



Legistar ID #27248
1108 Moorland Road
Conditional Use Alteration

Report Prepared By:
Kevin Firchow, AICP
and other
Department Staff

At its September 12, 2012 meeting, the Plan Commission referred this item to the October 1, 2012 meeting. This approved referral motion requested that the applicant continue working with City staff on the operation and management plan, safety plan and service delivery plan for the complex, and for those parties to work with the Madison Police Department on the placement of the proposed detached garages. The Plan Commission also requested more information on the down-zoning of the property that was discussed during the public hearing, as well as the proposed zoning of the property under the new Zoning Code.

Revised Operation and Management, Safety, and Service Delivery Plan

Prior to the public hearing, the applicant provided an updated draft of the operation, management, safety and service delivery plan. (That document is titled "Nob Hill Redevelopment Supporting Information." An update to the document previously provided to the Plan Commission is attached.) Staff from the Planning Department and Police Department have reviewed the plan and discussed it with the applicant. The new plan has significantly more detail than the previous draft and addresses many of the previously raised questions. A summary of key points is below:

- **Tenant Screening.** (p. 31) A detailed tenant screening plan, provided by the prospective manager ACC, has been included. Based on comments from Police and the CDA Director, the tenant screening standards appear to meet and in several areas, exceed the typical industry-accepted screening procedures. Captain Balles of the South District indicates that a strong tenant screening plan is a key component of the overall security plan and believes the proposed screening methodology would be a significant improvement and should be helpful in proactively addressing crime and police calls at the site.
- **Safety and Security.** (p. 39) The revised plan also includes commitments to additional safety and security items. Improvements include new lighting, the installation of 18 security cameras, and a more secure door entry system. Weekly meetings between building management and the Police are also proposed. Captain Balles believes that the proposed safety and security plan is improved and can be supported, subject to additional details being confirmed. The applicant continues to work with Captain Balles on issues such as security camera type and location. Police have also requested a plan for after-hours property contact.
- **Operations and Management.** (p. 26) The revised plan builds upon the information previously provided and notes that the project will include a full time Community Manager, responsible for day-to-day operations. Two full-time leasing assistants would report to the Community Manager. There will also be a full time maintenance supervisor and two-to-three maintenance technicians. A part time 12-15 hour Community Coordinator is proposed to facilitate community events and activities. The coordinator position is discussed further in the next section.

Planning Division staff, Captain Balles, and Natalie Erdman of the Community Development Authority have met with the applicant and have suggested a few modifications and clarifications. In regards to guest policy, the applicant indicates their policy is to limit guests to 14 days per calendar year. Staff also request clarification on some of the staffing terms not otherwise defined including "Sponser, Management Agent, Portfolio Manager. A clarification has also

been requested to note that the “Community Coordinator” position reports to the Community Manager. The applicant will also be providing a few clarifications regarding the tenant grievance policy and other items. Aside from the clarifications, staff do not have additional substantive comments on the operations and management plan.

- **On-Site Services Plan.** (p. 55) As noted above, on-site services would be coordinated by a part time position called the “Community Coordinator.” Based on suggestions from staff, the applicant has revised this position to require a degree in social work (or similar related experience) and have increased the position to a minimum of 20 hours per week. This plan has been revised noting that one of the duties of the Community Coordinator is to conduct a needs assessment in order to best determine the tenant needs, which are expected to change over time. Current proposed programming includes ESL (English as a Second Language), Fitness, Tutoring, and financial planning classes.

Garage Placement

Another concern raised in the previous report and discussed at the last Plan Commission meeting was garage placement. Planning Division staff and Captain Balles have raised both aesthetic and security concerns regarding the placement of the garages. Among the most problematic garages are those proposed to wall-off the yard behind the community center.

Planning Division staff and Captain Balles walked the site with the applicant and alternative garage locations were discussed and identified. The intent with the relocation was to reduce the amount of garages at the center of the development and to keep site lines open across the site. A revised site plan has been provided, relocating some of the most problematic stalls. Staff acknowledge the plan is improved from the original concept, though staff believes it would be desirable to remove or relocate some additional garages from the center of the site. These plans have also been submitted for final approval of the Urban Design Commission.

Zoning Considerations

The Plan Commission also requested further information on past rezonings of this property and the recommended zoning in the proposed zoning code.

This planned residential development is currently a conditional use in the R3 (Single and Two-Family) zoning district. In looking at the zoning history for this site, the last rezoning for this property was approved in June 1971, zoning this property from the R1 (Single-Family Residence District) to the R3 (Single and Two Family District). The conditional use for this specific development was approved the following year.

The proposed new zoning code recommends the SR-V2 (Suburban Residential-Varied 2) district. This district allows for a variety of residential development types, ranging from single-family homes to multi-building apartment complexes, such as this development. This district was selected because it did not create a use non-conformity, consistent with the approved mapping methodology. Under the new code, planned residential developments (including multi-building apartment complexes) are not allowed in less intensive districts, as they are today. Under the proposed zoning, the development would remain a conditional use. The surrounding area single-family neighborhoods retain single-family zoning. A copy of the proposed zoning map for this area attached.

During the public hearing testimony, Ald. Bruer discussed previous down-zonings in the nearby Indian Springs neighborhood, west of the subject site. In 1990, the final plat for that residential subdivision was approved, conditioned upon lands within the plat being down-zoned from the R4 (General Residence District- which allows multi-family development as a conditional use) to the R2 (Single Family District). That rezoning was approved in 1994.

Housing Policy Documents

At the last Plan Commission meeting, Ald. Bruer referred to the City's adopted policies regarding housing and land use policies related to concentrations of more affordable housing in an area. Staff have reviewed the Comprehensive Plan Housing goals, which are attached for Plan Commission members review. Staff have also attached the 1999 resolution "Adopting a Statement of Housing Diversity Policy and Implementation Strategies" and the report related to that resolution. As early as 1981, the City had a policy document, the "Fair Share Housing Plan", which guided the location of publically assisted family rental housing. The goals of this Plan were to 1) provide affordable housing outside existing low-income areas and 2) develop such housing in small groups more compatible with residential neighborhoods. That plan established an allocation formula and set recommendations to distribute housing units for lower income families for specific clusters throughout the City. More recently, the City has not utilized the original allocation formulas. As recommended in the 1999 resolution, the Planning Department was recommended to review every 2 years the public policies and information concerning the concentration of special housing within the community, monitor efforts to integrate such housing into all Dane County communities and develop recommendations to further goals of housing choice and diverse.

Conclusion

The Department believes that the provided supplemental information strengthens the applicant's proposal. As previously noted, the Plan Commission will need to find that all of the conditional use and planned residential standards are met prior to granting approval of this proposal. While the Department continues to have land use concerns regarding both increasing this development's overall number of bedrooms and the with the level of services that will be required to support this project over time, staff believe the commitments made regarding tenant screening, security measures, and on-site staffing better address the applicable approval standards. In particular, the expanded safety and service-delivery information relates closely to the consideration of the previously-discussed standards related to public safety, the provision of municipal services, and their cost. Additionally, the revised plans have relocated some of the proposed garages, helping to address staff's primary physical planning concern with the original application. Whether these changes are enough to ensure that the approval standards are met is a question the Plan Commission will need to determine.

At the last public hearing, one of the questions raised by the Plan Commission and multiple public hearing speakers were likely alternatives for this property should this proposal not be approved. In the opinion of CDA Director, Natalie Erdman, quality management, tenant screening, enforcement of rules, and provision of services are critical to maintaining a quality living environment. During the testimony provided by the current owner's real estate agent, it was stated that it is highly likely that the property will be sold to a different buyer should this proposal not move forward. In his testimony, he anticipated that due to economic factors, other buyers without the WHEDA funding may only make marginal investments in the property. However, it is uncertain what affect new ownership and management would have on the property. Under that scenario it is unclear what services and costs the City would need to commit to this property over time. In contrast, this proposal includes specific commitments related to management, screening, safety/security, and services, as discussed. Staff also note that

there is not another alternative before the Commission at this time and therefore, it is this specific proposal that must be reviewed against the applicable standards.

Staff also note that as a conditional use, the Plan Commission retains continuing jurisdiction over this property. This applies to both the current development under its current ownership as well any proposed alterations, including those proposed in this application, if approved. Should issues including management, tenant screening, enforcement of rules, and provision of services fail to be adequately addressed and cause the site to fall out of compliance with the conditional use standards, further action by the Plan Commission could be taken. Such authority is in addition to the Zoning Administrator's ability to enforce applicable ordinances. If not approved this continuing jurisdiction also applies to the current property.

Revised Recommendation

The Plan Commission should carefully evaluate this application, including the new materials, against the applicable standards. Should the Plan Commission be able find that applicable standards are met, it should grant approval subject to the below conditions, including the modified conditions from the Planning Division, and any others the Plan Commission believe are necessary in order to find that the standards are met. However, should the Commission not find those standards met, the Plan Commission should place the application on file and shall specify those standards that are not met and enumerate reasons the Commission has used in determining that each standard was not met.

Planning Division (Contact Kevin Firchow, 267-1150)

1. The applicant shall work with staff and submit a revised management, service delivery, and operating plan that includes the following clarifications and additions, for approval by the Planning and Community, Economic Development and Police Departments
 - a. That in the Management Plan (starting on p. 26) the guest policy should be stated.
 - b. That in the Management Plan (starting on p.26) all terms such as "Sponser, Management Agent, Portfolio Manager" are clearly defined.
 - c. That in the Management Plan (starting on p.26) The personnel and staffing section include the position of "Community Coordinator" as included in other sections.
 - d. That in the Management Plan (starting on p. 26), The information in section 7 is clarified to reflect the current program (The applicant has indicated this would not fall under HUD rural rental housing.)
 - e. That the Management Plan specify protocol for after-hour emergency contacts.
 - f. That final details of the Safety and Security Plan (starting on p.39), including security camera and lighting details, be approved by the Police department.
2. That the apartment complex shall be operated and managed in accordance with the approved Operation and Management, Safety, and Service Delivery Plan.
3. That the applicant receives final approval from the Urban Design Commission prior to final staff approval and sign-off of these plans.
4. That the final garage location be approved by Planning Division, Zoning office, and the Police Department.

The following conditions have been submitted by reviewing agencies:

Public Health (Contact Janel Heinrich, 266-4821)

This agency submitted correspondence indicating they had no comments on this application

Community Development Division (Contact Hickory Hurie, 267-0740)

This agency submitted no comments regarding this application.

Madison Metropolitan School District

This agency submitted no comments regarding this application.

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

5. This development site has pre-existing apartment units that are using incorrect addresses. Also the proposed clubhouse and multi-space garages require new addresses be assigned. The leasing office must contain the appropriate suite #'s as well. Submit a separate PDF of complete floor plans as well as PDF of the Landscaping Plan Sheet C1.5 to Lori Zenchenko so that a final address plan for the entire site can be developed and implemented. Transmittals of PDF files are preferred via email (lzenchenko@cityofmadison.com). Lori can also be reached directly at 266-5952 to answer any questions.
6. 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.
7. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to detain the 2 & 10-year storm events. (If additional hard surfaces exceed 20,000 SF).
8. The applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number: a) building footprints, b) internal walkway areas, c) internal site parking areas, d) other miscellaneous impervious areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.), e) right-of-way lines (public and private), f) all underlying lot lines or parcel lines if unplatted, g) lot numbers or the words "unplatted", h) lot/plat dimensions, and i) street names. All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred addressing@cityofmadison.com. Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. (POLICY and MGO 37.09(2) & 37.05(4))

9. 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, and g) detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
10. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including: a) SLAMM DAT files, b) RECARGA files, c) TR-55/HYDROCAD/Etc. and d) Sediment loading calculations. If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided. (POLICY and MGO 37.09(2))
11. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service. (POLICY)

Traffic Engineering Division (Contact Dan McCormick, 267-1969)

12. When the applicant submits final plans of one contiguous plan for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, showing all easements, all pavement markings, building placement, and stalls, adjacent driveway approaches to lots on either side and across the street, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.
13. The Developer shall post a deposit and reimburse the City for all costs associated with any modifications to Traffic Signals, Street Lighting, Signing and Pavement Marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.
14. The Applicant shall execute a declaration for streets lights in a form prescribed by the City.
15. 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)

<p>16. The submitted survey identifies a parking lot and accessory structures that projects across a property line, onto the neighboring property to the west (1010 Moorland Rd., also a PRD, approved as a Conditional Use in 1993). The City does not appear to have record of this encroachment, as the approved plan for 1010 Moorland Rd. also does not show the encroachment. This encroachment must be resolved to the satisfaction of the City reviewing agencies prior to approval of any permits for additional construction or alteration to the site.</p>

17. Parking requirements for persons with disabilities must comply with City of Madison General Ordinances Section 28.11 (3) 6.(m) which includes all applicable State accessible requirements, including but not limited to:
 - a. Provide a minimum of eight accessible stalls striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8' wide with an 8' striped out area adjacent.

- b. Show signage at the head of the stalls. Accessible signs shall be a minimum of 60" between the bottom of the sign and the ground.
 - c. Show the accessible path from the stalls to the building. The stalls shall be as near the accessible entrance as possible. Show ramps, curbs, or wheel stops where required.
18. Provide 254 bike parking stalls, these stalls shall be in safe, convenient, and dispersed locations across the site, on a dust-free surface, to be shown on the final plan. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area. The bicycle rack to be installed must also be provided for approval with the final site plan. To discuss a waiver or deferral of a portion of the required bicycle parking, contact Patrick Anderson at 608/266-4551.
19. Lighting is required for this project. Lighting shall be upgraded to comply with City of Madison lighting ordinance requirements.
20. Parking lot plans with greater than twenty (20) stalls shall comply with City of Madison General Ordinances Section 28.04 (12). Landscape plans must be stamped by a registered landscape architect. Provide a landscape worksheet with the final plans that shows that the landscaping provided meets the point and required tree ordinances. In order to count toward required points, the landscaping shall be within 15' and 20' of the parking lot depending on the type of landscape element. (Note: The required trees do not count toward the landscape point total.) Planting islands shall consist of at least 75% vegetative cover, including trees, shrubs, ground cover, and/or grass.
21. On the final site plan, striping for parking shall be removed from in front of any garage stalls.
22. Provide floor plans for all buildings with the final site plans submitted for sign-off.
23. Please note, the family definition in the zoning code will limit the occupancy for all units to a "family" or a maximum of two unrelated individuals. If any dwelling units include additional kitchens above the first, no roomers are allowed, only a family of related individuals may occupy such a dwelling unit. Please refer to the definition of "family" for further specific regulations, as defined in Sec. 28.03(2).

Fire Department (Contact Bill Sullivan, 261-9658)

24. Provide fire apparatus access as required by IFC 503 2009 edition, MGO 34.503, as follows:

- a. The site plans shall clearly identify the location of all fire lanes.

25. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

Parks Division (Contact Kay Rutledge, 266-4714)

This agency submitted a report with no conditions of approval.

Water Utility (Contact Dennis Cawley, 261-9243)

Lands in this project limits are included in City of Madison Wellhead Protection District WP-30. This proposed use is allowed in this district. All proposed changes in land use shall be reviewed by the

Madison Water Utility General Manager or his/her designee in accordance with Madison General Ordinances 13.22 and 28.107. All operating private wells shall be identified and permitted by the Water Utility in accordance with Madison General Ordinance 13.21. All unused private wells shall be abandoned in accordance with Madison General Ordinance 13.21.

The Water Utility will not need to sign off the final plans, nor need a copy of the approved plans.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit a response to this request.