



Report to the Plan Commission

June 10, 2009

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

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

Requested Action: Approval of a request to rezone 3502 Sargent Street from R2 (Single-Family Residence District) to R2S (Single-Family Residence District) and approval of a demolition permit to allow an existing single-family residence to be demolished to allow the future subdivision of the parcel into two lots to accommodate two relocated single-family residences.

Note: The Plan Commission previously recommended approval of this request to the Common Council on March 23, 2009. However, the applicant for the rezoning has changed and the request has been amended to include the demolition of the single-family residence, whereas previously it was proposed to remain.

Applicable Regulations & Standards: Section 28.12 (9) provides the process for zoning map amendments; Section 28.12 (12) provides the guidelines and regulations for the approval of demolition permits.

Summary Recommendation: The Planning Division recommends that the Plan Commission recommend **re-approval** of Zoning Map Amendment ID 3419, rezoning 3502 Sargent Street from R2 to R2S to the Common Council and **approve** a demolition permit to allow the existing residence to be razed, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 5 of this report.

Background Information

Applicant: Mike Pfefferle; 4028 Underdahl Road; Madison.

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

Proposal: The applicant is requesting approval to demolish the existing single-family residence on the property, to be followed by a Certified Survey Map (CSM) to divide the property into two lots. Following the approval and recording of the CSM, the applicant proposes to relocate two existing single-family residences to the divided property from Cottage Grove Road adjacent to Grandview Commons.

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

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

Surrounding Land Use and Zoning:

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

South: Single-family residences, zoned R2;

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

East: Single-family residences, zoned R2.

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

Environmental Corridor Status: The subject property is not located within a mapped environmental corridor. Olbrich Park to the west and the City-owned drainageway to the north are shown as public lands and are located within environmental corridor the corridor maps. The drainageway is identified as an intermittent stream on the corridor map. The Capital Cities Bike Path to the north is shown as public land on the corridor maps but is not located within a mapped corridor adjacent to this site.

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

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

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

Project Review

As noted at the outset of this report, the Plan Commission reviewed a similar request for the subject property on March 23, 2009 and recommended approval of a rezoning of this site to R2S subject to the comments and conditions contained in the Commission's materials. However, on March 31, 2009, the Common Council referred the rezoning request back to the Plan Commission at the request of Ald. Larry Palm due to the original applicant, Mr. Patrick Kovich, losing his option to purchase the property.

Following the March 31 Council referral, a new applicant, Mr. Mike Pfefferle, has come forward wishing to proceed with the application to rezone the approximately 0.25-acre property located at the northeasterly corner of Sargent and Walter streets from R2 to R2S. Like the Kovich application, Mr. Pfefferle proposes to subdivide the property into two single-family lots following approval of the rezoning to R2S. However, unlike the initial request for this property, which called for the existing 600 square-foot residence on the property to remain and be renovated and for a new residence to be constructed on the other proposed lot, the current proposal calls for the residence to be demolished. Following the demolition of the existing residence and the approval and recording of a Certified Survey Map to divide the property into two, Mr. Pfefferle proposes to relocate an existing single-family house onto each of the two proposed lots. The houses are currently located on the north side of Cottage Grove Road adjacent to Grandview Commons. Veridian Homes is separately requesting approval of a rezoning, demolition permits and two Certified Survey Maps of the two home sites and a third adjacent

site to allow the construction of six new homes similar to the rest of the Grandview Commons development. The Plan Commission will consider the Veridian requests at its July 6, 2009 meeting.

Regarding the subject site at 3502 Sargent Street, the applicant has submitted a conceptual site plan to show how the property will be subdivided and the two residences sited on the future lots following demolition of the existing single-story, one bedroom/ one bath residence, which sits on the northerly half of the property.

The 0.25-acre subject site consists of a whole platted lot established in 1926, which measures 8,094 square feet in area, and 3,298 square feet of former Walter Street right of way, which was vacated by the City in 1989. An exhibit submitted with the rezoning application depicts the construction of the lot, including the alignment of the former right of way. The northern of the two future lots proposed will include approximately 5,629 square feet of lot area and 55.1 feet of frontage along Walter Street. The proposed lot area includes a 12-foot wide appendage that extends south from the majority of the lot to provide a direct connection to Sargent Street for a driveway that will serve an existing detached one-car garage located in the northeasterly corner of the property, which will remain. The second of the two lots proposed will be a 5,674 square-foot parcel that will occupy the corner of Walter and Sargent streets, with approximately 56 feet of frontage along Walter Street and 76 feet of frontage along Sargent Street.

The conceptual plan indicates that the residence currently located at 6210 Cottage Grove Road will be relocated to the northern of the two proposed lots and will face towards Walter Street. The one-story ranch-style structure includes a hipped roof and a substantial covered entry along the front elevation. The 3-bedroom/ 1.5-bath, 950 square-foot house will be set back approximately 30-feet from Walter Street, 25-feet from the easterly, rear property line and 12-feet from the northerly, side property line adjacent to the Capital City Bike Path.

Mr. Pfefferle proposes to relocate the one-story residence currently located at 6206 Cottage Grove Road to the southern proposed lot. The 1,240 square-foot 3-bedroom/1-bath ranch-style house will face towards Sargent Street and will be set back 15 feet from both streets. The easterly side of the residence will be setback 19 feet from the proposed side property line. An approximately 22-foot setback is proposed along the northerly, rear wall of the second house from the common lot line between the two proposed lots. The southern relocated residence will be served by a new driveway from Sargent Street. Following the relocation of the two residences to the subject site, Mr. Pfefferle indicates that both houses will be refurbished with new roofs, exterior finishes and renovated interiors.

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

Analysis & Conclusion

The request now before the Plan Commission has changed from the request that the Commission recommended approval to the Common Council of in March. As opposed to the preservation of the modest single-family residence currently located on the property and the construction of a second

residence once the site is subdivided, the current proposal calls for the existing house to be demolished and for two existing residences to be relocated to the property from elsewhere in the City. However, the outcome is at least moderately similar in that the property will be split in two in a fashion similar to the original proposal with lots fronting onto Walter Street.

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

The resulting development would result in lots generally in keeping with the surrounding area, which largely features lots ranging in size from 5,100 square feet to 6,000 square feet, and will introduce two buildings that generally follow the built form present in the neighborhood. Staff feels that the two one-story residences to be moved to the site reflect the predominant building forms present nearby, which feature a variety of mostly one-story early ranch homes and "ramblers" constructed after World War II.

While many of the lots in the surrounding area are oriented to the side streets, such as Sargent Street and Johns Street, staff feels the proposal to orient the future lots towards Walter Street is appropriate given the reduced flexibility in building location that will result from the use of relocated residences versus the construction of new ones.

However, Planning and Zoning staff would discourage the proposed lot "flag" shown on the preliminary CSM for the northern lot and recommend instead that the extension to Sargent Street from proposed Lot 1 be eliminated. Staff feels that the extension and future driveway to be located therein could create potential conflicts between the owners of the two lots as well as possibly the owner of the residence at 3506 Sargent Street, since the rear yard of the proposed southernmost lot would abut the flag (driveway) of the northern lot and the rear yard of the northern lot would be consumed by the garage and driveway. It appears this proposal would benefit the property owner, as the current garage orientation could be maintained, but would not benefit the long-term development and use of the subject properties and abutting lot. The irregular nature of lots such as this tend to create neighbor conflicts in regard to parking/ storage, snow removal, and other quality of life issues, where typical rectangular lots provide clearer establishment of yard areas and lot lines. In the alternative, staff recommends that the existing garage be turned 90 degrees to face towards Walter Street and for driveway access to that garage to be from Walter. Traffic Engineering staff has verbally indicated that the presence of a residential driveway along the northern property line should not create a conflict with the crossing of the Capital City Bike Path at Walter Street given the distance between the actual path and the likely location of the driveway. Staff would not be opposed, however, to the creation of a private water lateral easement across proposed Lot 2 to allow Lot 1 to receive water service from the main in Sargent Street, as no main exists on Walter Street north of Sargent.

In general, the new lots and relocated residences will be required to comply with the design standards in R2S zoning. Those standards require that a ground-floor entry be oriented to the front of the lot on a public street and that garages either be located in the rear yard of the residence, or if attached, recessed two feet from the front façade, with no more than 50% of the front facade occupied by the garage. In addition, the applicant proposes a 15-foot building line parallel to Sargent Street, which equals the minimum front yard required in R2S zoning. Staff previously recommended that the building line along Sargent Street be increased to 20 feet to mirror the setback of the residence located

immediately to the east of the site and to ensure that a sufficient viewshed exists looking down Sargent Street from Walter Street. However, staff recommended the increased setback when a new residence was proposed to be constructed on that lot. Staff is amenable to the 15-foot setback now proposed due to the footprint of the existing house to be relocated to the southern parcel. According to the site plan submitted with the current proposal, the relocated house includes a 6-foot deep and 16.5-foot long projection along the front-facing wall that tapers back over the remaining 28 feet of the front wall. The projection will be placed at the 15-foot setback, with the rest of the front wall to be 21 feet from the Sargent Street property line, which staff feels will still provide a sufficient transition to the residences to the east of the site.

In closing, the Planning Division feels that the proposed rezoning is consistent with the City's adopted Comprehensive Plan, which recommends the area for low-density residential uses. The project ultimately proposes the creation of two lots and relocation of two single-family residences of a similar character to those existing in the surrounding area. Though staff was initially supportive of the prior applicants desire to preserve the existing 600 square-foot residence on the property, it does feel that sufficient information has been provided to suggest, in fact, that the existing structure could be demolished as now proposed. The building inspection report submitted suggests that the existing house would require significant renovations that may not be economically feasible given the small size of the residence, which appears to be smaller than most of the other residences nearby. If properly renovated, the two relocated structures should represent an appropriate addition to the established Eastmorland neighborhood. However, to ensure that the relocated residences comport to the character of the neighborhood, staff recommends that plans for both houses be submitted for staff approval, which specify the final location of the houses and the scope of the renovations to occur. Staff also recommends that in the event that the applicant chooses to not pursue relocation of the Cottage Grove Road houses to the subject site that any alternative plans for the future lots be approved by Planning Division staff.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are shaded

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

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

1. That the subject zoning map amendment **not** take effect until a two-lot Certified Survey Map (CSM) for this property has been submitted for review, approved by the City and recorded with the Dane County Register of Deeds. The CSM shall be recorded within 24 months of the date of the Common Council approval of this rezoning or the rezoning shall be null and void and the property shall be returned to the R2 Single-Family Residence District.
2. That the two lots created by the future CSM generally follow the layout shown on the site plan included with this zoning map amendment, except that the extension of proposed Lot 1 to Sargent Street be eliminated. The proposed lots and relocated houses shall meet all of the requirements of the R2S zoning district and provide a minimum average lot depth of 80 feet as required in the Subdivision Regulations.

3. That a 15-foot building line be established for the lot adjacent to Sargent Street on the future CSM to maintain a building setback for the future residence commensurate with the existing setbacks present for the residences east of the site. Any existing building lines pertaining to the subject site per the Walterscheit plat will be nullified upon approval and recording of the future CSM.
4. That detailed plans for the two relocated residences be submitted for approval by the Planning Division prior to the issuance of permits for the relocation and establishment of those buildings on the subject site. The plans shall include a fully dimensioned site plan and the scope of interior and exterior improvements to the house, including all building materials to be used on the exterior.
5. That in the event the applicant does not proceed with the relocation of the Cottage Grove Road structures to the subject site, any proposed construction on the lots shall be reviewed by the Planning Division.

The following conditions have been submitted by reviewing agencies:

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

6. The owner/applicant has initiated the release of existing public utility easements that were retained by Resolution when the City of Madison vacated a portion of Walter Street in 1989. The owner/applicant shall obtain recorded easement releases from the public utility companies and provide copies of the recorded releases to the Office of Real Estate Services prior to their preparation and recording of a City of Madison release document. The easement releases shall be recorded prior to the recording of the required Certified Survey Map (CSM). Reference Real Estate Project No. 9118 for the easement release process.
7. The owner shall have a Certified Survey Map (CSM) submitted to, and approved by, the City of Madison and recorded with the Dane County Register of Deeds prior to the issuance of any building permits.
8. Each lot shall have a separate sanitary sewer lateral.
9. The applicant shall construct sidewalk along Walter Street to a plan approved by the City Engineer.
10. The applicant shall dedicate right of way along Walter Street with the CSM of this parcel sufficient to provide 14 feet of right of way as measured from the existing face of curb to the new property line to accommodate the new sidewalk required above.
11. The developer shall enter into a City/ Developer agreement for the installation of public improvements required to serve this plat. The developer shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The developer shall meet with the City Engineer to schedule preparation of the plans and the agreement. The City Engineer will not sign off on this plat without the agreement executed by the developer.
12. A City-licensed contractor shall perform all work in the public right of way.
13. The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed

contours. It is necessary to show the location of drainage leaving the site to the public right of way. It may be necessary to provide information off the site to fully meet this requirement.

14. The applicant shall obtain a Street Excavation permit for the installation of utilities required to serve this project. The applicant shall pay the permit fee, inspection fee and street degradation fee as applicable and shall comply with all the conditions of the permit.
15. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service.
16. Prior to approval of the conditional use application, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1) \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2) \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner.

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

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

Zoning Administrator (Contact Pat Anderson, 266-5978)

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

Parks Division (Contact Tom Maglio, 266-4711)

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

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

Fire Department (Contact Bill Sullivan, 261-9658)

This agency did not submit comments for this request.

Water Utility (Contact Dennis Cawley, 261-9243)

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

ID #13571
3502 Sargent St.
June 10, 2009
Page 8

Metro Transit (Contact Tim Sobota, 261-4289)
This agency did not submit comments for this request.