PLANNING DIVISION STAFF REPORT

June 10, 2019

PREPARED FOR THE PLAN COMMISSION

Project Address: **9910 Peach Leaf Lane**

Application Type: Zoning Map Amendment and Conditional Use–Residential Building Complex

Legistar File ID # 55831 and 55463

Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant & Property Owner: Chad Wuebben, Chapel View Development Company, Inc.; 6840 Schneider Road; Middleton.

Requested Actions: Approval of a request to rezone 9910 Peach Leaf Lane (Lot 1, Chapel View subdivision) from TR-C3 (Traditional Residential–Consistent 3 District) to TR-V2 (Traditional Residential–Varied 2 District); and approval of a conditional use–residential building complex to allow construction of 15 single-family units with common open space.

Proposal Summary: The applicant proposes to develop 15 single-family residences on Lot 1 of Chapel View and 13 single-family residences on nearby Lot 45 (624 Burnt Sienna Drive). The units will share common open space (driveways, walks, landscaped areas, etc.) on each lot, which will be maintained by a condominium association. Construction of the single-family residences will commence this summer, with completion anticipated in summer 2020.

Applicable Regulations & Standards: Section 28.182 of the Zoning Code provides the process for zoning map amendments. Table 28C-1 in Section 28.032(1) of the Zoning Code identifies residential building complexes as a conditional use in TR-V2 (Traditional Residential–Varied 2 District) zoning subject to supplemental regulations in Section 28.151. Section 28.183 provides the process and standards for the approval of conditional use permits. Review by the Urban Design Commission is required per Section 33.24(4)(c) of the Urban Design Commission ordinance.

Review Required By: Urban Design Commission and Plan Commission.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022–00386, rezoning 9910 Peach Leaf Lane from TR-C3 to TR-V2 to the Common Council with a recommendation of **approval**, and find the standards met to **approve** a conditional use–residential building complex to allow construction of 15 single-family residences with common open space, subject to the Urban Design Commission approval of the residential building complex, input at the public hearing, and the conditions from reviewing agencies beginning on page 5 of this report.

Background Information

Parcel Location: The subject site is a 1.93-acre lot with frontage along Peach Leaf Lane on the south, Burnt Sienna Drive on the west, and Old Sauk Road on the north; Aldermanic District 9 (Skidmore); Middleton-Cross Plains Area School District.

Existing Conditions and Land Use: Undeveloped land, zoned TR-C3 (Traditional Residential–Consistent 3 District).

North: Single-family residences across Old Sauk Road in the Town of Middleton;

South: Future single-family residences in the Chapel View subdivision, zoned TR-C3 (Traditional Residential–Consistent 3 District);

West: Middleton Community Church, zoned TR-C3;

East: Single-family residences in The Willows subdivision, zoned SR-C1 (Suburban Residential–Consistent 1 District).

Adopted Land Use Plans: The 2018 Elderberry Neighborhood Development Plan recommends the subject site for Residential Housing Mix 1 (HM1) with a density up to eight (8) units an acre. Development in HM1 is primarily recommended for detached single-family housing on individual lots, but limited areas may be developed with other lower-density housing types such as duplexes or townhouses at appropriate locations.

Environmental Corridor Status: There are no environmental corridors on the subject site.

Public Utilities and Services: The site is served by a full range of urban services. However Metro Transit does not currently provide service west of Pleasant View Road. Per Metro's comments:

> *"The proposed development is outside Metro Transit's service area. The closest bus stop with scheduled bus service is over 1.5 miles walking distance, and the property would be greater than the three-quarters of a mile regulatory distance from all day scheduled bus service, which disqualifies any trips in this subdivision for passengers who might otherwise be eligible for door-to-door paratransit service."*

Zoning Summary: The following bulk requirements apply in TR-V2 (Traditional Residential–Varied 2 District):

	Required – Single-family detached	**Proposed**
Lot Area (sq. ft.)	3,000 sq. ft. per unit (45,000 sq. ft.)	84,052 sq. ft.
Lot Width	60'	238'
Minimum front yard setback	20'	15' (See conditions)
Maximum front yard setback	30' or 20% greater than block avg.	15'
Side yard setback	10'	12' on north | 16.87' on south
Minimum distance between bldgs.	One-story: 5' | Two-story: 6'	10' (See conditions)
Rear yard	Lesser of 25% of lot depth or 25'	43.3'
Maximum lot coverage	70%	Less than 70%
Maximum building height.	2 stories/35'	1 or 2 stories
Usable open space (sq. ft. per unit)	500 sq. ft. (7,500 sq. ft.)	9,500 sq. ft.
Automobile parking	1 stall per dwelling unit	15 attached garages
Bicycle parking	None required	7 (See conditions)
Building forms	Single-family detached residence	Buildings will comply (See conditions)

Other Critical Zoning Items	
Yes:	Urban Design (Residential Building Complex), Utility Easements
No:	Wellhead Protection, Floodplain, Landmarks, Waterfront Development, Adjacent to Parkland
	Prepared by: Jenny Kirchgatter, Assistant Zoning Administrator

Previous Approvals

On June 5, 2018, the Common Council approved a request to rezone land generally addressed as 645 Schewe Road and 9951 Old Sauk Road from Temporary A (Agricultural District) and SR-C1 (Suburban Residential–Consistent 1 District) to TR-C3 (Traditional Residential–Consistent 3 District); approved the preliminary plat of *Chapel View*, creating 43 lots for future single-family detached residences, two lots for the future development of single-family cottage condominiums, one lot for a future daycare center, and three outlots to be dedicated to the public for stormwater management; and approved a Certified Survey Map creating one lot for Middleton Community Church and one outlot for the future development of the Chapel View subdivision.

The Common Council approved the final plat of Chapel View on August 7, 2018; the final plat was recorded on November 1, 2018.

Supplemental Regulations

Residential building complexes, which are defined as "a group of two or more residential buildings on a single parcel or tract of land, developed under single ownership and common management" are conditional uses in the TR-V2 zoning district and are subject to the following supplemental regulations in Section 28.151 of the Zoning Code (as applicable in the proposed TR-V2 zoning district):

(a) Recreational areas may be required to serve the needs of the anticipated population.

(b) Setback requirements may be reduced as part of the conditional use approval, provided that equivalent open space areas are provided.

(c) Minimum distances between buildings shall equal the combination of the required side yards for each building, unless reduced by the Plan Commission as part of the conditional use approval.

(d) An appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

(g) Shall be reviewed by the Urban Design Commission pursuant to Sec. 33.24(4)(c), MGO.

(h) All Residential Building Complexes shall be submitted with a plan for building placement, circulation, access and parking, and information on the architectural design of the development.

(i) Each building in a Residential Building Complex shall provide the lot area and usable open space required for the building type by the zoning district.

Project Description, Analysis and Conclusion

The applicant, Chad Wuebben of Encore Construction, is requesting approval of a residential building complex to allow 15 single-family residences to be developed on Lot 1 of the recently approved and recorded Chapel View subdivision. The 1.93-acre site is located on the northern edge of the subdivision adjacent to Old Sauk Road, with primary street frontage provided along Burnt Sienna Drive and Peach Leaf Lane. The 15 residences will be arranged in three rows of five, with the westernmost residences proposed to front onto Burnt Sienna Drive. The remaining ten units will face onto a common landscaped amenity which will extend between Peach Leaf Lane and Old Sauk Road on the eastern portion of the site. All of the proposed units will include rear-loaded two-car garages that will be accessed from shared driveways from Peach leaf Lane. The units will share common open space (driveways, walks, landscaped areas, etc.) on each lot, which will be maintained by a condominium association per the letter of intent.

Plans for the 15 residences call for a variety of one- and two-story prototypes to be developed across the site. The application materials include a series of possible designs for the future homes, which the applicant intends to determine with the end purchaser at the time of construction. Floorplans and typical exteriors for the future homes are included in the Plan Commission materials for this request.

Residential building complexes are not allowed in the TR-C3 zoning, which was established with the initial zoning of the Chapel View subdivision in 2018. However, the applicant, who is also the developer of the larger subdivision, indicated at the time of platting his intent to develop the subject site and nearby Lot 45 of the subdivision (624 Burnt Sienna Drive, also on the June 10, 2019 agenda) with single-family cottages in a condominium form of ownership. In order to implement the complex of single-family residences on the subject site, the applicant is requesting TR-V2 zoning, which allows residential building complexes as a conditional use subject to supplemental regulations in Section 28.151 of the Zoning Code. Single-family detached residences are included among the many residential building forms allowed in the proposed TR-V2 zoning district.

The Planning Division is generally supportive of the applicant's proposal to develop this site and the nearby site with single-family residences in a condominium-style development with shared open space and believes that the Plan Commission may find that the conditional use standards and supplemental regulations are met for the proposed residential building complex, including the specific building orientation and bulk exceptions required for this project, which are highlighted in the Zoning Administrator's comments in the following section. Although the proposed TR-V2 district is more commonly associated with higher-density development, staff believes that the proposed density of 7.7 units per acre is consistent with the recommendations for development in Residential Housing Mix 1 (HM1) per the 2018 Elderberry Neighborhood Development Plan. Development in the HM1 district is recommended not to exceed eight (8) units per net acre, and staff believes that the complex of residences located on a single site with shared open space is consistent with the recommended development forms.

The Urban Design Commission reviewed the residential building complex at its May 29, 2019 meeting and recommended **initial approval** subject to conditions on a 7-0 vote.

Recommendation

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

The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022–00386, rezoning 9910 Peach Leaf Lane from TR-C3 to TR-V2 to the Common Council with a recommendation of **approval**, and find the standards met to **approve** a conditional use–residential building complex to allow construction of 15 single-family residences with common open space, all subject to the Urban Design Commission approval of the residential building complex, input at the public hearing, and the conditions that follow.

Recommended Conditions of Approval Major/Non-Standard Conditions are Shaded

Urban Design Commission

The Urban Design Commission recommended **initial approval** of the project on May 29, 2019 with no conditions. Final approval of the residential building complex will be required prior to issuance of building permits.

The following conditions of approval have been submitted by reviewing agencies:

City Engineering Division (Contact Tim Troester, 267-1995)

1. The applicant shall revise sanitary plan to install a manhole at the end of the private sewer mains. The City will provide a manhole in the public street. The slope of the private sanitary sewer main will need to be consistent for the entire length of the sewer main. The applicant shall coordinate with Kyle Frank, kfrank@Cityofmadison.com, 266-4098, who is preparing the sanitary sewer for Chapel View Phase 2, City Project#11966.

2. All outstanding Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Mark Moder (261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.

3. 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.

4. 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.

5. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE. The project will be expected to meet a higher standard of erosion control than the minimum standards set by the Wisconsin Department of Natural Resources (WDNR) in order to comply with TMDL limits.

6. The applicant shall submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division with any private storm and sanitary sewer utilities. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the only the following data, each on a separate layer name/level number. The digital copies shall be drawn to scale and represent final construction including: building footprints; internal walkway areas; internal site parking areas; other miscellaneous impervious areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.); right-of-way lines (public and private); plat name and lot lines (metes & bounds parcel lines if unplatted); platted lot numbers (noted "unplatted lands" if not platted); lot/plat property dimensions; street names; private on-site sanitary sewer utilities (including all connections to public sanitary); private on-site storm sewer utilities (including all connections to public storm). All other levels (contours, elevations, etc.) are not to be included with this file submittal. E-mail CAD file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement, private on-site sanitary sewer utilities, or private on-site storm sewer utilities during construction will require a new CAD file.

7. 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.

8. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of 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 5.0 tons per acre per year.

9. This site appears to disturb over one (1) acre of land and requires a permit from the Wisconsin Department of Natural Resources (WDNR) for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR-216 and NR-151. However, a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement.

10. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to 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 MGO Chapter 37.

11. A developer's agreement is required for the Chapel View Plat. All public improvements must be constructed along Old Sauk Road, Burnt Sienna Drive, and Peach Leaf Lane.

City Engineering Division – Mapping Section (Contact Jeff Quamme, 266-4097)

12. The Letter of Intent states the site will be subject to condominium ownership. If so, it is preferred that the Condominium Documents be completed and reviewed as required by the City, and recorded with the Dane

County Register of Deeds (ROD) prior to issuance of any building permits for new construction. When the recorded condominium is available from the Register of Deeds, the Assessor's Office can then create the new Address-Parcel-Owner (APO) data in the parcel database so that the permitting system can upload this data and permit issuance made available for the buildings.

13. The portion of the private storm sewer shown to run longitudinally within the public utility easement along the north side of Peach Leaf Lane shall be moved outside of the public utility easement. Private utilities in public utility easements should be limited to crossings.

14. Submit a PDF to Lori Zenchenko (lzenchenko@cityofmadison.com) of the site plan in order for the individual house addressing plan to be created and approved. The site plan shall reflect proper street addresses for the houses as reflected by official City of Madison Assessor's and Engineering Division records.

Traffic Engineering Division (Contact Sean Malloy, 266-5987)

15. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.

16. The developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City-owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.

17. The City Traffic Engineer may require public signing and marking related to the development; the developer shall be financially responsible for such signing and marking.

18. All parking facility design shall conform to the standards in MGO Section 10.08(6).

19. All bicycle parking adjacent pedestrian walkways shall have a two- (2) foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.

20. The applicant shall adhere to all vision triangle requirements as set in MGO Section 27.05 (No visual obstructions between the heights of 30 inches and 10 feet at a distance of 25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO Section 27.05(2)(bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.

21. The applicant shall provide a clearly defined five- (5) foot walkway clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.

22. The applicant shall show the dimensions for the proposed Class III driveway, including the width of the drive entrance, width of the flares, and width of the curb cut.

23. Secure parking facility. This is usually done with continuous six (6) inch curb, timbers, pre-formed wheel stops, or guardrail erected at a height of eighteen (18) inches or fencing of sufficient strength to act as a vehicle bumper.

24. The applicant shall submit a waste removal plan for review, which shall include vehicular turning movements.

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

25. The applicant proposes setbacks that are less than the required setbacks for a residential building complex in the TR-V2 Zoning district. **Setback requirements may be reduced as part of the conditional use approval, provided that equivalent open space areas are provided.**

26. The applicant proposes minimum separation distances between the proposed single-family detached residences that are less than the required separation distances. **Minimum distances between buildings shall equal the combination of the required side yards for each building, unless reduced by the Plan Commission as part of the conditional use approval.**

27. The applicant proposes six of the fifteen single-family residences that do not front on a public street. These six residences front on the common community space. Entrance orientation requirements for buildings that do not front a public street and are located behind buildings that do front a public street may be modified by the Plan Commission as part of the conditional use approval, provided that the modification results in entrances being oriented to a courtyard, open space, or other common amenity of the residential building complex.

28. Show the separation distance between each proposed residence.

29. The proposed bike rack is not a preferred style of bike rack. The bike rack must be able to accommodate a bicycle parking stall that is a minimum of two (2) feet by six (6) feet with a five (5)-foot wide access area. All racks shall accommodate cable locks and "U" locks including removing the front wheel and locking it to the rear fork and frame.

30. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per MGO Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than 10,000 square feet in size must be prepared by a registered landscape architect. Identify the proposed trees and plantings on the landscape plan and provide a planting key.

31. Provide details of the common community space amenities such as the proposed gazebo and patio with fire pit.

32. On the site plan, identify each residence with the proposed elevation type.

33. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.

Fire Department (Contact Bill Sullivan, 261-9658)

34. The Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D in single- and two-family homes. An upgrade to include a fire sprinkler system with a cost estimate shall be made available for all initial single- or two-family home sales.

Water Utility (Contact Adam Wiederhoeft, 266-9121)

35. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days' notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's Plumbers & Contractors website (http://www.cityofmadison.com/water/plumberscontractors), otherwise they may be obtained from the Water Utility Main Office at 119 E. Olin Avenue. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. A Water Meter Application Form will subsequently be required to size and obtain a water meter establish a Water Utility customer account and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact Madison Water Utility at 266-4646.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not provide conditions of approval for this request.

Parks Division (Contact Sarah Lerner, 261-4281)

36. Park-Infrastructure Impact Fee, per MGO Sec. 20.08(2), will be required for all new residential development associated with this project. The applicant shall identify the Lots proposed for single-family cottages. This development is within the West Park-Infrastructure Impact Fee district. The developer must select a method for payment of park impact fees prior to signoff of the final plat. Please reference ID#18120.1 when contacting Parks Division staff about this project.

City Forestry Section (Brad Hofmann, 267-4908)

37. 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.