

PLANNING DIVISION STAFF REPORT

April 4, 2016



PREPARED FOR THE PLAN COMMISSION

Project Address: 614 Vera Ct. (District 18 - Ald. Kemble)
Application Type: Conditional Use
Legistar File ID # [41950](#)
Prepared By: Jessica Vaughn, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Jay Wendt, Principal Planner

Summary

Applicant: Doug Strub, Meridian Group, Inc., 2249 Pinehurst Dr., Middleton, WI 53562
Contact: Elizabeth Cwik, BWZ Architects, 2211 Parmenter St., Middleton, WI 53562
Property Owner: Future Madison Northpointe, LLC, PO Box 620800, Middleton, WI 53562

Requested Action/Proposal Summary: The applicant requests approval of a Conditional Use to construct a roughly 3,500 square-foot addition to expand the existing neighborhood community center located at 614 Vera Ct. The proposed addition will provide additional classroom and office space, as well as restrooms.

Applicable Regulations & Standards: Community and neighborhood center uses are identified as a conditional use in the Suburban Residential-Variied District 1 (SR-V1) zoning district and are subject to the standards for Conditional Uses pursuant to Section 28.183(6), MGO.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the Conditional Use standards are met and **approve** the request to construct a roughly 3,500 square-foot addition to expand the existing neighborhood center use at 614 Vera Ct. This recommendation is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: Generally, the project site is located within the Vera Court Neighborhood Association at the terminus of Vera Court, on the east side of the street. The project site shares their northern property line with Mendota Elementary School and is comprised of approximately 115,086 square feet (264 acres) in its entirety.

The site is in Aldermanic District 18 (Kemble), the Madison Metropolitan School District, and the Northport-Warner Park-Sherman Neighborhood planning area.

Existing Conditions and Land Use: The subject neighborhood center use is part of a multi-family housing development, built in the early 1990s that today would be referred to as a planned residential complex. The complex is made up of a total of six buildings comprised of 34 apartment units, and the subject neighborhood center (roughly 3,500 square feet in size).

Parking is provided throughout the complex in small, surface parking lots accessed both from Vera Court and Petteerle Place.

The project site was previously zoned General Residence District R4. Community and neighborhood center uses were identified as Conditional Uses in the R4 zoning district. Similarly, today under the current code and SR-V1 zoning district standards, neighborhood center uses are identified as a Conditional Use. Established in 1994, the existing neighborhood center use is considered a legal nonconforming use because it was established prior to the adoption of the city’s current municipal code and a conditional use has never been approved for the center.

Pursuant to Section 28.191, MGO, a nonconforming use cannot be extended or expanded. In this case, since the use is identified as a conditional use, pursuant to Section 28.183, MGO, a Conditional Use would be required for the proposed expansion.

Surrounding Land Use and Zoning:

North: Residential; SR-C1 zoning;

South: Residential; SR-V1 zoning;

East: Residential; SR-V1 and SR-C1 zoning; and

West: Residential; SR-V1 zoning.

Adopted Land Use Plan: The Comprehensive Plan identifies the project site as medium density residential, which is generally defined as “...locations recommended primarily for relatively dense multi-family housing types, such as larger apartment buildings and apartment complexes” (City of Madison Comprehensive Plan, Pg.2-82). The Comprehensive Plan recognizes that, while areas designated for medium density residential development are intended to be predominantly residential in nature, a limited number of other land uses may also be compatible, including those that serve as a focal point for neighborhood activity, small civic facilities, community centers, neighborhood serving retail and service uses, etc. (City of Madison Comprehensive Plan, Pg.2-84).

Other Plans: The project site is also located within the Northport-Warner Park-Sherman Neighborhood Plan planning area as part of the Vera Court Neighborhood Area. Generally, enhancing and expanding community education and recreation, programming, services and opportunities, including increasing programming for youth/children within neighborhoods is included in the Community Facilities Recommendations section of the plan.

Zoning Summary Tables (prepared by Jenny Kirchgatter):

Requirements	Required	Proposed
Lot Area (sq. ft.)	6,000 sq. ft.	Adequate
Lot Width	50'	Adequate
Front Yard Setback	25'	Adequate
Side Yard Setback	One-story: 6' Two-story or more: 7'	21.12'
Rear Yard Setback	Equal to building height, but at least 30'	81.4' existing building
Maximum Lot Coverage	60%	Less than 60%
Maximum Building Coverage	50%	Less than 50%
Maximum Building Height	40'	Less than 40'

Site Design	Required	Proposed
Number Parking Stalls	As determined by Zoning Administrator	27
Accessible Stalls	Yes	2
Loading	No	No
Number Bike Parking Stalls	As determined by Zoning Administrator	9 (12)
Landscaping and Screening	Yes	No (13)(14)(15)
Lighting	No	No (16)
Building Forms	Yes	Yes, Civic or Institutional Building

Other Critical Zoning Items	Yes/No
Urban Design	No
Historic District	No
Floodplain	No
Adjacent to Park	No
Barrier Free (ILHR 69)	Yes
Utility Easements	Yes
Wetlands	No
Wellhead Protection District	No

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.

Project Description, Analysis and Conclusion

The applicant is requesting approval of a Conditional Use application for the construction of a roughly 3,500 square-foot addition to an existing legal nonconforming neighborhood center use. The addition will provide additional classroom and office space, as well as restrooms.

As part of the Conditional Use proposal, the applicant will be responsible for making various site improvements, including providing adequate bike parking, vehicle parking and refuse receptacle area that will bring overall development more into compliance with the current development standards. Please refer to the Zoning conditions of approval for additional details on required site improvements. In addition, as noted on the site plan, several site amenities, including the patio area with a fixed grill and raised planter beds will be demolished to accommodate the new addition. Based on conversations with the applicant, those amenities will be replaced elsewhere on site and a Planning condition has been included addressing such.

In this case, since the neighborhood center is an existing use, it is considered a legal nonconforming use because it was established prior to the adoption of the city’s current code. The applicant’s requested Conditional Use will result in the existing use coming into compliance with the city’s current code requirements for Conditional Uses.

Community and neighborhood center uses are permitted as a conditional use in the SR-V1 zoning district. As such, they are subject to the Conditional Use review criteria pursuant to Section 28.183(6), MGO. Generally, the intent of Conditional Use review is to determine if a site is an appropriate location for a particular use and to

evaluate the compatibility of that use with surrounding uses and development as well as for consistency with adopted neighborhood or special area plans.

Given the location of the project within a residential apartment complex and its function as a neighborhood resource, staff concludes that the continuation of the neighborhood center use is compatible and consistent with its surroundings. In addition, based on the submitted information, staff does not anticipate that the continuation or expansion of the use will result in significant impacts on surrounding properties since the neighborhood center has been an active neighborhood resource over the course of decades and given that the hours of the facility are not being altered. Finally, the proposed expansion of the neighborhood center is consistent with the recommendations within the adopted Northport-Warner Park-Sherman Neighborhood Plan. The Planning Division believes the revised plans can meet the applicable standards.

At the time of report writing, staff was not aware of any concerns on this request.

Recommendation

Planning Division Recommendation (Contact Jessica Vaughn, (608) 267-8733)

The Planning Division recommends that the Plan Commission find that the Conditional Use standards are met and **approve** the request to construct a roughly 3,500 square-foot addition to expand the existing neighborhood center use at 614 Vera Ct. This recommendation is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

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

Planning Division (Contact Jessica Vaughn, (608) 267-8733)

1. Prior to final approval and building permit issuance, the Applicant shall submit final plans for review and approval by staff, including:
 - a. A revised site plan that show all of the site amenities, including the new locations for the raised wooden planters and patio with fixed grill.

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

2. 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 sign-off (Section 16.23(9)(d)(4), MGO).
3. The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement (POLICY).
4. This project falls within the area subject to increased erosion control enforcement as authorized by the fact that it is in the ROCK RIVER TMDL ZONE and by Resolution 14-00043 passed by the City of Madison Common Council on 1/21/2014. You will be expected to meet a higher standard of erosion control than the minimum standard set by the WDNR.

5. The Applicant shall demonstrate compliance with sections 37.07 and 37.08, MGO 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.

Traffic Engineering Division (Contact Eric Halvorson, (608) 266-6527)

6. 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.
7. 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.
8. All parking facility design shall conform to the standards as set forth in Section 10.08(6), MGO.
9. Traffic Engineering will no longer be accepting paper plans; to ensure a timely review all submittals will include an electronic copy (.pdf preferred).

Zoning Administrator (Contact Jenny Kirchgatter, (608) 266-4569)

10. Show the entire parking lot adjacent the neighborhood center, including fully dimensioned parking stalls, accessible stalls and driveway access on Pettele Place.
11. Show the existing play area on the site plan. Include photos or details of the play area.
12. Provide adequate bicycle parking adjacent the neighborhood center building per sections 28.141(4), Table 28I-3 and 28.141(11), MGO. Work with zoning staff to establish the bicycle parking requirement based on the number of employees and various uses of the building. A bike stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access aisle. Submit a detail showing the model of bike rack to be installed.
13. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3), *Landscape Plan and Design Standards*, MGO, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect. Show the existing landscaping adjacent to the neighborhood center and play area as well as any proposed building foundation plantings.
14. Submit a detail of the trash enclosure. The trash enclosure shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet.
15. Per Section 28.186(4)(b), MGO, 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.

16. Lighting is not required. However, if it is provided, it must comply with the outdoor lighting standards pursuant to Section 10.085, MGO.

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

17. Madison Fire Department recommends the installation of a fire sprinkler system to protect the asset that Vera Court Neighborhood Center is to this community.
18. The plans indicate a lot line located below the building addition. Remove lot line or provide additional information.

19. Fire sprinkler and fire alarm systems are required by code if the occupant load exceeds 300.

Parks Division (Contact Kay Rutledge, (608) 266-4714)

20. This agency has reviewed this request and has recommended no conditions at this time.

Water Utility (Contact Dennis Cawley, (608) 261-9243)

21. All operating private wells shall be identified and permitted by the Water Utility in accordance with Section 13.21, MGO. All unused private wells shall be abandoned in accordance with Section 113.21, MGO.

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

22. This agency has reviewed this request and has recommended no conditions at this time.

City Engineering Review Mapping (Contact Jeff Quamme, (608) 266-4097)

23. The proposed new building will cross an underlying platted lot line. Current fire code and City enforcement requires the underlying platted lot line be dissolved by Certified Survey Map (CSM) prior to issuance of a building permit. A CSM and required supporting information shall be prepared and submitted to the City of Madison Planning Department. The CSM shall be approved by the City and recorded with the Dane County Register of Deeds prior to issuance of a building permit.
24. The portion of the public utility easement lying beneath the existing buildings on this site 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) (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. The release is required to be completed prior to recording of the required CSM. Applicant shall be responsible to provide recorded copies of the releases from the other utility companies (Gas, Electric, Communications) prior to the City executing and recording its release document.