

PLANNING DIVISION REPORT
DEPARTMENT OF PLANNING AND COMMUNITY
AND ECONOMIC DEVELOPMENT
October 17, 2008

RE: I.D. # 11935: Zoning Map Amendment LD. 3388, Rezoning of 718 South Orchard Street from PUD-SIP to amended PUD-SIP

1. Requested Actions: Approval to rezone the property from PUD-SIP (Planned Unit Development- Specific Implementation Plan) to Amended PUD-SIP (Planned Unit Development- Specific Implementation Plan) to allow for the addition of an attached garage and living space to a unit in a three-unit building.
2. Applicable Regulations: Section 28.12 (9) provides the process for zoning map amendments. Section 28.07 (6) of the Zoning Ordinance provides the requirements and framework for Planned Unit Development Districts.
3. Report Prepared By: Heather Stouder, AICP, Planner

GENERAL INFORMATION

1. Applicant: Todd Kiley; 718 S. Orchard Street, Apt. D.; Madison, WI 53715
Agent: Dick Lee; ABC Builders; 6213 Monona Drive; Madison, WI 53716
2. Development Schedule: The applicant is seeking a rezoning with the intent to begin construction of additions as soon as necessary approvals are received.
3. Location: An approximately 10,100 square foot (0.23 acre) lot on the west side of South Orchard Street between Erin Street and Vilas Park Drive; Aldermanic District 13; Madison Metropolitan School District.
4. Existing Conditions: The site is developed with two residential buildings: a three-story three-unit building with 3,202 square feet of living space, and a two-story one-unit building with a garage comprising the first floor.
5. Proposed Land Use: The applicant proposes to amend the existing PUD-SIP to make significant additions to the three-unit building, including a 557 square-foot attached garage and additional living space to enlarge one of the three units into a four-bedroom unit. The existing one-unit building on the eastern portion of the property would remain as is.
6. Surrounding Land Use and Zoning: Current zoning and land use are summarized as follows:
North: Single-family homes, zoned R3 (Single-Family and Two-Family Residence District)
South: Henry Vilas Park and Henry Vilas Zoo (Conservancy District)
East: Arboretum Cohousing, zoned PUD-SIP; St. Mary's Hospital
West: Henry Vilas Park (Conservancy District)
7. Adopted Land Use Plans: The Comprehensive Plan includes the subject property within the "Low Density Residential" land use category.
8. Environmental Corridor Status: The property is not located within a mapped environmental corridor, but its southern and western borders are shared with Henry Vilas Park.
9. Public Utilities & Services: The property is served by a full range of urban services.

ANALYSIS, EVALUATION AND CONCLUSION:

The applicant is requesting approval for a rezoning from PUD-SIP to amended PUD-SIP to allow for the addition of an attached garage and living space to one unit in a three-unit building.

Site Description-

The subject site is 718 South Orchard Street, located on the west side of South Orchard Street between Erin Street and Vilas Parkway in PUD-SIP (Planned Unit Development - Specific Implementation Plan) district zoning. The property is an approximately 10,100 square foot (0.23 acre) site with a total of four dwelling units in two existing buildings. At 81 feet wide, the lot is approximately twice as wide as other residential lots in the immediate area. The lot has a significant grade, rising over twenty feet from the front (east) toward the rear (west) of the parcel. A one-unit carriage house building in the front portion of the lot facing South Orchard Street, which necessitated a rezoning to PUD-SIP in 1982, is not involved in the proposed alterations. The original building on the lot, which is the focus of the proposal, is configured as a three-unit building and sits in the rear portion of the lot. Currently, the unit mix in this building includes "Unit 1", a one-bedroom unit, "Unit 2", a two-bedroom unit, and "Unit 3", a one-bedroom unit on the lower level.

As shown in the site plan, the current building is situated very close to the parklands to the west. The southwest corner of the building is set back less than seven feet from the park. Due to its jagged design, this setback increases to 19 feet at its northwest corner. As indicated on the site plan, the property currently has significant encroachments onto City of Madison parkland (all of which predate the current owner). A fence located more than ten feet west of the western property line appears to enclose a portion of parkland for private use. Asphalt paving for the existing driveway extends well into the parkland on the south side of the property. These encroachments predate the current owner, who has agreed to rectify this condition by removing the encroachments in a timely manner regardless of the outcome of this request.

Neighborhood Context-

The neighborhood immediately surrounding the property consists of parkland on the west and south and a heterogeneous mix of housing types to the east and north. The relatively new Arboretum Cohousing development, with a total of 41 units in small multifamily buildings, lies directly across South Orchard Street to the east. Five single-family homes in R3 (Single and two-family residential district) zoning line the west side of South Orchard Street just north of the property. All of the homes with frontage on South Orchard Street maintain at least the minimum 40-foot rear yard setback, as required in R3 districts. Across Erin Street further to the north, there are a variety of single-unit, two-unit, and three-unit buildings.

Description of Proposal-

The changes proposed are primarily isolated within the largest of the existing units ("Unit 1") in the three-unit building, and would provide an opportunity for the owner-occupant to better accommodate a large family within the home while allowing existing tenants to remain in the other two units. In total, an additional 1,200 square feet are proposed to the building footprint, with two-

story additions proposed on the south and northwest portions of the building. These include a 557 square-foot attached garage, roughly 1,000 square feet of additional indoor living space, and a 175 square-foot deck. The two-story addition to the northwestern portion of the building as proposed would involve an expanded basement and foundation, and would eliminate the “jagged” setback from the western property line, leaving only a very narrow strip of space as the private backyard. The garage would replace an existing asphalt parking area. “Unit 1”, which is currently a one-bedroom unit, would become a four-bedroom unit with 3.25 bathrooms, living space on the main and upper levels and some storage on the lower level. As proposed, the other two units in the building would remain the same. The number of units on the lot in question, which is not out of place in the neighborhood, would not change based on the proposed additions. “Smart Board” siding and trim is proposed as the primary material on the exterior of the additions, and would match the existing building.

As noted above, all existing encroachments onto City of Madison parkland would be removed, whether or not building additions occur. In addition, a small area of asphalt pavement just southwest of the proposed garage would be removed and landscaped. Dense existing landscaping in the central portion of the property would remain. Proposed additions to landscaping include nine evergreens along the south side of the property adjacent to the parkland, a line of shrubs along the western wall of the proposed garage, and a collection of small plantings next to the garage entryway.

Issues to Consider-

When considering this proposal, the Plan Commission should consider whether the public interest is being served by amending the existing zoning to accommodate the proposed changes. On one hand, the additions would result in a unique housing opportunity for the existing owners, as well as future owners and occupants. Neighbors have expressed support for the concept of reconfiguration to allow for owner-occupancy, and although owner-occupancy would not be required in perpetuity, the additions to “Unit 1” would continue to provide a housing opportunity for a larger household, regardless of whether they own or rent it. Another positive attribute of the proposal is the removal of a small amount of asphalt from the southern side of the property. This would offset the impervious surface added to the northwest portion of the building and result in nearly the same total amount of impervious surface on the property.

On the other hand, the proposal exacerbates conditions such as small rear yard setbacks and the large scale of structures that are already inconsistent with other properties to the north. A rezoning to accommodate the proposed additions would result in a building much larger and even closer to the park than others on the block. While the applicant may be able to accommodate additional living space and indoor parking, the additions as proposed may not be the best way to accomplish this with respect to potential impacts on area properties.

The Plan Commission should carefully consider the potential impacts the proposal may have on properties in the immediate area. First, Planning Division staff is unaware of any potential negative impacts the proposal would have on properties across South Orchard Street. From the east, the 22-foot wide attached garage would be the only visible difference on the site, and would be somewhat difficult to see due to the position of the existing carriage house. Neighbors from Arboretum Cohousing across South Orchard Street have expressed their support for the proposal.

Second, park management and the enjoyment of City parkland by the public are not likely to be significantly affected. (Importantly, the existing encroachments into Henry Vilas Park will be removed regardless of whether additions occur, so their removal is not contingent on approval of the project.) Should the project be approved, Parks Department staff has provided guidelines for use of parkland during construction. The existing asphalt area south of the property may be as a construction staging area, as long as it is completely removed when additions are complete. However, parkland to the west of the property may not be used at all during construction, and the applicant has arranged for a construction strategy respecting this requirement. Assuming that current and future tenants of the property do not utilize parkland as if it were a private extension of the backyard, the management and public use of the park should not be negatively affected by the proposal.

Third, Planning Division staff has determined that the most significant impacts from the proposed additions may be felt by current and future residents in the property immediately to the north. With a rear yard setback of over 45 feet, residents have at least partial views of Henry Vilas Park and Lake Wingra from their backyard. While the proposed two-story addition to the northwest portion of the building would form a consistent line along the rear of the building, it would appear as quite a significant change from the north, blocking much of the winter view toward Lake Wingra. The proposed additions to the northwestern portion of the building are essentially occurring in what would be a required rear yard under R3 zoning, which applies to all of the properties to the north.

Fourth and finally, usable open space on the property is an issue considering. While the existing PUD-SIP zoning does not have specific usable open space requirements, the R3 properties in the area must maintain a minimum of 750 square feet of usable open space per dwelling unit. In comparison, this property as it exists today has approximately 2,400 square feet of usable open space (600 square feet per dwelling unit), much of which is in the rear yard adjacent to the park. As proposed, the property would have only 1,744 square feet of open space (436 square feet per dwelling unit). Staff believes that this may be a sufficient amount, but the likelihood of the use of the adjacent park as an extension of the private rear yard is a legitimate concern.

On October 15, 2008, the Urban Design Commission (UDC) granted final approval for the project with no conditions (the UDC report will be provided as late handout at the October 20th Plan Commission meeting). Following the UDC meeting, the property owner directly to the north indicated his support of the overall project to staff. While he still may have concerns about the bulk of the northwestern portion of the proposed additions, he would like to see the project move forward.

Conclusion-

Planning Division staff sees the primary benefit of this proposal as the provision of a unique and attractive opportunity to accommodate the property owner's desire to provide more living area for their larger household on this property while maintaining four total housing units on the property. The design, construction materials, and additional landscaping proposed are of high quality and would not detract from the existing conditions. Staff feels that the proposed addition of an attached garage and living space on the south side of the property is a positive one on balance. The main concern involves the bulk of the two-story addition in the northwest portion of the building as it

affects light exposure and views experienced by residents directly to the north. Staff believes that there are other ways to accommodate much of the desired additional living space while minimizing negative impacts on the property to the north. While not recommending a particular scenario, staff suggests that efforts to redesign improvements *could* involve any or all of the following:

- the relocation of proposed additional living space from the northwest portion of the building to an additional story above the proposed garage
- an overall reduction in additional living space to maintain the “jagged” exterior wall in the northwestern part of the building, and/or
- a reconfiguration of other units within the building to accommodate changes to “Unit 1” without adding to the footprint of the building in the northwestern portion of the property.

While supportive of the intent of the applicant to make improvements to this property, the Planning Division recognizes that its rezoning to allow for the additions as proposed would exacerbate existing inconsistencies with residential properties to the north. Staff believe that while the Plan Commission could recommend approval the project as proposed, slight changes to the design may produce a superior result which better respects the long term relationship between this building and residential properties in R3 zoning to the north. While neighbors to the north have very recently expressed willingness to support the project in its current form, the Plan Commission should carefully consider these concerns as they relate to future property owners on this block.

RECOMMENDATION

Planning Division staff recommend that the Plan Commission determine whether or not standards for rezoning are met and take one of the two following actions:

- A) Should the Plan Commission find that the standards for zoning map amendments and planned unit developments are not met, staff recommends that the Plan Commission **refer** this case to a future meeting, at which time the applicant may present a revised design minimizing impacts on property to the north.
- B) Should the Plan Commission find that the standards for zoning map amendments and planned unit developments are met, staff recommends that the Plan Commission forward the rezoning request to the October 28, 2008 Common Council meeting with a recommendation of **approval** subject to input at the public hearing and the following conditions.
 1. Comments from reviewing agencies.
 2. That the applicant may utilize existing asphalt on parklands to the south as a construction staging area, and must remove all encroachments within 30 days of completion of the construction.
 3. That the applicant may not utilize or otherwise disturb parkland to the west of the property as a construction staging area.



Department of Public Works
City Engineering Division

608 266 4751

Larry D. Nelson, P.E.
City Engineer

City-County Building, Room 115
210 Martin Luther King, Jr. Boulevard
Madison, Wisconsin 53703
608 264 9275 FAX
1 866 704 2315 Textnet

Deputy City Engineer
Robert F. Phillips, P.E.

Principal Engineers
Michael R. Dalley, P.E.
Christina M. Bachmann, P.E.
John S. Fahrney, P.E.
Gregory T. Fries, P.E.

Facilities & Sustainability
Jeanne E. Hoffman, Manager
James C. Whitney, A.I.A.

Operations Manager
Kathleen M. Cryan

Hydrogeologist
Joseph L. DeMorett, P.G.

GIS Manager
David A. Davis, R.L.S.

Financial Officer
Steven B. Danner-Rivers

DATE: September 26, 2008
TO: Plan Commission
FROM: Larry D. Nelson, P.E., City Engineer
SUBJECT: 718 South Orchard Street Rezoning

The City Engineering Division has reviewed the subject development and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. This site has pre-existing address problems. In accordance with 10.34 MGO – STREET NUMBERS: Submit a PDF of each floor plan to Engineering Mapping Lori Zenchenko (Lzenchenko@cityofmadison.com) so that a preliminary interior addressing plan can be developed. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal.
2. Plan shows two dwellings on one lot. Applicant shall provide evidence that there are two separate sanitary laterals providing sanitary sewer service to each building. If one sanitary sewer lateral exists, show location and provide documentation how the shared laterals arrangement works (ie - how is emergency response, backups, one home vacant, etc., handled).

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

**Engineering Division Review of Planned Community Developments, Planned Unit Developments
and Conditional Use Applications.**

Name: 718 South Orchard Street Rezoning

General

- 1.1 The construction of this building will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City / Developer agreement for the improvements required for this development. The



applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer 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. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project.

- 1.2 The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
- 1.3 The site plan shall include all lot/ownership lines, existing building locations, proposed building additions, demolitions, parking stalls, driveways, sidewalks (public and/or private), existing and proposed signage, existing and proposed utility locations and landscaping.
- 1.4 The site plan shall identify the difference between existing and proposed impervious areas.
- 1.5 The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.
- 1.6 Submit a PDF of all floor plans to Lori Zenchenko lzenchenko@cityofmadison.com so that a preliminary interior addressing plan can be developed. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during, or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal.
- 1.7 The site plan shall include a full and complete legal description of the site or property being subjected to this application.
- 1.8 The Developer is required to pay Impact Fees for this development. The Developer shall indicate the method of payment as provided below:
 - 1) Impact Fees shall be paid in full prior to Engineering sign-off of the plat/csm.
 - 2) The Developer has elected to defer the payments until such time as the building permits are applied for, in which case the owner(s) shall receive the invoices to pay the outstanding impact fees at the time of permit issuance. The following shall be required prior to plat sign off;
 - a) The Developer shall supply an Excel spreadsheet with lot numbers, lot areas, and number of dwelling units per lot. The Developer shall supply a CADD file of the proposed FINAL plat, in a format compatible with Microstation J. This information shall be required to calculate the Impact Fees, which will then be recorded at the Register of Deeds against each lot in the subdivision..
 - b) All information shall transmitted to Janet Dailey by e-mail at jdailey@cityofmadison.com, or on a CD to:

Janet Dailey
City of Madison Engineering Division
210 Martin Luther King Jr. Blvd
Room 115
Madison, WI 53703
 - c) A minimum of three (3) weeks shall be required for staff to calculate the Impact Fees and record the documents prior to plat sign-off.

The Developer shall put the following note on the face of 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.

Right of Way / Easements

- 2.1 The Applicant shall Dedicate a _____ foot wide strip of Right of Way along _____.
- 2.2 The Applicant shall Dedicate a _____ foot wide strip of Right of Way along _____.
- 2.3 The Applicant shall Dedicate a Permanent Limited Easement for grading and sloping _____ feet wide along _____.
- 2.4 The City Engineer has reviewed the need for pedestrian and bicycle connections through the development and finds that no connections are required.
- 2.5 The Applicant shall Dedicate a Permanent Limited Easement for a pedestrian / bicycle easement _____ feet wide from _____ to _____.
- 2.6 The Developer shall provide a private easement for public pedestrian and bicycle use through the property running from _____ to _____.

- 2.7 The developer shall be responsible for the ongoing construction and maintenance of a path within the easement. The maintenance responsibilities shall include, but not be limited to, paving, repaving, repairing, marking and plowing. The developer shall work with the City of Madison Real Estate Staff to administer this easement. Applicable fees shall apply.
- 2.8 The Public Sanitary Sewer Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- a. The property owner reserves the right to use and occupy the Public Sanitary Sewer Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public sanitary sewer facilities.
 - b. No above-ground improvements shall be located in the Public Sanitary Sewer Easement Area(s) by the City or the property owner, with the exception that grates, sewer access structure (SAS) covers, and other access points to the public sanitary sewer facilities shall be permitted at grade level. **(Optional:** and with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
 - c. Plantings and landscaping within the Public Sanitary Sewer Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
 - d. The property owner shall not change the grade of the Public Sanitary Sewer Easement Area(s) without the prior written approval of the City's Engineering Division.
 - e. The Public Sanitary Sewer Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.
- 2.9 The Public Sidewalk Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- a. The property owner reserves the right to use and occupy the Public Sidewalk Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public sidewalk improvements.
 - b. No above-ground improvements will be allowed in the Public Sidewalk Easement Area(s) by the property owner. **(Optional:** with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
 - c. Plantings and landscaping within the Public Sidewalk Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
 - d. The property owner shall not change the grade of the Public Sidewalk Easement Area(s) without the prior written approval of the City's Engineering Division.
 - e. The Public Sidewalk Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.
- 2.10 The Public Storm Sewer Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- a. The property owner reserves the right to use and occupy the Public Storm Sewer Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public storm sewer facilities.
 - b. No above-ground improvements shall be located in the Public Storm Sewer Easement Area(s) by the City or the property owner, with the exception that grates, sewer access structure (SAS) covers, and other access points to the public storm sewer facilities shall be permitted at grade level. **(Optional:** and with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
 - c. Plantings and landscaping within the Public Storm Sewer Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
 - d. The property owner shall not change the grade of the Public Storm Sewer Easement Area(s) without the prior written approval of the City's Engineering Division.
The Public Storm Sewer Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.
- 2.11 The Public Water Main Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- a. The property owner reserves the right to use and occupy the Public Water Main Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public water main facilities.
 - b. No above-ground improvements will be allowed in the Public Water Main Easement Area(s) by the property owner. **(Optional:** with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
 - c. Plantings and landscaping within the Public Water Main Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
 - d. The property owner shall not change the grade of the Public Water Main Easement Area(s) without the prior written approval of the City's Engineering Division.
 - e. The Public Water Main Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.

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Streets and Sidewalks

- 3.1 The Applicant shall execute a waiver of notice and hearing on the assessments for the improvement of [roadway] _____ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.
- 3.2 **Value of sidewalk installation over \$5000.** The Applicant shall Construct Sidewalk to a plan approved by the City Engineer along _____.
- 3.3 **Value of sidewalk installation under \$5000.** The Applicant shall install public sidewalk along _____. The Applicant shall obtain a Street Excavation Permit for the sidewalk work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. All work must be completed within six months or the succeeding June 1, whichever is later. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 3.4 The Applicant shall execute a waiver of their right to notice and hearings on the assessments for the installation of sidewalk along [roadway] _____ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.
- 3.5 The Applicant shall grade the property line along ____ to a grade established by the City Engineer. The grading shall be suitable to allow the installation of sidewalk in the future without the need to grade beyond the property line. The Applicant shall obtain a Street Excavation permit prior to the City Engineer signing off on this development. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 3.6 The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
- 3.7 **Value of the restoration work less than \$5,000. When computing the value, do not include a cost for driveways. Do not include the restoration required to facilitate a utility lateral installation.** The Applicant's project requires the minor restoration of the street and sidewalk. The Applicant shall obtain a Street Excavation Permit for the street restoration work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 3.8 The Applicant shall make improvements to _____ in order to facilitate ingress and egress to the development. The improvement shall include a (Describe what the work involves or strike this part of the comment.) _____
- 3.9 The Applicant shall make improvements to _____. The improvements shall consist of _____
- 3.10 The approval of this Conditional Use 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. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester.
- 3.11 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.
- 3.12 The Applicant shall replace all sidewalk and curb and gutter which abuts the property which 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.
- 3.13 The Applicant shall obtain a privilege in streets agreement for any encroachments inside the public right of way. The approval of this development does not constitute or guarantee approval of the encroachments.
- 3.14 The Applicant shall provide the City Engineer with the proposed soil retention system to accommodate the restoration. The soil retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system.
- 3.15 The Applicant shall complete work on exposed aggregate sidewalk in accordance with specifications provided by the city. The stone used for the exposed aggregate shall be approved by the City. The Construction Engineer shall be notified prior to beginning construction. Any work that does not match the adjacent work or which the City Construction Engineer finds is unacceptable shall be removed and replaced.
- 3.16 All work in the public right-of-way shall be performed by a City licensed contractor.
- 3.17 Installation of "Private" street signage in accordance with 10.34 MGO is required.

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- 3.18. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl, of the City Parks Department - dkahl@cityofmadison.com or 266-4816.

Storm Water Management

- 4.1 The site plans shall be revised to show the location of all rain gutter down spout discharges.
- 4.2 Storm sewer to serve this development has been designed and constructed. The site plans shall be revised to identify the location of this storm sewer and to show connection of an internal drainage system to the existing public storm sewer.
- 4.3 The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used.
- 4.4 The applicant shall show storm water "overflow" paths that will safely route runoff when the storm sewer is at capacity.
- 4.5 The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
- 4.6 The City of Madison is an approved agent of the Department of Commerce. This proposal contains a commercial building and as such, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required.
- 4.7 This development includes multiple building permits within a single lot. The City Engineer and/or the Director of the Inspection Unit may require individual control plans and measures for each building.
- 4.8 If the lots within this site plan are inter-dependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the site plan and recorded at the Dane Co Register of Deeds.
- 4.9 Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to:
 - Detain the 2 & 10-year storm events.
 - Detain the 2, 10, & 100-year storm events.
 - Control 40% TSS (20 micron particle) off of new paved surfaces
 - Control 80% TSS (5 micron particle) off of new paved surfaces
 - Provide infiltration in accordance with Chapter 37 of the Madison General Ordinances
 - Provide substantial thermal control.
 - Provide oil & grease control from the first 1/2" of runoff from parking areas.
 - Complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website – as required by Chapter 37 of the Madison General Ordinances.

Stormwater management plans shall be submitted and approved by City Engineering prior to sign-off.

- 4.10 The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement.
- 4.11 A portion of this project comes under the jurisdiction of the US Army Corp of Engineers and WDNR for wetland or flood plain issues. A permit for those matters shall be required prior to construction on any of the lots currently within the jurisdictional flood plain.
- 4.12 The Applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number:
 - a) Building Footprints
 - b) Internal Walkway Areas
 - c) Internal Site Parking Areas
 - d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
 - e) Right-of-Way lines (public and private)
 - f) All Underlying Lot lines or parcel lines if unplatted
 - g) Lot numbers or the words "unplatted"
 - h) Lot/Plat dimensions
 - i) Street names

All other levels (contours, elevations, etc) are not to be included with this file submittal.

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NOTE: Email file transmissions preferred izenchenko@cityofmadison.com. Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file.

- 4.13 NR-151 of the Wisconsin Administrative Code will be effective on October 1, 2004. Future phases of this project shall comply with NR 151 in effect when work commences. Specifically, any phases not covered by a Notice of Intent (NOI) received from the WDNR under NR-216 prior to October 1, 2004 shall be responsible for compliance with all requirements of NR-151 Subchapter III. As most of the requirements of NR-151 are currently implemented in Chapter 37 of the Madison General Ordinances, the most significant additional requirement shall be that of infiltration.

NR-151 requires infiltration in accord with the following criteria. For the type of development, the site shall comply with one of the three (3) options provided below:

Residential developments shall infiltrate 90% of the predevelopment infiltration amount, 25% of the runoff from the 2-year post development storm or dedicated a maximum of 1% of the site area to active infiltration practices.

Commercial development shall infiltrate 60% of the predevelopment infiltration amount, 10% of the runoff from the 2-year post development storm or dedicate a maximum of 2% of the site area to active infiltration practices.

- 4.14 The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set.

PDF submittals shall contain the following information:

- a) Building footprints.
- b) Internal walkway areas.
- c) Internal site parking areas.
- d) Lot lines and right-of-way lines.
- e) Street names.
- f) Stormwater Management Facilities.
- g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).

- 4.15 The Applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including:

- a) SLAMM DAT files.
- b) RECARGA files.
- c) TR-55/HYDROCAD/Etc...
- d) Sediment loading calculations

If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided.

- 4.16 The area adjacent to this proposed development has a known flooding risk. All entrances shall be 2-feet above the adjacent sidewalk elevation or 1-foot above the 100-year regional flood elevation (whichever is greater). This includes garage entrances.

Utilities General

- 5.1 The Applicant shall obtain a Street Excavation permit for the installation of utilities required to serve this project. The Applicant shall pay the permit fee, inspection fee and street degradation fee as applicable and shall comply with all the conditions of the permit. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 5.2 The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 5.3 All proposed and existing utilities including gas, electric, phone, steam, chilled water, etc shall be shown on the plan.
- 5.4 The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 5.5 The site plans shall be revised to show the location of existing utilities, including depth, type, and size in the adjacent right-of-way.
- 5.6 The developer shall provide information on how the Department of Commerce's requirements regarding treatment of storm water runoff, from parking structures, shall satisfied prior to discharge to the public sewer system. Additionally, information shall be provided on which system (storm or sanitary) the pipe shall be connected to.

Sanitary Sewer

- 6.1 Prior to approval of the conditional use application, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1). \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2). \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 6.2 All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (608-261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
- 6.3 Each unit of a duplex building shall be served by a separate and independent sanitary sewer lateral.
- 6.4 The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service.

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Traffic Engineering and Parking Divisions

David C. Dryer, P.E., City Traffic Engineer and Parking Manager

Suite 100
215 Martin Luther King, Jr. Boulevard
P.O. Box 2986
Madison, Wisconsin 53701-2986
PH 608 266 4761
TTY 866-704-2315
FAX 608 267 1158

September 25, 2008

TO: Plan Commission

FROM: David C. Dryer, P.E., City Traffic Engineer and Parking Manager

SUBJECT: **718 South Orchard Drive – Rezoning – PUD (SIP) to Amended PUD (SIP) 2-Unit to Single Family Home**

The City Traffic Engineering Division has reviewed the subject development and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. None

PEDESTRIAN AND BICYCLE TRANSPORTATION REVIEW COMMENTS

2. None

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

3. None

Please contact John Leach, City Traffic Engineering at 267-8755 if you have questions regarding the above items:

Contact Person: Dick Lee
Fax: 836-7109
Email: todd@schultzelectricinc.com

DCD: DJM: dm

**CITY OF MADISON
INTERDEPARTMENTAL
CORRESPONDENCE**

Date: October 20, 2008

To: Planning Commission
From: Patrick Anderson, Assistant Zoning Administrator
Subject: 718 S. Orchard Street.

Present Zoning District: PUD(SIP)

Proposed Use: Amend PUD(SIP) to enlarge living areas of existing 3 unit.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project). **NONE**

GENERAL OR STANDARD REVIEW COMMENTS

ZONING CRITERIA

Bulk Requirements	Required	Proposed
Lot Area	4,000 sq. ft.	10,160 sq. ft. existing
Lot width	50'	Sufficient as shown
Usable open space	750 sq. ft./dwelling unit	1744 sq. ft.
Front yard	25 feet	Adequate
Side yards	6' left side/6'9" right side	6' L.S./ 6.5 R.S.
Rear yard	40'	7'
Floor area ratio	As per approved PUD	-
Building height	2 stories/35 feet	2 - existing

Site Design	Required	Proposed
Number parking stalls	4	1
Landscaping	n/a	-
Lighting	n/a	-

Other Critical Zoning Items	
Urban Design	Yes
Historic District	No
Landmark building	No
Floodplain	No
Utility easements	None shown
Water front development	No
Adjacent to park	Yes
Barrier free (ILHR 69)	No

With the above conditions, the proposed project **does** comply with all of the above requirements.

* Since this project is being rezoned to the **(PUD)** district, and there are no predetermined bulk requirements, we are reviewing it based on the criteria for the R-3 district, because of the surrounding land uses.

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CITY OF MADISON
INTER-DEPARTMENTAL
CORRESPONDENCE

DATE: October 15, 2008
TO: Plan Commission
FROM: Simon Widstrand, Parks Development Manager
SUBJECT: **718 South Orchard Street**

There are several areas of encroachment from this lot into Vilas Park, which abuts the west and south sides of the lot. The owner has agreed to remove the fences, planters and paving from the park. Some landscaping may be allowed to remain. Parks staff has agreed to allow the encroaching asphalt area to be used for construction access to the rear yard.

At the conclusion of construction, the owner shall remove the asphalt, restore the area to grass, and install a fence along the south property line to ensure that encroachment does not reoccur.

The revision of plans to reduce the south addition and increase the sideyard setback makes the project more acceptable.

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.

Please contact Simon Widstrand at 266-4714 or swidstrand@cityofmadison.com if you have questions regarding the above items.



Arboretum Cohousing Inc.
25 W. Main, Suite 801
Madison WI, 53705
608.255.7277

August 11, 2008

To Whom It May Concern,

Arboretum Cohousing supports the proposed changes to 718 S. Orchard Street by Todd and Maureen Kiley. Arbco's main concern would be any changes to the amount of off-street parking, which since it remains the same is not an issue for us.

The changes to the home are good and will fit with the style of the neighborhood. Arbco also appreciates the Kileys interest in improving their wall on Orchard Street, with more appropriate plants and general repairs to secure this boulder wall.

Since the Kileys have longtime roots in the Erin-Orchard block, we have a great deal of confidence that they will work to preserve and enhance the character of this Madison neighborhood.

Best Regards,

Dirk Herr-Hoyman
Owner's Representative
Arboretum Cohousing

Cynthia Sampson
719B Orchard Street
Arboretum Cohousing

August 19, 2008

Madison Planning

Re: 718 Orchard – addition Todd Kiley

Sirs:

As long time neighbors of the Kiley family, and having observed over the last 30 years the outstanding care they have always taken with their properties, we would like to encourage your approval of their remodeling project.

Having Todd back here full time will also ease the burden on his parents who deserve to have a little time off.

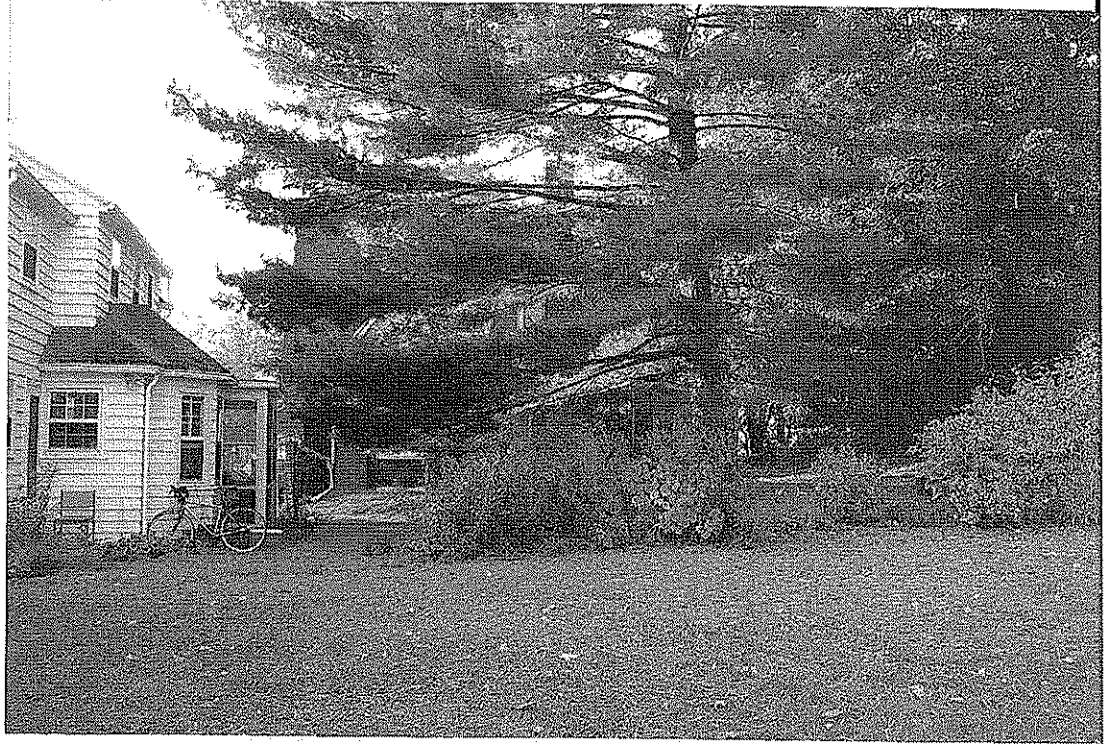
Thanks,

Duane / Rosann Steinhauer

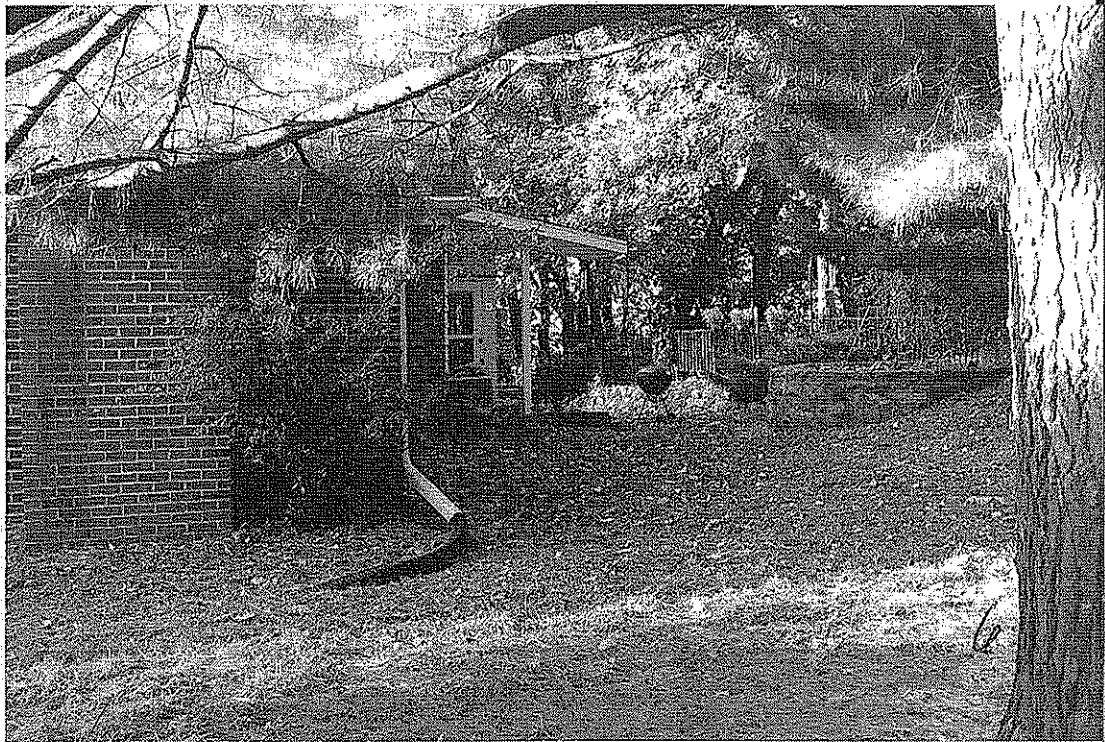
912 Erin Street
Madison, WI 53715

DS:hs

Southern view from rear yard of 710 S. Orchard St. (two lots north of subject property)



Southwest view from kitchen window of 714 S. Orchard St. (neighbor to the north)



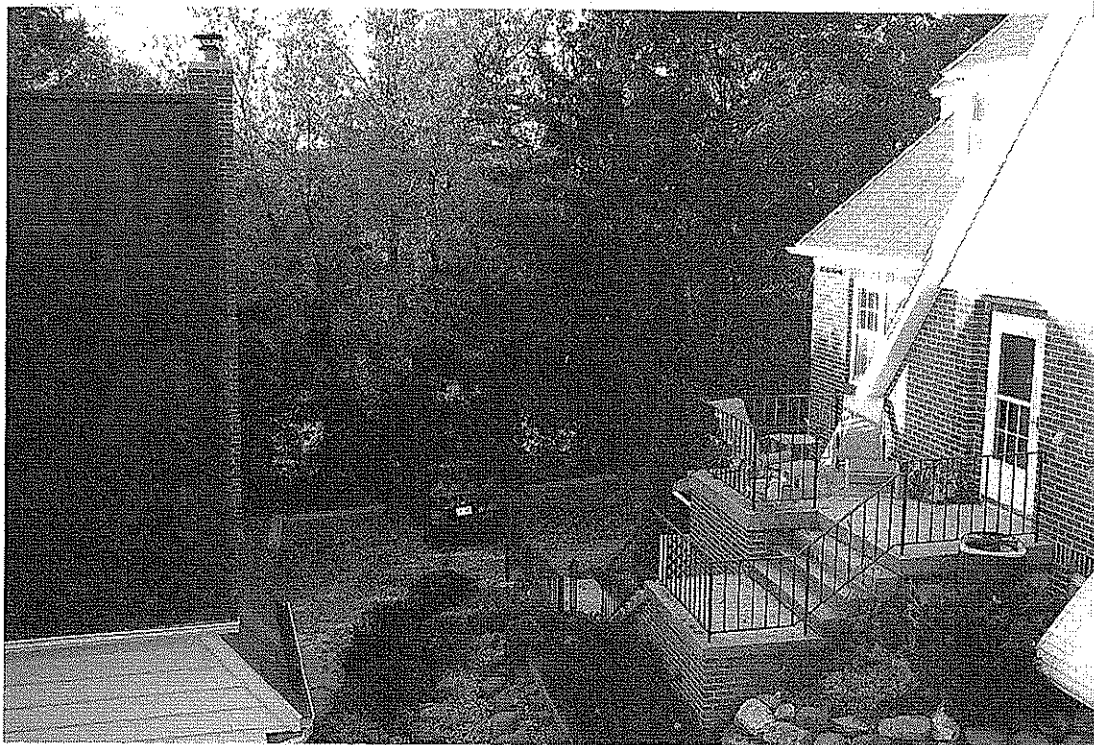
Southern view from rear yard of 714 S. Orchard St. (neighbor to the north)



Southwest view from upstairs bedroom window of 714 S. Orchard St. (neighbor to the north)



Southern view from second floor bedroom of 714 S. Orchard St. (neighbor to the north)



Southwest view from first floor window of 714 S. Orchard St. (neighbor to the north)



Stouder, Heather

From: Diana or Wes [busybees2@juno.com]
Sent: Tuesday, October 14, 2008 9:14 PM
To: Stouder, Heather
Cc: todd@schultzelectricinc.com
Subject: 718 S Orchard St

Dear Heather,

We live at 706 S Orchard St, two houses north of the proposed Kiley addition at 718 S Orchard St.

We would like to show our support of the Kiley's making improvements and planning an addition, but we also have some concerns.

The whole neighborhood has a steep slope to the lake, we hope that there is a plan for proper rain and storm drainage. We hope that this is seriously addressed with proper measures so that on the south edge of their property, the rain doesn't flow and erode the slope toward the zoo parking lot.

Although the new structure would only slightly obscure our seasonal view of the lake, we have heard from neighbors that their view of the lake and adjacent park area would be obscured. We hope that an adjustment can be created so the views will be acceptable and the project can be continued with minimal modifications.

We are happy to have more owner occupied residents nearby and glad to see improvements in our neighborhood.

Thank you for taking our comments.

Sincerely,
Diana Cohen and Wes Slaymaker
706 S Orchard St
Madison, WI 53715