

CITY OF MADISON
OFFICE OF THE CITY ATTORNEY
Room 401, CCB
266-4511

Date:

MEMORANDUM

TO: Mayor Cieslewicz
FROM: Katherine C. Noonan, Assistant City Attorney
RE: Sunset of Inclusionary Housing Ordinance

You have asked what effect the sunset of the Inclusionary Housing Ordinance will have on projects that are approved or currently in the approval process.

Any projects that have not received their final approval on the date the ordinance sunsets will not be subject to its provisions because the body making the final determination on the project can apply only those ordinance requirements that are in effect at the time the determination to approve is made.

There are other projects that already have received their final approval. The ordinance sunset will not remove any Inclusionary Housing requirement attached to these projects. Nonetheless, if an applicant is eligible to reapply for a map amendment or a new land division approval, a project can be resubmitted after the sunset of the Inclusionary Housing Ordinance. The resubmission will not be subject to the ordinance, however, the entire approval process will have to be followed for the new application. Furthermore, there may be additional requirements for resubmitted applications, such as vacation of dedicated lands, if they change from a previously approved application. The details of individual projects will dictate the specific requirements for each resubmitted application.

For those inclusionary dwelling units that have been sold, the sunset of the ordinance will have no effect. The City's (or other) Option to Purchase will survive, as will any second mortgage with the City. These units also will continue to be subject to other requirements in the Inclusionary Housing Ordinance, such as limitations on renting the units and notice to the City in the case of foreclosure.

AGENDA # 9

City of Madison, Wisconsin

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| REPORT OF: URBAN DESIGN COMMISSION | PRESENTED: April 23, 2008 |
| TITLE: 9313 Elderberry Road - PUD-GDP, Duplex, Townhouse and Multi-Family Development. 9th Ald. Dist. (10055) | REFERRED: REREFERRED: REPORTED BACK: |
| AUTHOR: Alan J. Martin, Secretary | ADOPTED: POF: |
| DATED: April 23, 2008 | ID NUMBER: |

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

SUMMARY:

At its meeting of April 23, 2008, the Urban Design Commission **GRANTED FINAL APPROVAL** of a PUD-GDP located at 9313 Elderberry Road. Appearing on behalf of the project were Jason Valerius, representing Pheasant Ridge, LLC; and Daniel R. Hoffron. The modified plans as presented featured the following:

- Woodstone Boulevard at the center of the plat has been modified to be broader to provide for enhancements with the addition of trees, seating areas, gathering nodes, in combination with its connectivity to a stormwater detention pond area to the east.
- The round-a-bout adjacent to a PUD zoned lot to be developed for multi-family purposes has been enlarged so as not to conflict with its development (Lot 11).
- A request to relocate a proposed outlot currently located in the southwest portion of the plat to provide an open space connector to the enhanced Woodstone Boulevard westerly; could not be accommodated because it is necessary to provide for drainage in its current location.
- Specified setbacks and build-to lines have been provided in the PUD text as requested, along with the confirmation that the streets in the plat can be maintained at 5-6% to be ADA compliant.

Following the presentation the Commission noted the following:

- Like the shape of the enhanced Woodstone Boulevard.
- Modify the text to note the use of full cut-out fixtures is "required."
- Modify the text for "Type 2 House, Quantative Standards" to require that there is no less than 20% of the building to be built to the "build to" line. In addition modify the text for "Type 3 Town Home, Quantative Standards" to require that there is no less than 50% of the building to be built to the "build to" line.

ACTION:

On a motion by Rummel, seconded by Harrington, the Urban Design Commission **GRANTED FINAL APPROVAL**. The motion was passed on a vote of (7-0). The motion required address of the above stated concerns.

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 5, 6, 6, 6, 7, 7 and 7.5.

URBAN DESIGN COMMISSION PROJECT RATING FOR: 9313 Elderberry Road

| | Site Plan | Architecture | Landscape Plan | Site Amenities, Lighting, Etc. | Signs | Circulation (Pedestrian, Vehicular) | Urban Context | Overall Rating |
|-----------------------|-----------|--------------|----------------|--------------------------------|-------|-------------------------------------|---------------|----------------|
| Member Ratings | 6 | - | - | - | - | 6 | - | 6 |
| | - | - | - | - | - | - | - | 6 |
| | 7 | - | - | 6 | - | 7 | 7 | 7 |
| | - | - | - | - | - | - | - | 7.5 |
| | - | - | - | - | - | 7 | 6 | 6 |
| | 7 | - | - | 7 | - | 7 | - | 7 |
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General Comments:

- Revisit roadway slopes for ADA (5%) adaptability.
- Good urban design in a subdivision is welcomed.
- Very good layout for this neighborhood development.
- Comprehensive well connected system/like boulevard shape.