



PREPARED FOR THE PLAN COMMISSION

Project Address: 6302, 6402-6418 Driscoll Drive (3rd Aldermanic District – Lemmer)
Application Type: Zoning Map Amendment
Legistar File ID # [59630](#)
Prepared By: Colin Punt, Planning Division
Report includes comments from other City agencies, as noted
Reviewed By: Kevin Firchow, Principal Planner

Summary

Applicant: Alder Sponsored/Supported Amendment: Alder Lindsay Lemmer, 3rd Aldermanic District

Owners: Artour Karaman; 500 Westover Dr #10535; Sanford, NC 27330
Frank & Dana Seltzner; 1567 State Rd 19; Marshall, WI 53559
Tony Magestro; 705 Stoney Hill Ln; Cottage Grove, WI 53527

Requested Actions: Approval of a request to amend the PD-GDP-SIP (Planned Development – General Development Plan – Specific Implementation Plan) at 6302 and 6402-6418 Driscoll Drive.

Proposal Summary: The applicant is requesting approval of amended Planned Development-General Development Plan-Specific Implementation Plan zoning to enable the construction of four (4) four-unit buildings.

Applicable Regulations & Standards: Section 28.182 M.G.O. (Madison General Ordinances) provides the process and standards for Zoning Map Amendments. Section 28.098 M.G.O. describes process and standards for Planned Development Districts.

Review Required By: Urban Design Commission, Plan Commission, and Common Council

Summary Recommendation: The Planning Division recommends the Plan Commission find that the approval standards for zoning amendments and planned developments can be met and that it forward Zoning Map Amendments Section 28.022 – 00431 to change the zoning of property located at 6302 and 6402-6418 Driscoll Drive from PD-GDP-SIP to amended PD-GDP-SIP with a recommendation to **approve**. These recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies in this report.

Background Information

Parcel Location: The four subject parcels are located between Driscoll Drive and Milwaukee Street. 6302 (Lot 1 - 18,026 sq ft) is approximately 300 feet west of Rustic Drive. 6402 (Lot 32 - 12,214 sq ft), 6410 (Lot 31 - 10,152 sq ft), and 6418 (Lot 30 - 10,152 sq ft) are located immediately east of Rustic Drive. The site is in Aldermanic District 3 (Alder Lemmer) and is within the Madison Metropolitan School District.

Existing Conditions and Land Use: The four subject sites are all currently vacant and zoned PD-GDP-SIP (Planned Development – General Development Plan – Specific Implementation Plan). The remainder of the PD-GDP district has been built out with a variety of four-unit residential buildings.

Surrounding Land Uses and Zoning:

- West:** A single-family residence zoned SR-C1 (Suburban Residential – Consistent 1 District), with vacant land zoned TR-P (Traditional Residential – Planned) beyond;
- South:** Across Driscoll Drive, single-family residences zoned TR-C3 (Traditional Residential – Consistent 3 District) and two-unit residences zoned PD (Planned Development District);
- East:** Single-family residences in large lots in the Town of Blooming Grove; and
- North:** Across Milwaukee Street, a four-building multifamily complex with over 100 units zoned PD, and a single-family residence zoned A (Agriculture District).

Adopted Land Use Plans: The [Comprehensive Plan](#) (2018) recommends Low Residential (LR) for the site. The [Sprecher Neighborhood Development Plan](#) (1998, last updated 2012) recommends the lots at 6302 and 6402 for low-medium density residential (8-11 du/ac) and those at 6410 and 6418 for medium-density residential (12-16 du/ac).

Zoning Summary: The proposed lot is currently zoned PD-GDP-SIP and the applicant is requesting amended PD-GDP-SIP zoning.

Zoning Criteria	Required	Proposed
Lot Area (sq. ft.)	As per approved plan.	As per submitted plan.
Lot Width	As per approved plan.	As per submitted plan.
Front Yard Setback	As per approved plan.	As per submitted plan.
Side Yard Setback	As per approved plan.	As per submitted plan.
Rear Yard Setback	As per approved plan.	As per submitted plan.
Usable Open Space	As per approved plan.	As per submitted plan.
Maximum Lot Coverage	As per approved plan.	As per submitted plan.
Floor Area Ratio	As per approved plan.	As per submitted plan.
Building Height	As per approved plan.	As per submitted plan.

Other Critical Zoning Items	Urban Design (PD), Utility Easements
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Environmental Corridor Status: The subject site is not located in a mapped environmental corridor.

Public Utilities and Services: The site is served by a full range of urban services.

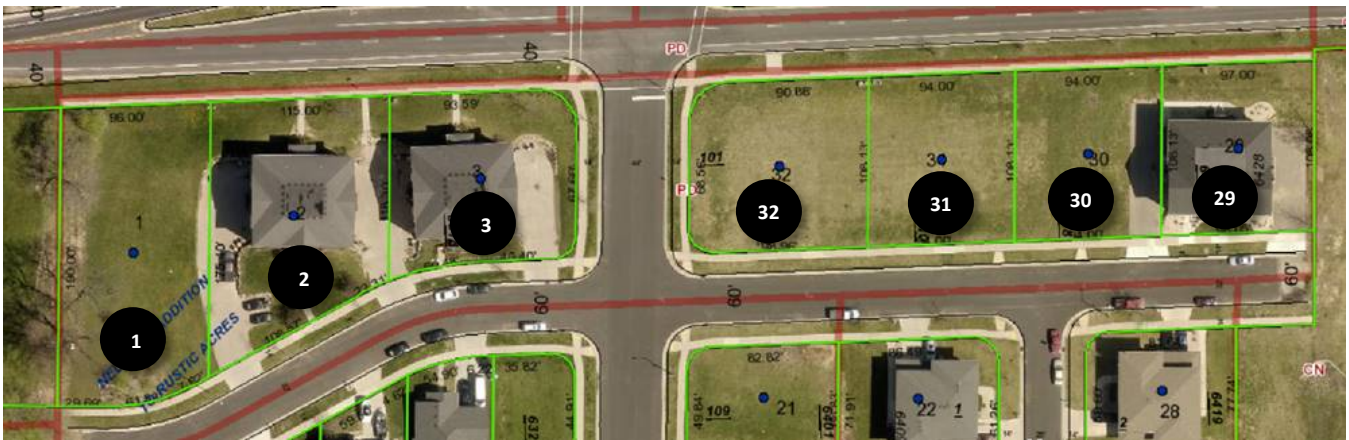
Previous Approvals

In May 2005, the Plat for Nelson Addition to Rustic Acres and accompanying Planned Development zoning was approved. Prior to these approvals, in early 2005, the [Sprecher Neighborhood Development Plan](#) was revised to reflect the Rustic Acres subdivision. An alteration to the adopted SIP reducing the number of vehicle stalls in the garages for 6302 Driscoll Drive was approved in late 2006. In late 2009, another SIP alteration was proposed for 6402, 6410, and 6418 Driscoll Drive. The proposal was reviewed favorably by UDC, but never proceeded to Plan Commission or Common Council. The underlying PD approval has therefore subsequently expired per the regulations found in 28.098(5)(g) M.G.O.

Project Description

The applicant is requesting approval of amended PD-GDP-SIP (Planned Development – General Development Plan – Specific Implementation Plan) zoning in order to construct four (4) four-unit buildings. The original planned development district zoning approval for these lots, originally approved in 2005, has expired. Undeveloped property from a single developer went into receivership, and multiple property owners now own these undeveloped lots. Two of the property owners now wish to construct buildings on their lots, with minor changes to the previously approved plans. Re-approval of the PD zoning district is necessary for building permits to be issued.

An aerial photo of the subject properties is below:



The submitted PD-GDP-SIP is for four (4) four-unit buildings. One building, on Lot 1 (6302 Driscoll Drive), has no changes proposed from the previous approvals, and the same two-story building with three-bedroom units, and underground parking access from a driveway to the west of the structure remain the same as those previously approved.

The proposed buildings on Lots 30-32 (6400-block of Driscoll Drive) all vary slightly from previous approvals. Each of the four units in each building has three bedrooms and two and one-half bathrooms. Each has private entrances via a covered porch on both the Driscoll Drive and Milwaukee Street sides of the buildings. Each also includes decks accessible from first-floor living areas. Indoor parking is provided in lower-level private garages. Shared driveways are located between each building, as well as between the proposed building on Lot 30 and the existing similar building on Lot 29. Another driveway on Driscoll Drive will also serve 6402 Driscoll Drive (Lot 32). Detailed exterior materials and colors have not been provided, but drawings appear to show conventional a masonry veneer at the base of the buildings, lap siding from most walls, and shingled side-gabled roofs. Proposed landscaping is per previous approved plans.

Public utilities are available to these sites and the necessary easements and agreements exist to enable construction.

This proposal, if approved, will be valid for a period of five years from the approval date.

Analysis & Conclusion

This request is subject to the Zoning Map Amendment [Section 28.182(6)] and Planned Development standards [Section 28.098(2)] of the Zoning Code. The analysis below begins with a summary of the adopted plan recommendations as the specific approval standards reference these documents. This section will then analyze the standards for Zoning Map Amendments and for planned developments before concluding with the Urban Design Commission's review of the proposed Planned Development district amendment.

Conformance with Adopted Plans

The [Comprehensive Plan](#) (2018) recommends Low Residential (LR) for the site. The Plan describes Low Residential as areas predominantly made up of single-family and two-unit structures at densities less than 15 dwelling units per acre. However, two-, three-, and four-unit buildings and rowhouses at densities up to 30 dwelling units per acre may be compatible with the LR designation, especially when specified within and adopted special area plan or located along arterial streets or major corridors and when constructed to fit within the general "house-like" context of LR areas. The [Sprecher Neighborhood Development Plan](#) (1998, last updated 2012) recommends the lots at 6302 and 6402 for low-medium density residential (8-11 du/ac) and those at 6410 and 6418 for medium-density residential (12-16 du/ac).

Zoning Map Amendment Standards

The Zoning Map Amendment standards, found in 28.182(6), M.G.O. 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 [Comprehensive Plan](#), and shall comply with Wisconsin and federal law. Chapter 66.1001(3) of Wisconsin Statutes requires that zoning ordinances (of which the zoning map is part) enacted or amended after January 1, 2010 be consistent with the City's [Comprehensive Plan](#). 2010 Wisconsin Act 372 clarified "consistent with" as "furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan."

As describe above, the request and its uses are generally consistent with the land use recommendations for this area in the [Comprehensive Plan](#). Individual densities for each lot range from 9.7 to 17.2 dwelling units per acre. The four parcels in the application average 13.8 units per acre and the seven parcels designated for four-unit residences in the GDP average 13.5 units per acre. Staff believes the proposal can be found consistent with adopted plans due to the proposed building types and sizes and residential densities.

Planned Development Standards

Planned Developments are intended to facilitate the development of land in an integrated and innovative fashion, to allow for flexibility in site design, and to encourage development that is sensitive to environmental, cultural and economic considerations. The resultant development should feature high-quality architecture and building materials. Specific design objectives include promoting green building technologies, integrated land uses, preservation and enhancement of environmental features, preservation of historic buildings, enhanced open space, and the facilitation of high-quality development consistent with adopted plans. See Zoning Code Section 28.098(1) for further information. The specific approval standards for Planned Developments are provided in Section 28.098(2) of the Zoning Code. In summary, staff believes the standards of 28.098(2) can be found met subject to the conditions from reviewing agencies found at the end of this report, and provides additional discussion on the following standards.

The Planned Development District’s statement of purpose [28.098(1) M.G.O.] states, in part, that “the Planned Development District is intended to achieve one or more of the following objectives: preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities, [and] facilitation of high-quality development that is consistent with the goals, objectives, policies, and recommendations of the Comprehensive Plan and [other] plans.”

Urban Design Commission Review

The Urban Design Commission shall review the General Development Plan and Specific Implementation plans and make a recommendation to the Plan Commission. At its March 11, 2020, meeting, the Urban Design Commission recommended final approval of this development, with a condition concerning updating the landscape plan and removing invasive species from the planting list. The UDC reports from March 11 are attached.

Public Input

At time of report writing, Staff is unaware of any public comment.

Conclusion

The applicant is requesting approval of amended PD-GDP-SIP (Planned Development – General Development Plan – Specific Implementation Plan) zoning in order to construct four (4) four-unit buildings. Staff believes the proposed zoning and buildings are consistent with the recommendations of the Comprehensive Plan and the Sprecher Neighborhood Development Plan and the standards for zoning amendments and planned developments can be found met.

Recommendation

Planning Division Recommendation (Contact Colin Punt, 243-0455)

The Planning Division recommends the Plan Commission find that the approval standards for zoning amendments and planned developments can be met and that it forward Zoning Map Amendments Section 28.022 – 00418 to change the zoning of property located at 6302, 6402-6418 Driscoll Drive from PD-GDP-SIP to amended PD-GDP-SIP with a recommendation to **approve**. This recommendation is subject to input at the public hearing and the following conditions:

Recommended Conditions of Approval – PD Amendment Major/Non-Standard Conditions are Shaded

Urban Design Commission (Contact Janine Glaeser, 243-0455)

1. Provide an updated landscaping plan.
2. Replace invasive species on the landscape plan planting list, including but not limited to barberry, burning bush, ash, chanticleer pear, and purple leaf sand cherry, with native species.

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

3. Provide lowest building openings and foundation sill elevations for all proposed buildings. Revise plan set to show more information on proposed drainage for the site. Use either spot elevations and drainage arrows or proposed contours to show the required drainage information. 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. (POLICY)
 4. Lots 29-32 are required to enter into a joint drainage agreement for stormwater management.
 5. The Applicant shall provide a grading and storm sewer plan that looks at the site conditions if the discharge pipes were at capacity or surcharged and will set building elevations and minimum openings elevations at least 0.5ft above the 100-year flood elevation. Provide a plan and stormwater model, stamped by a Professional Engineer.
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6. The storm sewer serving these properties will be private. Obtain a permit to Excavate in the Right-of-Way for the connection to the public storm sewer system and/or installation of utilities required to serve this project and shall comply with all the conditions of the permit. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO 10.05(6)), MGO 35.02(4)(c)(2)), and MGO 37.05(7)
 7. A Storm Water Management Report and Storm Water Management Permit is required for this project. See Storm comments for report and permit specific details and requirements.
 8. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
 9. This site appears to disturb less than one (1) acre of land. No submittal to the WDNR, CARPC or Department of Safety and Professional Services (DSPS) is required as the City of Madison Building Inspection Department is an approved agent for DSPS.
 10. The applicant shall show storm water "overflow" paths that will safely route runoff from the site.
 11. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE and therefore will be regulated to meet a higher standard.
 12. This project will disturb 20,000 sf or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.

Demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year. The WDNR provided workbook to compute USLE rates can be found online at <https://dnr.wi.gov/topic/stormwater/publications.html>

This project will require a concrete management plan and a construction dewatering plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. If contaminated soil or groundwater conditions exist on or adjacent to this project additional WDNR, Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit. (POLICY)

This project appears to require fire system testing that can result in significant amounts of water to be discharged to the project grade. The Contractor shall coordinate this testing with the erosion control measures and notify City Engineering 608-266-4751 prior to completing the test to document that appropriate measures have been taken to prevent erosion as a result of this testing.

Complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website - as required by Chapter 37 of the Madison General Ordinances.

13. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Stormwater Management Permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.

The Storm Water Management Plan & Report shall include compliance with the following:

Report: Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.

Electronic Data Files: Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. If calculations are done by hand or are not available electronically, the hand copies or printed output shall be scanned to a PDF file and provided to City Engineering. (POLICY and MGO 37.09(2))

Infiltration: Provide infiltration of 90% of the pre-development infiltration volume.

TSS New Development: Reduce TSS by 80% (control the 5-micron particle) off of newly developed areas compared to no controls.

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.

14. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
15. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or tstroester@cityofmadison.com (West).

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

16. Note: There are joint driveway and stormwater easement agreements in place for these lots per Doc No's 4243121, 5447558, 5488146, 5488147 and 5488148
17. Each apartment unit will have their own individual street address. Submit a Floor Plan for each separate building in PDF format to Lori Zenchenko (lzenchenko@cityofmadison.com that includes a floor plan for each floor on a separate sheet for the development of a complete building and interior addressing plan. The Addressing Plan for the entire project shall be finalized and approved by Engineering (with consultation and consent from the Fire Marshal if needed) prior to the submittal of the final Site Plan Approval application with Zoning. The approved Addressing Plan shall be included in the final application.

For any changes pertaining to the location, deletion or addition of a unit, or to the location of a unit entrance, (before, during, or after construction), a revised Address Plan shall be resubmitted to Lori Zenchenko to review addresses that may need to be changed and/or reapproved. The final revised Addressing Plan shall be submitted by the applicant to Zoning to be attached to the final filed approved site plans.

18. North orientation, landscaping plan vs building plan for lot 1 do not match. Porch facing Milwaukee St on elevation, doesn't match 1 first floor plan. Landscaping seems to indicate garage entries on west side of the building (along with a driveway). Floor plan indicates east garage entries only. Reconcile and update accordingly.

Fire Department (Contact Bill Sullivan, 261-9658)

19. Fire sprinklers shall be installed in accordance with NFPA 13R standard as applicable by Madison General Ordinance Chapter 34.

Forestry Section (Contact Brad Hofmann, 267-4908)

20. Existing street trees shall be protected. Please include the following note on the site plan: Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266- 4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry prior to the start of construction. Tree protection specifications can be found in section 107.13 of City of Madison Standard Specifications for Public Works Construction - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2018/Part1.pdf>. Any tree removals that are required for construction after the development plan is approved will require at least a 72 hour wait period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan.
21. An existing inventory of trees (location, species, & DBH) and any tree removal plans (in PDF format) shall be submitted to the plans and Brad Hofmann – bhofmann@cityofmadison.com or 266-4816. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Approval and permitting of street tree removals shall be obtained from the City Forester prior to the approval of the site plan.

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.

Water Utility (Contact Jeff Belshaw, 261-9835)

23. A Water Meter Application Form and fees must be submitted before connecting to the existing water lateral. Provide at least two working days notice between the application submittal and the scheduled lateral connection/extension. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumbers-contractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Ave. 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. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

Metro Transit (Contact Tim Sobota, 261-4289)

24. In coordination with any public works improvements, the applicant shall maintain or replace the concrete boarding pad surface at the existing Metro bus stop on the south side of Milwaukee Street, east of Rustic Drive (#7587).

25. The applicant shall include the location of these transit amenities on the final documents filed with their permit application so that Metro Transit may review the design.

26. Metro Transit operates limited commuter transit service along Milwaukee Street between the Interstate and Wyalusing Drive. Bus stop ID #7587 is on the south side of Milwaukee Street, east of Rustic Drive. The proposed development is outside Metro Transit's paratransit service area, and the units would be greater than the ¼ mile regulatory distance from all day service for passengers who might be eligible for door-to-door paratransit service.

The Planning Division, Office of the Zoning Administrator, and Traffic Engineering Division have reviewed this request and have recommended no conditions of approval.