



**Legistar I.D. #19483**  
**2417 Cypress Way**  
**Conditional Use Approval**

Report Prepared By:  
Heather Stouder, AICP  
Planning Division Staff

**Requested Action:** Approval of a conditional use for a new 50-unit apartment building for seniors in the R5 (General Residence) District.

**Applicable Regulations & Standards:** Multifamily buildings in the R5 District, buildings with over 10,000 square feet of floor area, and new development within 200 feet of a public park require conditional use review and approval. MGO Section 28.12(11)(g) provides the guidelines and regulations for the approval of conditional uses.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission finds that the applicable standards can be met and **approve** the request to construct an apartment building for seniors in the R5 (General Residence) District.

## Background Information

**Applicant/Project Contact:** Dan Fitzgerald; Horizon Development Group, Inc.; 5201 East Terrace Dr. Ste 300; Madison

**Property Owner:** Community Development Authority of the City of Madison (CDA)

**Proposal:** Construction of a new three-story apartment building to replace six two-story apartment buildings approved for summer 2010 demolition.

**Parcel Location:** The property is comprised of six existing parcels located on the northeast corner of the intersection of Cypress Way and Badger Road, Aldermanic District 14 (Bruer); Madison Metropolitan School District.

**Existing Conditions:** The 1.4-acre site is currently comprised of six separate properties, each with a multifamily building scheduled for demolition in the near future. The buildings were constructed between 1950 and 1962, and are surrounded by shared driveways and asphalt parking areas, all of which will be removed.

### Surrounding Land Use and Zoning:

**North:** Immediately to the north, at 2405 Cypress Way, a 6-unit multifamily building approved for demolition. North of this is Hughes Green Space, a small parcel dedicated to the City for park purposes. Across Hughes Place, Multifamily residential in the R4 and R5 (General Residence) Districts

**East:** Early Childhood Learning Center in the R4 (General Residence) District; City of Madison Police Department, offices, and Centro Hispano in the C2 (General Commercial) District

**South:** Across West Badger Road, a 10-unit multifamily residential building in the R5 District, a small school in the C1 (Limited Commercial) District, and a City of Madison Fire Station in the C2 (General Commercial) District

**West:** Across Cypress Way in the R4 (General Residence) District, 4 and 8-unit multifamily buildings and the Cypress Spray Park.

**Adopted Land Use Plan:** The Comprehensive Plan (2006) and the South Madison Neighborhood Plan (2005) recommend Medium-Density residential uses for the site. The Burr Oaks Neighborhood Senior Housing Plan (2009) recommends demolition of the existing structures on the site and replacement with senior housing. This plan envisions approximately 100 total units in two phases, and a potential third phase with a senior center, day care, and assisted living opportunities.

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

**Public Utilities and Services:** The property is served by a full range of urban services, including multiple Metro Transit Routes and Police and Fire stations.

**Zoning Summary:** The property is in the R5 District.

Requirements	Required	Proposed
Lot Area	55,100 sq. ft.	62,290 sq. ft.
Lot width	50'	Adequate
Front yard	20'	31'4"
Side yards	8'min., 20' total both sides	20'7" and 35'
Rear yard	30'	65'3"
Usable open space	10,720 sq. ft.	To be shown on final plans (Please see p. 10, Condition No.33)
Building height	3 stories / 40'	3 stories / 38'

**Site Design**

No. Parking stalls	67	56 (Please see p. 10, Condition No. 34)
Accessible stalls	3	4 (Please see p. 11, Condition No. 39)
Loading	1 – 10' x 35'	0 (Please see p. 11, Condition No. 40)
No. Bike Parking stalls	50	21 (Please see p. 10, Condition No. 38)
Landscaping	As shown on plan	Adequate
Lighting	Yes	Yes (Please see p. 10, Condition No. 36)

**Other Critical Zoning Items**

Urban Design	No
Flood Plain	No
Barrier Free (ILHR 69)	Yes

*Prepared by: Pat Anderson, Asst. Zoning Administrator*

**Project Description**

**Note:** At the time of this report, the applicant is preparing a revised version of the plans for submittal to staff on August 18. Expected changes are relatively minor, including design improvements, a shift in the northeast portion of the building to preserve an existing burr oak tree, changes to the underground parking area consistent with this shift, and the incorporation of additional bicycle parking.

The Plan Commission can expect to see the revisions, along with a brief addendum to this report prior to the August 23 Plan Commission meeting.

The applicant proposes to develop a 50-unit apartment building for people 55 years and older on a 1.4-acre lot in the R5 (General Residence) District. Apartments will be targeted to those in the 40-60% county median income range. The proposal triggers three conditional use reviews: as a multi-family building in the R5 District (MGO Sec. 28.08(6)(c)12), a building exceeding 10,000 square feet in floor area (MGO Sec. 28.08(6)(c)12), and due to its proximity to public parkland (the Cypress Spray Park to the west, and the Hughes Open Space to the north) (MGO Sec. 28.04(21)). Conceptually conceived in the Burr Oaks Neighborhood Senior Housing Plan as a multi-phased project, the proposal before the Plan Commission should be reviewed as a stand-alone project, as the applicant is unable to commit to a future phase due to market and funding uncertainties.

## **Existing Conditions**

The 1.4-acre site is currently comprised of six separate properties, each with a multifamily building scheduled for demolition in the near future. The buildings were constructed between 1950 and 1962, and are surrounded by shared driveways and asphalt parking areas, all of which will be removed. The properties are currently owned by the City of Madison Community Development Authority (CDA), and will be sold to the applicant for private development when all land use approvals are in place.

Although neither is immediately adjacent to the proposed development, two small urban parks in close proximity to the proposed development trigger additional conditional use review: the 0.7-acre Cypress Spray Park, across Cypress Way to the west, and the 0.3-acre Hughes Open Space, a park parcel to the north, at the southeast corner of Cypress Way and Hughes Place.

## **Site Plan**

The proposed three-story building has a footprint of approximately 6,000 square feet oriented in an L-shape. The two main spans of the building, each approximately 180 feet long, face Cypress Way to the west and W. Badger Road to the south. The western face maintains a 42-foot setback from Cypress Way, and the southern face maintains a 31-foot setback from W Badger Road, where 5-6 existing mature trees will be preserved between the sidewalk and the building.

There are three vehicular entrances to the site: the main entrance for drop-offs and pick-ups is on the west side of the building via a one-way driveway off of Cypress Way, where a portico extends over 20 feet west of the main face of the building. A second driveway on the northwest corner of the site, opposite Magnolia Lane, provides an exit from the drop-off/pick-up area, and an entrance to a small surface parking lot just north of the building for visitors. A third driveway off of West Badger Road in the southeast portion of the property provides access to an underground parking area for residents. Private sidewalks lead to both the main entrance to the building under the portico, and a less prominent entrance on the southwest corner of the building from W Badger Road.

As proposed, the underground parking area has 46 automobile stalls, with an additional 10 stalls proposed on the surface lot on the northern end of the building. Submitted plans show eleven bicycle parking stalls in the underground parking area, and an additional 10 bicycle parking stalls outside, on the north side of the building.

The applicant notes that over 21,500 square feet of usable open space is provided on the lot, nearly twice the amount required in the R5 District (this calculation will need to be clearly shown in final plans submitted, as per Zoning Condition No. 33). Site amenities include a 1,400 square foot vegetable garden, at-grade patios on the east side (rear) and southwest corner of the building, and a third-floor patio on the southwest corner of the building. A playground area for visiting children is mentioned in the letter of intent, but does not appear on submitted plans.

Landscaping includes the preservation of at least eleven of the existing trees on the property, as well as shrubs and smaller perennials around the perimeter of the building, surface parking lot, and southeastern access driveway.

## **Floor Plans**

The building has a total of 17,800 square feet of floor area, with 33 one-bedroom and 17 two-bedroom units ranging in size from 680 to 1,070 square feet. Units are accessed from a central corridor on each of the three levels, with one central elevator and a staircase on each end of the building. The first floor has 15 units, including a two-bedroom caretaker unit, as well as a very small exercise room, a small common kitchen and dining space, and a "Club Room" leading to an outdoor patio. The second floor

includes 19 units. The third floor includes 16 units, a small hair salon, and an outdoor common area on the southwest corner of the building. Each unit includes a patio or balcony off of the living room.

### **Building Exterior**

The exterior of the building is a combination of brick veneer base in a copperstone color and fiber cement siding in a sandstone color. The brick base extends upward to the second and third floors on portions of the building. Wooden balconies proposed for all upper level units are placed above first floor patios.

Plans were originally submitted which included both a flat-roof option (Option A) and a sloped-roof option (Option B). After weighing neighborhood and staff feedback on roof design and height, it is understood at the time of this report that the applicant intends to move forward with the Option B, the sloped-roof design.

### **Related Approvals**

On March 16, 2010, the Common Council approved a rezoning of these properties from R4 to R5 (General Residence District) absent a specific proposal, but to allow for the land use proposal presently in front of the Plan Commission.

On June 21, 2010, the Plan Commission approved the demolition of seven multifamily apartment buildings, six of which exist on the site. On August 9, 2010, the Plan Commission approved a modification to the conditions of approval for demolition so that demolition of six of the buildings could commence prior to the resolution of a legal issue regarding property on the corner lot, 838 West Badger Road. Demolition on all but the 838 West Badger Road property is anticipated to begin on August 31.

### **Public Input**

The applicant held a July 14 neighborhood meeting to discuss the proposal (summary of comments and sign-in sheet included in packet). A majority of the attendees preferred the sloped roof design and warmer, brighter colors. The applicant intends to hold a second meeting in the near future to update the neighborhood on revisions made to the proposal. Alder Tim Bruer is very supportive of the project as proposed, and staff is not aware of any objections at this time.

### **Evaluation**

---

#### **Land Use**

The proposed 50-unit building is consistent with the Comprehensive Plan (2006) and South Madison Neighborhood Plan (2005), which recommend medium-density residential uses for the site. The proposal is also generally consistent with the Burr Oaks Neighborhood Senior Housing Plan (2009), which recommended up to 100 units of senior housing on this site and surrounding properties.

The three-story building as proposed would replace six existing two-story apartment buildings (32 total units). The associated increase in density from 23 units per acre to 36 units per acre is at the upper end of the Medium Density range (16 to 40 units per acre), although traffic and related impacts may actually decrease due to the different routines of the smaller senior households that will occupy the new building. While the building is one story taller than most in the area, the distance of the building from adjacent properties diminishes this affect.

This location is well-served by many Metro Transit routes, as the South Transfer Point is less than 500 feet away from the eastern pedestrian entrance to the building. The Villager, also owned by the CDA, provides a convenient commercial destination for residents within walking distance. The Cypress Spray

Park across the street provides a nice summer destination for visiting children. The site is also served by City Fire and Police stations within immediate proximity to the proposed building.

This proposal must be reviewed as a conditional use based on its location within proximity to two public parks, the Cypress Spray Park to the west and the Hughes Open Space to the north. In this urbanized setting, both parks are largely unvegetated at this time, and neither is immediately adjacent to the proposed site. Therefore, concerns usually considered in conjunction with development adjacent to parkland, such as vegetation coverage adjacent to the park, are of less relevance here. Instead, a primary consideration is to ensure that the flow of traffic anticipated to and from the proposed development provides for safe pedestrian access to and from the parks. In early discussions with the applicant, Traffic Engineering staff noted that the driveway on the northwest corner of the site should be aligned with Magnolia Lane, so as to minimize the number of turning conflicts in the vicinity of this project. Staff is confident that signage and other details included in the Traffic Engineering conditions will ensure that safe pedestrian crossings to and from these two parks are maintained.

### **Site Plan**

The building orientation provides setbacks from Cypress Way and West Badger Road similar to those that exist today, and preserves many of the existing trees on the property. The existing trees on the south side of the building will provide privacy and a buffer from the street for tenants in units facing W. Badger Road. The replacement of four existing access driveways and an existing disorganized rear yard surface parking area with three new driveways, underground parking, and a small surface parking lot will be a marked improvement for this block.

The amount of parking shown on submitted plans (56 automobile stalls and 21 bicycle stalls) does not meet the requirements of the R5 district, which requires a minimum of 67 automobile stalls and 50 bicycle stalls. With regard to automobile parking, staff expects to see a decrease of three to five stalls due to design modifications and Traffic Engineering conditions of approval. Still, even after a slight decrease, it is anticipated that the applicant can seek approval for a parking reduction in the range of 10-19 stalls, requiring approval by the Director of the Department of Planning and Community and Economic Development following a recommendation by the Parking Utility Manager and Traffic Engineer. As per Zoning Condition No. 34, this approval will need to be granted prior to staff sign-off on the final plans.

Staff expects that the bicycle parking provided on the site will increase, although the applicant would prefer not to provide parking at the one-stall per unit ratio typically required in the R5 District until there is a demonstrated need for it from the tenants of the building. MGO Sec. 28.11(3)(l)1.c provides an opportunity for the Zoning Administrator to authorize the deferment of the implementation of up to 50% of the required bicycle parking (25 stalls), although space for all required bike parking (50 stalls) must be shown on an approved site plan. The applicant recently discussed this with the Zoning Administrator, noting that it is unlikely that 50 stalls will be needed for a senior housing project. At this time, 50 bicycle parking stalls will need to be shown on the plans submitted for staff review and signoff, and staff recommends that the deferment of the implementation of 25 of the stalls is a detail that can be dealt with by Zoning staff during site plan review, but may have additional recommendations regarding parking once revised plans are submitted.

The incorporation of a vegetable garden area, common outdoor patio spaces, a playground for visiting children, and "unprogrammed" open space are all positive attributes of the site plan. Final plans submitted for staff review and approval will need to show the proposed playground area and clearly demonstrate compliance with zoning requirements regarding usable open space calculations.

Engineering plans (stormwater management and drainage) for the site will still need to be completed as per the City Engineering conditions of approval.

## **Building Design**

After initial review, staff met with the applicant on July 28 to discuss ideas to enhance the design of the building without an inordinate amount of additional cost to the project. At this meeting, the applicant shared that while the flat-roof design had originally been preferred, the sloped-roof design was further explored in response to neighborhood interest in maintaining a residential feel to the new building. As of July 28, the applicant had decided to move forward with a sloped-roof design, noting that the pitch might be decreased. Further, the applicant was at that time exploring possible changes to the building orientation and floor plan in order to preserve a burr oak tree immediately east of the northern portion of the building.

On July 28, staff provided the following design advice for the applicant to consider:

- First, since there is very little actual building articulation along the main facades of the building, the applicant was encouraged to utilize an alternation of brick and fiber cement in vertical panels to provide some visual articulation. The use of bolder colors of fiber cement was strongly encouraged to strengthen this effect.
- Second, ground floor private patios should have privacy railings similar to the balconies above, in order to better separate private spaces from the yard along the south side of the building and the vehicle entrance driveway along the west side.
- Third, the design should incorporate stronger bases (preferably brick) to the supporting beams on the patios and balconies so that they appear to be integrated into the building.
- Finally, elevations of the proposed entrance to the underground parking area on the east side of the building must be provided for review.

As previously mentioned, staff expects a revised plan set to be submitted on August 18, and will incorporate copies of the revisions and an addendum to this report summarizing changes made and offering any modifications to recommended conditions of approval for the Plan Commission to consider on August 23.

## **Conclusion**

---

On balance, this proposal is a very positive addition to the Burr Oaks Neighborhood. It is generally consistent with adopted plans, and locates much-needed housing for low-income seniors in proximity to services such as transit, public safety facilities, and other amenities. The orientation of the building preserves as many existing trees on the site as possible and provides high-quality usable open spaces for the residents. Design details for the proposal are currently being finalized, and any additional *planning* recommendations will be shared with the Plan Commission in an addendum to this report. However, to the extent that design changes impact the technical, conditions of approval from other reviewing agencies related to the site plan, their conditions may require slight modification following Plan Commission approval.

With the understanding that late revisions to the design are minor in nature, but may impact technical conditions of approval, Planning Division staff recommends that the Plan Commission finds that the conditional use standards can be met, and **approve** the request subject to input at the public hearing and conditions from reviewing agencies.

## **Recommendations and Proposed Conditions of Approval**

Major/Non-Standard Conditions are shaded

---

**NOTE:** Based on agency review of changes made by the applicant during the week prior to the Plan Commission meeting, modifications to the recommended conditions of approval by reviewing agencies may be warranted. If the Plan Commission approves the conditional use request, any modified conditions will be included in a letter of approval to the applicant in the week following the Plan Commission meeting.

### **Planning Division Recommendation** (Contact Heather Stouder, 266-5974)

The Planning Division recommends that the Plan Commission find that the applicable standards can be met and **approve** the request subject to input at the public hearing and the following conditions:

#### ***The following conditions have been submitted by reviewing agencies:***

### **Planning Division** (Contact Heather Stouder, 266-5974)

1. The applicant shall prepare a Certified Survey Map (CSM) to combine the six existing lots. The CSM shall be recorded prior to staff sign-off on the final plans.
2. The final site plan submitted for staff review will include the location of the proposed playground.
3. Final elevations for staff review and sign-off will utilize an alternation of proposed materials in vertical panels to provide for visual articulation of the building. The use of fiber cement in bolder colors is strongly encouraged to strengthen this effect.
4. First floor private patios will include privacy railings similar to those surrounding the upper-level balconies.
5. Stronger bases (preferably brick) shall be incorporated into the supporting beams of the private patios and balconies.
6. Final plans for staff review and approval will include an eastern elevation of the proposed below-grade entrance to the underground parking area.

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

7. Any damage to Cypress Way pavement will require restoration in accordance with the City's Patching Criteria.
8. Street tree removal must be approved by the City Forester.
9. The design of the access to the underground parking has a storm sewer draining the ramp. This storm sewer shall be designed and stamped by a Professional Engineer in Wisconsin and shall show flood protection in all events up to and including the 100-year event.
10. Storm sewer plans are incomplete. Provide revised plans containing additional detail.
11. Coordinate all Certified Survey Map applications and recordings as necessary.
12. Submit a PDF of all floor plans to [addressing@cityofmadison.com](mailto:addressing@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.

13. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction.
14. 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).
15. 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).
16. 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.
17. Effective January 1, 2010, The Department of Commerce's authority to permit commercial sites, with over one (1) acre of disturbance, for stormwater management and erosion control has been transferred to the 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 NR216 and NR-151 but a separate permit submittal is now required to 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 (1) acre, the applicant is required by State Statute to obtain a Water Resources Application for Project Permits (WRAPP) from the Wisconsin Department of Natural Resources, prior to beginning construction. This permit was previously known as a Notice of Intent Permit (NOI). Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement.

Information on this permit application is available on line at:

<http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm>

18. Prior to approval, this project shall comply with MGO Chapter 37 regarding stormwater management. Specifically, this development is required to:
  - a) Control 40% TSS (20 micron particle) off of new paved surfaces
  - b) 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.
19. 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 [addressing@cityofmadison.com](mailto:addressing@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))

20. 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.
- g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).

21. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management File including:

- a) SLAMM DAT files.
- b) RECARGA files.
- c) TR-55/HYDROCAD/Etc
- d) Sediment loading calculations

If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided (POLICY and MGO 37.09(2)).

22. The applicant shall obtain a Street Excavation permit for the installation of utilities required to serve this project. The applicant shall pay the permit fee, inspection fee and street degradation fee as applicable and shall comply with all the conditions of the permit. (MGO 10.05(6)) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
23. Prior to approval of the conditional use application, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1). \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2). \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner (POLICY). This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
24. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges 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)).

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

25. When the applicant submits final plans of one contiguous plan for approval, the applicant shall show the following: items in the terrace as existing (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 driveway approaches to lots on either side and across the street, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.
26. All existing driveway approaches which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
27. The applicant shall modify the driveway approach according to the design criteria for a "Class 3" driveway with 5 ft flares in accordance to Madison General Ordinance Section 10.08 (4). In addition, the public sidewalk shall go through the approach. These changes shall be revised on the plan sheets.
28. The parking facility shall be modified to provide for adequate internal circulation for vehicles. This can be accommodated by eliminating a parking stall at the dead ends. The eliminated stall shall be modified to provide a turnaround area ten (10) to twelve (12) feet in width and signed "No Parking Anytime".
29. A "Stop" sign shall be installed at a height of seven (7) feet at all approaches. All signs at the approaches shall be installed behind the property line. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
30. The intersection shall be so designed so as not to violate the City's sight-triangle preservation requirement which states 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.
31. The Developer shall post a deposit and reimburse the City for all costs associated with any modifications to Traffic Signals, Street Lighting, Signing and Pavement Marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.
32. 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)

33. Call out and dimension on final plan sets the proposed 21,500 sq. ft. of usable open space.
34. Obtain approval of a parking reduction (MGO Section 28.11(2)(c)).
35. Combine the lots to legally make one lot via a Certified Survey Map. A property line cannot go through a building without a fire wall down the lot line pursuant to Section 705.1.1 of the International Building Code. A CSM shall be approved before signoff of final plans.
36. Lighting is required and shall be in accordance with MGO Section 10.085. Provide a plan showing at least 0.5 foot candle on any surface on any lot, and an average of 0.75 footcandles. The maximum light trespass shall be 0.5 fc at 10 ft from the adjacent lot line.
37. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31, Sign Code and Chapter 33, Urban Design. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.
38. Bike parking shall comply with MGO Section 28.11. Provide fifty (50) 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 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 devices.

39. Parking requirements for persons with disabilities must comply with MGO Sec. 28.11(3)6.(m), which includes all applicable State accessibility requirements, including but not limited to:
- a) Provide a minimum of three 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. 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. The stalls shall be as near the accessible entrance as possible. Show ramps, curbs, or wheel stops where required.
40. Off street loading shall be provided pursuant to Section 28.11(4)(f)2. Provide one 10' x 35' loading area with 14' vertical clearance to be shown on the plan. The loading area can be in a drive aisle.

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

41. The life safety systems shall be above the code minimum and provide smoke detection throughout the public corridors.
42. Provide fire apparatus access as required by IFC 503 2009 edition, MGO 34.03(17), and 34.19, as follows:
- a) The site plans shall clearly identify the location of all fire lanes.
  - b) IFC 503 Appendix D105, Provide an aerial apparatus access fire lane that is at least 26 feet wide, with the near edge of the fire lane within 30 feet and not closer than 15 feet from the structure, and parallel to one entire side of the structure, if any part of the building is over 30 feet in height.
  - c) Provide a fire lane that extends to within 150 feet of all exterior portions of the structure, or it can be extended to within 250 feet if the building is fully sprinklered.
  - d) A dead-end fire lane that is longer than 150 feet shall terminate in a turnaround. Provide an approved turnaround (cul-de-sac, 45 degree wye, 90 degree tee) at the end of a fire lane that is more than 150 feet in length.
  - e) Fire lanes shall be unobstructed; there are obstructions shown on the fire lane which must be removed. Examples of obstructions include but are not limited to: parking stalls, loading zones, changes in elevation, power poles, trees, bushes, fences, or posts.
  - f) Provide a minimum unobstructed width of 26 feet for at least 20 feet on each side of the fire hydrant.
  - g) Fire lanes shall be constructed of concrete or asphalt only, and designed to support a minimum load of 85,000 lbs.
  - h) Where there is a change in the direction of a fire lane, the minimum inside turning radius shall be at least 28 feet.
  - i) Provide a fire lane with the minimum clear unobstructed width of 20 feet.
  - j) Provide a completed MFD "Fire Apparatus Access and Fire Hydrant Worksheet" with the site plan submittal (see <http://www.madisonfire.org> for a PDF.)

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

43. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

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

44. This development is within the Olin-Turville park impact fee district (SI28). After credit is given for the former structures on the property (32 multi-family units), the developer is not required to pay any additional park impact fees nor fees in lieu of dedication for the 50-unit senior apartments.

45. The calculation of the park impact fees for the new development has been based on the understanding that 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. If the use of this property changes during this time period, park impact fees will be re-assessed at the current multi-family unit rate. Please contact Kay Rutledge for appropriate deed language.

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

This agency did not submit a response for this request.



**Legistar I.D. #19483**  
**2417 Cypress Way**  
**Conditional Use Approval**

Report Prepared By:  
Heather Stouder, AICP  
Planning Division Staff

---

## **Description of Changes**

---

Revised plans submitted August 18 contained relatively minor changes, including the following:

### **Site Plan Changes**

- In order to preserve a more realistic amount of root space for an existing burr oak tree on the northeastern portion of the site to remain, the entire building has shifted to the south and west. The northernmost portion of the building now jogs 12 feet to the west towards Cypress Way. New building setbacks are as follows:
  - Front yard (south) = 25' 2"
  - Side yard (west) = 31' 8"
  - Side yard (east) = 41' 2"
  - Rear yard (north) = 65'
- The proposed vegetable garden has been eliminated, and a small playground area now appears where it had been proposed.
- Space for 25 outdoor bicycle parking stalls is shown on the northern end of the site, between the surface parking lot and the building.
- The underground parking area now includes 44 automobile stalls (formerly 46 stalls) and 25 bicycle stalls (formerly 11 stalls).

### **Floor Plan Changes**

- The first floor exercise room has been enlarged by about 50%, to a 25' by 13' space.
- Private patios and decks have been dimensioned, and are typically 11' by 5' 9".
- The club room and club kitchen have been combined into one common space, still leading to the outdoor common patio on the east side of the building.
- A common laundry area on the second floor has replaced some of the storage areas (although detailed floor plans of typical units still show space for in-unit laundry facilities).
- A common bathroom has been incorporated on the third floor, just inside the common outdoor deck space on the southwest corner of the building. This replaces some of the storage areas.

### **Exterior Changes**

- Originally submitted plans included "Option A", a flat-roofed design, and "Option B", which was a gabled roof design which still included flat-roofed portions on the northern and eastern ends of the building. In revised plans, gabled roof elements now extend along the entire span of the building, eliminating much of the variation that had been originally proposed.
- Railings have been incorporated around first floor patios, similar to the balconies above. White vinyl, rather than aluminum, is now the specified material for the railings. Notably, the columns supporting the balconies appear to be unchanged, and it is unclear what material is proposed for the columns. Staff would still prefer to see more substantial columns (ideally brick) rather than what appear to be twin 4" x 4" posts.

- Along the W Badger Rd and Cypress Way elevations, materials appear on alternating vertical panels. On the rear of the building (northern and eastern elevations, the pattern reverts back to brick on the base and fiber cement on upper levels. The colors of the brick veneer and fiber cement siding are unchanged from the original submittal.
- Most, though not all, of the windows within the brick portion of the building now have stronger horizontal bands at the top and bottom, although the material is unspecified. This treatment does not currently appear on the north facing windows adjacent to the parking lot, and should appear on final plans as a consistent treatment for all windows within the brick portion of the exterior.
- Upper story windows on the eastern and northern ends of the building have been revised, and are now incorporated into a decorative panel with vertical and horizontal bands of an unspecified material and color. These details should be provided in the final plan set for staff review and approval.
- The applicant provided an elevation of the below-grade entrance to the underground parking area.

## **Evaluation and Conclusion**

---

The changes made are relatively minor in nature, and represent an improvement to some of the design concerns expressed by staff earlier in the review process. However, as this building will set the stage for what will likely be a multi-phased project on this block, the Plan Commission may want to explore further opportunities for design enhancements.

*Building Setbacks-* The building as revised to preserve the oak tree will be closer to both Cypress Way and West Badger Road, but still provides adequate separation for privacy and optimal tree preservation.

*Vegetable Garden-* The vegetable garden originally proposed was an amenity for the residents, although it may have been partially shaded by the building itself. August 18 revisions replaced the garden area with a small playground area, also a nice addition for visiting children. When asked whether *both* the garden and the playground might be able to be incorporated, the applicant cited previous management issues with common garden space in similar projects, noting that tenants can use private patios and balconies for small container gardens. Staff recognizes that the most appropriate area for a common garden on this site may be the easternmost portion of the site, which has a southern exposure. However, this is the same location identified for a potential rain garden. Staff recommend that the applicant explore opportunities to incorporate a defined area including raised, accessible garden beds on this site if practical, and especially in future development phases.

*Bike Parking -* Staff agrees that it *may* make sense to allow for a deferment of the provision of some of the bicycle parking stalls on the site until such need is demonstrated by tenants of the building. Currently, 25 stalls are shown in the underground parking area, and 25 are shown on the north end of the site, between the parking lot and the building. The ordinance provides that the zoning administrator may approve a deferment of up to half of the stalls. Staff recommend that if the applicant does intend to pursue approval to defer implementation of some of the stalls, the underground stalls should be prioritized, but that at least two (2) outdoor stalls be provided upon completion of the building for use by visitors.

*Floor Plan Changes-* Overall, the minor floor plan changes are positive. The enlargement of the exercise room and the addition of a third floor common bathroom are positive changes. Although each unit has a hook-up for washers and dryers, the new common laundry space provides another option for residents. With an overall reduction in the number of storage spaces, it is assumed that some units will have access to a storage space, and some will not.

*Exterior Changes-* All proposed exterior materials should be clearly identified on final plans submitted for review by Planning Division staff. It is unclear how the proposed wooden balconies with white vinyl railings and narrow columns will be well-integrated into the architecture of the building. Staff still

strongly encourages the application of brick or another more substantial column material to better integrate the balconies into the architecture of the building. Depending on the overall design of the balconies, the applicant may again wish to explore the use of metal railings, as were originally proposed. Staff recommends that the applicant provide more detail on the balcony railings and columns in final plans, to be reviewed by Planning and Urban Design staff.

The horizontal banding above and below windows within the brick portions of the building is a positive addition, but should be consistently applied within the brick areas. Finally, the applicant is again strongly encouraged to explore the use of bolder colors of fiber cement to provide more interest, contrast, and visual articulation to the main spans of the building.

### **Recommendations and Revised Conditions of Approval**

Major/Non-Standard Conditions are shaded

After reviewing August 18 revisions, the Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** the request subject to input at the public hearing, the *revised* Planning Division conditions (Nos. 1 through 6), and Condition Nos. 7 through 45 from reviewing agencies in the original staff report (if technical conditions need to be modified based on recent site plan changes, they will be included in a letter of approval to the applicant):

#### **Planning Division** (Contact Heather Stouder, 266-5974)

1. The applicant shall prepare a Certified Survey Map (CSM) to combine the six existing lots. The CSM shall be approved prior to staff sign-off on the final plans.
2. The final site plan submitted may include a new location for a common gardening space. If common gardening space cannot be accommodated in this particular proposal, it will be strongly encouraged in a future development phase.
3. All exterior materials proposed shall be clearly identified on the elevations submitted to Planning Division staff for review and approval.
4. With the exception of the transom windows on the southwest corner of the building, all windows within the brick portions of the building shall have a consistent treatment.
5. Final elevations shall utilize an alternation of materials in vertical panels to provide for articulation of the building. The use of fiber cement in bolder colors is strongly encouraged to strengthen this effect (*partially fulfilled*).
6. A detailed balcony design shall be provided with final plans. First floor private patios shall include privacy railings similar to those surrounding the upper-level balconies. More substantial columns (preferably brick) are strongly encouraged.