

ADDENDUM

PLANNING DIVISION REPORT DEPARTMENT OF PLANNING AND COMMUNITY AND ECONOMIC DEVELOPMENT

December 12, 2008

RE: I.D. #12300, Zoning Map Amendment I.D. 3392, Rezoning of 8133 Mansion Hill Avenue from PUD-GDP to PUD-SIP

1. Requested Action: Approval of a rezoning from PUD-GDP (Planned Unit Development-General Development Plan) to PUD-SIP (Planned Unit Development-Specific Implementation Plan) to construct a daycare center with a capacity for 163 children.
2. Applicable Regulations: Section 28.12 (10) provides the process for zoning map amendments. Section 28.07 (6) of the Zoning Ordinance provides the requirements and framework for Planned Unit Development Districts.
3. Report Prepared By: Heather Stouder, AICP, Planner

PREVIOUS ACTION

On December 1, 2008, the Plan Commission referred the decision on whether or not to approve a rezoning for the daycare facility at 8133 Mansion Hill Avenue. The decision to refer the decision was based primarily on the need for additional neighborhood input on the proposal. Specifically, the Plan Commission requested that the applicant hold a neighborhood meeting to include the future operator of the proposed daycare facility, so that questions related to operations could be addressed.

ANALYSIS AND CONCLUSION

Staff believes that the applicant has made adequate efforts to meet with neighbors to answer questions and address many of their concerns related to the proposal. The majority of the staff analysis of the project included in the November 24, 2008 staff report (attached) remain. This addendum has been prepared to summarize the concerns of neighbors and the responses of the applicant, and to update the recommended conditions of approval to reflect slight revisions to the proposal.

Since the December 1 Plan Commission meeting, a second neighborhood meeting was held on Tuesday, December 9 at 625 N Segoe Road at 5:00pm. The meeting was attended by 10 area residents and property owners, the development team, the future operator of the proposed daycare facility, and Planning Division staff.

At the meeting, neighbors asked several questions and expressed concerns about the land use, impending traffic congestion in and around their shared driveways, insufficient parking, safety and liability issues related to the proximity of the retaining wall on adjacent Lot 88 to the proposed parking lot, and the fate of the facility should the proposed daycare fail to succeed.

Appropriateness of the Proposed Land Use

Some neighbors expressed concerns with the presence of a daycare facility located adjacent to condominiums where few children were present, and asked whether other sites were considered. The applicant noted that the broader Midtown Commons neighborhood contained a diverse array of

housing options, none of which were age restricted to prohibit children. While adjacent and nearby properties may not currently have children, they certainly could in the future, and perhaps the daycare facility could actually attract more families with children to the area. Other nearby sites that could be suitable for the facility are zoned for other uses in the approved Planned Unit Development for Midtown Commons. The operator noted that the location of a daycare within walking distance of so many residents, as well as a public park was ideal. Further, he noted that it was in the interest of the daycare facility to be a very good neighbor, and committed to continue to work to refine operations in cooperation with neighbors long after the facility opens.

As mentioned in the November 24, 2008 staff report, the Zoning Administrator and Planning Division Staff believe that a daycare facility is an appropriate use for the site based on the zoning text in the approved PUD-GDP for Lot 87 of Midtown Commons.

Congestion, Traffic, and Parking

With regard to concerns about traffic congestion in the parking lot and shared driveways, the operator explained that at the Lake Mills, WI facility, which has 120 students, there are rarely more than six vehicles present at any one time due to staggered drop-off and pick-up times, which this facility would have as well. He also explained that while the proposed facility had an official capacity for 163 children based on square footage, it would likely only reach 120-140, and that it may take at least a few years to reach that size. He explained that the bus used to pick up children from area schools for after-school programming would be approximately the size of a large van or half-sized bus.

Some neighbors expressed concerns about traffic congestion and safety on nearby streets such as Waldorf Boulevard, noting that many drivers speed in the area, and that some currently ignore a stop sign at the intersection of Waldorf Blvd. and Starr Grass Ave. While these concerns cannot be directly addressed by the proposed facility, the applicant noted that perhaps the presence of the facility would heighten the awareness of area drivers, and that the facility operator would have a vested interest in improving traffic safety in the area.

Safety and Liability

In response to neighbors' concerns about the safety of children in the parking lot close to the retaining wall on the adjacent property, especially at dusk and in darkness, the operator first noted that children would never be unsupervised when outside of the fenced play area. Since some neighbors were still concerned about safety and liability for accidents related to the retaining wall, the applicant offered to incorporate and pay for a black chain link fence, along with the proposed line of evergreens, to ensure that children in the parking lot would not be able to approach the retaining wall on Lot 88.

In response to a concern for the safety of pedestrians walking across the interior driveway to condominiums on Lot 88, the applicant indicated that an additional crosswalk could be incorporated.

The applicant noted that they, like adjacent condominium associations, would have full insurance coverage during and after construction, and offered to add the condominium associations as shared insureds on their policy.

Responsibility for the Shared Easement

Several attendees sought clarification on the responsibility for construction work and continued maintenance (snow plowing, repairs, etc.) within shared driveways leading to the proposed facility and neighboring condominiums. The applicant indicated that they would be paying for all improvements, and also offered to pay for continuing maintenance of the shared easements, as well as the relocation of mailboxes to a location desired by condominium owners on Lot 88.

Future of Facility in Instance of Failed Daycare

The applicant explained that the daycare would have a 10-year lease on the property, with two 5-year options to purchase it. The operator noted that the State of Wisconsin had approached him about the possibility of building a new facility in this area, and that this appeared to be the most suitable site based on market studies and adopted land use plans. The applicant noted that in the case of a failure, the owner would be responsible for continued maintenance of the facility and grounds, and that the use of the facility would be strictly limited to similar civic and institutional uses.

Aesthetic Issues

Neighbors did not express any concerns about the proposed building or landscaping on the site, and on the whole, seemed impressed by the materials and design. Some neighbors expressed interest in the design of signs for the facility. The applicant committed to meet with neighbors again before submitting for approval of signs.

In summary, the applicant has proposed three slight *physical* modifications to the proposal based on comments from city agencies and neighbors.

- At the request of Traffic Engineering staff, the number of parking stalls has been reduced from 47 to 45, in order to allow for a turnaround adjacent to the dumpster enclosure.
- A line of evergreen trees and a black chain link fence along the eastern property boundary have been proposed in response to neighbors' concerns about screening and the safety of children around the retaining wall on the adjacent property.
- A striped crosswalk is now proposed across the interior driveway behind the condominiums on Lot 88.
- The applicant has provided an elevation of the trash enclosure, which will be constructed to match materials on the building.

In addition, the applicant has offered to make the following commitments in response to neighbors' concerns:

- Commitment to meet with neighbors prior to submitting materials for approval of signage design for the site
- Commitment to include on their insurance policy the neighboring condominium associations

RECOMMENDATION

If, after the public hearing, the Plan Commission finds that the standards for approval of a rezoning are met, the Planning Division recommends that the case be forwarded to the January 6, 2008 Common Council meeting with a recommendation of **approval** subject to input at the public hearing and the following conditions:

1. Comments from reviewing agencies.
 2. That the project meets necessary design standards and obtains Final Approval from the Urban Design Commission prior to consideration for the rezoning request by the Common Council. The Urban Design Commission should include in their review a consideration of the appropriate location and design for signage, as well the design of a new proposed fence along the eastern edge of the property.
 3. That access to shared driveways must remain open for residents of buildings on adjacent properties throughout the duration of the construction process.
 4. That, prior to submitting a sign package for approval, the applicant holds a meeting with neighbors to discuss the design of the proposed signage.
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**CITY OF MADISON
INTERDEPARTMENTAL
CORRESPONDENCE**

Date: December 10, 2008

To: Plan Commission
From: Patrick Anderson, Assistant Zoning Administrator
Subject: 8133 Mansion Hill Ave

Present Zoning District: PUD(GDP)

Proposed Use: Daycare

Requested Zoning District: Amended PUD(GDP) and (SIP)

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project). **NONE.**

GENERAL OR STANDARD REVIEW COMMENTS

1. Revise the letter of intent to indicate the number of employees in the daycare facility, (to determine the parking requirement).

2. Provide an SIP zoning text site specific for this project, work with Zoning and Planning staff to come up with specific language.
3. Meet all applicable State accessible requirements, including but not limited to:
 - a. Provide a van accessible stalls striped per State requirements. A van accessible stall 8' wide with an 8' striped out area adjacent.
 - b. **Show signage at the head of the stalls.** Accessible signs shall be a minimum of 60" between the bottom of the sign and the ground.
 - c. Show the accessible path from the stalls to the building, If only one stall is provided, **accessible path shall be on the passenger side of the stall.** The stalls shall be as near the accessible entrance as possible. **Show ramps, curbs, or wheel stops** where required.
4. Provide five bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices.

5. Parking lot plans with greater than twenty (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' of the parking lot depending on the type of landscape element. (Note: The required trees do not count toward the landscape point total.) **Planting islands shall consist of at least 75% vegetative cover, including trees, shrubs, ground cover, and/or grass. Up to 25% of the island surface may be brick pavers, mulch or other non-vegetative cover.** All plant materials in islands shall be protected from vehicles by concrete curbs.
6. Lighting is not required. However, if it is provided, it must comply with City of Madison outdoor lighting standards. (See parking lot packet). Lighting will be limited to .08 watts per square foot.
7. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

ZONING CRITERIA

Bulk Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	73,846 sq. ft.
Lot width	50'	varies
Usable open space	n/a	n/a
Front yard	0'	adequate *
Side yards	0'	adequate *
Rear yard	30'	adequate *
Building height	--	2 stories

Site Design	Required	Proposed
Number parking stalls	1 stall per each 2 employees	45
Accessible stalls	1 van accessible	2 (3)
Loading	n/a	n/a
Number bike parking stalls	5	(4)
Landscaping	Yes	(5)
Lighting	No	(6)

Other Critical Zoning Items	
Urban Design	Yes – Initial Approval
Flood plain	No
Utility easements	Yes
Water front development	No
Adjacent to park	Yes
Barrier free (ILHR 69)	Yes

With the above conditions, the proposed project **does** comply with all of the above requirements.

* Since this project is being rezoned to the **(PUD) (SIP)** district, and there are no predetermined bulk requirements, we are reviewing it based on the criteria for the C-1 district, because of the proposed use and surrounding land uses.

Stouder, Heather

From: Bruce Jens [bjens@vetspecialtycare.com]
Sent: Monday, December 08, 2008 10:20 AM
To: Sanborn, Jed; Stouder, Heather
Subject: Daycare Project - Waldorf Blvd, Madison.

Mr. Sanborn and Ms. Stouder:

I would like to register my support of the daycare project proposed by Peter Frautschi near my veterinary clinic on Waldorf Blvd. A daycare is an important part of a modern community where families with 2 working parents or single parents who work rely in caregivers for their young children on a regular basis. This type of business is best located in an area that is mixed residential and business so that it is easily accessed by parents and is in a safe place for children. I, myself, live only 1 block from a daycare, and I have suffered no inconveniences or disruptions from its operation. It is a large benefit to the parents of my neighborhood that need the help of child caregivers. Some of my veterinary clinic employees with young children may use the services of this business because it is so close to their place of work.

Sincerely,
Bruce

Bruce Jens, DVM
Administrator
Veterinary Specialty & Emergency Care
608-845-0002



Stouder, Heather

From: Lou Ann Karter [lakarter@gmail.com]
Sent: Tuesday, December 09, 2008 11:47 AM
To: Stouder, Heather
Subject: Fwd: Fw:

----- Forwarded message -----

From: Lana Kropp <mlkropp@chorus.net>
Date: Tue, Dec 9, 2008 at 11:34 AM
Subject: Fw:
To: LouAnn Karter <lakarter@gmail.com>

----- Original Message -----

From: Lana Kropp
To: LouAnn Karter
Sent: Tuesday, December 09, 2008 11:23 AM

Heather Stouder,

I have two main concerns regarding the proposed daycare development as presented by WC Developers to date. Both of these concerns regard safety. 8119-8129 Mansion Hill Avenue (lot 88) is a rectangular shaped condominium consisting of 6 townhouse units. The front of the building faces Mansion Hill Avenue and the rear faces part of lot 87. The rear of the building consists of a driveway leading to garages in the basement level of the units. There is a big boulder retaining wall running along the length of the driveway a few feet from the property line. Since the building is situated on a hill, the retaining wall is about 1 foot in height at the western end of the drive and gets progressively higher moving eastward to the other end of the driveway. At this end the wall is 15 feet in height. About half of the proposed 47 parking spots is to be constructed directly behind our retaining wall beginning 12 feet from the property line. I am concerned about the close proximity of our retaining wall with the proposed parking lot of the daycare. I do not believe that safety concerns for the children have been adequately addressed with this design especially taking into consideration that pickup times for children will be made in the dark several months of the year. I worked with children in a public school for over 20 years and know the behavior

12/9/2008

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of children is unpredictable. Every effort needs to be made to ensure the children's safety and not put them in a situation where they are at risk of potential harm.

Secondly, the address of the proposed daycare is 8133 Mansion Hill Avenue although the land at this address does not abut Mansion Hill Avenue. There is a driveway leading from Mansion Hill Avenue to the proposed daycare which would serve as their main entrance to the daycare. This driveway also allows the owners of the condominiums at 8119-8129 Mansion Hill Avenue to access their driveway per an easement agreement. This is a narrow driveway that can accommodate two cars but it is necessary to be cautious when two cars are in the driveway at the same time. It is of a length that can accommodate about four cars at one time. The proposed daycare is to be licensed for a maximum of 163 children aged infant through 12 years. It is reasonable to assume that approximately 326 trips daily will be necessary to transport children to and from the proposed daycare. This does not take into account those transported by bus. The daycare proposal includes 47 parking spots. Twenty to twenty-five of those have been designated for staff parking. I spoke to the director of Kids Express Daycare which is located approximately 1/2 mile east of lot 87. It is licensed for 215 children and had 68 parking spots which was expanded to 90 spots this past summer. The director described the parking situation as "tight." Similar to the proposed daycare for lot 87, Kids Express, although located on a Road (South High Point Road) depends exclusively on their parking facility for pick up and drop off of children. The director said that realistically it takes from 10-15 minutes to deliver or pick up children from the daycare. I am concerned that the proposed 22 or so parking spots being allocated for families to drop off or pick up children from the proposed daycare is not adequate. Families waiting for a parking spot may cause traffic to back up into the street making it difficult for the normal flow of neighborhood traffic. For families on a tight schedule that can't wait for a parking spot in the proposed daycare lot may choose to park on Mansion Hill Avenue and then need to unload and walk to the proposed daycare causing concerns for the safety of these pedestrians, many of whom would be children. In addition, a sidewalk on the eastern side of the driveway leading to the daycare is being proposed. This sidewalk will end before reaching the daycare entrance and thus require those walking to gain

access to the proposed daycare to cross the driveway of the condominiums at 8119-8129 and then walk through the daycare parking lot before reaching the daycare entrance. I believe this situation would also cause concern for the safety of children attempting to enter the proposed daycare.

One final aside issue not related to safety. I conducted an informal survey of 6 daycares from 1/2 mile to 3 miles from the proposed development of the daycare for lot 87. These daycares service over 900 children and there are openings in at least 3 of them. I'm wondering if the developer or the director of Prairie Life Learning Center has conducted a market analysis (or whatever the proper term is) regarding the need for additional childcare facilities in this area.

Lou Ann Karter
8121 Mansion Hill Ave.

No virus found in this incoming message.

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Version: 8.0.176 / Virus Database: 270.9.15/1839 - Release Date: 12/9/2008

9:59 AM

Stouder, Heather

From: Karyl Rice [rice@mailbag.com]
Sent: Tuesday, December 09, 2008 4:28 PM
To: 'Bridget'
Cc: PFrautschi@aol.com; Stouder, Heather
Subject: RE: Proposed Child Care Center

From: Bridget [mailto:bknolan@charter.net]
Sent: Tuesday, December 09, 2008 4:20 PM
To: rice@mailbag.com
Subject: Proposed Child Care Center

Dear Ms. Rice,

My name is Bridget Nolan. I am writing this letter on behalf of myself and Beth Anderson. We own townhouses in the Rockery Point condo complex. We am unable to attend your meeting tonight due to the poor weather conditions. We understand that the nature of your business is to develop unused land. While we wish for your business to prosper it is going come at the expense of people living in the Starr Grass /Waldorf area. This area has been the sight of several large residential projects in recent years. There is very little grass left let alone green space. Your parking lot is now going to be the back yard of several residents of my association. We respectfully ask whether this is a view that you would appreciate in your own backyard. The value of our homes will surely decrease once your structure is built. Much of the housing in this area is designed for couples without children. Most of your clients will probably come from other areas creating large amounts of traffic on a residential street. This area also is very difficult to navigate in snowy weather due to the number hills, curves and roundabouts. The school bus often becomes stuck at the corner of Waldorf and Starr Grass. In addition, there is already a very large day care less than a mile away that has an excellent reputation for it's care and education of children. For these reasons, we respectfully ask that you reconsider your project.

Sincerely,

Bridget Nolan Rockery Point
Beth Anderson Rockery Point

Stouder, Heather

From: tandj@tienandjim.com
Sent: Wednesday, December 10, 2008 1:07 PM
To: Stouder, Heather
Cc: rice@mailbag.com
Subject: Proposed Daycare - Lot 87

Dear Mr. Sanborn and Ms. Stouder,

We would like to voice our support for the daycare proposed by Peter Frautschi on Lot 87. It's an architecturally pleasing building offset from the street. We also feel that the daycare would be a very good use for the parcel. This daycare is down the street from our condo project and will add value to the Midtown community. Several condo owners have inquired about new schools and daycares in the neighborhood. We're looking forward to the retail and commercial aspect of this community, and we feel that this is a strong step in the right direction towards that path.

Sincerely,

Jim Hess and Tien Truong