



## Report to the Plan Commission

October 18, 2010

**Legistar I.D. #20206**  
**9401 Mid Town Road**  
**Conditional Use – Planned Residential Dev.**

Report Prepared By:  
**Timothy M. Parks, Planner**  
Planning Division

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**Requested Action:** Approval of a conditional use for a planned residential development to allow construction of 64 apartment units in four buildings located at 9401 Mid Town Road.

**Applicable Regulations & Standards:** Planned residential developments, defined as two or more residential buildings under the same ownership on a tract of land, is first identified as a conditional use in R5 zoning. Section 28.12(11) provides the guidelines and regulations for the approval of conditional uses and planned residential developments.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use for a planned residential development 9401 Mid Town Road, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 5 of this report.

### Background Information

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**Applicant & Property Owner:** Tim McKenzie, Aspen Hill Apartments, LLC; 1910 Hawks Ridge Drive, Suite 322; Madison.

**Agent:** J. Randy Bruce, Knothe & Bruce Architects, LLC; 7601 University Avenue, Suite 201; Middleton.

**Proposal:** The applicant wishes to 2 four-unit apartment buildings and 2 28-unit apartment buildings on the subject site. The project will commence construction as soon as all regulatory approvals have been granted, with completion anticipated in 2012.

**Existing Conditions:** Undeveloped land, zoned R5 (General Residence District).

**Parcel Location:** Approximately 2.9 acres located on the south side of Mid Town Road approximately 800 feet west of Hawks Ridge Drive; Aldermanic District 1 (Sanborn); Madison Metropolitan School District.

### Surrounding Land Use and Zoning:

North: Single-family residences in the Hawks Landing Golf Club subdivision, Kingswood Park, zoned R1 (Single-Family Residence District);

South: Future single-family residences in the approved First Addition to Hawks Ridge Estates subdivision, zoned R1 and R2T (Single-Family Residence Districts);

East: Aspen Ridge Apartments, zoned PUD-SIP; Hawks Ridge Estates subdivision, zoned R1;

West: Hawks Meadow single-family subdivision, zoned R1 and R2T).

**Adopted Land Use Plan:** The Comprehensive Plan recommends the subject site and surrounding properties generally located between Woods Road and Hawks Ridge Drive for low-density residential uses.

The Mid-Town Road Neighborhood Development Plan recommends the subject site for medium-density residential uses.

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

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

**Zoning Summary:** Existing R5 (General Residence District) zoning:

Requirements	Required	Proposed
Lot Area	71,200 sq. ft.	126,235 sq. ft.
Lot Width	50'	405'
Front Yard	20'	33'
Side Yards	Minimum 10', total 20'	33.5' west side   20.2' east side
Rear Yard	30'	Adequate
Usable Open Space	15,360 sq. ft.	None (see cond. #17,pg 24)
Floor Area Ratio	N/A	N/A
Building Height	3 stories & 40 feet	3 stories
No. Parking Stalls	84	126
Accessible Stalls	5	5
Loading	1 10 X 35-foot stall	1
No. Bike Parking Stalls	(1 per apartment unit)	58 (see cond. #19, page 26)
<b>Other Critical Zoning Items</b>		
Yes:	Utility Easements, Urban Design, Barrier Free	
No:	Floodplain, Historic District, Landmark, Adjacent to Park, Wellhead Protection	
<i>Prepared by: Pat Anderson, Asst. Zoning Administrator</i>		

## Standards For Review

In addition to the conditional use standards of Section 28.12(11)(g), the project is also subject to the standards for approval for planned residential developments of Section 28.12 (11)(k), which state:

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

1. Planned Residential Development-Dwellings.

- a. Standards. In the case of the above-mentioned planned development, no application for a conditional use shall be granted by the City Plan Commission unless such commission shall find the following:

- i. That such development shall provide adequate recreation areas to serve the needs of the anticipated population;
- ii. That such development shall provide adequate off-street parking facilities, and adequate screening and landscaping;
- iii. That such development shall constitute environment of sustained desirability and stability;
- iv. That such exception for any side yard other than a street side yard shall not result in an average yard less than that required in the district in which the property is located and shall not result in a minimum yard at any point in such yard less than that required for a building, the side wall of which, as projected at right angles to the side lot line, is less than forty (40) feet in the R1, R2 and R3 districts, less than fifty (50) feet in the R4 district and less than sixty-six (66) feet in the R5 and R6 districts; and
- v. That such development shall result in an intensity of land utilization no higher than, and standards of open spaces at least as high as, permitted or otherwise specified in this ordinance in the district in which such development is to be located. Where the site is in two (2) or more districts, an average intensity of land utilization, based on the respective land areas in each district, is permitted on the site regardless of the location of the district boundaries.

## **Previous Approvals**

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On September 7, 2010, the Common Council approved a request to rezone approximately 9.3 acres of land located at 9401 Mid Town Road from PUD-GDP-SIP to R1 and R2T (Single-Family Residence Districts) and R5 (General Residence District), and; approved the preliminary plat and final plat of First Addition to Hawks Ridge Estates, creating 19 single-family residential lots, 1 lot for a future multi-family residential development and 1 outlot for stormwater management.

The recent approval superseded a September 2007 approval to rezone 9401 Mid Town Road from Temp. A to PUD-GDP and PUD-GDP-SIP to allow construction of 52 total condominium units to be located in 8 single-family residences, 10 two-family structures and a future 24-unit multi-family building, and a October 2007 final plat approval to create 5 lots and 1 outlot for public stormwater detention to serve the PUD.

On October 23, 2006, the Plan Commission granted approval of a demolition permit to allow a prior applicant to demolish the single-family residence on the subject site in advance of the approval of a planned unit development and subdivision for the property.

## **Project Review**

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The applicant is requesting approval of a conditional use for a planned residential development to allow construction of 64 apartment units in four buildings to be located on a 2.9-acre site on the south side of Mid Town Road, approximately 800 feet west of Hawks Ridge Drive in R5 (General Residence District) zoning. As noted in the preceding section, the site was recently zoned R5 and subdivided by the plat of First Addition to Hawks Ridge Estates; the final plat has not been recorded as of the publishing of this

report. The proposed apartment development represents the second phase of the Aspen Hill Apartment complex, which was approved in 2006 and developed by the applicant on the adjoining 6.4-acre parcel at 9201 Mid Town Road. The first phase of the apartment development includes a total of 176 units in nine buildings zoned PUD-SIP.

The proposed second phase includes 2 three-story, 28-unit buildings to be constructed on the northern half of the subject site paralleling Mid Town Road, with a 33-foot setback from Mid Town proposed. Both buildings will have underground parking for 25 automobiles and 11 bicycles and identical floorplans containing a total of 9 studio and efficiency units, 7 one-bedroom units and 12 two-bedroom units. Both buildings will be architecturally similar to the apartment buildings in the first phase and will be constructed using a variety of split-face block, brick and horizontal siding and will include hip roofs accentuated with smaller gable roofs located above balconies. Each unit will be provided either a porch or balcony as detailed on the attached floorplans.

The southern half of the site will be developed with 2 two-story, four-unit garden apartment buildings. The western of the two proposed four-unit buildings will face Dregers Way at the northeastern corner of Silverstone Lane, while the eastern of the two four-unit buildings will parallel Silverstone Lane and will continue a pattern of similar four-unit buildings constructed in the first phase of the Aspen Hill development. The 2 garden apartment buildings proposed in the second phase will maintain a minimum 20-foot setback from Silverstone Lane and Dregers Way similar to the other garden apartment buildings developed in the first phase, which will result in a consistent street frontage along the north side of Silverstone.

The 8 proposed garden units will contain two bedrooms with attached two-car garages along the rear walls, with 2 units each on the first and second floors of those buildings. The first floor units will have direct access from the adjacent public sidewalks, while the second floor units will have exterior access from recessed entries located along the side walls of the buildings. The four-unit buildings proposed in the second phase will mirror the garden apartment buildings in the first phase and will feature a combination of split-face block, brick veneer and horizontal siding, and will be topped with hip roofs. A minimum of one porch or balcony is proposed to serve each of the units proposed. As was the case with the four-unit buildings developed to the east in the first phase, staff recommends that the front, street-facing facades of the 2 new four-unit garden apartment buildings be individualized using any combination of varied roof designs, building material colors and window and door styles or locations in an effort to create a more diverse street wall adjacent to Silverstone Lane opposite the existing and future single-family homes in the Hawks Ridge Estates subdivisions.

Primary access to the proposed second phase of Aspen Hill will be provided from a driveway off of Silverstone Lane, which will serve 52 surface parking stalls located through the center of the subject site as well as the rear-loaded garages of the western four-unit garden building and the underground parking garage for the eastern of the two 28-unit buildings on the northern half of the site. A second driveway from Silverstone Lane will serve the rear-loaded garages of the eastern four-unit building and 8 surface parking stalls located adjacent to a central greenspace located between the two buildings on the eastern portion of the site. Access to the underground parking garage for the western 28-unit building will be provided from a driveway off of Dregers Way. No vehicular interconnectivity is proposed between the two phases of the Aspen Hill development. Due to the topography present along the eastern edge of the subject site adjacent to the first phase, no private sidewalks are shown between phases. However, staff recommends that the applicant explore the opportunities for connections from west to east between phases, including more connections to the Mid Town Road and Silverstone Lane sidewalks to facilitate east-west pedestrian circulation between phases.

The applicant has submitted a landscaping plan for the multi-family development that includes a variety of canopy and coniferous trees along the edges of the site and a combination of ornamental trees and perennials along the perimeters of the proposed buildings. The greenspace located on the eastern half of the site will primarily be planted with grass with the exception of a rain garden proposed in the northwestern corner of the greenspace at the base of a modest 10-12 foot slope that will run from the southeastern corner of the open space.

The Urban Design Commission reviewed the proposed planned residential development on September 22, 2010 and recommended initial approval (see attached report). Final approval of the project will be required prior to construction on the site commencing.

## **Analysis & Conclusion**

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A recently approved amendment to the Mid-Town Neighborhood Development Plan recommends the subject site for medium-density residential uses and Housing Mix 3. As noted during the August 2010 review of the preceding rezoning and subdivision for the First Addition to Hawks Ridge Estates, the housing mix convention employed in recently adopted neighborhood development plans including the Mid-Town NDP more expressly describes the housing types that would be appropriate for lands recommended for residential development in addition to the typical recommendations for density. In this case, the Mid-Town NDP recommends that Housing Mix 3 be developed with a mix of rowhouses, townhouses and small- to mid-sized apartment and condominium buildings at a density between 16 and 25 units an acre.

The 64 multi-family units proposed on the 2.9-acre will result in a net density of 22 units an acre, which falls within the 16-25 unit an acre density range recommended in the Mid-Town Neighborhood Development Plan. As noted during the review of the rezoning and plat, the 22 units an acre proposed exceeds the 15 units an acre low-density residential recommendation for this site in the Comprehensive Plan. However, staff recommended during its review of the First Addition to Hawks Ridge Estates rezoning and subdivision that the Plan Commission and Common Council could find the R5 zoning of the site and development of 64 multi-family units on the subject site consistent with the Comprehensive Plan because the proposed development represented an addition to an existing adjacent development, which Planning staff noted during its approval in 2006 was well designed and included significant greenspace and amenities for residents, including a rooftop pool and clubhouse.

The Planning Division believes that the proposed second phase of the Aspen Hill apartment complex also responds to a concern raised by staff at the time that the now defunct planned unit development that included the subject site was reviewed in 2007. At that time, staff emphasized a need for the multi-family component of that project to be visually and architecturally integrated with the Aspen Hill development in an effort to assure the appearance of a cohesive development pattern along Mid Town Road. While large apartment complexes like Aspen Hill are a development form that recently adopted neighborhood development plans have begun to discourage in favor of smaller apartment developments and more widely integrated housing developments, staff believes in this case that the unified development of both sites as the large Aspen Hill Apartment complex is an appropriate solution because it addresses the 2007 desire for cohesive multi-family development pattern along the south side of Mid Town Road.

Like the first phase to the east, staff believes that the proposed four-building addition to Aspen Hill is generally well designed, though as staff notes in the Project Review section, the second phase would benefit from better connectivity to the first phase where the amenities for the Aspen Hill complex are

located. The 2 four-unit buildings on the southern portion of the subject site should also be varied in their appearance from one another and the existing four-unit buildings to the east akin to a similar requirement included in the first phase, which staff believes will result in a more interesting street wall along Silverstone Lane opposite the single-family homes that will be located to the south.

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

### **Staff Recommendations, Conditions of Approval & General Ordinance Requirements**

Major/Non-Standard Conditions are shaded

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#### **Planning Division Recommendation** (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use for a planned residential development to allow construction of 64 apartment units in four buildings at 9401 Mid Town Road, subject to input at the public hearing, the following Planning Division conditions, and the conditions from reviewing agencies:

1. Revise the plan set to universally refer to "Silverstone Lane" (some labels refer to it as "Way").
2. That the applicant receive final approval of the planned residential development from the Urban Design Commission prior to final staff approval and issuance of building permits.
3. That the street-facing facades of the 2 four-unit garden apartment buildings be individually varied using any combination of varied roof designs, building material colors and window and door styles or locations as approved by the Planning Division to provide a more diverse street wall along Silverstone Lane and Dregers Way opposite the existing and future single-family residences in the Hawks Ridge Estates development.
4. That the applicant provide east-west pedestrian connections between the two phases of the Aspen Hill development as approved by the Planning Division prior to final approval of the second phase. If east-west connections are not possible within the site due to existing and proposed grades, the enhanced east-west pedestrian movement may be facilitated by additional internal sidewalks along the eastern property line to connect to the Mid Town Road and Silverstone Lane sidewalks as approved by staff.

The following conditions have been submitted by reviewing agencies:

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

5. The proposed subdivision plat of First Addition to Hawks Ridge Estates shall be recorded with the Dane County Register of Deeds creating the parcel for which this development is proposed upon. Final city of Madison addresses and parcel identification numbers cannot be created and assigned to the property prior to plat recording.
6. The project's utility plan shall correspond with proposed improvements in City Project No. 53B2129 (First Addition to Hawks Ridge Estates).
7. All conditions of the plat First Addition to Hawks Ridge Estates shall be satisfied prior to development of this lot.
8. Public utilities are presently not installed or provided for; this site is ineligible to receive a building permit until public improvements have been installed.
9. This site is subject to storm and sanitary impact fees.

10. All work in the public right of way shall be performed by a City-licensed contractor.
11. All damage to the pavement on Dreger Way and Silverstone Lane adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria.
12. 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.
13. The applicant shall demonstrate compliance with MGO Sections 37.07 and 37.08 regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
14. Effective January 1, 2010, the Department of Commerce's authority to permit commercial sites, with over one acre of disturbance for stormwater management and erosion control has been transferred to the Wisconsin Department of Natural Resources (WDNR). The WDNR does not have an authorized local program transferring this authority to the City of Madison. The City of Madison has been required by the WDNR to continue to review projects for compliance with NR-216 and NR-151, but a separate permit submittal is now required from the WDNR for this work as well. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process.

As this site is greater than one acre, the applicant is required by State Statute to obtain a Water Resources Application for Project Permits (WRAPP) from the DNR, prior to beginning construction. This permit was previously known as a Notice of Intent Permit (NOI). Please contact Eric Rortvedt of the WDNR at 273-5612 to discuss this requirement.

15. 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; provide substantial thermal control, and; 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

16. The applicant shall submit, prior to plan signoff, 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: building footprints; internal walkway areas; internal site parking areas; other miscellaneous impervious areas lot lines; lot/ plat lines, dimensions and labels; right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
17. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
18. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management File including: SLAMM DAT files; RECARGA files; TR-55/HYDROCAD/etc., and; 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.
19. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.
20. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service.

**Traffic Engineering Division** (Contact John Leach, 267-8755)

21. When the applicant submits final plans of one contiguous plan for approval, the applicant shall show the following: existing items in the terrace (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, showing all easements, all pavement markings, building placement, and stalls, adjacent, signage, percent of slope, vehicle routes, dimensions of radii, aisles, **driveways**, stalls including the 2-foot overhang, and a scaled drawing at 1" = 20'.
22. The intersection shall be so designed so as not to violate the City's sight-triangle preservation requirements, which state that on a corner lot no structure, screening, or embankment of any kind shall be erected, placed, maintained or grown between the heights of 30 inches and 10 feet above the curb level or its equivalent within the triangle space formed by the two intersecting street lines or their projections and a line joining points on such street lines located a minimum of 25 feet from the street intersection in order to provide adequate vehicular vision clearance.
23. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.



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

24. Due to apparent topographic change across the property, it is not clear that the project will be able to provide the required useable open space. Provide a grading plan that shows that the R5 usable open space requirements can be met in the amount of 15,360 square feet. Usable open space shall be in a compact area of not less than 200 square feet, having no dimensions less than 10 feet and having a slope no greater than 10 percent. The required front yard and required street side yards do not count toward usable open space.
25. Parking requirements for persons with disabilities must comply with MGO Section 28.11(3)6.(m) which includes all applicable State accessible requirements, including but not limited to:
  - a.) Provide a minimum of 5 accessible stalls striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8' wide with an 8' striped out area adjacent.
  - b.) Show signage at the head of the stalls.
  - c.) Show the accessible path from the stalls to the buildings. The stalls shall be as near the elevators as possible.
26. Bike parking shall comply with MGO Section 28.11. Provide 64 bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. The lockable enclosed lockers or racks or equivalent structures in or upon which the bicycle may be locked by the user shall be securely anchored to the ground or building to prevent the lockers or racks from being removed from the location. Note: A bike-parking stall is 2 feet by 6 feet with a 5-foot access area.
27. Off street parking requirement shall comply with MGO Section 28.11. For parking lot plans with greater than 20 stalls, landscape plans must be stamped by a registered landscape architect. Provide a landscape worksheet with the final plans that shows that the landscaping provided meets the point and required tree ordinances. In order to count toward required points, the landscaping shall be within 15 and 20 feet of the parking lot depending on the type of landscape element. (Note: The required trees do not count toward the landscape point total.) Provide a revised landscape plan to match revised site plan.
28. Lighting is required and shall be provided in accordance with City of Madison outdoor lighting standards, section 10.085. Provide a plan showing at least .5 foot candle on any surface on any lot and an average of .75 footcandles. The maximum light trespass shall be 0.5 footcandles at 10 feet from the adjacent lot line.
29. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Section 31 and approved by the Urban Design Commission or staff. Sign permits must be issued by the Zoning Section of the Department of Planning and Community & Economic Development prior to sign installation.

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

30. The developer shall pay approximately \$132,448.00 for park dedication and development fees for 64 new multi-family units. (Fees in lieu of dedication=(64 @ \$1,477)=\$94,528.00; Park development fees=(64 @ \$592.50)=\$37,920.00). The developer must select a method for payment of park fees before signoff on the conditional use. This development is within the Elver Park impact fee district (SI31).

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

31. All portions of the exterior walls of 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 Section 34.20 for additional information.
32. Provide fire apparatus access as required by IFC 503 2009 edition, MGO 34.03(17) and 34.19, as follows: Fire lanes shall be unobstructed; there are obstructions shown on the fire lane, remove all obstructions. Examples of obstructions: including but not limited to; parking stalls, loading zones, changes in elevation, power poles, trees, bushes, fences or posts. MFD would accept the loading area located on the turnaround leg between Building 10 and 13.

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

33. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. The Water Utility will not need to sign off the final plans, nor need a copy of the approved plans.

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

This agency did not submit comments for this request.

**Police Department** (Contact Frank Chandler, 266-4238)

This agency did not submit comments for this request.