

PLANNING DIVISION STAFF REPORT

January 8, 2018



PREPARED FOR THE PLAN COMMISSION

Project Address: 5402 Congress Ave. & 3325 Ambassador Dr. (District 17 – Ald. Baldeh)
Application Type: Planned Development Zoning Map Amendment
Legistar File ID # [49708](#)
Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Contact: Kirk Keller; Plunkett Raysich Architects, LLC.; 2310 Crossroads Drive; Madison, WI 53718
Property Owner: IA Madison, LLC.; 810 Cardinal Lane, #1000; Hartland, WI 53029

Requested Action: There are three Planned Development zoning map amendments requested: a re-approval of the expired Planned Development's underlying General Development Plan (PD-GDP); approval of an amended General Development Plan (PD-GDP); and approval amending the Planned Development – Specific Implementation Plan (PD-SIP) to allow for a 3-story, 36-unit multi-family apartment building at 5402 Congress Avenue and an 8-car garage/service building at 3325 Ambassador Drive.

Proposal Summary: The applicant proposes to construct a new multi-family apartment building and a separate garage, each on a currently undeveloped location within the "High Crossing Fourth Addition" Planned Development Plat. This request includes three components: 1) a re-approval of the expired Planned Development's underlying General Development Plan (PD-GDP); 2) four revisions to the underlying GDP – to increase the maximum number of units allowed in a single building from 24 units to 36; decrease the minimum number of parking spaces allowed per unit from 2.00 to 1.98 parking spaces per unit; increase the maximum height restriction on buildings or structures from 3 stories or 50 feet to 3 stories or 60 feet; and add a *dog park* to the list of permitted accessory uses – and 3) re-amending the amended Planned Development - Specific Implementation Plan (PD-SIP) to allow for a 3-story, 36-unit multi-family apartment building with 30 under-building automobile parking stalls at 5402 Congress Avenue and an 8-car garage/service building at 3325 Ambassador Drive.

Applicable Regulations & Standards: This proposal is subject to the approval standards for Zoning Map Amendments [MGO §28.182(6)] and Planned Developments [MGO §28.098]. The Urban Design Commission is required to review and make a recommendation to the Plan Commission on both the GDP and SIP based on the design objectives in Subsection 28.098(1) and other PD requirements.

Please note that M.G.O. Sec. 28.098(5)(c)7 states that, "...any phases [of a Planned Development] not constructed within ten (10) years of the Common Council approval of the General Development Plan, shall require approval of a new General Development Plan by the Common Council following a recommendation by the Plan Commission." Since the underlying PD-GDP was last re-approved by the Common Council in 2003, its approval has expired and therefore requires re-approval.

Review Required By: Urban Design Commission, Plan Commission, and Common Council.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022 - 00311 approving the amendment of a Planned Development - General Development Plan, and forward Zoning Map Amendment ID Section 28.022 - 00312 approving an Amended Planned Development District to re-amend a Planned Development - Specific Implementation Plan for 5402 Congress Avenue & 3325 Ambassador Drive to the Common Council with a recommendation of **approval**. This recommendation is subject to input at the public hearing and conditions recommended by reviewing agencies.

Background Information

Parcel Locations: The subject site is comprised of two different parcels, which are part of the same Planned Development Specific Implementation Plan (SIP) yet are located across the street from one another. The larger parcel, where the multi-family apartment building is proposed to be added, is roughly 447,450 square feet (10.27 acres) in size, and is located at 5402 Congress Avenue, on the west side of the intersection of Congress Avenue and Cross Hill Drive. The second, smaller parcel, where the garage is proposed to be added, is roughly 180,530 square feet (4.1 acres) in size and is located at 3346 Ambassador Drive, on the east side of Congress Avenue, in between Liberty Lane and Burke Road. Both parcels fall within Aldermanic District 17 (Ald. Baldeh) as well as the Sun Prairie School District.

Existing Conditions and Land Use: While both subject sites are partially-developed, the particular locations where the developments are proposed are currently vacant. Together, the two sites contain nine apartment buildings with 120 residential units. The 5402 Congress Avenue site has seven buildings (two 2-story, 24-unit apartment buildings with underground parking; a 2-story, 16-unit apartment building with underground parking; two 2-story, 8-unit apartment buildings with attached garages, and a clubhouse with a pool). The 3325 Ambassador Drive site has three buildings (one 2-story, 24-unit apartment building with underground parking and two 2-story, 8-unit apartment buildings with attached garages).

Surrounding Land Uses:

- Northwest: An auto dealership, currently under construction, and a restaurant-tavern, both zoned CC (Commercial Center) District;
- Northeast: An auto body shop, zoned CC (Commercial Center) District and a City of Madison Water Tower, zoned TR-V1 (Traditional Residential – Varied 1) District; beyond which is a residential building complex, currently under construction, which will contain 189 apartments in three buildings and a clubhouse. It is zoned TR-U1 (Traditional Residential - Urban 1) District;
- Southwest: The Madison II Condominiums which consists of 144 units in six 24-unit buildings, zoned PD (Planned Development) District; and
- Southeast: The Patriot Hill Condominiums which consists of 64 units in eight 8-unit buildings, zoned PD; beyond which is undeveloped land in the Town of Burke, zoned A-1 Agriculture District (Dane County Zoning).

Adopted Land Use Plans: The [Comprehensive Plan \(2006\)](#) and [Nelson Neighborhood Development Plan \(1992\)](#) both recommend Medium-Density Residential development for the subject property.

Zoning Summary: The property is zoned Planned Development (PD).

Requirements	Required	Proposed
Lot Area (sq. ft.)	As per approved plan.	As per submitted plan.
Lot Width	As per approved plan.	As per submitted plan.
Front Yard Setback	As per approved plan.	As per submitted plan.
Side Yard Setback	As per approved plan.	As per submitted plan.
Rear Yard Setback	As per approved plan.	As per submitted plan.
Usable Open Space	As per approved plan.	As per submitted plan.
Maximum Lot Coverage	As per approved plan.	As per submitted plan.
Floor Area Ratio	As per approved plan.	As per submitted plan.
Building Height	As per approved plan.	As per submitted plan.

Site Design	Required	Proposed
Number Parking Stalls	As per approved plan.	8 detached garage stalls 30 underground 17 surface 213 existing covered 81 existing surface
Accessible Stalls	Yes	Yes
Loading	As per approved plan.	None
Number Bike Parking Stalls	Multi-family dwelling: 1 per unit up to 2-bedrooms, ½ space per add'l bedroom (36) 1 guest space per 10 units (4) (40 total)	33 underground 7 surface (40 total) <i>(See Comment #36)</i>
Landscaping and Screening	Yes	Yes <i>(See Comment #37)</i>
Lighting	Yes	No <i>(See Comment #40)</i>

Other Critical Zoning Items	Urban Design (Planned Development (PD)); Utility Easements; Barrier Free (ILHR 69)
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Tables Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

Environmental Corridor Status: The property is not located within a mapped environmental corridor.

Public Utilities and Services: This property is served by a full range of urban services. Regarding Metro Transit service, the nearest stop is located roughly 0.3-miles to the north at the intersection of High Crossing Boulevard and Cross Hill Drive with service every thirty minutes from roughly 7:00 am through 10:00 pm.

Previous Approvals

At its May 6, 1997 meeting, the City Council conditionally approved a request for rezoning for property located at 3402 Cross Hill Drive from PUD (GDP) to Amended PUD (GDP) and conditionally approved the amended preliminary plat of "High Crossing Fourth Addition." The proposed development consisted of: (a) multi-family, condominiums, townhomes, duplexes, and/or clustered-housing with a maximum of sixteen (16) units in any single building and a target density of eight units per acre on the land to the east of Congress Avenue; and multi-family housing with a maximum of thirty-two (32) units in any single building (unless otherwise approved) and a target density of 13 units per acre on the land to the west of Congress Avenue.

At its August 7, 2001 meeting, the Common Council conditionally approved a request to rezone property located at 3402-3452 and 3401 Congress Avenue (i.e. Lots 47, 49, and 50 of the High Crossing Fourth Addition Plat) from PUD(GDP) and PUD(SIP) to Amended PUD(GDP-SIP) in order to construct four 8-unit buildings, one 16-unit building, nine 24-unit buildings, and a Community Center.

At its May 20, 2003 meeting, the Common Council approved a Certified Survey Map (CSM) which first combined the 17.35-acre Lot 47 and 2.01-acre Lot 48 of the High Crossing Fourth Addition Plat into one and then divided the combined parcel into two – a 10.08-acre parcel to the northeast and a 9.26-acre parcel to the southwest (the dividing line roughly aligns with Promontory Place).

At its May 20, 2003 meeting, the Common Council also conditionally approved a request to rezone property located at 5401 and 5402-5472 Congress Avenue from PUD-SIP to Amended PUD(GDP-SIP). Note: as a result of the CSM mentioned above, this request also divided the previously-approved Specific Implementation Plan (SIP) into two, with the northern 10.08 acres of SIP land north of the proposed new lot line (created by the aforementioned CSM) and the 4.14-acre lot located to the east of Congress Avenue (i.e. Lot 50 of the High Crossing Fourth Addition Plat), referred to as The Madison I and would be governed by the SIP approved at this 2003 Common Council meeting. The 9.26 acres of the old SIP land to the south of the proposed new lot line was referred to as The Madison II and governed by a separate SIP. The Madison I SIP development, which this 2003 rezoning request applied to, consisted of three 2-story, 24-unit apartment buildings with underground parking; one 2-story, 16-unit apartment building with underground parking; and four 2-story, 8-unit apartment buildings with attached garages.

Project Description

The applicant is requesting a number of Planned Development zoning map amendments. This request has three components:

1. Re-approval of the expired Planned Development's underlying General Development Plan (PD-GDP);
2. Revisions to the Planned Development's underlying General Development Plan (PD-GDP) to:
 - a) Increase the maximum number of units allowed in a single building from 24 units to 36 units;
 - b) Increase the maximum height restriction on buildings or structures from 3 stories or 50 feet to 3 stories or 60 feet;
 - c) Decrease the minimum number of parking spaces allowed per unit from 2.00 to 1.98 parking spaces per unit; and
 - d) Add a dog park to the list of permitted accessory uses.
3. Approving an Amended Planned Development – Specific Implementation Plan (PD-SIP) to allow for the construction of:
 - a) A 3-story, 36-unit multi-family apartment building with 30 under-building automobile parking stalls at 5402 Congress Avenue; and
 - b) An 8-car garage/service building at 3325 Ambassador Drive.

In regards to the proposed multi-family building, it includes a rectilinear footprint and long, shallow, central gable roof with smaller cross gables on the front and rear – coupled with exterior materials and color palette which were intentionally selected to complement the other two-story, 24-unit apartment buildings nearby. Like these existing 24-unit buildings, the proposed structure has 12 units per floor, though on a slightly smaller footprint

(roughly 14,660 square feet compared to the 24-unit building's 14,980-square-foot footprint). The breakdown of rooms in the proposed building is: twenty-three 1-bedroom units, four 1-bedroom units with a den, and nine 2-bedroom units. Please see Table 1 (below) for a breakdown of the room type by floor.

Table 1: Unit Breakdown of the Proposed Building

Floor	1-Bedroom	1-Bedroom w/ Den	2-Bedroom	Totals
1st	8	1	3	12
2nd	8	1	3	12
3rd	7	2	3	12
	23	4	9	36

The building is situated on an undeveloped area located at the western corner of the parcel, adjacent to the Promontory Place cul-de-sac. It has a southwest-northeast orientation in order to align with both the other buildings and the drive aisle which will provide the building access from Congress Avenue. Guests will park in the existing surface parking lot located to the southeast of the proposed building location and will access the building via the primary entrance located at the center of the southeast façade. While this portion of the parking lot currently consists of five perpendicular stalls (including one accessible stall), the applicant is proposing to increase this number to 17 (this number would include two accessible stalls). While all of the building's residents will be able to use the aforementioned surface lot, 30 tenants will also be able to lease, on a first-come-first-served basis, one of the building's 30 under-building automobile parking stalls. Unlike the surface stalls, the under-building parking deck is only accessible via a drive aisle located off of the Promontory Place cul-de-sac which itself is located to the northwest of the building. Regarding bicycle parking, seven bicycle stalls are located near the primary entrance for short-term or visitor use, while 34 long-term stalls – 28 in the form of ground-mounted stalls and eight as vertical, wall-mounted stalls – are located underneath the building for resident use. From the basement, the ground floor is accessed either via the staircase located near the southern corner or via the elevator, located near the center of the northern bay of stalls.

While no specific amount of usable open space is required per dwelling unit by either the GDP or SIP, it is provided as part of the proposed apartment building in the form of the roughly 50-square-foot private balcony included with each unit as well as the roughly 300-square-foot (20 feet by 15 feet) grilling area located adjacent the building's eastern corner.

Building materials consist of brick for the majority of the base (i.e. ground floor and exposed basement on the building's northeastern side) with horizontal cement board siding, colored a yellowish-beige, used on the upper stories. The trim is a white cement board or a PVC material and the roof a sienna red-colored, asphalt shingle. The material and color selection are intended specifically to closely resemble in appearance those of the neighboring buildings.

Regarding the landscape plan, Hackberry trees with Creeping Juniper will be added in the parking lot islands. Foundation plantings such as Hydrangea, Honeysuckle, Dogwood, and Creeping Juniper shrubs will be added around the building with Crab Apple and Hornbeam trees added around the building's periphery for more depth and variation. Three Swamp White Oaks will be added in the rear (northwestern) yard, between the building and the drive aisle, while Norway Spruce, White Pine, and Tamarack trees will be planted along the northwestern property line (i.e. at the bottom of the hill) to provide screening. Additionally, while the majority of the rear yard will be seeded with a prairie seed mix, the two bio-retention basins also located along the northwestern property line and together, total roughly 3,300 square feet in size, will be planted with Milkweed, Sedge, Wild Rye, Switch Grass, to name a few. The much smaller, roughly 300-square-foot bio-retention basin located near the building's southern corner will also be planted with a similar mix.

The other proposed building is an 8-car garage/service building proposed to be constructed on an undeveloped area located on the northern side of Ambassador Drive. The simple structure with a gable roof measures roughly 88 feet by 36 feet and is oriented roughly east-west on the site; parallel to Ambassador Drive. The building is set back 15 feet from the existing Ambassador Drive right-of-way. In order to provide access to the eight, roughly 210-square-foot, 1-car garage stalls that are proposed along the building's southern side, a 15-foot asphalt apron is proposed along the entire front of the garage. This will also allow cars to pull into/out of the garage without immediately blocking traffic along Ambassador Drive. Seven 70-square-foot, eight 50-square-foot, and three 27-square-foot storage units are located along the building's northern and eastern elevations. A five-foot-wide sidewalk has been added along the northeastern and southeastern sides of the garage in order to provide access to these storage units from Ambassador Drive. The materials for the one-story structure consist of brick for the base with a yellowish-beige cement board lap siding above, a shake siding on the gable ends of the roof, either a white cement board or a PVC material for the trim, and a sienna red-colored, asphalt shingle for the roof. Like the apartment building, the material and color section are intended specifically to closely resemble in appearance those of the neighboring buildings.

A private dog park, for use only by the Madison I Apartment tenants, is also proposed in the area immediately adjacent to the garage's north, where the site's community garden currently sits (the garden will be shifted roughly 90 feet to the southeast, to the area behind the garage). The dog park is roughly 8,000 square feet in size (i.e. roughly 87 by 92 feet), enclosed by a chain-link fence, and has access only via a gate located along the southwestern boundary line. A roughly 15-foot-long section of concrete sidewalk, 5 feet wide, has been added to connect this gate to the existing sidewalk which runs parallel to the proposed southwestern edge of the dog park. For landscaping, two Red Oaks will be planted in the park area and a small bed of foundation plantings – consisting of Honeysuckle and Lilacs – will be planted along the garage's northwestern wall, also within the enclosed park area.

Lastly, an alteration of the parking in an around the garage is also included as part of this proposal. The applicant first proposes to add a single accessible stall to the northern end of the string of eight stalls that are located along the western side of Ambassador Drive, and between Madison I SIP Buildings #12 & #13. Next, in order to construct the proposed garage (which will contain eight parking stalls), the five parking stalls which currently exist in that location will be removed. These changes will result in a net increase of four stalls.

Analysis and Conclusion

This request is subject to the Zoning Map Amendment [Section 28.182(6)] and Planned Development standards [Section 28.098(2)] of the Zoning Code. The analysis below begins with a summary of the adopted plan recommendations as the specific approval standards reference these documents.

Conformance with Adopted Plans

The Planning Division believes the request is consistent with adopted plan recommendations. At a density of approximately 10.82 dwelling units per acre (for the SIP) and 11.31 (for the GDP), Staff also believe the proposal is consistent with the [Comprehensive Plan \(2006\)](#) and [Nelson Neighborhood Development Plan \(1992\)](#) which both recommend Medium-Density Residential development for the subject property. The [Comprehensive Plan](#) describes Medium Density Residential districts as locations recommended primarily for relatively dense multi-family housing types, such as larger apartment buildings and apartment complexes. Regarding density, the Plan describes an average of 16 to 40 dwelling units per net acre for the Medium Density Residential area as a whole (although some small areas of higher density development may be included).

The Nelson Neighborhood Development Plan recommends the parcel be developed at an average low-medium density of 8 to 15 dwelling units per net acre (for the development as a whole). However, similar to the Comprehensive Plan, the Nelson Plan also states that it is expected that housing with a variety of densities will be developed within the neighborhood and that densities greater than 15 units per acres (or less than 8 units per acre) would be appropriate at particular locations. Furthermore, it states that the topography is more generally suited to multi-family, cluster, or townhouse development than to the creation of relatively large lots for detached single-family homes, although the Plan states that some of the latter may be included.

Zoning Map Amendment Standards

Staff believes that the Zoning Map Amendment standards can be met. These standards state that such amendments are legislative decisions of the Common Council that shall be based on public health, safety and welfare, shall be consistent with the Comprehensive Plan, and shall comply with Wisconsin and federal law. Chapter 66.1001(3) of Wisconsin Statutes requires that zoning ordinances (of which the zoning map is part) enacted or amended after January 1, 2010 be consistent with the City's Comprehensive Plan. 2010 Wisconsin Act 372 clarified "consistent with" as "furthers or does not contradict the objectives, goals and policies contained in the comprehensive plan." Staff believes that the project is generally consistent with the Comprehensive Plan as noted above.

Planned Development Standards

Planned Developments are intended to facilitate the development of land in an integrated and innovative fashion, to allow for flexibility in site design, and to encourage development that is sensitive to environmental, cultural and economic considerations. Specific design objectives include promoting green building technologies, integrated land uses, preservation and enhancement of environmental features, preservation of historic buildings, enhanced open space, and the facilitation of high-quality development consistent with adopted plans. See Zoning Code Section 28.098(1) for further information.

The specific approval standards for Planned Developments are provided in Section 28.098(2) of the Zoning Code. In summary, staff believes the standards of 28.098(2) are met and provides additional discussion on the following standards.

Standard (a) states, in part, that, the applicant shall demonstrate that *"No other base zoning district can be used to achieve a substantially similar pattern of development. Planned developments shall not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved unless the development also meets one or more of the PD objectives"* of Section 28.098(1). As this request is already part of a larger multi-property PD-GDP, the Planning Division believes it is appropriate to maintain PD zoning.

Standard (b) states that the *"Planned Development district plan shall facilitate the development or redevelopment goals of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans."* As discussed above, the Planning Division believes the project to be consistent with adopted plan recommendations.

Standard (d) states, in part, that *"The PD District plan shall not create traffic or parking demands disproportionate to the facilities and improvements designed to meet those demands."* Staff believes that the existing development will not be substantively affected by the proposal as the automobile parking supply per unit (i.e. the parking ratio) will be largely unaffected. This impact to parking is largely mitigated by the fact that while the applicant is proposing to add 36 residential units, they are also proposing a net 46-parking-stall increase on site (i.e. 30 stalls being added underneath the apartment building, a net 12-stall increase to the adjacent surface parking lot, and a

net three-stall increase with the proposed garage, with an additional stall being added nearby). The result will be just a 10-percent drop in the parking ratio across the SIP site as well as entire GDP. Staff believe this to be largely inconsequential due to the fact that the existing parking ratio of the Madison I SIP and overall GDP are both over 2.2 stalls per unit, even with this 10-percent drop, the GDP's parking ratio will still be above 2.1 and the Madison I SIP's parking ratio will be just beneath the minimum ratio as previously required in the existing SIP zoning text.

Standard (e) states that the *"Planned Development district plan shall coordinate architectural styles and building forms to achieve greater compatibility with surrounding land uses and create an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose of the PD District."* As discussed above, the applicant has specifically chosen the buildings' architectural style, and material and color palettes with the expressed intent of closely resembling those of the other nearby buildings. Considering the initial approval (with conditions) from the UDC (see below), and the fact that the project will need to receive final approval from the UDC before final sign off, the Planning Division believes the Plan Commission may find this standard met.

The Urban Design Commission (UDC) reviewed this request on an informational basis at their February 8, 2017 meeting. At their December 20, 2017 meeting, they gave the project initial approval and asked the applicant to consider several changes before returning for final approval. These suggested changes included:

- Develop the landscape design at back (northwest of the building), looking at how the landscape can soften the extra height of the building;
- Provide canopy trees at the entry to the under-building drive (from Promontory Place);
- Adjust the brick masonry locations on the garage, making the end caps solid brick and filling in the center areas with siding; and
- Provide rendered views of the retaining walls.

Standard (f) states that *"the PD District plan shall include open space suitable to the type and character of development proposed, including for projects with residential components, a mix of structured and natural spaces for use by residents and visitors. Areas for stormwater management, parking, or in the public right of way shall not be used to satisfy this requirement."* It should first be noted that neither of the Planned Development zoning texts for the Madison I SIP or the High Crossing Fourth Addition GDP explicitly establish a minimum amount of required usable open space per unit that must be provided. That said, the proposed development is providing usable open space via the roughly 300-square-foot (20 feet by 15 feet) grilling area located adjacent the proposed apartment building's eastern corner, as well as the roughly 50-square-foot private balconies provided as part of each unit (in all, these balconies will provide roughly 1,800 square feet of open space). Despite the large portion of the existing site being currently undeveloped and proposed to stay that way, even with all the regrading proposed for the area to the northwest of the proposed building, almost all of this land will still have a slope at least twice the maximum required by the Zoning Code (M.G.O. §28.140(1)(a)) and will therefore not be able to be considered as usable open space.

As a result, while the proposed multi-family development will provide less than 60 square feet of usable open space per unit in site, which is very low, there is a significant amount of existing open space located within 400 feet, including a community center and pool, located just to the northeast of the proposed apartment building; a large green space with a community garden and shelter, located a little further to the northeast; the re-envisioned community garden and new dog park, proposed to be added, just across Congress Avenue; and finally, the 5.2-acre City of Madison Patriot Park located just south of the 3325 Ambassador Drive parcel. That said, despite the low amount of usable open space, given nearby usable open space located less than a tenth of a mile away and existing approval that already had a low requirement, the Planning Division believes the provision of usable open space could be found to meet this standard.

M.G.O. Sec. 28.098(5)(c)7 states that, “...any phases [of a Planned Development] not constructed within ten (10) years of the Common Council approval of the General Development Plan, shall require approval of a new General Development Plan by the Common Council following a recommendation by the Plan Commission. In considering extensions of approved General Development Plans for unconstructed components/phases, the Plan Commission shall consider changes in the surrounding area or neighborhood since approval of the General Development Plan that would render the project incompatible with current conditions.” Since the underlying PD-GDP was approved by the Common Council in 1998, its approval has expired and therefore requires re-approval. Planning staff have no concerns related to the appropriateness of the project given sufficient space on either site as well as the changes in the surrounding area since the last approval of the GDP.

Finally, the entire High Crossing Fourth Addition development was approved as a Planned Unit Development in 1997, and all properties were subsequently rezoned to the Planned Development (PD) District as part of the 2013 Zoning Code Rewrite. This request is considered a major amendment to both the underlying General Development Plan (GDP) and Specific Implementation Plan (SIP). As such, the Planned Development standards must be applied to this zoning map amendment request. Furthermore, as stated in MGO Sec. 28.098(5)(c)7, “In considering extensions of approved General Development Plans for unconstructed components/ phases, the Plan Commission shall consider changes in the surrounding area or neighborhood since approval of the General Development Plan that would render the project incompatible with current conditions.”

Staff does not have concerns related to the appropriateness of the proposed developments in their current contexts. While the proposed addition of 36 units will raise the density for The Madison I SIP from 8.32 to 10.82 dwelling units per acre (i.e. an increase of 23 percent), it is still well under the 15 unit-per-acre density cap stated in the SIP’s zoning text. When examined at the level of the overall GDP, which includes the 208 existing units of the Madison II and Patriot Hill SIPs, the 36 proposed units will raise the overall density from 10.19 to 11.31 dwelling units per acre; a 10-percent increase.

Regarding the request to increase the number of units as well as the building height, Staff believe both to be reasonable and in line with the existing development given the significant grade change being dealt with across the building and it almost already conforms to what is allowed by the development’s GDP and SIP zoning texts. The increase in units for the proposed apartment building being requested as part of the SIP amendment is due to the fact that an additional story is being proposed, in effect, atop the similarly-proportioned, 2-story, 24-unit building ‘block’ which exists three other times within the development. However, unlike the existing 24-unit buildings which were either constructed on naturally flat ground, or on a piece of land that was regraded in such a manner as to create an area of flat land large enough for the building, for the subject site, there is currently a 25-foot difference in grade from the high point at the eastern corner of the proposed building to the low point at the western corner. To address this, the applicant is proposing to add three sizable retaining walls and undertake a significant amount of regrading of the site in the area to the west and northwest of the building. The result will be a building with only a 10-foot difference in grade from its eastern corner down to the level of the base of the rear (northwestern) elevation. In terms of building height, the various elevations will range from 60 feet for the northwesterly elevation to 49.5 feet for the southeasterly elevation, with an overall average of 53.3 feet. While this is slightly above the maximum building height outlined in both the Madison I SIP and GDP texts, and the applicant will therefore need to amend both the GDP and SIP texts raising it from 50 feet to 60 feet, the proposed building, even with the fourth story partially exposed on two of its sides and a fourth fully exposed on a third, is considered a three-story building based on the Zoning Code. This means, in the end, the applicant is requesting to be allowed to construct a building just 3.3 feet above what is currently allowed in the development’s GDP and SIP zoning texts.

The last proposed amendment to the GDP & SIP zoning texts is the addition of *dog parks* to the list of permitted accessory uses. While the SIP's zoning text's list includes 'off-street parking for residents, visitors and project management'; and 'structures used exclusively for the storage of maintenance equipment and supplies', dog parks were not listed. This will allow the outdoor dog play area to be added adjacent to the proposed garage/storage structure on the 3325 Ambassador Drive parcel.

Public Input

At the time of report writing, staff has not received any comments on the proposed request.

Conclusion

The applicant is requesting a number of Planned Development zoning map amendments. This request has three components: 1) Re-approval of the expired Planned Development's underlying General Development Plan (PD-GDP); 2) four revisions to the Planned Development's underlying General Development Plan (PD-GDP) – to increase the maximum number of units allowed in a single building from 24 units to 36 units; decrease the minimum number of parking spaces allowed per unit from 2.00 to 1.98 parking spaces per unit; increase the maximum height restriction on buildings or structures from 3 stories or 50 feet to 3 stories or 60 feet; and add a dog park to the list of permitted accessory uses – and 4) Re-amending the Amended Planned Development – Specific Implementation Plan (PD-SIP) to allow for a 3-story, 36-unit multi-family apartment building at 5402 Congress Avenue and an 8-car garage/service building at 3325 Ambassador Drive.

The Planning Division believes that the standards for Zoning Map Amendments and Planned Developments can be met with this proposal. At a density of approximately 10.82 dwelling units per acre (for the SIP) and 11.31 (for the GDP), Staff also believe the proposal is generally consistent with the [Comprehensive Plan \(2006\)](#) and [Nelson Neighborhood Development Plan's](#) recommendations of Medium-Density Residential development for the subject property. This resulting density (with the 36-unit apartment building being added) is also within the range established by the site's original GDP as well as subsequent SIP (i.e. less than 15 units per acre). The Planning Division further believes the requested height allowance of 3.3 feet (or 6.6 percent) to be largely negligible given the fact that despite the significant grade change across the building, it is still considered by the Zoning Code to be a three-story building. Staff also believe the proposed site design is consistent with the surrounding development pattern, given the use of an architectural style and material palette that closely resemble the site's existing 16- and 24-unit buildings coupled with the fact that the building's placement on site conforms with the established roughly 150-foot setback of buildings along the northwestern property line of both the Madison I & II SIP sites. The applicant has also made several improvements since their initial submittal and the Urban Design Commission granted the proposal initial approval at its meeting on December 20, 2017, subject to additional modifications. Once these remaining design-related issues are resolved – which Staff are certain will occur since UDC final approval is required before the GDP and SIP can be recorded and the Building Permits can be issued – Staff believe the Plan Commission may find PD approval standard (e) met.

Recommendation

Planning Division Recommendation (Contact Chris Wells, (608) 261-9135))

The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022 - 00311 approving the amendment of a Planned Development - General Development Plan, and forward Zoning Map Amendment ID Section 28.022 - 00312 approving an Amended Planned Development District to re-amend a

Planned Development - Specific Implementation Plan for 5402 Congress Avenue & 3325 Ambassador Drive to the Common Council with a recommendation of **approval**. This recommendation is subject to input at the public hearing and conditions recommended by reviewing agencies.

Major/Non-Standard Conditions are Shaded

Planning Division (Contact Chris Wells, (608) 261-9135))

1. That the revised General Development Plan (GDP) and Specific Implementation Plan (SIP) shall not be recorded and building permits shall not be issued until the Urban Design Commission determines that the design objectives listed in Subsections 28.098(1) and (2) and other requirements of the Subchapter 28.098 have been met and provides final approval of the GDP and SIP. The applicant may appeal the Urban Design Commission's decision to the Plan Commission, which may affirm, reverse, or modify the Urban Design Commission's decision.

Engineering Division (Main Office) (Contact Brenda Stanley, (608) 261-9127)

2. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing sanitary sewer lateral that serves a building which is proposed for demolition. For each lateral to be plugged the owner shall complete a sewer lateral plugging application and pay the applicable permit fees. The permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
3. All outstanding Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) 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))
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. (POLICY)
5. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE. The project will be expected to meet a higher standard of erosion control than the minimum standards set by the WDNR in order to comply with TMDL limits.
6. The Applicant shall submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division with any private storm and sanitary sewer utilities. The digital CAD file shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the only the following data, each on a separate layer name/level number:
 - a) Building Footprints
 - b) Internal Walkway Areas
 - c) Internal Site Parking Areas
 - d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
 - e) Right-of-Way lines (public and private)
 - f) Lot lines or parcel lines if unplatted

- g) Lot numbers or the words unplatted
- h) Lot/Plat dimensions
- i) Street names
- j) Private on-site sanitary sewer utilities (including all connections to public sanitary)
- k) Private on-site storm sewer utilities (including all connections to public storm)

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

NOTE: Email CAD file transmissions are preferred to: bstanley@cityofmadison.com (East) or troester@cityofmadison.com (West). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement, private on-site sanitary sewer utilities, or private on-site storm sewer utilities during construction will require a new CAD file.

7. The applicant shall submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or troester@cityofmadison.com (West). 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) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
 - e) Right-of-Way lines (public and private)
 - f) Lot lines or parcel lines if unplatted
 - g) Lot numbers or the words unplatted
 - h) Lot/Plat dimensions
 - i) Street names
 - j) Stormwater Management Facilities
 - k) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
8. 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))
9. This project appears to require construction dewatering. A dewatering plan shall be submitted to City Engineering as part of the Erosion Control Permit application and plan. If contaminated soil or groundwater conditions exist on or adjacent to this project additional WDNR, Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit.
10. 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 5.0 tons per acre per year.

11. This site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR216 and NR-151 however a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. Information on this permit application is available on line <http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm> (NOTIFICATION)
12. This project will require a concrete management plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. (POLICY)
13. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to provide infiltration in accordance with Chapter 37 of the Madison General Ordinances.
14. 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.
15. Provide additional detail how the enclosed depression(s) created by the parking entrance(s) to the below building parking area(s) is/are served for drainage purposes. The building must be protected from receiving runoff up through the 24-hr, 100-yr design storm. If the enclosed depression(s) is/are to be served by a gravity system provide calculations stamped by a Wisconsin P.E. that show inlet and pipe capacities meet this requirement. If the enclosed depression(s) is/are to be served by a pump system provide pump sizing calculations stamped by a Wisconsin P.E. or licensed Plumber that show this requirement has been met.
16. 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)
17. 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)
18. All damage to the pavement on Promontory Pl, adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link: <http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY)

Engineering Division (Mapping) (Contact Jeffrey Quamme, (608) 266-4097)

19. There are storm water and landscaping improvements proposed within the 15' wide Sanitary Sewer Easement along the northwesterly side of the 5422 Congress Ave site. Prior to this application City Engineering Sewer staff was in favor of releasing this easement. This easement shall be released by separate document prepared by City Office of Real Estate Services. Applicant must prepare metes and bounds legal descriptions and scale map exhibits for the portions to be released and provide to Engineering Land Records Coordinator Jeff Quamme for review (608-266-4097) (jquamme@cityofmadison.com). Upon approval of the exhibits and payment of the required \$500 administration fee (check payable to City of Madison Treasurer) to cover staff time and recording costs, Engineering will create the necessary Office of Real Estate Services (ORES) Project. ORES staff will then administer the release document(s) and record with the Dane County Register of Deeds

20. The 20' Public Water Main Easement shown on the 3325 Ambassador Dr. site is per a zoning plan approval document for Patriot Hill Condominiums. This document cannot and does not convey any easement rights. The granting of a 10' Wide Pubiic Water Main Easement over the Northeasterly side of this site is required. Applicant must prepare metes and bounds legal descriptions and scale map exhibits for the watermain easement and provide to Engineering Land Records Coordinator Jeff Quamme for review (608-266-4097) (jrquamme@cityofmadison.com). Upon approval of the exhibits and payment of the required \$500 administration fee (check payable to City of Madison Treasurer) to cover staff time and recording costs, Engineering will create the necessary Office of Real Estate Services (ORES) Project. ORES staff will then administer the release document(s) and record with the Dane County Register of Deeds.

21. The apartment numbers shown are not approved and are not valid. Submit a PDF of all floor plans to lzenchenko@cityofmadison.com so that an interior addressing plan can be developed and approved prior to plans being submitted for permit review. 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.

22. The letter of intent included the correct site addresses. The plan set sheets show incorrect site addresses. The proposed apartment building is located on the site address of 5402 Congress Drive. 5422 Congress is not the official site address of this parcel. The proposed garage is located on the site address of 3346 Ambassador Dr. 3325 Ambassador Dr. is not the official site address of this parcel. The address of the proposed apartment on parcel 0810-233-0106-3 is 5380 Congress Ave. The address of the proposed garage on parcel 0810-233-0303-5 is 3324 Ambassador Dr. 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.

Traffic Engineering (Contact Sean Malloy, (608) 266-5987)

23. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.

24. The Developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.

25. The City Traffic Engineer may require public signing and marking related to the development; the Developer shall be financially responsible for such signing and marking.

26. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

27. All bicycle parking adjacent pedestrian walkways shall have a 2-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
28. All pedestrian walkways adjacent parking stalls shall be 7 feet wide to accommodate vehicle overhang, signage and impediments to walkway movements. Any request for variance shall be submitted to and reviewed by City Traffic Engineering.
29. Per Section MGO 12.138 (14), this project is not eligible for residential parking permits. It is recommended that this prohibition be noted in the leases for the residential units.
30. All parking ramps as the approach the public Right-of-Way shall not have a slope to exceed 5% for 20 feet; this is to ensure drivers have adequate vision of the Right-of-Way. If applicant believes public safety can be maintained they shall apply for a waiver, approval or denial of the waiver shall be the determination of the City Traffic Engineer.
31. City of Madison radio systems are microwave directional line of sight to remote towers citywide. The building elevation will need to be reviewed by Traffic Engineering to accommodate the microwave sight and building. The applicant shall submit grade and elevations plans if the building exceeds four stories prior to sign-off to be reviewed and approved by Austin Scheib, (266-4766) Traffic Engineering Shop, 1120 Sayle Street. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign off.
32. "Stop" signs shall be installed at a height of seven (7) feet at all class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
33. The applicant shall work with TE to provide an acceptable driveway grade at the Right of Way
34. The applicant shall work with TE to provide pedestrian access to Promontory Place from the western edge of the building

Zoning Administrator (Contact Jenny Kirchgatter, (608) 266-4429)

35. Work with Planning and Zoning staff to finalize the Zoning text.
36. Bicycle parking shall comply with City of Madison General Ordinances Sections 28.141(4)(g) Table 28I-3 and 28.141(11). A minimum of 36 resident bicycle stalls are required plus a minimum of four (4) short-term guest stalls. Up to twenty-five percent (25%) of bicycle parking may be structured parking, vertical parking or wall mount parking, provided there is a five (5) foot access aisle for wall mount parking. Show the dimensions of the bicycle stalls and the access aisles on the final plans. Note: A bicycle stall is a minimum two (2) feet by six (6) feet with a five (5) foot wide access area. The access aisle must not be obstructed by parking stalls, columns or other structures. Provide a detail of the proposed bike rack including any structured or wall mount bike racks.
37. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.

38. Submit the floor plan and elevations for the proposed detached garage building. Identify the building materials and colors on the elevations.
39. Submit a dwelling unit summary for the proposed 36-unit apartment building with the numbers and types of units per floor.
40. Exterior lighting provided shall be in accordance with City of Madison General Ordinances Section 10.085. Provide an exterior lighting plan and fixture cut sheets with the final plan submittal.
41. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.

Fire Department (Contact Bill Sullivan, (608) 261-9658)

The agency reviewed this request and has recommended no conditions or approval.

Parks/Forestry Review (Contact Janet Schmidt, (608) 261-9688)

42. NOTE: park impact fees for this development have been paid at the time of platting of High Crossing Fourth Addition. No additional park fees will be due with the proposed 36-unit multifamily building.

43. Additional street trees are needed for this project. All street tree planting locations and trees species within the right of way shall be determined by City Forestry. Please submit a site plan (in PDF format) to Brad Hofmann – bhofmann@cityofmadison.com or 266-4816. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction - City street trees will need to be installed on Promontory Place.

Water Utility (Contact Adam Wiederhoeft, (608) 266-9121)

44. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumberscontractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Ave. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. A Water Meter Application Form will subsequently be required to size & obtain a water meter establish a Water Utility customer account and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

Metro Transit (Contact Timothy Sobota, (608) 261-4289)

The agency reviewed this request and has recommended no conditions or approval.