



## Report to the Plan Commission

November 5, 2012

**Legistar I.D. #28161**

**2 & 98 Greenside Circle**

**Conditional Use Alteration –  
Planned Residential Development**

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

**Requested Action:** Approval of an alteration to an approved conditional use–planned residential development to allow construction of 18 two-family residences and 1 single-family residence on the eastern half of the Bentley Green Condominium development located at 2 and 98 Greenside Circle.

**Applicable Regulations & Standards:** Planned residential developments, defined as two or more residential buildings under the same ownership on a parcel of land, are first identified as a conditional use in the R3 (Single- and Two-Family Residence District) zoning and telescope into the R4 (General Residence District). Section 28.12(11) provides the guidelines and regulations for the approval of conditional uses and planned residential developments.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the standards met and **approve** an alteration to an approved conditional use planned residential development at 2 and 98 Greenside Circle, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 5 of this report.

### Background Information

**Applicant & Property Owner:** Sean Baxter, The Bentley Group; 2303 W. Beltline Highway; Madison.

**Agent:** Dave Glusick, Vierbicher; 999 Fourier Drive, Suite 201; Madison.

**Proposal:** The applicant wishes to amend the planned residential development plans for Bentley Green to allow 18 two-family residences and 1 single-family residence to be constructed in place of various multi-family residential buildings approved in 2006 for the eastern half of the 13.1-acre overall site. Construction of the proposed buildings will commence as soon as all regulatory approvals have been granted, with completion anticipated based on market demand.

**Existing Conditions:** The eastern half of the Bentley Green development is currently undeveloped; the entire site is zoned R4 (General Residence District).

**Parcel Location:** Bentley Green occupies approximately 13.1 acres generally located on the north side of the Hawks Landing Golf Club subdivision at the northeastern corner of Greenside Circle and Lone Oak Lane; Aldermanic District 1 (Subeck); Madison Metropolitan School District.

**Surrounding Land Use and Zoning:** Lands to the west and south of the subject site are developed with single-family residences in the Hawk's Landing Golf Club subdivision, zoned R1 (Single-Family Residence District). Land to the north will be developed as single-family residences in the Linden Park subdivision, zoned R2T, R2Y and R2Z (Single-Family Residence Districts). Greenside Park is located adjacent to the southeastern corner of the subject site. Agricultural property recently attached to the City from the Town of Middleton is located immediately to the east of the subject property.

**Adopted Land Use Plan:** The Mid-Town Road Neighborhood Development Plan recommends that is area for low- to medium-density residential uses.

**Environmental Corridor Status:** The subject site is not located in a mapped environmental corridor. Greenside Park is identified as a wooded public land.

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

**Zoning Summary:** Existing R4 (General Residence District) zoning:

Requirements		Required	Proposed
Lot Area		339,935 sq. ft.	571,000 sq. ft.
Lot Width		50'	Adequate
Front Yard		25' along Lone Oak Lane	Adequate
Side Yards		Min. 6' along north/ south lot lines	(See cond. #26,pg 7)
Rear Yard		35'	Adequate
Usable Open Space		500 sq. ft. per dwelling unit or	None (see cond. #24,pg 7)
Floor Area Ratio		N/A	N/A
Building Height		3 stories & 40 feet	2 stories
No. Parking Stalls		1 per dwelling unit	Minimum 2 per dwelling unit
Accessible Stalls		N/A	N/A
Loading		N/A	N/A
No. Bike Parking Stalls		1 per dwelling unit	1 per dwelling unit
Other Critical Zoning Items			
Yes:	Utility Easements, Urban Design, Barrier Free		
No:	Floodplain, Historic District, Landmark, Adjacent to Park, Wellhead Protection		
Prepared by: Pat Anderson, Asst. Zoning Administrator			

## Standards For Review

In addition to the conditional use standards of Section 28.12(11)(g), the project is also subject to the standards for approval for planned residential developments of Section 28.12 (11)(k), which state:

Planned Developments. Planned developments are of such substantially different character from other conditional uses that specific and additional standards and exceptions are hereby established to govern the action of the City Plan Commission.

### 1. Planned Residential Development-Dwellings.

- a. Standards . In the case of the above-mentioned planned development, no application for a conditional use shall be granted by the City Plan Commission unless such commission shall find the following:
  - i. That such development shall provide adequate recreation areas to serve the needs of the anticipated population;
  - ii. That such development shall provide adequate off-street parking facilities, and adequate screening and landscaping;

- iii. That such development shall constitute environment of sustained desirability and stability;
- iv. That such exception for any side yard other than a street side yard shall not result in an average yard less than that required in the district in which the property is located and shall not result in a minimum yard at any point in such yard less than that required for a building, the side wall of which, as projected at right angles to the side lot line, is less than forty (40) feet in the R1, R2 and R3 districts, less than fifty (50) feet in the R4 district and less than sixty-six (66) feet in the R5 and R6 districts; and
- v. That such development shall result in an intensity of land utilization no higher than, and standards of open spaces at least as high as, permitted or otherwise specified in this ordinance in the district in which such development is to be located. Where the site is in two (2) or more districts, an average intensity of land utilization, based on the respective land areas in each district, is permitted on the site regardless of the location of the district boundaries.

## **Previous Approvals**

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On February 15, 2000, the Common Council approved the final plat of Hawk's Landing Golf Club, which contained 375 single-family lots, 3 multi-family lots to contain up to 200 multi-family units each, 3 neighborhood park tracts totaling 14 acres, a 208-acre golf course, and a 13-acre mixed commercial-residential development along Mid Town Road. The 533-acre final plat was recorded on June 2, 2000.

On October 23, 2006, the Plan Commission granted approval of a conditional use for a planned residential development to allow construction of 164 condominium units in 26 buildings on Lot 117 of Hawk's Landing Golf Club. Of the 26 buildings approved, 10 were two-family residences, 4 were four-unit townhouses, 2 were four-plexes, 6 were six-unit townhouse buildings, and 4 were 21-unit garden-style condominium buildings. A subsequent administratively approved minor alteration to the planned residential development plans changed one of the two-family residences located at the southwestern corner of the site into a single-family residence.

## **Project Review, Analysis & Conclusion**

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The applicant is requesting approval of a conditional use alteration for an approved planned residential development located at the northeastern corner of Greenside Circle and Lone Oak Lane on Lot 117 of the Hawk's Landing Golf Club subdivision. The proposed alteration calls for 18 two-family residences and 1 single-family residence to be constructed on the eastern approximately 6.4 acres of the 13.1-acre Bentley Green Condominium development, which is generally addressed as 2 and 98 Greenside Circle.

As noted in the preceding section, 26 buildings were approved for the 13.1-acre site in 2006, including 10 two-family residences, 4 four-unit townhouses, 2 four-plexes, 6 six-unit townhouse buildings and 4 21-unit garden-style condominium buildings. To date, 5 two-family residences, 1 four-unit townhouse building, and 2 six-unit townhouse buildings have been constructed on the western half of the overall site. A sixth two-family residence is currently under construction as noted on the plans submitted.

The 18 two-family residences and 1 single-family residence proposed with the conditional use alteration will be constructed in place of 2 four-unit cluster residences, 1 four-unit townhouse building, 3 six-unit

townhouse buildings, and the four 21-unit garden-style multi-family buildings previously approved for the eastern 6.4 acres of the 13.1-acre overall site generally located east of Castle Stone Pass. The buildings proposed on the perimeter of the site will maintain an approximately 20-foot minimum setback from the northern (side) property line, 35-foot setback from the eastern (rear) property line, and 10-foot setback from the southern (side) property line. The proposed two-family buildings and single-family residence will stand one-story in height with finished lower levels, and will include 2,800 square feet or more of finished living space and attached two- or three-car garages. The proposed buildings will be similar in design to the existing two-family residences located elsewhere in the development, which feature Tudor influences and are constructed with exteriors comprised of EIFS or stucco with stone veneer accents.

Buildings throughout the Bentley Green development primarily take access from an internal system of private drives that extend through the site from an existing access, Bentley Green, which enters the site from Lone Oak Lane opposite Eaglewood Drive, though 2 future two-family buildings and a single-family residence on the southern edge of the development will take access directly from Greenside Circle. A second access into the development from Greenside Circle was originally proposed. However, that north-south private drive, Castle Stone Pass, was prevented from connecting to the public street until required by the Madison Fire Department by a condition of approval in 2006. That condition also required that at such time as the Fire Department determined that a second connection into the planned residential development was necessary, the developer was required to make a good faith effort to find alternatives to providing the second point of access. The developer provided information to City staff in 2007 that substantiated that no other means of providing the secondary access existed from properties to the north or east.

At the present time, Castle Stone Pass has been constructed to the back of the Greenside Circle sidewalk, though no driveway apron exists in the terrace. However, the condition of the sidewalk and terrace suggest that vehicles have occasionally used this incomplete driveway to gain access to the Bentley Green development. With the proposed plan alteration, the applicant is requesting that Castle Stone Pass be allowed to formally intersect Greenside Circle, which the Fire Department and Planning Division support in order to provide adequate ingress and egress for the entire development.

In reviewing the amended planned residential development against the conditional use standards, the Planning Division believes that those standards can be met. Additional standards apply to planned residential developments beyond the standards that apply to every conditional use reviewed by the Plan Commission. The Planning Division generally believes that the proposed planned residential development can comply with these additional standards, though the developer has been asked by the Zoning Administrator to ensure that the minimum amount of usable open space is being provided for the entire development. The amended Bentley Green planned residential development should continue to result in an attractive development that is in keeping with the design aesthetic present in other areas of the Hawk's Landing development and one that satisfies the planned residential development standard that such projects "constitute [an] environment of sustained desirability and stability."

The amended Bentley Green development plans will result in 47 units in Phase 1 of the project, including 1 single-family residence, 10 two-family residences, 2 four-unit townhouses and 3 six-unit townhouses. With the 18 two-family residences and 1 single-family residence proposed on the eastern 6.4 acres of the site in Phases 2 and 3, the entire development will include 94 dwelling units, which will result in a net density of 7.2 units per acre on the 13.1-acre development. The resulting development will be substantially less dense than the 12.7 units an acre previously approved for this site and the 15.2 units per acre density envisioned for the subject site at the time the Hawk's Landing Golf Club project was approved. The project is also in conformance with the land use and density recommended by the Mid-Town Road Neighborhood Development Plan of 10-12 units per acre.

The Urban Design Commission reviewed the amended planned residential development on October 17, 2012 and recommended final approval (see attached report).

**Staff Recommendations, Conditions of Approval & General Ordinance Requirements**  
Major/Non-Standard Conditions are shaded

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

The Planning Division recommends that the Plan Commission find the standards met and **approve** an alteration to an approved conditional use for a planned residential development at 2 and 98 Greenside Circle, subject to input at the public hearing, the following Planning Division conditions, and the conditions from reviewing agencies:

1. Revise the plan set prior to final staff approval and issuance of building permits to include a setback dimension for each proposed building from the nearest property line.
2. The two-family residence proposed to be located along the common lot line of CSM 12341 (on the north side of Paddington Parkway opposite Castle Stone Pass) shall be adjusted so that the common wall between the units parallels the lot line, with the firewall to be rated as required by the Building Code. A note regarding conformance with the Building Code for this firewall shall be included on the final plans.
3. The plan set shall be revised to include a detailed inventory of existing and proposed dwelling units by building type throughout the 13.1-acre planned residential development.
4. The final building elevations shall be labeled to identify all of the materials to be used.

The following conditions have been submitted by reviewing agencies:

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

5. Prior to final approval, provide documentation for the ownership and maintenance of the proposed private storm sewer.
6. Prior to final approval, provide documentation for the ownership and maintenance of the proposed private sanitary sewer.
7. Existing condominium documents shall be amended as necessary. Prior to final conditional use approval, the condominium association/ owner(s) /applicant shall submit a condominium amendment/ addendum application to the Planning Division for approval and recording with the Register of Deeds.
8. In accordance with 10.34 MGO, Street Numbers—Submit revised PDF of building and floor plan changes of the entire site to Lori Zenchenko in the City Engineering Mapping Section (Lzenchenko@cityofmadison.com) for approval and implementation of a required amended addressing plan.

9. Show the existing private street and utility easements on the proposed plans. Verify that the new street layout will be confined to the easements.

10. The applicant shall replace all sidewalk and curb and gutter abutting the property, which is damaged by the construction, or any sidewalk and curb and gutter that the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction.
11. All work in the public right of way shall be performed by a City-licensed contractor.
12. All damage to the pavement on Greenside Circle adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria.
13. The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used.
14. The applicant shall demonstrate compliance with MGO Sections 37.07 and 37.08 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 7.5-tons per acre per year.
15. Effective January 1, 2010, the Department of Commerce's authority to permit commercial sites, with over one acre of disturbance for stormwater management and erosion control has been transferred to the Wisconsin Department of Natural Resources (WDNR). The WDNR does not have an authorized local program transferring this authority to the City of Madison. The City of Madison has been required by the WDNR to continue to review projects for compliance with NR-216 and NR-151, but a separate permit submittal is now required from the WDNR for this work as well. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process.

As this site is greater than one acre, the applicant is required by State Statute to obtain a Water Resources Application for Project Permits (WRAPP) from the DNR, prior to beginning construction. This permit was previously known as a Notice of Intent Permit (NOI). Please contact Eric Rortvedt of the WDNR at 273-5612 to discuss this requirement.

16. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to: control 80% TSS (5 micron particle) off of new paved surfaces; provide infiltration in accordance with Chapter 37 of the Madison General Ordinances; provide substantial thermal control; provide oil and grease control from the first 1/2" of runoff from parking areas, and; 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 Chapter 37 of the Madison General Ordinances
17. The applicant shall submit, prior to plan signoff, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number: building footprints; internal walkway areas; internal site parking areas; other miscellaneous impervious areas lot lines; lot/ plat lines, dimensions and labels; right-of-way lines; street names, stormwater management facilities

and; detail drawings associated with stormwater management facilities (including if applicable planting plans).

18. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
19. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management File including: SLAMM DAT files; RECARGA files; TR-55/HYDROCAD/etc., and; sediment loading calculations. 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.
20. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.
21. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior City Engineering Division sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of 2 working days prior to requesting City Engineering signoff.
22. Each unit of a duplex building shall be served by a separate and independent sanitary sewer lateral.
23. 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.

**Traffic Engineering Division** (Contact Dan McCormick, 267-1969)

This agency did not submit comments for this request.

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

24. Provide a grading plan of the entire lot showing that the 18,500 square feet of usable open space required is provided in this planned residential development. Plans shall be approved by Zoning Administrator. 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 required front yard and required street side yards do not count toward usable open space.
25. Show addresses of all buildings and the number of units in each building on the final site plans pursuant to MGO Section 10.34(2).
  26. Show all building setbacks on the final site plans. Provide a 6-foot minimum setback for all construction, from common lot line for Lots from 1 and 2 of CSM 12341.
  27. A property line cannot go through a building without a firewall down a lot line pursuant to Section 705.1.1 of the International Building Code. Provide details adjusting the position of the proposed duplex so that the lot line will follow the fire wall that separates the two units. Contact Mike VanErem if you have any questions at 266-4559.

**Parks Division** (Contact Kay Rutledge, 266-4714)

28. The developer shall contact Parks Division staff to determine if additional park impact (dedication and development) fees are due for the amended planned residential development. The developer shall select how any additional park impact fees required will be paid prior to the issuance of permits for new buildings within this development.

**Fire Department** (Contact Bill Sullivan, 261-9658)

29. Reconfiguration of the future street warrants reviewing street naming. MFD does not support using Paddington Parkway as currently configured.

30. With the increased number of dwelling units, the development needs two separate fire access roads unless all dwelling units are protected with automatic fire sprinklers. Reference IFC D107.

**Water Utility** (Contact Dennis Cawley, 261-9243)

31. Since the water distribution system for the first phase of this development was installed as a private water service lateral, the water distribution system to serve subsequent phases shall not be installed in such a manner as to create a public water main in accordance with Wisconsin Administrative Code NR 811.

32. In accordance with MGO Section 13.21, all wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. The Water Utility will not need to sign off the final plans, nor need a copy of the approved plans.

**Metro Transit** (Contact Tim Sobota, 261-4289)

This agency did not submit comments for this request.

**Police Department** (Contact Frank Chandler, 266-4238)

This agency did not submit comments for this request.