2017

PREPARED FOR THE PLAN COMMISSION

Project Address: 3808-3832 Eliot Lane (12th Aldermanic District, Ald. Palm)

Application Type: Zoning Map Amendment, Revised Preliminary, and Final Plat

Legistar File ID # 46119 and 46317

Prepared By: Kevin Firchow, AICP, Planning Division

Report Includes Comments from other City Agencies, as noted

Summary

Applicant: Adam Helt-Baldwin, Habitat for Humanity of Dane County; 1014 Fiedler Ln #29; Madison, WI 53713

Plat Contact: Gary Blazek; Vierbicher Associates; 999 Fourier Drive, Suite 201; Madison, WI 53713

Property Owner: Same as Owner

Requested Actions: The applicant requests approval to rezone the subject properties from SR-C1 (Suburban Residential-Consistent 1) to SR-C2 (Suburban Residential-Consistent 2) and seeks approval of revised preliminary and final plat.

Proposal Summary: The proposal would reconfigure Lots 8-14 of the Tennyson Ridge Plat into six lots and an outlot. The resulting lots would be reduced in size to allow for the creation of a 26,557 square foot outlot that covers a wooded area abutting contiguous wooded lands at Lake View Elementary School. Much of this area was previously included in a Tree Preservation Easement Area.

Applicable Regulations & Standards: This proposal is subject to the standards for Zoning Map Amendments [MGO §28.182(6)] and Preliminary and Final Plats [MGO §16.23].

Review Required By: Plan Commission (PC) and Common Council.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward both zoning map amendment 00274 rezoning 3808-3832 Eliot Lane from SR-C1 to the SR-C2 District, and the preliminary and final plat of the Tennyson Ridge Replat to the Common Council with a recommendation of **approval**. This recommendation is subject to input at the public hearing and the comments and conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The subject site includes approximately 1.5 acres on the west side of the platted Eliot Lane. The site is within Aldermanic District 12 (Ald. Palm) and is within the limits of the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject properties are currently undeveloped.

Surrounding Land Use and Zoning:

North: Undeveloped lands in the Town of Burke;

South: The Berkeley Oaks single-family subdivision, zoned SR-C1 (Suburban Residential Consistent -1)

<u>East</u>: 72-unit apartment complex, under construction. Beyond that is an approved yet undeveloped 300-unit

senior housing and assisted living facility; and

West: Lake View Elementary School beyond, zoned SR-C1.

Adopted Land Use Plan: The <u>Comprehensive Plan</u> recommends low density residential development for the subject site. The <u>Northport-Warner Park-Sherman Neighborhood</u> states that the future use of this site could focus on residential uses, with an opportunity for a limited neighborhood mixed-use node at the intersection of Packers Avenue and Tennyson Lane.

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.

Zoning Summary: The applicant proposes to rezone this property to the SR-C2 District

Requirements	Required	Proposed		
Lot Area (sq. ft.)	6,000 sq. ft.	6,006 sq. ft. +		
Lot Width	50'	60' +		
Front Yard Setback	30'	TBD		
Side Yard Setback	One-story: 6' Two-story: 7'	TBD		
Reverse Corner Side Yard Setback	15'	TBD		
Rear Yard Setback	Lesser of 30% lot depth or 35'	TBD		
Usable Open Space	1,000 sq. ft.	TBD		
Maximum Lot Coverage	50%	TBD		
Maximum Building Height	2 stories/ 35'	TBD		
Other Critical Zoning Items	Utility Easements			

Table Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

Previous Approvals

In January 2015, the preliminary plat for Tennyson Ridge was approved concurrently with the rezoning and conditional use request for the aforementioned 72-unit apartment development. The plat included 13 lots and two outlots. Lot 1 was an approximately 3.5 acre property, zoned SR-V2 (Suburban Residential-Varied 2) for the apartment development. The other 12 lots range in size, but were zoned SR-C1 (Suburban Residential-Consistent 1). The Final Plat of Tennyson Ridge was approved in October 2015. A copy of the recorded plat is included as an appendix to this report.

Project Description, Analysis, and Conclusion

The applicant, Habitat for Humanity, requests three approvals related to reconfiguring the lot pattern along the western edge of the Tennyson Ridge Plat. This reconfiguration converts seven lots into six smaller lots and creates a 26,557 undevelopable outlot that will be used for private open space. As stated in the letter of intent, this wooded outlot is intended to be sold to the National Heritage Land Trust for use by Lake View Elementary School, who has contiguous wooded land on their property.

Zoning Map Amendment

The applicant first requests approval to rezone approximately 1.5 acres from SR-C1 (Suburban Residential-Consistent 1 District) to SR-C2 (Suburban Residential Consistent 2 District). The proposed smaller lots do not conform to lot area standards for the existing SR-C1 zoning. In comparing the two districts, staff notes that these similar districts have identical allowed use lists. The primary difference is that SR-C2 allows for smaller lots, as noted below.

Table 2: Comparison of Bulk Requirements in the SR-C1 and SR-C2 Zoning Districts

	Residential (Single Family)		Non Residential	
	SR-C1	SR-C2	SR-C1	SR-C2
Lot Area (sq. ft.)	8,000	6,000	8,000	6,000
Lot Width	60'	50'	60'	50'
Front Yard Setback	30'	30'	30'	30'
Side Yard Setback	One-story: 6' Two-story: 7'	One-story: 6' Two-story: 7'	One-story: 6'	One-story: 6' Two-story: 7'
Reversed Corner Side Yard Setback	15'	15'	30'	30'
Rear Yard Setback	Lesser of 30% lot depth or 35'	Lesser of 30% lot depth or 35'	Equal to building height but at least 35	Equal to building height but at least 35
Maximum height	2 stories/35'	2 stories/35'	35'	35'
Maximum lot coverage	50%	50%	60%	60%
Maximum building coverage	n/a	n/a	50%	50%
Usable open space- sf per unit	1,300	1,000	n/a	n/a

The Planning Division believes the Zoning Map Standards are met. The broad approval standards for zoning map amendments state that such amendments are legislative decisions of the Common Council that shall be based on public health, safety and welfare, shall be consistent with the <u>Comprehensive Plan</u>, and shall comply with Wisconsin and federal law. Chapter 66.1001(3) of Wisconsin Statutes also requires that zoning ordinances (including zoning map amendments) enacted or amended after January 1, 2010 be consistent with the City's <u>Comprehensive Plan</u>. 2010 Wisconsin Act 372 clarified "consistent with" as "furthers or does not contradict the objectives, goals and policies contained in the comprehensive plan."

As a rezoning from one primarily single-family district to another, the Planning Division believes the project to be consistent with the City's adopted plans that recommend low density residential development for this area. After exploring other possible zoning districts, the applicant is proposing to rezone to the SR-C2 district at the recommendation of staff. This district will help maintain the existing development pattern as it maintains key features such as front yard and side yard setbacks that exist for surrounding properties. Staff notes that the proposed lots maintain the 60-foot lot width that would be required in the SR-C1 district.

Revised Preliminary and Final Plat

The applicant next seeks approval of a revised preliminary and revised final plat to create the reconfigured lots. The proposed lots are shallower than the approved lots due to the creation of the aforementioned outlot at the rear of the properties. Much of the outlot area is already undevelopable and covered by a tree preservation easement, which would remain.

The Planning Division believes that the approval standards for preliminary and final plats can be met. As noted in the letter of intent, the applicant seeks a variance to the plat standard that requires an *average* minimum lot depth of 100 feet. Proposed lots 2-6 meet this standard with lot depths ranging from 102-124 feet. However, proposed Lot 1 is just short of this standard at approximately 96 feet. §16.23(10) MGO allows the Plan Commission to consider variances to such standards:

<u>Variances.</u> When in the judgment of the Plan Commission it would be inappropriate to apply literally provisions of Subsection (8) of this ordinance because the subdivision is located outside the corporate limits or because extraordinary hardship would result, it may waive or vary such provisions so that substantial justice may be done and the public interest secured.

The Planning Division believes it would be in the public interest to approve the requested variance for this lot. The lot depth is limited by two fixed features, the western property line and the location of Eliot Lane. Staff does not believe reconfiguring the approved and designed street would be a feasible alternative at this time to gain just under four feet of additional lot depth. One benefit of this request is that existing Lots 13 and 14 are proposed to be converted into an undevelopable outlot to further preserve wooded lands. However, the resulting pattern has smaller lots and already provides one fewer lot than currently approved. Should the variance not be granted, Lots 1 and 2 would need to be combined which would lead to an atypically wide lot compared to surrounding properties. From a normal and orderly development standpoint, the Planning Division believes it would be preferable to create two developable lots.

At the time of report writing, the Planning Division was not aware of any concerns on either the zoning map amendment or plat components of this request.

Recommendation

<u>Planning Division Recommendation</u> (Contact Kevin Firchow, 267-1150)

The Planning Division recommends that the Plan Commission forward both zoning map amendment 00274 rezoning 3808-3832 Eliot Lane from SR-C1 to the SR-C2 District, and the preliminary and final plat of the Tennyson Ridge Replat to the Common Council with a recommendation of **approval**. This recommendation is subject to input at the public hearing and the comments and conditions recommended by the reviewing agencies.

Major/Non-Standard Conditions are Shaded

PLAT Recommended Conditions of Approval

Planning Division (Contact Kevin Firchow, 267-1150)

1. As part of this approval, the Plan Commission finds the standards met and grants a variance [as allowed in Section 16.23(10) MGO] to reduce the minimum average lot depth requirement of 100 feet [Section 16.23(8)(d)(3) MGO] for Proposed Lot 1 which on the submitted preliminary and final plats has an average lot depth of 96.14 feet.

<u>City Engineering Division</u> (Contact Brenda Stanley, 261-9127)

- 2. Each platted lot shall have a separate sanitary sewer lateral.
- 3. The developer shall amend the developers agreement for public improvements if required by City Engineer
- 4. Prior to the issuance of building permits, the Developer shall submit a master stormwater drainage plan to the City Engineering Division for review and approval which shows lot corner elevations to the nearest 0.25-foot. For purposes of the plan, it shall be assumed that grading shall be done on a straight-line grade between points unless other information is provided. The proposed slope between points shall always be greater than or equal to .0075 ft/ft. If a break in grade is required between lot corners a shot shall be taken at that break in grade to provide the Engineer with enough information to interpret the plan. The Developer shall also show proposed drainage arrows on the plan to indicate the proposed direction of drainage. (MGO 16.23(9)(D)) The master storm water drainage plan shall be submitted to City Engineering in digital format with elevations/grades/contours shown on the recorded plat map of the development. The digital record shall be provided using the state plane coordinate system NAD 27. NOTE: It is required that this plan shall be stamped by and Registered Land Surveyor.
- 5. The following note shall accompany the master storm water drainage plan:
 - a. For purposes of this plan, it is assumed that grading shall be a straight-line grade between points unless otherwise indicated. All slopes shall be 0.75% or steeper. Grade breaks between lot corners are shown by elevation or through the use of drainage arrows.

No building permits shall be issued prior to City Engineering's approval of this plan.

- 6. A minimum of two (2) working days prior to requesting City Engineering signoff on the plat/csm the applicant shall contact either Tim Troester at 261-1995 (ttroester@cityofmadison.com) or Brenda Stanley at 608-261-9127 (bstanley@cityofmadison.com) to obtain the final stormwater utility charges that are due and payable prior to sub-division 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). (POLICY)
- 7. The following note shall be added to the certified survey map. "All lots created by this certified survey map are individually responsible for compliance with Chapter 37 of the Madison General Ordinances in regard to storm water management at the time they develop."

<u>City Engineering Division - Mapping</u> (Contact Jeff Quamme, 266-4097)

8. The portions of the existing Public Utility Easements noted to be released shall be released by separate document prepared by City Office of Real Estate Services. Applicant must prepare metes and bounds legal descriptions and scale map exhibits for the portions to be released and provide to Engineering Land Records Coordinator Jeff Quamme for review (608-266-4097) (jrquamme@cityofmadison.com). Upon approval of the exhibits and payment of the required \$500 administration fee (check payable to City of Madison Treasurer) to cover staff time and recording costs, Engineering will create the necessary Office of Real Estate Services (ORES) Project. ORES staff will then administer the release document(s) and record with the Dane County Register of Deeds. Prior to the final recording of the release by the City of Madison, that Applicant shall provide recorded copies of the releases by the other Utility Companies serving the plat.

- 9. The Preliminary Plat shall be revised to show existing and proposed utilities and improvements lying within this replat and within the adjacent right of way of Eliot Lane.
- 10. Dimension on the Preliminary and Final plats the extent of the Existing Tree Preservation Easement that lie within Lots 4 and 5.
- 11. The Preliminary and Final Plat shall update note 1 to the most recent title report.
- 12. Update the notes on sheet 2 to reflect only those items that encumber the lands within this replat and are per the most recent required title report.
- 13. 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 monument condition reports for all monuments, including center of sections of record, used in this survey, to Jeff Quamme, City Engineering (jrquamme@cityofmadison.com). 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 and shall be attached to a signed and sealed monument condition report. The Applicant shall identify monument types on all PLS corners included on the Plat or CSM. Note: Land tie to two PLS corners required.
- 14. The Applicant shall submit to Jeff Quamme, prior to Engineering sign-off of the subject plat, one (1) digital CADD drawing and one (1) signed copy of the final plat/CSM to the Mapping/GIS Section of the Engineering Division either as hard copy or Adobe pdf format. The digital CADD file shall be submitted in the WISDOT County Coordinate System, Dane County Zone datum in either Auto CAD Version compatible with MicroStation Version V8i, MicroStation Version V8i or older or Universal DXF Formats. The digital CADD file(s) shall contain the minimum of the items stated below, each on a separate layer name/level number. All line work shall be void of gaps and overlaps that would cause any parcel, street or easement to not properly close. All line work orientation and geometrics shall match the dimensioning as labeled on the final recorded plat:
 - a. Right-of-Way lines (public and private)
 - b. Lot lines
 - c. Lot numbers
 - d. Lot/Plat dimensions
 - e. Street names
 - f. 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).

NOTE: This Transmittal is a separate requirement from the required Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat, electronic data and a written notification to Engineering Mapping for any changes to the plat which occur subsequent to any original submittal of data and prior to final sign off.

15. Prior to Engineering final sign-off by main office for Plats or Certified Survey Maps (CSM), the final Plat or CSM must be submitted to Engineering Division Surveyor / Land Records Coordinator for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign- off. Electronic mail submittal of the FINAL Plat or CSM in PDF form is preferred. Transmit to jrquamme@cityofmadison.com

- 16. This pending Certified Survey Map application shall be completed and recorded with the Dane County Register of Deeds (ROD) prior to issuance of any building permits for new construction. When the recorded CSM image is available from the ROD, the Assessor's Office can then create the new Address-Parcel-Owner (APO) data in GEO so that the Accela system can upload this data and permit issuance made available for this new land record.
- 17. Remove the Public Storm Water Drainage Easement note on SHEET 2 of the final plat. There are not any of these type of easements within this plat. The standard drainage easements have been addressed in note 3 on SHEET 1.

Fire Department (Contact Bill Sullivan, 261-9658)

18. In conjunction with Habitat for Humanity, the WI Fire Sprinkler Coalition and the National Fire Sprinkler Association; MFD in continuing our partnership to improve the safety of the future occupants and protect the community investment by providing fire sprinklers within each home.

Parks Division (Contact Janet Schmidt, 261-9688)

- 19. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(6) will be required for all new residential development associated with this project. This development is within the North Park -Infrastructure Impact Fee district. Please reference ID# 13120.3 when contacting Parks about this project.
- 20. The following note should be included on the subdivision: "LOTS WITHIN THIS SUBDIVISION ARE SUBJECT TO IMPACT FEES THAT ARE DUE AND PAYABLE AT THE TIME BUILDING PERMIT(S) ARE ISSUED."
- 21. Prior to sign off on the final plat the applicant shall execute a declaration of conditions and covenants along with an impact fee schedule for the park impact fees for this development. This document will be recorded at the Register of Deeds. The applicant shall be responsible for all recording fees.
- 22. City Forestry will evaluate the terrace for new street tree plantings upon completion of the project. If there is space for new trees, City Forestry will schedule planting and assess the cost of the initial planting to the property owner.
- 23. Parks Division will be required to sign off on this subdivision.

Office of Real Estate Services (Contact Jenny Frese 267-8719)

- 24. Prior to approval sign-off, the Owner's Certificate 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. The executed original hard stock recordable plat shall be presented at the time of sign-off.
- 25. A certificate of consent for all mortgagees shall be included following the Owner's Certificate and executed prior to plat approval sign-off. If mortgages of record are paid off prior to plat approval, a copy of the recorded satisfaction for said mortgage shall be provided prior to sign-off.

- 26. As of March 27, 2017, the 2016 real estate taxes are paid for the subject property and there are no special assessments reported.
- 27. Under 236.21(3) Wis. Stats. and 16.23(5)(g)(1) Madison General Ordinances, the property owner shall pay all real estate taxes that are accrued for the subject property prior to Plat recording. This includes property tax bills for the prior year that are distributed at the beginning of the year.
- 28. Pursuant to Madison City Ordinance Section 16.23(5)(e)1 and Wis. Stats. 236.21(3), all special assessments, including accrued interest in the case of delinquencies, shall be paid by the owner prior to plat approval sign off. Receipts for payment shall be provided to the City's Office of Real Estate Services in advance of plat approval sign-off.
- 29. Pursuant to Madison City Ordinance Section 16.23(5)(g)(4), the owner shall furnish to the City's Office of Real Estate Services, as well as the surveyor preparing the plat, an updated title report covering the period between the date of the initial title report (1-23-17) and the date when sign-off approval is requested. A title commitment may be provided, but will only be considered as supplementary information to the title report update. The surveyor shall update the plat with the most recent information available in the title report update.
- 30. Please revise the plat as follows:
 - a. Where possible, increase the font size of the text.
 - b. Reference the most recent title report in Note 1 on Sheet 1 and the Notes on Sheet 2.
 - c. Some of the documents included in the Notes section on Sheet 2 are not reported in title. Remove those that are not applicable.
 - d. Include and describe Doc. No. 5260626 in Notes on Sheet 2.
 - e. Initiate requests to all applicable utilities to record releases of their interests in the existing public utility easements in the underlying plat that will no longer be applicable. The City's release of the same will be completed by the Office of Real Estate Services after all required exhibits and fees are received by City Engineering.
 - f. The dedicated outlot shall be labeled "Dedicated for private open space purposes."

Water Utility (Contact Adam Wiederhoeft, (608) 266-9121)

31. Please note that upon development, a separate water service lateral and water meter will be required to serve each parcel. The water laterals shall be directly connected to the public water main with the shut-off valve located in the public right-of-way (per PSC 185.52 (2)).

The following agencies had no recommended conditions of approval on the Plat:

<u>Traffic Engineering Division</u> (Contact Eric Halvorson, 266-6572)

<u>Zoning Administrator</u> (Contact Jenny Kirchgatter, 266-4429)

<u>Metro Transit</u> (Contact Tim Sobota, 261-4289)

<u>City Engineering Division</u> (Contact Brenda Stanley, 261-9127)

ZONING MAP AMENDMENT Recommended Conditions of Approval

Parks Division (Contact Janet Schmidt, 261-9688)

32. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(6) will be required for all new residential development associated with this project. This development is within the North Park -Infrastructure Impact Fee district. Please reference ID# 13120.3 when contacting Parks about this project.

Water Utility (Contact Adam Wiederhoeft, (608) 266-9121)

33. Please note that upon development, a separate water service lateral and water meter will be required to serve each parcel. The water laterals shall be directly connected to the public water main with the shut-off valve located in the public right-of-way (per PSC 185.52 (2)).

The following agencies had no recommended conditions of approval on the Zoning Map Amendment

<u>Planning Division</u> (Contact Kevin Firchow, 267-1150)

<u>Traffic Engineering Division</u> (Contact Eric Halvorson, 266-6572)

<u>Zoning Administrator</u> (Contact Jenny Kirchgatter, 266-4429)

<u>Metro Transit</u> (Contact Tim Sobota, 261-4289)

<u>City Engineering Division - Mapping</u> (Contact Jeff Quamme, 266-4097)

