



PREPARED FOR THE PLAN COMMISSION

Project Address: 820 S. Park St. (Aldermanic District 13 – Ald. Eskrich)
Application Type: Final Plat
Legistar File ID # [42144](#)
Prepared By: Jessica Vaughn, AICP, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant & Property Owner: Jacob Klein, JT Klein Company, Inc., 906 Bear Claw Way, Madison, WI 53717

Surveyor: Michelle Burse, Burse Engineering, Inc., 2801 International Lane, Suite 101, Madison, WI 53704

Requested Actions: Approval of a final plat to create a total of six lots (roughly 1.43 acres) at 820 S. Park Street; five lots intended for single-family development and one lot intended for mixed-use development.

Proposal Summary: The applicant is requesting approval of the final plat of “8Twenty Park”, which will consist of five street-loaded single-family lots along S. Brooks Street measuring roughly 4,000 square feet each and one, larger lot for a mixed-use development along S. Park Street (one-acre). Implementation of the subdivision will begin in 2016 following approval and recording of a final plat, with completion of subdivision improvements based on market demand for the proposed residential lots.

Applicable Regulations & Standards: The subdivision process is outlined in Section 16.23(5)(b) of the Subdivision Regulations.

Review Required By: Plan Commission and Common Council.

Review Schedule: The State’s subdivision statute, Wis. Stats. 236, requires that a final plat that conforms substantially to the approved preliminary plat be approved, conditionally approved, or rejected (with stated reasons) within 60 days of submittal unless the time is extended by agreement with the applicant. If no action is taken within 60 days and no extension granted, the plat is deemed approved. The final plat application was submitted to the City on March 9, 2016. Therefore, the 60-day review period for this plat will end circa May 8, 2016.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward the final plat of “8Twenty Park” located at 820 S. Park St. to the Common Council with a recommendation of **approval** subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

Background Information

Parcel Location: The subject property is nearly the entire block bounded by S. Park Street, Haywood Drive, S. Brooks Street, and Delaplaine Court, excluding the parcel at the northwest corner of Haywood Drive and S. Park Street. The site is within Aldermanic District 13 and within the limits of the Madison metropolitan School District. In addition, the eastern-most portion of the site, closest to S. Park Street, is within Urban Design District No. 7 and TIF District No. 42-Wingra.

Existing Conditions and Land Use: Today, the roughly 1.43-acre subject property is home to ten single-family homes located along S. Brooks Street, Delaplaine Court, and Haywood Drive. The existing residential development comprises 1.1 acres, or 75% of the total site. On the remainder of the subject site (0.4-acres), located at the corner of S. Park Street and Delaplaine Court is a vacant one-story commercial building and associated surface parking.

Surrounding Land Use and Zoning:

Northwest: St. Mary’s Hospital, Planned Development (PD) zoning district.

Northeast: Across S. Park Street, a two-story mixed-use building, PD zoning district, and a small commercial building and two single-family homes, Traditional Shopping Street (TSS) zoning district.

Southeast: Automobile repair facility, TSS zoning district. Across Haywood Drive to the southeast, 8-unit and 4-unit residential buildings, Traditional Residential-Varied 2 (TR-V2) zoning district, and a 2-unit residential building and restaurant with associated surface parking, TSS zoning district.

Southwest: Across S. Brooks Street, single- and two-family homes, Traditional Residential-Varied 1 (TR-V1) zoning district.

Adopted Land Use Plan: The Comprehensive Plan and Greenbush Neighborhood Plan both recommend Community Mixed-Use for the S. Park Street frontage on the portion of this site zoned TSS, and Low Density Residential uses for the remainder of the site zoned TR-C3. A Revitalization Strategy, which was adopted in 2010 as a supplement to the Greenbush and Vilas Neighborhood Plans, recommends encouraging and supporting owner-occupied housing opportunities in this area by facilitating single-family and duplex reversions and conversions; and to reinforce the character of the area with a Neighborhood Conservation District.

Zoning Summary: The subject property is within the Traditional Shopping Street (TSS) zoning district and the Traditional Residential-Consistent 3 (TR-C3) zoning district. A detailed zoning summary table is provided below as prepared by Jenny Kirchgatter, Assistant Zoning Administrator.

TSS Zoning District		
Requirements	Required	Proposed
Front Yard Setback	25’ maximum	TBD
Side Yard Setback: Where buildings abut residentially zoned lots at side lot line.	Minimum side yard required in the adjacent residential district: 5’	TBD
Side Yard Setback: Where proposed buildings or abutting buildings have window openings in side wall(s) within 6 feet of lot line.	One-story: 5’ Two-story or higher: 6’	TBD
Rear Yard Setback	The lesser of 20% of lot depth or 20’	TBD
Usable Open Space	40 sq. ft. per d. u.	TBD
Maximum Lot Coverage	85%	TBD
Maximum Building Height	3 stories/ 40’	TBD

TR-C3 Zoning District		
Requirements	Required: Single-Family Detached	Proposed
Lot Area (sq. ft.)	3,000 sq. ft.	3,601 sq. ft.
Lot Width	30'	39.98'
Front Yard Setback	15'	TBD
Max. Front Yard Setback	30 ft. or up to 20% greater than block average	TBD
Side Yard Setback	5' Lot width <50': 10% lot width (a)	TBD
Reverse Corner Side Yard Setback	8' (10' for garage)	TBD
Rear Yard Setback	20' Alley-accessed: 2' See (b) below	TBD
Usable Open Space	500 sq. ft.	TBD
Maximum Lot Coverage	75%	TBD
Maximum Building Height	2 stories/ 35'	TBD
Other Critical Zoning Items		
Urban Design	Yes, UDD No. 7	
Utility Easements	Yes	

- a) Side Yard Setback. Lots with residential buildings that are existing on the effective date of this ordinance and have a lot width less than fifty (50) feet shall have a minimum side yard setback of ten percent (10%) of the lot width.
- b) Rear Yard Setback. Only a one-story, alley-accessed attached garage projection for garage purposes may have a minimum rear yard setback of two (2) feet.
- c) The Zoning Board of Appeals has approved a side yard variance for the existing residence at 831 S Brooks St (Lot 2).

Environmental Corridor Status: The subject site is not located in a mapped environmental corridor.

Public Utilities and Services: This property is served by a full range of urban services, including Metro Transit Routes running along S. Park Street.

Previous Approvals

On December 7, 2015, the Plan Commission approved the demolition and conditional use, and recommended that the Council approve the requested rezoning and plat (see Legislative Item No.s [40408](#), [40410](#) and [40663](#)).

On January 13, 2016, the Urban Design Commission granted *final approval* for the proposal (see Legislative Item No. [40093](#)).

On January 19, 2016, the Common Council *conditionally approved* the preliminary plat and rezoning (see Legislative Item No.s [40410](#) and [40663](#) respectively).

Project Description, Analysis & Conclusion

The applicant proposes to replat the 1.43-acre site, currently twelve lots, into six lots, five of which are intended for single-family residential development and one lot (the remaining acre) that is intended for mixed-use development.

Included in the replat are two dedications, including one for right-of-way along S. Park Street and an easement along Delaplaine Court. Along S. Park Street, a three-foot strip of land is being dedicated to the public as right-of-way to accommodate the widening of the sidewalk. Along Delaplaine Court, a six-foot wide easement and right-of-way dedication, along lots 5 and 6 respectively, for the construction of a new five-foot wide sidewalk is also being made. The proposed dedications will improve the pedestrian infrastructure in the area, with a widening of the sidewalk to eight feet along S. Park Street, and the dedication of a new five-foot sidewalk along Delaplaine Court.

Staff believes that the final plat of "8Twenty Park" conforms substantially to the preliminary plat as conditionally approved.

Recommendation

Planning Division Recommendation (Contact Jessica Vaughn, 267-8733)

The Planning Division recommends that the Plan Commission forward the final plat of 8Twenty Park subdivision located at 820 S. Park St. to the Common Council with a recommendation of **approval** subject to input at the public hearing and the following conditions:

Recommended Conditions of Approval Major/Non-Standard Conditions are Shaded

The following conditions of approval have been submitted by reviewing agencies:

City Engineering Division (Contact Timothy Troester, City Engineering Division, 267-1995)

1. Public Sanitary Sewer exists near the property line along both Haywood Drive and Park Street. If the redevelopment requires deep excavation at the lot line, the Developer shall be required to implement measures to secure the adjacent sewer mains.
2. All outstanding Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering sign-off (Section 16.23(9)(d)(4), MGO).
3. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing sanitary sewer lateral that serves a building which is proposed for demolition. For each lateral to be plugged the owner shall complete a sewer lateral plugging application and pay the applicable permit fees. NOTE: As of January 1, 2013, new plugging procedures and permit fees go into effect. The new procedures and revised fee schedule is available on line at <http://www.cityofmadison.com/engineering/permits.cfm> (Ch. 35.02(14), MGO).
4. The construction of this project will require that the Applicant shall enter into a City/Developer Agreement for the required infrastructure improvements. The Applicant shall contact City Engineering to schedule the development of the plans and the agreement. The City Engineer will not sign-off on this project without the agreement executed by the developer. Obtaining a developer's agreement generally takes approximately 4-6 weeks, minimum (Section 16.23(9)(c), MGO).

5. A minimum of two (2) working days prior to requesting City Engineering sign-off on the plat, the Applicant shall contact either Tim Troester at 261-1995 (ttroester@cityofmadison.com) or Brenda Stanley at 608 -261-9127 (bstanley@cityofmadison.com) to obtain the final stormwater utility charges that are due and payable prior to subdivision of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service. All charges shall be cleared prior to the land division (and subsequent obsolesces of the existing parcel) (POLICY).
6. The following note shall be added to the certified survey map: "*All lots created by this certified survey map are individually responsible for compliance with Chapter 37 of the Madison General Ordinances in regard to stormwater management at the time they develop.*"
7. This approval does not include the approval of the changes to roadways, sidewalks or utilities. The Applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right-of-way, including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer (Section 16.23(9)(d)(6), MGO).
8. The Applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The Applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right-of-way. The Applicant shall provide the City Engineer the proposed grade of the building entrances. The City Engineer shall approve the grade of the entrances prior to signing off on this development (POLICY).
9. The Applicant shall replace all sidewalk and curb and gutter which abuts the property that is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction (POLICY).
10. All work in the public right-of-way shall be performed by a City licensed contractor (sections 16.23(9)(c)(5) and 23.01, MGO).
11. The Applicant shall install public sidewalk along Delaplaine Court.

City Engineering Review Mapping (Contact Jeff Quamme, 266-4097)

12. The Applicant shall coordinate with Madison Gas and Electric to release the underground electric easement per Doc. 3994744 that lies within the six-foot strip of land to be dedicated adjacent to and for Delaplaine Court right- of-way. If accomplished prior to final sign-off, the references to the easement shall be removed from the plat.
13. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The Developer's Surveyor and/or Applicant must submit copies of required tie sheets or monument condition reports for all monuments, including center of sections of record, used in this survey, to Jeff Quamme, City Engineering (jrquamme@cityofmadison.com). If a new tie sheet is not required under A-E 7.08, Engineering requests a copy of the latest tie sheet on record with Dane County Surveyor's office and shall be attached to a signed and sealed monument condition report. The Applicant shall identify monument types on all PLS corners included on the Plat or CSM. Note: Land tie to two PLS corners required.

14. The plat requires a new Public sidewalk easement to be granted on the face of the land division. Contact Jeff Quamme, City Engineering (jrquamme@cityofmadison.com) to receive the appropriate easement terms/conditions language for inclusion on this Plat.
15. The Applicant shall coordinate and request from the utility companies serving this area the easements required to serve this development. Those easements shall be properly shown, dimensioned and labeled on the final plat.
16. The Applicant shall submit to Jeff Quamme, prior to Engineering sign-off of the subject plat, one (1) digital CADD drawing and one (1) signed copy of the final plat to the Mapping/GIS Section of the Engineering Division either as hard copy or Adobe pdf format. The digital CADD file shall be submitted in the WISDO County Coordinate System, Dane County Zone datum in either Auto CAD Version compatible with MicroStation Version V8i, MicroStation Version V8i or older or Universal DXF Formats. The digital CADD file(s) shall contain the minimum of the items stated below, each on a separate layer name/level number. All line work shall be void of gaps and overlaps that would cause any parcel, street or easement to not properly close. All line work orientation and geometrics shall match the dimensioning as labeled on the final recorded plat:
 - a. Right-of-Way lines (public and private)
 - b. Lot lines
 - c. Lot numbers
 - d. Lot/Plat dimensions
 - e. Street names
 - f. Easement lines (i.e. street, sanitary, storm (including wetland & floodplain boundaries) water, pedestrian/bike/walkway, or any public and/or private interest easement except local service for Cable TV, gas, electric and fiber optics).

NOTE: This Transmittal is a separate requirement from the required Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat, electronic data and a written notification to Engineering Mapping for any changes to the plat which occur subsequent to any original submittal of data and prior to final sign-off.

17. Prior to Engineering final sign-off by main office for Plats or Certified Survey Maps (CSM), the final plat must be submitted to Engineering Division Surveyor / Land Records Coordinator for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off. Electronic mail submittal of the FINAL Plat or CSM in PDF form is preferred. Transmit to Jeff Quamme, City Engineering (jrquamme@cityofmadison.com).
18. This pending final plat application shall be completed and recorded with the Dane County Register of Deeds (ROD) prior to issuance of any building permits for new construction. When the recorded plat image is available from the ROD, the Assessor's Office can then create the new Address-Parcel-Owner (APO) data in GEO so that the Accela system can upload this data and permit issuance made available for this new land record.
19. Label all buildings to be demolished and moved on the plat.

20. The following notes shall be included on the final plat (sections 16.23(9)(d)(2)(a) and (b), MGO):

- a. *All lots within this plat are subject to public easements for drainage purposes which shall be a minimum of 6-feet in width measured from the property line to the interior of each lot except that the easements shall be 12-feet in width on the perimeter of the plat. For purposes of two (2) or more lots combined for a single development site, or where two (2) or more lots have a shared driveway agreement, the public easement for drainage purposes shall be a minimum of six (6) feet in width and shall be measured only from the exterior property lines of the combined lots that create a single development site, or have a shared driveway agreement, except that the easement shall be twelve (12) feet in width along the perimeter of the plat. Easements shall not be required on property lines shared with greenways or public streets. No buildings, driveways, or retaining walls shall be placed in any easement for drainage purposes, without the approval of the City Engineer at the time of site plan review. Fences may be placed in the easement only if they do not impede the anticipated flow of water. NOTE: IN THE EVENT OF A CITY OF MADISON PLAN COMMISSION AND/OR COMMON COUNCIL APPROVED REDIVISION OF A PREVIOUSLY SUBDIVIDED PROPERTY, THE UNDERLYING PUBLIC EASEMENTS FOR DRAINAGE PURPOSES ARE RELEASED AND REPLACED BY THOSE REQUIRED AND CREATED BY THE CURRENT APPROVED SUBDIVISION.*
- b. *The intra-block drainage easements shall be graded with the construction of each principle structure in accordance with the approved storm water drainage plan on file with the City Engineer and the Zoning Administrator, as amended in accordance with the Madison General Ordinances. Information to Surveyor's: In addition to notes such as this, WI State Plat Review now enforces the requirement that easements or other reference lines/areas be graphically shown, dimensioned and tied when they represent fixed locations. They will accept a "typical detail" when the easement or restriction can be effectively described and retraced from the typical detail.*

21. Provide recorded as distance of 204.1 along the southwest side of the plat. Provide recorded as bearing and distance along the southeast side of the plat. Provide a recorded as bearing of N 30 degrees 37' W along the northeast side of the plat.

22. Identify and label the coordinates (recorded coordinates if different from record) for the true corner position of the West Quarter corner of Section 26-07-09.

23. All lands shall be vested in 8TWENTY PARK LLC prior to final sign-off to be consistent with the Owner's Certificate provided on the plat. Also, an updated title report will be required prior to final sign-off.

24. The Encroachment Agreement per Doc. No. 2450644, upon common ownership of all lands within this plat, will be terminated by merger of title. Applicant shall remove the note on the plat referencing this agreement upon all title within the plat being vested in 8TWENTY PARK LLC.

25. The Applicant should consider removing the current references to Deed Document Numbers under the DESCRIPTIONS FURNISHED on sheet 2. Most of these document numbers will not be the most recent vesting deeds just prior to the recording of the plat. Also the descriptions of lots 6 and 8 included in this plat are missing from the notes.

26. Add Delaplaine Court and S. Park Street to the areas to be dedicated for roadway purposes. Also provide a thicker line along all new dedicated right-of-ways.

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

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

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

27. Submit complete site plans for the five (5) proposed single-family lots showing compliance with the requirements of the TR-C3 zoning district. Site plans shall be submitted for the two (2) existing residences that will remain on Lots 1 and 2 and for the placement of the three (3) houses to be relocated to Lots 3, 4, and 5.
28. The Zoning Board of Appeals has approved a side yard variance for the existing residence at 831 S Brooks St (Lot 2).

Fire Department (Contact Bill Sullivan, 261-9658)

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

Water Utility (Contact Dennis Cawley, 261-9243)

29. All operating private wells shall be identified and permitted by the Water Utility in accordance with Section 13.21, MGO.
30. All unused private wells shall be abandoned in accordance with Section 13.21, MGO.

Metro Transit (Contact Tim Sobota, 261-4289)

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

Parks Division (Contact Janet Schmidt, 261-9688)

31. Park impact fees (comprised of the Park Development Impact Fee per Section 20.08(2), MGO, and the Parkland Impact Fee in-lieu of land dedication per sections 16.23(8)(f) and 20.08(6), MGO) will be required for all new residential development. The developer must select a method for payment of park fees before sign-off of the rezoning request. This development is within the Olin Turville Impact fee district (SI28). Please reference ID# 15159 when contacting Parks about this project.

32. The Developer shall put the following note on the face of the subdivision plat/CSM or development plans:

LOTS/BUILDINGS WITHIN THIS SUBDIVISION/DEVELOPMENT ARE SUBJECT TO IMPACT FEES THAT ARE DUE AND PAYABLE AT THE TIME OF BUILDING PERMIT(S) ARE ISSUED.

33. The Parks Division will be required to sign-off on the final plat prior to the issuance of building permits for the development.

Office of Real Estate Services (Jennifer Frese, 267-8719)

34. Prior to approval sign-off, the Owner's Certificate(s) on the final plat shall be executed by all parties having an interest in the property, pursuant to Wis. Stats. 236.21(2)(a). Corporate signatories shall provide documentation that proves legal authority to sign the Owner's Certificate.
35. If ownership changes are anticipated prior to plat approval sign-off, these changes shall be evident when the title report update is prepared. Owner's Certificates shall be consistent with the ownership reported in the title report update.
36. The executed original hard stock recordable plat shall be presented at the time of sign-off.
37. A certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate(s) and executed prior to plat approval sign-off.
38. If mortgages of record are paid off prior to plat approval, a copy of the recorded satisfaction for said mortgage shall be provided prior to sign-off.
39. If any new mortgages are secured for the lands within the plat boundary prior to plat approval sign-off, they shall be evident when the title report update is prepared.
40. A Consent of Lessee Certificate shall be executed for any tenant interest, recorded or unrecorded, in excess of one year.
41. Revise the City of Madison Treasurer Certificate to include the name of the Treasurer, David Gawenda.
42. Revise the County Treasurer's Certificate to include the name of the Treasurer, David Gawenda.
43. An Environmental Site Assessment is required for the areas being dedicated to the public.
44. The lands within the plat boundary are partially located within TID 42, a Tax Incremental Financing District. Discussions with Joe Gromacki, the City of Madison's tax increment financing coordinator, may be necessary before moving forward with a Final Plat if a TIF application is anticipated. Mr. Gromacki can be reached at 608-267-8724 or jgromacki@cityofmadison.com.
45. As of April 11, 2016, some of the tax parcels within the plat boundary have real estate taxes owed prior to plat approval sign-off. Pursuant to Wis. Stats. 236.21(3) and Section 16.23(5)(g)(1), MGO, property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to Plat recording. This includes property tax bills for the prior year that are distributed at the beginning of the year. Receipts are to be provided prior to plat approval sign-off. Checks are made payable to:

City of Madison Treasurer
210 Martin Luther King, Jr. Blvd.
Madison, WI 53701

46. As of April 11, 2016, there are no special assessments owed for the parcels within the plat boundary. If special assessments are levied against the subject property prior to plat approval sign-off, they shall be paid in full pursuant to Section 16.23(5)(e)(1), MGO, and Wis. Stats. 236.21(3).

47. Pursuant to Section 16.23(5)(g)(4), MGO, the owner shall furnish to the City's Office of Real Estate Services, as well as the surveyor preparing the plat, an updated title report covering the period between the date of the initial title report (2-29-16) and the date when sign-off approval is requested. The surveyor shall update the plat with the most recent information available in the title report update.