

PLANNING DIVISION STAFF REPORT

July 13, 2015

PREPARED FOR THE PLAN COMMISSION



Project Address: 501 Welch Avenue (District 6 – Ald. Rummel)
Application Type: Rezoning
Legistar File ID #: [38743](#)
Prepared By: Kevin Firchow, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Jay Wendt, Principal Planner

Summary

Applicant: Allie Berenyi; 501 Welch Avenue; Madison, WI 53704

Contact: Miche Llanas; 136 Ohio Avenue; Madison, WI 53704

Property Owner: Mary Young, Allie Berenyi, and K. Cahir; 501 Welch Avenue; Madison, WI 53704

Requested Action: Approval to rezone 501 Welch Avenue from the TR-C2 (Traditional Residential-Consistent 2) to the TR-C3 (Traditional Residential-Consistent 3) District.

Proposal Summary: The applicant requests to rezone this property to allow for two platted lots (Lots 1 and 20-Garden Ridge Subdivision), developed with a single-family residence, to be sold separately. While no specific development plans are currently proposed, this rezoning would allow for the future development of a second single-family home on Lot 20. The existing single-family home on Lot 1 will be preserved.

Applicable Regulations & Standards: This proposal is subject to the standards for zoning map amendments (MGO Section 28.182).

Review Required By: Plan Commission (PC), Common Council (CC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards for zoning map amendments are met and forward Zoning Map Amendment 00170 rezoning 501 Welch Avenue from the TR-C2 (Traditional Residential-Consistent 2) District to the TR-C3 (Traditional Residential-Consistent 3) District to the Common Council with a recommendation of approval. This recommendation is subject to input at the public hearing and the conditions recommended by reviewing agencies.

Background Information

Parcel Location: The property is located at the intersection of Welch and Center Avenues. The site is within Aldermanic District 6 and located within the limits of the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site was originally platted as Lots 1 and 20 of the "Garden Ridge Subdivision" in 1918. Survey information provided by the applicant shows that Lot 1 has an area of 3,450 square feet and Lot 20 has an area of 3,330 square feet. The existing home, constructed in 1919, is located on Lot 1, while an accessory building is currently on Lot 20. The site is currently zoned TR-C2 (Traditional Residential-Consistent 2). That zoning was approved in 2013 as part of the City's Comprehensive Zoning Rewrite.

North: Single-family homes, zoned TR-C3 (Traditional Residential-Consistent 3 District);

South: Single-family homes, zoned TR-C3 (Traditional Residential-Consistent 3 District);

East: Single-family homes with one two-unit home, zoned TR-C3;

West: Single-family homes zoned TR-C3 with larger lot single-family homes zoned TR-C2 (Traditional Residential- Consistent 2 District) to the southwest and northwest.

Adopted Land Use Plan: The Comprehensive Plan (2006) recommends low-density residential development for the subject site and surrounding properties. The most recent neighborhood plan covering the area is the Schenk-Atwood-Starkweather-Worthington Park-Neighborhood Plan (2000) which does not provide more specific land use recommendations for the subject property.

Zoning Summary: The applicant requests approval to rezone the property to the TR-C3 District. The below table compares the submitted materials against the TR-C3 standards.

Requirements	Required	Proposed
Lot Area (sq. ft.)	3,000	Lot 1: 3,450, Lot 20: 3,330
Lot Width	30	Lot 1: 48, Lot 20: 40
Front Yard Setback	15	Lot 1: 14'6" (existing), Lot 20: TBD
Max. Front Yard Setback	30	Lot 1: 14'6" (existing), Lot 20: TBD
Side Yard Setback	4.8	Lot 1: 5, Lot 20: TBD
Reverse Corner Side Yard Setback	8	Lot 1: 8'8", Lot 20: N/A
Rear Yard Setback	20	Lot 1: 20'11", Lot 20: TBD
Usable Open Space	500	Lot 1: 535 , Lot 20: TBD
Maximum Lot Coverage	75%	Lot 1: 39%, Lot 20: TBD
Maximum Building Height	2 stories/35	Lot 1: Existing, no change, Lot 20: TBD
Number Parking Stalls	Lot 1: 1, Lot 2: 1	Lot 1: 1, Lot 20: None at this time.

Table Prepared by Matt Tucker, Zoning Administrator

Environmental Corridor Status: The subject site is not located in a mapped environmental corridor.

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

Project Description, Analysis, and Conclusion

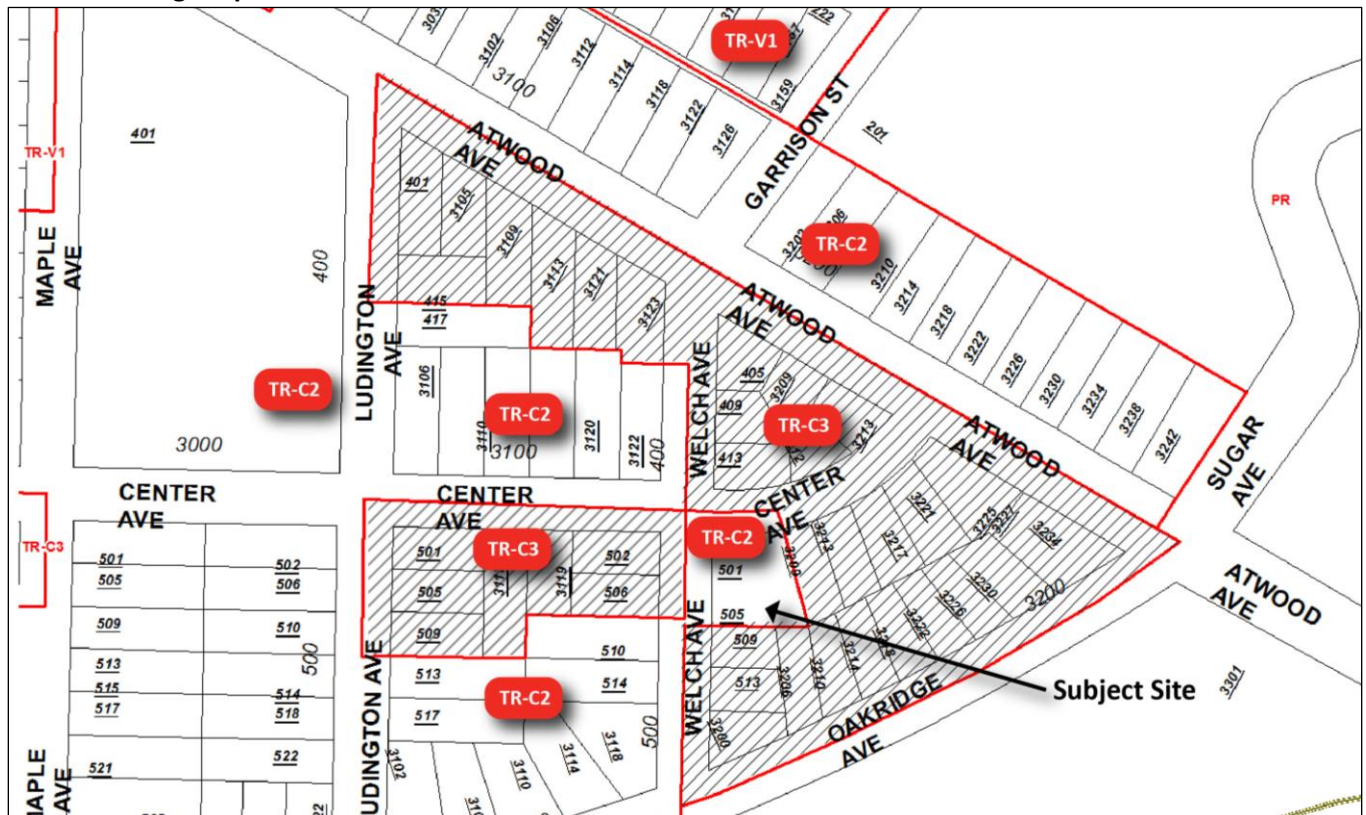
The applicant requests approval to rezone the subject property from the TR-C2 (Traditional Residential-Consistent 2) District to the TR-C3 (Traditional Residential-Consistent 3) District. The purpose of this request is to allow for two platted lots, developed with a single residence, to be sold separately. The proposed rezoning would allow for the future development of a second single-family home. A site plan included with the application shows the placement of the residence in relation to the platted lot lines. This request is subject to the standards for Zoning Map Amendments [MGO Section 28.182].

The subject property consists of two platted lots, established in 1918 as part of the Garden Ridge Subdivision. No further subdivision of the land is proposed or required as these lots are created. The two lots have

functioned as a combined Zoning Lot.¹ The existing home is located on Lot 1, a 3,450 square foot lot situated at the corner of Welch and Center Avenues. Lot 20 is immediately to the south and has an area of 3,330 square feet. Lot 20 includes an accessory building and has historically been used as a side yard for the existing home on Lot 1. A copy of the plat of survey and the original Garden Ridge Subdivision plat are provided as the attached Exhibits 1 and 2, respectively.

The established Lots 1 and 20 do not meet some TR-C2 bulk standards including the minimum 4,000 square feet lot area requirement. The current TR-C2 Zoning was established as part of the 2013 City-wide zoning code update. Prior to that, all surrounding properties were under common R2-General Residential District zoning. During the zoning update process, the TR-C2 District was mapped based on the larger zoning lot and parcel. However, in this case, this did not account for the two underlying platted lots that comprised this larger parcel. The existing zoning is depicted below:

Current Zoning Map



The existing TR-C2 and proposed TR-C3 Districts have very similar requirements. The allowed uses are identical with the exception that the TR-C2 district allows additional not-for-profit schools not allowed in TR-C3. The main differences between the districts are the bulk requirements, with TR-C3 requiring a smaller lot size, lot width, and lesser lot coverage and useable open space. See attached Exhibit 3.

Lots 1 and 20 meet the area requirements for TR-C3 zoning, which was assigned for all other properties within the Garden Ridge Subdivision and other smaller properties west of Welch Avenue. Specifically, lots within the

¹ A Zoning Lot is defined as a planned multi-use site or a lot or lots that comprise a single tract of land located within a single block which, at the time of filing for a building permit, is to be used, developed or built upon as a unit. Therefore, a zoning lot may or may not coincide with a lot of record.

Garden Ridge Plat range in size from about 2,243 to 5,694 square feet. At 3,450 and 3,330 square feet, both Lots 1 and 20 exceed the size of all but five (5) of that plat's other lots, which are all zoned TR-C3. The subject properties are nearly identical in area to the TR-C3 properties immediately across Welch Avenue, each having an area just under 3,300 square feet. Larger TR-C2-zoned properties are located west of Welch Avenue and range in size from about 4,310 to 5,784 square feet.

Several changes are noted in the applicant's materials, many of which do not need rezoning approval to proceed. The applicant will demolish an existing accessory building on Lot 20. The existing driveway on Welch Avenue will also be removed. The letter of intent states the applicant will proceed with such changes regardless of whether the rezoning is approved. A new driveway is proposed from Center Avenue to serve Lot 1. Comments from the Zoning Administrator note that only one residential driveway is allowed per property. The Zoning Code requires that one off-street parking stall is provided for each residence. Plans also label two trees that will be removed. No plans for the future home are provided with this application.

The standards for zoning map amendments are relatively broad and state that such amendments are legislative decisions of the Common Council that shall be based on public health, safety and welfare, shall be consistent with the Comprehensive Plan, and shall comply with Wisconsin and federal law. Chapter 66.1001(3) of Wisconsin Statutes requires that zoning ordinances (including zoning map amendments) enacted or amended after January 1, 2010 be consistent with the City's Comprehensive Plan. 2010 Wisconsin Act 372 clarified "consistent with" as "furthers or does not contradict the objectives, goals and policies contained in the comprehensive plan." In summary, the Planning Division believes this request can be found consistent with the Comprehensive Plan which recommends low density residential development for the subject site and surrounding properties.

The Plan's Land Use Chapter also includes other guidance including "Objectives and Policies for Established Neighborhoods." This includes Objectives 34-46 and their supporting policies. The stated objectives cover a wide variety of topics including following neighborhood plans, maintaining economically viable business centers, providing a range of housing opportunities, creating a system of neighborhood parks and open spaces, protecting historic assets, encouraging property maintenance, providing necessary services and infrastructure and maintaining a balance between redevelopment and preservation in established neighborhoods. Objective 42 relates closely to this request and states "Ensure new development is compatible with the existing and planned design and development characteristics of the neighborhood and minimize land use conflicts between infill or redevelopment projects and existing neighborhood development." Considering the existence of TR-C3 zoning for every other property within the subject plat and in other properties in very close proximity, staff believes the TR-C3 zoning would provide a consistent development framework if approved on this site.

Staff has been contacted by several nearby residents and property owners and is aware that there are significant concerns regarding this request. The communications received by staff are included in the Plan Commission packet for their consideration. Among the issues raised is the loss of on-street parking due to the establishing of a new driveway and the loss of on-site trees that would be needed to accommodate future development. Other concerns relate to increased traffic, decreased pedestrian safety, and property value impacts. Please see the attached correspondence.

While acknowledging the many concerns raised on this request, the Planning Division believes that the TR-C3 zoning district is an appropriate zoning district for this site considering the surrounding TR-C3 zoning, existing small-single family lot pattern, and that the underlying lots exist and no further land division is necessary to create these lots.

Recommendation

Planning Division Recommendation (Contact Kevin Firchow, 267-1150)

The Planning Division recommends that the Plan Commission find that the standards for zoning map amendments are met and forward Zoning Map Amendment 00170 rezoning 501 Welch Avenue from the TR-C2 (Traditional Residential-Consistent 2) District to the TR-C3 (Traditional Residential Consistent 3) District to the Common Council with a recommendation of approval. This recommendation is subject to input at the public hearing and the conditions recommended by reviewing agencies.

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded
--

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

- | |
|---|
| <ol style="list-style-type: none">1. A plat of Survey by Isthmus Surveying LLC has been completed of the two Lots adequately monumenting the boundaries of each Lot. Refer to Dane County Surveyor's Office Map No.'s 2015-00336 and 2015-00404.2. Applicant shall contact the City Assessor's Office to have staff reactivate the Address-Parcel-Owner (APO) data for Lot 20 in the Assessor's database (GEO) so that the Accela system can upload this data and future permit issuance made available for these two lots. This shall be completed prior to any building permit issuance.3. Prior to approval, verify the location of the existing sanitary sewer service. The service to the existing residence may cross onto the proposed lot. If so, this conflict would need to be resolved.4. Each lot shall be required to have their own separate sanitary sewer and water service lateral. |
|---|
5. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which 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. (POLICY)
 6. All damage to the pavement on Center Avenue adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link: <http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY)
 7. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2))

PDF submittals shall contain the following information:

- a) Building footprints.
- b) Internal walkway areas.
- c) Internal site parking areas.
- d) Lot lines and right-of-way lines.
- e) Street names.

f) Stormwater Management Facilities.

g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).

Traffic Engineering (Contact Eric Halvorson, 266-6527)

This agency submitted a report with no comments for this request.

Zoning Administrator (Contact Matt Tucker, 266-4569)

8. The driveway off Welch Ave. shall be closed, and a new driveway shall be re-aligned to serve lot 20. Lot 1 may have only one driveway opening.

Fire Department (Contact Bill Sullivan, 261-9658)

This agency submitted a report with no comments for this request.

Water Utility (Contact Dennis Cawley, 266-4651)

9. This property is in wellhead protection district WP-08. This proposed use is allowed in this district. Any proposed changes in use shall be approved by the Water Utility General Manager or his designee. 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, and not need a copy of the approved plans.

Parks Division (Kay Rutledge, 266-4816)

- | |
|--|
| <ol style="list-style-type: none">10. 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. The developer must select a method for payment of park fees before signoff on the rezone. This development is within the Olbrich park impact fee district (SI25). Please reference ID# 15129 when contacting Parks about this project.11. 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. |
|--|

EXHIBIT 1

Plat of Survey

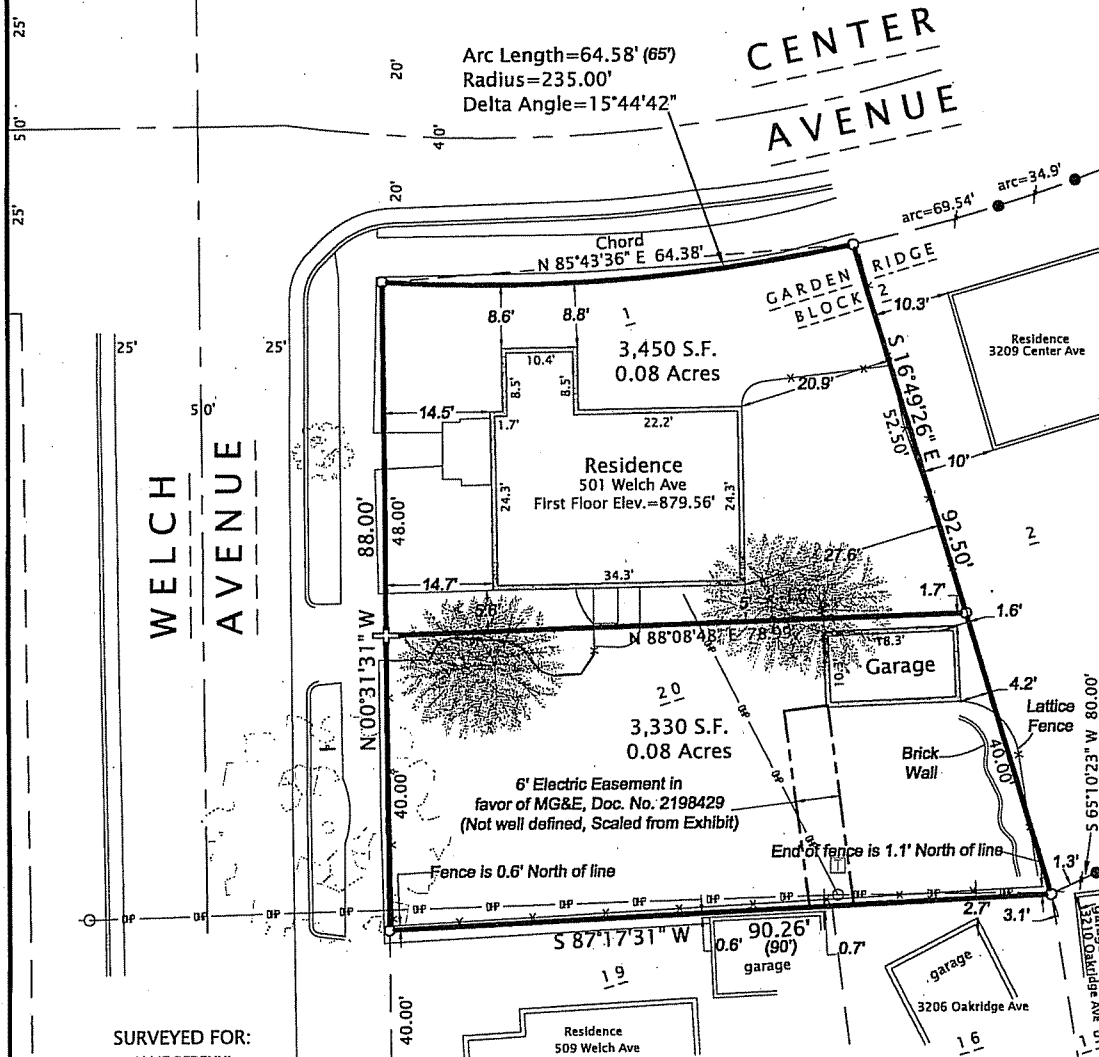
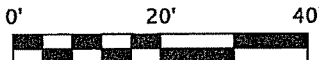
LEGAL DESCRIPTION:

LOT ONE (1) AND TWENTY (20), BLOCK 2, PLAT OF GARDEN RIDGE, LOCATED IN SECTION 5, T7N, R10E, IN THE CITY OF MADISON, DANE COUNTY, WISCONSIN

BEARINGS ARE REFERENCED TO THE WEST LINE OF BLOCK 2, ASSUMED TO BEAR N 00°31'31" E

Assumed North

Total Surveyed Area
6,780 S.F.
0.16 Acres



SURVEYED FOR:
ALLIE BERENYI

SURVEYED BY:
ISTHMUS SURVEYING, LLC
450 NORTH BALDWIN STREET
MADISON, WI 53703
(608) 244.1090
www.isthmussurveying.com

LEGEND

- SOLID IRON ROD FOUND (0.75" Outside Dia. unless noted)
- ⊙ IRON PIPE FOUND (1" Dia. unless Noted)
- 3/4"x18" SOLID IRON ROD SET 1.50lbs./LINEAL FOOT.
- ⊕ CUT '4' IN CONCRETE SET
- () INDICATES RECORDED AS DISTANCES ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT.

- Overhead Wires
- Fence
- Utility Pole
- Sign
- Concrete
- ⊕ Telephone Pedestal

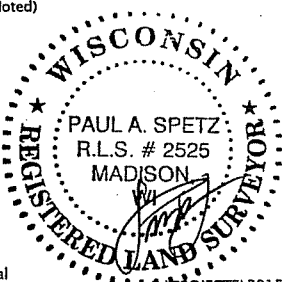
Notes:

1. Building dimensions and associated offset distances were measured along the outside of the siding
2. This parcel may be subject to, or benefitting from, Easements or agreements, written or otherwise, not shown hereon.
3. MUCH OF THE 'PLAT OF GARDEN RIDGE' IS DIFFICULT TO RETRACE. THIS BOUNDARY SURVEY WAS DETERMINED FROM FOUND PROPERTY CORNER IRONS, EXISTING OCCUPATION, SURVEYS OF RECORD, AND MABBETT NOTES, BOOK 12, P. 23.

SURVEYOR'S CERTIFICATE

I, Paul A. Spetz, registered land surveyor for Isthmus Surveying LLC, hereby certify that we surveyed the property described above and that the map is a true representation thereof and shows the size and location of the property, it's exterior boundaries. Said survey meets the minimum standards for property surveys of the Wisconsin Administrative Code (A-E7) and the map hereon is correct to the best of my knowledge and belief. This Survey is solely for the use of the present owners of the property at the date below.

Dated this 23rd Day of March, 2015: Paul A. Spetz, S 2525



2015-00404

C:\PROJECTS\2015\150710-BERENYI_501 WELCH\150710-BERENYI_501 WELCHpos.DWG

EXHIBIT 2

PLAT OF

372349

Garden-Ridge

MADISON. WISCONSIN.

Joe

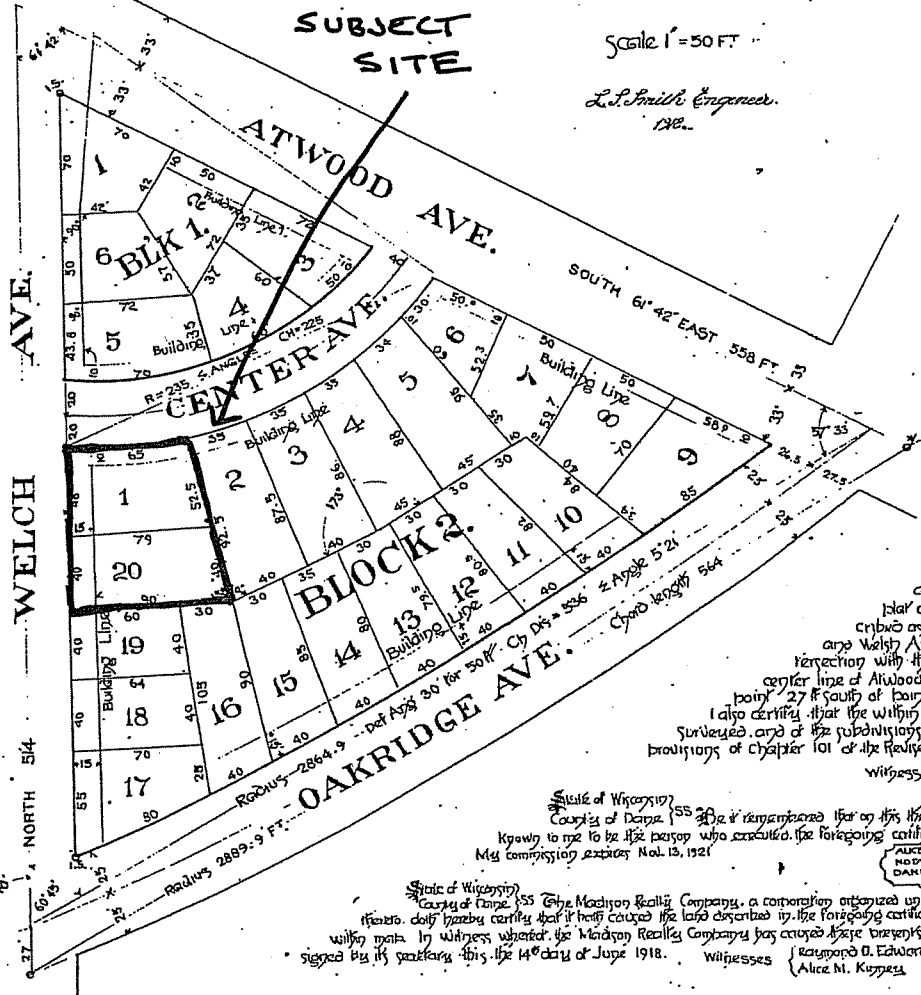
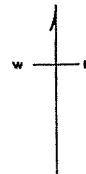
BLOCK 45, C

C

SUBJECT SITE

Scale 1" = 50 FT.

L.L. Smith Engineer.
1918.



State of Wisconsin } ss J. Leonard Smith hereby certify that by the
County of Dane } direction of the Madison Realty Company, I have made a survey and
plat of the following described lands, situated in Sec 5, T.17 N. R. 10 E. des-
cribed as follows: Beginning at the intersection of the center lines of Oakridge
and Welch Avenues; thence North on center line of Welch Ave. 514 feet to its in-
tersection with the center line of Atwood Ave.; thence South 61° 42' East 558 feet on
center line of Atwood Ave.; thence on a curve to the right with a radius of 2890.11 to a
point 27° 18' South of point of beginning; thence North 27° 18'
I also certify that the within map is a correct representation of the exterior boundaries of the land
surveyed, and of the subdivisions thereof made, and I further certify that I have fully complied with the
provisions of Chapter 101 of the Revised Statutes of Wisconsin

Alice M. Kippers, Notary Public, Dane County, Wis.
Witnesses: Raymond D. Edwards, Alice M. Kippers, Leonard S. Smith, Surveyor

State of Wisconsin } ss J. Leonard Smith hereby certify that on this the 14th day of June 1918, personally appeared before me, Leonard S. Smith,
County of Dane } Notary Public, the person who executed the foregoing certificate, and who acknowledged the same.
Known to me to be the person who executed the foregoing certificate, and who acknowledged the same.
My commission expires Nov. 13, 1921.

State of Wisconsin } ss The Madison Realty Company, a corporation organized under the laws of Wisconsin, by its president and secretary, duly authorized
County of Dane } officers, do hereby certify that it has caused the land described in the foregoing certificate of Leonard S. Smith, to be surveyed and subdivided as shown on the
within map. In witness whereof, the Madison Realty Company has caused these documents to be signed by its president, sealed with its corporate seal, and counter-
signed by its secretary, this the 14th day of June 1918. Witnesses: Raymond D. Edwards, Alice M. Kippers, Leonard S. Smith, Surveyor

State of Wisconsin } ss E. F. Riley, known to me to be the person who executed the above certificate and who acknowledged
County of Dane } said certificate as the free act of said corporation, done by them, pursuant to a resolution of the Board of Directors acting in conformity to its by-laws, and articles of incorporation.
My commission expires Nov. 13, 1921.

Resolved that the plat known as "Garden-Ridge", in Section 5, T.17 N. R. 10 North Range 10 East, in the City of Madison, Wisconsin, be and hereby is approved, as provided by law.

State of Wisconsin } ss J. O. S. Marston hereby certify that the above resolution is a correct copy of a resolution adopted by the City Council of Madison June 14, 1918.
County of Dane } City Clerk.

Office of Register of Deeds } ss Received for record July 3rd A.D. 1918 at 4.15 o'clock P.M. and recorded in Vol 3 of Plats on page 49.A.
Dane Co. Wis.

C.A. Field
Register

28.043 TR-C2 DISTRICT.(1) Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.

(2) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

TR-C2 District		
	Single-family detached	Nonresidential
Lot Area (sq. ft.)	4,000	4,800
Lot Width	40	40
Front Yard Setback	20	20
Maximum Front Yard Setback	No more than 20% greater than block average, up to 30 max.	n/a
Side Yard Setback	One-story: 5 Two-story: 6 See (a) below	10
Reversed Corner Side Yard Setback	12	20
Rear Yard	Lesser of 30% lot depth or 30	Equal to building height but at least 30
Maximum height	2 stories/35	35
Maximum lot coverage	65%	65%
Usable open space (sq. ft. per d.u.)	750	n/a
Maximum building coverage	n/a	50%

- (a) Side Yard Setback. Lots with single-family detached dwellings that are existing on the effective date of this ordinance and have a lot width less than fifty (50) feet shall have a minimum side yard setback of ten percent (10%) of the lot width.

28.044 TR-C3 DISTRICT.

- (1)
- Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.

- (2)
- Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

TR-C3 District		
	Single-family detached	Nonresidential
Lot Area (sq. ft.)	3,000	4,000
Lot Width	30	40
Front Yard Setback	15	15
Maximum Front Yard Setback	No more than 20% greater than block average, up to 30 max.	n/a
Side Yard Setback	5 Lot width < 50: 10% lot width	One-story: 5 Two-story or more: 6
Reversed Corner Side Yard Setback	8 (10 for garage)	15
Rear Yard	20 alley-accessed: 2 See (b) below	Equal to building height but at least 20
Maximum height	2 stories/35	35
Maximum lot coverage	75%	75%
Maximum building coverage	n/a	65%
Usable open space (sq. ft. per d.u.)	500	n/a

- (a) Side Yard Setback. Lots with residential buildings that are existing on the effective date of this ordinance and have a lot width less than fifty (50) feet shall have a minimum side yard setback of ten percent (10%) of the lot width.
- (b) Rear Yard Setback. Only a one-story, alley-accessed attached garage projection for garage purposes may have a minimum rear yard setback of two (2) feet.