



Report to the Plan Commission

March 18, 2009

Legistar I.D. #13571
3502 Sargent Street
Rezoning from R2 to R2S

Report Prepared By:
Timothy M. Parks, Planner
Planning Division

Requested Action: Approval of a request to rezone 3502 Sargent Street from R2 (Single-Family Residence District) to R2S (Single-Family Residence District) to allow the future subdivision of an existing single-family residential parcel into two lots.

Applicable Regulations & Standards: Section 28.12 (9) provides the process for zoning map amendments.

Summary Recommendation: The Planning Division recommends that the Plan Commission recommend **approval** of Zoning Map Amendment ID 3419, rezoning 3502 Sargent Street from R2 to R2S, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

Background Information

Applicant: Patrick Kovich, Joseph Alan, LLC; 4615 Star Spangled Trail; Madison.

Property Owner: Karen E. A'llerio; 3502 Sargent Street; Madison.

Proposal: The applicant is requesting approval of the rezoning initially, to be followed later by a Certified Survey Map to divide the property into two lots. No timetable for the completion of the CSM has been provided, nor has a timeline been provided for when the new house on the proposed additional lot will be built.

Parcel Location: An approximately 11,173 square-foot/ 0.25-acre parcel located at the northeasterly corner of Sargent and Walter streets; Aldermanic District 15; Madison Metropolitan School District.

Existing Conditions: The subject site is currently developed with a single-family residence.

Surrounding Land Use and Zoning:

North: Capital City Bike Path; State-owned railroad right of way; City-owned drainageway, zoned R2 (Single-Family Residence District);

South: Single-family residences, zoned R2;

West: Olbrich Park, Madison Metropolitan Sewerage District lift station, zoned C (Conservancy);

East: Single-family residences, zoned R2.

Adopted Land Use Plan: The Comprehensive Plan identifies the subject site and surrounding area for low-density residential uses.

Environmental Corridor Status: The subject property is not located within a mapped environmental corridor. Olbrich Park to the west and the City-owned drainageway to the north are shown as public

lands and are located within environmental corridor the corridor maps. The drainageway is identified as an intermittent stream on the corridor map. The Capital Cities Bike Path to the north is shown as public land on the corridor maps but is not located within a mapped corridor adjacent to this site.

Public Utilities and Services: This property is served by a full range of urban services.

Zoning Summary: Proposed R2S (Single-Family Residence District) zoning:

Requirements	Required	Proposed
Lot Area	4,000 square feet	Sufficient; final to be det. on CSM
Lot Width	40	Sufficient; final to be det. on CSM
Usable open space	800 square feet	To be determined at construction
Front Yard	15' minimum/ 25' maximum	To be determined at construction
Side Yards	5' one-story/ 6' two-story	To be determined; see cond. #3
Rear Yard	20'	To be determined at construction
Floor Area Ratio	--	N/A
Building Height	2 stories/ 35 feet	To be determined at construction
No. Parking Stalls	1	To be determined at construction
<i>Prepared by: Pat Anderson, Asst. Zoning Administrator & Tim Parks, Planning Division</i>		

Project Review

The applicant is requesting approval of a request to rezone an approximately 0.25-acre property located at the northeasterly corner of Sargent and Walter streets from R2 single-family zoning to R2S single-family zoning for the purposes of dividing the parcel into two lots. The site is currently developed with a one-story, approximately 600 square-foot single-family residence located approximately 14 feet from the northerly property line, which was constructed in 1930 according to City records. The residence faces towards Walter Street and includes one bedroom, one bathroom and a detached one-car garage located in the northeasterly corner of the property. Access to the garage is provided from a gravel driveway from Walter Street.

The 0.25-acre subject site consists of a whole platted lot established in 1926, which measures 8,094 square feet in area, and 3,298 square feet of former Walter Street right of way, which was vacated by the City in 1989. An exhibit submitted with the rezoning application depicts the construction of the lot, including the alignment of the former right of way.

The area immediately north and west of the subject site is characterized by public uses, including the easterly edge of Olbrich Park, which is located across Walter Street from the site. The area south and east of the site is characterized by single-family residences primarily oriented to Sargent Street and Johns Street, both of which run east from Walter Street parallel to Atwood Avenue. The residences to the south and east of the site are mostly located on 40-foot lots established by the same plat that created the eastern portion of the subject site. These lots are zoned R2 and many are nonconforming for lot width under current R2 requirements, which requires a minimum of 50 feet of lot frontage.

If the proposed rezoning to R2S is approved, the applicant proposes to subdivide the property into two lots by Certified Survey Map (CSM). The northern of the two future lots will include approximately 5,309 square feet of lot area and 65 feet of frontage along Walter Street and will be developed with the existing residence and detached garage. The applicant indicates in his letter of intent a desire to

renovate the existing residence and garage and shows a new driveway from Walter Street to serve the garage. A private inspection report submitted with the application suggests that the existing residence is mostly structurally sound and that most of the plumbing, electrical and mechanical elements are in "satisfactory" condition, but that the exterior of the building is in need of repair.

The second of the two lots to be created following rezoning approval and completion of a CSM will be a 6,083 square-foot parcel, which will be developed with a new single-family residence. The lot will occupy the corner of Walter and Sargent streets, with approximately 65 feet of frontage along Walter Street and 87.5 feet of frontage along Sargent Street. A conceptual site plan submitted with the rezoning request indicates that the new residence will be set back a minimum of 15 feet from both streets, with a 20-foot minimum rear yard setback and 5-foot side yard setback on the non-street side proposed. A new driveway from Sargent Street is proposed serve the residence.

The proposed future subdivision of the parcel requires a rezoning from R2 single-family zoning to the R2S single-family district due to the less restrictive lot requirements in the requested district. While new lots in R2 zoning would need to be a minimum of 50 feet in width along the fronting street, 100 feet in depth (per the Subdivision Regulations) and 6,000 square feet in lot area, R2S lots only require 40 feet of frontage, 80 feet of depth and 4,000 square feet of lot area. The yard requirements in R2S are also approximately half of what R2 requires, with a range of 15-25 feet in the front yard, 20 feet in the rear yard and 5-6 feet in the side yard, while R2 requires, 30 feet, 40 feet and generally 6-7 feet, respectively.

Analysis & Conclusion

While it is somewhat unique for a property in a long-established neighborhood to be rezoned to a zoning district originally conceived to facilitate more compact single-family development patterns in newly developing areas of the City, the Planning Division believes that the use of R2S zoning in this case is appropriate. The statement of purpose for the R2S district notes that the district was "established to encourage the development of smaller-lot single-family neighborhoods and to stabilize and protect certain low-density residential areas located in various parts of the City..." Staff feels that the applicant's proposal to divide the subject site into two lots using R2S achieves the goals stated in the above statement of purpose.

The resulting development would result in lots generally in keeping with the surrounding area, which largely features lots ranging in size from 5,100 square feet to 6,000 square feet. While many of the lots in the surrounding area are oriented to the side streets, such as Sargent Street and Johns Street, staff feels the applicant's proposal to orient his lots towards Walter Street so that the existing residence on the northern half of the property can be preserved is appropriate. The applicant's proposal to take access for the new residence to be built on the southern portion of the site from Sargent Street should limit any vehicular impacts on the busier Walter Street, which serves as a collector street through the surrounding area as well as a Madison Metro bus route.

In general, the new residence and any additions to the existing residence will be required to comply with the design standards in R2S zoning. Those standards require that a ground-floor entry be oriented to the front of the lot on a public street and that garages either be located in the rear yard of the residence, or if attached, recessed two feet from the front façade, with no more than 50% of the front facade occupied by the garage. In addition, the applicant proposes a 15-foot building line parallel to Sargent Street for the new residence to be constructed on the southern half of the property. Staff agrees that a setback line is appropriate in this case to provide an additional setback for the new

residence along Sargent Street beyond the 5-6 feet required in the proposed R2S zoning. However, staff feels that the building line should be increased with the subsequent CSM to 20 feet to mirror the setback of the residence located immediately to the east of the site and to ensure that a sufficient viewshed exists looking down Sargent Street from Walter Street past the future house on the subject site. The proposed lot will be considered a "reversed corner lot," which is a corner lot, the street side yard of which is generally an extension of the front yard of the lots behind it. In this case, the Sargent Street side yard of the future lot will be a continuation of the front yards to the east, where a range of front yards between 15-25 feet exists.

In closing, the proposed rezoning is consistent with the City's adopted Comprehensive Plan, which recommends the area for low-density residential uses. The project ultimately proposes the creation of two lots of a similar character to those existing in the surrounding area and allows for the preservation of an existing residence. Additionally, the R2S district design standards should ensure that the future residence to be built on the vacant southern portion of the subject site will be an appropriate addition to the established Eastmorland neighborhood.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are shaded

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

The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 3419, rezoning 3502 Sargent Street from R2 (Single-Family Residence District) to R2S (Single-Family Residence District), with a recommendation of **approval** subject to input at the public hearing, the following Planning Division conditions and the conditions from reviewing agencies:

1. That the subject zoning map amendment **not** take effect until a two-lot Certified Survey Map (CSM) for this property has been submitted for review, approved by the City and recorded with the Dane County Register of Deeds. The CSM shall be recorded within 24 months of the date of the Common Council approval of this rezoning or the rezoning shall be null and void and the property shall be returned to the R2 Single-Family Residence District.
2. That the two lots created by the future CSM generally follow the layout shown on the site plan included with this zoning map amendment, meet all of the requirements of the R2S zoning district and provide a minimum average lot depth of 80 feet as required in the Subdivision Regulations.
3. That a 20-foot building line be established for the developable lot adjacent to Sargent Street on the future CSM to maintain a building setback for the future residence commensurate with the existing setbacks present for the residences east of the site. Any existing building lines per the Walterscheid plat will be nullified for this lot upon approval and recording of the future CSM.
4. That the applicant reconstruct the driveway for the existing residence and garage prior to final approval of the future CSM to ensure that the driveway will be wholly located on the lot it serves.
5. The future CSM shall include a note stating that the driveway for the new residence will be from Sargent Street and not from Walter Street.

The following conditions have been submitted by reviewing agencies:

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

6. The owner/applicant has initiated the release of existing public utility easements that were retained by Resolution when the City of Madison vacated a portion of Walter Street in 1989. The owner/applicant shall obtain recorded easement releases from the public utility companies and provide copies of the recorded releases to the Office of Real Estate Services prior to their preparation and recording of a City of Madison release document. The easement releases shall be recorded prior to the recording of the required Certified Survey Map (CSM). Reference Real Estate Project No. 9118 for the easement release process.
 7. The owner shall have a Certified Survey Map (CSM) submitted to, and approved by, the City of Madison and recorded with the Dane County Register of Deeds prior to the issuance of any building permits.
 8. Each lot shall have a separate sanitary sewer lateral.
 9. The applicant shall construct sidewalk along Walter Street to a plan approved by the City Engineer.
 10. The applicant shall dedicate right of way along Walter Street with the CSM of this parcel sufficient to provide 14 feet of right of way as measured from the existing face of curb to the new property line to accommodate the new sidewalk required above.
11. The developer shall enter into a City/ Developer agreement for the installation of public improvements required to serve this plat. 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.
 12. A City-licensed contractor shall perform all work in the public right of way.
 13. 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.
 14. 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.
 15. 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.

Traffic Engineering Division (Contact John Leach, 267-8755)

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

Zoning Administrator (Contact Pat Anderson, 266-5978)

16. Provide a grading plan of the plat to show that usable open space requirements can be met on all of the lots in the amount of 800 square feet per lot for the R2S. Usable open space shall be in a compact area of not less than 200 square feet, having no dimensions less than 10 feet and having a slope no greater than 10 percent. The front yard and street side yards do not count toward usable open space.

Parks Division (Contact Tom Maglio, 266-4711)

17. Park impact fees of \$3,122.65 for the future additional single-family lot will be due in conjunction with the future CSM of the property. The applicant will be required to select a method for payment of park fees for the additional lot prior to signoff on the CSM.

Park Dedication required for the single-family = 1,100 square feet per unit. The Fee in Lieu of Dedication is based on current property values up to \$2.01 per square foot for 2009 = \$2,211+Park development fees = \$911.65 per SF unit = \$3,122.65.

Fire Department (Contact Bill Sullivan, 261-9658)

This agency did not submit comments for this request.

Water Utility (Contact Dennis Cawley, 261-9243)

18. When the property is subdivided, a new water lateral shall be installed to serve the new house and a private water lateral easement shall be dedicated over the water lateral to the existing house.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit comments for this request.