



Report to the Plan Commission

January 14, 2013

Legistar I.D. #28723
1360 MacArthur Road
Conditional Use Request

Report Prepared By:
Heather Stouder
Planning Division Staff

Requested Action: Approval of a conditional use to construct a mixed-use building with 36 residential units and a daycare facility under the standards in the former C2 (General Commercial) District.

Applicable Regulations & Standards: Section 28.12(11) provides the guidelines and standards for the approval of conditional uses.

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards for conditional uses can be met, and **approve** the request.

Background Information

Applicant: Kevin Page; Kothe Real Estate Partners; 615 E. Washington Ave. #214, Madison, WI 53703

Project Contact: Josh Wilcox; Gary Brink & Associates Inc.; 8401 Excelsior Dr., Madison, WI 53717

Property Owner: Care Net Pregnancy Center of Dane County Inc.; 1350 MacArthur Rd, Madison, WI 53714

Proposal: Construction of a 36-unit apartment building with a 2,038 square foot daycare facility in the C2 (General Commercial) District.

Parcel Location: 1360 MacArthur Road is located on the southwest side of MacArthur Road, between East Washington Avenue and Sycamore Road; Aldermanic District 17 (Clausius); Madison Metropolitan School District.

Existing Conditions: The 53,600 square foot (1.2-acre) property is currently undeveloped.

Surrounding Land Use and Zoning: The subject property is the last undeveloped property of five commercial properties between Stoughton Road and MacArthur Road, with a single-family neighborhood across MacArthur Road to the northeast. Properties along the southwestern side of MacArthur Road are in the CC-T (Commercial Corridor-Transitional) District (formerly the C2 District), and include a Tire Store, a one-story commercial building, a 3-story office building, and a 2 ½-story clinic which includes limited residential use (the existing Care Net facility). Single-family homes across MacArthur Road to the northeast are on 8,000 – 15,000 square foot lots in the SR-C1 (Suburban Residential – Consistent 1) District (formerly the R1 District).

Adopted Land Use Plan: The Comprehensive Plan (2006) recommends Low Density Residential uses for this area. The Carpenter-Hawthorne-Ridgeway-Sycamore-Truax Neighborhood Plan (2001) has no specific land use recommendation for the site.

Environmental Corridor Status: These properties are not located within a mapped environmental corridor.

Public Utilities and Services: The area is served by a wide range of urban services, including Metro Transit Routes 6, 20, and 25. The street currently has no curb and gutter, but does have a sidewalk along the southwest side, adjacent to the subject property.

Zoning Summary: The property is in the CC-T District, but is being reviewed based on standards in the former C2 (General Commercial) District

| Bulk Requirements | Required | Proposed |
|-------------------|---------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|
| Lot Area | 1000 sq. ft.- 1 Bdrm 1,300 sq. ft. – 2 Bdrm <u>1,600 sq. ft. – 3 Bdrm</u> 45,000 sq. ft. total | 53,698 sq. ft. existing on subject site |
| Lot width | 50' | adequate |
| Usable open space | 160 sq. ft. per bedroom 10,560 sq. ft. total | 22,571 sq. ft. <i>(Please see Condition No. 34, p. 12)</i> |
| Front yard | 0' | 22' |
| Side yards | Min. 6', total 15' (zoning) | 8' LS / 58' RS |
| Rear yard | 30' | 59' |
| Floor area ratio | 3.0 | Less than 1.0 |

Site Design

| | | |
|----------------------------|----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| Number parking stalls | 52 (apartments) <u>4 (day care, 8fte, 2pte)</u> 56 total | 45 surface <i>(Please see Condition Nos. 28, 32, and 36, p. 12-13)</i> |
| Accessible stalls | 2 surface | 2 surface <i>(Please see Condition No. 33, p. 12)</i> |
| Loading | 1 (10' x 35') per apt. bldg. | None provided. (res. bldgs between 10,000-50,000 s.f. can provide in drive aisles) <i>(Please see Condition No. 35, p. 13)</i> |
| Number bike parking stalls | 36 (residential) <u>2 (daycare)</u> 38 total | 16 <i>(Please see Condition No. 27, p. 12)</i> |
| Landscaping | Yes | <i>(Please see Condition No. 28, p. 12)</i> |
| Lighting | Yes | <i>(Please see Condition No. 29, p. 12)</i> |

Other Critical Zoning Items: Utility Easements, Barrier free (ILHR 69)

Prepared by: Pat Anderson, Asst. Zoning Administrator

Project Description

The property owner proposes to construct a three-story mixed-use building with 36 residential units and a 2,105 square foot childcare facility on a vacant 1.2-acre site. This requires conditional use review in the former C2 (General Commercial) District regulations, and would also require conditional use review if it were being reviewed under the new CC-T (Commercial Corridor-Transitional) District.

Land Use- The residential unit mix includes 14 one-bedroom apartments, 14 two-bedroom apartments, and 8 three-bedroom apartments at a density of approximately 30 units per acre (55 bedrooms per acre). As this project is seeking Affordable Housing Tax Credits from the Wisconsin Housing and Economic Development Authority (WHEDA), most of the units will be designated for households with an income limitation (30%, 50%, and 60% of the Dane County Median Income), while approximately 25% of the units will be available at market rates. A portion of the new units are intended for use as a stable housing option for clients from the Care Net Pregnancy Center facility next door, after they have moved out of the facility. Units will be marketed to various household types, offering options for families with children, young professionals, seniors, and others.

The proposed childcare facility within the building is 2,105 square feet, and is anticipated to have space for up to 32 children ages 0 to 4. Hours of operation for the facility are proposed to be 7:00 am to 5:30 pm, and while it may be utilized by residential tenants, it would be open to the general public.

Site and Building Design – The 42,170 square foot L-shaped building is positioned on the southern portion of the site, with a 45-stall surface parking area on the north side. 16 exterior bicycle parking stalls are proposed near the residential entrance of the building. The 2,105 square foot childcare facility is on the first floor at the front of the building, with an outside playground area surrounded by a fence with a “wrought iron” look, between the building and MacArthur Road. A large stormwater retention pond is located behind the building, closest to Stoughton Road. There are two proposed pedestrian connections between this property and the property immediately to the southeast (the existing Care Net facility). These will be formally linked through shared access and maintenance agreements, including shared fire access, shared trash management, and some shared parking stalls (six stalls on the existing Care Net site dedicated for use by employees of the daycare facility, and seven stalls on the existing Care Net site to be utilized if needed as overflow parking during the evening and overnight.

The building exterior is a contemporary design with cultured stone, metal, and composite lap siding, and some EIFS. The highest point of the rooftop of the building is just over 42 feet, which is similar to the existing buildings on either side. The main entrance to the residential portion is in the middle of the north side of the building, with separate entrances leading to an interior common room and to the daycare facility. Additional entrances/exits on the south and west sides of the building link to proposed sidewalks which would lead to the Care Net facility on the adjacent property.

Residential units range in size from 662 square feet for one-bedroom units up to 1,228 square feet for three-bedroom units. All two and three-bedroom units have two bathrooms, and each unit has its own laundry facilities. Each unit either has its own porch or balcony, or a balcony shared with one other unit. A 739 square foot common area on the first floor suitable for small gatherings or meetings includes a bathroom and countertop with a sink.

Operations and Management – The submitted management plan notes that the residential portion of the proposed building would be managed by Meridian Group, Inc., who will oversee maintenance, leasing, income eligibility, and rent collection for the property, among other duties as noted. Outside vendors will handle trash and snow removal for the two properties.

The applicant has indicated that the daycare facility will serve a maximum of 32 children, ages 0 to 4. Staff requirements for this facility would be 8 full time staff and 1-2 possible part time staff. The hours of operation will likely be 7:00 am to 5:30 pm, Monday through Friday.

Public Input – Staff has attended two meetings regarding the proposal: an informal meeting at Care Net with a group of neighbors, the Alder, and the applicant’s team on November 29, 2012, and a meeting organized, noticed, and facilitated by the Alder on December 18, 2012. From attendance at these meetings and subsequent written communication, staff understands that many area residents have concerns regarding the proposed density and a perceived inadequacy of off-street parking provided on the site, among other concerns. Below is a summary of the common themes in the correspondence received and reviewed by staff. As always, all written communication received by staff is included in the Plan Commission packet for careful review.

The Mayfair Park Neighborhood Association President and Vice President submitted an e-mail noting that they are concerned about a three story building with 36 units, primarily due to inadequate parking and the resulting on-street parking that might occur.

A majority of the opposition to the project relates to the proposed density (approximately 30 units per acre), and many have noted that they would support a similar proposal by Care Net if it had fewer units. There is a general concern that the project would lead to an unacceptable increase in neighborhood traffic, especially with residents who might come and go in the evenings. Many believe that the proposed 45-stall surface parking area is insufficient to accommodate demand, and that the resulting on-street parking on this narrow, unimproved public street will present unsafe conditions. However, most neighbors generally would not support changes to the street which would better accommodate on-

street parking, such as widening the pavement and adding curb, gutter, and sidewalk along the northeast side of the street, within the existing 60 foot public right-of-way.

While this is not part of the proposal before the Plan Commission, staff understands that several neighbors have initiated an effort to eliminate on-street parking on both sides of MacArthur Road as a reaction to this proposal. The Alder supports the elimination of on-street parking on the southwest (commercial) side of the street, but would like to wait to see if it is necessary to eliminate parking on the residential side of the street. The applicant is comfortable with the removal of on-street parking.

Several neighbors have expressed a concern that the proposed building may lead to decreased property values in the neighborhood. Many feel that the neighborhood is already a low-income neighborhood, and that incorporating additional affordable housing will have a more detrimental effect on nearby properties than it would in a neighborhood with higher existing property values. A summary from academic literature related to this subject was provided by one opponent of the proposal for consideration by the Plan Commission.

Finally, some neighbors are concerned that Sandburg Elementary School, which would be where students living in this building would attend, is already at capacity, and that it may not be able to adequately handle the additional students. Andrew Statz of the Madison Metropolitan School District reviewed the proposal, and noted that Sandburg is currently operating at 96% capacity, and projected to be at 82% capacity in five years. School administrators are in the process of trying to identify ways to ease any crowding at the school. In any case, MMSD does not take a stance on this development proposal (comments included in Plan Commission packet).

Evaluation

Land Use and Density- A wide variety of uses are allowable within the former C2 (General Commercial) District zoning, under which this is being reviewed. The proposed building requires a conditional use in the C2 District, as it includes greater than five dwelling units, and since the dwelling units occupy more than 50% of the total building floor area¹. As with all conditional use proposals, the Plan Commission must base their decision on whether the (2012) conditional use standards are met with this proposal. The questions asked and answered should focus on whether or not the proposed building is appropriate for the location, and whether any potential negative impacts on the surrounding neighborhood can be mitigated. A central focus of the staff review has been whether or not the proposed residential density can be adequately managed on the site (see *Access and Traffic* and *Site and Building Design* sections below).

The City of Madison Comprehensive Plan recommends Low-Density Residential uses (up to 15 dwelling units per net acre) for the larger residential area between Stoughton Road and MacArthur Road that includes this vacant parcel (as well as the existing Care Net facility to the south). The proposed residential use is, therefore, consistent with the Comprehensive Plan's broad residential use recommendation. However the project's proposed residential density of 30 dwelling units per acre is double the density recommended for the area as a whole in the Comprehensive Plan, although it is noted that the nominal density would be lower if the same overall number of bedrooms were provided in fewer, larger units.²

While the proposed density is outside the range recommended in the Comprehensive Plan, there are a wide variety of permitted and conditional uses allowed in both the C2 (General Commercial) and the CC-T (Commercial Corridor-Transitional) zoning districts that would be inconsistent with the Plan's Low Density Residential land use recommendation. On balance, the proposed development, which is

¹ (Note: In the CC-T District, the proposed building would also require a conditional use, since it includes greater than 24 dwelling units in a mixed-use building).

² Note: This is a *conditional use* request, so the State Statute requirement that *rezoning* decisions must be consistent with the Comprehensive Plan does not apply.

predominantly residential, is more consistent with the Comprehensive Plan's land use recommendation than many other potential uses allowed in the C2 zoning district would be. Nonetheless, the Plan Commission should include consideration of the inconsistency in the proposed density of the project in their review of the proposal under the conditional use standards.

When asked to consider a substantial reduction in the number of residential units requested, the applicant has indicated that they would not be able to move forward with a strong WHEDA application or a viable project if the unit count is reduced. Staff understands that the applicant intends to put the property up for sale if this proposal is not approved by the Plan Commission, or if it is not otherwise awarded WHEDA funds during the competitive application process early this year.

Area Services and Amenities- The property is well located for residential tenants, especially the Care Net clients, who would continue to utilize supportive services from the adjacent building. Project residents would have relatively easy access to transit routes to Downtown, Madison College's Truax Campus, East Towne Mall, and many other destinations. While perhaps not typically considered a walkable neighborhood due to the proximity of the busy East Washington Avenue / Stoughton Road intersection, there are many nearby amenities accessible on foot. A full-service grocery (Hy-Vee) is within about one quarter-mile walking distance, Madison College is less than a mile to the northwest, and the 2.5-acre Mayfair Park, with playground equipment, a basketball court, and play fields, is in the neighborhood, about one-third mile walk from the site. The larger Reindahl Park is less than one half-mile to the north, and Sycamore Park is less than a mile to the east. A strength of the proposal is the daycare facility on-site, which would be a new neighborhood amenity open to both tenants and the general public.

Access and Traffic- The site is easy to access from East Washington Avenue for eastbound drivers, bicyclists, and transit-riders, but a bit more difficult from East Washington Avenue heading west, as there is no left turn permitted onto MacArthur Road. Inbound drivers (and perhaps bicyclists) must utilize Mendota Street and Sycamore Street to reach the site. The nearest in-bound transit stop is also somewhat less convenient since it is located across East Washington Avenue, requiring transit-riders to cross at the busy intersection of East Washington and Stoughton Road, and making the walk a little less than one-third of a mile.

MacArthur Road itself has not been improved to typical urban street standards since it came into the City of Madison in the 1950's. Currently, it is a 20-foot wide paved street with no curb and gutter, within a 60-foot right-of-way. A public sidewalk runs along the southwest side of the street out to East Washington Avenue, but there is no public sidewalk along the northeast side of the street.

Traffic Engineering staff have analyzed the proposal, and are of the opinion that even in its current state, MacArthur Road will easily be able to accommodate the traffic expected to be generated by this development. In fact, the proposed development will generate fewer trips than many commercial uses would generate, and may better distribute traffic on the street throughout the day and evening than would another purely commercial use such as an office building.

Despite having concerns about traffic and safety, the vast majority of the residents in single family homes in this area hope to keep the street in its existing condition, which itself is an impediment to addressing some of the safety issues of concern. In fact, Traffic Engineering staff have explained that even simple traffic calming measures such as speed humps are ineffective on streets without curb and gutter, such as MacArthur Road, since drivers would simply drive around them. City Engineering staff has noted that there are no plans to reconstruct MacArthur Road, nor would this proposal trigger such improvements, but that could change at some point in the future.

As a side note, it is worth mentioning that the Wisconsin Department of Transportation is studying this portion of Stoughton Road as a potential limited access freeway. While none of the alternatives under study impact this property directly, a few of them would result in the termination of MacArthur Road in a cul-de-sac, eliminating direct access to East Washington Avenue. These improvements have not been

funded or scheduled at this point, but in conjunction with them, there may be further changes or improvements made to local streets in this area.

Site and Building Design- The site is generally well designed, with the daycare facility in front, buffered from the traffic noise on Stoughton Road. With all surface parking placed beside it, the proposed building would maintain a presence on MacArthur Road, while being set back far enough so as not to tower over the single-family homes across the street. The two proposed sidewalks linking this property to the Care Net facility next door will allow for easy access between the two buildings, which will benefit those residential tenants who may still be utilizing services from the Care Net facility.

The dwelling units are ample in size for the intended market, and the overall mix should suit a variety of household types. The balconies/porches and the interior common room are positive amenities for the tenants. Staff encouraged the applicant to consider providing additional interior space for long term bicycle parking, as well as additional storage spaces or lockers for larger items such as strollers, etc. which might otherwise have to be stored outside or within the units³.

The exterior design of the building is generally good, and will fit in fine with the already eclectic mix of buildings along the south side of MacArthur Road. The proposed building is similar in height to the office building next door. The exterior design could be improved by simplifying the palette of materials, and minimizing the use of EIFS as an accent material. Staff has encouraged the applicant to eliminate the use of EIFS at ground level at a minimum, and to replace EIFS with more of the composite siding, especially in the balcony areas where the building exterior will likely experience the most wear and tear over the years. The applicant has agreed to make these revisions in the final plans for staff review.

Subdivision Regulations require that any outdoor recreational space serving an institutional use (in this case, the daycare facility) be located outside of the 67-decibel noise contour for a state or federal highway, and that any residential or institutional structure located within an identified noise contour be constructed to limit highway noise on the building's interior to 52 decibels. The applicant is aware of these requirements, and as a condition of approval, will need to submit a study to the City Traffic Engineer indicating that the building will be constructed to meet the interior noise requirements, while the outdoor recreational equipment associated with the daycare facility will be located outside of the 67-decibel contour.

Parking - 45 surface parking stalls are provided on the site (41 for use by residential tenants, and 4 for use during daycare drop-off and pick-up). The 45 stalls provided falls 11 stalls short of the 56 stalls that would typically be required to serve a building with this unit mix and number of daycare employees in the C2 District, but is well within the range of stalls that can be administratively approved for a parking reduction. The applicant has identified six (6) stalls on the adjacent property which would be designated for use by daycare employees, and in response to concerns generated by neighbors, has indicated that they could also designate six (6) stalls in the Care Net lot for use as overflow parking during evenings, overnight, and on weekends. Further, as previously mentioned, the applicant has no concerns with the elimination of on-street parking along MacArthur Road, should that be considered, since they believe parking demand can easily be met on private property. Staff has taken into careful consideration concerns expressed by neighbors about possibly insufficient parking, and believes that the parking provided can adequately serve the proposed development, especially after a formal shared parking agreement is put into place with the property next door.

The 16 bicycle parking stalls shown on plans are insufficient to meet the zoning requirement for 38 stalls associated with this mix of uses, and staff recommends that this deficiency be addressed as a condition of approval of the project. Staff also has strongly encouraged the applicant to consider providing a portion of the additional required bicycle stalls inside the building, so that tenants have

³ NOTE: The latest floor plans in the Plan Commission packet incorporate twelve indoor bicycle parking stalls and space for at least seven storage lockers, if not more. This space is located off of the entrance vestibule, and was generated at the expense of a bedroom in one of the units originally proposed as a two-bedroom unit. A second, unprogrammed storage room has been added near the daycare facility, which is now 1,686 square feet rather than the 2,038 originally proposed.

access to a long term bicycle parking area protected from the elements. This change has been made in the most recent floor plans.

Property Values- Planning Division staff discussed with staff from the City Assessor's Office whether there would be an expected change in nearby property values due to the construction of a 36-unit affordable apartment building supported by WHEDA tax credits. With the caveat that nothing can be certain until market values are established through area home sales, City Assessor's staff indicated that this development should have no impact on the assessed value of residential properties across MacArthur Road to the north. They noted the important distinction that this property is already in a commercial zoning district, and that the proposed development is considered a commercial development for assessment purposes, although it is essentially a residential use. Thus, it wouldn't affect property values any differently than would another commercial development of the site. If, on the other hand, this proposal required a zoning change within a neighborhood of single-family homes on property currently zoned for single-family homes, the assessed values of adjacent properties may have been impacted.

Operations and Management- The Meridian Group, Inc. (Meridian) is a well-known property management company, and has a good track record in the City of Madison for managing affordable multi-family residential developments. Building Inspection Director George Hank checked with his staff, and all reported that properties managed by Meridian appear to be in good shape and are well run. When issues are encountered, Meridian staff are quick to respond, and quality repairs are the result.

The management plan provided is detailed and well thought-out. Staff recommends that if management of the residential portion of the building were to change in the future, the applicant should submit a new management plan as an alteration to the conditional use for review by staff, and possibly by the Plan Commission, as determined by the Alder and the Director of the Department of Planning and Community and Economic Development.

While final details are yet to be determined regarding the daycare facility, the applicant has indicated that the number of children would be limited to 32, and that hours of operation would be approximately 7:00 AM to 5:30 PM. Staff suggests a condition of approval to limit the number of children served to 32, and the hours of operation to 6:30 AM to 6:30 PM on weekdays, which would allow for some flexibility beyond the hours suggested by the applicant.

Conditional Use Standards – Ultimately, the Plan Commission must make a determination as to whether the conditional use standards in Section 28.12(11)(g) of the old zoning code can be met with this proposal. Staff carefully reviewed each of the standards, and finds that they are either met, or can be met with the conditions of approval, as noted below.

- 1) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.
Staff believe that this standard is met.
- 2) That the City be able to provide municipal services to the property where the conditional use is proposed, given due consideration of the cost of providing such services.
Staff believe that this standard is met.
- 3) That the uses, values, and enjoyment of other property in the neighborhood for purposes already established shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
Staff carefully reviewed this standard as it relates to many of the concerns raised, particularly with regard to traffic and parking impacts and property values. Staff believes that this standard is met. Use of the subject property for the 36 residential units and daycare facility will indeed lead to increased traffic in the neighborhood, but not more than would be expected for any number of other allowable uses, and likely less than other uses permitted by right. Staff believe that the automobile parking proposed on site is likely adequate, and that the applicant's willingness to formally designate stalls on the adjacent property for use as overflow parking ensures that there will be little if any use of on-street parking. Further, in conversations with

staff from the City Assessor's office, there is no evidence to support the assertion that nearby property values will be substantially diminished by the establishment of this building as proposed.

4) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

Staff believe that this standard is met.

5) That adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit and other necessary site improvements have been or are being provided.

Staff believe that this standard can be met once conditions of approval related to bicycle and automobile parking are addressed. While the proposal does not meet the minimum parking requirement, a parking reduction can be granted by the Zoning Administrator. Further, the provision of a shared parking arrangement with the adjoining property, which is a condition of approval, will help to address any shortfall in the parking provided on the site.

6) That measures, which may include TDM and participation in a transportation management association have been or will be taken to provide adequate ingress and egress, including all off-site improvements, so designed as to minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets.

Staff believe that this standard is met. While not a burden to be borne by this project, and not necessarily a response required to address expected impacts from this project, the initiative supported by neighbors, the Alder, and the applicant to eliminate on-street parking on at least one side of MacArthur Road is worth mentioning here.

7) That the conditional use shall conform to all applicable regulations of the district in which it is located.

Staff believe that this standard can be met (see #5 above).

8) NOT APPLICABLE (Relates to Community Living Arrangements)

9) That when applying the above standards to any new construction of a building or an addition to an existing building the City Plan Commission

- a) Shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district, and
- b) May require the applicant to submit plans to the Urban Design Commission for comments and recommendations, and
- c) May consider the use of the proposed building as it relates to the City's Land Use Plan.

As noted above, the proposed residential use is consistent with the broad Comprehensive Plan land use recommendation, although the proposed density is higher.

Conclusion

Staff have carefully considered the concerns raised by nearby residents throughout the review process, especially as they relate to the standards of approval for conditional uses. After a thorough review involving staff input from several city agencies and the Madison Metropolitan School District, Planning Division staff believes that the conditional use standards can be met with this proposal.

City-wide, the transition areas between commercial or mixed-use zoning districts and low-density residential zoning districts usually generate a high level of interest and concern when new development or redevelopment is proposed. Concerns expressed by area residents are important to evaluate as they relate to unique attributes of the site and area, and the pertinent standards for review. In this case, the properties on either side of this site are already developed with buildings with a similar mass as the proposed building. Arguably, the proposed building and the adjacent Care Net facility could together provide a good transition from the commercial uses immediately to the northwest and the residential uses further down MacArthur Road to the southeast. While the proposed building would indeed change the feel of the neighborhood at this location, it could be argued that any development on this vacant property would involve changes which might not be considered desirable by all neighbors. In fact, some permitted C2 (or CC-T) uses on this property, which would require no public review, could result in neighborhood impacts much greater than will the use currently being proposed.

While the proposed mixed-use building is not entirely consistent with the Comprehensive Plan recommendation for Low Density Residential uses on this property, it comes much closer to meeting the plan recommendation than would any number of permitted commercial uses on the property. It generally fits in well with other buildings on this side of MacArthur Road, and should not generate significant impacts to the existing street infrastructure, even in its unimproved state. The proposal will provide high-quality, affordable rental housing for a mix of household types under management by a property manager with a very good track record in the City of Madison.

After careful review, on balance, staff believes that the conditional use standards can be met, and recommends that the Plan Commission **approve** the request, subject to input provided at the public hearing and comments and conditions from reviewing agencies below.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are shaded

Planning Division Recommendation (Contact Heather Stouder, 266-5974)

Staff recommends that the Plan Commission find that the conditional use standards can be met, and **approve** the request, subject to input provided at the public hearing and comments and conditions from reviewing agencies below.

1. Prior to staff signoff on the conditional use, the applicant shall submit for review all legal documentation on the shared access and maintenance between this property and property at 1350 MacArthur Road to include the following items:
 - a) Pedestrian access
 - b) Fire access
 - c) Access and management of the trash enclosure
 - d) Shared Parking Agreement with 1350 MacArthur Road to include the use of 6 spaces for use during daycare hours, and at least 6 spaces for use by tenants and visitors as overflow parking during evenings, overnight, and on weekends. Specific hours of use shall be specified.
2. In final plans submitted for review and approval by staff, a total of 38 bicycle stalls shall be provided on the property, as per Zoning requirements. A significant portion of these stalls shall be provided inside the building, and those provided outside the building shall be located near building entrances.
3. Final plans submitted for review and approval by staff shall include a management plan for the daycare facility. Hours of operation for the daycare facility shall be limited to the hours of 6:30 AM and 6:30 PM, Monday through Friday, and there shall be no more than 32 children served by the facility at any one time. Any change to these parameters in the future would require an alteration to the conditional use.
4. Final plans submitted for review and approval by staff shall include a complete landscape plan with landscaping provided along the front of the property, between the public street and the proposed parking lot and daycare facility play yard.
5. If the management of the residential portion of the building changes in the future, the property owner shall be required to submit a revised management plan as an alteration to the conditional use. At that time, the Alder and the Director of the Department of Planning and Community and Economic Development can determine whether to approve the change administratively, or to have it reviewed by the Plan Commission.
6. Final plans submitted for staff review and approval shall include a study to be reviewed by the City Traffic Engineer indicating that the building will be constructed to limit interior highway noise to 52 decibels, and that the outdoor recreational equipment associated with the daycare facility will be located outside of the 67-decibel contour.

7. Final plans submitted for review and approval by staff shall include revised elevations eliminating the use of EIFS from the ground level and significantly decreasing the use of EIFS on the building altogether.

The following conditions have been submitted by reviewing agencies:

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

8. A permit to discharge to the WDOT right-of-way shall be obtained and provided to City Engineering.
9. Southeast property line proposes a swale with 0.7% slope. Provide contour design showing how this is accomplished without grading neighboring property; or provide copy of recorded easement and/or agreement for any necessary grading on the adjacent property.
10. The proposed daycare facility shall use the approved address of 1356 MacArthur Road and the proposed apartment complex shall use 1360 MacArthur Road.
11. In accordance with 10.34 MGO – STREET NUMBERS - Submit a PDF of each floor plan to Engineering Mapping - Lori Zenchenko (Lzenchenko@cityofmadison.com) - so that a preliminary interior addressing plan can be developed. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal.
12. The Applicant shall execute a waiver of notice and hearing on the assessments for the improvement of MacArthur Road in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO (MGO 16.23(9)(d)(6)).
13. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass (POLICY).
14. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction (POLICY).
15. All work in the public right-of-way shall be performed by a City licensed contractor (MGO 16.23(9)(c)5) and MGO 23.01).
16. 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 (POLICY and MGO 10.29).
17. The applicant shall demonstrate compliance with MGO Section 37.07 and 37.08 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.
18. For Commercial sites < 1 acre in disturbance the City of Madison is an approved agent of the Department of Commerce and WDNR. As this project is on a site with disturbance area less than one (1) acres, and contains a commercial building, 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 (NOTIFICATION).
19. Prior to approval, this project shall comply with MGO Chapter 37 regarding stormwater management. Specifically, this development is required to:
- a) Detain the 2 & 10-year storm events
 - b) Control 80% TSS (5 micron particle) off of new paved surfaces

- c) Provide infiltration in accordance with Chapter 37 of the Madison General Ordinances
 - d) Provide oil & grease control from the first 1/2" of runoff from parking areas.
 - e) 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 MGO Ch. 37.
20. 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 Misc 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
- i) Street names

All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred lzenchenko@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)).

21. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set (POLICY and MGO 37.09(2)).

PDF submittals shall contain the following information:

- a) Building footprints.
- b) Internal walkway areas.
- c) Internal site parking areas.
- d) Lot lines and right-of-way lines.
- e) Street names.
- f) Stormwater Management Facilities.
- g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).

22. 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 (POLICY and MGO 37.09(2)).

23. 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 (POLICY).

24. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction MGO 37.05(7). This permit application is available on line at: <http://www.cityofmadison.com/engineering/permits.cfm>.
25. 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 (MGO 16.23(9)(d)(4)).
26. 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).

Zoning Administrator (Contact Pat Anderson, 266-5978)

27. The zoning code requires thirty-six (36) bicycle parking stalls for the apartments and two (2) bicycle parking stalls for the daycare facility, where sixteen (16) stalls have been provided. Provide 38 bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan or contact the Zoning Administrator to discuss a deferment or reduction in the required bicycle parking. Provide a detail of the proposed bicycle racks. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area, call out and dimension on final plans.
28. No landscaping plan has been provided. Parking lot plans with greater than twenty (20) stalls, 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.
29. Lighting is required and shall be in accordance with City of MGO Section 10.085. Provide a lighting photometric plan, including cut sheets for fixture, with the final plan submittal.
30. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31. Permits must be issued by the Zoning Section of the Department of Planning and Development.
31. Obtain and maintain a license with the State of Wisconsin for a Day Care Facility and obtain a Certificate of Occupancy for the Day Care from the City of Madison prior to commencing this use.
32. This Conditional Use approval includes an 11 stall parking reduction, which is within the amount authorized for administrative approval in the zoning code.
33. Parking requirements for persons with disabilities must comply with MGO Section 28.11 (3) 6.(m) which includes all applicable State accessible requirements, including but not limited to:
 - a) Provide a minimum of two 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
34. Show the 22,571 sq. ft. areas being used to meet the minimum Usable Open Space requirement (10,560 sq. ft.) for this PRD. Plans shall be approved by Zoning Administrator. Usable open space shall be in a compact area of not less than 200 square feet, having no dimensions less than 10 feet and having a slope no greater than 10 percent. The required front yard, required street side yards, and wet detention pond do not count toward usable open space.

- 35. Provide one 10' x 35' loading area with 14' vertical clearance to be shown on the plan. Buildings containing less than fifty thousand (50,000) square feet of gross floor area, an off-street loading berth may be located in an aisle provided for an off-street parking facility, subject to such conditions as may be prescribed by the Zoning Administrator.
- 36. Plans and submitted letter of intent indicate a desire for a shared parking arrangement with the property to the south (1350 MacArthur Rd). Current Zoning Code requirements do not allow shared parking arrangements, this will require a separate approval for shared parking under the new zoning code, Sec. 28.141(5) before the shared parking use may commence.

Fire Department (Contact Bill Sullivan, 266-4420)

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

Water Utility (Contact Dennis Cawley, 261-9243)

- 38. This property is not in a wellhead protection district.
- 39. All operating private wells shall be identified and permitted by the Water Utility in accordance with MGO 13.21. All unused private wells shall be abandoned in accordance with MGO 13.21.

Traffic Engineering (Contact Eric Halvorson, 266-6527)

- 40. When site plans are submitted for approval, the developer shall provide a recorded copy of the parking easements for the six parking stalls to be dedicated to daycare employees.
- 41. When site plans are submitted for approval, the developer shall provide a recorded copy of the reciprocal land agreement for passage over, upon, across and through the facilities and ingress and egress for each pedestrian walkway adjoining the sites. This land agreement for pedestrian shall be a perpetual, non-exclusive, unimpeded land agreement for the lots in the project. The reciprocal land agreement shall be recorded in the office of the Dane County Register of Deeds before submitting plans for approval.
- 42. Per ordinance, the small car stalls shall not exceed 25% of the total number of Medium and Large Vehicles and Small Vehicles stalls for the facility. The site plan shall show small car parking spaces identified and properly controlled with a sign "Small Cars Only" per each space, when plans are submitted for approval.
- 43. When site plans are submitted for approval, the developer shall provide a plan for the 'drop off / pick up' operation of the daycare facility.

Parks Division (Contact Kay Rutledge, 266-4714)

- 44. This development is within the Reindahl park impact fee district (SI22). The developer shall pay approximately \$84,722.40 for park dedication and development fees for the new 36 unit building.

| | |
|--------------------------------------------------|-------------|
| Fees in lieu of dedication = (36 MF @ \$1,708) = | \$61,488.00 |
| Park development fees = (36 MF @ \$645.40) = | \$23,234.40 |
| Total fees = | \$84,722.40 |

- 45. The developer must select a method for payment of park fees before signoff on the plans.
- 46. Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right-of-way. Permission for such activities must be obtained from the City Forester, 266-4816.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit a response for this request.