



**Project Address:** 3802 Packers Avenue (Submitted as 1902 Tennyson Lane)  
**Application Type:** Zoning Map Amendment for Planned Development and Neighborhood Plan Amendment  
**Legistar File ID #** [31734](#), [31335](#), and [31862](#)  
**Prepared By:** Kevin Firchow, AICP, Planning Division  
Michael Waidelich, Principal Planner, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Katherine Cornwell, Planning Division Director

## Summary

**Applicant:** Rita Giovannoni; Independent Living, Inc; 2970 Chapel Valley Road, Suite 203; Madison, WI 53711  
**Contact:** Gene A. Wells; Engberg Anderson, Inc; 1 North Pinckney Street; Madison, WI 53703  
**Property Owner:** Thomas Keller; 448 West Washington Avenue, Madison, WI 53703

**Requested Actions:** The applicant requests approval of a zoning map amendment from the SR-C1 (Suburban Residential-Consistent 1) District to the PD- (Planned Development) District. Only a General Development Plan (GDP) is under consideration at this time. In addition, an amendment to the Northport-Warner Park-Sherman Neighborhood Plan is proposed which would specify senior housing and assisted living as a recommended land use.

**Proposal Summary:** The applicant proposes to rezone the property to establish the basic right of use and bulk for a senior housing development that includes senior apartments, assisted living units, and shared common spaces. In total, 300 units are proposed. Up to 60% of the units will be the independent living apartments, with the remaining 40% as assisted living units. The senior apartments comprise the western, five-story portion of the building. There is underground parking proposed beneath that portion of the building. The eastern, two-story wings of the building are assisted-living units.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Zoning Map Amendments [M.G.O. Section 28.182(6)]; Planned Developments [Section 28.098(2)]; and Land Divisions [Section 16.23].

**Review Required By:** Urban Design Commission (UDC), Plan Commission (PC), and Common Council.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the standards for Zoning Map Amendments and Planned Developments are met and forward Zoning Map Amendment 00081, rezoning 3802 Packers Avenue from SR-C1 (Suburban Residential-Consistent 1) to the PD (Planned Development) District with a recommendation of **approval**. The approval allows for the approval of a General Development Plan for a 300-unit senior housing and assisted living facility. This recommendation is subject to input at the public hearing and the comments and conditions recommended by reviewing agencies.

## Background Information

**Parcel Location:** The subject site is an 8 acre lot located on the northern side of Tennyson Lane. It is currently part of a larger 19.46 site, referred to as the “Keller Property” in this report. A Certified Survey Map (CSM) creating the subject lot (Lot 2) was approved in April 2013, though at the time of report writing, the Certified Survey map had not yet been recorded. A copy of that map is attached.

**Existing Conditions and Land Use:** The western portion of the subject property is currently developed as part of a former agricultural/industrial complex. A demolition permit (with no future use) was approved by the Plan Commission in April 2013. The eastern portion of the property is primarily undeveloped, though a driveway runs across the property providing access to Packers Avenue.

### **Surrounding Land Use and Zoning:**

North: Undeveloped lands in the Town of Burke (Referred to in this report as the “Raemisch Property”);

South: Berkeley Oaks single-family subdivision, zoned SR-C1 (Suburban Residential Consistent -1); multi-family residential south of Tennyson Lane between Kipling Drive and Packers Avenue, zoned SR-V1 and SR-V2 (Suburban Residential Varied Districts);

East: Undeveloped portions of the “Keller Property” zoned SR-C1 with the Oak Park Terrace mobile home court, zoned PD-MHP-SIP (Planned Development, Mobile Home Park, Specific Implementation Plan; and

West: Undeveloped portions of the “Keller Property” with Lake View Elementary School beyond, zoned SR-C1.

**Adopted Land Use Plan:** The Comprehensive Plan recommends low density residential development for the subject site. The Northport-Warner Park-Sherman Neighborhood Plan does not include detailed development recommendations for that site, stating that future use of this site could focus on residential uses, with an opportunity for a limited neighborhood mixed-use node at the intersection of Packers Avenue and Tennyson Lane. Because of the lack of detail and the Comprehensive Plan recommendation for low density development, a short neighborhood plan amendment is also before the Plan Commission to acknowledge senior housing and assisted living as a recommended land use.

**Zoning Summary:** The subject site is zoned SR-C1 (Suburban Residential – Consistent 1). The proposed development would not conform to various standards within other districts, and as such, the applicant is proposing to rezone the property to the Planned Development District.

**Environmental Corridor Status:** The subject site is not located in a mapped environmental corridor.

**Public Utilities and Services:** This property is served by a full range of urban services.

## Previous Approvals

On May 5, 2008, the applicant received approval to demolish the aforementioned agricultural buildings to allow the construction of 59 commercial condominium buildings. At that time, the subject properties were zoned M1 – Limited Manufacturing District. That proposal never moved forward.

In January 2013, the City’s new Zoning Code and map took effect. Consistent with adopted plan recommendations, the subject property was rezoned from the Limited Manufacturing District to the SR-C1 (Suburban Residential-Consistent 1) District.

In April 2013, the Plan Commission approved a demolition permit and a four-lot Certified Survey Map (CSM) for the subject property. The CSM approval required the extension of Eliot Lane across the subject property, consistent with the adopted neighborhood plan. The approval also required that a note be placed on the CSM stating that “construction of additional public streets may be required at the time when lots are further divided or developments are proposed.” At the time of report writing, that CSM had not been recorded and is scheduled to expire on November 6, 2013.

## Project Description

The applicant requests approval to rezone the subject property from the SR-C1 (Suburban Residential-Consistent 1) District to the PD (Planned Development) District. Only a general development plan is proposed at this time.

The submitted general development plan would establish the basic right of use and bulk for the project. As proposed, the applicant seeks approval of up to 300 units on this eight acre parcel. Approximately 60% of the units (180) would be senior age-restricted apartments with the remaining 40% of the units (120) as assisted living units.

The proposed building includes three primary components. On the west side of the structure is the five-story senior apartment component. Underground parking would be provided beneath this portion of the building, though the exact number of stalls has not yet been determined. The second building component is the assisted living units, located on the east side of the building. This side of the building would be primarily two stories in height. These units are organized in a series of four wings. Both the senior apartment and assisted living building wings connect to the central “commons” component of the building. This one-story component includes the building’s main entrance. Specific façade drawings have not been created for the general development plan phase.

The conceptual site plan shows the building set back approximately 90 feet from Tennyson Lane. The applicant has intentionally sought a deep setback to help in the transition to the one-story single-family homes on the opposite side of Tennyson Lane. A landscaped courtyard including an “orchard” feature is provided between the building and the street. Two secured memory care gardens are shown to provide a secure outdoor area for memory care patients. A fire lane surrounds three sides of the building, and portions of the fire lane include a sidewalk to provide pedestrian access across the site. Staff note the entrance of the building is connected to the public sidewalk along Tennyson Lane through a private sidewalk connection.

The applicant’s materials state that development will be constructed in phases. The first phase of construction is anticipated to include up to 72 apartments and 50 units of assisted living. Specific phasing details have not been finalized.

## Analysis and Conclusion

The proposed project is subject to the Zoning Map Amendment [Madison General Ordinance Section 28.182(6)] and Planned Development standards [Section 29.098(2)] of the Zoning Code. In addition, the approved (and unrecorded) Certified Survey Map was to include a note stating that “construction of additional public streets may be required at the time when lots are further divided or developments are proposed.”

The analysis below begins with a summary of the adopted plan recommendations, as many of the specific approval standards reference these documents.

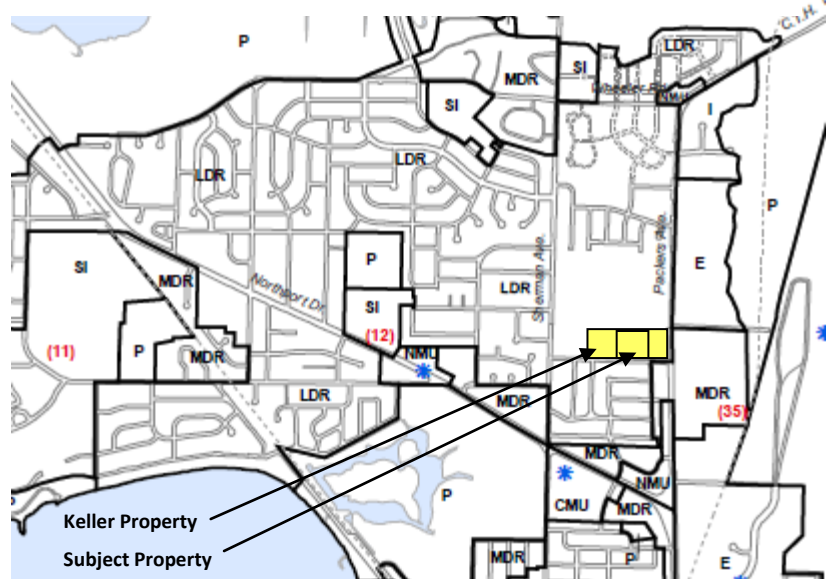
### Conformance with Adopted Plans

Recommendations applicable to the subject site are included in two adopted City plans, the Comprehensive Plan and the Northport-Warner Park-Sherman Neighborhood Plan.

#### City of Madison Comprehensive Plan

The Comprehensive Plan includes the Keller Property and the subject site within a much larger area recommended for Low Density Residential (LDR) development that encompasses most of the surrounding neighborhoods. This LDR area includes both developed and undeveloped properties---with the 19.1-acre Keller property and the 61.6-acre Raemis property adjacent to the north being by far the two largest undeveloped properties. The location of the subject site and the larger Keller property is depicted on the inset excerpt from the Generalized Future Land Use Plan Map in the Comprehensive Plan.

Figure 1: Recommended Land Use Map from the Comprehensive Plan



In the Comprehensive Plan, Low Density Residential areas have a recommended average density of up to 16 units per acre and may include a variety of housing types, including single-family, duplex, and three-flat dwellings, townhouses, and small 4-unit apartments. The Comprehensive Plan also provides that limited areas within an LDR district may be developed with other housing types at densities somewhat greater than 16 units per acre (such as “bungalow courts” or small-scale apartment complexes) at specific locations identified in an adopted neighborhood or special area plan. Certain non-residential support uses, such as schools, parks, day

care centers or small neighborhood-serving commercial uses, may also be found within designated LDR districts, and would not necessarily be identified at the scale of the Comprehensive Plan maps. The locations of these uses should, however, generally be recommended in a more-detailed neighborhood or special area plan.

In addition to mapped land use recommendations, the Comprehensive Plan also offers other policy guidance. One of the broad components of the Plan's growth strategy states: "Encourage a pattern of mixed land uses and development densities that will locate a variety of different life activities, such as employment, housing, shopping and recreation, in convenient proximity, and which will encourage and support multiple modes of transportation, including walking, bicycling, and transit in addition to motor vehicles both within and between neighborhoods and districts. Objective 29 for Future Neighborhoods states, "Provide a range of affordable, quality housing choices in all neighborhoods to meet the needs of households of different sizes, lifestyles, incomes and tastes."

The proposed Independent Living development will have a net density of 22.5 dwelling units per acre at the time of build out if the assisted living units are not counted, or about 37.5 units per acre if they are. (The Zoning Code does not count assisted living units as dwelling units in density calculations, although they clearly have some effect on the overall intensity of use.) But, while the density of the proposed project is outside the Low-Density Residential range of less than 16 units per net acre, staff believe the proposal can be found consistent with the broad land recommendations of the Comprehensive Plan because the proposed project site will be identified as appropriate for medium-density residential development in an amendment to the Northport-Warner Park-Sherman Neighborhood Plan that is being considered concurrently with this application. As discussed further below, the neighborhood plan currently provides a broad, if indirect, recommendation that the predominant land use on both the Keller and Raemisch properties is intended to be low-density residential development, but also suggests that higher-density or residential-commercial mixed-use development could also be appropriate at some locations. The neighborhood plan amendment, which was drafted specifically to support the Independent Living senior housing proposal, clarifies that Medium Density Residential (16 to 40 units per acre) is the recommended land use on the subject site.

The Comprehensive Plan specifically acknowledges that its land use recommendations are "relatively broad, and the exact shape of many of the land use districts is necessarily somewhat conceptual. In many instances, the recommended land use pattern will need to be refined and detailed in neighborhood or special area plans. Because neighborhood and special area plans are more detailed, smaller areas of land use may be mapped in these plans that are not identified individually in the Generalized Future Land Use Plan Maps." Further, it is noted that the Comprehensive Plan maps are not sufficiently detailed to address the many nuances and specialized planning objectives of specific locations, and for that reason, future changes in land use should be guided by the more-detailed recommendations of adopted neighborhood plans where they exist.

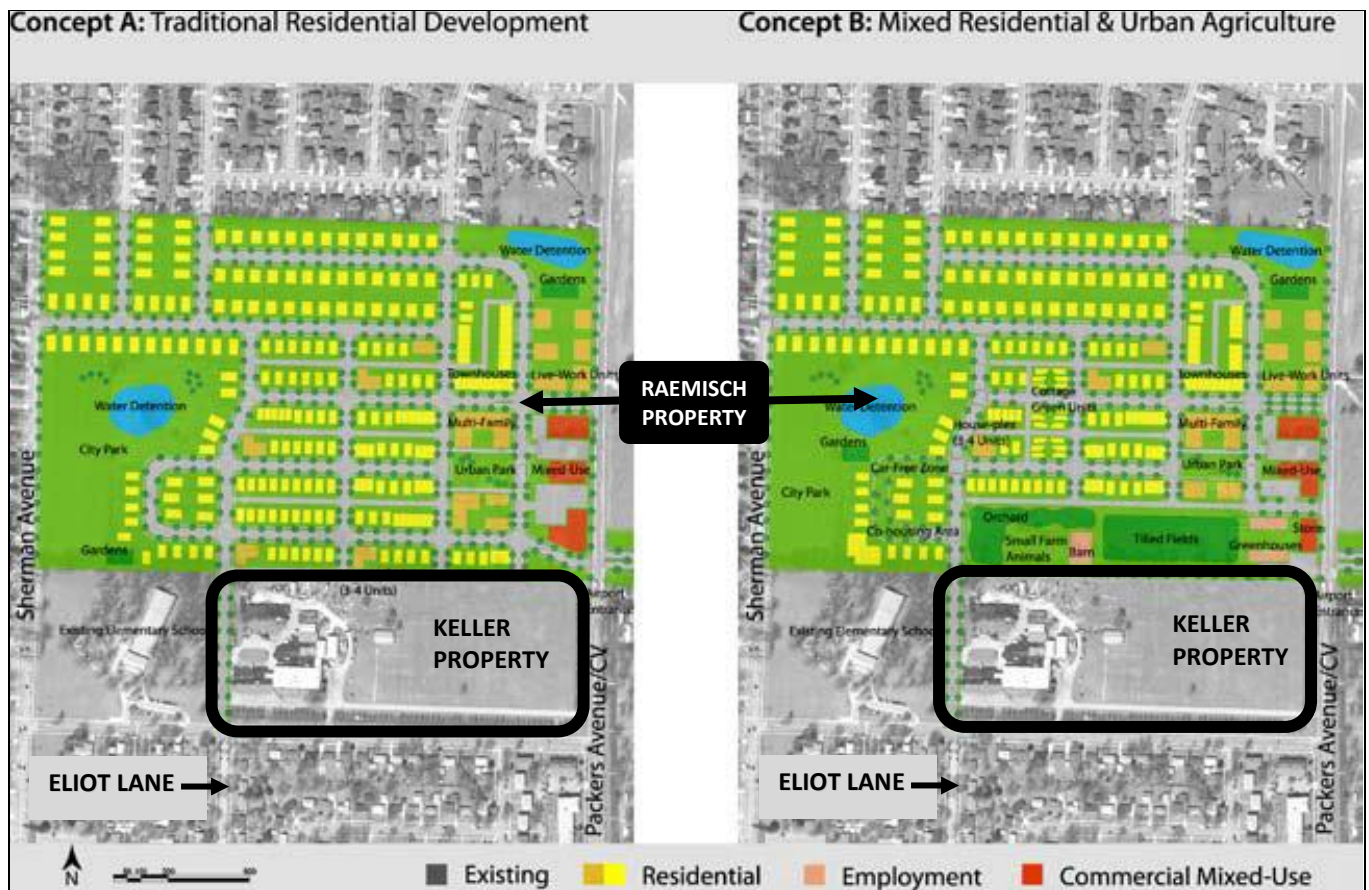
Senior-oriented residential facilities, particularly those that include assisted-care living, represent a specialized type of housing which is needed in the community, but difficult to locate in advance as a specific planned land use until there is an actual proposal to consider. This is particularly true within more-established neighborhoods where existing densities are relatively low and potential sites for relatively higher-density and larger-scale senior housing facilities may be limited. The proposed Independent Living senior housing development will significantly enhance the available housing opportunities in this neighborhood and support the Comprehensive Plan objective to encourage a wide variety of quality housing choices. If Northport-Warner Park-Sherman Neighborhood Plan is amended as proposed to recommend the subject site for this type of medium-density residential development, staff consider the location to also be consistent with the recommendations in the Comprehensive Plan. At a future time when more-refined land use recommendations are prepared for the balance of the large undeveloped Keller and Raemisch properties and incorporated into the neighborhood plan,

it may be appropriate to reflect some of those refinements in a future amendment to the Comprehensive Plan; but at this time, staff do not believe a Comprehensive Plan amendment is needed or necessary for the Independent Living development to be considered consistent.

*Northport-Warner Park-Sherman Neighborhood Plan*

The Northport-Warner Park-Sherman Neighborhood Plan does not currently include a recommended land use map covering the entire neighborhood, but concept illustrations and narrative recommendations are presented for selected neighborhood locations, including two concept illustrations for the large Raemisch property located immediately north of the Keller property. Both concepts illustrate a future residential neighborhood characterized by a grid street system and primarily consisting of houses on individual lots, with limited multi-family and commercial mixed-use developments indicated on the easternmost portion of the property adjacent to Packers Avenue. The two concepts differ in that one concept also illustrates an area for “urban agriculture” along the southern border of the property. No similar illustration is provided for the Keller property, but the narrative recommendation states that this property “could be integrated with and connected to uses on land lying to the north and south. Future use of this site could focus on residential uses with an opportunity for a limited neighborhood mixed-use node at the intersection of Packers Avenue and Tennyson Lane.” Given the existing or recommended low-density land uses both to the north and the south, this recommendation strongly suggests that single-family development was intended to be the predominant future land use on the Keller property, but that limited areas of higher-density development or non-residential mixed-use development might also be appropriate---particularly on the eastern portions of the site.

**Figure 2:** Raemisch Property Development Concepts- Northport-Warner Park-Sherman Neighborhood Plan



### *Neighborhood Plan Amendment*

In response to the Independent Living senior housing proposal, an amendment to the Northport-Warner Park-Sherman Neighborhood Plan has been prepared for consideration concurrently with the subject Planned Development rezoning application. This amendment will clarify that medium-density residential uses of the type currently proposed would be an acceptable land use for the central portion of the Keller property. The proposed Independent Living development was presented at two public meetings earlier this year and received general neighborhood support. At this writing, staff are not aware of any comments in opposition to either the proposed Independent Living development or the proposed amendment to the neighborhood plan. If the neighborhood plan amendment is adopted, staff believe the proposed development can be found consistent with the neighborhood plan. Staff also believe that a specific neighborhood plan recommendation for medium-density use on the subject site will also support a finding that the proposed project is consistent with the Comprehensive Plan, for the reasons discussed above.

### **Zoning Map Amendment Standards**

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 (including zoning map amendments) 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." As noted above, with the adoption of the proposed amendment to the Northport-Warner Park-Sherman Neighborhood Plan, staff believes a finding of plan consistency could be made, noting the relationship between the broad nature of the Comprehensive Plan's mapped land use recommendations, other Comprehensive Plan objectives, and the more specific recommendations for the subject site in the neighborhood plan.

### **Planned Development Standards**

The applicant has requested rezoning to the PD- Planned Development District. For such a district to be approved, the applicant must first demonstrate that no other base zoning district can be used to achieve a substantially similar pattern of development. While there are several districts that allow for multi-family and assisted living developments, none are an exact fit for the proposed plan. Districts such as the TR-V2, TR-U1, and TR-U2 (Traditional Residential-Varied 2 and Traditional Residential-Urban 1 and 2) districts have maximum front yard setbacks of 30 feet. To achieve their desired campus setting, the applicant desires to have a landscaped frontage with a deep building setback of approximately 90 feet from Tennyson Lane. The only other residential district that could accommodate this mix of uses is the SR-V2 (Suburban Residential-Varied 2). While this district does not have a maximum front yard setback, it has a maximum height of four stories. Additionally, the project would not conform to the rear yard or parking placement standards of that district. Further, the Zoning Administrator has recommended the Planned Development approach, noting that other combination assisted living and senior apartment developments have historically utilized such zoning.

The other Planned Development standards include the facilitation of adopted plans, economic health of the area, parking and traffic impacts, compatibility of architectural styles and building forms, and project implementation. Planned Development standards also require that the Urban Design Commission review and make a recommendation to the Plan Commission on such proposals based on the objectives in the statement of purpose and other standards in this section.

Staff's primary questions on the Planned Development standards relate to:

- Standard (b) regarding the facilitation of development or redevelopment goals of adopted plans
- Standard (d) regarding parking and traffic demands
- Standard (e) regarding coordination of architectural styles and building forms

### *Streets and Traffic*

In regards to standards (b) and (d), it remains important to the Planning Division that the approval of this development does not preclude necessary future street connections between Tennyson Lane, the Keller Property, and the undeveloped Raemisch property immediately to the north. There are several general goals, objectives, and policies in the Comprehensive Plan that encourage street connections, including Land Use and Transportation System Coordination Policy 4 which states, "In new neighborhoods, plan and construct a pattern of streets, sidewalks, bicycle facilities and public transit facilities that maximizes the connectivity of land uses with the neighborhood and connectivity to areas outside the neighborhood."

The need for streets was a significant point of discussion when the certified survey map (CSM) was approved in April 2013, with some members of the Plan Commission speaking for and others against the need for more than one street through the Keller site. The Planning Division report that accompanied the CSM request noted that when the entire Keller site is built out, a minimum of two or three north-south street connections through the subject site is desirable. As noted above, the current property owner has agreed to extend Eliot Lane across the western end of the Keller property, as shown on the approved CSM.

On the subject site, the proposed private access drive that circles the development is located in areas that could be possible public street connections, including a northern extension of Kipling Drive. From a connectivity standpoint, the Planning Division believes that Kipling Drive should be extended, dedicated, and constructed as a public street. This will not only provide access to future development on the Raemisch property, but also provide for improved access for development on the lot fronting Packers Avenue. While that lot is now zoned for single-family development, the adopted neighborhood plan supports a limited mixed-use node at the corner and the property owner has indicated he may pursue a rezoning to a mixed-use district in the future. Depending on the uses ultimately developed on Lot 3, a public street to the west of the subject parcel ultimately might both improve access to both fronting developments and eliminate the need for some of the proposed fire lanes.

Staff understands that the applicant, Independent Living, and the property owner, Mr. Keller, do not support of the development of additional streets across this property. Independent Living has indicated that they would not be able to move forward with their development should they need to pay the costs for additional streets.

### *Site and Building Design Considerations*

Planned Development standard (e) states that the PD District plan shall coordinate architectural styles and building forms to achieve greater compatibility with surrounding land uses. Considering the location across the street from single-family homes, development compatibility remains an important consideration. As this is only a General Development Plan, there are no detailed building or site plans to comment upon. If approved, such details will be provided with a future Specific Implementation Plan which would be submitted for approval prior to construction. General site, landscape, and building massing plans are before the reviewing bodies at this time.



As noted above, the PD district has been selected, in part, because it allows the applicant to proceed with a deeper building setback. This will allow the street frontage to have more of a park-like character. In this case, considering the size of the building compared to the smaller single-family homes on the opposite side of Tennyson, staff believes such a solution would be appropriate.

The applicant has had many discussions with the Planning Division and has incorporated many of staff's suggestions while maintaining their fundamental building program. The applicant has removed a driveway that paralleled Tennyson Lane, allowing for less pavement and a larger, connected green space. The applicant has enhanced the walkway to the front door and provided sidewalks on the private driveway to provide better linkages across the site. Staff had raised other suggestions, including moving the independent living apartments on the east side of the property, closer to potential mixed-use node on Packers Avenue that is suggested in the neighborhood plan. Due to site grades and the desire to have underground parking beneath the independent living component, the applicant desires to have the apartment units on the west side.

Staff notes that if a new north-south street were required, refinements to the general development plan would likely be necessary.

On balance, staff believes that this large building, within a park-like setting, could be compatible with the surrounding single-family home development pattern.

### **Land Division Standards**

There is no certified survey map before the City at this time. However, as discussed above, a condition of approval on the Certified Survey Map is that "construction of additional public streets may be required at the time when lots are further divided or developments are proposed." If an additional street is required as part of this approval, as preferred by the Planning Division, then a revised certified survey map will be required to dedicate the street right-of-way.

### **Public Input**

At the time of plan writing, staff has not received any public input on this proposal. The letter of intent summarizes the applicant's public meeting activities. Staff understands that input provided at the last neighborhood meeting was positive in regards to this request.

### **Conclusion**

The applicant proposes to rezone the property to establish the basic right of use and bulk for a senior housing development that includes senior apartments, assisted living units, and shared common spaces. In total, 300 units are proposed. Up to 60% of the units will be the independent living apartments with the remaining 40% proposed as assisted living units. This Zoning Map amendment is being considered together with an amendment to the Northport-Warner Park-Sherman Neighborhoods plan that specifies senior housing and assisted living as recommended land uses in this area.

Staff supports the development of this use and believes that a senior housing development will significantly enhance the available housing opportunities in this neighborhood and support the Comprehensive Plan objective to encourage a wide variety of quality housing choices.

Considering the location across the street from single-family homes, development compatibility is an important consideration. The applicant has set the large five-and two story building within a park-like setting with a large setback. In this context, staff believe this solution is appropriate in order to provide an appropriate transition to the smaller scale development immediately across the street.

The most significant issue with the evaluation of this request is planning for the long-term street connections to the large undeveloped properties to the north. This was discussed during approval of the certified survey map (CSM) for the Keller property in April 2013. That CSM required the extension of Eliot Lane (west of the subject site) and included a note that future streets may be required the land is further divided or developments are proposed. The Planning Division believes that the extension of Kipling Drive is an important connection, though recognizes the property owner and applicant are opposed to providing this connection. Careful consideration should be given to this component of the request.

## Recommendation

### Planning Division Recommendation (Contact Kevin Firchow, 267-1150)

The Planning Division recommends that the Plan Commission find that the standards for Zoning Map Amendments and Planned Developments are met and forward Zoning Map Amendment 00081, rezoning 3802 Packers Avenue from SR-C1 (Suburban Residential-Consistent 1) to the PD (Planned Development) District with a recommendation of **approval**. The approval allows for the approval of a General Development Plan for a 300 unit senior housing and assisted living facility. This recommendation is subject to input at the public hearing and the comments and conditions recommended by reviewing agencies.

### **Recommended Conditions of Approval** Major/Non-Standard Conditions are Shaded

#### Planning Division

1. That the approved Certified Survey Map be revised to dedicate a 60 foot wide right of way for a Kipling Drive extension from Tennyson Lane north to the northern property line. Final details of the right of way shall be approved by the Planning Division, City Engineering Division, and Traffic Engineering Division. The developer shall enter into a City/Developer agreement for the construction of Kipling Drive as a public street prior to the final approval and recording of the specific implementation plan.
2. That if condition 1 is approved, the General Development Plan shall be revised, for staff approval, to address site changes.

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

3. The pending Certified Survey Map for this property shall be completed and recorded with the Register of Deeds (ROD) prior to issuance of building permits. When the recorded CSM image is available from the ROD, the Assessor's Office can then create the new Address-Parcel-Owner (APO) data in GEO so that the Accela system can upload this data and permit issuance made available for new parcel land records.

4. A new Tennyson Lane address will be determined when the CSM is recorded. Interior addressing will be determined when building floor plans are available.
  5. The Applicant shall work with City Engineering and City Traffic Engineering to determine which work is being completed with this site plan approval and what work will be completed as part of the proposed CSM and adjacent development. A Developer's Agreement will be required for the improvements necessary to serve the overall proposed development. The CSM shall be recorded and Developer's Agreement completed prior to the sign off of this project.
  6. The private storm sewer constructed with this development shall be connected to the public storm sewer in Packers Avenue.
  7. Public storm sewer for this portion of the development shall be designed such that it is of suitable size and location to be extended and to serve the other parts of the development.
  8. Stormwater treatment facilities for this portion of the development shall be designed to accommodate future development. An agreement for the maintenance of the stormwater management facilities is required for the site.
  9. The proposed sanitary sewer lateral shall include construction of a sewer access structure (manhole) to connect to the public sewer system. Alternately, revise the design to connect to an existing access structure.
  10. The Applicant shall revise the Certified Survey Map (CSM) to dedicate right of way for Kipling Drive from Tennyson Lane north to the northern property line. Final details of the right of way shall be approved by the Planning Division, City Engineering Division, and Traffic Engineering Division. The Applicant shall enter into a City/Developer agreement for the construction of Kipling Drive as a public street prior to the final approval and recording of the specific implementation plan. The Applicant shall construct the street in accordance with the plans approved by the City Engineer and City Traffic Engineer.
  11. The Applicant shall provide a 20ft wide public pedestrian / bike path easement from the intersection of Tennyson Lane and Kipling Drive to the north property line of the development. If additional right of way is dedicated for the extension of Kipling Drive the easement will not be required. The easement dedication can be done by CSM or by a separate real estate project administered by the City. The Applicant shall construct a public pedestrian / bike path within the proposed easement, in accordance with the plans approved by the City Engineer and City Traffic Engineer. This will be a Type IV sidewalk that will be publically owned but the adjacent property owner will be responsible for snow and ice removal per Section 10.28 of the Madison General Ordinance.
  12. This property is an open site with the WDNR (BRRS# 0-13-553975). The Applicant shall provide proof of notification to the WDNR project manager and shall comply with all DNR requirements pertaining to remediation. Contact Brynn Bemis at 267-1986 if you have questions on this requirement.
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13. The construction of this building will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City / Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer to schedule the development of the plans and the agreement. The City Engineer will not

sign off on this project without the agreement executed by the developer. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project. (MGO 16.23(9)c)

14. Submit a PDF of all floor plans to [lzenchenko@cityofmadison.com](mailto: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.
15. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass. (POLICY)
16. 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)
17. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl, of the City Parks Department - [dkahl@cityofmadison.com](mailto:dkahl@cityofmadison.com) or 266-4816. Approval and permitting of any tree removal or replacement shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan. (POLICY)
18. All damage to the pavement on Tennyson Lane, 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)
19. 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
20. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
21. If the lots within this site plan are inter-dependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the site plan and recorded at the Dane Co Register of Deeds. (POLICY)
22. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances 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; and d) 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.
23. The applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent

final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number: a) Building Footprints, b) Internal Walkway Areas, c) Internal Site Parking Areas, d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.), e) Right-of-Way lines (public and private), f) All Underlying Lot lines or parcel lines if unplatted, g) Lot numbers or the words "unplatted", h) Lot/Plat dimensions, 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](mailto: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)).

24. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2)) PDF submittals shall contain the following information: a) building footprints, b) internal walkway areas, c) internal site parking areas, d) lot lines and right-of-way lines, e) Street names, f) Stormwater Management Facilities, and g) detail drawings associated with stormwater management facilities (including if applicable planting plans).
25. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including: a) SLAMM DAT files; b) RECARGA files; c) TR-55/HYDROCAD/Etc... and d) Sediment loading calculations.
26. 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>.
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28. All outstanding Madison Metropolitan Sewerage District (MMSD) 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))
29. All outstanding City of Madison sanitary sewer connection charges are due and payable prior to Engineering sign-off, of the land use approval. This property is subject to Sanitary Connection charges for the Traux-West Sanitary Sewer District. The current rate for 2013 is \$12.00/1000 sf of lot area.
30. City of Madison Environmental Projects Staff have reviewed the subject site and determined that a Phase I ESA will be required of the applicant. The applicant shall provide one (1) digital and two (2) hard copies of an ASTM. Phase I ESA prepared by an environmental professional. Staff review of this Phase I ESA will determine if a further investigative Phase II ESA is also required.

**Traffic Engineering Division** (Contact Eric Halvorson, 266-6572)

31. Senior housing developments require pedestrian enhancements to public infrastructure that our beyond normal development requirements. The applicant shall provide a \$20,000 deposit to enhance pedestrian crossing in the Vicinity of the development. The timeframe and type of treatment shall be at the discretion of the City Traffic Engineer.
32. Secure pedestrian walkways with curb and gutter where they abut drive isles.
33. The approved Certified Survey Map shall be revised to dedicate a 60 foot wide right of way for a Kipling Drive extension from Tennyson Lane north to the northern property line. Final details of the right of way shall be approved by the Planning Division, City Engineering Division, and Traffic Engineering Division. The developer shall enter into a City/Developer agreement for the construction of Kipling Drive as a public street prior to the final approval and recording of the specific implementation plan.
34. When the applicant submits plans for approval, the applicant shall show the following on one contiguous plan: existing items in the terrace (e.g., signs and street light poles), type of surfaces, percent of slope, existing and proposed property lines, addresses, all easements, all pavement markings, building placement, adjacent driveway approaches to lots on either side and across the street, signage, semitrailer movements and vehicle routes, dimensions of radii, aisles, driveways, parking stall dimensions including the two (2) feet overhang on a scaled drawing at 1" = 20'. Contact City Traffic Engineering if you have questions.
35. The Developer shall post a deposit and reimburse the City for all costs associated with any modification to traffic signals, street lighting, signing and pavement marking, and conduit/handholes, including labor, engineering and materials for both temporary and permanent installations.
36. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.
37. All parking stalls shall conform to MGO standards as set in section 10.08(6)

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

Comments were not received in time to be included in this report.

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

38. All portions of the fire lanes for newly constructed public buildings and places of employment and open storage of combustible materials shall be within 500-feet of at least TWO fire hydrants. Distances are measured along the path traveled by the fire truck as the hose lays off the truck. See MGO 34.507 for additional information.
39. Provide fire apparatus access as required by IFC 503 2012 edition, MGO 34.503.
40. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

**Parks Division** (Contact Kay Rutledge, 266-4714)

41. Final park dedication and development fees for this project will be determined when specific implementation plans are submitted. The developer shall pay park impact fees when residential development is proposed and approved. The developer must select a method for payment of park fees before final approval and recording of an SIP.

Note: The park dedication requirement for multi-family unit developments equals 700 square feet per dwelling unit. The fee in lieu of parkland dedication for a multi-family unit is \$1,708.00 per unit in 2013. The park development fee for a multi-family unit in 2013 is \$645.40 per dwelling unit. Park impact fees are adjusted on January 1 of each calendar year, and the park impact fees due at the time of building permit issuance may be higher than the amounts stated above to reflect these annual adjustments.

42. The calculation of the park impact fees for a new development can be further reduced if this development will be restricted to persons fifty-five (55) years of age or older. In accordance with MGO 16.23(8)(f)4, "... where a multi-family development in whole or part will be limited to occupancy by persons fifty-five (55) years of age or older by appropriate recorded restriction for a period of not less than thirty (30) years, ...", a restriction that remains in effect for 30 years limiting these units to persons 55 years of age or older must be recorded. Please contact Kay Rutledge for appropriate deed language.

43. Additional street trees are needed for this project. All street tree planting locations and trees species with the right of way shall be reviewed by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl – [dkahl@cityofmadison.com](mailto:dkahl@cityofmadison.com) or 266-4816. Approval and permitting of tree planting shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part2.pdf>.

44. This development is within the Warner park impact fee district (SI21). Please reference ID# 13120 when contacting Parks Division staff about this project.

**Water Utility** (Contact Dennis Cawley, 261-9243)

45. All operating private wells shall be identified and permitted by the Water Utility in accordance with Madison General Ordinance 13.21. All unused private wells shall be abandoned in accordance with Madison General Ordinance 13.21. This property is in Wellhead Protection Zone WP-27. This use is permitted in this district. Any proposed change in use shall be approved by the Water Utility General Manager or his designee.

The Water Utility will not need to sign off the final plans, but will need a copy of the approved plans.

**Metro Transit** (Contact Tim Sobota, 261-4289)

This agency did not provide comments for this request.