

CITY OF MADISON
INTER-DEPARTMENTAL
CORRESPONDENCE

DATE: October 9, 2006

TO: Plan Commission

FROM: Bradley J. Murphy, Director, Planning Unit

SUBJECT: **Planned Residential Development, 2 Greenside Circle**

On September 18, 2006, the Plan Commission referred consideration of a planned residential development conditional use for 164 condominium units to be located on Lot 117 of the Hawks Landing Golf Club Subdivision. The site contains the 13.1-acres and was zoned R4 (General Residence District) at the time the subdivision was initially approved in 2000. The referral was requested by the Commission to allow the applicant and staff to consider a possible street connection from Greenside Circle through this project to the Linden Park subdivision to the north. Such a street connection would be a public street and would require the further subdivision of this property and dedication to the City following Common Council approval of the right-of-way.

The Midtown Road Neighborhood Development Plan does not show any north-south street connections between Greenside Circle and the northern edge of the Hawks Landing subdivision, and the platting of the Linden Park subdivision to the north did not anticipate any connections to the subject site. The residences along Greenside Circle bought their properties with the understanding that there would not be a street connection into that cul-de-sac, and the Commission heard testimony from concerned property owners along Greenside Circle about the proposed development's lone driveway and their desire to limit vehicular traffic on that street. Early in discussions between the developer and Planning staff the possibility of another street connection was briefly discussed and rejected by staff and the developer because the land was already platted and zoned without the street and because of these existing residents on the street.

Following the Commission meeting, staff conferred with the City Attorney's Office regarding the Plan Commission's request to explore the possible public street connection. It was determined that the Commission does not have the ability to require such a subdivision of property for the purposes requested by the Plan Commission as part of the consideration of a conditional use permit. Furthermore, the City's authority for exacting land is based in the subdivision ordinances. To do so in an ad hoc approval context subjects the determination to a very different analysis under takings law – one that is much less favorable to municipal action. The conditional use process is established to review specific development proposals for lands that are already zoned to accommodate the proposed use. The development proposal covers the entire zoning lot in question and is bordered by adjoining properties and public streets. The conditional use process requires the Plan Commission to grant a conditional use if it finds that all of the standards are met. The two standards which address circulation are as follows:

1. That adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit and other necessary site improvements have been or are being provided.

2. That measures have been or will be taken to provide adequate ingress and egress, including all off-site improvements so designed as to minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets.

These standards speak to the need to ensure that the property will have adequate road access, internal circulation, adequate ingress and egress, and adequate traffic flow both on-site and on the public streets. In reviewing the proposed development proposal, staff concluded that the standards for approval can be met. Adequate access is being provided to the property. While it can be argued that the ideal circulation system to serve this portion of the neighborhood was not provided for when the Midtown Road Neighborhood Development Plan was originally adopted, or when the preliminary and final subdivision plats and permanent zoning for this property were approved as part of the Hawk's Landing development, the conditional use standards do not require that the project comply with this ideal circulation system requirement. While one could easily argue that this and many other aspects of the Hawk's Landing development from a circulation, use mix, and layout perspective, are much less than ideal, the parcels of land created through the approval of a subdivision plat and the permanent zoning of these properties have established the basic rights to utilize the properties in conformance with the previous approvals.

The Planning Unit does not recommend that the Plan Commission pursue additional public street connections through this parcel to connect the Greenside Circle cul-de-sac with properties to the north in the Linden Park development. While it may be tempting to try to do so, we recommend that the Plan Commission allow this development proposal to move forward based on the previous development approvals that this Commission and the Common Council have granted to establish the public streets to serve this area. The time to have required dedication of additional lands for new public streets was when these properties were originally subdivided and when permanent zoning was applied. Given the houses that have been built within this neighborhood which have relied on these previous approvals, we believe that the time to require additional streets to connect to this cul-de-sac has passed.

In reviewing the proposed planned residential development against the conditional use standards, the Planning Unit found the project to be in conformance with those standards, including the provision for adequate access and circulation. Staff further believes that Lone Oak Lane, which will see the majority of vehicle trips to this site via the driveway opposite Eaglewood Drive, has sufficient capacity to serve this project as well as the Hawks Landing and Linden Park subdivisions it abuts. The driveway to Greenside Circle should be maintained to provide this moderately dense development with a secondary means of access.

In closing, the Planning Unit renews its request that the Plan Commission find that this project meets the standards for conditional uses and planned residential developments and approve this project subject to the conditions contained in their materials.

Parks, Timothy

To: prkr2001@yahoo.com
Subject: RE: 2 Greenside Circle

From: Sarath Krishna [mailto:prkr2001@yahoo.com]
Sent: Friday, October 06, 2006 4:50 PM
To: Timothy Parks
Cc: fvtaransky@tds.net; robcat7171@mac.com; stewart@widen.com; rporter@pscpas.com; prkr2001@yahoo.com; trlovcik@tds.net
Subject: RE: 2 Greenside Circle

Mr. Parks,

Thank you for the detailed email. Both I and our neighbor had objected to the additional street onto Greenside Circle.

I have a toddler to whom this street poses a grave risk; the street is also in violation of ordinances pertaining to headlights shining into our homes.

My neighbor also has a son, who gets around in a wheel chair, we are extremely unhappy about this. It creates over 920 car drive by on a street that only had 20 such drive by.

There are multiple homes on Greenside Circle with small children.

We also objected to the water feature as it poses a threat to our health.

We strongly urge the planning department to rectify these 2 deficiencies. There is no civic reason to have a street opening into Greenside Circle; it is there merely to improve the builder's property value. The builder can just as easily have this bridge feature on the main entrance or even in the middle of his property.

Please let me know who I/we need to approach regarding this. We are tax payers in good standing and citizens of this great country that stands up for individual rights, we need the planning commission to go to bat for the little guys as always and rectify this monstrosity.

Warm Regards,

Sarath Krishna

Parks, Timothy

From: Cathy [robcat7171@mac.com]
Sent: Monday, October 09, 2006 2:26 PM
To: Parks, Timothy
Subject: 2 greenside cir

Dear Tim,

we are concerned about the driveway on the greenside cir street. We object to this happening. Please relook at any other traffic coming down greenside. As you said it is a large project. Why would you want a 1000 cars coming down a small dead end street. We bought our houses because this was a quiet dead end street. Please take our concerns into consideration at the next meeting.

there was never any restriction to driveways on the north side of Greenside

The key wording here is "driveways"... if there were indeed actual single home driveways, it wouldn't be a issue... what they are proposing is to develop new streets/throughways that turn Greenside into a Redtail/Lone Oak. Additionally, where there are speed deterrents built into the new developments own private drive network, there are no such features planned on Greenside, just one long straight speedway, not to mention the width of Greenside too narrow the increase of two way traffic.

It is imprudent and potentially unsafe in staff's opinion to have one access for a project of this size.

I suggest that they can provide multiple access points off of Red Tail/Lone Oak as well as access to Greenside for those condo residents actually residing on Greenside

Thank you
Cathy Seaton