

# PLANNING DIVISION STAFF REPORT

August 23, 2021



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 910 Pebble Beach Drive (19<sup>th</sup> Aldermanic District, Ald. Furman)

**Application Type:** Conditional Use

**Legistar File ID #:** [66554](#)

**Prepared By:** Colin Punt, Planning Division  
Report Includes Comments from other City Agencies, as noted

**Reviewed By:** Heather Stouder, AICP, Planning Division Director

## Summary

**Applicant:** Dave & Mary Ann Brow; 910 Pebble Beach Drive; Madison, WI 53717

**Contact:** Meri Tepper; Associated Housewrights; 1217 Culmen Street; Madison, WI 53713

**Requested Action:** The applicant is requesting approval of a Conditional Use for accessory buildings exceeding 10% of lot area and 1000 square feet [MGO §28.131(1)(a)] and a Conditional Use for an accessory building exceeding 800 square feet in a SR District [MGO §28.131(1)(b)] at 910 Pebble Beach Drive.

**Proposal Summary:** The applicant proposes to construct a 1752-square-foot lap pool building in the rear yard of the subject property.

**Applicable Regulations & Standards:** This proposal is subject to the standards for conditional uses [MGO §28.183(6)].

**Review Required By:** Plan Commission (PC)

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the requests to allow an accessory building greater than 800 square feet in an SR district and exceeding 1000 feet and 10% of lot area at 910 Pebble Beach Drive. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

## Background Information

**Parcel Location:** The 14,981-square-foot property is located on the west side of Pebble Beach Drive between Stonefield Road and Harvest Hill Road. The property is bounded on the south and west by Woodland Hills Park. It is located within Aldermanic District 19 (Ald. Furman) as well as the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The property is zoned Suburban Residential – Consistent 1 (SR-C1) District and is developed with a 1½-story, five-bedroom, three-and-one-half-bathroom, 3,724-square-foot single-family residence built in 1989. There are currently no detached accessory buildings on site

### Surrounding Land Use and Zoning:

North: Single-family residences zoned Suburban Residential – Consistent 1 (SR-C1) District;

East: Across Pebble Beach Drive, single-family residences, zoned SR-C1;

South: Woodland Hills Park, zoned Conservancy (CN) district; and

**West:** Woodland Hills Park, zoned CN.

**Adopted Land Use Plan:** The [Comprehensive Plan](#) (2018) recommends Low Residential (LR) uses for the subject parcel. The site is not within the area covered by any adopted neighborhood or special area plans.

**Zoning Summary:** The property is in the Suburban Residential – Consistent 1 (SR-C1) District

Requirements	Required	Proposed
Lot Area (sq. ft.)	8,000 sq. ft.	14,981 sq. ft.
Lot Width	60'	110.0'
Front Yard Setback	30'	Adequate
Side Yard Setback: Accessory Building	3'	8' 1" north side 8' 7" south side
Rear Yard Setback: Accessory Building	3'	5' 0"
Usable Open Space	1,300 sq. ft.	Adequate
Maximum Lot Coverage	50%	41%
Maximum Building Height: Accessory Building	15'	12' 0"

Site Design	Required	Proposed
Number Parking Stalls	Single-family detached dwelling: 1 (location only)	Existing attached garage
Building Forms	Not required	Accessory building

<b>Other Critical Zoning Items</b>	Utility Easements, Adjacent to Park
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*Table Prepared by Jenny Kirchgatter, Assistant Zoning Administrator*

**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.

## Project Description, Analysis, and Conclusion

The applicant is proposing construction of a lap pool building in the rear yard of the residence at 910 Pebble Beach Drive. The proposed building includes two sections. The lap pool will be sunk into the ground as deep as possible in a 952-square foot wing to an 800-square foot pavilion placed at grade. The pavilion portion of the building contains a small warm pool, a mechanical room, and space for pool equipment. The entire structure is approximately 93 feet long and between 17 and 21 feet wide. Because of the slope of the rear yard and sunken construction of the lap pool, the height of the lap pool portion of the structure will be between 1'-8" and 5'-3" above grade. The highest point of the pavilion portion of the building is 11'-7" above grade. Plans show the building clad in a dark gray vertical siding, with a metal roof. Windows are shown to line all four elevations of pavilion portion and two of the three facade elevations of the lap pool portion.

The [Comprehensive Plan](#) (2018) recommends Low Residential (LR) for this site, a land use designation predominantly made up of single-family and two-unit structures, but that may include smaller two-, three-, and four-unit apartment buildings and rowhouses. In considering the adopted plan recommendations, the Planning Division believes that the proposed use is generally consistent with the [Comprehensive Plan](#).

The Plan Commission shall not approve a Conditional Use without due consideration of the City's adopted plan recommendations, design guidelines, and finding that all of the conditional use standards of MGO §28.183(6) are met. Staff notes that state law requires that conditional use findings must be based on "substantial evidence" that directly pertains to each standard and not based on personal preference or speculation. While an accessory building exceeding 1750 square feet is rare, staff does believe great care has been taken to minimize the size and impact of the structure while maintaining the use and programming of the interior spaces. More than half of the building is shorter than 5'-3", and a considerable portion of the building comes to within less than 2 feet of grade. Further, by taking advantage of the slope of the rear yard, and its location in the rear yard, Staff believes the overall visual impact of the proposed building will be minimal. As such, and in consideration of the recommendations in adopted plans, Staff believes the conditional use standards can be found met.

At the time of report writing, staff is unaware of public comment regarding this request.

## Recommendation

### Planning Division Recommendation

The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the requests to allow an accessory building greater than 800 square feet in an SR district and exceeding 1000 feet and 10% of lot area at 910 Pebble Beach Drive. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

### **Recommended Conditions of Approval**

Major/Non-Standard Conditions are Shaded

### City Engineering Division - Main Office (Contact Tim Troester, (608) 267-1995)

1. Applicant shall provide a utility plan if intent is to connect to municipal sewer.
2. Applicant shall provide projected pool release rates to Mark Moder, mmoder@cityofmadison.com, if proposed pool is intended to connect to City sanitary sewer. Applicant shall confirm that the projected release rate is acceptable to City Engineering.

### City Engineering Division - Mapping (Contact Jeffrey Quamme, (608) 266-4097)

3. The proposed Pool structure lies within platted Public Utility Easements. There is a 12' wide easement along the rear lot line and there is a 10' wide easement along the south lot line. The building improvements shall be moved outside of any utility easement areas or provide an alternate solution allowing the location of the building as planned.
4. Identify on the plans the lot numbers of recorded Plat. Also the dimensions of the lot shown on the site plan are incorrect, the record lot dimensions are 110' x 136.19.
5. Provide a full and complete legal description of the site or property being subjected to this application on the site plan.

6. It is recommended that the Owner have a property survey completed of the Lot prior to construction of this project.

**Forestry Section** (Contact Wayne Buckley, (608) 266-4892)

7. Contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. Contractor shall operate equipment in a manner as to not damage the branches of the street tree(s). This may require using smaller equipment and loading and unloading materials in a designated space away from trees on the construction site. Any damage or injury to existing street trees (either above or below ground) shall be reported immediately to City Forestry at 266-4816. Penalties and remediation shall be required. Add as a note on the plan set.
8. As defined by the Section 107.13 of City of Madison Standard Specifications for Public Works Construction: No excavation is permitted within 5 feet of the trunk of the street tree or when cutting roots over 3 inches in diameter. If excavation is necessary, the Contractor shall contact Madison City Forestry (266-4816) prior to excavation. City of Madison Forestry personnel shall assess the impact to the tree and to its root system prior to work commencing. Tree protection specifications can be found on the following website: <https://www.cityofmadison.com/business/pw/specs.cfm> Add as a note on the plan set.
9. On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on the plan set.
10. Street tree pruning shall be coordinated with Madison Forestry at a minimum of two weeks prior to the start of construction for this project. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on the plan set.
11. Section 107.13(g) of City of Madison Standard Specifications for Public Works Construction addresses soil compaction near street trees and shall be followed by Contractor. The storage of parked vehicles, construction equipment, building materials, refuse, excavated spoils or dumping of poisonous materials on or around trees and roots within five (5) feet of the tree or within the protection zone is prohibited. Add as a note on the plan set.
12. An existing inventory of street trees located within the right of way shall be included on the landscape, site, demo, and utility plans. The inventory shall include the following: location, size (diameter at 4 1/2 feet), and species of existing street trees. The inventory should also note if a street tree is to be preserved or proposed to be removed and the reason for removal.

*The Planning Division, Office of the Zoning Administrator, Traffic Engineering Division, Fire Department, Parks Division, Water Utility, and Metro Transit have reviewed this request and have recommended no conditions or approval.*