

**Madison-Morgan Conservancy's Development Review Committee Report
Foster Park**

To: City of Madison Planning Commission

cc: Monica Callahan, City of Madison Planning Director
Mollie Bogle, City of Madison Planner

From: Madison-Morgan Conservancy Development Review Committee

Re: Foster Park Rezoning Application

Date: June 27, 2016

Application Information

Name of Applicant:	<i>Brad Good</i>	Name of Development:	<i>Foster Park</i>
Current Use of Property:	<i>Residential</i>	Current Zoning of Property:	<i>R-1 and R-2</i>
Proposed Use of Property:	<i>Residential</i>	Proposed Zoning of Property:	<i>PRD</i>

Introduction

On behalf of the Board of Directors of the Madison-Morgan Conservancy, we thank you for the opportunity to comment on the above referenced application for rezoning. The purpose of this report is to set forth information we deem worthy of consideration in the process of evaluating the above referenced application.

The mission of the Madison-Morgan Conservancy is to provide public education on conservation matters and to protect and enhance the heritage and quality of life of the residents of Morgan County by preserving historic sites, greenspace, farmland and timberland. In an effort to meet our mission, the Conservancy formed a Development Review Committee (DRC) in 2006 to serve as a resource to the county and municipal planning departments. If you would like more information or to discuss the information included herein, please contact us at 706-818-8046, or info@mmcGeorgia.org.

Because the proposed PRD includes two lots on S. Main St (.77 acre lots) which conform to current zoning, this report only addresses the 10.52 acres currently zoned R-2, on which the 3+ acre park, 37 additional units, and all the infrastructure (streets, sidewalks, sewer, water (except for the pedestrian access sidewalk to Main St.)) are planned.

Executive Summary

After studying the proposed development, meeting with the developer, and meeting with City Planning staff, it is our conclusion that the proposed development conforms to the PRD zoning classification in several ways, including general location and arrangement of housing units.

- The proposed development successfully meets the goal of the PRD zoning classification to “encourage creative site design to a) preserve open space and unique environmental features, b) to conserve energy through efficient building design and clustering, c) to use the land efficiently, and d) to increase the efficiency of public service delivery.” (Madison Zoning Ordinance, Section 650.1(3))
- The design is creative, pedestrian in nature, preserves three acres of open space and a trail opportunity, and clusters development near infrastructure: all principles of sustainable design, which we encourage.

However, the density of the proposed development on the 10.52 acres does not “conform to the existing character and development pattern of the surrounding area [nor does it] protect any existing residential uses from adverse impacts.” (Madison Zoning Ordinance, Section 651)

- A cluster of 37 lots averaging .11 acre are proposed. They adjoin 20 lots with an average size of .86 acre. 19 of those adjacent lots are fully developed at an average lot size of .71 acre
- Adjacent landowners may see a decrease in property value given the new view from their rear yards of the backs of garages and side yards instead of greenspace
- The proposed development may not conform to the intent of the Site Requirements (though it does legally conform). Section 650.4(d) states the project must “abut a public street other than Interstate 20 or Highway 441 Bypass for a continuous distance of at least two hundred (200) feet...” Presumably the intent of that site requirement is to require high-density developments (PRDs) to have vehicular access (“abut”) to a public street, which does not have restricted vehicular access like I-20 or 441 Bypass. The proposed project does abut a public street for more than 200 feet, but the street is a restricted access road like I-20 and HWY 441 Bypass (Main Street is also HWY 441, controlled by GA DOT, who will not permit a curb cut on Main St.). The development plan shows a pedestrian only access point on Main St. The project does not abut Foster Street (the planned vehicular access) for at least 200 feet (Foster Street frontage totals only 173 feet).
- The architectural plans lack diversity and do not conform to the existing character of the surrounding area, where each house adjacent to the proposed project has a unique design

Most importantly, the proposed development will despoil a landscape publicly prioritized for preservation through the Madison Greenprint: the Miller Pecan Grove. The loss of this tree canopy and wildlife habitat is compounded by the fact that the removal of this historic landscape disqualifies the Foster-Thomason-Miller House as a Historic Landmark. The two resources are listed on Madison’s Greenprint as follows:

- The **Foster-Thomason-Miller House** is classified as a “Historic Landmark,” defined as “defining properties from Madison’s Golden Age that retain significant landscapes and/or acreage associated with their original setting and that are independently eligible for the National Register of Historic Places.”
- #13: **Miller Pecan Grove** Is ranked “High Priority” and classified as an “Agrarian Landscape” with additional conservation values of natural/habitat protection areas, riparian areas, greenspace buffers, and potential trails. The almost 5-acre pecan grove includes 39 pecan trees, and at least 60 additional trees of various species.

The property is further publicly slated for preservation through the TDR ordinance by qualifying it as a “Sending Parcel.” This qualification allows the landowner to sell development rights from the property in order to permanently protect it. The development rights can then be sold for use on a parcel that is more appropriate for development.

In summary, the property meets the criteria for two antithetical uses: preservation and high-density development.

Recommendations

If you recommend denial of the application, please consider the following:

- The PRD zoning classification is a sound and useful tool, which could be amended to avoid this type of dilemma in the future:
 - Restrict the criteria to qualify as a PRD to parcels that are not listed on the Greenprint as a “Historic Landmark.” Currently, this would affect the following properties:
 - Atkinson Brick House on Hwy 83
 - Bonar Hall on Dixie Ave
 - Historic I-House on Kolb St
 - Mason House on Dixie Ave
 - Thurleston on Dixie Ave

If you recommend approval of the application, please consider the following conditions:

- Require the purchase of 16 TDRs to increase density from 21 to 37 lots. If enough TDRs are not available, allow the developer to pay into the Madison Greenspace Commission's Land Bank for future TDRs it acquires, using recent market data to determine the value/cost of each TDR.
- Require the lot fronting Foster Street to continue the existing development pattern of Foster Street (the house to face Foster street with similar setback), including consistency in the depth of the lot. Require fencing and heavy, opaque screening at that back of Lot #1 to buffer the development and protect the view of the historic district from Foster St.
- On Lots #38 & #39 (Main St. Lots) require fencing and heavy, opaque screening to buffer the development and protect the view of the historic district from Main St.
- Require any outdoor lighting to be "down lighting," which directs light down and to the sides as needed, reduces glare, does not trespass onto neighboring property, and helps preserve the dark night sky.
- Require that any additional parking (overflow parking) be disallowed in the 25-foot setback or in any other required buffers.

Additional Considerations

Following are additional thoughts we hope you will consider:

Please consider how a rezoning (or density giveaway) like this increases Madison's overall density and undercuts the TDR program, by giving density away rather than exercising the proven mechanism (TDR) that keeps Madison's overall density neutral and also mutually encourages sustainable growth and preservation.

As stated in the zoning ordinance, "in considering the Foster Park rezoning application, the Commission and the Council shall consider the following six issues:"

- 1) The location, present use and zoning classification of the subject property, and its suitability and economic viability for use as currently zoned;
 - a. Located within an established historic neighborhood in Madison's Historic District
 - b. The 10.52 acres are currently zoned R-2, .5 acre lot minimum lot size respectively
 - c. Currently allowable 21 lots on the 10.52 acres
 - d. Viability for use as currently zoned: there have been offers to purchase property in the recent past for use as R-1 and R-2 property. Currently there are interested buyers of the property for use as R-1\R-2.
- 2) The proposed use and zoning classification of the subject property;
 - a. Proposed zoning: PRD
 - b. Proposed use: high density residential
 - c. Total lots proposed: 37
 - d. Average size of proposed lots .11 acre
 - e. Viability for use as proposed: Two PRDs within city are not yet developed. Rezoned approximately 10 years ago and have sat only partially developed since then. Speaks to need/demand/economic viability of proposed use. Also to be considered is the price point of the houses: \$350k-\$450k per parcel (fully developed with house, garage, driveways, etc.). Is there a need for 37 new/additional houses at this price point?
- 3) The existing land uses and zoning classification of nearby property, whether the zoning proposal seeks a use consistent with the use and development of adjacent and nearby property, and to what extent the zoning proposal will adversely affect adjacent or nearby property;
 - a. Adjacent to 20 lots (not including the two lots fronting Main Street)
 - b. Adjacent lots are zoned R-1 or R-2
 - c. Adjacent lots have an average lot size of .86 acre
- 4) Whether the zoning proposal will result in a use which could adversely affect existing infrastructure including without limitation streets, transportation facilities, utilities, schools, police and fire protection, and municipal personnel;

- a. Traffic: Peak Hour trips per day increase from 18 cars per hour (Grade A) to 55 cars per hour (Grade B)
- 5) Whether the zoning proposal is consistent with the Comprehensive Plan, or other city-adopted plans (e.g, Major Thoroughfare Plan, Urban Redevelopment Plan, GreenPrint Plan, etc.); and,
- a. The property is listed on the Greenprint as a publicly prioritized preservation opportunity five times:
 - i. As a **Historic Landmark**, defined as “defining properties from Madison’s Golden Age that retain significant landscapes and/or acreage associated with their original setting and that are independently eligible for the National Register of Historic Places.”
 - ii. **#2: Foster Street Conservation Area**. Medium Priority. Classified as a Natural/Habitat Protection Area with additional conservation values of riparian areas and potential trails.
 - iii. **#7: Horse Branch Creek**. Medium priority. Classified as a Riparian Area with additional conservation values of natural areas, natural/habitat protection areas, and potential trails.
 - iv. **#13: Miller Pecan Grove**. High priority. Classified as an Agrarian Landscape with additional conservation values of natural/habitat protection areas, riparian areas, greenspace buffers, and potential trails.
 - v. **#21: Horse Branch Creek Trail**. Medium priority. Classified as a Potential Trail with additional conservation values of natural/habitat protection areas and riparian areas.
- 6) Whether there are other factors or existing or changing conditions regarding the use and development of the property, which give supporting grounds for either approval or denial of the zoning proposal.