

PLANNING DIVISION STAFF REPORT

March 11, 2019

PREPARED FOR THE PLAN COMMISSION



Project Address: 4725 Marsh Road (District 16 – Ald. Tierney)

Application Type: Zoning Map Amendment & Conditional Use

Legistar File ID #: [54502](#) & [54404](#)

Prepared By: Sydney Prusak, Planning Division
Report includes comments from other City agencies, as noted.

Reviewed By: Kevin Firchow, AICP, Principal Planner & Heather Stouder, AICP, Planning Director

Summary

Applicant, Contact &

Property Owner: Gurmail Singh Mangat; 4702 Dustin Lane; Madison, WI 53718

Requested Action: Approval of a Zoning Map Amendment to rezone the property from Suburban Residential – Consistent 2 (SR-C2) to Suburban Residential – Consistent 3 (SR-C3), and a conditional use to construct a two-family twin home within 300 feet of another two-family twin home.

Proposal Summary: The applicant proposes to construct a two-family twin home on a vacant lot at 4725 Marsh Road.

Applicable Regulations & Standards: This proposal is subject to the standards for Zoning Map Amendments [MGO §28.182(6)] and Conditional Uses [MGO §28.183(6)].

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

Summary Recommendations: The Planning Division recommends that the Plan Commission find that the approval standards for zoning text amendments are met, and forward the rezoning request to the Common Council with a recommendation to **approve**. Furthermore, the Planning Division recommends that the Plan Commission find that the approval standards for conditional uses are met, and **approve** the conditional use request. These recommendations are subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Background Information

Parcel Location: The 14,361-square-foot (0.33-acre) subject site is located at the southeast corner of the Marsh Road and Roanne Lane intersection. It is located within Aldermanic District 16 (Ald. Tierney) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site is currently vacant.

Surrounding Land Uses and Zoning:

North: A vacant parcel and single family residence across Roanne Lane, zoned Agriculture (A), with Wingra Stone Quarry, also zoned A beyond;

East: Single-family residences, zoned Suburban Residential – Consistent 2 (SR-C2);

South: Single-family residence, zoned SR-C2, with two-family twin homes, zoned Suburban Residential – Varied 2 (SR-V2) beyond; and

West: The McFarland Community Ice Arena and William McFarland Park, in the Village of McFarland.

Adopted Land Use Plan: The [Comprehensive Plan \(2018\)](#) recommends Low Density Residential (LR) for the subject site, which is classified as one to two floors and less than 15 units per acre (du/ac). The [Marsh Road Neighborhood Development Plan \(1999\)](#) also calls for LR, which the Plan defines as less than 8 du/ac.

Zoning Summary: The subject property is currently zoned Suburban Residential – Consistent 2 (SR-C2), but is proposed to be rezoned to Suburban Residential – Consistent 3 (SR-C3).

Requirements	Required	Proposed
Lot Area (sq. ft.)	4,000 sq. ft./d.u.	14,361 sq. ft.
Lot Width	25'/d.u.	88'
Front Yard Setback	25'	35.5'
Side Yard Setback	One-story: 5'	6.5' north side yard 5.5' south side yard
Rear Yard Setback	Lesser of 30% lot depth or 35'	35.36'
Usable Open Space	750 sq. ft. per d.u. (1,500 sq. ft.)	Adequate
Maximum Lot Coverage	60%	Less than 60%
Maximum Building Height	2 stories/35'	1 story

Site Design	Required	Proposed
Number Parking Stalls	Two-family dwelling: 1/ d.u. (location only)	Attached garage
Building Forms	Yes	Two-family twin building

Other Critical Zoning Items	Utility Easements
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Tables Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

Environmental Corridor Status: The property is not located within a mapped environmental corridor.

Public Utilities and Services: The site is served by a full range of urban services, including daily Metro Transit Route #31 service along Marsh Road.

Project Description

The applicant proposes to rezone the subject property from Suburban Residential – Consistent 2 (SR-C2) to Suburban Residential – Consistent 3 (SR-C3) in order to build a two-family twin home. Two-family twin homes are not an allowed use in the SR-C2 Zoning District.

The proposed twin home has one larger 2,048-square-foot four bedroom unit oriented towards Roanne Lane and one smaller 1,306-square-foot three bedroom unit oriented towards Marsh Road. The building plans depict a split level layout for both units, however, at this time the basement areas will not be finished. Both units have their own recessed three-car garage. In terms of total floor area, which accounts for basement and garage space, the larger unit will be 4,864-square-feet, while the smaller unit will be 3,462-square-feet, for a combined floor area of 8,326-square-feet. In regards to building materials, the residence will be constructed with primarily dark and light gray vinyl siding. Staff notes that the subject site is a large residential parcel (0.33-acres) and a corner lot.

Project Analysis

The proposed project is subject to the standards for Zoning Map Amendments [MGO §28.182(6)] and Conditional Uses [MGO §28.182(6)]. After giving due consideration to adopted plan recommendations, the Plan Commission must determine whether the project meets all of the applicable standards for Zoning Map Amendments and Conditional Uses.

The [2018 Comprehensive Plan](#) recommends Low Residential (LR), which includes single and two-family dwelling units, up to two stories in height and a density less than 15 units per acre (du/ac). The [Marsh Road Neighborhood Development Plan \(1999\)](#) also calls for Low Density Residential, which the Plan defines as less than eight du/ac. The neighborhood plan also states that, “Most of the low-density housing will consist of single-family units on a variety of lot sizes.” The Plan continues to state that, “Multi-family residential uses are recommended along Marsh Road, with small concentrations on the non-quarried Wingra Stone Company parcel at the intersection of Marsh Road and Siggelkow Road.” Finally, the Plan notes that, “It is not expected that every residential development will necessarily correspond exactly to the specific density indicated – but that the general pattern and distribution of densities and housing types are consistent with the intent of the neighborhood plan recommendations.”

Standards for Zoning Map Amendments

This proposal is subject to the standards for Zoning Map Amendments, as the subject property will need to be rezoned from Suburban Residential – Consistent 2 (SR-C2) to Suburban Residential – Consistent 3 (SR-C3). MGO §28.182(6) states that, “Map amendments are legislative decisions of the Common Council that shall be based on public health, safety and welfare, shall be consistent with the Comprehensive Plan, and shall comply with Wisconsin and federal law. “Consistent with” has been defined in State Statutes as “furthers or does not contradict the objectives, goals and policies contained in the comprehensive plan.” Given that the [Comprehensive Plan \(2018\)](#) recommends Low Residential (LR) of up to 15 du/ac between one and two stories, staff believes that the proposed rezoning from SR-C2 to SR-C3 is generally consistent with the plan recommendations.

Staff notes that while this property has the lot area to create two lots for single-family homes, it does not have adequate depth or width to be subdivided as such. Therefore, the property would still need to be rezoned in order to accommodate that type of development.

The Planning Division believes that the standards for Zoning Map Amendments can be found met.

Conditional Use Standards

The applicant is also requesting conditional use approval. According to MGO §28.937, no two-family twin dwelling shall be constructed or converted within three hundred (300) feet of a zoning lot containing another two-family twin building, as measured from the perimeter of each zoning lot, unless approved by conditional use. The subject parcel is located within 260 feet of two other two-family twins, which are part of a multi-building residential development containing 30 two-family twin homes and total of 60 total dwelling units.

In regards to the Conditional Use Approval Standards, the Plan Commission shall not approve a conditional use without due consideration of the City’s adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of MGO §28.183(6) are met. Please note, recent changes to 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.

As discussed previously, the Planning Division believes that this proposal generally conforms to the adopted plan recommendations for the subject site. After giving due consideration to adopted plan recommendations, the Plan Commission must determine whether the project meets all of the applicable conditional use standards. Staff notes the following considerations related to Standards 4 and 9.

Standard #4 requires the Plan Commission to find that the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property of uses permitted in the district. While there is a prevailing pattern of two-family twin home development further south, the Planning Division notes that it is unusual to have a two-twin twin home directly surrounded by single family homes in this part of the city. However, certain site specific factors should be considered. Given the lot depth requirements in the SR-C2 and SR-C3 district, in order to accommodate two single-family residences, the property would still need to be rezoned. Additionally, staff notes that the subject site is a large parcel (14,361-square-feet) and a corner lot, which allows each unit to be oriented towards a different street. While the [Marsh Road Neighborhood Development Plan \(1999\)](#) states that most of the low-density housing will consist of single-family units on a variety of lot sizes, it does call for multi-family residential uses along Marsh Road.

Furthermore, Conditional Use Standard #9 states, “When applying the above standards to any new construction of a building or an addition to an existing building the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district.” Staff has concerns with contiguous mass of the roof lines formed by the three-car garages fronting each street. In order to find this standard met, the Planning Division recommends the applicant to break up the garage roof lines in order to minimize the appearance of the overall building mass.

Given these considerations, the Planning Division believes that the Conditional Use Approval Standards can be found met.

Public Input

At the time of report writing, the neighbors immediately to the south expressed their objection to the project. Those comments are attached.

Conclusion

The applicant proposes to construct a two-family twin home on a relatively large vacant corner lot, which requires both rezoning and conditional use approval.

As proposed, the added residential density will be in keeping with the [Comprehensive Plan \(2018\)](#) and generally conforms to the land use recommendations in the [Marsh Road Neighborhood Development Plan \(1999\)](#). On balance, the Planning Division believes that the Plan Commission can find that this request meets the standards for zoning map amendments and conditional uses. The Plan Commission should give careful consideration to the application materials, adopted plan recommendations, and public comment in evaluating this request. If the Plan Commission cannot find the approval standards to be found met, the Plan Commission shall specify its findings of fact and list the standard(s) that have not been met and the reasons such standard(s) was not met.

Recommendation

Planning Division Recommendation (Contact Sydney Prusak, (608) 243-0554)

The Planning Division recommends that the Plan Commission find that the approval standards for zoning text amendments are met, and forward the rezoning request to the Common Council with a recommendation to **approve**. Furthermore, the Planning Division recommends that the Plan Commission find that the approval standards for conditional uses are met, and **approve** the conditional use request. These recommendations are 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

Planning Division (Contact Sydney Prusak, (608) 243-0554)

1. The applicant shall adjust the roof lines to break up the continuous mass formed by the three car garages for each unit.

City Engineering Division (Contact Brenda Stanley, (608) 261-9127)

2. Provide additional design details on the proposed rain garden including elevations.
3. Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project. Include copies of all stormwater, utility, and detail plan sheets that contain stormwater practices on 8.5x14 size paper in the draft document. These drawings do not need to be to scale as they are for informational purposes only. Once City Engineering staff have reviewed the draft document and approved it with any required revisions submit a signed and notarized original copy to City Engineering. Include a check for \$30.00 made out to Dane County Register of Deeds for the recording fee. City Engineering will forward the document and fee for recording at the time of issuance of the stormwater management permit. Draft document can be emailed to Tim Troester (west) at ttroester@cityofmadison.com, or Daniel Olivares at DAOlivares@cityofmadison.com final document and fee should be submitted to City.
4. 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. (MGO 16.23(9)(d)(6)) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

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

5. Applicant shall enter into a stormwater management agreement with the City of Madison for the construction and maintenance of the required rain gardens along the west side of this site. Coordinate with Storm Water Engineering staff.
6. The address of "A" is 4725 Marsh Rd. The address of "B" is 5501 Roanne Ln. 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.

Zoning (Contact Jenny Kirchgatter, (608) 266-4429)

7. Identify and label the building materials and colors on the building elevations.

Madison Fire Department (Contact Bill Sullivan, (608) 261-9658)

8. Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D. Additional information is available at the Home Fire Sprinkler Coalition website: <https://homefiresprinkler.org/building-residential-fire-sprinklers>

Parks/Forestry Review (Contact Kathleen Kane, (608) 261-9671)

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| <ol style="list-style-type: none">9. 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(2) will be required for all new residential development associated with this project. This development is within the East Park -Infrastructure Impact Fee district. Please reference ID# 03110.1 when contacting Parks about this project. |
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