

**PLANNING DIVISION REPORT
DEPARTMENT OF PLANNING AND COMMUNITY
AND ECONOMIC DEVELOPMENT
Of February 6, 2008**

RE: LD. # 09074, Conditional Use Application – 5101 Unity Way

1. Requested Action: Approval of a conditional use for a planned residential development located at 5101 Unity Way.
2. Applicable Regulations: Planned residential developments, defined as two or more residential buildings under the same ownership on a tract of land, is first identified as a conditional use in R4 zoning. Section 28.12 (11) provides the guidelines and regulations for the approval of conditional uses and planned residential developments.
3. Report Prepared By: Timothy M. Parks, Planner

GENERAL INFORMATION

1. Applicant & Property Owner: Dave Bisbee, D.W.B., LLC; PO Box 12; McFarland.

Agent: Steve Shulfer, Shulfer Architects, LLC; 1918 Parmenter Street; Middleton.
2. Development Schedule: The applicant wishes to begin construction in April 2008, with completion anticipated in October 2009.
3. Location: Approximately 2.4 acres generally located at the northeast corner of Freedom Ring Road and Siggelkow Road; Aldermanic District 16; Madison Metropolitan School District.
4. Existing Conditions: Undeveloped land, zoned R4 (General Residence District).
5. Proposed Land Use: Eleven rental duplexes (22 units).
6. Surrounding Land Use and Zoning:
North: Single-family residences in the Liberty Place subdivision, zoned R2S and R2T (Single-Family Residence Districts);

South: Single-family residences in the Village of McFarland;

East: Single-family residences in the Twin Oaks subdivision, zoned R2S; single-family residences along Siggelkow Road, zoned R2 Single-Family Residence District).

West: Undeveloped land, zoned C1 (Limited Commercial District); 56-apartment, five building planned residential development, zoned R4 (General Residence District).

7. **Adopted Land Use Plan:** The Marsh Road Neighborhood Development Plan recommends that the subject site be developed with low to medium-density residential uses (8-11 units an acre) as generally approved in the Liberty Place subdivision.
8. **Environmental Corridor Status:** The subject site is not located in a mapped environmental corridor.
9. **Public Utilities & Services:** The property will be served by a full range of urban services.

STANDARDS FOR REVIEW

This application is subject to the conditional use standards of Section 28.12 (11)(g) and the standards for approval of planned residential developments of Section 28.12 (11)(k), which state:

Planned Developments. Planned developments are of such substantially different character from other conditional uses that specific and additional standards and exceptions are hereby established to govern the action of the City Plan Commission.

1. **Planned Residential Development-Dwellings.**
 - a. **Standards.** In the case of the above-mentioned planned development, no application for a conditional use shall be granted by the City Plan Commission unless such commission shall find the following:
 - i. That such development shall provide adequate recreation areas to serve the needs of the anticipated population;
 - ii. That such development shall provide adequate off-street parking facilities, and adequate screening and landscaping;
 - iii. That such development shall constitute environment of sustained desirability and stability;
 - iv. That such exception for any side yard other than a street side yard shall not result in an average yard less than that required in the district in which the property is located and shall not result in a minimum yard at any point in such yard less than that required for a building, the side wall of which, as projected at right angles to the side lot line, is less than forty (40) feet in the R1, R2 and R3 districts, less than fifty (50) feet in the R4 district and less than sixty-six (66) feet in the R5 and R6 districts; and
 - v. That such development shall result in an intensity of land utilization no higher than, and standards of open spaces at least as high as, permitted or otherwise

specified in this ordinance in the district in which such development is to be located. Where the site is in two (2) or more districts, an average intensity of land utilization, based on the respective land areas in each district, is permitted on the site regardless of the location of the district boundaries.

PREVIOUS APPROVALS

On December 3, 2002, the Common Council approved a request to rezone 82 acres located on the north side of Siggelkow Road, 600 feet east of S. Stoughton Road from Temporary A (Agriculture District) to R2S and R2T (Single-Family Residence Districts), R4 (General Residence District) and C1 (Limited Commercial District), and; approval of a preliminary plat creating 197 single-family lots, 2 lots for future multi-family development, 1 lot for future neighborhood commercial development and 12 outlots for public stormwater detention and parkland.

The Common Council approved a final plat of the same on April 8, 2003. The plat was recorded on August 29, 2003.

ANALYSIS, EVALUATION AND CONCLUSION

The applicant is requesting approval of a planned residential development that will contain 11 two-family apartment buildings to be constructed on a 2.4-acre site zoned R4 (General Residence District). The subject site is located at the northeast corner of Freedom Ring and Siggelkow roads on the southern edge of the Liberty Place subdivision. The site is addressed off of Unity Way, which forms a portion of the northern property line in combination with Kirkwood Circle.

The subject site is bounded on the north and east by single-family residences in the Liberty Place and Twin Oaks subdivisions, respectively, with additional single-family homes located to the south across Siggelkow Road in the Village of McFarland. There is currently an undeveloped C1-zoned parcel located west of the subject site across Freedom Ring Road, which is envisioned in the Marsh Road Neighborhood Development Plan for future neighborhood commercial. A second R4-zoned multi-family tract located further to the west along Siggelkow Road was approved for a 56-unit townhouse development in September 2006.

The subject parcel is characterized by a rolling terrain that falls from both the northwestern and southeastern corners of the site to a low spot just east of Freedom Ring Road. The drop at the southeastern corner is rather significant, with 15 feet of fall from east to west before transitioning into a more gradual slope to the west. The property is devoid of structures and vegetation with the exception of an existing subdivision identification sign located in the southwestern corner of the site at Siggelkow and Freedom Ring roads.

Primary access to the proposed development will be provided by a private drive generally extending east across the site from Unity Way (incorrectly identified as Freedom Ring Road on the plans), with secondary access from a driveway extending south into the site from Kirkwood Circle. Four of the eleven proposed duplexes will be located along the north side of the private drive, with the remaining seven units located generally to the south. Six of those seven buildings will be oriented towards Siggelkow Road and will be set back behind a 40-foot building line established on the Liberty Place plat. The remaining duplex will face Freedom Ring Road at Unity Way. All 11 eleven buildings are situated parallel and adjacent to the main private drive, with short parking aprons in front of attached garages. In general, there will be approximately 12 feet of space between adjacent buildings. Open space for the development will primarily be located in a triangular area at the corner of Kirkwood Circle and Unity Way and northeast of the subdivision monument sign.

Four of the eleven duplexes will be two-bedroom, two-bath ranch-style one-story structures. The remaining buildings will be two-story townhouse-style units with three bedrooms and 2.5-baths. All 22 of the units proposed will be provided with full, unfinished basements and two-car attached garages with access from the private drives. None of the garages are proposed to face any of the perimeter streets. Ten surface parking stalls will be located throughout the project for site visitors.

The buildings will have an architectural design that is intended to mimic the single-family homes located to the north and east and will be sided with a combination of horizontal lap siding and masonry. Generally, four building styles are proposed, with the differences between the styles being the roof design, which will feature either a gable or hip roof, and the number of stories between the ranch- and townhouse-style units. All four of the designs will have doors facing the private drive and either a stoop or porch facing the perimeter streets.

The developer has submitted an extensive landscaping plan for the project, which Planning Division staff finds to be acceptable. The plan includes a nearly continuous line of ornamental, shade and coniferous trees on the southern edge of the property adjacent to the Siggelkow Road sidewalk, which should provide a sense of enclosure for the open space located between the southernmost buildings and the road. The plan proposes two rain gardens to manage stormwater from the project, including one behind the subdivision monument sign at the southwestern corner of the site.

The planned residential development proposes a density of 9.2 units an acre, which falls within the 8-11 units an acre density range recommended for low- to medium-density residential areas in the Marsh Road Neighborhood Development Plan. The density of the development is also commensurate with the general density identified for this lot when the Liberty Place subdivision was approved. The approval of the Liberty Place subdivision predates the inclusionary zoning provisions of the Zoning Ordinance and is therefore exempt.

In reviewing the project against the conditional use standards, the Planning Division concludes that all of the conditional use standards can be met. The Zoning Code defines conditional uses as uses that are of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities. The conditional use standards are aimed at ensuring that these impacts are minimized and that the proposed use will not be detrimental to or endanger the public health, safety or general welfare or substantially impair or diminish the uses, values and enjoyment of other property in the neighborhood. The standards also allow the City to consider the ability to provide municipal services to the property. After considering all of the conditional use standards, the Planning Division concludes that the application as proposed can comply with the standards for approval. In reviewing planned residential developments, additional standards beyond the conditional use standards apply. The Planning Division generally believes that the proposed planned residential development can comply with the additional standards for consideration.

The Urban Design Commission reviewed this project on January 9, 2008 and granted initial approval (see attached report). Final approval of the planned residential development is pending. In granting initial approval, the Urban Design Commission generally consented to the building arrangement proposed but asked that the developer explore some architectural design changes that reduce the prominence of the attached garages along to create a more intimate setting along the private drive. Planning Division staff generally concurs with the Urban Design Commission's recommendations regarding the architectural treatment of the buildings.

However, while the architecture of many of the buildings in the project will likely be modified to address the concerns expressed by the Urban Design Commission, the Planning Division believes that the Plan Commission can grant approval of this planned residential development as presented. While the exterior appearance of the some of the buildings prototypes will change, it does not appear that the site layout, unit type or basic architectural character of the development will change when the project receives final Urban Design Commission approval.

RECOMMENDATION

The Planning Division recommends that the Plan Commission find that the conditional use and planned residential development standards met and **approve** a planned residential development located at 5101 Unity Way, subject to input at the public hearing and the following conditions:

1. Comments from reviewing agencies.
2. That the project receive final approval from the Urban Design Commission prior to final approval of the conditional use and the commencement of construction.

3. That the plans be revised per Planning Division approval as follows:
 - a.) correct the street names on the northern and western edges of the development to reflect the platted street names;
 - b.) revise the building elevations to identify the building materials to be used, noting that Planning staff reserves the right to further comment on the materials chosen as part of the final signoff of the conditional use; in general, Planning Division staff recommends that vinyl siding not be used in the project;
 - c.) that the conifers along Siggelkow Road be a minimum of 6 feet in planting height.

AGENDA # 6

City of Madison, Wisconsin

REPORT OF: URBAN DESIGN COMMISSION	PRESENTED: January 9, 2008
TITLE: 5101 Unity Way, Lot 1, Liberty Place, Planned Residential Development (P.R.D.), Eleven Duplex Structures. 16th Ald. Dist. (08185)	REFERRED: REREFERRED: REPORTED BACK:
AUTHOR: Alan J. Martin, Secretary	ADOPTED: POF:
DATED: January 9, 2008	ID NUMBER:

Members present were: Lou Host-Jablonski, Marsha Rummel, Todd Barnett, Bruce Woods, Richard Slayton, Bonnie Cosgrove, Richard Wagner and Jay Ferm.

SUMMARY:

At its meeting of January 9, 2008, the Urban Design Commission **GRANTED INITIAL APPROVAL**. Appearing on behalf of the project were Jeannie Schaefer and Steve Shulfer, representing David Bisbee; Brian Munson of Veridian Homes, and Ald. Judy Compton, District 16. The modified plans as presented by Schaefer and Shulfer featured the following:

- A photo array corresponding to the property's location within the Liberty Place subdivision, in context with existing residential development.
- The site plan has been modified to straighten out the alignment of the internal road, the reorientation of the 11 duplex buildings by using the internal private road featuring a variation and four different building types, including ranch style and townhouse structures.
- Building materials consist of the use of cultured stone for the base material, two types of vinyl siding with an asphalt roof shingles.

Following the presentation the Commission noted the following:

- Good job on renovation of the site plan but still a problem with the single double garage doors instead of two singles with the proximity of the buildings based on their closeness requiring more adjustment.
- Concern with basic building types as it relates to the private intimate alley, building types don't work, main entries to building need to stand out versus garage doors on the effected elevations facing the interior street, a suburban style house does not fit within setting.
- Suggest that one building footprint type be used such as A1.1 in the submittal. Break up garages such as type 1 at rear, more successful whether one or two story (A 1.3) concern with how gutters will work.

Ald. Judy Compton spoke in support of the project noting that the neighborhood wanted a departure from the existing look of housing within the area where neighborhood of houses differ from existing cookie cutter neighborhood and provides for a diversity of housing types. Comments by the Commission continued as follows:

- Building Plan 3 is less successful than other building plan types.
- Site plan improved. Like the minimization of drives to garages at the private street and visitor parking location.
- Keep Building Plan 3 but reverse the unit pattern; move doorway central with garages moved outward.
- Try to make front doors on garage elevations extend forward of garage façade.
- Extend porches out at least 5-feet in depth and out in front of the main façade.

Speaking in support of the project was Brian Munson representing the Veridian Architectural Review Committee.

ACTION:

On a motion by Wagner, seconded by Slayton, the Urban Design Commission **GRANTED INITIAL APPROVAL**. The motion was passed on a unanimous vote of (8-0). The motion required address of the above stated comments with a notation to look at the building typology to create more of a rhythm.

After the Commission acts on an application, individual Commissioners rate the overall design on a scale of 1 to 10, including any changes required by the Commission. The ratings are for information only. They are not used to decide whether the project should be approved. The scale is 1 = complete failure; 2 = critically bad; 3 = very poor; 4 = poor; 5 = fair; 6 = good; 7 = very good; 8 = excellent; 9 = superior; and 10 = outstanding. The overall ratings for this project are 4, 5, 5, 5, 5, 5.5, 6 and 6.

URBAN DESIGN COMMISSION PROJECT RATING FOR: 5101 Unity Way

	Site Plan	Architecture	Landscape Plan	Site Amenities, Lighting, Etc.	Signs	Circulation (Pedestrian, Vehicular)	Urban Context	Overall Rating
Member Ratings	5	5	5	-	-	5	5	5
	5	5.5	-	-	-	-	-	5.5
	-	-	-	-	-	-	-	5
	6	5	-	-	-	6	3	4
	7	6	6	-	-	6	6	6
	5	4.5	5	-	-	5	6	5
	-	-	-	-	-	-	-	5
	5	6	7	6	-	6	5	6

General Comments:

- Improved to the point of approvability...just. This is a difficult site, but the snout-house concept with buildings too close is not the only solution for this site.
- Better site plan, look at building types.
- Challenging site means something has to give. Sometimes the 2-car garage needs to give rather than people-friendly architecture.
- Great improvements, but the scale of garages to the alleyway is still a concern.
- Much improved but look at building typology rhythm.

AGENDA # 7

City of Madison, Wisconsin

REPORT OF: URBAN DESIGN COMMISSION	PRESENTED: November 21, 2007
TITLE: 5101 Unity Place, Lot 1, Liberty Place, Planned Residential Development (P.R.D.), Eleven Duplex Structures. 16 th Ald. Dist. (08185)	REFERRED: REREFERRED: REPORTED BACK:
AUTHOR: Alan J. Martin, Secretary	ADOPTED: POF:
DATED: November 21, 2007	ID NUMBER:

Members present were: Lou Host-Jablonski, Chair; John Harrington, Richard Slayton, Richard Wagner, Bonnie Cosgrove, Jay Ferm, Marsha Rummel and Todd Barnett.

SUMMARY:

At its meeting of November 21, 2007, the Urban Design Commission **RECEIVED AN INFORMATIONAL PRESENTATION** for a P.R.D. located at 5101 Unity Place. The project provides for the development of 11 duplex buildings utilizing a shared private drive on a single lot. According to introductory statements by Jane Shaefer (who spoke in favor of the project) the project was intended to be developed as a PUD(GDP-SIP). Shaefer, in conjunction with Steve Shulfer, architect provided further detailing on the proposed residential development, including the following:

- Building combination ranch style two-bedroom and bath and townhouse style, 3-bedroom with 2 ½ baths, and range from 1,021 square feet to 1,643 square feet in size.
- Buildings will feature asphalt roof shingles, vinyl clad windows, vinyl siding, vinyl accent boards, in combination with cultured stone.
- Each unit will have an attached 2-car garage, with trash collection by private contract.
- The arrangement of units orients all garage side access to the internal shared drive with street side façade featuring a “front door like appearance” with the provision of ground floor patios and entry doors.

Following the presentation staff noted to the Commission that the application as submitted noted requested approval as new construction within an Urban Design District (of which it's not), development as a PUD under a PUD zoning where it had been staff's perception; based on preapplication conferences with the Zoning Administrator, that the property would develop under its existing R4 zoning as a Planned Residential Development (P.R.D.), which is multi-family development on the lot where all bulk requirements of its zoning are met in regards to building setback, parking, yard requirements, building height and other elements. Based on the presentation and the general provisions of the project fitting all known bulk requirements of its underlying zoning, it is staff's belief that its consideration as a PUD is not necessary as reflected and noted on the Commission's agenda. Staff requested that the applicant further investigate the need for PUD zoning versus Planned Residential Development zoning under its existing zoning designation prior to any further consideration by the Commission. Following the presentation the Commission noted the following:

- One too many units on the site.
- Look at a more direct geometry to locate units on site with common open space in more of an urban fashion.
- Discrepancies between unit type and locations on plans need to be resolved.
- Make a commitment that driveways are a place to be parked on or not. If not, increase the amount of green open space on garage side elevations.
- Provide context on existing and proposed adjacent development.
- Deal with relationship of houses to the street more effectively.
- Relocate rain garden to alternate area to be enjoyed by others collectively.
- Resolve view of garages from interior drive.
- Provide more shared greenspace between the southerly tier of units.
- Turn buildings 90 degrees to create parking courts and create small private greenspace between buildings, along with associating them with entries and make usable for adjacent units.
- Look at integrating entries as main architectural element on garage side elevations.
- Too many buildings and problem with the way they are spread out; provide an additional rain garden.
- Make front door porches more usable with greater depth with a showy front door.
- Limit garage doors with consideration for concentrating garage parking to one portion of the site.
- Make landscape plan planting list more legible as well as the overall plan.

ACTION:

Since this was an **INFORMATIONAL PRESENTATION**, no formal action was taken by the Commission.

After the Commission acts on an application, individual Commissioners rate the overall design on a scale of 1 to 10, including any changes required by the Commission. The ratings are for information only. They are not used to decide whether the project should be approved. The scale is 1 = complete failure; 2 = critically bad; 3 = very poor; 4 = poor; 5 = fair; 6 = good; 7 = very good; 8 = excellent; 9 = superior; and 10 = outstanding. The overall ratings for this project are 1, 4, 6, 6, 6 and 8.

URBAN DESIGN COMMISSION PROJECT RATING FOR: 5101 Unity Place

	Site Plan	Architecture	Landscape Plan	Site Amenities, Lighting, Etc.	Signs	Circulation (Pedestrian, Vehicular)	Urban Context	Overall Rating
Member Ratings	4	-	-	-	-	-	-	4
	-	-	-	-	-	-	-	1
	6	8	6	-	-	5	5	6
	5	6	6	-	-	5	6	6
	-	-	-	-	-	-	-	8
	6	6	6	-	-	5	7	6

General Comments:

- The site plan needs to be substantially reconceived. Difficult, two-sided site, but this proposal has too many buildings with too many garage doors.
- Too many buildings on one lot.
- I like the project, but think it is slightly too large for the space. It's a good looking building.
- Outstanding graphic presentation. Really aids our understanding.
- Great potential. Some issues to resolve but nothing that can't be dealt with.



Department of Public Works
City Engineering Division

608 266 4751

Larry D. Nelson, P.E.
City Engineer

City-County Building, Room 115
210 Martin Luther King, Jr. Boulevard
Madison, Wisconsin 53703
608 264 9275 FAX
1 866 704 2315 Textnet

Deputy City Engineer
Robert F. Phillips, P.E.

Principal Engineers
Michael R. Dailey, P.E.
Christina M. Bachmann, P.E.
John S. Fahrney, P.E.
Gregory T. Fries, P.E.

Facilities & Sustainability
Jeanne E. Hoffman, Manager
James C. Whitney, A.I.A.

Operations Manager
Kathleen M. Cryan

Hydrogeologist
Joseph L. DeMorett, P.G.

GIS Manager
David A. Davis, R.L.S.

Financial Officer
Steven B. Danner-Rivers

DATE: February 1, 2008
TO: Plan Commission
FROM: Larry D. Nelson, P.E., City Engineer
SUBJECT: *for* 5101 Unity Way Conditional Use

The City Engineering Division has reviewed the subject development and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. Coordinate all necessary new interior addresses associated with this proposed development with City Engineering Program Specialist. Submit, via e-mail preferred, PDF format of complete floor plan drawings to Lori Zenchenko zenchenko@cityofmadison.com.
2. Site plan contains street name errors. Freedom Ring Road and Unity Way shall be switched. Change Kirkwood Circle to Kirkwood Court.
3. The site plan shall be revised to move the short section of private sidewalk on Kirkwood Circle from the public right-of-way. Other private sidewalk connections to the public sidewalk are acceptable as shown.
4. Driveway/drive apron construction, within the right-of-way, shall be in accordance with City of Madison Specifications.
5. This lot has a Plat Restriction as follows: "In accordance with Resolution No. 908, adopted by the Dane County Regional Plan Commission on February 24, 2000, amending the Urban Service Area, the stormwater runoff from roof tops on Lots 1, 198, and 199 shall be directed to infiltration areas on each lot. The total effective infiltration area shall be no less than 10% of the total rooftop area on each lot in accordance with the approved Stormwater Management Plan for Liberty Place."
6. Site plan does not show how proposed dwellings are to be provided sanitary sewer service.

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

Engineering Division Review of Planned Community Developments, Planned Unit Developments
and Conditional Use Applications.

Name: 5101 Unity Way Conditional Use

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General

- 1.1 The construction of this building will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City / Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project.
- 1.2 The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
- 1.3 The site plan shall include all lot/ownership lines, existing building locations, proposed building additions, demolitions, parking stalls, driveways, sidewalks (public and/or private), existing and proposed signage, existing and proposed utility locations and landscaping.
- 1.4 The site plan shall identify the difference between existing and proposed impervious areas.
- 1.5 The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.
- 1.6 Coordinate all necessary new interior addresses associated with this proposed development with City Engineering Program Specialist Lori Zenchenko lzenchenko@cityofmadison.com or (608) 266-5952
- 1.7 The site plan shall include a full and complete legal description of the site or property being subjected to this application.
- 1.8 The Developer is required to pay Impact Fees for the _____ Impact Fee District for Lot(s) _____ of the _____ Plat/CSM. The current rate is \$ _____ /1000SF for a total of \$ _____. The Developer shall select one of the following two options for payment of these fees:
 - 1) Impact Fees shall be paid in full prior to Engineering sign-off of the plat/csm.
 - 2) The Developer has elected to defer the payments until such time as the building permits are applied for, in which case the owner(s) shall have fourteen (14) days after receiving the invoices to pay the outstanding impact fees. The following shall be required prior to plat sign off;
 - a) The Developer shall supply an Excel spreadsheet with lot numbers, lot areas, and number of dwelling units per lot. The Developer shall supply a CADD file of the proposed FINAL plat, in a format compatible with Microstation J. This information shall be required to calculate the Impact Fees, which will then be recorded at the Register of Deeds against each lot in the subdivision..
 - b) All information shall transmitted to Janet Dailey by e-mail at jdailey@cityofmadison.com, or on a CD to:

Janet Dailey
City of Madison Engineering Division
210 Martin Luther King Jr. Blvd
Room 115
Madison, WI 53703
 - c) A minimum of three (3) weeks shall be required for staff to calculate the Impact Fees and record the documents prior to plat sign-off.

The Developer shall put the following note on the face of the plat:

ALL THE LOTS WITHIN THIS SUBDIVISION ARE SUBJECT TO IMPACT FEES THAT ARE DUE AND PAYABLE WITHIN FOURTEEN DAYS OF THE ISSUANCE OF BUILDING PERMIT(S).

Right of Way / Easements

- 2.1 The Applicant shall Dedicate a _____ foot wide strip of Right of Way along _____.
- 2.2 The Applicant shall Dedicate a _____ foot wide strip of Right of Way along _____.
- 2.3 The Applicant shall Dedicate a Permanent Limited Easement for grading and sloping _____ feet wide along _____.
- 2.4 The City Engineer has reviewed the need for pedestrian and bicycle connections through the development and finds that no connections are required.
- 2.5 The Applicant shall Dedicate a Permanent Limited Easement for a pedestrian / bicycle easement _____ feet wide

- from _____ to _____
- 2.6 The Developer shall provide a private easement for public pedestrian and bicycle use through the property running from _____ to _____
- 2.7 The developer shall be responsible for the ongoing construction and maintenance of a path within the easement. The maintenance responsibilities shall include, but not be limited to, paving, repaving, repairing, marking and plowing. The developer shall work with the City of Madison Real Estate Staff to administer this easement. Applicable fees shall apply.
- 2.8 The Public Sanitary Sewer Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- a. The property owner reserves the right to use and occupy the Public Sanitary Sewer Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public sanitary sewer facilities.
 - b. No above-ground improvements shall be located in the Public Sanitary Sewer Easement Area(s) by the City or the property owner, with the exception that grates, sewer access structure (SAS) covers, and other access points to the public sanitary sewer facilities shall be permitted at grade level. **(Optional:** and with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
 - c. Plantings and landscaping within the Public Sanitary Sewer Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
 - d. The property owner shall not change the grade of the Public Sanitary Sewer Easement Area(s) without the prior written approval of the City's Engineering Division.
 - e. The Public Sanitary Sewer Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.
- 2.9 The Public Sidewalk Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- a. The property owner reserves the right to use and occupy the Public Sidewalk Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public sidewalk improvements.
 - b. No above-ground improvements will be allowed in the Public Sidewalk Easement Area(s) by the property owner. **(Optional:** with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
 - c. Plantings and landscaping within the Public Sidewalk Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
 - d. The property owner shall not change the grade of the Public Sidewalk Easement Area(s) without the prior written approval of the City's Engineering Division.
 - e. The Public Sidewalk Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.
- 2.10 The Public Storm Sewer Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- a. The property owner reserves the right to use and occupy the Public Storm Sewer Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public storm sewer facilities.
 - b. No above-ground improvements shall be located in the Public Storm Sewer Easement Area(s) by the City or the property owner, with the exception that grates, sewer access structure (SAS) covers, and other access points to the public storm sewer facilities shall be permitted at grade level. **(Optional:** and with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
 - c. Plantings and landscaping within the Public Storm Sewer Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
 - d. The property owner shall not change the grade of the Public Storm Sewer Easement Area(s) without the prior written approval of the City's Engineering Division.
The Public Storm Sewer Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.
- 2.11 The Public Water Main Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- a. The property owner reserves the right to use and occupy the Public Water Main Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public water main facilities.
 - b. No above-ground improvements will be allowed in the Public Water Main Easement Area(s) by the property owner. **(Optional:** with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
 - c. Plantings and landscaping within the Public Water Main Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
 - d. The property owner shall not change the grade of the Public Water Main Easement Area(s) without

- e. the prior written approval of the City's Engineering Division.
The Public Water Main Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.

Streets and Sidewalks

- 3.1 The Applicant shall execute a waiver of notice and hearing on the assessments for the improvement of [roadway] _____ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.
- 3.2 **Value of sidewalk installation over \$5000.** The Applicant shall Construct Sidewalk to a plan approved by the City Engineer along _____.
- 3.3 **Value of sidewalk installation under \$5000.** The Applicant shall install public sidewalk along _____. The Applicant shall obtain a Street Excavation Permit for the sidewalk work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. All work must be completed within six months or the succeeding June 1, whichever is later. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 3.4 The Applicant shall execute a waiver of their right to notice and hearings on the assessments for the installation of sidewalk along [roadway] _____ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.
- 3.5 The Applicant shall grade the property line along ____ to a grade established by the City Engineer. The grading shall be suitable to allow the installation of sidewalk in the future without the need to grade beyond the property line. The Applicant shall obtain a Street Excavation permit prior to the City Engineer signing off on this development. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 3.6 The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
- 3.7 **Value of the restoration work less than \$5,000. When computing the value, do not include a cost for driveways. Do not include the restoration required to facilitate a utility lateral installation.** The Applicant's project requires the minor restoration of the street and sidewalk. The Applicant shall obtain a Street Excavation Permit for the street restoration work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 3.8 The Applicant shall make improvements to _____ in order to facilitate ingress and egress to the development. The improvement shall include a (Describe what the work involves or strike this part of the comment.) _____.
- 3.9 The Applicant shall make improvements to _____. The improvements shall consist of _____.
- 3.10 The approval of this Conditional Use does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester.
- 3.11 The Applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The Applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The Applicant shall provide the City Engineer the proposed grade of the building entrances. The City Engineer shall approve the grade of the entrances prior to signing off on this development.
- 3.12 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.
- 3.13 The Applicant shall obtain a privilege in streets agreement for any encroachments inside the public right of way. The approval of this development does not constitute or guarantee approval of the encroachments.
- 3.14 The Applicant shall provide the City Engineer with the proposed soil retention system to accommodate the restoration. The soil retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system.
- 3.15 The Applicant shall complete work on exposed aggregate sidewalk in accordance with specifications provided by the city. The stone used for the exposed aggregate shall be approved by the City. The Construction Engineer shall be notified prior to beginning construction. Any work that does not match the adjacent work or which the City Construction Engineer finds is unacceptable shall be removed and replaced.
- 3.16 All work in the public right-of-way shall be performed by a City licensed contractor.

- 3.17 Installation of "Private" street signage in accordance with 10.34 MGO is required.
- 3.18. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl, of the City Parks Department - dkahl@cityofmadison.com or 266-4816.

Storm Water Management

- 4.1 The site plans shall be revised to show the location of all rain gutter down spout discharges.
- 4.2 Storm sewer to serve this development has been designed and constructed. The site plans shall be revised to identify the location of this storm sewer and to show connection of an internal drainage system to the existing public storm sewer.
- 4.3 The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used.
- 4.4 The applicant shall show storm water "overflow" paths that will safely route runoff when the storm sewer is at capacity.
- 4.5 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.
- 4.6 The City of Madison is an approved agent of the Department of Commerce. This proposal contains a commercial building and as such, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required.
- 4.7 This development includes multiple building permits within a single lot. The City Engineer and/or the Director of the Inspection Unit may require individual control plans and measures for each building.
- 4.8 If the lots within this site plan are inter-dependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the site plan and recorded at the Dane Co Register of Deeds.
- 4.9 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.
 - Detain the 2, 10, & 100-year storm events.
 - Control 40% TSS (20 micron particle) off of new paved surfaces
 - Control 80% TSS (5 micron particle) off of new paved surfaces
 - Provide infiltration in accordance with Chapter 37 of the Madison General Ordinances
 - Provide substantial thermal control.
 - Provide oil & grease control from the first 1/2" of runoff from parking areas.
 - 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 of the Madison General Ordinances.

Stormwater management plans shall be submitted and approved by City Engineering prior to sign-off.

- 4.10 The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement.
- 4.11 A portion of this project comes under the jurisdiction of the US Army Corp of Engineers and WDNR for wetland or flood plain issues. A permit for those matters shall be required prior to construction on any of the lots currently within the jurisdictional flood plain.
- 4.12 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 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) Lot lines
- g) Lot numbers
- h) Lot/Plat dimensions
- i) Street names

NOTE: Email file transmissions preferred izenchenko@cityofmadison.com . Include the site address in this transmittal.

- 4.13 NR-151 of the Wisconsin Administrative Code will be effective on October 1, 2004. Future phases of this project shall comply with NR 151 in effect when work commences. Specifically, any phases not covered by a Notice of Intent (NOI) received from the WDNR under NR-216 prior to October 1, 2004 shall be responsible for compliance with all requirements of NR-151 Subchapter III. As most of the requirements of NR-151 are currently implemented in Chapter 37 of the Madison General Ordinances, the most significant additional requirement shall be that of infiltration.

NR-151 requires infiltration in accord with the following criteria. For the type of development, the site shall comply with one of the three (3) options provided below:

Residential developments shall infiltrate 90% of the predevelopment infiltration amount, 25% of the runoff from the 2-year post development storm or dedicate a maximum of 1% of the site area to active infiltration practices.

Commercial development shall infiltrate 60% of the predevelopment infiltration amount, 10% of the runoff from the 2-year post development storm or dedicate a maximum of 2% of the site area to active infiltration practices.

- 4.14 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.

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).

- 4.15 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...
- 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.

- 4.16 The area adjacent to this proposed development has a known flooding risk. All entrances shall be 2-feet above the adjacent sidewalk elevation or 1-foot above the 100-year regional flood elevation (whichever is greater). This includes garage entrances.

Utilities General

- 5.1 The Applicant shall obtain a Street Excavation permit for the installation of utilities required to serve this project. The Applicant shall pay the permit fee, inspection fee and street degradation fee as applicable and shall comply with all the conditions of the permit. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 5.2 The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 5.3 All proposed and existing utilities including gas, electric, phone, steam, chilled water, etc shall be shown on the plan.
- 5.4 The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 5.5 The site plans shall be revised to show the location of existing utilities, including depth, type, and size in the adjacent right-of-way.
- 5.6 The developer shall provide information on how the Department of Commerce's requirements regarding treatment of storm water runoff, from parking structures, shall be satisfied prior to discharge to the public sewer system. Additionally, information shall be provided on which system (storm or sanitary) the pipe shall be connected to.

Sanitary Sewer

- 6.1 Prior to approval of the conditional use application, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1). \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2). \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 6.2 All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (608-261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
- 6.3 Each unit of a duplex building shall be served by a separate and independent sanitary sewer lateral.
- 6.4 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.



Traffic Engineering and Parking Divisions

David C. Dryer, P.E., City Traffic Engineer and Parking Manager

Suite 100
215 Martin Luther King, Jr. Boulevard
P.O. Box 2986
Madison, Wisconsin 53701-2986
PH 608 266 4761
TTY 866-704-2315
FAX 608 267 1158

January 31, 2008

TO: Plan Commission

FROM: David C. Dryer, P.E., City Traffic Engineer and Parking Manager

SUBJECT: **5101 Unity Way – Conditional Use – 11 Duplexes**

The City Traffic Engineering Division has reviewed the subject development and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. None

PEDESTRIAN AND BICYCLE TRANSPORTATION REVIEW COMMENTS

2. None

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

3. When the applicant submits final plans 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, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), 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'.
4. A "Stop" sign shall be installed at a height of seven (7) feet at the driveway approaches. The applicant shall show the "Stop" signs behind the property line. All signs at the approaches shall be installed behind the property line. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
5. The applicant shall design the underground parking areas for stalls and backing up according to Figures II of the ordinance using the 9' or wider stalls. The applicant shall provide 24 ft back up from all garage doors, excluding the sidewalk from the 24 ft back up.

6. The parking facility shall be modified to provide for adequate internal circulation for vehicles. This can be accommodated by eliminating a parking stall at the dead ends. The eliminated stall shall be modified to provide a turn around area ten (10) to twelve (12) feet in width and signed "No Parking Anytime."
7. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Please contact John Leach, City Traffic Engineering at 267-8755 if you have questions regarding the above items:

Contact Person: Steve Shulfer
Fax: 608-831-0529
Email: sjshulfer@shulferarchitects.com

DCD: DJM: dm



CITY OF MADISON FIRE DEPARTMENT

Fire Prevention Division

325 W. Johnson St., Madison, WI 53703-2295
Phone: 608-266-4484 • FAX: 608-267-1153

DATE: February 4, 2008
TO: Plan Commission
FROM: Edwin J. Ruckriegel, Fire Marshal
SUBJECT: **5101 Unity Way**

The City of Madison Fire Department (MFD) has reviewed the subject development and has the following comments:

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

None

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

1. As required by MGO 10.34 and IFC 505.1, all residential and commercial buildings must have the approved address posted. The address numbers shall be 4 inches in height, numbers shall be in contrast to the background and visible from the street.
2. All portions of the exterior walls of newly constructed one- and two-family dwellings shall be within 500-feet of at least one fire hydrant. Distances are measured along the path **traveled by the fire truck as the hose lays off the truck**. See MGO 34.20 for additional information.

Please contact Scott Strassburg, New Construction Inspector at 608-261-9843 if you have questions regarding the above items.

cc: Bill Sullivan

February 6, 2008

Dear City Plan Commission:

I am contacting you in response to the Notice of Public Hearing I received from you regarding an application for conditional use on property at 5101 Unity Way because I will be unable to attend the hearing scheduled for February 11, 2008. Because I will not be in the country when this hearing is scheduled, I am requesting that this document of my concerns be shared with all parties responsible for reviewing this request.

The impact of constructing 11 rental duplexes on 5101 Unity Way will have a significant impact on the property values of the homes in the Liberty Place development. Liberty Place is a development of moderately priced single family homes that have already decreased in value due to a developer that provided creative financing to individuals that didn't qualify for conventional financing. This has resulted in families that have defaulted on their mortgages because they needed to obtain conventional financing and found themselves in a situation where their home values have not increased. Because of the number of individuals that have defaulted on their mortgages or have been unable to retain their property, values in this neighborhood have decreased in value. When the property east of Liberty Place was sold to Habitat for Humanity, the homeowners in Liberty Place were told that these homes would be placed in such a manner as not to create a concentrated area of lower priced homes. This did not happen; therefore, it has created a neighboring area that has also added to the decline in property values for this development. With the addition of 22 rental units in this development, the City Planning Commission will further reduce property values and create a development resembling an inner-city ghetto.

At a neighborhood meeting held at the Green Lantern Restaurant in December, Alderperson Compton presented a list of reasons why this development was a value to the home owners of Liberty Place. She indicated these duplexes will be a "high-end" development and will be renting for between \$1200 and \$1500 per unit. A "high-end" development would include considerable amenities, which are not included in the plan for these rental properties. There is no plan for a swimming pool, club house, or any other upgrades that would be found in a rental property of this price range. In comparing rental rates of other Madison properties, I found very few duplexes that were charging the monthly rate that we were quoted for these two-bedroom units. Alderperson Compton also indicated there is a need for rental property because of the development of a Bio Agriculture laboratory that the University of Wisconsin will be building in the Town of Dunn. This is also not a factual statement, which significantly reduces the credibility of the information Ms. Compton shared with this group of home owners.

In addition to the concern of reducing property values, the developer's proposal for constructing 11 duplexes (22 rental units) on this small of a space will create an exceedingly congested development with very little space between them. This development will create a concentration of traffic all being directed towards Unity Way.

It is unfair to take advantage of a development where homeowners are at a financial disadvantage and cannot afford to take further reductions in their property values. With the slump in the current housing market, individuals will suffer from the negative impact of this decision to concentrate 22 rental units in an already financially depressed area of Madison. The effect of this decision will affect individuals who least can afford this damaging financial impact.

I appreciate the opportunity to provide feedback in regards to the development of this rental that will have a critical impact on the homeowners in Liberty Place.

Sincerely,

Linda Heideman