

PLANNING DIVISION STAFF REPORT

May 12, 2014

PREPARED FOR THE PLAN COMMISSION



Project Address: 80 White Oaks Lane
Application Type: Final Plat
Legistar File ID # [33674](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant & Property Owner: John DeWitt, DeWitt Real Estate Development; 5375 Mariners Cove Drive; Madison.

Surveyor: Adam Gross, Snyder & Associates, Inc.; 5010 Voges Road; Madison.

Requested Action: Approval of the final plat of White Oak Ridge, creating 7 single-family residential lots on property addressed as 80 White Oaks Lane.

Proposal Summary: The applicant is seeking approval to create 6 lots for new single-family residences in SR-C1 zoning to be located around a cul-de-sac of Davenport Drive, and a lot for an existing residence located at the northeastern corner of the property, which is proposed to remain. Implementation of the subdivision will occur as soon as all regulatory approvals have been granted, with completion of the subdivision anticipated this fall.

Applicable Regulations & Standards: The subdivision process is outlined in Section 16.23(5)(b) of the Subdivision Regulations.

Review Required By: Plan Commission and Common Council.

Review Schedule: The State's subdivision statute, Wis. Stats. 236, requires that a final plat be approved or rejected within 60 days of submittal unless the time is extended by agreement with the applicant. If no action is taken within 60 days and no extension is granted, the plat is deemed approved. WS Chapter 236.11(b) requires that a final plat "conforms substantially" to the approved preliminary plat.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward the final plat of White Oak Ridge 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

Parcel Location: An approximately 4.3-acre parcel generally located approximately 400 feet east of Hathaway Drive at the eastern end of Davenport Drive; Aldermanic District 20 (Phair); Madison Metropolitan School District.

Existing Conditions and Land Use: A single-family residence accessed from the north through the White Oaks subdivision, zoned SR-C1 (Suburban Residential—Consistent 1 District).

Surrounding Land Use and Zoning:

North: Single-family residences in the White Oaks subdivision, zoned PD (Planned Development District);

South: Single-family residences in the Green Tree Hills and Sunridge subdivisions, zoned SR-C1 (Suburban Residential–Consistent 1 District);

East: Single-family residences in the White Oaks subdivision, zoned PD; single-family residence on large parcel in the Town of Madison;

West: Single-family residences in the Green Tree Hills subdivision, zoned SR-C1.

Adopted Land Use Plan: The subject site and surrounding properties are recommended in the Comprehensive Plan for Low-Density Residential uses.

The site and surrounding area are also located within the boundaries of the 2008 Southwest Neighborhood Plan, which provides a series of neighborhood reinvestment strategies for the area generally bounded by Mineral Point Road on the north, S. Gammon Road on the west, Raymond Road on the south and S. Whitney Way on the east. The Plan does not contain any specific recommendations for the subject site.

Zoning Summary: The following bulk requirements apply in SR-C1 (Suburban Residential–Consistent 1 District):

	Required	Proposed
Lot Area (sq. ft.)	8,000 sq. ft per lot	All proposed lots will exceed
Lot Width	60'	TBD at recording; See Zoning Condition
Front yard setback	30'	TBD at permitting
Side yard setback	One story: 6' / two story: 7'	TBD at permitting
Rear yard	Lesser of 30% lot depth or 35'	TBD at permitting
Maximum lot coverage	50%	TBD at permitting
Maximum building height.	2 stories/35'	TBD at permitting
Usable open space (sq. ft. per unit)	1,300	TBD at permitting; See Zoning Condition
Other Critical Zoning Items		
Yes:	Utility Easements (to be established with final plat)	
No:	Urban Design, Wellhead Protection, Floodplain, Landmarks, Waterfront Development, Adjacent to Parkland	
Prepared by: Pat Anderson, Assistant Zoning Administrator		

Environmental Corridor Status: The subject property is located in the Central Urban Service Area (see Map C10). The site is not located within a mapped environmental corridor, though most of the site is shown on the corridor map as having slopes greater than 12% and woodlands with greater than 80% canopy.

Public Utilities and Services: The new single-family lots will be served by a full range of urban services available in Davenport Drive. Due to the elevations located within this plat, the Water Utility is requiring that individual privately owned booster pumps be provided for some of the proposed lots to provide adequate water pressure. The existing house will be required to connect to City water and sanitary sewer as a condition of plat approval.

Previous Approval

On February 25, 2014, the Common Council conditionally approved a request to rezone the subject property from A (Agricultural District) to SR-C1 (Suburban Residential–Consistent 1 District) and the preliminary plat of

White Oak Ridge, creating 7 future single-family lots. As part of the preliminary plat approval, the Plan Commission determined that the termination of Davenport Drive in a cul-de-sac was necessary due to the inability to extend the street to connect to another public street, and granted a variance to the requirement in Section 16.23(8)(d)2 of the Subdivision Regulations that every lot front or abut on a public street for Lot 4 of the plat containing the existing residence. A waiver was also granted to not require construction of sidewalk around the cul-de-sac bulb due to steep grades and the need for additional grading, the likely difficulty in constructing driveways to access the future homes, and potential additional impacts on existing trees.

Project Description

The applicant is requesting approval of the final plat of White Oak Ridge, subdividing a 4.3-acre parcel addressed as 80 White Oaks Lane into 7 single-family lots in SR-C1 zoning, including proposed Lot 4 for an existing one-story ranch home located in the northeastern corner of the property. The residence currently takes access from the north through the adjacent White Oaks subdivision via a private access easement executed in 1956 and will remain landlocked. The Plan Commission granted a variance for Lot 4 to the Subdivision Regulations requirement that every proposed lot front onto a public street as part of its review of the preliminary plat.

The site has 60 feet of frontage onto Davenport Drive, a 400-foot long street that dead-ends into the property at the southwestern corner. The final plat of White Oak Ridge creates 6 single-family home sites around a permanent cul-de-sac of Davenport Drive, which was approved as part of the rezoning and preliminary plat of the site. All of the lots in the White Oak Ridge subdivision will exceed the minimum 8,000 square feet of lot area and appear to provide the 60 feet of lot width required in the SR-C1 zoning district. A private water main easement is shown between Lots 3 and 5 of the final plat to facilitate the connection of the house on Lot 4 to the water main that will serve the lots surrounding the Davenport Drive cul-de-sac, and the City Engineering Division is recommending a condition that a sanitary sewer easement also be provided.

Analysis & Conclusion

The Planning Division believes that the final plat of White Oak Ridge conforms substantially to the preliminary plat approved for the subject site earlier this year.

The site is characterized by significant topographical relief that includes 65 feet of grade change from the ridge on which the existing residence sits towards Davenport Drive, 30 feet of grade change to the south, and 45 feet of grade change to the southeastern corner. Mature tree cover is present across most of the site. As a condition of approval, the applicant is required to submit stormwater management and erosion control plans for review and approval by the City Engineering Division that meet the minimum requirements of Chapter 37 of MGO (Public Stormwater System Including Erosion Control), including a requirement that rain gardens or other similar stormwater control devices be integrated into the new home lots to limit the discharge off the developed property to the rates and volumes of the site predevelopment.

The applicant is also required to receive final approval of a tree preservation plan and grading plan to identify and protect areas where existing vegetation may be preserved as part of the implementation of the subdivision. The applicant submitted a site evaluation following submittal of the final plat, which provides an overview of the topographic conditions on the site. The evaluation notes that the property contains a number of mature oak trees that are strongly encouraged to be preserved, as well as a quantity of pines and invasive species that are recommended for removal. The evaluation does not specifically identify which of the trees recommended for preservation will be preserved. Prior to final approval of the plat for recording, the applicant shall continue to

work with City staff to specifically identify areas of tree preservation to be implemented through preservation easements, building lines/ envelopes, and utility placements to ensure that the greatest number of trees on the site can be saved.

Recommendation

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

The Planning Division recommends that the Plan Commission forward the final plat of White Oak Ridge at 80 White Oaks Lane to the Common Council with recommendations of **approval** subject to input at the public hearing and the following conditions:

Recommended Conditions of Approval Major/Non-Standard Conditions are Shaded

1. Prior to recording of the final plat, a final tree preservation plan and grading plan shall be approved by the Planning Division, Parks Division and City Engineering Division. The final tree preservation plan and grading plan shall identify specific areas for tree preservation so that tree preservation easements, building lines/ envelopes, and utility placements may be included on the final plat prior to recording.
2. That the applicant construct ramps where the sidewalks on Davenport Drive end adjacent to Lots 1 and 7 of the plat according to a plan approved and permitted by the City Engineer.

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

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

3. Add text below the Lot 4 label, "See Note 5 regarding Lot 4 ingress and egress." The applicant has indicated that the right of way for ingress and egress per Document No. 927255 grants adequate access rights for Lot 4. It is still recommended that the right-of-way for ingress and egress serving Lot 4 per Document No. 927255 be better memorialized with an amendment to the existing agreement or a new agreement be executed and recorded to better reflect the current conditions.
4. If the building setbacks shown on the plat are those required by the existing zoning standards, they shall be removed from the face of the plat along with the building setback notes. Only non-standard building setback line(s) shall be shown and noted on the face of the plat.
5. The private water main easement shown on the plat shall identify the benefiting interest of the easement. A note shall be added to the easement label on the plat, "see separate easement agreement for additional rights and responsibilities." The easement agreement shall be provided to engineering staff for review and approval and shall be recorded immediately after the recording of the final plat.
6. The Surveyor's Certificate indicates DeWitt Real Estate as owner. The Owner's Certificate states an owner. The last vesting deed indicates John R. DeWitt as the current owner. The certificates shall be modified as necessary to match the future updated title work prior to final sign off.
7. Provide a Plan Commission certificate of approval.

8. The last course of the legal description under the Surveyor's Certificate shall also refer to the South lines of Outlots 1 and 4 of the White Oaks plat.
 9. The applicant shall coordinate with all of the utilities and place on the final plat all required Public Utility Easements required by the utility companies to properly serve the development.
 10. The existing home on Lot 4 shall connect to public sewer within 6 months of plat recordation. Proof of septic abandonment shall be provided to the City Engineer prior to the acceptance of the public works improvements and prior to the release of any building permit holds for the plat.
 11. Provide a private sanitary sewer easement between Lot 3 and 5. If the sanitary sewer easement is shared with the private water main easement, modify the easement width accordingly. A separate private easement agreement will be required that spells out the rights and responsibilities for the affected lots.
 12. Each lot shall have rain gardens or other stormwater control devices. These devices shall limit the discharge off the developed property to the rates and volumes of the site predevelopment for the 1-, 2-, and 10-year events. A deed restriction or plat restriction shall be recorded to enforce this installation and perpetual maintenance.
 13. The City will be installing public storm sewer within Hathaway Drive as part of a public works project in 2014. The developer may be required to connect to the public storm sewer system on Hathaway Drive to serve the new development.
 14. Per Section 16.23(9)(d)6.e, sidewalk is not required on the cul-de-sac due to steep grades, required additional grading, difficulty in constructing driveways to access the new homes, and potential additional tree impacts.
15. The developer shall enter into a City/Developer agreement for the installation of public improvements required to serve this plat/ CSM. 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.
 16. Two weeks prior to recording the final plat, a soil boring report prepared by a Professional Engineer, shall be submitted to the City Engineering Division indicating a ground water table and rock conditions in the area. If the report indicates a ground water table or rock condition less than 9 feet below proposed street grades, a restriction shall be added to the final plat, as determined necessary by the City Engineer.
 17. This development is subject to impact fees for the Upper Badger Mill Creek Impact Fee District. All impact fees are due and payable at the time building permits are issued. The following note shall be put the face of the plat: "Lots/ buildings within this subdivision are subject to impact fees that are due and payable at the time building permit(s) are issued."
 18. The developer shall construct Madison standard street improvements for all streets within the plat.
 19. Note: Extensive grading may be required due to steep roadway grades.

20. 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.

21. The following notes shall be included on the final plat:

- 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 City of Madison 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 Surveyor's: In addition to notes such as this, WI 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.

22. 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."

23. 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.
24. 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).
25. The developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat.
26. 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.
27. 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.
28. 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.

29. 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 Engineering Division website for current tie sheets and control data (http://gis.ci.madison.wi.us/Madison_PLSS/PLSS_TieSheets.html). If a surveyor encounters an area without a published WCCS Dane Zone 1997 value, contact the City Engineering Division for this information.
30. In accordance with Section s.236.20(2)(c)&(f), Wisconsin Statutes, the applicant must show 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)

31. A streetlight declaration of conditions and covenant shall be executed and returned prior to final signoff of the final plat.
32. Utility easements shall be provided on the final plat between Lots 6 and 7. The applicant shall show a detail drawing of the 12-foot utility easement dimensions and lot lines on the face of the final plat.
33. 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)

34. All proposed lots shall meet the usable open space requirements in Section 28.140 of the Zoning Code.
35. Provide on the final plat the lot widths for Lots 2, 3, 5 and 6, as defined in Section 28.211 of the Zoning Code. A front building setback line shall be shown on the final plat where any proposed lot is not 60 feet wide at the rear of the 30-foot minimum front yard.

Fire Department (Contact Bill Sullivan, 261-9658)

36. Provide the following information to the buyer of each individual lot: "The Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D and SPS 382.40(3)(e)."

Water Utility (Contact Dennis Cawley, 261-9243)

37. Due to the elevations located within this plat, individual privately owned booster pumps may be required in order to provide adequate water pressure. Each lot shall have its own booster pump.
38. All public water mains and water service laterals shall be installed by a standard City of Madison Subdivision Contract. The Water Utility will not need to sign off the final plans, but will need a copy of the approved plans.

39. 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.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not provide comments for this request.

Parks Division (Contact Kay Rutledge, 266-4714)

40. Park impact fees (comprised of the Park Development Impact Fee per MGO Sec. 20.08(2) and the Parkland Impact Fee in lieu of land dedication per MGO Sec. 16.23(8)(f) and 20.08(6)) will be required for all new residential development in this subdivision. The developer must select a method for payment of park fees before signoff on the final plat. This development is within the Elver Park impact fee district (SI31). Please reference ID# 14101 when contacting Parks Division staff about this project.

41. 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.

Office of Real Estate Services (Jenny Frese, 267-8719)

42. In order for the final plat to receive final staff approval prior to recording, the plat shall include executed owner and consent of mortgagee certificates to match an updated title report to be submitted for the property; all taxes and special assessments shall be paid in full (including receipts for any payments not reflected in the updated title report); all stormwater fees shall be paid; and the final plat revised to include any revisions identified by Office of Real Estate Services staff based on a review of the updated title report.