had to be discouraged.

Seven of the outlying properties (Abraham's Woods, Faville Prairie, Finnerud Forest, Hub City Bog, Loddes Mill Bluff, Observatory Woods and Oliver Prairie) are designated a part of the State Scientific Areas System. The Arboretum Director and the University's Arboretum Committee have cooperated with the Scientific Areas Preservation Council of the Wisconsin Department of Natural Resources in preserving unique natural plant communities of Wisconsin for teaching and research purposes by establishing the scientific areas identified above on Arboretum properties. The final authority on the use and management of these properties rests with the Arboretum Committee. The designation of a piece of property as a part of the State Scientific Areas System insures that the property will not be condemned or developed for another purpose and that the property will remain in a natural state. In addition, the property is protected from owner mismanagement. Legal title to the property is not, however, affected by its inclusion in the State Scientific Areas System. In the case of the seven designated Arboretum properties, all were given to the University as gifts or bequests and all have deed restrictions such that,

to this classification to accommodate future storage and related needs.

Deletions primarily involve several miscellaneous properties located in the area designated for potential housing development. An area in need of special planning is the former Central Soya building located immediately south of the Wisconsin Department of Transportation owned railroad tracks between Randall Avenue and Orchard Street. Currently, the facility is used to help meet the University's critical storage needs but it is located in an area that has been designated for potential housing development. Careful study of this situation must be made.

#### Service Land Use Summary\*

1984 Existing	17 Acres
1994 Proposed	26 Acres
1984-1994 Percentage Change	+ 53 %
1984-1994 Additions	11 Acres
1984-1994 Deletions	2 Acres
Special Planning Areas	2 Acres

\*Rounded to nearest acre and percent change

#### 4.D3 Athletic (Intercollegiate, Intramural and Recreational)

Intercollegiate athletic competition and participation at the intramural and general recreational level are important activities for University students. The map that follows delineates those areas assigned to specific identifiable athletic functions, such as Camp Randall Stadium, the tennis courts southeast of Cole Hall and the intercollegiate outdoor track. Not included within this land use category are general purpose playing fields; these fields are part of the "multipurpose open space" classification.

The only addition proposed to this category lies east of Lake Street and south of Dayton Street where additional hard surface courts will be constructed in conjunction with the development of play fields. To be deleted is the Armory on Langdon Street for which remodeling for academic uses is proposed.

The intercollegiate athletic practice fields, north of Camp Randall Stadium on either side of Parking Area 17, require special study along with Parking Area 17. The total area, initially identified as a potential parking ramp site, also has potential as the site for other proposed facilities of Intercollegiate Athletics and/or the College of Engineering.

#### Athletic Land Use Summary\*

1984 Existing	56 Acres
1994 Proposed	52 Acres
1984-1994 Percentage Change	-7 %
1984-1994 Additions	1 Acres
1984-1994 Deletions	5 Acres
Special Planning Areas	4 Acres

\*Rounded to nearest acre and percent change

#### 4.D4 Natural Preserve

The natural setting of the University of Wisconsin-Madison is uniquely beautiful and a source of pleasure and pride to students, staff and citizens of the State in general. It is important to consider not only maintenance of the buildings that house classroom, research and support facilities, but also preservation of the natural beauty of the campus.

Critical features of the attractiveness of the Madison campus include Lake Mendota, adequate green space and natural environments. Picnic Point, the Class of 1918 Marsh, Muir Woods, Bascom and Henry Malls and the nearby Arboretum are further examples. During the late 1950s and early 1960s, unique areas were identified by the Campus Biological Areas Committee of the Graduate Biological Division and by the Advisory Committee on Campus Wooded Areas and were recommended for preservation (i.e. not to be considered as building sites) because of their significant biological value. The combined list of areas or principal remnants which have remained essentially intact since their designation include:

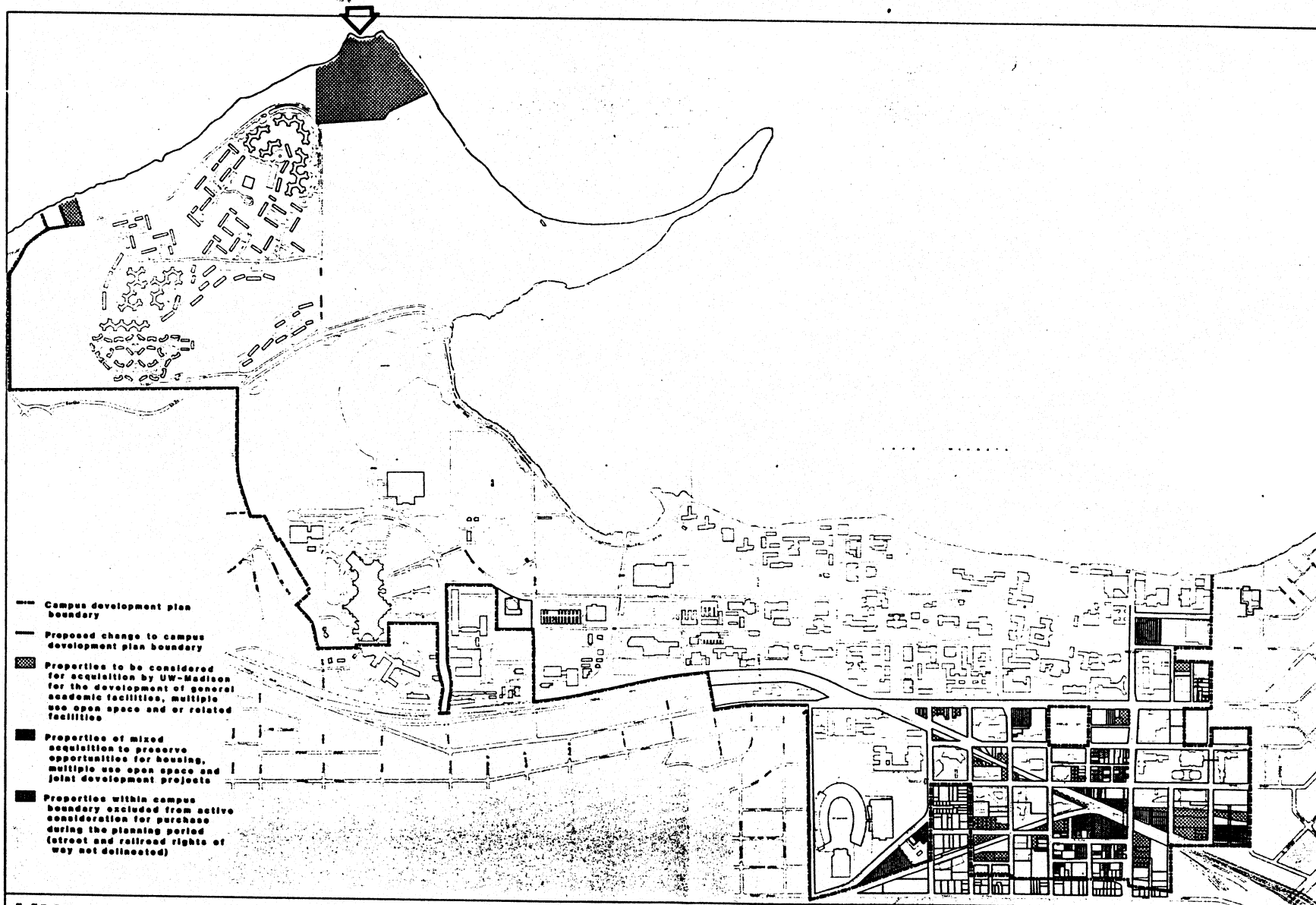
- Area between Elizabeth Waters Hall and the Kronshage Dormitories
- Area directly north of Lathrop Hall
- Area east of Observatory Hill Office Building and south of Elizabeth Waters Hall
- Area south and west of the Birge Hall greenhouses
- Botanical Garden
- Eagle Heights Woods
- Lake Mendota shoreline between the Hydraulics Lab and Picnic Point
- Marsh west of University Bay (Class of 1918 Marsh)
- Muir Woods (Bascom Woods)
- Picnic Point, including the woods west of the entrance and north of Willow Drive
- ✓ -Second Point woods and shoreline
- University Bay, including the cattail marsh

✓ Recognition of these earlier designations will continue. Care should be taken to insure that the existing natural preserve network on campus is maintained and that future construction projects do not adversely affect these areas. The areas designated as natural preserve on the map that follows have been coordinated with the program being administered by Dane County Regional Planning to map environmental corridors throughout the county.

✓ The only additions currently proposed to the natural preserve open space category are two parcels of land being acquired through the Natural Heritage Foundation in the Lower Eagle Heights Woods area at the far northwest corner of the campus. While it is currently private property, the area of Second Point should be preserved in a natural state.

#### Natural Preserve Land Use Summary\*

1984 Existing	238 Acres
1994 Proposed	238 Acres
1984-1994 Percentage Change	0 %
1984-1994 Additions	0 Acres
1984-1994 Deletions	0 Acres
Special Planning Areas	0 Acres

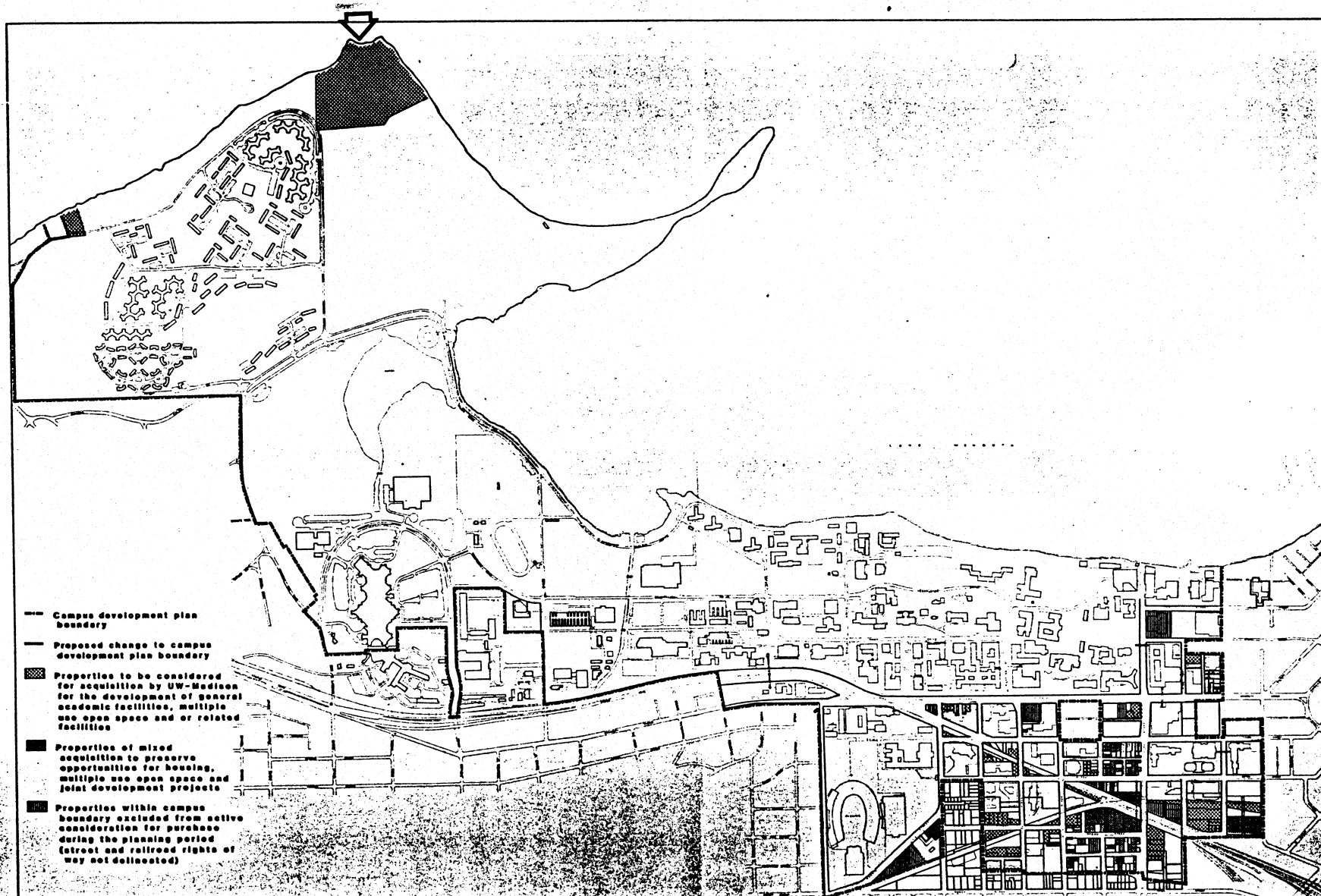


**UW-MADISON**  
Planning and Construction

## BOUNDARIES AND LAND NEEDS



FIGURE 4.02



**UW-MADISON**

Planning and Construction

## BOUNDARIES AND LAND NEEDS

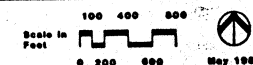
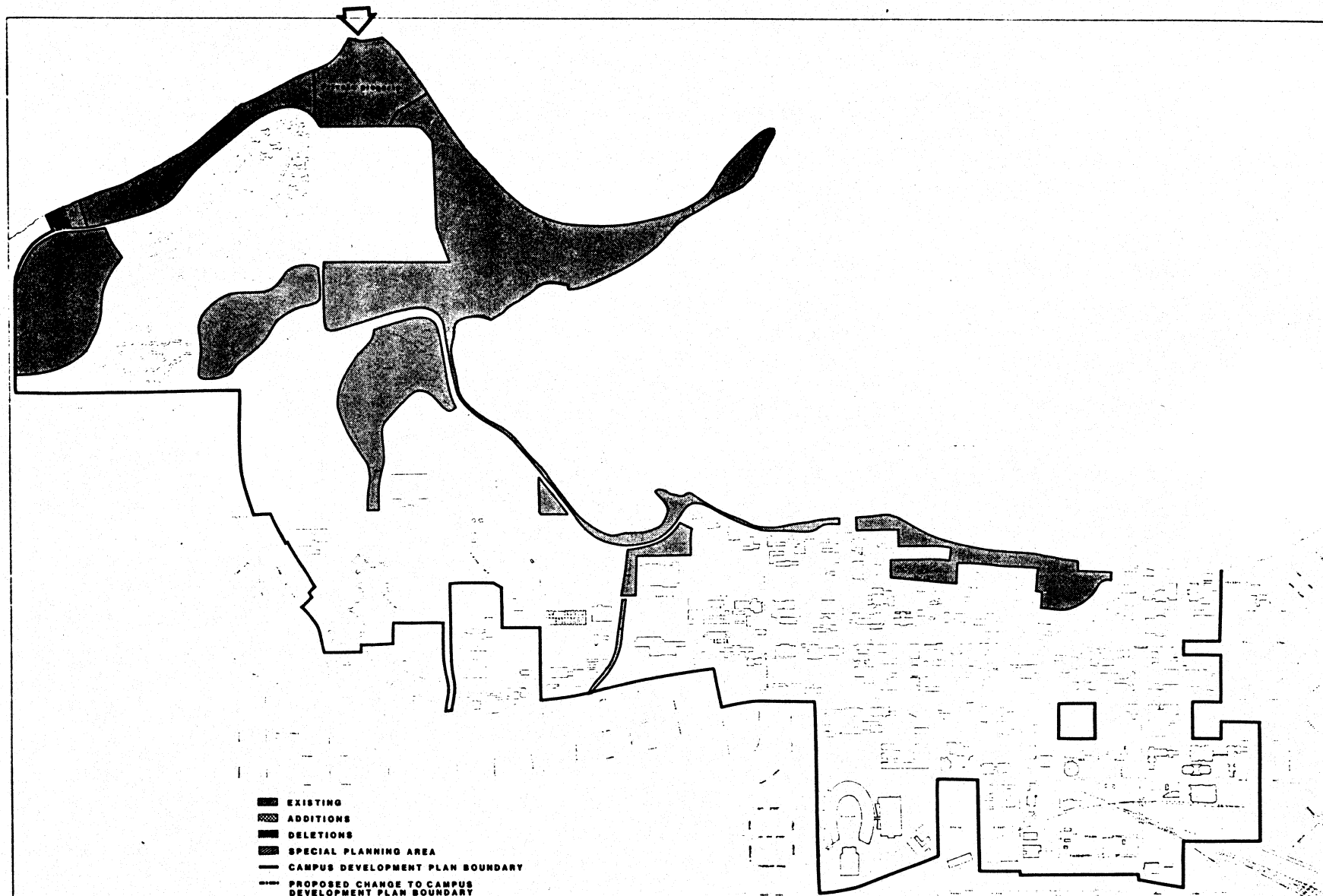


FIGURE 4.28

E7



**UW-MADISON**

Planning and Construction

**NATURAL PRESERVE**

Scale in Feet  
0 200 400 600  
May 1984

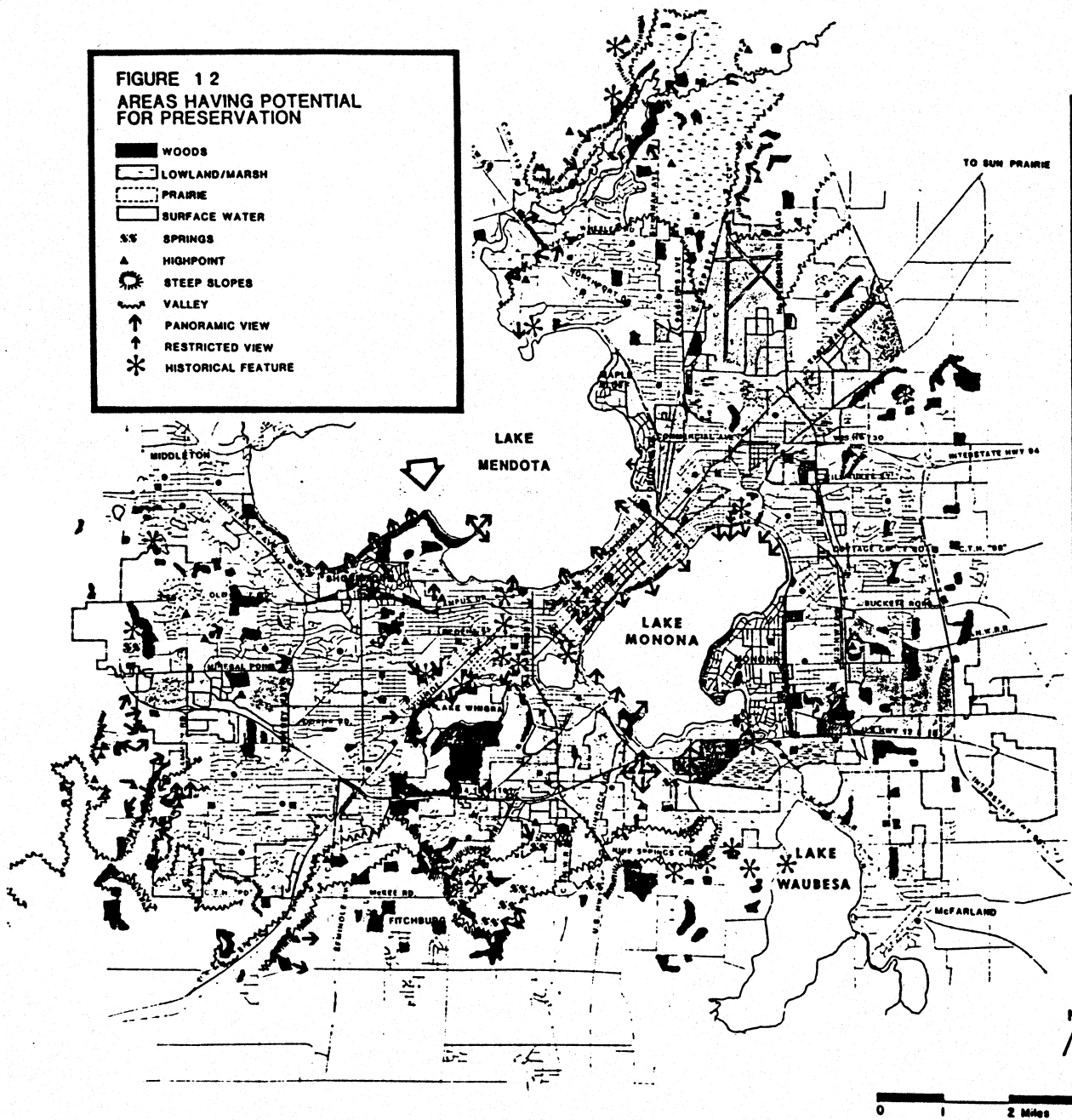
FIGURE 4.9a





**FIGURE 12**  
**AREAS HAVING POTENTIAL**  
**FOR PRESERVATION**

- WOODS
- LOWLAND/MARSH
- PRAIRIE
- SURFACE WATER
- SPRINGS
- HIGHPOINT
- STEEP SLOPES
- VALLEY
- PANORAMIC VIEW
- RESTRICTED VIEW
- HISTORICAL FEATURE



## **PARKS AND OPEN SPACE PLAN**

**CITY OF MADISON PARK COMMISSION**

**MADISON,  
 WISCONSIN - 1984**

- PUBLIC SCHOOL
- PAROCHIAL SCHOOL
- EXISTING COMMERCIAL/INDUSTRIAL USE
- MARSH LAND

## Environmental Protection

This section of Regional Development Guide is designed to provide guidance on how we can wisely use our available physical resources, particularly land, water and air, to satisfy our needs while at the same time maintaining a high level of environmental quality and ensuring that the needs of future generations can be met.

The beauty of the Dane County landscape is one of the region's strongest assets. From the wooded hillsides and picturesque stream valleys of the Driftless Area in the western part of the county, to the rolling glacial marsh and drumlin topography in eastern Dane County, the region includes a wide range of representative Wisconsin landforms and natural resources. In the center, the Yahara River chain of lakes provide a spectacular setting for the state capital.

In its mission to provide for a safe, healthy and attractive environment for Dane County residents, the Regional Planning Commission has worked with local units of government to develop and adopt the Dane County Water Quality Plan and the Dane County Solid Waste Plan. These plans provide detailed recommendations and implementation programs which are based on the broad objectives and policies contained on the original Land Use Plan, and, now, in this Regional Development Guide.

In the preparation of plans for environmental protection, the Commission has developed a strategy that incorporates both pollution control and resource protection.

Pollution control, as reflected in the Commission's plans, is not limited to waste treatment facilities or technology such as emission control devices. Land design and management is recognized as one of the most effective and important approaches to preventing and controlling pollution. Appropriate location and siting of development and of waste treatment and disposal facilities, vegetation management, erosion control, utilization of natural drainage systems and buffer areas - these approaches can go far in protecting our environment if they are used consistently and in concert with resource protection.

Resource protection recognizes that land and natural resources perform critical environment functions such as groundwater recharge and discharge, water quality improvement, erosion control, storage of floodwaters, wildlife habitat and scenic beauty. Some lands are particularly vulnerable in urban and developing areas. It is important that these critical and vulnerable lands and resources be identified and their environmental functions protected.

The resource protection strategy reflected in this Regional Development Guide recognizes the inter-relatedness of adjacent landscape types and the importance of protecting valuable ecological units and linkages. The approach to resource protection is based primarily on a system of continuous open space corridors, which recognizes that many of the lands and resources most needing protection are associated with stream valleys and water features. The corridors also emphasize the importance of continuity of environmental systems, and protection of the land/water edge.

The environmental protection strategy in this Regional Development Guide is founded on both pollution control and resource protection - recognizing that either approach alone would not be sufficient.

### Objectives

To recognize that the natural environment is an integrated system of interacting land, water and air resources; and to protect the health and stability of this resource system.

To regard land as a finite and irreplaceable resource; and to ensure that its use does not impair its value for future generations.

To provide a safe, healthful and visually pleasing environment to enhance the quality of life for all Dane County residents.

### Policies

1. To protect shoreland, floodplain and wetland areas throughout the County, and emphasize their value as focal points of natural beauty and recreation.
2. To preserve the role of wetlands and woodlands as essential components of the hydrologic system as well as valuable wildlife habitat, and restore or improve degraded wetland and woodland resources where possible.
3. To recognize the inter-relationship of adjacent landscape types, and avoid dividing natural units or breaking important linkages.
4. To develop and promote a countywide system of open space corridors, as shown on the Regional Development Guide Plan Map, as a basic structure and framework for resource protection and open space planning.

*The open space corridors are continuous open space systems based on natural resources and environmentally important lands. The corridors are based primarily on streams, lakes, shorelands, floodplains and wetlands. Steep slopes, woodlands, parks and publicly owned open space lands also may be included.*

*The open space corridor system shown on the Regional Development Guide Plan Map includes two distinct components: Urban Environmental Corridors within Urban Services Areas; and Rural Resource Protection Areas outside of Urban Service Areas.*

*Urban Environmental Corridors differ from Rural Resource Protection Areas in several ways: a generally greater threat or pressure from adverse development or modification; higher density of development and land use; and greater pressure and use of corridors for public open space and recreation. In addition, the relative scarcity of natural resources and scenic beauty in urban areas makes the remaining features more valuable to the community. The drainage and flood control functions of Urban Environmental Corridors are also of critical importance in the face of large scale development and landscape alteration in urbanizing areas. As a result, the Urban Environmental Corridors being mapped and protected in conjunction with local communities generally have a high proportion of land in public ownership, are more extensively used for recreation, and have a greater emphasis on protecting intermittent streams and drainageways. Urban Environmental Corridors often require more stringent protection measures or acquisition to adequately protect critical or scarce resources.*

*Rural Resource Protection Areas are based mainly on flood-plains, wetland and shoreland areas delineated in Town Plans or protected through zoning or other regulations, together with existing and proposed publicly owned or controlled lands needed for resource protection, continuity or public recreation. There is less pressure for alteration or development of these lands, and a lower proportion of land will be needed for public open space and recreational use. As a result, most of the lands in Rural Resource Protection Areas will remain in private ownership, and there is less need for acquisition or stringent regulation of such resources as intermittent streams and drainageways, woodlands or steep slopes.*

5. To minimize adverse impacts of necessary encroachment of utilities and transportation facilities into open space corridors by:
  - (a) avoiding encroachment when reasonable alternatives are available; (b) where encroachment is necessary, select routes which minimize environmental impacts, and avoid dividing natural units; and (c) incorporate design considerations which minimize impacts and contribute to compatibility with the corridor functions.

*It is expected that some utilities, such as sanitary and storm sewers, are logically located in open space corridors, and that utilities and transportation facilities will sometimes need to cross or encroach on the open space corridors in order to maintain needed system continuity or to serve facilities in the corridors. These conflicts and encroachments are to be expected, and should be resolved in such a way as to protect the basic functions of the open space corridor while providing necessary utilities and transportation facilities in a cost-effective manner.*

6. To protect the quality and supply of groundwater as the principal source of water supply in Dane County, and encourage water conservation programs and efforts.
7. To guide urban development to those locations where adverse impacts on ground and surface water quality are minimized.
8. To incorporate in the design of urban development natural drainage patterns and measures to minimize or entrap pollutants before they enter surface waters.
9. To incorporate stormwater management practices, such as detention and infiltration, in urban development to maintain groundwater recharge and avoid increases in runoff.
10. To reduce erosion and runoff increases from land development and construction by promoting and supporting adoption of ordinances requiring preparation of plans and installation of erosion and runoff control practices.
11. To recognize that the soil is one of the basic and most important resources in Dane County, and develop and promote programs to preserve and improve soil productivity and wise use of land consistent with soil capability.
12. To develop and promote programs which ensure the application of soil conservation and livestock waste management practices on Dane County farms, and target available resources and financial aid to those areas which will provide the greatest environmental benefits.

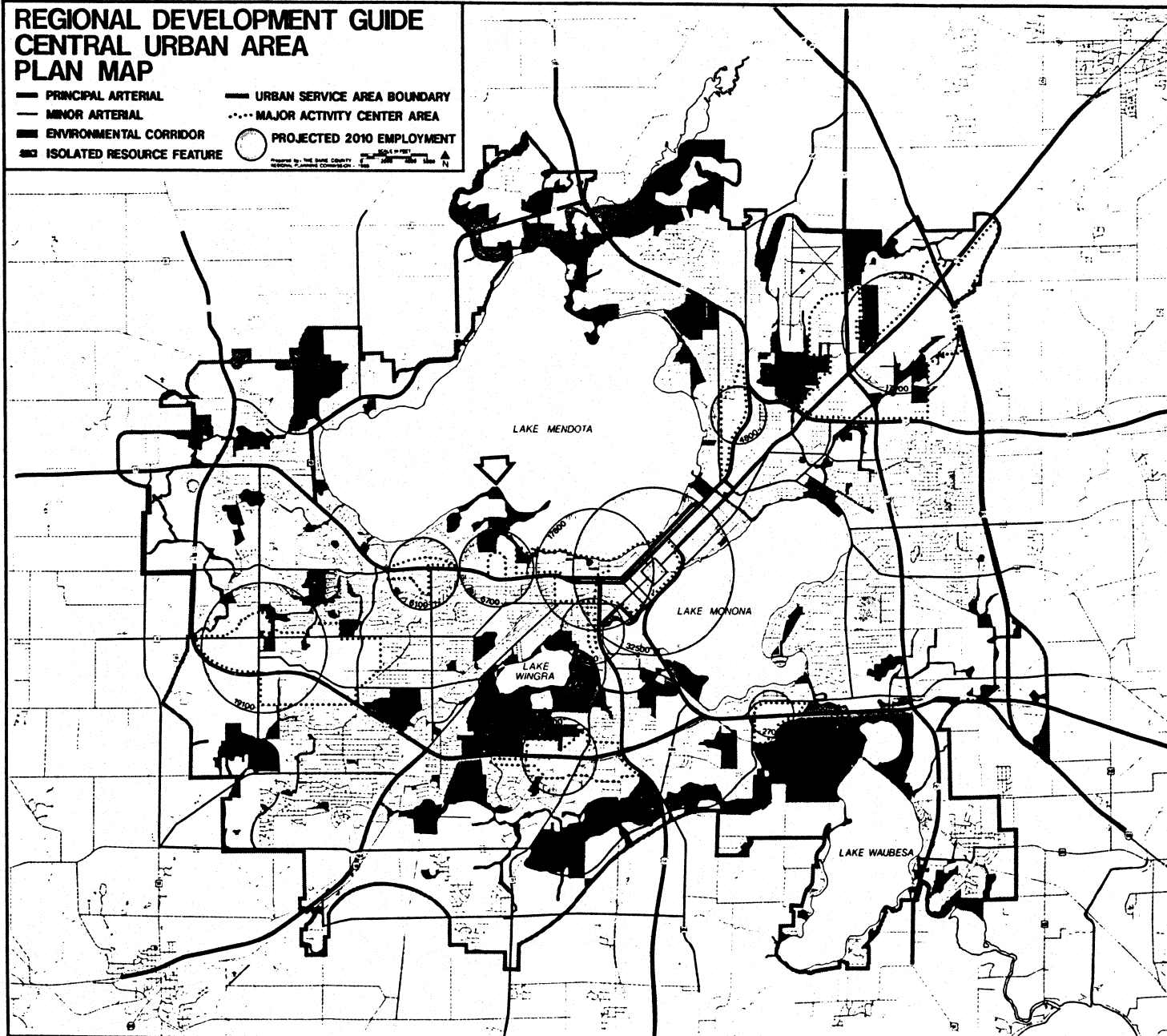


13. To develop and promote programs to avoid excessive or unnecessary use of pesticides and herbicides.
14. To guide urban development to areas where soils are suitable for such development.
15. To identify mineral, sand and gravel resources in Dane County, and ensure that urban development does not prevent or obstruct access to an adequate future supply of these materials.
16. To protect the scenic values of the Dane County landscape by preserving and enhancing vegetative cover, particularly on steep wooded slopes and stream and lake shorelands.
17. To protect and enhance the visual appearance of urban areas through vegetative planting and management; sensitive landscape design; control of signs; and installation of underground utilities (where environmentally sound).
18. To improve the visual experience of motorists and pedestrians by emphasizing sensitive location and siting of streets and roadways, landscaping and vegetative planting along major transportation corridors and in high-traffic pedestrian areas, and coordinated design of street fixtures and furnishings including signs and traffic control devices.
19. To protect and maximize public enjoyment of the scenic qualities of Dane County by preserving views of landmarks, assessing the visual impact of proposed developments and facilities, and improving public access to scenic areas and views, particularly urban lake and stream shorelines.
20. To support recycling and reuse of waste materials, with emphasis on: (a) returning organic wastes to the land; (b) recovery of the energy value of combustible waste; and (c) direct recovery and reuse of specific materials where technically and economically feasible.
21. To institute governmental programs to ensure safe handling and disposal of hazardous or toxic waste materials generated by local households and businesses.
22. To locate and design waste disposal sites and facilities to minimize environmental impacts and health hazards.

23. To return resource extraction and waste disposal sites to productive use through final site design and reclamation.
24. To support programs to improve air quality and control the emission of air pollutants in the region, and evaluate the air quality impacts of proposed development and facilities.
25. To support programs to protect communities and neighborhoods from excessive noise levels, and to evaluate the noise impacts of proposed development and facilities.

# REGIONAL DEVELOPMENT GUIDE CENTRAL URBAN AREA PLAN MAP

- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- ENVIRONMENTAL CORRIDOR
- ISOLATED RESOURCE FEATURE
- URBAN SERVICE AREA BOUNDARY
- .... MAJOR ACTIVITY CENTER AREA
- PROJECTED 2010 EMPLOYMENT



# AGENDA ITEM # \_\_\_\_\_

Copy Mailed : I.  
to Aldermen 2-28-86  
to Mayor's Office \_\_\_\_\_

City of Madison, Wisconsin

## A RESOLUTION \_\_\_\_\_

Endorsing the Regional Development Guide for  
Dane County, Wisconsin

Drafted by: Charles R. Dinauer

Date: January 14, 1986

Fiscal Note: No appropriation required.

Presented January 21, 1986  
Referred Plan Commission, TC

Rereferred CC 3-4-86

Reported Back FEB 18 1986; 3-4-86

Adopted ✓ POF \_\_\_\_\_  
Rules Susp. \_\_\_\_\_ Tabled \_\_\_\_\_  
Public Hearing \_\_\_\_\_



INTRODUCED BY THE MAYOR AT THE REQUEST OF  
SPONSORS: THE PLAN COMMISSION

RESOLUTION NO. 42,165  
FILE NUMBER SS10-86

WHEREAS, the Regional Development Guide for Dane County, Wisconsin, prepared by the Dane County Regional Planning Commission, and adopted on June 27, 1985, updates and expands upon the previously adopted Land Use Plan for Dane County; and

WHEREAS, preparation of the Regional Development Guide for Dane County included review by the public and local units of government, a public hearing, and incorporation of many recommendations made by reviewing bodies; and

WHEREAS, the intent of the Regional Development Guide for Dane County is to coordinate public and private development decisions so that they are mutually reinforcing and help achieve common regional objectives; and

WHEREAS, the Regional Development Guide for Dane County provides a development policy framework for local community planning as well as regional planning in Dane County, and assists in guiding and accomplishing coordinated and harmonious development of the region.

NOW, THEREFORE, BE IT RESOLVED that the City of Madison endorses the Regional Development Guide for Dane County as a general policy framework for planning and development in the Dane County region, which will be used within the framework of the City of Madison Land Use Plan and other elements of the Master Plan as a guide for community planning and development in the area of the City of Madison.

CRD:jlj/1/11

# Error may cost city prime property

By Joe Beck  
Of The State Journal

Madison may lose four acres of prime lakefront property to development because of an assessor's error resulting in the land being five times overvalued.

The Planning Commission voted, 5-4, Monday night to remove the land from a conservancy district so the city can avoid a lawsuit threatened by the owner. The commission's vote is subject to City Council approval.

Assistant City Attorney James Voss said the price of the city's action is likely to be the construction of three residences — either single family homes or duplexes — along the prop-

erty that includes 600 feet of Lake Mendota shoreline near Lake Mendota Drive.

The property, owned by Bradenton Days Inn Inc., a Florida-based firm, is ineligible for private development under conservancy zoning. The firm is threatening to sue the city in federal court if the zoning is not changed to residential, Voss said.

Voss said the city's troubles with the land stem from an assessor's misunderstanding of conservancy districts. The land was assessed as though it could be marketed for private development, contrary to conservancy district regulations, Voss said. The result was assessments as high as \$470,000, more than five times what

the land should be worth under conservancy zoning, he said.

Voss said the confrontation could have been avoided if Voight had appealed his assessments years earlier instead of waiting until the last 2½ years to begin challenging them. The land was zoned for conservancy in 1966.

"You might say he benefited from his own neglect," Voss said.

Several residents of the Cove condominium spoke against the rezoning but Voss warned the commission members that failure to recommend the rezoning would nullify an agreement that would allow the city some control over the kind of development Voight chose for the land.

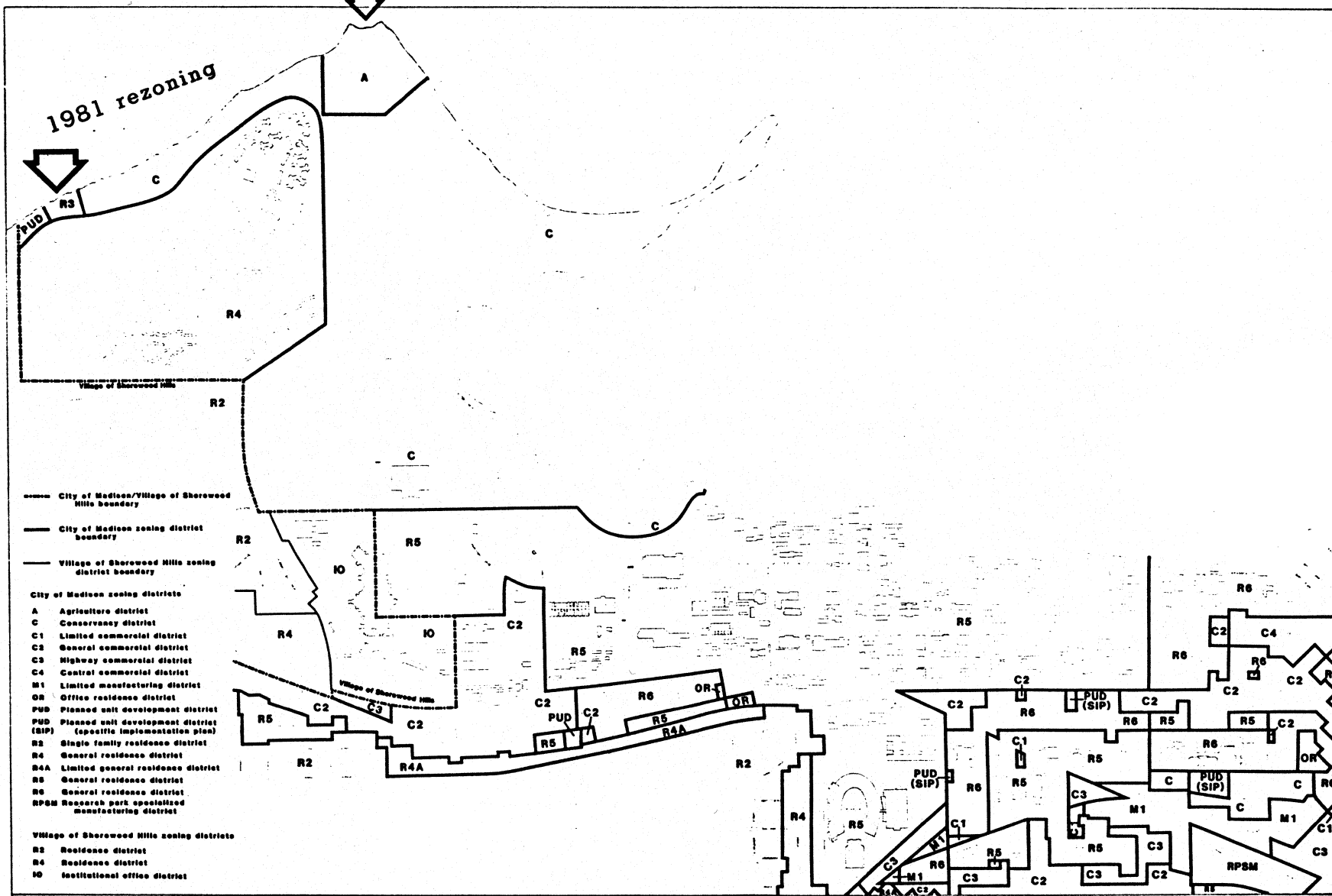
Voss warned that a federal court could impose its own settlement and that the terms of such a settlement might be far more favorable for Voight.

In other action, the commission refused in a voice vote to reverse its previous approval of the final plat of the fourth addition to the Seminole Forest subdivision. The plat now goes to the City Council for review.

Representatives of the Dunn's Marsh Neighborhood Association and Alderman Jean Stewart, District 20, urged the committee to rescind its approval because of new evidence that two access roads planned for the subdivision would increase traffic onto Seminole Highway.

**Jackson Second Point**

1981 rezoning



## ZONING



C. Times 12-16-81

# Council rezones Mendota land

By MIKE STAMLER  
Capital Times Staff Writer

Prompted by a lawsuit in a federal court, the City Council has adopted a zoning switch from conservancy to residential for a three-lot waterfront parcel on Lake Mendota Drive.

The zoning change was adopted after a 30-minute closed-door session at about 3 a.m. today after the regular council meeting ended. The council members discussed the lawsuit — brought by the land's owners, Bradenton Days Inn, Inc. — and the settlement package that included the rezoning. It was adopted despite opposition from neighboring residents.

The owner of the land plans to put three homes, possibly duplexes, on the property. The company had asked the council several times to rezone the property, heavily wooded land that slopes sharply down to the edge of Lake Mendota, but has been turned down each time.

Finally, Bradenton Days Inn filed a lawsuit in U.S. District Court, alleging among other things that the city has been taxing the property as if it were

residential even though the conservancy zoning prohibited any development.

In addition, the firm claimed that existing law would permit development because the lots were legally recorded before the conservancy zoning was adopted in 1966.

A report on the issue by City Attorney Henry Gempeler noted that the city probably would lose the lawsuit and be required to permit the development anyway.

As part of the settlement, several restrictions were included, among them limiting development to single family homes or duplexes on three lots, payment of a \$3,600 park fee, and agreement to several regulations regarding lake access, driveway construction and front and side yard requirements.

Residents of the nearby 49-unit Cove Condominiums — and a representative of the Madison Audubon Society — fought the change, citing the precedent of overturning zoning on conservancy lands, the loss of the property as unofficial parkland and increased density in the area.

In other action, the council:

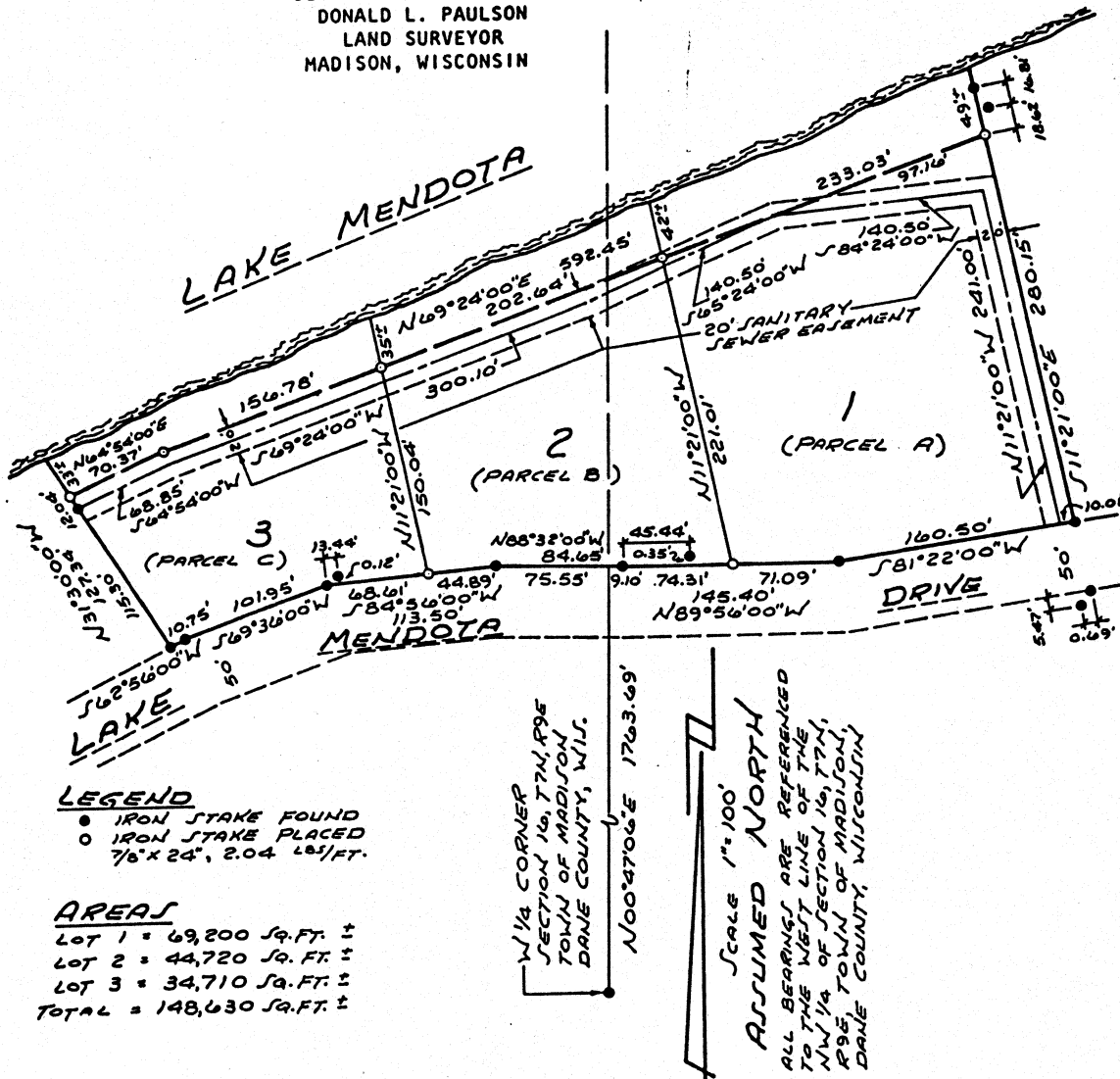
- Approved spending \$6,030 for heating system repairs for Dudgeon School, which is owned by the city and leased to Child Development Inc. for \$1 per year.

- Extended the lease on the old Post Office building on Monona Avenue — which still houses federal court-related facilities — and raised the annual rent from \$163,384 per year to \$184,900.

- Approved a set of regulations governing adult home day-care facilities, which previously had not been permitted under city ordinances. The measure applies to day-care homes that older people can visit during the day.

- Delayed action on rezoning for a 40-acre residential development off Old Sauk Road on the far west side. The development — which has attracted organized neighborhood opposition — involves 97 single-family homes, 32 duplexes, one 10-unit building and four 16-unit buildings. The plan was referred for a second time to the Plan Commission.

CERTIFIED SURVEY MAP  
DONALD L. PAULSON  
LAND SURVEYOR  
MADISON, WISCONSIN



I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY DESCRIBED HEREON ACCORDING TO THE DESCRIPTION FURNISHED AND THAT THE ABOVE MAP IS A CORRECT REPRESENTATION OF THE LOT LINES THEREOF AND I HAVE COMPLIED WITH SECTION 236.34 OF THE STATUTES OF THE STATE OF WISCONSIN.

Madison, Wisconsin

Donald L. Paulson S-728

Bradenton Days Inn, Inc.  
Trayton L. Lathrop  
122 West Washington Avenue  
P. O. Box 1507  
Madison, Wisconsin 53701

Arnold and O'Sheridan, Inc.  
815 Forward Drive  
Madison, Wisconsin 53711

November 30, 1981  
81348-C

CERTIFIED SURVEY MAP NUMBER \_\_\_\_\_

DOCUMENT NUMBER \_\_\_\_\_

Sheet 1 of 2

AN ORDINANCE

to create sections 28.01 through 28.12, inclusive, of the Madison General Ordinances entitled "Madison Zoning Ordinance."

Presented... September 9, 1965

Referred to... City Plan

Reported Back... October 28, 1965

as amended Placed  
Adopted... 1/13/66 On File

Rules Suspended.....

Comm. of Whole  
Re-Referred to... Dec. 7, 1965

Public Hearing... Oct. 25 & 28, 1965

AN ORDINANCE

Ordinance No. 1955

File Number 5034-426

By Committee of the Whole: (Request of the Plan Commission)

The Common Council of the City of Madison does ordain as follows:

1. Sections 28.01 through 28.12, inclusive, of the Madison General Ordinances are created to read as follows:

(Copy on file in City Clerk's office)

2. This ordinance shall become effective upon passage and publication and upon adoption by the Common Council of a supplemental ordinance, including the zoning districts and zoning district maps, and the publication of the ordinance creating such zoning districts and zoning district maps.

## AN ORDINANCE

to repeal Section 28.12 (12) 2 and  
to re-adopt Chapter 28 of the Madison  
General Ordinances.

Presented May 12, 1966  
Referred to City Plan  
Reported Back 6-23-66  
Adopted ✓ Placed On File  
Rules Suspended \_\_\_\_\_  
Re-Referred to \_\_\_\_\_  
Public Hearing June 6-23, 1966

## AN ORDINANCE

Ordinance No. 2063  
File Number 5034-424

Committee of the Whole: (Request of the City Plan Commission)

The Common Council of the City of Madison does ordain as follows:

1. Madison General Ordinance 28.12 (12) 2, created by ordinance number 1955, adopted on January 13, 1966, approved on January 24, 1966, and published on January 26, 1966, is hereby repealed.
2. The location and boundaries of the zoning districts established as shown on the zoning district maps attached hereto and as incorporated by reference into Chapter 28, entitled the "Madison Zoning Ordinance," created by Ordinance Number 1955, adopted on January 13, 1966, approved on January 24, 1966, and published on January 26, 1966, are hereby adopted and included in Chapter 28 of the Madison General Ordinances.
3. Chapter 28 of the Madison General Ordinances, entitled the "Madison Zoning Ordinance" adopted on January 13, 1966, approved on January 24, 1966, and published on January 26, 1966, and as affected by Sections 1 and 2 of this ordinance, is hereby re-adopted.

Approved Otto Festge

Otto Festge, Mayor

Date Approved 6-23-66

This is to certify that the foregoing ordinance was adopted by the Common Council of the City of Madison, Wisconsin at a meeting held on the 23rd of June, 1966.

Eldon L. Hoel, City Clerk

Pub. WSJ July 8, 1966

REPORT OF

THE CITY PLAN COMMISSION

B

Presented June 23, 1966  
Referred to \_\_\_\_\_  
Reported Back \_\_\_\_\_  
Adopted \_\_\_\_\_  
Rules Suspended \_\_\_\_\_  
Re-Referred to \_\_\_\_\_  
Placed on File \_\_\_\_\_

Dated: June 13, 1966

File No. 5034-426

To the Mayor and Common Council:

The City Plan Commission, after due consideration, returns herewith various matters and the recommendations with respect thereto:

## I. To Adopt:

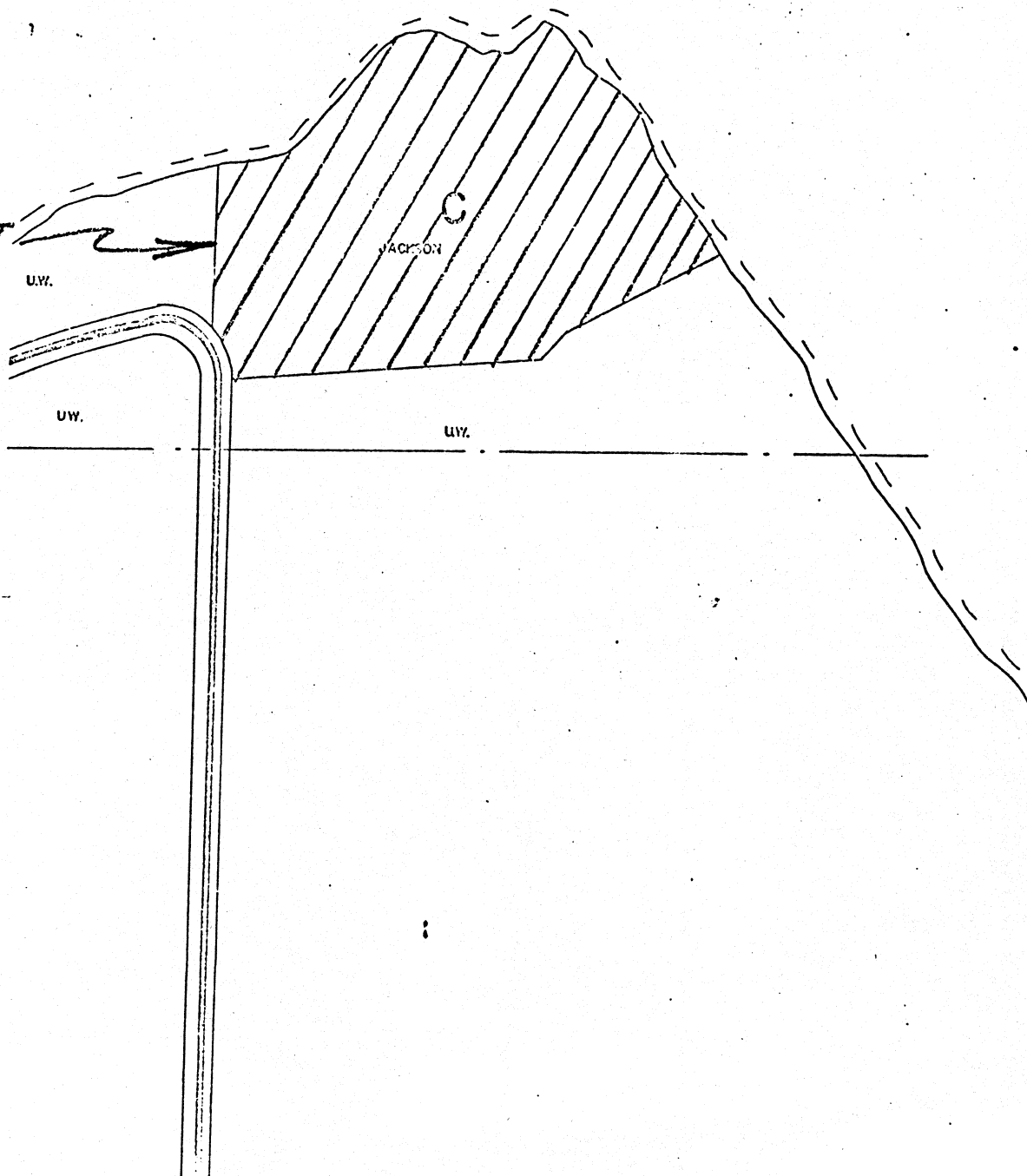
- A. Ordinance No. 3062, File No. 5034-426, which would repeal Sections 16.02 through 16.22 of the Madison General Ordinances.
- B. Ordinance No. 3063, File No. 5034-426 (which would repeal Section 28.12 (12) 2 of the Madison General Ordinances, and which would adopt and include the zoning district maps in Chapter 28 of the Madison General Ordinances, and which would readopt Chapter 28 of the Madison General Ordinances), together with the following changes to the zoning district maps, such changes also shown in red on the accompanying maps:
1. A portion of the Wilbur Sachtjen property located at 2215 North Sherman Avenue and shown as R2 District on Zoning District Map B30 is hereby changed to C1 District.
  2. The Jack Reynoldson property located at 1510 Packers Avenue and shown as R4 District on Zoning District Map B31 is hereby changed to C3 District.
  - ✓ 3. The Dr. Reginald Jackson property located at Second Point--Lake Mendota and shown as Conservancy District on Zoning District Map D16 is hereby changed to Agriculture District.
  4. Properties located on Regent Street between North Orchard Street and Coyne Court and shown as C2 District on Zoning District Map D22 is hereby changed to C3 District.
  5. Property located in the Triangle Redevelopment Project bounded by South Park Street, Mound Street, South Brooks Street and the north line of vacated Milton Street, and shown as R4 District on Zoning District Map D23 is hereby changed to C2 District.
  6. The Turville Estate property located at Turville Point--Lake Monona and shown as Conservancy District on Zoning District Map D25 is hereby changed to ~~Agriculture District~~

R-2

# ZONING DISTRICT MAP K.4.

D 16

BE CHANGED  
TO AGRICULTURE  
DISTRICT





## Sec. 28.04(16)(b)3.f.

## ZONING CODE

f. Aesthetics.

g. Any other matter which may adversely affect the general welfare of the public.

(Sec. 28.04(16)(b)3 Am. by Ord. 6568, 3-22-79)

(c) Habitable Rooms Below Grade. The following provisions shall apply to habitable rooms below grade, where said rooms are part of a dwelling unit or lodging room:

1. No certificate of occupancy for use of a habitable room below grade shall be issued unless a minimum distance of five (5) feet exists between any building wall containing windows opening into said room or rooms and any parking stall of any off-street parking facilities. Approved wheel stops or bumper guards shall be installed to prevent encroachment into said unobstructed five-foot space. (Cr. by Ord. 8086, 7-29-83)

(17) Activities Which May Be Potential Hazards Or Nuisances. All activities involving the production, processing, cleaning, servicing, testing or repair of materials, goods or products shall be conducted in such a manner whereby there shall be no danger of fire or explosion, no offensive noise, vibration, smoke, dust, odor, glare or heat, and no objectionable influence detrimental to the public health, safety, comfort or general welfare of the immediate neighborhood or community.

(18) Exemptions.

- (a) The following public utility uses, which are essential in most districts, shall be permitted in any zoning district: poles, towers, wires, cables, conduits, vaults, pipelines, laterals or any other similar distributing equipment for a public utility. However, where such public utility uses are proposed to be located across unplatted lands, such uses may be allowed subject to the issuance of conditional use permits in accordance with the provisions of Section 28.12(10). Telephone booths (outside) and bus stop shelters may be permitted in any zoning district only after the location is approved by the Zoning Administrator. (Am. by Ord. 4756, 10-24-74)
- (b) The regulations herein governing lot size shall not apply to any lot designed or intended for a public utility and public service use when such lot size shall be deemed appropriate for such use by the Plan Commission.
- (c) The regulations herein limiting the height of buildings or structures shall not apply to flagpoles, communication towers, church spires, elevator penthouses and chimneys. Provided, however, the provisions set forth in subdivision (b) of subsection (14) above shall apply.
- (d) Recycling containers, such as those used for deposit of used clothing and other household goods and those used for metal cans, glass and plastic, may be permitted in commercial or manufacturing districts provided the location shall first be approved by the Traffic Engineer and the Zoning Administrator. (Cr. by Ord. 7530, 10-6-81)

(19) Waterfront Development. (Cr. by Ord. 4664, 8-5-74)

- (a) Statement of Purpose. This subsection is established to further the maintenance of safe and healthful conditions, prevent and control water pollution, protect spawning grounds, fish and aquatic life by controlling building sites, the placement of structures and land users and reserving shore cover and natural beauty for all waterfront and shoreland development.

## ZONING CODE

## Sec. 28.04(19)(b)

(b) General Regulations. No building permit shall be issued for any new development of a waterfront or shoreland zoning lot without first obtaining a conditional use permit therefore. For purposes of this section, new development shall be a new principal building, an addition in excess of five hundred (500) square feet of floor area to an existing principal building if located on the water side of the existing building, or an accessory building in excess of five hundred (500) square feet of floor area. The conditional use permit shall be issued pursuant to the procedure set forth in Section 28.12(10) of this ordinance. In addition to the review standards set forth in Subdivision (g) therein all waterfront development shall be subject to the following standards. (Am. by Ord. 8116, 10-3-83)

1. For purposes of this section, the existing development pattern shall mean the average setback of the five (5) developed zoning lots to each side of the proposed development lot. For a zoning lot where a principal building does not or has not existed, the principal building setback shall be not less than the larger of the existing development pattern or the required yard. For a zoning lot where a principal building exists or has existed, the principal building setback shall be not less than the setback of the existing or previously existing principal building or the larger of either the existing development pattern or the required yard.
2. Upon the filing of an application for a conditional use permit, the development plan shall show a complete inventory of shoreline vegetation in any area proposed for building, filling, grading or excavating. In addition, the development plan shall indicate those trees and shrubbery which will be removed as a result of the proposed development. The cutting of trees and shrubbery shall be limited in the strip thirty-five (35) feet inland from the normal waterline. On any zoning lot not more than thirty percent (30%) of the frontage shall be cleared of trees and shrubbery. Within the waterfront setback requirements tree and shrub cutting shall be limited by consideration of the effect on water quality, protection and scenic beauty, erosion control and reduction of the effluents and nutrients from the shoreland.
3. Any building development for habitation shall be served with public sanitary sewer.
4. Filling, grading and excavation of the zoning lot may be permitted only where protection against erosion, sedimentation and unimpairment of fish and aquatic life has been assured.
5. Where the City's adopted Master Plan includes a pedestrian walkway or bike path along the shoreline, the proposed development shall not interfere with its proposed location.

## Sec. 28.04(19)(b)6.

## ZONING CODE

6. Construction of marine retaining walls or bulkhead may be permitted providing such construction does not protrude beyond the established shoreline of the adjacent properties. Said retaining walls and bulkheads will be permitted only for the purpose of preventing shoreline recession. The filling and grading of the shoreline shall occur only in the construction of such retaining walls or bulkheads.
7. In addition to complying with the above standards, boathouses shall not be constructed for human habitation.

(28.04(19)Cr. by Ord. 4664, 8-5-74)

(20) Regulations for all Flood Plain Areas.

(a) General Requirements.

1. No developments shall be allowed in floodway areas which, acting alone or in combination with existing or future similar uses, cause an increase equal to or greater than 0.1 foot in height of the regional flood or any main stem, tributaries to the main stem of any stream, drainage ditches, or any other drainage facilities. Such increase shall be calculated using an equal degree of hydraulic encroachment from the hydraulic floodway lines for a hydraulic reach on both sides of a river or stream. Increases equal to or greater than 0.1 foot may be permitted, but only if amendments are made to this ordinance, the official floodway lines, water surface profile and flood plain zoning maps pursuant to Section 28.12(9) of this ordinance; provided further that the total cumulative allowable increase in height of the regional flood for any given hydraulic reach of a stream shall not exceed one (1) foot.
2. No developments in flood fringe areas shall materially affect the storage capacity of flood plains, based on an equal degree of hydrologic encroachment (volume of the storage area which is lost). For the purpose of this subsection, "materially" is defined as any increase in discharge of the regional flood which causes a rise in the water surface profile of 0.1 foot. Such developments may be permitted only if amendments are made to this ordinance pursuant to Section 28.12(9) herein; provided further that the total cumulative allowable increase in height of the regional flood for any given reach of a stream shall not exceed one (1) foot.
3. All proposals for land subdivisions or other new developments in flood plain areas shall include regional flood elevation data and any means to provide adequate surface drainage and to minimize flood damage. In the case of a subdivision with more than fifty (50) lots or five (5) acres, whichever is less, or a new development whose estimated cost exceeds seventy-five thousand dollars (\$75,000), the applicant shall provide all necessary computations to show the effects of such proposal(s) on flood heights, flood velocities and flood plain storage. In the case of all other subdivisions and developments and in those instances where there are no adequate data, the applicant shall provide valley cross sections and other survey data which shall be transmitted by the Zoning Administrator to the

## Sec. 28.07(2)(d)

## ZONING CODE

- (d) Lot Area And Lot Width Requirements. In the conservancy district, there shall be provided a lot area of not less than ten (10) acres and a lot width and street frontage of not less than five hundred (500) feet.
- (e) Height Regulations. In the conservancy district, no building or structure, other than a civic auditorium complex, shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.
- (f) Yard Requirements. In the conservancy district, except for a civic auditorium complex, front, side and rear yards shall be provided, each of which shall not be less than the following:
  1. Front yard--sixty (60) feet.
  2. Side yards--each side eighty (80) feet.
  3. Rear yard--one hundred (100) feet.

**(3) Agriculture District.**

- (a) Statement Of Purpose. The agriculture district is established to preserve, in agricultural uses, lands suited to future urban development pending proper timing and economical provision of public utilities and community facilities to ensure compact and orderly land use development. Change of zoning from agriculture to any other zoning district shall be made only when compatible with the comprehensive plan.
- (b) Permitted Uses. The following uses are permitted in the agriculture district:
  1. Single-family detached dwellings.
  2. Agricultural uses, but not including commercial dairies, commercial dog kennels, commercial feeding of garbage or offal to swine or other animals, commercial hatcheries and commercial mink, fox and other furbearing animal farms, and rat farms. Buildings or structures used for shelter or feeding of live-stock shall be located not less than one hundred fifty (150) feet from any lot in a residence district.
  3. Churches.
  4. Convents and monasteries.
  5. Fire stations.
  6. Golf courses, but not including commercially operated par 3 or miniature golf courses or golf driving ranges, provided club-houses and maintenance buildings shall be located not less than three hundred (300) feet from any lot in a residence district.
  7. Hospitals and sanitariums.
  8. Institutions for the aged and for children.
  9. Parks and playgrounds.
  10. Schools: elementary, junior high or high.
  11. Accessory uses, including but not limited to the following:
    - a. Athletic fields and playfields, noncommercial, including stadiums or grandstands.
    - b. Dwelling units and lodging rooms in detached buildings for persons regularly employed on the premises and their immediate families.
    - c. Farm dwellings appurtenant to a principal agricultural use.
    - d. Home occupations.
    - e. Professional offices in homes.
    - f. Roadside stands.

## ZONING CODE

Sec. 28.07(3)(b)11.g.

- g. Signs as regulated in Chapter 31 of the Madison General Ordinances. (Am. by Ord. 6810, 12-12-79)
  - h. Temporary buildings for storage of building materials and equipment and construction purposes when on the same or adjoining lot as the principal use for a period not to exceed the duration of such construction.
12. Educational, recreational, and offices used as follows, provided such uses are located in school buildings or buildings which are owned by or under the jurisdiction of the Madison Metropolitan School District or the City of Madison and further provided the City Director of the Real Estate Development Unit shall first receive a written report and recommendations from the City Department of Transportation regarding the traffic and parking impact with recommendations for either resolving adverse impacts prior to occupancy or not allowing such occupancy:
- a. Nursery schools or day care centers.
  - b. Elementary and secondary schools.
  - c. Business or trade schools.
  - d. Colleges and universities.
  - e. Other public educational facilities.
  - f. Music and dance schools.
  - g. Recreational buildings and community centers, nonprofit.
  - h. Offices for State, County, City, Village, Town or other taxing municipality.
  - i. Offices for health, medical, welfare and other institutions or organizations qualifying as nonprofit under the laws of the State of Wisconsin.
- (Sec. 28.07(3)(b)12. Am. by Ord. 8081, 7-29-83)
13. Nursery schools. (Cr. by Ord. 7105, 9-25-80)
- (c) Conditional Uses. The following conditional uses may be allowed in the Agriculture district subject to the provisions of Section 28.12(10).
- 1. Agricultural uses, including commercial dairies, commercial kennels, commercial hatcheries and commercial mink, fox and other furbearing animal farms, and rat farms, but not including commercial feeding of garbage or offal to swine or other animals. Buildings or structures used for shelter or feeding of livestock shall be located not less than one hundred fifty (150) feet from any lot in a residence district.
  - 2. Cemeteries, including mausoleums, crematoriums and columbariums in conjunction therewith, provided such accessory buildings shall be located not less than three hundred (300) feet from any lot line.
  - 3. Dredging, excavating, filling and quarrying of lands, and removal of topsoil subject to the provisions of Section 28.04(13).
  - 4. Greenhouses, provided such buildings shall be located not less than one hundred fifty (150) feet from any lot in a residence district.
  - 5. Hospitals and sanitariums, including institutions for the care or treatment of the insane or feebleminded, provided buildings shall be located not less than three hundred (300) feet from any lot in a residence district.
  - 6. Laboratories for research, development and testing, provided such buildings shall be located not less than one hundred fifty (150) feet from any lot line.

7. Public utility and public service uses as follows:
    - a. Electric substations.
    - b. Gas regulator stations, mixing stations and gate stations.
    - c. Radio and television towers.
    - d. Railroad rights-of-way, but not including railroad yards and shops, freight and service buildings or rights-of-way for switch, lead, spur or team tracks.
    - e. Sewerage system lift stations.
    - f. Telephone exchanges, microwave relay towers, telephone transmission equipment buildings.
    - g. Water pumping stations and water reservoirs.
    - h. Processed sludge drying facilities accessory to publicly owned sewage plants. (Cr. by Ord. 6974, 4-30-80)
  8. Outdoor recreational premises, clubs and grounds for hunting, swimming, tennis, boating, horse riding, skiing and other sports. Accessory clubhouses and maintenance buildings shall be located not less than one hundred (100) feet from any lot in a residence district, except buildings for shelter and keeping of horses and buildings and facilities for boating not less than three hundred (300) feet from any such lot.
  9. Offices, business and professional, provided such uses are located in school buildings or buildings owned by or under the jurisdiction of the Madison Metropolitan School District or the City of Madison. (Am. by Ord. 6207, 3-29-78)
  10. Landscape nurseries and tree service uses (non-retail) including processing mulches and soils and storage of decorative landscape materials such as fencing and logs provided storage areas, buildings or processing shall be located not less than one hundred fifty (150) feet from any lot in a residence district. (Cr. by Ord. 4623, 7-1-74)
- (d) Lot Area and Lot Width Requirements. In the agricultural district, there shall be provided a lot area of not less than five (5) acres and a lot width and street frontage of not less than three hundred (300) feet.
- (e) Height Regulations. In the agriculture district, no building or structure shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.
- (f) Yard Requirements. In the agriculture district, front, side and rear yards shall be provided, each of which shall be not less than the following:
1. Front yard--sixty (60) feet.
  2. Side yards--each side yard eighty (80) feet.
  3. Rear yard--one hundred (100) feet.



## ZONING CODE

Sec. 28.12(9)(h)

(h) Effect of Denial of Application. An application for an amendment to the zoning district map which has been denied by the Common Council shall not be made for a period of one year from the date of such denial, except a new application which affects or includes all or a part of the same property and which is substantially different from the denied application may be submitted without the foregoing limitation.

(i) Approval of Amendments to Flood Plain Regulations and Flood Plain Maps by the Wisconsin Department of Natural Resources and the Federal Insurance Administration of the U. S. Federal Emergency Management Agency.

No amendment, either text or map, shall become effective until approved by the Wisconsin Department of Natural Resources and the Federal Insurance Administration. In the case of a map amendment, such amendment shall not become effective until receipt of an official letter of map amendment from the Federal Insurance Administration of the U. S. Federal Emergency Management Agency. (Cr. by Ord. 7094, 9-12-80)

➤ (10) Conditional Uses.

(a) Statement of Purpose. The development and execution of this ordinance is based upon the division of the City into districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use at a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development and operation of such uses. Such uses are classified as conditional uses and fall into two (2) categories:

1. Uses publicly operated or traditionally affected with a public interest.
2. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

The following provisions are thus established to regulate these conditional uses which require special consideration.

(b) Authority of the City Plan Commission. The City Plan Commission, after a public hearing shall, within a reasonable time, grant or deny any application for a conditional use. Prior to the granting of a conditional use, the commission shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.

## ZONING CODE

## Sec. 28.12(10)(c)

- (c) Initiation of Conditional Use. Any person, firm, corporation or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest, and which is specifically enforceable in the land for which a conditional use is sought may file an application to use such land for one or more of the conditional uses provided for in this ordinance in the zoning district in which such land is located.
- (d) Application For Conditional Use. An application for a conditional use shall be filed with the Zoning Administrator on a form prescribed by the Zoning Administrator. The application shall be accompanied by such plans and other information as may be prescribed by the Zoning Administrator or the City Plan Commission, and shall include a statement in writing by the applicant and adequate information to enable the Plan Commission to make a determination that the proposed conditional use shall conform to the standards set forth in (10)(g) hereinafter. (Am. by Ord. 8686, 9-16-85)
- (e) Hearing on Application. Upon receipt of the application and statement referred to in (10)(c) above, the City Plan Commission shall hold a public hearing on each application for a conditional use at such time and place as shall be established by such commission. The hearing shall be conducted and a record of the proceedings shall be preserved in such manner and according to such procedures as the City Plan Commission shall, by rule, prescribe from time to time.
- (f) Notice of Hearing on Application. Notice of the time, place and purpose of such hearing shall be given by publication as a Class 2 Notice under the Wisconsin Statutes in the official City paper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the Zoning Administrator, the alderman of the ward in which the property affected is located, and the owners of record, as listed in the office of the City Assessor, who are owners of property in whole or in part situated within two hundred (200) feet of the boundaries of the properties affected, said notice to be sent at least ten (10) days prior to the date of such public hearing.
- (g) Standards. No application for a conditional use shall be granted by the City Plan Commission unless such commission shall find all of the following conditions are present:
1. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
  2. That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
  3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
  4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
  5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
  6. That the conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.

## ZONING CODE

Sec. 28.12(10)(g)7.

7. That when applying the above standards to an application by a community living arrangement the City Plan Commission shall:
  - a. Bear in mind the City's general intent to accommodate community living arrangements.
  - b. Exercise care to avoid an over-concentration of community living arrangements which could create an institutional setting and seriously strain the existing social structure of a community. Considerations relevant for this determination are:
    - i. The distance separating the proposed community living arrangement from other such facilities.
    - ii. The capacity of the community living arrangement and the percent the facility will increase the population of the community.
    - iii. The total capacity of all the community living arrangements in the community.
    - iv. The impact on the community of other community living arrangements.
    - v. The success or failure of integration into communities of other community living arrangements operated by the individual or group seeking the conditional use permit.
    - vi. The ability of the community to meet the special needs, if any, of the applicant facility.
8. That when applying the above standards to any new construction of a building or an addition to an existing building the City Plan Commission:
  - a. Shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district, and
  - b. May require the applicant to submit plans to the Urban Design Commission for comments and recommendations, and
  - c. May consider the use of the proposed building as it relates to the City's Land Use Plan.

(Sec. 28.12(10)(g)8. Cr. by Ord. 5869, 6-1-77)

When a conditional use application is denied, the Plan Commission shall furnish the applicant in writing those standards that are not met and enumerate reasons the Commission has used in determining that each standard was not met.

- (h) Conditions and Guarantees. The following conditions shall apply to all conditional uses:

1. Prior to the granting of any conditional use, the City Plan Commission may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in (10)(g) above. In all cases in which conditional uses are granted, the commission shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

## Sec. 28.12(10)(h)2.

## ZONING CODE

2. No alteration of a conditional use shall be permitted unless approved by the City Plan Commission provided, however, the Zoning Administrator may issue permits for minor alterations or additions which are approved by the Director of Planning and Development and are compatible with the concept approved by the City Plan Commission and the standards in (10)(g) above. (Am. by Ord. 6568, 3-22-79)
3. Where the City Plan Commission has approved or conditionally approved an application for a conditional use, such approval shall become null and void within twelve (12) months of the date of the Plan Commission's action unless the use is commenced, construction is underway or the current owner possesses a valid building permit under which construction is commenced within six (6) months of the date of issuance and which shall not be renewed unless construction has commenced and 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 Development may, after consultation with the Alderperson of the District, approve an extension according to Section 28.12(10)(h)2. within twenty-four (24) months of the expiration date. (Am. by Ord. 8476, 12-10-84)
4. The Plan Commission shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Zoning Administrator to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this code. Upon written complaint by any citizen or official, the Plan Commission shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one or more of the standards set forth in Subdivision (g) above, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in Subsection (f) above. Any person may appear at such hearing and testify in person or represented by an agent or attorney. The Plan Commission may, in order to bring the subject conditional use into compliance with the standards set forth in Subdivision (g) or conditions previously imposed by the Plan Commission, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. In the event that no reasonable modification of such conditional use can be made in order to assure that Standards 1 and 2 in Subdivision (g) will be met, the Plan Commission may revoke the subject conditional approval and direct the Zoning Administrator and the City Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Plan Commission shall be furnished the current owner of the conditional use in writing stating the reasons therefore. An appeal from a decision of the Plan Commission under this paragraph may be taken to the Common Council as provided by Subdivision (i) hereunder. (Cr. by 6732, 8-30-79)

## ZONING CODE

Sec. 28.12(10)(i)

- (i) Appeal From Action By City Plan Commission. An appeal from the decision of the City Plan Commission may be taken to the Common Council by the applicant of the conditional use, by the Alderman of the district in which the use is located or by twenty percent (20%) or more of the property owners notified objecting to the establishment of such conditional use. Such appeal must specify the grounds thereof in respect to the findings of the City Plan Commission and must be filed with the office of the Zoning Administrator within ten (10) days of the final action of the City Plan Commission. Final action may be either initial action on a conditional use or action following reconsideration of the said initial action under the Commission's rules of procedure. However, reconsideration shall only occur following written notification of intent to reconsider by a Commission member to the Commission Secretary no later than two (2) days after said initial action. Thereupon, the notice requirements of Section 28.12(10)(f) shall be complied with before the Commission reconsiders such initial action, except that the notice by publication shall be a Class 1 Notice. The taking of an appeal prior to the third day after said initial action shall not preclude or invalidate reconsideration by the Commission as herein provided. The Zoning Administrator shall transmit such appeal to the City Clerk who shall file such appeal with the Common Council. The Common Council shall fix a reasonable time for the hearing of the appeal, and give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. The action of the City Plan Commission shall be deemed just and equitable unless the Common Council, by a favorable vote of two-thirds (2/3) of the members of the Common Council, reverses or modifies the action of the City Plan Commission. (Am. by Ord. 6161, 3-7-78)
- (j) Effect of Denial of Application. No application for a conditional use which has been denied wholly or in part by the City Plan Commission shall be resubmitted for a period of one year from the date of said denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the City Plan Commission.

## GENERAL PLANNING

Sec. 16.23(3)

(3) General Requirements.(a) Subdivisions.

1. No person, firm or corporation shall divide any land located within the corporate limits of the City of Madison or within the extraterritorial plat approval jurisdiction thereof which shall result in a subdivision as defined herein without complying with the provisions of Chapter 236, Wis. Stats. and the requirements of this ordinance. This ordinance shall apply to Condominiums created under Wis. Stats. Chapter 703, the Condominium Ownership Act, where an actual subdivision results. (Am. by Ord. 7459, 7-6-81)
2. The proposed subdivision shall conform to:
  - a. The provisions of Chapter 236, Wis. Stats.
  - b. All applicable ordinances of the appropriate jurisdictions.
  - c. The master plan and official map or any portion thereof.
    - i. Whenever a parcel to be subdivided embraces any part of a street, highway or greenway designated in said master plan or official map, such part of such proposed public way shall be platted and dedicated by the subdivider in the location and at a width indicated along with all other streets in the subdivision.
    - ii. Where a proposed school site or other public ground shown on the master plan or official map of the City of Madison is located in whole or in part within the proposed subdivision, such proposed public ground or park may be dedicated to the public, or reserved for a period of five (5) years from the date of approval of the final plat for acquisition by the City of Madison, Dane County, the township in which it is located, or any other appropriate agency having the authority to purchase said property.



## Sec. 16.23(3)(a)2.c.iii.

## GENERAL PLANNING

iii. Park and open space land shall be provided as required in Section 16.23(5)(f)1.

iv. Upon approval of a preliminary plat, lands proposed for public use referred to under (i) through (iii) above shall not be changed either in land form or content without the written approval of the City Engineer for lands involved in (i) and (ii) and without the written approval of the Superintendent of Parks for lands involved in (iii).

Continued harvesting of agricultural crops other than woodland products is permitted provided, however, that such cropping has occurred within the last five (5) years on the land under consideration.

v. No dedication under (i) and (ii) above can be required in a total amount of more than twenty-five percent (25%) of the area to be platted.

d. The rules of the State Board of Health relating to lot size and lot elevation if the subdivision is not served by a public sewer and provisions for such service have not been made. Where soil survey information is available, such data shall also be considered in determining any areas not suitable for on-site soil absorption sewage disposal system due to inorganic soil, soil subject to flooding, ground water contamination or silting, soils with a high or fluctuating water table, proximity to bedrock, or excessive slopes.

e. The rules of the State Highway Commission relating to safety of access and the preservation of the public interest and investment on the streets if the subdivision or any lot contained therein abuts on a state trunk highway or street connecting thereto.

f. The requirements of City departments as determined during review of the subdivision.

(Sec. 16.23(3)(a)2. R. & Recr. by Ord. 5088, 7-29-75)

3. No land shall be subdivided which is held by the City Plan Commission to be unsuitable for use by reason of flooding, bad drainage, soil or rock formations with severe limitations for development, severe erosion potential, or unfavorable topography, or any other feature likely to be harmful to health, safety or welfare of future residents or landowners in the proposed subdivision or of the community.

The City Plan Commission in applying the provisions of this section shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use, after affording the subdivider an opportunity to present evidence regarding such suitability at a public hearing.

4. In the case of land divisions and platted subdivisions, lot sizes shall conform to the area and width requirements prescribed for the zoning district in which the property is located, provided that in commercial and industrial districts lotting shall be to widths and areas deemed by the Plan Commission to be appropriate for the prescribed use.

## GENERAL PLANNING

Sec. 16.23(3)(a)5.

5. The City of Madison subscribes to the policy that urbanizing land should desirably be located in a compact manner within an existing city or village where arrangements for public transportation will minimize the impact of commuting automobile traffic on City residents and where the full range of urban services and facilities will be available. Within a recognized urban service area, those subdivisions that could provide adequate public facilities and public services would be favored. Subdivisions shall conform to the following policies:
- a. To preserve and enhance the existing cities and villages and encourage compact balanced growth shared by and in association with all the region's cities and villages. Planned new towns may also be appropriate in the future.
  - b. To encourage the development of balanced compact communities in Dane County with appropriate commercial, public services, industrial, employment, residential and open space land uses meeting the needs of present and future residents of those communities.
  - c. To direct new growth to those areas capable of providing a full range of urban services and facilities.
  - d. To prevent scattered and noncontiguous development without discouraging new and desirable development.
  - e. To insure that new development will not be detrimental to the physical, social and economic well-being of residents of the City or the County.
  - f. To insure that new development will be organized and timed so as to permit urban services and facilities to be provided as economically and efficiently as possible.
  - g. To discourage new developments in those areas that are premature in terms of planning and timing for the provision of adequate public services and facilities.
  - h. To preserve high quality agricultural lands for that purpose when located in an area designated for preservation.
  - i. To prohibit development in areas or forms where substantial problems will result from excessive automobile traffic volume.
  - j. To favor land use intensities and patterns that are supportive of alternative modes of transportation.

(Sec. 16.23(3)(a) 5 R. & Recr. by Ord. 4939, 4-11-75)

## Sec. 16.23(3)(a)6.

## GENERAL PLANNING

6. A preliminary plat or final plat of any subdivision shall not be approved unless the Plan Commission and the Common Council determine that adequate public facilities and public services are available to support and service the area of the proposed subdivision. In considering the questions of adequacy of public facilities and public services as set forth above, the Plan Commission and Common Council shall consider but not be limited to: (1) The nature, extent and size of the proposed subdivision and its impact in terms of the estimated increase in population expected to result; (2) The present or projected state of development likely to result when said subdivision is developed in context with projected densities as anticipated by adopted area Master Plans and currently approved subdivisions in the surrounding area and the immediate vicinity of the proposed subdivision; and (3) The avoidance of expenditures of public funds necessitated by the proposed subdivision which are not in adopted capital or operating budgets. For subdivisions in the City of Madison the applicant shall furnish data requested by the City Engineer, Water Utility Manager, Traffic Engineer and Director of Planning and Development who will coordinate statements of adequacy for transportation, storm sewer, sanitary sewer, water service, fire and police protection, parks, open space, recreation and school facilities for the Plan Commission and the Common Council. For subdivisions in the extraterritorial area, the applicant shall include with the application for subdivision approval a statement evaluating and demonstrating compliance with the provisions of this section of the ordinance to be reviewed by City departments and forwarding, with appropriate comments, to the Plan Commission and Common Council. Public facilities and public services may be determined adequate for a proposed subdivision when the following conditions are found to exist: (Am. by Ord. 6567, 3-16-79)

a. The proposed subdivision shall be deemed adequately accessible via roads and public transportation facilities if any of the following conditions are present:

- i. Existing roads are adequate to accommodate the traffic that would be generated by the subject subdivision in addition to existing traffic and are publicly maintained all weather roads; or
- ii. Such additional roads or road improvements necessary in combination with existing roads to accommodate the additional traffic that would be generated by the subject subdivision are budgeted in the current adopted budget for construction with public or private financing; or
- iii. Public bus or other form of mass transportation sufficient to serve the proposed subdivision in combination with (i) or (ii) or both is available or programmed within the area of the subdivision under consideration.
- iv. In its determination of the adequacy of transportation to accommodate traffic, the Plan Commission and Common Council shall consider the recommendation of the Department of Transportation or the Dane County Regional Transportation Study, the applicable levels of traffic service, peak hour use and average use, and any other information presented.

## GENERAL PLANNING

Sec. 16.23(3)(a)6.b.

- b. The proposed subdivision shall be determined to have adequate storm sewer when the City Engineer certifies to the Plan Commission and the Common Council that adequate funds, either public or private, are available to assure the installation of storm sewers meeting the standards of the Madison Board of Public Works or, in the event of other units of government, standards that are comparable to those established by the Madison Board of Public Works for a storm sewer and drainage facilities.
- c. The proposed subdivision shall be determined to have adequate sanitary sewerage facilities if located within an area in which main line interceptor sewer service is presently available, under construction, or designated by the Common Council or other local unit of government for extension of sewer service within the current capital budget year and funds are specifically provided for such extension either from public or private financing. In its determination of the adequacy of sewerage service, the Plan Commission and Common Council shall consider the recommendation of the City Engineer, the capacity of trunk lines and sewerage treatment facilities and any other information presented.
- d. The proposed subdivision shall be deemed to have adequate water service if the following conditions are met:
  - i. It is located within the urban service area prescribed by the Common Council or other appropriate local units of government, and
  - ii. If contingent to an arterial transmission water main of adequate capacity for the increased supply necessary or if the water distribution system that is needed is under construction or scheduled by the appropriate governing unit for installation within the current budget year and funds, either private or public, are available for such program.

In its determination of the adequacy of water service, the Plan Commission and Common Council shall consider the recommendation of the Madison Water Utility, the capacity of distribution lines, water sources, water storage facilities and any other information presented.
- e. The proposed subdivision shall be deemed to have adequate fire protection and police service when it can be demonstrated that police or fire services are so situated that adequate and timely service can be provided so as not to involve danger or injury to health, safety or general welfare to the future residents of the proposed subdivision. In its determination of the adequacy of police and fire services, the Plan Commission and the Common Council shall consider the recommendations of the Madison Police and Fire Departments or other local departments providing such services in the area of the proposed subdivision including the grading of the Fire Department serving the area based on the American Insurance Association standards.
- f. The proposed subdivision shall be deemed to have adequate parks, open space and recreation when it can be demonstrated that the future residents of the proposed subdivision will have such park, open space and recreation services and facilities available to them as are established by the standards in the most recently adopted plan for Park and Open Spaces by the City of Madison or Dane County.

## GENERAL PLANNING

## Sec. 16.23(3)(a)6.g.

- g. The proposed subdivision shall be deemed to have adequate school facilities when the school district in which such proposed subdivision will be located upon its development, provides information that adequate classroom space is either available within the normal walk-in service area or that adequate transportation as normally provided by the school district can be provided to elementary through high schools that have sufficient classroom space to provide for the anticipated school age children in the proposed subdivision.

Where the Plan Commission and Common Council determine that one or more public facilities or public services are not adequate for the full development proposed, but that a portion of the area could be served adequately, or careful phasing of the development could result in all public facilities or public services being adequate, conditional approval may include only such portions or may specify phasing of the development.

(Sec. 16.23(3)(a)6. Am. by Ord. 5879, 6-1-77)

- (b) Land Divisions. No person, firm or corporation shall divide any land located within the corporate limits of the City of Madison or within the extraterritorial plat approval jurisdiction thereof which shall result in a land division as defined herein without filing for approval by the secretary of the City Plan Commission and recording a certified survey map meeting all of the requirements of Sec. 236.34, Wis. Stats. A preliminary plat must be filed prior to the certified survey map unless waived by the secretary of the Plan Commission. Land divisions shall conform to Subsections 16.23(3), (8) and (9) of the Madison General Ordinances. This ordinance shall apply to Condominiums created under Wis Stats. Chapter 703, the Condominium Ownership Act, where an actual land division results. (Am. by Ord. 7459, 7-6-81)
- (c) Remedies. Failure to comply with the requirements of this section shall invalidate purported transfers of titles at the option of the purchaser in accordance with provisions of Sec. 236.31(3) Wis. Stats. Building permits shall also be refused for construction on sites created in violation of these requirements.
- (d) Exceptions. The provisions of this ordinance insofar as it may apply to divisions of less than five (5) parcels, shall not apply to:
1. Transfers of interests in land by will or pursuant to court order.
  2. Leases for a term not to exceed ten (10) years, mortgages or easements.
  3. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this ordinance, the Zoning Code, or other applicable laws or ordinances.
  4. Leases or transfers of lands within an approved Planned Commercial Site.

## GENERAL PLANNING

Sec. 16.23(8)(f)6.d.

- d. In the event the property has transferred three (3) or more times within the five (5) years previous to the approval of the preliminary plat and the acreage price appears excessive, the Director of the Real Estate Development Unit and the City Assessor or their designee shall enter into negotiations with the subdivider to establish a purchase price acceptable to the parties. In the event that a purchase price cannot be negotiated, then the purchase price to be paid would be established on the basis of the acreage value carried on the City Assessor's records at the time the preliminary plat was approved. (Am. by Ord. 8081, 7-29-83)

Payment shall be in a lump sum prior to the recording of a final plat or certified survey map. As an alternative, when the park fee exceeds two thousand dollars (\$2,000), the subdivider may pay fifty percent (50%) of the total amount prior to said recording and either file with the City Clerk an agreement and performance bond or a letter of credit in a form approved by the City Attorney to guarantee payment of the unpaid balance of the park fee to the City within three (3) years of the date of said recording. If the unpaid balance is paid within two (2) years, there shall be no interest due the City; however, interest, at a rate determined by the City Comptroller based upon the greater of either an average or the most recent cost of borrowing during the second year, shall be paid on the unpaid balance during the third and final year in addition to payment of said unpaid balance. Such fees shall be deposited in a nonlapsing fund to be used exclusively for park and recreation development, including site acquisition and related improvements. (Am. by Ord. 8006, 4-26-83)

(Sec. 16.23(8)(f)6 Am. by Ord. 6840, 12-13-79)

7. For purposes of the City acquiring parkland needed in excess of dedication requirements, "fair market value" shall be determined as provided in Section 16.23(8)(f)6. (Cr. by Ord. 6373, 9-29-78)
8. Where private open space for park and recreational purposes is provided in a proposed plat or land division and such space is to be privately owned and maintained by the future residents of the subdivision, such areas shall be credited against the requirement of dedication for park and recreation purposes, or the payment of fees in lieu thereof, provided the Common Council finds that the following standards are met:
- a. That yards, court areas, setbacks and other open areas required to be maintained by the Zoning and Building Regulations shall not be included in the computation of such private open space; and



## Sec. 16.23(8)(f)8.b.

## GENERAL PLANNING

- b. That the private ownership and maintenance of the open space is adequately provided for by recorded, written agreement and open space easement; and
- c. That the use of the private open space is restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of property within the tract and which cannot be defeated or eliminated without the consent of the Common Council; and
- d. That the Common Council after recommendation from the Park and Plan Commissions determines that the proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access and location of the private open space land; and
- e. That facilities proposed for the open space are in substantial accordance with the provisions of the Master Plan, and are approved by the Common Council.

(Am. by Ord. 6840, 12-13-79)

- 9. When the subdivision is adequately served by lands dedicated or acquired for public park and recreational purposes, the Park Commission may recommend that the subdivider be permitted to fulfill the park dedication requirements of Section 16.23(8)(f)6 by paying and providing for such usual and customary improvements to a public park which serves said subdivision as may be determined by the Park Commission and confirmed by the Common Council. The fair market value of the park improvements to be provided by the subdivider shall be calculated by the Parks Department and the subdivider shall not be required to exceed in actual expenditures the maximum 'fee in lieu' of park dedication described in Section 16.23(8)(f)6 after credit is given for all lands dedicated by the subdivider in said plat or land division for public park and recreational purposes. The subdivider shall execute a contract with the City for said park improvements and post a bond or other surety acceptable to the City to insure complete and timely performance to City standards which shall include, without limitation by enumeration, design and contract compliance inspection and approval by City staff. (Cr. by Ord. 7534, 10-8-81)

- 10. This section of the ordinance applies to all subdivisions and land divisions approved after August 1, 1975, except, however, it shall not apply to final plats which are portions of pre-liminary plats processed prior to this date. (Renumbered by Ord. 7534, 10-8-81)

- (g) The installation of street trees shall take into account solar access objectives in the selection of tree species and planting location so as to minimize future shading of the most southerly side of contemplated building locations. (Cr. by Ord. 8128, 10-17-83)

(15) SUBDIVISION, TYPE I: A Subdivision located outside of a town sanitary district or a utility district, or a Subdivision located within such a district in which sanitary sewer facilities will not be available within two (2) years from the date of the submission of the final Plat.

(16) SUBDIVISION, TYPE II: A Subdivision located within a town sanitary district or utility district in which public sanitary sewer facilities are available or will be available within two (2) years from the date of the submission of the final Plat.

(17) UTILITY EASEMENT: An easement to place, replace, maintain or move utility facilities.

(18) LOT: A land area of fifteen acres or less.

75.07 Jurisdiction in Unincorporated Areas. The provisions of this Chapter shall apply in all unincorporated areas of Dane County.

75.08 Jurisdiction in Incorporated Areas. The provisions of this Chapter shall apply in all incorporated areas which have entered into an agreement with Dane County under Section 66.30 of the Wisconsin Statutes for the cooperative exercise of the authority to approve Plats of Subdivisions. Plats of Subdivisions located in all other incorporated municipalities shall be submitted to the Committee as provided by Section 236.12(2)(b) of the Wisconsin Statutes for the purpose of determining whether the Committee has any objection to the Plat. The basis for any objection to any such plat shall be that the Plat conflicts with park, parkway, expressway, major highways, airports, drainage channels, schools, or other planned public developments.

75.09 Compliance with Ordinances, Statutes, Regulations and Plans. Any Subdivider dividing land which results in a Subdivision shall prepare a Plat of the Subdivision. Any Land Divider dividing land which results in a Land Division shall prepare a Certified Survey Map. Any such Plat or Certified Survey Map shall be prepared in accordance with the requirements of this Chapter and with any of the following which may be applicable:

(1) The provisions of Chapter 236, and Section 80.08 of the Wisconsin Statutes.

(2) The rules of the Division of Health contained in Wis. Adm. Code Chapter H 65, if the Subdivision is not served by public sewer.

## DEPARTMENT OF NATURAL RESOURCES

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NR 326

## Chapter NR 326

REGULATION OF PIERS IN NAVIGABLE  
WATERWAYS

NR 326.01 Purpose	NR 326.06 Complaints
NR 326.02 Applicability	NR 326.07 Riparian rights determina-
NR 326.03 Definitions	tions
NR 326.04 Standards	NR 326.08 Severability
NR 326.05 Permits required	

**NR 326.01 Purpose.** (1) These rules are promulgated under ss. 30.03, 30.12, 30.13, 30.14, 30.15, and 227.014 (2) (a) and (b), Stats., in order to provide consistency in the application of ss. 30.12 and 30.13, Stats., to the construction of piers and structures on the beds of navigable waterways as aids to navigation.

(2) A secondary purpose of this chapter is to define terms set forth in ss. 30.12, 30.13, 30.14, and 30.15, Stats.

**History:** Cr. Register, March, 1981, No. 303, eff. 4-1-81.

**NR 326.02 Applicability.** (1) This chapter shall apply to all piers, solid piers, or any other pier which requires a permit under s. 30.12, Stats., constructed or maintained by riparians on the beds of navigable waterways for the purpose of providing improved navigation access to those waterways.

(2) The department shall apply this chapter only in response to:

(a) Complaint by a riparian, municipality, or any other person that a pier exists in navigable waters in violation of s. 30.12 or 30.13, Stats.;

(b) Complaint by a riparian that an adjacent riparian's pier interferes with access to navigable water;

(c) Complaint by a riparian or any other person that a pier interferes with rights of navigation;

(d) Request by a riparian for information regarding standards to be applied to pier construction;

(e) Application by a riparian for authority to construct a solid pier or any other pier requiring a permit under s. 30.12, Stats.

**History:** Cr. Register, March, 1981, No. 303, eff. 4-1-81.

**NR 326.03 Definitions.** (1) "Department" means the department of natural resources.

(2) "Line of navigation" means the 3 foot depth contour or a greater depth contour if required for boats in use or appropriate for use on the waterway, based on the normal summertime low levels on the waterway or summer minimum levels where established by department order.

(3) "Littoral drift" means the sedimentary material which moves in the zone of waves breaking on the shore because of waves and current.

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(4) "Ordinary highwater mark" has the definition contained in s. NR 320.03 (4), Wis. Adm. Code.

(5) "Outlying waters" as defined in s. 29.01 (4), Stats., means Lakes Superior and Michigan, Green Bay, Sturgeon Bay, Sawyer's harbor, and the Fox river from its mouth up to the dam at DePere.

(6) "Pier" as defined in s. 30.01 (4), Stats., means any structure extending channelward from the shore with water on both sides, built or maintained for the purpose of providing a berthing or mooring place for watercraft or for loading or unloading cargo or passengers onto or from watercraft and may include a temporary boat hoist without roof or walls.

(7) "Pierhead line" means a line established in the water adjacent to and roughly parallel to the shoreline under s. 30.13, Stats., by municipalities, and subject to approval by the department, for the purpose of creating uniformity in the length of piers extending from the shoreline into the waterway.

(8) "Riparian" means an owner or lessee of land adjacent to a stream or lake.

(9) "Solid pier" means a structure, not allowing for the free flow of water beneath, extending into the water from the shore to serve as an aid to navigation. For the purposes of this chapter, the term solid pier does not include piers that utilize rock filled cribs or similar types and size devices as foundation. Such foundations require permits under s. 30.12, Stats.

History: Cr. Register, March, 1981, No. 303, eff. 4-1-81.

**NR 326.04 Standards.** (1) Except as provided in sub. (2) or (8), piers shall not extend into the water from the shoreline beyond the line of navigation or the length of the boat using the pier unless a need can be demonstrated by the riparian that boats using the pier require a greater depth of water. The depth of water necessary for nonfixed keel sailboats shall be measured with the centerboard or dagger boards raised.

(2) Piers may extend out to any pierhead line.

(3) (a) Solid piers may be permitted under s. 30.12 (2), Stats., only on the following waters:

1. Outlying waters;
2. Harbors connected to outlying waters;
3. Fox river from the DePere dam to Lake Winnebago;
4. Lake Winnebago; and
5. Mississippi river.

(b) Solid piers shall be provided with a sufficient opening to provide for the passage of littoral drift. The opening size shall be adequate to prevent the deposition of littoral drift considering wave energy, littoral drift supply and near-shore water depths.

(4) A pier shall not totally enclose any portion of a navigable waterway.

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(5) Piers shall not unreasonably obstruct navigation or otherwise interfere with public rights in navigable waters.

(6) Piers shall not interfere with the rights of other riparians.

(7) Piers shall not interrupt the free movement of water nor cause the formation of land by deposition of littoral drift upon the bed of the water.

(8) Piers associated with marinas and other similar mooring facilities shall not extend into the water from the shoreline beyond the line of navigation unless a permit is obtained under s. 30.12 (2), Stats. Such marinas shall be open to the public. Use of the facility by the public may be conditioned only on the payment of a reasonable mooring or anchoring fee.

*Note:* As an example, the use of such an extended pier shall not be conditioned upon membership in a private club or organization, purchase of a parcel or property, or purchase of a boat.

(9) Piers shall not be constructed or maintained with a screen or in any other manner which would trap or accumulate aquatic plants.

*History:* Cr. Register, March, 1981, No. 303, eff. 4-1-81.

**NR 326.05 Permits required.** Riparians intending to construct solid piers, rock-filled cribs or similar types and size devices used as foundations, piers which extend beyond established pierhead lines, or piers not conforming to NR 326.04 (1) or (9), shall apply for permits under s. 30.12 (2), Stats.

*History:* Cr. Register, March, 1981, No. 303, eff. 4-1-81.

**NR 326.06 Complaints.** (1) Upon receipt of a complaint by any municipality or person under s. 30.14, Stats., the department shall investigate the pier or piers mentioned in the complaint to determine if the pier conforms with s. 30.13, Stats., and this chapter, and shall provide all known parties with the results of the investigation. The department may request such additional information as may be required from the complainant.

(2) Upon completion of the investigation, the department shall conduct a hearing under s. 30.14, Stats.

(3) The burden of proving that the pier is in violation of s. 30.13, Stats., and this chapter, is ordinarily on the complainant.

(4) This section does not limit in any manner the authority of the department to bring any enforcement action alleging that a pier adversely affects public rights in navigable waters.

*History:* Cr. Register, March, 1981, No. 303, eff. 4-1-81.

**NR 326.07 Riparian rights determinations.** (1) In response to a complaint under NR 326.06 relating to interference with the rights of an adjacent riparian, the department shall use the method outlined in this subsection which it determines most fully meets the Wisconsin supreme court ruling in *Rondesvedt v. Running*, 19 Wis.2d 614 (1962), that "... each must have his due proportion of the line bounding navigability and a course of access to it from the shore exclusive of every other owner, and

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that all rules for apportionment or division are subject to such modification as may be necessary to accomplish substantially this result."

(2) The alternative methods of apportionment include:

(a) *Apportionment of the line of navigation.* The general procedure for the apportionment of the line of navigation is to measure the whole shoreline of the cove or bay and the line of navigation in front of the shoreline and to apportion the line of navigation among the riparians in proportion to the length of their respective holdings on the shoreline. The area of water within which each riparian may place a pier to reach the line of navigation is determined by drawing straight lines between the corresponding points of division on the shoreline and the line of navigation.

(b) *Coterminous riparian rights lines.* Chords are drawn to connect points established at the intersection of each lot line with the ordinary highwater mark. The lines which bisect the angle formed by adjacent chords are the coterminous riparian rights lines. The extension of the coterminous riparian rights lines to the line of navigation describes the portion of the water within which each riparian may place a pier to gain access to the line of navigation. If the coterminous riparian rights lines intersect before the line of navigation is reached, another method of apportionment will be used.

(c) *Extended lot lines.* Under the extended lot line method the area of water within which each riparian may place a pier to reach the line of navigation is determined by extending the lot lines along the same alignment from the upland to the line of navigation.

(d) *Other method.* Any other method for determining the rights of riparians to gain access to the line of navigation that is compatible with the general rule adopted in sub. (1).

(3) To provide each riparian with sufficient room to place a pier and moor a boat along the common line between adjacent riparians the following technique will be used:

(a) Each riparian shall back their respective pier away from the common line or point of intersection of that line with the line of navigation in proportion to the riparian's share of the 2 adjacent shoreline lengths until sufficient room is provided to moor each riparian's boat at their respective pier and to provide safe maneuvering room for each boat to approach or leave the respective pier.

(b) If a riparian cannot move sufficiently from one side without violating the rule on the other side, then the riparian shall position the pier in that location which best satisfies the rule on both sides and each riparian shall then move far enough to the side regardless of shoreline proportions to afford the necessary clearance.

History: Cr. Register, March, 1981, No. 303, eff. 4-1-81; reprinted to correct error, Register, May, 1981, No. 305.

**NR 326.08 Severability.** If any provision of this chapter is declared invalid or unconstitutional for any reason, the remainder of this chapter shall not be affected thereby.

History: Cr. Register, March, 1981, No. 303, eff. 4-1-81.

Register, May, 1981, No. 305  
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Clark Amundsen - Madison Area

## STATE OF WISCONSIN

1985 Senate Bill 387

Date of enactment: April 15, 1986  
Date of publication\*: April 23, 1986

RECEIVED

JUN 18 1986

# 1985 Wisconsin Act 243

DEPARTMENT OF NATURAL RESOURCES  
MADISON, WISCONSIN

AN ACT to renumber 30.61 (5) (a) and 30.61 (6) to (8); to renumber and amend 30.61 (5) (b); to amend 30.01 (5) and 30.01 (8); and to create 30.01 (1m), 30.01 (3e), (3m) and (3s), 30.61 (6) (title) and (b), 30.68 (8m), 30.772, 30.773 and 30.80 (5) of the statutes, relating to the regulation of the placement and use of moorings and the establishment of designated mooring areas and providing penalties.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 30.01 (1m) of the statutes is created to read:

30.01 (1m) "Designated mooring area" means a mooring area designated by a municipality under s. 30.773 (2) and (3), approved by the department and marked as a mooring area.

SECTION 2. 30.01 (3e), (3m) and (3s) of the statutes are created to read:

30.01 (3e) "Mooring" when used as a noun means a mooring anchor and mooring buoy together with attached chains, cables, ropes and pennants and related equipment, unless the term is qualified or restricted.

(3m) "Mooring anchor" means any anchor or weight which is designed to rest on the bed or to be buried in the bed of a navigable water, which is designed to be attached by a chain, cable, rope or other mechanism to a mooring buoy and which is designed to be left in position permanently or on a seasonal basis.

(3s) "Mooring buoy" means any float or marker which is attached to a mooring anchor and either is suitable for attachment to a boat through the use of a pennant or other device or facilitates the attachment of the boat to the mooring anchor.

SECTION 3. 30.01 (5) of the statutes is amended to read:

30.01 (5) "Pier" means any structure extending channelward from the shore with water on both sides, built or maintained for the purpose of providing a berthing or mooring place for watercraft or for loading or unloading cargo or passengers onto or from watercraft.

SECTION 4. 30.01 (8) of the statutes is amended to read:

30.01 (8) "Wharf" means any structure extending along the shore and generally connected with the uplands throughout its length, built or maintained for the purpose of providing a berthing or mooring place for watercraft or for loading or unloading cargo or passengers onto or from watercraft.

SECTION 5. 30.68 (8m) of the statutes is created to read:

30.68 (8m) MOORING. No person may use a mooring or attach a boat to a mooring buoy if the mooring or mooring buoy violates s. 30.772 or 30.773.

SECTION 6. 30.772 of the statutes is created to read:

30.772 Placement and use of moorings; restrictions; permits. (1) AUTHORITY. The department is authorized to regulate the placement and use of moorings.

(2) RESTRICTIONS. No mooring may be placed or used in any navigable waters if:

(a) The mooring obstructs or interferes with public rights or interest in the navigable waters.

(b) The riparian owner does not give written permission for the placement and use of the mooring.

(c) The mooring or use of the mooring interferes with the rights of other riparian owners.

(d) The mooring or use of the mooring adversely affects critical or significant fish or wildlife habitat.

(e) The mooring anchor is placed more than 150 feet from the ordinary high-water mark unless one of the following occurs:

1. A permit is obtained from the appropriate municipality and approved by the department.

2. A permit is obtained from the department.

\* Section 991.11, WISCONSIN STATUTES 1983-84: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state (the date of publication may not be more than 10 working days after the date of enactment).

3. The mooring is properly within a designated mooring area.

(f) The placement or use of the mooring violates a condition or restriction on a permit issued under sub. (4) or violates department rules.

(3) **MUNICIPAL REGULATION OF MOORINGS; MUNICIPAL PERMITS; PROCEDURE.** (a) Subject to department approval, the governing body of a municipality with jurisdiction over navigable waters may, by ordinance, adopt local regulations relative to the placement and use of moorings, including but not limited to regulations governing:

1. The number of moorings for a specific distance of frontage or within a specific area.

2. The number of boats to be attached to any mooring.

3. The distance between moorings.

4. The safe distance of moored boats from any other moored boats, properly marked and established traffic lanes, properly marked swimming or bathing areas, or structures, including piers, rafts, docks and wharves.

(b) The regulations shall not conflict with the uniform navigation aids system established by the department under s. 30.74 (2) or any rules adopted by the department under s. 30.74 (2).

(c) A municipality shall submit local regulations proposed under this subsection to the department at least 30 days before the municipality votes to adopt the regulations. The department shall advise the municipality in writing of its approval or disapproval of each such regulation. No regulation disapproved by the department may be adopted by the municipality. Permits issued for moorings more than 150 feet from the ordinary high-water mark shall be submitted to the department for approval unless the permit is for a mooring within a designated mooring area.

(d) The governing body of a municipality may, by ordinance, require a permit authorizing the placement and use of a mooring within an authorized mooring area, subject to all of the following:

1. Mooring permits shall be issued only after the governing body, or a person designated by the governing body, determines that the mooring conforms to the provisions of this section and all applicable local regulations adopted under this section.

2. Except as provided under subd. 4, if a mooring permit is issued under this section, no subsequent permit may be required unless the mooring location is changed.

3. After a mooring permit is issued, the governing body of a municipality may revoke the mooring permit if the mooring subsequently violates any provision of this section or any local regulation adopted under this section.

4. The provisions and procedures of ch. 68 shall apply to the grant, denial or revocation of a mooring permit by a municipality.

(e) Any mooring, mooring anchor or mooring buoy which is placed or used in any navigable water in violation of this section or any local regulation adopted by a municipality under this subsection constitutes a public nuisance subject to s. 30.15 (4). A municipality may, by ordinance, provide that any person who violates any local regulation adopted under this subsection is subject to a forfeiture not to exceed \$50 for each such violation. The ordinance may also provide that each day during which the violation exists is a separate offense.

(f) In addition to, or as an alternative to, the penalties specified in par. (e), the governing body of a municipality may remove unlawful moorings as provided under and pursuant to the procedures of s. 66.0495.

(4) **DEPARTMENT PERMITS.** The department may issue a permit authorizing the placement or use of a mooring beyond 150 feet from the ordinary high-water mark if the municipality does not have an established permit procedure. The department may place conditions or restrictions on any permit issued under this subsection.

(5) **EXCEPTION.** The restrictions under this section do not apply to the fleeting of barges on the Mississippi river and its tributaries.

**SECTION 6m.** 30.773 of the statutes is created to read:

**30.773 Designated mooring areas.** (1) **ESTABLISHMENT OF DESIGNATED MOORING AREAS.** Subject to department approval, a municipality with jurisdiction over navigable waters may establish designated mooring areas as provided in this section.

(2) **PROCEDURES.** A municipality authorized to establish a bulkhead line under s. 30.11 may establish a designated mooring area in the same manner as it is authorized to establish the bulkhead line except that if the municipality created a board of harbor commissioners, the municipality is required to obtain the approval of that board in addition to the approval of the department.

(3) **STANDARDS FOR APPROVAL.** In addition to requiring compliance with standards and procedures under s. 30.11 and sub. (2), the department shall grant an approval for the establishment of a designated mooring area only if:

(a) The designated mooring area is more than 150 feet from the ordinary high-water mark. ✓

(b) The establishment and operation of the mooring area does not materially obstruct navigation.

(c) The establishment and operation of the mooring area is not detrimental to public rights or interest in the waterway.

(d) The mooring area is not within and does not adversely affect a critical or significant fish or wildlife habitat area.

(e) The establishment and operation of the mooring area complies with all applicable zoning requirements.

## 1985 Senate Bill 387

(f) The riparian owners agree in writing to the establishment of the mooring area and the area is to be used by the riparian owners or by others with the written consent of the riparian owners.

(g) Use of the mooring area is not unfairly restricted or used to assert exclusive privileges for use of the navigable waters.

(h) The mooring area is marked in a manner which notifies the public of the boundaries of the mooring area and assists in navigation near the mooring area. These markers shall be consistent with the uniform aids to navigation established under s. 30.74 (2).

(4) PERMITS AND REGULATIONS. (a) Department permits under s. 30.772 (4) or department approval of municipal permits under s. 30.772 (3) (c) are not required for moorings placed within a designated mooring area.

(b) A municipality may regulate the placement and use of moorings within designated mooring areas in the manner provided under s. 30.772 (3).

(5) EXCEPTION. The restrictions under this section do not apply to the fleeting of barges on the Mississippi river and its tributaries.

SECTION 7. 30.61 (5) (a) of the statutes is renumbered 30.61 (5).

SECTION 8. 30.61 (5) (b) of the statutes is renumbered 30.61 (6) (a) and amended to read:

30.61 (6) (a) ~~Moored~~ Except as provided under par. (b), any moored, anchored and or drifting boats and boat or any other fixed and floating structures, except duck blinds constructed in emergent vegetation, structure outside of designated anchorages mooring areas or beyond 200 150 feet from the shoreline shall is required to be lighted from sunset to sunrise by a white light visible all around the horizon. "Designated anchorage" means that area of water established and marked as an anchorage by lawful authority.

SECTION 9. 30.61 (6) to (8) of the statutes are renumbered 30.61 (7) to (9).

SECTION 10. 30.61 (6) (title) and (b) of the statutes are created to read:

30.61 (6) (title) CERTAIN MOORED, ANCHORED OR DRIFTING BOATS; OTHER STRUCTURES.

(b) This subsection does not require any light to be shone from duck blinds constructed on emergent vegetation.

SECTION 11. 30.80 (5) of the statutes is created to read:

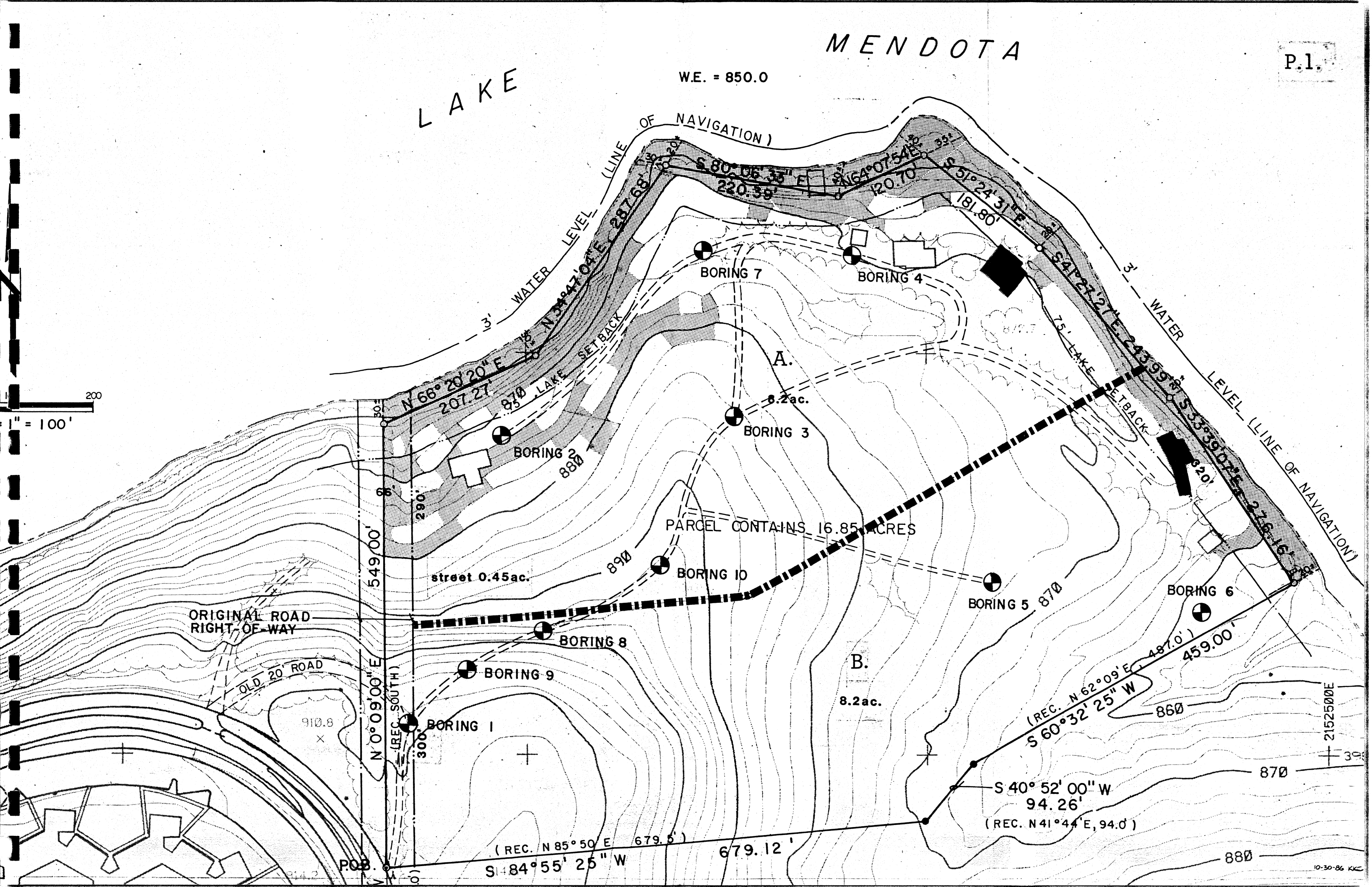
30.80 (5) Any person violating s. 30.68 (8m) shall forfeit not more than \$100. Each day during which such violation exists constitutes a separate offense.



# MENDOTA

P.1.

W.E. = 850.0



200  
1" = 100'



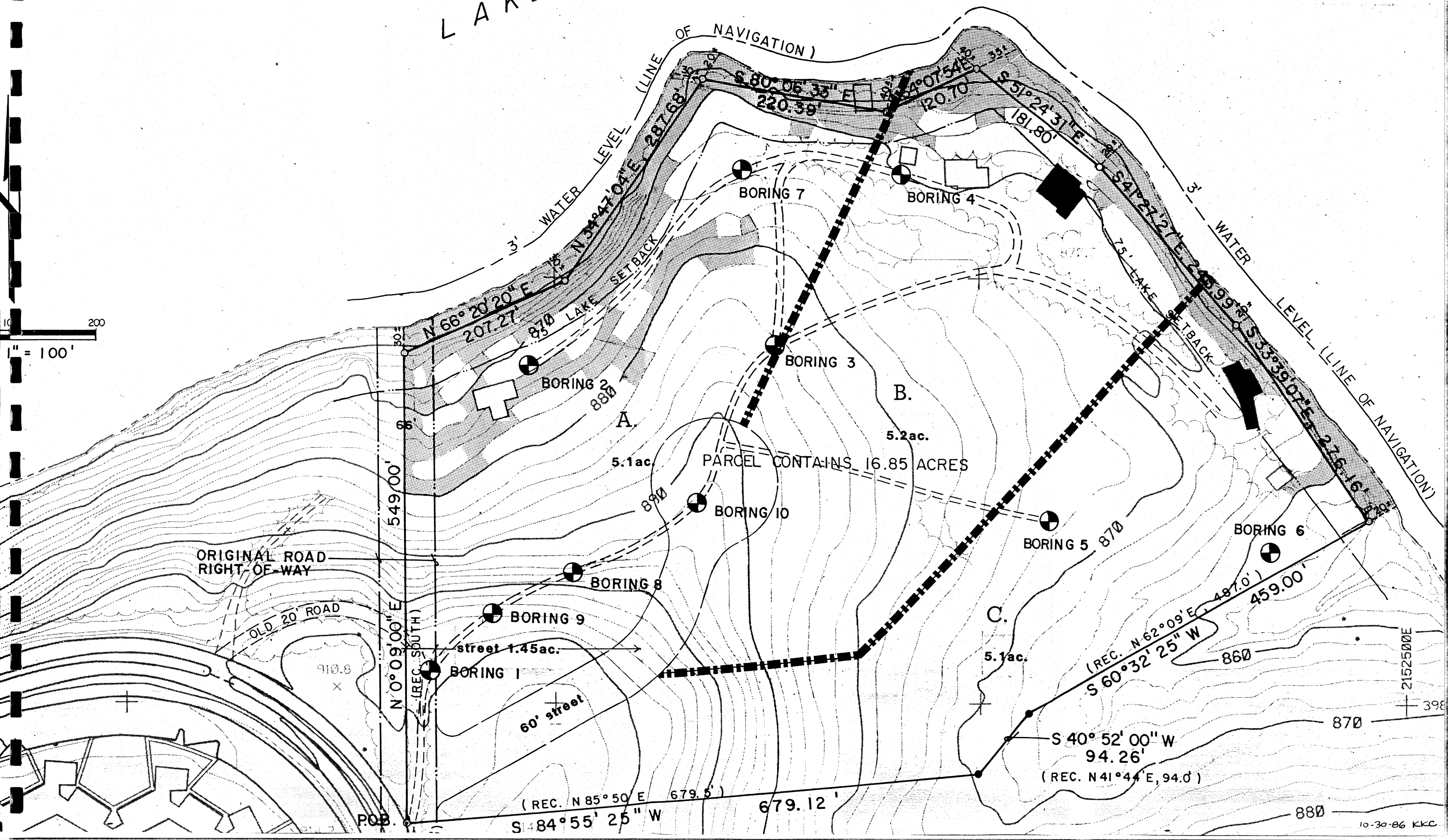
# MENDOTA

P.2.(a)

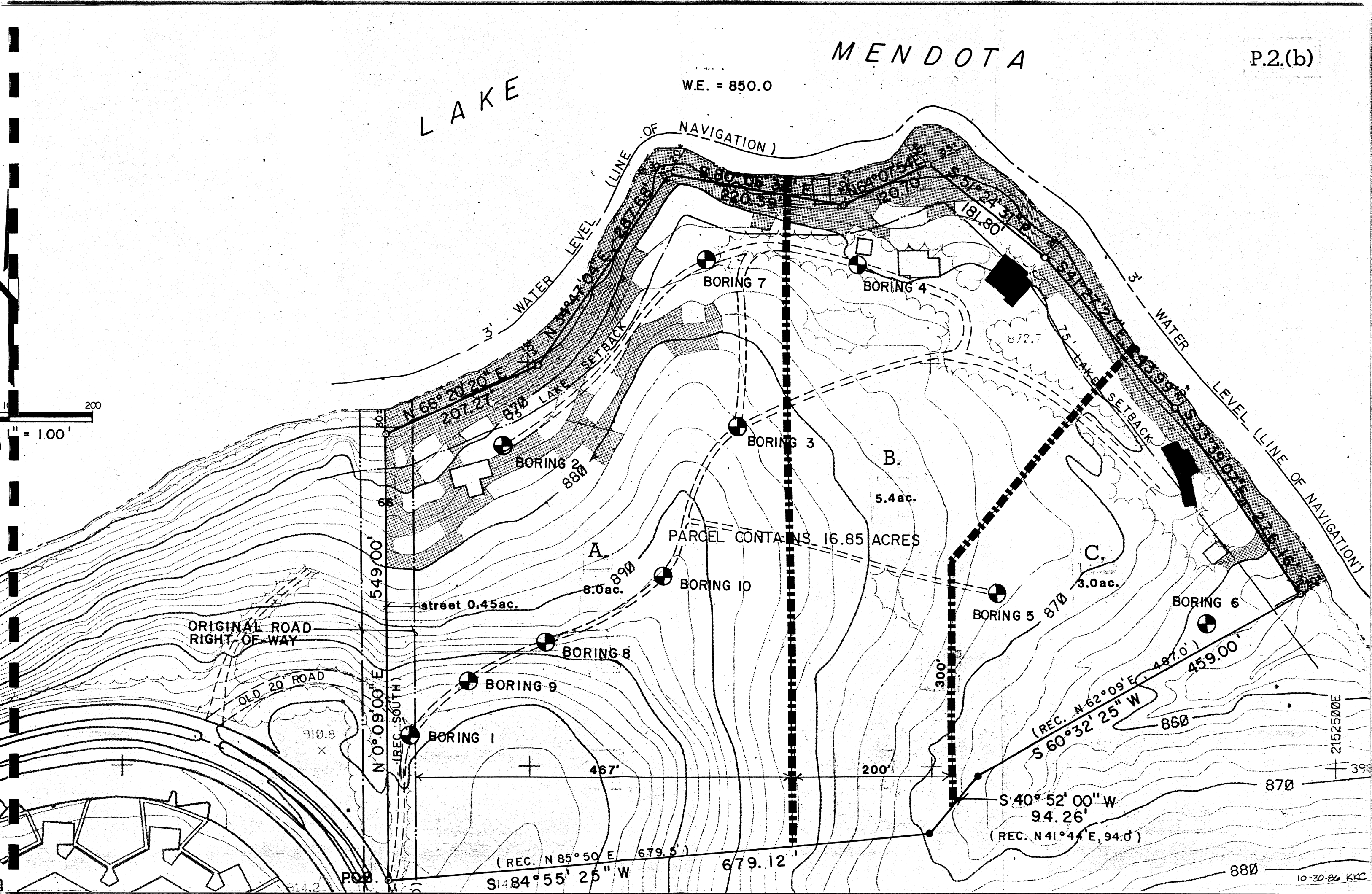
W.E. = 850.0

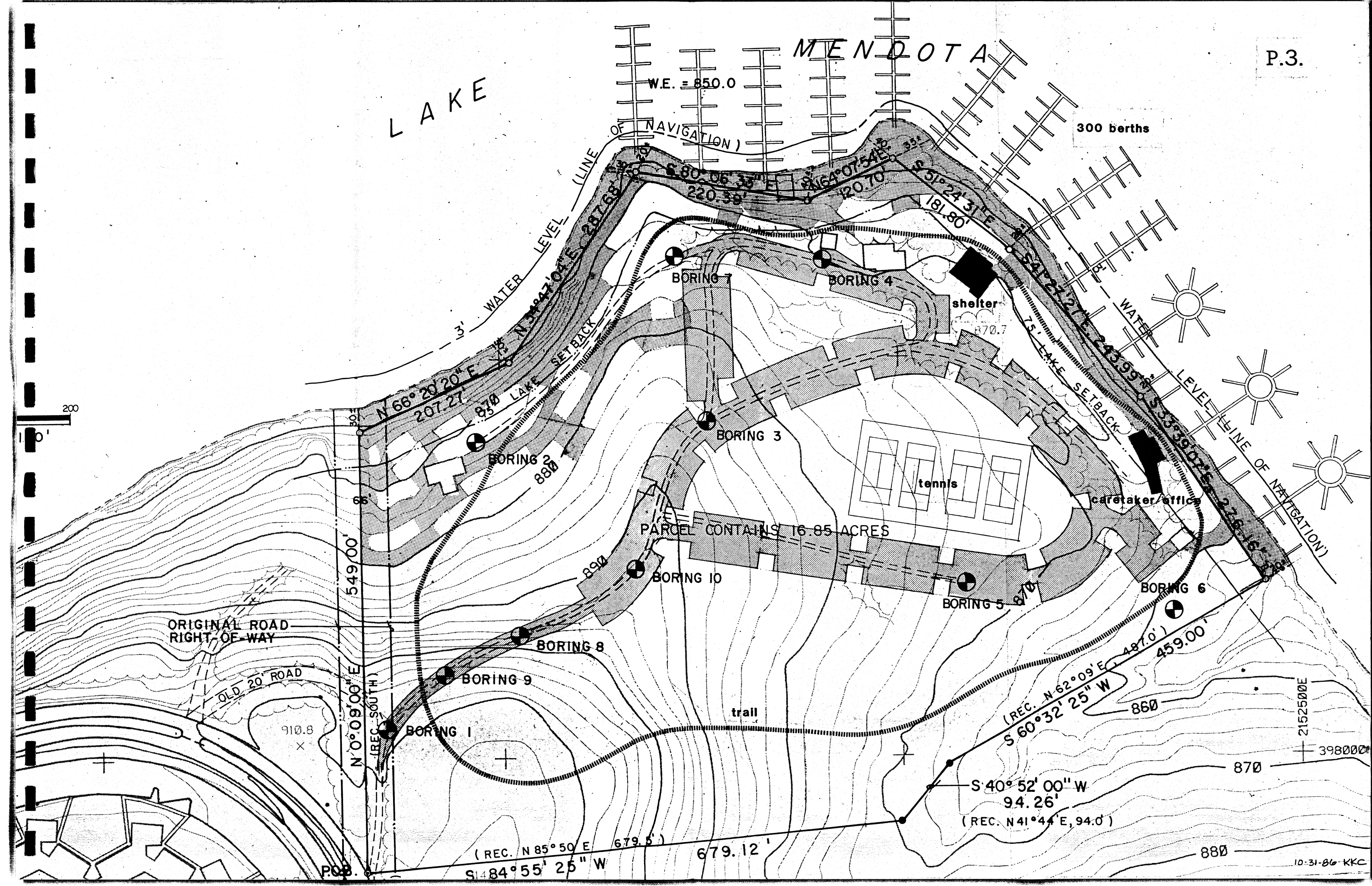
LAKE

1" = 100'



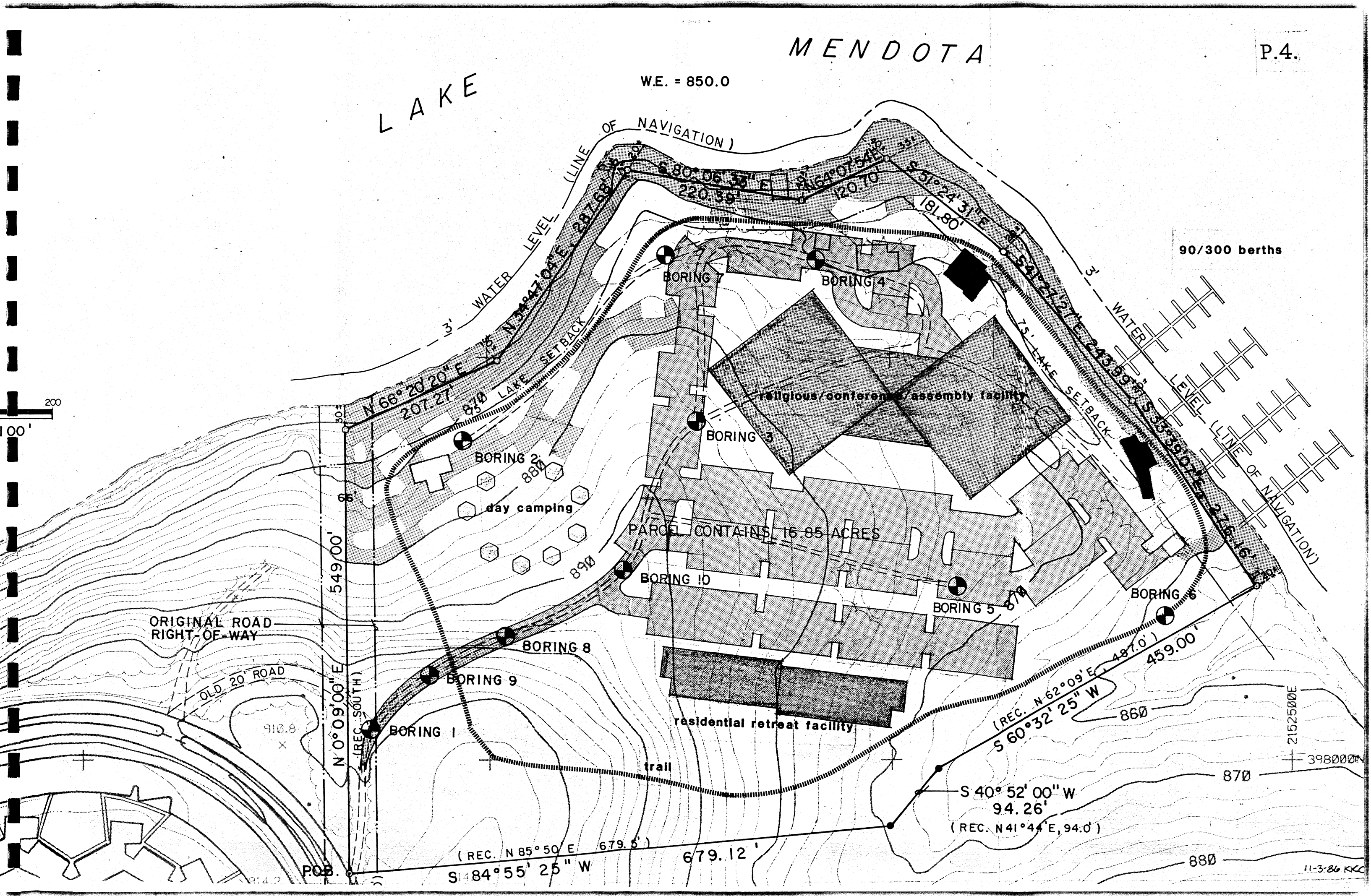








W.E. = 850.0



MENDOTA

LAKE

W.E. = 850.0

300 berths

(LINE OF NAVIGATION)

3' WATER LEVEL

WATER

LEVEL (LINE OF NAVIGATION)

200  
= 00'

club house

pool

tennis

boat service

PARCEL CONTAINS 16.85 ACRES

ORIGINAL ROAD  
RIGHT OF WAY

OLD 20' ROAD

910.8

N 0° 09' 00" E  
(REC. SOUTH)

P.O.B.

(REC. N 85° 50' E 679.5')  
S 48° 55' 25" W

679.12'

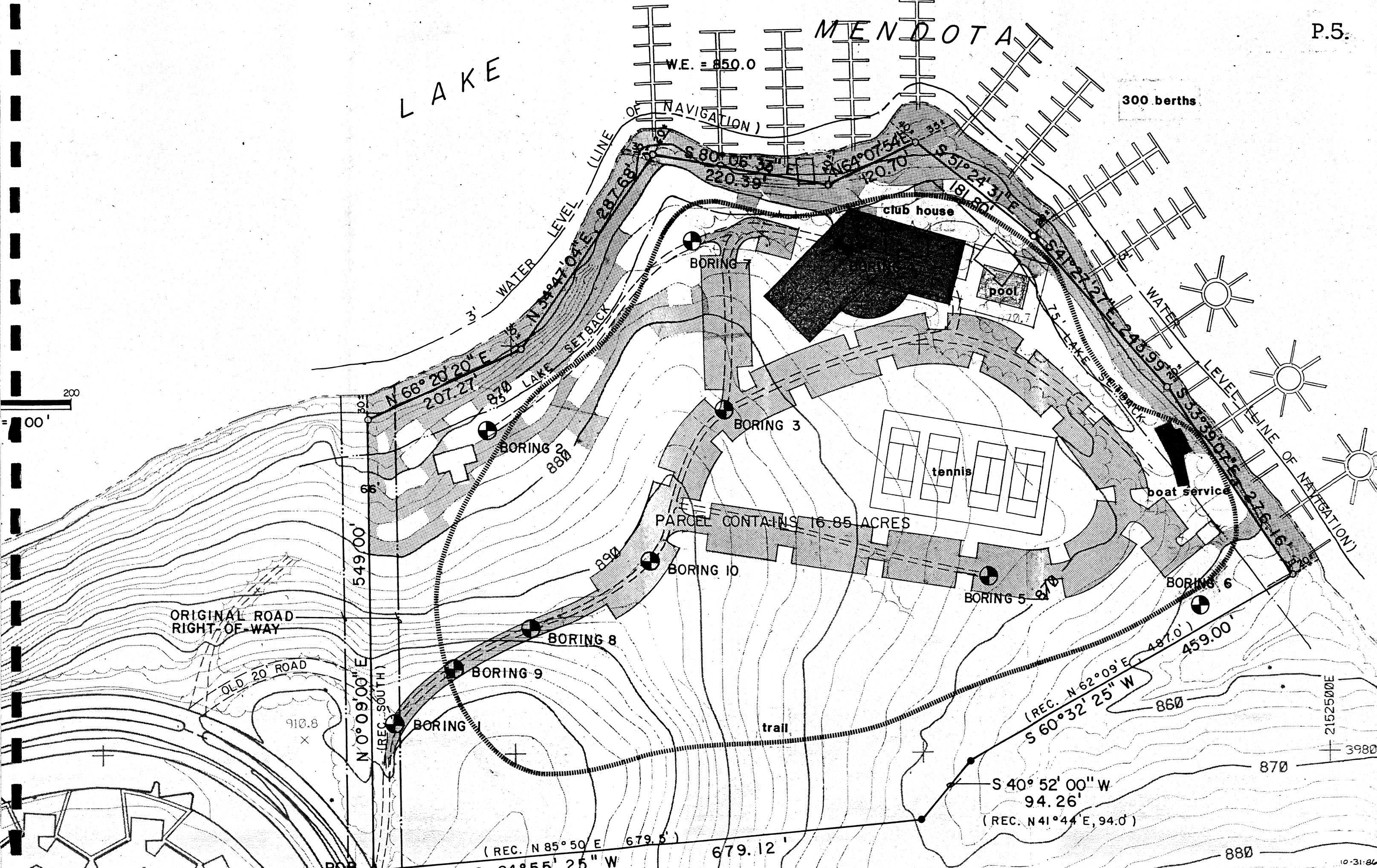
(REC. N 62° 09' E 487.0')  
S 60° 32' 25" W

S 40° 52' 00" W  
94.26'  
(REC. N 41° 44' E, 94.0')

860

870

880





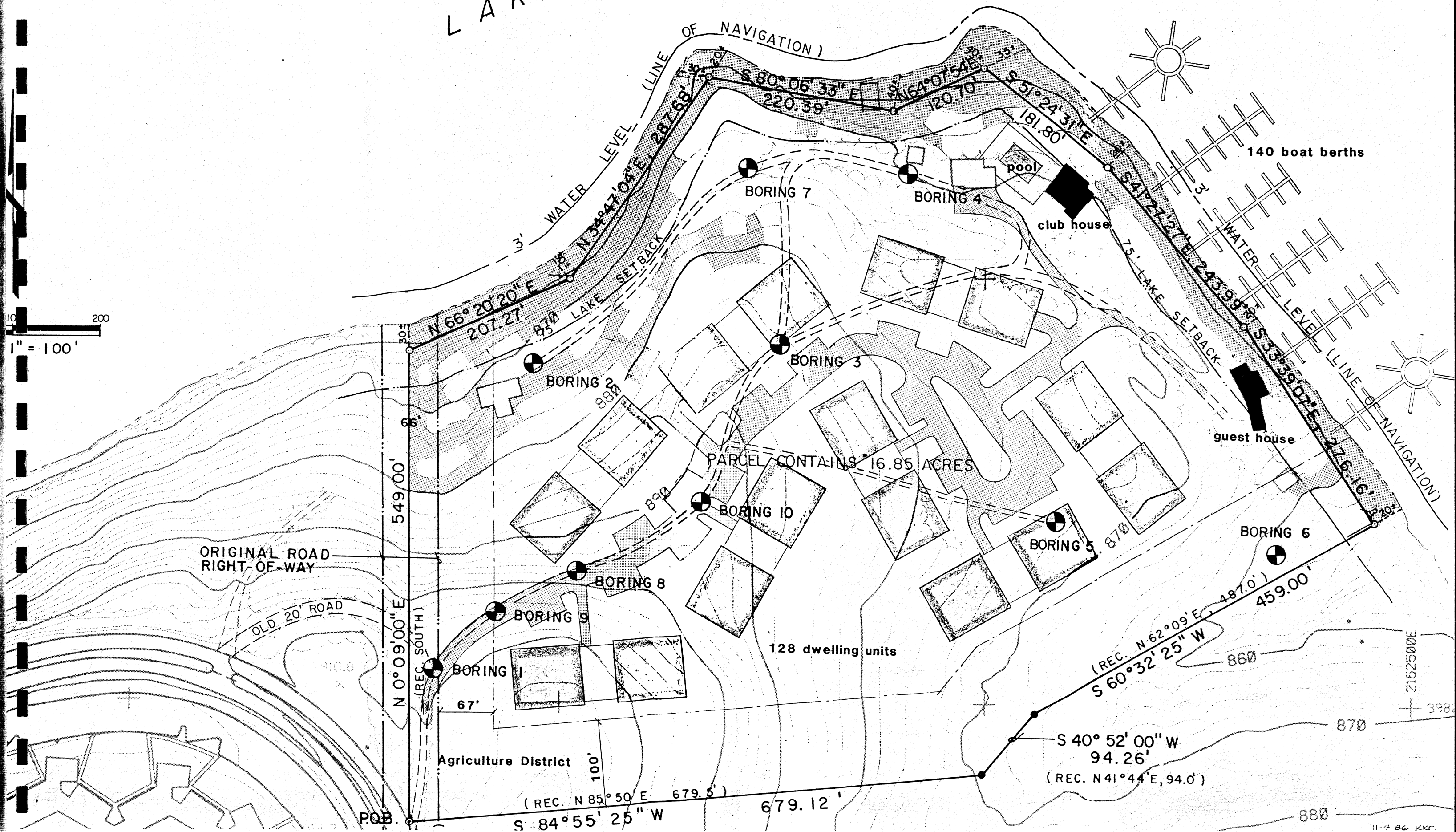
# MENDOTA

P.6.(a)

W.E. = 850.0

LAKE

1" = 100'

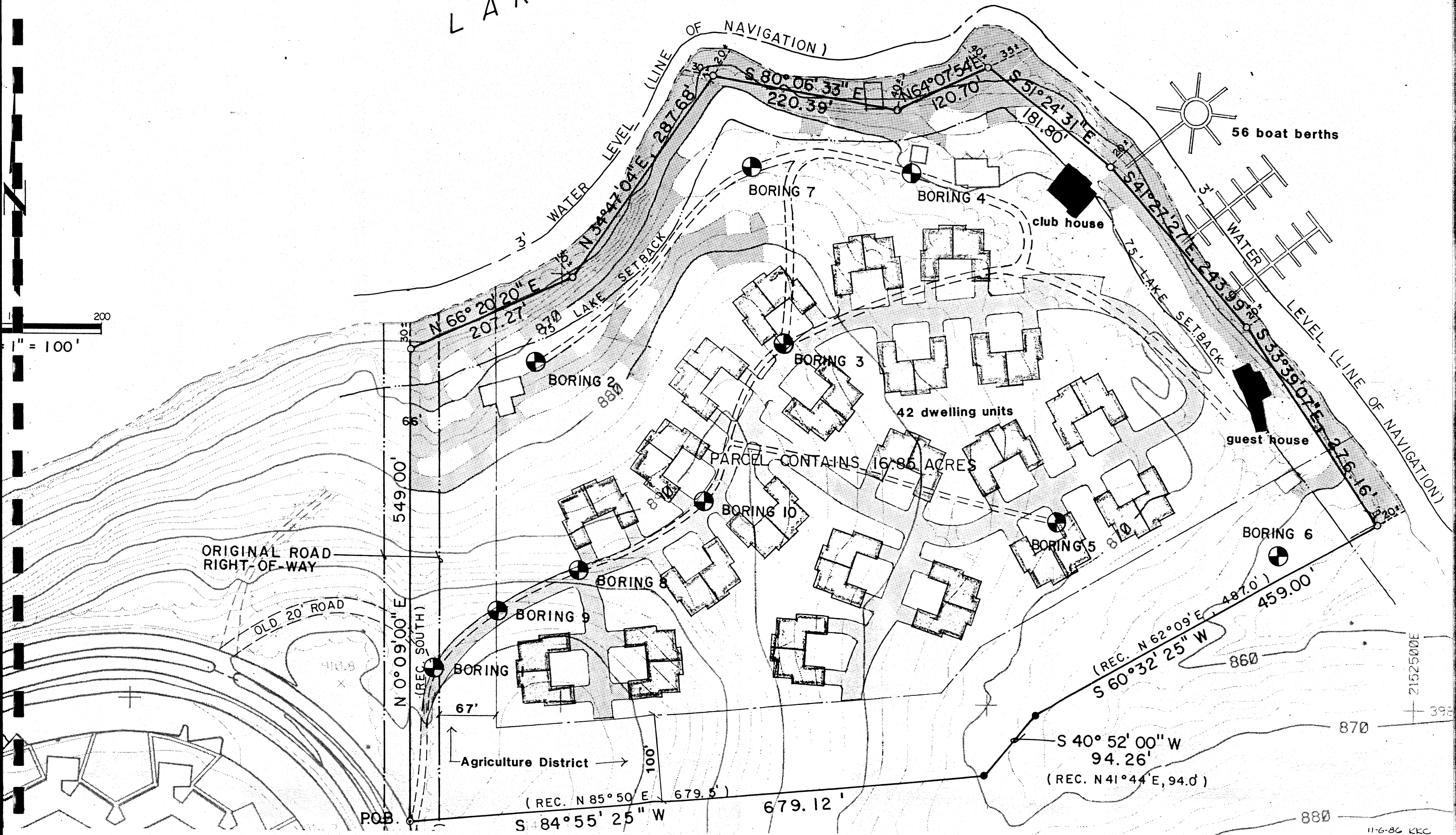


# MENDOTA

P.6.(b)

W.E. = 850.0

L A K E



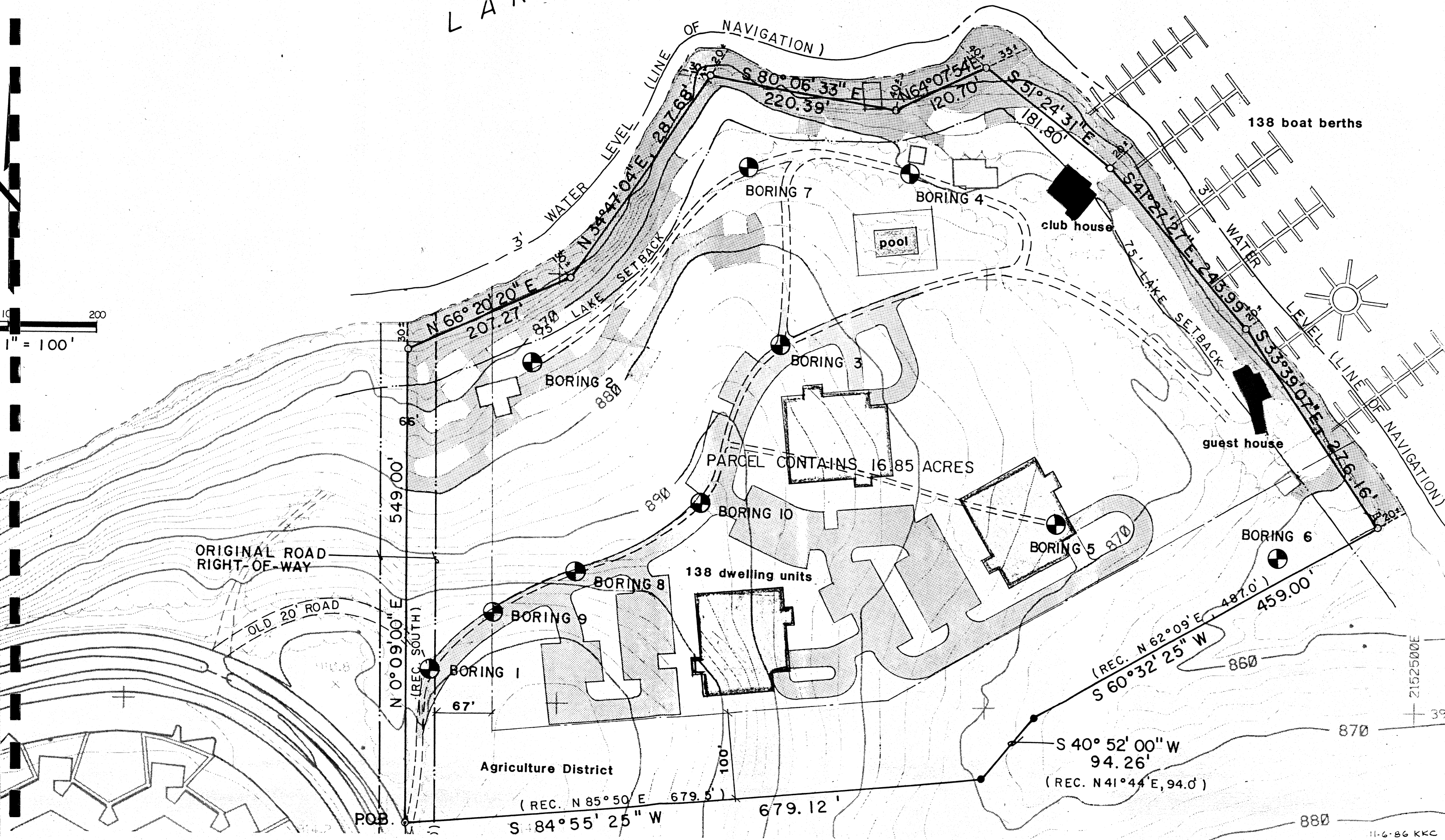
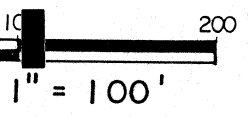


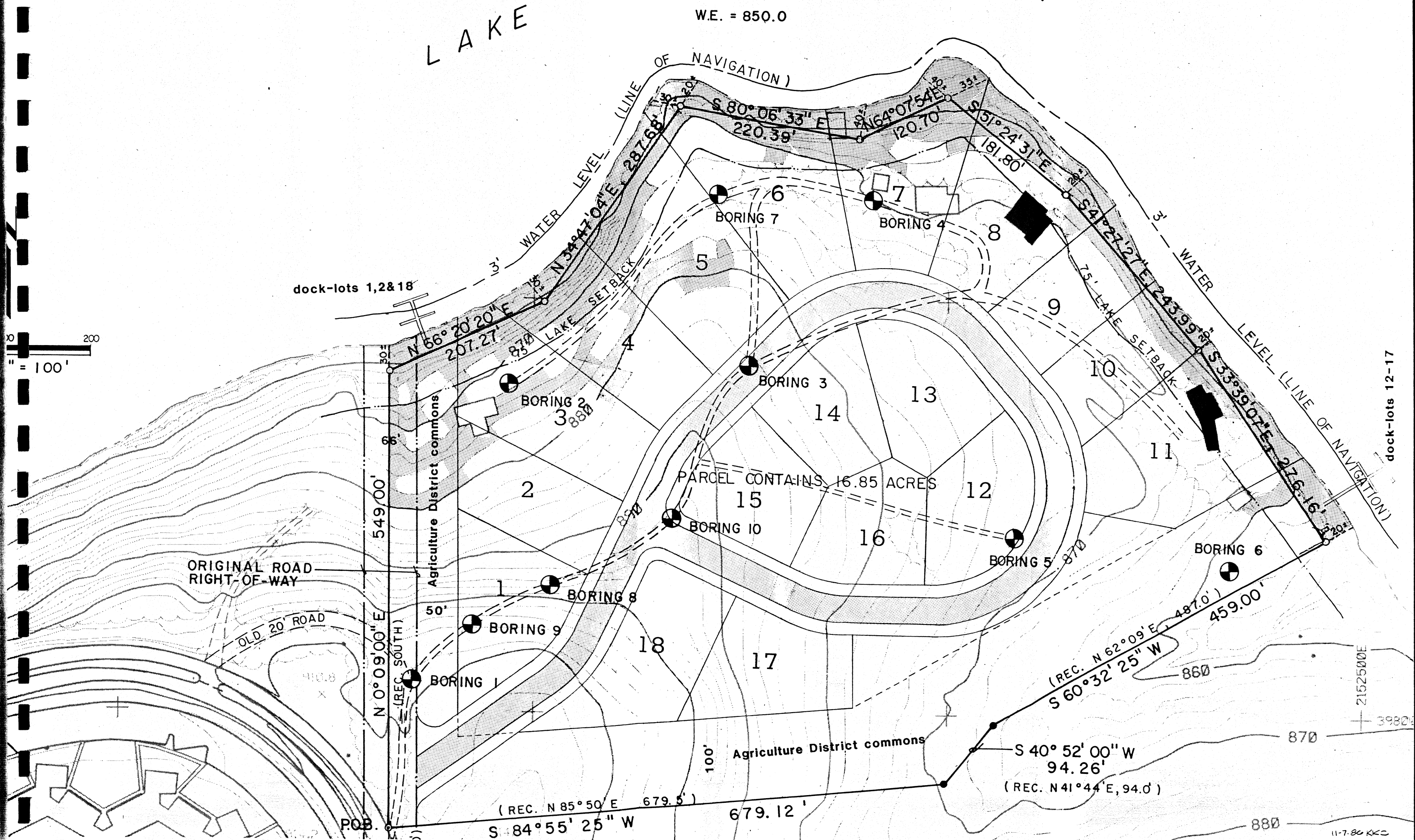
# MENDOTA

P.6.(c)

W.E. = 850.0

LAKE





APPENDIX G

ZONING CODE FOR PLANNED UNIT DEVELOPMENT DISTRICT  
AND  
R1 SINGLE-FAMILY RESIDENCE DISTRICT

**(6) Planned Unit Development District (PUD).**

- (a) Statement Of Purpose. The planned unit development district is established to provide a voluntary regulatory framework designed to encourage and promote improved environmental and aesthetic design in the City of Madison by allowing for greater freedom, imagination and flexibility in the development of land while insuring substantial compliance to the basic intent of the zoning code and the general plan for community development. To this intent it allows diversification and variation in the bulk and relationship of uses, structures and spaces in developments conceived as comprehensive and cohesive unified plans and projects. It is further intended to encourage developments consistent with coordinated area site planning.
- (b) Permitted Uses. Other than the existing use, no use shall be permitted in the planned unit development district except in conformity with a specific and precise development plan pursuant to the procedural and regulatory provisions hereinafter set forth. Any use permitted by right or as a conditional grant in any of the other districts of this ordinance.
- (c) Lot Area, Lot Width, Height, Floor Area Ratio, Yard, Usable Open Space Requirements, Signs And Off-Street Parking Requirements. In the planned unit development district there shall be no predetermined specific lot area, lot width, height, floor area ratio, yard, usable open space, sign and off-street parking requirements, but such requirements as are made a part of an approved recorded precise development plan agreed upon by the owner and the City shall be, along with the recorded plan itself, construed to be and enforced as a part of this ordinance.
- (d) Criteria For Approval. As a basis for determining the acceptability of a planned unit development district application the following criteria shall be applied with specific consideration as to whether or not it is consistent with the spirit and intent of this ordinance and has the potential for producing significant community benefits in terms of environmental and aesthetic design.
1. Character And Intensity Of Land Use. In a planned unit development district the uses and their intensity, appearance and arrangement shall be of a visual and operational character which:
    - a. Are compatible with the physical nature of the site or area.
    - b. Would produce an attractive environment of sustained aesthetic desirability, economic stability and functional practicality compatible with the general development plan.
    - c. Would not adversely affect the anticipated provision for school or other municipal service unless jointly resolved.
    - d. Would not create a traffic or parking demand incompatible with the existing or proposed facilities to serve it unless jointly resolved.
  2. Economic Impact. Planned unit development district shall not adversely affect the economic prosperity of the City or of surrounding properties.

APPENDIX G (Continued)

Sec. 28.07(6)(d)3.

ZONING CODE

3. Preservation And Maintenance Of Open Space. In a planned unit development district adequate provision for the improvement and continuing preservation and maintenance of attractive open space shall be made.
4. Implementation Schedule. A planned unit development district shall include suitable assurances that each phase could be completed in a manner which would not result in an adverse effect upon the community as a result of termination at that point.
- (e) Procedure. The procedure for rezoning to a planned unit development district shall be as required for any other zoning district change in this chapter, except that in addition thereto the rezoning may only be considered in conjunction with a development plan, and shall be subject to the following additional requirements.
  1. General Development Plan. The proponents shall file the following with the City Plan Commission:
    - a. A statement describing the general character of the intended development.
    - b. An accurate map of the project area including its relationship to surrounding properties and existing topography and key features.
    - c. A plan of the proposed project showing sufficient detail to make possible the evaluation of the criteria for approval as set forth in Section 28.07(6)(d).
    - d. When requested, a general outline of intended organizational structure related to property owner's association, deed restrictions and private provision of common services.
  2. Referral And Hearing.
    - a. Within sixty (60) days after completion of the filing of the petition for approval of a general development plan, the City Plan Commission shall forward the petition to the Common Council with recommendations that the plan is to be approved as submitted, approved with modifications or disapproved.
    - b. Upon receipt of the recommendations, the Council shall determine whether or not to initiate a proposed zoning change to establish the proposed planned unit development district and to schedule the required public hearing. If the Council fails to initiate such a change within thirty (30) days, the petitioner may file a petition directly with the City Clerk as provided by law.
  - c. Approval of the rezoning and related general development plan shall establish the basic right of use for the area when in conformity with the plan as approved, which shall be recorded as an integral component of the district regulations, but such plan shall be conditioned upon approval of a specific implementation plan, and shall not make permissible any of the uses as proposed until a specific implementation plan is submitted and approved for all or a portion of the general development plan. If the approved general development plan is not recorded as approved within twelve (12) months of the date of approval by the Common Council, the approval shall be null and void and a new petition and approval process shall be re-



## APPENDIX G (Continued)

## ZONING CODE

## Sec. 28.07(6)(e)3.

quired to obtain general development plan approval. If the general development plan and specific implementation are approved at the same time and not recorded as approved within twelve (12) months of the date of approval by the Common Council, the approval shall be null and void and a new petition and approval process shall be required to obtain general development plan and specific implementation plan approval. General development plans approved prior to the effective date of this ordinance shall have the longer of either twelve (12) months from the date of approval by the Common Council or six (6) months from the effective date of this ordinance to complete recording in the Dane County Register of Deeds Office or they shall become null and void. (Am. by Ord. 6349, 8-24-78)

3. Specific Implementation Plan. The specific implementation plan shall be submitted to the City Plan Commission and shall include the following detailed construction and engineering plans and related detailed documents and schedules except when specific documents are waived by such Commission:
  - a. An accurate map of the area covered by the plan including the relationship to the total general development plan.
  - b. The pattern of public and private roads, driveways, walkways and parking facilities.
  - c. Detailed lot layout and subdivision plat where required.
  - d. The arrangement of building groups, other than single-family residences, and their architectural character.
  - e. Sanitary sewer and water mains.
  - f. Grading plan and storm drainage system.
  - g. The location and treatment of open space areas and recreational or other special amenities.
  - h. The location and description of any areas to be dedicated to the public.
  - i. Landscape plan and plant list.
  - j. Proof of financing capability.
  - k. Analysis of economic impact upon the community.
  - l. A construction schedule indicating the approximate dates when construction of the project can be expected to begin and be completed.
  - m. Agreements, bylaws, provisions or covenants which govern the organizational structure, use, maintenance and continued protection of the development and any of its common services, common open areas or other facilities.
4. Approval of the Specific Implementation Plan.
  - a. Following a review of the specific implementation plan, the City Plan Commission shall recommend to the Council that it be approved as submitted, approved with modifications or disapproved. The procedure hereunder shall be the same as under Section 28.12(9).
  - b. Upon receipt of the City Plan Commission recommendation, the Council may approve the plan and authorize the development to proceed accordingly, or disapprove the plan and send it back with specific objections to such Commission for further negotiation with the developer.



## APPENDIX G (Continued)

## Sec. 28.07(6)(e)4.c.

## ZONING CODE

- c. In the event of approval of the specific implementation plan, the building, site and operational plans for the development, as approved, as well as all other commitments and contractual agreements with the City offered or required with regard to project value, character and other factors pertinent to an assurance that the proposed development will be carried out basically as presented in the official submittal plans, shall be recorded by the developer within twelve (12) months of the date of approval by the Common Council in the Dane County Register of Deeds Office. This shall be accomplished prior to the issuance of any building permit. If the specific implementation plan is not recorded as approved within twelve (12) months of the date of approval by the Common Council, the approval shall be null and void, and a new petition and approval process shall be required to obtain specific implementation plan approval. Specific implementation plans approved prior to the effective date of this ordinance shall have the longer of either twelve (12) months from the date of approval by the Common Council or six (6) months from the effective date of this ordinance to complete recording in the Dane County Register of Deeds Office or they shall become null and void. (Am. by Ord. 6349, 8-24-78)
  - d. Any subsequent change or addition to the plan or use shall first be submitted for approval to the City Plan Commission and if, in the opinion of such Commission, the change or addition constitutes a substantial alteration of the original plan, the procedure provided in 28.07(6)(a) above, and in this subsection, shall be required.
5. Recording of Approved General or Specific Implementation Plan and Zoning Ordinance Amendments. Whenever the Common Council adopts a zoning ordinance amendment designating a tract of land as a Planned Community Development, the owner of such development shall, to avoid the approval becoming null and void, provide the Zoning Administrator, within twelve (12) months of the date of approval by the Common Council, a facsimile copy of the approved General or Specific Development Plan together with a certified copy of the related zoning ordinance amendment and any other action taken thereon by the Common Council. The cost for preparing a facsimile copy of the Plan in recordable form and the recording fee, as determined by the Dane County Register of Deeds, shall be paid by the owners of the lands included in the Planned Unit Development. Upon receipt of such plans, documents and fees and upon determination that they are complete, the Zoning Administrator shall record them with the Dane County Register of Deeds office. (Cr. by Ord. 8074, 7-14-83)

## ZONING CODE

## APPENDIX G (Continued)

Sec. 28.08

## 28.08 RESIDENCE DISTRICTS.

(1) General Requirements.

(a) Permitted Uses. Permitted uses of land or building, as herein listed, shall be restricted to the districts indicated and under the conditions specified. No building or tract of land shall be devoted to any use other than a use permitted herein in the zoning district in which such building or tract of land shall be located, with the following exceptions:

1. Uses lawfully established on the effective date of this ordinance; and
2. Conditional uses allowed in accordance with the provisions of (b) hereunder.

Uses lawfully established on the effective date of this ordinance and rendered nonconforming by the provisions thereof, shall be subject to those regulations of Section 28.05 governing nonconforming uses.

(Am. by Ord. 7085, 9-6-80)

(b) Conditional Uses. Conditional uses, as herein listed, may be allowed in the districts indicated, subject to the issuance of conditional use permits in accordance with the provisions of Section 28.12(10).

(c) Lot Area And Lot Width Requirements. Lot areas and lot widths shall be provided in accordance with the regulations herein indicated, provided in the R1 and R2 districts, the lot area and lot width requirements may be modified as set forth in paragraph 1 hereunder for lots located in subdivisions containing qualifying permanent open spaces. In addition, the following regulations as set forth in paragraphs 2, 3, 4, 5, 6 and 7 hereunder shall be complied with.

1. Subdivisions Containing Qualifying Permanent Open Spaces. In the R1 and R2 districts, where a land owner, developer or subdivider provides qualifying permanent open spaces as a part of a recorded subdivision containing lots for single-family detached dwellings, the lots within such subdivision may have a minimum lot area and minimum lot width twenty percent (20%) less than herein otherwise required for the district or districts in which subdivision is located. Provided, however, in no case shall the total area of lot area reduction be more than the total area of the qualifying permanent open spaces. Qualifying permanent open space shall be land located within a subdivision at a location, size and shape as specifically approved by the Plan Commission and shall have an area of not less than four (4) acres or ten percent (10%) of the subdivision, exclusive of street and alleys, whichever is the greater. Further, a qualifying permanent open space shall be a private recreation area where the ownership and maintenance responsibilities for such open space shall be assumed by the property owners with the necessary legal authority to discharge said responsibilities and where the use of such area for open space use shall be perpetuated by recorded covenants running with the land for the benefit of the owners within such subdivision.

## Sec. 28.08(1)(c)2.

## APPENDIX G (Continued)

## ZONING CODE

2. No use shall be established or hereafter maintained on a lot recorded after the effective date of this ordinance, which is of less area or less width than prescribed herein for such use in the zoning district in which it is to be located. However, in the R5 and R6 districts, where the owner or owners of a zoning lot agree by a recorded covenant in favor of the City that the building coverage on a zoning lot shall not exceed 0.3, the lot area requirements for dwelling units and lodging rooms for the district in which such lot is located may be decreased by twenty percent (20%).
3. In any residence district on a lot of record on the effective date of this ordinance, a single-family dwelling may be established regardless of the size of the lot, provided that all other requirements of this ordinance are met.
4. For any lot of record which is less than fifty (50) feet in width or less than six thousand (6,000) square feet in area on the effective date of this ordinance and located in the R3, R4, R4A, R4L, R5 and R6 districts, the following lot area requirement, whichever is greater, shall apply to any building constructed prior to January 1, 1972:
  - a. For each one foot that such lot is less than fifty (50) feet wide, the lot area requirements per dwelling unit and lodging room for the district in which such lot is located shall be increased by five percent (5%).
  - b. For each one hundred twenty-five (125) square feet of lot area that such lot is less than six thousand (6,000) square feet, the lot area requirements per dwelling unit and lodging room for the district in which such lot is located shall be increased by five percent (5%).
5. For any lot of record which is located in the R3, R4, R5 and R6 districts and which takes access to any public street having a right-of-way width of less than fifty (50) feet, the lot area requirements per dwelling unit and lodging room for the district in which such lot is located shall be increased by one hundred percent (100%). Provided, however, this requirement may be waived by the Zoning Board of Appeals making a finding that the proposed density on the lot imposed by the less restrictive lot area requirement in the district will not be detrimental to the public health, safety, convenience and general welfare of the community or other purposes herein cited in the ordinance nor injurious to other property or improvements in the neighborhood, and further provided that such finding shall be made only after receipt of recommendations from the Traffic Engineer and Director of Planning and Development regarding the effect of the proposed development on the public health, safety, convenience and general welfare including without limitation because of specific enumeration herein the following: adequate light and air, congestion in the street and safety from fire and other hazards. (Am. by Ord. 6568, 3-22-79)
6. In the R6 district, on any zoning lot with a lot width of less than fifty (50) feet, the number of efficiency units for which the lower lot area requirement may be used shall not exceed the number permitted on fifty percent (50%) of the area of the zoning lot. If additional efficiency units are included in the building, the lot area requirement shall be the same as for a one bedroom dwelling unit.

## APPENDIX G (Continued)

## ZONING CODE

Sec. 28.08(1)(c)7.

7. No existing residential building shall be converted so as to conflict with or further conflict with the lot area requirements of the district in which such dwelling is located.
- (d) Height Regulations. Maximum height regulations as set forth in the R1, R2, R3 and R4 districts shall apply to all buildings or structures in such districts, except churches, schools, hospitals and sanitariums, and other public buildings. Churches, schools, hospitals and sanitariums, and other public buildings, and other public buildings in such districts, may be erected to a height exceeding two and one-half (2 1/2) stories or thirty-five (35) feet, provided the front, side and rear yards required for the highest building permitted in the district in which any such building is to be located are increased an additional foot, in depth or width, for each foot by which the height of such building exceeds the maximum permitted in such district.
- (e) Floor Area Ratio. Maximum floor area ratio as set forth in the R5 and R6 districts shall apply to all buildings or structures in such districts. However, in the R5 and R6 districts, where the owner or owners of a zoning lot agree by a recorded covenant in favor of the City that the building coverage shall not exceed 0.3, the floor area ratio for the district in which such lot is located may be increased by twenty percent (20%). In addition, the following regulations shall be complied with:
1. For any lot of record which is less than fifty (50) feet in width or less than six thousand (6,000) square feet in area on the effective date of this ordinance and located in the R5 and R6 districts, the following floor area ratio, whichever is less, shall apply to any building constructed prior to January 1, 1972:
    - a. For each one foot that such lot is less than fifty (50) feet wide, the floor area ratio for the district in which such lot is located shall be decreased by three and one-half percent (3.5%).
    - b. For each one hundred twenty-five (125) square feet of lot area that such lot is less than six thousand (6,000) square feet, the floor area ratio for the district in which such lot is located shall be decreased by three and one-half percent (3.5%).
  2. For any lot of record which is located in the R5 and R6 districts and which takes access to any public street having a street right-of-way width of less than fifty (50) feet, the floor area ratio for the district in which such lot is located shall be decreased by fifty percent (50%). Provided, however, this requirement may be waived by the Zoning Board of Appeals upon such board making a finding after receipt of recommendations from the Traffic Engineer and Director of Planning and Development as heretofore cited in paragraph 5 of (c) above. (Am. by Ord. 6568, 3-22-79)
- (f) Yard Requirements. Front, side and rear yards shall be provided in accordance with the regulations herein indicated and shall be unobstructed from the ground level to the sky, except as allowed in Section 28.04(6)(e). All additions to a principal building, such as attached garages, shall comply with the yard requirements of the principal building. However, yard requirements may be modified as set forth herein after in paragraphs 1 and 2. In addition, the following regulations as set forth in paragraphs 3 and 4 hereinafter shall be complied with.

## Sec. 28.08(1)(f)1.

## APPENDIX G (Continued)

## ZONING CODE

1. The front yard of any building whose maximum height shall not exceed three (3) stories, proposed to be erected or altered on a lot which adjoins another lot fronting on the same street whereon the front yard is less than that prescribed for the district in which it is located, shall not be required to exceed the average of the front yards of the adjoining existing building or buildings, but no front yard shall be less than ten (10) feet in any case.
2. In the R1 and R2 districts, where a land owner, developer or subdivider provides qualifying permanent open spaces as a part of a recorded subdivision containing lots for single-family detached dwellings as set forth in paragraph 1 of (c) above, the lots within such subdivision may have minimum front, side and rear yards twenty percent (20%) less than herein otherwise required for the district or districts in which such subdivision is located.
3. In any residence district, where the length of a building not built with zero side yards, as projected upon any street line, is more than one hundred (100) feet, the required front yard or corner side yard shall be increased by two (2) inches for each one foot that such length exceeds one hundred (100) feet.
4. In the R1, R2 and R3 districts where the existing building and any additions thereto covers twenty percent (20%) or less of the area of the lot, the rear yard requirement may be reduced by twenty-five percent (25%).

(g) Usable Open Space Requirements. Usable open space shall be provided on each lot devoted in whole or in part to any residential use as set forth in each zoning district. Such usable open space provided on the ground level shall be in a compact area of not less than two hundred (200) square feet and having no dimension less than ten (10) feet and having no slope grade greater than ten percent (10%). In the R6 District where it is the objective to provide contiguous open space in the center of blocks, rear yards will be reasonably level areas uninterrupted by unnatural steep slopes or by retaining walls which are not part of swimming pools and shall be coordinated with adjoining property grades and levels. In calculating this usable open space for multi-family dwellings (including apartment hotels), lodging houses and fraternity and sorority houses in the R5 and R6 Districts there may be credited up to a maximum of fifty percent (50%) of the required open space area the area of any balconies having a minimum dimension of four (4) feet six (6) inches and on the roof any open space area having a minimum dimension of fifteen (15) feet and being free of any obstructions and improved and available for safe and convenient use to all occupants of the building.  
(R. & Recr. by Ord. 4276, 8-22-73)

(h) (R. by Ord. 5831. 5-6-77)

(i) Off-Street Parking And Loading. In all residence districts, off-street parking and loading facilities shall be provided in accordance with applicable regulations herein set forth in Section 28.11. Provided, however, in the central area there shall be no specific requirements for off-street parking, and further provided that for planned residential development student housing facility there shall be no specific requirement for off-street parking.

## ZONING CODE

## APPENDIX G (Continued)

Sec. 28.08(2)

(2) R1 Single-Family Residence District.

- (a) Statement Of Purpose. The R1 single-family residence district is established to stabilize and protect the essential characteristics of certain low density residential areas normally located in the outlying urban parts of the City, and to promote and encourage a suitable environment for family life where children are members of most families. Development in the R1 single-family residence district is limited primarily to single-family dwellings, low density multiple-family dwellings in planned residential developments, and certain community and recreational facilities to serve residents of the district.
- (b) Permitted Uses. The following uses are permitted in the R1 district:
1. Single-family detached dwellings.
  2. Churches.
  3. Fire stations.
  4. Golf courses, but not including commercially operated par 3 or miniature golf courses or golf driving ranges, provided club-houses and maintenance buildings shall be located not less than three hundred (300) feet from any lot in a residence district and further provided the hours of operation shall be limited to the hours between daylight and 9:00 p.m.
  5. Libraries, municipally owned and operated.
  6. Parks and playgrounds.
  7. Schools: elementary, junior high or high.
  8. Accessory uses, including but not limited to the following:
    - a. Athletic fields and playfields, noncommercial, including stadiums or grandstands.
    - b. Dwelling units and lodging rooms in detached buildings for persons regularly employed on the premises and their immediate families.
    - c. Home occupations.
    - d. Professional offices in homes.
    - e. (R. by Ord. 5831, 5-6-77)
    - f. Temporary buildings for storage of building materials and equipment and construction purposes when on the same or adjoining lot as a principal use for a period not to exceed the duration of such construction.
    - g. Temporary real estate offices for purposes of conducting sale of property in the tract where such temporary office is located for a period not to exceed two (2) years from the date of start of construction or one (1) year after the initial occupancy of an improvement, whichever is lesser.
    - h. Handicapped person's home occupation; provided, however, that the benefit of such use shall never accrue to other than a handicapped person or become a nonconforming use for the benefit of anyone who is not a handicapped person. (Cr. by Ord. 4887, 2-7-75)
  9. Convents and monasteries, provided that the total site area shall be not less than one and one-half (1 1/2) acres, and further provided that the site may consist of more than one zoning lot where separated only by a public right-of-way from a hospital, school or college under the same ownership and control.



## Sec. 28.08(2)(b)10.

## ZONING CODE

## APPENDIX G (Continued)

10. Educational, recreational, and offices used as follows, provided such uses are located in school buildings or buildings owned by or under the jurisdiction of the Madison Metropolitan School District or the City of Madison and further provided the Director of the Real Estate Development Unit shall first receive a written report and recommendations from the City Department of Transportation regarding the traffic and parking impact with recommendations for either resolving adverse impacts prior to occupancy or not allowing such occupancy:
  - a. Nursery schools or day care centers.
  - b. Elementary and secondary schools.
  - c. Business or trade schools.
  - d. Colleges and universities.
  - e. Other public educational facilities.
  - f. Music, dance, gymnastics, physical education, body building, and physical fitness schools. (Am. by Ord. 7975, 3-25-83)
  - g. Recreational buildings and community centers, nonprofit.
  - h. Offices for State, County, City, Village, Town or other taxing municipality.
  - i. Offices for health, medical, welfare and other institutions or organizations qualifying as nonprofit under the laws of the State of Wisconsin.
- (Sec. 28.08(2)(b)10. Am. by Ord. 8081, 7-29-83)
11. Community living arrangements for not more than eight (8) persons being served by the program provided:
  - a. That the loss of any state license or permit by a community living arrangement be an automatic revocation of that facility's use permit.
  - b. That the applicant disclose in writing the capacity of the community living arrangement.
  - c. That no other community living arrangement is within two thousand five hundred (2,500) feet of the site of the proposed facility. (Am. by Ord. 7224, 1-29-81)
  - d. That the total capacity of all community living arrangements in an aldermanic district has not and will not by the inclusion of a new community living arrangement exceed twenty-five (25) persons or one percent (1%) of the population, whichever is greater, of such district.
12. Each resident family may lease to a person residing within five hundred (500) feet, any enclosed parking spaces or one open off-street parking space subject to the following provisions:
  - a. That adequate usable open space is provided for any residential use located on the same zoning lot.
  - b. That occupants of the principal use on that zoning lot have first right of refusal.
  - c. That all new parking facilities comply with City standards as to design, paving and screening.
  - d. That a certificate of occupancy be issued by the office of the Director of the Inspection Unit prior to commencing such use. (Am. by Ord. 8081, 7-29-83)
  - e. Tenants renting out a parking stall shall provide the owner and manager details of the rental arrangement.
13. Nursery schools, located in buildings under the jurisdiction of the Madison Metropolitan School District. (Cr. by Ord. 6112, 1-26-78)

APPENDIX G (Continued)

ZONING CODE

Sec. 28.08(2)(b)14.

14. Family Day Care Home provided:
  - a. That the loss of any state license or permit by a family day care home be an automatic revocation of that facility's use permit.
  - b. That the facility pass the inspections of the Director of the Inspection Unit and the Fire Prevention Bureau. (Am. by Ord. 8081, 7-29-83)
15. Adult family day care home, provided that the facility pass the inspection of the Director of the Inspection Unit and the Fire Prevention Division. (Cr. by Ord. 8081, 7-29-83)
- (c) Conditional Uses. The following conditional uses may be allowed in the R1 District subject to the provisions of Section 28.12(10).
  1. Automobile parking lots, open and accessory to a nonresidential use and solely for the use of employees and patrons of the use to which it is accessory, provided further:
    - a. That such parking lot shall be used solely for the parking of passenger automobiles.
    - b. That such parking lot shall be closed between the hours of 10:00 p.m. and 7:00 a.m. except as otherwise authorized.
    - c. That such parking lot is located on a zoning lot:
      - i. That either abuts, or is separated only by an alley at one of its lot lines from, a commercial or manufacturing district; or
      - ii. On which the principal nonresidential use is a permitted use; or
      - iii. That is directly across a street from a commercial or manufacturing district, except that where such street is a "heavy traffic route" such parking facility shall not be approved unless a separated pedestrian crossing or walk signals provide for pedestrian crossing.
    - d. That each entrance and exit to and from such parking lot shall be at least twenty (20) feet distant from any adjacent property located in any residence district, except when ingress and egress to and from the parking lot is provided from a public alley or public street separating such residence areas from the parking lot.
  2. Cemeteries, including mausoleums, crematoriums and columbariums in conjunction therewith, provided such accessory buildings shall be located not less than three hundred (300) feet from any lot line.
  3. Colleges and universities, provided that the zoning lot shall be not less than forty (40) acres.
  4. Nursery schools, which are to be annually inspected by the Director of the Inspection Unit and the Fire Prevention Bureau. (Am. by Ord. 8081, 7-29-83)

APPENDIX G (Continued)

Sec. 28.08(2)(c)5.

ZONING CODE

5. Parking facilities, accessory and located outside of the central area, subject to the applicable provisions of Section 28.11:
  - a. Accessory off-street parking facilities for a residential building where the proposed total number of spaces will exceed that required by this ordinance for such use or for an equivalent new use by more than fifty percent (50%) or four (4) spaces, whichever number is greater.
  - b. Accessory off-street parking facilities for any building, other than a residential building, where the proposed total number of spaces will exceed that required by this ordinance for such use or for an equivalent new use by more than one hundred percent (100%) or fifteen (15) spaces, whichever number is greater.
6. Parking facilities, accessory and located within the central area, where the number of parking spaces in such facilities exceeds the requirement set forth in Section 28.11(3)(b) for similar uses.
7. Planned residential developments-dwellings, provided that the zoning lot shall be not less than forty (40) acres.
8. Private swimming and tennis clubs, outdoor and not operated for profit, and for the exclusive use of members and their guests, provided:
  - a. That no intoxicating beverages shall be served or consumed on the premises;
  - b. That no dining facilities, other than facilities for light refreshment located within a building, shall be provided on the premises;
  - c. That swimming and tennis facilities shall not be opened for use prior to 8:00 a.m. and after 10:00 p.m.;
  - d. That clubhouses and maintenance buildings shall be located not less than one hundred (100) feet from any lot in a residence district;
  - e. That the grounds shall be adequately landscaped, and effectively screened to shield adjoining lots from lights, or unreasonable noise in connection with the use of the pool or tennis facilities; and
  - f. That not less than two-thirds (2/3) of the specified number of members shall be residents or owners of property within the block, subdivision or neighborhood wherein the pool or tennis facility is located.
9. Public utility and public service uses as follows:
  - a. Electric substations.
  - b. Gas regulator stations, mixing stations and gate stations.
  - c. Railroad rights-of-way, including rights-of-way for switch, spur or team tracks, but not including railroad yards and shops, or freight and service buildings. (Am. by Ord. 8275, 3-5-84)
  - d. Sewerage system lift stations.
  - e. Telephone exchanges, microwave relay towers and telephone transmission equipment buildings.
  - f. Water pumping stations, and water reservoirs.
10. Offices, business and professional, provided such uses are located in school buildings or buildings owned by or under the jurisdiction of the Madison Metropolitan School District or the City of Madison. (Am. by Ord. 6207, 3-29-78)
11. Accessory greenhouse and swimming pool roofs or domes which infringe on required usable open space. (Cr. by Ord. 4817, 12-24-74)

## ZONING CODE

Sec. 28.08(2)(c)12.

## APPENDIX G (Continued)

12. Rental of off-street parking facilities which are accessory to a nonresidential use to persons not using the principal use subject to the following provisions:
    - a. That the parking facilities conform to the parking facility regulations in Chapter 28 and Chapter 10 of the Madison General Ordinances.
    - b. That a certificate of occupancy be issued by the office of the Director of the Inspection Unit prior to commencing such use. (Am. by Ord. 8081, 7-29-83)
  13. Parking lots, open, nonaccessory and publicly or privately owned and operated for the parking of private passenger automobiles only subject to the applicable provisions of Section 28.11 provided that such site was paved as of January 1, 1977, or owned by the Parking Utility as of January 1, 1977, and that no principal building is located on said zoning lot. (Cr. by Ord. 5948, 8-15-77)
  14. Community living arrangements, except those which are permitted under Section 28.08(2)(b)11, provided:
    - a. That the loss of any state license or permit by a community living arrangement be an automatic revocation of that facility's use permit.
    - b. That any use permit issued pursuant to this paragraph shall not be transferrable to another location or another holder.
    - c. That the applicant disclose in writing the capacity of the community living arrangement. (Sec. 28.08(2)(c)14. Cr. by Ord. 5903, 7-7-77)
  15. Dependency living arrangement, provided:
    - a. That any use permit issued under this paragraph shall not be transferrable to another holder or occupant.
    - b. That upon termination of the specific occupancy approved by the Plan Commission, all second kitchen facilities installed for this use shall be dismantled and removed from the premises.
    - c. That the letter of approval issued by the Plan Commission be recorded in the Register of Deeds Office. (Sec. 28.08(2)(c)15. Cr. by Ord. 6254, 5-18-78)
  16. Solar heat collection apparatus that:
    - a. In rear yards, are not a permitted obstruction pursuant to Sec. 28.04(6)(e)3.1.;
    - b. In side yards, are not a permitted obstruction pursuant to Sec. 28.04(6)(e)4.e.; or
    - c. In front yards, are not a permitted obstruction pursuant to Sec. 28.04(6)(e)2.e. (Sec. 28.08(2)(c)16. Cr. by Ord. 7468, 7-30-81)
  17. Adult day care facility provided:
    - a. That any use permit issued under this paragraph shall not be transferable to another location or another holder.
    - b. That the facility pass the inspection of the Director of the Inspection Unit and the Fire Prevention Division. (Sec. 28.08(2)(c)17. Am. by Ord. 8081, 7-29-83)
  18. Accessory buildings which exceed four (4) automobile stalls or 800 square feet. (Cr. by Ord. 8172, 12-15-83)
- (d) Lot Area And Lot Width Requirements. In the R1 district, there shall be provided a lot area of not less than eight thousand (8,000) square feet and a lot width of not less than sixty-five (65) feet.

## APPENDIX G (Continued)

## ZONING CODE

## Sec. 28.08(2)(e)

- (e) Height Regulations. In the R1 district, no building or structure shall exceed two and one-half (2 1/2) stories nor thirty-five (35) feet in height except that one (1) family dwellings in which no roomers will be housed, which were constructed prior to April 1, 1975, may be altered to permit occupancy of attic areas provided the area is made to comply with all code requirements and in addition a second exit shall be provided from the third level, by either an interior stairway to the second floor or an exterior stairway to within ten (10) feet of the ground, except that; in lieu of the second exit, an automatic combustion products detection system with detectors on each level connected to an alarm bell or horn which is audible throughout the building may be installed and maintained.

Any roof alterations, resulting in an increased building volume, to provide additional windows, headroom or area are not permitted unless approved as a variance by the Zoning Board of Appeals.

(Am. by Ord. 7182, 12-29-80)

- (f) Yard Requirements. In the R1 district, front, side and rear yards shall be provided, each of which shall not be less than the following:

1. Front yard--thirty (30) feet.

2. Side Yards.

- a. One story buildings--a least side yard of six (6) feet and a combined total of both side yards of fourteen (14) feet.  
b. Two story buildings--a least side yard of seven (7) feet and a combined total of both side yards of eighteen (18) feet.

c. For each foot by which the side wall of a building exceeds forty (40) feet (as projected at right angles to the side lot line), the required side yard on that side shall be increased by two (2) inches. For the purposes of this calculation, only that portion of the side wall within eighteen (18) feet of the side lot line shall be included. Such increased width shall apply to the entire length of that side yard.

d. Reversed corner lot--fifteen (15) feet for side yard adjoining street.

3. Rear yard--forty (40) feet. A one story projection for garage purposes only may project thirty percent (30%) of the least depth into a required rear yard, provided the balance of the rear yard shall remain unoccupied and unobstructed from the ground upward.

- (g) Usable Open Space Requirements. In the R1 district, there shall be provided a usable open space of not less than one thousand three hundred (1,300) square feet per dwelling unit.

(h) (R. by Ord. 5831, 5-6-77)

(3) R2 Single-Family Residence District.

- (a) Statement Of Purpose. The R2 single-family residence district is established to stabilize and protect the essential characteristics of certain low density residential areas normally located in the outlying as well as some inlying urban parts of the City, and to promote and encourage a suitable environment for family life where

