



PREPARED FOR THE PLAN COMMISSION

Project Address: 1 and 9 Cherbourg Court
Application Type: Zoning Map Amendment, Preliminary Plat and Final Plat
Legistar File ID # [37328](#) and [37227](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant & Property Owner: Adam Helt-Baldwin, Habitat for Humanity of Dane County; 1014 Fielder Lane #29; Madison.

Surveyor: Michelle Burse, Burse Surveying & Engineering, Inc.; 2801 International Lane, Suite 101; Madison.

Requested Action: Approval of a request to rezone 1-9 Cherbourg Court from SR-V2 (Suburban Residential–Varied 2 District) to TR-C3 (Traditional Residential–Consistent 3 District), and; and approval of a preliminary plat and final plat creating 6 single-family lots.

Proposal Summary: The applicant is requesting approval of the “Delores Lillge Subdivision”, which calls for 6 TR-C3 zoned d single-family lots to be developed on undeveloped land. The applicant proposes to commence implementation in June 2015, with completion anticipated in September.

Applicable Regulations & Standards: Section 28.182 of the Zoning Code provides the process for zoning map amendments. 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 preliminary plat be approved, conditionally approved, or rejected (with stated reasons) within 90 days of submittal unless the time is extended by agreement with the applicant. If no action is taken within 90 days and no extension granted, the plat is deemed approved. The proposed preliminary plat application was submitted to the City on February 4, 2015. Therefore, the 90-day review period for this plat will end circa May 4, 2015.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022–00160, rezoning 1 and 9 Cherbourg Court from SR-V2 to TR-C3, and the preliminary and final plats of Delores Lillge Subdivision, to the Common Council with recommendations of **approval** subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

Background Information

Parcel Location: An approximately 1.1-acre (48,385 square-foot) parcel generally located at the southeastern corner of Cherbourg Court and Brittany Place; Aldermanic District 20 (Phair); Madison Metropolitan School District.

Existing Conditions and Land Use: Undeveloped land, zoned SR-V2 (Suburban Residential–Varied 2 District).

Surrounding Land Use and Zoning:

North: Two-family residences, zoned SR-C3 (Suburban Residential-Consistent 3 District); Our Redeemer Lutheran Church and School, zoned SR-C1 (Suburban Residential-Consistent 1 District);

South: Heather Downs Apartments, zoned SR-V2 (Suburban Residential-Varied 2 District);

East: Single- and two-family residences along Frisch Road, zoned SR-C1 and SR-C3;

West: Heather Downs Apartments, zoned SR-V2.

Adopted Land Use Plan: The Comprehensive Plan identifies the subject site and other properties to the south of Brittany Place and Cherbourg Court for Medium-Density Residential uses, while lands to the north and east of the site are recommended for Low-Density Residential uses. While development in districts recommended for Medium-Density Residential uses frequently consists of larger, attached residential building types at densities between 16-40 units per acre, single-family detached dwellings are identified as a recommended housing type in the medium-density district.

The subject site and surrounding area are also located within the boundaries of the Southwest Neighborhood Plan (2008), which provides a series of neighborhood reinvestment strategies for the area generally bounded by Mineral Point Road on the north, S. Gammon Road on the west, Raymond Road on the south and S. Whitney Way on the east. The Plan does not contain any specific recommendations for the subject site.

Zoning Summary: The following bulk requirements apply in TR-C3 (Traditional Residential-Consistent 3 District):

	Required	Proposed
Lot Area (sq. ft.)	3,000 sq. ft per lot	All proposed lots will exceed
Lot Width	30'	All proposed lots will exceed
Front yard setback	15	TBD at permitting
Side yard setback	5'	TBD at permitting
Rear yard	20'	TBD at permitting
Maximum lot coverage	50%	TBD at permitting
Maximum building height.	2 stories/35'	TBD at permitting
Usable open space (sq. ft. per unit)	500	TBD at permitting
Other Critical Zoning Items		
Yes:	Utility Easements (to be established with final plat)	
No:	Urban Design, Wellhead Protection, Floodplain, Landmarks, Waterfront Development, Adjacent to Parkland	
<i>Prepared by: Pat Anderson, Assistant Zoning Administrator</i>		

Environmental Corridor Status: The development site is not located in a mapped environmental corridor (see CARPC Map C11).

Public Utilities and Services: The site is served by a full range of urban services, including Metro Transit, which provides daily service one block to the west on McKenna Boulevard and south on Raymond Road.

Project Description

Habitat for Humanity of Dane County is requesting approval to rezone a 1.1-acre parcel from SR-V2 (Suburban Residential–Varied 2 District) to TR-C3 (Traditional Residential–Consistent 3 District) and approval of the “Delores Lillge Subdivision” to subdivide the property into 6 single-family lots. The undeveloped parcel is located one block north of Raymond Road and one block east of McKenna Boulevard on the east side of Brittany Place. Cherboung Court is a short existing cul-de-sac that extends east from Brittany where that streets curves from east-west to north-south. The site is bounded on the south and west by the Heather Downs Apartments and on the north and east by two-family residences. Our Redeemer Lutheran Church and School is located further north and west of the site at Brittany Place and McKenna Boulevard; a PDQ gas station, Fire Station 7 and the West Police District are located one block west of the site along McKenna.

Four of the proposed lots, Lots 1-4, will front onto Cherboung Court. Each lot will be 40 feet or greater in width and will range in depth from 150-200 feet based on the exterior contours of the site. Lot 5 will wrap the corner onto Brittany Place and contain approximately 60 feet of frontage along the western lot line and 70 feet of frontage along Cherboung Court. Lot 6 of the subdivision will be the smallest of the proposed lots, with 50 feet of frontage along Brittany and 5,364 square feet of lot area.

The site is characterized by a high point located along the Cherboung Court sidewalk that drops modestly to the south, with a total of 12 feet of grade change from north to south. As depicted on the preliminary plat, there is a line of trees extending east to west across the property. The applicant submitted a statement by a certified arborist that indicates most of the trees on the site are invasive or undesirable and should be removed, but that a few trees not located within the future building envelopes should be protected during construction. Many of those trees are likely located at the rear of proposed Lot 1.

Analysis & Conclusion

The subject site was originally platted as Lots 20 and 21 of the Heather Downs West subdivision in 1978 and was originally zoned R4 (General Residence District) under the 1966 Zoning Code. The site was remapped to the SR-V2 district upon adoption of the new Zoning Code. The SR-V2 zoning district allows single-family residences as permitted uses on 50-foot wide and 6,000 square-foot minimum lots. However, the applicant proposes to rezone the property to TR-C3 to more greatly utilize the site. The TR-C3 district requires a minimum of 30 feet of lot width and 3,000 square feet of lot area, and also allows a shallower minimum lot depth of 80 feet. The minimum lot depth in all residential zoning districts other than the TR-C3 and TR-P (Traditional Residential–Planned) districts per the Subdivision Regulations is 100 feet, including in the existing SR-V2 district. All of the lots will conform to the requirements of the proposed TR-C3 zoning district, including the 80-foot minimum depth needed to allow the creation of proposed Lot 5.

In reviewing the proposed Delores Lillge Subdivision, the Planning Division believes that the standards for zoning map amendments and subdivisions can be met. Staff feels that the 6 single-family lots proposed represents an appropriate infill development of the subject site, which has remained undeveloped since it was platted nearly 37 years ago. While development in districts recommended for Medium-Density Residential uses on the Comprehensive Plan such as the subject site frequently consist of larger, attached residential building types at densities up to 40 units per acre, single-family detached dwellings are identified as a recommended housing type in the medium-density district. In the case of the proposed 6-lot subdivision, staff feels that the addition of the single-family units along Brittany Place and Cherboung Court will add positively to the mix of housing types present in that area.

Recommendation

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

The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022–00160, rezoning 1 and 9 Cherbourg Court from SR-V2 to TR-C3, and the preliminary and final plats of Delores Lillge Subdivision, to the Common Council with recommendations of **approval** subject to input at the public hearing and the following conditions:

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

City Engineering Division (Contact Janet Schmidt, 261-9688)

1. Remove the 6-foot wide utility easement from the south side of the plat except for the east 6 feet. The easement was released by documents included in the title work. If an easement is needed to properly serve the lots, the plat shall grant the easement with proper notation and language.
2. Provide the conditions, restrictions and beneficiary of the Private Stormwater Management Easement areas on the plat. Conditions and restrictions may be provided in a separate document to be recorded immediately after plat recording. Any separate document shall be provided for review and comment prior to final sign off.
3. Each lot shall be required to have the following: 1) Stormwater management features controlling TSS, detention, and infiltration; 2) A lot corner and site grading plan submitted and approved by City Engineering prior to building permit issuance; and 3) A maintenance agreement recorded for the maintenance of the stormwater management features.
4. This plat will require a developer's agreement for the sewer and water lateral installation and for the infrastructure repairs necessitated to make the improvements to allow for this to expand from 2 lots to 6 lots.
5. Provide conceptual sanitary sewer layouts to determine how the homes will be served as the sewer located on Cherbourg Court will serve proposed Lots 1-3 and the terrain drops off towards the back of the lots. Some of the lots may need to be filled in order to serve homes the homes with gravity sewer.
6. All damage to pavement shall be restored in accordance with the City's Pavement Patching Criteria.
7. All work in the right of way shall be done by a licensed contractor.
8. The developer shall enter into a City/Developer agreement for the installation of public improvements required to serve this plat/ CSM. The developer shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The developer shall meet with the City Engineer to schedule preparation of the plans and the agreement. The City Engineer will not sign off on this plat without the agreement executed by the developer.
9. The following notes shall be included on the final plat:

- 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. Fences may be placed in the easement only if they do not impede the anticipated flow of water.
- 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.

NOTE: In the event of a City of Madison Plan Commission and/or Common Council approved re-division of a previously subdivided property, the underlying public easements for drainage purposes are released and replaced by those required and created by the current approved subdivision.

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.

10. A minimum of 2 working days prior to requesting City Engineering signoff on the plat, the applicant shall contact Janet Schmidt (261-9688) 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).
11. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat.
12. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Janet Schmidt (261-9688) to obtain the final MMSD billing a minimum of 2 working days prior to requesting City Engineering signoff.
13. Each unit of a duplex building shall be served by a separate and independent sanitary sewer lateral
14. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The Developer's Surveyor and/or Applicant must submit copies of required tie sheets or condition reports for all monuments, including center of sections of record, used in this survey, to Eric Pederson, City Engineering. If a new tie sheet is not required under A-E 7.08, Engineering requests a copy of the latest tie sheet on record with Dane County Surveyor's office. The Applicant shall identify monument types on all PLS corners included on the Plat. Note: Land tie to two PLS corners required.

15. In accordance with Section s.236.20(2)(c)&(f), Wisconsin Statutes, the applicant must show type, location and width of any and all easements. Clearly identify the difference between existing easements (cite Register of Deeds recording data) and easements which are being conveyed by the plat. Identify the owner and/or benefiting interest of all easements.
16. The applicant shall submit to Jeff Quamme, prior to Engineering sign-off of the subject plat, two (2) digital and one (1) hard copy of the final plat to the Mapping/GIS Section of the Engineering Division. The digital copies shall be submitted in both NAD27 & WIDOT County Coordinate System, Dane County Zone datums in either Auto CAD Version 2001 or older, MicroStation Version J or older or Universal DXF Formats and contain the minimum of the following, each on a separate layer name/level number: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; 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).

*This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes.

*New electronic final plat transmittals and notification of changes which occur to the final plat during the time the Engineering Division signs off and receives the digital copies of said plat and the recording thereof, are the responsibility of the Developer/Surveyor.

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

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

Zoning Administrator (Contact Pat Anderson, 266-5978)

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

Fire Department (Contact Bill Sullivan, 261-9658)

17. Provide the following information to the buyer of each individual lot: "The Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D and SPS 382.40(3)(e)."

Water Utility (Contact Dennis Cawley, 261-9243)

18. Each lot shall have a separate water service lateral connected to a public water main. The Water Utility will not need to sign off the final plans, but will need a copy of the approved plans.
19. All operating private wells shall be identified and permitted by the Madison Water Utility and all unused private wells shall be abandoned in accordance with MGO Sec. 13.21.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not provide comments for this request.

Parks Division (Contact Kay Rutledge, 266-4714)

20. Park impact fees (comprised of the Park Development Impact Fee per MGO Sec. 20.08(2) and the Parkland Impact Fee in lieu of land dedication per MGO Sec. 16.23(8)(f) and 20.08(6)) will be required for all new residential development in this subdivision. The developer must select a method for payment of park fees before signoff on the final plat. This development is within the Elver park impact fee district (SI31). Please reference ID# 15112 when contacting Parks Division staff about this project.

21. The following note should be included on the plat: "Lots/ buildings within this subdivision/ development are subject to impact fees that are due and payable at the time building permit(s) are issued."

22. Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right of way. Permission for such activities must be obtained from the City Forester, 266-4816.

Office of Real Estate Services (Heidi Radlinger, 266-6558)

23. Prior to approval sign-off, the Owner's Certificate(s) on the PP/FP shall be executed by all parties having an interest in the property, pursuant to Wis. Stats. 236.21(2)(a). Certificates shall be prepared with the ownership interests consistent with the most recent title report. Signatories shall provide documentation that proves legal authority to sign the Owner's Certificate on the final plat.

24. A certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate(s) on the final plat.

25. Per Chapter 236.21(3) of Wis. Stats. and MGO Section 16.23(5)(g)(1), the property owner shall pay all real estate taxes and special assessments that are accrued or delinquent for the subject properties prior to final approval of the final plat for recording.

26. Prior to final sign-off, please verify with Janet Schmidt of City Engineering (261-9688) or Sharon Pounders of the Madison Water Utility (266-4641) that stormwater management fees are paid in full.

27. The following revisions shall be made to the final plat prior to final approval and recording:

- a.) Ensure the utility easement – Document No. 1596200 – is depicted accurately accounting for the release of the southerly 6 feet per Note 4 (11).
- b.) Identify all existing easements cited in record title by document number.
- c.) Correct spelling of 'Conditions' on Note 4 (13).