



## Report to the Plan Commission

April 8, 2013

**Legistar I.D. #29213 & 29225**

**203 Bear Claw Way, 220 Little Bear Dr., 9309-**

**9403 Cobalt St., 9312-9402 Wilrich St., et al**

**Rezoning, Preliminary Plat and Final Plat**

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

**Requested Action:** Approval of a request to rezone 203 Bear Claw Way, 220 Little Bear Drive, 9309, 9330 and 9403 Cobalt Street, 9333 Spirit Street, and 9312 and 9402 Wilrich Street from PD-GDP (Planned Development District-General Development Plan) to TR-C3 (Traditional Residential-Consistent District 3) and approval of a preliminary plat and final plat replatting 6 existing two-family and multi-family residential lots into 36 single-family residential lots.

**Applicable Regulations & Standards:** Section 28.182 of the Zoning Code 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 ID 28.022-00032, rezoning 203 Bear Claw Way, 9403 Cobalt Street, et al from PD-GDP to TR-C3 and the preliminary and final plats of Woodstone Replat No. 3 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 rezone 8 lots zoned PD-GDP to TR-C3 and to replat 6 existing lots approved for future two-family and multi-family residential development into 36 single-family lots. The applicant wishes to record the replat as soon as all regulatory approvals have been granted. Construction of the Woodstone subdivision is ongoing, with completion of the project based on market absorption of the proposed lots.

**Existing Conditions:** The lots to be replatted are undeveloped and are located on approximately 7.5 acres at the southern end of the overall subdivision on land bounded by Cobalt Street on the north, Wilrich Street on the south and Bear Claw Way on the west; Aldermanic District 9 (Skidmore); Middleton-Cross Plains School District.

### Land Use and Zoning Surrounding the Woodstone Subdivision:

North: Sauk Heights Subdivision, zoned SR-C2 (Suburban Residential-Consistent District 2) and undeveloped lands, zoned A (Agriculture District);

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

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

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

**Adopted Land Use Plan:** The Elderberry Neighborhood Development Plan identifies most of the Woodstone subdivision for low-density residential uses up to 8 units an acre. The neighborhood plan originally showed low- to medium-density residential uses along the north side of a planned east-west collector street to be located on the adjacent property south of the site. However, the platting of the Blackhawk Church Town Center development southwest of the subject site shifted the east-west collector further north than originally planned, thereby placing the low- to medium-density residential lands on the subject site, which now abuts Wilrich Street, as the east-west collector was named.

**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 with the exception of Madison Metro service, which does not currently extend west of Junction Road.

**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.

On August 2, 2011, the Common Council approved 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 PUD-GDP to R2T and approved a preliminary plat 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.

On October 16, 2012, the Common Council approved a preliminary plat and final plat of Woodstone Replat No. 2, replatting 33 existing single-family lots located at 9401-9441 & 9402-9442 Stoneywood Boulevard and 9404-9444 Cobalt Street into 29 single-family lots.

## **Project Review**

---

The applicant is requesting approval of a request to rezone 8 platted lots zoned PD-GDP and previously approved for the future construction of a variety of two-family and multi-family residences located in the Woodstone subdivision to the TR-C3 single-family residence district. Five of the 8 lots to be rezoned to TR-C3 are located along the southern edge of the Woodstone development between Cobalt Street and Wilrich Street. The lots at 9309 and 9409 Cobalt Street were approved with the initial approval in 2009 for future development with 9 two-family condominium buildings. South of these two-family homes, a total of 32 townhouse condominium units were proposed for construction at 9312 and 9402 Wilrich Street in 4 five-unit buildings fronting Wilrich Road and 2 six-unit buildings fronting onto Fargo Trail. The fifth lot, 203 Bear Claw Way, was approved for the future construction of a 30-unit apartment building to be located at the corner of Wilrich Street and Bear Claw Way. The remaining 3 PD-GDP-zoned lots to be rezoned TR-C3 with this request, 9333 Spirit Street, 220 Little Bear Drive and 9330 Cobalt Street, represent the last of 11 corner lots located throughout the Woodstone subdivision that were previously approved for the future construction of two-family residences.

The applicant is also requesting approval of a preliminary and final plat to replat 203 Bear Claw Way, 220 Little Bear Drive, 9309 and 9403 Cobalt Street, and 9312 and 9402 Wilrich Street into 36 single-family lots. Thirty-four of the 36 proposed lots will be oriented north-south and will front onto Cobalt and Wilrich streets. The remaining 2 lots will front Little Bear Drive. The proposed lots will range from 65 to 68 feet in width and from 122 to 133 feet in depth, and all of the lots will greatly exceed the minimum lot design criteria in the TR-C3 district, which requires 30 feet of lot width and 3,000 square feet of lot area for a single-family detached parcel.

## **Analysis & Conclusion**

---

The Woodstone subdivision 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 that were conceptually approved for the future construction of up to 80 units of two-family and multi-family residential development. Since the initial land use approvals and the recording of the final plat of Woodstone in 2010, the developer has received approval of a rezoning and replat of 8 of the 11 previously approved two-family lots located in the northern tier of the Woodstone subdivision into 12 single-family lots. A second replat recreated 33 single-family lots located near the center of the plat and centered on Stoneywood Boulevard as 29 slightly larger single-family lots.

The proposed replat and the related rezoning will result in the continued reduction in the density of the overall Woodstone development. The current replat as well as the earlier approved replats will result in a total of 132 single-family lots, all of which would be zoned TR-C3. The net density of the Woodstone subdivision following the proposed replat will be approximately 4.5 units an acre based on 132 units on 29.2 net acres of land, which staff believes is consistent with the low-density residential land use (up to 8 units an acre) recommended for most of the Woodstone subdivision in the Elderberry Neighborhood Development Plan. The neighborhood plan originally showed low- to medium-density residential uses along the north side of a planned east-west collector street to be located on the adjacent Garfoot property south of Woodstone. However, the platting of the Blackhawk Church Town Center

development southwest of Woodstone shifted the east-west collector further north than originally planned, thereby placing the low- to medium-density residential lands at the southern edge of the Woodstone site, which abuts the planned east-west collector (Wilrich Street). The proposed replat will return the land use of the original 38.8 acres entirely to the low-density residential land use originally recommended, which staff believes is acceptable. It is anticipated that the residential density objectives set forth in the neighborhood development plan will be accomplished as the larger Elderberry area continues to develop over the next many years.

In closing, the Planning Division believes that Woodstone Replat No. 3 meets the applicable lot design standards in the Subdivision Regulations and the proposed TR-C3 zoning, and that the continued evolution of the Woodstone development will continue to conform to the development recommendations in the 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 Amendment ID 28.022-00032, rezoning 203 Bear Claw Way, 220 Little Bear Drive, 9309, 9330 and 9403 Cobalt Street, 9333 Spirit Street, and 9312 and 9402 Wilrich Street from PD-GDP to TR-C3 and the preliminary and final plats of Woodstone Replat No. 3 to the Common Council with recommendations of **approval** subject to input at the public hearing and the following conditions:

1. That there be no vehicular access to Bear Claw Way for Lots 180 and 181. The access restriction shall be shown graphically on the face of the final plat and include a note acknowledging that no vehicular access shall be granted for those lots.

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

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

2. Coordinate the final alignment and dedication of Bear Claw Way with the Traffic Engineering and City Engineering divisions. The developer shall be responsible for the improvement of Bear Claw Way and Wilrich Street within the plat limits.
3. City Engineering may suggest modifications to the public utility and storm water easement symbology and legend designations on the final plat.
4. The stormwater master plan shall be updated to reflect the proposed revisions, which shall be approved by the City Engineering Division.
5. Provide temporary turnaround easements at the end of Cobalt Street and Wilrich Street.
6. The developer may have to phase the construction of lots on the westerly side of the plat near the intersection of Bear Claw Way and Wilrich Street. The Developer's Agreement shall be required to cover all lots within the replat but depending on the timing of the intersection improvements, portions of the streets may not be able to be constructed. If the construction is delayed, the

developer shall be required to carry surety on the public improvements until such time as the public infrastructure is constructed and accepted.

7. The developer shall provide temporary easements as part of the subdivision contract to facilitate the future road construction of the perimeter streets in the plat, if required by the City Engineer.
8. 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 CSM without the agreement executed by the developer. (MGO 16.23(9)c)
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. The developer shall construct Madison Standard street improvements for all streets within the plat.
11. An erosion control plan and land disturbing activity permit shall be submitted to the City Engineering Division for review and approval prior to grading or any other construction activities. The Preconstruction Meeting for Public Improvements shall not be scheduled prior to issuance of this permit. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
12. The following notes shall be included on the final plat (MGO 16.23(8)(9)(b)2):
  - a.) All lots within this plat are subject to public easements for drainage purposes which shall be a minimum of 6-feet in width measured from the property line to the interior of each lot except that the easements shall be 12-feet in width on the perimeter of the plat. For purposes of two (2) or more lots combined for a single development site, or where two (2) or more lots have a shared driveway agreement, the public easement for drainage purposes shall be a minimum of six (6) feet in width and shall be measured only from the exterior property lines of the combined lots that create a single development site, or have a shared driveway agreement, except that the easement shall be twelve (12) feet in width along the perimeter of the plat. Easements shall not be required on property lines shared with greenways or public streets. No buildings, driveways, or retaining walls shall be placed in any easement for drainage purposes. Fences may be placed in the easement only if they do not impede the anticipated flow of water.
  - b.) The intra-block drainage easements shall be graded with the construction of each principle structure in accordance with the approved storm water drainage plan on file with the City Engineer and the Zoning Administrator, as amended in accordance with the Madison General Ordinances.

Note: In the event of a Plan Commission and/or Common Council approved re-division of a previously subdivided property, the underlying public easements for drainage purposes are released and replaced by those required and created by the current approved subdivision.

Information to Surveyors: In addition to notes such as this, Wisconsin State Plat Review now enforces the requirement that easements or other reference lines/areas be graphically shown, dimensioned and tied when they represent fixed locations. They will accept a "typical detail" when the easement or restriction can be effectively described and retraced from the typical detail.

13. 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. Note: It is required that this plan shall be stamped by and Registered Land Surveyor.

The following note shall accompany the master stormwater 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. No building permits shall be issued prior to the City Engineering Division's approval of this plan."

14. The following note shall be added to the plat: "All lots created by this plat are individually responsible for compliance with Chapter 37 of the Madison General Ordinances in regard to storm water management at the time they develop."
15. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by Chapter 37 MGO.
16. A minimum of 2 working days prior to requesting City Engineering signoff on the plat, the applicant shall contact Janet Dailey (261-9688) to obtain the final stormwater utility charges that are due and payable prior to subdivision 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).
17. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat.
18. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to 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.

19. 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. Note: Land tie to two PLS corners required.
20. In accordance with Section s. 236.18(8), Wisconsin Statutes, the applicant shall reference City of Madison WCCS Dane Zone 1997 Coordinates on all PLS corners on the plat in areas where this control exists. The surveyor shall identify any deviation from City Master Control with recorded and measured designations. The City has established WCCS, Dane Zone Coordinates on all PLS corners within its corporate boundary. Visit the City of Madison Engineering Division web address [http://gis.ci.madison.wi.us/Madison\\_PLSS/PLSS\\_TieSheets.html](http://gis.ci.madison.wi.us/Madison_PLSS/PLSS_TieSheets.html) for current tie sheets and control data. If a surveyor encounters an area without a published WCCS Dane Zone 1997 value, contact the City Engineering Division for this information.
21. The applicant shall show the type, location and width of any and all easements. Clearly identify the difference between existing easements (cite Register of Deeds recording data) and easements which are being conveyed by the plat. Identify the owner and/or benefiting interest of all easements.

**Traffic Engineering Division** (Contact Eric Halvorson, 266-6527)

22. Utility easements shall be provided on the plat as follows. The applicant shall show a detail drawing of the 12-foot utility easement dimensions and lot lines on the face of the final plat.

Between Lots	Between Lots	Between Lots
126-147	159-160	172-173
153-154	163-164	176-177
155-156	166-167	Easterly 10 feet of Lot 179

23. 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)

24. All proposed lots shall be subject to the General Provisions for Residential Districts in Section 28.031 of the Zoning Code as well as usable open space provisions in Section 28.140 of the Zoning Code.

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

25. The developer shall pay \$132,766.56 in park dedication and development fees for the 36 single-family lots (Lots 146-181 as shown on the plat). The neighborhood plan does not call for park dedication on this property, so the requirement shall all be met as a fee in lieu of dedication. The developer has elected to defer all park impact fees until building permits are pulled; permit holds will

be placed on each of the lots accordingly. This development is within the Far West park impact fee district (SI30).

Note: The park dedication requirement for single-family and two-family units equals 1,100 square feet per dwelling unit. The fee in lieu of parkland dedication for single- or two-family units is \$2,684.00 per unit in 2013. The park development fee for a single-family or two-family unit in 2013 is \$1,003.96 per dwelling unit. Park impact fees are adjusted on January 1 of each calendar year, and the park impact fees due at the time of building permit issuance may be higher than the amounts stated above to reflect these annual adjustments.

26. Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right of way. Permission for such activities must be obtained from the City Forester, 266-4816.

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

27. Bear Claw Way shall be constructed between Cobalt Street and Wilrich Street, as those streets are required in order to provide fire access.

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

28. All public water mains and water service laterals shall be installed by a standard City subdivision contract.
29. All operating private wells shall be identified and permitted by the Madison Water Utility and all unused private wells shall be abandoned in accordance with MGO Sec. 13.21.

**Office of Real Estate Services** (Contact Jennifer Frese, 267-8719)

30. Prior to final sign-off, an Owner's Certificate shall be executed by all parties having an interest in the property, pursuant to MGO Section 16.23(5)(g)4 and Wis. Stats. 236.21(2)(a). The City's Office of Real Estate Services will obtain owner signatures. If the plat boundary remains as currently shown, which includes Wilrich Street as a public road, an Owner's Certificate for the City of Madison will be required.
31. A certificate of consent for each mortgagee/vendor shall be included following the Owner(s)' Certificate.
32. Please update the Plan Commission certificate with Steven Cover's name in place of Tim Parks'.
33. Because of the public street dedication, an Environmental Site Assessment is required.
34. As of March 20, 2013, the 2012 real estate taxes are paid for the subject property and there are no special assessments reported.
35. Prior to final approval, please verify with Janet Dailey in City Engineering (261-9688) or Sharon Pounders at the Water Utility (266-4641) that stormwater management fees are paid in full.
36. The following revisions shall be made to the final plat prior to final approval and recording:



- a.) Coordinate with City staff regarding the public dedications and plat boundary locations.
- b.) Please consider labeling the public dedication areas.
- c.) Depict the Temporary Easement areas shown on the Woodstone Plat, Doc. No. 4651559 and include the associated note shown on Sheet 1 of Woodstone Plat.
- d.) Carry over the note on Sheet 1 of Woodstone Plat regarding secondary dwelling units, if applicable.
- e.) Coordinate with City Engineering staff to reconcile the two notes on Sheet 1 that address fencing in the easement areas.
- f.) Please include a note on the plat that states "Some of the lands within the plat boundary are subject to Attachment Ordinance recorded as Document No. 438143.
- g.) Please include a Note on the Plat that states "Some of the lands within the plat boundary are subject to Declaration of Conditions, Covenants and Restrictions recorded as Document Nos. 4664181, 4664182 and 4799197.
- h.) Please include a note on the plat that states "Some of the lands within the plat boundary are subject to Declaration of Conditions and Covenants recorded as Document No. 4710089.
- i.) Please include a note on the plat that states "Some of the lands within the plat boundary are subject to Declaration of Conditions, Covenants, Restrictions and Easement recorded as Document No. 4858097.
- j.) Record satisfactions or releases for all mortgages, liens, judgments, or other instruments that encumber the title of the subject lands, but where the purpose for such instrument has been satisfied, fulfilled, or resolved.

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

This agency did not submit a response for this request.