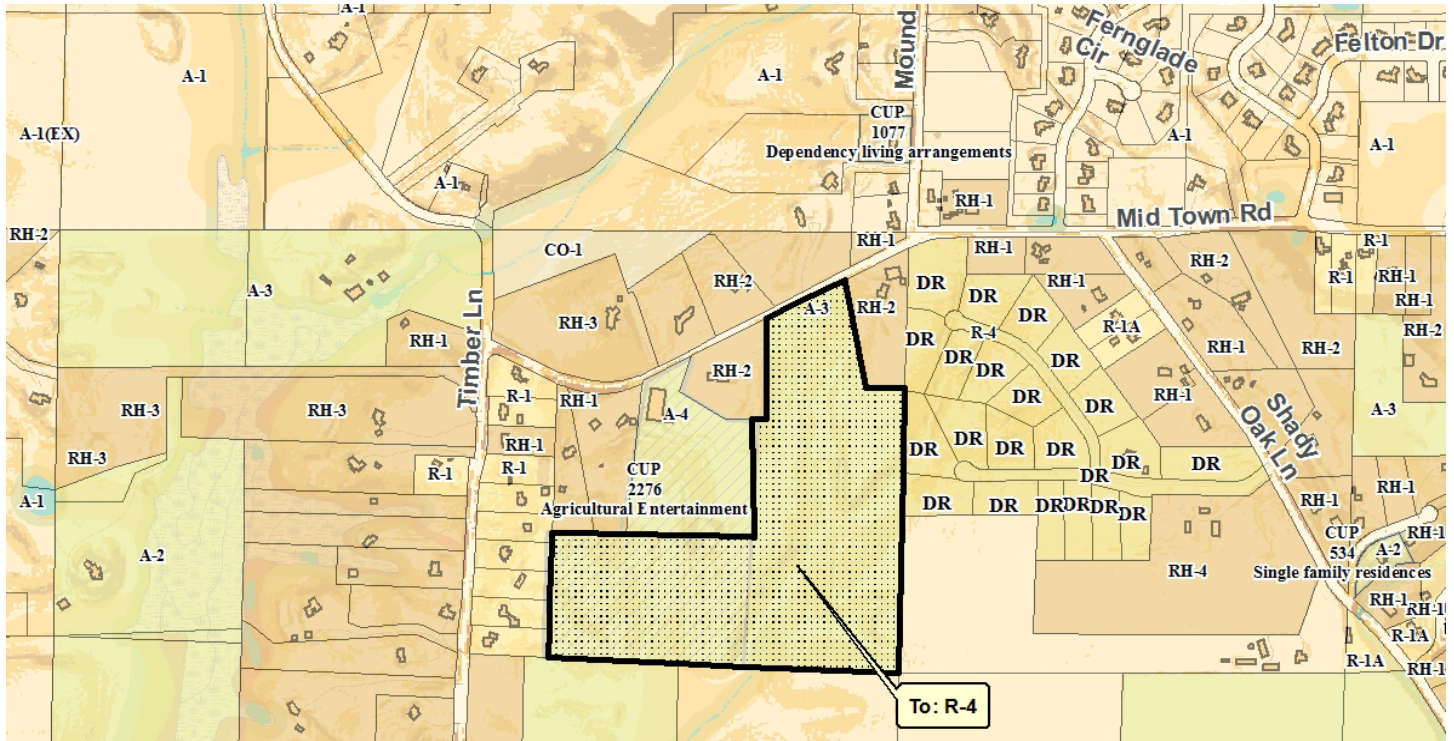




Staff Report

<i>Public Hearing:</i> April 24, 2018	<i>Petition:</i> Petition 11275
<i>Zoning Amendment:</i> A-3 Agriculture District TO R-4 Residence District	<i>Town/sect:</i> VERONA, Section 6
<i>Acres:</i> 62.986 <i>Survey Req. No</i>	<i>Applicant</i> MAXWELL FAMILY LLC
<i>Reason:</i> DEVELOP A 29-UNIT LAND CONDOMINIUM FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENT	<i>Location:</i> EAST AND SOUTH OF 11691 MID TOWN ROAD

Zoning and Land Regulation Committee
REVISED STAFF REPORT May 2, 2018



DESCRIPTION: This petition would allow for the creation of a 29-unit condominium plat, with units ranging from 1.6 acres to 2.7 acres in size, on 63 acres of land, for a gross project density of one unit per 2.17 acres. The proposed development would be served from one access point on to Midtown Road by a single private road, approximately 3,300 feet long and ending in a cul-de-sac. Commonly-owned (though not public) elements would include: 1.7 acres set aside for open space or future roadway extensions; 1.9 acres for a stormwater retention basin, and stormwater and drainage easements. There are no provisions for public transit, pedestrian or bicycle transportation, or for future connections to nearby local roads.

OBSERVATIONS: The parcel is less than a mile from the City of Madison municipal limits, and falls within the City's extraterritorial plat review jurisdiction (ETJ). However, as a condominium plat, no land division is proposed, and the City's ETJ authority does not apply. The property is adjacent to a similar condominium plat development, also in the R-4 zoning district (Petition 11059).

TOWN / COUNTY PLAN: The property is in a Rural Development Area in the adopted Town of Verona / Dane County Comprehensive Plan and in a Non-Farmland Preservation Area in the Dane County Farmland Preservation Plan. Residential development is supported up to a maximum density of one unit per two acres.

RESOURCE PROTECTION: Resource protection corridors associated with an intermittent tributary of the Sugar River extend onto the southern portion of the property. Shoreland zoning standards will apply to portions of the proposed development area. Soils with hydric inclusions, indicative of wetland conditions, are also on the property. Field delineations may be necessary to determine the location and extent of wetlands, if any.

STAFF: Recommend approval with 5 conditions, as described on Page 4.

TOWN: On April 3, the town voted to recommend approval with conditions (see Town Action Report).

Issues with, and recommended corrections to, draft condominium plat.

1. ***Issue:*** Stormwater easements are shown crossing proposed condominium units. This will invite problems with drainageway maintenance, as unit owners may perceive easement areas as part of their property.

Recommended correction: Separate all proposed units from stormwater easements, so that each unit is designed around stormwater features. Stormwater features should sit entirely within the boundaries of a separate unit specifically dedicated for stormwater management. Eliminate any units that fall below 1.5 acres as a result of these changes.

Notes: Corrected in April 17, 2018 version of the proposed condominium plat.

2. ***Issue:*** Unit 10 has a very narrow building width at the setback line from the private road.

Recommended correction: Eliminate proposed Unit 10 and combine unit area with Units 9 and 11.

Notes: April 17, 2018 revisions reconfigured lot lines for Units 9, 10 and 11 to provide appropriate widths at setback lines.

3. ***Issue:*** Private road alignments do not meet Chapter 75 standards for curve design.

Recommended correction: Redesign proposed alignments of proposed private road labeled “A Street” to maintain a minimum 150’ tangent between all reverse curves.

Notes: Corrected in April 17, 2018 version.

4. ***Issue:*** Proposed private road ends in a cul-de-sac, with no alternative outlet, and has a length of approximately 3,300 feet. For subdivisions, s. 75.19(1)p., Dane County Code limits cul-de-sacs to a maximum length of 1,000 feet.

Recommended correction: Create additional turn-arounds at or near 1,000 feet and 2,000 feet from the intersection with Mid-Town Road. Turn-arounds should provide a minimum radius of 60 feet, and a minimum traveled way radius of 40 feet. See also 5. below.

Notes: Corrected in April 17, 2018 version.

5. ***Issue:*** The proposed plat includes no provisions for future road extensions. Section 75.19(1)(b), Dane County Code and the Dane County Comprehensive Plan call for “the continuation or appropriate projection of existing or proposed collector and arterial streets in the area,” where possible.

Recommended correction: Clearly identify and label on the condominium plat locations for future private or public road connections at the unit currently labeled “Park Common Element” between Units 19 & 20 and the unit labeled “Park and Stormwater Management” between Units 14 & 15.

Notes: Corrected in April 17, 2018 version.

6. ***Issue:*** Proposed recreational or park areas overlap with proposed stormwater facilities and potential road stubs. If developed as indicated, this will reduce the land area available for recreation purposes. Section 75.11, Dane County Code sets a standard of 1,750 square feet of park or playground area for every residential dwelling unit, or proof of payment of equivalent fees in lieu.

Recommended correction: Clearly identify and label on the condominium plat at least 49,000 square feet of public recreation area, not including stormwater areas and public or private road stubs, OR provide proof of payment in lieu of park dedication consistent with the standards of s. 75.11, Dane County Code.

Notes: Corrected in April 17, 2018 version.

7. Issue: Proposed private road is shown as “A Street.” This name is likely to be confusing and may or may not meet countywide road naming standards.

Recommended correction: Applicant should submit proposed road names for consideration and review as described in Chapter 76, Dane County Code. Once road names are approved, the condominium plat should be revised to reflect approved road names.

Notes: April 17, 2018 shows private road as “Fox Hill Pass.”

8. Issue: Condominium plat does not show shared driveway easements associated with the private road.

Recommended correction: Revise condominium plat to clearly show shared driveway easements, as required in condition of approval #3 below, and consistent with standards for shared driveways under s.75.19(8), Dane County Code.

Notes: Corrected in April 17, 2018 version of the condominium plat and described in detail in associated condominium documents.

9. Issue: Condominium plat does not show utility easements.

Recommended correction: Revise the condominium plat to clearly show utility easements, consistent with s. 75.19(2), Dane County Code.

Notes: Corrected in April 17, 2018 version of the condominium plat and described in detail in associated condominium documents.

Dane County Zoning Petition 2018- 11275
Recommended conditions of approval.

Within 90 days of the effective date of county board action, the applicant will:

- 1.** Record deed restrictions on the property to:
 - a.** Limit the permitted uses on the property to no more than 29 detached single-family residential dwellings, and associated accessory, utility and recreational uses.
 - b.** Require that each single-family dwelling be located on a separate unit of at least 1.5 acres.
- 2.** Record a condominium plat identical to the draft dated April 17, 2018, as approved by the Zoning and Land Regulations Committee.
- 3.** Record shared driveway easements for all proposed private roads. Easements must meet all requirements of s.75.19(8), Dane County Code, except for the following:
 - a.** s. 75.19(8)(c), Dane County Code and
 - b.** Easements shall be shown on the Condominium Plat instead of the Certified Survey Map, as described in s.75.19(8)(e), Dane County Code.
- 4.** Record declaration of condominium documents, approved by the zoning administrator and the Town of Verona Board, that include, at a minimum, the following provisions:
 - a.** Prohibition of future separation, merger or boundary relocation for any units unless specifically approved by the Town of Verona and Dane County.
 - b.** Private road shared-maintenance agreements that meet all the requirements of s.75.19(8)(f), Dane County Code.
 - c.** Requirements that each single-family dwelling be set back from unit boundaries as follows:
 - i.** At least 30 feet from any front unit boundary (boundary immediately adjacent to any private or public road);
 - ii.** A total of at least 25 feet from both side unit boundaries, with no single side less than 10 feet, and;
 - iii.** At least 50 feet from any rear unit boundary, except that attached decks or porches may be up to 38 feet from a rear unit boundary.
 - d.** Grants enforcement authority over the above provisions to Dane County and the Town of Verona through any remedy available at law or in equity without regard to any arbitration or other dispute resolution procedures described elsewhere in the declaration.
- 5.** Obtain from the Dane County Land and Water Resources Department, an approved stormwater management permit that covers the entire development area and meets all standards of Chapter 14, Dane County Code.