



Report to the Plan Commission

July 25, 2011

Legistar I.D. #22849 & 23330
9335, 9401, 9429 & 9501 Elderberry Road
& 9336, 9402, 9444 & 9502 Spirit Street
Rezoning, Preliminary & Final Plats

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

Requested Action: Approval of a request to rezone 8 two-family residential lots totaling 2.35 acres of land located at 9335, 9401, 9429 & 9501 Elderberry Road and 9336, 9402, 9444 & 9502 Spirit Street from Planned Unit Development, General Development Plan (PUD-GDP) to R2T (Single-Family Residence District), and; approval of a preliminary and final plat replatting the 8 duplex lots (Lots 1, 2, 57, 64, 65, 72, 73 and 86 of Woodstone) into 12 single-family lots.

Applicable Regulations & Standards: Section 28.12(10) provides the process for zoning map amendments. The subdivision process is outlined in Section 16.23(5)(b) of the Subdivision Regulations.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward Zoning Map Amendment 3548 and the preliminary and final plats of Woodstone Replat to the Common Council with recommendations of **approval**, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

Background Information

Applicant & Property Owner: Dan Heffron, Pheasant Ridge, LLC; 2000 Prairie Street; Prairie du Sac.

Agent: Jason Valerius, MSA Professional Services; 2901 International Lane, Suite 300; Madison.

Surveyor: James R. Grothman; 625 E. Slifer Street; Portage

Proposal: The applicant proposes to replat 8 lots previously approved for future duplex construction in PUD-GDP zoning as 12 single-family lots, zoned R2T (Single-Family Residence District). The applicant wishes to record the replat as soon as all regulatory approvals have been granted. Construction of the rest of the Woodstone subdivision is ongoing, with completion of the project anticipated in 2013.

Parcel Location: The 8 lots to be rezoned and replatted are located on the south side of Elderberry Road and the north side of Spirit Street on both sides of Little Bear Drive and Fargo Trail, Aldermanic District 9; Middleton-Cross Plains School District.

Existing Conditions: The subject sites are currently undeveloped.

Land Use and Zoning Surrounding the Woodstone Subdivision:

North: Sauk Heights Subdivision, zoned R2 (Single-Family Residence District) and undeveloped lands, zoned Temp. A (Agriculture District);

South: Undeveloped lands in the Town of Middleton; Blackhawk Church Town Center, zoned PUD-GDP to the southwest of the site in the City of Madison;

East: Undeveloped lands in the City of Madison, zoned Temp. A, and in the Town of Middleton;

West: Single-family residence on a large lot and undeveloped lands, zoned Temp. A.

Adopted Land Use Plan: The Elderberry Neighborhood Development Plan identifies most of the Woodstone subdivision and all 8 lots to be rezoned and replatted for Low-Density Residential uses up to 8 units an acre.

Environmental Corridor Status: None of the subject lots are located within a mapped environmental corridor.

Public Utilities and Services: The subject properties are located in the Central Urban Service Area and will be served by a full range of urban services as implementation of the subdivision continues.

Zoning Summary: See the 'Project Review' section below.

Previous Approvals

The land comprising the Woodstone subdivision was attached to the City from the Town of Middleton on September 18, 2007.

On May 20, 2008, the Common Council approved a request to rezone approximately 38.8 acres located at 9305-9347 Elderberry Road from Temp. A (Agriculture District) to R2T (Single-Family Residence District) and Planned Unit Development, General Development Plan (PUD-GDP), and; approved a preliminary and final plat creating 104 residential lots and 2 outlots for stormwater management. The Plan Commission recommended approval of the rezoning and subdivision requests to the Common Council and granted approval to demolish 3 single-family residences located on the property on May 5, 2008.

On March 17, 2009, the Common Council approved a request to rezone the same 38.8 acres from R2T and PUD-GDP to R2T and PUD-GDP, and; approved a preliminary and final plat creating 104 residential lots and 2 outlots for stormwater management. The Plan Commission recommended approval of the new rezoning and subdivision requests to the Common Council and granted re-approval to demolish the 3 single-family residences on March 9, 2009. The primary purpose of the 2009 applications was to have the Woodstone development re-approved without the requirements to comply with the Inclusionary Zoning (IZ) ordinance, which applied to the 2008 land use approvals but did not apply to the 2009 land use approvals due to the sunset of the IZ ordinance on January 2, 2009 and the City Attorney's Office opinion that any project approved after the sunset date was not subject to IZ, including previously approved projects that reapplied for new approvals.

The final plat of Woodstone was recorded on April 29, 2010.

Project Review, Analysis & Conclusion

The applicant is requesting approval of a zoning map amendment and replat of Lots 1, 2, 57, 64, 65, 72, 73 and 86 of the Woodstone subdivision to allow 8 lots previously zoned PUD-GDP and platted for future duplex construction to instead be developed as 12 single-family lots in R2T Single-Family

Residence zoning. The 8 lots to be rezoned and replatted are located on the south side of Elderberry Road and the north side of Spirit Street on both sides of Little Bear Drive and Fargo Trail.

Little Bear Drive and Fargo Trail extend south from Elderberry Road to provide the primary access into the Woodstone development, which was approved in 2008 and 2009 with 88 R2T-zoned single-family lots, 11 lots for two-family residential construction in PUD-GDP zoning, and 5 other PUD-GDP-zoned lots in the southern third of the subdivision. The 5 southernmost lots were conceptually approved for the future construction of up to 80 units of two-family and multi-family condominium and apartment development.

The 11 PUD-GDP twin-home lots were platted as corner lots ranging in area from 10,301 square feet to 18,839 square feet, with the front lot lines of the 11 lots facing onto east-west streets (Elderberry, Spirit and Cobalt). The general development plan calls for one unit in each future duplex to face each of the intersecting streets forming the lot, with side- or rear-loaded garages. The replat proposes to re-subdivide 4 pairs of duplex lots into 3 lots fronting onto the north-south streets (Little Bear and Fargo). Lots 1 and 2 and 57 and 72 of the original Woodstone plat will be replatted as Lots 105-110 fronting onto Little Bear Drive. Lots 64 and 65 and 73 and 86 of the original plat will be replatted as Lots 111-116, which will front onto Fargo Trail. The 12 proposed single-family lots will range in area from 7,053 square feet to 12,938 square feet, which exceeds the 5,000 square-foot minimum lot area required in the R2T zoning district. The 4 lots proposed in the replat adjacent to Elderberry Road will be platted with additional lot width and area to accommodate the continuation of a 30-foot building line established parallel along Elderberry Road on the original Woodstone plat.

The Elderberry Neighborhood Development Plan identifies most of the Woodstone subdivision and all 8 lots to be rezoned and replatted for Low-Density Residential uses up to 8 units an acre. The 88 single-family and 11 two-family lots that occupied the northern three-quarters of the original plat of Woodstone had a net density of approximately 5.2 units per acre based on 110 total units occupying 21.17 net acres of land. The replat proposes to increase the R2T-zoned single-family lots in the development to 100 but will result in a modestly decrease in the overall density of the Woodstone development, with 106 single- and two-family units proposed on the northern three-quarters of the site (3 PUD-GDP-zoned twin home lots will remain following the replat). The net density north of Cobalt Street following the replat will be 5.0 units an acre. No changes are proposed to the general development plan for the 80 units of two-family and multi-family residential development conceptually approved for the 5 lots that comprise the southernmost quarter of the Woodstone development.

During the 2008 and 2009 reviews of the Woodstone subdivision, staff indicated its support for the proposed inclusion of a diversity of housing types throughout the development and the proposed use of more flexible Planned Unit Development zoning to allow non single-family elements of the project to better blend with the R2T single-family units to create a more cohesive development. In the case of the 11 corner twin home lots located on the northern three-quarters of the development, staff believed that PUD zoning would facilitate the construction of a better building form than what could be accomplished under a conventional zoning district like R3, which would require deeper front and corner side yards than the nearby single-family residences being built in R2T.

However, the applicant indicates that the sale and lending markets for duplex housing is challenging at the present time. The multiple listing service that includes Dane County noted on July 19, 2011 that 1,559 condominium units were available in the County, with 661 of those units located in the areas of the County that comprise the greater west side of Madison as well as the Town and City of Middleton.

Of those 661 condominium units, 42 were half-duplexes like the ones conceptually approved for the 8 lots to be rezoned and replatted.

In light of this data and despite the loss of some of the diversity in housing types in the Woodstone subdivision, Planning staff can support the proposed rezoning and replat to convert 8 lots approved for duplex construction to 12 lots for single-family residence construction. The Planning Division feels that the 12 lots will meet the lot design standards in the Zoning Ordinance and Subdivision Regulations and that the overall Woodstone development will continue to conform to the development recommendations in the adopted Elderberry Neighborhood Development Plan.

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 Amendments ID 3548, rezoning 9335, 9401, 9429 & 9501 Elderberry Road and 9336, 9402, 9444 & 9502 Spirit Street from PUD-GDP to R2T (Single-Family Residence District), and the preliminary and final plats of Woodstone Replat (Lots 1, 2, 57, 64, 65, 72, 73 and 86) to the Common Council with recommendations of **approval**, subject to input at the public hearing and the following conditions:

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

1. Revise this proposed replat to create a 10-foot wide public storm sewer easement to serve the low point behind proposed Lot 112. Include a note with the easement that no private fencing shall be erected within the easement area. The overall amended drainage plan and proposed private storm sewer pipe and structure design serving the entire block bounded by Elderberry Road, Fargo Trail, Spirit Street, and Little Bear Drive shall be approved by the City Engineer.
2. The owner/developer shall request that the City Office of Real Estate Services record a public storm sewer easement by separate recorded document on Lots 63 and 66, Woodstone. This easement shall be recorded with the Dane County Register of Deeds prior to the final approval of Woodstone Replat and reference to the recorded document number shall be shown on the Woodstone Replat prior to the recording of the replat. A note that no private fencing shall be erected within the easement area shall be included.
3. The portion of the public storm sewer easement recorded as Document No. 4679504 that encumbers this plat shall be released by the City Office of Real Estate Services. This requires submittal of a map and legal description exhibit and \$500 check payable to City of Madison Treasurer to cover administrative costs and recording fees.
4. The original Woodstone plat was recorded with a non-exclusive drainage easement note that was only partially corrected prior to recording. The numbers were hand corrected from 6 to 5, yet some text remained as "six". The intent of the original Woodstone plat was to create 5-foot wide public easements for drainage purposes to be coincidental to the R2T zoning setbacks. It is suggested that this replat do the same, maximizing the building envelope for each lot.

5. Reference City Office of Real Estate Services Master Project File No. 9683 for the combined Subdivision Review and land record/easement related issues relative to this replat.
 6. The developer acknowledges and agrees to additional design fees by City Engineering per the letter dated May 25, 2011. The additional design fees shall be collected as a deposit prior to the sign off of the replat.
 7. The developer shall be required to do an addendum to the existing subdivision contract for the Woodstone Plat (Contract 2257) to include the additional infrastructure that is required to serve the newly platted lots.
 8. The developer shall update the existing Impact Fee Schedule and Deed Restriction that was recorded as Document No. 4664181 at the Dane County Register of Deeds to reflect the revised lot counts. The revised schedule and deed restriction shall be executed and returned prior to sign-off of the final plat.
9. This development is subject to impact fees for the Elderberry Road Neighborhood Sanitary Sewer Impact Fee District. All impact fees are due and payable at the time building permits are issued. The following note shall put the face of the plat:
- “Lots/ buildings within this subdivision/ development are subject to impact fees that are due and payable at the time building permit(s) are issued.”
10. Prior to the issuance of building permits, the developer shall submit a master stormwater drainage plan to the City Engineering Division for review and approval which shows lot corner elevations to the nearest 0.25-foot. For purposes of the plan, it shall be assumed that grading shall be done on a straight line grade between points unless other information is provided. The proposed slope between points shall always be greater than or equal to .0075 ft/ft. If a break in grade is required between lot corners a shot shall be taken at that break in grade to provide the Engineer with enough information to interpret the plan. The Developer shall also show proposed drainage arrows on the plan to indicate the proposed direction of drainage. The master storm water drainage plan shall be submitted to City Engineering in digital format with elevations/grades/contours shown on the recorded plat map of the development. The digital record shall be provided using the state plane coordinate system – NAD 27. No building permits shall be issued prior to City Engineering’s approval of this plan.
- The following note shall accompany the master storm water drainage plan:
“For purposes of this plan, it is assumed that grading shall be a straight line grade between points unless otherwise indicated. All slopes shall be 0.75% or steeper. Grade breaks between lot corners are shown by elevation or through the use of drainage arrows.”
11. A minimum of two working days prior to requesting City Engineering signoff on the plat, the applicant shall contact Janet Dailey to obtain the final stormwater utility charges that are due and payable prior to sub-division of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service. All charges shall be cleared prior to the land division (and subsequent obsolesces of the existing parcel).
 12. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor’s office. The Developer’s Surveyor and/or Applicant must

submit copies of required tie sheets or condition reports for all monuments, including center of sections of record, used in this survey, to Eric Pederson, City Engineering. If a new tie sheet is not required under A-E 7.08, Engineering requests a copy of the latest tie sheet on record with Dane County Surveyor's office. The Applicant shall identify monument types on all PLS corners included on the Plat or CSM. Note: Land tie to two PLS corners required.

13. The applicant shall submit to Eric Pederson, prior to Engineering sign-off of the subject plat, two (2) digital and one (1) hard copy of the final plat to the Mapping/GIS Section of the Engineering Division. The digital copies shall be submitted in both NAD27 & WIDOT County Coordinate System, Dane County Zone datums in either Auto CAD Version 2001 or older, MicroStation Version J or older or Universal DXF Formats and contain the minimum of the following, each on a separate layer name/level number: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; easement lines (i.e. street, sanitary, storm (including wetland & floodplain boundaries) water, pedestrian/bike/walkway, or any public and/or private interest easement except local service for Cable TV, gas, electric and fiber optics).

*This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes.

*New electronic final plat transmittals and notification of changes which occur to the final plat during the time the Engineering Division signs off and receives the digital copies of said plat and the recording thereof, are the responsibility of the Developer/Surveyor.

Traffic Engineering Division (Contact Bryan Walker, 267-8754)

14. The developer shall put the following note on the face of the plat: "All the lots within this subdivision are subject to impact fees that are due and payable at the issuance of building permit(s)." Note: Final sign-off of the development may be delayed until the Council negotiates or approves the transportation impacts fees.
 15. The final plat's right of way will need to reviewed and approved prior to final signoff.
 16. The street improvements may require traffic calming features to be determined by the City Traffic Engineer.
17. The applicant shall execute and return a declaration of conditions and covenants for streetlights and traffic signals prior to sign off. The applicant will need to provide a deposit for their reasonable and proportionate share of traffic signal costs.
 18. Utility easements shall be provided as shown on the plat. The applicant shall show a detail drawing of the 12-foot utility easement dimensions and lot lines on the face of the plat.
 19. The developer will need to demonstrate/provide how private streetlights will be installed and maintained in the public alleys. The plat shall provide the following note on the face of the plat: "The City will not install lighting in the alleys, but the developer or property owners may request the City to approve a private light(s) in the alley right-of-way. Such private light(s) to be operated and maintained by private interests."

20. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Zoning Administrator (Contact Pat Anderson, 266-5978)

21. Provide a grading plan of the plat to show that usable open space requirements can be met on the lots per the comparable zoning district requirements. Usable open space shall be in a compact area of not less than 800 square feet and having no dimensions less than 10 feet and having a slope no greater than 10 percent. Front yards do not count toward usable open space.
22. Note: If easements are shown please be advised that the minimum side yard setback is 5 feet in the R2T district and 6 feet in the R1 district.

Parks Division (Contact Kay Rutledge, 266-4714)

23. The developer has elected to pay park impact fees for the single-family and duplex lots north of Cobalt Street at the time building permits for those units are requested; holds have been placed on each of the lots accordingly. The developer will be required to pay additional park impact fees in the future for the multi-family units proposed south of Cobalt Street. This development is within the Far West park impact fee district (SI30).

Park dedication required for the single-family and duplex units north of Cobalt Street = 106 units at 1,100 square feet per unit = 116,600 square feet. The fee in lieu of dedication is based on current property values up to \$2.22 per square foot for 2011 = \$ 258,852.00. Park development fees for a single-family or two-family unit in 2011 = (106 sf/dp units X \$954.86 per unit) = \$101,215.16.

Fire Department (Contact Bill Sullivan, 261-9658)

This agency submitted comments for this project with no conditions of approval.

Water Utility (Contact Dennis Cawley, 261-9243)

24. All public water mains and water service laterals shall be installed by a standard City subdivision contract. All operating private wells shall be identified and permitted by the Madison Water Utility in accordance with MGO Sec. 13.21. All unused private wells shall be abandoned in accordance with MGO Sec. 13.21. The Water Utility will not need to sign off on the final plans, but will need a copy of the approved plans.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit a response for this request.